

NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 23, 2006

Regular Meeting

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

Commissioners Present

Chairman Camilli
Commissioner Ganley
Commissioner Fox
Commissioner Kornichuk
Commissioner Pruet
Commissioner Schatz

Commissioners Absent

Commissioner Cariseo
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. Petition 33-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Zone Map Amendment I District to B-BT Business Berlin Turnpike, Intertown advisory referral to CRCOG, C.G.S. Section 8-3b) required.**
- B. Petition 34-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Zone Text Amendment Section 3.14.1 c to permit hotels and motels up to a height of 4 stories or 45' in B-BT Berlin Turnpike Business Zone and amend Table A: Schedule of Height & Area Requirements to permit hotels and motels up to a height of 4 stories or 45' in B-BT Zone District. Intertown advisory referral to CRCOG (C.G.S. Section 8-3b) required.**

Attorney Randich: Thank you, Robert Randich 34 Brook St. for the applicant. This is a continuation of a public hearing that was started in July. Since that time, I had submitted a rather lengthy letter on these two applications, which obviously I would request be made part of the record, I believe all the Commissioners have it. I would just summarize it quickly as Mr. Meehan went over last time, the Commission is acting in an legislative function with respect to these applications. Our position as the applicant is, if you look at this site, nine acres in size, located so

close to the Berlin Turnpike, that a typical plan now days would probably not give this an industrial designation, due to its proximity to the Berlin Turnpike. We think it would be more appropriate to be in the Berlin Turnpike business district zone as the neighboring property is, and also to be consistent with the town Plan of Development which sees this particular site specifically as being a gateway property connecting the Berlin Turnpike with the business town center district. So we think that the types of uses that we are proposing fit within the Berlin Turnpike District Zone and further would serve to be a good connector between the Berlin Turnpike and the town center as you go down the hill.

So, I'm certainly available to respond to any questions that any of the Commissioners may have based on my letter, but I, for that, and the reasons stated in my letter, I guess the other point, I guess I would just high light from the letter is with respect to the second application, on the height change, the Berlin Turnpike has a couple of zones in it, in addition to the Berlin Turnpike zone, there is also the PD Zone and in that zone, hotels are allowed to be four stories, or 45' tall. So, in essence, we are just seeking to bring conformity into the regulations with respect to how tall you can build a hotel on the Berlin Turnpike. We think again for consistency reasons that is another justification.

From an economic stand point of it, we think it is fair to say that the Plan of Conservation and Development does look to this parcel to be an economic generator for the grand list in the town, to maintain the standard of living we have without putting too much on the backs of the homeowners. We think that our development, when fully completed will basically increase the grand list by about eight and a half times of what the existing improvements of the property, as well as provide 150 to 200 new jobs.

So we think from a policy standpoint, both applications provide a lot of good reasons to be granted, and at this point I'll be glad to answer any questions that any Commissioners may have.

Chairman Camilli: Any questions from the Commissioners? Ed, did you have anything?

Ed Meehan: No, this is what the Commission asked the, Attorney Randich to prepare, and I think it sets forth his reasons and his client's reasons for the justification of two zone changes.

Chairman Camilli: Do we have anything else we want to discuss at this time? Do we want to keep this open.

Ed Meehan: You want to continue the other companion applications, that have to deal with the special exceptions, for the restaurant and the auto related gas station, it's up to the Commission whether they want to just keep all this moving forward, continue it, with an extension to your September 13th meeting.

Chairman Camilli: I think that's, is that what you want to do?

Commissioner Pruet: Makes sense.

Chairman Camilli: Okay, do you have anything else that you want to say at this point?

Attorney Randich: Not on these two applications.

Chairman Camilli: Okay. The public, anyone from the public wishing to speak in favor? Or against? Very quiet tonight, everybody.

Don Roberg, 295 East Cedar Street: That is right across from a lot of the things that are going on here. My issues would be being able to get out of my driveway, number one. I have been watching a lot of things that have been going on, and realize that in the winter time, it does get bad, but if things are backed up beyond my driveway, what I want to know is if I am ever going to

be able to take a left out of my driveway, going into Newington. That would be my probably number one issue. If there are like people backed up, twenty, thirty back, I'm just wondering if I am every going to be able to get out of my driveway again.

Chairman Camilli: Now, where are you?

Don Roberg: Is there a map that I can....

Ed Meehan: Well, first of all, we are talking about zone changes, at this point.

Chairman Camilli: That's why we really didn't say too much in terms of that, but I think you have to ask the question now, because he won't be able to ask these questions later on.

Ed Meehan: Unless he asks them with the auto related use, and the restaurant special exception.

Chairman Camilli: Well, obviously he is concerned about....

Don Roberg: Well, there was that, and if there is any blasting going on. My house was blasted to be put in, and I have a finished basement area.

Chairman Camilli: Which side of East Cedar Street are you on?

Ed Meehan: The driveway west of Gospel Hall?

Don Roberg: Yes, this is my house, right here, and you are proposing to put a major intersection and improving things for people to get out of their driveways, both lanes at the light, but everyone is getting improvements except in front of my house, and I have an issue with it, especially if there is going to be some curb cutting and that type of thing happening here.

Michael Frisbee: If it pleases the board, we will take that into consideration when we do our traffic presentation on another application, and we can address those issues then.

Chairman Camilli: Okay, thank you for alerting us to it, because I wasn't really aware of it. This really isn't the right time, but we will address it at the proper time.

Don Roberg: Thank you very much.

Chairman Camilli: Any other questions from the public, negative, positive? Something that the Commission should be aware of?

Attorney Randich, we need a letter for an extension on this.

Attorney Randich: Yeah, I will agree on the record tonight to extend it to the next meeting of the board and can I fax the letter tomorrow morning on that, Ed?

Ed Meehan: Sure.

Attorney Randich: The other thing too, just briefly, on the issue of blasting. We don't have any current intention to do blasting. We were hoping to remove whatever rock we need to, using non blasting methods, but there is no guarantee on that, and obviously we may reach a point where we have to come and obtain the appropriate permits and follow the appropriate procedures.

Chairman Camilli: Okay. So, we will keep petitions 33-06 and 34-06 open.

- C. Petition 35-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Special Exception 3.14.1 and Section 3.11.3 and Section 6.11 auto related service gasoline station, B-BT Zone District. Inland Wetland report required. Note: The Commission will conduct a site walk of this property at 5:00 p.m.**

Attorney Randich: Thank you. Robert Randich again for the applicant. I'd like to, at this time, and again, this is a continuation of the public hearing that was started last month, to basically run through the standards in Section 5.2. 6, a to g, so that the Commission is satisfied that the, we have addressed the various standards set forth by the zoning regulations to obtain this special permit.

Section A talks about the requirement to show a need for the proposed use. The Commission is well aware, Cedar Street is one of the most heavily traveled streets in Newington, into Wethersfield. Basically it is a five mile length of roadway that runs between the Silas Deane Highway in Wethersfield and Route 9 at the Newington/New Britain line. Right now there are only gas stations located near the Silas Deane Highway and near Route 9. There are no gas stations in the middle. This essentially would provide for that service somewhat in the middle of this stretch of heavily traveled road, very close, obviously to Route 5 and 15 which is another busy intersection as well, so we think that there is a need for this use in this particular location and it will serve the public in Newington as well as the motorists traveling on the highway, who are just passing through very well.

Item B is the existing and probable future character of the neighborhood. Again, looking at the town Plan of Conservation and Development, this particular site is identified in that document as being a gateway site, and a link between the Berlin Turnpike and the town center. Assuming that the Commission proceeds with the granting of our application to change the zone to the Berlin Turnpike zone, which, you know, if that is not granted, we won't get to this application anyway. The development that we are proposing is consistent with that zone designation, as well as the future character of the neighborhood involved. There are sites that abut us that are in that district, that have this type of development on it, and the way that we have designed it provides for a good buffer for the neighbors zoned commercial district. The gas station itself is right off the highway, and is a natural for this location.

Item C is the size, type and location of the main and accessory buildings. We believe this is a huge plus for us. The way that this is designed, and I will have our traffic consultant come up here in a minute to walk through particularly issues that involve traffic and the design of the site, but the station is not designed so that you roll off the road and right into the station. The way that it is designed is that you have to come into a driveway and then enter the gas station. Most gas stations you roll right into the pumps, or whatever, which can be a very dangerous situation. Our design sets the gas station back from the road, at lot more than we could if we just followed the minimum standard. In fact it requires the traffic to come in a driveway into the whole development, and then take a driveway into the gasoline station. The station is not an over build. We are not requesting any variances to waive parking requirements, or anything like that. It's a building, and it fits very well within the site.

In conjunction with this requirement, as well as the next requirement, the traffic circulation in the site, as was noted before, we are proposing to put a brand new traffic light that will govern all the traffic that comes into this site. That is going to involve a substantial capitol improvement to be borne by our client to get this accomplished. In addition to setting the gas station back, will even enhance further the safety of the operation of the gasoline station at this time. At this time, I would like to bring up Jim Wynn, who is our traffic consultant, who will explain further the specific design of the gas station and why we believe it is a safe design through and through.

Jim Wynn: Good evening, for the record, I'm a traffic engineer with the firm of Greenman and Pedersen. I know there are some questions regarding the signal, and I think we will hold off to talk about the site plan to get more details of the signal operation, but what I do want to talk about is pretty much on site, the concerns, I know that there were some concerns at the last hearing about some on-site circulation, and if I may approach the board, and talk about...and again, if I miss any points, or you have any questions you have, you can stop me and ask, but from what I remember the last time we met was the concern of trucks being able to access the gas station, and what is shown on this plan is a turning template, or the path of a vehicle, a fueling truck, as shown here. These lines here show the path that a truck needs, a fueling truck, to get around the site. One of the concerns, and again, I can get into more detail later, but one of the concerns is, as I mentioned, along 175 is the speed, in that they didn't want, or the board was concerned that they didn't want people coming into the site with a high speed without having a place to kind of separate the through traffic, the right turn traffic, so as part of this plan, as shown here, there is proposed a right turn decel lane into the site, so again, for a fueling truck, they can utilize this lane as well, so for a truck coming into the site, will get into the right turn lane, make the turn in, and here you can show paths. The truck will come around the building, and you can see where the pumps are located, at the gas station, there is plenty of distance between the pumps where the cars will fuel up, where the cars park, and there is still plenty of room for the truck to get around. This location here is where the trucks would unload the fuel, still plenty of room for the cars to move around while the truck is refueling, and the path continues to show how a truck can exit the site without encroaching onto other lanes and keeping their own lane and to be able to maneuver around the site.

Box truck deliveries to the hotel, shows a sketch here, that is this line, coming through here, how a vehicle could turn around, back up, unload, and then pull out of the site efficiently. I believe that was the concern at the last meeting, how the truck would maneuver around the site, and this plan here shows that it was taken into consideration, the truck can maneuver efficiently through the site, not encroach on the traffic and not basically block cars from trying to get around the site while refueling.

Chairman Camilli: As part of the traffic points, those couple of arrows there, where, not where the pumps are, but where the building is, are you going to have two dedicated lanes to go around that building?

Jim Wynn: Well, do you want me to talk a little about.....

Michael Frisbee: Well, what we are trying to do here is that we are funneling the traffic in the event that cars want to get back out to the full access driveway because this will be right in only, to get the cars in between the pumps and store, cars coming in this way are having to get back, we just allow for access around the building to get out to this driveway here a little bit easier than, it's another avenue for cars to get back out to this driveway, actually to get back out to the light without having a conflict in this general area because you will have cars coming in and out this way, cars coming in and out this way, and that again, shows you the travel lanes in and around the building. Those are full size travel lanes, so again, it just represents a large area in and around the convenience store to get around the site. What you see in a lot of gas station convenience stores is they will try to cram it all on a small piece of property. This property here is almost 1.5 acres, which you don't have on a typical gas station convenience store. You see a lot of converted facilities and they try to cram it all in, all the parking is right in front, you can't get around the building, again this just goes to show you that we space everything out. It's a very comfortable site to get in and out of, and allow the cars to flow freely on the site.

Chairman Camilli: There's not going to be a drive though is there?

Michael Frisbee: No, but if we were to come in at a later date and expand the project, again, shows the ability, if we wanted to put a car wash back there some day, if we wanted to put a drive through, we have plenty of stacking, plenty of room, again, it's one of those things where we are providing the ease of access in and around the site.

Jim Wynn: Actually, Mike brought up a good point that I just want to touch upon quickly, the location of this driveway here, there is actually two driveways, this is going to be the enter only driveway, and the idea is that someone coming off of 175, you can pull them into the site, you can get them out of where the main driveway is. This driveway is located so that if the vehicle is trying to get out of the site, we back up, and what we've projected to be the backup queue, wouldn't back past that driveway so that you can always get out of that driveway, and that is how we determined that location.

Michael Frisbee: We have determined that this is the best place for this driveway entrance and exit to make a comfortable left turn out of here in the event that there are cars backing up at the light waiting to come out onto 175.

Chairman Camilli: Do you have any questions?

Ed Meehan: Yes, I have some comments. We have talked about this at several of our staff meetings, and we have some new input from the town staff side, we have a new part time engineer who replaced Mike Mancini this week, so he has had a chance to put his two cents in, to look at this too. We are coming back to the same concern of the points of conflict with this Do Not Enter driveway. I mean, it looks good on paper, but I think in reality, drivers coming off of Cedar Street, East Cedar Street, are going to turn in there. The configuration is just too inviting and I would recommend that you eliminate that driveway and focus getting traffic in and out at the driveway a little bit further up, maybe widen that out a little bit, and then also eliminate the parking, the six bays in there. You will have people driving in, queuing up, backing out, someone backing out of those stalls is looking at a car possibly exiting out of the gas pumps, the car behind him backing out of the convenience store, now you mentioned the lanes coming around the back of the store, there are five or six different ways that that car backing up can get hit, or back into somebody, hit someone. I think that is too confusing.

I would also eliminate and only have one driveway in from the easterly side of your property, where you show two driveways there, I would just have one driveway opposite the travel aisle that feeds into the bank and the restaurant. There is too much going on in that area. I appreciate that it has an acre in size, but when you have five filling pumps, maybe ten vehicles, plus people backing out of the front of the convenience store, and now you say maybe the possibility of someday in the future for a food service or car wash, or whatever, you just aggravate the situation more. I would simplify the number of turning movements in the points of conflict in that part of the site. That is one of my points.

The second point I would make is, based on our observations during the site walk, the Commission members, we were standing where this proposed right turn in, right turn out might go, and we observed a high rate of vehicles and a high speed of vehicles, coming westbound on East Cedar Street. It seems to me that even with a deceleration lane a vehicle slowing or making a decision at the last minute, it doesn't give the driver enough time coming off the ramps, or coming over from Wethersfield a chance to slow down.

To my mind, having been out there now and looked at this, I think it is better to eliminate that right turn in and right turn out, and bring people to one point, to a traffic signal that is designed and signalized to favor the major traffic east and west on East Cedar Street, and the internal site, side street traffic so to speak is queued up and stored there until it is an appropriate time to release them into the major road. We saw cars going by there, they had to be going forty-five, fifty miles an hour, and that is the external part of this. The internal part I think, there's too much conflict.

Michael Frisbee: Let's start with your first point. One of the reasons that we designed this site, I understand what you are saying, but in theory, what we are trying to do is to get them on site, and Jim can talk a little bit more about that, is get them on site, and eliminate those conflicts off the road, get them onto the site first. By doing that, having a right in only here, you are getting these cars that are coming in, they are getting right into the site, now they have the option, and believe me when I tell you that this is designed, it's more than forty feet from the back of the station to this pump. You have forty feet, that's more than enough room for a car to back in and out comfortably, as well as having a car come the other way, and to get them into this location. Same thing on the other side, get them into the site, get them off the major travel roadways, and reduce your conflict off the site.

Ed Meehan: But they are on the site. Once they get on that internal road system, your driveway, they are in the site. What difference does it make if that car pulling into the gas station drives another fifty feet, you have three car spaces there which is probably not even fifty feet, and takes a right into the convenience store to the pumps. They are in the site, it doesn't make any difference.

Jim Wynn: Well the difference is, if the car comes in here, someone pulling out will see that they are turning in, and be able to pull out. If someone was coming up to this driveway, and didn't put the directional on, turned right in, they would have to wait, and they wouldn't know what they were doing. I agree with you about the conflict points, but what we are trying to do with this design is to minimize the number of conflict vehicles at the driveway.

Ed Meehan: I think you are designing a problem in there with basically narrowing down a driveway and saying Do Not Enter is not going to work. People are going to turn the first chance they get.

Jim Wynn: When you say, Do Not Enter, you mean coming out this way?

Ed Meehan: Coming out, yeah.

Mike Frisbee: Well there are other ways that we can keep them from coming out of there. You know, if that is an issue.

Ed Meehan: What other ways would you propose?

Mike Frisbee: Well, we could put signs, we could put a median so it is a right in only, so that anyone can't come through that driveway and take a left. There's other options. Let's go back and address your second point because we can go back and work, the second point is the speed of travel out there. One of the things, and Jim, correct me if I'm wrong, but once we design, and construct and put in this new traffic signal, that is going to eliminate a lot of your problems, people going fifty-five, sixty miles per hour out there. They are going to see the light and they are automatically going to start to slow down. Secondly, what we talked about on site, is when we get to this right in, right out driveway, is that what you see out there, we have to grade, and we have to improve the roadway out there to allow for that deceleration lane which is going to make a dramatic impact in that area as well because right now there's only two lanes with a shoulder. There is no breakdown lane, there is no deceleration lane, and people know in that area that they can just fire up that roadway without having work. Now that this site is going to be developed, it's going to slow people down, the light is going to slow people down, so they will probably be moving closer to the posted speed limit out there versus several miles over that speed limit.

Jim Wynn: Yeah, speaking to that point, generally just a signal itself does help the travel speeds and in the idea of having this, almost the same idea, trying to pull some of the traffic out of the signal, it, you know, if you have this opportunity and there is a good distance between them, to be able to pull traffic out, instead of putting more traffic at the signal, that was the intent here. I definitely appreciate your point of how, this may come quick if you come off the ramp, and you may miss it, but you do have that option of coming into that second driveway, so in fact if someone was to see this, and see these uses, if they do miss that first driveway, they do have the option of coming to the second driveway. This is really more of a convenience, and to try to help out with the signal and try to get some of that traffic off of the signal and just trying to get the signal to work as best as possible.

Michael Frisbee: If I could make just one last point, in working with Connecticut DOT.....

Ed Meehan: That's what I was going to ask you, what were their comments?

Jim Wynn: Well, that's what they were looking at here, and obviously it's going to go through a thorough review, state highway, and they will come back with the comments, but preliminary, to have that right turn, right in and right out, but to have the full access at a point where it is appropriate and you have proper sight distance.

Ed Meehan: Was ConnDot for your right in and right out?

Jim Wynn: In our discussions with them, yes and we actually originally had it down closer to the roadway, and they wanted us to push it back as far as we could, as well as have this driveway back as far as we could, so you know, we talked about cars backing up here, waiting to out turn onto East Cedar Street, 175, so this was the area that we felt, in working with them was the best place to allow for that.

Ed Meehan: So they, what about the right in and the right out, no, not in site, from the outside.

Jim Wynn: Oh, you mean right here?

Ed Meehan: What is their take on that?

Michael Frisbee: Correct me if I'm wrong here, but their biggest question was how far from the intersection to allow for the benefit of the improvements that we are going to make at the offering. So, this is the farthest point that we could push it, and it exceeds over 300 feet which makes sense for....

Jim Wynn: So what they brought up was a preliminary concern, again, they will look at it again, but based on the initial conversations they didn't....

Michael Frisbee: To take that one step further, as we originally proposed access off of Russell Road, and working with the Connecticut DOT, they were against that. They felt that if we could eliminate that type of access, they would prefer to see that.

Chairman Camilli: Mike, do you have a questions.

Commissioner Fox: I have a couple of them, Mr. Chairman. One, what is going to happen do you think when people are coming down, drivers are going west on East Cedar Street, they see that light starting to turn, they still see green, and they want to make sure they don't miss that light?

Michael Frisbee: What would I think they would do?

Commissioner Fox: Yes. How many people, I mean, there are a lot of people that I know, that I see, that try to beat that amber light. So they are going to be speeding up, number one. Number two, when you have people coming out of the right turn only, same thing, they are going to be in the, this right turn lane over here, there is enough room for them to get out of here, but if they miss the light here, then you are getting a little bit more of a queue over here.

Michael Frisbee: To address your first issue, I'd can't speak for all the drivers, but there are some that obviously don't obey the laws and we'll take that into consideration. You are on an incline, so if you are going to speed, you'd rather be going uphill than downhill. People go through red lights, they will go through the amber as you said. To address this issue here, this is a yield motion and with the work that we are going to be doing in the roadways, and for the improvement of the site, are going to open up the sight lines, based on the Connecticut DOT requirements.

Jim Wynn: I know that you have the building here today, and the vegetation, that will all be cleared and I do have a plan somewhere that shows basically the sight lines from the driveways and we will make sure that we maintain the requirements from the Connecticut DOT for that driveway as well as the site driveway.

Michael Frisbee: One last point that I'll make, if you will is that when we were out there this evening, we were at peak, peak driving time, so we had the worse case scenario.

Jim Wynn: Yeah, you could see when we were out there, you know, when we got there, when it was really busy, you saw a lot of traffic. By the time we left that peak subsided and there was a lot less traffic, so in our traffic numbers, we do look at, we look at the peak hours, and then in our analysis we look at the peak fifteen minutes of that peak hour, and then we adjust it for the peak month conditions. Again, this is all Connecticut DOT standards and what they look at as the Friday conditions which is generally the higher traffic volume, so we try to look at the highest day of the week, peak fifteen minutes, of the peak hour, we look at the peak month conditions so the analysis that we have, we adjust it to show, basically the worst conditions out there.

Chairman Camilli: Well, August is not, it would probably be worse in September than in August.

Jim Wynn: Actually, October is.

Chairman Camilli: August is, when did you take it?

Jim Wynn: In October of last year.

Chairman Camilli: October of last year.

Commissioner Ganley: You seem to have created a problem without trying to solve, by putting in two driveways, okay, I've been looking at that thing. I took a walk on the field, I kind of waltzed around the place, I looked at the site plan, I looked at another site plan, and it would seem to me that the problem might be solved if you had just one driveway in and out, okay. The western most driveway, it seems that you have put a lot of asphalt down on what would be otherwise a perfectly usable lane, okay, you yourself said something about putting a car wash back there, or some other building in addition to the station. The gas station may want to get larger, you may find yourself with a problem in doing that if you've already put asphalt over a whole piece of land just to get a driveway in and out of there. So it would seem to me that it might serve your purpose better if you just eliminate that particular driveway, shift the gas station very slightly to the west, and then widen, and then shift the first driveway down there slightly to the west, and

then put the light there. That way, you have only one access into the property, controlled by a light, and that eliminates the problem that you are trying to solve of having two driveways coming out of there, one with a light, one without a light, and then you don't have to worry about left turns, right turns, who is coming out, who is going down, you just have one driveway in and out of there. Widen that, what is that center driveway right there, that eastern most driveway, just widen that driveway. Just widen that, and that is your primary entrance and exit from the property. Put a light there, maybe you would have to shift it slightly to the west, and just eliminate that entire western driveway. That leaves you more usable land, because you didn't put asphalt on it, and you didn't put a whole lot of other kind of stuff on there. You have more room to deal with the gas station in there.

Jim Wynn: Actually, as part of the study that we did, we looked at potentially putting the signal along this driveway. The problem is that the crest of the vertical curve is approximately where this driveway is going to be, so this is designed so that you can see proper distance both looking right and left of the driveway. At this driveway, where you can't see coming up over that hill, that is why having the right in and right out is a great point here, because you don't need to see the traffic coming from this direction. If this was to allow left turns out, you wouldn't be able to see the proper distance for cars coming up over that hill. So, it's a sight distance requirement that you have to have of your driveway, if you are going to have left and right turns out of that driveway, you need to be able to see a proper distance, looking right and looking left. So if a full access driveway was located here, you wouldn't be able to see far enough going that way, you would be able to look right, to see far enough, coming up over the crest of that hill. The other concern that we have here too, and I know on the site walk, and I can talk about it a little bit later, is just basically when cars queue up. The driveway here is located such that human error won't affect, this intersection won't back up onto the ramp. You could put a signal here, but it's getting closer to that ramp, and you have the potential of blocking that, and potentially blocking it back almost like what you see today, backing it up onto the highway.

Commissioner Ganley: I was suggesting moving it slightly to the west. What you have done is you have taken that extra driveway, if you took that extra driveway out of there, it leaves you the option of moving the gas station further to the west, because you haven't put all this asphalt over there, so you could move the gas station a little further to the west, because, close to your property line, or however you want to do that, that also then allows you to move that other driveway slightly to the west to more comport with the sight line. In addition, since that driveway is located, it wouldn't make an awful lot of difference coming out of that driveway to make a right turn so as to be traveling westerly what you can see because you are farther from the crest of the hill, than you were with the western most driveway. Furthermore, if you want to make a left turn coming out of there, you are farther from the crest of the hill than you are with the western most driveway, so you can still see cars coming over the crest of the hill, with sufficient time, besides, you have the green light.

Jim Wynn: Right, but like I mentioned, there is a minimum requirement for Connecticut. Basically you are saying shift this location just a little bit more to the west, or...

Commissioner Ganley: Sure.

Jim Wynn: And then, the second concern, if you do have that, is just what happens with the queues. You know, and I want to make sure that the signal is not going to impact the ramps and I don't know if that is going to have enough distance far enough, so the queue is not going to back up to the highway. Like I mentioned, the analysis that we ran, you know, shows that the queuing from the signal is not going to effect, that traffic is not going to back up past that, but if it's located further

Commissioner Ganley: If it's located easterly, I could see your problem, if it's located a little further westerly, that gives you a longer queue.

Michael Frisbee: What I would like to go back to, if you will, is our conversations, our meetings with the Connecticut DOT. They did preliminary studies, you know, from changing that ramp, and they looked at 175 and this is exactly where they would like the signal if it were to be put in. The other thing is you know, they want to eliminate curb cuts. If you were to subdivide this property and have different projects, they would all end up with curb cuts on 175. The other benefit of having this light, to the western portion of the property, is that in the event that something is developed here, you are going to be able to come out at a signalized intersection. If you push it closer here, they would end up with their own access, they have to have access.

Commissioner Ganley: That is not our problem.

Michael Frisbee: But again, we are going back to the Connecticut DOT, based on their design of what they would like to see the improvements made to the Berlin Turnpike and 175. This is exactly where they said the light should be. They have also reviewed our plans, and we're designing our access for the benefit of our property, based on our discussions, their regulations, their criteria for that design.

Commissioner Kornichuk: It seems that we are hammering this intersection right here. I have a problem with this, where you have people coming out of Wethersfield, you saw tonight how fast they drive, now they are going to want to cut across to get into this gas station that you are going to put there, plus you have these cars coming in, off of the Berlin Turnpike, you want to eliminate this stop sign, which means that you are going to have these cars free flowing, you don't think that's an accident waiting to happen?

Michael Frisbee: Based on the Connecticut DOT's requirements, and based on their recommendation, that is what they are looking for, and we have the distance requirements to allow for that type of travel. Again, we'll go back to the traffic signal, it is going to slow cars up on that roadway. You go back to the fact that the property is developed, it's going to slow cars up on that project, because cars are going to be looking, you are going to be wanting to go into that thing, and you are slowing down on the roadway to make those turns which won't allow the cars to be going sixty five miles an hour up that hill.

Commissioner Kornichuk: The traffic is going to go faster because they want to get through that light, they are not going to be going to be slower because there is a light there. Nobody wants to sit at a traffic light. I don't care who you are as a driver, you do not want to sit at a traffic light.

Michael Frisbee: That is understood, I mean, when we were driving out there, we understand the same thing, but what I can say, we are going back to the DOT requirements, you know, and working with them, and we still need to get their approval on our final plans, but this is what they recommended.

Jim Wynn: We looked at the master plan for the corridor as well, as this was the location, again, just because it is a busy road, I mean because there is a lot of cars, doesn't mean it's not designed correctly.

Chairman Camilli: Okay, I think I'm going to cut this off right now, I'm going to make just a couple of observations, and one is the DOT, just for the public, and for everyone, the DOT is probably the final arbitrator of this, you know, whatever we suggest, and what they suggest would be the way that it would go, as you know. Secondly, for the Commission members, I think we have a lot of stuff on the record right now, as far as our concerns, the traffic and safety. I don't know if the

Planner is satisfied with comments that you made as far as your other engineer there, that looked at these as well, do you want to put those on the record.

Ed Meehan: Well, I think that the applicant has my point about the concerns for the internal traffic conflict points near the western side of the gas station and the way of maybe closing a couple of driveways and consolidating them. I have one other suggestion, if I may Mr. Chairman, is that when the members were out there, and before that, I think it was during the last presentation the issue of how far the queues extended, down the hill westerly and as of tonight, back towards the ramp came up a couple of times, one way to help us visualize that might be to take a map and put your little cars on a queue line. It sounds very elementary, but this has been done before, and I think you said, if you have a queue line of fourteen times two, you have twenty-eight, two lanes, if you can visually present that, then I think, you know, how far that extends back toward the ramp, how far that extends back toward the grade coming up East Cedar Street will help the Commission understand, in a worse case situation what the queue really represents. Right now we are just kind of talking abstract numbers, it's another illustration that I'm trying to make.

Chairman Camilli: The other point that I wanted to make is that perhaps the Commission should get it's own traffic engineer so we could get. We have our own experience, which we know the traffic is there, going up the hill, in the wintertime and so forth, and we could possibly put more on the record, but you know, going back and forth, I think what we need is expertise ourselves. Someone with another perspective, if you will and because of the seriousness of the safety issues, I mean, it comes down to traffic, traffic and safety issues. I mean, you know, we can give our opinion, and you can give yours, so what we, I would make a suggestion to the Planner and the Commission that we hire our traffic engineer, traffic study engineer to take a look at what has been discussed. Being around this game for a long time, I have, no offense to you, I have never met a traffic engineer that didn't go along with his client. So, you are not going to say anything negative, and I appreciate that. You did a good job, I'm not faulting it at all, however, if you were to get two other traffic engineering companies in, you would probably have three different opinions. But any how, I can appreciate, and that is really why I didn't say too much, I think the Commission put a lot on the record, if you still want to ask questions, you are certainly are welcome....if we need a vote on it.....

Commissioner Pruett: I just would just like to add to the point of experience, Tom, myself, and everybody here is a long term resident of Newington, and we know that spot very well, and that has the propensity to be a major traffic concern with safety, and I just want to second, I can put that in the form of a motion of the Commission to get that independent traffic consultant.

Chairman Camilli: So we would have a....someone has to take a cleaner look.

Commissioner Pruett: Yes, another set of eyes.

Chairman Camilli: Even just the point of hiring one, to do, in that way there, we would appreciate your point of view, sometimes, and we have all experienced it going down, going west, God forbid if there is a traffic accident. I mean the backup on the turnpike is horrendous. Absolutely horrendous.

Commissioner Pruett: It's a critical artery.

Chairman Camilli: It is a critical artery and just to opine about it, and there are numbers, there are all kind of statistics that you can give, but they are all pro forma things, and from my perspective, and it is not to give the applicant a hard time about it, but you know, on the site walk, we were concerned about traffic. You know, as far as the location of the buildings, and so forth, and the

drainage, and things that we look at, I think the bottom line was traffic, and I think we ought to look for some advise.

Commissioner Ganley: I second that, his motion.

Chairman Camilli: I don't know that we need a motion, but we have a motion.

Ed Meehan: I will bring it to the Town Manager's attention.

Chairman Camilli: Okay, well, all in favor, we all want to do it, I gather that, and I just think it would be a good thing to protect the town, and the people. See how it goes, so I would like to, instead of, unless you want to add anything else under this public hearing....

Attorney Randich: Obviously we went a little far afield....

Chairman Camilli: We did.

Attorney Randich: For the safety of the site for a gas station, but be that as it may. Item E, is the availability of public water and sewer and we don't anticipate any problem getting a letter from the MDC, but we haven't gotten one as yet, so this is going to be continued until September 13th, we should have one by then. Item F, is location and types of display, signs, lighting and landscaping. Again, we made a presentation last time, the Commission had requests for additional information in greater detail, and we provided that. I'd like to hold off on that discussion until we get to the site plan, but we will have further information with respect to that that the Commission requested. Last is safe guard for adjacent property owners, here the gas station is buffered by wetlands to one side, the rest of our development to another, Cedar Street to another, the driveway, and then the adjacent property is zoned commercial development, so we feel that those safeguards are in place, and this is this is an appropriate development for this site, so with that, I think I have addressed the standards for a special exception.

Chairman Camilli: Well, I just want to remind the attorney that it is this Commission's great concern whether it is a gas station, or anything else, the public health and safety issue, gas station or not, and that is the end of that.

Public, anyone from the public wishing to speak in favor? Against?

John Bolles, 1692 Main Street: I wish to go on record as against the zone change as well as the other proposals for this site now before this Commission. To change the zone would be to create another strip mall in the gateway to Newington. We do not want a continuation of the Berlin Turnpike creeping down the mountain toward Newington center. From what has been previously presented to the Commission by the developer, is the idea that a gas station would carry the site. In other words, the hotel is simply a front, and I can assure you, occupancy will be at a forty-five to sixty percent level, if that, on any given day. So what happens in a year's time when they come back to this Commission for an additional change in zone. The site is too busy, traffic wise for a business of this nature. Any type of industrial type operation at this site would keep the traffic pattern busy, only when people were coming to work in the a.m. and leaving at the end of the day. The type of business the developer is proposing will generate an additional one thousand vehicles per hour at the already busy exit to Newington center. Therefore, I urge you to seriously consider what type of development would generate the least amount of traffic. In my opinion, an industrial type operation, or possibly a business office complex. This exit, to and from Newington can not become a bottleneck when you consider emergency fire, and police vehicles. Being already a very heavy traffic site, the proposal before you for a hotel, restaurant, bank, gas station and so forth would make for a very dangerous obstacle and obstruction course for

motorists coming off of the Berlin Turnpike, with heavy road casualties. Keep in mind, that the developer doesn't live in Newington, his financial gain outweighs any concerns for residents and their safety. This many buildings, of this nature, is what I call overextended use of site. I would ask you to deny this application. Deny any zone change for this parcel, other than that for an industrial type nature which would ensure the least amount of traffic in this area, which is really paramount and the key to developing this area, and minimizing the already heavy traffic pattern in this area. I do have faith in this Commission that you will make the correct decision regarding this site, however, I think it is going to be a long term assessment, and I think that is the key to the situation. Thank you.

Chairman Camilli: Anyone else wishing to speak against this application? Ed, are you all done for now, do you want to put any comments on the record?

Ed Meehan: I just want to ask the applicant, did you want to talk to the issue of separation?

Michael Frisbee: There are a few more things that we would like to talk about, on a number of items. Separation from the church.

Attorney Randich: I guess I can submit this to the Commission now. Some measuring of distances became an issue, it's a little hard to see because it's not in color, but last time we were here there was a discussion about one hundred, a requirement that one hundred feet be located between the driveway of a auto use and a church. This here is the entry way to the Gospel Hall driveway. We have done a number of measurements here. Our position would be that both this, and the right turn in lane are not driveways to the auto use, they are driveways to the overall site itself. The actual driveway for the proposed auto use, the closest one to the church would be this one right here. So if you took a measuring from the middle of that driveway to the property line of the church, it's 237 ½ feet, so that is more than double the hundred feet minimum. If you took a narrow view of it, and just went property line to property line, which I don't think is what the regulation calls for, but even that is very close to one hundred feet, I think it is ninety-nine feet, property line to property line. If you go from center line to center line of the driveways, from the church driveway to the driveway into the development is 103.6 feet, so we feel that we comply with the one hundred foot because the driveway for the auto use is in the middle of the site. Even if you used, say the driveway for the entire site, there is over a hundred feet from the center line of that driveway and the center line of the driveway into Gospel Hall.

I guess the last thing that I will say is that we will agree to continue this, in accordance with the other ones, it will be part of the letter than I send you tomorrow, but I would like to highlight, this applicant has been working closely with the town staff and the Connecticut DOT in an effort to come up with a design that satisfies everybody's need, and we would be hopeful that the town, you know, the Commission is certainly entitled to get another pair of eyes on this, in terms of expert reporting from a traffic standpoint, but we would hope that that report would be completed and be in a position to be discussed by the Commission by the September 13th meeting.

Chairman Camilli: There is again, a little matter of opinion here on where to draw the line on the particular aspect of the church. For now though, I think what I would like to do is to look at the regulations myself a little more closely before we move toward an interpretation of the regulations. I didn't realize until the site walk that there was a problem, you know, depending on what side of the fence you want to be on, where we measure, and I'm talking to the Commissioners now, and all I'm saying is that it is up for opinion again. I want to caution the Commission members on, and this is not to be rude or anything, we have to make up our own minds. We can hear what they say, which is fine, and I don't expect them to say, we don't conform. They are going to say that, and we have to look at it and perhaps they do, and perhaps they don't, but I think we make that judgment. It's our decision, so I would suggest that we look at

the regulation as far as what the distances are and how it is interpreted, from where it is measured, from the middle, as a average, I'm not sure what it says.

Ed Meehan: It doesn't give you, if I may, it just says entrances and exits for motor vehicle service uses shall be at least one hundred feet from a church. Entrances and exits.

Chairman Camilli: Yeah, we are running across these technical things of where one measures from, you know, is it driveway to driveway, building to building, I mean, we need, we can set standards, the Commission can set its standards as well is all I am saying at this point. So again, it's not gospel what we hear, but we can agree, or agree to disagree. Anyhow, I just want to caution Commission members on that. Do you have anything else?

Attorney Randich: I appreciate your comments and we just ask you to advise us, through Ed, as to.....

Chairman Camilli: Yeah, and as I said, I found out about it tonight on the site walk, first time, and I don't know.

Attorney Randich: Well, it was part of the staff comments, so we....

Ed Meehan: Yes, it was part of my original staff, so I appreciate that.

Chairman Camilli: We will look at it, and at some point we will be discussing these issues, and where we want to measure from.

D. Petition 36-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Special Exception Section 3.15.3 restaurant use, B-BT Zone District. Inland Wetlands report required. Note: The Commission will conduct a site walk of this property at 5:00 p.m.

Attorney Randich: Thank you. Again, Robert Randich for the applicant. Again, perhaps more quickly this time, I'd like to run through the standards for a special permit as it pertains to restaurant use. Section 5.2.6 A is a need for proposed use. We believe that again, if the zone is changed and this development is allowed to go forward, a hotel, which is not going to have a restaurant in it, is going to have a captive audience and a restaurant would be a natural thing to have in the development.

Item B is the existing and probable future character of neighborhood. Again, this is the exact type of development that you see in a B-BT zone, so we think that it would fit the future character of the site, and enhance the neighbors, and some of the neighboring properties in the same zone.

Item C is the size, type and location of main/accessory buildings. Again, there aren't any accessory buildings, we're not seeking any variances for parking, it's not an overzone, or anything like that, there is plenty of room and parking for this proposed construction.

The traffic circulation in the site, I don't believe that there are any issues with respect to that, but certainly we have the corresponding site plan if you have any questions, with respect to traffic on the restaurant use.

Item E is the availability of water and sewer, again we should have that letter prior to September 13th.

Item F is the location and types of display signs, lighting, landscaping, again, we made a presentation the last time, we've updated it in response to the Commission comments, and that will be detailed during our site plan presentation later tonight.

Last is the safeguard for the adjacent property owners, I think I have addressed that already, cut with respect to the restaurant, you have roads on two sides of it, the balance of our site on the other. I think it fits in very well, so I certainly will be available to answer any questions, and some of these things we will cover further in our site plan later this evening.

Chairman Camilli: Well, I'm going to take another shot here. One of the things that has concerned me about this project is, and I think some people from the public have also expressed similar concerns and I agree with it, to be honest with you, I would like to know what is going in there. Now, I don't have to know personally, you know, from all I can gather, a gas station is going in there. So my question is, we know that. When you say a restaurant, well that's fine and dandy, but you know, I'd like to know who it is. Because you are going to start, from what I understand, clear cutting that site, so the gas station goes in, and I don't have to know, but certainly either tell our Town Attorney or somebody, you know, you have some pretty good clients lined up for a restaurant or the hotel, so that we have an idea, otherwise, we could end up with a gas station. That's my concern, my big concern, You know, it's a great American dream, you know, to do things, you could say, well, I want to put this here, and this here, but we, if the town doesn't know, and we have been around the block with this a few times, with different applications. It's just experience tells me, you could say, okay, I'd like to know timing. What other questions would I like to know. What is going in first? The hotel, probably not, I don't know. I'll have you answer that, I just asked rhetorically. So, I'd like to know what the build out is, you know, and if you don't trust our Town Planner, you can tell our Town Attorney or somebody, you know, what you are going to put in there, I know there has been a lot of reticence as to what is going to go in there until you have clients, or contracts or however you do your business dealings, and you don't want to reveal information. But, at some point, I'm curious. I mean, you say restaurant, well that can go from A to Z. If you have a four story hotel, I mean, is it an Olive Garden or some little two bit little thing, and to me it would make a big difference as to what goes in there. I never said anything to the Commission or anything, but I'm concerned, and I was alerted by somebody from the public saying it. So, you know, we have a gas station. What else? I can understand that you don't want to divulge, but you know, but if you don't trust our Town Planner to not say anything to anybody, to have just a gas station, we have had some projects, not yours obviously, you've been cooperative and so forth, but experience tells me, we know, generally, when you have a project of this magnitude what is going in there. We know that Sam's is coming into town, Stew Leonard's, they are going in, we still have to go through this whole process, but we know who the applicants are, and who the tenants are if you will. In this case, it's kind of up in the air. So, my question, and I have been a little long winded, because it has been bothering me, and I keep asking the Planner, what is going in there, and it's, we can't tell you. That is what I get. I'm making it public tonight, because we are getting closer to the end, and frankly, I'd like to have some, you know, whether I know or not, you don't have to tell me, but you should be able to tell the Planner, or the Town Attorney, if you want confidentiality, of sorts, do it somewhere to say, you know, they have some top line customers coming in, or tenants, or buyers, or whatever, so at least we can say, if you move ahead with this, this is going to go, you have some good prospects here. I mean, if it lays fallow with just a gas station, I don't know if that is acceptable to me. And as I said, I can thank the public, somebody from the public who kind of put me onto that, and I totally agree with it.

Attorney Randich: I would like to respond to that, and perhaps Mr. Frisbee can follow up my comments with anything he might want to add, but let me at least dissuade some of your concerns. The nature of cost of the road improvement that are conditioned in this project, a gas station could never, on it's own, justify that type of an expenditure. In short, there are other things involved with the project that have to go forward, in order to justify the expense that the applicant is going to make to improve, and the installation of the traffic light on Cedar Street. You are correct that, when asked about this previously, contracts were under negotiation, and the people that the applicant is dealing with cannot have their identities splashed on the public record while

we are still in the application process, because we haven't concluded contracts with them. Mr. Frisbee may have some additional information to add on that. I would say that, this is the first request that we received tonight that you know, that we can have a conversation with the Town Attorney on the side. Certainly I think that is something that we can discuss. Clearly, and Mr. Frisbee can speak to this, I think that the intent here is to do the entire project or we wouldn't be coming to you. Our position right along was that the property in its current industrial zone allows a gas station, as of right. So if all we wanted to do was put up a gas station, we could have come in with something like that. You may not have liked it, and we could have wound up in court, or whatever, but we could have done that. Clearly, our position, since January, when we first met with Mr. Meehan was to come up with a project that the town saw the benefit, and that we felt was worth pursuing. So we have endeavored to do that, and Mike, I don't know if you want.....

Michael Frisbee: A couple of things that I will add, Bob touched on it a little bit, but, the cost of the land, the cost of developing the site, and the cost of making not only the off site improvements, but internal infrastructure, removing all that material and bringing in utilities and building that site make it cost prohibitive to do just one, not only one facet of this project, but two or three facets. You really have to have them all in place in order to make this project a feasible project for someone like myself.

Chairman Camilli: What are you going to build first?

Michael Frisbee: The infrastructure, the widening the roads.....

Chairman Camilli: I don't mean that, which building?

Michael Frisbee: All the buildings will go up, our plan is to do it all at the same time. Minimize the cost of construction, because you want to do it all at the same time because you have all your labor and machinery out there, but at the same time, you are approving a plan, that looks like this, regardless if that is an Applebees or a Chili's, or some other restaurant. That is what you are approving, you are approving a bank that looks like this, regardless of whether it is People's or Webster Bank, you are approving a gas station whether it is an Exxon Mobil or Shell. You are approving a retail strip center regardless of whether it's a phone shop or a nail salon. You are approving a hotel, regardless of whether it is a Fairfield Inn, or a Marriott or a Hilton. This is what you are approving, you are not approving the tenant. You are approving the plan and what is the property zoned for as far as a zone change. In working with the town and staff we are trying to create a project here that is going to be an economic benefit for the town, services that are needed in the town, as well as a first class facility that meets the standards of what you development plan is for the town, so with regards to the actual tenants, whoever goes in there, that's what it going to look like.

Chairman Camilli: My point is that someone has to go in there, and not knowing makes it problematical in my eyes. Be that as it may, that is a concern that I have, I don't know if you want to add anything to that, or anyone on the Commission?

Commissioner Schatz: I have one question. When we were on the site, you said that all the material that is on that site would remain on that site.

Michael Frisbee: That's correct.

Commissioner Schatz: Do you know how much material that is?

Michael Frisbee: We will probably address that as part of the site plan, but if you like, I can have someone discuss.....

Commissioner Schatz: No, that's fine, we'll do it then.

Ed Meehan: Do you want to, at this time, since you are talking about the restaurant, present your building elevations?

Michael Frisbee: Sure. For the benefit of the board, I will pass these around. I submitted these to your office earlier today and I'll give you, as part of our discussions with staff and coming from our last meeting, we had some sketches, building elevations that we submitted as part of our package, it was requested that we do a color rendering, so that the board would understand more specifically what this project was going to look like, exactly what it is going to look like. So, if you will, we have a common theme throughout the development. We have a brick veneer façade, a brick veneer, we have clapboard siding, we have architectural details throughout the different buildings so that it will match and be a synergistic development. You can see the architectural details are pretty specific and we think it's a first class facility and pictures speak a thousand words. The other thing I would like to mention is that we have a significant Welcome to Newington project right in the front corner. I think, I hope that the board will be happy with that. It's something that, I like to think that we are going above and beyond to show that this is the gateway to the town, and that is the first thing that you see when you come in versus the manufacturing building right up on the roadway.

Chairman Camilli: It looks nice.

Commissioner Fox: It's a beautiful job. I just want to echo the Chairman's remarks, I'd be a lot more comfortable if I knew that, without names that there were contracts, that there were tenants going into each one of these buildings, rather than approving a site plan, put the buildings up, and then see a lot of dust on the road.

Chairman Camilli: My question to the Town Planner, if the project moves ahead, and one of the buildings goes up, will that building get the c.o. to operate, or will it be in total? I mean....

Ed Meehan: They could ask for their c.o.'s in phases, based on when they are ready for occupancy, if the building department approves it, they are ready for public use. The other part of that is also making sure that the site layout is safe and function, you know, for that particular building, if it's the bank, or the restaurant, that the parking for that particular use is available, that the travel lanes, the lighting, the water service is all in place for that building. Maybe they get the c.o.'s for the bank and the restaurant and they are still working on the commercial and the hotel. So they would do the site in phases by protecting the part that is under construction, by making the part that is available to the public safe, meeting all our bonding requirements for completion, and so forth. So, they wouldn't get, they wouldn't come in and ask for, the timing would be unbelievable if they were to do that, you know, we want five c.o.'s for the hotel, restaurant, and so forth. It just doesn't happen that way. We coordinate with the Building Department, we coordinate with our public safety people, and make sure that part of the site that they are looking to occupy is usable.

Chairman Camilli: Well, from our point of view, my point is this, you are in negotiation with, let's say the negotiations on one of these buildings falls through, you would obviously look for some other tenant, or whatever, and you know, where does this leave the town in terms of, well, you know, we have one gas station up, or one restaurant up, and the rest kind of languishes, if you will, where would, we still have a gateway here.....

Ed Meehan: You still have an approved site plan with special exceptions, and the developer has five years to build his site, he can ask for an additional five years now under the statutes to complete it, and he has to implement his plan based on the approval of the Planning and Zoning

Commission. If for some reason he got this nice elevation approved and the restaurant elevations were approved like this, and he has a national tenant, that comes to him and says, I've got a great lease deal, but I can't, my national design doesn't represent what the Commission approved, Hunter Development has to come back to the Planning and Zoning Commission and say, we have XYZ Restaurant, but we want to modify the elevations. They would have to approve a new special exception.

Chairman Camilli: So, again, my thought is, if the town knew, the town, whoever that is, that X Restaurant, or X Hotel was going in there, and as usual, when you do this, I know like on other projects, you know, a drug store is going in, they want to be in by November 1st, you have to deliver as the developer. When you don't have that, we know, and we have gone through this many, many, many times, we know, and developers are under constraints and they want to come back because of something that happened or whatever, so that we know the constraints that sometimes one operates under. But if you don't have anybody, then you don't really have to do it. And that is the point of alerting somebody in the town as to what is going on, a little more substantially.

Attorney Randich: You have made your thought process crystal clear and give us time to assimilate it, and we will respond.

Chairman Camilli: Okay, that's all I have to say, I don't want to....

Commissioner Ganley: That issue aside, conceptually I like this, I truly do. But unless we can uncork the problem with the traffic, it just isn't going to go, so somehow by some process, whatever it is going to be, the traffic safety problem to that parcel has got to be solved. If that is solved, all else falls into place, it would get my vote, but you have to solve that problem.

Chairman Camilli: Commissioner Ganley is speaking for Commissioner Ganley and not speaking for the Commission, but nevertheless, in his mind that is what he feels, and if he wants to say that, it's up to him. That is not the will of the Commission. We want to get our traffic people in to get a look. Any other comments? So we need a letter also, for this.

Attorney Randich: Yes, it will all be in the same letter.

Chairman Camilli: All right, so we will keep Petition 36-06 open. Public, anyone from the public wishing to speak? Sorry that I was a little long winded, sometimes my wife tells me that I talk too much. On the restaurant, anyone wishing to speak in favor? Against?

Don Roberg, 295 East Cedar Street: I'm actually, I mean, you are hiring a lot of Commissions, and it's a very good idea, I applaud the idea, but what is probably happening is being that it is a main artery, and being that I live on it and saw a car flip over three times just a few weeks ago, coming out of my driveway, I think one of the issues is, a lot of people are coming through and people are coming through from a certain destination, from A to B. Now they are either choosing to come through on that artery or going through 84. So basically you are having an issue with vehicles coming through very fast, and I feel it is dangerous.

Chairman Camilli: Okay. Thank you. We will keep Petition 36-06 open.

- E. PETITION 38-06 Assessor Map NE 505 East Cedar Street known as Cedar Mountain parcel, Connecticut Children's Medical Center owner, Reno Properties, LLC 170 Pane Road, Newington, applicant, represented by Lewis Wise, Rogin, Nassau, Caplan Lassman & Hirtle, City Place I, 22nd Floor, Hartford, CT 06103 request for 4 lot subdivision CD Zone District to be accessed by a proposed commercial street over abutting property known as Lowe Manufacturing Company, 751 Russell Road. Inland Wetland Report Required. Note: The Commission will conduct a site walk of this property at 5:00 p.m.**

Attorney Wise: Mr. Chairman, my name is Lou Wise and I'm the attorney for the applicant. As you may recall, we were here last month and made our presentation for a four lot subdivision of the property in question on East Cedar Street. As you may also recall, it is a four lot subdivision for an office or business park, which is an as of right, permitted use in the zone, which is the CD zone and we made our presentation and I think that we demonstrated that we satisfy all of the zoning requirements and all of the subdivision regulations. You heard some remarks from some of the opponents of the proposal. I don't think the Commission made too many comments because you wanted to take a site walk, which you did earlier this evening. Tonight, in light of the fact that as I understand it, the public hearing will be kept open until some date in September, I guess it is the 13th, because of that, we will not make a full rebuttal of all of the comments that were made at the last meeting. We will wait until September and hopefully by then, we also will have received engineering comments from the town, which we have not yet received. Nor have we received Mr. Meehan's final comments. We have his preliminary comments, we addressed them at the last meeting, presumably we will get final comments from him when we get the town engineer's report and we will respond to all of that in September.

Tonight we have a little bit more of an abbreviated agenda for you. Mr. Bongiovanni is going to walk you through some minor amendments to the layout for the proposed subdivision. We have Mr. Paragenni, who is the civil engineer who is going to briefly discuss some drainage issues with you, Mr. Wynn, the traffic engineer who you just heard from in connection with the Hunter Development, is going to talk a little bit about traffic, but I want to remind the Commission that this is an as of right subdivision and so literally speaking, technically speaking, traffic issues are not something that the Commission can take into consideration. But, we want you to have a comfort level with the traffic issues and you will hear from Mr. Wynn that there should be no traffic issues to speak of. Finally, we have with us, Dr. Charles Dimmock who is a certified hydrogeologist and he will talk a little bit about issues related to blasting, and in particular if you recall last month, there were some comments made by one of the neighbors, or one of the members of the public who suggested that blasting may cause radon gas to escape and be a danger to the public, also suggested that there were underground rivers, that the blasting might cause massive flooding in the area, and Mr. Dimmock is going to address those issues, and some just general issues about the safety factors involved in blasting, although again, blasting is not something that the town has any regulations over, typically blasting is handled by the Fire Marshal who ensures that all the blasting will be done safely.

So, that is our agenda for tonight, and with your permission, we will, rather than drag this out tonight, we will respond to all those other comments that we heard at the last meeting in September. So with that, does anybody have any questions of me before I turn it over to Alan?

Alan Bongiovanni: For the record, my name is Alan Bongiovanni, President of the Bongiovanni Group, 170 Pane Road, Newington. If you recall at the last meeting, we presented the plan that is on your right, mounted on the board, a four lot subdivision with our road starting at a location on the currently Lowe property and then sweeping in the north and west direction and terminating in the cul-de-sac, about 970 feet in length. Through the evolution of both this project and the Hunter Development project, we have made a realignment to the road, to accommodate their driveway. Mr. Wynn is going to talk about the traffic design and how this connection will marry

with their development, and handle the traffic to and from this proposed development. Having said that, it created a minor realignment of the road. The road length now is about 990 feet in length, as opposed to 970, the cul-de-sac location stayed in the same place, we still have four lots, we have basically taken our same build out concept and applied it to this with some minor revisions to accommodate connections to the roadway to demonstrate that what we are proposing is a feasible development of the site. One of the benefits of the reconfiguration was that before we had 15.2 percent in open space, with this realignment, we are now enlarging open space and come up with 16 percent of the site as open space. Again, our redesign meets and/or exceeds all of the geometric criteria of the subdivision regulations, it meets or exceeds all the zoning criteria for this, for the proposed lots, the bulk regulations, set backs, areas and the like. I do have copies for the Commission, ten copies of the actual regrading of the road, sheet number five. I would request, I think we are going to attempt to do this tomorrow, now that we do have an engineer that will review for the town, that we can meet with him, and go over some of the technical details of this, so that we can hopefully, on the first meeting in September, incorporate all his comments, hopefully the final comments from the Town Planner, and have one full set of plans that we believe meets all the concerns of the town. Having said that, I'm going to introduce Joe Paraginni with A-N Consulting Engineers. Our civil engineer is going to talk about general site grading, and drainage and then erosion and sediment control.

Joe Paraginni: Good evening, for the record my name is Joe Paraginni, I'm a civil engineer who A-N Consulting Engineers. We were responsible for the design of the roadway, storm drainage system and we were also responsible for the design of the on-site detention system, located at the southeast corner of the site. We're also responsible for the design of the erosion and sedimentation measures. I will begin by speaking about the on-site drainage. All run-off within the roadway, the adjacent slopes will be controlled by this roadway system. The system is designed to take run-off from Lot #2 and the eastern half of Lot #3 for a full development. Lot #1 will discharge directly to the detention basin, Lot #4 has been, originally we designed Lot #4 to drain to the roadway system. That has changed. We will proceed with draining that, Lot #4 to the east. This is due to the fact that there is a large existing wetlands to the east, and we do not want to negatively impact that wetlands by taking run-off away from that area, so that run-off would continue to drain to the east. Let me remind you that once that lot gets developed, the run-off from the lot will be required to be detained before exiting the property. Similar to Lot #4, Lot #3, the western half once fully developed, that portion of the lot will be required, run-off from that area would be required to be detained.

As for the roadway drainage system, it does continue down and outwards to a proposed detention basin at the southeast corner. That detention basin will be designed to reduce the peak run-off and it will then proceed to outlet to an existing drainage system within East Cedar Street. I will now discuss the erosion and sedimentation control measures. All of the measures are designed in accordance with the Connecticut guidelines for sediment and erosion control. They are also designed in accordance with the town standards for sediment and erosion control. The methods of sediment and erosion control have to proceed according to the process of construction. Once clearing of the site is to occur, silt fence will be located along the perimeter of the site, at the toe of slopes where required. A construction entrance pad will be required at the driveway entrance to the site. This would prevent any tracking of sediment onto East Cedar Street. On this plan that is up now, up on the board now, I've outlined in orange, or red, four distinct disturbed areas. Each of these areas drain off in a different fashion. Lot #4, drains off to the east, Lot #3 would be graded to drain to the west, Lot #1 would drain to the southeast, Lot #2 would drain to the southwest. Each of these disturbed areas would be required to have its own temporary sediment basin. Those sediment basins would have to be installed immediately after a silt fencing was to be in place. They would have to be in place prior to any grading operations were to occur. At the low point of every one of these temporary sediment basins, a temporary sediment structure would have to be installed. This is just a detail of what that structure would look like. It is basically a vertical perforated pipe, wrapped in geotextile fabric and crushed stone

around and would be set in concrete. It would have an outlet pipe. This would serve to back water up into the temporary sediment ponds allowing sediment to settle out, the water within that pond would then have to pass through this filter before it is allowed to discharge off-site. Once the, then the grading operations would commence. The roadway system, the drainage system once it is installed, sediment control haybales will have to be installed around every catch basin. The town requires high flow silt (inaudible) within each catch basin to also catch your sediment. At the end of the storm water system, a hydrodynamics separator would be provided. This would treat any sediment before entering the detention basin. As the grading operations proceed, any proposed slopes of two to one would control an erosion control blanket. This would serve to stabilize the slopes and allow for establishment of turf. It would also aid in the final stabilization of the site with turf establishment.

Lastly I would like to respond to, there was a staff comment regarding the grading and it's, it wasn't very clear how the proposed grading tied into the existing. We are looking to submit a plan that shows a better clarification of that grading, how it ties in, we originally proposed a berm along the west side of the, Lot #3, that berm has been removed and has been replaced with a temporary sediment basin. The grading has also been adjusted to direct a run-off from Lot #3 down to that sediment basin. Once run-off is collected in that temporary sediment basin of Lot #3, it would then have to pass through this outlet structure, and then would have to be, the run-off would have to be passed through a level spreader to reduce the concentration of the run-off. That ends my presentation. I'd like to turn things over to the traffic engineer.

Jim Wynn: My name is Jim Wynn and I'm a traffic engineer with Greenman and Pederson. What I would like to show tonight is basically the changes between what was being proposed as part of the Hunter Development driveway and what would be required as part of this currently proposed development. As I remember, I described, as part of the Hunter Development project, we did include some development on this parcel, originally it was residential, the characteristics of the currently proposed development is slightly different, so what we did was an evaluation of this intersection, to see what would be needed as additional improvements to basically meet those same criteria that I described earlier this evening of being able to accommodate the queues and have proper intersection operation.

For the site driveway into the Hunter Development as discussed earlier, there is a full access driveway which (inaudible) this development. For the proposed commercial development, the driveway would be located opposite this. Again, the idea of the design of this intersection that the queue does not extend beyond this driveway, so that vehicles can come out of this driveway. What we did to accommodate this, accommodate the queues and all the directions, and basically not have queues extend past storage, and not have poor operations, have acceptable operations, is we added an exclusive right turn lane on the East Cedar Street, westbound approach and in addition we added an additional lane coming out of the site driveway. What this would have is a left turn lane, and if I go too quick and make changes, or you have any questions, just let me know. With doing this, widening of the driveway, what changes in phasing, what we do for this intersection is, there are three driveways that will be included in the signal. Each one would have their own green time. So someone coming out of the site driveway would be unobstructed by any other movement. Coming out of the upholstery driveway, again, unobstructed, and coming out of the Gospel Hall driveway again, would have its own phase and be unobstructed. And that is why we looked at this, the operation of this driveway and again, we concluded that with these improvements that we can accommodate the queues and operation of the intersection with the currently proposed development as prior, we just looked at it early development which was different.

Chairman Camilli: What is your level of service at that intersection.

Jim Wynn: The level of service, actually I have it here, I don't want to quote the wrong, the have the mitigated condition for this development being a commercial, we looked at the a.m. and p.m.

where retail you would look more at p.m. and Saturday. For the a.m. and p.m. conditions, we have both overall level of service as C, with the improvements. Again, one of the key factors we have with this is really queuing. We wanted to make sure that the queue was appropriate, so level of service C is the level of service for an intersection. What we were really most concerned with was being able to get the queuing to not back up past the driveways. So again, the level of service, level of service for people who don't know, it's a grading from A to F, A being the best, F being the worst. Generally you consider overall D to be acceptable, in this case, it's a C.

Chairman Camilli: The only reason that I ask is that each one of those egresses are going to have two stop movements, and the traffic piles up pretty fast, especially the east/west traffic. C is pretty good for the amount of traffic. You are stopping and the traffic would go out three times, right?

Jim Wynn: Right.

Chairman Camilli: So somebody is waiting....

Jim Wynn: And that's a great point, that is one of the reasons that we needed so many lanes because now you are stopping three times, now you have the people coming into the site, we accommodate them through a right turn lane, coming out, now you have, primary destination wanting to make a left, and with this design we have two lanes, one say you have additional stacking, on the driveway so you have two lanes that are going to turn left out and stack, but also when the light turns green, they have the two moves out.

Chairman Camilli: Then while you are at that, the number of lanes, are you infringing on the state right of way at all to expand these lanes?

Jim Wynn: Actually I have, if I can flip this over, I highlighted the differences between what would be part of the Hunter Development and what would be part of the new development so you can see here, where the changes are. Basically these highlighted orange areas are where the roadway would be widened, in addition to, the Hunter Development.

Chairman Camilli: You would have to get state permission.

Jim Wynn: Exactly.

Chairman Camilli: Did you get it?

Jim Wynn: We will have to file through the state, through the STC just like our project, so we will need state approval for this project and we have not filed for this project.

Chairman Camilli: You are infringing on their right of way, right?

Jim Wynn: Well, to do improvements in the right of way, and have access, so again....

Ed Meehan: My question is, what are you assuming for a land use in this four lot subdivision. You said the p.m. is sometime, and on Saturday, but retail uses are not permitted in this zone, are you looking at morning and evening commuter peaks?

Jim Wynn: Correct.

Ed Meehan: So it would be like eight o'clock in the morning.....

Jim Wynn: Generally we look at seven to nine in the morning, and four to six in the p.m.

Ed Meehan: What is the left turn queue going into this site in the morning, if you had 170,000 square foot office development plus the Hunter project. Is that single lane of left turn going to be sufficient on that hill?

Jim Wynn: From the analyses that we had, we have that the queuing are appropriate, that the lanes shown here are appropriate to accommodate the queuing.

Ed Meehan: Going back to this question, the queue backing down the hill.

Jim Wynn: And that is basically the improvements that we tried to do, on this plan to bring the improvements back to what we had with just Hunter Development alone. Again, when we did the Hunter, we did have some traffic here, so it's not the whole development here that you are adding, it's just really the delta between what we originally had for traffic for this and what is currently proposed, so when you see the additional improvements, it's really the additional improvements needed for the added traffic and the change of that use.

Ed Meehan: From residential.

Jim Wynn: Exactly. So, it's not necessarily that these improvements are needed for that whole development, it's these improvements are needed for the change from what was envisioned when we started our traffic study for Hunter Development, to what it is today.

Ed Meehan: Are there going to be stop controls within the site?

Jim Wynn: Correct. These two, this would have the free movement, and the two side would have the stop control.

Ed Meehan: I don't see a driveway break.....

Jim Wynn: Well, I tried to leave most of the driveway breaks and leave out as part of the Hunter Development, this is really focusing on, I left this driveway and it is critical on being a four way, but I left those off the plan, and that will be part of the Hunter review.

Ed Meehan: When are you going to, when are we going to get all these plans put together?

Alan Bongiovanni: If we can meet with, I guess Mr. Ferraro, if we can meet with him, today is Wednesday, I don't know, Friday, Monday, Tuesday, go over some drainage issues, really present the report to him so that he can review it, and any of Ed's comments, I can have revised plans that address everything I think by next Friday.

Ed Meehan: We are seeing this drainage plan that Joe put up, for the first time, you give you Sheet 5 of 13, are there any other sheets that are going to change in this?

Alan Bongiovanni: All the sheets are changed, I figured that for tonight, without having an engineering review, and no true comments, other than some preliminary comments, we're just kind of stabbing in the dark. If we could meet with the town engineer as we historically would do on a project like this, then we can finalize any comments instead of doing it two, three or four times, submit a final set of plans, and be done with it.

Ed Meehan: But I think it's like a moving target, right now. We've had this, it's been going on for a month, and we get a new drainage plan tonight, and we get a new grading plan. So I think you ought to decide what you are going to do, and give it to us. We can review it.

Alan Bongiovanni: We know what our design is now that we finally got the full coordination between the two development sites. The previous application you heard this evening, and this application. Now I just think we have to really address any comments that the town engineer may have, and if we can get any final comments from the Planner....

Ed Meehan: Well, I'd like to get a submittal package of your grading, your E & S, your traffic and revised thirteen sheets and look at what they are, talk to Mr. Ferraro, and then see what his schedule is to sit down and meet, because it's not going to be very productive to sit down and go through half of this, and half of that, and you know, sit there for an hour. It's not our job, on our side to help you design it. We are going to react to what you give us, so that is why I want the submittal package.

Alan Bongiovanni: We will have it for you by Monday, Tuesday of next week.

Ed Meehan: Good, thank you.

Commissioner Ganley: I have the same question that Ed had. I got this sheet of paper here, which shows the driveways to the gas station site. We had a very prolonged discussion about it, and up on the board there's, on another development property, you don't show any....

Jim Wynn: Right, well I have here, I cut it off here, I left a break in here, I didn't want to get into details of the Hunter Development project.

Commissioner Ganley: But the point being, your proposal is over on that property, and you are proposing something that is on another piece of property, that is what I am suggesting to you.

Jim Wynn: And we will get more detail on the Hunter, absolutely, right at this point I was just focusing on what we needed at the intersection and how the four way was going to look. It wasn't intentional, I just, it's something we can add.

Commissioner Ganley: Anytime there is a street running up there, the Lowe property provides for a driveway to go into, to access the gas station, off of which there is going to be two little curb cuts off of that main driveway, to get to the gas station. It shows up on this, it shows up on this one, okay, so now we are going to have another driveway off of the Lowe driveway going up into another piece of property, for development purposes, is that a fair statement?

Jim Wynn: There would be, well, technically it would make a four way with an existing intersection. It would be, as the Hunter Development project would be one T intersection as part of this, would be the same intersection would be a four way.

Commissioner Ganley: It's a private driveway off of a public roadway, across a piece of property and then another private driveway up into an adjoining piece, in this instance, okay, up to the other piece further to the west. So we are talking about a driveway off the public street, and then a driveway off of that driveway.

Attorney Wise: No, that is not technically correct. We are proposing from this point, to here and then up to the subdivision, the office part, would be a public road. It would be built to public standards. Initially, initially it will be built as a private driveway by Hunter. When my client is ready to proceed with the office park development, this roadway will be widened, to public road

standards and this piece of it, that would go up and provide access to the subdivision, will also be built to public road standards, and this will become a public road.

Chairman Camilli: Who owns it? Who is going to deed it to the town? The, Hunter or you or...who has, you will?

Attorney Wise: At the time it becomes necessary to do that, of course.

Chairman Camilli: It will be yours? You are on their property.

Commissioner Ganley: That is what is puzzling. We have a public road going across...we have a public road....

Attorney Wise: It will be a public road. It will be deeded to the town.

Alan Bongiovanni: You have a public road crossing two pieces of property that we have an agreement and we representing to the Commission that at the time it is to become a public road that Reno Properties will deed that to the town.

Ed Meehan: Didn't Mr. Wise just say that initially it was going to be a private driveway?

Attorney Wise: The Hunter.....

Ed Meehan: I thought he said a private driveway.

Alan Bongiovanni: He talked about the initial phase of construction, Hunter Development is going to construct their driveway if the Reno Development will not take place at the same instance. We know Hunter Development's plan is to, if successful in this process, and gets approved is to construct that right away. We don't know, without my client having a tenant in hand, whether he would construct it the same day. So, if the subdivision is delayed for a year or so, this would be constructed as Hunter has proposing, as a driveway. When Reno goes to actually build this, and gets ready to dedicate it to the town, then we will convert what Hunter is putting in as a driveway into a full fledged town road.

Ed Meehan: In the meantime, you are asking the town to approve a subdivision with a public road over a piece of property which you don't have any control over.

Attorney Wise: That is not true, we have control over it.

Ed Meehan: How are you going to document it?

Attorney Wise: We have, as you know, I wrote you a letter, it should be in the record, addressing that very issue.

Ed Meehan: It does not satisfy, in my opinion, that you have control over that.

Attorney Wise: Mr. Meehan, I know that it hasn't satisfied you. I wrote a letter, a legal analysis to you, it should be in the record, and if it is not in the record I would ask that it be put into the record, and I have that, that question is now being considered by the Town Attorney that you hired for this proposal, and I'm waiting to hear from him to see if he agrees with me. I believe, as I explained in my letter, that the way that the town has always handled these issues, when you have a situation where the applicant is not the same as the owner, and that is really what we are talking about, the way this Commission has dealt with it in the past and for many, many years and

the way that most towns deal with it is to require the owner to sign the application together with the applicant, and that is all that is ever asked of anybody. And that is what we have done here. My client has signed the application as applicant, the owner of the Lowe property has signed as owner, and that ought to satisfy the Commission. That satisfies the Commission in every other instance where.....

Ed Meehan: I think it needs to be more specific, tying it down to a map, showing.....

Attorney Wise: There is a map, and it was supposed to be prepared for this proceeding.

Ed Meehan: I haven't seen a map yet.

Attorney Wise: Well, you will see a map, and the map will show the proposed drive that Hunter will build initially, and then it will also show the additional area over which we will have a right of way to build our road, which will eventually be dedicated to the town.

Chairman Camilli: I think, just to jump in, what the Planner was alluding to before, about this package that he wants submitted, that is the kind of thing that should be in there. Rather than saying, I haven't seen it, you're saying it's there....

Ed Meehan: I'm not showing a future right of way for an eighty foot commercial road, along with documentation that Reno properties has the right to build this someday. That you are going to buy and build this.

Attorney Wise: Well, that is the question that the Town Attorney is now considering. Whether we actually have to reveal the agreements that we have with abutting owners.

Chairman Camilli: He wants to see it in the package that is supposed to be submitted.

Attorney Wise: But you will certainly see it, and I apologize, I thought that the plan that you had already showed the.....

Ed Meehan: These plans are very incomplete, very incomplete at this point.

Chairman Camilli: We all have to be on the same page, because I think it is something that as the town, we want to know and we would just like to get the right submittals.

Ed Meehan: You know, sheet five of thirteen does not help me at all.

Alan Bongiovanni: Well, I think for people who are interested in the grade of the road, and the engineering of that portion of it, I think that is helpful in the interim.

Ed Meehan: This is a twenty-eight acre piece, and you are doing a tremendous amount of grading, it needs to be put together in probably two or sheets taped together to really understand what is going on.

Alan Bongiovanni: Oh, I understand that. The purpose of submitting sheet five was so that based on my presentation explaining to the Commission that we changed the road alignment, to conform with the neighboring development, that in the interim, this at least will provide additional information. It was not intended to provide a complete set of plans.

Ed Meehan: Does this show the eighty foot right of way, which might be dedicated to the town in the future?

Alan Bongiovanni: It does show the right of way.

Ed Meehan: Okay, now...

Alan Bongiovanni: You will get, the first part of next week, by the end of Tuesday, a complete set of plans.

Ed Meehan: Okay.

Chairman Camilli: One of the issues, the major issue, and again I want to thank the public, someone from the public mentioned, you know, the quarry operation, and we went up there and took a site walk, and fifty-one feet is the largest amount that you are going to....

Alan Bongiovanni: At the center.

Chairman Camilli: At the center, okay. I have a number of questions. The attorney alluded to the fact that we don't have any safety issues, but vis-à-vis, Avon Mountain, and what happened there. I have questions like the blasting, getting it off the site, how are you going to get it off the site, is it going to go down the hill, how is that all going to work. You obviously have to blast, it's virtually all rock. So again, some of the big issues that I have, is, they are safety issues. They are safety issues getting, some other projects say, we are going to keep it all on site, are you going to crush there, what are you going, to me, how is this operation going to work, I mean, we've looked at all the sedimentation control and different aspects and that has to be, that kind of loses me, I'll leave that for the engineers, but working these different areas, but, from a safety perspective, I am concerned as these trucks and I'm just assuming that they are going down the hill, because I can't see those trucks taking a left out of the site, unless you are keeping the material on the site. So if they are going to go down that hill, and that is a steep hill, there is a safety issue. There is a big safety issue, and vis-à-vis the Avon tragedy, we certainly don't want to put ourselves with the number of trips, and we don't know the number of trips. I want to know number of trips, which way you are going, how much is going to be staying on the premises, how much is going off, how long is it going to take, how much blasting is there going to be, and all those questions. We are concerned about blasting. We have a lot of experience with blasting. We know. Yes it's in the town, the Fire Marshal, but we are concerned about, if you are blasting, what it will do to the neighborhood, surveys for the blasting, how much is going to be, all those questions, you have had an opportunity to talk about them, we're coming to the end, and we haven't had one answer, so now, I'm shooting off again, because I want to know as one Commission member, those questions about how you are going to treat this operation, and then, and I'm going to get off very quickly, also tenants, I mean, you are going to go through this whole project, you are going to do this whole thing, again, just like other applications, you are going to do all of this site work, you have tenants? I would like you to say, we are going to put in X here, right now, and again I congratulate somebody from the public who said, you know, is this going to be a quarry operation, well, is it? You have tenants? I really have all those concerns that I think, if you don't want to address them this meeting, I just am throwing this out now, I want to know all these things. How much material is coming off the site, how it's getting, route, truck routes, all that stuff. If you want do that tonight, that's fine, if you want to do it at the next meeting, that's fine. I don't know if there are any other questions, but those are questions that I had personally.

Ed Meehan: I think that quantity, direction, how it is processed, number of trips, length of time, you mentioned applicant, a private road, are they coming out of a private road or a public road, where it is going.

Commissioner Fox: Do they have to go through residential areas?

Commissioner Ganley: Dust abatement.

Alan Bongiovanni: If I can start, maybe I can answer some of your questions and then as you develop more questions you can ask more questions. I'm going to talk about quantity of material and some of those issues prior to the actual blasting of material which we have Dr. Dimmock here to talk about in better detail, a little more expertise than I might have on the subject. We have estimated the quantity of material, taking the existing ground surface today and bringing it down to our proposed surface that we show on the plan, with a two percent roadway, about 940,000 yards. I think I calculated it would be 944,000 cubic yards of material.

Chairman Camilli: 944,000?

Alan Bongiovanni: 944,000 cubic yards of material. I have heard comments that it is a quarry operation. We are proposing removal of material that effectuates what we hope is an improved subdivision plan. We are not proposing to operate a quarry. It will be a large amount of material that will be removed from the site, but I would like to differentiate between development of a site plan for a subdivision, and an actual quarry operation because we are not proposing a quarry operation. The vast majority of that material will be basalt trap rock. There will be some overburden, it varies in depth, the coverage over the base rock that is on that mountain, as much of that overburden that we can save to utilize in the later development of the site we would use, but you are probably talking a minimum of 900,000 cubic yards of material that has to be exported off site.

Chairman Camilli: Cubic yards?

Alan Bongiovanni: Cubic yards. The material will be exported off site, after it is blasted, via over the road vehicles, registered by the State of Connecticut, Department of Motor Vehicles, inspected by the State of Connecticut, Department of Motor Vehicles, immediately from the site they will enter the state highway owned and regulated by the State of Connecticut, and travel, at this point, in an either a east or a west direction. We don't know that, but they have to be vehicles that are licensed, and inspected by the State of Connecticut, that have to abide by the laws of the State of Connecticut, whether it's traffic, speed, safety, or whatever.

Chairman Camilli: You know, I don't want to stop you.....

Alan Bongiovanni: Go ahead.

Chairman Camilli: There are people who break every law.

Alan Bongiovanni: Exactly. We understand that, but we can only tell you that if you have law breakers, and maybe there isn't enough policing to take place, we are proposing that we are going to have this site developed in accordance with all applicable laws and regulations. To suppose that somebody is going to break the law, I don't think is the scope of this Commission. I'm telling you and representing that we are working within the laws of the State of Connecticut. At 940, 900 and something thousand yards, at about sixteen, seventeen cubic yards a truck, you are looking at about 58,000 and change trucks.

Chairman Camilli: 58,000 trips.

Alan Bongiovanni: Trucks, trips leaving this site to remove that material.

Chairman Camilli: And they all have to come back.

Alan Bongiovanni: Basically 58,000 tri-axle trucks leaving the site. If we, for arguments sake, took a 300 day year, being six days a week, at 200 trucks a day, at ten hours a day, or twenty trucks per hour, over six days, you could remove that volume of material. It would probably be removed over an eighteen to twenty-four month period. My client has talked with contractors that are capable of removing this material, and their estimate is that it would be somewhere between eighteen and twenty-four months to remove this quantity of material, so you are probably looking at about 100 to 150 trucks per day to remove that much material over an eighteen month period, eighteen to twenty four month period.

Chairman Camilli: So how many trips, how many trips a day?

Alan Bongiovanni: It would be one hundred trips per day if it took about twenty-four months.

Chairman Camilli: One of the things that we observed today, on the traffic, now these trucks are, excuse me, cars are moving right along. How are you going to get on, if they are going west?

Alan Bongiovanni: One of the benefits we have is that, more than likely the signal will be constructed prior to the majority of material being moved off site, so they would be existing at a signalized intersection.

Chairman Camilli: And again, this is just something from a layman's point of view, Avon Mountain tragedy, they wanted, say, a truck's brakes fail, which could conceivably happen, they have those ramps that go down the hill, something to catch the trucks, that kind of thing, I mean, that's a pretty steep hill there if you are going west and going down that hill, and with the amount of traffic. To me, it's just, it will present a problem if its not taken care of properly. I don't want to say, I don't want to get into the other situation, but you know, experience tells me that we should be very, very careful. So that is all I am going to say about that, because it is a matter of opinion.

Attorney Wise: Can I add two cents to that?

Chairman Camilli: Sure, go ahead, and I'm sure that you are concerned as well, even though you don't think we have any concern about that.

Attorney Wise: I think you do have concern and I think your concern is certainly well intentioned and I understand it, but I just want to remind you Mr. Chairman, and the Members of the Commission, that it was the Town of Newington that decided that this property, this parcel should be developed as a CD development and over the years, that judgment has been reaffirmed over and over and over again by this Commission. You all were out there today, you walked the site, and you know, you know the terrain, the Town has known the terrain for decades obviously, and you know that no matter what you developed on this property, there would be a large amount of excavation that would be required. That is the only way to develop this property for office or business use. So while I do certainly understand the issues that you are raising, and there are answers to them, I mean, we've, obviously this will be developed in accordance with all applicable laws and regulations, but when you question, I mean I think what I hear you doing is questioning whether or not this property should be developed in such a manner, and it's the town that has already made the judgment that it should. The subdivision layout that you have in front of you, and this conceptual plan, satisfies every zoning and every subdivision regulation of the town.

Chairman Camilli: And I don't disagree with you, and by the way, I want to compliment you, you did a excellent job, that first presentation, I thought it was very well done. But anyhow,

Attorney Wise: I knew there was going to be a "but" there.

Chairman Camilli: Yeah, okay. There is a suitability of land issues here, and even though, and I agree with you, it's in the zone, how can we say it's not. But suitability of land, I think, is also a big factor. I mean, is the land, in this case to make it conform to what has to be done there, that kind of blasting, and is it an overreach by taking out 944,000 cubic yards, is that an overreach in terms of suitability is the question that comes to my mind. I don't care what the zone is, I concede that's the zone, but suitability also to me is a big factor here. You know, you can say, well, it's zoned for this, so that means that you lop off fifty-one feet of the mountain, and I'm not so sure that, you know, that it is suitable to do that. Again, we may need help. We are in a very, I think tight situation here, time wise and also experiential wise in terms of, I know that the Town is up a tree in terms of engineers and so forth....

Ed Meehan: Time wise, the applicant can always grant the Commission extensions. You haven't even touched the, you have sixty-fix days of extra time, if the applicant so wishes to grant it, because I would hope he would, because here we are, a month and a half into this and we have new plans coming next week. So, and they haven't been able to get to Wetlands yet, so I think you need to take all the time that is required to make a judgment on this, and safety is the number one issue here.

Chairman Camilli: Well, in terms of what happened, I know that the State is very concerned about all of this, and I think once you determine which way these trucks are going to go, if they are going to go east or west, that's your choice, I think as they enter 175 and whatever way they go, is a big concern. Just stop right there. It's all these trips on a highly traveled road, and juxtaposition to Avon, we find that it's, I don't know if there is a state agency, I know that there's some stuff that I read in the paper about people concerned about the most dangerous roads, I don't know if this particular road made it, but in this particular instance, going down that mountain, is, to me, a very dangerous situation.

Ed Meehan: Well, what I would suggest is that, Mr. Bongiovanni started to sort of lay out a scenario of how this might work, and I think maybe he ought to enter into the record at the next meeting some of these numbers, and work them through. I mean, I'm just looking at it fast, 60,000 trips, 100 trips per day, that's almost fourteen, fifteen trips an hour, and you start saying 300 days a year, you can make all these assumptions, but it may take three years, it may take four years, to get to the grading that they requested here. I think it behooves the applicant to put some of that down in a chart, or on paper, again, it's an estimate of what you think you are going to do there, and put it into the record.

Alan Bongiovanni: Just, a little piece of information for the Commission, to equate this to something of equal scale, if this was done over a two year period, there would be less trucks leaving this site than leave the Balf Quarry. That is something that the town has lived with for how many years?

Ed Meehan: It started in 1890 I think.

Alan Bongiovanni: Okay, you know, I'm saying, this is not something new to the Town of Newington.

Ed Meehan: Well, that doesn't mean it's, I'm not going to speak for the Commission.

Commissioner Kornichuk: They aren't going down that hill, either.

Chairman Camilli: They aren't going down the hill, right.

Commissioner Fox: I was just going to say, that may be a fact, we have been dealing with Balf for quite a long time, but Balf, the Balf trucks first of all, they are on the opposite end of town, okay, you are not going to have, they don't go down Cedar Mountain, or up Cedar Mountain in whatever weather they are going to go through. They don't have, not only the hill, but that traffic to contend with. To me, it's an entirely different situation, and I also am very concerned about the safety, the number of trips, the dust, the blasting, what it is going to do to the land itself.

Alan Bongiovanni: I appreciate your comments, we will continue to evolve this....

Commissioner Ganley: This is related to the trips, I picked up on a remark Alan, you mentioned about the light, the traffic light assisting these trucks to get out onto the, Cedar Street. The only place that there has been a light proposed is at that driveway which is the one that we have been discussing earlier, about the street versus the driveway etc., so I'm guessing then that someone has to pay for a light to go there so in fact the trucks can get off your property across the Lowe property to get to the traffic light and then get out onto Cedar Street.

Alan Bongiovanni: That may very well be a requirement of the State of Connecticut, as we all know....

Commissioner Ganley: You are assuming that the Lowe property gas station will be in place, thus necessitating that those guys will build that driveway in the first place, to get to their gas station, so that you can then run a driveway off of their driveway to get up to do the excavating.

Alan Bongiovanni: We also have, I mean, in my mind that was the logical progression of events. We have accessible frontage to the state highway, at our property corner, at our southeast property corner.

Commissioner Ganley: But that wouldn't be near where the light is, if the light isn't up yet.

Alan Bongiovanni: If, well, the state cannot deny access to a property owner to a state highway,

Commissioner Ganley: I'm not suggesting that they do, but you said the light.

Alan Bongiovanni: If the Hunter Development was to not get approved, or be delayed for some period of time, if the State said, you know what, you do have access, we've got an access point here that was granted by the State when they took highway, some of the highway land, they may require us to put a temporary light just for removal of material. This is something that is regulated by people beyond your and my control. This is the State of Connecticut Department of Transportation that is going to regulate how we work the traffic on the site, and we can talk about it until we are blue in the face, but we've not going to come to a conclusion that is going to satisfy the state. They are the ones making the decision.

Ed Meehan: Your traffic engineer put into the record, not less than a half hour ago that that location was the optimal location because of the sight lines, east and west, it's the safest location.

Alan Bongiovanni: I would agree with that, based on his expertise, but it's not the only solution to the problem.

Jim Wynn: If you want me to just address that quickly, this is based on our opinion that this is the optimal location. There are things that can be done, it would take a lot more work, and if they were to do an on-site excavation, it may take blasting, may take more.....

Ed Meehan: It may take re-grading of the vertical curve of Cedar Street.

Jim Wynn: It may take more work, but there, again if the location that came up here is optimal, there are things that could be done....

Alan Bongiovanni: The other side of the coin is too, we have frontage on two public right of ways. To the south we have the state controlled Route 175, and to the north we have a public defined right of way as Old Highway, which we, as a land owner, my client as a land owner, I believe has every right to improve it to the point necessary to navigate that road. So this removal of material could, in essence, not come out onto Cedar St, East Cedar St. but come out to Old Highway and then out to Russell Road. My client would be happy to discuss that further with the town if you feel strongly that this would be a better solution to removing the material.

Commissioner Ganley: It's not a matter of strong, it's a matter of how do you get it off the property? What you are suggesting then is that Russell Road might be a feasible alternative, would that be a fair statement?

Alan Bongiovanni: It is a feasible alternative.

Chairman Camilli: Any other questions from the Commissioners? Ed?

Alan Bongiovanni: We'll hear from Dr. Dimmock now....

Dr. Dimmock: I feel like the wrap up after the feature star has already left the theater here. For the record, I'm Dr. Charles Dimmock, I'm a certified professional geologist. I have been doing geological consulting for about thirty-four years in the areas of ground water, flood and erosion control, foundation materials, geological engineering, environmental geology. I am the past national editor of the American Institute of Professional Geologists. For thirty-four years I taught right over at Central Connecticut State University here. I wanted to give you some idea of what I was doing. I was asked to come specifically just to answer a few questions that had come up at the previous public hearing. The first of them concerned radon. I was rather amazed that anyone brought that up. Of all of the places in Connecticut in terms of radon, when you are over a basalt trap rock outcrop, you have the lowest radon ratings of anywhere in the state. Basalt trap rock has less than half the radon emission of ordinary rock, less than one fourth the radon emission of something like granite, so there is less radon in this material they are going to excavate than there is in a sand and gravel pit, number one. Number two, radon gas has a half life of 3.8 days and so radon normally comes out of the ground all over the state, is dissipated through the air, and is gone within a relatively short interval time. You get radon problems if you build a house that you then insulate to try to keep the heating bills down to such a point that you actually trap gases inside the house, in your basement area as you start building up radon gas. On this site, if you took a site walk, if you looked at the few places where there were rock outcrops on this site, you probably saw several places as you were walking over polished bedrock. The glaciers went over this and polished off the surface of this trap rock there. If you looked closely you saw a poligimol pattern, a series of hexagons and pentagons and octagons and so forth, in the rock. You were looking at the upper edges of thousands of vertical columns of basalt. When basalt trap rock cools, it's a lava flow, it shrank, and a number of shrinkage cracks developed and these cracks go almost vertical, so that the area has thousands of little tiny chimneys, as it were, the radon gas, if it is generated, and there is some generated, works its way up to the cracks up into the atmosphere. There isn't much radon that actually collects and is trapped down in this material. Radon gas molecules are smaller than oxygen molecules, they can work through smaller spaces than oxygen can, so I can't see how there could be a problem on this. Now when the rock is blasted and certainly there is going to be some blasting going on, the rock will preferentially break along these same columns, which are already openings there. So the new

openings would be the ones that essentially are where columns are going to break horizontally, and again, they will break at the weakest points which are places where they might be hairline cracks already. Again, there is just not any real generation of radon gas as a result of removal of this rock.

This brings up the second question which is the matter of ground water. Now I was just brought on board here a short time ago, and I haven't had time to do a thorough study of the site, but I'm quite familiar with the Holyoke basalt which runs all the way from Holyoke Massachusetts down almost to, into New Haven and the general properties of that rock. It is a series of three massive lava flows, one on top of the other, about two hundred million years old. The reason that I am talking about three flows is that it is not a single batch of rock, it is three batches of rock, one layered on top of another. In each layer, the water travels vertically down these fractures. When it gets to the boundary between the two layers, yes there are, these are the places where there is horizontal movement of water. From what I have been able to see on the rock outcrops along East Cedar Mountain, East Cedar Street, I get a little confused there, the first of these horizontal layers is lower than the deepest excavation that is going to go on, on the site. In other words, they are going down fifty-one feet, the deepest excavation. I think they would have to go down to about seventy feet. I've got some drilling going on, on the site to try determine this before they would hit the first of these horizontal rivers that carries water horizontally. Horizontally is not quite right, but layer tip is tilted slightly to the east. So water moves vertically on the site, gets down to the horizontally boundary and tends to move eastward so if you were to drill a well to the east of this site and go down and hit that layer, you would get a very good supply of water that is recharging from the site hitting that layer and then tending to move eastward. So with what is planned for the removal of rock on the site, I don't see that they would get down to where you could get any large discharge of water. If I'm wrong, which is possible, I've been wrong a few times in my life, I've already proposed to the client a few things to do, one of which, if you hit one of these seams, is you seal it over with hydraulic cement, and by sealing it over with hydraulic cement you essentially remove that problem. The applicant doesn't want a lot of water coming out onto the finished site because if it seeps out of the rock it will seep out all winter because it is not frozen down in there, and come out and ice over the parking lots. You don't want that and so in those cases where we do hit that sort of thing, you put a hydraulic cement layer over it, and you put a buffer material on top of that so you're not knocking the hydraulic cement off, and just stop that kind of thing. I doubt that they will have to do that, but that is a solution that I have already proposed to them.

Another thing that I want to speak a little bit about is blasting. Although I am not a licensed blaster I have been involved in a number of projects that have involved blasting including blasting in trap rock. When you are in areas where there might possibly be disturbance to neighbors or buildings or things like that, you get a qualified licensed blaster, who has experience in dealing with trap rock. Have him use the techniques that minimize the amount of vibration that goes on, minimize the amount of extraneous fraction. What they want to do, they want to haul this rock off this site. They don't want big chunks of rock coming off, which are hard to handle. They want the rock to be fragmented somewhat as it is blasted. You put, as a suggestion, I'm not saying this how to do it because it would depend on what the licensed blaster says, but if you put down drill holes on four foot centers instead of eight foot centers, you put twice as many holes, you put smaller charges in each hole, use micro-second delay, blasting caps so that there is five hundredth of a second delay between each blast and you set it off, and it's like a piece of giant Velcro, rather than a huge fire cracker. It's a ripping blast. If you have ever heard these, on Fourth of July people set off these chains of little fire crackers that go PFFFFFT, that is what you would get. You would cut down on the total shock wave coming off it, cut down on practically everything that normally would be a problem. It costs a little bit more, but the payback is one, you have fewer disturbed neighbors, and two, it's a lot easier to scoop up the material you blasted and haul it off the site when you do that, so the net balance to be done right, can minimize the disturbance. We had one over in the Bronx, ten feet from an apartment building, didn't even crack a window pane. So it can be done that way. Any questions?

Chairman Camilli: Thank you for your questions.

Attorney Wise: That is really all we have to present tonight, and since we are coming back in a few weeks, I guess we will provide you with whatever answers we can, given the questions that you have asked.

Chairman Camilli: You have to grant an extension.

Attorney Wise: We will do that, you have an oral extension from me, and we will get an agreement, that will take you through the.....

Ed Meehan: 13th.

Attorney Wise: And Wetlands is meeting on the.....

Ed Meehan: 19th.

Chairman Camilli: We have to wait for them though, right?

Ed Meehan: Before you make a decision, you have to wait for them. The best way is to try to get their report as part of the public hearing, which given the schedule, if they just see this for the first time on the 19th, they probably won't make a decision until October, at that point you begin to get to the end of the runout.

Attorney Wise: When is your next meeting after the 13th?

Ed Meehan: 27th.

Attorney Wise: Thank you very much.

Chairman Camilli: Thank you. We want to hear from the public, anyone from the public wishing to speak? For this application? Against?

Ryan McCain: Good evening Mr. Chairman, my name is Ryan McCain, I'm an attorney with Shipman and Goodwin and I'm here tonight on behalf of the Connecticut Humane Society. I know that my colleague Matt Rinaldi spoke at the, first night of the hearings, so I won't reiterate everything that he said but a couple of points that I think bear repeating. I think the most important is this access issue. The Town Planner has called it a moving target, with respect to drainage, I think it's also a moving target with respect to access. You have an applicant who is proposing to dedicate a public street on property he doesn't own and what he heard from the Hunter Development application were a lot of comments regarding the location of the proposed access drive through their project. I don't want to repeat for you what you discussed at the Hunter Development public hearing, but I think it bears being mentioned at this record that there were quite a few comments regarding the locations of the proposed access driveway to the Hunter site, some of which would actually, if by taken by that applicant would eliminate the proposed access to this subdivision. I think it's premature at best and certainly problematic without the proper documentation, either via a dedicated deed, or some sort of written legal document giving this applicant the right to dedicate to the town property that he doesn't own, and I think that is something you would want to have in your record. I know that is before your Town Attorney at this point, but I don't see how this Commission can make a decision without that information.

I also would like to urge this Commission to retain a traffic engineer to study the traffic aspects of this project as well. I know, again repeating what was said with the Hunter application that the

Commission voted to retain the services of a traffic engineer, given that, the same traffic engineer is serving both applicants, it certainly seems feasible to have the same traffic engineer serve the Commission for both applications, and I ask that this Commission hire that traffic engineer, retain that traffic engineer to look at, not only the volume of traffic, but also sight lines and horizontal curvature, vertical curvature of the roadways that are being proposed, and also to look at the, as yet unknown proposed uses and how a calculation of traffic volume was derived from an unknown use. Also look at this issue regarding the excavation vehicles. With the tri-axle trucks that we presume that they are going to use to haul this material off the site. It's been my experience that the State Traffic Commission regulates trucks, tri-axle trucks entering a state highway, from an excavation site, and to my knowledge, and I could be mistaken and there could be an exception, but to my knowledge, the State Traffic Commission has not allowed those trucks to make a left hand turn. So I would like to see, from the applicant evidence that these trucks could turn left, with the signal or without the signal, because even if they do come off of, the roadway to the north, the unimproved roadway, which the Humane Society is certainly against, without being able to take a left hand turn, anyway, I don't see how the trucks avoid traveling through the center of Newington.

Second point that I wanted to make, and this was addressed by Attorney Rinaldi last time that he was here too, is that this Commission can consider this application as a special exception, and this was mentioned last time, and I assume that Attorney Wise will respond to that, but there has been case law from both the Appellate Court and the Supreme Court, and granted, that was an application involving site plan which the court said the Commission can treat as a special exception. Sort of if it looks like a duck and quacks.....what the court said is that if an application really is a special permit or a special exception, in disguise so to speak, that this Commission can treat it for what it truly is, which is an excavation permit in this case, and doesn't have to be bound by the format in which the applicant presents it, which in this case, is a subdivision. Granted the difference in the case, and it's a, Aiudi and Sons verses Plainville, and for reference legal citation 72 Connecticut, appellate page 502. That was a site plan, this is a subdivision, but the parallels are there. The site plan is, presumably approval as of right if you meet the regulations, as is the subdivision if you meet the regulations. I'll argue in my next point, in my final point that it doesn't meet the regulations, but you don't have to take that as of right application in the form that it is presented. If it is a special exception, treat it as a special exception. I would urge the Commission to refer that to the Town Attorney as well.

One point that I did want to make, too, in, I forget the number, I know that it is just under one million cubic yards I think, 944,000 if I'm not mistaken, it sounded like the applicant was unsure of the exact volume as well. For the Commissioners who were on the site walk, at the point where we stopped and spoke to the applicant's engineer, he confirmed that the elevation that we were standing at was 297 feet and also confirmed that the proposed highest elevation was 292 feet. So where we walked up, briefly on the site, we were already high than what would be left. That is something that you ought to keep in mind when you consider what this application truly is.

One final point, and I don't mean to talk much longer, is that even though this is a subdivision application, the Commission does have discretion. You have built into your subdivision applications discretion in Section 3.2 to address the suitability of the land, to determine if there is a danger to public health and safety, and use that as a reason for denial. Also, you have the zoning regulations Section 6.4.1 allows excavation into (inaudible), so if you were to make the determination that this is incidental, and the applicant himself has said that they won't develop this, they can't develop this without the removal of this material. I would argue to this Commission that that statement shows you that this is not an incidental excavation. I think that takes you out of the realm of compliance with the zoning regulations, puts you into that discretionary category under your subdivision regulations and gives you the ability to deny this. I also heard some comments today from the applicant's initial presentation regarding change of drainage patterns. One area in particular that would be of concern to the Humane Society is actually the area of this property that borders the Humane Society, and for the record, the Humane Society does not actually front on East Cedar Street. The Humane Society is north of

the proposed Hunter Development site and east to sort of the north side of this property, which on this map is shown in the upper right hand corner. Any change in drainage patterns I think ought to be fully explained by the applicant, especially if it is going to result in increasing run-off in the surface flow or some surface flow. I have no other comments. Thank you.

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

Gary Bolles, 28 Burdon Lane: I am very impressed hearing some of the Commissioners express the safety issue. That is paramount. Especially the Chairman talking about the Avon Mountain situation. That is paramount. One of the other things that I heard, I believe it was the Town Planner mentioned was, we haven't heard anything about the wetlands. And I do want to mention that if there are any wetlands on the property that the town Planning and Zoning Commission is considering changes to, I do want to point out the stipulation as set by the U.S. Army Corps of Engineers in new regulations that became effective in 2000. I believe that I have the newspaper here somewhere. Here. A developer must apply for a federal or what they call a nation wide permit if filling in more than one half acre of land. Failure to follow these guidelines can result in a civil fine of up to \$25,000.00 per day, sounds stiff, a violation and criminal fines of \$2500.00 to \$50,000.00 per day on a violation and up to three years imprisonment for each day of violation.

Chairman Camilli: Excuse me, let me just interrupt you for just a second, you may be in the wrong pew with the wetlands thing. You may want to, I think they have to go before the Conservation Commission....

Ed Meehan: September 19th.

Chairman Camilli: We don't regulate that part, I just, I appreciate what you are saying, but anything to do with the wetlands, that's the Conservation Commission, and they are meeting when?

Ed Meehan: September 19th.

Chairman Camilli: May I make a suggestion as far as specially to what you are saying, that you go to that, I think that there is a public hearing there as well, probably. You make those comments there where they would be more applicable.

Gary Bolles: Well, back in 1990, our Conservation Commission gave a developer what they call a Certificate of Action for development of what is known as Nutmeg Crossing, where I live. I stated previously, because of an illegal berm, that is some three or four feet high, and sits on the town right of way, across from my neighbor's and my home, we have experienced water problems, which the Army Corps of Engineers stated is because our properties also contain wetlands. If this berm were gone, the water would have a better runoff capabilities and this would alleviate our problem. I will address that to the Conservation Commission. I do appreciate very much the work done on this safety issue. That has to be paramount.

Chairman Camilli: Thank you. Is there anyone else that wishes to speak?

John Bolles, 1692 Main Street: A couple of things I want to say, Reno development talked about a proposed commercial street or a private driveway, not once did they mention the trucks until the Chairman brought it up. That is very interesting. It's been a mixed message all evening. I had a conversation with one of the party chairman, and he said to me, he said, they simply are going to butcher the top of the hill, make their five to ten million dollars, and then take a walk. Who is

going to guarantee that it is going to be fifty feet deep? Is it going to be seventy-five or is it going to be a hundred? I know that I have said that before. This has to be monitored, and I hope this just doesn't happen. We're talking about a four lot subdivision, we're not talking about a four lot subdivision, we're talking about a quarry. That's what we should be looking at. It's a quarry, it's nothing more than that. Thank you.

Chairman Camilli: Anyone else from the public wishing to speak against this application? I think the applicant can rebut if you wish. It's up to you.

Attorney Wise: I think we will wait until the next meeting, and do it all at one time.

Chairman Camilli: Unless the Commission, Ed, do you have anything?

Ed Meehan: No, all set.

Chairman Camilli: Okay, so we will keep Petition 38-06 open and we should be getting a letter for an extension. Thank you very much.

Alan Bongiovanni: Thank you.

F. PETITION 50-06 1052 Main Street, Joseph Motta, 12 Cumberland Place, Rocky Hill, CT 06067 applicant, Motta Investments, LLC owner request for Special Exception Section 3.13.3 apartments within business building, B-TC Zone District. Continued from August 9, 2006.

Joseph Motta: Good evening, for the record, my name is Joe Motta, and I'm the owner of 1052 Main Street. We're here from the continuation of the August 9th meeting where the committee asked or requested that we make some changes. We have made all the changes that were requested. From the entry blocks to the windows, putting in all the lighting, making all the changes as to where the gas meters are going to go, everything that was requested has been done and it was presented yesterday. I have two prints, we talked about the concrete block, it was not acceptable, we changed it over to brick, we added more windows, we added more landscaping, we put in five more windows that we added to that. We hired a mechanical engineer to go over and make sure that we would have enough gas and electrical and everything is in place. This is what we have right now, and this is what we want to tear down, to replace it with this addition. Approximately it is about thirty feet, it's near this wall, we want to tear down, and the same over here. The lighting as requested.

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

Ed Meehan: A couple of comments. Because part of the resubmission was the corrections to the plot plan that BGI did for you, and I have two questions. On the plot plan, it still refers to the pole, CL&P pole to be relocated. I thought you said it was going to be removed.

Joseph Motta: It's going to be removed.

Ed Meehan: So there will be no wires, everything is going to be removed.

Joseph Motta: Everything is going to be removed, yes.

Ed Meehan: Secondly, the new plot plan shows the correct side yard set backs now and it has been labeled for where the concrete ramps are as far as the doorways. What is going to happen

in those areas that aren't concrete. Are those going to be turned into lawn? I tried to figure out the delineation of lawn area.

Joseph Motta: On the northern elevation, where two doors are, it will be like landscaping, all the way to the doors. That is shown over here. A couple of feet, two and a half feet, will be landscaping. A little in the front, and on the south side, from one end to the other.

Ed Meehan: You have a bituminous strip in there now.

Joseph Motta: That will be removed.

Ed Meehan: So you will have a pathway for tenants to get up along that side there? And what about on the east side, that's not concrete, that's landscaped?

Joseph Motta: No, the landscaping is only here, the handicapped ramp is going up, no landscaping on this side, the landscaping on the south side.

Ed Meehan: What about the area between the handicapped ramp and I guess it is the edge of the pavement?

Joseph Motta: No, no landscaping.

Ed Meehan: Maybe you can help me here, this big open area here, what happens in there.

Joseph Motta: No, that is all, the way it is right now....

Ed Meehan: What is it, just blacktop?

Joseph Motta: Just blacktop, yes.

Ed Meehan: Your property goes out to here.

Joseph Motta: Yes.

Ed Meehan: I think that needs to be discussed, how that might be enhanced there. Those are my current concerns as far as the plot plan, the footprint was wrong before, now it's corrected.

Chairman Camilli: The footprint and the side yard, there were some questions about that.

Ed Meehan: So you would be changing out the brick and vinyl siding. And the south side, you have windows on the upper level and you have one down on the bottom.

Joseph Motta: We didn't have that the last time, we didn't have the south elevation shown, but we only had two windows. We added three more windows to that. We added two more windows in the front as well.

Ed Meehan: That's all I have.

Chairman Camilli: Any questions from the Commissioners?

Commissioner Fox: Through the Chairman, last meeting the Town Planner mentioned the fact that you were going to be taking down that portion right up to the, right up to there, right up to that

deck. So you are going to have a flat roof over there, and then you are going to transform to this brick and vinyl sided roof, then right next to that, in the back, you have those other apartments. I don't know, I just see a little hodge podge there.

Joseph Motta: It does have the same, the back apartments have the same style of roof that we are providing over here. Looking at the back, that is where the apartments are with the same style roof at the same pitch, same idea. This is the building next door to us, we're making it in resemblance, similar to the one next door.

Commissioner Fox: So you are trying to match the building next door, which is in back of....

Joseph Motta: Chamber of Commerce.

Commissioner Fox: What about the rest of your property?

Joseph Motta: We're going to do it all.

Commissioner Fox: You are going to be doing....

Joseph Motta: You better believe it. We get permits and permits and you know, we've done everything, the electrical and everything else. Every day we spend time to upgrade it. The front is already done.

Commissioner Fox: Well, right now I'm concerned with the back with those other apartments you've got back there.

Joseph Motta: My intent is to make this property look just like the one that has Newington Bicycle Shop, like that. To make it appealing when you come into town.

Commissioner Fox: Okay, thank you.

Chairman Camilli: Any other questions? I sort of share the concern, it's hard I have to take a closer look as to what this is going to look at, and the design standards in the town center, one of the things that the Commission can look at is what is it going to look like, and by the way, a good job of answering and doing what you were asked to do. I think one of the questions that the Commission, maybe you should take a little walk over there at some point and just see what that looks like, and maybe we would have a better idea, because it is hard to go from these pictures here, to that look over there and how it is going to configure. You know what I'm saying. This is the way it looks now, it looks ugly.

Joseph Motta: Yeah. It does, we want it to look better. My intention is to take this area that looks ugly, take it all out, and replace it with the new addition.

Chairman Camilli: Yeah, but isn't there an area in the middle where, the only reason that I ask, is that this steps up, and then steps down, it's like you are in Amish country a little, you have like an after thought building. I think that is what Commissioner Fox was trying to get at and I think that, if the Commission wants to look at it, that's the kind of thing I think we could look at. This certainly is a big improvement from that, there's no, who is going to argue that, but it's a question of how it lines up, and correct me if I'm wrong, but that's what I got from what you said. So that would be a concern, and I don't know how you fix that. I don't know, and I think that if you could fix it, you would, I understand. You have been most cooperative.

Ed Meehan: This is a tough building, because he has fire and building code limitations. I believe if you change so much square footage, you are into a situation where you may have to sprinkle the building...

Joseph Motta: I think we are still within.

Ed Meehan: But if you did a larger expansion, you are right on the edge.

Joseph Motta: Larger than this, yes. We're not going any larger than this.

Ed Meehan: Then you are into very expensive and this building has been added on and taken apart and you know, different units over the years.

Chairman Camilli: Oh I know, you can tell, and this certainly is a big improvement, but Mike's concerned, and while we have this overview or review of what can go on there, I mean....

Joseph Motta: The apartment on the building before, years and years ago, you know, the fire marshal comes over there, I have installed more alarms system than anybody else, any apartment that comes in, I mean, we replace everything inside the apartments, we are making them all nice. We are putting this up here, we will have good tenants, so we are trying as best as possible, and I think this will make it even better. Right now you walk through this area and it's like, where am I, you know? We want to make it improved, and then the rest of the building, we will continue on to make it look the same.

Commissioner Kornichuk: Just a question, from where you said you were going to knock down, to the main structure, how many more feet is that, just ball park?

Ed Meehan: I outlined what is there now. Maybe another forty, fifty feet.

Commissioner Fox: I just wanted to add to my comments, and I just wanted to say, as a Commissioner, but more so as a citizen of Newington, I love going to the center now. I appreciate the fact that you really are starting to improve this, on your own, and as you say, if this is the first step, and then you continue with the rest of those apartments in there, I could really be for that. I'm not trying to give you a hard time. I'm just looking out for you and for the interests of anybody that goes back there, that lives there.

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

Joseph Motta: Yes.

Chairman Camilli: Public hearing, anyone from the public wishing to speak in favor?

John Bolles, 1692 Main Street: This may have some bearing on comment (inaudible) in question, but my relative came to Newington in 1918 and he bought the Andrews house which is 1052 Main Street. He took the two front rooms of that old house, turned them into, one was the barber shop, I think the other was the jewelry store, he and his wife lived in the back, my aunt and uncle and the four children lived upstairs, there were two apartments upstairs. But behind the old house was another building which I believe was taken down about two years ago, and my aunt had a laundry downstairs, and another aunt and uncle of mine lived upstairs. So there was an apartment upstairs in that building that was taken down.

Ed Meehan: They had a fireplace and everything else in there.

Chairman Camilli: Anyone else from the public wishing to speak in favor, against? I think we will close Petition 50-06. Okay, you are all set, thank you.

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

Gary Bolles, 28 Burdon Lane: Somebody had mentioned here tonight that sometimes you don't exactly know what is coming down the road and you are very correct, and you are very smart to think that way, because sometimes I think some contractors try to pull the wool over your eyes, and that should never happen and thank you for being so astute and one particular situation was the development on the corner of the Berlin Turnpike and Griswoldville. As I recall, and I could be mistaken, that traffic light was supposed to be in and operating before that business was allowed to open. Guess what folks, it's still not in, and both the developer of the housing and the store, they are haggling over that. One says one should pay it first, the other one says the other should pay it first. That is a situation where, thank you, for being so astute. I'm just wondering if somebody making a left hand turn has to cross I think three lanes of traffic and that is just an accident waiting to happen. So thanks for your.....

Chairman Camilli: I think it should be, we did it for business reasons, to answer your question, for the people who were there, we have two bonds from both developers so we know we can more than pay for that light, if we had to do it ourselves. You know, when you try to be good, sometimes what happens is that you get kicked back but some things, to be fair to the developers, Mr. Meehan might just want to allude to some of the things that happened with the poles, they had problems that were outside, you know, when you do building stuff, things happen.

Ed Meehan: Well, quickly, you are right, the light was supposed to be in prior to c.o.'s issued to Walgreen's and any home at Waverly. It became apparent that that was not going to happen and several property owners who had bought land and were trying to build their houses at Waverly came to town officials, the town council, and asked that the developers be permitted to get c.o.'s because of the financial situation that they were in. They bought these lots for \$140,000.00, they had other houses on the market, they had been waiting two years, they're Newington residents, so the Commission again, I think tried to cooperate, as the Chairman said, we had bonds. The same situation applied to the Walgreen's developer. They had until June 30th to put the light up, June 30th came and passed, and the reason that the light didn't go up was the four span poles were back ordered. Now, as of today, the binder course is down, the span poles are up, the lights are in, they aren't functional yet, by Friday morning the finished course will be on, by Saturday the lanes will be stripped, by mid-week, a week from today the lights will be, we turn the lights at different direction, they will be set properly and put on flash, and the State Traffic Commission will decide when the lights can be accepted. So, it took a month and a half more than it was supposed to, almost two months, but it will be done.

Gary Bolles: Then all those people can move into their homes.

Ed Meehan: People are moving in, they are moving in, I think it is up to twelve right now, there is twenty-four lots there, total. Sometimes everything doesn't go as planned.

Gary Bolles: I do commend this Commission, stay sharp, stay on top of it. Thank you.

Chairman Camilli: We will take a five minute break here.
We are officially back in session.

IV. MINUTES

August 9, 2006

Commissioner Fox moved to accept the minutes of the August 9, 2006 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with six voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

- A. **PETITION 32-06 2553-2557 Berlin Turnpike, Jayanti Patel and Kuntal Patel owners, JK Partners, Inc. 983 Hoop Pole Road, Guilford, CT 06437 applicant, represented by Richard P. Dimmock, Consulting Engineers, 11 West High Street, East Hampton, CT 06424 request for Site Plan approval for 100 Unit Comfort Suites Motel. Inland Wetlands Report required. Continued from July 26, 2006.**

Chairman Camilli: We are waiting for that report, I don't think the applicant is here, so we will just continue that.

- B. **PETITION 37-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA, 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for site development plan approvals for 15,120 sq. ft. hotel, 3000 sq. ft. bank, 5,256 sq. ft. restaurant, 3,500 sq. ft. gas station/convenience store and 9,000 sq. ft. retail use, B-BT Zone District. Inland Wetland report required. Notice required to Town of Wethersfield Section 8-3h C.G.S. Continued from July 26, 2006.**

Attorney Randich: Thank you. Robert Randich, Shipman, Sosensky, Randich and Marks, 135 South Road, for the applicant. Again, we are continuing our site plan presentation from the July meeting. Since that time we have had an opportunity to meet with Mr. Meehan and go over additional concerns that he had raised in his staff report. We received comments from the engineering department, with respect to the drainage system, and we also received comments from the Fire Marshal and Mr. Brian Ricker from Allen Associates is here tonight. A week ago, I believe we submitted revised plans and a cover letter addressing these various issues and Mr. Ricker at this time will go through them.

Brian Ricker: Good evening. My name is Brian Ricker from Allen Associates and am vice president in charge of site development. What we did is we withdrew the comment letters and responded with a cover letter to the board, responding to each of the comments and with the late hour, I'm not going to go through each one of them, I'm just going to give you a brief synopsis of what they are and the basics of the site plan again, just to give you a little comfort level of where we stand with the site plan.

As stated, this site plan does conform with all of the zoning requirements for the site, it meets all setback requirements, we have a twenty-five foot front yard setback and we have a minimum of

fifty feet everywhere. We meet all the side yard setbacks, we have provided all the buffer zones, we meet parking requirements, we are required to have 296 parking spaces and we have 306, we have ten over on the requirements. Some of the changes that we have made to the site design through some of the comments have to do with the drainage system and our type of analysis. We had used an hydraulic analysis that included a TR-20 analysis of the drainage system which is a, it's a soil conservation service method to analyze the soil, analyzing drainage. The engineering department requested that we change that to a rational method which is a different type of analysis. We did that, the system still complied. What we are doing with the system is that all of the drainage is going into four separate underground detention areas and then discharged into four separate locations matching flow rates that are going to those off site conditions today for all of the storm events. All of the storm water will be maintained within the on-site drainage system from this (inaudible) and off site from there. Some of the other issues that were brought up earlier in the night, and I just wanted to touch on briefly. The site is almost balanced from a take off site, or bring onto the site except for specialty materials, gravel, the stone around the underground storage area, that stuff will all have to be imported onto the site. We will have an excess of top soil, when we strip the site down to where we will be paving afterwards, that is about 8,000 yards of materials that would have to be taken off the site, but the rest of the site is pretty much a balanced site. We are cutting from the upper sections of the site and pushing it down toward the lower corner where we were standing, where we came around and talked about the stop sign at the corner of Russell Road and East Cedar Street. The landscaping, we have eleven percent interior landscaping, more than the ten percent required under the by-law, and I think that those were most of the comments that were in there. One of the other issues was the, and one of the things that we talked about on the site walk was the access behind the Jensen Manufacturing building. This does show the outline of that, where that (inaudible) will be that allows better access to the back there where the oil tank was, and the end of our parking area through here, this is the area where that ornamental screening fence will be, is right through here. Couple of other changes, we have relocated the dumpster location from where it was right down at the corner back of the restaurant pad, we have moved it up here and put it in a screened area to improve the landscaping around it. That will be an enclosure around it, not just a fence, but an enclosure with a fenced gate on it, so that from Russell Road, or coming up from this direction, if you could see it, it is upgrade from there, but it will look very similar to the rest of the stuff, the rest of the buildings as you have seen it. You can see from the rendering how much of that disappears into the landscaping now, as opposed to the prior location which was right down here at the back of the restaurant area. We have also rendered the back of the restaurant and provided some more detail on how some of that access will take place. Again, we have looked at the internal movements of the site, some of the Fire Marshal's concern and we have lined out a couple of radius in a couple of areas in order to get the turning movements for vehicles within the site to happen a little cleaner than they were before, and I believe that covers most of the comments that were within the review letter, and I'd be pleased to answer any more of them in more detail.

Chairman Camilli: I think that most of the questions that we had were answered.

Ed Meehan: That's correct, there are a couple of them that have come up, I guess one is the proposed location of that dumpster along Russell Road. That is on a two to one slope. How are you going to construct it? Are you going to put footings in?

Brian Ricker: It will be built on a retaining wall pad, and then the building coming up from it, so the footing for the wall that will come up will actually be a retaining wall in here. The two to one slope will come in from the side, but it will be a flat pad that it will be constructed on.

Ed Meehan: And what is that slope going to be treated with? Is that loam and seeded, how is that going to be stabilized?

Brian Ricker: That is actually being, both the two to one slopes in here are being, let me get the correct, on sheet 7A on the new submission that we gave you, it is actually culled out to be a conservation wild flower seed mixture for New England, so it's not just a grass mixture. It has wild flowers in it, a lot of it you see on the side of golf courses and stuff like that. It grows up, it gets to be about a foot and a half, eighteen to twenty-four inches high, then it lays down in the fall, you only have to maintain it a couple of times. We don't have to mow those slopes, but it also has wild flowers within it that come up just to make it a more aesthetic look than just a grass slope on those.

Ed Meehan: Are any areas of this site going to be irrigated? Any islands?

Brian Ricker: All the interior islands will be irrigated. The exterior ones where there is grass will also have sprinkler heads that sprinkle those.

Ed Meehan: The other comments, I already made by comments about the gas station and the curb cuts and the parking at the public hearing, dumpster location, at what point, if at all, are you going to show this proposed road to the adjacent property. You are before the Commission with a plan that shows no indication that the road is going to go to the adjoining property. The Commission is going to be asked to approve a site plan so it should have a road on it, if that is the case, and it also has wetland implications because of the grading from the road could affect the hundred foot upland.

Brian Ricker: I believe how we are treating this is that our application as presented to you is a stand alone application. That we can build our project the way that it is shown in this configuration, as it is, and this is what we intend to build. If the other application was to go forward, they would have to tie into what we build and into this configuration and then apply to you to have that roadway taken. But, for our development, this is a private driveway feeding our site and to be built as part of our private site plan, we are not proposing that roadway to be part of this.

Ed Meehan: So you would ask for a site plan amendment then?

Brian Ricker: I believe.....

Ed Meehan: I mean, the logistics of this get a little confusing. You are going to need to amend your site plan, you are going to need to cut out a piece of real estate and convey it to the other party.

Attorney Randich: I think, Ed, what we are saying is, this is a stand alone application. If you approve it, we will build what is on that map, and our abutter, to the extent that he has an application that comes before the Commission and he wants to get approval to use our driveway, to the extent that you require any upgrade or anything like that with respect to that driveway, that will be his condition to get approval and it will be shown on his plan. I mean, what we are saying is, we want to get this approved and build it and whatever happens next door may never happen and we will live with what we are seeking to get approved.

Ed Meehan: Yeah, because I mean, that, the driveway is going to reduce the size of this site because Hunter has to convey X amount of square feet to the neighboring property owner to build a town road, so you are going to need to amend the site plan, and you have utilities in that roadway....

Attorney Randich: I think, and again, I'm not familiar with the exact details of the agreement, so my understanding is that there is an agreement that what is now a driveway will, we are

agreeable to having it upgraded to the specifications of a public road and having it dedicated as a public road, if the abutting site gets approved for subdivision. We're not deeding, other than making it a public road, there is no deeds of our property to anybody.

Chairman Camilli: May I make a suggestion on this? This is I think what the Planner was alluding to before about getting the agreement so our attorney can look at it and see how we can progress with that. I'm not going to adjudicate that, it seems like our Planner is not quite certain how this is all going to come out, so if you have an agreement, with the abutting property owner, I think it would behoove our attorney to take a look at it and see how we could address whatever, I mean, what you are saying is, if I understand what you are saying, and I understand what you are saying, you want to get going, get that snapshot, take that picture and this is, we want it approved like this, and then if something happens down the road, because we have an agreement, which was I think said by somebody, the other party, by you, that there was an agreement between the parties, is that correct?

Ed Meehan: That's what I heard.

Chairman Camilli: And it's that agreement I think that where we are kind of like stuck right now.

Ed Meehan: Plus the map that goes along with it, that would show this driveway from the, being constructed as a public road which means that the base and the pavement, it's going to be different construction than a driveway. It's going to have to meet a public road standard as far as construction.

Attorney Randich: But I guess what I am saying is that is going to be their responsibility and their project. That is not what we are going to do if we get our approval. We are going to build what we are submitting to you, and I think perhaps you need to hear back from the Town Attorney whether or not what they submitted was sufficient. The person who we have an option with, for whatever reason, agreed to sign our abutter's application. They made a representation on the record that they have an agreement that the road will be upgraded and dedicated as a public road, which I think is accurate, but....

Ed Meehan: Just for the site plan purposes, I'm just trying to be able to see, walk through this so if the Commission approves the site plan, you are saying that you are asking them to approve basically what is there and you are not asking to show any grading or any cuts into the adjacent property.

Attorney Randich: Correct, we have nothing to do with, and our project in no way is contingent upon or related to what our abutter is suggesting.

Chairman Camilli: And they are saying because you do have in fact some kind of, and that has everything to do with them, and nothing to do with you.

Attorney Randich: Correct.

Chairman Camilli: So, okay.

Ed Meehan: There are a couple of islands that the acting town engineer and I looked at that I would like to talk to you about as far as grading and slope, and I think it's this island over here. It appears that the island is, you know, on one side at one elevation and on the opposite it drops quite a bit. So we asked you to look at that. It's almost a thirty percent, thirty to thirty-five percent slope across this island, right in here.

Brian Ricker: Are you talking about this island right in here.

Ed Meehan: Yes. So, that could be handled you know, with some curbing, it could be handled with putting steps in there maybe so people could go from the bank up to the retail areas. One of the other things that I was going to ask you, is there, if someone wanted to walk across that parking lot, from the retail down to the bank, to hit the ATM instead of having to walk all the way around, if there were steps in the middle someplace, in that island, you know, a pathway, by putting steps in there, you might take care of the grade problem, possibly. That is one of the things, we're trying to figure out not how to redesign the island itself, grade problem. The town engineer felt that the drainage as you are presenting it to date seems satisfactory to him. Elevation for the canopy, I didn't see that in the packet, all the other new elevations I saw.

Brian Ricker: For the gas station?

Ed Meehan: Gas station canopy.

Michael Frisbee: That was supposed to be sent under separate cover, I know...

Brian Ricker: It was missed in the original package and sent under a separate cover. You should have gotten it yesterday.

Ed Meehan: That is pretty much what I had and I need a little bit more time to go through this, your responses more thoroughly, I was out of the office last week, but I will do that. But, looking at it, a lot of the nickel and dime and technical stuff is addressed.

Brian Ricker: Just one other issue, because you are concerned about it, the only utility that we have in this roadway for our development is drainage.

Ed Meehan: Storm water?

Brian Ricker: Storm water, there is no other, all the rest of our utilities are handled through the site. There is nothing else within this.

Ed Meehan: Are you proposing two entrance signs? I see one at the corner and one at the other corner, or is that just the architects, got a little crazy.

Michael Frisbee: When we asked for this to be rendered, we took this and put that up there at first, and we will have some sort of ID sign, we will come in with a separate application, but our plan is to do this, this is, just a mistake actually.

Ed Meehan: And the buildings are, you do have line drawings for all the elevations in addition to the rendering. The buildings are brick, brick veneer?

Brian Ricker: Correct.

Ed Meehan: And clapboard, or stucco?

Michael Frisbee: Clapboard siding and stucco on the hotel. That is all detailed in the, we did all four sides elevations at your request and we had the detail on those as well.

Chairman Camilli: What is the canopy on the gas station going to be?

Michael Frisbee: It's a pitched roof canopy, and as you see, it will match the shingles on the balance of the project. It's got decorative columns with the brick around the bottom, if you will

that match the rest of it. You should have that, if you don't I'll make sure that we confirm that they sent it.

Ed Meehan: I know you don't know the restaurant tenant, but would that restaurant tenant be thinking of having any outside patio seating?

Michael Frisbee: At this point, no.

Ed Meehan: Okay. That's all I had, and I have three pages of comments to read, so...

Commissioner Ganley: This is going along with what Ed said, we were talking about access. I was looking at the plan, I was just curious to know if there might be some benefit to you guys, if somebody wanted to go to the restaurant from the hotel, instead of having to walk between parked cars, give them a little walkway of some type, maybe eliminate a couple of parking spaces, and give them something that they could get over, you know, a little brick walkway somewhere near one of your street lights, that gets them conveniently, so they don't have to walk between rows of parked cars to get to the restaurant.

Brian Ricker: We'd be happy to do that, since we are over the parking requirement, we have room to be able to do that, so yeah, we'll, we should be able to connect a sidewalk coming through, a walkway along with the steps that Ed mentioned earlier, across that island.

Chairman Camilli: Any other questions?

Commissioner Fox: Through the chairman, you dumpsters, that is the only area for the whole complex?

Brian Ricker: There will be a secondary dumpster for the convenience store.

Commissioner Fox: What about grease removal, you have a caterer up at the restaurant, Are you going to have grease traps and whatever?

Michael Frisbee: We have detailed plans about the grease traps.

Commissioner Fox: Okay. The Fire Marshal was okay with access for the ladder truck, if the truck has to get in there.

Brian Ricker: He gave us some concerns about some of the curbs and we have addressed those to his satisfaction.

Ed Meehan: I think there has to be some fine tuning around the service entrance to the hotel on the north side to identify where the concrete stops and starts. You are going to drive in there to get to your mechanicals and drive in there, do you have a dumpster in that side, in that corner.

Michael Frisbee: We are proposing that in our talks to the hotel group, we actually want to put the dumpster up in this back corner here somewhere. It's a little bit farther away from the entrance and exit here, but it's probably the most feasible place right here.

Chairman Camilli: Is that a canopy on that hotel?

Michel Frisbee: It's similar, we wanted to keep the architectural features similar to the restaurant, that is the canopy for when you drive in.

Chairman Camilli: That is going to be the front then, right?

Michael Frisbee: That will be the main entrance into the hotel. The idea for the design and working with the hotel group is that when you come around here, you are staring right at the front, and people will come in here and drop off their luggage, and be under the canopy and then come out and park, and then they will have an access point back here at the bottom level, if you will, for additional parking.

Chairman Camilli: Well, this is the first time, to be quite honest with you, the first time that I heard you say that you are working with an hotel group.

Michael Frisbee: Well, if it pleases the board, what I will tell you is that our original design when we first started working many months ago, with staff was that we had a much smaller footprint and we had a smaller, or three level hotel, and based on our discussions and our agreement, you know, we have increased the footprint, we have increased the size, that is one of the petitions that we have in front of you, to allow for, we have redesigned the site to allow for that vestibule based on their specific comments.

Chairman Camilli: That is good to know. Any other questions? We will just continue this under we get the rest of the information.

Attorney Randich: We have traffic to present, but in light of the fact that the town is going to retain a consultant on that, we will hold off on that, the late hour....

Chairman Camilli: Yeah, and frankly, as I said, we have our personal experience, and the traffic, as you know, the corridor study, the 175 corridor study, Newington has been, this is a hot, hot button issue in terms of, you should know, Wethersfield didn't want to put in a clover leaf, there is a lot of stuff that went on there, and it's a highly traveled area.

Attorney Randich: We're aware.

Chairman Camilli: I know you're aware but we just want to be sure it's right, because once the toothpaste is out of the tube.....

Michael Frisbee: Mr. Chairman, if I may, based on your initial thoughts on the rendering, we have a detailed landscape plan, one of the issues was the entranceway into the gateway to the community and that entrance way there is, I just want to make sure if there is anything we want, as comments from the board, to tweak or change with that, I'd rather have that now and not wait until the next meeting, I'd rather do that in the next....

Chairman Camilli: I frankly, is it going to be lit at all?

Michael Frisbee: It will be lit. You will be able to see it at night.

Chairman Camilli: I like the looks of it.

Ed Meehan: A two to one slope is tricky, so whatever you put in there, slanted....

Chairman Camilli: This looks relatively flat, but two to one, you know,

Michael Frisbee: Well, we tried to give you a lower version to give you an idea of the elevation, it's not perfect, but on that rendering there, it gives you an idea. Again, we are spending a lot of

money on the interior design, we are going to make sure it's done correctly and if we need to modify it later, we'll make something that really works there.

Chairman Camilli: Any other questions? Do you have anything else?

Attorney Randich: No.

Michael Frisbee: We'll look forward to the comments, thank you. On the 13th.

C. PETITION 45-06 Corner of Willard Avenue and Alumni Road, front vacant parcel former Torrington Company, Fountain Pointe, LLC, 838 Brook Street, Unit E Rocky Hill CT. 06067 applicant, Rotundo Developers, LLC owner represented by Richard Rotundo, 838 Brook Street, Unit E Rocky Hill CT 06067 and BGI, 170 Pane Road, Newington CT 06111 request for Site Plan approval, commercial development (3500 sq. ft. bank and 25,000 sq. ft. office) CD Zone District. Inland Wetlands Report required.

Alan Bongiovanni: Good evening, for the record, my name is Alan Bongiovanni, president of the Bongiovanni Group here in Newington, representing Fountain Pointe, LLC and Rotundo Developers. If you recall, at the last meeting, I think we had a very complete presentation of the site, utilities, traffic, or circulation, grading, architecture was a very nice model. I think the outstanding issue at that time was the traffic report, tonight we have Jim Buberis, our traffic engineer who has prepared a report, I'm going to have him come up in just a second, there are copies for everybody, to talk about the traffic. Beyond that, we have received wetlands approval for our discharge into the detention basin. I heard through the Town Planner that the acting Town Engineer had reviewed the drainage and grading and found them satisfactory. I did talk with the Town Planner yesterday and there is a list of items and his comments that we have agreed to address and that will be done next week, when we have an opportunity to sit with the Planner. The only issue at the time was a request from the Planner to consider putting sidewalk along the frontage of Lot #11, so it could join up with the existing sidewalk. In conversations with my client, he has agreed to incorporate that as part of the site plan, so we will have one continuous sidewalk across the entire frontage that students going to and from Newington High School will be able to walk on this side of the road. So, beyond that, I think we have agreed to address any outstanding issues with the Planner and with that I'll have Jim Buberis come up and talk about the traffic.

Jim Buberis: Good evening, as you, I'm sure you are aware, this is part of what is called the Newington Business Park, well, the Newington Business Park is behind here, this was part of the former Torrington Company where, we are not sure and the State Traffic Commission isn't sure is whether this parcel has been included in the preliminary time that we went into the State Traffic Commission to get a certificate. I asked them to do some research on it, and they told me that I need to first make the request of them, and then we will figure it all out. But at any rate, one of two things is going to happen, either this is part of the certificate already on hand, for the Newington Business Park, or if it's not, because we share access and by that I mean, we have a driveway here in the back, which is going to lead over to Alumni Road, and by virtue of that, gives you signalized access onto Willard Avenue. Because there is a new stipulation in the whole STC certification process now, if a development that already has a certificate, you come in and you start sharing their access, then you become part of their certificate. So, one way or the other, this is going to be certified, in my opinion, but whether it will be certified or not be certified it's not a big deal. What we did, we looked at this intersection, with what is allowed to go in here based on the original go around with the State Traffic Commission, we're not even there, or close to it. We are definitely below that threshold, but what we did anyway, is, we contacted the owner of the property and he tells me that the building, the Fafnir Building is about seventy percent occupied.

He expects that it will be thirty percent, the additional thirty percent will be occupied over the next year, year and a half. As you probably know, whatever is in there already, is very low traffic generator. We did some counts recently and found that is very much so the case, but what we did was, we looked back at our notes the last time that we looked at development in here and there have been several developments that have taken place in here, some of which we did, some of which we did not. But anyway, we looked back to see historically what was here, obviously a count that we did here in the summer is not representative of what goes on here during the school season. So, we adjusted the volumes here to reflect that, we took what was already there, we built into that what can be in there based on what the developer told us was going to happen with the rest of the building, and then on top of that we plugged in this, and actually, I'm on the high side. I heard it said tonight, there is a 3500 square foot bank, and 25,000 square feet of office, for some reason we had 35,000 square feet of office, so we are slightly on the high side here. Anyway, I guess the crux of the matter is this driveway out on Willard Avenue. We first evaluated this driveway as being a full access/egress drive. We're going to have problems if that is what it is with the outbound maneuvers. They will be E in the morning, and F in the evening, and we don't want that. What we are going to do instead is reconfigure this drive so that it is a right in, right out only. Anybody exiting the site going to the north, or anybody wishing to enter the site from the south, will use the traffic signal, and they will do so by the rear connection here to this driveway. This is definitely far enough back so it is not going to cause a problem with any of the queues that are on Alumni Road and the turn lanes that have been put on Willard Avenue at this intersection are certainly long enough to handle it. When you do the evaluation, the analysis, the levels of service are A for the intersection, and they will be with the other things that are already approved to go in here, and will be, depending on which movement you look at here with right turn in, right turn out, it will be somewhere A to C, depending on which movement you look at. So, in my opinion, that is good.

Chairman Camilli: My only question, when we do right turn and I like that idea, as you know, somebody parked over here, may want to exit and go, take that left. Is there anything you can do to hamper, I guess that is as good, deter, the scofflaws. We put in a lot of right turn only, and it's an enforcement issue, Mr. Bongiovanni is laughing because he knows that it is absolutely true, is there, we talked about it, different applications about, is there something you can do, just to do it like this with signage, in my opinion, is not going to work. We need something more, we need more of a deterrent, if you will for the right in, right out.

Jim Buberis: The DOT has a standard, if you will, for configuring this kind of situation, where there is like an island that is put in here, this is going to have to be opened up somewhat, and what you do is, the right turn coming out is forced more toward where it needs to be. Now, is it foolproof, no. It's not foolproof, if somebody is really bent on making a left turn and going up the other way, they are going to do it. It's a lot more restrictive than just having a sign. The only way that you are going to make a right in and right out work is to put a median down here so that if somebody decides to go left, they're just not going to be able to get to the other side of the street. I don't think you have the room in here, and the median, you just can't put it here, you would have to start it somewhere and end it somewhere, and I don't know if that is practical.

Chairman Camilli: One of the Commissioners had, I think Tom had some suggestion on how, what that could be.....

Commissioner Ganley: For McDonald's, that's what it was. You put a raised island, so to speak, a raised triangle.

Jim Buberis: That is what it is going to be. That is the standard that I am talking about.

Commissioner Ganley: Oh it is, okay.

Jim Buberis: That is the standard, it's a raised island, we call it a porkchop, okay. What it is, this is going to be opened up a bit more in order to be able to put the raised island in there, and what it does is, as you come out, it's going to orient you, it's going to be sending you to the right.

Commissioner Ganley: You'd almost have to bounce over the tail end of the island to make a left turn, which would be very inconvenient. If you put the sign posts right about where they would bounce, they wouldn't be able to bounce.

Jim Buberis: The same thing for the one who is coming up this way and wants to turn left in, it's the same thing, I mean, they are going to have to go around it and almost make a U turn to come into it. I mean, if somebody is determined to make the turn, they can make it, but ...

Commissioner Ganley: Well, you satisfy about ninety-five percent from a safety standard, you're right, it is the best.

Chairman Camilli: As long as that island is there, whatever, raised, to deter that, again, another safety issue. That's all it is, safety.

Alan Bongiovanni: If you have any other questions we will be happy to answer them.

Chairman Camilli: I do, I have one more. I thought there was a question where the signage would go.

Alan Bongiovanni: That was one of the details, one of the Planner's comments that we will address next week when we meet.

Ed Meehan: Right, what are you going to do with the existing directory sign versus the monument sign.

Alan Bongiovanni: We will work that out with you.

Chairman Camilli: Okay, as long as you have that, I just wanted to make sure that you were going to address that. Any other questions from the Commissioners? Ed? Thank you very much.

D. PETITION 52-06 Southwest corner of Pascone Place and Louis Street, vacant parcel 2.6 acres, Innate Investments, LLC owner, Mark Smith P.E. To Design, LLC, 114 West Main Street, New Britain, CT 06051 request for Site Plan approval to construct 5,000 sq. ft. professional office building. PD Zone District.

Mark Smith: I'm here with Jay Willerup, the petitioner's architect. They have some plans for the building and will show you what the building is supposed to look like, what it is going to look like, and I'm also here with Dr. Steve Judson, he is the land owner and also the future tenant. So, as was mentioned, the property that we are talking about is at the intersection of Louis Street and Pascone Place. It's been an unoccupied and undeveloped parcel. Currently, with permission, the site has been grubbed, and some of the topsoil stockpiled, but that is all in conjunction with the future plan. I understand that is as far as you are going right now. Right now, the site drains down to Louis Street, there is a catch basin here, that is also what is going to happen in the future. We have all public utilities, the proposed development is just over 5000 square foot chiropractic office. We have a single curb cut on Pascone Place, just about 200 feet from the intersection with Louis Street. We've got some parking and drop off area in a circular

arrangement right at what is going to be the main entrance to the facility. There is additional parking for clients as well as staff parking in the rear. In this corner of the property we have a detention basin, basic concept of the drainage is no change in drainage patterns, no increase in runoff. All the runoff from paved surfaces will be collected in a few catch basins, run through a treatment unit, and then put into our detention basin.

We did get some staff comments, I reviewed them, there was nothing there that causes us any concern. One of the questions was about the detention basin and we have three to one side slopes on it, it drains dry, it will be mowed, I know that is something that is of interest.

My partner is a landscape architect, I think he has put together a very nice planting plan here. As far as natural vegetation, there is a tree line, we've left the tree line on the property, we don't really have any reason to develop here on the south side and on the west side, so we are going to leave some natural screening there. We've got sort of a natural canopy tree scenario over here on the south, sort of rear side of the property, a little more formal up in the front. If you look at our plant schedule you will see that it is a mix of deciduous and evergreens and we have some shrubs, ornamental grasses. This is a nice landscaped berm up in front. We have three birch trees there. There was another comment about irrigation. I talked with the owner and our original intent and I guess this is what we will put out for discussion, was to irrigate the more formal plantings around the building, but we weren't planning on irrigating the entire lawn and grass area on the whole grounds. As was mentioned, it's about a 2.7 acre parcel and we planned on putting in an irrigation system in the area just around the building, and maybe the front of the property. I guess that is open for discussion.

We have had informal meetings with the town staff. We sat down with Chris Greenlaw, we sat down with the Planner. We took input before we put the plans together and we meet all the zoning requirements, we're in the PD Zone. We didn't have any reason to not comply so we just designed it to comply with the zoning requirements. As I mentioned, the architect is here, he can go through what the building is going to look like, and the owner is here if you have any questions of him.

Chairman Camilli: That would be good, to see what the elevations are going to look like.

Jay Willerup: What I have shown you here is the floor plan and floor elevations as we go around the building, north is up, and as Mark has said, this drawing is not only showing the floor plan but also showing the site. You would be driving in, and getting dropped off here at the front entry. There is a little covered entry there, so if you should walk out in inclement weather while someone is getting the car, at least you are protected. You walk in through the vestibule, the reception space, a little retail space, and since it is really a very family orientated practice, you just don't go in as a single person necessarily, you may go in with your whole family, and it does include children. There would be an area for children to go and have activities of reading books and playing while their parents are being adjusted. There is a main adjustment area here with windows both to the north and to the south, individual exam rooms that work a little bit closer into the building, there is an office manager, there is some normal supply spaces of files and staff supplies, things of that nature, additional massage, meditation room, double massage room, single massage room, Dr. Judson's office, some additional therapy, offices, two bathrooms, both the staff, handicapped bathroom and a patient bathroom and stairs down into a basement which is just for mechanical space. There is no occupation down there.

The elevations, which you are really interested in, are really, trying to keep it clean, modest and tried to keep it looking like New England. We offered gables, we didn't go crazy with them, but this is the entrance, this is what you would see from Louis Street. This is the north elevation, here's the entrance, the covered entrance here, this is the center (inaudible) which comes through here, that has the main adjustment area. Kept some windows up high, in exams and treatments, put a little variation and then get back into some of the other areas of trying to get some additional light into the space and to the corridors so that when you are walking through the building you get some nice natural light.

The materials, we are showing kind of a native brownstone type material. We'd like to use a split face block but keep it in that nice red tones relative to this part of New England. There will be a band just above it to cap it, that would be of synthetic stone and then wood shingles, the main body of the structure and all the trim would be painted a dark green, and it would be not only matching the windows and doors, but most of the running trim throughout the building, and then the soffett is a curved, beaded board vinyl basically, low maintenance and the shingles would be a traditional, multi-tab composition shingle. Are there any questions?

Chairman Camilli: I only had one from what you said, you said there was going to be a little selling area?

Jay Willerup: A retail area? Yes.

Chairman Camilli: What are you going to be selling?

Jay Willerup: Not really necessarily selling, not necessarily to the open public, but part of Dr. Judson's philosophy is not only getting your health through his adjustments but eating, through nutrition so there may be vitamin supplements and things of that nature that would be available to his clients.

Chairman Camilli: That was my only question. Ed?

Ed Meehan: Are you going to work on the regrading comments, to raise this site? We talked about some flows coming in off of the gutter into that site, you should raise it.

Mark Smith: Yeah, well I think with the elevations that we had, with some spot grading we could have done something with the aprons, but we did a test pit over here early on, when we were doing the detention basin, we went down about nine feet, hit no ground water, it's nice gravel, etc., but then there was a boring program for the building, which showed potential ground water at about ten feet or so below grade, so we are going to lift the building up a little bit, and when we do that, we will also make sure we have positive drainage, that won't be any problem.

Ed Meehan: Okay.

Chairman Camilli: How big a building is it?

Jay Willerup: Five thousand square feet.

Ed Meehan: He mentioned the question on irrigation. I certainly would recommend around the foundation of the building and the plantings and along the berm and out to the corner, for the rest of the site, it is basically not big, I don't think it's necessary.

Chairman Camilli: So just about where you said.

Mark Smith: Okay. We'll get all that.

Chairman Camilli: Commissioners, any comments?

Commissioner Pruet: Looks nice.

Chairman Camilli: Any other comments? Ed, you all set?

Ed Meehan: Yes, there is no wetlands, drainage is okay, Mark's comments are okay, architecture is good.

Mark Smith: No blasting.

Chairman Camilli: Okay, we will move this to Old Business for the next meeting.

VII. OLD BUSINESS

- E. **PETITION 47-06 45 Costello Road, former Acorn Rental, Bulley I, LLC owner PDS Engineering & Construction, 107 Old Windsor Road, Windsor, CT 06002 attention Timothy Mulcahy applicant, request for site plan modification for retail use, 10, 348 sq. ft. building, PD Zone District. Sixty five day decision period ends September 1, 2006.**

Commissioner Kornichuk that Petition 47-06 45 Costello Road, former Acorn Rental, Bulley I, LLC owner PDS Engineering & Construction, 107 Old Windsor Road, Windsor, CT 06002 attention Timothy Mulcahy applicant, request for site plan modification for retail use, 10, 348 sq. ft. building, PD Zone District, be approved based on the following requirements:

- A. The plans entitled "Goodwill Super Store" prepared by PDS Engineering & Construction, Inc., scale 1"=20' revised dated 8-1-06 shall be modified to address the following items prior to the signing of the site plan mylar by the Commission Chairman:
1. Add notation and re-label curbing to identify concrete construction.
 2. Add two (2) light standards along the west edge of the parking area, height of fixture not to exceed 17'.
 3. Add guard rail protection along top of parking lot embankment for spaces in area of infiltration system.
 4. Add detail of infiltration system to plan sheets.
- B. The maximum amount of retail floor space area for this use shall not exceed 7,175 sq. ft.

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

Chairman Camilli: Motion passes unanimously.

Commissioner Fox moved that the Commission add Petition 49-06 to Old Business. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with six voting YES.

Chairman Camilli: Petition 49-06 has been added to Old Business.

Petition 49-06
Saccuzzo Coffee
149 Louis Street
Special Exception Sign.

Commissioner Fox moved that Petition 49-06 149 Louis Street, Saccuzzo Coffee, Marco Saccuzzo owner, Bianca Signs, Inc. 99 New Britain Avenue, New Britain, CT 06051 applicant, attention Mike Mojie, request for Special Exception Section 6.4.2 Ground Sign, PD Zone District be approved based on the design presented to the Commission at the hearing on August 9, 2006.

The plan shows a 4' x 4' double sided sign face on a 16" base. This sign will not be lighted.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING (TPZ September 13, 2006 and September 27, 2006)

- A. PETITION 53-06 Assessors Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Special Exception Section 3.19.2 (24 detached residential units), PD Zone District, Inland Wetlands Report required. Date of Receipt August 9, 2006. Schedule for public hearing September 27, 2006.
- B. PETITION 54-06 Assessors Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Site Plan approval, 24 detached residential units, PD Zone District. Inland Wetlands Report required. Date of receipt August 9, 2006. Schedule for presentation September 27, 2006.
- C. PETITION 55-06 57 Church Street, John A. Amaning owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Exception Section 6.7 Interior Lot R-12 Zone District. Date of Receipt August 9, 2006. Schedule for public hearing September 27, 2006.

Chairman Camilli: We have Deming Street scheduled for September 27th, so that is going to be, so that will miss the 13th.

Ed Meehan: There are two items that are not listed that came in after the agenda was sent out, one is for a special permit for an auto dealer at 426 Hartford Avenue, up next to C & C Auto, they want to convert that old gas station to a small dealership. That requires site plan approval and special exception. The other project that has come in is Sam's. They filed last week, that is going to be multiple applications, so you may want to put that into October. That has a gas station, it has special exceptions for a building over 40,000 square feet, have site plan.

Chairman Camilli: Say, Stew Leonard's, they virtually tore that building down. I thought it was going to keep the façade, but I'll tell you....

Commissioner Fox: Sam's is going to have a gas station?

Ed Meehan: Yes, down on Rowley Street.

Ed Meehan: That should be through Conservation by your October meeting.

Chairman Camilli: My only comment we made before, we need the traffic engineers, the lawyers, at some point, I don't know if we should go into executive session to discuss this.

Ed Meehan: I don't think you can.

Chairman Camilli: After it's closed, with your attorney?

Ed Meehan: No, executive session is for legal, personnel

Chairman Camilli: You can't discuss as a group.

Ed Meehan: Not as a group, no. He can provide specific answers to questions that I could relate to him, like this question on the driveway, roadways.

Chairman Camilli: If you have any questions, get them to Ed so that we can ask the town attorney, we can use all the help we can get.

Ed Meehan: I will continue to provide him with the transcript of the meeting.

Commissioner Fox: Is everyone satisfied with the hydrogeologist report?

Ed Meehan: The one you heard tonight?

Commissioner Fox: Yes.

Chairman Camilli: We're not hiring one.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Fox: One quick question, is anything going on in that space between Airport Rental and the Veterinary on the turnpike.

Ed Meehan: No, they just cleaned that up. I think they did it for ground control, because they have been out there surveying.

XI. STAFF REPORT

None.

XII. ADJOURNMENT

Commissioner Pruett moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary.