NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 10, 2005

Regular Meeting

Chairman Vincent Camilli called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:08 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

Commissioners Present

Commissioner Anest-Klett
Chairman Camilli
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Schatz
Commissioner Prestage

Commissioners Absent

Commissioner Andersen
Commissioner Cariseo

Staff Present

Ed Meehan, Town Planner

Chairman Camilli: I want to welcome our new member, Jack Prestage as an alternate to the Planning and Zoning Commission.

Commissioner Prestage: Thank you.

Commissioner Prestage was seated for Commissioner Cariseo.

II. PUBLIC HEARINGS

A. PETITION 32-05 1000 Willard Avenue, Paul DeFelice, 295 Orchard Avenue, Newington, CT 06111, owner and applicant request for Special Exception Section 6.7.2 Interior Lot, R-12 Zone District. Inland Wetlands Report required. Continued from July 27, 2005.

Chairman Camilli: Ed, do you want to make a comment on that?

Ed Meehan: This petition is still before the Newington Conservation Commission which began a public hearing at their July meeting, which was July 19th, and they have continued it to their meeting of next Tuesday, left the hearing open, so there is no report available for Planning and Zoning Consideration at this point and I recommend that you keep your hearing open until you receive that report.

Chairman Camilli: Okay, and I don't want to make the mistake that I made at the other meeting, since this is a public hearing, if anyone wishes to speak on this petition, either for or against, you may do so, but I don't know if the applicant is here, I don't think so. Is the applicant here, I don't

think so. So if anyone is here for that first petition, we are still waiting for the report from the Wetlands Commission. Is there anyone from the public wishing to speak on that, for or against?

B. PETITION 41-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street, owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for zone map amendment R-12 (Residential) to B-TC Business Town Center) for property known as 944 Main Street, approximately 14, 985 sq. ft. parcel. Continued from July 27, 2005.

Attorney Leon Davidoff: Good evening Mr. Chairman, Members of the Commission, Mr. Meehan, Town Planner, my name is Leon Davidoff and I'm the attorney representing the applicant, Mr. Jeffrey Hedberg on PETITION 41-05 a request for a zone map amendment from R-12 residential to B-TC Business Town Center for the property known as 944 Main Street. Before I begin my presentation on this application, I would like to state for the record that the applicant has complied with the notice requirements by placing the required public hearing sign on the property. Further, in addition to myself, I would like to introduce you to the other professionals involved with this project; Mr. Joseph Parragini from A-N Consulting Engineers who will answer any technical site requirements and Miss Jennifer Morganthal, the architect who will be able to address design and architectural details of the proposal.
I would like to begin my presentation on the request for the zone map amendment. By way of background, currently the property at 944 Main Street is located in the R-12 Zone District. This parcel right here. My client is requesting that the property be re-zoned to Business Town Center with the intention of converting the existing residential dwelling unit into professional office space. The property abuts the Business Town Center on the south, the former Mazzocoli space, I'll point that out, right here, the existing Business Town Center Zone right here, we have, to the north, 15 Ellsworth Street, we have the town green right here, parcel number 32, and we have single family residences on this side of Center Court.
Also for the record, the former Mazzocoli property, which is in the B-TC as I pointed out, is currently owned by Newington Development Associates LLC, the company owned by my client, the applicant, Mr. Jeffrey Hedberg, so the applicant and the abutting property owner is the same. Further, there is a parcel between the town green and 944 Main Street owned by Ms Ann Mongillo which is not part of our application, and that parcel, for the record, is right here, this parcel #73. Ms. Mongillo inherited that piece, and for the record, I spoke with her attorney yesterday and informed her of our plans to seek a zone change and she told me that they have no objection to our proposal. Further, the property owner of 15 Ellsworth Street, the property to our north does not object to our proposal, and for the record I would like to submit a letter dated July 25, 2005 to the Newington Town Plan and Zoning Commission that says, "For the record, please allow this letter to demonstrate that we support Mr. Hedberg's plans to change the use of the above mentioned property from a residential use to an office use. We do not have any objections to his proposal as submitted. Thank you for your time, Very truly yours, Joe Charman."
The requirements for a B-TC Zone District under your regulations, in order for a parcel to be located in the Business Town Center District or to be a conforming lot, five criteria must be met; the parcel must have ten thousand square foot minimum lot area, one hundred square foot frontage, twenty five foot front yard set back, five foot side and rear yards, and the maximum height of three stores, or thirty five feet. We meet all of these criteria. In addition to the above criteria, in order to develop property within the Business Town Center District, we must address the seven criteria set forth in your Zoning Regulations, Section 3.12.A (4). We will demonstrate to the Commission that the site and the building are in harmony with these design guidelines. However, I believe it is more appropriate, Mr. Chairman to discuss these criteria during the presentation of PETITION 42-05, which is the request for the site plan approval for professional offices, and the request for the buffer waiver and joint use parking.

Now with respect to the zone map amendment burden. The burden is upon us, the applicant to prove to you that it is consistent in harmony with surrounding uses, and it is our contention that it is. We are proposing to use the building for professional offices. Other professional office space in close proximity can be found at Grove Hill Medical Center, in Center Court, buildings along East Cedar Street, legal accounting firms, along Main Street, legal firms, and further within the district. Also the intensity of the use is compatible with the comprehensive Zoning plan. In zoning this parcel to Business Town Center, will not negatively impact any abutting or adjacent parcels. Professional office space is seen to be a clean and environmentally friendly business in commercial use. We also must, within our burden, demonstrate to the Commission that our proposal is consistent with the Plan of Conservation and Development. I spent a few hours reading that document which was drafted and adopted in 1996. That was one that I had reviewed when I was a member of the Town Council and I have some favorable comments to say about that, one that is probably going out to be reviewed currently for the next ten year period. It is our contention that our plan is consistent with the Plan of Conservation and Development. The stated purpose of that plan is stated right there, "as the official policy guide for future development and related actions." The plan specifically outlines the zones of all land parcels in Newington. Further, the plan recognizes that the zones are guides for land use planning and states that there is a mechanism in place to allow changes in predetermined zones through the process we are engaging in this evening, a request for a zone map amendment. In plain English, it says what the zones are, but there is also a way, if someone comes forth with a proposal, there is a mechanism in place to change the zones that are there, and that is what we are doing this evening, engaging in a dialogue with the Commission and bringing forth our proposal to show that we are going to be consistent with the objectives of the Plan of Development and in harmony with them, and that is why we are asking for a request for a zone change.

The Commission has the responsibility to make a policy decision as to whether or not this zone change would be compatible and in harmony with the abutting zones. Even though we are requesting a zone change, we believe that the granting of our request would not be detrimental to the abutting property, and would not be out of character with them, as well. We plan on buffering, with natural landscaping, the side yard between our parcel and 15 Ellsworth. Our intended use will be professional office, a compatible use that can be found within a half mile from our parcel. Further, we intend to beautify the structure with improvements that will reflect the stately New England character home on the outside, and office space on the inside. With the improvement of the structure, as we are proposing, this may be the spark for others to rehab, renovate, and preserve the structures along the town's Main Street corridor. As one notices, our property really does not abut Main Street, basically the town green is there, and then comes our structure, more or less along Center Court, even though it has a Main Street address. Certainly I think everyone is familiar with the parcel. And if you haven't seen the structure, it's the one that has the pillars in the front, just so that everyone that is one the same page here.

According to the 1995-2005 Plan of Conservation and Development, which was adopted in September, 1996, it states on page two that the vision for 2005, the year that we are in, will be the high priority of the appearance of the town center, the vitality of the center's business and services, the center's character and size which distinguishes Newington as a small New England suburban community. This application will greatly improve the appearance of the town center with a newly renovated structure in the character of a stately New England home. It is our firm belief, if that was a high priority of the town center and the Plan of Development, we are taking great strides to make certain that the appearance meets our town center town look, quite beautiful by the proposal that we are proposing this evening, and I think when we get to the site plan you will see exactly what we are talking about.

Further, the Plan states that Newington will use it's location within the capital region as an asset to encourage new development and the re-use of older sites in harmony with their surrounding, so what better way than to use this old stately home for professional offices. We have been in contact with several local prominent attorneys, who are very interested in using that as their legal

offices, close to the town center, banking, town hall, town records, with the understanding that it would be used just for professional offices.
Further in the Plan of Development, it states, under the section entitled Future Land Use Component, on page 35, develops a ranging land use in residential densities to insure an adequate supply of land for commercial and industrial purposes. And on page 38, under the section entitled Land Use in the Town Center, it states that the preferred use within the town center is to be a mixture of business, retail, government and service uses. Further it states that residential development should not be a primary land use. So, we are trying to use this as a business service use in professional offices that sort of meets the criteria, spelled out on page 38. On page 39 under the section entitled Town Center Identity and Image, the plan outlines that the district should be a consolidated area with a scale and density of land used to distinguish it from the surrounding area, that the public improvements should be of the highest quality and consistent in design and sensitive to the adjacent residential neighborhood, and again, once you see our site plan, and what we have decided we would like to do architecturally to this building, one would be in agreement that we are using things of the highest quality, highest standards to definitely promote a town center identity that we want to be proud of adjacent to the town green. In summary, our application is in harmony with these concerns, our design guidelines maintain the original character, the lines of the building, the size and shape of the windows, and the materials will be compatible with older buildings. Therefore, on behalf of my client, I respectfully ask this Commission to grant our request for a zone map amendment from R-12 to Business Town Center. Thank you.

Chairman Camilli: Before we ask any questions, is there anyone from the public wishing to speak in favor of this application? Anyone wishing to speak against?
We have some E-Mails that probably have to be read into the record, we would like to share these. Pass those down, are they for or against?

Ed Meehan: They are against, and I think, let me just clarify, they speak to the zone change, but they also speak to some site plan issues, so I don't know how you want to handle them. They talk about some design issues.

Chairman Camilli: Well, we can't probably distinguish at this point.

Ed Meehan: No. I don't think you can.

Chairman Camilli: Well, we'll listen to them and we will just have to keep that in mind, some might be site plan issues.

Audience: I do have a comment I want to present.

Chairman Camilli: I'm sorry, come on up.

Holly Harlow, 11 Edmund St: I did have a bit longer presentation that I wanted to give you, but briefly what I want to say is, my husband and I put these comments together, and our concern, we have concerns about this zone change because the town green is an historical area in Newington, and we have concerns that a zone change to a commercial area could put those resources at risk, and not necessarily in the way that the property is proposed to be changed at this point, but for future development. I did contact the State Archeologist for his input into this, and he did suggest that an archeological survey be done of the area, to be sure that there aren't any historic resources that are going to be affected by future development and I think that is what the concern mainly is, is not necessarily the building that is going to be a beautiful office building, but at some point in the future, are we going to have a business that is less desirable in that area that right now I think is valuable to the people of Newington as, it defines itself as a contemporary

community with some small town charm that, we want it to stay that way I think and I think the neighborhood would like it to remain that way, and we have concerns about that property being zoned commercially for the future. I saw, David McCoullough is a historian on an interview the other night, and he said, you know, we all give part of ourselves away when we destroy historic property, and he actually called it vandalism, and I'm not saying that this project is vandalism, but in the future, we want to be able to hold onto the history of that area, and make sure that it isn't going to fall to a less desirable development and lose those historic properties and value of that area.

Chairman Camilli: Would it be correct to assume that if somehow it could stay the way that it is, in terms of the structure, that you would not have an objection to it.

Holly Harlow: Well, I, if that promise could be made, I guess in theory I wouldn't although I, my gut tells me that as years go on, somehow promises seem to change, yeah, I guess in the best sense of a guarantee that could be put forth to be sure that that area remain as it is to be enjoyed by the people of Newington, the entire community. To me, you weigh an entire communities' desire to have this kind of a setting with a business owner. So, that is where we are. Thank you.

Chairman Camilli: Thank you. Thanks for your input. Is there anyone else from the audience who wishes to speak for or against?

Phil DesJardins, 37 Ellsworth St: I live right across the street from this property, my backyard faces this property. My concern is the aesthetics. My neighbors and I have talked, and it's a beautiful property, a beautiful old home, beautiful with the green, the home itself. As long as the aesthetics are kept with the history of the town, I have no problem with it being a law office, not at all. I went in for the first time last year, to see the inside, it's a beautiful old building on the inside, and it's beautiful on the outside, so as long as it is kept, aesthetically, part of the history of the town, I have no problem, so I say, go ahead with it, and I don't think it is a major, major issue at this point. Thank you.

Chairman Camilli: Thank you. Is there anyone else that wishes to speak? We can read the E-Mails now.

Commissioner Fox: I have an E-Mail from Joanne Sullivan, 11 Hall Street, Newington. "Mr. Meehan: My name is Joanne Sullivan and I live on 11 Hall Street. I am writing you a quick note because I also oppose the plan of building a parking lot on 944 Main Street. I bought my house in February of 2004 because of the proximity to the center of town, and historic feel that the center has. The green is a great place to sit with my children and read a book. Please, I urge you, voice my objection at the meeting tonight, as I may not be able to attend due to child care coverage. I strongly oppose Mr. Hedberg's proposal and I urge you to do the same. Thank you very much.

Commissioner Anest-Klett: "Mr. Meehan: I am unable to attend the zoning meeting on August 10th, 2005, please read my comments into the minutes. Thanks. My name is Mitch Page and I live at 46 Olive Street, Newington. I am concerned that Mr. Jeff Hedberg is planning to build a parking lot on the west side of 944 Main Street. This would forever scar the beauty and the history of the building and the green. I am strongly opposed to this plan, and I respectfully request that you reject it. Keep the green in the historic flavor of the town center intact. As I requested at your last meeting, please maintain the integrity of Newington Center. Thanks very much, Mitch Page, 46 Olive Street, Newington.

Chairman Camilli: That is site plan stuff, and then we will have the Attorney respond.

Commissioner Ganley: I have the same. This is addressed to Mr. Meehan. "I share Mr. Page's objection to the construction of a parking lot west of 944 Main Street. I walk through the town green daily, I would hate to trade the green lawn for black top. It is surprising after all the time and effort spent improving the Newington Center we would now consider paving the town green.

Chairman Camilli: Is that what they thought, that the parking lot would be on the front?

Ed Meehan: I think so, that is why I wanted you to hear it, and have the opportunity to respond.

Chairman Camilli: Obviously, I don't think that is where the parking lot is going, if there is going to be one, but you can respond to those, just quickly, then when you do the site plan you can explain again.

Attorney Davidoff: I think I heard three times about building a parking lot on the west side, that is not even in the proposal, so, with respect to any comments made about the zone change, we are not destroying any historic property, we are beautifying this historic building, we are just changing the use, I don't think the change affects the history of the town, I think if people come to the town green, they will see a very stately building from the Main Street view. One has to remember that prior to my client purchasing this site, this was a residential property, and as a residential property it could still be used as a single family residence, and in a single family residence, one could see along the town green, big plastic toys, a shed, a swimming pool, things that we do not want, okay, we are trying to do things to make, when you come to Newington center, you say, wow, that's the green, look at that nice building, but the applicant, by right, without any town approval could put clothes line, things like that, up against the town green, and not saying that we are going to do that, or are threatening to do that, but I just want to point out the difference between what is allowed in a residential zone, and what we could do in a business zone. The property that abuts the town green, we don't own the parcel that is right abutting it, but the one right after that, we don't intend to erect any types of ancillary structures there. We don't intend to put any parking there, basically we are trying to just change that particular parcel to the same zone as the adjoining parcel known as 2-14 East Cedar Street. Thank you.

Chairman Camilli: The people who have spoken, if somebody want to rebut, according to our rules, we can rebut that, if you wish. Anybody wishing…..

Holly Harlow, 11 Edward Street: I don't think there is anybody in the room who came to object to this proposal would think that a beautiful building isn't what we want in the center, and I know, for myself, what I am thinking of is future development, as well. Once this area gets zoned for business, what is to say that something less desirable is going to go in there in the future. I mean, I'm not saying that it is going to happen, I know that the best intended plans change and my objection is to the zone change, period, because I'm afraid of what will happen in the future. I would hope that we would be able to put the brakes on anything that would be so undesirable, but you know, does this mean that there can be a car wash there someday? The image of a beautiful building there doesn't disturb me as much as future development and the risk that it would pose in the future.

Chairman Camilli: Thank you. We can hear from the Commissioners. Any Commissioners wish to make any remarks.

Commissioner Schatz: The question that I have, it's a nice building, beautiful, to restore it to look the same as it does now, the inside would have offices and that would be fine, but what would happen, five, six years from now, the building is sold, and all of a sudden there would be another applicant in here asking to take the building down, and put something else up.

Chairman Camilli: Well, I think that is the fear of any zone change. It's something that causes us to be chary of giving zone changes in general, we have seen approvals with zone changes and then something entirely different comes up, so that is a reality that can happen. Perhaps there is a way, in this case that something can be done, that we could ensure that it stays what it is.

Attorney Davidoff: Mr. Chairman, I spoke with the Town Planner this afternoon, and we discussed this same issue, as to whether or not my client would take this parcel, as 2-14 and take 944 and then flip to somebody else, and then somebody else would come in with some commercial use, and I said that is definitely not my client's intention, but let me run a few scenarios by him, and see if he would be interested in, you really can't have conditions of approval on a zone map, but we could make some type of an agreement that there could be a restricted covenant in terms of this structure, would stay in place.

Chairman Camilli: Even if it were sold?

Attorney Davidoff: Even if it were sold, okay, so the restriction would run with the land. So that would address Mr. Schatz's concerns and maybe some others.

Chairman Camilli: The public.

Attorney Davidoff: He's got a lot invested, over a million dollars for 2-14, well over three or four hundred thousand for this one, so we are talking 1.7, 1.8 million dollars that he has invested, and he is not looking to do that, he's willing to spend, looking to make a significant investment here. There are other projects that have affected his other piece in the future, but we had the discussion about the restrictive covenant with respect to that structure, it wasn't something that was out of the question.

Chairman Camilli: Then that is something that you are going to pursue, and we will keep this petition open, and you can bring it to our next meeting.

Attorney Davidoff: I don't think there is anything to bring, anything further.

Chairman Camilli: Oh, I think there might be. I think you are going to need some assurances on this covenant, if there is going to be anything at all. I'm not sure what the legal ramifications of this would be, but I think before we move forward with this, we would want some assurances, because I don't know, and I'm not sure if this Commission would give the zone change without an assurance. I haven't talked with anybody, I think the public had a good point, I think we could bring it up now, I think if people are assured, the town is assured that this structure is going to stay the way it is, regardless of whether it is sold, or not, then perhaps it has a better shot at getting a zone change. What would be the…..

Ed Meehan: It would have to be something that the applicant would do, of their own volition. It can't be a condition of any policy change. It would be something that you see at least in draft form and share with the Town Attorney. There are properties that do encumber themselves with restrictive covenants or façade easements, which would protect any exterior changes or reuse changes. This property, the way that it sits now, is limited because of it's available parking, is very restrictive, but as one of the members of the audience said, you could combine this fourteen or fifteen thousand square feet with East Cedar Street, and have a considerable development piece. As you know, under site plan review, if they meet all the criteria, of the administrative process, and you can't project. They could come in, and they could level the whole block, and you, I'm not saying that it would happen, but then, if it was through the site plan process, and they met your criteria, you are obligated to approve it. So I think, to be cautious is a prudent thing at this point. I did talk to Attorney Davidoff about this, and I would like to run this by the Town

Attorney. I would be something that again, the applicant would initiate, and it would be certainly something that you would want to know is going to happen before you set an effective date of any zone change. In other words, if you grant the zone change, you have to put on the record your reasons for the zone change, that is part A, and part B, you set an effective date, and I would think, and I will talk to the Town Attorney about this, that before anything becomes effective, through a private restrictive covenant, or a façade easement is in place on the land records so that subsequent owners, either of this parcel, or if it is merged with the adjacent parcel, can't tear it down, can't change it to a, like someone said, a car wash, but someone can't change it to a commercial or retail use, or something like that. The important thing here is, it is a limited site, you have residential across the street, and residential along the north side, so that this is close to the town center, the town green and a residential neighborhood near by, have to be taken into account.

Chairman Camilli: So, I would suggest that you forward the fact, and I'm not saying that it is going to pass, but I would say, if we get that reassurance, the chances are much better. You know, because, the worse case scenario basically is what we look at. We don't have any doubt what Mr. Hedberg intends to do, but as for example, we spent a lot of time, as a Commission on his other building, which was a nice building, and I don't even know what happened, but we approved another big project of his, and things happen, and the next thing you know, somebody is putting a law office over there, at another address, 56 East Cedar Street, I mean, that project just went out the window, I guess. So to say, this is cut in stone, we have to take the worse case scenario and say, well, if we go with this, we want to protect the character of the center. So that is my reaction, I don't know if there are any others.

Commissioner Fox: Well, I wasn't going to say much, but when you started talking about covenants, the Town Planner brought up, and spoke to the issue that I was going to bring up I guess, any covenant would have to be set up between the Town Attorney and Attorney Davidoff, but my first thought of course, was something on the deed, whether it is too late for that, I don't know. But, just to be on record, one last comment, historically I personally, and that is after only a few years on the Commission, I look with you, as I'm sure the rest of us do, as far as zone changes are concerned, and unless there is a need, I won't say promises or covenants, or restrictions, it's kind of tough, but as you said, I will have an open mind.

Commissioner Ganley: On the flip side of this, you have a perfectly well built structure, a good looking structure and a non-profit buys it and turns it into a home for the wayward. It's zoned for that use, it's residential, and people would say, gee, we don't want that on our street. Well, tough, that's what it's zoned for. So, you may not like that, so you know, it's going to be a flip side of what it is you may want on that street. Because there again, if you are talking about years from now, the building is left the way that it is, why not that happening, among other things that could happen.

Chairman Camilli: Because it is in a residential zone.

Commissioner Ganley: And they are using it for a residence for drug addicts, runaways, whatever, whatever, it's residential, the state comes in, grabs it for a halfway house, you know guys, if we are going to start going five, six, seven years in the future, you know, let's look at everything, let's look at the whole plate. That's my feeling.

Commissioner Prestage: For the record, I second Commissioner Ganley's concerns regarding what is permissible under the current R-12 status, and he is correct. Five, ten years from now, per our own zoning regulations, you could use it as a church, day care, group home, and as he has said, what could occur there could be detrimental to the property itself and the historic value of the town center, if a group home were to come in.

Chairman Camilli: I suppose that is a chance that we would have to take.

Commissioner Prestage: It's like you say, it's a chance, either way, there is a chance, no matter what you do.

Commissioner Anest-Klett: I would just like to state that I'm concerned that somebody is just going to come in and just knock it down and put up a cape, or one of those new style homes. We want to preserve the integrity of the town center and I would like to see what this restrictive covenant and what our attorney has for a legal opinion regarding the validity of that, ten years, fifteen years, twenty years down the road. I think right now that is what we should look at.

Commissioner Schatz: Mr. Chairman, I don't have anything personally against the project, as Attorney Davidoff said, the building is going to look nice, and so on, but in the past, and it has nothing to do with this petition, we've gone to the dance with a very nice young lady and gone home with the ugly sister, and I think that is where we are coming from, we just don't want to, we want to make sure that there is no doubt what we would do there. There is no doubt of that. We have had some projects that have gone awry, and it's up to this Commission to make sure that the town doesn't get hurt.

Chairman Camilli: Okay. I think we will keep PETITION 41-05 open.

Attorney Davidoff: Mr. Chairman, I would request that you keep it open for two meetings. At your next meeting I will be on vacation and will be unable to be in attendance.

Chairman Camilli: Is there still enough time?

Ed Meehan: Yes.

Chairman Camilli: Okay, that's fine.

Ed Meehan: That will be September 14th.

C. <u>PETITION 44-05</u> 28 Elton Drive, Adel and Colette Gobran owners, Adel Gobran, 28 Elton Drive Newington, Applicant request for Special Exception <u>Section 3.4.4</u> Home Occupation use, catering business, R-12 Zone District. Continued from July 27, 2005.

Adel Gobran: Good evening, my name is Adel Gobran, I live on Elton Drive in Newington, Connecticut and this is the second time that I have come here, and I am looking for some nice results from tonight.

Chairman Camilli: I think Commissioner Ganley was, had requested a little diagram of what the addition would look like, do you have anything that you want to say?

Adel Gobran: I brought the layout, and the second page, that shows the two doors.

Commissioner Anest-Klett: When you load up your van to take yourself to a site, you are going to load it through the garage?

Adel Gobran: The reason I really wanted to make it convenient, this is a sidewalk, and will use the sidewalk or go through the garage.

Commissioner Anest-Klett: Right, but are you going to have your van in the garage, and load it into the garage, or are you going to be carrying the food into your…..

Adel Gobran: The van is going to be in the garage, because in the winter, it can be very cold. Now, the right answer is, the reason I am building the sidewalk from behind the house, from the kitchen to the parking because I am going to carry the food to the van, from the van to the kitchen. That is the sidewalk on page 2.

Commissioner Anest-Klett: So you are not going to use the garage as ingress and egress?

Adel Gobran: Correct.

Chairman Camilli: Tom, did you want to react? You were the one that requested….

Commissioner Ganley: Yes I did, you're right, and I got them. I'm looking at them.

Chairman Camilli: Want to react or anything or are you satisfied?

Commissioner Ganley: My only concern is the garage being used for additional storage, which would preclude the delivery van from parking in there because there are refrigerators, or shelves or other food stuffs or that sort of thing, and then on the side of the van is the advertisement for the business, and the van is parked outside on the apron. That would be one of my concerns, that is why I wanted to see what this looked like. So it looks like all the space is consumed and I'm wondering where storage would be, or additional storage.

Adel Gobran: I'm not going to have any storage, because it is not a big business. It's going to be a refrigerator, freezer, that's it.

Commissioner Fox: Just one question, the trash barrels?

Adel Gobran: It's going to be in the house, and it's not going to be a big amount of trash because I really, I don't serve food on the property. In a restaurant, there are a lot of remains, that becomes trash. What I am going to have is just like clean-up.

Chairman Camilli: Are there any other questions?

Commissioner Anest-Klett: If he uses the garage as storage, is that considered part of, that would be taken into consideration?

Ed Meehan: Right. It would be part of his business operation. He is limited to twenty-five percent of the total floor area of the house, and garage. He cannot exceed that amount for a home business. No, it doesn't come close.

Chairman Camilli: Any other questions. I think the big issue here is whether we are going to grant this with the conditions, that would limit it for a year. In that way, we would get a history of actually what happened if that is what we wanted to do. We heard from the neighbors, and they were virtually all in favor as far as I can recollect. So I think the question is whether or not we want to permit it, in a residential area, and then how we want to limit it.

Commissioner Ganley: You raise an interesting point. We did that, to that photography shop on Main Street if you recollect. We did a provisional, for lack of a better word, permit for them to run that business out of there. Then approximately, it was a year later actually, they came before us,

there were no complaints, etceteras, and then they were granted gratis for the business. That seems like a fair way.

Chairman Camilli: Okay. Are there any other questions? Anyone from the public wishing to speak in favor of the application? Against? For or against this application?

Hillary Kayer, 56 Elton Drive: I just want to say that I am in favor.

Chairman Camilli: Thank you.

David Freeman, 34 Elton Drive: I live right next door to Adel, I'm in favor of it, and I do like the idea of having the one year, to see how things will go.

Chairman Camilli: Anyone else?

Rose Lyons, 46 Elton Drive: I am in favor of Mr. Gobran's application, I just have a question of the Commission regarding his one year probationary period. Mr. Gobran is going to have to put a lot of money into this business, and then after a year, if something happens, he could lose that money by coming back here. Does he have to come back here every year and ask you for permission to keep doing this?

Chairman Camilli: No, but what about, it's really to protect you.

Rose Lyons: No, I understand that, is there anything that he can do?

Chairman Camilli: No, he just has to do what he says he is going to do, and not infringe on the neighborhood any more than he says he is.

Rose Lyons: Okay. Are you afraid that, if he sells the house, and you give him carte blanch to do it, that the variance will go with the house?

Chairman Camilli: It's not transferable.

Rose Lyons: Okay, I just wanted some clarification.

Chairman Camilli: No, it would be just, as I said, if he piled up the trash, there was traffic, and people would say, oh, what did we get into,

Rose Lyons: No, I understand that. I didn't know if it would be the same situation that is on Main Street, where you are afraid that if he moves and sells it, it is going to get bigger, or you just want to be sure that it doesn't get too out of control.

Chairman Camilli: Exactly.

Barbara Vassar, 47 Dowd Street: I live at the corner of Elton Drive and Dowd Street. I, last time I said I am not for, or against, but I still have questions. As I'm reading 3.4.4.M.(e) Zoning Permit, the home occupation and office shall not be detrimental to the health, safety, welfare and property values in the neighborhood, and I'm concerned that the questions that I asked last week have not really been answered, what he is going to do with sanitation, as far as that is concerned he said that he is not going to have very much garbage. How about any kind of ventilation so that the neighborhood doesn't have an odor that it didn't have before. I'm all for change if the change is going to be in the best interest of the neighborhood. We have a quiet neighborhood, and if this is going to be detrimental to the neighborhood, I have my concerns about it. Also, Rose was asking

about the permit. On this same issue here, the permit may be revoked for due cause after a public hearing. In other words, if this is approved, does that mean if this turns out to be a nuisance of some kind, or in some way detrimental that it can be brought up before the one, two or three years are up. Would somebody answer that question for me?

Chairman Camilli: Well, I think it can be, but he would have the year to either fix what was going on, and at the end of the year if the problem, or problems weren't taken care of, then it would be taken away from him. He wouldn't have the permit.

Ed Meehan: Well, there are two mechanisms the Commission can use. If they approve this with conditions, as the Commission has been talking the last couple of meetings, and the applicant failed to abide by those conditions, he could be cited by the Zoning Enforcement Officer for violation of the permit, and he could be fined on a daily basis until he came into compliance.

Barbara Vassar: But the permit would not be taken away.

Ed Meehan: The permit would not be taken away, that is one option. The second option is for the Commission to, if they find the offenses so egregious is to convene a public hearing, go through the process as you are doing right now, notify the neighborhood, put an ad in the paper, have the applicant come in, and at that point, after the public hearing, if they don't feel that it has been resolved, they could revoke the permit at that point.

Barbara Vassar: I do see that there is going to be a change in the neighborhood, and that is a big concern of mine.

Chairman Camilli: Anyone else from the public wishing to speak?

Sandra Lallier, 27 Elton Drive: I live directly across the street from Mr. Gobran. I actually wasn't going to come up here, because I spoke last week, definitely for this, but Barbara ended her concerns on a note that she thinks the neighborhood is going to change and I know that one of the things that I love about my neighborhood, and I think everyone who lives on that street is how the neighborhood is now. It's a small, quiet neighborhood, and I know that when Colette and Adel moved into that neighborhood, that was one of the things that they loved about it. I don't see that the neighborhood is going to change at all with him putting a stove and a couple of sinks in this room that he wants to build according to the codes, and bring food to a few people who want to eat. I know his ambitions are not to open a restaurant, it's not to change. He is a man of privacy and I know that he doesn't want to create a big hubble on our street, so I'm definitely for it. If you need to put a provision in there where you need to check him out for a year, I'm sure he would be happy to agree with that, and I think any of our neighbors with concerns would be happily relieved after a year or two of seeing him do what he does, or not seeing him do what he does, that this would be a positive thing for him. I don't think it is going to improve or take away from our neighborhood at all. It's simply going to improve the quality of his life, what he does during his day.

Chairman Camilli: Thank you.

Bob Brandenburger, 15 Elton Drive: The first house on Elton Drive. I guess one issue that I have is part of the 3.4.4 says Zoning Permit, the home occupancy should not be detrimental to the health, safety, welfare and property values of the neighborhood. I would like to recommend that, if this is approved, that it be approved conditionally for one year, and I think that, rather than two or three, I think that would give the neighborhood a chance to see if there are any changes. Also, at the last meeting, someone talked about fire codes, and the inspector was to go out there and

to look at the dwelling, to see if that would be in compliance based on the plans, and my question is, has that been done?

Chairman Camilli: No, it will be done if it gets approved, and then he would be working with the Building Department.

Bob Brandenburger: So the process is that you would approve, or disapprove and then it would go to the Fire Commission.

Chairman Camilli: And the Building Department for the plans and whatever, all the hook-ups, electrical and whatever he is doing, that would be out of our purview. We would just permit the use.

Bob Brandenburger: It just seems to me that it is impossible to tell what all the variables will turn out to be, and that a year would be a good amount of time, rather than going beyond that. Thank you.

Chairman Camilli: Thank you. Is there someone else?

Commissioner Fox: I would just like to make a comment. I'm very impressed at the people on Elton Drive, at the neighborhood, their concern for the neighborhood, their concern for their neighbors, not one of these people actually came up and said, I don't want this guy to do this. I just want to make sure that what he does do does not harm the neighborhood. And people, if you see a house for sale, I will gladly sell mine and come over and live there. I'm very impressed, this is what Newington is all about. Thank you Mr. Chairman.

Chairman Camilli: Are there any other comments? We will close PETITION 44-05.

D. <u>PETITION 45-05</u> 277 Cedar Street, known as the Eddy Farm, Lucy Eddy Fox owner and applicant, represented by Attorney Robert Randich, 363 Main Street, Hartford, CT 06106 request for re-subdivision one (1) lot, R-12 Zone District. Zone District.

Attorney Randich: Good evening Commissioners, my name is Robert Randich and I practice law with the law firm of Shipman, Sosensky, Randich and Marks currently located at 363 Main Street, Hartford, soon to be 135 South Road in Farmington.
The two petitions tonight, as indicated, this is involving the Eddy Farm, a portion of the Eddy Farm, the Commission is well aware of the contract or the easements entered into between the Town of Newington and my client, Lucy Fox concerning conservation and agricultural easements for the full farm itself, in which the Town acquired, for consideration, the development rights, which prevent the land from being developed for certain purposes, and basically ensure that it will remain agricultural uses. Part of the agreement between the Town and my client was that Mrs. Fox would be allowed to pursue a second lot located near the existing farm house and related structures. In looking at this, a subdivision had been done in 1998, I believe, which did not come before the Commission because at that time the land was zoned agricultural, the use was a farm land use and by statute was exempt from subdivision regulations. So initially we looked at carving out a lot from that subdivision map, however, these lots that abut Cedar Street had been carved out of this lot earlier in time, subsequent to a point in time where subdivision regulations came into effect in the Town of Newington, and therefore we really were not able to qualify for the first cut exception, so what we needed to do was to merge those two lots into one lot, and then come in with a subdivision application, which is the first application which basically splits those lots into Lot A, which is here, and Lot B, which is the proposed lot where Mrs. Fox is going to construct a new house. The maps that have been filed with the Town indicate which areas are

covered by the agricultural easements, and which areas are covered by the conservation easements. The lot that we are proposing for an interior lot, proposed Lot B has sixty foot frontage on Cedar Street, and there is going to be, there exists a driveway now, the front portion of which is entirely contained within Lot B, which will serve both lots. We will, I don't believe that she has done this yet, but we will do a cross easement agreement between the lots for the common use of the driveway, so that both lots will always be served by the single driveway and that her house will go in this envelope here, I believe somewhere. So, I believe that we qualify under the interior lots and single home provisions, as I indicated, a sixty foot right of way, to use language in 6.7.2, concerning restrictions on further subdivisions, the documents which I believe you have been provided with are the easement, Mrs. Fox has already agreed that this is going to be the only structure constructed on this property, so I think that that is taken care of, and I believe that we comply with all the other requirements entailed in Section 6.7, so I would entertain any questions that the Commission might have concerning these applications.

Chairman Camilli: Well, before we get to the Commission, does anyone from the public wish to speak in favor of this application? Against? Remarks by the Commissioners?
It seems to be a rather straight forward thing, I don't have any questions, Ed, do you want to make any comments?

Ed Meehan: No, Attorney Randich explained, the proposed Lot B, conforms to your standard for an interior lot, and because of the conservation easement which encumbers its future development only about 22,000 square feet of that three acre parcel will be able to be used for a single family home. There cannot be any future re-subdivision of this Lot B, so that complies also with the regulations. The covenants further restrict Lot A, which is about fifteen acres to no further residential uses. Within that Lot A they can construct, or add on to existing agricultural use, but they can't construct any future residential uses, so the goal here was, out of the sixty acre parcel, to permit one additional single family home, and that is what this is about tonight.

Chairman Camilli: Any questions about that?

Audience: I have a question?

Chairman Camilli: Come on up to the microphone.

Howard Warner, 327 Cedar Street: It was hard to hear what you were saying there, so I'm not sure even what is Lot A, and what is Lot B. I live in this house right here. You are saying Lot A can never be built on?

Attorney Randich: Correct.

Howard Warner: So that is going to remain an open cultural area?

Attorney Randich: The additional house, that I believe is going to go in here, was all negotiated between the Town and my client and the negotiations on the restrictive easements, of which I wasn't involved.

Howard Warner: Okay, I just wanted to clarify that.

Chairman Camilli: Okay, thank you. Any other questions? So we will close PETITIONS 45-05 and 46-05.

Attorney Randich: If I can have just one second with Mr. Meehan?

Chairman Camilli: Sure.

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

None.

IV. MINUTES

July 27, 2005

Commissioner Kornichuk moved to accept the minutes of the July 27, 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 42-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for site plan approval for professional office use and request for buffer waiver, Section 3.12.4 and Section 6.1.1E joint use parking. Continued from July 27, 2005.

Attorney Davidoff: For the record, Attorney Leon Davidoff representing the applicant, Jeffrey Hedberg for PETITION 42-05 the site plan approval for professional office use and request for buffer waiver, Section 1.1.2.4 and Section 6.1.1 for the joint use parking for this parcel. This evening I have with me Joe Parraginni from A-N Consulting Engineers who has prepared the site plan, as well as Jennifer Morganthal the architect who will describe the architectural design. At this point I would like to turn it over to Joe who is going to walk you through the site plan.

Joe Parraginni: Good evening, my name is Joe Parraginni, and I represent A-N Consulting Engineers. Tonight I am presenting the site development plan for 944 Main Street. It's located between Main Street and Center Court. The property to the north is a residential property and the property to the south is an existing retail plaza. On this plan we are proposing to replace an existing parking area. The existing parking area runs along Center Court. There are six spaces where vehicles have to back out onto Center Court. With the proposed plan, we are trying to provide a safer parking arrangement with driveway access. The entire parking area will have concrete parking around the perimeter. There are four parking spaces, one of which is handicapped accessible. We will be replacing the existing brick walk, brick patio. This will provide an accessible, handicapped accessible route, to and from the building. Also, we are proposing a six foot wide brick sidewalk which will extend from the patio to the existing parking lot to the south. In order to make the grade up to that existing parking lot, we are proposing concrete steps with handrails. We are also showing site lighting, in the form of lantern style posts. They will illuminate the parking area, the walkway and there is also a wall mounted fixture to illuminate the patio area. To the north, we are showing two rows of dark American arborvitae. This would provide screening for the adjacent residential property. The last comment that I would like to make is that we have been communicating with the Town Engineering Department to discuss the drainage of the parking area. We don't feel that it would be an issue because we are not adding any significant impervious area, so it would be just about the same area that are there presently.

At this time I would like to present the architect, Jennifer Morganthal.

Jennifer Morganthal: Good evening, my name is Jennifer Morganthal of Jennifer Morganthal, Architect, LLC. I really don't have a lot to add, Joe actually went over almost everything. The only thing that I would like to add is that we are not doing anything, we are not adding anything to the existing house as far as the site plan goes and built on the structure. We are going to retain the integrity of the house. We looking to improve on the site as far as vegetation and existing trees, and as far as the building goes, we are focusing on trying to restore any architectural elements that need restoring as far as painting, as I said, we are going to be replacing with vinyl siding, historical looking vinyl siding, and adding shutters to the exterior, and those are the proposed colors. The existing roof is in really good shape, we will be leaving that just the way that it is, and will try to keep the building looking, essentially the way that it is right now.

Attorney Davidoff: I would like to address some of the concerns that I spoke with the Town Planner today about. With respect to parking, I have prepared a parking table, for 2-14 East Cedar Street, I have enough copies here Mr. Chairman for everyone. Our proposed use requires eight parking spaces, and we are able to show, on our site, four spaces. Three regular spaces out in front, along Center Court, and one handicapped space. So our site is deficient by four spaces, and so what we are requesting to do is use some of the spaces at the adjacent property which is owned by Mr. Hedberg as well, the former Mazzoccoli building and if one looks at the parking table that I have prepared, the current uses at 2-14 East Cedar are as follows, there are seven apartments, which require 1.5 spaces per apartment in the B-TC Zone, which would be 10.5 spaces. Vito's Restaurant, based on floor area open to the public is 1,000 square feet, and that is twenty spaces per one thousand square feet which is twenty spaces. The retail, personal services occupants take up 4,975 square feet and the requirement under the code is seven spaces per thousand square feet, which is 34.8 spaces. We have sixty-six spaces available at the Mazzoccoli site, the total spaces needed are 65.3. Twenty spaces surround the building, twenty-eight spaces are in the middle of the lot, and eighteen spaces are along the property border of 944 Main Street on the south side. What we would like to do is to share those spaces along the southerly border between the former Mazzoccoli piece and 944 Main Street and the Town Planner is in possession of a mutual parking agreement executed between Mr. Hedberg NDA, and Mr. Hedberg as property owner. What was omitted from there is Schedule A and Schedule B, and I would like to submit them this evening, and they detail the spaces. Now, under the mutual parking agreement, the tenants at 944 Main Street would have the right to use the parking spaces identified in Schedule A. for themselves and their tenants and clients from 8:00 a.m. through 6:00 p.m., Monday through Friday. Newington Development Associates would have the right to use those same spaces from 6:00 p.m, to 8:00 a.m., Monday through Sunday, during the term of the agreement. Further, the agreement states pursuant to your zoning regulations that the mutual use of the parking spaces would not be terminated without the prior consent of the Newington Town Plan and Zoning Commission. So, that is what we are looking for, a shared use of the parking.
Another thing that I would like to mention for the record, is I personally made site observations today, August 10, 2005 at 3:00 p.m., twenty-five spaces were used. That is less than fifty percent of the spaces in the former Mazzoccoli lot were used at three p.m., leaving, if my math is right, 41 spaces vacant, at three p.m. At six p.m., prior to coming to this meeting, twenty-eight spaces were used, leaving, if my math is correct, thirty-eight spaces vacant. So, there is obviously a different time that these spaces would be used. The law firm operations are a Monday through Friday type of operation, regular business hours eight to five, and the busy use is obviously for that restaurant, and their busy times are Friday evenings and Saturday evenings, when we really are not going to be in competition for those parking spaces. With respect to how we calculated the 4,975 square feet, I have the retail floor space for you, and I would like to admit that this evening, for the record.

It's subdivided as follows; the Eye Opener Comic Book store has 800 square feet, the dog groomer has 500 square feet, the Kakery Bakery has 500 square feet, Modern Hair Salon has 875 square feet, Needleworks has 1300 square feet, and there is a vacant space on the corner, previously occupied by the Puppy store of 1000 square feet, giving us a grand total of 4,975. Without this shared parking agreement situation, we don't have adequate parking on 944 Main Street and could not conduct professional office space. We are respectfully requesting the waiver of that requirement and to be allowed to go the route of the shared parking use. That is the first item, the parking. I don't know Mr. Chairman, if you want me to address further questions about parking at this time, before I go on to other aspects of the site plan.

Chairman Camilli: Well, Ed, this is the first time we are looking at this thing, do you have any reaction to this.

Ed Meehan: This is what I had asked the applicant to do in a staff report that was issued back on July 27th, and when the revised plans came in today and the information wasn't there, and Attorney Davidoff and I talked this afternoon, and he has put this together, so I've been following along with what he is saying, what I guess I understand here is that there are no surplus spaces at 2-14 East Cedar Street for the existing operations. You are, you need sixty-six, you basically have sixty-six. There is no surplus spaces there. So the applicant is asking the Commission, on page 55, the joint uses where you have non-competing times of day, where a professional office use might take advantage of the vacant spaces. It has been done, and certainly the cross easement document is important. I talked to Attorney Davidoff about that, and I would like to share that with Attorney Boorman. There should also be a cross easement document requirement that travels with the land, that successors and assigns, so if the property is sold, Mr. Hedberg or Newington Development, LLC., sells one of these parcels, retains the other, that the parking is always available for any use here. That is something that I think that the Commission should keep in mind. If it stays professional office use, certainly the parking, I believe could work out, but I would recommend that since the companion zone change is left open, that maybe I will and I would hope the Commission members will take a ride through there once in a while and check it out. We have done this in other sites, you did it in Brooks Plaza, did it recently on TGIFridays, and it was only after you observed either through photographs or on the site that you felt comfortable with it. I think it is important to try to limit, in an area like this the amount of parking that would be disruptive to the neighborhood, because across the street, is all residential, as you know, and the less parking that's in and out on Center Court, reduce curb cuts, reduce the traffic at night the better, on a residential street. I have some comments about the parking design that, maybe it is appropriate now. I talked it over with the engineering staff, and if even, and I would ask the Commission to look at this, even if we could get by with just a handicapped space in front of this building, handicapped and maybe one standard space, rather than having four. It is going to be difficult for anybody close to this building to back up and do a K turn out of here, if you look at the design on that. Normally you try to have at least a ten foot, ten foot turning area, so that somebody backing up with a car, can pull in, and do almost a sixty to ninety degree turn with your wheels and come straight out. This is going to require jockeying around, and if the Commission is considering joint use, I would say, maybe move these spaces a little bit away from the front of the building, make them easier to maneuver in, reduce the black top in front of this building, and see how it works. You could defer the spaces, if it doesn't work, then you could have the applicant put two other spaces in. Eleven or twelve spaces in Mazzoccoli's plaza.

Chairman Camilli: On the shared?

Ed Meehan: Yes, on the shared.

Chairman Camilli: So if they took them out of one, you could add a few to the other, down this way, and share the parking down here.

Attorney Davidoff: If that was the Commission's will, that could happen.

Ed Meehan: My other concern, getting into the parking here, is you've overlooked, there is a twenty-four, thirty inch maple out front on Center Court, which, if you see the rendering here, you can see the canopy of the tree and the drip line would be affected by any paving. It's a real nice street tree, and if you can avoid paving over that area, it may help the tree survive, another reason to maybe limit some of the parking in front here. Just has to do with the aesthetics of the site.

Attorney Davidoff: I would also like to supply for the record here, my architect supplied me with some photos of what 2-14 East Cedar Street looks like on Tuesday, June 28th between nine and ten, and you will see lots of empty spaces, so, and also for the record, Sunday, July 24th, from twelve to one, and Sunday, July 31st, from twelve to one, there are lots more vacant spaces on a Sunday.
It would be my contention that there are adequate surplus spaces to the 2-14 East Cedar if the Commission was able to grant us a waiver, or approve our shared parking arrangements. If the Commission does not desire to do that, then obviously we don't have enough spaces on site to go forward with the proposal, and the proposal would be dead, we do realize that. We do understand that the regulations do permit opportunities like this, especially since, and this is a rare situation, I would like to point out, where the applicant owns both parcels, and we are not talking some third party that we have to negotiate with, basically we are negotiating with ourselves on this application.
With respect to the buffer, the zoning requirements require a twenty-five foot side yard, and we are asking for a waiver of that buffer, between 15 Ellsworth and our site here, I think twelve and a half feet. It is going to be planted with a natural landscape to screen that person's side yard from our side yard. Currently there is some fencing there now, when Mr. Hedberg purchased the site, there was a lot of overgrown brush there that has been removed, and my client is willing to buffer that quite nicely.
There are other issues that I discussed with Mr. Meehan today, with respect to the site plan. There was a concern about underground utilities, we would ask the Commission to consider a waiver of underground utilities for 944 Main Street. Basically what would need to be relocated would be some power lines and I think a street lamp and all that, service for cable and telephone. For one parcel, it is cost prohibitive and I understand the zoning regulations don't talk about the economic sense of things, but I do think it's important to be a realist. It's quite costly to do that, and I don't think we are going to hurt the beauty of the proposal that we have with respect to the rehab of this home by having utilities as they currently exist.

Chairman Camilli: What is the regulation, Ed in terms of, is there something…..

Ed Meehan: The Commission, all utilities shall be located underground, but the Commission may waive, or modify this requirement due to adverse field conditions on a two thirds and a statement of reasons on the record.

Chairman Camilli: So you are going to use the existing utilities?

Ed Meehan: Do you have to change the service into this building.

Attorney Davidoff: No, we are not adding any HVAC system, not changing any of the service, I'm told.

Ed Meehan: I think that is something that you might want to look into, if it was used for residential, and it's 110 or 220 and you have to upgrade it, if it goes to professional office use if

it is running more electronic equipment, computers, and so forth, and if you have to change the service, that's the time to put it underground. The utilities are on this side of the street, it's not as though they would have to come under Center Court. I think the utilities run right through that tree, if I remember correctly, so it goes right through the canopy of the tree. Again, this is the type of site, it wouldn't hurt to go over and look at. On your own, or as a group, because there is a lot of, people have mentioned the town green, they have mentioned the parking next door, it's worth walking around over there and checking the site out. You have to find a reason, adverse field conditions that I recall have been an unusual amount of rock, a situation where the utilities are on the opposite side of the street, and you have to trench, you know, dig up the road, expensive and could cause problems later on with settlements, and we try to avoid those things if we can.

Chairman Camilli: So, just for the record, right now, there are how many apartments or families in there?

Ed Meehan: I don't know.

Chairman Camilli: Do you know how many apartments are in there?

Attorney Davidoff: I don't want to state for the record an incorrect response.

Chairman Camilli: What are you going to do, what is going to happen, are these people going to be evicted?

Attorney Davidoff: There is no one living there. What happened was, several months ago when Mr. Hedberg purchased the property, from a married couple, and they moved, and currently it is vacant. So the intention for the inside spacing, is to have a law office on the first floor, and a possible CPA firm on the second.

Chairman Camilli: So you are looking at two businesses.

Attorney Davidoff: Two.
While we are talking about parking, this was brought up by someone I was speaking with outside, they asked me, where do people, when they go to town green functions, park? In talking to the property manager of 2-14, he did say that they do park on Mr. Hedberg's property. So, the town's own property, is zoned R-12, has no parking nearby, no parking of it's own, okay. I think that needs to be stated for the record that it is Mr. Hedberg who does allow the people to park on his parcel, for town green functions such as the lighting of the Christmas tree. Also, when the town does come in to maintain the town green, the maintenance vehicles from the Park and Grounds Department do park on his site, I think you need to be cognizant of other users that they are currently allowed to do all of these activities, and he has no objection to any of this happening, or has had no objection to any of this happening before, but I think you have to be realistic that you have this asset known as the town green, which is an abutting property, which does not have any parking of its own, on its site. I think that is an important note, especially since people brought up basically the historic value of the town green, and I would share that historic value and people definitely do need a place to park, whether it be the church parking lot, or the former Mazzoccoli site.
Other concerns that we discussed with Mr. Meehan was the about the HVAC and we aren't going to be putting in any HVAC systems, mechanical systems for air conditioning. We are not adding anything to the roof or the outside of this structure.
The parking table you now have before you, with the amount of spaces, not a problem to address the successors and assigns for the mutual parking agreement. As I said, my client would have no

problem with the restrictive covenant for the zone map amendment so this is a parallel concern, in respect to that.

Chairman Camilli: Thinking about the weather, are you going to have portable air conditioners, it would seem to me, with what we are going through, the air conditioning is something that you would probably want to consider, if you haven't.

Attorney Davidoff: I don't know if the architect has had conversations with my client.

Jennifer Morganthal: We have discussed it very briefly, and if there is anything at all in the building, it will be contained within the building. It will not be, there wouldn't be units hanging out of windows, there wouldn't be any units actually outside of the building, we would try to utilize the attic space.

Ed Meehan: Where would the compressors be? You have to have air exchange from a compressor, on a pad on the ground someplace.

Jennifer Morganthal: We haven't really discussed that in detail, but our main point is to try not to have anything that would be outside of the building.

Ed Meehan: Well, I think the Commission needs to know if you are going to have it outside and where it is going to go. It has to be, on the north side you don't have too much room because of the side yard setback, so it's either going to be on the town green side, or Center Court, or the south side of the building. A compressor can take up a four by four pad somewhere, you can tuck it in the corner of the building, and screen it, and there is usually no problem with that, but there should be, I think, some thought given to, as well as this issue with utilities. Is there enough power going into that building right now. Maybe there is, I don't know, but that is going to drive issues of compressors and overhead versus underground utilities.

Attorney Davidoff: Since we are keeping this petition open, I will definitely discuss this with my client and be able to address the concerns that were raised.
I think that we have met the design overlay criteria with respect to materials and lighting fixtures that are proposed. I don't know if there are any questions in regards to those.

Chairman Camilli: Any comments on the, those are going to be the actual colors, the yellow?

Attorney Davidoff: That is correct.

Chairman Camilli: We do have some oversight, I mean, anyone want to react?

Commissioner Fox: Well, I'm going to take a road trip and then make whatever comments I have. I think Ed had a very good idea, I mean, you pass it every day, but you don't really get that close to it.

Attorney Davidoff: If you do visit the site, and I had visited it several times, what appears to be something from a distance, okay, doesn't look the same close up. When you look at the shingles, and the condition of the shingles, on the four sides of that structure, you will say, that this place needs major rehab. Those shingles need to be updated, that roof needs to be updated, those windows need to be replaced, and I think what my client has done is basically maintained the same design of that structure, whether or not the Commission likes the yellow and the green color, I guess that is something for the Commission to decide, that is his first choice.

This board here illustrates what it would look like from the town green with the pillars still being very stately looking and I think if you walk up to the structure, as it currently exists today, you would agree that this looks a thousand times better than what currently exists today.
So with respect to site plan issues, we have described the materials that we are going to use, you can see the streetscape facades. With respect to signs, there is no application for a sign right now, we don't have a tenant. We aren't talking about signs, we have no information for the Commission about signs. We're really not looking for signs at this point. I'm certain that if the tenant was interested in putting a sign up, it will be one that meets the criteria and fits and maintains the integrity. This is a first class project that is definitely going to have first class details, so the signs really aren't an issue.
As to location, we aren't putting any improvements on in terms of buildings or anything like that. The walkway that we are going to put between the two parcels is going to be a six foot wide brick paver walkway, so that it would be easy for people to get between the two parcels. The lighting, I think is part of your packet, there is a picture of what is proposed to be the outdoor lighting. It's very New England lighting. I don't know if the Commission has any comments about that. This is basically the seven criteria I was talking about on the zone map application, that we tried diligently to meet the criteria. There are issues that we will work on for the next time. We will get back to you on the parking on site, that maple tree, we will talk some more about the utilities, and whether or not there is enough power. With respect to any other site issues, I think we have addressed them. I think Mr. Perraginni mentioned that he has tried to contact the Town Engineer about drainage issues, made several attempts, has not received a response from Mr. Arburr yet. We are not increasing the impervious surface there, so I don't believe that we would have more drainage issues.

Chairman Camilli: What is the outside of the house now? Is it wood?

Jennifer Morganthal: Wood siding.

Attorney Davidoff: For the record, wood siding.

Commissioner Fox: Is it clapboard, or cedar shakes?

Jennifer Morganthal: Clapboard.

Chairman Camilli: And that is vinyl, you are going to put some vinyl over that?

Jennifer Morganthal: Yes, for the record it would be historical, a lot of companies sell vinyl siding that actually looks historically correct as far as, it doesn't look like, you know, a sub-development, it has a little bit more thought, a little bit more detail, and that is what it probably will be.

Attorney Davidoff: Also, I would like the Commission to, when you do make the site walk, to look, currently there are no shutters on that parcel, and we will have the shutters going up, and some of the architectural details with respect to the windows and the entranceway and the door. What we are trying to rehab there is an office building that fits into the New England character. We are not looking to put an office building of any other type, no contemporary design, or anything of that nature, and we are trying to preserve as much green space, adjacent to the town green. I think that is a point that has not been made, that ought to be made, that we are doing all our work on our side yard, and really nothing here up front. I definitely need to state this for the record, because there were several E-mails saying that we were going to build a parking lot adjacent to the town green and that is the farthest from the truth, we're doing nothing of that sort. All the parking would be over here, and the shared parking would be over here. So the walk for someone to go into the entryway would be right here.

Chairman Camilli: Ed, where would the signage go if and when they request it? Would they put something on Main Street?

Ed Meehan: No. It has to be on-site. They could put something out on their property line which would be adjacent to the Mongillo piece, which is that slice of land that used to be the former trolley right of way, it's between the town green, but it wouldn't have any visibility for anybody unless they were walking through the town green, so for people going by on Main Street in vehicles, they probably wouldn't see it. I think the logical place would be on Center Court. A small, couple of square foot professional sign. They couldn't put it on the corner of Center Court and East Cedar Street because they would be off site, it has to be on the property.

Attorney Davidoff: There was one other issue that we talked about, and that had to do with sidewalk. Zoning requirements require a sidewalk across the front of the property. It would be our request that you waive that requirement. We are going to eliminate those parking spaces, in the front there, the last thing we need is for somebody to walk there, because basically it is going to be a sidewalk to nowhere. There is no sidewalk over here, and there is no sidewalk at 2-14 the former Mazzoccoli site, just bituminous pavement from the parking lot right onto Center Court, so there is nothing that would take somebody all the way down to Ellsworth. The sidewalk basically is just along East Cedar.

Chairman Camilli: Any questions from the Commissioners? Okay, we will leave this open too.

Attorney Davidoff: Until September 14th too, is my understanding?

Chairman Camilli: Correct.

Attorney Davidoff: Okay, so I will be in touch with the Town Attorney to discuss the restrictive easement and if there is any further concerns….

Ed Meehan: The architect mentioned historically appropriate siding. Is that four inches to the weather, six inches, do you have a sample of the siding?

Jennifer Morganthal: No here, no.

Ed Meehan: Some people in the room are builders, you know, there is siding and there is siding, and if this is going to be an historical building, you can get six inch siding, eight inch siding, should be, in my opinion, historically appropriate which is normally four inches to the weather, and this building is, it's like Greek revival in the front, and in the back is colonial, so I'm not sure what period of architecture this thing is. It's sort of a very eclectic, the front and back are two different things completely, but I think a sample of the siding would be something that you should see.

Attorney Davidoff: Not a problem, we'll have that for the next meeting.

Chairman Camilli: I want to see how that, myself, I just want to see how those colors mesh. Right now it's white, right? I just drive by there.

Attorney Davidoff: As I say, when you look from the town green, it looks a lot better than it is, but if the Commission does have a problem with the yellow and the green, we will investigate other color options that are there, but I would appreciate it if I could hear this evening Mr. Chairman, if that is a major objection before the architect goes and acquires samples.

Commissioner Fox: I would rather see it kept white.

Commissioner Anest-Klett: I would rather see it white, unless it was a very mellow yellow. It's not going to be, it looks very bright with the green shutters, it's just going to jump right out at you. It's not going to give you that old New England, yellow was not a color in the early 1900's when the house was built.

Jennifer Morganthal: Our goal is actually to kind of tone it down just a little bit, this is a printer, so the colors might be a little bit off, so we would like to tone it down and make it have that colonial look.

Commissioner Fox: Mr. Chairman, can they get us a couple of samples, the yellow, beige, I know that they are small samples but….

Jennifer Morganthal: Yes, I can get you a couple.

Commissioner Fox: Thank you.

Chairman Camilli: You are talking about white, I mean, just as a preference?

Commissioner Fox: For me, yes.

Chairman Camilli: What kind of shutters?

Commissioner Fox: If they are going to put shutters, black.

Chairman Camilli: Any other reaction to that, you know, it's in the eyes of the beholder.

Attorney Davidoff: Mr. Chairman, the only thing I would like to comment on, if one looks at the new facades that were put on at Carvels, all the way to Flowers, etc., some of the colors that were used over there don't strike me as white.

Ed Meehan: They are not colonial, they're not colonial to start with.

Attorney Davidoff: But we are talking in the same center district, and I thought that at one time, I know the building that I occupy is white and black.

Commissioner Fox: I almost hate to say this because it is beautiful, but it almost looks a little southwestern than colonial, but anyway, we keep talking about it being a stately mansion, and I think that denotes more of a white, staid kind of look, and I'm wondering, we don't have to get into this now, what kind of historical significance does that house have? Do you know?

Attorney Davidoff: I don't know, I do know that it was privately owned by the Haines family for a long time.

Commissioner Fox: I know that the property around it was a trolley right of way, and I think a mustering area. Thank you.

Commissioner Anest-Klett: The butlers quarters to that house was on Ellsworth.

Attorney Davidoff: Right, where Mr. DesJardin's house is, that was the carriage house.

Commissioner Anest-Klett: I don't know if this is relevant, but are there going to be trash receptacles?

Attorney Davidoff: The trash is going to be shared with 2-14. There is a dumpster and a paper, cardboard recycling thing that is on a pad right now.

Commissioner Anest-Klett: Okay, is there going to be anything…..

Attorney Davidoff: Currently in the house, they just bring their trash right out to the street, they just pick it up as a residential building, they are allowed to do that. So, if it stays residential they will just continue to do that; if it is going into the BT zone then what will be discussed is to have the trash thrown out into the dumpsters that are on the adjacent parcel. We really don't want to have a dumpster on this site at all. It would not be appropriate.

Commissisoner Anest-Klett: Right, but what happens if the property gets transferred?

Attorney Davidoff: Well, that would be one of the things that would be in that restrictive covenant.

Commissioner Ganley: The two real issues, color aside, are utilities and parking. If we can resolve those two issues, then ultimately we will get to the color. But, let's get those, those are the key issues to resolve this thing.

Chairman Camilli: He is aware of those.

Attorney Davidoff: I think the parking, I think I have provided as much testimony as I can possible provide you with.

Chairman Camilli: Except for the turnaround that Ed was talking about.

Attorney Davidoff: Yes, removing the spaces, correct.

Chairman Camilli: Removing the spaces, and adding a coupe of more, whatever on the shared parking.

Attorney Davidoff: Exactly. The utilities I will have to discuss with my client and his professionals. Now, with respect to the color again, I don't like to keep bring it up, but if the property remains residential, if my client chooses to make it yellow and green, yellow and green it would be. I throw that out as a concern, not to be argumentative, or be confrontational, I just want to point out what, by right, we can do and what by permission from the Commission we need to do.

Chairman Camilli: Yes, that was alluded to by our new member over here, about if it stays residential, however, we have to abide by the rules, if it gets denied and it stays residential, then it can be whatever the applicant chooses, obviously. So that is….

Attorney Davidoff: We are trying to move this along in a cooperative manner, I was not attorney of record for any prior proposals, just dealing with this proposal for this client and trying to meet all of the criteria that is outlined here. My goal here is to get approval by the Commission, unanimously.

Chairman Camilli: I think we are moving along.

Attorney Davidoff: I appreciate your time. Thank you.

Chairman Camilli: Thank you.

Attorney Randich: Mr. Chairman, if I could have just a second. Before you close my two applications, I asked for a minute with Mr. Meehan, and the reason that I did so is I don't believe that we posted a sign on the property.

Ed Meehan: I can't verify it, I can't get to our files.

Attorney Randich: I don't believe that I did it, because I filed the application right before I went on vacation and I don't think that was taken care of. What I would suggest if the public hearings were kept open, I would go post the sign tomorrow, hold it open, then see if anybody shows up in two weeks.

Chairman Camilli: Fine with me. So, we will retract that closing of PETITIONS 45-05 and 46-05, and we will continue those.

B. <u>PETITION 49-05</u> 2089 Berlin Turnpike, known as the Siesta Motel, SHIV Associates, owner Paul E. Randazzo, Percon, Inc., P.O. Box 290792 Wethersfield CT 06129-0792 applicant request for site plan modification to add 420 sq. ft. addition to front of building for office use, B-BT Zone District.

Chairman Camilli: Is the applicant here?

Paul Randazzo: My name is Paul Randazzo, and I am not the owner of the Siesta Motel, I am the contractor who would be performing the work. We are proposing a 420 square foot addition on the front of their living quarters for office use, which would be for receiving their clients, you know, the people who are staying. Basically it is for the family, the family lives in that quarters, they want to have the office as close to where they live so that at night time they can have the office as close to the living quarters as possible. They would close the other office, and they would have their cleaning facilities out of that front area.

Chairman Camilli: The Planner isn't here, do you have any sketch or anything?

Paul Randazzo: I left everything with him, he had seven plans.
Just so I can explain, the elevation is a one story addition, siding to match, roofing to match, pitch of roof to match. It's one story, very simple, twenty eight by fourteen addition to the front of the building. Currently 175 comes across here, the building lot is thirty-five feet off the road, the entrance into the hotel is here, Berlin Turnpike comes across. We are proposing on their existing house, to put a twenty-eight by fourteen foot six inch addition on the front. The office is currently on the front of this existing building, which will be closed, and as far as the use, there would be a bedroom, an office, and reception area, with a small lavatory. The front elevation is exactly like the front elevation now, except we are just bumping out a one story addition, with the same pitch roof, and the same colors to match what is there. We are working within the parking lot. We did go for a variance to do it on the side of the building, but we couldn't obtain that because of the side yard, we didn't have enough room, so this is the next alternative, and now we are seeking a site plan modification.

Chairman Camilli: Anyone have any questions? Seems pretty straightforward. Ed?

Ed Meehan: It's a very small addition, the only reason that it is before you given it's small size, is that it is the front of the building. It comes before the Commission on site plan review because it affects the front of the building, other than that, it meets all your side yard setbacks, locational requirements.

Chairman Camilli: I think you are all set.

Paul Randazzo: Thank you. I did learn a lot about Jeffrey Hedberg's property tonight. Thanks.

VII. OLD BUSINESS

A. PETITION 31-05 330-340 Alumni Road, also known as Lots 3A and 3B Newington Business Park LLC, owner, Chris Chiulli, applicant, 435 Evens Road, P.O. Box 485 Rocky Hill CT 06067 represented by A-N Consulting Engineer Alan Nafis, 124 White Oak Drive, Berlin, CT 06037 request for Special Permit Section 6.4 removal of earth products, I Zone. Public hearing closed June 22, 2005. Sixty-five day decision period ends August 26, 2005.

Commissioner Fox moved that PETITION 31-05 330-340 Alumni Road, also known as Lots 3A and 3B, Newington Business Park, LLC, owner Chris Chiulli, applicant, 45 Evans Road, P.O. Box 485 Rocky Hill CT 06067 represented by A-N Consulting Engineer, Alan Nafis, 124 White Oak Drive, Berlin, CT 06037 request for Special Permit Section 6.4 removal of earth products, I zone, be postponed to August 24, 2005.

The motion was seconded by Commissioner Anest-Klett.

Commissioner Ganley: Is this because he still hasn't gotten the letter to us for crossing the adjacent parcel.

Chairman Camilli: Exactly.

Commissioner Ganley: Thanks.

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

B. PETITION 34-2000 2374 Berlin Turnpike (vacant parcel adjacent to Wendy's) Newell and Clifford F. Stamm applicants and owners represented by Alan Bongiovanni, The Bongiovanni Group, 170 Pane Road, Newington, CT 06111 site plan approval for 2,400 sq. ft. building, July 26, 2000. Three (3) year extension to complete site work requested as permitted by Section 5.3.8 Zoning Regulations.

Commissioner Anest-Klett moved that PETITION 32-2000 2374 Berlin Turnpike (vacant parcel adjacent to Wendy's) Newell and Clifford F. Stamm applicants and owners represented by Alan Bongiovanni, The Bongiovanni Group, 170 Pane Road, Newington, CT 06111, site plan for 2400 sq. ft. building, request for three (3) year extension to complete site work, be approved based on the provisions of Section 5.3.8 of the Zoning Regulations. The extension date shall run to July 26, 2008.

The motion was seconded by Commissioner Fox.

Commissioner Ganley: How does that affect that large mound of gravel on site presently. Could that conceivably remain for three more years?

Ed Meehan: It could. That gravel is, from what Mr. Stamm tells me, was left there to complete the future drainage and parking lot base, should he begin a new site development. In other words, for his building and his parking lot, that is the gravel that he would use for that work.

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

Chairman Camilli: Motion passes unanimously.

C. Capitol Region Council of Governments (CRCOG Discussion of New Britain-Hartford Busway Project. Traffic circulation and accessibility study report.

Chairman Camilli: Did you want to say something?

Linda Osten: I'm Linda Osten, planner with the Capitol Region Council of Governments, and did you receive a memo in the packet, I just want to know who got it, and there was supposed to be, actually, two questions, the first paragraph, number one, there is actually supposed to be a number one and a number two. What happened to that first paragraph, I don't know why your version doesn't have a two there, but it should have a two after the word, final report. It's the same text. In the third line, midway, that is question number one, we are just re-stating the questions that we gave to you last time, and that is the question that Jennifer is going to speak it, and then the question number two is about the establishing a sub-committee to work on the ideas of land use, so, question number one is about the traffic study.

Jennifer Carrier: Good evening. For the record, my name is Jennifer Carrier and I'm a transportation engineer with the Capitol Region Council of Governments, and this evening we are looking for your recommendation to the Town Council for acceptance of the transportation, circulation and accessibility study that I presented during the last meeting. Just wanted to state that we did go to the Town Council last night, and presented and they kept us on their agenda, at our request, for September 13th, meeting. Just to take one more minute to remind you that the traffic study provides options to mitigate traffic problems as they exist today, without additional development, or the busway. It also addresses the problems that will arise from growth, future traffic regardless of what type of development occurs in the area.

Linda Osten: I don't know if you want to consider the two questions separately? Question one was, would the Town Planning and Zoning Commission recommend to the Town Council acceptance of the transportation circulation accessibility study, and we know that a Newington advisory committee guided the study, accepted the study's final report. Question two was will the Town Plan and Zoning Commission form a subcommittee to consider policy regarding transit oriented development, also known as TOD, and around either or both of the Newington stations of the New Britain-Hartford bus line and again, a Newington advisory committee guided the stationary planning project and that committee accepted the recommendation, at the conclusion of the land use project, the committee recommended that there be consideration of transit oriented development in the town's Plan of Conservation and Development for zoning regulations.

Commissioner Anest-Klett: I have some questions, I'm sorry, it's not sinking in. What you presented to us, two weeks ago, showing the additional lanes going onto Cedar Street, or the additional exits coming onto Ella Grasso, explain to me, how is going to alleviate traffic on Cedar Street?

Jennifer Carrier: Okay, so your question is, in presenting both long and short term improvements, the short term improvements were the three particular intersections and included some minor widening to accommodate turn lanes or things along those lines. I guess the additional, just looking at the short term improvements, you know the queues are very excessive and long right now, so by adding that additional lane, it separates the traffic into two lanes, and reduces the queues. So that is from a short term perspective. Right now, if you go to develop the vacant property in the area, let's just say is a traffic generator, they will be required to do a traffic study, I think, per your zoning, and they submit, and come here, they are going to show you exactly what

I am showing you now, that the intersections are operating poorly, and they will probably be required to give you some improvements, some road improvements to correct that situation. So, if anything, what we have done here is kind of identified where they could, some alternatives that maybe could be at their expense because they are the major traffic generator. So the short term improvements deal with an area that is available if that comes in. The long term improvements are, we know that we have an existing problem today, we know that you have vacant property in the area, queuing, everything is just going to get worse. What can we do about it? What is a longer term, the dollar amount is much larger, what can we do to improve the situation as it exists, we have many, many more years of planning, these are very conceptual. We still have to go through very sensitive design process, knowing that there is property acquisitions, wetlands, a much more extensive process, so what we tried to do is identify those conceptual ideas, for the town, through the study, and what we are now asking is look at the study findings, and say, you know, we agree with the study findings, you are not agreeing that we are going to go out and construct these, but it gives you a guide for planning for the future.

Linda Osten: Right, but how does this help the Cedar Street traffic?

Jennifer Carrier: The Cedar Street, the one alternative that addresses the Cedar Street, a reduction of traffic is the concept of the east-west parallel road. That alternative will reduce traffic on Cedar Street, because it provides like a by-pass.

Commissioner Anest-Klett: I mean, have you driven, have you been there?

Jennifer Carrier: Oh yes.

Commissioner Anest-Klett: But how, I know people that get off Route 9, go down Cedar Street, get on the Berlin Turnpike to get to Hartford to alleviate driving on Route 84. These are people who live in Burlington, live in Bristol, they are not people who live in New Britain and the surrounding areas. Don't you think, by doing this, by flowing the traffic better, having another cut-off coming off of Ella Grasso, it's going to add to people going, gee, this is easier, let's go this way, and it's just going to add to the congestion.

Jennifer Carrier: This question came up at the Town Council last night as well, and the specific assignment of this study was to look at the interchange, the Cedar Street, Ella Grasso interchange and come up with feasible alternatives. There was a corridor study conducted by the Capitol Region Council of Governments about eight years ago, and it specifically talked about that, people are just going through Newington to get to the Berlin Turnpike.

Commissioner Anest-Klett: That is exactly what they are doing.

Jennifer Carrier: And, this study doesn't specifically address that, that is totally outside. We were looking at the land in the area that is developable and if it does develop, how are you going to handle that. That is, that is a good question and the only solution that we can offer at this point is something that came up in the corridor study that we kind of revisited here was the east-west parallel road, but it's only for a segment of relief.

Commissioner Anest-Klett: Are there any other alternatives, going through Wethersfield, directing the traffic to 91, is there anything else in the long run that you can look at, and then, if this busway goes in, now you are going to have traffic coming off, people to park there, to take the bus into Hartford. This is just going to keep continuing, the traffic is just going to get worse, and we are going to become, we're not going to become this little New England village that we want to stay, we're going to become a little city. I think by, and this is my personal opinion, and I have gone through there at five o'clock at night, four o'clock at night, eight o'clock in the morning, and I think

it is just going to add to the cluster, as well as adding to the cluster of coming down Cedar Mountain, and sitting at that light, through three or four cycles, and at Main Street, and at Cedar and Willard, that is a living nightmare. It's just going to add to that. Where is all this traffic going to go, it's going to start going on all of the side streets, because people are going to start looking for cut throughs. I'm concerned, I would like to know if there is any other alternative that we can direct traffic into other towns, and not just pick on Newington.

Jennifer Carrier: Your concern is a valid one, it encompasses much more, I mean, in the sense of study, of interchange, existing state roads, ramps, other options. This study did not look at that level of detail, but it was identified some time ago. I don't really have a good solution to that from this study.

Ed Meehan: If I could just speak to that, I don't know if it's unique to Newington. Any suburban community within a metropolitan area that is as densely developed as we are, or our neighbors, and basically has developed around the state highway system, which is our collector road system, and arterial road system, is having the problem that you are talking about, Carol. That is what the busway is supposed to alleviate. It's supposed to get people out of their cars, and into mass transit. Whether it is keeping them off of 84, or these major arterial roads. Now, Newington, Cedar Street station is only 120, 130 car parking area, that's not going to get a lot of people off of Route 9, you know, 130 cars is minuscule, there is something like thirty thousand cars a day going through Cedar and Fenn, and the background traffic that Jennifer is talking about, this study, is like five to six percent a year, growing. It's because of where were are located. If you go over to Welles Road in Wethersfield, it's the same thing, or if you go to Glastonbury it's the same thing, you go around the inner ring of suburban towns, we're a traffic dependent society, and maybe when gasoline goes to $2.60 a gallon and level of service is down past F, double F and you have to wait two minutes at a light, people will start looking at alternatives. I don't think they will in Connecticut.

Commissioner Ganley: They will leave earlier for work.

Commissioner Anest-Klett: They will, people are not going to take the bus.

Ed Meehan: Everybody is going to find, for a while they are going to gravitate to the road that has the capacity to accommodate that faster trip.
If you look at the study, the twenty-twenty-five year, no build, you are almost there right now with five or six percent a year. At least some of these short range alternatives, the double lefts coming off the ramp, the double lefts coming from Fenn onto Cedar Street, the channelization of traffic off of Ella Grasso onto Fenn, at least they give us a break in the level of service and possibly the reduction of accidents which, even if you don't have any development around Cedar and Fenn, on the Koczyra piece or National Welding, at least they give us a break for the next ten years.

Commissioner Anest-Klett: And what about the left turn that is not supposed to be taken into the Exxon Station. That is constantly being taken, now you are going to have, that whole intersection…

Ed Meehan: You are never going to be able to deal with the guy who is going to get his wheels out into the breakdown lane, if he is driving a SUV, or driving a tri-axle, if he gets out there, he can turn, he can do a five, ten, fifteen foot radius turn. That could be an enforcement issue. One of the ways the Commission could have helped solve that, was to permit a right turn out onto Cedar Street, when that was before the Commission, the Commission didn't want to do it, because there is another side to that traffic issue. If you have cars coming out onto Cedar Street, because they want to go up to Route 9, that's when they take the illegal left now, you could be creating another problem with people coming out to a right turn lane, the lesser of two evils.

Commissioner Anest-Klett: I'm talking about people going east on Cedar, and take a left into the gas station.

Ed Meehan: Going east on Cedar, oh, I thought you were talking about of Fenn. Those are the nuts, right?

Commissioner Anest-Klett: That blocks the traffic, I mean, I sat there for five minutes one day.

Ed Meehan: That was like that before, I thought you were talking about Fenn Road. What percentage of the drivers of the thirty thousand cars per day, maybe fifteen, nineteen thousand cars going eastbound, on Cedar Street, are doing that? You may get a couple, per hour, maybe not even that. I don't know. I don't think there is a solution. We can't build our way out of this solution. You try to bring land use into balance with traffic, that is what this TOD is all about, as much as you can, but ……

Commissioner Ganley: The problem you have with the people taking a left, is the same problem that you have with people taking a left turn into this driveway that you don't turn into at McDonalds. There is a sign right there that says, don't turn left. That has nothing to do with this study, and no matter what you do, somebody is going to do something that they ought not to do. If you read this question one, what it asks us to do, the acceptance of the study, the accessibility study. That's all it does. The options may be left to (inaudible) because there are several options in the study, okay, but all that is being asked of us at this point in time, relative to question one is, do we endorse the study? I for one, endorse the study. Options will come out with the availability of funding, they may go with the cheaper option, whether you like it or not, or they come up with a lot of dough, and go with the most expensive option, but I think your point is well taken. The traffic at that intersection is insoluble. The best one can do is to get it to flow as best one can. And yes, the person says, gee, I couldn't go that way before because it was hard, now it's easier so I will go that way, that's what every single intersection in the entire planet, that is how traffic goes. So, we'll be getting the best we can possibly get, when they execute, or put into effect one of the options. All we are being asked to do tonight is acceptance of the study. That's all, and that is only question one. I have something on question two.

Chairman Camilli: Any other comments?

Commissioner Fox: I have to agree with Commissioner Ganley about accepting the study, but I don't know, that sets off a thought process here and I think, Jennifer and Linda know what my thoughts are since I have been here, on the SAP committee. On the Stationary Planning Committee we did endorse and talk about, and talk about it and endorse, and I'm just wondering, I wondered at the last meeting, if we are endorsing, what exactly are we endorsing? The study has made no, has come up with no solutions yet. Am I correct?

Jennifer Carrier: Yes, it's all called options.

Commissioner Fox: If this is all options, so I don't, I still don't really know what this Commission is going to endorse. I'm wondering why it wouldn't be more prudent to, keep the study going, and when you come down to maybe one or two, that would definitely, get as close as we can to relieving the traffic problems there, then we jump in. I don't know, am I wrong? Am I barking up the wrong tree, because right now …

Ed Meehan: I think the Commission isn't taking a position at this point along the way, it's a continuent, but you are taking a position that at least what you have in front of you, for short range design, and some of this short range design are pretty specific. They are based on background traffic, they are based on conceptual land use being part of this intersection, they are

based on operations, that by providing a double right off of the northbound Route 9 ramp, coming into Newington, providing a right turn, double right, whether it's generalize, or stop and go, you can solve a traffic problem. You can solve that backup onto Route 9, onto an expressway. You can improve the level of service a little bit at peak hours at that intersection. Across the street from that, by building a double left, from Fenn onto Cedar going underneath Route 9 towards the university, you can also improve the level of service at peak hours. That queue line backs up past the Stop and Shop traffic light at 3:30, 4:00 in the afternoon. So those are two simple, practical ways that are in the study. The third one in Newington is coming off of Ella Grasso, from Ella Grasso onto Fenn. Again, the idea here is to either channelize it, your right turn or build another stop and go on a right turn. That improves again, peak hour traffic. Those three I think have immediate short range positive impacts around this area. Sort of off to the side is what happens at Elmer's Place and Manafort. Indirectly, they affect the queue line that backs up into Newington underneath Route 9.

Commissioner Fox: Everything affects Newington.

Ed Meehan: Well, we are at the crosshairs. This intersection, when it was designed, it was not designed the way that people probably would have like to have it designed. It's a split intersection, it touches down at Ella Grasso, it touches down at Cedar Street, and again, because of where we are in the region, east-west traffic is growing. But, the fourth one being, I'll call it Manfort-Elmer's Place, a different location of that on-ramp would help traffic at peak hour coming into Newington and leaving Newington in the afternoon. I think what CRCOG is looking for, do those four make sense? And I think the options are, do you build it with a channelized continual right turn, or you don't build it that way. I mean, I think that has some ramifications. The long range study, you know, re-design the ramps, putting ramps underneath Route 9, boring under Route 9, seventeen, eighteen million dollars, east-west by-pass that Carol asked about, eighteen, nineteen million dollars, that's 2025, but conceptually, they look like they could work. I don't think we are there yet, I agree with you, we are not there yet for those.

Commissioner Fox: Mr. Chairman, if you are asking us, if you are asking me to say yes, go ahead, continue this study, and finalize or come up with a couple of good solutions, I say yes, go ahead. And I think that is what you are asking us to do.

Jennifer Carrrier: No, what we've done is, we have just presented these options. It's just a study of findings, so we're just asking you, as a group, who have seen these, that you just support this study and that we are really not way out in left field, proposing something that you totally disagree with. These are all conceptual in nature, so again, there is a lot of design and a lot more planning that has to go into this.

Commissioner Fox: Let me ask one more question. If I am off base with this, I apologize, but are you looking for this Commission, as well as any other Commission that's involved with any of these studies, to rationalize the fact that you are going to continue this study, which is going to cost money.

Jennifer Carrier: No, I would like to wrap up this study, I've been working with you, other members, for about two years now, and I think we, I know, somebody else on the Commission said to me, you have a very difficult assignment, and I feel that we have gotten some great ideas and concepts here to sign off on. I think it's our turn to wrap this up, and move forward. We typically do not ask Planning and Zoning Commissions for approval on traffic problems, but we felt that, on traffic studies, but we felt that for this particular project, because you are familiar with the Stationary Planning we felt we should come here, and we wanted your input. That is not typically how we go. CRCOG policy is that we need the Town Council typically to endorse it, and

then we bring it to our transportation policy board, which consists of twenty-nine different municipalities. Then, Federal transportation funds cannot be used unless the CRCOG board approves the project. So, we will be looking for our policy board as the regional entity to approve these findings. So, we wanted to have you on board, as partners and that you approved this study findings.

Commissioner Anest-Klett: I must be dense tonight, but you are going to have all this traffic coming off, what is going to happen if you widen Cedar Street down at that end, now all that traffic is going to have to merge to two lanes, heading east on Cedar Street. Isn't that going to back up your traffic?

Jennifer Carrier: We're actually, this plan is not adding traffic, we are giving you an idea for the future, if a developer comes in here. On Cedar Street, the existing Route 9 north off ramp, if we provide two right turn lanes, one of the options is no widening on Cedar Street. So, all you are doing is that you are just reducing the backups onto Route 9.

Commissioner Anest-Klett: I know, one of the options was to put that extra….

Jennifer Carrier: To do an exceleration lane.

Commissioner Anest-Klett: Right, like the steady stream traffic coming off of Ella Grasso. But, now that traffic is going to have to merge.

Jennifer Carrier: Right. And we looked at the design standards accommodated with that movement, that free flowing right turn movement, that, there will be a re-distribution that we talked about before, some people may think, oh, this is an easier intersection, but we are not proposing development, so that right turn lane is not going to significantly increase the volume of traffic. It may make it a little bit easier, but like Tom was saying, any intersection you improve the operation of, it's not going to be a major (inaudible) by any means.

Chairman Camilli: All set?

Commissioner Prestage: My question was answered by Commissioner Fox's question, I'm happy to say. Thank you.

Chairman Camilli: One of the things that came out, when Carol was asking questions, well you mentioned that you really hadn't studied what she was alluding to. Perhaps in the study, should you, so before we go further, in other words, if we approve the study as is, the question that Carol brought up was not taken into consideration, so my concern is, you said, well that was a good question, that was coming from you, and therefore maybe the study should go a little further before we recommend it. One more comment, I have talked with the Planner quite a bit over this, I alluded to Farmington today, going down Route 4, you know, people don't want to improve traffic on it. We improved Cedar Street and we ended up with a pretty good race track, and again, it's all enforcement, as the people alluded to, whether it's left turns, whatever, we actually stopped an improvement at Main and Cedar because we wanted to slow the traffic down. So getting back to Carol's concern, by improving the traffic situation, does it in fact improve the situation, or only makes it better for the people who are using it, and speeding it up. For instance, one of your options was the pass through rather than stopping traffic in the lane, channel, which would be beneficial for people, for the cut throughs. I ended my comment, and I don't want to say much more at this point, I ended my conversation with Mr. Meehan, I think want we want to do, it's not to give you a hard time, but to do what is best for Newington and not necessarily take care of a myriad of traffic problems which, as some councilor said last night at the council meeting,

they really had nothing to do with Newington, but where we're the beneficiaries of it, and by improving it, I'm not so sure if it improves it for Newington or the people who are cutting through, and perhaps the study should go further, on that basis before we approve.

Jennifer Carrier: Can I respond?

Chairman Camilli: Sure.

Jennifer Carrier: The money for this study was attained through the Transportation Strategy Board. We have really, there is no additional money. The scope of the work was to study the interchange and alternatives. This particular question, of Cedar Street and traffic and cut through was studied in the corridor study by CRCOG, and at that time the same concerns were brought up. This study cannot be expanded, the scope, because there is no funding. What we have, I actually will be starting two new studies, which came through our region through a request for solicitation, so these two towns have asked CRCOG to study corridors in other parts of the region, so there is an opportunity, and this is a, like I said, is a very good point. I don't have solutions. The study was not meant to deal with that, we tried to, whenever we could in the study, to come up with this east-west parallel that would help a segment of it. I think, CRCOG, we work for the municipalities, so we can work with Ed and Mike and try to figure out how this is an important issue in Newington, we can work to try to figure out what other funding sources are there, so that is one thing, and then, getting to the Route 4 concept of, what if we don't do anything? A couple of things, if you decide that you don't want to do any widening, or anything, okay, the queues are going to go up, I have to say that Fenn Road is already a high accident location in the State of Connecticut, so they are state roads, and I've worked, I used to work on the development side, and I have worked closely with the State now, and we don't know, there may come a point where they say, there are fatalities out there, and the state may be coming to you with new contacts. By not improving, or widening, a developer may come in and propose something, and you may deny them, but they are showing you that there is a feasible alternative, I don't know, you definitely know better, but it could end up in the court system because the State Traffic Commission will not sign off until they have your approval, but if the State is agreeable to your improvements, it could just become a very long process.

Commissioner Ganley: Follow me now on this. The question she raised, that you said was a very good question, at any point in time, from the options being presented, the State will probably conclude that this is the one that they will probably go with, whatever one it is. Follow me? Since this concern is now part of the record, simultaneously with the option decided upon by the State, could that particular addition to the option be placed in also, since it's a very valid concern?

Jennifer Carrier: Yes.

Commissioner Ganley: Thank you.

Commissioner Schatz: I understand what Tom is talking about, I understand what you are saying. So, we are solving the problem up on 9 and Fenn Road, going around the corner, Ella Grasso, but we are moving the bubble somewhere, right? We're moving it from there, maybe down to Cedar and Main, you know, how do we handle that? But, that is not part of this study?

Chairman Camilli: That is what Carol had alluded to.

Commissioner Anest-Klett: That is my concern.

Commissioner Schatz: We are moving the bubble. I mean, I've sat in the queue, saying, somebody is going to whack me in the backend. But making that disappear, maybe, just maybe more people will say, hey, now that's pretty good.

Commissioner Fox: Exactly.

Commissioner Schatz: Are we moving a bigger bubble down into our town, and I don't have an answer. I understand what Tom is saying, you know, let's throw it over on the other side of the fence and maybe you girls can run with it, but if the town should approve this, if we approve it, the Town is going to approve it, then what, you people are going to go back and look for funding?

Jennifer Carrier: I'll be looking to get the Town Council endorsement, and then presenting to our policy board, and then working with the state corridors, we would like Newington to be on board, work with Newington…..

Commissioner Schatz: Work with Newington dollar wise, or …..

Jennifer Carrier: Nope, just work with Newington

TAPE FAILURE

Chairman Camilli urged the Commission to review the study before the next meeting of August 24th, 2005 which would allow discussion and a possible vote before the Council meeting in September.

VIII. PETITIONS FOR SCHEDULING (TPZ Meeting 8-24-05 and 9-14-05)

A. PETITION 47-05 40 Commerce Court, Carducci Enterprises, LLC, owner Lauth Property Group, c/o Lauth Construction, LLC, Richard Radabaugh, 401 Pennsylvania Parkway, Indianapolis, IN 46208 request for site plan approval 16,000 sq. ft. building, insurance claim center (auto) I Zone District. Schedule for August 24, 2005.

B. PETITION 48-05 31 Harmon Court, Maria LaRose owner, Sebastian LaRose, 106 Bond Street Hartford, CT 06114 applicant, request for Special Exception Section 6.13 accessory apartment, R-12 Zone District. Schedule for Public Hearing August 24, 2005.

C. PETITION 50-05 48 Commerce Court, Zavaretta Woodworking, Bruno Zavarella owner, Karen Roche, 250 West Point Terrace, West Hartford, CT 06107 applicant, request for Special Exception Section 3.17.6 Recreation Use, I Zone District. Schedule for Public Hearing August 24, 2005.

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

None.

X. REMARKS BY COMMISSIONERS

None.

XI. ZONING ADMINISTRATOR COMMENTS

None.

XII. STAFF REPORT

A. Bond Status Report – Commerce Court and Hollow Tree Lane. Incomplete roadway improvements.

The Town Planner reported that neither of the two roads had been completed to a satisfactory status, and the town was investigating calling the bond that was held to ensure completion of the improvements.

XIII. ADJOURNMENT

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

Respectfully submitted,

Norine Addis,
Recording Secretary