NEWINGTON TOWN PLAN AND ZONING COMMISSION

May 23, 2007

Regular Meeting

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

I. ROLL CALL

Commissioners Present

Commissioner Camilli
Commissioner Cariseo
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruett

Commissioners Absent

Commissioner Fox
Commissioner Schatz
Commissioner Ancona
Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

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

Chairman Camilli: We will take each section individually I think would be the way to do it. If there is any comment from the public after each one of these sections is read, you can come up and state your objections or whatever, on whatever section you wish to speak on.

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

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

Chairman Camilli: Ed, do you want to make just a brief comment on that.

Ed Meehan: The business zone is known as, is also known as the neighborhood business zone. These are the small commercial areas that are located at the intersections of New Britain Avenue and Maple Hill, Hartford Avenue, Main Street and Stoddard are the two that we most talk about, also near the intersection of Stoddard and Willard where the Pizza Barn is located is a neighborhood business zone, and the proposal before the public hearing as presented by the Commission is not to continue to permit gasoline service stations or auto related uses in these neighborhood business areas.

Chairman Camilli: Anyone from the Commission wishing to make any remarks? Anyone from the public wishing to speak in favor, or objecting to this?

Attorney Sabatini: Vincent Sabatini, representing various owners of businesses, can I speak overall to all of the amendments, or do I have to relegate my comments to this.

Chairman Camilli: Address this one right now, because we will stay orderly.

Attorney Sabatini: Okay. It seems that, I don't know how many businesses there are that are right now service, rental or repair of motor vehicles, in that category, in these various zones, but probably a half dozen of them I would think. I can ask Mr. Meehan if he knows the number.

Ed Meehan: I have that information, if you want it. At Maple Hill and New Britain Avenue, there is one use, it's a Sunoco Station. At Main Street, Hartford Avenue and Stoddard there are two auto related uses. There is the existing Shell station, and the soon to be renovated former Gulf Station and in the vicinity of the business zone up at Willard and West Hill, there is the former West Hill Mobil and a second gas station, I believe it is a Citgo, a Citgo or Gulf station, in that neighborhood zone. Those are the auto related uses that I'm aware of.

Attorney Sabatini: The problem with eliminating the Special Exception, what happens if some tragedy hits these business, such as a fire or other damage and puts them in the category of becoming a non-conforming use, where under Section 15.1.5 you have an alteration to the structure that is destroyed, damaged by fire, it cannot be reconstructed because it is less than fifty percent of the fair market value of the property, what affect does that have on that business, if it is a viable business right now, existing, and I think by adopting this section puts it in a category of a non-conforming use, and if you are a non-conforming use, that could have some pretty devastating effects on the business owners investment if he is not able to rebuild even though he had permission to do so. You recently granted approval to I believe on New Britain Avenue, or Main Street or Hartford Avenue and Main Street, a substantial investment will be made in the property and then of course if you have a fire or some other event that destroys the building, according to 5.5 of your, Section 5 of your regulations, you have now created a non-conforming use and are discouraging that use, they are not able to rebuild, so I think that poses a problem for the businesses. Thank you.

Chairman Camilli: Anyone else?

2. <u>Section 3.12.4 Buffer</u>

> 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"

Chairman Camilli: Ed, do you just want to explain that.

Ed Meehan: The purpose of this is a technical amendment. We do have locations in Newington where the commercial zone and the residential zone are coterminous and the zoning boundary runs down the middle of the street. The way that the buffer standard reads in the zoning regulations, it's twenty-five feet from the zone line, so given a right of way that could be sixty feet wide, if you measured from the center line of the street, this 25 foot buffer would have little or no effect in securing or providing a buffer which is intended in the regulations. The intent of this change is to measure the 25 feet from the street right of way line, which would then bring the buffer into the property of the commercial zone, permitting a wider buffer for the adjacent residential uses. The Commission has reserved to itself the option of reducing this buffer in all

occasions by two thirds vote, so if there was a hardship in the development of the site, the Commission could take that into account, and with a request for a waiver, they could look at reducing this down to twelve and a half feet if there was a hardship for the site.

Chairman Camilli: Okay. Any comment? Anyone from the public wishing to make a comment on this in favor, or against?

3. Section 3.12.A 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."

Chairman Camilli: Ed, just a brief explanation of why we did this.

Ed Meehan: The Town Center Overlay District is the town's architectural guidelines in the business town center area. The intent is to try to get a cohesive look of building and accessory uses that go along with buildings, one of them being signs. This has come up on a couple of occasions where the Commission put an effort forth to get a colonial sign, and with the cooperation of the applicants, in the couple of occasions where this has occurred the applicants did come across and put up a colonial sign. Not to leave anything to any grayness, this is being proposed for the height that the Commission is looking at, the design character they are looking at and the design material we are looking for. So that is brick, colonial, and not to exceed twelve feet. Try to make it as clear, and as black and white as possible for applicants.

Chairman Camilli: Anyone wishing to speak for, or against?

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."

Ed Meehan: Simply, this is a standard which the Commission uses to set density, reducing the area, by putting this, we are increasing the square footage of land area per dwelling unit and reducing the density, so the unit yield on a acre would be less than if you had 1,000 square feet per unit, it would be considerably less at 2,500 square feet. It's put forth by the Commission as a policy recommendation to reduce density in the town center, residential density in the town center.

Chairman Camilli: Anyone wishing to speak in favor, or against?

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

Section 3.15.4 Drive through restaurant window service. "Delete."

Chairman Camilli: There are several reasons for that, just very quickly go ahead.

Ed Meehan: This section has been in the regulations now I believe for six or seven years, it had been taken out in the mid-nineties. It was put back in and the Commission felt that, I don't wish to speak for everybody on the Commission, but felt that they have enough variety of drive-through restaurants on the major highways in Newington and the direction that they want to head is to encourage more sit-down restaurants.

Chairman Camilli: Another reason is the litter that drive-throughs, if you drive around town, you will notice many of the drive-throughs create a lot of litter.
Anyone wish to speak in favor, against? Most of these are going to be against, if there is going to be anything, they are going to be against, I'm aware of that.

Attorney Jacobs: I'm Attorney Len Jacobs from Manchester and I'm representing Hayes-Kaufman partnership. I guess I will be getting up a couple of times tonight, so I'll just tell you at the beginning that Richard Hayes, of Hayes-Kaufman Partnership is here, and in general we have concern about the regulations as they might affect three properties that the Hayes-Kaufman family owns. One is the property on Fenn Road and Cedar Street that we will be purchasing next week, and my client also owns 550 Cedar Street which is of concern to us, and of course they also own the Stop and Shop center on Fenn Road, so when we look at these, we are interested in all of these. With regard to the drive-through restaurant, this happens to be of particular concern to us because we have been in discussions, very serious discussions with Starbucks to locate on Fenn Road in the shopping center and of course these discussions have been on-going because the drive-throughs were allowed in the regulations and then we found out that the Commission was thinking about changing the regulation. I was going to ask you why you were doing that, but you already answered that for us, so let me just indicate to you that right now we know that the use is controlled by Special Exception for, you've got the ability to approve or deny drive-throughs on a case by case basis. Once you impose this restriction, you are banning them everywhere in town, and it takes away the ability, number one, to approve a drive-through that you might particularly think would be attractive to the Town of Newington, like a Starbucks, but not only that, you take them away from every location in town so, for example, you might think that they are inappropriate in one neighborhood, but yet you might think they are, or remain appropriate for example in large shopping centers like my client operates. Or, you might want to take them out of the Berlin Turnpike Zone for example but you might think they are appropriate in Planned Business Zone. So what we would like to suggest to you, is rather than make a blanket prohibition that would take away this particular use for any type of drive through, anywhere in town, you either consider the fact that you may want to take them out of some zones, like perhaps the Berlin Turnpike zone, but still find that they might be appropriate in the Planned Business Zone, or in fact, you might be willing to relay on the power that you have to not grant the Special Exceptions when these particular applications come in front of you, but we are asking you to reconsider the blanket nature of the prohibition, and decide, A, do you need to take them out of every zone in town, and are you convinced that there might not be a drive though project in a particular location that you might in fact think is appropriate and by putting the blanket prohibition in, you won't have the opportunity to ever judge the merits of the particular project. Thank you.

Chairman Camilli: Anyone else wishing to speak against this?

Attorney Hirtle: I'm Attorney Robert Hirtle, and I represent Mr. Newell Stamm who is here tonight with me. Most of you know him. He's been a developer in this town for seventy-five years, I think that is quite a record. Mr. Stamm owns property on the Berlin Turnpike next to what is now Wendy's. There is a contract, sale pending and one of the buyers will be a Horton's restaurant, which needs a drive-though window. The property next door at Wendy's already has a drive-in window; the McDonald's which was just rebuilt across the street has a drive-in window, and to change the ordinance at this point and determine a different use for that particular type of property would upset the value of this property, would destroy and cancel the sale and destroy the project. Horton's, I'm sure you have seen their buildings around, it's a very attractive coffee shop type restaurant, they are a nation-wide chain, they are going into all towns, and it would be a credit to the town to have that type of development. I have a letter signed by Mr. Stamm and also by John Firchelli, who is the real estate agent involved in this transaction, both of those families are opposed to this change in the ordinance because it would affect the pending sale and

development to their detriment and would be to the detriment of the town and would change the substantial existing use now on the Berlin Turnpike. Thank you.

Ed Meehan: By e-mail today, late this afternoon, I received a request from a Mr. Peter D'Addio, Commercial Services Realty.com similar to what the attorney just expressed requesting because of a real estate project going on that he is involved with, he also mentions Tim Horton's, that the Commission reconsider the elimination of drive-throughs.

Chairman Camilli: Is there anyone else?

Richard Pengel: Good evening, my name is Richard Pengal and I'm from the law firm of Updike, Kelly and Spellacy in Hartford, and I'm here to speak in opposition to the deletion of Section 3.15.4 from the Newington Zoning Regulations. I'm here tonight on behalf of Commercial Services Realty that you have just been discussing in regards to the Tim Horton development. Commercial Services Realty, as well as other commercial developers in the Town of Newington who have come to rely on the zoning regulations for the past several years have entered into several commercial agreements and contracts with reliance on the zoning regulations and the deletion of such regulation of the drive-through restaurant window service in the B-BT Zone will frustrate several of those commercial agreements. The very reason that several businesses elect to locate on the Berlin Turnpike is what is being sought to be changed by this deletion of the regulation. Proposed businesses which may be affected, lost or chose a different location because of this prohibition are potentially banks, pharmacies, restaurants, several projects are in the development stage now and preliminarily in front of the town which would be affected by this change in the zoning regulations. Both existing property owners and proposed new developments are going to be tremendously affected by this change if it is approved, both by preexisting uses and for new developments which have already been negotiated and planned which would be adversely affected by this change. In essence the existing drive-throughs that are already on the Berlin Turnpike will be given a distinct and potentially unfair advantage over any new businesses which are choosing to locate in Newington because of this now prohibition on drive though windows. Often times drive thoughs are target of many complaints, yet the support and business that they filter into the area for local business and other properties is often overlooked. The Berlin Turnpike is of course a busy commuter road and it's also becoming a shopping destination in town, and as such, commuters and shoppers would expect drive through services to be offered in those areas. Many businesses already located on the Berlin Turnpike utilize drive through window services, McDonald's, Wendy's, Dunkin Donuts, Walgreen's, several banks, Roy Rogers, Arby's, etc. Many local arteries and streets enter and exit from the Berlin Turnpike and these services and restaurants and banks, etc., serve these communities. So, in closing I wish to reiterate our opposition due to the commercial and contractual frustration that will occur if this proposed regulation change is effected and also it's negative impact on current and future economic development projects in the Town of Newington. Thank you.

Chairman Camilli: Anyone else?

Attorney Sabatini: Vincent Sabatini, Attorney, One Market Square representing Victor Basile Enterprises, Elm Street Partnership both have properties that are either in the stage of development or planning to be developed with the possibility of a drive-through. About four years ago, when I represented the developers of the former Krispy Kreme site, I believe that was the first drive through restaurant that you approved in over twenty years on the turnpike. I think that after your approval, and the conditions that were put on the approval and the use and restrictions that were placed on the drive-through, the town did not experience any adverse consequences due to the drive-through window itself. I think that for the most part that all of the developers that are now developing on the Berlin Turnpike are responsible developers and as such have replaced property security, property litter control, proper maintenance for their properties, and the

town, I don't think, has been subject to the type of use perhaps that existed many years ago. The other effect that this has is to the existing property owners of course, as other attorneys have said, I echo their comments, there is a distinct advantage to those restaurants on the turnpike that do have drive-throughs right now. There is also the consideration as to what happens to a McDonald's which recently underwent a major renovation by tearing down the old building. Even though they had an existing drive-through window, if they tear down their old building, under these regulations if you eliminate the drive-through, query whether or not they are able to re-establish the drive through, because they now become a non–conforming use. I think you should consider the consequences, I think the benefits for the type of developers that are coming into the Berlin Turnpike and other areas of town, versus what you have to give up by taking this away, when you weigh it all in the balance, you find that leaving the drive through regulation in place, as a Special Exception is beneficial to the town, and certainly gives you, the Commission the controls you need to place whatever conditions or restraints on (inaudible.) Thank you.

Chairman Camilli: Is there any one who wishes to speak?

Alan Bongiovanni: Thank you Mr. Chairman. For the record, my name is Alan Bongiovanni, 170 Barn Hill Lane in Newington. I'm here twofold. One as a tax payer and two, as a professional that deals with zoning issues and represents many of the land owners. As a tax payer, times like this, when budgets are tight, and taxes seem like they are going up every year, I find it hard to believe that the Town Planning Commission would want to in any way curb, in any way curb the potential for development along the Berlin Turnpike. That would generate a higher rate of tax than residential development. I think by eliminating drive-through windows for future restaurant uses along the Berlin Turnpike, one will impact the property values for some of the older sites that potentially will get redeveloped, I think we would all like to see some of those sites get redeveloped, and people with drive through windows, businesses with drive-through windows are a viable solution to redevelop some of these sites along with some of the vacant properties along the Berlin Turnpike. I think you have good mechanisms in place to regulate the drive-through windows, you have good safeguards, and I think it has been successful since it was brought back into the regulation sometime in the mid-nineties, I think we had two Dunkin Donuts approved and a Krispy Kreme. The Krispy Kreme is no longer there, but you still have two Dunkin Donuts. I believe they function properly. I have patronized both establishments and I think they function well. I don't think they degrade the neighborhoods, I think they are well kept properties and just from conversation on the street, I don't hear people saying, boy, I wish we didn't have drive-through windows. You know, the Berlin Turnpike is a business district. It's a thorough fare with a mix of businesses that these types of restaurants thrive, and I think you would be short sighted in removing this from our regulations. I think it's a valuable component to how the land is developed along the Berlin Turnpike. These are not your major tenants, but they are accessory tenants to the way that the pike has been developed, and the complexion of the Berlin Turnpike in the future. I apologize, I got here late, I don't know if there was a presentation as to why the Commission is looking to remove this from the regulations, but I would like to hear the reasoning for it, the reason behind the decision to put this on the table tonight so that the public can be more informed. Thank you.

Ed Meehan: One of the reasons that was discussed was the, I guess the consensus of the Commission bringing this forward that the supply of existing drive-throughs throughout the town is sufficient to serve the public, and the other comment that was made is the concern that the problems that the drive-throughs cause in their neighborhoods with liter and traffic and general problems that are sometimes associated with the drive-throughs.

Chairman Camilli: Anyone else wishing to speak against this particular section?

Newell Stamm: My brother and I have owned this piece of property for a long time, on the Berlin Tunrpike, we have been trying for a couple of years to get something in there. We worked on the Lowe's piece to get that into circulation, we've worked very hard to try to maintain the Turnpike, and we're down to this small piece now, to get this through at this time, so we are in favor of still having drive-throughs and we would like to make sure that this happens. I think as far as liter, paper, I've worked around Wendy's alot, I see McDonald's picking up papers and so forth and they keep the place really clean. I'm in favor of still keeping the drive-through because it makes the land more valuable, more taxes coming into town and it's always nice to get taxes. Thank you.

Chairman Camilli: Thank you. Is there anyone else?

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.

Ed Meehan: That is simply the reason that this is being proposed, it's a clarification. This section recently has come up several times as to what the intent is, is it meant to regulate by Special Exception. In another part of the regulations we talk about auto related uses, under Section 6.11 being regulated by Special Exception, or is it permitted here by right, in the Industrial Zone. The intent here is to clarify that, it's not to remove auto related uses from being permitted in the Industrial Zone, it's purely to move it to the Special Exception section to make it clear that that is how the Commission intends to regulate auto related uses.

Chairman Camilli: Is there anyone wishing to speak in opposition to that?

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."

Ed Meehan: This again is a clarification of how the Commission will apply that standard, we mentioned it earlier, under Section 3.12.4, we'll see this several times tonight, where for consistency purposes this clarification is being proposed to be added to the regulations. It would measure the buffer in those cases where the zone boundary follows the center line of the road, it would measure it from the street right of way, not the center line on the road.

Chairman Camilli: Anyone wishing to speak on this section?

Alan Bongiovanni: Good evening again, for the record, Alan Bongiovanni, 170 Barn Hill Lane, Newington. I understand the intent of this, I think it should be clarified as to which right of way line. If I've got a street like that, and I've got an R-12, and I've got a B-BT, is it from this side twenty-five feet, or is it this side twenty-five feet? Do you want to include the whole road as the residential, then establish a twenty-five foot?

Ed Meehan: I would apply it on the commercial side.

Alan Bongiovanni: Okay, that's what, you need clarification;

Ed Meehan: Thank you, I take your point, thank you.

Chairman Camilli: Any other objections?

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."

Ed Meehan: It's an attempt to make the Industrial Zone more exclusive, trying to promote industrial uses and uses that are permitted by right typically in an industrial zones, make them more compatible with each other and more homogeneous, simply taking retail uses out of those zones.

Chairman Camilli: Anyone wishing to object?

Attorney Jacobs: I'm not sure we are so much objecting, but we do want to make a point to you. You are deleting the retail stores from the industrial zone which has a very significant effect on my client because both of the properties that we own on Fenn Road including the shopping center, the Stop and Shop Shopping Center are in fact located in the Industrial Zone. When you make this change what you are going to do is, you are going to cause the Stop and Shop property to be non-conforming, and the adjacent property next to it, the one that we are purchasing to essentially not be usable, because that is also in the industrial zone, in an area where I don't think anybody expects industrials to go. I think you realize, I know that this has been commented on before, that when you put a property into a non-conforming zone, it causes real problems, for example if the building had damage at certain levels, the building couldn't even be reconstructed. So what we would like to suggest to you, is that if you are going to make this particular change in the zoning regulations, that you should simultaneously change the zone of our industrial properties to the Planned Business Zone so that our properties will not end up especially the big one, in a non-conforming status. The reason we ask you to do it, is for two reasons, one, it would be very simple for you to do, but also you could time the zone change of the parcels to the text change and there wouldn't be any point at which our properties would remain non-conforming, as opposed to us having to bring the application in sometime after you make the text change and while I admit the chances of something happening in that time period might be small, it's not a risk we really would like to entertain. So we would ask you, in this particular case, if you want to make the change, consider simultaneously changing the zones of those two parcels to what they ought to be, and then you will never have those properties end up in a non-conforming status. Thank you.

Chairman Camilli: Is there anyone else wishing to object to this section?

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."

Ed Meehan: Again, this comes up in another zone district, it's being put in there for consistency, acknowledge the comment that I heard from Mr. Bongiovanni earlier, for clarity.

Chairman Camilli: Anyone wish to object to this section?

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 flood 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."

Ed Meehan: This is language which appears in other sections of the zoning regulations having to do with the determination of density for multiple units. The PD Zone, a project recently was before the Commission where this issue came up, again this is a clarification. The intent here is that the density is going to be based on the net buildable land area. That credit will not be given for wetland or flood plain acreage, that will be netted out and the density of the proposed project will be based on net buildable.

Chairman Camilli: Anyone wishing to object to that?

Alan Bongiovanni: For the record, Alan Bongiovanni. I understand the purpose of this, and it is in other portions of the regulations, sometimes causes me heartburn to read it, in that you talk about geologic or topographic conditions. There is no definition of what is an unsuitable topographic condition, or what geologic conditions would render something unusable. Wetlands is easily defined. Flood plain is easily defined, but topographic conditions without a definition or some set of parameters, as well as geologic conditions I think just begs to battle it out from now to the end of time. Everybody that comes before this Commission as an applicant and doesn't agree with what the Commission feels is a usable area to calculate their density, is going to sue, and my tax dollars are going to be spent unwisely. I think if you can clarify what the intent of limiting topographic concerns or geologic concerns are, I think that would go a long way toward benefiting everybody. Thank you.

Chairman Camilli: Anyone else? We could do something….

Ed Meehan: It would be something I think could be looked at and perhaps do a clarification by way of a definition. A standard and a definition.

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."

Ed Meehan: Same explanation as before for the clarification of where the buffer is going to be measured from.

Chairman Camilli: Anyone object to that?

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."

Ed Meehan: Ditto.

Chairman Camilli: Anyone wish to object to that?

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."

Chairman Camilli: Any objections?

Alan Bongiovanni: Why not?

Chairman Camilli: We want the input, that's good.

Alan Bongiovanni: For the record, Alan Bongiovanni, in the first portion, Section 4.4.5 (A) Projections, I believe the language that is being added is the twenty four square foot platform.

Ed Meehan: The last sentence, yes.

Alan Bongiovanni: I know that I have had a disagreement with the Zoning Enforcement Officer, I believe stairs can go beyond that. You know, if I have a four by six platform that meets twenty-four square feet and goes over three feet over the building line, I should be allowed to at least put concrete steps or something that would get me down to the ground, and I know that the Zoning Officer at times said you can't do the steps because that makes it over twenty-four square feet. I think you should be allowed to do steps in addition, open stairs, or steps, in addition to the four by six or twenty-four square foot platform. And then one other thing, possibly address air conditioning condensing units as projections from a house, include that as part of the amendment. Thank you.

Ed Meehan: The only comment, compressors, A/C's are very touchy when you get close to people's property lines and you have sometimes eight feet you know to a property line, and the other guy has ten on this side, some people don't like the noise. I'll certainly look at this. I think what we are trying to do here is to limit that twenty-four feet to the platform, it would not in my opinion affect the stairs, but we will certainly look at it. We are trying to make these more user friendly for the practitioners such as Alan and other people who have to figure these things out.

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."

Ed Meehan: Section 5.3 is our site plan section and C and E are proposed as part of our check list for items that an applicant will need to show on their plans. Most of the time they do show them, but sometimes they don't and since a site plan is an administrative process, it's a review process where the Commission acts in an administrative capacity, we just want to remind both the applicant, myself, and the Commission that this information should be on the plan when he comes before you.

Chairman Camilli: Anyone wishing to object to that?

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

    Section 6.1.1 (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."

Chairman Camilli: Any objection to that?

Ed Meehan: It's one of the quality of life zone changes, this is very problematical. Many times people will pull their vehicles up across their front yard, and the way that the regulations are written right now there is a front yard setback line of 35 feet, 30 feet, so if they're not parking their vehicle in that front 30 or 35 feet, between the house and that setback line, technically they are not in violation of the zoning regulations, you could pull a car right up to the front steps. A lot of people do, and a lot of neighbors don't like that. It does I think go to the quality of issue in our residential areas, and this is an attempt to tighten that up and clarify it.

Clifford Stamm, 105 Harold Drive: I want to clarify on that, I live at the end of Harold Drive, and I have a cul-de-sac there, and they are forever parking cars on the inside curb on the cul-de-sac. There is no place for them to park cars really, because the frontage on each lot is so small, it's on a cul-de-sac, there is a small frontage in front of the cars, for the cars to park on the street, and in between every driveway, you can park one car, but when you start parking two cars, and they have other things on Harold Drive, they have a church meeting there, and when they have the church meeting, they have cars parked all over. You can't even get around the cul-de-sac. Now is there anything in the regulations that would govern or control that.

Ed Meehan: No, the zoning regulations don't control right of ways.

Clifford Stamm: It's not a right of way.

Ed Meehan: Cul-de-sacs are the right of way. The circle inside the cul-de-sac is part of the right of way.

Clifford Stamm: Part of the right of way. They can park on….

Ed Meehan: Well, it would be a police enforcement issue, posting it, or….

Clifford Stamm: If there was an emergency vehicle come down through there, it wouldn't get through.

Ed Meehan: Well, the Fire Marshal could also post it, but to answer your question sir, this section, or do the zoning regulations regulate the parking of vehicles within the town or state right

of way. it has to be through the police department, Fire Marshal or the State Traffic Department of Transportation.

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 Non Residential Wall Mounted Business Signs

Section 6.2.3 (A) 2 Amend to clarify "Building frontage shall mean 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 6.2.5 (B) Amend to delete reference to "approval by Traffic Authority."

Chairman Camilli: Okay, Ed?

Ed Meehan: Again, these are clarifications. The first item, Section 6.2.2, Residential Signs pertaining to the R-12, R-7 or RD Zone, we've had experience over the past several years where we've had developments such as Pulte Homes, or Toll Brothers at Newington Ridge, or Fennwyck Estates or more recently Deming Farms on Deming Street that we've talked about entrance signs with the developers. Attractive entrance signs to announce the property, but in reality, there are no standards in the regulations for that. This is an attempt to put that into the regulations so that we have guidelines to go by.
The next two items that were read, are simply clarifying for sign companies and applicants that are putting together a sign package how to take into account measurement of what is considered a public street and the front door, and we felt we were fairly specific in the regulations about one pylon sign on the property but this tightens that section up a little bit and that is to eliminate multiple pylon signs on property except for those properties that meet the standards for like large corner sites, development sites which because of their size can comply with street frontage to permit two street signs.

Chairman Camilli: Any objection to this?

Attorney Sabatini: Vincent Sabatini, Attorney, as you know, Serus Realty Trust is involved with Joanne Fabrics and TGIF and they have two free standing signs, and when I first read this I thought that you were eliminating the right for a property of that size to have more than one free standing sign and now that I hear what Mr. Meehan said I'm not quite sure if you intend to leave the provision in the regulations which calls for two free standing signs if you have a corner lot, or have the necessary separation, I think it was 1500 feet. Is that still staying in?

Ed Meehan: That stays in, the section you are referring to Attorney Sabatini, corner lots under one ownership, the Commission may grant a second free standing sign defines the frontage length of each intersecting street at least 500 feet, and the distance between the signs as measured along the street right of way is not less than 400 feet. That is the criteria under which the second sign was granted in front of TGIFridays.

Attorney Sabatini: So this amendment doesn't affect that property.

Ed Meehan: No.

Chairman Camilli: Anybody else?

Alan Bongiovanni: For the record, Alan Bongiovanni. Section 6.2.2, I don't know the residential sign requirements as I do some of the others. From listening to Mr. Meehan explain it, maybe a couple of words should be added that a development sign, or something, you know, I take this, when I first read it that if I've got a home occupation approved in a R-12 zone, I can put a 150 square foot sign up. I think we need to make sure that, that doesn't happen.

Ed Meehan: There are other sections that control that.

Alan Bongiovanni: Okay.

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 limits "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.

Chairman Camilli: Ed?

Ed Meehan: All these modifications are intended to clarify the processing of Special Exceptions for earth removal. They do propose to tighten up the standards as far as slope design and location of the excavation relative to adjacent properties, but the way that these are written, the Commission reserves the right to modify that on a case by case basis by a two thirds vote.

Chairman Camilli: Any objections to that?

Attorney Sabatini: Vincent Sabatini, One Market Square, just a clarification. Does this section, 6.4.1 affect a developer who receives site plan approval and is awaiting a building permit because of construction drawing, etc., from obtaining a grading permit? The way that I read it, it sounds like it might. Right now I think that if you get site plan approval, the Building Department issues a grading permit before a Building Permit to do some site work.

Ed Meehan: If you get site plan approval, you don't have to apply for this earth removal, because you are excluded. Under the site plan, you can begin your work.

Attorney Sabatini: I don't know if that, when you read that, it doesn't really….maybe that should be clarified.

Ed Meehan: Maybe I can help you here, it says, under Section 6.4.1 it talks about the requirements for a Special Permit for earth removal of products and moving earth, and then it has exceptions, and one of the exceptions would be if you had site plan approval. So you wouldn't have to apply here. But if you just had a raw piece of land and you wanted to move dirt around and take it off, you would have to come in for a Special Exception.

Alan Bongiovanni: For the record, Alan Bongiovanni, 6.4.3, I believe that was one foot vertical rise and three feet, or two foot,

Ed Meehan: One to two.

Alan Bongiovanni: One to two, a two to one slope, now you are going one to three. Curious as to, two to one is a standard slope, anywhere in the State of Connecticut. It's a self sustaining grade for natural earth. If you were to treat it with a stone treatment, you could go to one and a half to one, if it was a rock face, the State of Connecticut will do one to six, or six foot of vertical rise for one foot of setback on the slope, I think this may, and I don't have anything specific in mind, but I think this may severely limit many properties if they were going to remove some material with I think a regulation or a standard of three to one that is probably not necessary. If there is some engineering backup as to why the Commission is looking to change it, I'd be interested to hear what it is. A two to one slope can be cut with a lawn mower. Many sites that this Commission has approved have two to one slopes along the front yards of the Berlin Turnpike, several areas of town, it's a perfectly acceptable slope that can be treated as a lawn or grass without having to do anything extra ordinary to maintain that slope. Three to one gives the impression to me anyway that it is intended to limit the use of the land, and I don't know that that is what this regulation should do.

Chairman Camilli: Anyone else wishing to object?

Attorney Jacobs: Len Jacobs, thank you Mr. Chairman, I'm going to try to look through my notes and try not to repeat some of the comments that were made, which I do share. I did want to indicate to the Commission before I get started that I have spoken to your Planner, as a matter of fact I have a meeting with your Planner, and he'll be happy to hear that I probably won't need to come, so Friday afternoon will be cleared up. I wanted to discuss with Ed the fact that Ed explained to me that moving material within a site, for example, if you have material on your site that you want to move, but you want to move it only within your site, is considered by the Commission a removal even though you don't go off your site, and even though you are not bringing anything onto your site, and I was, I mean, Ed said it to me, so I accepted it, but I didn't agree with it, because I thought the term removal would mean removing off of the site. So I did want to just take the opportunity if the Commission would respond to that, whether in fact I would have been correct that the term removal means off site and the term filling means on, bringing site, but doesn't include the fact that you have some material already on your site, and all you are doing is spreading that around the site. So if you are willing to do that, I would love to get an answer to that, because we wouldn't have thought it that way. Now I was going to talk about Section 4.1 and Section 6.5 because I thought that applied the way that Attorney Sabatini did, but sitting in the back Ed, I believe you said that, those sections don't apply if you have a site plan approval.

Ed Meehan: That's correct because you wouldn't apply for a Special Exception. If you already had site plan approval which involves regrading of a property, getting it prepared for construction, you could do your earth removal, changes to topography under the site plan.

Attorney Jacobs: So that is dealing with a situation where you are going directly to a Building Permit.

Ed Meehan: That's correct. This is for the site that doesn't have a plan in mind, just wants to come in and move dirt around, or take dirt off the site without any plan of development for future use.

Attorney Jacobs: Okay. Now I just want to comment on the two-thirds because that may come up later, and just by way of clarification, I think the two-thirds shouldn't be interpreted as two thirds of the Commission, which would always be two-thirds of seven, but it should be two thirds of the members of the Commission voting on an application. For example, if you only have six Commission members voting on an application, because you don't have everyone there, the requirement shouldn't still be five, it should be four, which would be two-thirds of the sitting six members, and it's not clear when it says, of the Commission.
I did want to touch on 6.4.3 (B) where you talk about removal within fifty feet of a property line unless waived by two-thirds, and we were wondering why that particular provision is in there, it almost speaks as if you were thinking about commercial excavation as opposed to a normal site, because on a normal site, it would not be at all unusual for you to be grading and moving your fill around within fifty feet of the property line, and I don't see any reason why that should require a two-thirds vote, Ed, unless that section doesn't apply to a normal site plan application, and a normal site plan application wouldn't run into that.

Ed Meehan: This is for the commercial site where they are just excavating material for the value of the material, again, a site plan, you would want them to grade up to the property line, match grade, blend,…..

Attorney Jacobs: So again, you wouldn't have to face that problem. Okay, then I don't have to talk about that. Then the only thing that I would also like to talk to you about as Alan did, is the one foot vertical rise, three foot horizontal because we agree also that the two to one slope is appropriate. We know that that's the slope employed by the Department of Transportation, we know that there are many projects in town, for example the Stop and Shop project was built at a two to one slope many years ago, it still functions fine, and we think that to impose the three to one, there doesn't seem to be a justification calling out for that. We think that the two to one slope is generally acceptable and unless there is some specific reason that is strongly taking you to three to one and if there is, you can share it with us and maybe we could respond, but if there isn't, in a normal setting, we think the two to one slope really has worked fine, and to impose a three to one and start talking about retaining walls, as I know I'm going out of order, when you get to Section 7 I think, to rectify the situation I think is really imposing a burden without there being a specific need to have to call that into question. I won't get up again when you get to 7.4.8 if you could just make a note, but we do think that section which requires you to build retaining walls in situations where really sound engineering wouldn't require them, is really imposing a burden on your developers and those retaining walls are really expensive, and if you don't get any corresponding benefit from that, we think the two to one slope really should remain, we think that is a correct number to be using.

Chairman Camilli: Anyone else?

Richard Hayes: I need a clarification, for the record, Richard Hayes, 1481 Pleasant Valley Road, partner in Hayes-Kaufman Development, Ed, I need to understand this three to one slope issue a

little clearer so I'm hoping that you can clear it up for me. If I'm filling within the rights of my own property, and I want to put a two to one slope in, am I allowed to do it or not, under site plan approval? That's my question this evening.

Ed Meehan: This section talks about people who are removing earth.

Richard Hayes: Right, and I understand that. You have a section that talks about people filling earth. I just want to make sure that they are not being misconstrued or overlooked or I'm not misinterpreting them, I guess that's…..

Ed Meehan: This is for the property where someone comes in and they want to start a burrow pit, and they haven't got plans for a building, or anything following that. That is what this is about.

Richard Hayes: If I have a site plan application and I come in here and I'm proposing a two to one slope, the toe of the slope is going to start essentially at the property line and essentially move its way up, I'm well within my rights to request that.

Ed Meehan: Right, three to one is only here.

Richard Hayes: Thank you, that's all I need to know. Thank you.

Chairman Camilli: Anybody else?

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.

Chairman Camilli: Ed?

Ed Meehan: This is again to clarify this section, the purpose here is to tighten this up. Having the Town Engineer versus the Building Inspector involved is to get the engineering input into the plan. The comment about the two thirds vote of the Commission, I would acknowledge that, to clarify that. There's not too many other changes in this section.

Chairman Camilli: Any objections to this?

Attorney Sabatini: Vincent Sabatini, Attorney, One Market Square, just for clarification more than anything, I'm referring to, if you recall, we had an application, Victor Basile Enterprises, on the Berlin Turnpike where he had an opportunity to bring in fill, and possibly fill in some area that may be developed in the future, without having a specific plan in mind. The way I read this, it looks like, unless he has a specific project, that has the result of getting a building permit, he's not able to do that, and I'm not so sure if that is the intent of the town, or why would that, why would the town want to unduly restrict someone from doing that, if they have an opportunity to prepare the land for development in the future. I always thought that if you were conducting a cut and fill operation on your property, where you weren't bringing in dirt, or you weren't removing dirt, you were simply moving it around, that you're not really having a grading or removal operation, and you are not really involved in mining. I think that is really what you are trying to get at here, so

this seems to affect someone who may have a high area, a low area, and he wants to get his land situated such that he can market it, or develop it, and why would he have to come in for a permit, one, why would he have to show a site plan, two, and why would he have to have a development in mind?

Chairman Camilli: You don't have to answer that now. Do you want to?

Ed Meehan: I know, but I think the obvious is that the Commission wants to know why an applicant is going to commit to a substantial amount of material in an area, whether it's commercial or residential. There are certain mitigation measures that should be part of (inaudible) plan. It could affect wetlands, it could have erosions controls, could require cutting and grubbing of the property, traffic, bringing in fill material, I think for the very reason you stated Attorney Sabatini, the example you gave is probably part of the catalyst here, as the Commission had before them an application where the guy was going to bring in, I don't know, twenty, thirty thousand cubic yards, and didn't have a plan to go with it yet.

Attorney Sabatini: But he had a plan to fill his property, and he showed you how he was going to fill his property. It did involve wetlands, he did have wetlands approval, but to force somebody under that circumstance to have a building permit, and to have a site plan, I think is unreasonable. If somebody has some property that may not be level, why can't he take efforts to make the property developable, even if he doesn't have a development in mind. If he has the opportunity to bring in fill, I think there are regulations that are in the books right now because you have talked about them, you have traffic control, wetlands control, you can have storm erosion controls, but what you are adding here is the requirement that you're not going to allow someone to do that unless in fact he has a site development plan and, that would lead to a building permit, and I think that is unreasonable in some situations. I mean, we are not doing a mining operation. Somebody was mining the property, that's a little different story, we're talking about somebody who has maybe five acres of land, some of it's low, some of it's high, he wants to grade it, make it level and you are not going to let him do that. Or, he wants to bring in some fill, maybe somebody next door or down the street is excavating land and has got extra soil, bringing it in to make the land level, he's not going to be able to do that. That's the situation, and that's the situation on that site on the Berlin Turnpike presented itself, but this seems to be adding an undue burden on an owner which I don't know if he could ever meet. Thank you.

Chairman Camilli: Thank you. Anybody else?

Newell Stamm, 2 Halloran Drive: Land today is getting tighter and tighter and there are big excavations going on in Hartford for the sewers and so forth. They have to have a place to get rid of that rock and dirt and so forth. You could take a low piece of land and fill it and make it presentable. People who can't see beyond their nose won't look at it until you improve it, so you fill the site, bring it up to grade, and then you have a piece of land that is visible to the eye and people want to buy it. By having a regulation that you cant cut and fill and take care of this land, people can jump in there and do the site work, and get it done, and I think that's a great thing, being in the site work business would help my company and other people who own the land to go ahead and get it done. It could be done within months when things are slow, and there is going to be a great amount of places to get rid of fill and make it possible to use it. Thank you.

Chairman Camilli: Thank you. Is there anyone else who wishes to object to this?

19. <u>Section 6.7 Interior Lots and Single Family Homes.</u>

"Delete."

Chairman Camilli: That's pretty clear.

Ed Meehan: This particular section has been a concern to the Commission for several years both it's interpretation and the fact that the Commission sees that many of these interior lots, given Newington's land supply, being squeezed in, that cause concerns, particularly in a single family residential areas and most times, when the Commission has a public hearing, very little support, and mostly opposition to this type of development, so that's why it is on the table tonight.

Chairman Camilli: Anyone wishing to object?

Alan Bongiovanni: For the record, Alan Bongiovanni, 170 Barn Hill Lane, I am completely opposed to the elimination of interior lots. This town has a regulation that provides for a minimum of one and a half times the lot area for a rear lot. You have good setbacks, regulated by a Special Exception, to allow this to happen, and you have a good regulation. This town sees probably three or four applications a year, in busy years, in some years you probably don't see any applications for rear lots. I think if you took the time to notify individuals with lots that have the potential you'd find that there is an awful lot of people who would be opposed to this because you are going to take the right away that they have enjoyed for many years, they may not have acted on it, they may not have taken advantage of it, but you are going to take a right away from many people that own land, that have large lots. There's a lot of properties on Maple Hill Avenue, in recent years, in recent months, you have had applications before you. Not an onslaught of them, but from time to time you get applications. To tell those people, if you approve this change that, oh, sorry, we decided that we had enough, I don't like that. I think it's a good regulation, I think it provides safeguards for the neighbors. If we had an outpouring in the Town of Newington of public support for elimination, that's one thing, but you know, I don't hear the conversation on the street that, gee Al, you did another rear lot, and I'm so mad at you. Or, there are too many houses in the back of my neighborhood, I don't see that happening. People are grateful that they have the land, that they can work with the regulations and create an additional lot here and there. If the purpose is to protect some of the neighbors maybe you look to increase the setback for the front yard, or maybe increase the side yards commensurate with the land area to require for the property, but to totally eliminate them, I think you are doing a disservice to the people. I found in many communities, in many years that when you have a host of regulation changes people don't pay attention to the detail and if this was brought to the forefront, and those people actually knew that have land that would permit by the current regulations an additional lot being built, I think you would have this town hall packed with people. Thank you.

Chairman Camilli: Thank you. Anybody else?

Attorney Sabatini: Vincent Sabatini, attorney, One Market Square, as you know, I represented many applicants that sought interior lots and have a couple of appeals pending. I echo what Mr. Bongiovanni said, but I also want to point out that, to follow up on what Mr. Bongiovanni said is that when you have a change in this regulation, that's among twenty-five changes a lot of people who may be interested would not necessarily know about the changes and I want to talk about the fifty or so interior lots, maybe even more that exist right now in Newington. What is going to happen to them if you eliminate that regulation especially under Section 5 of the general regulations which talks about non-conforming lots, land use buildings or structures? In effect you are going to make those all non-conforming uses. You have interior lots in this town that are not just residential but commercial. Medi-plex Nursing home on Church Street is a commercial interior lot. If something happens to that building, you, under these regulations prevent them from rebuilding, so that use is not going to exist any longer. I don't know if you thought about that, but I think there are some pretty substantial, severe consequences that could result from the abandonment of the interior lot regulation. Thank you.

Chairman Camilli: Anybody else? We're getting to the end.

20. Section 6.11.5

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

Ed Meehan: Again, this is to clarify, as stated previously how the buffer boundary would be measured. The intent would be to measure from the commercial side to provide adjacent residential uses the full twenty-five foot, or fifty foot buffer, whatever it might be depending on the use, auto related uses could be up to fifty feet, and that's the intent of this.

Chairman Camilli: Any objection?

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 vehicle 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.

Ed Meehan: This is to bring the regulations into compliance with changes to the state statutes.

Chairman Camilli: Any objection to that?

22. Section 6.13 Accessory Apartments

"Delete"

Ed Meehan: This has been discussed by the Commission. It has, not something that comes before the Commission frequently but the sense of the Commission is that they don't feel that this is an appropriate use any longer.

Chairman Camilli: Any objection?

Alan Bongiovanni: For the record, Alan Bongiovanni, 170 Barn Hill Lane. As Mr. Meehan just stated, accessory apartments doesn't come before this Commission very often. I can think of three of four that I am aware of in the Town of Newington. When accessory apartments were put in, they were put in, I believe in an effort to create like an in-law apartment. You've got an aging parent, that needs care and maybe your only means to care for that person is to expand your home, or re-divide your home without expanding it and maybe create a little kitchenette or something so that person can have a fairly normal life style, and yet, you want to deprive people of that benefit. By removing that regulation from our zoning regulations you're not going to stop people from creating in-law apartments, you are going to stop people from getting building permits to create in-law apartments. Anybody can put an addition on their house without the approval. They go in, they take out a building permit, they don't show the kitchen fixtures because that's what designates the additional apartment, the in-law or accessory apartment. You take this regulation out, if somebody wants to provide for someone in their family, they're going to do it. They are going to do it illegally. I remember several years back the Town of Newington entered into agreement about affordable housing with the Capital Region Council of Governments, and I believe at that time is when this regulation went in. This is a way of providing some affordable housing units within the Town of Newington that the Town has obligated, or

committed to provide a certain number of units. By taking this regulation out, you are going back on your word to create affordable units. I understand that Mr. Meehan said that it has been discussed among the Commission, and that it may be outdated, so that is why the Commission wants to remove it, someday, everyone sitting at this table, may be those people who need to be cared for, and maybe your children would like to make a provision to take care of one of you, or someone else in your family. If you remove this from the regulations, they won't be able to do that legally. Thank you.

Chairman Camilli: Anybody else?

Ed Meehan: We have a letter from Mayor Mortensen to the Commission: I'm writing in regards to the proposed elimination of Section 6.3 Accessory Apartments from the Zoning Regulations of the Town of Newington which appeared at tonight's Planning and Zoning Commission agenda. At a time when demographics of the Town of Newington are changing and its population is aging, eliminating accessory apartments in homes would add to the existing strain on available senior housing in Newington. If senior residents are able to live in the home of their son or daughter, it may help ease the current need for additional housing. Eliminating accessory apartments may also have the adverse result of having more residents building accessory apartments without getting the proper permits, thereby endangering the health and wellbeing of all occupants. If necessary, the TPZ could put stricter guidelines on the requirements and qualifications for an accessory apartment. I hope you will give serious consideration to these comments before eliminating regulations governing the use and safety requirements of accessory apartments.

Chairman Camilli: Did I ask if there was anyone else? Okay.

23. <u>Section 7.4.8</u>

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' then 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.

Chairman Camilli: Ed, just briefly.

Ed Meehan: This is an attempt to clarify this section. It does tighten this section up by the three to one slope. There was a prior question from Mr. Hayes relative to that which I answered in a different section. He asked if that was pertaining to site plans, at that time, to answer his question, it wasn't. This section does pertain to site plans, it does propose the three to one horizontal requirements. It also tries to clarify the requirements for retaining walls and fencing to secure the top of retaining walls.

Attorney Jacobs: Thank you Mr. Chairman, Len Jacobs. I'm just going to remind the Commission about the comments that were made earlier. This is correct, where 6.4 and 6.5 didn't apply to a normal circumstance, 7.4.8 is right in the site plan section as the Planner said and therefore this

becomes the standard. What that means is that everyone is going to have to design a three to one slope or they're going to have to start dealing with retaining walls. We, as I mentioned to you earlier and gave you some examples, DOT and so on, we don't think changing from two to one slopes is required. We think it imposes a tremendous burden on people who want to develop in the town without a corresponding benefit. This is a section that we would absolutely like you to reconsider and hopefully go back to the two to one. We don't think that there is anything that we can identify that calls out for this particular change. Thank you.

Alan Bongiovanni: Alan Bongiovanni, as Mr. Jacobs said three to one is, I don't know the way to regulate land use and density. You have a two to one standard that is an acceptable engineering slope, standard for slope within the State of Connecticut and it has been since I'm aware of in the Town of Newington. I'm unaware of slope failure in the Town of Newington because we have two to one slopes so we have unsafe circumstances. If you change it to three to one, you put an economic burden on anyone who wants to build. You either limit the amount of area that they have to work with on the site, there's an awful lot of other criteria that the regulations have that also limit their work, or you force them to put a retaining wall in which adds to the cost. In the audience, and I don't think the public has heard any valid reason why you want to change it from two to one to three to one slope. I would really like you to reconsider that. From a planning purpose, I don't see what benefit it serves other than to regulate the density or coverage of a site and I don't think it should be used in engineering. An engineering standard should be used to do that. Thank you.

Chairman Camilli: Anybody else?

Richard Pengel: Again, Richard Pengel, Updike, Kelly, Spellacy, and I am in agreement with the previous speakers and in fear of unduly burdening development I would like to add on the record our objection to changing the slope to three to one and request your consideration to keep the slope requirements at two to one. Thank you.

Chairman Camilli: Thank you.

Richard Hayes: Again, for the record, Richard Hayes. I just really would like to understand the reason for this. Can somebody expand on that for me so that I can get a better appreciation for why we are considering this, this evening?

Ed Meehan: I think the sense here is to reduce some of the coverage on properties and the impact of the development on sites, is to make some of the slopes more manageable. That is the intent.

Richard Hayes: I think that, you know, in all candor, that you are probably going to promote retaining walls and I, developing in, you know, probably fifteen or eighteen different communities, in the state in the last twenty some odd years, I've come across a lot of different discussions on slopes. It reverts right back to the filling and the removal issue. No matter what piece of property you are developing today you are going to have certain constraints and there is always going to be fill or, you are either going to be removing or adding fill to sites, there is no site that balances perfectly any more, unfortunately, not left in the State of Connecticut. Very rare. So, that requires these walls. Obviously, we like to stay away from them, from the development standpoint because they are costly. Not only that, it's with my partners, the bigger issue from the cost is the safety concerns. Somebody falls off one of these things, and I know that you are required to fence them, and the fence is only required for four feet per the state building code after the wall exceeds four feet, not three, but the fact of the matter is, some of these kids today, they climb over them, they walk on top of them, and we built one in Berlin a year and a half ago, it's 420 feet long, it's 17 feet high and we did all kinds of things in order to, six foot high stockade

fence, putting a good row of shrubs all along the top of it to prohibit them, and the kids still walk on top of it, so that is a concern for me. The liability is a huge concern, the safety for the children is a huge concern, and obviously just to, from an aesthetic stand point, I don't know whether you like walls or not, but if you like the way they look I guess this is a good regulation but the fact is, that in most instances you won't even be able to see the two to one slope and the particular piece of property that I'm most concerned with, that this is going to affect right now, and I have to make a significant financial commitment to next week, I'm going to lose a portion of that land, because of this regulation. I won't be able to use it. To me, that is burdensome, and the fact of the matter is, nobody is ever going to see the slope to begin with because it's on the back side of the property, so you know, and there are ways to dress them up and I don't think, I think personally a grass slope looks much better than a, any type of a modular block wall. Thank you for your attention.

Alan Bongiovanni: Again, for the record, Alan Bongiovanni, one item I forgot to address earlier, this talks about all earth has to be sloped at a three to one if this was to be approved. It doesn't talk about self staining natural materials, rock. If I have a situation where a client is developing a rock situation, where he is going to have to drill and blast is he, in that type of a situation supposed to have a three to one slope on that, or would the vertical face be considered a retaining wall.

Chairman Camilli: Anybody else?

Newell Stamm, 102 Halloran Drive: Three to one is too much, you will lose too much land and I'm not in favor of that. I'm not in favor, you are using up too much level surface with three to one.

Chairman Camilli: Thank you. Anyone else want to object.

24. Section 7.4.29 (c) Filing of Approved Plans

Amend to read: All data must be submitted in Connecticut State Plane Coordinate System, North American Datun 1983 (NAD 83), Units U.S. Feet."

Ed Meehan: This technical change requested by our GIS coordinator, geographic information systems coordinator to standardize how we will receive the computer discs for input into our systems.

Chairman Camilli: Any objection?

25. Section 8.1.4 Dealers and Repairers

Certificate of Location Zoning Board of Appeal" delete and assign to Zoning Commission per Public Act 06-133 effective June 6, 2006.

Ed Meehan: This requirement is made to be compliant with State statutory changes.

Chairman Camilli: Any objection.
We have to put into the record from the Capital Region Council of Governments, do we have to read these in?

Commissioner Cariseo: This is a letter from the Capital Region Council of Governments, dated May 18, 2007. Planning and Zoning Commission, report on Zoning Referral Z-2007-30. Town of Newington. Commissioners: Receipt is acknowledged of the above mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capital Region Council of

Governments under the provisions of Section 8-3B of the Connecticut General Statutes as amended. Proposed amendments to delete following uses, motor vehicle sales/repair from Business, drive through restaurants from the Berlin Turnpike, retail stores and retail stores over 40,000 square feet from Industrial, interior lots from residential and accessory apartments from R-20 and R-12. Comment: The staff of the Regional Planning Commission of the Capital Region Council of Governments has reviewed this referral and finds no apparent conflict with the regional plans and policies or the concerns of neighboring towns with the majority of the proposal. However, accessory apartments are often more affordable housing units and offer a variety in housing choice. The regional plan establishes both housing choice and access to affordable units as goals. Therefore the Commission should consider whether eliminating accessory apartments from the R-12 and R-20 zones is necessary. Questions concerning this referral should be directed to (inaudible) In accordance with our procedures this letter will constitute CRCOG action on this referral. The public hearing date has been scheduled for unknown. Respectfully submitted, John Larson, Chairman.

Chairman Camilli: And I have one here from the Central Connecticut Regional Planning Agency. Dear Mr. Meehan: At the regularly scheduled meeting on May 3, 2007 the Central Connecticut Regional Planning Agency acting in accordance with Section 8-3B of the Connecticut General Statutes reviewed the above noted referral, NG-49 and found referral NG-49 not in conflict with the regional development plan or any other plan prepared by this agency. Comment: There was regret that the referral contains the proposal to delete Section 6.13, the regulation enabling accessory apartment. Accessory apartments are an important part of the housing supply equation as accessory apartments increase the overall supply of housing and the options available in the housing units. While incremental approach and delivery accessory apartments are an effective means of providing small scale housing and units affordable in price. By deleting the accessory apartment option the real supply of affordable housing will be impacted regardless whether any particular accessory unit is or is not deed restricted for the provisions of the Connecticut General Statute Section 8-30 G. The hope is that the Planning and Zoning Commission will reconsider this particular amendment and not remove accessory apartments from the list of housing options. Thank you for the opportunity to comment on this matter. Respectfully submitted, Margaret (inaudible) Senior Planner.
My only comment is, I've stayed rather quiet, most of these, not most all of these are in response to some either experience that this Commission has had and also to clarify and perhaps just update to the Connecticut General Statutes, so it would be one of those three reasons, some of it was housekeeping, some of it was our own experience as a Commission, and some of it was to just reaction as we sit here twice a month and we listen to many applications. Although everyone has a certain viewpoint, we hear it all. We hear when the neighbors come in and say, oh, this guy did this, and there is an accessory apartment, and he did this and, whatever. I mean, we hear an awful lot. As I said, we hear the other side as well. We've heard one side tonight, there are other sides. I'm sure all the lawyers in this room will attest to that. So, that was the reason for this. It was, as I said, you can tell originated from Ed Meehan, our Planner who does an excellent job, and we set the policy. So we have heard, as I said many, many pleas, what can you do as a Commission and you know, we hear about liter from drive, you know, we have people calling the Mayor's, on his program, about all the liter that is going on, well, the drive-throughs, so we hear it. And I'm not saying which way any of these things are going to go, at this point, but there are other sides to many of these issues, so I just wanted to get that point across. It's something that we will not do without giving it all due deliberation for all that are here. I understand that there are economic issues as well, that can impact a lot of people, and then there are issues as some of the people who came up and graciously testified here, we don't want to be compiscatory, we want to be business friendly and yet as you all know, the land is getting scarcer and scarcer. Good land, so we are finding that we have applications in wetlands, or filling in wetlands, to tearing down mountains. So that is where we are in this town, so it's quite a balancing act, so that is why we will react to these particular zoning regulations. Thank you all for coming.

Audience: There's an item on the agenda that we haven't had a public hearing on yet.

Chairman Camilli: I'm just trying to finish up this one sir.

Attorney Jacobs: Mr. Chairman, if I could ask just one question. Do you anticipate having further discussion on this after you finish your regular agenda this evening?

Chairman Camilli: No.

Attorney Jacobs: So the next time it would be discussed would be……

Chairman Camilli: We are going to be closing this public hearing on these regulations and then the Commission will have a chance to digest and go over all the stuff and make up their own minds. At this point, everything is open, but we are going to close this public hearing, which is Petition 19-07. Yes?

Alan Bongiovanni: Mr. Chairman, I request that the Commission leave the public hearing open. There were some issues that I know that I brought up points on and Mr. Meehan looked like he agreed with them being valid points and maybe some text change was in order and the public should have the opportunity to see a change if some of what we said will change your minds, at least the language of some of these things before you close the public hearing. I think it's only fair that the public see your final rendition before you vote on it.

Chairman Camilli: Well, we did take notes, I know we all took notes. I have notes as far as what is going on, so I think we will be responding to what the input was tonight.

Ed Meehan: Well, you have the opportunity to keep this open, and to have a draft with the comments received tonight based on the minutes, which are verbatim, to discuss again in public hearing. That is one option, the other option is to close the public hearing and move this to Old Business and discuss this publicly, putting forth your comments for addressing the concerns that you heard tonight, or the clarifications that were offered by some of the speakers, and I would agree that they should have the opportunity to look at those changes before you vote on them. The problem with closing the hearing is that they are not going to able to comment on them again, once you close the hearing. So, that is the logistics of this.

Chairman Camilli: I'm in no particular hurry, what do the Commission members……

Commissioner Kornichuk: When does this have to be……

Ed Meehan: Well, you have thirty days to leave the hearing open, and then once you close it, you have sixty-five days, so you have……

Commissioner Kornichuk: So it's like a normal petition.

Ed Meehan: It's like a private petition, you follow the same rules.

Commissioner Ganley: What do we have on the table for the next meeting, for instance.

Ed Meehan: It's fairly light, since the agenda went out a couple of petitions have come in, I think a sign, it's a light agenda coming up. There are a couple of items under Old Business tonight that I believe are going to be extended at the request of the applicant, but the next two agendas are light.

Commissioner Ganley: June 13th and June 27th are the two June dates. Assuming that we are going to keep this open, those are the two dates that you say are going to be light.

Ed Meehan: Yes.

Chairman Camilli: What's the will of the Commission.

Commission Members: Leave it open, no problem.

Chairman Camilli: We will leave this petition open, I have no problem, I just don't know if we are going to get any more comments, it's just a question of what our comments are and how we are going to react to whatever. We will leave Petition 19-07 open.
Thank you all for coming, if you are just here for that.

B. PETITION 21-07 – 179 Meadow Street, Faye H. Karanian, owner and applicant, request for Special Exception Section 6.7.2 Interior Lot, R-12 District.

Faye Karanian, 179 Meadow Street: This is a large lot and I would like to have the ability to build on the back of it, if the time comes that I want to do that.

Ed Meehan: The applicant has retained an engineering firm, MBA Engineering has prepared the map that is on the wall, is available for the public to review before tonight's meeting and on the Commission member's table. I did prepare some comments on it. The map basically sets forth the proposal to divide Mrs. Karanian's property into two lots, Lot A would be the lot which would surround the existing house and barn, that would be about 53,000 square feet, on the north side of the property. Lot B, which is the proposed interior lot that would be 25, 564 square feet. The uniqueness of this property is the fact that it has very little frontage on a public road that is improved. By improved we mean you know, paved, with utilities. Most of Lot A fronts on Meadow Street, which is a paper street, it's never been fully constructed from Orchard easterly to Vineyard, so just a corner of Lot A, at the intersection of Meadow and Orchard would be improved. Then for Lot B, proposed Lot B, the access that the applicant's proposing to get to get to that lot would be from Spur Lane, which is at the cul-de-sac at the south side of the map. There is a thirty, about a thirty-four foot radius opening at that point, which would provide access into Lot B. Now, a couple of neighbors have brought to my attention that there may be litigation in that area among one of the neighbors concerning some land transferred to the applicant back in March of 2004. It's noted on the map. There was a strip of land that was part of the Bridle Path Subdivision that was done back in 1974, and that strip of land was conveyed to the applicant and added to her property. Mrs. Karanian's property was never part of the Bridle Path Subdivision. This piece that you have before you tonight has been a separate parcel since well before subdivision was adopted in Newington in 1940. So, having said that, you will see my staff comments is, one to explain the conveyance of a fifteen foot strip to add to her property, and then secondly is the status is this access from Spur Lane, if there is pending legal issues or disputes going on, that could affect that access, the Commission should know about that, because that will affect the frontage. From the aerial photo that we have of this piece and from my observation from looking in the neighborhood, I was down there a couple of weeks ago, and then again today, within that thirty-four foot area is a paved area for a couple cars to park. I don't know what is going to happen with that parking. It looks like it goes with one of the houses on Spur Lane. Then the applicant should address the requirement of Section 6.7.2 that states why this lot is unique in its character, topography and historic pattern so as deserve a Special Exception to create an interior lot, which is a standard question that you usually ask. What is special about this piece of property that merits that consideration. That's pretty much the story.

Chairman Camilli: Are you prepared to answer this?

Faye Karanian: Some of them, anyway.

Chairman Camilli: Okay, well, why don't you do whatever you can do.

Faye Karanian: Okay. The proposed conveyance of the fifteen foot wide strip of land to abutting property on Spur Lane, if you agree that I have enough room for access without that particular piece of land, I am going to sell that land to Mr. Cartiera, and it's true, there is litigation in the works, but that would probably solve it. The paved area is part of what is in contention because it is within the land that I bought from Kitts Lane, Flagler Associates, whoever they were that week, and I, and will have to be redeveloped, or rethought, that that wide area will go and he will have to have his parking someplace else. I'm not sure about an interior, why is it appropriate and compatible with the neighborhood, it's, that's a neighborhood down there, on Spur Lane, my land backs right up to Spur Lane and a single family house would be compatible with the neighborhood.

Ed Meehan: Okay, if you were going to convey a fifteen foot strip of your property to 28 Spur Lane…..

Faye Karanian: Only whatever I don't need as access to my lot in the back.

Ed Meehan: Okay, so that is going to leave you at least twenty feet on Spur Lane. Now, what will happen to the parking that is paved right there? Is that going to be moved?

Faye Karanian: What is left on my land I guess will stay, what's on his, I'm not sure what he would do. He probably would have to move that part of his parking.

Ed Meehan: There are two cars that park there, I guess.

Faye Karanian: Sometimes.

Ed Meehan: Now, we have an aerial photo showing two cars.

Faye Karanian: Yeah, well, today there were two there.

Ed Meehan: If those two cars are there, isn't that going to block your driveway access into Lot B?

Faye Karanian: Those two cars won't be there.

Ed Meehan: They won't be there.

Faye Karanian: This is presumably where I will have access, half of the parking and then this half here, I don't know what he will do about it, but he's going to move his parking over there, and this will be my access and probably I'll dig up that half of the parking lot because I don't plan to build anytime soon.

Ed Meehan: How much is left if you, what's the distance that's left after that conveyance of 15 feet. You still have twenty feet left?

Faye Karanian: Well, this says 34.4.

Ed Meehan: But you are taking 15 feet off of that, right?

Faye Karanian: No, it's from here to here.

Ed Meehan: That's the 34?

Faye Karanian: I believe so, I'm not so positive of that.

Ed Meehan: You're right, so you have 34 and on the radius you are going to convey 21.

Brian Karanian: I'm Faye's son.

Ed Meehan: So you will end up with 34, your neighbor will pick up 21 feet, and then this issue of who is parking where is going to be resolved?

Faye Karanian: Yes.

Ed Meehan: Is that the legal issue that is going on?

Brian Karanian: Yeah, he, you know, it's buyer beware. It was presented when he was buying that property cause the neighbor behind us always cut that property, made the grass look like it was a yard, and so when he bought the property he was under the impression that he owned that, and indeed he didn't and if he had done some research with the town he would realized that he didn't purchase that property. So the issue has become one of those land disputes and we are trying to be the good neighbor here and give him some property and yet not close our options for the future.

Ed Meehan: Why did you buy the strip of land from Kitts Lane Associates?

Faye Karanian: For the access road, to protect our property.

Ed Meehan: For the access road.

Brian Karanian: Technically he has been parking on that property, it's one of those things it's easier to get along than hassle or argue.

Chairman Camilli: Well if the cars come off, it would certainly give them access.

Ed Meehan: That is where they could put their driveway.

Brian Karanian: See, there are many children in our family and most of us stayed in Newington, some of us still rent, the intent would be, at some point, to build. Take care of Mom when she gets a little older.

Chairman Camilli: And what was this, what would the litigation end up, what would be the effect of that?

Ed Meehan: I'm not privy to the issue of the litigation.

Faye Karanian: What would you like to know?

Chairman Camilli: Well, just in terms of if the effect of the litigation went against you, what effect would that have to our approval, if we approved it as you are stating.

Faye Karanian: If you approve it, we haven't, hopefully we're not going to trial and this will allow me access and will allow me to convey him the property, and that will make him happy, I hope and that will make me happy. So it shouldn't have any effect on that lot.

Chairman Camilli: I think you know, we may be getting in the middle of this. I alluded to this before, this is one side, of the equation, there is always another side, and at this point we are just trying to gather the information if you will. Do you have anything else that you want to add to this, at this point?

Faye Karanian: No.

Chairman Camilli: Do any of the Commissioners have any questions?

Commissioner Ganley: Just that we are going to have to be very cautious approving something where there is a hazy or incomplete question about where a boundary line may or may not be. That has to be cleared up I think unequivocally before we can really focus on the configuration of this particular piece of property, and what it should look like ultimately.

Chairman Camilli: Okay. Any other comments? We can hear from the public, anyone from the public wishing to speak in favor of this application? Anyone wishing to speak against.

David Pells, 18 Spur Lane: An abutting land owner to the west. I think that the information that you have is incomplete. A map here from 1974, I'll show it to the Commission, the reason that this is called Bridle Path is that when it was originally developed there was indeed a bridle path. This is my lot, so the bridle path was in between my property and the Grandier property, and there is another part of the bridle path which is north of my property, and when the lot was conveyed to me, my neighbors and I all had a right of way over that narrow piece of property, and indeed for the thirty some odd years that we have owned the property, school children have used that right of way to go from our neighborhood up to a bus stop on Orchard Street. The minutes of the Commission, the Town Planning and Zoning Commission from April 24, 1974 show that there was some discussion with the developer whether sidewalks were going to be needed for this particular piece of development and the resolution was no, you are not going to need sidewalks because we're going to have this right of way that people can use to get back and forth. The map that I saw, and I don't know if that one is clear, don't show the right of way in between the Karanian property and our property. So what they purchased from Flagler was fee simple ownership of the land, but it's still subject to the right of way, everybody who lives on Spur Lane and Bridle Path, and the case law that I have been able to find makes it fairly clear that the purchase of the land does not extinguish the right of way. The right of way continues to exist. I do have a copy of a case for the Commission if they would like to look at it. It's Muller versus McGuire, it's a Connecticut appellate court case. The concern that we have is that the deed under this proposal, the potential driveway on the right of way that the children still use, to get from one place to another, I don't know whether the applicant could develop the property and share a common driveway off of Meadow Street, in order to get to that second lot as an alternative to going over the right of way but I just wanted to make sure that the Commission had a complete picture.

Chairman Camilli: Okay, thank you.

Ed Meehan: Could I ask a question? I think there are twenty lots, or homes in Bridle Path. Do you know if each of those deeds have a right in the deed to use this, these common pathway systems?

David Pells: I believe, well, I haven't looked at them all, but I believe that they do.

Ed Meehan: So your deed, at 18 says that you have the right to use…..

David Pells: Right, but I have a bridle path to the east, to the north, and I think there are some additional ones that have never been used as bridle paths, but those right of way still exist.

Ed Meehan: Okay, I just wondered if it was in your deed?

David Pells: Yes.

Ed Meehan: Okay.

Chairman Camilli: Anyone else?

Sophia Pierzchalski: I own the property on Spur Lane. When I bought the property it was a cul-de-sac and it still is, and I would like it to stay that way. My children use the way, the bridle path way to go to school and coming back from the bus and would like that to stay that way also, the way it is right now. I'm against any driveway that would be built coming through my street because when I was buying my property I wanted it to be a cul-de-sac and that was what I was looking for when I was buying my house and that is why I am against it.

Chairman Camilli: Okay, do you know if you have it in your deed the right….

Sphia Pierzchalski: I believe that I do, but I would have to check on that. I'm right next to Mr. Pells. I'm his neighbor, so I would probably have the rights to use the pathway also.

Chairman Camilli: We're going to have to check that out.

Ed Meehan: There could be, I'll go back to the April 24, 1974 TPZ action to see if, as far as the subdivision approval there was a requirement for these pathways in lieu of sidewalks. I don't know if that is in the motion, I didn't, I have the record subdivision maps, I pulled them out today, I don't see it in the record subdivision maps. I don't know what the Commission's motion was approving that subdivision because while Flagler Associates aka Kitts Lane Associates could sell the fee I don't think they can extinguish the easement in everybody else's deeds and I would want to get that over to Steve Nassau's office, the Town Attorney, and ask him that. I was interested in this other law case going on, maybe that question has already been answered. I don't know.

Chairman Camilli: Anyone else wishing to speak against this application?

Linda Rivard, 27 Spur Lane: We've been there approximately 20 years, and we were interested in our property because it is a cul-de-sac, because there was a bridle path that extends around the complete community, not just in this area here. We were told at our closing that it was in our deed that it would be like this pretty much forever. What concerns me is what may be a driveway today may be a road all the way to Meadow tomorrow because it is adjoining, you can go right through there, thus eliminating our cul-de-sac and bringing a road right up to the front of my house, which I would not want. Also, in abolishing the bridle path abolishes the things that I just love knowing about our neighborhood. It was a model neighborhood when it was set up in the seventies, modeled after another neighborhood in New Hampshire and it did make news. I like knowing that there is that property behind all of our houses and I would think that if we start now by developing this, then who knows what is going to happen to the rest of the property around the development, so I would like to keep it the way that it is. I suggest that maybe they can come through Meadow Street to go to that house because there is already like a little road/driveway there and keep our neighborhood intact. Thank you.

Chairman Camilli: Is there anyone else wishing to speak against?

Bill Cavallera, 29 Spur Lane: I guess most of the concerns that I have had have been mentioned but I just need a little clarification here. The thirty-four feet that you said they have if they did make the settlement, that includes the fifteen foot right of way.

Ed Meehan: Apparently it does.

Bill Cavallera: If they didn't have the fifteen foot right of way, they would not have enough.

Ed Meehan: They would be short by one foot.

Bill Cavallera: Okay. Again, we were under the same impression when we bought our property, that that right of way was for the neighborhood, for everybody to use. Right now the children use it on a daily basis to get to the bus stop. If that is taken away, that means they are going to have to walk in the street to get to the bus, through Spur Lane and up Meadow to Long and right now that's not what they have to do, and I think it would be very dangerous to do that, but on the other hand, again, I'm, we're going to be checking out deed tomorrow, but I'm pretty sure in the deed it does give us the right to use that right of way through there like everybody else, and I just don't see how that can be taken away after all the years that this land has been there for that use, and now to have someone come in and say that they want to make a development there, but also, my concern would be if that is the case and they have that right of way to get in there that they could use that all the way up to Meadow Street, to open that up as a driveway and a throughway to come in, because that has already been tried once by this individual when he purchased that piece of, that he was using it as a throughway for his vehicles coming from the barn through the back lot, jumping the curb over onto Spur Lane. Then what happened was the Zoning Department got wind of the fact that he was running his business out of that barn, and he was told that he had to move that and his trucks stopped doing that but my biggest concern here is also that they would open that up, all the way up to Meadow as a throughway. Thank you.

Chairman Camilli: Anyone else? While you are coming up, you can see why we have these regulations that we are going through. This is the type of thing that we hear all the time, in this particular case, it's you people now.

Alicia Moscaritolo 31 Spur Lane: My concerns are the same as everyone else, I just wanted to stand up and let you know that as well. I have two children who use the bridle path. One of them right now is on a bus that does not come down our street, the bigger buses for the middle school won't come, so there are no sidewalks for her, so she has to use the bridle path every day. So that is my biggest concern too that when my son gets old enough that the bus stops coming, that he is going to be able to use that bridle path as well.

Chairman Camilli: Thank you. Anybody else wishing to speak against. The applicant can rebut any of these comments if you wish.

Faye Karanian: I can't speak to the legality of whether they have the bridle path in their deed or not. The children on the cul-de-sac do use it, in fact sometimes they go through my yard. However they have always gone through there. There are sidewalks down there and there are no sidewalks on Meadow Street or Long, so whether or not the bridle path is there doesn't impact on their safety particularly. I have no plans to do anything with that lot now. My son did have his trucks parked in my yard, he didn't run his business out of my yard and he no longer does that. He keeps some things in my barn, but he doesn't go through there. I'm just not going to make a road in fact the suggestion was that I would be able to make a road that comes down. I've been told that if I did do that there would be room for three lots there and that would make the neighborhood very dense. I am not planning on making any changes, I'm just looking to the

future. I apparently don't know my neighbors very well, but I'm not planning on doing anything to hurt the neighbors or the children. Thank you.

Chairman Camilli: You can rebut if you wish.

Alicia Moscaritolo, 31 Spur Lane: There are no sidewalks on Spur Lane what so ever. There may be a strip going along Meadow, a small strip, from, covers maybe two or three houses but there is not a single sidewalk on our street that the kids can walk on. Also, I personally have witnesses the trucks that jump the curb and went up the bridle path when this whole thing started, and my son was playing outside in the street when that happened, so it happened once, I can't see why it wouldn't happen again. I personally saw it myself.

Chairman Camilli: Okay, thank you. Anyone else wish to comment? We are going to keep this petition open also, 21-07. Anyone else like to make a comment? Commissioners? Okay, thank you, we'll keep Petition 21-07 open. Thank you for coming.

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

None.

IV. MINUTES

May 9, 2007

Commissioner Pruett moved to accept the minutes of the May 9, 2007 regular meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with five voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

A. <u>PETITION 20-07</u> 149 Louis Street, STL Realty, LLC owners and applicant, attention Vincenzo Saccuzzo, represented by BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Modification to add 5,000 sq. ft. to existing building, PD District.

Alan Bongiovanni: Good evening, for the record my name is Alan Bongiovanni, president of the Bongiovanni Group at 170 Pane Road, Newington representing STL Realty for the Saccuzzo family, family business located at 149 Louis Street here in Newington. Their business is Saccuzzo Coffee or there is also a sign on the building, Grand Italian Coffee, it's a coffee brand that they roast themselves and market. They have been in town for several years and through the price of hard work and good fortune, they are looking to expand their operations. They are looking just to put on a 5,000 square foot warehouse addition to the east of the existing building, Louis Street to the north, parking exists now on the west side of the property. The existing facility is in lighter brown, we are proposing to expand the front length of the building by fifty feet, going back one hundred foot, and just creating warehouse addition to accommodate basically more storage of materials as their business has grown. It's more advantageous from a business perspective to buy in greater volume and that is what this space would accommodate. It meets and/or exceeds all your regulations for lot area, setback, coverage requirements. There are no

additional employees proposed with this addition, so there would be no additional parking required. I did receive some comments from Mr. Meehan today, one of which was drainage report, the town engineering staff had asked for some test pits, it took a while to get that done but the drainage reports have been submitted for the town review. From a drainage perspective, the only alteration being made is that we are putting 5,000 square feet of impervious area onto the property, which will increase the runoff in a small fashion. We have about a third of an acre of watershed that actually feeds this area. Because this building would prevent that water from its natural flow to the north, we are proposing two yard drains and as the drainage report calls for a row of storage chambers, underground, to slow the water down to pre-development conditions. Normally it's such a small increase that you may even look to not detain the flow but we have provided those calculations and that would be an engineering decision, whether they enforce what we have designed or would waive that requirement. The drainage now goes out to Louis Street, goes to the west to a catch basin, then exits to a wetland area, so it's not a large drainage system that it flows into. Again, it's really limited to just this addition. All the utilities are already available to the building and will service the building, we are proposing to extend the landscaping along the front of the building, to maintain the look. We have architectural elevations, this being the existing building, on the right hand side, and this being the extension to the east, maintaining the same theme, same materials, same color scheme. The Planner asked that possibly this door be moved around the side, talking with Mr. Saccuzzo he felt that as the building operates now they have doors in the back. On nice days like today, if they have the door on the north side opened up, they get the air to flow through a little bit better. That is one of the main reasons for the door being located there. Then the Town Planner asked that we put a parking table on the plan, since we didn't expand the parking, we didn't feel that it was necessary, but we would be happy to do that. Having said that, I think my presentation is complete. It's basically simple, it's a company that has been in town, looking for a modest expansion to accommodate their growth and it's in conformance with your regulations. It's a well kept property and they are looking to carry that theme on and if you could see fit to approve this in the short term, my client would be grateful and he could possibly have this built by year end and probably clear up your agenda for other discussions in the future.

Ed Meehan: Is the labeling on those elevations right? I think you've got the directions reversed.

Alan Bongiovanni: It could be, you know, we printed them, then came, this would be the north elevation, the front, this would be the side, and that would be the south.

Ed Meehan: South?

Alan Bongiovanni: South, east, north. So the labeling is wrong on this, but this would be the front, this would be the side.

Ed Meehan: So the rear does have a door going out the back. The new addition?

Alan Bongiovanni: Yes.

Ed Meehan: Another question, does the new addition have the roof leaders tied into the drainage system.

Alan Bongiovanni: That is the purpose of the drainage, well, two things. One to catch the flow that we are blocking off but it is all tied in here and that is what the detention is for, that increased flow here, and it does tie directly into the basin.

Ed Meehan: Okay, so they are not going into daylight, they are going into the system.

Alan Bongiovanni: They're going into the system.

Ed Meehan: Okay. Well, I'll turn this report over to the Town Engineer for their review.

Chairman Camilli: Okay, any questions from the Commissioners? Seems pretty straight forward. It's just going to be a warehouse operation. The parking…..

Ed Meehan: There shouldn't be any more parking, the blocking all matches…..

Alan Bongiovanni: Yeah, everything does stay the same. One thing that we did do, they are going to look to just flare out paving here so that trucks backing up don't run over the edge and then we are just pushing the slope here so that as construction access will occur back there without tearing up the front yard and having a second road access.

Chairman Camilli: Okay. Any questions from the Commissioners?

Alan Bongiovanni: Thank you.

Chairman Camilli: We'll get the drainage report squared away, and see what happens.

VII. OLD BUSINESS

Ed Meehan: Are you going to have a presentation?

Attorney Sabatini: On the façade changes.

A. **<u>Petition 16-07</u> 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 <u>Section 3.12.A</u> Town Center Overlay District. Sixty five day decision period ends June 2, 2007.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission. Vincent Sabatini, attorney, One Market Square A couple of things, last time we were here I told you that we were in the middle of a lot of things but that the owners of the Newington Lowrey Place Shopping Center wanted to move ahead with some things that they controlled. I'm pleased to report to you that since then things have really broken. They have an agreement with the FoodMart people, so we are now able to show you the façade improvements for the whole site. Secondly we also have an agreement with People's Bank and while we don't have the elevations for People's Bank we do, with your permission, like to do this and I talked with Mr. Meehan about it. We would like to have this application turned into a full blown site plan approval rather than concept plan and to do that we need a little more time to finalize everything, so we know that the sixty-five days ends on June 2nd so we would like to ask for an extension of time and we will have preliminary site plans into Ed by the middle of next week, maybe earlier. He can review them, so when we come back on June 13th, we'll have before the Commission a full site plan showing the pad site, maybe another pad site, how it conforms to the parking, how it all fits in with the town center zone regulations. So we are going to do that, but tonight I would like you to look at the façade changes which we have here, and I have the architect here, Joe Rafaela, and also Tom Hamilton, our engineer is here, but Joe will take you through the changes, taking into account what the Commission members said, Mr. Cariseo and others, we did put the dog houses and we dressed everything up, the tower there is the existing FoodMart, believe it or not.

Let him run through the changes and if you like this, then we can show you what the pad site might look like and some of the other things. I think it's exciting really new, good upgrading of the whole site.

Joe Rafaela: I'm Joe Rafaela, the architect, and the rendering hopefully speaks for itself. This is the corner of the existing FoodMart and this will be the other stores. We're leaving the, we have the brick and the columns, the signboard, and we provided a mansard roof to give a backdrop, that is for the dormers. The dormers would be translucent glass and would be back lit at night. I think a lot of it just speaks for itself. We are using, we are proposing a (inaudible) metal roof. The other materials are the drivet, up here and the brick and the new Hartford green aluminum glass door front. I think that colors are traditional, the Hartford green, the brick color and I think it will be a very nice background actually behind the pad buildings if they are approved. If there are any questions?

Chairman Camilli: Is that going to be the color of the roof, green?

Joe Rafaela: Yes, we have a sample of that, it's here.

Attorney Sabatini: It's going to look very nice with that new roof line, and the green.

Joe Rafaela: This is the brick color, and this is the drivet, the stucco.

Attorney Sabatini: Now the bank, People's Bank is going to have its own architectural elevations which we are going to hope to have, but we're thinking of another maybe pad site on the corner of Lowrey and Constance Leigh Drive and that is a concept of what it might look like.

Joe Rafaela: We think it will be a friendly little building, and we did show, I don't know, I know you talked about drive throughs, I don't know if there is, that is a rendering, but what is important to me is that we would use a lot of the same materials, the brick, the drivet, the same materials, and this really would improve the street, the shopping center behind this building, and that is what we are trying to show here and it would be a pretty street as you drive down, or walk down.

Ed Meehan: Is that the proposed bank?

Attorney Sabatini: No, that's another site. The proposed bank is probably going to look like Sovereign bank. This is another pad site that we are thinking of putting down, which we will show you when we file the full site plans, we'll show you how that fits in.

Commissioner Ganley: Could you just go to your schematic, over to the right and approximately where would this particular building that you are looking at here be?

Attorney Sabatini: Where are we here? Right over here, in this corner.

Commissioner Ganley: Okay.

Attorney Sabatini: This is the grocery store, so it would be in this corner.

Commissioner Ganley: Thank you.

Attorney Sabatini: And we will meet the three and a half per thousand hopefully that you will grant the zoning amendment, we'll meet the three and a half per thousand parking criteria, and the landscaping and all that.

Commissioner Cariseo: But we don't know what the bank is going to look like.

Attorney Sabatini: The bank we think is going to look like Sovereign Bank looks now, same type of building. The one on the corner, was just converted.

Ed Meehan: Used to be Zoots.

Attorney Sabatini: Same colors, same materials, we're going to try to keep it the same. We just can't present it because they have their own architects. We will try to have that for you too for the next meeting. So hopefully we are moving in the right direction.

Commissioner Cariseo: I think it's an improvement.

Attorney Sabatini: Well, that's one.

Chairman Camilli: I'm just not sure about, I mean, is that what it is going to be, this other building here, the roof? I know what Sovereign Bank looks like.

Joe Rafaela: It's shingled, we had talked about using the metal for this, but we left this as an architectural shingle.

Attorney Sabatini: I think you have, you know, on the other corner you have the ambulance facility, and then you have the apartments, and I think it was an idea to try to blend in what is already there.

Ed Meehan: I think the importance of this building, if it is approved by the Commission and it's on the location on the corner where you said it is, as well as People's Bank, is to have as much brick as possible up close to the entrance to this. As you said, it would then pull together the ambulance, the apartments and this building would all have the same texture conformity anyway.

Joe Rafaela: That's the idea. We can use more brick.

Ed Meehan: That has a nice scale to it, I know it's just a rendering, but it's a nice little building.

Chairman Camilli: I would say, more brick on that one, because the Sovereign Bank, isn't that all brick…..

Ed Meehan: Yeah, it's got some wood trim here and there but it's pretty much brick. A little drivet underneath the drive through.

Chairman Camilli: I don't remember, is there an architectural shingle on that? In other words are we going to have the roof of the Sovereign Bank, that kind of shingle will be on People's Bank. That's going to have an architectural shingle as well I would assume. I don't want to see a hodge-podge.

Attorney Sabatini: No, that's all going to be……

Chairman Camilli: That's all I'm concerned about, in other words, are we going to be dictated by what they want? People's Bank?

Attorney Sabatini: Hopefully, I don't know what they want exactly, one hundred percent yet, but certainly they have to stay in keeping with the themes that we are, we're not going to have something that clashes.

Chairman Camilli: Well that's all I'm concerned about.

Attorney Sabatini: We're not going to do that. You'll have a chance to look at it.

Commissioner Cariseo: What are the signs going to look like, where are they going to go? In those little squares?

Joe Rafaela: On the sign board.

Commissioner Cariseo: So they will all be similar?

Attorney Sabatini: Right.

Joe Rafaela: The sign will go on the sign board.

Chairman Camilli: And what about for the stand alone building?

Commissioner Cariseo: Similar to that?

Joe Rafaela: Well, on this building?

Commissioner Cariseo: Yeah.

Joe Rafaela: I don't know, I don't know what this building is yet. It could go right here, it probably would go right here. Or it might be free standing, I don't know your sign regulations.

Commissioner Cariseo: So the signs would all be similar, there wouldn't be a mish-mash?

Attorney Sabatini: No, we are trying to avoid the mish-mash.

Chairman Camilli: Any progress with the post office?

Attorney Sabatini: No. That's the one thing we weren't able to control yet and this site plan that we are going to come in with is not going to be able to incorporate those changes, we just don't have the authority, their approval yet, and we wouldn't be able to legally present it to the Commission. We don't have the authority to go there and make those improvements. That area, in front of the building, is within their lease line. I don't know, we've written letters, you've written letters, the town has and they just…..

Chairman Camilli: Well, we're going to be still working on it.

Attorney Sabatini: If you work on it, but obviously, what we would like to do, we work with what we have and obviously we come back, because we do want to see that improved as well, it would help everything.

Chairman Camilli: Well, this works now, now that we see the whole thing, it makes a lot more sense. I'm glad you got it put together.

Attorney Sabatini: Well, timing, as they say, it was a little rough coming in here you know, you thought it was kind of half baked, but we wanted to move along, but as it worked out, everything fell into place.

Chairman Camilli: Any more comments from the Commissioners on, that one is kind of hard to judge, I think the main building is….this building is…

Attorney Sabatini: Well, we don't have a user yet, but we are going to give you, tell you that we are going to come in with two pad site requests so, if we get the approval to have that extension and come in under the present application that's what we're, we'll have that all ready hopefully by the 13th.

Chairman Camilli: Okay.

Ed Meehan: For the record, are you asking, you have to grant the Commission an extension.

Attorney Sabatini: I'm granting you an extension of time on the application for whatever it is…

Chairman Camilli: 16-07 and 18-07.

Attorney Sabatini: The other one, I don't know if you can act on that. The other one is already closed. Thank you.

Ed Meehan: Are you going to send me something in writing?

Attorney Sabatini: Yes, I'll send you something tomorrow.

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.**

VIII. PETITIONS FOR SCHEDULING (TPZ June 13, 2007 and June 27, 2007.)

Ed Meehan: As I mentioned, there are a couple of small ones out there, one is for Balf for its annual 2007 update, every two years they give you a quarry update. The other is for a sign application on the Berlin Turnpike, plus the two hearings that you left open.

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

None.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: I only have one thing to report, two things. I told Vinnie that Judge Levine accepted the stipulations, the agreement so there is a copy for the Chairman there, confirming that from the court. The next move is up to Hunter. In order to carry this forward, they have to change the plans per the original approval as well as the stipulations and bring them in for signature and then do what the Department of Transportation needs them to do and get a State Traffic Commission Certificate.

The other thing I want to mention to you is that I have been in contact with Premier Development for the property at 7ll Willard, that is under the name of Kane Street Development, they have run into a problem. They made an effort to protect some of the larger trees on that site when it was developed, and we have gone through two seasons now, this is the second spring. There is a large beech tree, it looks like they will have to take it down. They have had people look at it, to try to keep it alive, but apparently it's rotten and has to be taken down, so they sent me a letter on that. They wanted to let the Commission know, if you saw a tree coming down in the next month or so, they did the best that they could to save it. I was going to request that Mr. Snow put a tree back, take one down, put one back, but that is about 150 year old tree so….

Chairman Camilli: It looks nice right now, but when that right of way goes through, all those trees that give it some privacy there, I think they are all going to go.

Ed Meehan: There is a big maple tree that is right on the edge of the sidewalk, that will go and all the scrub trees are going to go and that is why we were hoping that that beech tree would live because that had a nice presence in the front yard there. But it looks like it is getting kind of dangerous, so they are going to take it down.

Chairman Camilli: That will change that look, unfortunately.

Ed Meehan: We are finally getting the closure of Rockledge. The detention basin has been redone again to the satisfaction of the Town Engineer. Steve Nassau's office has the request to consider satisfying what the Commission needs for settling the tree issue, where we would take $15,000.00 and put into a fund to use for the public planting of trees around town. Then on Waverly, the meeting last week, where there was an agreement reached on how to handle the road as far as paving it. The Town Engineer directed that before it is paved some of the water crossings have to be dug up and reset and a couple of manholes have to be lowered and then it is ready to be paved. Hopefully we can button that up during this paving season.

Chairman Camilli: I want to comment to the Commission. We heard all that testimony tonight, maybe you ought to look over those regulations and have some ideas of your own. As I alluded to on one of the applications, there is always another side to….

Commissioner Pruett: There were some good points made.

Chairman Camilli: There were some good points and as I said, there is always, as what happened tonight, as all these neighbors come in, I mean, we have heard that before, another rear lot, accessory apartments, all this stuff, I mean it's all well and good, but we hear both sides of that eventually and it gets to us. So, just like tonight, we heard this rear lot application and we have to make a decision on it, but you have both sides there. You know, it's like standing as judge and jury sometimes not the easiest thing.

Commissioner Pruett: Well, we left it open, so….

Chairman Camilli: We left it open, and I don't want to talk about that application, but as you guys know, we've had many applications where the neighbors come in and, whether it is an accessory or a rear lot, we've had some tough decisions.
So, if you can do a little homework on some of those things maybe we can incorporate some of those good suggestions and just make up our own minds as to what to do. The only thing I have on that Ed, at the next meeting, when we open this up again, I really don't want to go through this laborious, I mean, we did it once and that was why I wanted to close it.

Ed Meehan: What I can do is, I'll get the minutes from Norine and I took some notes also and there were some constructive comments, you had the benefit of two or three attorneys here tonight and you know you, I won't say you struck a nerve, but you must be doing something that got their attention, but you did get some good advice on clarifying some of the procedures as well as, they are on the other side and they, I mean, I took to heart a couple of things that they said because they have to interpret these things. One of the comments that Attorney Jacobs made about how are you going to vote, that clarifies a question that could come up. So, I will try to write those up and clean it up and have that for your benefit, so at least you will have that as part of your public hearing next time.

Chairman Camilli: Okay.

Ed Meehan: And then there are some just policy issues, whether you want the restaurants in or not, that's your call.

Chairman Camilli: Any of those things are policy issues, regardless of what they said, they are still policy issues and it, we put some in and then we took them out, and then put them back in, so it's what the Commission wants to do. I mean, at this point, it's open for discussion. But my question on procedures, should I just, I mean, at the point where we discuss it, I don't want it to back to the lawyers and have them be arguing with us.

Ed Meehan: Well, I think you need to go back to public hearing with this being open and say, here are some of the things that we heard that we agree with, that we can address and tighten up some of the wording and then at that point that would be your next meeting, say we are still taking public comments, let them have their say, close it, and then on the second meeting in June, that's where the Commission members, without the public input because the hearing has been closed can go through each one or take them as a whole and say, we are ready to vote. We want this in, we want this out, here's what we did, here's the reasons. You have to state your reasons on the record, and you know, articulate your reasons and that's your decision.

Commissioner Ganley: There are fourteen of these of which there was like no comment. There were only about three or four, one was clarification, the one on Planned Development Zones, geological and topographical conditions, the big ones were as I was looking at it the drive through, the interior lots,

Commissioner Pruett: Three to one ratio.

Commissioner Ganley: Yeah and accessory apartments, that's four. We came out of this thing okay, we did, we came out of this thing okay.

Chairman Camilli: Well, we don't know.

Commissioner Ganley: This hearing, we came out of this hearing okay.

Chairman Camilli: We'll see how it goes. At some point we may want a more technical explanation of three to one, two to one, I mean…..

Ed Meehan: Well, the answer is you are going to take away more land.

Chairman Camilli: I know that.

Ed Meehan: Over a site that is two hundred feet wide, if you go from a two to one slope to a three to one slope, there is twenty feet. Twenty feet right there less that they have to build on, because they have to flatten it and level it.

Chairman Camilli: And the purpose of that?

Ed Meehan: First of all, I don't agree that a two to one slope is always easier to maintain with a lawnmower. It's easy to rip-rap it, and pack it with wild flowers and other types of ground cover that is not mowable, it doesn't really look that great. Yeah, I know it's a state standard, but that is for highways.

Chairman Camilli: I think why these things come up is because like Toll Brothers, did you see the slope there, and the slope at Hunter Development, the slope there, that was one of the reasons why in my discussions with Ed, and so forth was, how do we treat these things? You can say, oh, it's mowable, it may not be mowable. And also, as I said, you look at Toll Brothers, that's some slope there.

Commissioner Ganley: That's all new fill, so it has no test of time.

Chairman Camilli: Well, what I'm saying is that anything that was done was done actually, they were reactions, they were reactions to what we heard tonight on rear lots, to whatever, to the slope problems. I'm not saying that we have to do all of these by any means, but they all came up because of experiences.

Ed Meehan: It will affect the yield of a site if you have a flatter site and you don't have as much area for parking which drives your square footage of the building which drives the lease cost, eventually the taxes, these do tighten up the regulations, particularly the slope, and then the density of housing units in the town center, the PD Zone takes a bite out of the density. But on a commercial site Hunter would, if they had to do a three to one slope on the corner of Russell Road and East Cedar Street, they probably wouldn't be able to get the restaurant in there.

Chairman Camilli: But we had a deal with that though, it's kind of iffy, as to how that is going to look over a period of time. They said they could do it, put in this low growing stuff, it may or may not, it may look real shabby. So that was really the reason for, in my own discussions with Ed, what can we do so that it looks decent? As long as you have done what you can do with that slope, that's the problem. So anyhow, that's the reason.

Ed Meehan: The other one is the twenty feet versus the fifty feet on an excavation. I'll go to the Wendy's site. That chain link fence which is above, I call it a quarry, is constantly slipping. It's slipping off, it should be wider. I know Alan said, well would you treat that rock face as a retaining wall.

Chairman Camilli: Just so you know, nevertheless, it's all reaction to different things that have happened over the course of several years. It's just time to clean it up.

XII. ADJOURNMENT

Commissioner Pruett moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Norine Addis, Recording Secretary