

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

June 28, 2006

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.

Commissioners Present

Chairman Camilli  
Commissioner Cariseo  
Commissioner Fox  
Commissioner Ganley  
Commissioner Kornichuk  
Commissioner Schatz

Commissioners Absent

Commissioner Pruett  
Commissioner Andersen  
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

**II. PUBLIC HEARINGS**

Chairman Camilli: The first public hearing is Petition 24-06. Did we get anything on that?

Ed Meehan: Well, the last correspondence we had from the applicant was June 13<sup>th</sup>, and they granted the Commission an extension to tonight, June 28<sup>th</sup>, for the public hearing. I don't see anyone in the audience.

Chairman Camilli: Anyone here from A-N Engineers?  
Do you want to read the petition?

- 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 June 14, 2006.**

Chairman Camilli: Since there is no one here, and they granted us one extension, at this time, if we just continued it, it would go beyond the time limit. We have to close the petition tonight. So, anyone from the public wishing to speak in favor of this application? Or against? Okay, Petition 24-06 is closed.

**B. PETITION 42-06 14 East Cedar Street, Vito's Restaurant, Newington Development Associates, LLC, owner, Vito's of Newington, Inc. c/o Michael Maffucci, 110 Harold Drive, Newington, CT 06111 request amendment of Petition 24-96, approved May 8, 1996 for beer and wine liquor permit, and convert to full restaurant liquor permit, waiver of separation distance requested, Section 6.6 B-TC Zone District.**

Chairman Camilli: Is the applicant here?

Michael Maffucci: Business address is 14 East Cedar Street, right here in the center of town, in the old Mazzoccoli Plaza, now going to be the Hedburg Plaza, and I reside at 110 Harold Drive, Newington, Connecticut, so a resident also. Recently I spoke to Ed, and we went back in the minutes and ten years ago, I did not ask for a general liquor license, I specifically asked for beer and wine. You know, at the time, I was new to the town, and I didn't know where business would take me, and very fortunately it has done well, and I feel like I'm a part of Newington and we're trying to proceed into the next decade. It's been ten years, and we are now asking for a full liquor license. There is a new patio outside which has just recently been approved and you know, I truly believe that our restaurant has always been an asset to the town, there has never been any bad behavior over there. The bar that we just finished remodeling is attractive and slightly upscale, so we think it's well worth it.

Chairman Camilli: There is a waiver of separation distance? Is that.....

Ed Meehan: Two waivers, one waiver would be for the distance to the Congregational Church which is closer than five hundred feet. That was waived in 1996 for the present beer and wine license, and the second waiver would be for one hundred feet to an adjacent full liquor license which was granted for the Corner Pub this past winter. Anything within one hundred feet of having the same classification requires a waiver.

Michael Maffucci: Well, at this time I believe that location is no longer proceeding with its desire to open a bar. Jeff has already signed a lease, I believe, with somebody. It's going to be a clothing store.

Ed Meehan: I believe you are correct. I pulled the building permit application today that was dated June 16<sup>th</sup>, for renovations to 2 East Cedar Street, which is the corner.

Chairman Camilli: But there is another liquor license there.

Ed Meehan: There is a Special Permit there, but I don't know if it has ever been filed on the land records, and if the applicant ever applied to the Liquor Commission. It wouldn't become a liquor license until they filed with the Commission and paid the fees and so forth.

Chairman Camilli: Would the town know that, if they did?

Ed Meehan: We have to sign off on the license before they go to the State. They have not brought the license.

Chairman Camilli: So in effect, technically at this time, even though the other one could....

Ed Meehan: The way it was written, the Commission limited it to the Corner Pub, Mr. Morales, and any change in the permittee had to come back to you, so I think it's a moot point at this time.

Michael Maffucci: He hasn't proceeded with anything.

Chairman Camilli: I just wanted to get that on the record.  
Any questions from the Commissioners?

Commissioner Ganley: Conceding up front that we have to consider these things on a case by case basis, that we have a separate application here, the distances involved relating back to Mr. Morales petition for a liquor license in the same building, this one is a bit farther away, and we granted one to Mr. Morales, which was closer to the Church. The second point is that at the same time during those discussions, we brought up the fact that Cugino's was right across the street from the church, so we have some precedent in waiving distance from the Church, we have ample discussion in the minutes when we considered Mr. Morales, in the same building, but actually closer to the Church.

Chairman Camilli: Any other comments? We'll hear from the public. Anyone from the public wishing to speak in favor of this application? Against? Okay, we will close Petition 42-06. You are all set. We are not going to vote tonight, but will probably vote on it the next meeting.

Michael Maffucci: Thank you very much.

**C. PETITION 43-06 1616-1632 Willard Avenue, Stonehedge Landscaping & Garden Center, Donald F. Woods Jr. and Stephen Woods owners and applicants, 1616 Willard Avenue, Newington, CT 06111 request for Zone Map Amendment from R-20 Residential to PD Planned Development, approximately 1.75 acres frontage of Willard Avenue.**

Chairman Camilli: Okay, and there is a companion application under New Business, the Petition 43-06, and just to move it along, we will hear this simultaneously. Do we have to read that too?

Ed Meehan: I think you ought to, just for....

Chairman Camilli: Mike, why don't you read that too?

**A. PETITION 43-06 1616-1632 Willard Avenue, Stonehedge Landscaping & Garden Center, Donald F. Woods Jr. and Stephen Woods owners and applicants, 1616 Willard Avenue, Newington, CT 06111 request for site plan modification approval for construction of greenhouse and shade structures.**

Chairman Camilli: We'll discuss first the zone map amendment and then go on.

Alan Bongiovanni: Thank you Mr. Chairman. For the record, my name is Alan Bongiovanni, I'm the president of the Bongiovanni Group here on Pane Road in Newington. I'm a licensed land surveyor in the State of Connecticut. In these two applications before you this evening, I'm representing Donald and Stephen Woods on their property, 1616 Willard Avenue to 1632. It's on the easterly side of Willard Avenue, about one thousand or twelve hundred feet north of Richard Street. I'm sure everyone here is familiar with their business enterprise known as Stonehedge Landscaping. The subject property is, by virtue of past zoning, zoned in separate districts. The majority of the property, where their buildings are is zoned PD, or the easterly portion of the property, and what we are requesting is to change the R-20, or the land fronting on Willard Avenue into the PD Zone.

One of the biggest issues for my client is the fact that he has no access to a roadway without having to traverse through the residential land. This Commission has approved site plans for his use, on these properties, in 1982, 1984 and I think the last one was 1989 where they did major expansion and renovation to the retail store.

Our proposal is to change about 1.75 acres so that it is all in conformance with the use of the property. The northerly portions of the property are the existing drive and parking, then there is a large area that is open, graveled, it's outside display area, plants, shrubs, things alike, and then the last portion being 1632 which is a home that has been in their family for several years. The Woods family has owned this from 1976 and has worked with this town, and the Commission throughout all of their development of the property, and operation of the property, and now would like to bring it all into the same zone, so that the accompanying application could be permitted. For the record, it's served by city sewers, serviced by MDC water, we believe that it meets all of the regulations of the Town of Newington for site plan in their existing use, and although it is bounded on the south and the north and the west by residential zones, it is a component of the existing facility that is there. It is the access to the PD Zone, and there is no other way to get through to this property, where the business resides. You have private properties and private roads to the north, and to the east, residential development to the south, and one single home at 1664, and then the frontage along Willard Avenue.

I'd be happy to answer any questions that you may have. I think it's a fairly straight forward application. We believe that this is essential for Stonehedge Nursery to continue their business.

Chairman Camilli: Anyone have any questions?

Commissioner Ganley: If this were not changed, what could one build there in conformance with what it is presently zoned for?

Alan Bongiovanni: The only thing you could construct as of right would be single family homes.

Chairman Camilli: It's in the R-20 Zone.

Alan Bongiovanni: If you would like, I can continue with.....

Chairman Camilli: Yes, go ahead.

Alan Bongiovanni: What prompted this request for zone change is, presently this diagonally striped area is the existing facility, the vast majority of that building is their indoor retail sales, and then, to the south, it's cross-hatched, there is an existing plastic sheathed green house. What Mr. Woods is trying to accomplish is create an area approximately double in size to the existing plastic greenhouse with an lexion roof, glass wall green house, a larger green house so that he can put more plant stock, plant materials under cover and make an easier point of sale for his customers, especially a spring like we have had, or this past weekend, people won't come to this store to shop in the rain. We are not looking to expand the area of retail sales, this is all retail sales, this area, we just want to remove the plastic greenhouse, replace it with a more permanent structure, expand that, and then create just some canopy areas, some covered areas so you can walk through it, protected from the weather, and shop for plants. The remaining area that is now plant stock for sale will continue to be plant stock for sale. We said we are not proposing to expand the amount of retail area, we are just looking to change some from outdoor sales to a more protected sale. A good analogy, today a gas station will not build a location unless they can have a canopy. What has happened in recent years with the larger, Wal-Marts, Home Depot and Lowes, they all have covered garden centers. This will allow an existing business in Newington, that has been there for many years, to compete closer with the type of environment, sales environment that the larger retailers have.

This proposal is not to extend hours of business, it's just to make a better environment during the hours, the daylight hours that they are open now. There will be no additional site lighting required for this, there will be probably half a dozen security type fixtures inside the canopy area, but it's not intended to be a night time or an extended sales area. It's just a protected area that they can expand their indoor retail sales.

Chairman Camilli: Did you get the staff comments?

Alan Bongiovanni: In the staff comments there is, one of the comments, was there going to be additional lighting required, there should not be anything, there is nothing proposed at this time. Their hours are not proposed to be extended. A twenty-five foot landscape buffer is required and that would be along the (inaudible) property. None was shown at the time that the plan was submitted because they had not agreed what to do, they are proposing to put a twenty-five foot, or a buffer within the twenty-five foot area of arborvitae, so that will be a year round evergreen buffer.

The first comment was location and size of outdoor nursery product. It stays the same. It's just, a portion of what is outside now will have a cover over it.

Chairman Camilli: How far is that cover going to go?

Alan Bongiovanni: That cover in length is 120 feet, it basically doubles. This is the limit of the existing greenhouse, it brings it forward about sixty feet. About double the size.

Chairman Camilli: Where's the road?

Alan Bongiovanni: Here is the road out here. This is the 1632 residence that they own.

Chairman Camilli: So that is going to be behind the.....

Alan Bongiovanni: Yes, it will be behind the residence, and it will be set below the grade. We have an elevation up in here of 136, 138, we are looking at an elevation of 130.2 for a finished floor, so we've got probably a total height of maybe, fourteen feet....

Donald Woods: It's nineteen feet.

Alan Bongiovanni: Nineteen feet, so behind the house, you wouldn't be able to see it. Where you would probably be able to see this, is when you come into the driveway when you are coming southbound, looking towards the property, you'll get a view of this area, but the majority of it will be screened either by the landscaping that is proposed, and this property here is over 150 in elevation so that will be about eighteen feet high. Just to the ground. We are going to buffer that, and then the home that they own now protects the other portion.

Chairman Camilli: As you probably know, we have a number of people here who are opposed to the zone change, and they are all on Willard Avenue. What are they going to see from there?

Alan Bongiovanni: From the driveway south, towards the northern end of the house, you will be able to see some of the canopy area, and that's all these portions here, just a A-frame type roof with a nice little façade to it, with columns open, and then, towards the back, towards the south is where the greenhouse is. So you will have some view of it, as you are going up the hill, going in a southerly direction, and you will see some portion of this.

Chairman Camilli: I'm just wondering, they are in the landscaping business, is there some way that it can be screened. The part that can be, I'm just asking.

Alan Bongiovanni: Quite often, a lot of their nursery stock is of ample height that does, especially at this time of year, you've got tall stuff there, that will block most of the view. When you drive up the street, unless you really look, I know from my own experience, I lived thirteen years down the street in Foxboro, unless you made an effort to look just driving by, you didn't know that it was there, unless you saw the sign out front. It's not a very visible location. We're set.....

Chairman Camilli: I know, I'm aware, but these new structures, what does it do to that awareness, that's my question.

Alan Bongiovanni: Well, one of the things I think inherent in the actual construction of it, it's see through, if you will. It will give the impression of less than what it is. It's a see through structure. It's glass walls, clear glass walls and lexion, clear glass roof, it's a greenhouse.

Chairman Camilli: There is no kind of screening that would just take it away completely from these people so they don't.....

Donald Woods: I think the screening that is there is going to remain. We don't have any plans of doing any massive clearing. The landscaping in the front of Willard Avenue will not going to change, which provides a screen. Again, I'm not looking to really change anything. We've put the building as far back to the south as we possible could to make it work, to some extent. I think the only thing that they might see is a peak, which I don't think is offensive, at least I certainly hope no one finds it offensive.

Chairman Camilli: Well, I'm trying to advocate for.....because we got the petition, I'm just trying to get straight in my own mind.....

Donald Woods: You may want to look at too, is, this is, from this point forward, or to my left, is the actual existing structure. The height of the peak of the existing structure is probably thirty percent higher than what we are proposing at this point.

Chairman Camilli: Okay, I'm done. Any questions from the Commissioners?

Commissioner Ganley: We just had a little chat back here, maybe a field trip would put our mind at ease as to it relates to visibility issues. That we would stand on the parcel and look to see what we can see.

Chairman Camilli: Yeah, you can look.

Ed Meehan: If you do it as a body, you have to set a special meeting.

Chairman Camilli: We don't have to go as a body.

Ed Meehan: Individually, you can go anytime, but as a group, you need a special meeting.

Chairman Camilli: Okay. I would recommend then, if you want to go.....

Commissioner Ganley: Would that be a problem?

Donald Woods: No, but the only thing I will say, is that I'm not sure what you are going to be able to see, other than what.....

Commissioner Ganley: I won't know that until I go there, that's the problem.

Donald Woods: Okay, well I'm there every day, so....

Commissioner Ganley: I have to conceptualize, I've been on the property several times, but I never looked at it in that particular manner, so I would like to go back and stand there and star gaze, if you will.

Commissioner Kornichuk: Just a question. What you have now, as far as the greenhouse attached, all you are really doing is pulling that forward.

Donald Woods: That is exactly what we are doing.

Chairman Camilli: Here's a picture of what is existing, and this is.....

Donald Woods: This is not exactly what we are proposing, this is the same builder that is going to build ours if this happens, and this is, anything like this, any of the verticals here, that is going to be wood, similar to the building. That is going to be wood, with a lexion top, this is the building, this is our building, this is just a canopy, and this is the greenhouse. That is glass, and that is lexion, and that is kind of the idea. That is more or less the look of it, and that is kind of what, again, this wouldn't be wood here, but that is what the overhang would look like.

Alan Bongiovanni: Again, for the benefit of the neighbors, this is not a proposal for Stonehedge Landscaping to change use, to expand use, to create more salable area, to provide storage. It is an opportunity for Stonehedge to take a plastic greenhouse which is not exactly conducive to retail sales, and replace it in a larger fashion, about twice the square footage in an existing area where they have retail sales. It's to help them develop their business and continue in their operation. As I said, it's not to go in a different direction, provide a different service, change the style of business that they do, to provide more employees to work, it's to provide more of a protective retail area, and I'll tell you, in talking with Don and Steve, they've lost over twenty thousand dollars in nursery stock because it's exposed to the rain, we've had nothing but rain and it continues to rot and this type of an environment would protect the nursery stock and to provide more opportunities for the consumer to shop at that facility.

Chairman Camilli: Mike, did you have a question?

Commissioner Fox: No, I was just going to say, I have no doubt that any building that the Woods family puts up there is, the neighbors really wouldn't have any complaint about it. As far as buffering, or sight lines, having been in there quite a lot, especially when I was in business, he has a lot of stock outside, maple trees, birch, everything that is just as high as that is, whether it is on the same level, but that is going to be even lower, so I really don't have a problem.

Chairman Camilli: As far as, did they take care of everything as far as the zone map amendment?

Ed Meehan: There was a petition from some of the neighbors opposing it, the petition represents three property owners within the five hundred foot radius of the proposed zone change, that represents about six percent of the five hundred property owners within the five hundred foot radius. The statute says that if you have twenty percent or more, it requires a majority vote of the Commission, so this does not rise to that level. So that is the technical standard that you need to keep your eye on, unless another petition of protect comes in before you close the hearing tonight.

Then the other item that I wanted to call to your attention, I mentioned it in the staff report, there is no specific guidelines in the Plan of Conservation and Development for this section of Willard Avenue, specifically addressing a piece like this. It is somewhat of an unusual parcel given that it is in two different zones. I mentioned that in the staff report, particularly because you have to go through a residential zone to get to a commercial zone. There are properties in Newington that the reverse situation is true, where you are going from a commercial zone into a residential zone, but for whatever reason, this has been zoned this way. I went back to the '40's. It may be because, I think Mr. Bongiovanni mentioned, the topography and the water course in back really limits any physical access out to Stanwell Road, so the only way in and out of here prior to

Stonehedge use, it was a construction yard or an asphalt company, was out directly to Willard, so in that respect, the plan doesn't give you any guidance, other than the requirement which I also mentioned that if this is changed, the institution of buffering along the south property line is going to be necessary. Buffering to the north was installed after the Commission approved the site plan in 1989. The other thing to take into account here, I think what I see happening here is they are covering their outside nursery display area, but not increasing the driveway, they aren't increasing the parking area, so from a activity level, as far as number of vehicles coming in and out of there, it's not going to change. I'm sure you hope it will change, but I mean, there are not going to be any more cars going in, there are thirty-two spaces, that's what you are going to get. You already addressed my question about lighting. I don't think you are going to see a lot of this building. You will get a glimpse of it if you are going to turn into the driveway, and going in ninety degrees, but if you are going north and south, and watching the road because of the curve, I don't think you are going to see this, and if it is made out of wood, it's going to blend in with the rest of the buildings.

Donald Woods: May I just say something. If I wanted to make it obvious, I mean, the logical thing to do would be to put it in the front of the building, so people see the greenhouse, people know that it is there. I am sensitive to the neighborhood. All I'm saying is that the neighborhood has to understand my logic, my logic is that today you are at a distinct disadvantage unless you have covered space. People expect it, demand it, there's no ands, ifs or buts whether it is Wal-Mart, Super Stop and Shop, any, Lowe's, you name the greenhouse, it's under cover, and the reason is losses of material and creature comfort. People want to be comfortable when they are shopping. This spring is a classic example of the issues that we have.

Chairman Camilli: Okay, any other questions from the Commissioners?

Commissioner Schatz: This property that is in use now is R-20, right which permits you to do that, so if you didn't have any stock there at all, and you had large trucks, you could park them there too, which would be unsightly.

Donald Woods: Right, but I'm not going to do it.

Commissioner Schatz: I know you're not, but I'm saying, I want to have people understand that this could go a different way, and have a lot of heavy trucks there also. I didn't realize it was behind, I thought you were going to blow the house out and put it....

Donald Woods: No, it's behind the house.

Commissioner Schatz: I understand that.

Donald Woods: There is no change, we want to keep the retail space pretty much intact as it is, there will be some minor maneuvering to get the grade right and everything, but as far as people driving by Willard Avenue, well you will see the one canopy coming out.

Commissioner Schatz: It would be to your advantage to have it out in front.

Donald Woods: Yeah, but I don't want to do that. I can understand, people live on that street.

Chairman Camilli: Okay. This is a public hearing, we'll hear from the public. Come on up, sir, state your name and addressing for the record. Speaking for, or against?

Donald Liss: Against.

Chairman Camilli: Is anyone in the audience, for? Okay.

Donald Liss, 1641 Willard Avenue: I have resided here for forty-eight years. I've watched this garden center grow, it was, before the garden center it was very bad. You had a person doing roofing, however I just can't see losing the buffer zone that we have there. Now Mr. Woods says that he is not going to park, he parks in front of his house with his truck, not in the driveway, but along side the house, so that everything is visible. I'm afraid that when he gets the permit, he is going to do what he damn well pleases. I'll have no recourse at that point. If you give him the permit to make the development commercial zone, he can do whatever he wants. He can put piles of dirt out there, put equipment out there, and I'll have nothing to say. I talked to Jimmy, a neighbor of his, I went up there the other night, and Jimmy feels that he is a brother to him, so he wouldn't come, but if you go up there and look at the fence, and what he's got up there, it's a pity. He's done nothing for Jimmy. Jimmy needs a little help up there, a few plants and something to block off your hole in the ground in back where you have your trucks and all. That's not a very pretty site, it's the first time I've seen it so I know what I'm looking at, and I wouldn't want to look at it. I just feel that if he gets the permit, he's going to be able to do anything out in front because it's commercial zone. The slight buffer that he's got, he's talking twenty-five feet, I don't know where the twenty-five feet comes, but I don't think it's going to be enough to block off, and the three families that I have, are the three houses directly in front of his business. All three of us that are right there. We've been there, LaPlante's have been there for probably thirty years, the other family is fairly new, but I just can't see giving him a point blank opening to do anything he so desires because right now, I don't know what he is going to do, and I don't think he understands what he is going to do. Again, I can only go by what little I see, granted, the place has been fairly clean. I, when he does Christmas trees and stuff, he picks it up right after it, but if you get the front of it, take the shrubbery and like that away, I'll look at a piece of commercial property from my home.

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

Bob O'Connor, 320 Tremont Street: Good evening. We're under Section 3.18. Could some body explain to me Section 3.18.5 please?

Ed Meehan: 3.18?

Bob O'Connor: Yes, that's the section that we are under, correct. 3.18.5.

Ed Meehan: Yes, we are under, it's the Planned Development zone. If you were, your question may be going to the five acre minimum? This is a free standing piece and they are looking to re-zone it, and it didn't have a companion PD Zone next to it, the minimum area would have to be at least five acres.

Bob O'Connor: So if you read 3.18.5, of what, how does that relate to, what would be the minimum that you could re-zone. I still, I don't think I understand that. It says that a minimum area of five acres is required for a change of zone to the PD Zone, and individual lots within the zone shall be at least one acre. So, how are you interpreting that now, please?

Ed Meehan: I would interpret that, if this 1.75 acres is added to the existing PD Zone, that is on the east side of this.....

Bob O'Connor: Correct.

Ed Meehan: He probably has at least five acres of a PD Zone.

Bob O'Connor: Right. The, but, we are talking about changing here. This 3.18.5 is to do about change of zone. The amount we are talking about changing is how much?

Ed Meehan: On his map he says he is looking to change 1.75 acres of R-20 zone to PD Zone.

Bob O'Connor: And this section says that, what is the minimum amount that you can change?

Ed Meehan: It says, I'll read it out loud, a minimum area of five acres is required for a change of zone to the PD Zone and individual lots within the zone shall be at least one acre in area.

Bob O'Connor: Okay. So, he's requesting a change of 1.75 acres, that is the amount you are changing, and this says, how much do you need?

Ed Meehan: I think he can change it, as long as he has five acres when he ends up with his change, he's okay.

Bob O'Connor: That's not what this says.

Ed Meehan: That's the way that you read it. I'm talking about how I read it.

Bob O'Connor: Okay. So we don't read it the same way.

Ed Meehan: That's right, we don't read it the same way. The Commission is the one that is going to interpret this anyway.

Bob O'Connor: So let me ask you this question then. What would be the minimum amount of land you could rezone to a PD Zone?

Ed Meehan: Five acres. If you had no other land that was already in the PD Zone, you couldn't come in and ask for a three and a half acre PD Zone with no other PD Zone attached to it.

Bob O'Connor: But this doesn't reference any other land. It doesn't say, you are reading something, I think you are reading into it what isn't there, because where does it say that if it's adjacent or if it abuts the PD Zone then it can be less than five acres?

Ed Meehan: I think the point is that you end up with at least five acres of PD land.

Bob O'Connor: Well, it talks about change of zone, it doesn't talk about zone. It says change of zone.

Ed Meehan: Well, that's the way I read it, and the other requirements that you need to look at here, maybe this will help you, if you go to the table of uses, height, area and so forth, the only time you really need five acres in a PD Zone, is if you were petitioning under a Special Exception for residential use in a PD Zone. Other than that, you have to have at least one acre of PD Zone.

Bob O'Connor: But that is a different scenario. Here you are talking a zone change. Now the history of the property, back in 1976 there was a significant, to my recollection, there was a significant berm there and I don't know exactly when, but after 1976 there was significant excavation there, to get the grade to where it is today so that you could visually see back into there. Does that ring a bell with anybody? Anybody remember that?

Ed Meehan: I wasn't here in 1976. I did go back and look at the older site plans, that we have on file. I think there was regrading. I think there may have been even another house in there.

Bob O'Connor: Yes, exactly, there was.

Ed Meehan: From what I saw, there was a site plan approved in '82 where some parking and regrading was approved in '82. There were additional approvals in '84, for expansion of the driveway and the parking, and in '89, as Mr. Bongiovanni referenced, there was a substantial change to the front. I think that was just shortly after the regrading, and the house was removed, where Stonehedge came in with their current set-up.

Bob O'Connor: All right. So the history of the property, the reason that it was zoned the way it was is, because the residential zone in front, the street is residential, and that conformed with the street zoning. To the back it was the PD Zone, and again, because of topography and brooks and whatever, there was access to that back piece through the residential zone. But, it was a very narrow driveway in the beginning, and you couldn't see anything in the back of, in the PD Zone in the area, any of the activity or anything. After '76 with what Mr. Meehan just mentioned, that all changed with the view, but the purpose of the zone, the residential zone on the street, was for a buffering. That's why when they zoned the PD Zone in the back, they didn't bring it to Willard Avenue, because that is residential. So, you need to consider the protection of the neighborhood. That is what zoning is supposed to do for Newington residents. Protect them, and if you live in a neighborhood that is residential, you have every right to believe that it's going to stay residential, barring some outcry for a change from the public in general, or from you people, through your Plan of Development. Not a particular property owner saying, for my betterment, I need to do this. Certainly they have the right to do that, but you have to look at Newington as a town, and the neighborhood, and if you drive through towns that haven't paid attention to that, you see the result, and you can see it here in Newington. For example, on 319 Robbins Avenue, we have the old Lach's Market that was zoned, that one lot was zoned business and we have had businesses in and out of there. It's surrounded by residential, and it doesn't belong. It's a hardship on those residential neighbors. The same with some properties, well, the Patz Service Station down here on Main Street. That's another example. Residential all around, that was zoned for business and it just is an oddball, so you really need to give consideration for the neighborhood. Put yourself in the place of the residents that were there and use that perspective. Is it in your Plan of Development that this change should be looked at, and taken?

Ed Meehan: No, I mentioned that there was not any specific.....

Bob O'Connor: It's not in there.

Ed Meehan: Right.

Bob O'Connor: Okay, so it's not in your Plan of Development, something that you should be doing. Now the PD Zone has quite a few uses. I really didn't get into all of them, but down the road, when this property gets marketed, if you granted the PD Zone to it, somebody can buy it, and change the property to whatever use the PD Zone allows, and more than likely, it could be a higher, more intense use, so the property gets another kick in the shins because of that use, so you want to look at all the ramifications of your action. It's not just this one property owner, because as the previous speaker said, once you give this permission, then anything in the PD Zone is good to go.

How about spot zoning. How does this relate to spot zoning?

Ed Meehan: If this wasn't connected to the existing PD Zone, it could be considered spot zoning. You mentioned a couple of other locations in town, on Robbins and Main Street. Those might be good examples of spot zoning. This is, I would not call this spot zoning.

Bob O'Connor: Would you call it marginal?

Ed Meehan: No. I call it an expansion of an existing PD Zone.

Bob O'Connor: Okay, well, those are your words, but spot zoning is an island of one property that is being zoned different than surrounding zones, to benefit a specific individual, the one that is the property owner, and it is usually done lot by lot, and that is exactly what is happening here, and Mr. Meehan is correct, this is not an island, this will be a peninsula. It is still, it meets the definition of spot zoning pretty close.

Chairman Camilli: I let you go way over the time allotted.

Bob O'Connor: I appreciate that, Mr. Chairman.

Chairman Camilli: So, I just want to know, are you almost done?

Bob O'Connor: I'm at the amen stage.

Chairman Camilli: Okay, but let it not be said that you were not given.....

Bob O'Connor: No, I was, I appreciate that very much. I took time out to come here, and ....

Chairman Camilli: And I appreciate your comments.

Bob O'Connor: Thank you. Thank you to the Commission, and I have trust in my heart that you will do the right thing.

Chairman Camilli: Thank you.

Bob O'Connor: Amen.

Chairman Camilli: Is there anyone else who wishes to speak against this application? Yes sir.

Jack Bolles, Main Street: Good evening. Sitting there, I can understand where Mr. Woods is coming from, I can also understand where the resident is coming from and I had an idea, I think probably in the future you are going to have a lot of situations like this, and maybe it is time to seriously look at this, we'll call it spot zone and come up with an idea. Maybe we have another parcel of property in town that we can trade, take that property and convert it to residential, and that would eliminate a lot of situations. Thank you.

Chairman Camilli: Thank you. Is there anyone else wishing to speak against this application? A rebuttal by applicant limited to five minutes total.

Alan Bongiovanni: Thank you Mr. Chairman, I'll be brief. Mr. Liss spoke about Stonehedge Nursery and Landscaping being able to do what they want to do if the zone is changed.

Chairman Camilli: I wish Mr. Liss was here, he stepped out, hold on one second, he's out there, I think he should at least listen. He may not agree, but....excuse me Mr. Liss, I want you to hear the rebuttal to what you had to say, and then you have a chance to rebut again if you wish. Go ahead.

Alan Bongiovanni: Mr. Liss spoke about the applicant being able to do whatever he wishes and whatever he wants to do if the zone gets changed, where he could in essence, you know, disregard an improved site plan, and store trucks or equipment or materials up in the front portion of the site. That is not the case. We are asking for two things here. We are asking for the zone

change, and the site plan modification, and if the zone change is granted, then the Commission has the right to approve or deny the site plan application. That site plan is a document which Stonehedge Nursery has to abide by. We have a zoning enforcement officer in the Town of Newington, a paid professional who routinely surveys the entire town to make sure that people are in conformance with the zoning regulations and the approved plans. Any property in the Town of Newington cannot arbitrarily, commercial zones, change uses without coming back before this Commission, so there are protections built into the town's regulations and their procedures.

You spoke about taking away the landscaping from the front of the property. The proposal is to do the vast majority of the work behind the existing 1632 and only those portions directly east of the building, between the existing main building and Willard Avenue are going to be covered roofs. All the landscaped islands, the beautiful lawns, the well groomed, well maintained features of this site will remain intact. This is their business, this is their profession, this is what they do to sell their customers. Had they chosen to take a different tack and sweep this site clean of all the vegetation and just store and stockpile materials for sale, they would be doing themselves a disservice. They are very professional, they are not new to this area, they have owned this property for thirty years. They have developed a business, they have a great reputation, and I think just from driving by, or living near this site should give you a level of comfort that these people are here to stay and do what is right for the neighborhood as well as themselves.

In reference to Mr. O'Connor's statements, he was lecturing the Commission on his interpretation of your regulations. For your own edification Mr. O'Connor, the board before all of us are the people who create and interpret those regulations, although I at times have opinions, Mr. Meehan has opinions, I'm sure as you said tonight, you have opinions, these are the final say. I will add to that, that zoning regulations are inherently ambiguous and one of the things that helps the Commission is past action, how they have viewed the language of their regulations in prior applications. Each application stands on its own merits, but the actual language is tested over time, and this is consistent, our request is consistent with the way this Commission has acted in the past. I would agree with Mr. Meehan that if you are creating a new zone, a new area on the zoning map, in all this white area, that you want to create a PD Zone, that would require a minimum of five acres. When you have, if I can find my way on the map, when you have this red area, as I'm pointing out on the map, which is our PD Zone, and we are adjacent to that, it's been my experience that that could not be considered a spot zone, it is an expansion of an existing zone which is permitted by these regulations. It should be the landowners right, a portion of his property, the same lot, has two different zones. That is unfair to the landowner. We are looking to rectify a situation that probably was not intentionally created. When the zone lines were created you talked about some of the gas stations in town, those zones were put on those properties because those properties predated zoning. Town fathers did not go through and say, I'm going to put a quarter acre of commercial, or industrial zone among all this residential just to upset the neighbors. They did it because it was a necessity. I believe this is the same situation, that this property was zoned two different ways because of a necessity many years ago. But the town has allowed this use, prior to the Stonehedge people coming in there, have approved their use, three times, in the last fifteen or twenty years. They are just asking to do what is permitted under this regulation, and I apologize if what the Commission acts on, and how they act on it is different from your opinion.

Consideration of the neighborhood, I think this is a great neighborhood. I would love to have someone such as Stonehedge Landscaping as my neighbor. They conduct business during business hours. They are not there nights, they are not there late on weekends or things like that. This is a clean run professional operation that pays its taxes and is entitled to continued business. Our Plan of Conservation and Development for the Town of Newington does not specifically recommend the zone change, but it also does not specifically speak against doing the zone change. This is an effort to create an anomaly in our zoning in the Town of Newington, and that is to put all into one zone, and the end purpose is to allow Stonehedge Landscaping to continue their business. I didn't get from Mr. O'Connor's statement that he was actually opposed

to this. I did get that he had issues with how the regulation is written and what we are asking for, but I did not get from Mr. O'Connor that this was a bad idea, that this would be offensive to the neighbors, or this was a problem. Thank you.

Chairman Camilli: Thank you. The opposition has five minutes total. Anyone from the opposition wishing to speak to the rebuttal.

Donald Liss, 1641 Willard Avenue: I just don't, they are talking a short buffer zone into a residential area to make, they want to make a business there. Eventually somebody is just going to keep coming out with the business, because I'll have no way of stopping them. And I don't know if you people can give me any way of stopping them. A business zone is a business zone, and they can very much do anything that is in the regulations of the business zone, and I'm looking to protect my property which I've had for many years, and I don't know what they are going to do. Like I told you, I saw where his trucks are parked already, before he even got the zone change through, and that's to me, I get up in the morning and look out the window, and I see a big truck parked up in front of the house, parallel with the house, with the sides of the sign, Stonehedge sticking out. What, he could park in the driveway so that it's not so conspicuous, and protect the residential area, and we're not getting that. It will only get worse, if he is allowed with this, he is going to carry it farther, and I won't get any more, and I can't come back to you people at that time, because if you give him the zoning, he's in his perfectly legal rights to do what he is doing. So, that's, we talked about zone lines and continued business. Their business is not going to fold tomorrow. That business is going to be there long after I'm dead. I'm not a young man, so, I don't know what they are going to do. They could take and put mulch out there, they could put anything out there, I'd have to accept it. I just don't feel that I want to do that at my stage in life. Thank you.

Chairman Camilli: Thank you.

Bob O'Connor: Same address. I'm opposed to the zone change, because I believe that the zone should protect the neighborhoods, and I believe that if the zone change was initiated from you folks, it's a different case, but it's for the benefit of one property owner. Mr. Meehan, what is the PD Zone, what are some of the other uses that the PD Zone can have?

Ed Meehan: Through the Chair, it's general business, commercial uses. By right you can do financial institutions, retail uses, professional offices and banks, by special exception you can do restaurants and places of assembly.

Bob O'Connor: When the property was purchased, back in 1976 the present zoning existed. The owners knew that zoning existed and so they bought it with their eyes open. They knew what the zoning was. So it's no big mystery that it is residential. It was residential, as I said, to form a buffer. I'm still having problems with the English. A minimum area of five acres is required for a change of zone to the PD Zone. Now, the verb is, is required, and the subject is area, and then, a minimum modifies area, and then, of five acres modifies area, and then, the object of the verb would be, for a change of zone to PD, so I don't see where the interpretation is correct that you can do any area because of the tail wagging the dog or abutting a PD Zone. This reads that when you change any zone into PD it has to be a minimum of five acres or more.

Chairman Camilli: Thank you.

Bob O'Connor: Thank you.

Chairman Camilli: Okay. I'll go along with the will of the Commission, but I don't think we are going to get any more out of this.

Commissioner Fox: No, I don't think so. I'd like to see it closed.

Chairman Camilli: You can go take a look at it, but I don't think we need to keep this open. We will close Petition 43-06. If the Commission members want to take a look, you can go on your own so we don't have to have a special meeting for it.

**D. PETITION 46-06 652 Willard Avenue, St. Mary's Roman Catholic Church, Corp., owner American Fundraising LLC, attention Stephen Wicke, 125 Stratford Road, New Britain, CT 06053 applicant, request for Section 3.2.8 Special Event Flea Markets (Sundays July 9<sup>th</sup> through August 27<sup>th</sup>) R-12 Zone District.**

Chairman Camilli: Is the applicant here?

Stephen Wicke: Thank you. I hope this won't take as long. Very simply, we are going to try to raise money for the school, it's in bad shape, and they basically have hired me to do something, and we came up with this idea about three weeks ago, so everything is quick. We are going to jump start next year's fund raising, which they were about \$26,000.00 short last year. Basically that's it.

Chairman Camilli: You have checked with the Town what you need, did you check what they need so this can move forward.

Ed Meehan: Well, first of all he needs a Special Exception from the Commission. Other than that, it's on private property so that there is no special type of insurance, or indemnifying the town, or anything like that. They are not using any public property.

Chairman Camilli: Do you know what the hours are going to be for this?

Stephen Wicke: Eight to two.

Chairman Camilli: Okay. Any other questions? I think, now, anyone from the public wishing to speak in favor of this application? Against? This is for a flea market from Sunday, July 9<sup>th</sup>, to August 27<sup>th</sup>. Do you have a question, sir?

Jack Bolles: No I would like to say something.

Chairman Camilli: Well, come on up. You have to come up to the mike.

Jack Bolles, 1692 Main Street: I think this is a great idea and you might be interested to know that the Kiwanis Club closed last Sunday and they do not reopen that flea market in Newington Center until September 1<sup>st</sup>, so I think this is a great idea because people like to do these things on Sunday.

Chairman Camilli: Thank you.

Stephen Wicke: That was our plan, not to put the Kiwanis out. We would like a decision tonight on this, because in two weeks, we'd like to start.

Chairman Camilli: Okay, thank you. We'll close Petition 46-06.

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

None.

IV. **MINUTES**

June 14, 2006.

Commissioner Fox moved to accept the minutes for the June 14, 2006 regular meeting. The motion was seconded by Commissioner Ganley.

Commissioner Cariseo: Page 3, Chairman Camilli, okay. Any questions from the Commissioners? This being a public hearing, anyone from the Commission wishing to speak, I think it should be public.

Commissioner Fox: I did notice that.

Chairman Camilli: I did too, and forgot to mention it. Okay. Motion on the minutes, as amended. The vote was unanimously in favor of the motion, as amended with six voting YES.

Chairman Camilli: Motion passes.

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: I have a letter on the table for Commission members to review, I can discuss it now, or under staff to, regarding Hedberg Plaza and our efforts to secure a site plan. I did talk to Mr. Hedberg, and he is working on it. So, I can do it now, or....

Chairman Camilli: Sure, do it now.

Ed Meehan: A letter was sent, shortly after your last meeting, conversations with the property owner have occurred, regarding the need for a site plan depicting Vito's patio area and changes to the landscape buffer and correct parking count, and also discussions within the building department requiring building permits for the patio and the clothing store moving into 2 East Cedar Street. The property owner, Mr. Hedberg called me this Monday, the 26<sup>th</sup>, and has engaged his land surveyor to begin the preparation of a revised site plan, Flynn Land Surveying will be doing the work, they are scheduled for the second week in July to produce the map and provide it. I offered my assistance at staff to look at it informally so before they submit an application, I hope that I have a chance to go over the plan and get it in the shape that the Commission is accustomed to.

Commissioner Fox: So Mr. Hedberg will be complying with your request.

Ed Meehan: He will be complying with a request for site plan modification.

Commissioner Fox: And the drawings?

Ed Meehan: Those items on the letter.

**VI. NEW BUSINESS**

- B. 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 100 Unit Comfort Suites Motel. Inland Wetlands Report required. Continued from June 14, 2006.**

Chairman Camilli: Okay, so we are waiting for that report, I just wanted it read, I don't think there is anyone here from, for that petition.

**VII. OLD BUSINESS**

Chairman Camilli: Before we go on, I'd like a motion to move Petition...

Commissioner Kornichuk: Before we go any further, I'd like to state that I have read the minutes and I feel comfortable voting on everything, I wasn't at the last meeting.

Commissioner Cariseo: I have also.

Chairman Camilli: I need a motion to put Petition 46-06 onto Old Business.

Commissioner Cariseo moved to add Petition 46-06 to Old Business. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion with six voting YES.

Chairman Camilli: Motion passes unanimously.

- A. PETITION 40-06 2997(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. Public hearing closed June 14, 2006. Sixty five day decision period ends August 18, 2006.**

Commissioner Cariso moved that PETITION 40-06 2997(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 be approved for sit in and take out restaurant use based on the floor plan providing a public area of not more than 400 sq. ft., with a maximum of three tables and six seats.

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

- B. 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. Public hearings closed June 14, 2006. Sixty five day decision period ends August 18, 2006.**

Commissioner Kornichuk moved that PETITION 41-06 40 Commerce Court 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 be

approved for one (1) ground sign to be located on the easterly side of site driveway entrance and placed behind the street right of way line.

The approved sign shall be constructed in accordance with the design prepared by BES Brilliant Electric Sign Co. Ltd., dated 1-20-06, revised 2-6-06. The total height of this sign shall not exceed 5'2". The base of this sign shall be concrete block matching the "Progressive" building.

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

Chairman Camilli: Motion passes unanimously.

**Petition 46-06  
652 Willard Avenue  
St. Mary's Church  
Special Event Flea Markets**

Commissioner Fox moved that Petition 46-06 652 Willard Avenue, St. Mary's Roman Catholic Church, Corp. owner, American Fundraising, LLC, attention Stephen Wicke, 125 Stratford Road, New Britain, CT 06053 applicant, request for Section 3.2.8 Special Event Flea Markets (Sundays July 9<sup>th</sup> through August 27<sup>th</sup>) R-12 Zone District be approved for both inside and outside flea market vendor sales. The outside sale area shall be limited to the south side of the school adjacent to the gym. Tables, tents, booths etc. related to the market shall be removed at the close of each sales date.

No additional signage along Willard Avenue is permitted.

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

Commissioner Camilli: Motion passes unanimously.

**VIII. PETITIONS FOR SCHEDULING (TPZ July 12, 2006 and July 26, 2006.)**

Chairman Camilli: We went over the scheduling the last time, and a couple of the Commissioners weren't here, but very quickly, if you notice that we are going to be taking up the Lowe piece and the Hartford Hospital piece, that's going to be kind of a heavy meeting. That will take up most of it, and then there was one other minor application.

Ed Meehan: We received a site plan for 45 Costello Road, after the agenda went out. That is the building, the first building in on the right on Costello Road, just behind the Dunkin Donuts building, used to be Acorn Rental. There is a prospective user that wants to convert that to a Goodwill store. It's a fairly straightforward site plan and if you want to add it on the agenda for the 12<sup>th</sup>, I can schedule it. There is no inland wetland review required. We can get it on there and get it out.

Commissioner Ganley: Right, in that case, could we get it to the front? Get it out of here, because once we start.....

Chairman Camilli: That's a good suggestion as far as I'm concerned.

Ed Meehan: But those others are public hearings.

Chairman Camilli: Oh, this isn't a public hearing.

Ed Meehan: No. This is just a site plan.

Chairman Camilli: So if you can make the next meeting.....

Ed Meehan: I can schedule a larger room if you think it is necessary.

Chairman Camilli: Well, see how the calls come in, I know you will probably will get some on the hospital piece.

Ed Meehan: The Council chambers are larger, but visually, acoustically it is not as good. People can't really see the plans.

Chairman Camilli: If you think we have to, so be it, but I would rather do it here if possible.

- 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, 22<sup>nd</sup> Floor, Hartford, CT 06103 request for 4 lot subdivision CD Zone District. Inland Wetland Report Required. Schedule for public hearing July 12, 2006.
- G. PETITION 45-06 Corner of Willard Avenue and Alumni Road, front vacant parcel former Torrington Company, Fountain Pointe, LLC, 838 Brook Street, Unit E. Rocky Hill, CT 06067 applicant, Rotundo Developers, LLC owner represented by Richard Rotundo, 838 Brook Street, Unit E Rocky Hill, CT 06067 and BGI 170 Pnae Road, Newington, CT 06111 request for Site Plan approval, commercial development (3,500 sq. ft. bank and 25,000 sq. ft. office) CD Zone District. Schedule for presentation July 26, 2006. Inland Wetlands Report required.

**XI. PUBLIC PARTICIPATION**

(For items not listed on agenda)

Gary Bolles, 28 Burdon Lane: I have a question for you gentlemen, you seem like an easy group to work with. I don't really know too much about this, but across the street from my home on Burdon Lane there is a berm that is on town property. It's like a four foot high berm, it's of course covered with in the summer time it is covered with poison sumac. When the original developer of Nutmeg Crossing developed that, he had to dig out that parcel because of wetlands, and what he did was install a four foot high berm around the whole perimeter. Now when the developer which is I think Milo, from Southington bought the remaining properties and developed them on Cinnamon Road, that backs up to that dug out parcel, he removed the berm that abuts their backyards. But the berm that is on Burdon Lane remains. It is on town property, the town right of way, and what I would like to see is, that is detrimental to the aesthetics of our homes, which we try to keep up. I'd like to see that level graded, as it was supposed to be years ago, and never happened. I think it would be, aesthetically it would be great.

Chairman Camilli: Let me ask you a question, Mr. Bolles. Did you approach the town at all on this, or is this your first foray.

Gary Bolles: Oh, I talked about it, maybe ten years ago.

Chairman Camilli: Was this part of, we'd have to check this out.

Ed Meehan: I know the issue goes to a prior developer, the Gallichio family was under orders from the Corps of Engineers to restore and replace wetlands and.....

Gary Bolles: But he was not instructed to put up the berm, and I got that right from the Army Corps of Engineers.

Ed Meehan: Well, that's fine, I didn't know that. But again, the question is, that may have been the most expeditious way of getting rid of the material at the time, to put it in the town right of way. It's something I'd like to look into, I can ask the Town Engineer.

Gary Bolles: I just think it would look so much better without that berm there. I do know the abutting property owners on Cinnamon Road were deeded, I guess that property even though they can't do anything with it.

Ed Meehan: What property on Cinnamon Road. The very last house on Cinnamon Road?

Gary Bolles: No, no, let's see. There's three houses, I believe, actually two houses that would abut that dug out parcel. Now when the developer, like I said, when the developer developed those properties, he removed the berm on the back side which was then their back yards, but where we are, he didn't remove it, and it is on town property.

Chairman Camilli: I would suggest, Mr. Meehan said he would look into it, and he's very reliable. I would suggest that you call the Town Planner's office within a few days.

Gary Bolles: Could I ask who the zoning officer is who goes around town to look at these different things.

Ed Meehan: Well, it wouldn't be the Zoning Officer, in that case it would be the Town Engineer. Because it is in the town right of way, and then through the Town Engineer, who is also the Public Works Director, is to give a estimate of what equipment is needed and where the material is going to go, and getting it out of there, if they can find a place. I'm sure they may have a place for the material, but to schedule it into the work load....

Gary Bolles: It can't, it can't, I'll try to be courteous to the town, but it can't be put into that....

Ed Meehan: It can't go back into the hole. It has to be taken out and a snow shelf has to be established.

Gary Bolles: Well, the Town of Newington was under federal investigation because of that.

Chairman Camilli: Okay, so we will have Mr. Meehan, who is very, very good, you check with him in a few days, and he will probably have some kind of answer of what could possibly happen.

Ed Meehan: I'll do a memo to Mike Mancini, the public works director. He may not, this pre-dates Mr. Mancini's employment here, this goes back, I think, early '90's.

Gary Bolles: I realize that. It's just that it would be aesthetically pleasing to us to see it level graded, we are even willing to mow it.

Ed Meehan: I'll put that in the memo.

Gary Bolles: I will say, one of the abutting property owners does take very good care of it, where, down along the berm, which is maybe four feet in from the road, the other part is on town right of way.

Chairman Camilli: Okay, well, I don't know what the answer is going to be, but we'll certainly look into it and get an answer back.

Gary Bolles: One of the things that I thought about is what would happen if a town resident, like myself, tried to put in a berm on town property. I think the powers that be would come out and say, you can't do that.

Ed Meehan: You can't impede the right of way or snow shelf, or if there was going to be a sidewalk there in the future, you don't like to move material twice.

Gary Bolles: Basically we don't want to cause the neighbors any problems, we just want it to be pleasing aesthetically to all of us. Thank you very much.

Chairman Camilli: Okay, we'll look at it. Any other remarks from the public?

## **IX. REMARKS BY COMMISSIONERS**

Commissioner Ganley: This United Plumbing Technologies lot, down off of Constance Leigh. I moved to the town in 1970, that lot has been vacant at least since then, certainly before then. We are looking at doing some stuff in the town center. Has anyone ever approached them to see if they could be part of the mix of what we might be looking to do in the town center? It's a well situated lot. It has great potential. Has anybody ever asked them specifically what they would like to do at some point in time with that lot. Would they give permission to us to consider them in the general overview of what would be going on in the town center, that is, get involved in the mix, looking at that strip along Constance Leigh, and a few other places. That is a beautiful lot, anybody have any idea?

Ed Meehan: I know that at one time they had put some feelers out about possibly expanding their operations on Lowry Place.

Commissioner Ganley: Yeah, they just took a little piece for additional parking. They clipped off about twenty-five feet and that was it.

Ed Meehan: Yeah, but they were talking about structures, warehousing and so forth, and the concern I think was expanding an industrial zone in the town center. Again, you heard earlier tonight, something that does not normally fit, in the town center, making it more out of place, but it was also looked at as a site for Newington Police Department, a town hall site, but nothing directly with Keeney.

Commissioner Ganley: Yeah, but I'm saying, if they could be approached and say, look now we are doing these things with the town center, and you have this well situated lot, might we take it upon ourselves to consider that lot as part of the mix. Would you consider, at some point in time, selling it to somebody who might do something with it? You know what I'm saying, see if they could become part of what it is we are trying to do. That lot is well situated.

Ed Meehan: It's about an acre, but because it is a corner lot, the setbacks take some of that away. It is a good lot, but it is the issue do you want to encourage a manufacturing operation to continue to grow in your town center.

Commissioner Ganley: Well, they're not going to. It's been there, vacant for years, so you may spark an interest in them to allow somebody else to come in and put something else up. Maybe some additional retail, some kind of a mix that would fit on that lot, in conformance with what it is we would like to do along Constance Leigh.

Chairman Camilli: I think that would be more the Economic Development Commission. We don't really pursue that as a Commission.

Commissioner Ganley: No, it's just that we are doing the Plan of Development and we are looking at this lot....

Chairman Camilli: Talk about spot zoning, here we have a manufacturing company in the center of town. So, I really think, it would be more to their....as far as the town center guidelines, we already have them in place, so it is not something that we would look for, perhaps from the Development Commission, if they had a prospective buyer, or someone who wanted to do something, then they could move it forward. As I said, we can pass it to the Economic Development Commission. Talk to Jack Burke, ask him if there is any possibility of developing that piece of land.

Ed Meehan: I won't pursue it, but if Keeney wanted to use it, it could be used for a corporate use, office use, and then they could maybe share their existing parking, but because it is a corner piece, the coverage on that piece is limited, so your floor area ratio and parking eats up a lot of the land.

Chairman Camilli: Okay. Any other remarks by Commissioners?

**X. STAFF REPORT**

Subdivision Development Bond Extension – Commerce Court and Hollow Tree Lane.

**Commerce Court & Hollow Tree Lane  
Completion Extension  
Delta Building Corporation**

Commissioner Ganley moved that the completion of construction work for improvements of Hollow Tree Lane and Commerce Court be extended from June 30, 2006 to July 31, 2006. This additional time is granted based on the developer's commitment to complete pavement milling on Hollow Tree Lane by July 17<sup>th</sup>, weather permitting.

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

Chairman Camilli: Motion passes unanimously.

Site Plan Development Bond Release – TGI Friday's

**TGI Friday's  
3025 Berlin Turnpike  
Bond Release**

Commissioner Schatz moved that the bond amount of \$23,600 held for completion of the site landscaping, parking lot striping, and turf stabilization be released all work having been completed.

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

Chairman Camilli: Motion passes unanimously.

Chairman Camilli: I have one question. Ed, the light at the Walgreen's, the traffic signal.

Ed Meehan: They are still behind schedule. The span poles were delivered the middle of last week, the road contractor who is going to be doing the milling and the overlaying is not going to start the work until the additional sidewalk section, which goes from Walgreen's driveway to the corner of Deming is in. Once that is in, then he can set his grades from that, and start the curb work. The utility work for the box and the conduit are in, so the roadway work, and the conduit work has been done, but the contractor who is going to put up the light is behind schedule, it's a corporation called RDR and the Mayor asked me the same question this afternoon. I think we are probably looking at the middle of July to the end of July before that light is up.

Chairman Camilli: When we granted that extension there, what was the time?

Ed Meehan: June 1<sup>st</sup>, and then they notified us, they notified staff that the company that produces the span poles couldn't get them out of shop, they didn't have the right shop drawing, so they got behind two weeks, so they did deliver them in or around June 15<sup>th</sup>, but they were supposed to have them up by June 15<sup>th</sup>, not just delivered, so the schedule keeps getting pushed back, pushed back.

Chairman Camilli: They are bonded by both sides, so it's not that the town doesn't have the money in case it doesn't go in.

Ed Meehan: I can talk to Mr. Basile about that again, he seems to be taking the lead on getting the light in, as opposed to Premier Development. Basile is, he has put the money down with the contractor to hold the, he had to put thirty percent down to get the light built, so he has taken that lead. He also sold that property, he sold the Walgreen's property. I asked him the other day about the strip between the highway curb line, and the, they did a great job sodding, I said they need to go back. He said they would go back and have some halfway decent loam and seed put in there, because it looks strange. Then on Griswoldville, when they get the curb in, then they will do that, between the curb and the sidewalk.

Commissioner Schatz: If Mr. O'Connor was here, I would tell him that Lach's Market was originally First National, in 1941.

Chairman Camilli: That was a long time ago, you go way back.

Commissioner Schatz: Oh yeah, they had three different locations in this town. You have Wings, that is one of their locations, there, and then you have the Northeast Utility building, on Garfield.

Chairman Camilli: I remember that one.

Commissioner Schatz: Well, you're much younger than me.

## **XI. ADJOURNMENT**

Commissioner Schatz moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Norine Addis  
Recording Secretary