

NEWINGTON TOWN PLAN & ZONING COMMISSION

March 28, 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

Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. **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 March 14, 2007.**

Attorney Sullivan: Good evening, Attorney Timothy Sullivan on behalf of the applicant again. As, we have been talking about this for months, so I am going to be brief tonight. Since the date of the last public hearing, we have revised the plan, in accordance with the discussion at that public hearing, and.....

Chairman Camilli: Excuse me, Attorney Sullivan, just for one second, do you want to do Petition 75-06 too, then that way you finish, or do you want to keep them separated, because you are essentially doing the same thing.

Commissioner Kornichuk: But can the public speak?

Chairman Camilli: Yeah, I'll let the public speak, you don't have any problem with that?

Attorney Sullivan: No.

Chairman Camilli: Okay, so we will also include now Petition 75-06 from New Business.

Attorney Sullivan: We have the new plan up on the wall, and Alan Nafis from AN Engineering is here tonight to discuss this, the changes that were made in light of the cul-de-sac that was added at the southeast corner of the project, and I'll turn it over to Alan.

Alan Nafis: Good evening, Mr. Chairman, Members of the Commission, Alan Nafis, from AN Consulting Engineers. Attorney Sullivan said there was basically just one change on this drawing here, and that was what was discussed at our last meeting, to put a temporary cul-de-sac at the end of this road, until such time as an agreement can be made for a sight line easement and we can continue the road out, and make the intersection a full intersection. It fits in here very nicely, it's a forty foot radius, temporary cul-de-sac, which is a town requirement, we managed to fit it in without having to move any of the houses that were there, there was a little bulge out, we actually had a six to one slope throughout this area here, so we made it a little steeper, managed to stay within the limits of where we were filling before, in terms of we are not impacting either, not impacting the proposed wetland creation area which is in this area here, so there is no change to the contours in that area. We did fit that in there, there is fill, it will be filled so that it won't preclude at all bringing the road through when this happens over here. The only other thing that we did in the interim, is that we did meet with the Town Engineer and worked on some of his comments, and that is all straightened out, but the one other new thing that is actually shown on this plan is the overlay of Deming Street from just beyond our project to the intersection because of the trenches and things that we will be putting in there when we put the utilities in. We did show them that there was no further encroachment, as a matter of fact, there is less of an impact because of the, from the fill that came out of there, the upland area, not the wetland area, we are not any closer, and it was agreed that we keep within those designations that we had before. I think those are the changes that we had, since the last time we were here, everything else is pretty much the same.

Chairman Camilli: Is the pumping station staying in the same spot?

Alan Nafis: Generally speaking, yeah, it's in this corner by the cul-de-sac, outside the roadway. Again, we will put a fence, we talked about a decorative fence or something with some plantings around it.

Chairman Camilli: Ed, did you have any questions?

Ed Meehan: No, we had a staff meeting with Attorney Sullivan and Alan Nafis, myself and Tony Ferraro, and a couple of things came out of that. One that Alan mentioned, the decorative fence for the pumping station, depending on what design comes out of MDC, the applicant agreed to that. We also talked about, if the intersection is connected to Deming, that there would be a note added to the plan that the same decorative fence that would be at the entrance at the north end, the stone pier fence would also be available at the south end, if that happens in the future. The third question that I had, I want to show the location of the fire hydrants to the Fire Marshal, there are two fire hydrants serving this development, and sometimes they like to have one of the fire hydrants be closer to the end of the cul-de-sac, but I'll get that input and give it to the project engineer. Then there are two changes that would require modifications of the wetland permit that they need to go back to the Conservation Commission for. Mr. Ferraro doesn't feel that it would be, from his perspective, significant problems with getting those approved, but it is beyond his level of administrative change, so he's asking that the plan be brought back to the Conservation Commission at their next meeting, I think it's the seventeenth, to be sure that they're back in approving this plan with the changes, with the cul-de-sac and the retaining wall. Then I would recommend that you can vote, once you get, once you have Conservation Commission input. You know that they are satisfied with this plan, you have a clean plan, you could bring it up for a vote. The last, we didn't talk about it much, but I have the elevations. There are two basic styles, but they have taken each of the styles and they are providing different looks to the front,

different gable orientations, so essentially there are six variations of styles for this project, and they are all two car garages. So there is enough room on the driveway for two cars, plus two cars in the garage, and with the driveways being set back, probably four cars in the driveway.

Chairman Camilli: Any questions from the Commission? Okay, we can open it up to the public. Anyone from the public wishing to speak in favor? Against? We will close Petition 74-06.

Attorney Sullivan: Would there be any reason for us to appear at your 11th meeting, since you said you wanted to wait until the Conservation Commission had a chance to look at this.

Ed Meehan: This will be moved to Old Business, awaiting the wetlands report, so as soon as the wetland report is received, then the Commission can vote.

Attorney Sullivan: So there would be no reason for us to appear on the 11th, we will anticipate appearing on the 25th.

Ed Meehan: Right.

Chairman Camilli: Thank you.

B. 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 March 14, 2007.

John Cyr: I am John Cyr from Flynn Landscaping and I was hired to provide a survey for this lot here, and since our last meeting, there were some comments that were made that were given to our office, and I would like to address a few of them, the things that I might be able to, and then, the first one has to do with the retaining wall that was proposed, it was going into town property, which didn't make much sense and the town was asking that it be taken out, so that is no problem for us to take out. Another thing with this, because of the height of this wall, it was asked that a fence be placed, probably for safety reasons I would image, and my client has no problem doing that.

Next I believe, because of the runoff coming down to the street here, there was a drain that was asked for, that could be tied into either a catch basin up the street, going towards here, or down towards Robbins, but it was about a 250 foot distance. So, in order to do that, I would have to perform a topography of this area in here, and make that proposal and get an engineer involved to do that. I had a question, I was wondering if instead of piping into the street system, that I could put a dissipater system which I did do a plan like that in, on the Silas Deane Highway in Wethersfield, it's generally just a trough drain, and shoots to the side here into a dissipater system and just disseminates the water, much as a dry well does. That's my proposal on the plan, I received this Monday morning, so I didn't have time to make many changes myself, but that was just an idea about that.

The next thing that I saw that was addressed was that there were bushes on the next door neighbors property, and I did a site walk today, and they are about twenty feet off the sidewalk, and, which I thought wasn't that much of a sight problem, I can't really control exactly how much he would plant, or in the next few years how much he would want to plant in the front there. Then across this driveway, pretty much up against the sidewalk, there is a row of bushes, I'm not sure if that was what was being talked about, that they could be, that there could be some kind of agreement made with the neighbor, or if it was this one bush that was about twenty foot off the sidewalk.

Ed Meehan: The bushes that, if you were coming out with a vehicle, and you were looking to your left, to see if there were pedestrians. I think it is the one, the second set you talked about.

John Cyr: After the next door neighbor's driveway.

Ed Meehan: If those obstruct the sight line, that's what I think the report says, see if they can coordinate it with the adjacent neighbors to thin the bushes or remove them, or something like that. I think they would block a pedestrian on the sidewalk.

John Cyr: Okay, that is something that we would have to address and talk to the neighbor about. Other than that, oh, the other thing was the size of the lots. I guess I didn't address sections B and C of the interior lot. Item B says that the lot doesn't have any other access which would permit the minimum requirements of this regulations, and I don't think we would have an opportunity to put anything going up the side here, there is only fifteen feet, unless we took down the garage, but that, it's a pretty nice house if you saw it, it's a brick structure, it's got full length windows, and it would take away from the integrity of the house. Section C, the only unusual character of the property is that it's length, and the fact that this is really unusable by anyone, I don't know of anybody else that has these lots up and down the street, uses the full length of the lot for anything, that's the only thing I can say about that section C.

Ed Meehan: As far as that dissipater, as an option, that is something, that was in the Town Engineer's comments. You should talk to him because his concern was to channelize the water coming down the driveway and not create an icing problem, because it would be concentrated in that area. So I would say, the option of a dissipater should be talked about with Mr. Ferraro. That is quite a run, 200 feet, we don't want to be digging up Maple Hill Avenue, we just paved it, so it would have to be in the tree belt, and look into that, and into ways of getting that done. If the dissipater doesn't work, then the water will have to be collected in the storm system. The road was just repaved last summer.

Chairman Camilli: Do we have to wait for a resolution before we close this?

Ed Meehan: It's probably more of a technical resolution, whether you need a dissipater, or whether you go into a system, I would think that, you might want to keep it open two more weeks, you've got time, you can borrow against those sixty-five days. I mean, if he says that you have to put it into a system, your client may not want to hire an engineer and pay for a two hundred foot run, so that would have to be something that you would have to talk to your client about.

John Cyr: Right.

Ed Meehan: I would keep it open so you get the benefit of that report.

Chairman Camilli: We've hear from the public. Anyone from the public wishing to speak in favor? Against?

Marcel, 33 Vincent Drive: Has anybody from here been on that property? Taken a look at all of the water that is sitting on that property now?

Ed Meehan: I've been on the property.

Marcel: When did you go down and take a look at it?

Ed Meehan: When this first came in, maybe a month ago. I haven't been there recently.

Marcel: There's water there. Now my concern is, definitely a water concern, if they are going to build this property up, they are probably going to bring the grade up, and where is that water going to go? Now they are talking about something, a pump for the water for the front of the building, not for the back.

Ed Meehan: They are talking about, I don't want to speak for the applicant, but there is the option of putting it into the storm system, in the street, the catch basin system, or sort of an open, sort of a swale a dissipater which would let the water bleed out along the back of the sidewalk on Maple Hill.

Marcel: Almost like a septic system, but...

Ed Meehan: No, not a septic system, but I'll let the applicant speak to that, but I don't think it's like a septic system.

Marcel: But is that going to be taking any of the water in this back, from the new house, is that going to take any of that water, divert any of that water there?

Ed Meehan: Well, the water from the roof leaders from that house could all be directed out to the system. I think that was another comment that the Town Engineer made, so that you know, instead of seventy, eighty, percent of the water going easterly, that water would go westerly into the system, down the driveway.

Marcel: And bringing up the grade on that property, on the back of that property, they are talking about that back acre, I mean, my opinion is, it's so wet now, there is so much water there now, if they are going to put a house there, they aren't going to leave that water there, they're not going to leave the grade the way that it is, so that water is going to go somewhere.

Ed Meehan: Well, that is for the applicant to address, but you have over an acre of land back there for one house, you should be able to accommodate the run off from one house in 63,000 square feet of area, almost an acre and a quarter.

Marcel: Even if they bring that grade up?

Ed Meehan: They are not showing any changes to grade. Now, I don't want to get in the position of answering the applicant's questions, so....

Chairman Camilli: You don't have to. As a matter of fact, if you have other questions, and I don't want to stop you, you ask your questions, and rather than having the Planner answer them, we will have the applicant answer them. So if you have more, go ahead, we'll respond to them.

Marcel: No, that's a concern, that water there, I thought that there was a perk test or something, didn't you ask these guys to do a test or something on the property, and I'd like to have that spoken about too. I guess that's it, the water is a concern of mine. That's the main thing.

Chairman Camilli: Okay, are there any other people who wish to speak against this application, or have concerns, okay, come on up to the mike, and you can answer the questions, and any of the ones that the Planner answered, if you want to explain how that water gets dissipated.

John Cyr: I did forget about that other item that was on the correspondence that was sent to me about making sure that the roof leaders were tied into that storm system, so that it would shoot out to the street. That is perfectly doable, and to address the question here, we are not raising up any of the grade here on this lot. We chose this area here so we would have to do the least

grading, and the only thing that we did so was make a little bit of a swale, so it would grab any of this stuff, and not go into, not make a pond in this person's back yard, and kind of take some of the water and dissipate it out this way in an even fashion, and by the time it got back here, it would be middle. We did have a wetlands scientist go out and look at the property and he did make a report, and I did bring the letter. I don't know if I should just read it to you, or submit it to you, I have no problem with reading it to you.

Ed Meehan: We probably should have a copy too.

Chairman Camilli: We should have a copy of it. Is it very lengthy?

John Cyr: It's just two pages.

Chairman Camilli: Can you just summarize what it says?

John Cyr: It says, small area of shallow surface water within the southwestern section, they were investigated and found to be frozen immediately below grade, surface water was evident in the low area below the elevation of 136, this would be at the eastern portion which the neighbor was talking about, the lower area is located approximately 290 linear feet to the east of this property, proposed residence, well outside the proposed projection limits.

Chairman Camilli: Did they do any perk test, these people, do you know?

John Cyr: I believe it is all there, and I think that is what he did, I don't know exactly what a soil scientist does, but I know that he has two functions, to test the soil, and to flag wetlands. I would imagine that is part of his testing.

Chairman Camilli: Are you satisfied, sir? There were tests done by a soil scientist. These are all records that you can look at yourself if you wish, okay?

Marcel: Am I satisfied, just?

Chairman Camilli: Well, with his answers, not so much with, with his answers?

Marcel: I'd like to know where he took the tests? Was it just a visual test, or

John Cyr: No, he makes test borings and test the type of soil to see how it drains, you know.....

Marcel: Where was the testing done?

John Cyr: It was done in the area of the residence, and obviously in the back area, like I said, it was over near proposed 136, which would be this area back here, which is the back portion of the lot. That was the area in question, because that's the question that got raised before, you know, whether this would have enough, the type of soils would drain that type of water back there.

Marcel: I'd like to see the results of that testing?

Ed Meehan: Sure.

Chairman Camilli: Any other comments? We will keep Petition 05-07 open until the next meeting. Talk with the Town Engineer and see what has to be done, okay?

John Cyr: Thank you.

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

None.

IV. **MINUTES**

Commissioner Pruett moved to accept the minutes of the March 14, 2007 regular meeting. The motion was seconded by Commissioner Fox.

Commissioner Kornichuk: I have a question on page one. Were Commissioners Camilli and Pruett here?

It was determined that Commissioners Camilli and Pruett were in attendance. The motion to accept the minutes as amended was unanimously approved.

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: Just a quick request from the Capitol Region Council of Governments, to again nominate your representatives to the CRCOG Planning Commission. When you decide who you would like to have represent you, then it goes to the Town Council and they make the formal appointments. CRCOG is looking to get those nominations as soon as possible.

Chairman Camilli: Okay, if there is anyone wishing to be the representative, let Ed know.

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 March 14, 2007.**

Chairman Camilli: We have done Petition 75-06.

- B. **PETITION 13-07 56 Fenn Road, Wayside Fence Company, 63 Third Avenue, Bayshore, NY 11706 c/o Alan Bongiovanni, 170 Pane Road, Newington, CT 06111, request for Site Development Plan approval Section 5.3. Wholesale fence storage use, I-Industrial Zone.**

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, President of the Bongiovanni Group here in Newington, representing Wayside Fence in the application before you. I have with me Doug DiLorenzo, a principal of Wayside Fence. I would like to, for the record, and I talked to the Planner about this, address the fact that this will actually be taken in title, if approved, of 56 Fenn Road, LLC, so that any correspondence from the Commission would like to put in that name, that wasn't created at the time that we made the application.

Having said that, the subject property is on the east side of Fenn Road, just north of Stop and Shop, south of Holly Drive and west of the Mobil Station in this area. It is very close to the intersection of Ella Grasso Boulevard and the entrance to Route 9. The subject property is 5.2

acres in the I Industrial zone. It is an existing facility. Many of you may recall that this was the Grody Chevrolet building, a building of about 14,000 square feet with almost the entire lot paved, with the exception of the far eastern portion that was historically used as a gravel bank for construction of the railroad. What my client is proposing to do is to reuse this facility for his wholesale fence business. They have an on-going concern on Long Island, New York and they are looking to expand into Connecticut. They already service the southern and southeastern parts of Connecticut, this would help service those customers easier and then grow farther north and east in the state. This site is serviced by about a thirty foot access way, with frontage on Fenn Road, going back in towards the building. As I said, the majority of the site is paved. It currently is not sewered by MDC sewer, nor is MDC water provided. We've shown, there is a trunk line through the rear of the property, that a sewer lateral will be installed, upon the demolition and abandonment of the existing septic system, and there is an existing water lateral at the property line which would be extended to service the building. Now since we are talking about utilities, currently there is a telephone pole, a SNET pole in this location. There is overhead service that would be brought underground. What I have shown here is a removal of some of the pavement to create a buffer area between the storage and staging areas, the cross hatched or the diagonally hatched area are proposed as outside storage. We are proposing a circulation lane, so that when the truck comes in it can navigate the site and go back out for an easy movement. We are proposing to have rack storage in the back between the driveway and the building, along the side and in the front. The storage, and Mr. DiLorenza is going to talk a little about this, is done racking, very neatly to twelve foot height along the rear of the property, in talking with the Planner, we do have to ask for your permission to store in the front of the building. Not in front of the building line, but between the building line and the face of the building. In this area, it's an existing paved area, we would propose storage of eight feet. We are proposing to put a gate along the driveway access about 180 feet from the road, so if a truck comes to deliver to the site prior to the opening at 7:00, 7:30 in the morning it could pull well off the road and not create any hazard for the by-passing on Fenn Road. We're proposing employee and customer parking in this area, have created an landscape island, and then surrounding this area would be fence display areas, basically putting up some of their products so that their clients could see what is available today. As I said, it's an existing building, it's an adaptive re-use. We met with the Town Engineer. Everything sheet flows to the rear, we've come up with, we've satisfied the Town Engineer, an infiltration system, a trench system along the rear of the pavement, that will pre-treat any of the storm water run-off prior to going to the rear of the property. Because this was a gravel bank you basically have a pit here, any of this water that historically ran off, and will run off in the future, would seep into the ground. It's a very, very good, high quality gravel area and it has great permeability. The trench, the infiltration system that we have will further treat that water prior to leaving the parking area. We're proposing to take the existing fencing down, replace it, Doug will talk about the types of fencing that will be installed around the property. Currently at the back of the Mobile station there is a good growth of pine trees, I took this photo last week, this is standing in the parking lot, looking at the building, I'll pass it around. That is the building behind it. What we are proposing to do is along with a single row of pines, stagger and create a second row to further buffer that area so that any of this facility, storage would not be visible from the road. The only way that you would see it would be from the driveway coming down here. I think that is the basic items on the site plan, and I would like to introduce Doug DiLorenzo to talk a little bit about their operation and then I would like to close with a couple of comments of some unfinished business we have.

Doug DiLorenza: I'm one of the owners of the Wayside Fence Company. I reside on Long Island, 63 Third Avenue is our address at the location in Bayshore, New York. In Long Island we have a wholesale manufacturing and distribution. What we would like to propose here is to do strictly distribution. All it would be would be a distribution yard of fence material and it would be basically pick up and delivery, so we would store materials here and have a contractor base in the area which we already have in lower Connecticut, and some of those customers would now

come up to our place, and we would continue to deliver to them as we do now, and then of course expand to the north Hartford area, and east and west so we can expand our customer base. Basically the situation is since it is just a distribution area, there would probably be to start maybe five employees. Basically a manager, counter man, driver, yard guy and some type of receptionist. As we increase business, we would probably duplicate the yard man and driver and counterman, so you might go from five employees to eight employees. The way that we work out of Long Island is that we load up our trucks once a day, to start we would probably have one trucks, and would load it all up, it goes out to the furthest portions of the area, and then comes back and gets reloaded for the next day. In the morning, contractor pick ups would come in, you know, the hours being between seven, seven thirty pickup, they would come early, we might get probably fifteen, twenty truck pickups during that time frame, they pick up their material and then they leave. Then during the day we might get a few in between, sometimes during the end of the day for customers who want to not come in the morning. As far as material storage in the yard, delivery of material would come on small flat, or small twenty-four foot straight trucks from Long Island, or for specialty items that are ordered for customers up here, we might be coming up on a short truck, maybe once a day, or once every other day depending on the demand for the customer stock that we manufacture on Long Island. As far as tractor trailers, tractor trailers for this type of facility and for this storage area, would be one tractor a day to one every other day, in the busy season, because once we load up the yard, it's just filling in for the continuing business. Busy season for our company is basically April to September, depending on the weather. It could be mid-April, it could be late March, and through the busy seasons, May, June, July, and then up to September, and then it kind of dies down as far as business because it is seasonal with the weather changing in October, November, December, January, February. So those would be the peak months and the other six months of the year, obviously truck traffic and deliveries would slow down, pick up would be less. So at this point, I have some renderings of how we plan to clean up the building, and samples of display areas that we would like to maybe put in this area here, just basically keep the whole site open for storage of wood, chain link, pipe, aluminum fences, and in the building store you know, inside stuff, fittings, small parts and stuff like that. Again, I have some pictures of the proposed fencing, it's just proposed, I don't know the rules and regulations of what you would prefer to see on the property, but since we are a fence company, I'm sure we can accommodate you.

Alan Bongiovanni: If I could, this is an existing block building, this is a rendered, a couple of rendered photographs that Mr. DiLorenzo has done to pass around to the Commissioners, basically looking to renovate the building, it's a block structure, clean it, paint it, replace the overhead door, the pass doors, to reutilize the building. It's hidden from most people's sight. There is some view of part of the parking lot at Stop and Shop, Stop and Shop parking lot is elevated probably five or six feet above the site, between his fence screening that he is proposing, and cleaning and repainting the building, I think it will be much more attractive than what you have today. I think it's a good fit for the area.

Chairman Camilli: Have you see the Planner's comments?

Alan Bongiovanni: I have, that's what I wanted to talk about, the unfinished business.

Ed Meehan: Is this the front of the building, or the back?

Alan Bongiovanni: That's the front.

Ed Meehan: So you have an overhead door on the front.

Alan Bongiovanni: There is one now.

Doug DiLorenzo: One on the front now, we're not exactly sure if we are going to keep it, or close it up, I think there are two in the back.

Alan Bongiovanni: What I just handed to the Planner, we met I think last Wednesday, Thursday went over comments, the vast majority of his written comments have been addressed on the plans that were submitted tonight. The only item that I feel is not addressed at this point is, trucks leaving the site and taking a right hand turn. Because we have a limited width here, and very small radius on a fire hydrant, the question came up, is it safe access for a tractor trailer, WD-50 to make this movement, going northbound. We've run the templates on it, this section is controlled by the State of Connecticut with reconstructive as part of the Cedar Street/Barbour Road. I have tried, with no success to talk with Dan Pompei in Special Services, but we have applied the turning templates, we believe it just works without cross the double line into the incoming traffic. We want to verify that with him, we should be able to do that prior to the next meeting.

Chairman Camilli: Is he from the State?

Alan Bongiovanni: Yeah, he's the District One Special Services.

Chairman Camilli: So that would be their call, right?

Ed Meehan: Yeah, it's important, because of the traffic and the backup at the traffic signals there, as well as the tight radius. You've got a hydrant right on the north corner.

Alan Bongiovanni: I think we would have to move the hydrant, there is no problem doing that. I think if just a driver was sloppy and went over the curb, he would hit the hydrant, so I think it is safe to do that.

Ed Meehan: But the traffic, at peak hour, backs up. The optimal time would be to get in and out of here before seven o'clock in the morning, or after five at night.

Chairman Camilli: Do we control that state road, or does the state have to, we can limit the hours that they can come in on that, I'm sure.

Ed Meehan: It's not going to be classified as a major traffic generator or anything like that. They aren't changing the curb cut, they probably don't even need an encroachment permit, but you should touch base with District One.....

Alan Bongiovanni: Oh, I have tried to do that, Dan Pompei was in a conference all day today, I have tried him three times since we spoke last week. He's a busy guy.

Ed Meehan: Or one of the traffic engineers down there, I can get you his name if you need it, because that is my biggest concern. The road sort of angles one way, and you can see on the map, it almost forces you to take a left, but if your guys are going back to New York, or other parts of central Connecticut, they probably want to get on Route 9 to 84, so that is a safety issue. Drivers will come to know the site obviously, they will know the best time and when they shouldn't come.

Alan Bongiovanni: I also would like to stress, it's a very low intense use. At best, there is one truck a day delivering here, more likely in busy times, one every other day. So it's not like you have a lot of vehicles, they have one delivery truck, if they grow as they plan, they will have two delivery trucks here, and they probably receive fifteen to twenty people coming in a day, coming

in and buying from them, so you know, you probably have less than two or three trips an hour for customers and truck loads here. That is why they selected the site, they realized the access is limited, but they don't need a lot of access.

Chairman Camilli: So if there was any kind of remediation, it would be the State's call.

Ed Meehan: They could require some changes, again, it's going to be tough to change the curb radius, because they don't have any property to go onto. The neighbor on both sides, the curb radius is real tight.

Alan Bongiovanni: We'll endeavor to do whatever we can with the State and make this as safe as possible. We'll report back to you at the next meeting.

Ed Meehan: The other issue that Alan put on the table, and I raised this in my staff report, if you are going to permit them to store product in the front, that's everything from that brown building all the way out to.....

Alan Bongiovanni: This green area here.

Ed Meehan: They have that proposed for fence storage.

Alan Bongiovanni: This green area represents the property line to the twenty-five foot building line that we removed the pavement and create a landscaped buffer area and display area. We're asking for this area here, which historically has been storage of vehicles to allow us to store up to eight foot high fencing materials. It's a significant, well, given the size of the site and the access, it's a significant percentage of the site. It's probably twenty, twenty-five percent usable area of the site, it's what my client feels is necessary for him to be successful at this location.

Chairman Camilli: Do they need a waiver for that?

Ed Meehan: They need the Commission's approval, not a waiver, just an approval.

Chairman Camilli: Okay, well that we would have to discuss. It's not visible from the street is it?

Ed Meehan: No, because you have the gas station in the front. It's visible if you were going to your car at the north side of Stop and Shop and you really wanted to look in.

Alan Bongiovanni: If you were parked here. And again, this is probably five or six feet higher than that, and he is going to have an eight foot fence along that, replacing the fence that is there with a decorative fence from the building forward, the back would be more of a security, privacy type fence.

Chairman Camilli: So you wouldn't see it.

Ed Meehan: If he keeps it at eight feet, you shouldn't see it. Eight foot storage. How are you going to reclaim this parking lot? The weeds, the brush are two feet high, at this time of year.

Alan Bongiovanni: This parking lot has as we all know, been vacant for probably twenty years for the most part. It's in remarkably good condition. There are cracks in the pavement, which are, not spider cracks, but large sections of pavement, this probably has some of the best parking base in all the town of Newington, for it to survive without any maintenance that many years and still be in good shape. Talking with sealing contractors, they would burn the vegetation out of

there, fill the cracks and then seal the parking lot. It's in such good quality, there are a couple of small areas, I'm going to say about the size of this table that would need to be replaced, but overall the quality is such that it's not recommended, or economically feasible to grind it up and repave it. It's not pot holed, it's not all broken up, but, you know, you look at it, and say, looks like a wheat field if you look really low and see all the two foot weeds growing up. There's cracks that are probably an inch and a half, two, that have fostered growth. But those would be sealed and the whole thing would be covered.

Chairman Camilli: And all these other things are covered?

Ed Meehan: I'll check, and look at it.

Chairman Camilli: We'll keep this open for now.

Commissioner Cariseo: Is there ten percent green space in it.

Alan Bongiovanni: For the parking area, I believe this makes it, this would not be considered parking area. For the whole paved area, it's not ten percent green space. It does meet the overall impervious under your site plan regulations, but the parking area, what we consider the parking area, I believe that we do. I don't believe that it is one to one.

Ed Meehan: The island around, what have you got, eight spaces in there?

Alan Bongiovanni: Yeah, nine.

Chairman Camilli: Any other questions?

Commissioner Ganley: Just getting back to the storage area, we're talking about sight pollution type of thing, sight meaning people looking and seeing something that is offensive, who's going to be looking at the thing, people who are going to be at the gas pumps getting gas, people are going to be in the parking lot of the Stop and Shop, I've been there, at the store, but who's going to see that? I don't understand what would be a negative about storing fencing material in that area. It's not as if you were putting it on the top of the building, or along the Stop and Shop parking lot line. It's just my opinion.

Alan Bongiovanni: Here are some copies for the Commissioners to look at of how they would do their display fencing.

Chairman Camilli: I don't think anybody has said, I think the major issue, in my opinion is the exiting out. To me that would be, and it's not ours, so that issue I think should be resolved to the satisfaction of the State. Is there anyone else who would like to comment? Ed?

Ed Meehan: No, I'll go through the plans, and coordinate with Alan, and if I can help you get a meeting down at District One, I will.

Alan Bongiovanni: Thanks very much.

Chairman Camilli: Okay, thank you.

VII. 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. Sixty-five day decision period ends May 4, 2007.**

Commissioner Pruett 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 April 11, 2007.

The motion was seconded by Commissioner Fox.

Chairman Camilli: Ed, do you want to begin.

Ed Meehan: If I could, with the Commission's permission is bring you up to date with a couple of things that have happened since your last meeting. The public hearing was closed, but during the course of the public hearing Commission members and many neighbors raised questions throughout the hearing about the issues of ground water table and surface water and concerns about negative impacts from water. So through the Town Engineer's office, additional test pits were dug with the cooperation of the developer last week. Two more test pits were opened and they were observed by the Town Engineer, and he sent me an E-Mail, and I also have a report from AN Engineers, Jim O'Brien, their construction engineer, but essentially what he says is both test pits confirm that there is no water table issue in terms of having standing water in the soils other than sheet flow created by surface flows penetrating the ground through the top soil level and then migrating laterally. The first test pit, which was excavated to a depth of seven to eight feet or so indicated that this occurred at a depth of about two feet from the surface. The second test pit, which was much shallower confirmed that this occurred at a depth of less than two feet. The results reinforced my concern, this is Tony Ferraro writing, regarding the need to place under drains on the northerly side of the roadway and tie them into proposed catch basins to ensure that the water migration does not extend under the sub base area of the proposed road. He goes on to talk about other engineering methods to protect the sub base of the road, which if this was approved, would be done during the field construction when they box out the road, before they pave it. So, the Town Engineer is basically saying that these two test pits were similar in extent, to the previous four, and he sees the problem out there, not as a high water table, deep water down at foundation level, but what test pits have been done so far indicate to him that it is the shallow water table within two to three feet of the surface, so I think what is called hardpan is holding the water on top and it's sheet flowing and it's being pocketed there, and then it gets a certain water level and it sheet flows obviously in a low direction towards, historically towards the back yards of Vincent and even further south. In addition to the test pits, Mr. Ferraro and I spoke after he went out to a neighboring property, and he would recommend the re-location of a couple of, one of the yard drains, from the end of the cul-de-sac to the northerly side of this development, so that water that pockets on the north property would have a shorter run to this catch basin. It wouldn't be carried around the back yard, it would go directly into the catch basin into the street system. So with that, I think that answers the question about a deep water table, versus a surface water table. Again, the issue of the hydraulics of water, what it is going to do to people's basements, some of this is like apples and oranges, this is a high water table versus a deep ground water table. The other recommendations that we have been talking about throughout this process is tying all the roof leaders into the street system, to bring as much water away from the foundations, away from the backyards, back out to the street system, and storing it in the street

system; a good grading plan, which doesn't tip water to a neighboring property, it brings it to the lower points between the property lines were some of the comments that he suggested. That is the technical input as a result of the test pits.

Chairman Camilli: The only question that I had, as you were talking, the question that came to mind, because of that sheet flow, toward Vincent Drive and so forth, while they are working there, is there anything that can be done to mitigate that?

Ed Meehan: Well, they will actually put up their erosion control fencing, which if it is done properly, dug and tampered in, would slow down any sheet flow but the fact that this is mostly overland, or surface flow, the construction of the road, the catch basin system, the engineering theory, and this could happen in practice, would be that this water is going to be intercepted as it moves from north to south through the site, and intercepted in the road system, and never get to Vincent Drive.

Chairman Camilli: So you think the neighbors might benefit?

Ed Meehan: Well, they should, well, I'm not going to say that is going to happen, it shouldn't be any worse and we believe it might benefit actually, particularly if you tie in the roof systems and the system of what Mr. Ferraro is talking about, I'll call it a French drain, a system along the north side of the road that picks up all the water that is migrating laterally, that is all picked up before it goes south on this site, should be less water coming off this site. That's the theory.

Chairman Camilli: That's the theory. And that's the best they can do in terms of mitigating and sheet flow?

Ed Meehan: I think so, yeah, that and the practice of good grading on each of these lots, so that you know, these lots, when they are graded there has to be some uniformity in the grading plans between the lots. You don't want to leave the guy next to you too low, because he is going to get all your water, so it's got to be, usually you try to grade to the property line, and direct it to swale systems, and have those tipped towards the road, as much as possible, and not towards the back, the southeast corner of this property, because that is where the water is going, out the southeast corner of this property. There is also water coming from the north side and that's what, again, the engineer thinks he can have picked up in a catch basin at the property line.

Chairman Camilli: So that might help.

Ed Meehan: It might help. He has pictures, he was on the neighbor's property last week, I think it was last Friday, Friday or Monday he was out there, and pictures, some of the water this time of year is standing because there is still some snow melt, but there are pockets of water that we think we can intercept.

Chairman Camilli: Okay. Well, I think the town is aware of it, the engineer is aware of it, and that is the best we can do. Any other comments?

Ed Meehan: These reports are all available, E-Mails and AN reports are available for you, or anybody who wants to come in and look at the file.

Commissioner Cariseo: I'm quite pleased with the way that it has come out. I'm happy for the people who live on Vincent Drive if there is less water going toward their property. This has got to be a plus. Hopefully, everyone is going to be happy.

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

Commissioner Kornichuk and Chairman Camilli recused themselves from PETITION 03-07 and PETITION 04-07.

B. PETITION 03-07 262 Brockett Street, John G. Formato, 798 Southington Road, Kensington, CT 06037 owner and applicant, represented by Alan Bongiovanni, BFG Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for Zone Map Amendment, R-12 District to B-BT District. Public hearing closed February 28, 2007. Sixty five day decision period ends May 4, 2007.

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, BFG Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for Zone Map Amendment, R-12 District to B-BT District be approved the Commission finding that the rezoning of this property is consistent with the B-BT district along the south side of Brockett Street and will further Plan of Development's economic component that recommends business services uses within the Berlin Turnpike corridor.

The Commission further finds that the zoning regulations site development standards contain buffer requirements which can be applied to protect adjacent residential uses.

The effective date of this zone map amendment shall be April 23, 2007.

The motion was seconded by Commissioner Pruett. The vote was in favor of the motion, with five voting YES and two abstentions (Camilli, Kornichuk).

Vice-Chairman Cariseo: Motion passes.

C. 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.) Sixty five day decision period ends May 4, 2007.

Commissioner Schatz moved that 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) be approved based on plans entitled "Proposed Retail Building, 262 Brockett Street" prepared by BGI Land Surveyors and AN Consulting Engineers, Inc., dated 12-14-06 scale 1"=20' and architectural elevations prepared by Dante J. Boffi, Sheet A-1, scale 1/8" = 1' as presented to the Commission March 14, 2007.

1. Prior to the Chairman signing the site plan mylars the following modifications shall be made:

- a. Sheets 1, 2, &3, General Notes change to require all curbing to be concrete.
- b. Sheet 2, revise easterly buffer to a minimum of not less than 12.5 foot width.
- c. Sheet 2 Add note for irrigation of lawn and planting bed areas.
- d. Sheet 4 Add detail of dumpster enclosure wall system.
- e. Sheet 2 Add note that perimeter areas and Brocket Street frontage will have loam and seed treatment.

- f. Revise plan sheets to address Town Engineer's plan and drainage comments per letter to AN Consulting Engineers, dated February 13, 2007.
2. Prior to the issuance of the Certificate of Occupancy the applicant's engineer shall certify to the Town Engineer that the site storm water management system has been constructed in accordance with the approved plan.
3. Waiver to reduce the buffer width along the easterly boundary is granted the Commission finding that the existing and probable use of the adjacent property do not warrant the full 25 foot standard buffer.

The motion was seconded by Commissioner Ganley.

Commissioner Ganley: I have a comment. I specifically addressed an issue about the fire exits located on the westerly side of the building, and I received a positive comment from the developer that in fact when you open the door, you would step onto a sidewalk which would then get you out, southerly off of the property, should there be a fire, as opposed to opening the door and stepping into a snow bank, and they said they would put a sidewalk in. If anybody knows, does the recent submission show a sidewalk located on the west side of the building, going from the rear exit door, southerly toward Brockett Street?

Ed Meehan: Yes, there is a four foot bituminous walk up against the face of the building, all along the westerly side and the northerly side.

Commissioner Ganley: Thank you.

The vote was in favor of the motion, with five voting YES and two abstentions. (Kornichuk, Camilli).

Vice Chairman Cariseo: Motion carries.

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. Public Hearing closed March 14, 2007. Sixty five day decision period ends May 18, 2007.

Commissioner Cariseo moved that 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 be approved the Commission finding that the subject location has been used for auto purposes for thirty-five years and the display and sale of vehicles as limited by the site plan is compatible to the area and similar to nearby uses.

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

Chairman Camilli: Motion passes.

- E. PETITION 08-07 426 Hartford Avenue, Alex Kosovskiy, 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. Public hearing closed March 14, 2007. Sixty-five day decision period ends May 18, 2007.**

Commissioner Kornichuk moved that PETITION 08-07 426 Hartford Avenue, Alex Kosovskiy, 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 be approved the Commission finding that the applicant has demonstrated that the property's use as an auto dealer can comply with the relevant standards of Section 6.11.

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

Chairman Camilli: Motion passes.

- F. PETITION 09-07 426 Hartford Avenue, Alex Kosovskiy, 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. Sixty five day decision period ends May 18, 2007.**

Commissioner Fox moved that PETITION 09-07 426 Hartford Avenue, Alex Kosovskiy, 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 be approved based on the construction of the plan prepared by AN Consulting Engineers, Inc. dated January 15, 2007, scale 1" = 20', labeled Sheet C-1.

1. Prior to the Chairman signing the site plan mylar a revision shall be made to show the location of the oil/water separator and its connection to a holding tank in accordance with Department of Environmental Protection standards.
2. The maximum number of cars that can be displayed for sale at one time on this site is eleven (11). Vehicles for sale shall only be parked in the display spaces designated on this site plan.
3. Prior to the chairman signing the site plan mylar the applicant shall post a bond, amount to be determined by the Town Engineer, as surety for completion of site improvements.
4. Connection to MDC sanitary sewer system, Section 7.4.12 is waived upon the recommendation of the Central Connecticut Health District. As recommended by the District the septic tank should be pumped, inspected and an outlet filter installed. The applicant should contact the Health District to coordinate inspection of the on-site system.

The motion was seconded by Commissioner Ganley.

Commissioner Fox: Well, I have a number of misgivings about this application, and basically they are environmental. At the, when the public hearing and site plan was closed, some regulations from the DEP were distributed to us, by a member of the audience, stating that, I'm not sure whether it said that the oil/water separator should go to a holding tank, or the sanitary sewer

system. I just want it on record that I would be very interested to make sure that the oil/water separator is there, and all environmental concerns are attended to. That's all I'll say.

Commissioner Schatz: I agree with Commissioner Fox, sometimes some of these things come back to haunt us, and hoping that this is not a situation like that.

Chairman Camilli: Any other comments? Mike, did you have anything else to say?

Commissioner Fox: No, environmental and I've seen the site, and I'm sure that the gentleman that is going to be running this place knows what he is doing, but it just seems so cramped, and basically, it's the sanitary sewer system, and the oil/water separator.

Chairman Camilli: I think they have an option there, based on what was passed out. Floor drains need to be hooked up to an oil/water separator and discharged to the sanitary sewer or to a holding tank. Either/or.

Commissioner Fox: Well, I just hope it doesn't become an enforcement issue where the town has to take a look at it, and then if the town doesn't have jurisdiction, the state does.

Chairman Camilli: I also share that concern, that even though they added a few more spaces, I don't know that there is enough room, parking spaces for both operations.

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

Chairman Camilli: Motion passes unanimously.

G. PETITION 10-07 114 Richard Street, Frank Giangrave, 128 Richard Street, Newington, CT 06111 owner and applicant, request for Amendment of Special Exception, Interior Lot Section 6.7, R-20 Zone District. Public hearing closed March 14, 2007. Sixty five day decision period ends May 18, 2007.

Commissioner Pruettt moved that 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 be approved based on the following:

1. The Commission finds that in October 1981 this property was approved for an interior lot, Petition 671-81 with the driveway access located on the easterly side of front lot, 114 Richard Street.
2. The applicant has submitted a plan entitled "Modification of Special Permit" Sheet 1 of 1 prepared by BGI Land Surveyors, Scale 1"=30' dated 9-26-06" to demonstrate that the topography of the property along its easterly side creates difficulty in accessing the rear portion of the property.
3. The Commission finds that the information submitted is sufficient to show compliance with the design standards and conditions for development of an interior lot for one (1) single family home.
4. Prior to the Chairman signing the plan for recording the mylar shall be revised to add (1) notation for 14' wide paved driveway for its entire length; (2) notation on ground cover stabilization for 2:1 slope along west side of existing house; (3) notation stating that restricted area shall be identified in deed for interior lot.

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

H. PETITION 12-07 271 Vineyard Avenue, Mary Roy, owner and applicant, request for Special Exception Section 6.13 Accessory Apartment, R-12 Zone. Public hearing closed March 14, 2007. Sixty five day decision period ends May 18, 2007.

Commissioner Ganley moved that Petition 12-07 271 Vineyard Avenue, Mary Roy, owner and applicant, request for Special Exception Section 6.13 Accessory Apartment, R-12 Zone be approved the Commission finding that the applicant has demonstrated compliance with the regulations.

Prior to beginning work on the accessory apartment addition the applicant shall file for zoning and building permits.

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

Commissioner Fox moved that Petition 11-07 be moved to Old Business. The motion was seconded by Commissioner Kornichuk.

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

**Petition 11-07
Kiwanis Flea Market
Market Square Municipal Parking Lot
Correction of Fall Dates 2007**

Commissioner Schatz moved that Petition 11-07, approved March 14, 2007, Kiwanis Club Flea Market event dates, be amended to also include Sundays during the month of October 2007, an additional four sales dates.

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

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

None.

x. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: Couple items, Mr. Chairman. The Commission members should have gotten their packet, the proposed change in the zoning fees and, which we talked about in January and before they go to Council, I want to make sure that Commission still feels that these are appropriate. You felt that way in January, but these will be scheduled at Council. They were increased because of additional costs for legal expenses and additional costs they we're required to pay to DEP for land use fees. We compared the fees with some neighboring towns, we feel

that they are quite comparable, given the services that we provide in Newington, which is, we use our GIS to do the buffering and the mail query and mail out notices to abutting property owners and we also provide a notice sign. These are going up a little bit, but we're not going to make a lot of money on it, but we're not going to be losing money like we are doing now. So I recommend that you act on these.

Chairman Camilli: Okay, anyone have any problem with that schedule, the fee schedule. Do you need a motion on that? Okay, just a consensus, I think we are all in favor of it.

Ed Meehan: Thank you.

I've been reporting this item just about every meeting, but again, I had a call from Pat Snow at Premier Development today. He only has one property owner in Rockledge who wants a tree, and who will coordinate with Premier in getting it installed. No one from New Britain Avenue has contacted him, and so what Mr. Snow is suggesting that he pay the money to the town, like a payment in lieu whatever, X number of trees times five hundred dollars per tree. He would pay that, that would be taken from his bond, without the town calling it. It comes out to be \$22,000 to \$24,000, I believe for the trees, and I would like to talk to the Town Attorney about doing that first. The town then may be obligated on our part to try to get the property owners to have the trees planted. I'm not sure if we would get any further than Mr. Snow did because a lot of people are satisfied with their lots, the lawns are established, we may have to make that attempt anyway.

Chairman Camilli: If the town plans the trees, they're not obligated to Snow any more?

Ed Meehan: I don't know what their obligation to Snow is, that's the contract between him and them. They were obligated to plant the trees under their contract. They were going to pay for the trees.

Chairman Camilli: Well the question becomes if you are a homeowner and say, okay now the town is going to go in and plant the trees, can Snow go after them? I mean, if he can, they are still going to say no, obviously but if it holds them harmless, I think maybe that is a question for the Town Attorney.

Ed Meehan: I don't know the answer to that, but.....

Chairman Camilli: I think if you approached them, if you have to go to the home owners and our Town Attorney says, or is going to say, I don't know if he is going to say, but if he says that they are not liable for that contract because we planted the trees, you know, because I think it was just the cost there to these homeowners.

Ed Meehan: I'll ask Mr. Nassau.

Chairman Camilli: Do you think that makes sense?

Ed Meehan: There's a lot of issues on the side going on down there that I'm not privy to, but the people that I have talked to, they just say, they have their lawns established, they have irrigation systems, you know they just don't want.....

Chairman Camilli: Well, if they don't want them anyway, that's fine. The problem with this is that our regulations call for two trees, and

Ed Meehan: Well, I don't want this to be a precedent, where the next subdivision, the guy says, well, he didn't have to do it, why do I have to do it? We put the brakes on that very quickly over on Waverly, which is another Premier Development. Same thing, weather permitting, you have to

get the trees in. Every time a c.o. comes up for inspection, we say, the trees have to be in, unless it is the dead of winter. So far, it is going pretty good over there. Some people put their own, some trees are kind of little, you know they are not 2 ½ inch caliper, but when you talk to them, you find out that these are specimen trees, that they wanted, okay, as long as you have some vegetation out front.

I will check it out with Attorney Nassau and try to bring closure to this. There are still other items at Rockledge that the Town Engineer, we are waiting for certification of the basin, and we are still holding the maintenance bond, the one year maintenance bond on the road until we get that certification. Over on New Britain Avenue there is some cleanup of the grading of a driveway, that goes toward the back of that property and some erosion measures that haven't been completed, so we are holding money on that.

Chairman Camilli: Okay.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting, seconded by Commissioner Kornichuk. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary