

NEWINGTON TOWN PLAN AND ZONING COMMISSION

June 14, 2006

Regular Meeting

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

Commissioners Present

Chairman Camilli
Commissioner Fox
Commissioner Pruett
Commissioner Schatz

Commissioners Absent

Commissioner Cariseo
Commissioner Ganley
Commissioner Kornichuk
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 24-06 330 Alumni Road, Chris Chiuilli, 45 Evans Road, P.O. Box 485 Rocky Hill CT 06067 applicant, Newington Business Park owner, represented by A-N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037 attention Alan Nafis, request for Special Permit earth processing equipment for rock crushing and storage, I Zone District. Continued from May 10, 2006.**

Chairman Camilli: The first petition, 24-06, we have a letter from the applicant who wishes to be continued, so that is the case for that one, and we will go on.

- B. PETITION 40-06 (A) Berlin Turnpike, Galileo Turnpike Plaza, LLC owner, Dennis Fletcher, Blessing Creamery, LLC, 8 Chestnut Lane, Wallingford, CT 06492 request for Special Exception Section 3.19.1 Restaurant Use "Cold Stone Creamery", PD Zone District.**

Chairman Camilli: Is the applicant here?

Brian Miller: Thank you. Good evening, my name is Brian Miller, I'm a professional planner, principal in the firm (inaudible) of Cheshire Connecticut, and representing tonight, Blessings, Inc., and Mrs. Alan Aaron, who is a principal and what they want to do is put a Cold Stone Creamery, which is an ice cream shop in the plaza occupying 1,470 square feet of which approximately only four hundred square feet would be used for customer seating, or customer hanging out. It's an existing space in the plaza, you have, it's the third space in, going, it's across the plaza from, you have the Price Chopper and Dick's and you have the Subway, Super Cuts and then you have the Game Stop, and this would be the next place there, and I believe actually, that that space was bigger at one time, and that the property owner has cut it into two smaller spaces. Again, this is

1400 square feet, I saw the comments from Mr. Meehan. We certainly have no problems with them, we agree certainly on the parking analysis, particularly because there was a piece lopped off that building when Price Chopper came in.

As far as signs, we propose at this time to put a sign on the front of the store, that will comply with your regulations. We don't have the specifics of the sign in, if it is the pleasure of the Commission we certainly would be happy to come back again, or whatever we will need at that time.

Since tonight is a nice summer evening, I don't want to talk too much. I'd be happy to answer any questions.

Chairman Camilli: Okay. The only question that the planner asked was, do you have any intentions for outside seasonal seating?

Brian Miller: Outside seating. Not at this time.

Chairman Camilli: No, not at this time, okay. Ed, he can work with you on that, right, as far as the signage.

Ed Meehan: Yeah, we will work with the Zoning and Building Department to take care of the wall sign.

Chairman Camilli: Okay, so you can work just with the department and, any questions? This seems to be pretty straight forward to me. Any questions from the Commission?

Commissioner Fox: This may be for site plan, you are talking about a wall sign on the building, will there be a sign on the turnpike?

Brian Miller: We were talking about that, we would actually like to have some space on that, on the existing sign out there too, to put our sign there as well, but again, it would be within whatever requirements are with the sign.

Chairman Camilli: That would be up to the landlord, wouldn't it?

Ed Meehan: Yeah, adding to the pylon is probably restricted because that pylon received a variance for height and square footage so, it usually goes by the major anchor tenants, but signs on the building may be proportioned in your lease.

Mrs. Aaron: We were thinking along the side of the building where the other signage is.

Ed Meehan: The Berlin Turnpike side.

Mrs. Aaron: Right. Because we understood that the pylon sign, that if you don't have enough square footage, they don't want you on there.

Ed Meehan: Right.

Chairman Camilli: Okay, then just work with the town planner so,.....

Commissioner Pruet: Is this strictly ice cream, or are there sandwiches too, or just....

Mrs. Aaron: Strictly ice cream.

Brian Miller: There are a couple of Cold Stones now, in the state.....

Chairman Camilli: I know Glastonbury, we've been there.

Brian Miller: There is one in downtown New Haven.

Chairman Camilli: Very good. We'll hear from the public, anyone wishing to speak in favor of this application? Against? I don't think we are going to get any more information, you can just work with the Town Planner as far as working out the signage. We will close this so that you don't have to come back, you can just work directly with the Planner.

Brian Miller: Okay, thank you, we appreciate that.

Chairman Camilli: Unless the Commissioners have any more questions, we will close Petition 40-06. You are all set as far as the Commission is concerned.

Brian Miller: Are you going to act this evening?

Chairman Camilli: No, not this evening. We usually don't, it will be the next meeting.

C. PETITION 41-06 40 Progress Circle, ADM Properties, LLC owner, Richard Rizzo, 390 North Main Street, Wallingford, CT 06492 applicant for Progressive Insurance Inc. request for Special Exception Section 6.2.4 free standing sign, I Zone District.

Richard Rizzo: Good evening. My name is Richard Rizzo, 390 North Main, Wallingford, I am representing Progressive Insurance as well as the National Sign Company. I brought with me better copies, I think, than you folks already have, I think these are a little bit better. As you can see, at the end, it's five foot two overall height, it varies from three, if you look at the back end, it varies from three, six to five foot two overall height, the sign itself is two and a half feet by seven feet, for eighteen square feet. What we are asking the Special Exception under 6.2.4 on the free standing sign, we're asking you folks to approve that. If you notice, the sign is self explanatory as far as color is concerned. It's going to be gray and white are the only two colors that will be concerned. The outline of the base is going to be the black line, you will see that, and on the far left, you will see the back view, back end view and on the far right is the front end view, it's a two sided sign, it's internally illuminated. Only the letters will be illuminated because the panel itself will be sitting on a concrete block. The cabinet is an aluminum cabinet which will reflect the lighting to just the Progressive lettering. So that is basically it, it's a simple monument sign.

Chairman Camilli: Ed, does it meet our criteria?

Ed Meehan: Yes, this is the sign design that was shown to the Commission when the original site plan came in. At the time, the location and the details were provided. This is just the follow up to receive the Special Exception. So it does meet your criteria.

Chairman Camilli: Okay. Any questions from the Commissioner? This being a public hearing, anyone from the Commission wishing to speak in favor. Against? Thank you, we will close Petition 41-06. You are all set. We will also be voting on this the next time, next meeting.

Richard Rizzo: At the next meeting.

Chairman Camilli: Yes.

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

None.

IV. **MINUTES**

May 24, 2006

Commissioner Fox moved to accept the minutes of the May 24, 2006 regular meeting. The motion was seconded by Commissioner Pruet. The vote was unanimously in favor of the minutes, with four voting YES.

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW BUSINESS**

- A. **PETITION 32-06 2553-2557 Berlin Turnpike, Jayanti Patel and Kuntal Patel owners, JK Partners, Inc. 983 Hoop Pole Road, Guilford, CT 06437 applicant, represented by Richard P. Dimmock, Consulting Engineers, 11 West High Street, East Hampton, CT 06424 request for Site Plan approval for 70 Unit Comfort Suites Motel and 4,988 sq. ft. commercial building and waiver of 25' buffer along northerly property line. Inland Wetlands Report required.**

Richard Dimmock: Good evening, my name is Richard Dimmock, I'm a consulting engineer with an office in East Hampton. We've been retained to design the site for this project. What I want to start with, first off to show you the photos of the site, off to my right. If you want, we can pass that around, those photos were taken prior to the leaves coming out. It's a wooded site, and most of what you can see, you can't see any of the houses around the outside except for I think one or two. The houses up on this side sit about thirty feet below the site, and quite a ways from it. The houses on this side also sit quite a ways away, the closest house is on the corner here. If you look at the page two, I don't see any of the plans on the table, but if you go to sheet 1A on the plans, I have several of these. 1A shows how these relate to the neighborhood. So that the closest house, as I said, is down in this corner. I'm not going to dwell very long on this plan, because it's, we're not using it any more. In meetings with the town engineer, in the last two or three days, there were two problems that he found with this plan. One was we have twenty foot driveways around both ends of the building, he wants twenty-four, the town planner wants twenty-four. The second one was, we were going to ask for a waiver to waive the twenty-five foot setback to a residential area, to actually cut it in half, which the regulations allow for. Well, we had reasons for suggesting that. One is that this site sits up so high relative to the residential area, but, because of those two restrictions, we were going to lose twelve units off the hotel area, so that plan was shelved, and what we have now is this. We dropped the retail use in the front of the site, and turned the hotel around the other way. The reason that I wanted to show both of them, side by side, was that, you remember that I said that this is the closest house to the site. That is the one that shows on that plan, 1A. You can see that there is a substantial margin of separation from that area. These sites start to go, they are quite a bit lower, and if you look at that page 1A, you will see that, you can see the contours down around the corner of the site, so it's quite a bit lower, I think I said thirty feet, more like fifteen feet, that the houses are lower, and of course it's totally wooded around that side of the property, as is shown by the photos before the leaves come out.

By rotating the site ninety degrees, we were able to increase the unit count, this plan shows one hundred. I believe we will probably put in ninety units, and a small conference area. So we are asking, we are going to try to put in about twenty-three extra car spaces to allow for parking for people who are at a conference who are not actually staying at the hotel. The access is the same, between the two plans. Utilities are basically the same, sanitary sewer is on the Berlin Turnpike. Actually, with this plan, we think we can connect directly into this manhole. Under this plan, we were going to have to relay a part of the sanitary sewer from here down to here. We think we can serve this plan by grabbing directly out of that manhole. Water line is also from the Berlin Turnpike and we will be running a water line along the side of the building, ending in a hydrant at the back corner.

The storm drainage, basically it drains front, from the middle of this building, to the back, and from the middle of the building towards the front, the storm system, you can see on this plan here, is in red, comes around to the southwest corner, another system comes around the front of the building to about the center of the site. In the southwest corner of the site, is about 125 leeching galleys. That will provide the storm retention, slow down the water off of this site. As a matter of fact, it will reduce the flow to the point where it is no greater than the existing flow. The storm drainage is further complicated by the fact that there is a state drainage system that drains an area at the intersection, up here, that comes down to a point there, and enters into the site, and drains to, so anyway, that existing state system was put in when the Berlin Turnpike was made, built, I don't know, back in the '40's I think, maybe the early '40's. It was before I was driving anyway. So, that drains to an existing ditch, that is in awful shape. I am going to pass this around because it's pretty key. The neighbor to the south is, he has a ditch that is built in the southwesterly corner of the site, that's Daniel Forest that owns that, and he has a rip rap channel that goes all the way back through here, it's actually like a manicured lawn, that whole backyard. I understand that it is sprinkled and everything. Apparently every few years he has had to replace the upper half, the upper maybe two or three hundred feet of his ditch, because it gets silted in. If you look at those photos, you can see why it's, there are several hundred yards of material that has eroded out of there over the years. What we will be doing with that, we'll pick that drainage system up just at the front corner of the building, we'll run a new pipe down around the edge of the property, and then back out at the lower end of our site where it is substantially flatter. I've had three meetings with the neighbor next door, with his agreement, we propose to improve the drainage ditch, probably down just to about the corner here. It's actually in pretty good shape from about the point, the place where I'm pointing, to about the middle of the site, maybe eighty or hundred feet off our property. From there up, it's in the condition that you see in those photos. So, with his cooperation, we will replace that. We'll relay that. If we don't have his cooperation, then we will be dropping water at the site property line with an oversized pipe, thirty-six inch rather than the twenty-four that would be otherwise required, and that pipe will be laid in a very flat slope, so that the velocity will be about three or four feet per second, which is far below what existed down through here before. We won't be doing anything to that system from the state, other than the town is mandating that we put a silt control structure in that, so that will be put at this location, hmmm, that system doesn't show on this map. It's about, that's it right there. We put it at that location, while I'm talking about the silt structures, there will be three of them installed. One will be on that system, for the state, at this location. A second one will be at catch basin two, where the water enters the silt structures, if you look at page four, I'm sorry, page three, you can see the galleys, there's a lot of them. The third detention structure will be on the other end, should be the left side of the picture, down in the corner, so that water will be treated before it enters the containment structures and those are perforated four by four by four structures, some people call them beehive structures. Those will be laid end to end and surrounded by crushed stone. So the water will go into there during a storm, and then it will slowly go out through, this detail isn't up to date, I'll explain why in a minute. If you look at page 10, up on the top, there is a structure that I have labeled, on page ten, storm water storage area. That is basically what the storm water retention area will look like, although I have a note on there that, this is to be revised, because that layout is actually in accordance with this old plan. These

changes have been made in the last two days by the way, so we've been frantically trying to get every thing, there are a few things that still remain to get done. So basically the water will go into the storage structures with full size pipes, most likely eighteen to twenty four inch on other ends and it will flow through this entire beehive structure or system, and then the water will come out through, if you look at that detail on page ten, it will come out through two small pipes, a four inch pipe in the bottom, and an eight inch pipe on the top. Several towns don't like four inch pipes as outlet structures, for the reason that they are very susceptible to blockage. What we have come up with is a two inch by two inch mesh straining, that is shaped in a half moon, that hooks on the side of the catch basin. What that gives you, you may get blockage in some areas, but you have the entire height of the structure that will allow water into the pipes.

We are augmenting the existing planting in areas where there will be a lot of earth work. The areas that remain undisturbed are outside of this black line here. We are not doing any earth work, clearing, or anything outside of that. In this area down here, that's all wooded. We haven't, I had the surveyors go out and locate the trees on the boundary, but it's also wooded out in this area. So, there will be no disturbance outside of that line. This is a fairly substantial slope here, ten feet or so high, maybe fifteen feet, so we will be planting pine trees, white pines along the side of that. The circles that are shown are full grown sizes. Around the exterior of the parking lot, we will plant oak trees, establishing a pattern around the exterior of the parking. Then around the interior, around the islands, we will be planting dogwoods, and then smaller plantings in feature areas around the building. There are a few more pine trees that we are going to be locating up in this end. Again, there is heavy vegetation here, heavy vegetation down along this entire line.

I think that is all I can think to mention at this point. Are there any questions?

Chairman Camilli: Ed, do you want.....

Ed Meehan: I'll just comment that the revised alternative plan that we are seeing tonight Mr. Dimmock presented to me yesterday afternoon, so I haven't looked at it in great detail. I will continue to look at it, in conjunction with Pete Arbor. This needs to go to the Conservation Commission for Wetland review, so it will be on your agenda for a couple of meetings until we hear back from the Conservation Commission. I think this plan is much more compatible with the land, the configuration of the building. It sits better on the site, it maintains the buffer, it maintains the natural vegetation that Mr. Dimmock explained, the grading is less severe, I will take the opportunity between now and the next meeting to share this with the Fire Marshal, to make sure he is comfortable with coming in and going underneath the canopy. The architecture is going to be different than the original building, or how is that going to work?

Richard Dimmock: Well, the building, and the last two pages show architectural elevations, page P1, which is twelve, this is basically the hotel, the only problem is, instead of loading the, instead of the main entrance being on the side of the building, it's now going to be on the end of the building, so it will be similar to this, except that it will be different. Everything other than those, except as marked in red, that I marked being revised, should be several of those, like this, but the details that are still in process I've marked as, that we are currently revising them.

Ed Meehan: So, the portico entry goes to the east end, from the south side to the east end, same height and passage way?

Richard Dimmock: Yes.

Ed Meehan: Okay.

Richard Dimmock: Now let me just show you, this is a hotel that has just opened in Branford. This is the Holiday Inn, but the building, but first off, the owner asked me to see what you would like to have for a finish, what type of appearance you would like to have. This is a, if you want to pass this around, this is a brick pattern with stucco, really a stone face with stucco, and the stones are used to highlight.

Chairman Camilli: That is the portico entrance?

Ed Meehan: That is what you would see on the Berlin Turnpike.

Chairman Camilli: Are you going to do something similar to that?

Richard Dimmock: Well if that is what you would like, certainly.

Chairman Camilli: How many stories do you have?

Richard Dimmock: Three. That is a Holiday Inn, this is a Comfort Suites, there is a little bit of a difference. They just put that in the day before I was there. The letter down at the bottom here indicates that the town was pretty happy with it. But you can see the stone pattern pretty well in that picture. Very attractive.

Commissioner Fox: You would have a façade coming out like this? Would it be similar?

Richard Dimmock: I'm not sure exactly what the facades will look like, but it will be broken up similar to that.

Chairman Camilli: Do you have a lighting plan?

Richard Dimmock: Yes we do.

Ed Meehan: The Commission, between now and the next time that you look at this, as you go down the highway, this area is very heavily treed in front, it's the old statue area. I think if you visualize the front of Hoffman Gun, as an orientation point, that is about where this portico would like up, if you can see that on the plan. So that whole section of open curb cut along the Berlin Turnpike would have to be, we want to bring it out to the Berlin Turnpike, and not have those open curb cuts.

Richard Dimmock: Actually the state is requiring us to block those off, and to seed that area.

Commissioner Fox: That existing building, that is Hoffman Gun, right?

Richard Dimmock: The other thing, this site is down, the elevation of the highway right here is 161, the elevation of the building is 157, so it is going to be set down lower than the highway to some degree.

Chairman Camilli: On the lighting, just for the neighborhood, any lights there that would be distracting to the neighborhood at all?

Ed Meehan: Well, all the lights should have cutoffs. I know that plans that were previously submitted had a lighting plan, showing the areas of illumination, particularly on the west side.

Richard Dimmock: Yeah, that is shown.

Ed Meehan: Because the houses in the wintertime are looking up into this area, so there would have to be some cutoff areas to make sure the light doesn't spill back off the property line.

Chairman Camilli: What about the cars that are parking, I know they aren't asking for a waiver now, is there going to be.....

Ed Meehan: I think, with this new layout there is a grade difference, so the cars are almost have a, aren't the cars going to be lower than.....

Richard Dimmock: The cars will be lower here, you and I talked about this yesterday, we didn't get a change to put anything down, I don't think there is a problem here, because this area is down about five feet, and so the lights will be shining into the hillside. Out here however, we had talked yesterday about putting a fence, maybe a six foot vinyl fence along those two faces, the west and the south side.

Chairman Camilli: That would be good, because you might have people coming in, twelve o'clock at night and the lights....

Richard Dimmock: I don't think the lights would even shine through the woods, quite frankly, but even if there was a little bit showing through, it might bother someone.

Ed Meehan: I think the fence, and the new white pines that you are putting in there would be a good buffer.

Richard Dimmock: Right, of course, those will take a few years to do that much.

Chairman Camilli: So the fence would be something that you would do.

Richard Dimmock: Yes.

Chairman Camilli: I didn't get any remarks from the Commissioners, just to give the applicant some, do you like the style of what they are doing?

Ed Meehan: These drawings will be modified to reflect the new site layout, and,....

Richard Dimmock: I'm just talking about material.

Ed Meehan: Yeah, material, I think probably the brick and the stone and the drivet, effus with the elevation changes and pattern changes breaks up the size of this building. It's important to do that I think, for this area.

Chairman Camilli: We took care of the headlights of the cars, now what about the lights, the overhead lights, the parking lot lights?

Richard Dimmock: Well, they have cutoffs on all of the backs of them.

Chairman Camilli: They do have cutoffs?

Richard Dimmock: If you look at these, a lot of these, we are putting on these islands that don't have any trees on don't have any trees for a reason, because we have lights sitting at those locations. The lighting will shine in back of the light, maybe ten or fifteen feet. So if the light is placed right here, it will shine just beyond the parking lot. So, if you look at sheet 7, you'll see that it is pretty much confined to the limits of the parking area.

Chairman Camilli: Well, it just seems to me that one of your biggest problems, I mean, we have taken care of some detail here, but your biggest problem seems to be the drainage. You have some elaborate drainage system there.

Richard Dimmock: Yeah, it's pretty involved. I spent some time with Peter.

Chairman Camilli: Now, when it goes to the Conservation Commission, could they change these plans, in other words, there is a lot of work that has gone into this, why are they there?

Ed Meehan: No, because of this, water course I guess in parenthesis, it's classified as a water course, or wetlands, so it may be, they make an administrative or a declaratory ruling on this, I don't think they will have a public hearing.

Richard Dimmock: I don't think it ever was a wetlands, quite frankly.

Chairman Camilli: The only other thing, I don't know, how is this going to work, the applicant said something about whether or not they get the agreement with the abutting property there, I mean, that's, that certainly makes a difference as to how it gets approved.

Ed Meehan: Well, that would be a private agreement between the two parties. If they have temporary rights to go on his property to rip rap the ditch. It doesn't affect the grading of your site, does it?

Richard Dimmock: No.

Ed Meehan: So they work on their own property, pursuant to the approved grading plan, if they can do any improvements off site, that is between the two private parties. Conservation may have something to say about that, because it's a water course.

Chairman Camilli: Because it is in a water course, that is what I was going to say, I mean, so we have to wait until we get that.

Ed Meehan: Yes, you need a report back.

Richard Dimmock: Legally, I don't believe that we have to do anything on his property, but as a matter of cooperation, as I said, I've met with Dan three times, and we're perfectly willing to, one of the things that he had been talking about, and he seemed to back away from it, was having us pipe the water down to this point, eliminate the ditch from here, we are still willing to do that, if he wants to, but the last time I met with him, he kind of backed away from that.

Chairman Camilli: Sometimes we end up refereeing things we really don't, it's not really part of our purview.

Robert Dimmock: Well so far we have had a very good relationship. When he did withdraw his support for piping, he did say that he would support our cleaning up the ditch in the upper end.

Chairman Camilli: So it's important, once it gets to the Commission, the Wetlands Commission, and gets back to us, then.....

Ed Meehan: I would recommend that you keep this under New Business so that if it changes along the way, you have the benefit of seeing those changes, until you get to the final plan, and as he said, he has to go back and clean up the details on this.

Richard Dimmock: It's been a rough couple of days.

Chairman Camilli: Well, to me it's much better.

Richard Dimmock: Well, as soon as we drew this one, we liked it. As a matter of fact, I must admit, a couple of people from town staff suggested rotating the building, quite a while ago, and it didn't look like it would work. It's very, very tight widthwise in this direction. The state drainage system comes out through here, first off, we didn't think we were going to be able to interfere with that drainage line, initially and plus it was complicated by the owner's request to have some commercial out in the front. But I think what we've arrived at is much nicer.

Chairman Camilli: I agree. Any questions from the Commissioners? Okay, we're all set, we'll just leave this open. Unfortunately for the public, this is not a public hearing, so we can't have input. If anyone has questions, you can talk to the Town Planner.

Ed Meehan: I'll be available in my office, if they want to review these new plans, come in and look at them.

Chairman Camilli: If anyone from the public is interested and would like to take a closer look at these plans, actually they are not revised at this point, as the applicant said, but if anyone has any concerns, you can certainly call the town.

Richard Dimmock: If anyone has any questions, we'd be happy to address them also.

Audience: Is there any right of notification on any of this, as a neighbor to the property.

Chairman Camilli: No, it's not a public hearing.

Audience: I mean, for the next stage, like I know that you people want to see them anytime, I understand that, but.....

Richard Dimmock: Well, there will be a public hearing.....

Audience: I have a lot of concerns about the way.....

Chairman Camilli: Well, there will be a public hearing on the Conservation.....

Ed Meehan: There might be. It depends on, if they determine it's a significant enough impact, then.....

Audience: When can we come in and see you where there is.....

Chairman Camilli: You can talk to Ed, and if anyone else has any questions, they can also. Okay, so this is kept open until Inland Wetlands has it.

- B. PETITION 39-06 3000 Berlin Turnpike, Lazy Boy CNLRS Exchange I, Inc. owner and applicant, represented by Attorney Vincent Sabatini, One Market Square, Newington, CT 06111 request for site plan modification Petition 58-05, Condition 2 (c) amend to read “Two (2) pylon signs shall be removed before issuance of the [building permit] Certificate of Occupancy” PD Zone District.**

Attorney Sabatini: Good evening, Mr. Chairman, my name is Vincent Sabatini, Attorney, One Market Square, Newington, Connecticut. When I was here a couple of weeks ago, on the sign, public hearing, I indicated that one of the conditions of approval for the Laz-E-Boy site plan had this notation that the building permit could not be issued until the old Grantmoor sign was taken down and that was an little bit of a impracticability, because of the agreement that we entered into with Mr. Patel so I suggested that we amend that and change it to the sign coming down before the Certificate of Occupancy was issued, so I filed a site plan modification and that is just a simple change and will ensure that the old sign comes down before they get their c.o., that way, everything is constructed, and put the new sign up the same time the old sign comes down, and if I could ask you tonight to move it to Old Business, because there is an application, building permit pending, and you are acting on the sign later on, so, that is all I have to say.

Chairman Camilli: Okay, any questions from the Commissioners. Thank you.

Attorney Sabatini: Thank you.

OLD BUSINESS

- A. PETTION 27-06 230 Sunrise Avenue, Guy Cantone, 80 Willow Brook Road, Cromwell, CT 06416, applicant, John J. Weber, owner, request for Special Exception Interior Lot Section 6.7 R-12 Zone District. Continued from May 10, 2006.**

Commissioner Pruett moved that Petition 27-06 – 230 Sunrise Avenue, Guy Cantone, 80 Willow Brook Road, Cromwell, CT 06416 applicant, John J. Weber, owner, request for Special Exception Interior Lot Section 6.7, R-12 Zone District be approved based on the following:

1. The revised site plan, dated May 24, 2006, prepared by MBA Engineering, scale 1"=20' entitled "Improvement Location Survey for Guy Cantone, Property known as Parcel 276/Map 20B Beckley Street."
2. Access to this interior will be from Judd Avenue as shown on the revised plan, dated May 24, 2006.
3. Minimum paved driveway width shall not be less than 15'.
4. The street addresses for this interior lot shall be 101-103 Beckley Street. The property owner shall post a street identification address sign at the intersection of Judd Avenue. The numerals on this sign shall be at least four (4) inches in height and shall be of a color contrasting with the color of the background. This identification sign shall be at least four (4) feet from the ground.

5. Prior to the chairman signing plot plan mylar the following modifications shall be made:

Correct the notation referring to the "abandoned portion of Beckley Street" At this time the Town Council has not voted to abandon the northerly 300' of Beckley Street.

Add Zoning Table showing required and provided lot area.

Add TPZ Signature Block.

Add Notation that all utilities shall be located underground.

Add Notation "Lot pins to be set at corners."

6. This Special Exception acknowledges the Zoning Board of Appeals Variance No. 03-02 granted, February 6, 2003, authorizing a duplex structure.

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

Chairman Camilli: Motion passes unanimously.

Before we go any further, I'd like to entertain a motion to add to Old Business, Petition 39-06 at this point.

Commissioner Schatz: So move.

Commissioner Fox: Second.

The vote was unanimously in favor of the motion to move Petition 39-06 to Old Business.

- B. PETITION 30-06 3000 Berlin Turnpike, known as Laz-E- Boy site, CNLRS Exchange I, Inc. owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Exception, Section 6.2.4 Free Standing Sign, PD Zone District. Public Hearing closed May 24, 2006. Sixty five day decision period ends July 28, 2006.**

Commissioner Schatz moved that Petition 30-06 3000 Berlin Turnpike, known as Lazy Boy site, CNLRS Exchange I, Inc. owner and applicant, represented by Attorney Vincent Sabatini, One Market Square, Newington, CT 06111 request for Special Exception, Section 6.2.4 Free Standing sign, PD Zone District be approved based on the following:

1. Location of new pylon sign shall be along the north side of the new 30' site driveway, set 10 feet off the curb and 35 feet off the Berlin Turnpike right of way, Site Layout Plan sheet C-1.
2. Sign design shall be as designed by Artfx Signs, Bloomfield, CT, dated 5-15-06 showing an 18' double column pylon with two internally illuminated 4' x 15' display faces.

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

Petition 39-06
3000 Berlin Turnpike
Lazy Boy
Site Plan Modification

Commissioner Fox moved that Petition 39-06 3000 Berlin Turnpike, Lazy Boy CNLRS Exchange I, Inc. owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for site plan modification Petition 58-05, Condition 2 (C) be amended to read "Two (2) pylon signs shall be removed before issuance of the Certificate of Occupancy" for Lazy Boy.

This amendment will permit the existing Grantmoor pylon to remain in place during the construction of the Lazy Boy store. All other requirements of Petition 58-05 remain in effect.

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

Chairman Camilli: Motion passes unanimously.

Vito's Restaurant
Seasonal Outside Seating

Commissioner Pruet moved that the seasonal outside seating for Vito's Restaurant be approved for 9 patio tables and seating of up to 30 patrons.

Hours of operation shall be 7 days a week, 11:30 a.m. to 10:00 p.m. closing. Liquor may be served as approved and regulated by the State Liquor Commission.

No outside entertainment shall be permitted on the patio, the Commission finding that its close proximity to residential neighbors is not conducive for this activity.

A layout plan for the restaurant patio area showing dimensions and location of walls has been submitted. The Commission reserves the right to require adjustments to the patio lighting if it is determined to be a nuisance to adjacent residences or vehicle traffic.

The motion was seconded by Commissioner Fox.

Commissioner Fox: I have one quick question, in the second paragraph, liquor may be served as approved, that is under whatever liquor license that they have now?

Ed Meehan: Currently they have only a beer and wine license.

Commissioner Fox: Okay.

Chairman Camilli: So that is the only thing they can serve at this point.

Ed Meehan: If they wanted to maintain that beer and wine, even to go outside, they have to go to the State Liquor Commission.

Commissioner Fox: To explain that they are serving it outside.

Ed Meehan: That they are serving it outside.

Chairman Camilli: So they have to go even for the beer and wine.

Ed Meehan: Yes, because they are moving it outside and the State Liquor Commission has certain perimeters on the area, it has to be enclosed, separated from the general public...

Chairman Camilli: Does Mr. Mafucci know that?

Ed Meehan: Yes.

Chairman Camilli: Is there any other comment or discussion? Just a quick comment, as one may, or may not know, this is like, you have heard the proverbial expression of putting the cart before the horse, I think that is the way that it goes, this is a little bit of putting the patio before the regulations.

Commissioner Fox: Or the approval.

Chairman Camilli: Or the approval. I just want to state that for the record, it's not that we want to penalize anybody obviously, we approved it, it's in the Plan of Development to have outside seating, but I think, I don't know what the right word would be, more attentive approach as to how the town regulations work would be in order, there are certain procedures to be followed, and if everybody did this, we would have the structures up and then say, this is what we got, and then come back and say, oh, now we are looking for your approval. Also, Mr. Hedberg stated, on the record, he put up the fence there, which is a nice fence, I mean, it's a nice patio, no one is, but it's not the way business is done as far as zoning regulations are concerned and building permits, and so forth. And this is just one person that would like to say it on the record, I think he ought to be a little more attentive as far as what the regulations are, and procedure. I say, you know, it's not a big deal in this case, but it's something I think that we just can't ignore. That's all I want to say on that, but I would just like to state that for the record.

Commissioner Schatz: You know, just another comment, in regards to the same thing, in coming by Sunday, I'm looking over and seeing the patio, and all these planters sitting out on the sidewalk fully planted, and the sign, not the sign, but the fence, the fence looks nice, and I'm saying, wow, how did this happen?

Chairman Camilli: It happened, and that's why I made the comment, because it's not supposed to happen the way it happened. Pulled down the shrubs there, from a previous site plan, and it's not, you know, even a resident has to, you have to get building permits, you just don't go and do something willy-nilly and then afterwards say, I did it and then cry foul if the town comes down on you. It's not a political thing, it's just the way that one does business in any town. You have to get building permits, you have to show plans, and I don't think it's asking too much to have anybody follow the process and the procedures.

Commissioner Pruett: Has this officially been brought to his attention, of the proper format to follow?

Chairman Camilli: I think Mr. Meehan has been in contact with.....

Ed Meehan: I was in contact with the property owner, as late as this morning, as well as initially back in March, explaining the process and I will continue to work with him to get before you a revised site plan which reflects the improvements made as far as the fencing and the buffer and the dumpster enclosure and a scale drawing of the patio on Center Court. He has a survey that was done by Flynn Surveying, which is a very good way to start the process. He is aware of it.

Chairman Camilli: I'm just thinking about the hotel that is coming in, you know, you don't put it up and say, gee, the brick looks nice, seems like there is something backward about that. But, anyway, I just wanted to make those comments for the record.

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

Chairman Camilli: Motion passes unanimously.

Commissioner Fox: Did I see conduit, are they going to light it?

Ed Meehan: Yes, that is another issue, that's why the motion was sort of left open, because the, Mr. Mafucci had not selected the light detail yet, and the building department had not seen an electrical permit for the conduit. So, anytime you do underground wiring, the conduit placement is supposed to be inspected before it's covered. The building department is aware of that, they went over to the site for another issue today, and will require a certified electrician to get an electrical permit before the lighting is installed.

**Bond Release
425 New Britain Avenue
Site Development**

Commissioner Schatz moved that the bond amount of \$2,500.00 be released to the developer of the retail plaza at 425 New Britain Avenue all work having been satisfactorily completed.

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

Chairman Camilli: Motion passes unanimously.

**Bond Reduction
Harman Court II – Subdivision**

Commissioner Fox moved that the bond held for the completion of Harman Court II subdivision be reduced from \$20,000 to \$5,400.00. The balance of \$5,400 shall be held to insure that the unfinished items on the Town Engineer's inspection list, dated June 7, 2006 are completed.

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

Chairman Camilli: Motion passes unanimously.

VII. PETITIONS FOR SCHEDULING (TPZ June 28, 2006 and July 12, 2006)

Chairman Camilli: I asked the Planner when we were discussing the agenda to come up with some kind of plan, as you can tell, this was a pretty easy night, even though things were at a minimum, but we have a couple of big projects coming along, and Mr. Meehan came up with this schedule. Ed, why don't you just say, tell the rest of them, because you know what you did better than I.

Ed Meehan: Well, let me give you an overview and then I can get some guidance from how the Commission wants to do it. You can see the Petitions for Scheduling listed on the agenda that everyone got in their packet. 751 Russell Road, those are all petitions, 31, excuse me, 33-06 to

37-06, that is for the Lowe property. That involves two zone amendments, a map amendment and an amendment to the regulations, some Special Exceptions and a site plan. It's a very ambitious project, it does involve Inland Wetland Review, so we have to keep that in mind as you begin to put your schedule forward. It has been referred to CRCOG and it has been referred to Wetherfield. So, it was put on the agenda because of those referrals out on July 12. That is a good hour presentation I would think that night, and you might want to leave the hearing open and get some more after you have a chance to think about it. The second item listed on the agenda that went out in the packet is the Connecticut Children's Medical Center parcel, Reno Properties for a subdivision of 28 acres, also up on Cedar Mountain. This project was set down tentatively for June 28th, the reason for that date is because it doesn't have to go through CRCOG, inter-town referral. It doesn't have to wait the thirty-five days like the Hunter Development project did. Keeping those two projects in mind which are actually companion projects because the developer of the Connecticut Children's Medical piece has been discussing with Hunter Development the idea of a shared driveway coming out into East Cedar Street for access for the proposed traffic light. So those are two fairly large projects. What is not listed on the agenda but were filed after the agenda went out is a Special Permit request for Vito's Restaurant at 14 East Cedar Street, we just talked about their patio tonight. They would like to amend their special exception for beer and wine to a full liquor permit. It does not involve any Inland Wetland review. Stonehedge Nurseries down on Willard Avenue has submitted two applications, one for a zone change, to change the front of their property, which is in the R-12 zone, along Willard Avenue. Right now they have the lawn and just open yard displays, no structures. They would like to change that to a planned development zone and they have a companion site plan showing what they want to put in that area, which is basically like, we will call them shade houses, structures that protect the plantings during the off season, so there are two petitions there. The another petition that is not listed on your agenda which just came in is for the corner of Alumni Road and Willard, in front of the Torrington Company, for a commercial site development on about four acres there in that vacant tract for a bank and its about 23, 25,000 square feet of office space. That does involve a referral to the Inland Wetlands. So, looking at the work load, I tried to schedule these based on what I thought the timing that might be needed as well as the requirements to keep in mind that we sort of have to run in tandem with Inland Wetlands Commission, which right now has a very busy agenda. They have before them now a project down on Deming Street for age restricted housing, they are just starting the hearings on that next Tuesday night, they are beginning the hearings next Tuesday night on Sam's Club down at the Stew Leonards area, so they're June and July meeting I believe are pretty well stacked up with those two big projects. They may not get to the Hunter Development project, which is the Lowe piece, or the Reno piece until either partially in their July meeting, maybe in their August meeting. They only meet once a month. So, after putting all this down, my thought was maybe the way to go at this is get anything that doesn't have an Inland Wetlands requirement involved, get that on your agenda first, and get that out of the way, and then put the two Cedar Mountain projects together, like on July 12th. So you can have a public hearing that night, the public will probably, they will only come out once, they may not want to come out two nights in a row, and if you wanted to do a site walk, you can do it for both sites at the same time within the body of the public hearing. That light went off after I wrote this down. So I would suggest, for the 28th, of June, your next meeting, you would have the Chiulli application in for rock crushing and processing, that's still being continued as a public hearing. You could put Vito's on for the liquor permit, if you so choose, and you could put Stonehedge on for a zone map amendment. Those would be your public hearings that night, and then you would continue with Comfort Suites under New Business. They may have completed their drawings by then, but they really don't need to give you another presentation until they are actually through their drawings and through the Conservation Commission. Then up for votes next meeting would be Cold Stone Creamery, and the Progressive Insurance sign, so that would be a fairly light work load I think, that night. Then the first meeting in July you would have Connecticut Children's Medical Center, the four lot subdivision, you would have the Hunter Development, Charlie Lowe piece as public hearings, and

you would have Comfort Suites as New Business, and you would be voting that night on the Chiulli Special Exception, and if you held a public hearing on Vito's at your next meeting, you would vote on that July 12th, or you could vote the same night on Vito's as your public hearing if you wanted to. So that is the direction I need, I have to get a public hearing notice into the Herald by Friday morning at 9:00 at the latest. We know we have Chiulli's on, if you want to put Vito's on for the 28th of June, I need that for the notice for the paper, if you want to put Stonehedge's map change in, I need that for the public hearing notice. Does that make sense?

Chairman Camilli: It made a lot of sense to me.

Commissioner Pruett: Good planning.

Chairman Camilli: That's why I had him do it.

Ed Meehan: This is like a Chinese menu though, because it could come to a grinding halt the second meeting in July, what happens with the Conservation Commission if they don't move their projects along, there are going to be a lot of things under Old Business, hearings closed and under Old Business on your agenda in the first and second meeting in August. By state statute you won't be able to act on the Lowe piece, or on the Children's Medical Center piece, or the Comfort Inn, until you get a report from the Conservation Commission. In the meantime, we're got coming up from the rear, Sam's, possibly the Deming Street age restricted housing project, and this project over in front of the Torrington Company. The Torrington Company project is pretty simple compared.....

Commissioner Fox: And the only one of those that doesn't need Inland Wetlands is the Torrington Company.

Ed Meehan: No, they have to go to Conservation. They have a very, there are some wetlands on the fringes there, that may be just an administrative, declamatory judgment by the Conservation Commission, whereas Deming Street and Sam's definitely have to go to public hearing because of the impact, and they may, Conservation may choose to send Reno and Hunter to public hearing. There are wetlands on those sites.

Commissioner Pruett: Where about on Deming Street is this?

Ed Meehan: You know where the Peckham barns are, the silos? In that area. Down toward that little red house.

There are a couple of other projects in the wings I can tell you about tonight. The Acorn store, on the corner of Costello Road and the Berlin Turnpike, there is a party interested in doing a site plan for that for a Goodwill Store. They have been looking at that for almost a year.

Commissioner Pruett: That's closed?

Ed Meehan: Yes, they closed it when they moved across the street. So I have been talking to an engineer about that. Over on Holmes Road, Wolf Color Graphics is talking about changing, they own two buildings over there now, they are talking about changing the building at 91 Holmes Road, as well as expanding their existing building, so that is coming in the wings, so those are smaller projects that we can probably fit in around these larger ones. I don't think you want to be sitting around here on a summer night until 10:30, 11:00 at night, so we can keep it to two or three, see what works best.

Chairman Camilli: Well, we are sort of tied in with the Inland Wetlands Commission, we don't have any say so. We don't have anything to say about that, so we just do the best we can with what we've got, and see what happens. We can't do anything about that.

Ed Meehan: Okay, so I'll get the legal notices ready and will notify the applicants and that's the game plan.

- A. Petition 33-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Zone Map Amendment I District to B-BT Business Berlin Turnpike, Intertown advisory referral to CRCOG, C.G.S. Section 8-3b) required. Public hearing date July 12, 2006.
- B. Petition 34-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Zone Text Amendment Section 3.14 1C to permit hotels and motels up to a height of 4 stories or 45' in B-BT Berlin Turnpike Business Zone and amend Table A: Schedule of Height & Area Requirements to permit hotels and motels up to a height of 4 stories or 45' in B-BT Zone District. Intertown advisory referral to CRCOG (C.G.S. Section 8-3b) required. Public hearing date July 12, 2006.
- C. Petition 35-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Special Exception 3.14.1 and Section 3.11.3 and Section 6.11 auto related service gasoline station, B-BT Zone District. Schedule for public hearing, July 12, 2006. Inland Wetland report required.
- D. Petition 36-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Special Exception Section 3.15.3 restaurant use, B-BT Zone District. Schedule for public hearing July 12, 2006. Inland Wetlands report required.
- E. Petition 37-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for site development plan approvals for 15,120 sq. ft. hotel, 3000 sq. ft. bank, 5,256 sq. ft. restaurant, 3,500 sq. ft. gas station/convenience store and 9,000 sq. ft. retail use, B-BT Zone District. Schedule for presentation July 12, 2006. Inland Wetland report required. Notice required to Town of Wethersfield Section 8-3h C.G.S.

- F. PETITION 38-06 Assessor Map NE 505 East Cedar Street known as Cedar Mountain parcel, Connecticut Children's Medical Center owner, Reno Properties, LLC 170 Pnae Road, Newington, applicant, represented by Lewis Wise, Rogin, Nassau, Caplan Lassman & Hirtle, City Place I, 22nd Floor, Hartford, CT 06103 request for 4 lot subdivision CD Zone District. Inland Wetland Report Required. Schedule for public hearing June 28, 2006.

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

None.

IX. REMARKS BY COMMISSIONERS

None.

X. STAFF REPORT

- A. Outside Seasonal Seating – Vito's Restaurant Request.
- B. Bond Releases
- C. 425 New Britain Avenue, - Site Bond Release
- D. Harman Court – Subdivision Bond Reduction

Completed Under Old Business

Chairman Camilli: We got in our packet the Zoning Enforcement Officer Report.

Ed Meehan: A lot of signs, a lot of cars. A couple of those that are sticky that have been referred to the Town Attorney on home businesses, commercial uses in residential zones, one on Deming, one over on Robbins. Property on Clarendon is also a blighted property identified by the Town Council, the problem I mentioned to the Chairman before, down on Hopkins, 29 Hopkins Village is going to the town attorney, it's the care of the property, unregistered vehicle in that neighborhood.

Chairman Camilli: JDC is also acting up.

Ed Meehan: JDC, as of yesterday is getting another notice. They have a bus, and some equipment parked out front.

XI. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Schatz. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary