

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

June 13, 2007

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

I. ROLL CALL

Commissioners Present

Commissioner Camilli
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruet

Commissioners Absent

Commissioner Cariseo
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. Hearing continued from May 23, 2007.

Chairman Camilli: What we are going to do for the people who are here for this, I'm going to have the Planner make some comments to what was done at the last meeting, or what was suggested, I think some of the suggestions were taken and then I will go down the sections, if you want to comment further on any of these sections, you can do so as we go down them, so maybe some of the questions that you may have will be answered after the Planner gets through.

Ed Meehan: I've prepared a staff report which is available to anybody who would like to see it, from the public, responding to four or five items that speakers put into record at the last meeting that I think deserve a response or acknowledgement because they did point out some inconsistencies or some clarifications which I think were very positive for the Commission to consider. The first item was the comment concerning Sale, service, rental or repair of motor vehicles in the B-District, which is the neighborhood Business Zone. One of the speakers raised concern about creating non-conforming uses and referenced the section of the zoning regulations that talks about you can't replace a non-conforming use if the value is less than fifty percent of the replacement cost, and that refers to a non-conforming structure that is destroyed by fire or some other causality and that speaker is correct, that's the way that the regulations read and usually it's a principle of zoning that once you create a use that is non-conforming by changing your zoning regulations, the intent is to amortize those uses as you go forward. So that, if you adopt that

section, it would create several non-conforming properties within the B-District relative to auto related uses.

Another comment had to do with clarification of where the buffer would be measured if you have an area where the commercial zone is on one side of the street and the residential zone is on the opposite side of the street, normally the zoning boundary is down the middle of the right of way, and I think a better way to word that, for clarity is that the twenty-five foot buffer shall be measured along the non-residential side of the street right of way, so that means that the twenty-five feet is going to be into the commercial zone. As it went to public hearing worded, there was some confusion, it could have been either way, so I think this helps clarify it. Hopefully the Commission will talk about that.

There was another comment about the elimination in the Industrial Zone of retail stores and larger stores over 40,000 square feet. Again, we have a couple of industrial zones over in the Fenn Road area as well as down on New Britain Avenue near Twin City Plaza. The Commission should know if you take these uses out of that zone, you will create several non-conforming properties, Stop and Shop, Twin City Plaza being two examples. The Commission has talked about considering a different zone, or a different way of approaching the land uses in the Fenn Road area. There's been a lot of discussion about the Cedar/Fenn bus station and possible transit oriented design area, but the Commission has made no conclusions on that. That may be something that you keep in the back of your agenda to look at that a little bit further, but you would create non-conforming uses in those two industrial zones. The other industrial zones pretty much, like up near Shepard Drive, Day Street, some of the older industrial zones, down off of Styles, Liberty, there is no retail use per se in those zones, those aren't problem areas. The fourth one had to do with a recommendation to clarify and to provide some sort of a standard referencing the environmental feature of slope, the topographic conditions. I did put a reference in, topographic conditions with slopes in excess of fifteen percent gradient and removed the word geologic and that would be the third criteria, along with flood hazard areas and wetlands that would be used to determine net buildable areas in your PD Zone and your multi-family residential zone.

Removal of earth products was discussed. There is language here to clarify that section and also to clarify the issue of the slope. Discussed this a little bit at staff, I would recommend for earth removal operations where someone is taking dirt, moving it around the site, or taking it off, you stay with the three to one slope, and then provide a method for the Commission to consider a waiver of that. Particular situations based on the unique characteristics of the site, the Commission could waive it, and it was a good suggestion that how you determine the two thirds vote would be of the Commission members present, to clarify that.

Filling of land, same clarification, two thirds vote of the Commission members present.

The last section was the concern about, in our site plan review section, the standards, suggested we go to a three to one slope, when you review site plans. I discussed this with the town engineer, we talked about it, and he agreed that he felt that the Commission should stay with the two to one slope. He feels that it's a slope that the Department of Transportation and other communities that he has been involved with use, it has to do with good engineering practice to make sure the right materials are provided to prevent a slope from being an erosion problem, and good maintenance, but he felt that he would rather keep the two to one standard and take that route rather than having a lot of retaining walls as far as possible issues.

So those are seven areas where, at this point in the public hearing process I'm recommending that you consider those adjustments, clarifications I'll call them, to address some of the comments that you heard last meeting. As I said, this information, it's available to Commission members, it's available to the public and I would put it into your public hearing record tonight.

Also you had a memo from Fire Chief Chris Schroeder regarding his comments on interior lots, and he is suggesting the Commission consider removing these from the regulations. He feels that the apparatus will have problems, and has had problems getting into these areas, and he feels that from a public safety point of view, they should be taken out of the regulations.

You also have received comments from Frank Lane at Balf Quarry. Frank is, his title is environmental compliance and real estate at Balf Quarry. He is asking that the Commission consider a standard in those situations where you have excavation involving rock areas, such as a quarry, which is all rock, and he is recommending you consider a one to one slope, and also look at some of the situations where you have excavation that could be close to property lines, take that into account. This is available for the Commission to look at. You have the comments from the Town Engineer that I mentioned, regarding his desire to keep the two to one slope, and you have comments from Attorney Len Jacobs who is here tonight, he may want to comment on this, regarding drive-through restaurants.

Chairman Camilli: Do anyone on the Commission want to react to anything, have any questions as to what was said here?

I'm going to start back at that 7.4.8, slopes. Why these things, this particular issue came up, is because we had a couple of applications where this two to one slope was something that we were concerned about. Right now at Toll Brothers, they have planted grass over there, and it's a two to one slope, that's what it is supposed to be, and I just drove by there today, and I don't know how they are going to mow that. Apparently that is going to be grass, now, who, my question to you is, who dictates what kind of soil would be stable enough for that kind of a slope. Does the town say, you have to put in a certain kind of soil, to be able to withstand that kind of slope, or.....

Ed Meehan: Their site engineer, which is BL Engineers, Brockus and Landino would be the go-to guys as far as the slope and the materials, or their site contractor, Robert Sweeney Contractors. They have been pretty diligent, they had the slope in, they had to move it, for I think for a sanitary line, I believe they even had, we call it grass mat, on that to stabilize it.

Chairman Camilli: It looks nice, right now. It looks very nice, but how do you mow it?

Ed Meehan: Well, I mean, I think we have seen this contractor work this site, and he's working hopefully pretty diligently in how they maintain that. There weren't any erosion problems over the winter. I'm not sure, they may have equipment to mow it, they may be it with hand equipment, a weed wacker or something, I mentioned to you, I have seen equipment and landscape guys mowing down at Northeast Utilities, up near Webster Street, which is fairly steep and they do it with equipment, but it is...it can be done.

Chairman Camilli: But it's going to be pretty dicey, because it goes right up to the street there, Prospect, and you wouldn't want to tumble onto Prospect. And the other one, as the Commissioners know, for the Hunter Development, as you come around the curve there, there was a two to one slope there that we were concerned about, and they said that they were going to put in some low shrubs and not grass, is that correct?

Ed Meehan: They didn't want to have a heavy maintenance responsibility. They talked about various types of ground cover, spreading juniper, some of the stabilizers, that don't require hard time maintenance.

Chairman Camilli: But that remains to be seen, something like that. But just so the public understands, it was issues that we had that we were concerned about, but I think the two to one slope, if the engineer says it is fine, it's fine, I don't really have a problem with it, to me, it's just more of a maintenance problem than anything else, and also how it looks. Okay, anyone else have any comments? What we will do then is go through them again. Now, if you spoke the last time, we certainly have it on record, and we certainly don't want a repetition of the last meeting, but if you have something else, or you want to comment, or react to what Mr.

Meehan has said, that's fine, and as I do down you can come up and speak to the different issues.

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

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

Eric Napp: Good evening. My name is Eric Napp, I'm an attorney with Branch, Lewis & Napp from Glastonbury. I represent Gibbs Oil which is looking to redevelop the site on Willard Avenue, the gas station. We are concerned about the proposed regulation making that site a non-conforming use. We certainly understand the desire to limit the number of gas stations, limit the number of new uses, but by making the existing ones non-conforming uses you are basically condemning them to just deteriorate further which I don't think necessarily is the Commission's goal. I've give you some alternative language which basically has the effect of making the existing sites conforming uses but prohibits any new uses going forward. This would allow my client particularly, and other similar situations to come in with renovations, to come in with improvements to the site, they would be conforming to the regulations and therefore you would not need to worry about the whole issue of casualty or other sorts of issue as far as improvements go. The proposed text, I believe goes toward the goal of the Commission which would be to not allow proliferation of these uses, but still allow the people who own these sites to make improvements to them in ways that would clean up the eyesores. If you have been by the Willard Avenue site, it's a very ugly site. We have a proposal that would basically clean up some of the contamination on the site, putting some buffering on the residential sides, really make it a nicer looking site, reduce the curb cut along the street there, all of which is conditional on the conforming use. We wouldn't be able to do it if it was a non-conforming use. So, the goal here, in the text that I have given you, is to make the existing sites conforming but prevent future sites, prevent additional sites from being opened up to certain development, which I think again is, at least as I understand it, the goal of the Commission. Any questions?

Chairman Camilli: I think it's a point well taken.

Ed Meehan: It's like a sunset clause.

Chairman Camilli: Thank you. Anyone from the Commission want to ask any questions?

Commissioner Ganley: Just the issue of enlarging the footprint of the building that is on the site, as opposed to renovations. That is, you know putting a new roof on, putting some awnings, there is a bit of a difference, I think we have to careful that if the idea is to eliminate this, that is the original idea was to eliminate this, we then don't find ourselves saying, okay, you can stay there and you can have a bigger building, which I think would have defeated the purpose of what our original intent was. I'm guessing that we ought to limit how big they can get, if they are there. Whatever footprint is there, is fine, they can put an awning, they can put a new roof, they can put some new doors, and you know, a new façade, to me that is renovation. But expanding the footprint, that goes beyond renovations. That's just my opinion.

Ed Meehan: I think you have to be careful if you have a non-conforming use, we may want to talk to the Town Attorney about this, is, I don't think you can permit it from growing in the sense that they do more business.

Commissioner Ganley: Yes, that's what I'm saying, the footprint remains the same, they can put a new sign, they can put a new roof, they can put a new awning, to me that is renovation. But expanding the building, from two bays to four bays, that is something that I wouldn't be in favor of.

Ed Meehan: I think that, I'm not sure what direction you are going in, but you know, if they meet all the side yard setbacks and other standards, I'm not sure you can stop a business from doing more business by adding square footage to it.

Commissioner Ganley: Then we get right back to what our original intent to get rid of them in the first place.

Ed Meehan: Well, take them out of the regulations.

Eric Napp: I will say it's my client's goal to actually expand the footprint because they are going to be knocking down the car wash and knocking down existing buildings, so if that is your role, then we are going to have to be in before the effective date of this text change. Our hope was again, because of the cost of doing improvements that we want to do, that we would be able to have a mini-mart there, as most modern gas stations have. You will be seeing that application I guess very soon, if this regulation goes through. I'm hoping, that if the object is just to stop additional use from going in, this serves your purpose, and I guess I'll leave it there.

Chairman Camilli: Okay, thank you. Along the same lines, I have been talking to the Planner also, in terms of trying to be fair to the business people in this area. It's a similar situation even for drive throughs and other facilities, other changes that we want to make. I don't know if we really, as one person anyway, I don't know if we want to eliminate any of the existing, I don't think that that was the goal, the goal was to preclude more, but whether they were auto related uses or drive throughs or whatever, however, saying that, those businesses that have contracts, pending contracts, and so forth, I talked to the Planner about how we could have some kind of accommodation and you know, we can play with these regulations so there is some time, there is a time frame that we can play with, so if somebody has, as somebody said at the last meeting, you know, well we are close to signing on a Tim Horton's for example, you know, if you can sign within two or three months, or whatever, I mean, I was talking to Mr. Meehan to be quite frank about it, how we can accommodate this with the existing plans that are on people's agenda, and then close it. As I said, I don't think the point of view of this Commission was to eliminate any, it's just that, for instance, I'll give you a for instance, and I'll just talk for another second, the drive through situation, as I see it, the Berlin Turnpike has many drive throughs already, so it's a question, do we want a proliferation, or more of the same. To me, as part of a planning process, you know, this town needs upscale restaurants, you know we have Ruth's Chris and then we have a couple of chains on the turnpike that you can sit down, but you know, you wouldn't call them really upscale or restaurants, even if it is a chain, where it's a quality restaurant. We really don't have any in this down. We have plenty of drive through places, and that was how this thing came about. It wasn't to be, you know, how many drive through restaurants do we want and all of the problems that go along with them, the liter and so forth. I think we have to look at it, you know, more realistically and say, there's enough of those, whether it be drive through or that type of restaurant, and a better quality restaurant. I mean, it's just a simple planning function. It's not to throw darts at somebody. It may be prohibitive, to some people, because obviously, the market is what it is. I mean, if you have a client who wants to put in a drive through restaurant, well, you are going to go for it, but then again, as far as the town is concerned, how many gas stations, how many drive throughs, how many do we want. So again, I don't want, it's not personal, it's business, so from my perspective, I want to be fair to the business people, but never the less, I think we have to be cognizant of the needs of the town. So, that is what I want to say, and again, this is a general statement by me.

2. Section 3.12.4 Buffer

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

3. Section 3.12.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."

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

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

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

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

Attorney Jacobs: Thank you Mr. Chairman, Attorney Leonard Jacobs. This is the only section that I am going to comment on tonight. The reason that I wanted to respond on the drive though section was because of the comments that the Chairman made, observations really, that were made at the end of the last meeting, where the Chairman pointed out that people, neighbors of drive thoughts have complained about debris and noise and traffic and that type of thing, and I simply want to observe that, that, and speaking only on my client's behalf on the Hayes part, where we are dealing with much larger properties, I wanted to point out that the situations that may exist with some properties, don't exist on larger shopping center properties, where, first of all, you are often very far from neighbors. I think one of the shopping centers is about 2000 feet from the nearest neighbor. They have specific programs to handle trash, pickup and that type of thing. Their entrance and exit points are well laid out. They have to come to the Commission and make sure that they are safely designed and in general, you don't think of those large properties and you don't generally think of debris, noise or traffic as being problems and you don't think of those larger properties as disturbing the neighbors because very often there aren't any neighbors there. And that is why I made the point to the Commission the last time that I don't think and I'm not speaking about the comments that were made by anybody else, because their comments were made and I don't mean to be addressing those. I'm addressing large shopping centers and I want to say to you that I don't think that it is necessarily appropriate to remove drive throughs from every section of town. In other words to simply not have them. In the Planned Business Zone, where you do have larger properties, bigger developments, a drive through in that type of property is almost unnoticeable. It fits in among all of the other uses and doesn't have the same general comments that the Chairman was pointing out, so I didn't want to just, I did write a letter in, I just was commenting on it, that I don't think you should necessarily be considering the banning of drive thoughts from every section of town, because I do think that on the larger properties they remain appropriate even if there are problems on properties that do abut residences and that type of thing and that was the point that I wanted to make, and other than that, I do appreciate, I just wanted to note that I do appreciate Ed's comments and it's clear that the Commission, from the comments that were made last time and this time, are in fact listening at least, and considering the comments that were made. Sometimes you go to meetings where that isn't the case, and it is appreciated. Thank you.

Peter D'Addadio: Thank you Mr. Chairman. My name is Peter D'Addadio, my company is Commercial Services Realty. I wasn't available to be, I wasn't in town to be available at the last

meeting, I didn't find out that you were about to have a meeting on this matter, and I did have my attorney attend. I did receive the minutes of that meeting, and I took a minute to just take a look at those, and I would just like to make one or two comments as it relates to those particular minutes. I notice that the reasoning that the Commission was considering to eliminate drive throughs, not just on the Berlin Turnpike, but in town, I'm interested in the Berlin Turnpike, it's my project that is expecting to put both a sit down and a drive through on one of the particular parcels there on the Berlin Turnpike. The Commission mentioned that they felt, reading Ed Meehan's comments, that they felt that by eliminating the drive through regulation, they would encourage more sit down restaurants. Mr. Chairman, you mentioned that as well, so I just took a look, because I have been in town a long time, and think about it as you read the rest of these minutes and so forth, that the regulation has been in place for six or seven years now, I guess it was taken out in the 90's. Think about the drive through restaurant that have come in that period of time. Really, you have the Krispy Kreme that now is no longer a drive through, it's a bank and you have the re-location of the Dunkin Donuts, it was in one spot and it went to another spot. So let's think, was there another one? I don't think that there was. But let's think of the last five or six years, with this regulation in place, the sit down restaurants that have come onto the Berlin Turnpike, and I'm sure that I missed some, but Chili's, Appleby's, Panera, Outback, Hops, International House of Pancakes, Pizzeria Uno, that is now the tea company, Atlanta Bread, I'm sure that I've missed some, but the point I'm making is that by eliminating the drive through regulation, I don't believe that history has shown us that it is encouraging more sit downs. Sit downs come because sit downs have the demographics to do well on the Berlin Turnpike which is really a shopping district, I mean, it's a major shopping district. Places where people go to shop. While there may be continual interest for other folk to put in drive through restaurants, or other types of drive throughs, by eliminating that out of the regulation I don't think is the right kind of planning. It certainly won't encourage more sit downs, because sit downs are already coming, as they find the desire and the market place. I think you mentioned Mr. Chairman, it's a market condition, and if there has only been two drive throughs that have come in, in the last six or seven years because of the market condition, now there is a market condition to encourage one or two more. The other items that I noticed, the reason in other words for the change because all I got was from the minutes because I wasn't here, was the liter aspect. You know, I drove around just before I came here to take a look at it, and look at the new McDonald's. That is a beautiful property. If that drive through was eliminated, you know, it would not encourage new development of the existing uses, now that McDonald's is twice the size, and there is not a speck of liter on it, it's beautiful. There are plenty of receptacles, and if you think about it, if a coffee shop was forced to open without a drive through, someone would have to park, get out of their car, go in and get their food items, go back to their car, that would be encouraging liter more, where if they picked it up, they are drinking their coffee on the go because that is the customary way to serve coffee today, on the way to work is where they want to be, so they go in, go out, on the way to work, and the liter goes off with them. Those are the two points that I just wanted to bring up and I think I made myself a little note, let me just see, oh yes, Attorney Sabatini, on Krispy Kreme application, I read in the minutes, that that was the first drive through in twenty years on the Berlin Turnpike, so it is certainly not necessarily the regulation that keep those uses, it's the market that encourages those uses to come. The only other point that I want to make, and I know that other folks did, in the past meeting was how it affects the property owners and unfair advantage to the existing folks with a drive through, in case a new one wants to come in, they can't have a drive through. Well, there's many other there, so that is a, I encourage you not to put that into the regulations. I am, as I mentioned to you, the party that would like to bring Tim Horton's, I do have a rendering to show Mr. Meehan in the next few days, and I think that it would not be a great idea to eliminate that, especially from a road like the Berlin Turnpike which is where the customer's, they want to go use the drive through, that's why they go there. Thank you.

Chairman Camilli: Thank you.

6. Section 3.16 Uses Permitted in I Industrial Zone.

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

7. Section 3.16.3 Buffer

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

8. Section 3.17 Special Exceptions Permitted in I Industrial Zones

Section 3.17.2 Retail stores "Delete"

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

9. Section 3.18.4 Buffer

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

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

Section 3.19.2 (B) (2) Site area amend to add such computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When in the opinion of the Commission, geologic or topographic conditions, inland wetlands and 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."

11. Section 3.20.5 Buffer

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

12. Section 3.21.3 Buffer

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

. 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."

Alan Bongiovanni: Thank you Mr. Chairman, for the record, Alan Bongiovanni, 170 Pane Road in Newington. At the last meeting we spoke about modification to area, height area and yard requirements, and I had requested, and I think maybe the Planner might have missed a note on this. A little clarification when we talk about steps, stairs, and walkways, from porches and projections in the front yard because today it is a problem every time somebody comes before the Zoning Enforcement Officer for an interpretation, can the steps be included? This is the platform. I'm not opposed to the regulation, just a little clarification, so that on a day to day working with the regulation, it's in black and white.

Chairman Camilli: Any comment on that.

Ed Meehan: I discussed it with the Zoning Enforcement Officer, and he interprets it to include the steps.

Chairman Camilli: Yeah, well that's his interpretation. Can it be more specific to that? I think the suggestion is, take it out of the interpretative stage and put it in the more definitive one.

Ed Meehan: Well, we could say, shall be limited to landing platform not larger than twenty-four feet and step area, the necessary steps.

Commissioner Ganley: This is on the, I don't have a hatchway door in my house, but I do on my other home, and I went up and measured it from the building out to the edge of the hatchway, and I got six feet, four inches, which allows me to have this double hatchway. Now according to this, and I read it a couple of times, the hatchway can't project more than three feet out from the back of the building or the side or where ever your hatchway door is, I don't know how you would get anything down the cellar stairs if only was three feet off the back of the building, if I read the thing right.

Ed Meehan: No, a porch or hatchway may project three feet into the rear yard, in other words, your rear yard is thirty feet from your property line, it's the zoning boundary, the building envelope. So you could, your hatchway could go three feet into that area.

Commissioner Ganley: Okay, three feet from where? May project three feet into the rear yard, from what? What's the starting point, the edge of the building? Where do you put your tape to measure the three feet.

Ed Meehan: When we say rear yard, we are talking about the building envelope, you have a front yard of thirty-five feet, a side yard of ten, a rear yard of thirty, so within that building envelop you place your house. If your house was toward the backside of the building envelope, and you needed to have your hatchway go into the thirty foot rear yard, you could go in at least three feet.

Commissioner Ganley: Okay, but it doesn't say from where you measure the three feet, that is the point that I am making, it just says.....

Ed Meehan: Well, you measure it from the line.

Commissioner Ganley: Well, it doesn't say that. That sentence, taken in isolation, doesn't tell you where you are measuring from to get your three feet. That's all I'm saying.

Commissioner Pruet: Maybe someplace else does though, in additional regulations.

Ed Meehan: Yeah, you measure from your yard lines, whether it's a side yard for a chimney, or a backyard, or this issue that we are talking about now with platforms, in the front yard.....

Commissioner Ganely: If everybody else understands it, other than me, that's okay. I don't care.

Chairman Camilli: What I would like you to do, what language would clarify that. Do you have any language that you would suggest.

Alan Bongiovanni: With regard to, if it read, a porch or hatchway may instead of project three feet into the rear yard, may project three feet over the rear yard setback.

Commissioner Pruet: That clarifies it.

Ed Meehan: Over.

Alan Bongiovanni: Or beyond, into the rear yard setback area.

Ed Meehan: It says into now, so if you say over, maybe over would clear it up.

Chairman Camilli: Okay, so we can put that in there, would that clarify it?
Thank you. That was a good suggestion.

Alan Bongiovanni: If I could, I made my statement about steps, porches, and things like that in front, and then Mr. Meehan comments about a conversation with the Zoning Enforcement Officer. I always thought that the interpretation existed, and the interpretation was a porch, a slab, could have a roof over it, not to exceed twenty-four square feet. But then you come from that, you may walk down a sidewalk, you may have a change in grade where you have steps, it may be all one connected piece of concrete, and that's where it gets sticky. If you have a raised ranch, where you have six or eight steps down from the front door, well, that is going to project out six or eight feet, and steps are generally permitted. If you look at all the houses on Little Brook Drive, or Stage Coach Lane, where you have grade conditions, where they have retaining walls on the sides of the driveway, you basically have half of the front yard, included as the building if you allow steps to be included as the porch. I don't think that is that they are, architecturally, steps are an access way to the building. The building, porch, should be defined as slab, as finished floor, or one step below, and enclosed. Not the steps and sidewalk leading to the driveway or the front sidewalk, or the street.

Ed Meehan: We define porch as a covered, a roofed, projecting from the front, side or rear wall of a building, having no enclosed features of glass, wood or other material more than thirty inches above the floor.

Alan Bongiovanni: But the Zoning Enforcement Officer includes the stairs in that, and that's not what the definition, I believe, says.

Ed Meehan: Yeah, I understand.

Chairman Camilli: You understand. It would make everyone happy if it was clarified, so I think, rather than arguing, yes it is, no it isn't.....

Ed Meehan: Well, if you tell us it's not going to include stairs, that's how the Zoning Enforcement Officer will apply it. If you say, not including stairs, a porch projection shall be limited to a landing

platform not larger than twenty-four feet, not more than three feet projection into the front yard, and does not include stairs, or something like that, it's pretty clear that you have four risers going out, or whatever it is, four feet, five feet, it's not part of this twenty-four feet.

Alan Bongiovanni: And it's permitted.

Ed Meehan: It's permitted. It's not part of your projection.

Chairman Camilli: So would that be, I mean, it clarifies it as far as I can see. I would rather have that than going out and fighting with.....let's clarify it. What do you think, we should?

Commissioner Pruet: As long as we are amending these rules.

Commissioner Fox: Now is the time to do it.

Alan Bongiovanni: Thank you. I appreciate that. As Attorney Jacobs said, I appreciate the reception that you have given the public and the consideration you have taken on all of our comments. Thank you.

Chairman Camilli: Thank you.

14. Section 5.3 Procedures and Requirements for Site Plans.

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

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

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

Section 6.1.1 (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."

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.”

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.

18. Section 6.5 Filling of Land

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

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

19. Section 6.7 Interior Lots and Single Family Homes.

“Delete.”

Ed Meehan: I just want to mention, Section 6.7 is where you had the letter from the Fire Chief.

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.

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.

22. Section 6.13 Accessory Apartments

“Delete”

Cathy Hall, 26 Kowal Court, Newington: I stand before you as a realtor and real estate broker, that is the hat I will wear tonight. Accessory apartments, as you know are an emotional issue at this point. We have had some problems in town with the accessory apartments, however, to delete them completely I think is a foolish move. There is definitely a need, there is a time and a place for accessory apartments, and I think that if you feel the need to tighten your regulations, that's fine, if you have certain restrictions that must be followed, in order to allow accessory apartments that is fine, but if any of you read the Hartford Courant, Tom Cogden wrote an article, it was dated Sunday, June 3rd. It is an affordable option for people who wish to keep elderly parents with them, college age students, who have not been gainfully employed yet and who are out on their own. There are many homes in town already with accessory apartments. Many of those would be considered illegal. They did not come before you for a permit, they have been in existence for years, if you make it a regulation, and you make it so that people are able to do this without too much trouble, I think it will be better in the long run for the town. If you delete this, they will still occur. They will build, be illegal and we could end up with a tragedy just as we had on Pebble Drive about twenty years ago. We don't want that. We want to encourage people in Newington to do the right thing. We want our values in Newington to remain on the high side, and with regard to that, I can tell you absolutely that an accessory apartment, a legal accessory apartment right now will bring more money on the open market than a single home will and I can prove that. At the end of April, I was party to a closing of an accessory apartment, a legal accessory apartment that brought probably \$50,000.00 more than that house would have, if it had not had the apartment. This allowed an elderly mother to stay with her daughter and son-in-law. She did not have to go to assisted living. It was a win-win for everyone. When you look at the house, it looks like a colonial, yet when you get inside, you realize that there were two perfectly legal living spaces, separated. It was a perfect situation and the buyer was willing to pay a premium for that. There are many things like that in town. Please do not delete this completely, make your regulations stronger, make it work for us, but don't delete it. Thank you.

Chairman Camilli: Thank you. Anyone else? Comments?

Commissioner Kornichuk: I have to admit I'm on the same page that Cathy Hall is. I think it would be a mistake to delete this. As far as I'm concerned, to me it's almost like it's an addition to a house. How do you prevent somebody from putting an addition on their house? I think the Town of Newington needs a lot more, I wouldn't say accessory apartments, but things for our seniors to live in. It doesn't seem like we are building anything in this town for seniors to live, and I think, like Cathy said, this is a feasible way for a family to take care of their elderly loved ones.

Chairman Camilli: Any other comments?

23. Section 7.4.8

Delete and insert the following new standards

Maximum earth slopes shall not exceed 3 to 1 (3 ft. horizontal to 1 ft. vertical.)

Where steeper slopes are needed retaining walls are required. If the difference in grade at the property line exceeds 3' 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.

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 Datum 1983 (NAD 83), Units U.S. Feet."

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.

Chairman Camilli: We are going to keep these open, right?

Ed Meehan: You can keep them open if you like, maybe you will get some more input and you can discuss them in the body of the public hearing, so if people want to participate in your discussion, they can come up and talk. If you close it, it moves to Old Business and people won't have any further input.

Chairman Camilli: Well, let's keep it open, I think it would be good at this point. It's getting there, okay, so we will keep that Petition open, 19-07.

**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.
Continued from May 23, 2007.**

Chairman Camilli: Do we have a letter or anything? Petition 21-07 is going to be continued, they requested a continuance.

Ed Meehan: That is the interior lot, the Karanian property.

C. PETITION 22-07 – 2237 Berlin Turnpike, Bianca Signs, Inc., attention: Paul Bianca, 99 Newington Avenue, New Britain, CT 06051 applicant, McBride Properties, Inc. owner, request for Special Exception Section 6.2.4 Free Standing Sign, B-BT Zone District.

Chairman Camilli: Is the applicant here?

Audience: Excuse me, Mr. Chairman, I'm not sure about the procedure, but, may I come up?

Chairman Camilli: Sure.

Arthur Alexander, BT Realty Corp: I'm an abutter to Mr. McBride's property, and I really don't understand the procedure what the petitioner has applied for, will I as an abutter get a change to see a rendering or other specifications, and I'll get due notice thereof.

Chairman Camilli: Yes, as an abutter. Matter of fact, you can have one of these.

Ed Meehan: That is what he was going to present if he was here.

Chairman Camilli: That is what he was going to present, and he would do the presentation, and then we would get comments from the public and then you could come up and ask questions as to what was going to be put there. Since he is not here, we are not going to do that.

Arthur Alexander: Would he, in his final rendering, give indications as how close this would be to my property, and the sign that my tenant would have and whether it would block.

Chairman Camilli: I think so.

Arthur Alexander: So it would be complete enough so that we could discuss it?

Chairman Camilli: Yes.

Arthur Alexander: And has the date been set for the next hearing on this?

Ed Meehan: June 27th, it's continued to.

Arthur Alexander: If I am not here, or can't get a representative, may I ask for a postponement? On that date I'll be out of the country.

Ed Meehan: It's really up to the applicant to grant the Commission an extension.

Chairman Camilli: You could send somebody to ask questions though, if you have somebody, tell them what your concerns are, they could be in the audience, and at the point we ask for public participation, on that particular application, so whatever your concerns are, you can get somebody to represent you and they can speak for themselves.

Arthur Alexander: Thank you very much.

Ed Meehan: You can send written comments in, in advance.

Arthur Alexander: But this is all we have to work on, right now.

Ed Meehan: Right.

Arthur Alexander: And this, at a very quick glance doesn't dispel some of the qualms that I may have that it may block some of the signage that the tenant already has on my property, that's my major concern.

Chairman Camilli: Okay. Thank you.

Arthur Alexander: Thank you very much.

D. PETITION 23-07 723 New Britain Avenue, Randall Bobb, 122 Hebron Road, Bolton, CT 06043 applicant, 715 ½ New Britain Avenue Corporation, 855 Lexington Avenue, New York, NY owner, request for Special Exception Section 3.17.2 for restaurant use. I Zone District.

Randall Bobb, 122 Hebron Road, Bolton: Good evening, I'm currently a Subway Franchisee, with two operating franchises, and I'd like very much to open up a store in the Twin City Plaza. If you look, you can see the shop that we are talking about. It is labeled 723, it's the old Roberto Rucci Leather, which is vacant. I have it x'd out on the street card, and I took a picture of what the front looks like now. It's pretty much under the clock. It's three thousand feet, which is more than we need, and I would occupy about 1600 feet in the front, as the active Subway store, the rear would just stay as vacant storage space, and about 1,000 feet of area would be customer accessible. I'd like to put a maximum of twelve four person tables, for a total of forty-eight seats in there. Our typical hours of operation are nine to eleven every day. The typical Subway, no drive though, serve sandwiches and salads for take out and on premises consumption, and the only cooking that is involved will be reheating of fully cooked frozen product and bake bread. Any questions?

Chairman Camilli: Forty-eight seats, that's a pretty big parking area, there won't be any problem.

Ed Meehan: I thought he said twelve.

Chairman Camilli: Forty-eight seats.

Randall Bobb: Twelve four person tables, that would be forty-eight seats.

Ed Meehan: It's probably typical of Subway, the one down at Dick's Plaza is smaller than that, I think. The one thousand square feet would require a minimum of ten parking spaces, twenty spaces, excuse me, twenty spaces per thousand, which is pretty close to the twenty-one spaces that the 3,000 gross floor area would require if it was straight retail use, so it is seven spaces per thousand for retail, so if his total area was 3,000 he would calculate it at 21 spaces. Using only a portion of that gross floor area, for 1,000 square feet for public area, so it's almost a wash. This is a plaza, that's why I took the aerial photo, has a lot of parking and not many customers right now. I don't think there are any other food services in this plaza.

Randall Bobb: There is a Chinese restaurant I believe and Veggie World now does make deli sandwiches but I don't think you would consider them a restaurant.

Chairman Camilli: We do have the hours of operation, we have the parking, what else, I don't know if we need anything else? Any questions? Ed, do you have enough information?

Ed Meehan: Yes.

Chairman Camilli: Okay.

Commissioner Ganley: Just in relation to the parking, myself and my wife and sometimes my two kids who still live here in town will use that laundromat that is in that plaza, so we go in there often enough, and you are right, there is hardly any cars ever parked there, especially the area that is located on the north side of the building, there's probably like thirty spaces in there, I have never seen a car in there. It's very under utilized. I think it's atypical of years ago when they had this very large over abundance of parking required for developments, and this is the by-product now, we've got stores that are vacant, and the spaces don't get used. We had something similar on the turnpike, the restaurant out there, there was the whole side of the parking lot that wasn't used, there was grass coming through the pavement. So I don't see a parking problem here at all.

Chairman Camilli: Okay, we will close Petition 23-07. Anyone from the public wishing to speak in favor of this application? Against? Okay, we will close it.

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

None.

IV. MINUTES

May 23, 2007.

Commissioner Kornichuk moved to accept the minutes of the May 23, 2007 regular meeting. The motion was seconded by Commissioner Ganley. The vote was in favor of the motion, with four voting YES and one abstention (Fox.)

V. COMMUNICATIONS AND REPORTS

A. Cedar Mountain Ridgeline Preserve – DEP Open Space Grant Application, June 2007

Ed Meehan: I will just summarize the memo from staff on the table to the Commission. The point of this memo is to give you some background on the grant that the Commission was a member of and supported back in 2002 and 2003 when the town was awarded an open space grant to buy some property up on Cedar Mountain. We were recently notified by the DEP that we have had the award for over five years and have not spent it. There is an upcoming round of DEP grants which are due the end of June, and they are asking the town if they want to continue with this award, to resubmit. Coincidental with that is the fact that there is a new property owner, we're talking about the 28 acre Children's Medical Center piece which was transferred the end of April and that property was denied for subdivision, four lot subdivision by the Commission late last winter and the appeals have been withdrawn, so there is no legal litigation pending right now. At last night's Town Council meeting they did authorize the manager to apply to renew the grant, as did the Conservation Commission last night at its monthly meeting, so the Commission's support, based on the recommendations of the Plan of Development as you did back in 2002 would be a positive thing as the town goes forward with the grant application.

Chairman Camilli: So we have a motion to that effect on the table tonight under Old Business.

VI. NEW BUSINESS**A. PETITION 24-07 475 Alumni Road, Newington Business Park, LLC, c/o Quadrelle Realty Services, One West Avenue, Larchmont, NY, owner and applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037 request for site plan approval, warehouse occupancy, 60,000 sq.ft., I Industrial District.**

Joe Perriginni: Good evening members of the Commission, my name is Joe Perriginni, I'm a civil engineer with A-N Consulting Engineers. Also with me tonight are Wes Clough, Quadrelle Realty, representing Newington Business Park, LLC and the architect, Cory Heartline of Quisbenberry, Arcari Architects. Tonight we are presenting a site plan modification for the Newington Business Park building located on Alumni Road. This is an overall plan, showing exactly where the tenant use will be that we are proposing, obviously it is shown in yellow. It's a sixty thousand square foot area of the southeast corner of the building. The plan that we have submitted to you, the site plan, is shown here. Shuco Technologies is the proposed applicant, they manufacture and distribute vinyl windows and solar energy type products. For this particular location there will be no manufacturing. They will be assembling the products on site. You may be familiar with the company, they also have a location on Pane Road in Newington. This particular site plan that we are proposing, we are showing the east side of the building, this is the area where we are going to utilize parking. We have added six spaces along the south side of the building, because of a new entrance that we are proposing, but most of the parking will be accomplished through this area to the east. We require fifty parking spaces and this is based on the largest shift of employees. The limit of this parking would be where this dashed line is indicated, so all the parking would be accomplished through here in combination with the six spaces. The modifications to the parking area have been designed according to the truck turning movements that we expect. The main driveway, this would be where a tractor trailer would enter the site, we did have to revise the curb cuts for this tractor trailer turning. The truck would pull in, pull forward, and then have to back into the building. We are showing the elimination of these parking spaces, in order for this movement to take place. We are proposing a bituminous concrete ramp, and a new overhead door for the trucks to back in for the unloading to take place within the building. Along side the new overhead door would be a double door, this would be handicapped accessible. There's about a six to eight inch drop in elevation, so we are showing a concrete ramp and steel handrails for accessibility. We are also proposing some re-stripping in this corner. There is enough room there that we were able to add two, or adjust it for two handicapped spaces. They would be sharing an aisle and then a concrete sidewalk would allow them access to two double doors. There are four existing doors there at the corner there now, two new doors would be proposed at that corner there. Along the south side of the building there is an existing doorway which we will keep, there are some concrete steps that will remain. We are using a new double door, proposing a new double door for accessibility, and because there is a three foot elevation difference from the finished floor to the existing ground, we had to design a series of ramps and landings with steel hand rails for that. Also there will be a concrete sidewalk that will connect these doorways to a new bituminous area, and that will be two accessible spaces with four standard spaces. We would be paving over this grass strip for people to back in and out of. We are also calling for the elimination of some structures. There is a concrete ramp here that will be eliminated, a concrete pad here, and concrete pad below the proposed parking. Also shown in green will be some landscaping. We're matching the types that exist along the frontage at the southwest corner, so we are just trying to keep the same type trees with the same spacing and keep it consistent all along the frontage. We are also showing some screening around the transformer there with some arborvitaes and various other shrubs and shrub types that we are using throughout for enhancements.

That ends my presentation of this site design. Like I said, the architect and the representative of Newington Business Park is available to answer any questions.

Chairman Camilli: Did you get the staff report?

Joe Perriginni: I did not. It might have gotten there after I left.

Ed Meehan: I'll just summarize the staff report. This is a permitted use in the Industrial Zone, an assembly warehouse operation, minor office space associated with that. The gist of my staff report is that the re-occupancy of this side of the building is really an opportunity to make this side of the building look more like a front yard. Alumni Road will become a town road. Alumni Road, if it is extended as it was planned, to connect to Cedar Street, will carry a high volume of traffic and the building now, not just the building, but the grounds around the building are sort of a hodgepodge of various pieces of utility equipment and bollards and concrete pads that were okay when it was the back side of the Torrington Company, but as a future front yard I think I would recommend the Commission look at this as a chance to sort of get this area cleaned up. Some of the things that the applicant is proposing, I agree with certainly the landscaping and some of the changes, removing some of the old ramps. I think they can go farther and do additional, you know, just another check of what is there that's not needed. There may be a couple of utility poles, some bollards that are no longer needed, that could be removed to clean it up, repair the broken curbing, go back and fix some areas of erosion and loam and seed. I also recommended that the big gap between the loading dock and the new parking, either a new planting bed or some vegetation be put in there to soften the front of that building. This is a very large building and it's very stark, and that is an inexpensive way of maybe trying to make this look more presentable. The architect did submit elevations, but I can't tell from the elevations what is going to be done to tie this whole southerly side together. I know when PODS was there, the westerly end, there was some repainting. Can the architect explain, is this going to be unified so it has a façade look that sort of ties it together because you've got very little windows, you've got miscellaneous placement of doors, you've got vents, you've got louvers, what can we do to make this look better I guess is the question.

Wes Clough: I'm the representative of Quadrelle Realty. Basically when we put this together Ed, we were looking from recommendations, as I had discussions with you before on this, the building, just to let you know is sold at this time, it's going to be closing a week from Friday and new owners will be taking over, however that doesn't absolve us from completing projects that we currently have in the building, but as far as the front of the building goes, in talking with the owners and stuff, you know, they have agreed to obviously do the landscaping in the front of the building, removal of a lot of the concrete pads, bollards, there are some mafia blocks and stuff around on the property, the owner is willing to continue the painting from where it left off, where the PODS paint job ended, to continue along the front of the building. However at this time, I don't have any authorization to make any structural changes to the building. We were looking for recommendations from the town, but again, it's a touchy subject right now with the building being sold. Do we spend the money on it, does the new owner do that, what is required by law of us to do to this building, if anything? Basically, as our discussions were in the last informal meeting that we had, we were looking for recommendations. I passed them along to Joe, about continuing the streetscape with the trees, some screening for the building and the transformer and things like that, for the different ramps that we are putting in, things like that. I do know that Shuco has proposed replacing the windows that are currently there in the building with their own, at their own cost to try to dress up the part of the building. They said they would be willing to do, but as far as anything else goes, if it were up to the owners right now, they don't want to do anything. They were asking me to look for recommendations from the town, and what would be required of us prior, you know, for you guys to accept this proposal, so as of right now, there is nothing on the drawing table so we are basically looking for recommendations from the town.

Ed Meehan: Well, my staff report, I'll be sure Joe.....

Wes Clough: And I'll grab a couple of that too.

Ed Meehan: There are kind of minor changes, but I mean, when you said the front of the building, do you mean the front that faces.....

Wes Clough: Yeah, Alumni Road, where ever you have I guess, there's some windows in here, where ever the PODS versus, the windows that run along here, Shuco was actually asking us if we would allow them to install their window system in here. But as far as some of the old vents and things on the building, there are no plans at this time to remove any of them. Again, it's a touchy subject, with the building being sold, but whatever you guys want to throw out there for recommendations, we'll take a look at, and get it to the owners.

Ed Meehan: Well, this may be the Commission's one shot at this. As touchy as it is, Shuco keeps a very attractive site down on Rockwell Road and Pane Road, and I think the town would like to see something started here, so you know, as this park develops and hopefully the road is opened, when people drive through there, they are not going to have the sense that they are going by a building that looks like it belongs in the 1950's. You could do a lot with this building, I mean, you are going to end up with loading docks that face the road, which we are inheriting, if this was a brand new building that wouldn't be permitted on a public street.

Wes Clough: Right, correct.

Ed Meehan: But, you know, I would suggest look at the staff report, and see what we can get together on taking off some of the things that don't belong on the building, and cleaning up some of the yard area around there. Installing a little bit of additional landscaping and straightening out the pavement and if Shuco has some ideas for windows, maybe they could pass that along so the Commission.

Cory Heartline: I represent Quisenberry Arcari Architects. Shuco intends on replacing all of the existing doors along here, as well as inserting new doors that Joe spoke about, and also they would like to put new windows, they are producing aluminum windows and so they are intending to use their own product as the doors and windows in this space. So they will be bringing natural light into some of the factory space, as well as the business space, located in this area.

Wes Clough: Just to let you know, and I don't know if you are familiar with them, but they are very high end windows systems and stuff, they aren't going to be some vinyl replacement windows, they make a really high quality product for high end office buildings and things like that, so the products that they have asked us to put in there I think you will be more than satisfied, and I will get you that information.

Ed Meehan: I think that is something that we should see, and as many windows as they can put in, to establish more natural light and eliminate a lot of louvers and vents that probably aren't being used any more, the better.

Cory Heartline: I don't think they intend on making any new masonry openings in this....

Wes Clough: Any of the windows that are there now, they were talking about replacing.

Ed Meehan: Well, that is what I wanted to relay to the Commission, you know, the Commission members get out and get around, they may be seeing the same thing that I am about this side of the building, and to summarize, that is where I am with my staff report.

Chairman Camilli: What about the screening there with those trees? Is that, could you put more screening there?

Wes Clough: The trees along Alumni Road were the same, is that where you are talking?

Chairman Camilli: Yeah.

Wes Clough: The trees are actually, when we upgraded Alumni Road, to get it accepted by the town, we were required to replant along the roadway, so we are matching the same pattern and the same trees that are there now.

Ed Meehan: My recommendation for screening is in that big gap between the loading dock...

Wes Clough: This concrete, all the concrete that is currently there, like these pads that you and I had discussed, are being removed, would be re-top soiled, seeded, and lawn, currently this is lawn now.

Ed Meehan: That's why we recommend that you do a planting bed, or some sort of shrub to break up, that's a bare wall. Along with the windows, and your new handicapped accessible ramp, and the new doors, maybe that begins to tie things together and closes in that big expanse of open brick.

Chairman Camilli: Okay, so you can work with the Planner on, if you get ideas to make it a little more pleasant to the eye, if you will.

Ed Meehan: Yeah, and also functional. I think what they are doing with the turning radius and just peeling back some of the concrete and making the parking more accessible on the south side, taking out that concrete ramp, backfilling it with loam and seed and just defining the curb lines better will help that whole side of the building. Now it's just a maze....

Wes Clough: Yeah, all those things that you saw out there, like you were saying, the bollards, the blocks out there, there's some old concrete bases, all that stuff is going to be removed as part of this, that will all go.

Chairman Camilli: Would there be any shrubs up against, not right at the building, but to hide some of that expanse there?

Ed Meehan: That's what I mean, that's exactly what I mean. Either a sufficient number of shrubs that would you know, I won't call them foundation plantings, but in proximity to the building, or a defined planting bed that they could you know, mound up or something. The other thing I want to put on the record, I know that we talked about it in our informal meeting, there is no outside storage here, right?

Wes Clough: Correct.

Ed Meehan: Okay, on either side of the building.

Wes Clough: Correct, no outside storage what so ever.

Commissioner Pruet: Is this being held in abeyance now between the present owner and the new owner, everything, you said it's going to be finalized in a week or so.

Wes Clough: Yeah, the closing is supposed to be a week from Friday, but any of the projects that Quadrelle has started with the building, we have our obligation to complete that, there will be adjustments made in the sale. We may still be the property managers for the new owner, we're not sure at this time, but yeah, anything that we are proposing now, we have to finish prior to, so it won't be left in the balance, so you won't have to go through this with the new owner.

Commissioner Pruett: Thank you.

Chairman Camilli: Any other questions. Okay, we will continue this, talk with the Planner and come up with some suggestions.

Joe Perriginni: One last thing, it didn't get onto this plan, but we are adding some wall mounted fixtures, some lighting, to illuminate the doorways and the overhead doors and all accesses that we are proposing. It will show up on the next plan.

Ed Meehan: You're talking about wall packs?

Joe Perriginni: Wall mounted lighting fixtures, yes and they are compliance with....

Ed Meehan: The shields?

Joe Perriginni: Yes.

Ed Meehan: Okay, well we can see those on the elevations, or a reference to them.

Chairman Camilli: Okay, thank you.

VII. OLD BUSINESS

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

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, One Market Square, Newington. With me tonight is Tom Hamilton from the engineering firm. We are here tonight because we have gone ahead from a concept site plan to a full site plan, indicating the changes that we have proposed to the shopping center on Lowrey Place, including one pad site. I apologize that our engineer and Mr. Meehan did not get to meet until Monday afternoon, and they did discuss and talk about different aspects and minor changes that had to be made to bring this site plan up to speed, but we weren't able to get anything over to Ed until tonight, which we are going to hand out. I'll have Mr. Hamilton hand out the revised site plan, parking analysis, landscape coverage computation plan, and a cut sheet indicating the style of the light fixtures and other things that have to be done to the site. So what the developer has decided to do is go with the one pad site, not the two pad sites, and as you recall, the whole idea of this is to upgrade the shopping area in accordance with the architectural features, the elevations that were submitted last meeting. This is to get the site plan to conform to the regulations, and I'll have Tom explain what he has done and when Ed and you and the Commission look at the parking analysis you will see that we exceed the three and a half spaces per one thousand that we're looking for under the town center guidelines. That calls for 282 spaces and we actually have 355. We have the computation for the landscaping, and what we

are going to do is, we are going to do all the work on the strip center, including the present A & P store. Going to do the parking lot renovations, going to build a pad site for People's Bank. What we are not going to be able to do at this point is any of the work as shown for the post office because we do not have the permission from the post office. We have to take care of that. So what I would like to do, is have Mr. Hamilton explain to you the technical changes and I did, this afternoon, fax over to Ed, permission to continue the matter to the June 27th meeting, running out of time here, on this, but that's in our department. Let me have Mr. Hamilton explain to you and then I'll show you the elevations for the proposed pad site for the bank.

Tom Hamilton: Good evening, my name is Tom Hamilton from Spath-Bjorkland, engineers in Monroe. I'm sure you are all familiar with the plan, there haven't been any major changes from what you are already familiar with. Dave Bjorkland from our office met with Ed Meehan earlier this week to address some of his concerns. Fortunately, they all seemed pretty minor but I can easily go over them quickly here. There was a comment about showing the bank, we have moved the bank. I think the original concept plans that you had, had the bank about ten feet off of the property line, we are now, to be consistent with the application, the other application that is in front of the Commission on this project, we have moved the bank to fifteen off of the property line. It's shown as a square pad right now, I'm sure when you see the elevations, it's a slightly different shape, it will still fit within that pad. There was concern about a covered drive-up, that was actually indicated on the drawing, it's dashed, you have to look close. Landscaping was one of the concerns, sheet number S-2 is the landscaping plan. We have added quite a few islands within the site. If you look at, there is another handout that I gave there, that address the landscaping, and the existing conditions on the site, there's about eleven, a little over eleven percent of the site is landscaped. This is in front of the building. With the new proposal, we have been able to get that up to about 15.7 percent.....

Attorney Sabatini: Excuse me, Tom, just to follow along. You look at this document that says landscape coverage computation. It shows you the existing landscape coverage, you can get an idea.....

Tom Hamilton: The first page is showing the existing islands that are on the site right now, in front of the building....

Attorney Sabatini: The first page shows the existing island coverage which you can see is pretty sparse. Then if you go to page two, you can see what is going to be proposed. That's all new green space.

Tom Hamilton: The islands will be a combination of mulch and low plants. There are trees that are also proposed in the islands that aren't going to have the lights. We've shown schematically where the lights are going to be in the islands. It's consistent with the lighting plan that is also attached to the package of drawings, so as I said, we've been able to exceed the fifteen percent regulation for landscaping in front of the building, in the front yard there.

Moving onto parking, again, there was another handout, Attorney Sabatini went over that quickly. The new analysis for the parking, I've broken it down, won't go through the details but like he said, there were 20, 0 to meet the three and a half spaces per thousand, we would need 282 spaces, the plan shows that we have 355 spaces shown on there, a significantly larger amount. Basically still utilizing all the existing parking that is out there, we're not proposing any new parking spaces obviously but there is some realignment of the driveways to provide for the bank pad site. In addition, I just thought of it with the lighting, I've also added in the package, some of the manufacturers cut sheets on the style of the lighting that was proposed out there.

One of the concerns at an earlier meeting was the carriage corrals. What we have proposed out here now is two carriage corrals. I think there was a comment earlier that they seemed to be just placed all over the place in the existing condition right now. What we have changed, is that we

have isolated them to two spots and put an island on either side of them. There was a concern I'm not sure which Commission member brought it up but said that they had been hit on occasion by cars going through the parking lot, they are now being protected by an island on either side of them, and access from either end of the carriage corral. Hopefully that will keep them in check. Mr. Meehan had a comment about curbing, it's going to be concrete curbing throughout the entire piece there, and then there was a comment about extending the concrete sidewalks across the driveways, which we can do without a problem right now. I think that addresses the concerns that you had earlier this week, any questions?

Chairman Camilli: I have one, snow shelf?

Tom Hamilton: Snow shelf, there's, I understand that the snow is normally piled right there, right now, we've had adequate space in the back, even in the front in the event that we could use some spaces up here for the snow and still exceed our parking count.

Ed Meehan: One of the comments that I thought that I talked about with your associate was the number of spaces proposed along the back property line. I know that it looks like you have a surplus of almost seventy spaces, at least count wise, I mean, how practical are those spaces back there?

Tom Hamilton: Well, I think we are kind of looking at it that those are ones that we could take away, or use for the snow shelf, and still exceed the parking count. Basically right now, we are just trying to demonstrate that, that's all asphalt back there, that is a way that we could stripe them, and utilize them as parking to satisfy the parking through out the whole site. Obviously we can't fit any more and keep that same scheme of being able to put the bank up front, but we still exceed the parking count.

Ed Meehan: I know your client has done a lot of cleaning up back there, I think, from what I can see.

Tom Hamilton: Yes, he has.

Attorney Sabatini: He's got a permit to clean up, there's a swale there,

Tom Hamilton: Actually it's a paved ditch.

Attorney Sabatini: A paved ditch, he's cleaned that all out, he got a permit from either the health department or the building department to do that.

Ed Meehan: Okay, because the Town Engineer asked me when we were talking about the site the other day after I met with your associate, what would be the Inland Wetland Impact because of the water course back there and I couldn't answer that because I didn't have, I have your site plan now, I can show him.

Attorney Sabatini: Yeah, there's not going to be any.

Tom Hamilton: We aren't going beyond any of the existing pavement, you know, with any type of building. He cleaned out, I guess there was trash and just over grown weeds.

Attorney Sabatini: Forty years of trash and junk back there, and he cleaned it all out.

Ed Meehan: Okay, well I'll give this....

Attorney Sabatini: With a permit.

Ed Meehan: Okay, he may have gotten an administrative permit from the wetland officer.

Attorney Sabatini: Yes, that's what he did.

Ed Meehan: I'll give the site plan to Mr. Ferraro, and he can talk to you about whether it needs to go to Conservation, to Wetlands, that's why I'm asking about the parking. So that's already paved then.

Tom Hamilton: Yes, that's already paved and the swale and the ditch that is back there is paved as well.

Attorney Sabatini: We are not going beyond the existing pavement.

Ed Meehan: Okay.

Chairman Camilli: Are two corrals enough?

Ed Meehan: Well, yeah, I mean, those are going to be thirty six feet long, right?

Tom Hamilton: Yes, there's a spec there of a sample. You can put forty-four.....

Chairman Camilli: Yeah, you can fit them all in there, but my question is how many people are going to walk to where they are placed. They leave them where they are parked if it is too far away.

Commissioner Kornichuk: They do that anyway.

Tom Hamilton: Actually that is one of the reasons that we chose where they are now, I mean, I didn't want to move them closer, I thought putting another set right here, they probably aren't going to use that, if the building is that close right there, who knows, you're right, people just leave them. I usually bring one in with me, but you can't count...but they do hold, each rack holds forty-four, so you have eighty-eight, which is quite a few.

Chairman Camilli: Another question, for that snow shelf, can we require them to put it in the back?

Ed Meehan: Load the snow to the back, well, I think they may have to. They may be able to tuck some in the corners, but they may find that they don't have the use of the area where they store now, which is all along the front, where no one used to park, they push it all there, they may have to load it towards the back and again, that's where some of those spaces may come in handy in the back, as you load your snow back there.

Attorney Sabatini: We have plenty of parking over the 3.5.

Tom Hamilton: As we said, that's seventy spaces or so in the back.

Ed Meehan: You can pay load it, or truck it back there.

Attorney Sabatini: Well, then they upgrade the site and put the pad site in there, they aren't going to be piling up snow in the front so it blocks it.

Ed Meehan: So can this, we've been sort of....

Attorney Sabatini: We've been all over the place, I apologize, but this is the site plan.

Ed Meehan: Okay. So we should, we have sort of given you incremental reports, staff wise, we will give you the full monty right now, okay. Now, I don't want to get ahead, but where are the architectural elevations to go with the concept plans? You gave us line drawings with the gable roofs and then your client said we have to do something else, and he came back with these real nice renderings.....

Attorney Sabatini: Did you get those from Mr. Raphael?

Ed Meehan: I have not seen those. I was trying to bring both sides of the elevations together with the site plan.

Attorney Sabatini: Okay, I'll make sure that he gets those filed. Any more questions on the site plan.

Chairman Camilli: The only question that I have is in relationship to the post office. You know, it would be nice, for you, as well as the Commission to have that in place so that we can look at it, again, holistically, and maybe the part that abuts the post office, whatever you know, plans are put together, you may want to, you may have to change a little bit of this plan to accommodate whatever evolves in that area.

Attorney Sabatini: The problem is, and I wish I could wave the magic wand and get the post office to even meet with us, but as you know, we have made efforts, the Town has made efforts, by writing letters, and we have not gotten anywhere. We can't talk to anybody, and it's a problem I admit, but the developers can't just stand by and not do anything to this, which is eighty-five percent of the site.

Chairman Camilli: The only comment that I want to make on it, is, even though you can't do anything, would you make a provision where there is that abutment, some access, I'm not sure, I didn't look at it, really, but whatever the plans were for the post office, if your client has any plans, would it alter this particular print.

Attorney Sabatini: Well, this shows, I believe that we are taking into account a site, redoing the site in front of the post office, but again, you have to understand that we don't have any authority to enact this, so the Commission can't approve this, or has to approve with the condition that the post office part can't be put into reality because we don't have permission from the post office on their lease, to go in and do the work. I mean, that's what we would like to show, with the mail box drive up, and some other work, it would make more sense for the whole site, but we don't control from this entrance. We could go probably up to here, where the lease line is right now I guess and work from here east, but we can't do anything this way. We are showing it on this map, on the site plan, but we can't do the work. You know, we first came in here, we didn't have permission to do anything with the A&P FoodMart site, but luckily we resolved that during this whole process, but this doesn't look like it is going to get resolved any time soon, so, and we do have an agreement with the bank now, I'm going to show you the concept plan on that for the pad site, so we are making progress as best we can, I only wish we could come in with the whole thing, but we can't.

Chairman Camilli: Is the A & P going to expand, or is it going to remain the same?

Attorney Sabatini: I don't know if I'm at liberty to say. All I know is that they came to an accommodation with the new owners. The way I heard it, I wasn't involved in that part of it, but I understood the way that their lease was written they had like a veto power over the whole site, any changes, the whole thing, it was kind of a crazy thing, but I understand that they have resolved their differences, so they are able to go ahead and make these changes. Now whether they stay there or not, I'm not sure, but whoever goes in there, obviously if it is going to change the footprint of the building, then we will be back here. The Commission has the authority to do that, but these architectural changes that are going to be made will accommodate either the store or whoever wants to go in there.

Ed Meehan: Could you put that lease line on one of these plans so that we know. That might be something that you could add.

Attorney Sabatini: Right now you mean?

Ed Meehan: Not now, but as we go forward here. We'll review it at staff level now, myself and the town engineer, give you our feedback....

Tom Hamilton: There is a survey also attached, the survey has, I know, I can understand that you want to see it on the site plan which is fine.

Attorney Sabatini: I think the survey has it on.

Tom Hamilton: Yes it does.

Commissioner Pruet: Would that sheet, S-2 have that? The next sheet over, does that have it?

Tom Hamilton: No it doesn't.

Commissioner Pruet: It looks like the elimination of some parking, they are short of parking now.

Attorney Sabatini: Well, we aren't going to be doing that now. The concept when they looked at it initially was redesigning the whole site, including the post office which would have made it a lot easier to move around in there, the parking, what have you, a secured area for their trucks, it was a nice plan, but again, it takes two to tango, so....

Tom Hamilton: You know, for the amount that are being eliminated down here, there is others that are being added on, so there is kind of a trade off, you know, the existing ones that are aligned right here, there aren't any over here right now, and we are adding them. They are roughly in the same spot.

Chairman Camilli: Okay, any other questions?

Attorney Sabatini: Let me show you the concept for the People's Bank. This is what the building is going to look like, and this is, you are looking at the building, facing the street. This is the street side, and the back of it here is where the drive-up is going to be. So, I only have this part, but I will get the elevations for, and of course the brick, it's all going to be hopefully compatible with the rest of the site.

Ed Meehan: So, if the main in line stores, including A & P have the tower with the steel green roof, that's going to be a green steel roof too?

Attorney Sabatini: Same....

Ed Meehan: Same motif?

Attorney Sabatini: Same motif, yes.

Ed Meehan: So we have consistency.

Attorney Sabatini: Yes. Brick and effus board. So this will be fifteen feet, set back fifteen feet from the street line. Okay? I'll get all the elevations, I'm surprised that they weren't there.

Chairman Camilli: Any comment on the structure? Okay.

Attorney Sabatini: We can leave this here, and if you have any comments, we'll be back on the 27th.

Chairman Camilli: That's just a conceptual drawing.

Ed Meehan: We'll want to see all four sides, and we will see the hard line drawings in these next pictures and then you can say, these meet your town center design guidelines.

Attorney Sabatini: Okay. That is not going to get built, that was when they were thinking of two pad sites, only going to go with one, just the bank.

Chairman Camilli: The drive-through there was going to be on the side?

Ed Meehan: On the back.

Chairman Camilli: On the back there? Kind of looks like the side, on that one.

Ed Meehan: Well, we need all four sides.

Commissioner Kornichuk: But wasn't that on a different pad?

Commissioner Pruet: Yeah, that was on...

Commissioner Kornichuk: That was the one in front of A & P wasn't it?

Commissioner Pruet: Yeah, the corner of Constance Leigh.

Ed Meehan: Oh, that corner one had a drive through too, as well as the bank?

Attorney Sabatini: Well, we were thinking of it, but, right now it's now allowed in the town center. That would have required a little more work.

Chairman Camilli: Okay. So we are up to Old Business.
We can do motions.

Ed Meehan: We have the extention from Attorney Sabatini to the 27th, for the first two.

Commissioner Kornichuk moved that Petition 16-07 Newington Shopping Center Lowrey Place applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 Newington Center, LLC, owner, request for site plan modification to alter building façade "Town Center Design Guidelines" and reduce parking ratio from 6 spaces to 3.5 spaces per 1,000

sq. ft. gross floor area B-TC, Section 3.12A Town Center Overlay District be postponed to June 27, 2007.

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

Chairman Camilli: Motion passes.

- 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 District. Public hearing closed May 9, 2007. Sixty five day decision period ends July 13, 2007.**

Commissioner Fox moved that 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 be postponed to June 27, 2007.

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

Chairman Camilli: Motion passes.

- C. PETITION 20-07 149 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. Sixty five day decision period ends June 29, 2007.**

Commissioner Pruett moved that Petition 20-07 149 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 be approved based on revised plans dated 6-12-07 entitled "Zoning Location Map", Scale 1"=20' prepared by BGI Land Surveyors, Sheet 1 to 2, and building architectural elevations drawn by Stephen Jager Associates, LLC consulting Architect, Sheet A-3, dated April 16, 2007.

Prior to the chairman signing the site plan mylar the Town Engineer's modifications to the drainage design, if any, shall be incorporated into the final plan.

Prior to the issuance of a building permit for the 5,000 sq. ft. addition a bond equal to not less than 10% of the total site improvements shall be posted with the Town Manager pursuant to Section 5.3.6 of the Zoning Regulations.

The motion was seconded by Commissioner Fox.

Commissioner Fox: Mr. Chairman, while I was not able to attend the last meeting, I am familiar with the petitions.

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

Chairman Camilli: Motion passes.

**Bond Release
12 Pfister Drive
Brescia Re-Subdivision**

Commissioner Ganley moved that the bond held for the completion of 12 Pfister Drive be released in the amount of \$3,600 all work having been completed.

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

Chairman Camilli: Motion passes unanimously.

**DEP Open Space Grant Application - 2007
Cedar Mountain Ridgeline Open Space Preserve**

Commissioner Kornichuk moved that the Commission report to the Town Council its favorable endorsement of an Open Space and Watershed Land Acquisition Grant to the Department of Environmental Protection for the purchase of the 28 acre former Connecticut Children's Medical Center property to create the Cedar Mountain Ridgeline Open Space Preserve.

This endorsement is based on the 1995-2005 Plan of Conservation and Development's "Vision Statement" which reads:

"Newington will protect its environmental resources, particularly its wetlands and Cedar Mountain ridgeline. Additional open space will be protected and high priority will be given to the stewardship of the community's dwindling land resources".

And the Environmental and Open Space Component strategy which recommends:

"Use a portion of the unimproved "Old Highway" right of way over Cedar Mountain as a trail system/scenic vista site overlooking the Town Center and Farmington River Valley."

The motion was seconded by Commissioner Fox.

Chairman Camilli: I hope the Council is successful in getting some funds to help this along.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITION FOR SCHEDULING (TPZ June 27, and July 11, 2007)

- A. 2007 Balf Company Site Plan Update and Statement of Operations 2007-2009, Frank T. Lane, Director of Real Estate & Environmental Compliance, The Balf Co., P.O. Box 310903, Newington, CT 06131-0903. Schedule for presentation June 27, 2007.
- B. PETITION 25-07 Newington Lions Club Annual Carnival, Newington High School north parking lot, 605 Willard Avenue, Len Montanari, 31 Frederick Street, Newington, CT 06111, representing the Lions Club request for Special Exception Section 3.2.8 for July 24th to July 28th, R-12 District. Schedule for Public Hearing June 27, 2007.

- C. PETITION 26-07 28 Garfield Street, Delta Building Corporation, 269 Main Street, Cromwell, CT 06416 applicant, New Center Corporation owner, request for site plan approval for reuse of 12,528 sq. ft. building for office furniture sales office and display, B-TC Zone District. Schedule for presentation June 27, 2007.
- D. PETITION 27-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty owner, request for Special Exception Section 3.19.1 Restaurant Use, PD Zone District. Schedule for Public Hearing July 11, 2007.
- E. PETITION 28-09 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty owner, request for Special Permit Section 6.6 Liquor Permit Restaurant Use, PD Zone District. Schedule for Public Hearing July 11, 2007.
- F. PETITION 29-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty owner, request for Site Plan Approval, 6,000 sq. ft. restaurant use, PD Zone District. Schedule for presentation July 11, 2007.

Ed Meehan: I have a couple of comments. Petition A, 2007 Balf Company Site Plan Update and Quarry operation, that was tentative scheduled for the 27th, Balf has requested if that could be moved to July 11th, because of scheduling conflict that they have, they can't be here that night, and that is basically a fifteen minute presentation of what they are going to do for the next two years.

Lions Club, their annual carnival, they would like to get this into hearing and completed so they can get all their programming and get ready for the carnival in late July.

Garfield Street is a site plan, OFI is the applicant, actually the tenant who wants to move in from the Berlin Turnpike, OFI Office wants to reuse the building on the corner here on Garfield Street, will bring about 35 people to the center if it's approved, to work.

Petitions D, the next three petitions to be presented by Mr. Sabatini, the corner Krispy Kreme, his client has asked if it can be moved from July 11th, to June 27th.

Chairman Camilli: What's our load?

Ed Meehan: Well you will have, you left the public hearing open on the zoning changes, I don't think you will have too much more to discuss on that. You'll have the Karanian interior lot, the second petition, which you will get residents here for that, Bianca Sign, for whatever reason they didn't show up, that's not normally a big draw, that's up to three, Subway moves to Old Business, four, Newington Business Park is five, and then you will have the two petitions for Newington Center is seven, Lions Club will be eight, OFI will be nine, and if you change this, to bring it back to the 27th, you'll be up to twelve.

Commissioner Fox: Sounds like a long night.

Chairman Camilli: Sounds like a very long night.

I think we ought to keep it the way that it is. I mean, that's one person, I'll go around the table, it's the will of the Commission.

Commissioner Kornichuk: Yeah, I don't want to put in too much overtime.

Chairman Camilli: You don't want time and a half.

Commissioner Kornichuk: No.

Commissioner Pruet: How about starting earlier, six maybe instead of seven.

Chairman Camilli: Okay, that would be a no, no, Tom?

Commissioner Ganley: Well, I was looking the thing over, we're going to be busy one night, or we're going to be busy another night, and you can never tell how many speakers you are going to get.

Chairman Camilli: Okay, leave it as is.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: I have one. What is going on with all these Walk-In Medical Center signs all over town? They are all over the place.

Ed Meehan: I have been pulling up the dental ones. I have a trunk full of those. Don't know. Where are they pointing to?

Commissioner Kornichuk: Well, they are pointing to the one on Willard Avenue. That must be the walk-in medical center because there is one on Willard Avenue with an arrow pointing into the parking lot, so that must be where it is.

Ed Meehan: We'll just pick them up and take them out of the right of way. You mean the one next to the high school?

Commissioner Kornichuk: Yes. They are little red signs, I mean, they are all over the place, connect the dots.

Ed Meehan: Okay, they do propagate quickly.

Chairman Camilli: Did you get any feedback yet from the Town regarding the ticketing?

Ed Meehan: The Town Attorney is working on drafting the rules.

Chairman Camilli: Could they get a ticket for doing this?

Ed Meehan: Yes. That's one of the things, if it has a phone number on it.....

Commissioner Kornichuk: No, that's all it says, with a little black arrow.

Ed Meehan: Well, we could find out who it is, and issue a ticket. That's where the ticket would come in, for cars and signs and things that are hard to give a citation to, because you have seventy-two hours to correct it, so they move the car, or they take down the sign.

Chairman Camilli: Any other comments?

XI. STAFF REPORT

A. Bond Release – Brescia Resubdivision, Pfister Drive

(Discussed under Old Business)

Ed Meehan: Couple of things you should know about. The Town Attorney did review the suggested arrangement with Premier Building and Development on the bonds relative to Rockledge, street trees both at Rockledge and the New Britain Avenue subdivision and said that we could withhold the money due for the street trees, which totals \$15,000.00, \$10,000 for Rockledge, \$5,000 for New Britain Avenue. Hold that, we have to at least make an attempt once we get the money to go back to the property owners, one more time, say, we now have the money, if you would like the trees, make arrangements through the town to have the street trees planted. That is the way Steve Nassau interprets the subdivision regulations. It's not a waivable item, the developer never asked to have it waived, there is nothing unique about this, it's always been done, so we'll follow that. We are getting ready to recommend that you do release the bond down there, less the street trees. If you have been down to Rockledge, they redid the basin, they put the required baffles in and everything that we have been waiting for, so they don't bond for \$50,000, We would hold only the street trees.

Chairman Camilli: What would happen if, because the owners had their own little contract with Snow? That doesn't do anything to that? That's the scary point for the people, that they might still be charged.

Ed Meehan: I don't know how they are going to work that out with the builder, but unfortunately when you call a bond, you become the developer's construction manager now, and if we have five or six home owners that say, yeah, we want trees, then we would have to arrange, either give them the five hundred dollars per tree, you go out and do your own landscaping, or we hire a landscaper, you know, go out to bid, get a landscaper and say, put trees on these lots. It's a risky thing because those houses are all mature, established front yards, some have irrigation systems and utilities, and it would call for mark outs and everything else. Not really what I wanted to end up, I wanted to end up with \$15,000.00 tree fund that we could spend on public property, but that's not what the Town Attorney said.

Laz-E-Boy, the Chairman has been asking me what is going on with Laz-E-Boy, the front of that site is not where it should be as far as the completion. I contracted the contractor, they are working on the site this week. They have done most of the cleanup in the back, in the islands, and the irrigation system is operating, so they are working from the back to the front. I drove through just before the meeting tonight. Topsoil is ready to be spread, in front. They put down herbicides to kill the weeds out there, and hopefully that should be cleaned up in another month of so.

Reno Properties, officially the suit, both suits against TPZ and Conservation Commission have been withdrawn. Attorney Bradley, who is representing the town, will get the official paper work next week.

Also, not official yet, but it looks like we are moving that way, the issue with the residual lots, both in Superior Court and hopefully in Appellate Court, known as the Vivian Street property will be withdrawn and resolved. We're hoping, keeping our fingers crossed on that.

There is on the table, for the Commission's information, the CHRO suit, which you should read. It has been turned over to the town's insurance agency. I talked to Dave Griffith this afternoon and need to coordinate with him and the insurance attorney, a response. You have thirty days to respond to CHRO. It will be very time consuming, but we will have to respond and try to get an extension, but there are some things that they allege that I definitely know that we have answers for, so I'll coordinate with the Town Attorney with that.

Commissioner Kornichuk: Now, is this the one that said that we discriminated against him even though we didn't know who he was, because he never got up here?

Ed Meehan: Right. 57 Church Street, a petition for an interior lot. Council approved the contract last night for the streetscape work to go forward, we'll get a contract in place next week, and the contractor, by the bid documents has eight days to make a presence on the street, that may be putting up a sign at this point because he really can't start his work until they finish relocation of the traffic signals, so we have a very good bid on that. Hopefully we can coordinate that well, and we are asking the property owners at Keeney and Bank North to give us easements to put the decorative lighting up in front and tie into their electrical system, and will add seven more decorative lights in that section of Main Street.

Chairman Camilli: What kind of lights are they putting in at the plaza?

Ed Meehan: The one we just talked about? They are the low shoe box design, like we have elsewhere in the center, they aren't the globe decorative lights.

Chairman Camilli: There won't be any decorative lights there?

Ed Meehan: No, that may be something you want to think about going down Market Square, I mean, Lowrey Place.

Chairman Camilli: That's something we could think about?

Chairman Camilli: Ed, is there that car rally?

Ed Meehan: Tomorrow night is Market Square, Classic car show, weather permitting.

Commissioner Fox: 5:30, according to all the signs.

Commissioner Kornichuk: We approved those signs.

Ed Meehan: Unfortunately Middletown is having their big Main Street shindig, so a lot of guys go to Middletown.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary