

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

May 9, 2007

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

I. ROLL CALL

Commissioners Present

Commissioner Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Schatz
Commissioner Ancona

Commissioners Absent

Commissioner Kornichuk
Commissioner Pruett
Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

Commissioner Ancona was seated for Commissioner Kornichuk.

II. PUBLIC HEARINGS

A. Petition 14-07 Market Square, Newington Chamber of Commerce, 1046 Main Street, applicant, Town of Newington, owner, Chamber contact, David Johnson, 3153 Berlin Turnpike, Newington, CT 06111 request for Special Exception Section 3.2.8 for "car show event," B-BTC Zone District.

David Johnson: Good evening Commissioners. Thank you for hearing my petition this evening. I'm here, my name is David Johnson and I'm here on behalf of the Newington Chamber of Commerce. I'm a resident at 52 Pheasant Run. I'm here to request a Special Exception to hold a classic car show on Market Square on June 14th, with rain dates of the 21st and the 28th. The genesis of this idea was developed from a survey that we had last year of Newington businesses that are members of the Chamber and they told us that they wanted help promoting their businesses. So what better way than to bring a couple hundred classic cars to town along with perhaps a thousand or so spectators to view the cars, in front of the businesses. So that was the genesis of the idea and we'd like to move forward with that. I've given you all the documents outlining the details of the show and have met with the Town Planner, Mr. Ed Meehan, and numerous officials of the town, the fire department, the parks department, the Newington Volunteer Ambulance Corps and the police department to organize the event, and they have all had input on holding this event, so at this point I would just like to ask for permission to do this, and answer any questions.

Chairman Camilli: Any questions from the Commissioners? Ed, they will have complied with all of the requirements?

Ed Meehan: At this time there is, going around to the various town departments the event application form, which was initiated almost a month back. It's making the rounds now. Pretty much everybody has signed off on it. The Chamber, if they are going to have food vendors would still get their health permits and if they are having any electrical hookups of any significance would have to get their electrical permits. We had a coordinating meeting last week, I think it was, and we had folks from highway and police and Fire Marshall here and we talked about how this might work best, it's the first time that we have done it, at least on the street. I think the tricky thing here is closing down Market Square in the afternoon, getting the parking ready for the cars to come in, and I know that Dave has talked with the police department about securing officers for that day, early on and for the duration, and it was suggested that we close down Market Square from Constance Leigh westerly, and load from that side, to see the people who show up for the event, and then fill up to the driveways at Steve's, and if it does will have to barricade that and continue to go west. The other town departments are going to stand by and help. We'll have people sweep the street, we'll have litter control, we'll have barricades for traffic control so the town departments are ready to lend a hand and try this out.

Commissioner Cariseo: You say you are going to block the street up to Steve's, what happens if cars park beyond there, and you need the space? Wouldn't you block it off all the way to start with?

Ed Meehan: Well, I think the police, working with the people from the Chamber are going to, we're not sure how they are going to do this yet, but they are going to need to go down the street, and start either through covering the parking signs and telling people to move out of there, and then as they move out, close the street incrementally. Do you have an idea of how this is going to happen?

David Johnson: Well, we are going to post signage prior to the event, letting all the businesses know the week of the event that it is coming up on this Thursday, and to advise their clients that parking will be suspended at 2:30, and we will have the police out there at 2:30 to help us to start asking the people who are parked there to go ahead and move. We are going to put the barricade just east of the entrance to the Webster Bank, allowing access and a turn around in the event that somebody does turn down Market Square off of Main Street. The police are going to be key to help us make this happen, we are going to have three officers right from the start to help us with that.

Ed Meehan: You are definitely going to have to have the officers help and have the barricades in place, because you see on the sketch, we're going to go from parallel parking to angle parking, so if you have two or three cars and you can't find the owners, they're not coming out, and it's 3:30, 4:00 o'clock, and they are parallel parked, it could interrupt the pattern that you are trying to establish here. I'll admit, it's going to be, the first time through with this, it's going to be a learning experience.

Chairman Camilli: So you wouldn't recommend closing the street all the way?

Ed Meehan: From Main all the way to Constance Leight?

Chairman Camilli: Yeah.

Ed Meehan: I think what Dave said, was something we talked about, people coming down Main, or going up Main, if they take the turn and they get in there, they are trapped, they have to have a way out. So they can go out through Webster Bank.

Commissioner Cariseo: Oh, okay, so you will stop them next to that financial building.

Ed Meehan: Or, if they want to go to the ATM or something, they can get to it that way. We don't want them parking and stopping on Main Street at peak hour on a Thursday afternoon. That was the logic there.

Chairman Camilli: Have you had any input from the police at this point?

Ed Meehan: Yeah, they attended the meeting, and they are going to have three officers, I think and, one at either end and one in the middle to help move traffic. They will have a couple of guys from highway to set up barrels and barricades. That is the biggest issue here, that and the cooperation of the businesses who basically are not going to be able to have clients or customers coming in after 4:00 o'clock.

Chairman Camilli: Have you had any feedback on that?

Dave Johnson: Most of it has been positive, I had one business on there, the Karate Studio indicate that they were concerned about where their customers would park, because they do classes in the evening. The public parking is still going to be open, albeit it little bit tight that evening, but it will be open and there will be parking available, but everybody that I have spoken with on Market Square is in favor of the event. Some are very excited actually to bring this traffic in front of their businesses. Jeff Dorman, Performance Mortgage is one of them, Newington Pizza....

Ed Meehan: There will still be three entrances in and out of the municipal parking lot, and if the street isn't loaded with cars all the way up to the driveway next to Steve's, that is the fourth way in and out of there.

Commissioner Schatz: Steve's place, are they enthusiastic about this?

Dave Johnson: I haven't spoken with Doug personally, as of yet, but he did receive the letter that we sent out in March to all of the businesses and we did not get any negative feedback, to be perfectly honest with you.

Commissioner Ancona: I look at this as a really exciting thing for the center of town. This is really cool, I mean, I have a fondness for this stuff anyway, and the only thing that I regret is not having my '68 Camaro Rally Sport that Commissioner Fox helped me paint thirty years ago, but this is, to me exciting.

Commissioner Fox: I haven't finished my '73 Challenger yet, you'll have to help me.

Dave Johnson: I would add that the Chamber is partnered with the Connecticut Street Legends and they are the same group that works with the West Hartford Chamber that put on the Cruising the Center that they have been doing for eight or so years, and they have run into situations where cars haven't been moved and they park the classic cars around them, and leave room for them to get out. You know, they don't like to do it, they like the street to be clear, but you know, that has happened in the past, so they are old pros at this, and that is why we partnered up with them, and they are going to be parking the cars, and directing people, so it should be a well run thing.

Commissioner Fox: Will there be a swap meet associated with it or is this.....

Dave Johnson: No, it's just going to be the cars. There are some vendors marked down on the map that is attached to the handout, some local business going to set up booths, Verizon is one of them, my company, Geico Insurance is going to be there with a booth, State Farm has asked for a booth, and Gail knows the particulars on the food vendors. We put the food vendors at either end, and we have Steve's and Newington Pizza right in the middle, so we should have it pretty well covered.

Chairman Camilli: I would think it would draw a lot of people in.

Dave Johnson: I hope so as well, and the car club is doing most of the promoting for the event, and were at a show a weekend or two ago and promoted this event, so I hope we have a good turnout.

Chairman Camilli: This is a public hearing. Is there anyone from the public wishing to speak in favor?

Gail Whitney, 31 Old Hatchery Lane: Good evening, I'm the executive director of the Newington Chamber of Commerce. Obviously I have been receiving a lot of favorable responses for the show. The business in town have been wanted something like this to bring, especially during the summer, the Waterfall Festival is so successful that something like this is going to be even more successful, especially the Car Show, the cars are so classic, and people like to walk around on a nice evening and be able to do that. The food vendors that we will have, and also the restaurants I think will bring lots of business to them also and it's just going to be a very positive evening for the Chamber, for the, my big thing is doing a thing with the community, the community and working with town departments. The Chamber, parks and rec, the police, you guys, everybody has been very helpful and I think it is just going to be a very successful evening and looking forward to it, and I expect everyone here to be there. Thank you.

Chairman Camilli: Anyone else from the public wishing to speak for? Anybody against? Mr. Johnson, is there anything else you wish to say?

Dave Johnson: No, other than to thank you for your time.

Commissioner Cariseo: I would like to move this Petition, 14-07 to Old Business.

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

Chairman Camilli: This petition will be moved to Old Business.

B. Petition 18-07 Newington Center, LLC applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for zone amendment to Section 3.12.A.5, Town Center Village Overlay District to reduce building setback standard for properties on Lowrey Place from 25' to 15' B-TC Business Town Center Zone District.

Attorney Sabatini: Good evening, Mr. Chairman, Members of the Commission, Vincent Sabatini, Attorney, One Market Square, Newington, CT, representing the applicant. This area is, if you are not familiar with it, for the record, is on Lowrey Place and it is the shopping center anchored by the A&P Food Mart and contains that area, and I've taken photographs of the existing condition of the site, as well as the post office and new owners last year purchased the property, and are

embarking on a, to make this, upgrade the site, and to make it look, bring it up to date, dress it up. This amendment came about because we were discussing various uses of the site. One of the uses we discussed was a possible pad site, and I have a site plan, a concept site plan, just to let you know what we are talking about. We talked about this pad site, maybe even another one, with Ed, had various discussions with Ed and Ed indicated that this area is in the Business Town Center Zone and the Village Overlay District and the goal of the town was to try to have any buildings as close as possible to the road, to keep in line with the village look on Market Square and on Main Street. So, we all assumed that Lowrey Place was part of this Main Street/Market Square position, but when we got further into developing the plans, and reviewed the regulations, we found that for whatever reason this particular zone regulation did not include Lowrey Place and the regulation that are talking about is 3.12.A.5 which gives the Commission, which says the properties which meet the requirements of the Town Center Village Overlay District Design standards will be eligible to use the following incentives to facilitate their improvements, subject to the approval of the Commission; A. May reduce front yard setbacks from twenty-five feet to fifteen feet, except that properties on Main Street and Market Square shall be permitted to locate new and substantially improved buildings closer to the street right of way at a distance compatible with adjacent buildings. So, the regulation presently does not include Lowrey Place. So when we looked at it, and knowing what the developer wants to do, we, and analyzing what is on Lowrey Place, I have the photographs of the Bank of America, because when you look at the compatibility of the area, you will see that the Bank of America is probably I would say, twenty feet, maybe even less, fifteen feet off the street line, so if we, the developers want to enhance their property, and create a bank, put a bank there maybe or a pad site for a restaurant, they, it would be in keeping with what is already on Lowrey Place. This regulation gives you, the Commission, the discretion to look at this plan and allow them to improve the property that way. So it is in keeping with what is already there, it really just closes a loop, or a gap in the regulation which somehow exists but it's a logical thing to include Lowrey Place into this area. I should say that it is going to be part of, because we are coming in with the next application, the site plan modification, with façade improvements and Mr. Meehan indicated that the façade improvements have to be in keeping with the Village Overlay District, the look, etc., this makes sense to pass this resolution.

Commissioner Cariseo: Did you measure the distance at the bank?

Attorney Sabatini: I did not, I did not take a measurement, just eyeballed it.

Commissioner Cariseo: It looks like more than that....

Attorney Sabatini: From the street?

Commissioner Cariseo: Yeah.

Ed Meehan: I can tell you, from the property line, it's not quite eighteen feet, from the property line, to the base of the bank. We have survey plans as part of our streetscape, on that corner, I don't know why it's so tight there, maybe Lowrey Place was, I know Lowrey Place was built, I think in the '60's and the bank was relocated in the '60's also. I was looking at that today getting ready for our streetscape. The property line is usually a foot to a foot and a half behind the sidewalk.

Commissioner Cariseo: The inside of the sidewalk?

Ed Meehan: The back of the sidewalk, yes, not from the curb.
This change is more or less a place holder, I see that, it does expand the opportunity for businesses along Lowrey Place to have buildings closer to the street, but in no way would it

automatically be a guarantee because to qualify for that, whatever building they would bring to the Commission, would have to satisfy the Commission's Town Center Design Guide Lines and your vision as to what you want to see in the town center and if that criteria is met, then those buildings could be moved closer to the street. If it doesn't meet that criteria, it stays at the twenty-five foot setback.

Chairman Camilli: But we don't know what the building is, is there a site plan?

Ed Meehan: Well, no, in this case you are not going to be acting on any particular building or property, this is more of a generic zoning amendment, a policy decision to open this up to Lowrey Place, as the attorney said, it's not there now, it's just limited to Main Street and Market Square. If that decision is made, and you put this in for Lowrey as well as Main Street and Market Square, any building that comes to you in the future and Attorney Sabatini gave you this as an example, could ask to be moved closer to carry out the theme of the town center design guide lines. The reasons that....

Chairman Camilli: Excuse me, are there other sites that this could apply to?

Ed Meehan: On Lowrey?

Chairman Camilli: Yes.

Ed Meehan: Yeah, say someday somebody wanted to redevelop the Keeney property, across the street. Now it's basically parking and storage, if someone had a vision to redevelop that, and he came in with a.....

Chairman Camilli: The empty piece?

Ed Meehan: Yeah, either the empty piece, or where all the parking is right now. They could come in with a, if the building layout met your town center design guidelines, they could have it fifteen feet off the property line.

Chairman Camilli: I'm just trying to envision what that would look like, if that happens.

Attorney Sabatini: It would look like Market Square.

Chairman Camilli: I just want you to envision what that would look like, if that happened. Are there any other pieces beside that one?

Ed Meehan: On Lowrey?

Chairman Camilli: Well, it would be Lowrey Place.

Ed Meehan: The only other one would be the post office which you know, they could tear the building down and move it closer. So it's basically this piece, it's the Keeney piece which is now developed as well as the Keeney piece that is vacant on the corner. The intent when this was put in on Main and Market was because it is the town center business district, was to make it more pedestrian amenable, less suburban parking lot, you know, with sidewalks and a street presence for buildings, that is the whole intent of the town center design guidelines and the placement of buildings up closer to the street.

Chairman Camilli: You know, one of the things, on the Keeney side, there are no sidewalks, so let's say, because if we change this, then we have to look at the whole consequences. Would it be from the road, fifteen feet?

Ed Meehan: No, from the property line.

Chairman Camilli: From the property line?

Ed Meehan: If the Keeney piece came in, let's say Keeney pulled up stakes and they left you know, a hole in the town center, someone came in and said we are going to do a master plan and develop that site, commercial and mixed use, whatever, one of the first things that I would recommend to the Commission as your Town Planner is that they come in and do a streetscape program and they replicate what we are trying to do on Main Street and bring it down that side of Lowrey Place. The brick pavers, the street lighting, and everything, so they would continue the sidewalks all along the front, so it would tie the whole center together.

Chairman Camilli: I just don't want to preclude anything if this happens.

Commissioner Cariseo: But that wouldn't happen on the other side of the street.

Chairman Camilli: Well, there is a sidewalk already there.

Commissioner Cariseo: I know, but not brick.

Ed Meehan: Not yet.

Commissioner Cariseo: They would have to come all the way from the Bank of America, all the way down.

Commissioner Fox: All the way to Constance Leigh.

Ed Meehan: Or, if the sidewalk is in good shape, they could come in and do, just to give you an example what we are going on our third phase which has actually gone out to bid today, we are leaving portions of the sidewalk which is very good shape, and we are accenting the corner radius with the brick pavers, and where we have between the sidewalk and the curb, like in front of Keeney, where the sidewalk is pretty good there, but that black bituminous is all broken up and the curb has no reveal, taking all that out, and putting brick pavers in, so we are not destroying all good sidewalk, but we are accenting everything with brick, and that might be something that could be done on the south side of Lowrey, and the north side you could do a combination of brick pavers and sidewalk, or all brick pavers. That is more design than what you have in front of you tonight.

Chairman Camilli: Didn't the attorney say that there is another building beside.....

Ed Meehan: That is yet to be determined.

Chairman Camilli: I know that hasn't been determined, but I'm just concerned with that, what that waiver.....

Attorney Sabatini: We aren't looking for a waiver, just changing the regulations to give you options, and the developer options. That's all it is, because it says, you may do it. So we come in with a plan, at least we have something that we can show you and right now they have a bank that is interested in doing a pad site, and they can't do it right now because with the restriction of

the twenty-five foot setback it doesn't make any sense to develop the site that way. But again, all of this came out of discussions that we had, many discussions with Mr. Meehan about having Lowrey Place look like the rest of the town center and the new owners of this place want to do that. I mean, they want to develop this site, as you will see in the modification of site plan hearing with the façade changes that they want to propose, they want to bring this in line with what the town center is like, which is the Main Street/Market Square area and make it all one village look and this is in keeping with that by having this amended.

Commissioner Fox: I think Attorney Sabatini brought up some good points, but we see here a possibility of a bank in that one particular portion in front of where Peter Bobjohn's used to be and a possibility of another even a little further east. I'm just wondering, if you remember, we had an application around the corner on the Hartford Hospital property where they were going to put a grocery store and then maybe put something else later. If they do it this way, it sounds as if it may be piecemeal. I would have to be assured that it would all, I'm sure if it was amended it would have to be BT.....

Attorney Sabatini: Let me address it. This looks like piecemeal and I'll tell you the reason why. They bought the site, and they are having problems, they wanted to come in with changes, façade changes, pad site, post office rehab, the whole thing at once. Here are the two problems. The post office, impossible to talk to anyone. I think Mr. Meehan called me a few weeks ago, and said would I agree to have the Town Manager send a letter to try to set up a meeting with Congressman Larson to help us, and it is impossible for the owners to meet with the post office because part of this plan, as you can see here, is to realign the access to the post office to have a drive through access. We're talking about this on the site plan. The other problem that they have with the site is that they are having difficulty with the tenant, Food Mart, A & P. They have a master lease, they have veto power and they are giving them difficulty on this project. The owners say we can't stand still and do nothing, we can't leave the place the way that it is. They have done a lot of infrastructure work, roof repairs, upgrading the systems, but they want to move on at least what they control and do the façade changes, and so we decided that we would come in, show you the façade changes, at the same time, they are talking to a bank about having that pad site, and the bank was on the fence because right now the regulations say that they can't do anything, so by having this amendment, at least we will be able to get the bank, they will sign a letter of intent, and we will come back with the modifications again to this building, and then you will have control over the way that it looks, make sure that it is in keeping with the village overlay district design and all of that. If there is another pad site that wants to come in, you will have the same thing. It looks a little bit piecemeal, and that is the reason why it is. Do they want to do it this way? No, but they just can't stand still and not do anything. Mr. Meehan advised them if you do façade changes it may affect your parking counts and landscaping, the way the layout of the parking is, because the town center overlay district does affect different things. That's why we came in here with a concept of a site plan just to show you what the thinking is right now. You will see how this all fits in when we talk about the façade changes, the architect is here, the engineer is here to talk about this. But, that is what they want to do. Really, they are looking this portion of the shopping area that they control, that they can start working on. It's not much different than, if you remember, with Jo-Ann's fabrics, where Modell's went in, we came in, that was sort of a little piecemeal too, because the owners at that time did not have control of Jo-Ann's building, and the same questions were raised, but they went ahead and tried to move ahead with the part of the building that they did control, get those design changes in place, and then once they made their deal with Jo-Ann's, they did come back and get the approval for Jo-Ann's. This is sort of the same thing. When this thing is, Super A & P people will come across and agree, I don't know, but when will the post office agree, I don't know, but again, they need to get this upgraded so that they can attract tenants and that can't be anything but a benefit for the town. They are going to change the lighting, do more landscaping, so it is a little bit of piecemeal, but if you think about it, all this regulation does is put this street in the same position that Market

Square and Main Street. It gives you the options. If somebody comes in, you have the option to say, well, okay, maybe this building should be set back fifteen feet, maybe it shouldn't be, it's not compatible, at least we have something that we can fall back on, so that's what it is. I think the goal of the Town was to make this area, Lowrey Place, look like Market Square and Main Street. I don't think those store fronts are going anywhere. We have the streetscape there, and you have the town center and this is just a street that should have been included, I don't know why it wasn't, but it makes perfect sense to have it included.

Chairman Camilli: Is there any reason that it wasn't included?

Ed Meehan: I don't think that anyone thought someone would come in and do such an aggressive remodeling of this plaza, for one thing, and secondly, the north side of Lowrey at this time, is in the PD Zone, the Planned Development Zone. It's a real anomaly, it goes back to when I guess Keeney was a garage, so that was one of the reasons, but all of the south side of Lowrey, from Bank of America all the way down to the apartments on Constance Leigh are all the Business-Town Center Zone so I think it should be able to take advantage of moving a building closer if possible to the street. I think it enhances what we are trying to accomplish in the town center as far as pedestrian area and a more cohesive town center and that plaza, and speaking about that parcel now, I guess it goes back to the mid sixties, it really is not a town center type development. It's a suburban highway type oriented business.

Commissioner Ganley: I was looking at that, and I was looking at this hypothetical contemporary furniture, etc., and I spotted coffee, and there is no name on there, I know what you are getting at. This being that close to the street, and sort of a narrow pedestrian passage way, would probably preclude say this coffee place from putting some tables outside with some umbrellas which sort of adds to the ambiance, see right here, says coffee, that's just a hypothetical which raises the issue, if the sidewalks are so narrow between the street and the building, they would be coming to use and saying look we would like to put some tables and chairs out there, and we would say it is too narrow.

Attorney Sabatini: That façade that you are looking at is the change contemplated for the existing structure, not the pad site. That's the, those are way back, set over here, and those façade improvements are over here.

Commissioner Ganley: Disregard the last message.

Commissioner Ancona: Mr. Chairman, I guess if I can understand the intent correctly, this would follow a nationwide trend of reducing setbacks and actually deemphasizing the car. See, I don't see it as a bad thing, I think it's a wonderful thing, bringing buildings closer to the road and, well, the ultimate vision that I would have was actually reducing street sizes as well, but that is for another day. I like it, and if all the buildings, even if they were piecemeal, started getting closer to the road, I think it's really a good thing, and it gives that feeling that it's not about the car. Newington is not about the car, it's about the people who walk on those sidewalks.

Commissioner Ganley: That was my final comment, it's nice to have something with a nice façade on the building, which you see across the roofs of several hundred ugly cars. That has been the trend. When you go by these shopping plazas, way across the plaza are some lovely trees that you are looking at across rooftops of cars. It would seem to make a heck of a lot more sense to have you look at what you just designed, right where you can see it then stick all the cars and delivery trucks and everything else in the back of the building.

Attorney Sabatini: And part of this, Mr. Chairman and Mr. Ganley, we'll talk about this during the site plan hearing, is that we are asking because the town center zone does say that as an

incentive to make improvements on the building, we can ask for reduced parking requirements, and we are asking to reduce the parking, just for that very purpose to again, with the increased landscaping, and the façade changes, bring it more into a downtown village look rather than a suburban mall look that belongs maybe on the Berlin Turnpike. That's the whole idea and intent of, one of the intentions of the developers.

Commissioner Fox: This is a final comment from me, I like very much what he has been doing so far, it looks a thousand percent better, and pardon me for using the word mall, but like Commissioner Ancona, I'm kind of looking forward to whether you call it a mall or a mini-mall or town village separated by something in the middle and another town village thing on the other side, maybe in the same vein.

Attorney Sabatini: It's going to be very nice, if it all goes through and we get the cooperation, even if the post office and the A & P don't cooperate, what you are seeing, what you are going to see at the site plan hearing is going to take place, with your approval. I mean, that is going to take place. These other people come into play, then you will see the whole thing come together with the, I think especially to the town's, I know that Mr. Meehan has been talking about this for years, just getting this drive through for the post office, so people can drive in, drop their mail off, without having to park here, cross the street, right now that is all chewed up, and you know it's all dirt and everything else, and it's going to make a nice flow and it's going to be a great enhancement for the town, and as I say, the owners are willing to do it. They know that they have to do this to make it a viable place and successful.

Chairman Camilli: Did we get anywhere with the post office yet?

Ed Meehan: The Town Manager sent a letter to Larson's office about two or three weeks back, I haven't heard back, and I don't think that Mr. Salomone has heard back wither.

Attorney Sabatini: We haven't heard anything either. They are not easy to talk to, I don't understand it.

Ed Meehan: Commissioner Pruett had another life with the post office and he was going to try to make some contacts, I don't know if he succeeded or not.

Commissioner Ancona: Well, there is an inspector general for each division, each federal division, and if we can get to the inspector general's office.....

Attorney Sabatini: They have called, set up meetings, and the meetings are cancelled and it's a very strange set up. The other point that I wanted to make about the trucks, Mr. Fox brought up, if you ever walk or drive behind this area, you will see that there is a tremendous amount of space back here, that right now is not utilized except for delivery trucks and other things, so there is all kinds of room back there, and at one time we were thinking of coming in off of Main Street, but it became impractical because of the rights of way here, so, drainage pipe, etc., but there is a lot of unused space back there and if you go back there, they have spent a lot of money cleaning it all up. There was a lot of debris and junk in the brook and stuff like that, and they have cleaned it all up. As I said, they have reached the end of what they can do without getting permission.

Chairman Camilli: Is there any usable parking back there?

Attorney Sabatini: We will talk about that during the site plan.

Commissioner Cariseo: If you put another building up, how many parking spaces are we talking about losing?

Ed Meehan: Well, the issue for this petition is the policy of changing it to include Lowrey Place. The applicant's next petition is not for this site plan. They are not asking for any site plan approval, but they are asking the Commission to consider the architectural changes for the building in light of your town center design guide lines. If after that presentation is gone through, and the Commission gives the nod to that, then they will have some indication that they may be able to reduce the parking count from six or seven per thousand down to three and a half or four per thousand. That's a petition and an application for another day because if they can make those numbers work and still make the green space work and the travel distance between aisles work and still get the yield of another building, whether it is a bank or something else, within the setbacks, they will have to present that to you in a site plan. So right now it is just for the zone change, and later on just the façade. This is a very conceptual site plan, it doesn't even have a parking table on it for counts, I did my own counts and I was comparing the counts to the gross floor area and so forth to make sure it works from a functional point of view and right now if you go by there, I know that the buildings aren't all occupied, but other than the parking around The Office and out by Food Mart, the spaces are always empty. Hopefully that will change with new tenants.

Chairman Camilli: I think the Commission has to make a decision was to whether or not we want to change the criteria from twenty-five feet to fifteen feet. I think that is the first thing that we have to do, and then the rest will come later. The only other thing I can say again, I started to say something, if we do that, I'm just looking at the consequences with other properties, what that would do to the aesthetics, what that would look like, because once the zone gets changed, what happens to the empty piece on the other side of the street, and whether or not that building, if they put in some kind of building that is fifteen, I mean that is really going, I mean, if they, I'm just trying to think of it closing in, and I don't know how good your imagination is on that, but it's just something to consider. I'm not saying that I'm for it, or against it at the point, I'm just saying that I think we have to look at.....

Attorney Sabatini: Can I just respond to that?

Chairman Camilli: Yes.

Attorney Sabatini: I think that if you take, or you have a survey or a map of where Keeney is, you will find that that is not a very deep piece of property, where those buildings are, and I think that, when you think about it, you say, okay we're going to have a twenty-five foot setback, and if Keeney ever does move out of town, you'll find that you are not going to get anybody to develop that property because you are not going to have any room to do anything. It's not a very deep piece. The corner lot presents a problem too because you have corner visibility and all that, can't really put a building close to the street line, but if you look at that Keeney site, it's not very deep, from Lowrey Place back to where the shops are on Market Square.

Commissioner Fox: You talk about it might be closed in, but again, taking something from what Ben said before, I'm sitting and looking at this, if perchance that Keeney Manufacturing property should be redeveloped and we have the building close, that whole street could become a real nice pedestrian walkway, I don't know, I think that would be good.

Commissioner Ancona: I think that could be beautiful.

Commissioner Fox: I kind of like that.

Commissioner Ganley: You could probably get a good visual without doing any real measuring by going to the end of the chain line fence of the parking lot, because I have walked that lot almost every other day when I walk to the center to drop my mail off and I walk through that back

lot, at what I call the stilts building, and I walk across, I do that a lot, so if you put your back against the corner and look to the east, it's probably maybe a dozen, fifteen feet max to the curb line, but if you chop it off another ten, fifteen feet, and then you have to chop it off on Constance Leigh, you've got a postage stamp then, as opposed to a decent lot, so the measurement on the south side of the street, if we approve this, at least for marketability purposes should apply to the north side of the street. I can't imagine saying, fifteen, sixteen feet on the left side, and twenty-five, thirty, on the other side. Wouldn't make any sense. It would contrast, it would contrast unfavorably I think with the general purpose of the street, but that issue aside, we are dealing with the south side of the street, where there is already a sidewalk that is in ninety percent good shape because I walk that sidewalk a lot also.

Chairman Camilli: Okay. Any more questions? Anyone from the public wishing to speak in favor of this application? Against? I don't think we are going to get any more of this, so we will close this petition, Petition 18-07. Also, we closed Petition 14-07 also. I don't think I said that.

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

None.

IV. MINUTES

April 25, 2007 Regular Meeting

Commissioner Cariseo moved to accept the minutes of the April 25, 2007 Regular Meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YES.

April 25, 2007 Special Meeting

Commissioner Fox moved to accept the minutes of the April 25, 2007 Special Meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion with six voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I just have one question, I have Mike Fox as being your representative to CCROG from your last meeting. Do you have an alternate or should I put that name forward.

Chairman Camilli: I don't know that anybody wants to....

Ed Meehan: I will notify the Town Manager's office that Mike is your representative at this point and that will be forwarded up to the Town Council.

VI. NEW BUSINESS

- A. **Petition 16-07 Newington Shopping Center Lowrey Place applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 Newington Center, LLC, owner, request for site plan modification to alter building façade "Town Center Design Guidelines" and reduce parking ratio from 6 spaces to 3.5 spaces per 1,000 sq. ft. gross floor area B-TC Section 3.12.A Town Center Overlay District.**

Attorney Sabatini: Again, my name is Vincent Sabatini, attorney, One Market Square, Newington CT, I represent the applicant on this, the application for the site plan modification. Just to reiterate a little bit of what I said before, the people who currently own the shopping plaza which is depicted on the photographs on the board as the shopping plaza anchored by A & P grocery store want to improve the site and enhance the site to attract more tenants and better tenants. This site has been in existence since the sixties and nothing, no improvements have really been made to it. They, when they bought the property, they immediately embarked on infrastructure changes, roof, plumbing, heating, HVAC, things of that nature, cleaning up the rear part of the property. Now they are at a point where they need to act. They thought initially that they would be able to get some cooperation from the post office and the anchor tenant, A& P to proceed, in an orderly fashion, with one application to come in and show the façade enhancements, the landscaping enhancements, parking changes and the contemplation of a pad site, but they were unable to do that, so they are at a crossroads. They can either sit and do nothing, at this point and wait for things to happen but rather than do that, they have come in and have asked myself and the town to consider façade changes for the portion of the building that is, the line part of the stores, that is connected to the Food Mart, but is not part of Food Mart. They have commissioned the architect, Joe Rafael, who is here tonight to propose these types of changes. Now when we met with Mr. Meehan he indicated that because the site is within the Village Overlay District Zone that the site improvements, façade changes had to comply with the specific requirements of that zone, the village look, the brick, and that type of thing, and although the developer could probably take a chance on making these changes, Mr. Meehan suggested that he would be better of coming and getting approval, have the Commission take a look at it, because what they propose on doing could affect how the site plan would look in the future. That's why we tried to talk about the parking waiver, and I have Mr. Hamilton here who is going to talk about that in a minute. Part of what they want to do is not only, well, right now what they want to do is make these physical façade changes on this portion of the building, as Mr. Rafael will talk about and actually I'm going to let him talk about that now so he can, what we have here, we have the proposed elevation changes, we have a sample board, we have some material to talk about how it is going to look, so I will turn it over to him.

Chairman Camilli: Just before he starts, am I to understand that the Food Mart part would not be, in other words.....

Attorney Sabatini: Not right now.

Chairman Camilli: Not right now.

Attorney Sabatini: Because of.....

Chairman Camilli: Obviously it would just be continued and if they came to some agreement, but how, would this be a conceptual approval that this would, I mean, they aren't going to do just that part and leave the rest of it.

Attorney Sabatini: That's what we want to do.

Ed Meehan: That, if the Commission likes this concept as the architect goes through it, he can tell you in detail how he feels that he addresses the town center guidelines but if the Commission says this is what you want, and this will qualify for some reduction in parking, then they have to build this to get the parking bonus.

Chairman Camilli: But I'm just looking for the aesthetic, how would that look? You are going to have that part of the building looking like that, and the old part looking, if they don't come to an agreement, we're going to have two things there.

Attorney Sabatini: Well, eventually everything comes to an end, and what will end, either we will have an agreement, or the lease expires and they move out, so I mean, that's the way it's going to happen, and again, I point to the example of Jo-Ann's Fabric and if you recall, you asked the same questions, Mr. Chairman, and they are legitimate questions. But again, at that time the developers only had control of the strip part of the center and.....

Chairman Camilli: They are two separate sides, by the way.

Attorney Sabatini: Well, two separate buildings, yeah, but if you think about it, it's really not going to be, I don't think in my mind it's going to make that much of a difference at this point but let me have the architect explain what he is going to do and then.....

Chairman Camilli: Just so the Commissioners understand what is going to happen here, if it happens.

Joe Rafael: I'm from Rafael Architects in Hartford, CT and we've been asked to provide façade improvements compatible with the Village Overlay Design and that is what we have attempted to do. We have in front of you drawings that include the A & P, because in order to do this, we do need, as you pointed out a concept of what will be and eventually it will be, so we are working with what is available to us right now, which is the stores, as opposed to the A & P. With three major components of this proposal and that is, one is the building forms that we utilized, and our building forms a backdrop as you can see in the photograph, regardless of how it (inaudible) it's a backdrop. I do agree that it will be improved, it would be improved with a building closer to the street, and that is more pedestrian friendly. It takes the eye off the sea of parking lot here. That's just what we like to do, and that building forms a backdrop and in back of our building is the hill, the trees, and in that regard, we are using building forms that are compatible with the village design and are simply typical of the area, and that is the columns, the gables for example and putting the signage on a sign board which is traditional and complements the design.

The second part of general improvements to the building, and that includes the new store front plan, the new ceilings, lighting, signage and columns holding up the overhang.

The third part is using materials and colors compatible with the design and are typical and friendly, and those are shown here. That would include the red brick, the store front design, we call this Hartford green, we have different names for this, but it is a very typical color that you will see, and you will see color and trim, we had awnings in typical similar colors. The sign board is done in effus, it looks like stucco, it's known as drivet and trim and clapboard, that's here. The trim and clapboard are shown in these colors, and that's some of the paint colors utilized here. I think we tried to make something that comes together and forms a backdrop. I think it will be nice.

The signs that we would like to use is an individual letter that is lit inside so it is not that billboard kind of sign, it's very typical of the lettering that is used on most stores right now, and I think it's the prettiest type of lettering as opposed to a sign that is a box sign. Each letter is individual. Sometimes you might see a small logo of a store. That's really what we are doing. We will tie the columns in together, the same colors, and it goes into the signboard. It's very simple, what we are trying to do with this. If there are any questions, I'll take them. We have some detail of what we are presenting, but we basically show high lights, how that is put together.

Chairman Camilli: Any questions?

Commissioner Cariseo: Are all these peaks phony?

Joe Rafael: Yes they are, it's a flat roof building.

Chairman Camilli: Any comment on the, do you like it? I mean, if you have something to say, now is the time to say it if you want. Anything is an improvement. You don't like it?

Commissioner Cariseo: No. It's not New England enough from what I can see. It would look much better with a peaked roof as far as I'm concerned.

Ed Meehan: My question may be in line with what Bill is asking, I see on the details, are you going to have like any type of relief on the where I see like dental blocks, or crown molding for shadow lines and the typical colonial things that we see with the columns, well we can't see them at this scale.....

Joe Rafael: Well, first of all, this sign board and the columns, that is ten feet in front of the store fronts. The trim is shown in the detail, as you look, to give a shadow line to give some depth to the actual trim so this is not painted on, this actually comes forward. This is six inches forward from this space, and we also have the detail here, I mean.....

Ed Meehan: Are you going to have, these look like dental blocks or....

Joe Rafael: Yes, we're not showing the dental blocks....

Ed Meehan: On top, but what about the horizontal.....

Joe Rafael: This trim is dental that is on the plan, this is the actual presentation. This is what is being presented.

Ed Meehan: With sort of the indentation of the, are you going to treat that with drivet, how are you going to build that out.

Joe Rafael: Well drivet is done very nicely to create that framed effect, frankly it's done with the styrofoam as a backing, it's built out, several layers and that is how it's done typically. That's how it is always done. That creates the frame effect. So this line is six inches out from this face. We're not going to have the dental molding.

Ed Meehan: Could you leave that board there, not so much your material board, but your other board, that one there, it would be good to look at.
And the kick plates under the windows are going to be that Hartford green?

Joe Rafael: The kick plates will be the Hartford green.

Ed Meehan: And those are going to be metal, or what...

Joe Rafael: It's metal.

Ed Meehan: The columns have brick bases already on them.

Joe Rafael: They have brick bases.

Chairman Camilli: So getting back to Bill, Bill what would, now is the time to get more ideas, what do you.....

Commissioner Cariseo: It doesn't look colonial to me for some reason.

Attorney Sabatini: Can I say something?

Chairman Camilli: Go ahead.

Attorney Sabatini: I'm not an architect or anything.

Chairman Camilli: Neither are we.

Attorney Sabatini: This look, I'm looking at Cedar Street, I mean, Hedberg's building, Vito's above Vito's, what was, I mean, was that approved by the Commission?

Ed Meehan: That was done without any façade loan money, or any.....

Attorney Sabatini: No, no, I know that, but was that approved by the Commission?

Ed Meehan: No.

Attorney Sabatini: Now that's a false front, and that's some kind of a squared paneled thing, I mean, you look, you compare that to this, and this is like the taj mahal, isn't it?

Commissioner Cariseo: No.

Attorney Sabatini: You don't think so?

Joe Rafael: With all due respect, they are all false fronts.

Commissioner Cariseo: I just expected it to look more colonial than that.

Joe Rafael: Well, these shapes, with the sign board, these are things that you would see on an historic building. Now as far as colonial goes, the reality of the building is, this building is a flat roof building and this shopping center is not a colonial concept to be very frank about this, so we have to deal with what we can, and we have the overhand, the columns, and you get the feeling of the shape of the building. You couldn't put a gabled roof on this building. I would like to, I certainly would like to, I understand what you would like to get with this, but feasibility.....

Ed Meehan: So for that expanse for the in-line stores, you are going to have three gables?

Joe Rafael: Right.

Commissioner Ganley: Would it make any sense for anybody to go up onto Main Street where all that façade work has been done and get some ideas off of that, which might satisfy this issue of the clean lines versus something a little more broken up, because up on Main Street, up around that whole area there, the smoke shop, and the restaurant and the Chamber of Commerce office and places like that, it has all been done over. That seemed to be acceptable at the time, so if there is something that they could get from there.....

Ed Meehan: I think that is where this came from.

Joe Rafael: That is what this is, you know, that is what this is, except for the awnings. We have this, which is a nice element on this building. You know it does, I'm being very frank when I say, with all due respect, this is a, it's a strip mall, and architects deal with this all the time, and we have some very famous literature written about this, and it's not a colonial building.

Commissioner Ganley: The pilgrims didn't go there.

Joe Rafael: No, you've got it, so we do the things available to us, for us. We did try, we had another shape in here, it's not on here, and we ended up with these three and the scale, this is seventy-two feet, very large. It's going to be a little higher also, like that photograph up there in front. So we have three of them, they are seventy-two feet, they take up a lot of...and then we did this sign board and put a frame around it and put the letters inside, that's traditional.

Ed Meehan: The material board is very similar, the colors are almost exact with what our design guidelines book presents and what we used to our façade project which went from Carvels down to Flowers, Etc.

Commissioner Fox: I can see where Bill is coming from, but, and since I have been on the Commission we hear this all the time, we talk about doing colonial, but Newington is not really a colonial town. We weren't established until the mid-nineteenth century and from what I see in the center, aside from the façade improvement program, you know, but maybe we can make it a little more mid-nineteenth century, if not colonial.

Commissioner Cariseo: I was thinking of something like we did with Wal-Mart, where they put those cubicles, they made it look really nice. That to me is colonial.

Commissioner Fox: Okay, I can't argue with you.

Commissioner Cariseo: I don't know what they have to do to do that.

Chairman Camilli: I don't know what cubicles you are talking about.

Commissioner Cariseo: You know those little windows up on top.

Commissioner Fox: The dormers.

Chairman Camilli: Oh, the dormers.

Joe Rafael: I love this stuff, we could bring this up in architectural class, because we are dealing with a one story long, low building. You see on some of the pharmacies, and they look nice, no offense to them, they are phony, there is nothing up there, but they give you, I think a feeling of activity up there, and they give you a feeling of a village building, rather than a strip shopping mall, and I understand, I agree with that. We do have some of the custom detail in the A & P, you see, we can't present this right now, but I think that, if that were built, and I hope that it is, and it sounds like it will be one day, that's going to give some of that interest that you are talking about.

Attorney Sabatini: I think, when you are talking about that north elevation, I don't know if you saw that, that north elevation that we can't present, again, because, if you look at the north elevation, of what was proposed, which we can't present formally, but this is what the, if I get this right, this is what the Food Mart A & P building would look like, right?

Joe Rafael: In our concept, right. That's over here.

Attorney Sabatini: That is where you would get the window and the illusion and the look of a second floor, but we just can't, again, we would love to show the whole thing, as I said, but we can't do it at this point. This, and this would all be one, what we want to do is work on the center and the west side now, and maybe with the idea that this is what everything would be like.

Ed Meehan: Is there any architectural, won't say tricks, but you guys know how to make things read, that using those three gables, and maybe putting some vertical dividing areas in the sign area, you could make that building look like it is in three separate sections? Without having one big horizontal line?

Joe Rafael: Well, here is something else, this is a design problem. If this were a bank for example, and this were a building, which is what we are getting back to, this sign would be in the center of this. The problem that we have is that we don't know who the tenants are going to be in the future, and it's available, the owner can correct me, but someone can rent this store, someone can rent this store, someone could rent this store, and then it could change, so they are going from here to here. If I had my druthers, this would be one large store, and this would be right in the center there, but I don't have that available to me, and that has to be, because then we could develop, get this framing which is nice, very nice, you see it on stores in Newington, you see it quite often.

Ed Meehan: The bike shop did that, I think, they had a flat roof, they put a top on it, they boxed it in so they were able to center their Newington Bike right in the middle.

Joe Rafael: Right they were able to do that as an individual....

Ed Meehan: But that was one tenant.

Joe Rafael: Exactly. I would like to be able to do that. Now we didn't give you, quite frankly we talked about this, we don't want to give you a false implication here, I could have put this right here, it really is worst case, we could have put this here. We would like to have this centered, but that is not the reality of it. I do think that when Food Mart is done, that will become a little more of a centerpiece, a little more of centerpiece of the shopping center. That, plus the pad sites, and this is going to form a back drop.

Chairman Camilli: I just want to say something on record, because the Attorney brought up another person, when that person was before us with his building, we did the same thing. Now people think we might be picky, but we do have oversight with the Town Center Guidelines here and that's why we are quite fussy with what goes here rather than on the Berlin Turnpike even though we do have some control, but not the same kind of control that we do in the town center, and plus, just a reminder, you have a tremendous waiver, I mean this waiver, six down to three, three and a half, that really tightens up that parking lot, and I'm just pointing that out, and I think it is good that the Commissioners are, want to talk about the design and see how it comes out because it's a little bit of horse trading here. We should be able to get the design that we want, versus if we waive the parking, so go at it.

Attorney Sabatini: Well, we are in a dilemma, we could sit down and do nothing, let it stay like it is. I mean, it's not going to help the town, it won't help the developers get new tenants, it's going to be a problem, so we are showing you what we think the whole thing is going to look like, but we can't officially say that the Food Mart A&P part can be presented that way, and ask for that approval tonight, because we just don't have the authority to do that. So we are asking the Commission to consider and try to work with us and at least going ahead with this phase of it, knowing that down the road, obviously everything comes to an end, everything gets agreed upon at some point, it's all going to look like it is presented officially and that's what we are asking for.

Chairman Camilli: I understand that,

Attorney Sabatini: And there are questions on it, and maybe we can tweak that a little bit and come back with some changes, incorporating the remarks that we have heard tonight, there is no question about that.

In regards to the parking can I bring Mr. Hamilton, our engineer up so he can talk about parking.

Chairman Camilli: Certainly.

Attorney Sabatini: The waiver is a consideration in the Town Village Overlay District. We can ask for the three and a half, we didn't make that number up. That number I think is in the regulations.

Chairman Camilli: I know, but that is

Attorney Sabatini: Again, the reason for the waiver is this, we think that enhancing this site would involve the building of a pad site, like shown on the concept of this site plan. Right now we are looking at a bank, maybe there might be another pad site, but right now we are looking at a bank. We do that pad site, and we do these improvements, we are allowed to ask for these waivers and I think when Mr. Hamilton will tell you what the counts are, he has the counts presently, what is required, what is going to happen, with the three and a half.

Thomas Hamilton: Good evening Mr. Chairman, everyone else. My name is Thomas Hamilton from Spalk, York and Associates, we prepared the concept plan there. I'm sure all of you are a lot more familiar with this site than I am. This is generally a flat site, there is existing drainage on the site, we aren't proposing to change grading of the parking area, we are proposing to make some changes to the striping in the parking area and as well as add some landscaping improvements to kind of green it up a little bit more.

Regarding the parking, and I know Mr. Meehan said he did some counts as well, our numbers should be pretty close. What I went through was, and I took the size of the existing buildings in addition to a proposed bank building which would be 3300 square feet and at your regulation of six spaces per thousand feet, I came up with a total of approximately 481 spaces would be required on this site, right now with those three buildings. Currently on the site there's 343 spaces, so it's shy approximately 140 spaces as it is right now. The current, the proposal of going down to three and a half per thousand would get you to 281 required spaces, if you went to the three and a half spaces per thousand square feet of building. What we have shown on this plan, we're 369 which is even more than the existing, however it would be less than the current regulation of six per thousand. So what we are trying to demonstrate is that we can exceed the parking count that is out there right now, we would prefer to go lower, to the three and a half per thousand, because that would give us an opportunity to add even more landscaping to the site. We've bumped up the percentage of landscaping in the internal parking area by about seven or eight percent, from what is there now, in the event that we could reduce those parking spaces, we could add even more green space, if that was something that the Commission was interested in. So for the parking right now, we can meet what is out there, however if we go with less, we can actually improve that and still maintain, be within the regulations and add some more green space.

Chairman Camilli: Ed, did you do anything....

Ed Meehan: I did a similar count. I didn't count the spaces in back, but I came up with about 260, 262 spaces shown on this concept plan out in front. In addition to the spaces, I think this is a better functional plan than what is there now. By going to ninety degree parking, the confusion of angle parking with no, you can't tell whether you are in an aisle or not right now, there is no definition, so certainly this design puts your standard parking field ninety degree, twenty-four spacing in the travel aisle, actually having some legitimate green space, which this, the plaza built

in 1960, 65, I'm not sure, doesn't meet any of your design standards. The parking counts, the green space, or spacing between aisles, so this has been brought up to present standards. A second building, I know this is just concept, out front is problematical, it depends a lot of what that building might be, with the parking around back, and really how functional that is, if employees are directed to park back there and if they feel safe, and they will park back there, then I would say it is countable. If the arrangements with the post office come through, which actually will improve the traffic flow, so there is a way out from behind this building, right now there is no way out. People go in and they get stuck. There are some drainage problems back in this southwest corner and it's difficult for even the postal people who park their private vehicles as well as the service vehicles that use that back there, so I think that traffic flow has to be looked at. You know, I think the parking count change is not intended to be a waiver. It was intended as sort of a carrot, I believe in the regulations to come to a more reasonable parking count, putting that carrot out there so a developer would come into the town center and address your considerations for design improvements. In the standards of Newington regulations like other communities at six or seven per thousand, that is a very generous parking count, particularly in a multi-tenant plaza that has shared uses, different time of day uses, and the goal, because it is in the town center is maybe have people walk here from another location, and not use their cars. Come over at lunch, or do some shopping, or whatever, share a trip with the post office. So those are things that may mitigate against having the standard urban land use standard of five per thousand, or six per thousand. I think three and a half, four per thousand from what we have seen is a functional count. I see it as a carrot to get, what you said, the design guidelines.

Commissioner Cariseo: On this parking, is there any separation between cars, is there an island there.

Ed Meehan: These are parked head to head and at the top of each island you have a smaller island, maybe brick pavers and at the outboard side, you would have a landscaped island.

Commissioner Cariseo: So you are still parking head to head, there is nothing to separate them.

Ed Meehan: There is no physical separation.

Thomas Hamilton: Actually we were envisioning landscaping there too.

Chairman Camilli: I have a couple of questions, one on the parking lot itself. Have you checked the parking lot, what is the condition of that lot?

Ed Meehan: I think the parking lot needs to be overlay.

Commissioner Cariseo: Well the drainage isn't good in there, I shop there and when it rains there are just big puddles, you get out of your car and you are ankle deep.

Ed Meehan: I don't know if overlaying is the right engineering method, I leave that to you, maybe it has to be ground or milled or something....

Commissioner Cariseo: It doesn't drain right.

Ed Meehan: I know that if you put light standards out here, you are going to need to cut for conduit, so you start cutting everything up and then put a little crack sealing here and little patching there, you might as well come in and re-do it.

Chairman Camilli: I see that as a problem, I also shop there sometimes. A couple of other things, do they show any spots for carriages? I didn't have a chance to look at this.

Ed Meehan: Well, I didn't spend a lot of time on the site plan because it's concept.

Chairman Camilli: It's concept, but again, it's parking. You know, as far as where you put the carriages it's going to take up some parking spaces. As it is now, so I think they should provide for some carriage.....

Ed Meehan: Corrals.

Chairman Camilli: Corrals, whatever you call them. I think that has to be on there, and what about the green space, do they meet the green space requirement now?

Ed Meehan: I did look at that.

Thomas Hamilton: We do come up to the fifteen percent.

Ed Meehan: From zero, there is zero out there now. So that is a big jump, a really big jump.

Chairman Camilli: Does anyone else have anything.....

Commissioner Ganley: Just relative to the parking, I've lived in town since 1970 and been walking to the center of town a lot, the post office, pick up milk at the A&P, whatever, that lot is never, ever, ever, full. I've gone in in the winter, the summer, the spring and the fall, after blizzards, whatever, sometimes because of a blizzard, I won't drive, I'll walk, the lot is never, never full, never. So reduction of the parking spaces, we might be able to come together on that, and the second point that you raised, the corrals for the carriages, there is one out there, these guys could have addressed this today if they own the plaza, there is one out on the north side of the plaza, it's made of black iron bars. It's been knocked all over the lot. This actually happened, I pulled into the lot one day, it was raining, so I had to drive, and I drove into the lot and there was this ancient lady in a car behind me, and I went to the right, she went straight ahead and plowed into that thing. It was dark, so I went into the store and said, you know, why don't you put a piece of reflective tape on there or something, so people won't crash into this thing. There are dents and dents all over the place. Maybe you can do that as early as tomorrow, put the reflective tape on it.

Attorney Sabatini: We probably could.

Commissioner Ganley: But the parking is similar, in fact we did talk about the other plaza that you were involved in, and it was the same issue. Is it TGIF in there now? It was a huge unused portion of that parking lot, and this is very, very similar. Higher north end of that parking lot, and a whole lot of spaces in, just don't have cars. It's an old regulation I would imagine, somebody said, so many square feet, so many cars and they laid it out. Didn't have any practical sense then.

Thomas Hamilton: Well to get back to the carriage corral, we would have the excess spaces to use those corrals, a couple of spaces.

Ed Meehan: Just to mention the lighting, the property owner talked to me about lighting, we was going to try to advance the lighting on this plaza, I know that he had an electrical company come in and do an evaluation. Is the canopy, is it under lit, underneath the walkway, where people walk?

Attorney Sabatini: Mr. Arnold nods yes. There are lights, you are talking about.....

Commissioner Cariseo: Under here.

Attorney Sabatini: Yes, it is lit.

Ed Meehan: A lot of these are site plan questions that could be dealt with in the future, but I think the Commission is giving you the benefit of the priority issues right now.

Commissioner Schatz: If we approve 18-07 that we talked about before, the question that I had before was, would the front building match this or would it be, or would they be asking for something different.

Attorney Sabatini: No, the design of the pad site if it comes to fruition, will match what is there now. It will comply with the town center overlay district, that is part of the whole thing. The building will look like it has to.

Commissioner Schatz: And what Commissioner Cariseo is saying, and I understand what he is saying, he is looking for the dog houses, up on the roof.

Attorney Sabatini: Well we will examine that and see how it looks.

Commissioner Schatz: And I understand what he is saying, and after thinking about it, it would make a considerable different. They are all fake anyway, even though this is a low building.

Commissioner Ancona: For me personally, whenever we lose a parking space in this town, I think it's a wonderful thing. I really do. There is just way too much blacktop in this town, and it gives such....I got back from Atlanta just recently, and all their new shopping plazas are, I'll tell you, I wonder if there is actually three per thousand down there. They have, it has such a wonderful feel to it, there's all kinds of landscaping, granted it's a longer growing season, but it just feels safer. The parking lots just feel safer.

Ed Meehan: Well, the trend, if you read the planning journals as I do, landscape journals and urban land institute is to downsize parking. For years we built too many, and that's why I mentioned, particularly in a shared plaza like this where if you get the right tenant mix, multiple trips by the tenants, walking versus a car is the end result.

Chairman Camilli: Well certainly at this time, Tom mentioned the parking lot is never full, but the thing is, half the stores are empty.

Commissioner Ganley: No, it's never, in 1970 all the stores were full.

Chairman Camilli: Well, if we get some home run stores in there, it could be a problem, but I would like to see that.

Attorney Sabatini: Could I just recap where we are on the parking? As Mr. Hamilton indicated the regulation requires six per thousand, that means 481 spaces. Right now you have 343, right now on this site, 343. The three and a half per thousand waiver that we are looking for reduces the parking to 281, however the concept site plan increases that to 369, we are not actually looking for a three and a half per thousand waiver, although we would like to see it, we understand the discretion that the Commission can have. 369 is what is shown, I invite you to drive behind this site because you will find that there is an entrance to each and every tenant has a back door entrance to this site. So the employee parking is more than just theory, it's actually a practicality, it works because they can park there and access the stores, all the trucks that deliver

can access the back of the property, so it can work, and again, we will just ask you for some flexibility so that we can make the upgrades that are necessary, give the developer the opportunity to enhance it, bring that bank pad site, make it look like Market Square, when it is all said and done, it's going to be something that everybody is going to be proud of, and that is what we're all working for. We are going to try to look at the elevations of the façade, see if we can get a few more gables on it, and see how that looks.

Chairman Camilli: Where do you pick up the extra spots, in the back here?

Thomas Hamilton: It's just throughout the whole, I don't have my worksheet with me to say exactly how many are in the back, we certainly can count them up, but we are just trying to demonstrate how much we can get back there from a practical stand point, and still maintain aisle widths.

Attorney Sabatini: I think, and Ed can correct me, I think when you reconfigure the parking, rather than angled, you pick up some spaces.

Ed Meehan: You go with a hundred foot of ninety degree parking versus a hundred feet of forty-five or sixty degree parking you'll get four or five spaces per hundred.

Attorney Sabatini: So I think some of them were picked up, that's why we are 369 rather than 343. Some are in back, but we pick up a lot in the front too just by reconfiguring it.

Chairman Camilli: Right now there is a sign that says post office parking in that lot, additional parking...

Ed Meehan: On the easterly side?

Commissioner Fox: The westerly side. The easterly side of the post office, the westerly side of the shopping center.

Ed Meehan: That would be something, years ago we tried to talk to the post office, they had talked about expanding, adding more mail boxes for rental, to turn that side of the building to more of a customer entrance so people could park in this plaza, and give customers more space when they are waiting in line so you're not standing in the vestibule.

Attorney Sabatini: We agree that there is a whole lot of things that could be done if we had some cooperation for the post office. The parking lot in the back there where they park their trucks and things, like Ed said, another thru way, but again, it's the choice of doing nothing or trying to do what we can, and we would like to do what we can at this point.

Chairman Camilli: Okay, I think we are off and running at this point anyway, you have some idea, just to continue this to study this some more, to come up with some more concepts or whatever, and.....

Attorney Sabatini: Okay, we'll leave all this. Thank you.

I. OLD BUSINESS

A. PETITION 17-07 451 New Britain Avenue, Jonathan Reyes, 161 First Street, New Britain, CT 06051, applicant, Newington LLC owner, request for restaurant use Section 3.11.6 B Zone District.

Commissioner Schatz moved that Petition 17-07 451 New Britain Avenue, Jonathan Reyes, 161 First Street, New Britain, CT 06051, applicant, Newington LLC owner, request for restaurant use Section 3.11.6 B Zone District be approved as follows:

1. The restaurant space shall occupy Unit 5, at the westerly end of the plaza.
2. The restaurant space shall be limited to approximately 900 sq. ft. total area with public seating of approximately 340 sq. ft. Total number of tables shall not exceed four (4) with (4) chairs each.
3. This Special Exception is granted for this particular restaurant use and is not transferable or assignable to another food service use without prior approval of the Commission.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: I think this is a good fit for that plaza. Any other comments?

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

Chairman Camilli: Motion passes unanimously.

B. Hunter Development Company, LLC and Cedar Mountain, LLC vs Newington Town Plan and Zoning Commission PROPOSED SETTLEMENT – RESOLUTION OF APPEAL Petition 35-06 Special Permit Section 3.14.1, 3.11.3, and 6.11 Gas Station Use.

Commissioner Cariseo moved that the Newington Town Plan and Zoning Commission approve the proposed Joint Motion and Stipulation for Approval of Settlement Agreement, a copy of which is before the Commission, with Hunter Development Company, LLC and Cedar Mountain LLC and resolve the appeal denying Petition 35-06 Special Exception Gas Station Use and Petition 37-06 Site Plan Development. The Commission's reasons for entering into this settlement are:

1. The Commission is relying on the requirement that the developer shall be required to obtain, in accordance with Section 14-311 of the General Statutes, a State Traffic Commission certificate stating that this development is safe to operate. This certificate shall be issued prior to the approval of the first building permit for this development.
2. The Commission finds that the stipulations further the Town Plan of Conservation and Development's vision that this property be used as a "gateway" site. The rezoning of property from Industrial to Berlin Business Turnpike, Petition 33-06, was approved by the Commission to enable redevelopment for a variety of commercial uses. The stipulations provide assurance that these "gateway" uses will be developed.

3. The Commission finds that the Joint Motion and Stipulation for Approval of Settlement Agreement is fair to both parties and provides a process for the modification of the leases, except for the hotel site, that will facilitate the timely completion of this project.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: I want to make a few comments before we vote on this. We initially, as you all know, denied the motion for a gas station there. It went to reconciliation through the court, and they came up with these stipulations and we agreed to them. I would just like to state on the record that even though I'm going to vote for this, I don't want it to be interpreted that the, that this Commission does not have the either the authority or the responsibility as far as the health and safety and traffic issues, that we don't have that, as I said, authority and responsibility. We do have it. We do want to see the project go forward so therefore we entered into these stipulations. The reason why we denied this was because of these other issues and not what was in the stipulation that actually (inaudible). So just for, again I want to state for the record, in case there are other appeals, I don't want it to be interpreted that we don't have that authority, or responsibility to deny something on issues of health, safety, welfare of the community at large, because we do, as was, I think it was a landmark decision, I was on the Commission at the time, when we denied Wal-Mart, and it was a Connecticut landmark decision. Is that correct, Ed?

Ed Meehan: That's correct.

Chairman Camilli: We do have that, as I said, authority and responsibility and it was upheld in court. In this particular case, I know a lot of the people were travelling back and forth whether or not we should have this gas station, it was just the gas station, and it was because of the safety issues. The reason why I am voting for this, is because we were able this time to get from the State Traffic Commission a list of requirements that this applicant has to do to satisfy their concerns which I think were our concerns as well for the most part, which was the queuing up to the Turnpike, the weaving into the station if you were coming up from the other side, from Wethersfield, traffic light going back, west down the hill, what the queue line was there, we're concerned in the wintertime, we're also concerned about people taking a right hand turn out of that gas station when the light is red, when the speed there is about 56 miles per hour and people are going to go out and if someone is going 56 miles an hour, or sixty miles an hour, they are going to have to jam on their brakes as they come out, if they have a green light, they are going to be moving right along, and somebody might say, well, I'll move out. There is also the issue in my mind all the time, whether it's at McDonald's or the other gas station at Fenn Road, people take lefts out of those facilities and lefts in, and they are not supposed to. There is signage there, so the signage in my opinion, does not work that well. So there are a lot of issues as far as the traffic, it seems to me that the State Traffic Commission had the same concerns that we did, and hopefully they can address those, which is in the preamble, so that is why I am going to vote for it but I just don't want it to be interpreted that we don't have that right to deny something on the health and safety issues.

Commissioner Fox: At the risk of being redundant, Mr. Chairman, I too want to make sure that I'm on record as stating that we not only have the authority, but it is our responsibility to ensure that any project that is developed in Newington does not shall I say endanger the public whether it be automobile, traffic, or pedestrian, and I am, although I consented to, we as a whole consented to negotiate, I still feel that you know, we shouldn't be depending upon the State Traffic Commission to look out for the safety of people driving through and/or living in Newington. I mean, I'm sure they are going to go by whatever the Traffic Safety Commission, whatever the Traffic Commission says, they are going to do what they can, I mean, the State is going to make sure that they do whatever they have to do to alleviate congestion. That doesn't mean it is going

to be any safer. We are still going to have an awful lot of people going in and out of that gas station, and that being said, call the vote I guess.

The vote was in favor of the motion with four voting YES, one Nay (Fox) and one abstention (Ancona.)

**Petition 14-07
Market Square
Newington Chamber of Commerce
Special Exception "Car Show Event"**

Commissioner Fox moved that Petition 14-07 Market Square, Newington Chamber of Commerce, 1046 Main Street, applicant, Town of Newington, owner, Chamber contact, David Johnson, 3153 Berlin Turnpike, Newington, CT 06111 request for Special Exception Section 3.2.8 for "car show event", B-BTC Zone District be approved based on the following requirements:

1. Newington Chamber of Commerce shall be responsible for notifying businesses and property owners abutting Market Square and inform them of this event and the need to reschedule business and remove vehicles from Market Square the afternoon of the car show.
2. Newington Chamber of Commerce shall coordinate with the Police Department the hiring of officers to assist with traffic control.
3. Food vendors shall contact the Central Connecticut Health District and obtain any required permits.
4. Town of Newington Event application form shall be completed and the required insurance coverage certificate filed with the Town Manager's office prior to June 8, 2007.
5. This event is approved for Thursday, June 14, 2007 rain dates are June 21st or June 28th.

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

VII. PETITIONS FOR SCHEDULING (TPZ May 23, 2007 and June 13, 2007)

Petition 19-07 Newington Town Plan and Zoning Commission, applicant, proposes amendments to the Zoning Regulations affecting the following sections:

1. Section 3.11 Special Exceptions Permitted in B-Business Zones

Section 3.11.3 Sale, service, rental or repair of motor vehicles. "Delete"

2. Section 3.12.4 Buffer

Amend to add the following clarification "when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone"

3. Section 3.12A Town Center Village Overlay District

Section 3.12.A 4 (c) Add monument ground signs shall be colonial in design made of brick and shall not exceed a total height of 12 feet.”

4. Section 3.13 Special Exceptions Permitted in B-TC Business Town Center Zone.

Section 3.13.1 Residential Buildings (c) change density from 1,000 feet of land area for every dwelling unit to “2,500 square feet.”

5. Section 3.15 Special Exception Permitted in B-BT Business Berlin Turnpike Zone.

Section 3.15.4 Drive through restaurant window service. “Delete.”

6. Section 3.16 Uses Permitted in I Industrial Zone.

Section 3.16 1 (F) Auto Related Uses “Delete” and move to Section 3.17 to clarify auto related uses will be regulated by Special Permit.

7. Section 3.16.3 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

8. Section 3.17 Special Exceptions Permitted in I Industrial Zones

Section 3.17.2 Retail stores “Delete”

Section 3.17.4 Retail stores over 40,000 sq. ft. “Delete.”

9. Section 3.18.4 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

10. Section 3.19 Special Exceptions Permitted in PD – Planned Development Zones.

Section 3.19.2 (B) (2) Site area amend to add such computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When in the opinion of the Commission, geologic or topographic conditions, inland wetlands and floor hazard areas render any portion of the site unsuitable for use by the residents of the development, such portion of the site will not be used in computing the total number of dwelling units permitted and shall be set aside as conservation open space.”

11. Section 3.20.5 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

12. Section 3.21.3 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

13. Section 4.4 Modifications to Height, Area and Yard Requirements

Amend to clarify

Section 4.4.5 (A) Projections

“Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more than 2 feet into a side yard but not within 5 feet of a side property line. A porch or hatchway may project 3 feet in the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 foot projection into the front yard setback.”

Table A: Schedule of Height, Area and Yard Requirements Non Residential Uses amend to clarify reference to Accessory Building in Non-Residential Zone to add “(C) at least 5’ minimum distance from lot line.”

14. Section 5.3 Procedures and Requirements for Site Plans.

Section 5.3.4 (C) add “8. Inland Wetland and watercourses showing 50 foot setback area and 100 foot upland review area.”

Section 5.3.4 (E) add “dumpster enclosures, and mechanical equipment.”

15. Section 6 Special Regulations Section 6.1 Off-Street Parking and Loading Regulations.

Section 6.1.2 (B) Parking Spaces for Buildings Used for Residences. Amend to clarify “All parking of vehicles shall be on the surfaced area not on the lawn.” The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence.”

16. Section 6.2 Signs

Section 6.2.2 Residential Signs (E) Amend to read “Residential uses approved by Special Exception in the R-12, R-7 and RD Zone, ground signs not more than 75 square feet in area on one side, not more than 150 square feet in area on both sides and located within the building setback lines shall require Special Exception approval of the Commission.

Section 6.2.3 None Residential Wall Mounted Business Signs

Section 6.2.3 (A) 2 Amend to clarify “Building frontage shall the side of the building with a public entrance facing the abutting public street.

Section 6.2.4 Free Standing Business Signs Section 6.2.4 (A) Amend to clarify “only one (1) free standing sign may be permitted per property.

Section 5.3.4 (E) add “dumpster enclosures, and mechanical equipment.”

15. Section 6 Special Regulations Section 6.1 Off-Street Parking and Loading Regulations.

Section 6.1.2 (B) Parking Spaces for Buildings Used for Residences. Amend to clarify "All parking of vehicles shall be on the surfaced area not on the lawn." The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence."

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Section 6.2.4 Free Standing Business Signs Section 6.2.4 (A) Amend to clarify "only one (1) free standing sign may be permitted per property.

Section 6.2.5 (B) Amend to delete reference to "approval by Traffic Authority."

17. Section 6.4 Removal of Earth Products

Section 6.4.1 General Amend to add "No removal of any earth products or grading for site development shall commence until a building permit for the project has been issued. This condition may be waived by a two-thirds vote of the Commission."

Section 6.4.2 Special Permit Amend to read "The Commission may grant a permit."

Section 6.4.3 Conditions (B) Amend to require slope liits "of one foot of vertical rise in 3 feet of horizontal distance."

Amend to limit removal "within 50' of a property line unless waived by a two thirds vote of the Commission.

Section 6.4.3 Conditions (D) Amend to "prohibit the processing of any earth product except when permitted by the Commission" and approved by a two-thirds vote.

Section 6.4.4 Approval Amend to require the filing of plan of the operation and site restoration with the Town Engineer rather than Building Inspector.

18. Section 6.5 Filling of Land

Section 6.5.2 Special Permit (C) Amend to delete "grading or removal" Amend to add requirement "that no filling of land shall commence until a building permit for the project has been issued." This condition may be waived by a two thirds vote of the Commission.

Section 6.5.4 Approval Amend to require the filing of site plan of filling operations with Town Engineer rather than Building Inspector.

19. Section 6.7 Interior Lots and Single Family Homes.

"Delete."

20. Section 6.11.5

Amend to add the following clarification "When the Zone boundard follows the centerline of the street the buffer shall be measured from the street right of way within the residential zone.

21. Section 6.11.7

Amend to reflect P.A. 06-133 changes to Section 14-54 CGS effective 6-6-2006, which delegates the approval of location for dealers and motor vehicles repairers to the Planning and Zoning Commission rather than the Zoning Board of Appeals and to delete reference to Section 14-55 CGS which has been repealed.

22. Section 6.13 Accessory Apartments

"Delete"

23. Section 7.4.8

Delete and insert the following new standards
Maximum earth slopes shall not exceed 3 to 1 (3 ft. horizontal to 1 ft. vertical.)
Where steeper slopes are needed retaining walls are required. If the difference in grade at the property line exceeds 3' than a retaining wall with a fence on top of the wall is required.

Where a retaining wall is proposed it shall be topped with a suitable barrier or fence with a minimum height of at least 4 feet. The back of any retaining wall shall not be closer than five (5) feet to an adjacent property boundary line.

Where the total height of the retaining wall exceeds 4 ft. or retains unbalanced fill, design calculations by a Registered Professional Engineer must be provided for approval of such wall.

- B. PETITION 20-17 – 149 Louis Street, STL Realty, LLC owners and applicant, attention Vincenzo Saccuzzo, represented by BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for Site Plan Modification to add 5,000 sq. ft. to existing building, PD District. Schedule for Site Plan presentation May 23, 2007.

- C. PETITION 21-07 179 Meadow Street, Faye H. Karaninan, owner and applicant, request for Special Exception Section 6.7.2 Interior Lot, R-12 District. Schedule for public hearing May 23, 2007.

Chairman Camilli: Did we hear anything back from CCROG on this.....

Ed Meehan: We did not get anything back from CCROG, but the thirty-five days will be up before your next meeting. We have received advisory comments from Central Connecticut so I would recommend that you go forward, I'll make the legal advertisements to put your zoning amendments before the public on the 23rd.

Commissioner Ganley: It will be a public hearing for all of this?

Ed Meehan: All of those will go to public hearing.

Commissioner Ganley: Want to start early? Would that be of any value to us?

Chairman Camilli: No. I don't think so. If the Mayor gave the town an F on participation, I don't think we are going to have that much. We generally.....

Commissioner Ganley: Well, it's just the volume, it's just we'll be working a lot.

Chairman Camilli: No, a lot of these, a lot of them are technical issues, we can move right along with them.

Petition 20-07, what is that?

Ed Meehan: That is for an existing building, it's that little coffee international building on Louis Street, they want to add 5,000 square feet to the easterly side of that. We met with their engineer today, we want to make sure that the drainage is right there, it's a tight site for drainage. It should be ready for the 23rd. There are no wetlands involved with this particular property. It's pretty, it's all going to be used for a warehouse, so there is no more parking that is needed there.

Chairman Camilli: The other one is for another interior lot?

Ed Meehan: Yes, came in under the wire, down in the south end of town. Meadow Street is down by, the far south end.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Schatz: Got a question. When they take that left hand turn into McDonalds, the sign is behind the telephone pole.

Ed Meehan: The prohibited left sign?

Commissioner Schatz: Yes.

Commissioner Ganley: And they go right over the top of the divider.

Ed Meehan: That's not a town sign, it's a state sign. I think ever since that lane was widened out, when Shaw's was built, those lanes were widened out, people have a by-pass to get in there, unless cars are backed up to the traffic signal. I've seen the marks on the top.....

Commissioner Fox: They do the same thing on Main and Cedar.

Chairman Camilli: They do it all over, that's why I alluded to it in the stipulation, that if there is a left turn out of that gas station, I mean, God forbid, that is all I have to say.

Commissioner Cariseo: Have there been accidents at that other gas station?

Ed Meehan: I'm not sure on Fenn Road, but have there have been accidents, believe it or not, people trying to take right, a left turn to go in the right only.

Commissioner Cariseo: Yeah, because there are three lines of traffic there, one guy stops and lets you through, and you get creamed by the others.

Ed Meehan: Not too much on Fenn Road, because they can jump out pretty fast.

Commissioner Ancona: I have one of those accidents, in my office.

Chairman Camilli: So that is why those, even though we did at McDonald's, with that little barrier there to try to stop it, it's just not, they go over them.....

Commissioner Fox: I think I remember suggesting along the double line you put little flexible things.....

Chairman Camilli: They would go right over them.

Commissioner Fox: You know, you have a little jersey barrier, they would go right over it.

Chairman Camilli: Do we know anything about the ticketing process.

Ed Meehan: Talked to Attorney Griffith yesterday and he is going to start drafting that.

Chairman Camilli: Is it something that was acceptable.

Ed Meehan: Yes, the Town Council endorsed it and moved it on.

Chairman Camilli: That might help. Any other comments?

Commissioner Cariseo: I went by that hotel that we have in Newington, I looked up on the roof and I see all these air conditioners. I thought it was supposed to be screened.

Ed Meehan: To be honest with you, I have not looked up on the roof.

Commissioner Cariseo: There is a railing there, but there is no screening. I just happened to look up, and it looks terrible.

Ed Meehan: But the rails are there, you said.

Commissioner Cariseo: Yup.

Chairman Camilli: And we had no problems with the Stew Leonard opening?

Ed Meehan: I heard it went well as far as traffic, went pretty well on Saturday, good traffic flow, good customer flow, they had the benefit of using Stickley's parking lot, had extra employees on, so other employees were out there, down on Rowley Street. They really have their act together about customer service. You don't see any corrals out there, do you? Because they have a guy who spends his whole time just pushing carts in.

Commissioner Fox: Yeah, they have a little motorized cart, they chain the cart to the front, and keep going up and down the parking lot.

Chairman Camilli: It said wine and spirits, would that mean.....

Ed Meehan: I'll tell you right now, I've talked to Wal-Mart/Sam's people, and they are trying very hard to get a liquor/package store permit, like they have in Berlin. They would have to buy somebody out in Newington, because there are only so many permits per thousand and if they are successful, they are going to eliminate that whole tire changing area, the south end of the building they had four overhead doors, like Wal-Mart has, you can change, and if they are successful in getting the liquor permit they are going to come back and take those overhead doors out, make a retail look for a package store there, but they would have to come back in for permission to do that. That was as of last week.

XI. STAFF REPORT

Ed Meehan: On the table there is a memo from me to the Commission members about 426 Hartford Avenue. DEP and DMV, the Department of Motor Vehicles and the environmental people have been at the gas station, they investigated it, and they provided information that it does not need to go to an oil/water separator because they have sealed the floor drains. In that case, it's their preference, because they only have septic system service, not to bring anything into the ground water. So the applicant is asking to eliminate that first requirement which was to go to an oil/water separator. I didn't think I could do that, I know I can't do that administratively at staff level, because it was part of your motion.

Chairman Camilli: So what do you need?

Ed Meehan: A motion by consensus that that first requirement can be removed and we can do it.

Commissioner Fox: So move, but I would like to.....

Chairman Camilli: Okay, do we have a second.

Commissioner Ganley: Second.

Chairman Camilli: Okay, about what Ed said about removing the first stipulation.

Ed Meehan: The first one reads, prior to the Chairman signing the site plan mylar a revision shall be made to show the location of the oil/water separator and it's connection to the holding tank.

Commissioner Fox: I would like to make a comment. If the drains are sealed, and there is no where for the water to go if they wash a car, they spill and change oil, I'm just wondering how they are going to mitigate that, are they going to wash it out into the street?

Ed Meehan: I don't know about washing cars, but I know for changing oil, changing the anti-freeze, they showed me the holding tanks and they have a licensed pumper to come in and remove all that, but I understand what you are saying, washing a car down, or steam cleaning an engine, they should have that material that you put on the floor.

Commissioner Fox: Speedy-dry.

Chairman Camilli: Is the State supposed to enforce that?

Ed Meehan: Yes, we don't have anything in our zoning regulations. DMV could go in and see oil everywhere and say, what are you doing, you're steam cleaning engines, why aren't you using Speedy-Dry or there is overflow of the holding tanks, that's the spot checking, actually DMV goes in and they report to DEP.

Commissioner Ganley: Call the motion.

Commissioner Schatz: The thing is, if we put a stipulation in to have something done, and DMV says you don't have to, right, we don't have to approve this do we?

Chairman Camilli: Well, apparently because it was a formal approval to have it in, you have to have a formal approval to take it out.

Commissioner Schatz: Do we have to take it out?

Ed Meehan: Yes.....

Commissioner Fox: We would't be able to enforce it, it's unfortunate because they have enough problems there.

Commissioner Schatz: Then how come we made the garage next door have a separator?

Ed Meehan: He's hooked to the MDC sewer. He's hooked to the sanitary sewer.

Chairman Camilli: Actually the DMV came up with this, the town didn't.

Commissioner Schatz: So you can put it into a leeching field. This doesn't make sense.

Ed Meehan: The garage next door is a newer building.....

Commissioner Fox: The garage next door is hooked up to the sanitary sewer system, and therefore everything drains into the floor, okay, now because this guy is not going into the sanitary sewer system, he doesn't need drains, so he has sealed them, okay, so the MDC, in it's infinity wisdom said, well since you are not going to throw anything into the drain, let it go in the street.

Ed Meehan: Well, that's not quite it. When the auto use to the south of this was built, it was built as a brand new building, modern, all the floor drains are connected into an oil/water separator, it goes into the MDC system. The gas station next door, that we are talking about now was probably built in the sixties, it had floor drains that no one really knows where they went, and if they were connected to anything, they went to a galley system, and the last thing that DEP wants is floor drains and direct waste water with oil in it, going into the ground water so they told the guy to seal your floor drains, hire a pumper who is going to come in as needed to remove the waste oil and anti-freeze. There will be again, as Commissioner Fox is saying, if he goes in there and

steam cleans engines, there could be some residual oil which could end up on the floor. It's got to be cleaned directly from the floor.

Chairman Camilli: Unless he hoses it out to the street. Again, the enforcement of these issues,...

Commissioner Schatz: Is not ours.

Chairman Camilli: Is not ours, right.

Commissioner Schatz: Then why was it in there in the first place?

Ed Meehan: We put it in there because there was a concern about contamination, but you know, if you could get away with it, its good.

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

Ed Meehan: Quickly, Toll Brothers, are going to be putting a bond up for their first phase and opening a model in about three to four weeks. They moved pretty fast. Pulte is about fifty, fifty-two units sold. They started the carriage houses, if you go up there, you can see those. If you have been down at Stew Leonards, you know Sam's in moving pretty fast. Goodwill is one of the mylars for the Chairman to sign. They finally got all their drainage set, so they should be moving on that one.

Chairman Camilli: Anything on Aldi yet?

Ed Meehan: Aldi plans are going to be brought in, probably next week for signing.

Chairman Camilli: Anything else?

XII ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary