

# NEWINGTON TOWN PLAN AND ZONING COMMISSION

## Regular Meeting

April 26, 2006

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

### Commissioners Present

Chairman Camilli  
Commissioner Cariseo  
Commissioner Fox  
Commissioner Ganley  
Commissioner Kornichuk  
Commissioner Pruet

### Commissioners Absent

Commissioner Schatz  
Commissioner Andersen  
Commissioner Prestage

### Staff Present

Ed Meehan, Town Planner

## II. **PLAN OF CONSERVATION AND DEVELOPMENT 2006-2016 WORKSHOP**

- Review Existing Land use, Zoning Map and Vacant Land Analysis data.
- Review of 1995-2005 Plan Components Community Facilities

Community Facilities  
Transportation  
Future Land Use

- Public Participation and Comments

Chairman Camilli: We will read the procedures for public hearing after this part of the meeting. The first part of this meeting is the Plan for Conservation and Development, this part is a workshop, and rather than wasting any time, at this point, I think I will just turn it over to Ed and he can get started.

Ed Meehan: Okay. What the Commission has talked about is, in the process of updating the 1995-2005 Plan of Conservation and Development, is to treat this as a committee of a whole, and to work in the body, in the public workshops throughout the planning process. We met on April 11<sup>th</sup>, and we started to review the current plan, and at that evening we reviewed the vision statement, and the housing component, the economic component and the environment and conservation component. The remaining three components that we want to talk about tonight, just in summary fashion, are the community facilities, transportation and future land use components and I would like to spend a little bit more time and review some of the baseline mapping that has been done already. We didn't get into detail on that at the last workshop, as we got cut short on time. For the record, and just to bring everybody up to speed, this process is

something that we are going to do in house, working from now through the end of the year with several focus groups, as we discussed the last time, we are thinking we can group two or three of these components together, and then in the way of a focus area, maybe like economic development and transportation, and then invite boards and commissions that are in town that have responsibilities or interest in those areas, as well as, of course the general public. Then, we would like to do that between now and the end of June, before summer recess is on us, and then come back next fall, and again continue with workshops. Also, at that time have written, I'll call them white papers, for lack of a better term, for each of the components that we can share with the public and boards and commissions to get their reaction. Then from those white papers, the plan would be formulated in the way of strategies, and policies and work tasks. One of the things that we need to talk about is how you want to structure the plan. The current plan is structured on a policies document format. In other words, it starts off with a vision statement, and then each of the principal components are goal oriented with objectives and strategies for each of the tasks that the Commission identified as your priorities.

There is some mapping attached to this plan, of course, there is the future land use map, there is the open space map, transportation map, and economic development map. I would think for continuity that would be the format that you would want to carry forward. As you know, and this is probably, to my knowledge, the fifth community Plan of Development that Newington has done since the 1950's. The original early documents were very heavily orientated on inventory and data analysis, because the town, back in the '50's and '60's had a lot of land vacant, a lot of information was being developed on population growth, housing growth, that's not the case in 2006. I think it would be appropriate to continue with more of a policy document, but focusing on priority areas, as we said about opportunity sites, or locations where re-use and re-development is appropriate in Newington. So what I would like to do, based on the agenda is go back and review the maps which are on the wall, and present that data to you, and maybe that will generate some questions, and then leave from those and go through the three components that are listed on the agenda. Go through each strategy, give a status report of where we are, whether we have accomplished it, whether we haven't accomplished it, and then try to get some conversation going as to whether the Commission members feel these strategies that we talk about tonight are still appropriate to keep in the Plan, and then invite the public to ask questions and participate.

The maps on the wall, starting from left to right are the existing land use map, municipal open space map, vacant land use map, and the zoning district map, and what we handed out last time, that I handed out to some members of the public, there are other copies here if anybody wants it, is our existing land use map, and just for background, this is going to be repetitious for Commission members, but I will do it just to set the base. The existing land use map in Newington is now going to be based on our GIS data base, and our GIS mapping, which is geographic information system, the first time this has been done in Newington. The GIS project has really moved forward in the last three years. We initially started out with one small work station, that was the result of our participation in the MDC, and then through funding through the Town Council, we have a GIS coordinator position, and actually have done most of the work in house, if not all the work in house, particularly in cooperation with the Assessor's office and the reval. So this information is current as of two weeks ago as far as the land use. As I mentioned last time, the existing land use map on the left, the various categories show, at a 600 hundred scale, practically every single parcel of land in Newington and how it is used, either colored by the Assessor's record, or it's how we see it from a planning point of view. Sometimes, we see things a little bit differently, the Assessor may code apartments commercial, whereas for the purpose of land use, we're showing them as high density residential, just to give you a picture of what is existing in town. So those are the categories. Also in that map, we have designated areas that are vacant, and they have the classification of vacant, whether they are vacant non-residential, like an industrial commercial piece, or vacant residential. Then the GIS is done in various layers, everyone of those colored legends on the right are associated with a layer, and through the mapping process we can segregate those out, and we built the next two maps.

The open space map, we took all the public open space, and the private open space, and have composed a map which shows the land which is owned by the Town of Newington as far as public park areas, such as Churchill Park or some of the neighborhood parks, the Indian Hill Country Club, and then the darker green is the public buildings and school grounds where you will have both recreation fields as well as school buildings associated with that area. Then we have cemeteries in the community, and then the passive open space is the lighter yellow. Those are areas that are acquired either through open space that has been designated as part of a sub division, or acquired from the State of Connecticut such as the I291 corridor that runs along the back of Maple Hill, this area here, the 291 corridor, or the Young Farm on Church Street, the 54 acre Young Farm which is passive open space, and some of the open space associated with Candelwyck and Willow Brook, these open space areas, or with Barn Hill, or the flood protection open space behind the Senior Center and going up through Main Street, protected open space. Then we also added on there the development right open space which is controlled, obviously the big one on there is the Eddy Farm, the sixty acre Eddy Farm and then the last thing we added is the four designed greenways, or greenway trails which the Town Council designed a couple of years ago, and have been certified by DEP. There is the Piper Brook greenway, that goes from Main Street into West Hartford, there is the Young Farm, Wallace-Patterson open space system which ties in, in back of the playing field, goes down along Rock Hole Brook, through the farm fields and out to Church Street, the Twenty Rod Open Space System that runs along the Rocky Hill boundary, and then the last one is Cedar Ridge, or Cedar Mountain open space that runs from Mountain Road up the Old Highway, over to Russell Road. It's about a mile and a half of open space. There are groups active in town trying to create those into trail systems. The other thing that I wanted to mention about these maps, is clarification of the acreage. The last Plan of Development, and you will see in the document, talks about Newington having an acreage area of about 8700 acres. When we did our GIS work, and we feel that it is pretty reliable, we only came up with about 8300 acres, a discrepancy of almost 500 acres. We're not sure where that comes from. Going back to the prior plan, in the '60's and '70's the plan at that time had Newington at about 8800 acres. So, the Blue Book has it at 8400 acres, so I think we are pretty close with this, there always is going to be a little bit of discrepancy because of the rights of way, which are the roads and highways and how you measure that, but that is just for consistency purposes.

The next map, and the map I think is the most important for you is looking to the future land use plan for the community and making some decisions on growth and areas that you want to conserve, is the open space map. This tells you, I think a pretty good picture of where you are, vacant land wise, there is only about 1,040 acres left of vacant land, in Newington. The colors represent, these are vacant residential lots in town, and they are classified by the Assessor as one lot, and then this is the excess vacant residential areas, where you have large pieces of residential that may have some opportunities for future subdivision, depending if you can get road frontage or combine with an adjacent parcel. Then there are still some lots, I wouldn't call them lots, but parcels along the back of Maple Hill, where you have long deep lots going back towards Vincent Drive, or long deep lots going westerly down to the railroad tracks. You have some long deep lots off of Willard, near the West Hartford area, and then a few off of Back Lane. Very scattered. There also may be some very small parcels in the old settlement area, of three or four thousand square feet that are a little bit too small to show on this scale, but they really don't have any utility as building lots, unless someone can combine with an adjacent piece, and prove they are a legal non-conforming lot, or come in with a lot that meets the R-12 Zone District.

The other interesting thing about this map is that we then layered the wetland areas and the flood areas on these parcels, and the result is that about fifty-five percent of the vacant land that is left in Newington, almost 500 acres of the 1,040 acres, is really land that should not be developed because it has environmental limitations. There are also parcels along Cedar Mountain that have limitations, the Balf piece, and some of the pieces further up here on this part of Cedar Mountain where the cemetery comes in from Hartford, into Newington, have steep slopes, and because of the presence of rock should not be developed to any large extent. So that is an important map to

keep in mind. It basically tells us that these are the areas that are left, and they are very few and far between. In the report that I gave you I listed some of the larger pieces of land that are left, and you can see, you have eleven acres over near the Peckham Farm, you have the Haltner property down on Culver Street, some property down in the south end of town, off of Church Street, that is environmentally restricted, all this land in the western part of town is owned by Central Connecticut, it's the former I-290 land, but almost eighty percent of that could have environmental limitations because of its flooding and wetlands. All the land that runs up between the old freight line and the Amtrack line, up near Fenn Road is all environmentally restricted because of the Piper Brook wetlands system. Near the center of town, Hartford Hospital, along Constance Leigh, is twenty-two acres in there, and then there is some acreage up, we'll call it the Callahan property off the end of Cedarwood. This does have some rock and ridge restrictions. This represents, this is still the Hartford Drive-In, but as you know, that has been approved for development, we will probably take that off of this map in the next month. They haven't filed their State Traffic Commission certificate yet, when they do, they can apply for building permits, and we'll take it off the map. Cedarcrest, state property, Connecticut Children's Medical Center property, twenty-eight acres, property that Balf owns, up off of Hartford Avenue, twelve acres up there, so there is very little land left in Newington.

Moving to this map, the Zoning District map, you've seen the report based on the existing land use and the vacant land, when you analyze what land is left, by each zone, and the land that is left is basically in the R-20 zone, and in some of the industrial zones along the railroad tracks and over, up around Balf, but that land is pretty much environmentally restricted. So from a, if this was a town that had a lot of vacant land, say, going back twenty-five, thirty, forty years, and you had thousands of acres of vacant land, one of the things that you would do as a planning exercise is look at your zoning density, and what you call a build out, and what could be built out of here, how many housing units would it generate, what population it might generate, what that would create in school needs and fire services and police services. But, being that the town only has twelve percent vacant land left, and I would think fifty to sixty percent of that is not buildable, that type of exercise, build-out or optimum population exercise is really not going to give you any new information. It's more important to focus on what is left, what you want to do with that, what areas are prime areas for re-cycling or re-development, and looking at where you can change your zoning map to protect areas from nuisances or traffic when those areas do get redeveloped. So that the older areas, if they come back before you, and they are recycled, you avoid making the mistakes that have been on that property for the last forty or fifty years. We see that a lot, where we have industrial properties right up next to residential properties in Newington, and you have that neighborhood conflict. Those are some of the areas, maybe through your Plan of Development and then carrying it into your zoning, try to prevent those problems in the future by changing the zoning in those areas where there might be some redevelopment. That is pretty much the land use maps. We have this in table form, and we will write it up in a narrative, and that will be part of your existing land use, and part of your future land use narrative. Any questions on that? Any discussion?

Chairman Camilli: Any one from the public is invited to ask questions too, if you wish. That was a good presentation.

Ed Meehan: Thank you.

Commissioner Pruet: Just a question. How many acres is Indian Hill Country Club.

Ed Meehan: I'm guessing it's up over two hundred, two hundred and ten acres. I know when we did some research and we were writing up the proposals for the Eddy Farm, between Indian Hill and Mill Park, and the municipal complex here, it was over, well over two hundred acres of open space, that was in existence at that time, and then adding in the Eddy Farm added in another sixty acres. So, in the center of Newington, for a town with 8300 acres of land, you have a big

chunk of open space right in the middle. I came down Willard Avenue tonight before the meeting, and on one side, you have all these kids playing soccer, and across the street, you've got the cows out, and then you have guys playing golf. I think it's pretty unique to have those values. The question is, between the elementary schools, people did development in Newington, back in the forties and fifties, I think they made some pretty good decisions on how they located the elementary schools, because those are basically your neighborhood areas. Anna Reynolds, northwest, Green School, Chaffee, and then the Wallace/Patterson neighborhood, the four areas of town, and then the high school and junior high sort of the center, so, you know, it's a compressed area.

If there are no questions on that, we can talk about the next three components, and the only reason we are going through these now is just to review what is in the current plan, before we start getting into, drafting new policies and goals for the future plan.

I want to start, and I will go through these quickly, but maybe we can get some conversation, with the community facilities component, and that is on page twenty-four of the existing plan. This is structured, as I mentioned, each component has a goal and then each of the goals have sub-policies underneath them. I won't go into those right now, but what I want to focus on is what the Commission called the strategy, because for each set of policies, you had five or six strategies or action items that you wanted to see accomplished or other groups in town, who had input into this plan encouraged you to include it in the Plan of Conservation and Development as something that they felt was important to do, and in this community facilities section, the Park and Rec Board, and people who were interested in Park and Rec in Newington, had input into this.

The first one is to continue the implementation of the Churchill Park long range plan of development. Underneath that, develop a bike path, walking path in Churchill Park. That has been on-going the last several years, the nature trail, the Bob Stanley nature trail and walkway is part of the Churchill Park system now, there is no formal bike path that I know of through the park, there may be some trail bike systems. So that has been moving along. As you know, the Park and Rec has retained a consultant who will be working with them for the next several months to do some master planning for all of the parks in Newington, so I have talked to the Chairman of the Park and Rec Commission, Richard Khentigan. I met with him and Wendy Rubin the Superintendent of Parks. They responded to the letters that we sent out in February to boards and commission, and I sat down and talked to them about the planning process that you are doing, and as they move forward in their, putting their plans together, they would like to shift those over to you, and so you can include them in your Plan of Conservation and Development. The, acquire acreage for active park land uses on the east side of the Berlin Turnpike and we've mentioned two possible locations, one is the Peckham Farm on Deming Street, that is the eleven acres that I mentioned at the corner of Griswoldville and Deming. That is all that is left from that whole farm. It was about a ninety acre farm. That is very nice land, whether it is something that would be suitable for active or, probably active recreation there, something that the Park and Rec Board may want to look at, and the other piece, this talks about left over 291 land, is the piece up behind ConnDot, which runs up the hill to Kitts Lane. That piece has been looked at a couple of times. It's not really that suitable, it's very rocky land. It's very uneven, the topography in there, wouldn't really lend itself to playing fields, and if anything, it might be like a little neighborhood park. It would only serve that particular area of Kitts Lane. You do have a fair number of residents living there, between Deer Run, Woodsedge and Griswold Hills, there is a pretty high population of people living there, but I don't really think it is suitable for any intensive recreation use.

The next one is to improve Seymour Park. Seymour Park is a little neighborhood park over in the Eighth Street area, that was done in 1997, 1998 as part of a small cities grant for that neighborhood. Basketball court, the shelter, and some drainage work were done to improve that park.

Develop active recreational fields for Babe Ruth level baseball and soccer, on the former Fafnir Bearing, over on Memorial Drive. That is the location now of the Connecticut Skating Center. That property was transferred to the Town of Newington, and then it was conveyed for the

purpose of the Connecticut Skating Center, so it ended up recreation, but not for the soccer or baseball complex.

The other recommendation for acquiring land for active was at the corner of New Britain Avenue and Willard, the nine acres at that corner. That land has been acquired, this piece, right across from Churchill Park Midget Football Field, and the Skate Park. That is this nine acres right in here. It was looked at, either for recreation, and at one time was even talked about as possibly a fire station to consolidate some of the volunteer fire departments into one location. That land has got quite a bit of wetlands on it, it would have limitations for any intensive use, and when it was acquired, or actually given to the town by the State, the understanding was that that land was going to stay open space. Passive open space, all that land along that corridor.

Some of the, under the Public Water Supply and Sanitary sewer facilities, under the Community Facility Component, we had a couple of sections of Newington that did not have MDC water service. The largest block of area was down on Griswoldville, the houses that front on Griswoldville. Those houses now will be served with public water, through the Sunrise Estates subdivision, there has been provision to hook up those houses with both sanitary and water service, going out the back, down to Waverly Road.

I mentioned the fire station at New Britain and Willard, I think we need to get the Fire Department and Fire Commission involved and see if they want any input into your new plan. The expansion of Fire Station Two on Richard Street, they may not feel that this type of recommendation is appropriate any more.

Maintaining the bulky waste site, we talked about this a little bit the last workshop, trying to extend the life of that and make that still available to residents for recycling and disposable vegetation waste. An important facility, a facility that people use weekly in Newington, particularly this time of year. It's going to require good maintenance of the area, turning the leaves, making it useful as long as possible. There are long range plans when that property was conveyed to the town, that it be reused eventually for recreation fields, and I'm not sure how long in the future that is. It hasn't reached its full capacity yet, but it's getting close.

School site, and expansion, we need input from the Board of Ed on this. To my knowledge, there is no need for any future school sites and expansion given the present enrollment projections, but we can check with the school board to find out what is on their mind.

Expand the town hall area parking, and the concern about Mill Street Extension, the safety of cars going to the library. As you obviously know, the library lot was closed off, so that hazard has been reduced, we feel that there is more work to be done on the design of the parking in front here as well as how it relates to the parking in front of the library. This little circle out front, which is landscaped, requires drivers, when they are exiting, to do almost a sixty degree rotation of their head, which is kind of like an owl to get out of there. It could be better, it could be designed into a T-intersection, which would be safer, and that redesign may yield some additional parking spaces. The other recommendation here which has to do with, I guess the Foley property, was it, across the street, the library corporation has bought one of those, and they have an option on the second one, or....

Chairman Camilli: I don't know if, it's not an option, but they may have first bid kind of thing.

Ed Meehan: Okay, those two pieces are important as to what happens to the future of the library, what happens here, as far as spill over parking. You get an evening like tonight, where there is school event, or something going on in the auditorium, and we're short parking, and some of the kids are still playing baseball, so that lot over there is filled up. Normally there is enough parking, on a day to day basis, but there are times when there are peaks and additional parking would be very useful here.

As far as the town center municipal parking lot, there hasn't been any real development activity around the municipal parking lot that provided us with the opportunity to get land through the development process, but through the town STEEP grant, and the Town Council's action for the façade program, about three thousand square feet was acquired in the blighted building, behind

1052 Main Street, was taken down. So we picked up three thousand square feet. We have been trying to talk to the property owner of 1052 Main Street to consider removal of the end of that building, that sort of projects itself into the parking lot, so the parking lot could be better aligned, and squared off. The prior owner and the current owner is not really interested in that. There is an apartment at the end at that building that is causing income issues for him. I think we need to look at these, contact the Board of Ed, contact the Fire Department, and see if they want to have input in this area, as well as the Park and Rec.

Chairman Camilli: Just for a second, would you say, because of what you said about the maps, how much vacant land is available, that the, as far as this Plan of Development, the need for land, whether it be for schools or even recreation, if we aren't going to get any more people, or very few more people in the town, what are we up to now, about thirty?

Ed Meehan: Just over thirty.

Chairman Camilli: Thirty thousand or so, I mean, the need for land for schools, recreation, it's not that I would be against the Recreation Department getting land for more activities, but in terms of the number of people that it would service....

Ed Meehan: That is one of the things that I know that the Park and Rec consultant, when we talked to him, they are going to be looking at, not just the population as a whole, but they are going to be looking at the characteristics of the population. Newington's population is aging, so the recreation needs could change. I mean, the medium age in Newington now is like 44, and that's higher, except for Wethersfield, it's higher than most towns in the capital region. The percentage of people over 65 is up around eighteen, nineteen percent. Again, very high, with the exception of Wetherfield. Even West Hartford's population now is coming down, because they used to have an older population as far as age, but to answer your question, there probably isn't a need, or there isn't probably any land left to go out and buy it, for recreation. It may be, through this management plan, looking at how the property that is available under town ownership right now, could be used in a different way. Or redesigned to accommodate the changing population. I mean, we have, there always seems to be a demand for more soccer fields, more lacrosse, is it a matter of more real estate, or is it a matter of what we are using what we have in more prudent ways. There is always the issue, and I know that Wendy Rubin brought this up, is, you have to let these fields rest. If you don't let them rest, you are going to lose a good resource. They go from soccer to lacrosse, and then the next thing you know, all around the goals are mud, everything is mud, and you have lost the field.

Commissioner Pruet: Turns to gravel.

Ed Meehan: Right, so there are issues there that they have to look at and that is one of the things they are going to do with this management plan. There is also different types of recreation. The greenway trails folks, they are looking at that type of recreation, passive walking recreation. There was a member of the audience at your last workshop that talked about bike paths as a way of recreation. So, it's pretty fluid, but I don't think, I don't see any reason why we would have to buy any more real estate for schools.

Chairman Camilli: Well, what piqued my interest when you said that the land that at Kitts Lane wouldn't be good for recreation, but the Peckham Farm would be a parcel that perhaps would be. But that would mean that the town would have to buy that, or.....

Ed Meehan: The only reason that I think that, and I'm not saying that I am not recommending it, but it's a piece of land that is eleven acres, relatively flat, still being hayed, and it's on the east side of the turnpike.

Chairman Camilli: I know that for a long time, the people on the east side were looking for something, could we designate it other than what it is here? Another designation? For, you know, down the road, when.....

Ed Meehan: I think this is probably as much as you want, you're talking about a different zoning designation, or.....

Chairman Camilli: Not necessarily zoning, but you know, give it some significance, where we would say, well, it was in the plan for, like we did with the Young property.

Ed Meehan: Well, if you look on the map, it's designated as R, for recreation and also the area up off of Kitts Lane. From a future land use point of view, I think that is as much, sufficient enough to designate it as, you are planting the seed of an idea that it could be used for recreation. There is obviously the cost, and then there is the demand. I mean, maybe the issue is, we are spending that much money there when you have Churchill Park a quarter of a mile away. It may be better management getting people back and forth across the highway, safely rather than buying eleven acres and spending millions of dollars. On the other hand, eleven acres is going to yield a lot of houses, and the houses that probably would be built there are going to be like the rest of that neighborhood, large houses, three, four bedroom houses that will promote population growth, which would demand recreation services, and more schools, so it's a catch-22.

Chairman Camilli: And on that side, if that piece goes. I just thought maybe, if it was the will of the Commission, or the will of the public, if you designate it as an area that at some future point we could look at.

Ed Meehan: I think this is where collaboration with the Park and Rec board and maybe people from that neighborhood coming in, talking about their needs for recreation. If you are talking about active playing fields, that might be a good location, but there are other types of recreation over there, of a passive nature that may serve their needs right now. The active playing fields, they have to go to Churchill or they have to come up to Mill Pond.

Chairman Camilli: I remember the last time we did the Plan of Development, that was....

Ed Meehan: That was a consideration, from Glen Oaks, all the way down through Little Brook, the whole issue of recreation on the east side of the highway has been around.

Chairman Camilli: Okay, well as I said, if we don't designate it, then if it goes by way of development, then it will be lost for that particular....

Ed Meehan: This is like a place holder when you put in your Plan of Development, if there was the will that you wanted to acquire that land, applying for grant money, substantiating it, you go back to your plan of development and say, this has been looked at, identified as a community need, so it is in your Plan of Conservation and Development.

Commissioner Ganley: There is a parcel, part of the Peckham Farm, just about opposite Barn Hill Road. It's that small red cottage there, and on the south side of that parcel is a small swale or brook that runs through there, and as you go northerly, it does go upslope toward Peckham's barn, I've never been anything, ever there, a cow or a chicken or anything on that piece of property, and it's flat as a pancake, and I don't know if we are talking about at least initiating something in the way of recreation for people over there, it might lend itself to like a playscape, you know, not a pool necessarily, but a sprinkler kind of thing, some small play area, on that land

which is not being utilized, nor have I ever, in fact, I don't think he stores his wood on that, he still stores it up the top next to the two house and the barn.

Ed Meehan: It's not owned any long by the Peckham's. Somebody else has acquired it. That does have some wetlands down by.....

Commissioner Ganley: It does, on the west side as you travel across that open pasture, into that wooded area, that begins the wetlands that ends up at the turnpike. But at least the part, coming generally west from there, there are a couple of acres where there hasn't been anything there, except that small little house that is there.

Ed Meehan: Yeah, it's a five acre tract. That is in the Planned Development zone. Commercial Zone. Off and on, there has been interest in developing that. There are environmental limitations.

Commissioner Ganley: Which may very well lend itself to, as opposed to digging foundations and so on, put a playscape on it, tennis court, paddle tennis or something.

Ed Meehan: I'll go through the transportation, the transportation component. Again, I won't read all of this, I'll just hit the highlights. There were some critical road issues that were identified in this plan, because of concerns for safety. Some of them that have not been accomplished is the S-curve down on Pane Road. I'm not quite sure how we are going to change that. There is the vertical curve in the road over by Webster Street near the Country Side Condominiums, where actually the Town of Newington and the Town of Berlin share the road, it splits, the town boundary splits the road. That has gotten a little bit better through some of the work that was part of Adams Drive and the installation of the stop sign there, as part of that Webster Hills development. There was the issue of a safer stop at the intersection of Deming and Culver. That was corrected, there was a stop sign installed there, so drivers now come around the bend on Deming and aren't running through the people going up to Culver Street. Up on Connecticut Avenue, Mountain Road, the alignment of that has not been corrected, that's a very awkward alignment, it's almost like a very sharp angle, a thirty degree angle coming in there, it's not completed. The sight lines on Louis and Main, the island was reconfigured and the island was re-signed. It seems to be working better. That was done shortly after Krispy Kreme opened. To my knowledge, it's working pretty well. Kelsey, Church and Pane, the traffic signal at that intersection, the lanes were widened out, and the traffic signal was retimed with left turn arrows, so that was completed. The intersection of Walsh and Garfield. That was widened and completed as part of the CVS project, so that alignment is better than it was before. And the last one on the local road list was the intersection of Bonair and Main, to discontinue the way that that street jog runs through to Walsh. We have a plan, it's part of phase two of the Main Street improvements to close that. We were trying to re-work the traffic through, on a very limited basis into Newington Memorial Funeral Home and the dentist office at 1247 Main Street. Those property owners did not favor that plan. We have a second fall back plan, if we get the grant money to reduce the width of Bonair and to, it's called a traffic calming design where you put brick pavers through the cross walk, so that people aren't going to cut through there fast, it will calm it down, it will look more like a private driveway than a street. It might be the most cost effective way of doing that.

The other items under this transportation component had to do with improvements on the state roadway system and the projects that were identified in the corridor studies. TPZ did endorse both the Berlin Turnpike and the Cedar Street corridor studies subsequent to the adoption of this plan, and last fall, the short range improvements at Cedar and Fenn which essentially came out of the corridor study, for the improvement of the ramps from Route 9 onto Cedar Street, and the improvement of the ramp coming off of Ella Grass. Your Commission favored those. The long range improvements, the major idea of a whole new ramp system as well as the east-west

connector from Alumni to Fenn you felt needed much more study, and you deferred endorsement of that. The major recommendation that came out of the corridor study was the realignment of Maple Hill, Alumni and Cedar which your commission endorsed, and then the subsequent subdivision and zone change was enacted. That was put on hold, it was not advanced. It's still being discussed I know as something that should be looked at, that is important to the traffic safety there, as well as opening up Alumni Road to Newington Business Park. So that may be something that, through the Town Council and ConnDot is revisited.

Chairman Camilli: We basically are finished with that, right? We recommended it, and so forth, I don't think this Commission can do any more, I think it's up to the Council at this point.

Ed Meehan: Right. Some of the other recommendations are really basically on-going recommendations that you would address through projects and site planning approvals for access management, intersite connections and driveway closures. Under the alternate modes of transportation there are recommendations in here, which I think are still valid for closing sidewalk gaps, areas where there is a lot of pedestrian traffic but there are no sidewalks available. We see that down on Main Street near the vegetation waste dump, and the pathway down to Churchill Park. We see it over on Louis Street, anywhere there are pedestrians going to a park, or going to a school, and there are sidewalk gaps, that should be looked at. Also there are recommendations in here for a bike system, bike routes. Some of the bus routing recommendations for the commuter busing and bus service to the high density areas over on Kitts Lane. Connecticut Transit did look at that, they haven't made any adjustments. Maybe if Newington Ridge, the Toll Brothers project gets built, you may see more of a demand, there will be seventy-one units up there. The recommendation for transit on the New Britain-Newington-Hartford corridor for rail, and the old freight line, that is the New Britain-Hartford busway. New Haven-Springfield rail line, that's still in your plan. Then, the last one was for streetscape improvements and we talked about using the federal, it was called the ice-tea money. That was accomplished partly for Main Street using the state STEAP, Small Town Economic Assistance Program grant, so those enhancements to Main Street have been done.

Chairman Camilli: Can we get some more money from this other program? Is that still going?

Ed Meehan: The ice-tea money is harder to get. We do have an application before the Office of Policy and Management for \$500,000.00 for more phase two STEAP money which would bring the project from Market Square to Lowry and Bonair, with pavers and correcting the handicapped ramps, the sidewalk ramps, new curbing, new lighting.

Chairman Camilli: I never heard of this, while you were doing the streetscape project, it was all state money.

Ed Meehan: Yeah, the ice-tea money which is federal money, is hard to get. It goes more to urban areas.

Chairman Camilli: Have you tried?

Ed Meehan: We've inquired through CRCOG, but we don't even make the cut list because it goes to Hartford. The last part of this, and I will move really quickly, is the land use component, the future land use component. The recommendations for this begin on page 35, they had to do with the non-residential components, the Torrington property back in '94, '93 was just coming on line, it was being, the Torrington Company at that time was leaving Newington, so there was interest in redeveloping that, and the recommendations for that property are in your Plan of Development. The Plan was recommending industrial sites, and larger lots, two and three acre lots, also

promoting the front of that property for research and development and light office uses. That's the Commercial Development Zone, the six acres out front that are still available for office development. I know that there is a developer looking at that right now. The recommendations relative to Locktite and North Mountain Road did not occur. Locktite pulled up stakes and went to Rocky Hill. There was, at the time we were talking about completely redesigning Mountain Road and using the twelve acres of the Balf piece to provide Locktite with some more potential office and development area. The lot coverage standards, we did not move forward on those. At your level, at my level we looked at this, some of these lot coverage ratios and what I saw in some of the commercial areas given the extent that Newington has been developed, this would create a lot of non-conforming situations in the zoning regulations, which would be very problematical to deal with, I think, so we haven't moved forward with that, it might be something we could look at in the future.

Chairman Camilli: How does that square away with the assembled type pieces.

Ed Meehan: It could be something where, if a parcel was put together, say two or three pieces were put together, for a twelve or fifteen acre parcel, that, then it could be one of your new zoning criteria, that the maximum amount of impervious coverage would be limited to sixty-five, seventy percent, so the combination of the building and the parking area. For some of the newer developments, they may be close to that now, because what did occur, in the zoning regulations, for anything over 40,000 square feet, you now require fifteen percent green area, in the parking lot, so you take that, plus thirty foot front yard green space on the Berlin Turnpike, plus the side yards and the rear yards, you probably are taking twenty-five to thirty percent out of the site. We could look at a couple of these sites and give you some numbers.

Chairman Camilli: If you remember from the last meeting, we had somebody come in and say, we don't have enough of greening on there now with the trees, I'm just reacting.....

Ed Meehan: Yes, they wanted more green space.

Chairman Camilli: They wanted more. Right.

Ed Meehan: Fifteen percent is a pretty high number, most communities don't have fifteen percent, but when you have five or six hundred cars in a parking lot, you know, there's five or six acres right there of black top, so it helps break it up.

Chairman Camilli: Where would the opportunity sites fit into this general.....

Ed Meehan: I would think they would fit into your future land use component. Where in this component you would identify the areas you think would deserve recognition for reuse and redevelopment. They may be along the Berlin Turnpike, they may be sites like National Welding, in that area of town, they may be sites up on North Mountain Road, Holmes Road.

Chairman Camilli: Okay, so this is where it would occur.

Ed Meehan: Yeah. The residential land use policies, the main thrust of this was to maintain Newington as a medium density suburban community, not to increase zoning density, which you have not done. Then, on the next page, there were very direct recommendations for reducing density, the Planned Development Zone used to permit dwelling unit density of one unit for 1500 square feet, and that was changed to one unit for 4500 square feet. The maximum height of ten stories was reduced to four stories through zoning amendments, and the height in the town center was reduced from seven to three. The other one was to maintain the vacant farms for low density development, well, actually, you bought, or worked to acquire one of the farms and have

development rights on the Eddy farm. Then there have been no special zoning districts created for Children's Hospital piece or the Hartford Hospital piece, and the piece in the vicinity of Cedar and Fenn. The thinking there I guess and the strategy is, the Commission through your zoning decision making authority, your legislative authority there, that is something I think that you want to hold until you know what you are going to get. In other words, if you went out and set these districts up, you may lose some of your yes/no authority over what happens in those area. Then the last couple of small changes, we used to have some, the old Zoning Map actually, the I291 corridor through Churchill Park, and over near Maple Hill was in the industrial zone, and those were removed and put in a residential zone. So for the most part, your zoning recommendations were implemented after this plan was adopted. That's where we are.

Chairman Camilli: Any reaction from the Commissioners? From the public?

Commissioner Ganley: I have a question. I don't even know if it is there any more but there is a state facility on Maple Hill which almost lines up with the old highway right of way, and it's set back, what is that?

Ed Meehan: I think it might be DMR, or one of the, it might be the Department of Mental Retardation, they have a group home back there.

Commissioner Ganley: Because you go down the slope in the back, there is the old trolley car overpass down in the back in the woods, and I guess that is all state property going all the way back to the railroad tracks. Is it all part of that parcel?

Ed Meehan: It's all part of that piece. It's just north of the Emanuel Christian school.

Commissioner Ganley: Yes it is, thank you.

Commissioner Fox: Ed, I think your comments on creating I think it was a special design development, that basically pertains to the Children's Hospital but I think on the same vein, the Hartford/New Britain busway is apparently going to come though, and we did talk in the past about, I don't know whether you call that a special design pertaining to transportation orientated development which is a phrase I hate and which is a policy that I hate, I'll put that on record.

Ed Meehan: Well, that is the concept they were talking about, a special overlay district for those areas around Newington Junction and Cedar and Fenn, and you served on the committee, they had the TOD, transfer development and they gave you a concept plan built out of mixed use development, and then they also gave some model zoning regulations as how it would fold into your special exception process. That is a Commission decision, it is a policy decision for you to decide what you want to happen in those special designed development districts. You can have one around the transit station, you could have one on Cedar and Russell Road, as you come into town from the northeast, you could have one in the town center, and I think it is up to the Commission to decide what uses you want to encourage in there. Do you want mixed use development? What density do you want? What height buildings do you want? Parking garages, all those things you need to decide as part of your land use making.

Commissioner Fox: We also have to think about what type of use we want to discourage, to be honest with you.

Chairman Camilli: Well, you don't put them in.

Commissioner Fox: Yeah, if you don't put them there, then you can't do it.

Chairman Camilli: Exactly. If it's not a use.

Commissioner Fox: If it's not mentioned, it's not a use.

Chairman Camilli: The town center we're not doing. We did that.

Ed Meehan: Well, you adopted those. The town center design guidelines were the guidelines which the architect who wrote the town center guidelines used, and which are now in your zoning regulations, which you used for the façade program, and for zoning bonuses for development in the village center district.

Chairman Camilli: So those things were accomplished. Thank you very much. Again, anyone from the public wishing to ask any questions. We'll go to Item three on the agenda. Pete, would you read the procedures for public hearings.

### **PUBLIC HEARINGS**

Chairman Camilli: The first petition is Petition 11-06, Attorney Sabatini, I think we will do this along with Petition 12-06 so that will facilitate things.

- A. PETITION 11-06 295 Stamm Road, Alex Lomaglio Trucking, LLC, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Permit Section 6.3 Flood Hazard Zone Use, I Zone District. Note public hearing convened March 8, 2006. Continued from April 11, 2006.**
  
- B. PETITION 12-06 295 Stamm Road, Alex Lomaglio Trucking, LLC owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Site Plan approval, 6,000 sq. ft. building I Zone District. Inland Wetlands Report required.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, my name is Vincent Sabatini, attorney, One Market Square, Newington, Connecticut here representing the applicant Alex Lomaglio Trucking, LLC. With me tonight is Alex Lomaglio and our engineer, Madir Donat. I would like to apologize to the Commission for carrying this matter on the agenda as long as we did, but it was important that we go before the Conservation Commission first, and obtain their permit, because the matters involved before them had a direct affect on the public hearing aspect of this application, which is complying with your flood plain regulations. I'm pleased to inform you that last Tuesday, the Conservation Commission did adopt the plan and did issue a permit, indicating that all the flood plain regulations had been satisfied. We are combining this with the site plan application, so I will go over what is going to happen.

This property is on Stamm Road in Newington, Stamm Industrial Park, and what it is, it's in the flood zone. It's similar to the property, the Spada property that I think a couple of months ago you heard a presentation, Mr. Spada was going to add on a small portion to his building, and he had to go through the same thing. What Mr. Lomaglio is going to do, he has a lot, and he is going to build this 6,000 square foot building, which is depicted in the elevations that we have here. Split face block building, it's going to be primarily offices and storage for construction equipment, garages are going to be in the back, and in order to do that and satisfy the requirements of the flood plain regulations with the flood elevations during a one hundred year storm, is 67 feet, we have to build this building at an elevation of 68, which this plan does. There are materials that have to be brought in, we are building a detention pond in the back as depicted on the map, and all of the regulations are complied with, we show the elevation, the structure is going to be flood proof, there is going to be a certification from the special engineer regarding the flood proofing,

the water course has been taken care of on the plan. This is a new building, so subsection E of 6.3.6 does not need to be complied with. The base flood elevation has been obtained. The building is going to be anchored and we are going to build the building with materials resistant to flood damage. No encroachment is going to take place in the floodway, and as Mr. Meehan indicated in his memo, the project does meet the flood plain regulations, so in terms of that, I don't think there is anything more to say because again, we have the permit and the regulations have been met.

In terms of the site plan development, it's a 6,000 square foot building, we are going to have parking in the front only, not in the rear, there is going to be pavement on the north side, that is to allow trucks to get to the back, and there is going to be a ten foot apron drive in the rear of the building, to approach the garages, the rest of this is going to be processed stone. He is going to store some equipment, construction equipment, but no material in the back. We have landscaping as shown on the plan, we have the lighting shown on the plan, we have all connections for public utilities as shown. The only thing we haven't shown on that plan is the dumpster location, which we are going to do when we do the mylar. We don't show a sign yet, we are going to have to come back for the sign. The sign will probably be between where the sewer and water lines are depicted on the plans, which is right around in here, sort of like in the middle of the building. We don't show that detail, we will come back for the Special Exception. Again, split face block, that is pretty much the colors as shown on the elevation, it's gray, it's going to have that green stripping. This is a commercial/industrial area, so the use of the building fits the site. There is going to be safe access to and from the site and because of the elevation, because of the way that it worked out, the flood plain requirements are all met, so it is going to be a safe access for anyone using this site. As Mr. Meehan indicated, the site plan meets the regulations except for the dumpster location, which we are going to show. Surface treatment of the yard area behind the building, in addition to the ten foot apron, is going to be processed stone, and we are going to store construction equipment, vehicles. So that is our presentation, and .....

Chairman Camilli: What are we looking at in the front? Are there going to be any trees?

Attorney Sabatini: Yeah, there are trees there, shown, maple trees shown, two and a half inch caliper, indicated by M here, there are evergreen shrubs that are shown, we have some rhododendrom and some azaleas. We have the parking in the front, we are going to have grass here, with loam and seed around some of the islands, and we have the lighting as shown by these poles and we are going to have some wall packs on the building.

Chairman Camilli: So there is no screening, I didn't take a look.

Ed Meehan: Yeah, this is equipment, over the road type of equipment that he is going to park in back? Trucks?

Attorney Sabatini: Yes.

Ed Meehan: And no block, or masonry supplies?

Attorney Sabatini: No, none of that stuff.

Ed Meehan: Because not only is it an issue of screening, but it is also a flood area.

Attorney Sabatini: Yeah, sure, I understand.

Commissioner Cariseo: This is the front of the building? You would never know where the front door is.

Attorney Sabatini: Right here.

Commissioner Cariseo: I know it, I've never seen where it's just flat, no front entrance.

Attorney Sabatini: Oh yeah right, with some kind of a feature, yeah, I don't know why the architect did it like that, but, you know, again, it's an industrial/commercial building, there aren't any people in the building, it's not, and these are the garages.....

Commissioner Cariseo: Yeah, I know, the building looks really nice, except it seems like a flaw to me for some reason.

Attorney Sabatini: Yeah, there should be like a little thing there,.....

Commissioner Cariseo: A little overhang, or whatever.

Attorney Sabatini: But, this is the way that he envisioned it.

Commissioner Cariseo: I guess so.

Chairman Camilli: Are there any questions from the Commissioners? From the public wishing to speak in favor? Against? I don't know if we are going to get any more out of this.

Ed Meehan: We have been talking about this in staff for....

Attorney Sabatini: A long time, staff was very helpful, I'd like to put that in the record, very helpful in working with Mr. Lomaglio, Mr. Meehan, Mr. Arbur, Mr. Mancini trying to get this whole thing...it's an unusual area, but we worked it all out and it complies with everything. If you can act on it tonight, I would appreciate it, if you can't, I can understand it.

Chairman Camilli: Well, we are definitely going to close it tonight, I don't know if Mr. Meehan is ready to.....

Ed Meehan: I'm not.

Attorney Sabatini: Okay, no problem, thank you very much.

Chairman Camilli: We will close Petition 11-06.

**C. PETITION 20-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District. Continued from April 11, 2006**

**D. PETITION 21-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Special Exception Section 3.15.4 Restaurant Use Drive-In, B-BT Zone District. Continued from April 11, 2006.**

- E. PETITION 22-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District. Continued from April 11, 2006.**
- A. PETITION 23-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp, owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC, One State Street, Hartford, CT 06123-1277, request for Site Plan development, Section 5.3 5,265 sq. ft. restaurant use, B-BT Zone District.**

Attorney Hays: Good evening, I'm Susan Hays, Updike, Kelly, & Spellacy, One State Street Hartford, Connecticut. I think the reading of the notices probably is going to take longer than what we have to do here with you tonight. For those of you who were here at the last meeting, we did go through the entire presentation, and hopefully addressed most of the questions and issues that the Commission members had. There were just a couple of things that we needed to go back and look at, and then come back to you with additional information. I do want to bring up a third item, which I don't know if you have received anything from Peter Arbur, we did meet with him on Monday, and went over all of his comments and they were essentially acceptable to us. He mentioned to us at that time that he was going to recommend approval with certain conditions which would be what he went over with us, but didn't have anything in writing at that point in time, and I didn't know if has been able to get anything to you.

Ed Meehan: He hasn't provided me anything in writing, but he would normally do that at the time of the motion, and put the motions together.

Attorney Hays: Okay. The other two items that had come up at the last meeting that we need to go back and get some additional informational materials on, were the look of the building, could we do something to maybe break up the building, and add some features, that type of thing, we've gone back, we've got some cross sections to show you, we've got some visual aids to show you, and we have made some modifications to the plan in general. John Cusak will come up and describe them to you. The second question that was out there after we, after the last meeting was the accident history at the entrance on East Robbins, and whether or not there were traffic safety issues with that. We have gone back and we have looked at both the Town of Newington and the DOT accident records, and Scott Heskes will present to you the information that we got from both.

John Cusak: Thank you. For the record, John Cusak of Boller Engineering. Instead of putting things up on the board here, it would be easier if I just handed a few items out. What you see there.....

Ed Meehan: Do you have one you could put up so the public might see it?

John Cusak: I certainly can do that. What you have in your possession, I just handed out, is the color rendering that was previously provided with the modifications that we had made. You will notice a couple of lines where we had some section views. I'll get into that briefly. The concerns that were brought up at the last meeting were relative to, because the building is set low, is the top of the building going to be visible mainly, the HVAC units going to be visible, particularly from up here, the highest point as you approach it, and what is this going to look like. You asked to look at options to break up the mass of the building, so it didn't look so much like a traditional building, but perhaps break it up, do something with architecture or what have you, just to break it

up a little bit. So what we have here, I'll start talking about section AA first. This section here, that actually shows, AA, and BB. The section on the top that you see is taken from this view, right in here, and the one thing that you can gain from that view is that you will notice the elevation, at this point here, is actually still a little bit lower than the top of the screening, so you are essentially looking up at the top of the roof, so everything is hidden behind, it's not at an elevation that you would be looking down upon any type of units, and it is fully enclosed around the building. So that section was just to show you this area here. You will not be looking down on any HVAC units from this view.

Additional we wanted to look at, coming down the Berlin Turnpike, looking to break up the architecture of the building. We went back to the architect to see if he could do anything about that, and unfortunately due to the size of the building, and the functionality of the building, we have two pickup windows there, and a door on the other side, there isn't anything that we could really do, structurally to do that, however, what we thought would serve the same purpose and give it a little nicer touch, is what we were able to do is provide a landscaped berm here. Previously we just had a couple of trees in this location, some small bushes. What we have done is ramped up this area with a berm about three feet high in some areas, extending out about fifteen feet, and added some additional trees. This was a comment before from Ed, wanting to add this tree. What we have done as well is add these ornamental trees in the middle at the top of the berm, as well as the bushes. This here is a view of what you would be looking at if you were standing right at this location. As you can see, the trees will add an extra element to break up the mass of the building, and you won't be looking at one solid wall. Additionally, what it does, by ramping this up, you notice the dashed line on the bottom of the sheet, that dashed line is basically right next to the building on the drive-through side, that is all hidden. Just the top of that window there is seven feet. You won't be able to see the cars along this side. The cars will be mostly screened from the street to begin with, plus the additional trees and shrubbery. So we are able to break up the building in that regard, since we weren't able to do it from a structural standpoint. I think this actually serves the intent of what you were hoping to obtain. With that, I'd be happy to answer questions on this, or turn it over to Scott.

Commissioner Cariseo: When you were talking about the view of that air conditioning from the corner of your building, but the road, is up high. If you are at the light, you are looking at it, and the light in back of that, you are still looking at it, at which you will be able to see into that.

John Cusak: What we did was is took the highest point, right at the intersection over here, and if we put an angle here, we would be going through trees, so what I wanted to do was to take it right from the driveway. As you come up here, you are getting far enough away, you have the sight distance issues over here, you are not looking beyond the site. What I tried to do was to take the furthest point, from this area, where you are looking down on it....

Commissioner Cariseo: Because I know that you can see it from the other two lights.

John Cusak: Yeah, you start to see the building.....

Commissioner Cariseo: From the second light back, you have a complete view of it.

John Cusak: From back.....

Commissioner Cariseo: There are two lights, there is one here on the corner of Robbins, and then at the connector from Prospect Street.

John Cusak: Again, you have a glimpse of this building from over here, it's not that you are at a high enough elevation where you are literally looking down over it. Again, this point here is elevation I think it was 199.5, if you are looking from the other side of the road,

Commissioner Cariseo: No, not on the other side. Still on this side of the street. You look right at it.

John Cusak: From the other angles, you would not be looking down on any air conditioning units, particularly if you have full screening around anything.

Chairman Camilli: What about from the north side, you wouldn't be able to see anything as you are traveling north, would you.

Ed Meehan: Well, if you go to the northbound lane, looking across the median, you may get a glimpse of the drive through in the back of the store, so I see that you have vegetation now.

John Cusak: Yes, we have had this all along. We vegetated all through this area here. Again, if you are looking at here, you have the trees in this area now, and should mitigate any of that view, if you are looking at it through here, you will see the back of the building and the shrubs, but again, you are going to be down from a lower angle looking out, so you are not going to be seeing the roof from that angle.

Ed Meehan: Based on the line drawings you have in your package, the mechanical equipment on the roof, all the sides are surrounded.

John Cusak: Correct.

Ed Meehan: And you know, what I would suggest is maybe, particularly on that south, southerly looking north view, is that if this is approved, that the Commission reserve the right to require that angle, that screening to be increased in height. The proof would be in being out there, after it was up. If it doesn't cover what the Commission wants, then you would add some height to that. That would probably be the service side too, I would think.

John Cusak: The service doors, there are three service doors, two on the side over here....

Ed Meehan: How would you get to the roof? Would you go up from the narrow end of the building?

John Cusak: Actually, I believe you get to the roof from the narrow, from the back end, if you wanted to climb up on the roof.

Ed Meehan: I don't know, if you are paying attention to the road, you probably wouldn't be looking over there.

Commissioner Cariseo: You are going to be looking at that arch though.

Ed Meehan: The arch is going to take your eye away from a lot of things on the roof, that's for sure. That was my only, I think that is the part of the building that is more predominant to the motorists right now because you can easily see the old Dunkin Donuts building, and this end of the building is not quite down as far as that is, but, I mean, I just put that out there for something that you may want to reserve for consideration later on, before it is completely finished.

Chairman Camilli: Are you saying from this angle here?

Ed Meehan: Yes.

Chairman Camilli: Is that a tree here? What is this?

John Cusak: That's shrubbery right in here.

Chairman Camilli: Would a tree help?

Ed Meehan: I wouldn't want to block, well, that's on the south side of the driveway, as long as it doesn't block sight lines. The next driveway down has got to be able to get out, too. That means that berm, the height of that berm, plus what you did, with the landscaping, there is quite a bit of screening there. Good thing you had that thirty feet to put that berm in!

Chairman Camilli: Now the dumpster, where is that going?

John Cusak: Right here, plus it's a full enclosed dumpster plus we have landscaping around it, to screen the enclosure.

Commissioner Cariseo: What about the driveway?

Chairman Camilli: We didn't get to that. There was no consideration about another prototype?

John Cusak: This is the building that McDonald's wants as a structure.

Commissioner Ganley: I appreciate all the work that they have done, relative to the landscaping, but there is a little bit of a balancing and weighing act that we have to do here. We can't have the site so full of shrubbery that nobody knows its there. The landscaping is really more designed to beautify the site, so it doesn't look unsightly in terms of the aesthetics of the site. I think they made a, in my judgment I think they made a very reasonable effort to make the site look more attractive and still somebody is going to be driving down the highway and know that there is a McDonald's there should they want to drop in. I think we can't require so much that they will wonder what is behind all those trees, as they drive down the highway, that's just my opinion. I think they have done a fairly reasonable job satisfying the idea of aesthetics.

Ed Meehan: The only thing that I would add is that the revised plans, which I have a set of, they didn't make seven new sets, has all the landscaping and the lawn area being irrigated, which was a question.

Chairman Camilli: Any more questions? Okay, you can continue.

Scott Heskes: I have some copies here with all the information, I'll pass them around. Good evening, for the record, Scott Heskes, licensed engineer in the State of Connecticut, firm of F.A. Heskes Associates, the traffic consultant on the job. I'm handing out several copies of a two page letter outlining what we found in reviewing the accident data, and I have also submitted the number of copies of all of the accident data that we received, both from the Connecticut Department of Transportation, and from the Newington Police Department. I apologize for the lateness of the memo, but the traffic data from the Newington Police Department did take some time to have them put together.

The question was would there be some different geometric design that we could use on the driveway eastbound to help eliminate some of the accident concerns that might exist at that location. In order to address whether or not there is an accident concern, we reviewed the latest three years of data from the Connecticut Department of Transportation, which covered the calendar years of 2003, 2004, 2005 for East Robbins Avenue from the Berlin Turnpike to Kitts Lane. The DOT reported a total of eighteen accidents in that section of roadway, five of the accidents occurred at Kitts Lane, there were five reported accidents at the McDonald's driveway, seven accidents at the intersection of the Berlin Turnpike, on Kitts Lane and another two accidents which occurred mid-block. We also checked the Newington Police Department data,

we requested the latest three years of data which they had. The data that they provided covered between April 23, 2004 and January 25, 2006, which I believe covers the full three year period. There are several months at the beginning, several months at the end of that period when no accidents occurred but they did not provide us a note indicating that, they just gave us the information. That data covered twenty-one months and reported eleven accidents. The two sets of data don't exactly coincide, there is some difference there. The Newington Police reported four accidents at Kitts Lane, four accidents at the McDonald's driveway, five accidents at the intersection of the Berlin Turnpike and three accidents occurring mid-block. The two data sets have ten accidents which coincided with each other, which were reported on both lists. Of the accidents which occurred at the McDonald's site driveway, there were two types of accidents. There were three accidents which involved all eastbound vehicles. Vehicles traveling in the eastbound direction, slowing to make a right hand turn into the site driveway, the second vehicle deciding that since that vehicle was slowing down, it's okay for me to accelerate and pass him on the right side of the road, in order to get to the intersection of the Berlin Turnpike, so that the vehicle making the right hand turn would hit the left side of the vehicle to the right of it. In all three cases, the driver making the illegal pass on the right hand side was ticketed for passing illegally. There was a second type of accident in which the queue from the Berlin Turnpike extended back to the site driveway, people traveling in the eastbound direction being Good Samaritans would stop and leave a gap at the site driveway, the person exiting the McDonald's driveway making a left hand turn out, would be waved ahead, and as they were making that turn out, a vehicle, seeing that there was a queue, would try to pass the vehicles on the left hand side, and strike the vehicle making a left hand turn out of the site driveway. There were no reported accidents involving westbound vehicles, there were no reported accidents of a vehicle making a westbound left hand turn into the driveway. That movement is currently restricted and either the restriction is working and no one is doing it, or it's not a dangerous movement and everyone does it safely. So if the restriction works and it should remain, or there is no need for the restriction, and it should be removed, but we're happy to live with the restriction the way that it is, we voice no opinion on that.

The other two types of accidents which are occurring, there's not much that can be done to avoid that. There are no geometric changes that could be made to stop people from doing things illegally. Frankly, the volume of accidents, five accidents, that section of roadway over the three year period carried twelve point five million cars, and there were five reported accidents at this location. Really, statistically insignificant number of accidents. I know one accident is too many especially if it involves you or someone that you know and love, but five accidents in 12.5 million vehicles over three years is statistically insignificant. The Department of Transportation keeps a secret list, they call it the sloss list, the suggested list of surreal and study sites. They used to publish it, except that vicious attorneys would get a hold of it and notice that, well, this intersection is on the list, and you guys haven't done anything about it, therefore, you're in trouble. Well, they stopped publishing that list, but when they did publish it, I think they used fourteen accidents as a minimum number of accidents to look at, at a location before they even thought about including it on the list. We are about one third of that number of accidents, so this location would not have appeared on that list at any rate.

There doesn't appear to be a significant number of accidents at this location. There is really nothing from an accident standpoint that needs to be addressed, we have not shown any modifications on the plan. For the Commission's benefit, we do need to present this plan to the State Department of Transportation, in order to obtain an encroachment permit from them, to make the modifications to the driveway, as shown, we have had preliminary discussions with them. They have jurisdiction over East Robbins Avenue and the Berlin Turnpike and if they make any geometric suggestions or changes then we would incorporate those suggestions into the plan, but based on the accident data, we don't see much that needs to be done at this location. If the Commission has any questions, I'd be happy to entertain them at this point.

Commissioner Cariseo: It's too bad they don't count near misses. Then that count would really be up there. I still believe that is a hazard. I've come down that road.....

Commissioner Kornichuk: What way?

Commissioner Cariseo: When the person is taking a left in, because you don't expect them to be doing that, and you're moving along, and they decide they are going to take a left in to that driveway. Now you have somebody on your right, where the two lanes are meshing together, I think it's hazard.

Chairman Camilli: I think it's more of a hazard trying to get out.

Commissioner Cariseo: Well, they shouldn't be going out that way, anyway.

Scott Heskes: Left turns currently are restricted at this location.

Commissioner Cariseo: The left turn in is, but it doesn't stop anybody.

Commissioner Fox: They still take it.

Chairman Camilli: Ed, do you have comment on that?

Ed Meehan: Well, the left turn in, I observed the same thing, since they widened East Robbins, around the time that the whole intersection was redone, associated with work at Kitts Lane, for Shaws, it's almost like a by-pass lane, so if someone is slowing down to take a left in, and there is a gap in the traffic, they can take that left in, if you are behind them, you can easily go by them, you're not backing traffic up to the intersection of the Berlin Turnpike. I mean, that prohibitive left turn sign, to me, maybe it ought to be removed but I would leave that to the State to make that call, it's their road.

Scott Heskes: I think the left turn restriction is there because of the double left turn coming off the Berlin Turnpike.

Ed Meehan: Double left coming up northbound.

Scott Heskes: The northbound double left comes through the intersection and the DOT is calculating that you need seven hundred and fifty feet for double lefts to go through an intersection before they have an opportunity to merge safely, so in order to do that, they have installed a sign, are they strict about it, I don't know. I think that is the reason for the sign.

Ed Meehan: How the double left works is the car on the inside of the double left either does a hard U turn to go south on the turnpike, or uses that double left to scoot into McDonald's. The other guy, on the outside, which is usually me, takes the left and goes down East Robbins on my way to work everyday. But, be that as it may, is there anything that can be done geometrically for the cars that are exiting out. To go out there and take that left turn and get broadsided, other than posting, do not exit, which I don't think people are going to follow that.

Scott Heskes: Again, East Robbins Avenue being under state jurisdiction, the state has their requirements for tapers and such from a single lane into a two lane roadway, the right turn taper is probably a little too long, could East Robbins Avenue west of the driveway be narrowed up somewhat to keep people in a single lane until after they get by the driveway, to eliminate that, that's a possibility. If that is something that the Commission thinks is appropriate, we could make that recommendation to the Department of Transportation. Again, it's their highway, I don't know

if they would be receptive to that, but we do need to go to them for the encroachment permit to make the modifications to the site driveway, so we will be discussing the plan with them after this Commission takes action.

Chairman Camilli: I think Ed was talking more about restricting people exiting the site. I think the restriction that he is talking about is something from inside the site, on the site, that would restrict people from making that left hand turn.

Scott Heskes: One thing that the Commission would need to consider if they are thinking of restricting left turns out of the site, would force more right turns out onto the Berlin Turnpike to cut across three lanes of the turnpike to get to the U-turn. To get to the U-turn on the Berlin Turnpike, in order to get back to East Robbins.

Ed Meehan: No, right again, and then back to Kitts Lane. If you know, if you live in town, you know where you are, you come out the south driveway, go to Brockett, right, and then Kitts Lane right, and back to East Robbins. Cut down Superior, whatever else. That is the only one of the accident information that you provided that I think is the one that you may be able to do something with, but I don't know that reducing the taper would help.

Scott Heskes: Again, there were two accidents involving left turns out of this site, I can't tell you how many near misses. The misses aren't reported. You would think that if there were ten, or fifteen, or twenty, that would be something that you might want to take action on, two is, I'm sure there are private driveways where people have had more than two accidents in a three year period.

Chairman Camilli: Any other comments?

Commissioner Fox: Looking at the orientation of the building, the parking plan, I don't see why anyone would want to go out there anyway. Even now, if I go to McDonald's, the exit, I'll go right out onto the turnpike and as you just said, make that circle onto Brockett, back to East Robbins. I don't think you are going to see all that many coming out onto East Robbins.

Chairman Camilli: I also brought up about the noise factor. You said no manager was here the last time, about what their policy is if you have these boom boxes, or radios....

Attorney Hays: You mean out in the parking lot, with people...

Chairman Camilli: Yes.

Attorney Hays: Is George here? No, he has various facilities and has to be in various places, last time he was in Danbury. Basically the policy for his McDonald's, as for every McDonald's, is that loitering in the parking lot is not permitted. He's very sensitive to the fact that we butt up against residential to the back of us, and we have residential along this side of the street. He's very proud of the facilities that he operates, and is very excited about this one and about the opportunity to redo this, and is basically going to do his best with his employees and himself to make sure that that type of stuff, the hanging out, the congregating in the parking lot, that type of stuff doesn't go. I don't know, I mean, I can't even think of a condition to suggest that you put on, but, you know, it becomes a sort of sensitive issue sometimes when you are going out, and telling people, stop this, or that type of stuff.....

Chairman Camilli: Especially, and I'm talking not really on the early side either, so....

Attorney Hays: Later.

Chairman Camilli: They can shake the mountain some time.

Attorney Hays: Unfortunately you can hear that, it may not be someone.....

Chairman Camilli: Well, I know that people have called, the police I know have been called.

Attorney Hays: Well, we will certainly make him aware of the fact, that that is a concern of the Commission, starting today.

Chairman Camilli: Also, as you know, we are going to have more neighbors across the street.

Attorney Hays: Yes.

Chairman Camilli: So I think that is a concern.

Attorney Hays: We will make him aware of that, so that starting now, if there is any, he'll be aware of any issues and make sure that they do the adequate policing.

Ed Meehan: What are the hours of operation? Are they going to be open 24/7?  
Twenty-four hours a day?

Mark Cavanaugh: Yes.

Commissioner Fox: The entire restaurant, or just the drive-through.

Mark Cavanaugh: Mark Cavanaugh with McDonald's Corporation. The drive-through only will be open from midnight until 5:00 a.m. The inside of the building is open from 5:00 a.m. to midnight.

Chairman Camilli: What are the hours now? Is that what they are now?

Mark Cavanaugh: I believe that is what they are now. I don't know for a hundred percent, but most of them are, so I can't imagine that this one is any different.

Attorney Hays: I'm not out that late, so I couldn't tell.

Commissioner Pruet: I just have a question. I missed last meeting, but I did read the minutes several times. How long is this going to take to demolish and reconstruct, I'm just curious from that standpoint, what the time frame would be, once you get the approval, from start to finish and open.

Mark Cavanaugh: We'll be closed for about three and a half to four months. One hundred days.

Attorney Hays: We were hoping to be basically open in the late fall.

Mark Cavanaugh: Right, we will be going through the approval process this spring, and permits, and DOT so we can start in mid to late summer.

Commissioner Pruet: Thank you.

Chairman Camilli: Does anyone have any other questions?  
It's a public hearing. Is there anyone from the public wishing to speak in favor? Against? Ed, I don't know if we are going to get any more information on this.

Ed Meehan: The technical information from the engineering side I will get at the staff level. This is an underground closed system, I know that Peter Arbur has been working with Boller so I will get that, at that level. It wouldn't affect the public hearing, so there is no need to keep the public hearing open for that.

Chairman Camilli: You don't have anything else, that you want us to keep the hearing open?

Attorney Hays: No, other than to basically thank the Commission for their time. I know that especially last meeting, we took a lot longer than the twenty minutes that your rules and regulations talk about for a public hearing presentation. We appreciate the comments and the input, from the Commission members and from Ed. We have been working with Ed for several months now, on the design of the site and the facilities. We are really excited about having the opportunity to take what we consider a tired old building, a couple of tired old buildings, get rid of them and put up a new state of the art facility and in the process also, bring two sites closer into compliance with the required zoning regulations. We know how important the thirty-five foot buffer is to the Commission, we are pleased that we were able to, through working with Ed redesign the site to be able to present that, and I think that this perhaps will be the start of some good design as you come down the turnpike, as you are entering into this area of the turnpike. We believe that we meet all the requirements of the Special Permit. Those that we haven't met we obtained variances for, we believe that we have presented everything that was required of the site plan, we've addressed all the comments and questions that Ed and staff has had, and had presented to us, so we would respectfully request that the Commission approve this application, and again, I want to thank you for your time.

Chairman Camilli: The only loose end that I see is one that the Planner mentioned about the screening. In fact, it did not screen, the way it is supposed to. Ed, is.....

Attorney Hays: Well, I think what we would like to do, rather than waiting until the building is up and the screening is up, and then say whoops, we need to add a foot, maybe what we can do is maybe another cross section showing, so we can see whether we need to do anything there. Does that make sense, Mark? You are giving me kind of a weird look.

Mark Cavanaugh: No, I'm saying, I think we have already shown that, if by chance you know, during the course of construction, when we are you know, two thirds of the way done, if we still have an issue, they can see something from it, north or south whatever direction it might be, we can make the adjustment at that point. It's not going to be, you know you have to go up five feet, it's going to be nine, ten inches, or a foot. It's not going to be dramatic. If for some reason there is a slight variation on the print that doesn't show, it's not going to be dramatic, it's going to be about a foot.

Chairman Camilli: Well, I'm just trying to keep the Planner happy.

Attorney Hays: We are too.

Ed Meehan: You know, sometimes, the building is up, all of the, three sides of the roof are done, and the back side isn't done yet, maybe by just a false screen, something that is inexpensive, you could put it up there for a day, we could look at it.

Mark Cavanaugh: Sure.

Ed Meehan: It represents what you want to do, say it's four feet. If four feet works, fine, you go ahead and order your four feet, but if you need five feet, then you go back and order five feet. Doesn't cost you more money, cost you more time.

Attorney Hays: No problem.

Chairman Camilli: Thank you. We will close Petition 20-06, 21-06, 22-06.

Attorney Hays: I'm assuming Ed, since you said you hadn't received anything from Peter that the Commission will not be taking action?

Ed Meehan: Not tonight, no.

Attorney Hays: Okay, thank you.

**F. PETITION 24-06 330 Alumni Road, Chris Chiulli, 45 Evans Road, P.O. Box 485 Rocky Hill CT 06067 applicant, Newington Business Park owner, represented by A-N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037 attention Alan Nafis, request for Special Permit earth processing equipment for rock crushing and storage, I Zone District.**

Joe Perraginni: Good evening Mr. Chairman, Members of the Commission, Mr. Ed Meehan, my name is Joe Perraginni, I represent A-N Consulting Engineers. Tonight I'm representing the applicant, Chris Chiulli, owner and operator of the Double (inaudible) Construction. Mr. Chiulli had received approvals for a site plan on Lot #1. He is presently seeking a special permit to excavate and process materials from Lots 3A and 3B in the Newington Business Park, and temporarily stockpile that material on Lot #1, which as I said, received approvals for site development.

The history of this application is that it did come before the Commission just about a year ago. We had worked with staff, we had gone to the meeting, and found resolutions to most of the staff, all of the staff comments, the one issue is that we did not receive the permission to conduct these operations on Lot #2 in a timely fashion, so the application was denied.

The current plan, that has been submitted, has not changed since the Commission last saw it. I will for the purposes of reorienting the Commissioners, go through the site plan and then go through the staff report and comment on each issue. I did receive a staff report this afternoon. The plan itself is a progression of what has occurred over time, and what we are proposing. Step number one, that it was the original grading of Lot #3. At some point, when Self Storage America was constructed and developed, material was deposited onto Lot #3. That is shown in Step #2. So, a volume of material was deposited, we're showing what was deposited over that time period. Then at another point in time, Lot #3 was subdivided by Newington Business Park into Lots #3A and #3B. That is the lot that we are proposing to process material from. At Step number three on the plan, this is the work that we are proposing. These are the grades at which we are proposing to excavate. The grades that we are proposing are grades that match the proposed grades for those lots for Robert Chiulli. He happens to be the cousin of Chris Chiulli. Robert Chiulli, as the Commission may remember, did receive approval for development of that lot. So what we are proposing is that that material be excavated down to a level that would match what was proposed. This is so that no additional material needs to be excavated from the lot for Mr. Robert Chiulli to complete his development. The sequence of construction would be that material, excuse me, let me step back. There are sedimentation and erosion control measures that have to be in place for that removal of material occur. That would be the installation of a temporary sediment trap at the low point of the property. That would be in place prior to grading operations so that during grading operations any runoff from the property would end up in that area and would be treated and would have to pass through a stone and geotextile type filter before it would get into any type of storm system. Once grading continues, that material would be removed from Lots 3 and 3B, processed, crushed, processed on Lot #2, and stockpiled on Lot #1. We did submit letters of permission for this process to occur. The first letter of permission was for

Lot #2, so that Mr. Chiulli can locate and operate the crushing and screening equipment, and the second letter of permission is so that he can stockpile material on Lot #1.

The material to be stockpiled on Lot #1, we estimate, what we estimate the total amount of material excavated and processed to be 7,338 cubic feet. We are showing an area on Lot #1 where that would be located. The area that we are showing on that plan is about 10,000 square feet. For the purposes, a question was brought up how high this stockpile would be, we estimate for that area the stockpile to be about eighteen or twenty feet high. We can reduce the height of that stockpile by increasing the general area that it covers if that is an issue. The plans that Mr. Chiulli has for this stockpile is that half of the material would be used for the development of Lot #1, and he would be involved in the site work of Lot 3A and 3B, which apply to his cousin, Robert Chiulli. The other half of the material would be used for his road building business, that would be about 3,000, 4,000 cubic feet. His plans are that that material would be removed within a three to six month period. There are no plans for this material to be left there, or left there permanently. At this point I could go through the staff report, and discuss each issue.

Comment Number One, the applicant has applied only for removal of rocks and processing, Section 6.4. Special Permit, Section 6.5 (inaudible) plans, Lot #1, has not been submitted. The site plan shows a 10,000 square foot filler on Lot #1. The intention of this application is for the removal and processing of rock. The stockpiling is, as I mentioned a temporary stockpiling, again half of it would be for use of site development, the other half would be used off site in a three to six month period. So this is not a, according to that section, a permanent filling of land. There are no intentions for that, so we don't feel that that special permit would be required.

Second staff comment, the permission letter submitted by Newington Business Park LLC refers to a site plan dated March 14, 2006. The site plan submitted with the application is dated March 13, 2006. There was an error in dating of the plans. The letter is correct, March 14, 2006, for the record, we will be able to revise the plans to reflect that.

The third staff comment, Section 6.4.3 (B) states that no removal shall take place within twenty feet of a property line. Proposed excavation of Lot 3A and 3B show removal within this twenty foot setback. This comment is related to the next comment which I will read and respond to both simultaneously.

How does the proposed removal of earth material and grading of Lot 3A, 3B prepare this property for the site plan approved by the Commission, Petition 11-05 and Petition 10-05 Alumni Road, Robert Chiulli, developer. The removal of material is related to the site plan approved for Lots 3A and 3B by Mr. Chiulli, so we feel that because of the removal related to that site development plan, that material would need to be removed out to the property line anyway. So that's why we felt that he wouldn't be necessary to leave that material within the setback area if it needed to be removed for the development for Mr. Robert Chiulli.

Comment number five, what kind of crushing equipment is proposed for this processing? Will other equipment such as a generator and screener also be used for this operation? What is the proposed schedule for this work, reference the three week operation, does this also include removal of stockpile from Lot #1? I do have copies of the type of equipment that would be used, one is a Tractcomb Crusher, and the other is a, the manufacturer is a power grid 800, it's a hydraulic spanner. The proposed schedule for this work is expected to be three, possibly four weeks of operation. This operation of time does not include the removal of stockpiling on Lot #1. We estimate that that removal for half of that stockpile to be three to six months.

Comment number six, what mitigation measures to control noise and dust, excuse me, let me get back to that last comment. There is other equipment that would be used for the purposes of crushing and processing. There would also be a generator and a payloader to move the material. I did not want to omit that.

What mitigation measures to control noise and dust will be put in place, during this crushing operation? Dust control will be maintained, through the use of water sprayers and calcium chloride. Because of the type of rock being processed, crushing operations are not expected to generate an extreme amount of noise. This is a red shale, on this site, and it is a relatively soft

rock as compared with other more dense sedimentary rock. We don't feel that it will be an issue. Again, it will, looking at a three to four week operation.

Next comment, what is meant by turf establishment? The resulting regrading of Lot 3A and 3B will leave behind red stone, which is not suitable for turf. Provide details showing top soil depth and schedule for seeding. On the plan, on the general notes, under Step three, we do specify that the area will receive four inches of top soil, and seeding for establishment of turf. The comment is correct in that grass and seeding of the area cannot be accomplished over what is there. It would require some top soil. The reason for the turf establishment is that the entire site will be disturbed and that when it does experience a rainfall, a lot of sediment will get eroded and carried off, so the immediate establishment of turf will help bind the soil and create a permanent condition to prevent any kind of erosion once the site is completed.

Comment Number Eight, coordinate with town engineer detention basin design and approval for storm water calculations. I would like to clarify this, it is not a detention basin, it is a temporary sediment trap. It will exist during grading operations, it is designed and sized for a volume of runoff for that size site to be contained. I do have that computation to submit for the record. This design did go to review the last time this was presented, but I will submit it for the record.

The next set of comments reference Lot #1 and the stockpile. What is the height of the storage stockpile on Lot #1. How long will this material be stored. As I mentioned, for the area shown, 10,000 square foot area, it would probably be a twenty foot high stockpile. The height of the stockpile could be reduced if the area were increased. Again, we are looking to store half of the stockpile to be used for site development, the other half to be transported off site between three and six months.

Number two, truck impact on Alumni Road, a future town street could be an issue because of prior concerns about roadway, about the roadway's construction. Because of the way this plan is designed, we are, the plan is to move the material across Lot 2 to Lot #1. We feel that this reduces the amount of truck traffic, rather than carrying the material across Alumni Road, it's being carried across the existing lots.

Comment number three, verify estimated number of trips needed to move this 7,388 cubic yards of processed stone off of Lot #1. Plans are to be moving half of that material, that would required for an eighteen cubic yard tri-axle, approximately 167 to 222 trips, to move that amount of material.

That should be it for the comments, I'd be happy to answer any comments that the Commissioners or staff may have.

Chairman Camilli: You were changing yards and feet, you mentioned 7,388 cubic feet, I think it's yards, maybe you mis-spoke that?

Joe Perraginni: I did, I did, it is 7,388 cubic yards.

Chairman Camilli: Cubic yards, okay. Ed, do you want to....

Ed Meehan: More general comments, I mean, these three lots have been in the condition that they are now for well over three years, almost going on four years. The applicant hasn't closed on his lot, I guess he hasn't bought Lot #1, and the site plan was approved maybe a year and a half ago, two years ago. Looks like he has been storing material on Lot #1 without any approval. Someone has been storing material there. Lot 3A and 3B were subdivided and approved maybe a year and a half ago also, and that lot has not, I think it is part of this lot, or maybe it's associated with the Self-Storage Facility, there is definitely debris on that lot, and there is erosion problems causing the catch basins to fill up with a lot of silt. I guess my concern is, why not, why haven't these people bought these lots, and why not just go in and take the material directly off of Lot 3A and 3B and take it off the site, and not get involved with transporting it, crushing it, storing it. What assurances does the Commission have that it is going to get any better. Newington Business Park, we have had this issue with Newington Business Park, not with A-N Engineers or

you Joe, personally, or maybe not even with Mr. Chiulli, just aren't living up to their part of the bargain. There's demolition debris everywhere out there, the curbs are broken, what if the Commission approved this, and a year from now, these two guys haven't bought the lots, and they are sitting there with a twenty foot pile of processed stone, next to the VA. I mean, I don't feel comfortable.

Joe Perraginni: It's my understanding that it's been a difficult period of time, again, for the record, Mr. Chiulli extends his apologies, he would have like to have been here to answer that personally, but what he has explained to me is that he and his cousin Robert have had difficulty getting negotiations to proceed because of environmental issues, it's not their problem as much as Newington Business Park, but he has told me that their negotiations have proceeded, and he should be closing on it very shortly. I can't speak on much more, that is the information that he gave to me. This has been a costly process for him because of the time that has elapsed. Obviously he and his cousin have gotten their approvals, ideally they would have like to have been in there sooner, but the intention here is to proceed and I did get a call, it's unrelated, but I did get a call from Robert who is looking to proceed with his site development so a lot of this issue would go away, a lot of the issues with the roadway and the conditions would go away immediately because Lot 3A and 3B and Lot #1 would continue with their development. That would be an ideal situation.

Ed Meehan: I guess the point of my question is that the, Robert Chiulli, with his approval, in hand, his site plan approval in hand, could go on that property right now, and do this excavation without a special permit for any processing equipment, without any involvement of Lot 2, or Lot 1, and perhaps the word is reservation, that at least the staff has, as far as the quality of the workmanship and how that area looks would be avoided. This is supposed to be a light industrial park. It's not really a place where they should be stockpiling construction material in the way of fill for six months. It could go eight months, it could go a year, and that doesn't help the Town or the developer sell any lots across the street from this. That is my biggest concern. I mean, I think the developer could go right at this, he's got his approval, he doesn't need, his approval for a site plan give him permission to excavate Lot 3A and 3B right up to the property line, to blend in with the adjacent property, and the issues that may occur with the impact on the road, and dust and noise, and the lingering thought that we could end up with a storage yard on Lot 1 are all by the board. Do I make myself clear?

Chairman Camilli: It makes it clear to me. I mean, he has the approval to go ahead with Lot 1, obviously.

Ed Meehan: Lot #1 and Lot #3A and 3B. He has a four thousand square foot building on Lot #1 that Chris Chiulli got approval for, and on Lot 3A and 3B, it's two buildings, each about 2400, maybe 2500 square feet. Single driveway, maybe there are environmental issues over there on that part of the site, I know that I have heard that there are environmental issues on other parts of that site, that, because of the transfer act is lingering questions there, but Newington Business Park, this has been going on, well over five, six years. Not with Mr. Chiulli, but with Newington Business Park.

Chairman Camilli: It doesn't seem like it has improved that much.

Ed Meehan: An unrelated matter, the staff was out last week, to inspect Alumni Road, for potential bond release and acceptance as a town road, and it's getting, the road is falling apart. Curbing is broken, shoulders haven't been maintained, so there is a lot of things that we would be cautious about in recommending acceptance on Alumni Road.

Chairman Camilli: So this, say 220 trips, to get half the stuff off, probably will wreck it some more.

Ed Meehan: The tri-axels might, I mean, it's supposed to be a heavy duty industrial road, but....

Chairman Camilli: Well why, it's not that old, why is it all ready falling apart?

Ed Meehan: Well, the curbing is, it's just the way, a lot of trailer trucks go in and out of there, there's trailer trucks, people who go to the end of this road, this lot that we are talking about, and drive over the curbs to go in and dump and they break up the curbs. There are some areas where the road should be crack sealed, I mean, good maintenance would take care of some of these problems. But, it's sort of related to this, because this is the road that is going to be servicing these lots, but, this is a Special Permit, so it's not something that you are required to grant. Given the conditions of the material being on Lot #1, for four to six months, or longer, you know, I would have reservations about that. I mean, Lot 3, as I said, the developer could go right in, do his site plan, take the material right off the property.

Chairman Camilli: Any questions or comments from the Commissioners? I agree with you, by the way, there is no reason, it seems to me that this is more of a construction yard operation where they will be storing.

Commissioner Ganley: When is the building going to go up? It was approved, I can recall. We provided for a turning area, you know, a storage area, and they haven't broken ground yet?

Ed Meehan: They haven't bought the lot yet. The applicant is Chris Chiulli, who has been waiting, I guess, for three or four years. If there are lingering environmental questions or whatever they are, it could be longer.

Chairman Camilli: You said there were no, the development and the Chiulli's are closer together now? Would that perhaps, once things get resolved, would he buy the pieces of land so that he could move with what was already approved.

Joe Perraginni: He was hoping to have that resolved before this meeting. I know that he would like to speak to the Commission, he would be more than happy to be here at the next meeting. I will convey the concerns of the Commission on how long it has taken, and I believe he can shed a little more light onto why the process has taken as long as it has. I can't imagine that he would have liked to have this drag out as long as it has, it's been very costly to go through approvals and to actually come back and re-apply for this application, so I would ask the Commission for an opportunity for Mr. Chiulli to speak to you, and I will convey your concerns.

Chairman Camilli: Okay, well one of the things you just mentioned, he doesn't own the property, what's the cost, except for whatever you bill, the cost of the property is still up in the air. I mean....

Commissioner Ganley: May I suggest, there is a bit of a domino effect here, that is taking place, and all of the dominos haven't fallen so we can properly look at the whole thing as a fait accompli on the part of Mr. Chiulli's part, and then settle the issue for him, as relates to the land use. So, he's got some homework to do, that doesn't appear as though it has been done. The result is, you have come up here, not you particularly, but the issue before us is still cloudy. So, you know, once again, I suggest to you, clear up that all the issues with the land use conveyance, going from property A to property B, etc., etc., and then come before us with a clean petition. That way, we just have to work with the engineer, we've already given approvals to the site plan, I can recall that specifically, and put up the building and start his business.

Chairman Camilli: Any other comments? This is a public hearing, anyone from the public wishing to speak in favor? Against? We will leave this open for now. Thank you.

**G. PETITION 27-06 230 Sunrise Avenue, Guy Cantone, 80 Willow Brook Road, Cromwell, CT 06416, applicant, John J. Weber, owner, request for Special Exception Interior Lot Section 6.7 R-12 Zone District.**

Attorney Cusmack: Good evening, Mr. Chairman, Members of the Commission, my name is Richard Cusmack, I'm an attorney, although I'm a resident of Newington, I practice law with my partners, Mike Calabono, Patty McVane, and Frank Romeo in the south end of Hartford. I'm here tonight on behalf of John Weber who owns the property in question, and Guy Cantone, who is the respective purchaser of the property. By way of some background and description, that is not entirely included in the staff report, I think it is important to identify the property as being, fronting on a street formerly known as Beckley Street. We're talking really about two lots on a very old subdivision, in fact, going back to about 1900. The lots total an area of about 100 x 125 feet, fronted on Beckley Street as it was described at that point in time. As we know, Beckley Street has not ever been formally constructed as a street, or as we know now, indeed even accepted as a street by the Town of Newington. Had it been, we would have no need to be here tonight. But, nevertheless, since that is the history and that is the present status of the street, it requires us to be here. As indicated in the staff report, in 2003, there was an application filed with the Zoning Board of Appeals, for the ability to construct a two family versus a one family home on this site. That application was approved. Subsequently, there was an application before this Commission in 2004 and that application was for the purpose of approving this particular lot as a rear lot, pursuant to your regulations. You never formally acted on that application, because Mr. Meehan, and others raised the question about the legal status of Beckley Street, as to whether or not the lot had frontage, in which case, you wouldn't need to approve it because it already had frontage on a public road. Or in fact just what the status of the street was at that particular location. From that time, until the present we have been working with Mr. Meehan to be able to determine in fact what the legal status of the road is between Judd Avenue on the north and Sunrise Avenue on the south, and what we did was to hire the title company that is primarily used in the state, a company called Connecticut Attorneys Title Insurance Company to conduct a title search and render us an opinion as to what the status of Beckley Street was, at least as it affected this lot. What we acquired from Connecticut Attorneys Title was a report whereby they were willing, and are willing, to insure title to the fact that Mr. Weber, whose family has owned this property and paid taxes on it and owns the street area as well, for a long period of time, that in fact Mr. Weber not only owns the 100 x 125 foot combined lot areas, but that he also has fee title to the easterly twenty-five feet of Beckley Street. Now that fee title is subject to rights of access of others, but nonetheless, they are willing to insure that the fee ownership is Mr. Weber. They are also taking the opinion, and rendering us the commitment to issue title insurance insuring title to the westerly twenty-five feet of Beckley Street that directly abuts the two lots in the old subdivision. In addition to that, they are also rendering the opinion and have issued us a commitment that Mr. Weber has access not only to Judd Avenue, but also, by virtue of a twenty-foot right of way, to Sunrise Terrace. Indeed, what you have before you, is a plan which proposes that access to Sunrise Terrace over an insured access way of a minimum of twenty-five feet, and I think your regulations require twenty feet.

It has also been determined, and I believe that Mr. Meehan will confirm this, that some portion of Beckley Street had been formally abandoned by the Town of Newington, and the portion that had been abandoned is really the southerly portion, not the northerly portion. Therefore, the fact that this hasn't been abandoned from the northerly lot line of the proposed lot to Judd Avenue really doesn't matter, because we are taking the position that regardless of the fact that there hasn't been a formal abandonment Mr. Weber owns that easterly twenty-five feet of Beckley Street. Again, I think it is important to recognize that we are actually proposing access to Sunrise Avenue.

Addressing the staff comments, the first one talks about a fire marshal report being required for any driveway longer than 200 feet. I must admit that this had not been brought to my attention prior to tonight, I wasn't aware of it, and I don't think it presents a problem in any way, because certainly the driveway that we propose, particularly with regard to comment number two, it should be fifteen feet in width, is something that we are willing to agree to. So we are willing to stipulate that that right of way or the paved area, or the gravel area, whatever is required to satisfy the fire marshal be whatever width that he determines is appropriate. So if that is fifteen feet, as Mr. Meehan suggests, we are willing to comply with that.

We are also, I'm sure going to be willing to comply with any other reasonable recommendations that may or may not be made by the fire marshal.

Regarding comment number three, it deals with signage on Sunrise Avenue, again, we are willing to stipulate and agree to that being done.

Item number four, a reference to the volume and page, whereby the easement rights were acquired, that should be added to the plan, and we are willing to comply with that as well.

The reference on the map to an abandoned portion of Beckley Street, which is comment number five, I believe is accurate, and we are willing to comply with that, as well as comments number six regarding the items that Mr. Meehan has referred to there, they are all appropriate and they should be added and we are willing to do that.

Lastly, the correct lot line boundary for 220 Sunrise, apparently there is a mistake in reference to the width of that, thirty versus twenty-five, that should be corrected, we are willing to do that as well.

I think in summary that this particular application obviously is not something that you deal with every day. It's not your typical rear lot, but I believe that it more than complies with Section 6.7 and in particular I would note that, if you took a look at 6.7.2 (C) specifically talks about this section of your code being applicable to unusual character and historic pattern of the land division. It would be hard for me to conceive of something that was more historic or unusual in the context of rear lots than this particular situation, so I would certainly ask respectfully that you approve this application. I would be more than happy to answer any questions that you may have regarding it. Mr. Weber is here tonight, along with members of his family, Mr. Guy Cantone is here tonight as well, and as I say, we will be more than happy to answer any questions you may have.

Commissioner Cariseo: Do you understand this first question about the driveway?

Attorney Cusmack: Yes sir.

Commissioner Cariseo: That it is in the thickness of the driveway, as against the width? That's correct isn't it, for the fire truck to get in?

Ed Meehan: You mean going from ten to fifteen feet?

Commissioner Cariseo: No, the two hundred feet long.

Ed Meehan: That's in the zoning regulations that the fire department, well, the Fire Chief will talk to the District Chief to be sure that his equipment can get in. That is the only reason that we pass it by him.

Commissioner Cariseo: Isn't it the depth of it, too?

Ed Meehan: Not so much, well it will be a standard driveway. Normally a ten foot driveway is built, and other rear lot situations Chief Schoeder has recommended twelve to fifteen feet because of the width of their equipment and the need to put out stabilizers, whatever they have to

do. Sometimes you get snow, so you need areas for snow clearance. Mr. Schroeder was out of town last week, so he hasn't gotten back to me on this.

Commissioner Cariseo: For some reason I thought we did another one and it had to be a certain thickness.

Ed Meehan: There was an applicant that just wanted to use I think processed stone, and there was an issue about what happens during inclement weather, who is going to plow it, and then it went back to a hard surface. That was on Maple Hill.

Chairman Camilli: Are there any other questions? I don't have any, the only thing I would say is that we will do whatever the Fire Marshal suggests, within reason, you know, they have to get their equipment in, obviously. If, once we get that, I don't have any other questions except that one.

Attorney Cusmack: The recognize the need for safety vehicles to get access, so what ever is required for that, we're willing to comply with.

Chairman Camilli: Since this is a public hearing, anyone from the public wishing to speak in favor? Against?

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission. My name is Vincent Sabatini, Attorney, One Market Square. I was hired by Vincent Brescia a few hours ago, so I don't know that much about this application, except that I have a lot of questions. The first question that I have, is that Mr. Brescia, who owns this property over here, says existing buildings, his address is 95 Beckley Street. Forty years, he's had an address, 95 Beckley Street. Now, this applicant is saying, there is no Beckley Street, not only that, I own all this property out to Judd Avenue. This is a road that Mr. Brescia has used for forty years. I understand that when this application was presented Mr. Bongiovanni was the surveyor, he had a line right here. End of lot line. Now this line has gone all the way out here. So I have a lot of questions, about the title, about access, about what is going to happen with this, whether this property is necessary to make this lot comply as an interior lot, what Mr. Brescia is going to end up doing. 95 Beckley Street, that is his address. Once this is taken away from him, I don't know what is going to happen. So what I am going to ask the Commission to do tonight, is to please keep this public hearing open, to allow me to investigate, talk to Mr. Meehan, talk to, check out the title, talk to Mr. Cusmack, and find out exactly what the story is so that I can advise my client appropriately and maybe come back two weeks from now and say, I don't object to it, or maybe I do, maybe we can work something out. I would respectfully ask you to keep the public hearing open.

Chairman Camilli: Well, we were keeping it open anyway, for the Fire Marshal's report.

Attorney Sabatini: Oh, okay. As I say, there are a lot of questions that we have, legal questions, and I don't know, I would like to look at the title and apparently the Town Council abandoned a road that they never had a road on, I mean, I don't know, a lot of things don't make sense to me, so I don't know. I just have a lot of questions.

Chairman Camilli: Well, okay, I thought it was all squared away.

Attorney Sabatini: Well, you never know.

Chairman Camilli: It's back to square one.

Attorney Sabatini: You never know. Thank you very much.

Chairman Camilli: We have someone else who wishes to speak against.

Bob O'Connor, 320 Tremont Street: Good evening. This is for a two family use, is that correct?

Chairman Camilli: Yes.

Bob O'Connor: Okay, well, according to your regulations, Section 6.7.2, it only allows a one family. Now, as mentioned, this property enjoys a variance and I'd like to refer you to the town Planning and Zoning Commission, February 26<sup>th</sup>, 2003, pages 16,17, and 18. This is where, back then you discussed this situation. The ZBA violated their, your regulations, their rules, in granting this variance. It's a use variance, they have specific guidelines that they can't grant use variances. So, if you were to approve this, you would be giving approval to a situation that violates your own regulations. You, of all people, I would think, would be upholding your regulations, and not violating them.

Also it says, it says in Section 1.2.1, that uses, says these regulations are intended to state the use of land and/or buildings or structures which are permitted in the town. Uses not stated are not permitted. A two family, on a rear lot is not permitted. Thank you very much.

Chairman Camilli: Well, my only comment to this is that we have a problem with the, not a problem, I shouldn't say that, but, it's not a problem, but we are also dictated by a certain set of regulations, and if the ZBA grants the variance, if you will, then we have to abide by that. I really don't know, I mean, we just went through a situation on another application where sometimes we may get a little bent out of shape, if you will, at some of their decisions, but nevertheless, that is their job, to vary the regulations as they see fit, and we don't control their particular process, so the variance was granted by the ZBA. That is all I can say about that. Let's see, would you like to come up?

Attorney Cusmack: Just very briefly. Thank you. With all due respect to Mr. O'Connor, I think the Chairman has indicated that he has answered his own question, whether or not a two family versus a single family would be permitted is within the province of the ZBA, and not this Commission. They have chosen to act favorably on that, and I think that issue has therefore been resolved.

With regard to Mr. Sabatini's comments, and with all due respect to Mr. Sabatini, whom I know very well, having been engaged in this for a couple of hours, this matter has been pending for a couple of years. Not a couple of hours, and if there were any issues that Mr. Brescia intended to raise before the Commission I think there has been more than ample time to do that. Connecticut Attorneys Title Insurance Company is a very well respected, reputable insurance company in the state, so it is not without, it must be taken seriously that one of their in-house counsel has conducted a title search on this property, and not taking anything away from Mr. Brescia, the opinion of the Title Insurance Company is that the easterly half of the roadway, not the entire roadway, the easterly half, is owned by Mr. Weber. The westerly half may be Mr. Brescia, we don't know. We're not required to render an opinion regarding that, so we're not taking a position on who owns the westerly half. He claims to own that, that's fine. We have no quarrel with that. We are only rendering an opinion and we have a commitment for title insurance on the easterly half. Therefore, we are not taking, or removing anything from him, we are simply stating an opinion and a position that we have, based on the most reputable sort of report and information that we can give you. Thank you.

Chairman Camilli: Do you want to respond? You can respond if you wish.

Attorney Sabatini: I'll reserve until next public hearing.

Bob O'Connor: I will thanks, I don't want to come back. However it got to be a two family, that's really, as you said, that's irrelevant. The point I want to make is, that the only approval that you can give, according to your rules, is a one family. That's all you can do. That's what your rules say. If he wants to put up a two family, a three family or a four family, then the answer is no, because the rules say, one family.

Chairman Camilli: It would have to go back to ZBA. Mr. Weber, would you like to speak?

John Weber: Yes, I have a few things to say. I started working on trying to sell this property over four years ago, for retirement, I decided to sell this property because I needed the money. I mean, you get older, you can't pay taxes, you pay an awful lot of taxes on this property. Also, the reason that I went for a duplex, because everything around there is multi-family. There are two big blocks over here, four family, there's all duplex on the other side, there's condos on the back side. And stuck in a hole, it's not too feasible for a single family house. I think you have a picture of the property anyway. So that is why I was told I could go for a variance and would probably get it, so I got the variance and I was pretty happy. But since then, for two years, between the guy who's got the deposit on the property, there were stumbling blocks all the way. Every thing we were told to do with this, I surveyed that road, it cost me \$750.00 and I paid up to \$14,000 tax on that property, and on the roadway, and then from the title, I paid \$57.00 tax on the road, and Mr. Brescia wants to claim the road. He parked construction equipment for the last thirty years, he just moved out the last eight years, he was using the road illegally. He claimed one time he paved the road, did he have a permit to pave it? You go any place to put a driveway in or anything, you need a permit, don't you. Mr. Brescia never had a permit, and furthermore he used my garden for fifteen years, and I said, Brescia, he was a friend, he was, and for fifteen years he used the garden, I let him use it, and I said, well you come over and make my garden, ten, fifteen minutes when you do yours, he came one time. The next time I sent him a bill. You know what, I don't care about that. I said, come over, take ten minutes with your tractor when you are doing the garden over here, you used it for fifteen years, plant corn. My mother paid five dollars to graze cows, more than fifty years ago, sixty years ago, and he was too cheap to even come over and plow my little garden. At my age, it gets tough to work a roto-tiller. I have two garden plots. I have nothing more to say, but it's been a long road, and the last tax bill I got, this past year was \$920.00 and they fined me, I was fifteen days late, and they fined me \$25.00, and I paid cash, \$57.00 this past year, and another year back, so I don't think it's quite fair, four years I've been trying to sell this property. It's supposed to be my retirement. They say retirement, golden, most of it is silver. The last four years have been bad for me.

Chairman Camilli: Thank you. Hopefully the attorneys can resolve some of these issues, so we can move this forward, one way or the other. Any other comments? We will keep this open. Thank you very much.

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

None.

IV. **MINUTES**

April 11, 2006

Commissioner Pruettt moved to accept the minutes of the April 11, 2006 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with six voting YES.

**V. COMMUNICATIONS AND REPORTS**

None.

**VI. NEW BUSINESS**

Discussed with the Public Hearings.

**VII. OLD BUSINESS**

- A. PETITION 25-06 3311 Berlin Turnpike, R.W. Thompson Company, Inc., applicant, Bulley Company II, LLC owner, represented by Jonathan Williams, 3311 Berlin Turnpike, Newington, CT 06111 request for Special Exception Section 6.2.4 Pylon Sign Modification, PD Zone District. Public Hearing closed April 11, 2006. Sixty five day decision period ends June 15, 2006.**

Commissioner Kornichuk moved that Petition 25-06 3311 Berlin Turnpike, R.W. Thompson Company, Inc., applicant, Bulley Company II, LLC owner, represented by Jonathan Williams, 3311 Berlin Turnpike, Newington, CT 06111 request for Special Exception Section 6.2.4 Pylon Sign Modification, PD Zone District be approved based on addition of a 3' x 8' box sign, internally illuminated, attached to the existing pylon below the existing 5' x 8' box sign.

The area of the pylon sign shall not exceed 128 sq. ft. and the wall signage shall not exceed 48 sq. ft. for a total sign display area of 176 sq. ft. This is the total sign area for an 88' wide building fronting on the Berlin Turnpike.

The motion was seconded by Commissioner Pruett.

Commissioner Fox: Mr. Chairman, although I was out for that meeting, I have read the minutes and feel comfortable that I can vote on this issue.

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

Chairman Camilli: Motion passes unanimously.

**VIII. PETITIONS FOR SCHEDULEING (TPZ MEETING – May 10<sup>TH</sup> and May 24, 2006.)**

- A. PETITION 26-06 2340 Berlin Turnpike, former Hartford Drive In, Elias M. Loew Connecticut Realty Trust owner, Toll CT Limited Partnership, applicant, represented by Attorney Thomas J. Regan, Brown, Rudnick, Berlock, Israels, LLP 185 Asylum Street, 38<sup>th</sup> Floor, Hartford CT 06103-3402 request for Special Exception Section 6.2 ground signs, R-12 Zone District. Schedule for Public Hearing, May 10, 2006.**
- B. PETITION 28-06 3475 Berlin Turnpike, former Caldors American National Insurance Company, owner, Stew's Wines & Spirits applicant, (Stew Leonard's) Douglas Hampstead VP, G2G3 Newington, LLC, 100 Westport Avenue, Norwalk, CT request for Special Permit Section 6.6 Liquor Sales PD District. Schedule for May 10, 2006.**

- C. PETITION 29-06 Assessor Map NE 505, East Cedar Street, known as Cedar Mountain parcel, Connecticut Children's Medical Center owner, Reno Properties. LLC 170 Pane Road, Newington, applicant, represented by Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hirtle, City Place I, 22<sup>nd</sup> Floor, Hartford CT 06103 request for subdivision CD Zone District. Note: Subdivision Plans not submitted. Submission to Conservation Commission for Inland Wetland applicant to be determined.

Chairman Camilli: The first one is a sign, that shouldn't be....and....

Ed Meehan: Caldor's is Stew Leonard's for their liquor permit.

Chairman Camilli: That's probably okay, that's easy too.

Ed Meehan: The, Petition 29-06 you see the note, at the time the application was submitted, the, didn't have the benefit of the plans, they weren't available, when the application was brought in, since the agenda was sent out to you, we do have the plans. We reviewed the plans and indicated that at least to staff, they should have submitted first to the Conservation Commission as required by statute in the subdivision regulations. I spoke with Attorney Nassau about this, this is a procedural issue, his recommendation is to follow your normal procedures, and set this down for a public hearing or presentation, whatever the Commission's wish is, and any defects in the application or any other substantive issue you deal with at the time that it is presented.

Chairman Camilli: Okay. So we will just proceed as normal then.

Ed Meehan: Right.

**IX. PUBLIC PARTICIPATION**

None.

**X. REMARKS BY COMMISSIONERS**

None.

**XI. EXECUTIVE SESSION – Meeting with Attorney Kevin Mason – Raju at Newington, LLC vs Newington TPZ**

Chairman Camilli: We will go into executive session.

Ed Meehan: You need a vote, and you need to state the reason, the reason that I give you is that this is for litigation purposes for a case that the Commission is involved with. Raju at Newington, vs Newington TPZ.

Commissioner Fox: Move we adjourn the meeting to go into executive session to meet with Attorney Mason re: Raju at Newington LLC, versus Newington TPZ. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 9:50 p.m.

Present at the executive session: Chairman Camilli, Commissioners Cariseo, Fox, Kornichuk, Ganley, Pruet, Town Planner Ed Meehan, Recording Secretary Norine Addis, Attorney Kevin Mason.

The Commission returned to the regular meeting, reconvened at 10:20 p.m.

## **XII. STAFF REPORT**

Ed Meehan: Two quick things, one, a short memo in front of you addressing the issue of subdivision street trees. I received a request from Premier Development, which is the developer of Rockledge, a twenty lot subdivision off of Culver Street, and they also built five houses over on New Britain Avenue, near Stamm Road. They have been talking to some of the property owners, and they submitted to me a form letter asking that the street trees be waived for ten of the lots on Rockledge and three of the lots at the New Britain Avenue subdivision. We have already bonded these trees. We estimate \$450.00 each, so it's a considerable amount of bond money. The other ten property owners at Rockledge have not responded to the waiver. I don't know whether they want the trees, or they are not communicating with the developer. There have been problems down at that development with conversations between the developer and his buyers. I would just caution you that this could snowball over to Waverly where there is twenty-one lots at Waverly, same developer, same arrangement, where the parties buy a lot, and then they are responsible for a lot of the lot's development, and other responsibilities. Both these sites, New Britain Avenue site and Rockledge were clear-cut, and blasted, so I think personally that the trees should go in. I would be willing to talk to these property owners directly, rather than going through the developer, to find out really how adamant they are about not having trees on their property.

Chairman Camilli: We approved both of these sites, with trees. So, I would say, again, just stick with what we approved, and Ed will do some legwork and find out and we won't listen to this now. Why a particular property owner may not want trees, let's say they did some exotic landscaping or something, where, whatever, say a tree might not make it look that good, if they spent a whole bunch of money, maybe then, we could say to Ed, at some point after he surveys these people, maybe this one is okay, but in general, from what Ed said to me, I think a lot of these people are turned off by Snow, so they don't even want to know Snow. I think we just let this proceed until we have more information and just see how it goes.

Commission: Fine, agree.

Chairman Camilli: Okay, so you have your marching orders.

Commissioner Cariseo: Who would not want a tree?

Chairman Camilli: Well, he didn't, from what was said, some of these people won't even let this guy on the property, so, there are some houses that are nicely landscaped too, so, I don't know.

Commissioner Fox: Who wouldn't you want a tree, unless it was an ash, or something like that.

Ed Meehan: These are basically street, three and a half inch maple trees.....The developer can put the tree up, and the property owner can cut it down the next day. The other thing I want to give you a heads up on, I got this from Mike Mancini, the Town Engineer a couple of days ago, he was notified by the contractor who is responsible for putting the light in at Griswoldville and Deming, that they are indicating a two week slippage in their schedule already, because the span poles, which are actually they hold up the light, will not be shipped until June 16<sup>th</sup>.

Commissioner Cariseo: From China?

Ed Meehan: No, they are coming from Bloomfield.

Commissioner Fox: If it was China, they would be here next week.

Commissioner Cariseo: You're probably right.

Ed Meehan: We've been after, we're not, we've talked to Mr. Basile, we've talked to the contractor, I know that Mike was on the phone with the road contractor again today to get him out there and get that road ground up, reprocessed, and shaped up, and apparently there is a schedule now, that, that can go forward, because he didn't want to mill the road, and start doing any paving until all that conduits were cut, the underground stuff was done. So that schedule is available, but with this information, I don't think that light will be in until the end of June. We asked to have it in the first of June. I just wanted to let you know that.

Commissioner Cariseo: When do the penalties start?

Ed Meehan: Well, we could call the bond on June 2<sup>nd</sup>, if you want to get involved with building lights.

Commissioner Ganley: Well, will the light get up any quicker?

Ed Meehan: No.

### **XIII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Cariseo. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary