

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 26, 2006

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 Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruett
Commissioner Schatz

Commissioners Absent

Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. PETITION 48-06 154 Richard Street, Irena B. Rybko and Edward Rybko owners and applicant, request for Special Exception Section 3.2.9 Day Care Use, R-20 Zone District.

Chairman Camilli: Is the applicant here?

Irena Rybko: Yes.

Chairman Camilli: State your name and address for the record, please.

Irena Rybko: My name is Irena Rybko and I live at 154 Richard Street Newington and we just got the house, not too long ago. I used to work and I have a child who is six years old, and I wish to take care of three or four children so my child can play, and I don't have to travel which would be difficult for me since I don't have a drivers license. I have land of one acre, and about two hundred square feet is the house, and we can use one of the rooms for a playroom for the children. I love children, and I think it is a special thing and I'm trying to find a way to be with my child and then help somebody who needs good care and help them. I don't want to disturb anybody, I want to do everything as right as possible, and I would like to do this project.

Chairman Camilli: One of the questions that came up was the sign. Was the sign out?

Ed Meehan: The red and white sign, I didn't see it there yesterday. Did I miss it?

Irena Rybko: No, we came yesterday and we took the sign with us, because we didn't know when we should end the sign and then somebody who was in the office said no, we should return the sign after the hearing. So we took the sign back.

Ed Meehan: But you filled out the sign application a couple of weeks ago, did you have it on your property for a while?

Irena Rybko: For ten days at least.

Ed Meehan: Okay, because I went by yesterday and I didn't see it.

Chairman Camilli: So you took it down yesterday?

Irena Rybko: We took it down when we came here.

Chairman Camilli: And then you brought it back, is that okay?

Ed Meehan: As long as you had it out, it's still at 154 Richard Street.

Irena Rybko: Yes.

Ed Meehan: But was it on the property in advance?

Irena Rybko: Yes.

Ed Meehan: It needs to be on the property, ahead of the hearing, tonight's hearing. Was it up there for at least ten days?

Irena Rybko: For sure.

Ed Meehan: Okay.

Chairman Camilli: That's just for a legal thing, we have to make sure that, just for the neighborhood, that they know that you are coming in here, so you have to have that.

Ed Meehan: The sign was supposed to be posted by July 12th, was it up by July 12th? You paid the deposit in cash, so I don't have a check receipt here. You picked up sign number eleven, probably on July, maybe the same date you took your application out, July 3rd that you took the application out.

Irena Rybko: We came later, we picked up later.

Ed Meehan: You came back and got the sign?

Irena Rybko: Yes.

Chairman Camilli: You said you were going to limit it to two or three kids, plus your own.

Irena Rybko: Yes, so that they can play with my child.

Chairman Camilli: Okay. Did you get a copy of this?

Irena Rybko: Yes, thank you very much.

Chairman Camilli: And so you see number five there? I just want to make sure.

Irena Rybko: Yes, we have one acre of land....

Chairman Camilli: You have the acre, but you have to have some kind of fencing within that acre, somewhere for, if the kids go outside and play.

Irena Rybko: Yes, of course.

Chairman Camilli: Okay. Are there any questions from the Commissioners? Are there any questions from, anyone from the audience wishing to speak in favor of this application? Against? Well, we have it on record that the sign was up for ten days, so if there is a problem, I don't know how we check that out, but

Ed Meehan: We don't have a way of checking it out, but we did send mail to the neighbors of this hearing, so everybody within two hundred feet got notice in the mail, too.

Chairman Camilli: And if this were to be approved, would we limit the number of kids she could have there?

Ed Meehan: Yes. Not to exceed a certain number.

Chairman Camilli: Not to exceed a certain number, and as far as the Commissioners are concerned, what number would you....how is that with the parking, is that okay.

Commissioner Kornichuk: The State would limit her to six. Six, and three before and after school. But she can have just six full time day care kids in her house, minus her own. So if she has, how many in her house, how many children do you have, one?

Irena Rybko: I have two children, six and thirteen.

Commissioner Kornichuk: So that would take care of one before and after, and one, so she would have five and two, that the State would allow.

Chairman Camilli: That the state would allow, but could we limit it more because of the safety features, or do we just go with what the state....

Ed Meehan: The state is the controlling agency here. The local issues are the safety of the yard, the traffic safety, the parking, and the compatibility with the neighborhood. Those are your local issues, and the signage on this site.

Chairman Camilli: Any questions from the Commissioners? We can close this hearing.

Commissioner Fox: Mr. Chairman, is there a fence there now?

Irena Rybko: No, not yet because we have to get this permission.

Commissioner Fox: The driveway looks big enough, deep enough anyway.

Chairman Camilli: Okay, if you are all set, we are not going to vote on this tonight, but we will close the hearing on this.

Irena Rybko: Okay, thank you very much.

Chairman Camilli: Thank you. We will close Petition 48-06.

Petition 33-06, 34-06, 35-06 and 36-06, they have asked to postpone, so we will go onto Petition 38-06.

- B. 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. Continued from July 12, 2006.**
- C. 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 3.14.1 c 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. Continued from July 12, 2006.**
- D. 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. Inland Wetland report required. Continued from July 12, 2006.**
- E. 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. Inland Wetlands report required. Continued from July 12, 2006.**
- 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 Pane 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 to be accessed by a proposed commercial street over abutting property known as Lowe Manufacturing Company, 751 Russell Road. Inland Wetland Report Required.**

Attorney Wise: Thank you very much, Mr. Chairman, my name is Lewis Wise, and I am the attorney for the applicant in this matter, Reno Properties, and with me tonight is Alan Bongiovanni who is our engineer and surveyor.

As you know, the property in question is on East Cedar Street, it is a 28.6 acre parcel owned by Children's Medical Center, and it is zoned Commercial Development. It is in the CD Zone, and as you also probably know, the permitted uses in the CD zone are offices, conference centers,

research labs, and research development facilities, and we are here before you with an application for a four lot subdivision, which as Alan will explain to you in a few minutes, meets all of your zoning and subdivision standards.

Before I proceed, I would like to request a waiver of the time limitations that were discussed at the beginning of the meeting?

Chairman Camilli: Okay, proceed.

Attorney Wise: Then I have the waiver?

Chairman Camilli: Yeah, I'll give you whatever time you need.

Attorney Wise: Thank you, Mr. Chairman. A brief history of this parcel I think probably would help. Back in 1991, this parcel which at the time was zoned B-TC, Business Town Center, was changed to the CD zone because the town felt that commercial development was the appropriate use for this parcel. In 1997 an application was filed for a zone amendment which would have allowed other uses in that zone, for this parcel, by Special Exception, including certain housing uses. That application was denied, Petition 27-97, although it is also referred to in your records as 26-97, but in any event, it was denied in 1997, and in denying that petition, this Commission reaffirmed its desire to see this parcel developed commercially.

Five years later, in 2002, another application was filed proposing a zoning amendment which would have permitted multi-family residential development in this zone. Again, the Commission denied that application and again reaffirmed its commitment that this parcel should be developed for commercial uses.

In, just recently, earlier this year, as you know, we were here before you with a another proposal for this zone which would have allowed, by Special Exception, a town house style development and in March of this year, the Commission denied the application and the Certificate of Action notification states, among other things, that the town house use proposed by my client, to be regulated by Special Exception, is not appropriate and would not be compatible with the intended purposes of the commercial development district which is for primarily for business, office parks and further on in the Certificate of Action, conditions stated that our application was not consistent, quote, consistent with or furthers the Plan of Conservation and Development. The Plan's Economic Component Map, page 12 of the Plan of Conservation and Development clearly (inaudible) the property that was the focus of our application should be set aside for future business park uses.

In addition, our neighbor, our abutting neighbor, the Connecticut Humane Society vehemently opposed our application a few months ago and in opposing our application, stated, among other things, and I'm quoting now from a letter dated February 8th, from their counsel, quote, the CD Zone buffers the Humane Society and industrial uses on Russell Road from other less intense land uses. The Commission is inviting future nuisance claims against the Humane Society. Also, in the same letter, our abutter states that the CD Zone serves an important role in the orderly development of the property, these large lots contain business uses and serve an important goal in providing a smooth transition between an intense industrial use on one side, and residential uses on the other side, and finally, our neighbor said, that the Plan of Conservation and Development clearly demonstrates this Commission's intent to use the CD Zone areas for business development. The Economic Component Plan contained in the Plan of Conservation and Development identifies the applicant's East Cedar Street property as the site for a proposed Cedar Mountain Business Park.

Well, we get the message. The Commission is committed to having this property developed for commercial uses, consistent with the CD Zone. Our neighbor clearly prefers that type of development, as I just read to you, and so, as I said, we get the message and we are here tonight with the first stage of commercial development of this property for a business park. The logical first step in the development of this parcel for a business park is a subdivision and the

subdivision plan that you have before you tonight, really is that first step, and as I said a moment ago, and Alan will explain, it will meet, or it meets all of your subdivision and zoning regulations. What is your role as a Planning Commission with respect to a subdivision application? It's really very simple, and I am quoting now from Judge Fuller's bible on land use in Connecticut, and he says, and I quote, the Commission is limited to determining whether or not the subdivision application complies with the subdivision regulations. Where a subdivision application meets the existing regulations, the Planning Commission must approve the application. That is Section 33.8, on page 173 of his treatise on land use law in Connecticut. So the only question really, tonight with respect to this application, is does our application meet all of the applicable regulations? And we think that we do, without question.

We were given, I guess it's called preliminary staff comments by Ed Meehan and I assume that the members of the Commission also have those, dated, well, I don't see a date on it...

Ed Meehan: July 12th.

Attorney Wise: It was prepared for the original hearing date on this application which was July 12th, and I would just like to briefly address some of the, Mr. Meehan's comments in that preliminary report.

First, there are repeated references throughout the staff report to the Cedar Mountain Ridge line and ridge line corridor, and the implication, at least the implication that I drew from this staff report was that somehow this property is within the protected ridge line area, under your ridge line protection regulations adopted last year. I just want to make it perfectly clear that this property is not within the protection of that regulation. It is not part of the ridge line corridor which is protected under the regulation that you adopted in 2005, and I would refer you to the April 13, 2005 discussion that the Commission had with respect to the adoption of this regulation, and Mr. Meehan, in that, Mr. Meehan states, on page 2 of the transcript of that hearing, that he was explaining which pieces of property in Newington will be subject to the regulation, and he specifically says, and I'm going to quote, across the Old Highway, into this thirty acre piece which is owned by Connecticut Children's Medical Center. This actually has two ridges, a steep up, and fall into a saddle, that's what it says, into a viral pond and then back up again. This area does not qualify. It is not at fifty percent slope. So, I just want to make that clear, we are not operating under your ridge line protection regulations. There are also references in here to the Plan of Conservation and Development, how it encourages the protection of ridge line areas and so forth, my response is, A, the Plan of Conservation and Development is not a regulation. It is simply a, as you all know, it is not law, it is simply a statement of what, it's like a wish list and in this case, the, the simple answer is that your regulations, that you did adopt, do not protect this, nor could they, because they would have to conform to the state law and this is not a ridge line under state law. More importantly, I would refer the Commission, as long as we are talking about the Plan of Conservation and Development, if you look at page 12 of the plan, it shows this parcel, in fact it refers to this parcel as the Cedar Mountain Business Park. The Economic Proposal Plan identifies, we've blown it up for you, it identifies this very parcel as, it calls it the Cedar Mountain Business Park and not only that, it's not shown as part of the ridge, even what was hoped to be the ridge line protection area, it's not even shown here, back in 1995 when this was published, it's not even part of the ridge line protection area back then, and finally, if you look at page 32, of that report, of the Plan of Conservation and Development, it specifically notes, it notes that this parcel has been rezoned, it says, the rezoning of the Children's Hospital property, I'm looking at page 32, the rezoning of the Children's Hospital property on East Cedar Street from a business town center to commercial development opens up this thirty acre tract to a wider variety of uses, and then it goes on. So, the Plan of Conservation and Development clearly, clearly, I mean, without a doubt anticipated that this property would be used for commercial development. It actually doesn't matter, I mean, it's useful I think just to point this out to you, but what obviously controls here is the zoning, and the zoning is CD. But any notion that our plan is somehow inconsistent

with the Plan of Conservation and Development, is simply not fact if you read through that entire plan.

Also the staff comments refer to the possibility that there could some day be a Cedar Mountain open space preserve, and it references to the fact that the State has provided a certain amount of money several years ago, and again, my only response is, that is really irrelevant to your consideration of this application. Your only job is to decide whether we meet all the applicable rules and regulations. It would be totally improper to deny an application because there is a hope that some day, some unspecified time in the future the property might be acquired for whatever purposes.

Also the preliminary staff comments refer to some initial concerns, and I just wanted to address some of them. Some of them I have already alluded to, but there's a suggestion in here that our plan is not in harmony with the goals of the Plan of Conservation and Development, and again, referring to the ridge line, and I have already discussed that. I just wanted to reemphasize that the Planning and Zoning Commission has absolutely no authority to regulate ridge line property that is not subject to your regulations. Secondly there is a suggestion, or there is an expression of concern that somehow this plan will harm or injure the natural features of the property and in particular the extreme, and I'm quoting, the extreme excavation that will be required to develop as we are showing here.

First of all, with all due respect, I don't believe that the Commission has any regulatory authority over the natural features of a parcel and I would refer everybody to Section 2.2 of your subdivision regulations which talked about the suitability of land for development. Basically there are three reasons set forth in this section of your subdivision regulations. Three reasons why you can find land can be unsuitable for development. One is if it is in a designated flood hazard area; secondly, if it's in wetlands, and third if we are dealing with slopes that are in excess of fifteen percent grade. This Commission has dealt with this issue before, that is the suitability requirement and what it means, I would refer you to Petition 3-2001, which is a twenty lot subdivision on Culver Street. The fact that those three criteria are really the only criteria that you can use, to find land unsuitable. That was emphasized during that particular proceeding, and moreover, I think Mr. Meehan explained how you determine, how you measure the grade on a piece of property to determine whether it exceeds fifteen percent, and I would refer everybody to the record of the transcript of the hearing on that Culver Street subdivision, the transcript from the April 25th or 26th, 2001 hearing. Mr. Meehan explained that you, he says, you normally would measure from the toe of the slope to the top of the existing terrain. He explains the toe being from the beginning of the road, in this case it will be from here, presumably, to the top, and as Alan Bongiovanni will explain in a minute, we are no where, using the definition that this Commission has used in the past, we are no where close to a fifteen percent grade, and after excavation, we will comply with all of your design criteria for streets, so in our view, the fact that excavation is going to be required to develop this property, is, I mean, as long as we do not exceed that fifteen percent then the Commission has several precedents which establish that this is in fact suitable land for development.

There are questions in the staff comments about the proposed excavation and how it will be carried out in terms of transportation and processing and so forth, and I note that those are legitimate issues and they can easily be addressed as conditions of approval, if you are concerned about times during the week when excavation would occur. For example, I know in prior situations you have limited excavation to Monday through Friday, weekends only after a certain time in the morning, not after a certain time in the afternoon, and so forth, that would be fine and we would be happy to discuss any reasonable conditions. I know that this has been done before and there is no reason why similar rules can't be imposed here as conditions. Finally there's a concern addressed in the staff comments about the impact of our subdivision on the use of Old Highway for a trail, and the answer is, there is absolutely no impact on Old Highway. We are on our property, it doesn't impact or intrude in any way on Old Highway. It remains free to be used as a trail or whatever else the town decides is appropriate. So, to summarize I think our position on this application is very simple. It's a four lot subdivision. It meets all of your zoning

and subdivision regulations, and as a result, we think that the application really has to be approved and I'm going to turn this over to Alan in a second, I just want to put some stuff into the record, but I think Alan will walk you through the details of our proposal, will explain how we meet all, and why we meet all the applicable regulations, and also to talk a little bit about drainage issues.

I just want to put into the record the Certificate of Action for the prior three proposals that I discussed with respect to this. These are all clipped together, but there are three in there. I would also like to put into the record the, part of the transcript that I alluded to from the Culver Street application where the Commission and Mr. Meehan discussed the suitability criteria for development and how you measure the fifteen percent, and I also want to put in the excerpt from the transcript that I alluded to from April 13, 2005 where you adopted the ridge line protection regulations, in which it is stated that this property is not within that area. With that, I will turn this over to Mr. Bongiovanni.

Alan Bongiovanni: For the record, my name is Alan Bongiovanni, president of the Bongiovanni Group here in Newington, 170 Pane Road. I'm a licensed land surveyor in the State of Connecticut. On the application before you we worked with A-N Consulting Engineers to do some of the civil engineering and storm drainage design. I will tell you that we also, the applicant has also retained the services of Greenman and Pederson, the traffic consultant that is actually working for the neighbor's property, formerly the Lowe Manufacturing property to coordinate our efforts because we are proposing to access through the Lowe property at the same point along East Cedar Street. At the next meeting, through a discussion with Mr. Meehan, this will be continued because you would like to have a field walk. Mr. Nafis will be available to address any comments relative to specifics on the drainage, but I will in my presentation cover the outline of that.

As Mr. Wise said, we have 28.6 acres on the northerly side of East Cedar Street. The site generally slopes from the high point in the middle of the site, in a southeasterly direction and then the majority, or the remaining portion of the site slopes off to the west towards East Cedar Street, the center of town and Old Highway.

The first thing that we did in designing the site was look at the slope of the land. In accordance with Mr. Meehan's previous explanation of how a slope is measured, we determined that from the access point on the road, straight line to the highest point of the hill, we have 6.9 percent and for the developable portion that we are proposing to develop, we have 7.5 percent going down hill to the western limits of our proposal, so we are less than fifty, at fifty or less than fifty percent of your fifteen percent design criteria. The property is in the CD zone. We have designed four lots, that meet or exceed all of your zoning requirements. It requires a two acre minimum per lot, the smallest lot is (inaudible) acres, which is 3.7 acres which is Lot #4 and Lot #3 is the largest at 10.7 acres of land. We believe that this design provides a lot of flexibility for larger corporate style commercial development style buildings.

We have designed a road, 996 feet from East Cedar Street, crossing the Lowe Manufacturing property and terminating in the central portion of our site. Your design criteria is that the cul de sac can't exceed 1600 feet long. I'll step back a little bit, the zoning requirements, minimum requirement for frontage is 150 feet per lot, our minimum is 167 ½ feet, along the proposed town road. Front yard requirements, side yards, rear yards set backs, those are all in conformance with your zoning regulations. At this point we are not proposing buildings, but we have demonstrated through our plans that these lots can accommodate all those requirements.

Maximum building height, three story, and in a couple of minutes I'm going to talk about our potential lot build up and how we came to this, and our proposal, our demonstration of potential lot build up utilizes the three story building to get a reasonable yield of square footage on the site with the required parking improvements.

As far as your subdivision regulations, length of cul de sac, maximum required, maximum allowed is 1600 feet, we are at 969 feet with our proposal. The turn around radius requires a seventy foot radius, that cul de sac, we have provided a seventy foot radius. Right of way width, the minimum

of sixty foot for a commercial development, maximum of eighty foot, we've taken the option of going with the maximum width, or eighty foot. Pavement width, it's between thirty and thirty-six feet, our proposal again is to go to the largest, or best case scenario, we have proposed thirty-six feet. The minimum grade for a roadway, six tenths of a percent, that's the incline in the road, six tenths of a percent equates to six tenths of a foot, or a little over half a foot in a hundred feet, we've designed it at 1.87 or about 1.9 percent grade for the road, from the beginning of the intersection right through the end of the cul de sac. The maximum grade permitted is six percent, again, we are about a third of the of the maximum at 1.9 percent. Minimum center line radius, minimum requirement is 300 feet, we have a 700 hundred foot radius which provides for better circulation, better sight line and more comfort for, more driver comfort. Minimum grade cul de sac, 1.5 percent, we are proposing 1.9, maximum cul de sac grade is at three percent, again, we are above your minimum, below your maximum.

Next issue in subdivision design or subdivision regulations for the Town of Newington is that the town may require and can require up to fifteen percent of a parcel of land, whether it be residential or commercial, for a subdivision to be dedicated as open space. We have designed the subdivision so that we are protecting two significant areas, and providing 15.2 percent or a little increase, about 4.3 acres over what the minimum requirement is. We are providing protection around the Metropolitan District water tower, but it's the steepest portion of the site, and from the town center, this is the area that will provide most of the screening for the area. There is about a fifty to sixty foot canopy of trees over this area along that slope that will provide a lot of the buffering in this area. Secondly, we are protecting a wetland corridor which traverses the subject property, the Humane Society property and traverses down into the Lowe property. Two pieces of open space that will total a little over 4.3 acres. Open space A, the western piece, has significant frontage along East Cedar Street, which this portion is a non access highway line, so it also has in excess of five to six hundred feet of frontage along the Old Highway. The open space B on the eastern portion, we're providing frontage in this area, of about 195 feet to a public road.

The subject property will be served by MDC sewer and water, they are both available at East Cedar Street, on East Cedar Street. Our engineering design demonstrates that we have access to those utilities. I will be providing a letter from the MDC stating that they have capacity for both those utilities.

We have designed the drainage system to handle all the proposed improvements for the public road as well as all of the area from the (inaudible) break easterly into a retention basin system with a sediment controlled design with pretreatment of storm water removal of eighty percent total suspended solids prior to exiting it out to a storm drainage system, state drainage system. Along the western side of the property, and Mr. Nafis will talk about this in greater detail at the next meeting, we have designed a filtration berm, access and energy dissipater, as well as would mitigate any run off from the site.

We don't know the exact development of these lots. This is a conceptual of how these pieces can be developed and get a reasonable yield out of each lot. This would be constructed throughout the, the infrastructure, in preparation of the lots, but ultimately probably would be changed for the final site plan of this lot. The four lots, one two and four and a portion of lot three as the watershed goes to the southeast, we will continue to maintain that pattern and we will bring all that storm drainage into a detention basin. We, I'm not sure if the plan that was submitted has a sidewalk on it, we will be adding sidewalks, we are not asking for any waivers. We would provide sidewalks to the town specifications, and that would be added to the next plan.

I'd like to just spend a couple of minutes and talk about potential lot build up. What we have done, and we've looked, rather than to just put a box on a piece of paper, and a gray area for parking area, we looked at what could reasonably be developed, on the 28.6 acre parcel with the proposed configuration that we have, for actual square footage. On the four lots, we total about 165,000 square feet, and I've done a break down per lot, building area, all the buildings are three stories, so we could minimize footprint, while still achieving a reasonable square footage for the development. We used the town parking requirements, for office park six spaces per thousand

for the first ten thousand square feet, four and a half per thousand over ten thousand, and we applied that everyone of these lots is an individual plan. I think if the Planner takes a few moments to look at this, prior to next meeting, I think he, it may not be one hundred and two percent correct, but it's a reasonable assessment given the regulations that we have, the green space coverage, parking stall size, aisle design, that these are reasonable developments for each individual parcel. So we have done that, we have that information. As I said, out of 28.6 acres, we're looking at a build out of about 165,000 square feet. This is not the most intense use that you would expect to find in a lot of properties. We are proposing to create basically a plateau about two percent grade and the reason that we chose that along with a 1.9 percent grade of the road, is because my client is keenly aware of what this type of tenant or this type of buyer of these properties would want. Office space has to accommodate the handicapped, has to be accessible, they have to be able to provide a reasonable work area that can be readily accessible. Although it would be nice to say, work with the natural terrain, and build the buildings into the hill, you would end up with many multi story buildings, many floor elevations, and the end result would be we would have a approved subdivision with probably no tenants ever because without reasonably level areas to work with, you will never get a tenant to build a building here. So, that is how we meet the regulations, why we designed it the way we have, and I think we are, as Lew said, in conformance with the regulations. I'd be happy to answer any questions that you might have.

Chairman Camilli: Anyone from the Commission have any questions at this point. I'm just going to hold for now. Anyone from the public wishing to speak in favor of this application? Against?

Matt Rinalli: Good evening Mr. Chairman and Members of the Commission. My name is Matt Rinalli from Shipman and Goodwin and I'm here tonight on behalf of the Connecticut Humane Society. I will keep my comments brief, I wasn't here for the time limit but in light of the fact that there will be another public hearing, I will just summarize. The Humane Society is opposed to the applicant's present application, as we were to the past application, however for different reasons. The, first of all, there are a lot of questions that to our satisfaction have not been answered, and I will start off by saying that it appears to us that this is really more of a application for earth removal than it is for subdivision. We think that the Commission should consider that. There is, as indicated in the staff comments an extreme amount of excavation. The Town of Newington Zoning Regulations prohibit removal of earth products from a site, except those that are incidental to the development, but in this case, these are not, this quantity of material cannot fairly be characterized as incidental to the development of the property, so this should rightly be an application for a Special Permit for earth removal, and it really is flying under the radar as an application for subdivision, but we would submit that it does not comply with the zoning regulations because there is no right to take that product off the site.

There is precedent for a Commission treating an application that comes in styled as a certain type of application, the Commission then determining that it is in fact an application of a different nature, and I will give the Commission a copy. This case is the Audi and Sons case in Plainville from the Connecticut Supreme Court, decided January 6, 2004.

As you are aware, the earth removal permit is a special permit, and the factors for consideration are different. That said, getting beyond how this application is styled, there are many questions about the amount of excavation to be done, what is the method, what is the volume, what will be the impact both on the site and surrounding sites, how will the materials be removed, what manner of removal, how will they be transported off site, where will the transportation routes go, how many truck trips will it involve? I suspect that it will be an enormous amount of truck trips, and those are things that I think that this Commission needs to know. Whether or not this is considered a Special Permit application or a site plan application, but I won't belabor those points here, maybe we will get some answers to those questions and we can have a more fruitful discussion on it.

However, let's just back up to one of the statements made by the attorney for the applicant, he correctly points out that there is provision in your subdivision regulations, 3.2 regarding suitability of land. I would take a slightly different approach to it, the factors that are specified are flood, wetlands and fifty percent slopes, however the language in that section also refers to avoiding danger to the health and public safety, and our courts have held that Commissions can consider those, call them general factors, so while I agree that the three specified factors were correctly set out, I do think you have some authority to consider the general factors that are encompassed in that section as well. The case that I provided you with actually supports that, the Supreme Court, in the case that I provided said that the, that is was correct to treat, in that case it was a site plan application, correct to treat that as a Special Permit application but it went on to say that In the case of the site plan application where the regs contained general provisions, that the Commission would have been correct to rely upon those, under either scenario.

Our more specific concerns, I will just mention in terms with conflict with the subdivision regulations, Section 3.2 I already mentioned about the danger to the health and public safety as the result of the excavation, and I think we need more information in order to make that determination, but certainly I don't think the applicant is entitled to his permit based on what we have heard so far. Lot improvement, and access, Section 3.5 and street improvements, Section 3.6, both of those contain language that imply that the applicant should work with the topography of the land, and I think at the outset that the applicant indicated that that was what they had done, but then towards the close of the application, the statement was made that without leveling the land, it wouldn't attract tenants. There seems to be some sort of conflict there. It may be this site simply isn't appropriate, while it might be true that in order to attract tenants they have to level the land, but it may be the case, that that need can't be reconciled with this piece of property, simply because future tenants may want level land, and that is really speculation. It doesn't mean that every piece of property or every area of a piece of property should be leveled in order to accommodate that, so I think those are sections of your subdivision regulations, if you treat this as a subdivision application, that you should consider.

The other thing that I didn't see, and it may be that it is in the record, I didn't see any form of permission or consent from the Lowe property to have this crossing. I didn't see their signature on the application and so I think that, in the absence of that, the application would be incomplete. It's my understanding the road, where proposed would be a public roadway, so I think that whatever form of consent you receive should be clear, that if this were approved that would be a public roadway crossing that portion of the property.

In closing, I would, at this point I would suggest to the Commission that they recommend to the applicant that they withdraw this application and resubmit it as a Special Permit application for earth removal, because if it is the case, it is rightly a Special Permit application, that would have to be noticed separately. If the applicant declines to do so, and the Commission goes forward, I would suggest that you, in your resolution treat this as you see fit, and if that is a Special Permit and you give reasons for denial based on the Special Permit considerations, but also supplement those reasons with your reasons for decision based on the subdivision regulations as well. Thank you very much.

Chairman Camilli: Thank you. Anyone else from the public wishing to speak against?

John Bolles, 1692 Main Street: Mr. Chairman, Board Members, Cedar Mountain has been here from the beginning of time. It has become a regional treasure that possesses many historical associations with the past. It's topography from early on does not give it a receptive nature for any sort of development. To level a mountain forty to fifty feet because a developer wants to build there, someday, doesn't fly with the citizens of Newington who do not wish to lose the beauty this site has afforded Newington residents since colonial times. We do not want years of blasting, dust, and pollution that will rain down on the citizens of Newington. Reno Development has enough signs rearing up their heads around town, buildings empty and with no renters in sight. I am sure you are aware, granite and other materials of which Cedar Mountain is made up,

harbor radon gas. Removing this granite or other commodities exposes the radon gas into the atmosphere, as well as through water, reaching out at a more accelerated rate. Blasting of this rock, which produces rapid shock waves, will open up an underground aquifer, causing major flooding, releasing underground streams, overwhelming our existing drainage systems and causing shock waves through the lower valley, cracking foundations and underground pipes. Water constantly coming down the cliff facing Cedar Street attests to the fact of the underground water. Any blasting of the mountain, which in essence acts as a barrier for low land on the east, that's Wethersfield, will definitely upset the balance of the water percolation and storage on the east side of the Berlin Turnpike. There is also a vernal pond, otherwise called wetlands on this site, harboring various marine life species. Mentioning as well other plant and animal life we need to take into consideration. These have to be protected. All endangered species are, and should be our concern. In a letter to the Courant, May 20th, Lewis Wise expresses concern for the destruction and rebuilding of New Orleans. It's evident he has no concern for an historical site close to home. Mr. Wise, take Reno Development south, and help them help rebuild New Orleans. Connecticut state statutes have a law that allows and urges towns in order to preserve a historical site, to take it by eminent domain. Now is the time to do this, and put this petition to bed. I urge you members not to approve this petition. In closing, it is very evident, and I have heard this from many sources throughout town, that they are attempting to get even with us because the petition was rejected the last time around. Their attempt to eliminate fifty feet off the top of the mountain is nothing more than an attempt to open up a quarry, and where will it stop? Fifty feet, a hundred feet, where? Thank you very much.

Chairman Camilli: Anyone else from the public who wishes to speak against this application? You have time to rebut.

Alan Bongiovanni: No, we'll hold until next meeting.

Chairman Camilli: Okay, Ed, do you have any comments.

Ed Meehan: I would, this is, as the applicant's representative alluded to, I would recommend to the Commission very strongly that between now and the next meeting, which is August 9th, or as part of the next meeting, August 9th, you conduct a site walk of this parcel, and have available to you the center line of the proposed road staked out with the proposed grade cuts shown on each of the markings, so as you walk the property you get a sense of the layout of the road, and the terrain they propose to remove. I think it's important that you do that, because by looking at these maps, you can read the topo lines, but you may not get the full sense of the varying ridge line systems that are pretty unique to this piece and will I think determine your viewpoints as far as where you measure slope and in conjunction with the Wetlands Agency with their report, how the wetlands are being proposed to be protected. So, I would recommend that you do that within the body of the public hearing and it be noticed, and with the property owners permission, you go on the property as a body of the Commission, and keep the hearing open through that.

The other thing you need to keep in mind as you are scheduling this is, this goes to Conservation the 15th of August, they have a hearing on it the 15th of August. Conservation may not be in a position to return a report to you until some time in September, and you cannot make your decision without that report. You may have to close the hearing without the benefit of that report, because you have statutory limits on how long you can keep the hearing open. The applicant can grant you extensions but eventually, if Conservation doesn't act in September, and they move it to October, our hearing limit will run out. So I think both the applicant, and the staff need to keep our eyes on the clock. To start off, I would think, let's get on the property, let's look at it, and then other questions, I think other questions will come up, I mean there are technical questions that the applicant alluded to, that his professional will be back to talk about drainage. There's the technical issues of wetlands, there's the certification from MDC about the availability of utilities, there's a technical issue of erosion control measures, issues of slope measurement. I think the

technical issues certainly ought to be resolved, and I think the Commission needs a lot more information, maybe after you walk the site, on the magnitude of the cuts and the quantities and the whole mechanics on how that might work. It does raise quite a few questions in my mind of, as I said in the report, an aggressive excavation activity to get to the plan that they are proposing. The last thing that I would say is the whole mechanics in the legal process of this property being accessed from a neighboring property. I don't know if they have legal rights, if they can represent, if they have an option to bring a town road in over that piece, I would recommend that you get legal guidance on any action of this Commission accepting as a condition that they are going to have a road over somebody else's property. I think you are on, I think you need legal advice about putting a condition such as that until they can produce more tangible evidence that they have the right to do that.

Chairman Camilli: Well, what's this in the application that they reference the Lowe property. What's that, just to put it in this.....

Ed Meehan: That was the permission of the attorney who represents Cedar Mountain LLC, that it could be referenced in the notice of the hearing.

Attorney Wise: No, no, no, no, he has co-signed as your requirements.....

Chairman Camilli: Hold on, let the Planner finish.

Ed Meehan: My understanding is, and from the letter that Attorney Alter submitted, that they are not saying that you have the right to build a road over that property.

Attorney Wise: I don't know what letter you are referring to, Mr. Meehan, all I know is that they signed the amended application as owner of that parcel.

Ed Meehan: That's correct, but does that give you the right to construct a commercial road over the Lowe property?

Alan Bongiovanni: It gives us the same right as any other applicant has before this Commission, to apply to get approval on a subdivision. Most every development that has ever come before this town, and most towns for that matter, the applicant of the development such as a subdivision is not the owner at the time that he applies.

Ed Meehan: I would disagree, but I'll go with legal counsel on that.

Chairman Camilli: We'll go with legal counsel. It's another issue.....

Commissioner Ganley: I refer now to page 5 of the design structure we have before us. It shows the gas station, I'm guessing and another road off of this proposed public road going up to the back, and I'm guessing it's to the hotel.

Ed Meehan: We aren't talking about that application.

Commissioner Ganley: No, I'm getting to the point here. Now this proposed road goes across what is the Lowe property, okay, and when we got the Lowe property site plan, they had a driveway coming out onto Cedar Street, so that the people from the gas station could get in and you could get up to the back to the hotel. This application provides for a roadway to go across the corner property, off of which there will then be a road up to the hotel, and a driveway to the gas station, okay. With me so far? That means what we've got to do is, we have to meld two site plans. We have to meld Lowe's site plan, which was submitted, I know that it is in a state of flux,

but he's got his buildings and his gas stations and so on all on the site plan, and now we've got this road cutting through which shows something different than we saw on Lowe's submission. We now have the traffic from the Lowe's site and this proposed site, going out one public road, so there is going to be traffic impact on 175 which we already discussed as it relates to the Lowe property. So instead of a driveway, we are going to have a street, which changes the Lowe property submission which only had a driveway coming onto Cedar Street. So, we are going to have to put these two together to make sure that the roadway still comports with the site plan of the Lowe property and the driveway comports with the site plan, on the Lowe property, which we have not seen. So now we have to do, the Lowe property may have to do some reconfiguration to make sure that it comports with what we want on their site plan and then you have the public road cutting across. There's a lot of work to do.

Chairman Camilli: Yes, and that's not by this Commission by the way.

Commissioner Ganley: That's correct. We're not going to do any of this.

Chairman Camilli: They have to resolve whatever has to be done with whatever the accesses are, that's not really our job.

Commissioner Ganley: No it's not.

Chairman Camilli: We're just, but it was a very good observation.

Alan Bongiovanni: If I may Mr. Chairman, as I stated earlier, we have hired Greenman and Pederson, they have already prepared such melding of the two sites in a plan. We just received them this afternoon, we haven't had the chance to digest them so that we could present them to you this evening, but we are coordinating the two efforts on both development parcels so we can have one homogenous plan and address both traffic and access and circulation through this one public road.

Chairman Camilli: Okay. Ed?

Ed Meehan: Yes, I agree with what Tom Ganley said, that there has to be a melding of both applications, and it should be done, as you said, between the two developers of this, to come forth with a plan for that public road, and explain to the Commission how that, part of that public road over somebody else's property is going to be deeded to the town. I think you need to know that information before you vote on this.

Attorney Wise: I just had a point of information about the site walk. How much notice, what are the mechanics of setting this out.....

Chairman Camilli: We haven't really discussed this, we need a time when there is availability. We want it staked so that we have an idea of.....

Alan Bongiovanni: I could have it staked by the end of next week. So that is three or four days in advance of the 9th.

Chairman Camilli: Okay, so what are we talking. I don't know who is going to be here for the next meeting, I know that a couple of Commissioners are not going to be here.

Ed Meehan: We need to advertise it. The prior petitioners, who postponed tonight, I also discussed the site walk with them, in light of this issue of these properties being companion

properties. I would advertise it as a site walk for both pieces. I would also recommend that you give yourself maybe an hour, an hour and a half to do it. Maybe you start your meeting on the 9th a little bit later than seven, and have a site walk at five, come back here afterwards and start your meeting. Since this is before Conservation Commission, and it's not going to be heard by Conservation until the 15th, and the same with Hunter Development, the companion piece to the east, maybe you hold your site walk off for a couple weeks until all your members can be present. I would do it on a meeting night, because then you know everybody is usually in town that night. Maybe you do it the 23rd.

Chairman Camilli: Would that be more acceptable? I know that a couple of people mentioned that they were not going to be here the 9th.

Commissioner Pruett: The 23rd would be better for me. I think we are missing three or four that night, our next meeting.

Ed Meehan: The 9th?

Commissioner Ganley: Just a point of order as it relates to this issue of melding the two properties. That does not commit the Commission to consider the two pieces as one. They are going to be considered separately, I want to make sure that is read into the record.

Ed Meehan: Yes. Separate pieces.

Attorney Wise: Point of information. Why do we have to re-advertise as part of the hearing that has already been noticed.

Ed Meehan: Our practice is we put all continuing, continuation hearings we advertise, just like it's starting over again. So we will have an ad in this Saturday and the following Saturday for the 9th, for this petition and any other petitions which will come up on the 9th. Also notify the abutters again, too by mail.

Chairman Camilli: So would the 23rd be better? Let's just straighten that out. That will give you plenty of time to stake that out, we can take a look at it. Any other questions?

Commissioner Schatz: Sitting back here, looking at all the spots on the wall up here, the old metal water tower, right, if you excavate this thing level, how much of a wall are you going to have up there near the water tower. I mean, it's going to be a sheer drop, the same as going up Cedar Street right?

Alan Bongiovanni: The ground at the front of the water tower property is about 220, in the back it's about 250. We're proposing an upper grade here of about 280, so you will have at least 30 foot above the back portion of the site, or maybe fifty or sixty above the front portion of the tower site.

Commissioner Schatz: On that public road, you said it is going to be brought down to 1.9....

Alan Bongiovanni: We'll bring the grade, the grade starting here, about 1.9 or two percent.

Commissioner Schatz: Okay, but how deep a cut would that be to obtain that, and how many cubic yard of stone?

Alan Bongiovanni: At the highest point it's about 54 feet of cut. It would yield in excess material about 944,000 cubic yards.

Commissioner Schatz: Just in the road?

Alan Bongiovanni: No, that's for the entire site.

Chairman Camilli: Any other questions? Are you all set?

Alan Bongiovanni: The site walk is the 23rd, on the 9th, this will just be continued, no need to prepare or have other consultants here.

Attorney Wise: Thank you.

Chairman Camilli: Thank you, so we will keep Petition 38-06 open.

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

None.

IV. **MINUTES**

July 12, 2006.

Commissioner Kornichuk moved to accept the minutes of the July 12, 2005 regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven 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 100 Unit Comfort Suites Motel. Inland Wetlands Report required. Continued from July 12, 2006.**
- B. **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. Continued from July 12, 2006.**

- C. **PETITION 47-06 45 Costello Road, former Acorn Rental, Bulley 1 LLC owner, PDS Engineering & Construction, 107 Old Windsor Road, Windsor, CT 06002 attention Timothy Mulcahy applicant, request for site plan modification for retail use, 10, 348 sq. ft. building, PD Zone District.**

Chairman Camilli: Petition 32-06, 37-06, 47-06 have all been, they have all asked to be postponed.

VII. OLD BUSINESS

None.

VIII. PETITIONS FOR SCHEDULING (TPZ August 9, 2006 and August 23, 2006.)

- A. 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 Pane Road, Newington CT 06111 request for Site Plan approval, commercial development (3500 sq. ft. bank and 25,000 sq. ft. office) CD Zone District. Inland Wetlands Report required. Schedule for August 9, 2006.
- B. Petition 49-06 149 Louis Street, Saccuzzo Coffee, Marco Saccuzzo owner, Bianca Signs, Inc., 99 New Britain Avenue, New Britain, CT 06051 applicant, attention Mike Mojie, request for Special Exception Section 6.4.2 Ground Sign, PD Zone District. Schedule for public hearing August 9, 2006.

Ed Meehan: I did another chart of Petitions, as we did a couple of meetings ago, to try to tell the board where we are in relationship to some of these larger projects, and as they are moving forward with the Conservation Commission. As you know, you can't vote until you get a vote from Conservation.

I'll start with 751 Russell Road, which is Hunter Development. The public hearing was left open on that project since July 12th, and they asked for postponement tonight. They are still before the Conservation Commission, and they will not make their public hearing presentation until August 15th. In talking with the staff of the Conservation Commission, if they have their public hearing on August 15th, the earliest that Conservation Commission would make a decision and prepare a report for your board would be September 19th, so really, from a practical point of view, looking at getting the site walk in on the 23rd, which is good, then Hunter Development would, I think come back on September 13th, and finish up their site plan presentation, brush up their reasons for the zone change, for the gas station, the restaurant, the special exception issues. Hopefully by your second meeting in September, which would be the 27th, you would have the benefit of the Conservation Commission's report, and you would be in a position to vote that night, or the next subsequent meeting.

Chairman Camilli: The clock is okay?

Ed Meehan: The clock is okay, well, what happens under the statute is, we can get extensions on the public hearing up to one hundred days, but what that does, is, it short changes the Commission because if you use up all your time on the hearing, when it comes time to vote, you haven't got any time left over. In other words, you have used up all of your time. The only additional time you get under this application is, you get an additional thirty-five days from the date of the Conservation Commission report, which in your case gives you two meeting nights, because you meet twice a month. That should work.

The same is a ditto for the Children's Medical Center piece, the one that you just continued the hearing on. They are in the same time frame with Conservation Commission. Public hearing on August 15th, maybe decision on September 19th, possibly a decision by you the 27th of September or the first meeting in October. So again, I would have your site walk on the 23rd and bring them back on September 19th, to go through a more in depth presentation than what you had the benefit of tonight. They will have their engineer here for the drainage and some of these other questions that came up.

The next petition that is still sort of lingering here is Comfort Suites, Petition 32-06 which is down on the Berlin Turnpike next to Hoffman Gun. They have given you a presentation and as a result of that presentation and staff report, they completely changed the plan. They gave it as a brief presentation on a new plan. That is awaiting presentation to the Conservation Commission on August 15th, also. So, again the earliest that you may get a report back from the Conservation Commission, Conservation Commission could act that night, because that is really a very minor water course situation. It's not a significant wetland, and they may make a decision that night, so you could be in a position to vote on Comfort Suites August 23rd, or if Conservation bumps it to their 19th meeting, September 27th. I talked to the engineer for Comfort Suites, Dimmock Associates, and said that, you just saw a quick presentation, that they might be prepared on the 9th of August to come back and give you a more thorough presentation, so you don't get too many things out there, and you forget what is going on, so I will talk to them about that.

The next petition is 47-06, that's Costello Road, it's the existing Acorn building. There is no Conservation Commission involved in this, there is no wetlands. The situation with that is, the applicant, which is Goodwill Industries wants to open up a retail thrift shop there, can't decide on how much square feet they want for their retail area. They led the designer to believe that they wanted about 6,000 square feet and that is the way that he designed his site plan. He put his application in that way. The plan then went back to the prospective Goodwill leasee and they said, well, gee we want more retail space. They want another thousand square feet of retail, but that affects the parking by seven or eight spaces, and in that particular site it pushes the parking out of the existing area, which is already paved, into the green area, which is over next to Dunkin Donuts. It's not a simple thing to do, there's grading issues, there's drainage issues, so until that is resolved between, again, this is between private parties, it's probably not going to come back to your table. We're watching that one, because you have sixty-five days to act, and under state statutes if you don't act within sixty-five days on a site plan, it's approved.

Chairman Camilli: So if they don't resolve it.....

Ed Meehan: You can deny it, or they withdraw it.

The other petition, again before Conservation Commission is called Fountain Pointe. The corner of Alumni and Willard for commercial office park over in front of Newington Business Park. We had tentatively set the presentation date for that for August 9th, on your Petitions for Scheduling. They have a very minor wetland issue, basically with the detention basin on the piece next door. I would recommend that you go forward and have your presentation on the 9th for that, at least get that one going, and also get Comfort Suites going on the 9th. You may be in a position to make a decision at your meeting on the 23rd of August, or the first meeting in September, depending on what the Conservation Commission does.

The other applications, one listed here for a Special Exception for a sign down on Louis Street. There is a coffee company down there. I would say, do that on the 9th, get that public hearing out of the way. There is a request for a Special Exception for an addition to 1052 Main Street. That is where Novey Jewelers is. It used to be Patz's building, Cousins. The property owner wants to add, there is a long narrow extension to the back of it, he wants to add a second story to that, for apartments. That requires a public hearing and a special exception. If you want to do that on the 9th, you could do that, or you could bump that to the 23rd.

The last application that has asked to come before you on the 9th is the Newington Waterfall Festival. They put their application in. That is a special exception for a community event, and I

would recommend that you take that up on the 9th, and maybe act on that. It's the third time you have seen it, so you get that off the agenda.

That is sort of the work load of active petitions before you. There are two other large projects that are going to be coming your way pretty soon. One is Sam's, which is now before Conservation Commission. They hope to wrap up the public hearing on that on August 15th, and they will make a decision on September 19th. The engineers for Sam's tell me that they want to file by August 9th or 10th, so it can be listed on your agenda for the 23rd for scheduling. I went through the work load with them, and said, you get your application in to get in line, but you probably won't get scheduled for public hearing on that, until September, until you get Reno and Hunter out of the way, Comfort Suites, and that is okay with them, they just want to get in line.

And then, another project that we have been talking about, the application will probably be coming in pretty soon, we've been talking at staff level is for Aero-Craft on Louis Street. Volvo-Aero bought that building which we called locally Aero-Craft. It would like to expend that by 27,000 square feet. That does require site plan approval and also Conservation Commission approval, and that has been discussed with them, about the schedule for that. That may be coming in September.

So that is the heavy workload that you are going to have. It's going to have sort of a bulge in September meeting with Reno, Hunter and maybe Comfort Suites, so that is why I am recommending that you get Goodwill out of the way, get Fountain Pointe out of the way, and the public hearing sign, Main Street and the Waterfall, get those out of the way, the 9th of August and the 23rd of August.

Chairman Camilli: Makes sense to me.

Ed Meehan: I thought we had this figured out until we get postponements.

Chairman Camilli: That kind of throws everything off, but we have to do what we have to do. That's a good job.

Ed Meehan: That's the plan right now. I think the smaller ones you can move through, move the day care to Old Business.

Chairman Camilli: Okay, any questions?

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

None.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: Just to formally announce, I know that the Commission members know, but to put in the record that Mike Mancini, the Town Engineer has announced his resignation. He'll be leaving Newington to join the MDC staff on a big clean water project that the MDC is promoting. I'm not sure if he is going to be leaving August 5th, or the following week. He may try to get some more time from MDC to stay around here a little bit.

That is going to put a crimp in the schedule that I just told you, this schedule that we are trying to keep moving forward, there is a lot of inter-relationships between Planning and drainage and

grading and the town engineer and I work very closely together, on not only development projects but on the bonding projects and so forth.

Chairman Camilli: The Town is going to need some engineers, because Peter Arbur, I don't know if he is going to come back or whatever...I think the Council had put in for another engineer.

Ed Meehan: They approved an engineer tech. That is in the process, and they do have applications for that. I don't know where they are with their, if they have finished the interviewing, they haven't made a selection yet but that doesn't require a P.E.

Commissioner Pruett: Will someone be covering Mike in his absence?

Ed Meehan: The town, acting town manager is discussing with Peter Arbur the possibility, or if that doesn't work out, what we are thinking is to get a, do a request for qualifications to bring a consultant in on a retainer, hourly basis, so we can get these projects to, Sam's is already in that situation, we are using a private consultant to help engineering with the Sam's project. There is a lot of environmental as well as engineering issues. Malone and McBroom is the engineering firm. Hunter Development, the Charley Lowe piece we've been talking to them informally for probably about three months, so a lot of their engineering is reviewed already, but the traffic issues, as Tom pointed out, have a different impact versus what they originally submitted. Comfort Suites, that's not that big a deal as far as engineering. Drainage on the CCMC, Reno piece, is very tricky, we would need someone to help with the engineering there. I think we will know by the end of this week, or early next week the status of Mr. Arbur, and what we have to do to get an engineer in here.

Chairman Camilli: A lot of technical issues, it's really, we have to rely on the experts, even Sam's, I guess there is a lot.

Ed Meehan: Sam's is very technical because of the ecological issues, off site mitigation ideas for wetlands, the issue of filling the pond, one of the ponds down there, water displacement, high water table issues, that will involve DEP and the Corps of Engineers because of the magnitude of the wetlands being impacted. So, those are difficult projects. I forgot one project, it's not before you yet, but will be before you is the project down on Deming Street which is going through Conservation right now for age restricted housing, twenty-two, twenty-five units I believe and that will require a public hearing and special exception. That may land on my table next week and then, for informal review at the staff level, and I'm sure it will be on your August 9th agenda for scheduling. That's another public hearing, another engineering review.

Chairman Camilli: So the town is really not in the best of shape here with the engineering, we need help.

Ed Meehan: We'll have to do a request for qualifications and go through a public procurement process to bring in an engineering firm. That can be done fairly quickly.

Chairman Camilli: How costly is that?

Ed Meehan: Don't know. Engineering firms, they have hourly rates depending on whether you get a principal or, they have different schedules. The meter starts to run.

Chairman Camilli: Good job on that scheduling. I just hope that we don't get too many more postponements or whatever.

XII. ADJOURNMENT

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

Respectfully submitted,

Norine Addis,
Recording Secretary