

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 11, 2007

Regular Meeting

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

**I. ROLL CALL**

Commissioners Present

Chairman Camilli  
Commissioner Cariseo  
Commissioner Ganley  
Commissioner Schatz

Commissioners Absent

Commissioner Fox  
Commissioner Kornichuk  
Commissioner Pruett  
Commissioner Ancona  
Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

**II. PUBLIC HEARINGS**

- A. **PETITION 45-07 – Market Square – Municipal Parking Lot “Newington Waterfall Festival”, September 29, 2007, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111 request for Special Exception Section 3.2.8 B-TC Zone District.**

Chairman Camilli: Just give us a brief overview.

Val Ginn: Just brief. Again this is our fourth annual Waterfall Festival. There might be some minor changes, but nothing really great, the same thing as last year, the same closing of part of Market Square, vendors, children’s activities, entertainment, the same old thing. September 29<sup>th</sup>, from 10:00 to 5:00 on Market Square.

Chairman Camilli: All right, you have all your permits and everything?

Val Ginn: Everything has been submitted to the Town Manager. We will be having another meeting with the department heads to make sure that we are on the same page, but everything else remains the same. Do you have any questions for me?

Chairman Camilli: Any questions?

Ed Meehan: No, the event application has been circulated to all of the departments, police, fire, building, Town Manager’s office, all have signed off. Zoning will sign off after the Commission

acts, insurance certificate has been provided, and I think we are meeting next week with Val and the departments to coordinate assistance in setting up and breaking down the event.

Val Ginn: We're meeting the 20<sup>th</sup>.

Chairman Camilli: Any questions from the Commissioners. The public, anyone from the public wishing to speak in favor? Against?

Val Ginn: I'm asking that you make a recommendation tonight that we carry on for the 29<sup>th</sup> of September.

Chairman Camilli: Okay, so we will probably add this to Old Business when the time comes.

Val Ginn: Okay, thank you, please be there.

Chairman Camilli: Thank you, good luck.

Val Ginn: Okay, pray for good weather.

Chairman Camilli: I want to close this petition, 45-07.

**B. PETITION 32-07 129 Willard Avenue, Gibbs Oil Company L/P. owner and applicant, attention Eric Knapp, Esq., 148 Eastern Blvd Glastonbury, CT 06033, request for Special Exception, Section 3.11.3 B- Business District. Continued from August 22, 2007.**

Chairman Camilli: Is the applicant here?

Attorney Knapp: Good evening, Attorney Eric Knapp for Gibbs Oil. As you may recall we were here a couple of weeks ago, and showed you the plans, and have new plans that we are going to bring up right now. We went over the general basics of the proposal and left here with a number of issues that had to be addressed. I was hoping to get new plans back to you folks before, I ended up basically not until Friday of last week, but basically the new plans address pretty much everything that we were sent out of here to look at. The most important things, and I'll have Al McCalley go over a lot of the details with you, if you recall, we needed to get fifty feet away from this property line and we managed to accomplish that by sliding over this island here. You wanted the location of the mechanical equipment on the roof; we moved the dumpster which we were asked to do; there was the issue about the utility pole. It turns out this pole here provides utilities to both sites so we aren't able to take it down without depriving this site of utilities. We did at the request of the Town Planner take the spotlight off the top of that light. There are two little poles shown there. There are, the light plan was provided, the turning radii was provided. We did close off this, we did one thing, this island to shut down, or to narrow the exits to the street. The biggest change otherwise on here is, because of an easement that was on the land records that we were not previously aware of, we had to provide parking spaces back here to the owner of this property, and that is an obligation that was on the land records and there is not much that we can do about it. So what we have done is put in an opaque fence along this border here so that you can not see what is going on here from the residential property next door. I did submit photographs last time showing that it is very hard to see from here what is going on, already because of the tree line, we're hoping the combination of the trees and the fence will be enough coverage. Beyond that, I don't know if your Planner has had the opportunity to review the revised plans, he indicated that he may not have that opportunity and I certainly understand that, but I do want to try to address the Commission's concerns and we did take care of the major issues that we were sent out of here to take care of, because again, obviously it's very important to us that

the Town is happy with the proposal. So with that I'll turn this over to Al McCalley just to go over things that I, there's a letter here that I sent over with changes that Al prepared and I think he will go over that with you at this time.

Al McCalley: Good evening, I'll try not to be repetitive. There were basically sixteen comments and Eric has gone through a bunch of them already, talking about the fence being added, the proposed, we did some work on the west of the islands and shifted the canopy to get us the fifty feet off the property line so that requirement of that setback has been met. We got the driveway widths, we looked at thirty foot, we originally had driveways closer to fifty feet, we've tightened those up and provided a tanker delivery plan in the plans that shows you how those tankers make their delivery utilizing those driveways as well as providing access to the customer. The utility pole that Eric talked about, we're going to go underground from the existing pole to the building. The only overhead portion is going to be the existing section from 305 to 7333 and that is because we have a service going to the abutter. The driveway as Eric indicated is being closed between the abutters. The tanker plan has been included. One interesting point, one of the comments was the way that we were calculating the parking requirement for the site we were breaking out this co-brand issue inside the building and the retail as two separate parking calculations. Staff's recommendation was that we calculate that all as one factor, so we have reevaluated the parking requirements down to twenty spaces required and we are basically taking credit for six here, six in the front, and the eight at the islands themselves, which gives us the twenty required for the site, and then the fifteen spaces within that last twenty feet is for the, to meet the parking requirement for the abutter. The lighting plan has been included. We had the lighting company create a lighting plan with lower lights and shielding so that there is basically zero foot candle levels along the property line, and that has been included in the plans as well. Landscape, buffering and snow designations, we have an area specifically designated, although there are other areas on the property where we could put the snow, we have a large landscaped area that is available for snow storage. Mechanical equipment, we talked about it being on the top of the building, that's been noted. Soil erosion control plan has been included. Just trying to thing, oh yeah, the dumpster moving outside of the easement, as you recall, we had it towards the rear of the property, we've moved it out of the sewer easement back behind the building where it will be screened as well. Couple of quick comments came in from the engineering department, we agree that these driveway modifications do require Connecticut DOT approval and we note that in the letter. Additional drainage information was provided on the grading and drainage plan which basically confirms a little bit better which way this water is flowing, and as I indicated the last time, quickly, it's about a 4,300 square foot decrease in pavement, impervious area, that's over a ten percent decrease in impervious and thus a reduction for all storm events, on site, so the drainage is actually improved. As part of the soil erosion and sediment control plan, we're going to revamp all the catch basins that we have on site, to make sure that they have hoods and deep sumps. The last one was, one of the engineering comments that we look at adding a catch basin in the front of the site to help pick up and avoid ponding, and we have added that to the plans as well. That was really quick, and I apologize for going fast, and I apologize for getting the plans in late, that falls on my shoulders. If you have any questions, I'd be happy to answer them.

Chairman Camilli: Ed, do you want to continue?

Ed Meehan: I think you probably should continue it, to the 26<sup>th</sup>, at least. His letter was very helpful and I did have some chance to look at it, but I was not aware of fifteen parking space requirement by the off-site property owner. I was wondering why you compromised the buffer, last time you had a good buffer there.

Attorney Knapp: Yeah, I understand.

Ed Meehan: Now there is zero buffer.

Attorney Knapp: Well, we can play with it, a little bit, get a little bit of a buffer there and move things around, unfortunately the easement and I can provide copies for the Commission if that would be helpful predates our ownership, predates a lot of things, but when the neighbor came up and said, look, there's an easement out there that says you have to give us fifteen spaces in the last twenty feet basically of that property line. We didn't show that last time because we didn't know that it was there. So, we went and we copied the land records and said, you know, he's right, we do have to show that, and it's not something that we want to show, but unfortunately the land records are very clear about it, and we are obligated under the land records to give them the fifteen spaces. The deal apparently was, I don't know when this took place, that we would get access to the street through that cross easement in exchange for those parking spaces. Now a lot of this may depend on how many of those spaces are needed for Dunkin Donuts. My understanding is that at least some of them are needed for that Dunkin Donut site in the front there, to make the parking calculations work. If there is some way of doing this where we don't potentially need all of the fifteen spaces, we'd be happy to get rid of them. They are not there because we are happy to have them there. They are there because the neighbor says we have to have them there and we agree that it is required. Again, in talking with my engineer he indicates that I can give a little bit of a buffer there and slide things around a little bit. The problem is because it has to be within the first twenty feet of the property line that we can't move the buffer out very far because the parking spaces have to be eighteen feet, so that gives us two feet to play with. If there are ways that we can (inaudible) parking spaces on the site, we're certainly looking at doing that, but we're unfortunately in a very hard situation between what the Town is asking and what we are required to do because of this cross easement so that's a very long explanation for why those fifteen spaces are shown. They were not on the original plan because we didn't know they had to be there and they are on this plan because after last meeting we were told they had to be there.

Commissioner Ganley: The pictures that were shown at the last hearing of the trees that were along, providing the buffer, how many of them will now have to come down?

Attorney Knapp: They are all on the other side of the property line, none of them are coming down.

Commissioner Ganley: None of them are coming down, so there will still be the same buffer, visual buffer I should say between your property and the property located to, it would be the west of your property line.

Attorney Knapp: Yes, west of our property line and we're adding an additional fence on our side of the property line....

Commissioner Ganley: I noticed that from the staff report, I noticed that here.

Al McCalley: The curb line is only moving about a foot and a half back to meet that requirement.

Attorney Knapp: But the trees that are there as a visual buffer are not moving because they are on the other side of the property.

Commissioner Ganley: Plus you are going to add a six foot solid white vinyl fence.

Attorney Knapp: That's correct, yes.

Commissioner Ganley: Okay. Thank you.

Ed Meehan: I think the Commission should see that easement with some sort of a transmittal letter from you. My question is, does that private easement trump the Planning and Zoning Commission's zoning regulations?

Attorney Knapp: Well, I can certainly give you an opinion on that, I would be happy to include that with a copy of the deed.

Ed Meehan: I think you should, yes.

Attorney Knapp: I guess if worse comes to worse, I'm going to have to go and get a variance for that, but the question I think is going to be whether that easement pre-dates the zoning requirement for that buffer and that may require some research as to when the buffer requirement came in versus when the easement was given, and I'm sure I will be doing that research in the next couple of weeks.

Ed Meehan: What was the, do you know the approximate date of the easement that set this all up?

Attorney Knapp: Hang on a minute, let me see if I can track it all down.

Al McCalley: January, 1973

Attorney Knapp: January of '73.

Ed Meehan: Okay, if you can just put something in a letter, I believe, off the top of my head that probably predates the adoption of the site plan review buffer requirements.

Attorney Knapp: Okay, in which case.....

Ed Meehan: I think that was '83 or '84.

Attorney Knapp: If that is the case then we are grandfathered in from that requirement which is obviously very helpful for us because other than that, we are kind of stuck. But I would be happy to get you a copy of the easement and an opinion from our office explaining that because of the date and the (inaudible) of the buffering that we would be grandfathered from the previous requirement, and I think that is going to be the biggest outstanding issue and it's not an issue that we intended to create.

Ed Meehan: You are asking for a waiver along the north side, correct?

Attorney Knapp: Yes, we are asking for a waiver along the north side down to twelve and a half feet which is again, much, much bigger than is there now, but at this point the site is about as narrow as we are going to be able to make it and you can see the turning radii in the plans there for the tankers, there's not a lot more room to play with. So we're giving as much buffering as we can possibly squeeze out of this site, it's obviously a very hard site to work with.

Chairman Camilli: In your opinion, have you been there?

Ed Meehan: Yes, I've been on the site a couple of times recently.

Chairman Camilli: I think the Attorney said that they have about a couple of feet to fool around there and do something, is there something they could put in there, like arborvitae or something?

Ed Meehan: I don't think, in the area that they have it's even worth it. I think they ought to re-establish the curb line, fix that up, I don't think there is enough room to put any real substantial planting. Maybe the fence that they are talking about will take up all that area.

Chairman Camilli: Any other questions?

Commissioner Camilli: No one addressed the screening for the mechanicals. Is there screening on the roof for the mechanicals?

Chairman Camilli: When we get to the site plan, we're going to have to do the site plan.

Ed Meehan: A lot of this is site plan now, the traffic circulation, the tanker and the buffer are all special exception issues but I do have a comment about the building elevations.

Chairman Camilli: Okay, we'll hold that until we get to the site plan.  
This is a public hearing. Anyone from the public wishing to speak in favor?

Attorney Christopher Reeves: I'm an attorney with the law firm of Furey, Donovan, Tracy and Daily of Bristol. Our office represents the abutter. We are the ones that have the easement. I'm here to speak on behalf, just briefly for the application. We are very happy with the plans that the applicant has. One of our concerns was obviously, it's been noted by Mr. Knapp, that we were being forgotten about, that we had the right to have some parking available on this site. We're very thrilled with the application, and we're looking forward to doing some work with our property as well to improve it for the local community, to make it more user friendly and more accommodating to the community as well. So I just wanted to add that. The reason that I'm here is to make sure that, we were concerned that we weren't on the last plan and that we are now, and I'm filling in for Tim Furey who does most of our zoning work. I'm not a zoning person, so I can certainly report any questions that you may have for them, I'm not so sure I could answer a lot. But I did want to report that our client is in favor of the application.

Chairman Camilli: Okay, thank you very much. Anyone else wishing to speak in favor? Against? Anyone wishing to speak against the application? We will continue Petition 32-07.

**C. PETITION 40-07 129 Willard Avenue, Gibbs Oil Company L/P. owner and applicant, attention Eric Knapp, Esq., 148 Eastern Blvd Glastonbury, CT 06033, request for Special Exception Section 3.11.6 Food Service, B-Business District. Continued from August 22, 2007.**

Attorney Knapp: This is basically just the food service portion of the same site, same plan. I'm not going to run through everything that we just went through, basically to say that obviously we need two different special exceptions, one for the gas station, and one for the food service piece of it. As I discussed last time, we don't have Dunkin Donuts, we've already taken that reference off of the plans, we've left it now such that when we do have a new tenant we will go to your Planner and show him what we've got, and if he thinks it's close enough to what we have already, then you will basically have the plan, as approved. If it is not, in his mind consistent with what we are getting this evening, then we will be back in front of you to modify the Special Permit accordingly. I don't believe I need to say more than that.

Chairman Camilli: I think we went through this the last time, can we either approve or deny this on, even if they don't have a tenant, client?

Ed Meehan: You can do it, but you have to be specific as to the space area, you know, X number of square foot within the building, take out food use, so if you bring it to a vote, you have to be

clear so that someone in the future doesn't say, well, I can put a couple of tables and chairs in here which will create an issue with parking.

Chairman Camilli: So it would depend on how it was written

Ed Meehan: Right, but if they do want to change it, say they want to put tables and chairs in, I would say that is a new application and would have to come back before you.

Chairman Camilli: Okay, just so you understand, to get it on the record.

Attorney Knapp: I am perfectly comfortable with that.

Commissioner Ganley: And possibly a drive through, or at least requesting a drive through would be parking gymnastics that we are going through right now relative to that site, we would have to be cognizant of that.

Ed Meehan: Drive-throughs are not permitted in this zone.

Attorney Knapp: The original plans, way back when I was first meeting with the Town Planner showed a drive through, we were told in no uncertain terms, there will be no drive through so the drive through came out of the plans but the original plans, before we ever came to you folks, there was a drive through there, and we were told, not going to happen. As I understand from Mr. Meehan they are no longer permitted in the regulations and there is not going to be a drive through here.

Commissioner Ganley: Thank you.

Chairman Camilli: Okay, so we will just continue this as well. Anyone from the public wishing to speak on this particular aspect, in favor or against? Okay, we will continue 40-07.

**D. PETITION 41-07 – 3563 Berlin Turnpike, Stickley Audi Furniture Store, Realm Realty, c/o Michelle Carlson, P.E. 64 Notch Road, Bolton, CT 06043 applicant, Newington Berlin Retail, LLC owner, request for Special Exception Section 3.15.6 Health Club Use, 50,000 sq. ft., PD Zone District. Continued from August 22, 2007.**

Michelle Carlson: Good evening, my name is Michelle Carlson. Last time I was before you I worked for Fuss & O'Neil, I now work for Realm Realty, the applicant. What we are proposing to do is to convert the Stickley furniture building into a LA Fitness, and we are here requesting three approvals from the Commission. The first is site plan modification to the site plans that this Commission approved on November 20, 2006 for the Sam's Club, the Sam's Club gas station and the 6500 square foot retail building; the second item that we are here seeking approval for is a special exception for the proposed health club use which is allowable use by special exception per Sections 3.19.1 and Sections 3.15.6 and then finally we are asking for a height modification as allowed at the discretion of the Commission under Section 4.4.3 for an ornamental entrance. LA Fitness has a nice ornamental entrance that goes to an elevation of 44 feet and the regulations allow a building height of 35 feet, but via that section, at the discretion of the Commission you can let us go taller if it's an ornamental feature. The sign at the entrance will not exceed the 35 foot height requirement. The sign will be within that 35 foot height requirement. We, our team has had meetings with Ed Meehan and gone over the project, we've answered questions that Ed has asked, we've worked with him with this application, and with me tonight to give some brief presentations are Andy Carrier with Fuss & O'Neil, he's our site engineer, and we have Patrick Baxter with Fuss & O'Neil, our traffic engineer and we have James O'Sullivan who is

with LA Fitness and also with me tonight representing the owner of Realm Realty is Dan Curtland, and we are all here to answer any questions, and with that I'll let Andy talk to you about the site.

Andy Carrier: I'm the project manager at Fuss & O'Neil in Manchester Connecticut. The board that you have in front of you is the overall layout so you can see the plaza and all of the great work that has been done at the plaza itself with the Stew Leonard's, and the construction for the Sam's Club that was previously approved. Really what we are here to talk about is the LA Fitness building, conversion from the Stickley Furniture building. I have a little blow up of this. As far as a site engineer this is a great site to do a presentation for site work on because we are limiting ourselves to the site work in just this little corner right here. For the Stickley building there is a truck loading dock, a recessed truck loading dock that comes down to the bottom here and there really is no need for a truck loading dock for the LA Fitness building, so we will be, we are proposing to take and fill that right in. There is a drain at the bottom, so we are adding two parking spaces here, and this is kind of some hatch work that showed that no parking was allowed, to allow trucks in and out of this area, so we will continue the parking bays in this area. Here is the existing island, as shown here, and because we don't have to worry about trucks backing in, we can fill that in with some additional parking and some additional landscaping in this area. So, a new catch basin, some, one new pipe, ten parking spaces along the back, two parking spaces here, a total addition of 35 parking spaces to meet current regulations. We are re-stripping the parking lot to get handicapped spaces as appropriate. The stripping will be appropriate for current standards. That's it for site work. Everything else is the façade and interior of the building. Like we did at Stew Leonard's is to try to keep the existing footprint the same as possible, and all of the work will be done inside the building.

Chairman Camilli: Do you have any questions on this?

Ed Meehan: The light standards stay the same, same fixture?

Andy Carrier: The light fixtures are, we are going to do the same as we have done in the complex. I know that we worked with you for the lights in the Sam's Club, and will just be continuing the lights. The lights out there will remain the same, I think there is one light that has to be relocated that is in this island, but the light fixtures themselves will remain the same.

Chairman Camilli: Since this is a Special Exception and there is a different use there, in terms of parking.....

Ed Meehan: That is the real issue with the Special Exception is how this changed to a place of assembly and recreation complies with the parking needs of the regulations as well as the applicant's own experience with their parking requirements. We have had a couple of different staff meetings where they have brought in information about peak hours and peak days of the week, but I think you should put it in the record so the Commission knows that this use, along with the other uses proposed out there are all going to be harmonious as far as parking, which based on the evidence that I have seen, is. The first meeting we had, just to give you a little background, was with the Fire Marshal and Michelle and talking about how the Fire Marshal would rate this building. He's has quite a high occupancy, but it turned out that they, they being LA Fitness, I don't think they were too far off in what they both agreed to as far as how many people you could have in this building. The town standards is one space for three occupants, that was by the Fire Marshal. That was the baseline that they started with, and then I asked them to go back and check other similar fitness centers, LA Fitness Centers to give us a real world experience. I think that is what the Commission should know.

Andy Carrier: Just to elaborate on that, the Fire Marshal did come up with a total of 816 people potentially could occupy this building at one time per the Fire Marshal standards. With the one

space for every three occupants, that is a total of 272 parking spaces required by the Fire Marshal. What we did to supplement it at Ed's request is with some information from LA Fitness as to what their peak time period was, what was the peak number of people checking in, because as you know, when you come into the health club, everybody checks in, so they have a really easy way of tracking exactly people that are there. We looked at the peak hour for a 50,000 square foot building with a similar location that they have, there were a total of 204 check-ins during the peak hour. Assuming that everyone comes alone and bringing their own vehicle, 204 vehicles need to park at one time. Again, the Fire Marshal said 272 and just as, it's not up here, but for the LA building itself we have 325 spaces available, for the LA Fitness. In a 60,000 square foot building, that LA Fitness has in another location, was 220 check-ins, so no matter which way we looked at it, the parking requirements per your regulations and per real world use, and we still have additional parking spaces available.

Ed Meehan: That, I think that's the bottom line as far as the Special Exception. This type of use, which is really a destination use with membership you know, must meet the most stringent time, I think it was Friday and Saturday afternoons, Friday night and Saturday, was that the peak times?

Andy Carrier: Monday through Thursday, 4:00 to 5:00 p.m. Friday night is pretty quiet.

Ed Meehan: So as long as that, you know you are still going to have future retail use on this plan and that is going to need about thirty spaces and you've got the Sam's gas station down along Rowley Street, which is shown right there, so I think that they have documented to me that the parking will be adequate.

Chairman Camilli: You know these things are home runs and as you know many times the Commission makes provision for the parking beyond what our regulations call for, and you know, sometimes it's a home run, it's not enough sometimes, you never know for sure. We hope it's a home run for everyone. It will be more than enough I hope, but not so much that your business isn't there. We hope, we don't know what Sam's is going to generate, yet, even for the traffic. I think we had in the motion there that we would review.....

Ed Meehan: Post occupancy.

Chairman Camilli: Post occupancy, so as long as we're in the ball park, that's good.

Andy Carrier: Again, it's an easy site and it's also a site that has excessive parking so we're were comfortable coming in and saying, no matter which way we looked at it we still met or exceeded the parking.

Chairman Camilli: Well, as I mulled this over after talking to the Town Planner, one of the things, it's really a grand slam homerun, you could do away with the smaller building to get more parking, if it were needed. I know nobody wants to do that, but only if we were at that point. We'll see. Any questions?

Commissioner Ganley: How many employees?

James O'Sullivan, LA Fitness: We have typically around 75 employees total at a club, a lot of them are part time, and then at any one time, the maximum number of employees would be around twenty.

Commissioner Ganley: Okay, and that's broken down into staff and supervisors, and then there is the trainers themselves.

James O'Sullivan: Yeah, we have, we will have a general manager, an operations manager, life guards, we'll have a number of trainers, there will be a number of sales people there, a couple of cleaners.

Commissioner Ganley: Okay, what I'm getting at is, specifically the trainers, there are only so many people they can handle, so you are not going to get 800 people in there with 14 trainers. I'm not criticizing the Fire Marshall but I think it's another way to arrive at probably a more realistic number. You have only so many trainers, you can only have so many people, and it's not going to go to 800 people in the building, yes or no?

James O'Sullivan: It will not go to 800 people.

Commissioner Ganley: That's the end of my questioning.

James O'Sullivan: We have desks for three trainers and so there will probably be, if it's a home run, we'll probably have eight trainers at peak times, something like that.

Commissioner Ganley: Right, how many people can they handle, a personal trainer? They're not like drill instructors out on the field with 65 recruits.

Michelle Carlson: In the Fire Marshal's defense, he also takes into account how many kids would be in Kinder-Care and that's the in-house daycare, and that's taken into account from parking, so kids can't drive.

Commissioner Schatz: The trailer trucks that are parked out in front, is that going to affect any of the parking?

Andy Carrier: They will be gone at that time.

Chairman Camilli: Any other questions from the Commission? We'll hear from the public. Anyone from the public wishing to speak in favor, against? We will close Petition 41-07.

**E. PETITION 43-07 – 2686 Berlin Turnpike, OFI Furniture, 2686 Berlin Turnpike, LLC owner PDS Engineering and Construction, 107 Old Windsor Road, Bloomfield, CT 06002 attention Frank Borawski, request for Special Exception Section 3.15.6 Place of Recreation, PD Zone.**

Chairman Camilli: Is the applicant here?

Steve Foote: I represent Scott in the real estate lease for the OFI building. Scott is on his honeymoon and fortunately or unfortunately as the case may be, is not able to be here tonight, so he wanted me to give you a quick overview of his business profile. Hoffman's Gun Center is a family owned business started in 1919 and currently has fourth generation employees. Hoffman moved to Newington in 1972 and wishes to stay here, but needs to find a larger building for its continued growth. Hoffman wants to relocate to 2686 Berlin Turnpike and add a state of the art indoor shooting range. The shooting range will have many functions including to provide the Newington Police Department an ideal place to train, to educate the public in fire arms safety, providing an area for instruction in proper and safe handling and use of the fire arms in collaboration with our classroom and instruction and to provide a training facility for other law enforcement personnel. Sport target shooting will also be allowed to Connecticut pistol permit holders only. There will be an NRA certified range officer on duty at all times. All EPA, OSHA, and NIA will meet or be exceeded from a safety, sound and air quality aspect. The hours of operation will be Monday through Friday, 9:00 to 9:00; Saturday 9:00 to 6:00 and Sunday, 10:00

to 6:00. There will be between four and seven employees per shift, in addition to one range officer. The range will have eight firing lanes, and a handicapped, and they will be handicapped accessible. The NRA safety classes will be held on non-peak retail hours with a twelve student maximum per class. Shooting qualifications will be one on one with an NRA certified instructor. Hoffman's averages twenty to twenty-five customers during peak retail hours, and the total parking needed at peak time should not exceed fifty-seven spaces, with a normal average of between 35 and 40 parking spaces. So as you can see from our plans for the new Hoffman's Gun Center much thought has gone into the need to retain strict standards for property on the Berlin Turnpike, including enhancing the existing building, the landscaping to improve the aesthetics of the property. This will also include improving and updating the parking area with new lighting, space allocation and handicapped accessibility and will ensure a safer traffic flow. Thanks for your consideration on this matter.

Chairman Camilli: I think you answered some of the questions that we had in mind. Who regulates, maybe you don't know, I know you are just standing in, but who regulates the safety, outside of the agency itself, how does it work?

Steve Foote: I believe it's the NRA instructors who are the ones who, you know, it's a one on one with the instructors and the shooters.

Chairman Camilli: Who would monitor, the sound, and the emission?

Ed Meehan: EPA and OSHA standards.

Steve Foote: Well the company who is actually putting the range in and designing it has to have the range portion acoustically treated.

Tim Mulcady: Plus the existing building is all cinderblock, it will be lead lined with baffles and everything else.

Chairman Camilli: I don't think I'm making my question clear. What agency would it be, would it be a town agency, a state agency, or federal agency that would monitor that what they are saying even though they have these experts doing this work.

Steve Foote: It's going to be one of the three, it's going to be EPA, OSHA, or NIOCH, and I'm not totally sure what that stands for.

Chairman Camilli: Okay, like I said, I just wanted to .....

Ed Meehan: Like the emissions from the building, would that be DEP, the air emissions?

Steve Foote: That's the company that is going to be installing the range. They have it all specified on how many cubic feet have to be removed from the building per minute.

Ed Meehan: Okay, so the shooting area will have a separate ventilation system?

Steve Foote: Totally separate ventilation system.

Tim Mulcady: I would imagine that there is a separate standard from (inaudible) to accommodate that.

Chairman Camilli: We haven't obviously done one of these before, so.....

Tim Mulcady: Understood, new territory.

Chairman Camilli: Let's say, you get your contractors in there, you say, you need so much baffling, who comes in and says, okay, check off and say, you did what you said you were going to do, that's the agency I'm looking for, is it town, state, EPA?

Ed Meehan: I don't think it's the town, there's nothing in the building code that we administer that this would fall under that I know. It's going to fall under a place for assembly for the building department and the Fire Marshal, and they are going to be looking for exiting doors, size of doors, but as far as lead, all the emissions from the firearm, change of air, that's going to be.....

Steve Foote: The company that designs the range, I think that falls, that is a specialty company.

Chairman Camilli: The over sight of that though is what I am talking about.

Ed Meehan: OSHA is obviously an employee situation, the safety of the employees OSHA comes in.

Chairman Camilli: Would the company notify the DEP or OSHA or.....

Ed Meehan: I don't know.

Chairman Camilli: Okay, we'll have to work this out. Maybe somebody will have an answer, in other words, you may have somebody from the state coming in and saying, well you have to have this, or.....

Steve Foote: When Scott gets back next week, why don't I have him get a hold of you, Ed, and we can see if we can get that information.

Chairman Camilli: And I'm sure it's very easily solved. I'm just curious to see how.....

Ed Meehan: It may not be a public regulatory agency. It may be NRA or other national organizations that have their standards. I don't know who the enforcement authority is.

Commissioner Ganley: I can see exactly what Vinnie is getting to, it's not necessarily who has the standards, but who is going to see that the standards are adhered to, that is precisely what we are looking to do, there may be a variety of agencies come in, each has a responsibility based on what, based on the fact that they are empowered by statute, you know, by regulation to in fact, enforce what someone puts into a building and I am in tune with your concerns in that regard.

Chairman Camilli: Just the oversight of it. I think we will get that answer, I don't think it's a very difficult thing, I'm sure they have someone answering, whoever that organization, department is. Any other questions?

Ed Meehan: The only question I have, and I think you touched on it Steve, was the classroom, you said twelve persons maximum. Those are going to be your pistol permit.

Steve Foote: Yeah, the NR safety classes will be held on the non-peak hours with twelve student maximum per class.

Ed Meehan: I ask that because of the issues of parking. You have a conference room set up in there, is that where the class is going to be?

Steve Foote: Exactly, that is where the classes are going to be.

Ed Meehan: Okay. I think you could show the Commission and the public where the firing range is going to be.

Chairman Camilli: I see it there. I'm sure the Newington Police, a few police departments are going to use.....

Steve Foote: All the neighboring locals will. They all have expressed an interest.

Chairman Camilli: Okay, this is a public hearing. Anyone from the public wishing to speak in favor, against? I think we want to get this other information, so we will keep this petition for now. Unless you have anything else?

Steve Foote: No, thank you.

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

None

**IV. MINUTES**

August 22, 2007

Commissioner Cariseo moved to accept the minutes of the August 22, 2007 regular meeting. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with four voting YES.

**VI. NEW BUSINESS**

- A. **PETITION 33-07 - 129 Willard Avenue, Gibbs Oil Company L/P. owner and applicant, attention Eric Knapp, Esq., 148 Eastern Blvd Glastonbury, CT 06033, request for Site Development Plan, Section 5.25 B Business District. Continued from August 22, 2007.**

Attorney Knapp: Good evening, Attorney Eric Knapp for Gibbs Oil. Obviously there have been changes to the actual building itself and I will have Al McCalley review that. We had a chance to address the Commission's concerns regarding the appearance the building, and the site plan itself. If there are concerns about issues that we have not raised then we will be happy to take questions. You have obviously heard a lot of this already from the Special Permit so we will try to fill in some of the details that have been left out.

Al McCalley: I think I would have to dig deep to find something that we left out, but we can talk briefly about the building, we had come before you with a building elevation, and we have since changed it to a vinyl siding, it's a gray vinyl siding on the exterior of the building, with a small fascia and we, with a shingled roof, and we had planned to install the HVAC equipment built into the back roof structure, in other words, it will be built into that roof structure with some almost like siding or fencing around the exterior of that to provide screening for that as well. That will be pretty well contained to the rear of the site, as well as enclosed. It does not show up in my elevation, but once we start to develop some decent construction drawings we will revise it.

Chairman Camilli: This is the vinyl?

Al McCalley: Yes, it's basically a shingle with a small fascia and the siding that goes down to the floor, with floor to ceiling glass on the store front.

Attorney Knapp: Have you changed the glass in the front at all. I know that we talked about some of the windows.

Al McCalley: I think that is pretty close to what we have, we changed the material on the side of the building.

Ed Meehan: Well, originally you came in with a block building.

Al McCalley: Right.

Ed Meehan: Personally, and I'll put this out for the Commission, I think going to siding is a step backwards. I would have preferred something in the area of brick, to match the building next door, which we hear is going to be renovated also, so that we have a nice cohesive corner as far as building appearance and how the building is functioning.

Al McCalley: Yeah, the original one was like a split face type block, it gave you the fascia some treatment, we were actually, we weren't sure which way you wanted us to go on that, if you want to go with the brick, that's fine with us, if you wanted to go with the brick. The three choices were basically the siding, the split face block and the brick.

Ed Meehan: I think brick, with just a little bit of embellishments on the corner and what you have, the amount of glass you have I think is very good, because it opens up the front of the building, then you have like a white panel above.

Al McCalley: We can change that to be brick, where we are showing the siding, the gray siding.

Ed Meehan: It's actually up to the Commission.

Commissioner Ganley: I recall the other gentleman that was up here saying that they were going to make some façade improvements on their building.....

Al McCalley: Next to us?

Commissioner Ganley: Yes. If you guys sort of knew what that was, wouldn't it be easier to kind of coordinate.....

Al McCalley: Well, I don't know what.....

Chairman Camilli: What about the brick, what kind of brick. Are we going to know that? We should know that.

Ed Meehan: Well, when they revise the plans and submit the final plans before you vote you should know, it will be common brick, certain size, full brick...

Attorney Knapp: You have building plans for Dunkin Donuts next door?

Ed Meehan: No, all we have is the verbal comment. No plans. The building next door is all brick and it's an older building, probably built in the '50's, so I'm not sure what they plan on doing with it, but my thought was, at least do this one in brick, you have basically the same texture to start

with. I think that anything that they do next door would be an improvement, just as you are doing here.

Al McCalley: We can spec out the brick, give you an elevation that shows what that will look like.

Chairman Camilli: Any other suggestions to be made on that?

Ed Meehan: Well, sometimes on the brick they do, and this is up to the mason, they do little touches on the corner so that it's not flat looking corner, they give it a little shadow line. It's not a big building, it's only, not much bigger than a house, smaller than a house actually.

Al McCalley: We can take a look at that.

Chairman Camilli: What about the roof line?

Ed Meehan: It's a hip roof, it looks like from this design, is that the intent? They are going to have to construct a well for the HVAC equipment.

Al McCalley: Exactly, and we will screen that on the back side.

Ed Meehan: All their site drain pipes are tied into the site drainage system. They are going to have some penetrations in the roof for their vent pipes. You talking about any satellites on the roof, does Gibbs do things with satellites?

Al McCalley: Yeah, there will be a satellite dish.

Ed Meehan: Can that be located in this sort of screened area, or close to the back of the building?

Al McCalley: It can go towards the back of the building.

Ed Meehan: Southwest

Andy Beland, Gibbs Oil: I think it would face to the south.

Ed Meehan: Southwest orientation...

Al McCalley: So that is going to be, we could probably nail the back corner? South you are saying?

Andy Beland: Yes, south, southwest.

Al McCalley: Yeah, so that will work.

Andy Beland: The satellite would have to be on the south, southwest portion of the building. I believe that would be facing the proposed Dunkin Donuts.

Ed Meehan: Actually you can go out sort of, yeah, right there. Dunkin Donuts I think is going to be in the corner of that building, so you are more or less, it's a hip roof, the peak is here, it could be placed here, or on the back so it faces backwards. The hip roof is going to go up, here and here, to do all that work, and then have a satellite out front, I think it could be back in here someplace. I don't know how big it is, maybe it's, some of these are like the size of a pizza box.

Andy Beland: We can look at that, it's not a large satellite, it's communication for credit card purchases, things of that nature. No TV.

Chairman Camilli: You will work with the Planner on that.

Al McCalley: Yeah, we'll come up with something. We'll get you an actual size on that, and show that on the plans.

Chairman Camilli: Anything else?

Ed Meehan: No, that was it. We're getting a little bit more substantial building and brick I think is the way to go.

Al McCalley: Again, just quickly on utilities, for site plan approval, all the utilities are on site, we'll be using existing services.

Chairman Camilli: While we are on site plan, they have eliminated the screening on this side here, and they are putting in the fence. Do you think that will be adequate?

Ed Meehan: The existing vegetation is pretty dense in there. There are some evergreens. There's not much room for anything else. The fence will help. It's a solid plank fence, is that what it is?

Al McCalley: Yes.

Chairman Camilli: How high?

Al McCalley: Six feet.

Ed Meehan: That is better than what is there now. And this easement, it takes away the opportunity for a real physical buffer, then the fence is the best way to go.

Chairman Camilli: Okay, I just want to make sure...

Ed Meehan: There is a chain link fence there now.

Attorney Knapp: There is a chain link fence there now so that you can see right through the fence, the chain link doesn't provide any coverage. This will be an improvement over what is there now.

Al McCalley: That curb line is not really moving that far from where it is today.

Andy Beland: When we found out about the easement we tried to think what was the best way we can compensate when we had to change the plan and the buffering, to compensate on the buffering we now have the six foot solid vinyl fence. The chain link I believe is the abutters. It's not on our property.

Attorney Knapp: And as opposed to the house that is directly to the north, which is obviously right on the property line, the apartment building to the west is actually a ways off of the property line as well, so between the fence and the trees and the distance to the apartment building, we're a good ways away from one or the other there. I think I submitted, if not I certainly can do so, a photograph standing literally on the back step of the apartment building facing towards the existing structure and you really can't see any of it.

Chairman Camilli: What are your hours of operation?

Audience: 6:00 to 10:00

Andy Beland: 6:00 to 10:00.

Chairman Camilli: 6:00 to 10:00. Do the Commissioners have any other questions? Ed?

Ed Meehan: No, I'm all set.

Chairman Camilli: All right, and you'll be working with the Town Planner.

Al McCalley: Absolutely.

Chairman Camilli: Thank you.

Al McCalley: Thank you very much for your time.

**B. PETITION 42-07 - 3563 Berlin Turnpike, Stickley Audi Furniture Store, Realm Realty, c/o Michelle Carlson, P.E. 64 Notch Road, Bolton, CT 06043 applicant, Newington Berlin Retail, LLC owner, request for Site Plan Modification to reuse 50,000 sq. ft. retail store for health club and building height modification Section 4.4.3 PD Zone District.**

Michelle Carlson: Good evening, I'm Michelle Carlson representing the applicant, Realm Realty. As we discussed in the public hearing, we are proposing to retrofit the existing Stickley building to a LA Fitness Health Club. Andy Carrier from Fuss and O'Neil went over the site plan, I don't know if you want me to go over that again, we went over the parking, drainage. Do you want me to speak to the architecture a little bit?

Chairman Camilli: Yes. The height section right there. That I think is, you need a waiver I think.

Michelle Carlson: We need a waiver, 4.4.3, Section 4.4.3 gives you the ability to give us a waiver for an ornamental feature. And what we are asking for is, this is a photo of the Hamden LA Fitness, and this is how the, what they are going to do to the front of the building. Basically the other three sides of the building they are going to keep the existing exterior but treat it to match the brick color. They are going to color coat the existing three sides and then they are going to put a brick veneer and some effus on the front of the building. The proposed main part of the building with the effus will be thirty-three feet high. Then this ornamental entrance is about sixty-seven feet wide and it's forty-four feet tall at the top and what this is, is perforated steel panels and they have three lights in here that shine up here, I don't know if it looks like something from outer space but it's, it's what they do. The LA Fitness, as shown in this elevation the top of that sign will not be above the 35 foot maximum height requirement per the regulations. We are asking you to approve the extra nine feet for this ornamental signature feature that they have. That's what they are looking for.

Commissioner Ganley: It faces which way?

Michelle Carlson: Oh, towards Toys R Us.

Commissioner Ganley: So it faces easterly?

Michelle Carlson: Yes. For reference, the building, from LA Fitness to this part of the Berlin Turnpike is over one thousand feet, from LA Fitness to here is about eight hundred feet, so quite a distance from the turnpike and set down quite a bit lower from the turnpike, so a little bit of visibility, and part of the visibility is going to be blocked just by nature of how Toys 'R Us is. We will conform with the sign regulations for the center and we won't have any signs above the 35 foot height.

Chairman Camilli: Any questions from the Commission? Ed?

Ed Meehan: You mentioned three lights, how bright is it?

Michelle Carlson: It's not. It's not bright, it's not going to have a light spill, they are very small lights that are behind there, and that will be part of the building permit. They are not going to generate, it's not going to go up to the sky like....

Ed Meehan: A strobe light.

Michelle Carlson: Yeah, no very subtle.

Ed Meehan: These are all glass panels?

Michelle Carlson: Correct.

Commissioner Cariseo: Nice improvement.

Chairman Camilli: I think it's going to be a nice improvement to the building.

Ed Meehan: Service Merchandise had some kind of a red thing in front.

Michelle Carlson: If you look closely, you can see from the board....

Chairman Camilli: So it is going to look essentially like this?

Michelle Carlson: Yes, that is the Hamden store, and that is what they are going to make the front look like.

Chairman Camilli: I don't have any more questions on this, anyone? All set, Ed?

Ed Meehan: The big thing as far as the site, we talked about it under Special Exceptions, parking and I mean, the site plan is minimal, thirty-seven or so spaces.

Chairman Camilli: Okay, thank you.

Michelle Carlson: You're welcome.

Ed Meehan: I don't know if it's appropriate, but no one actually said what is going to happen inside this building. I did see some conceptual floor plans, quite dramatic.

Michelle Carlson: Oh yeah, they want to, they are going to put in a lap pool, racquet ball courts, basketball court, they will have to go to the local building and health departments to get all of the applicable permits that we need for the pool. It's just a lap pool, it's shallow, it's not for recreational kids diving and all that. It's strictly a lap pool.

Ed Meehan: You are going to have a tot room, day care?

Michelle Carlson: Yes, they have a day care room, they have racquet ball leagues, basketball leagues, but it is only for members, so any thing that they have for matches are strictly among the members. Spinning.

Chairman Camilli: Is there going to be any food?

Michelle Carlson: They just have drink, nothing.....

Commissioner Ganley: Nothing prepared on site, just vending machine type?

Michelle Carlson: Right.

Dan Curtland: Energy drinks, energy bars.

Chairman Camilli: Sounds interesting. Thank you.

Michelle Carlson: Can I ask a quick question? When will you vote on this?

Ed Meehan: The next meeting is the 26<sup>th</sup> of September.

Michelle Carlson: So you won't vote before that.

Ed Meehan: No.

Michelle Carlson: Thank you.

Chairman Camilli: Thank you.

**C. PETITION 44-07 - 2686 Berlin Turnpike, OFI Furniture, 2686 Berlin Turnpike, LLC owner PDS Engineering and Construction, 107 Old Windsor Road, Bloomfield CT 06002 attention Frank Borawski, request for Site Plan 14, 518 sq. ft. building, PD Zone.**

Tim Mulcady, PDS Engineering: Frank couldn't be here, he didn't have a honeymoon, but he did have a prior engagement. This is the former OFI building, I think you are all familiar with it, and basically what we are going to do, there is an appendage that sticks currently out of the front of it, right about here, that's going to be reduced, that's going to be taken out, and we are going to add a foyer, vestibule area right here. Basically we are going to enhance the building dramatically along with the site. The existing building will be cleaned up and painted and the front part will look like an old type, I guess saloon or you know, the western motif. A little bit of effus, the old shutters, the rail, again to give it the old western look. That is pretty much our intent with the building. The parking, we calculated sixty parking spaces, I think as Steve alluded to before, one of the questions Ed, that you brought up was in reference to the class size, and I don't think that will become an issue. We've got sixty parking spaces. I've looked at staff comments that came over to me today, and several of them are, there's a sidewalk or least a way to get from the rear of the parking lot into the building. That is there. It's just not highlighted. It's right here. There is three feet between this end of the parking to the building, so that is in there. The lighting is something that we will obviously look at. There are a couple of other issues that are no big deal for us to look at, to address.

Chairman Camilli: What is this here?

Tim Mulcady: That's an effus, drivet, stucco. Something that we looked at to break it up and to kind of like present it, to bring it out a little bit. The landscaping, if you have been by, is a dramatic improvement, what we have proposed. The only thing we are doing is, we taking down the old appendage in the front and we are accommodating some parking in the front also. Actually the parking before was on the right of way, and we have totally lost that and brought it back onto the property. The impervious coverage has actually been increased, along with the landscaping.

Ed Meehan: The impervious has actually been decreased, right?

Tim Mulcady: Yeah. I'm sorry, yes, by less than one percent. Minimal. Landscaping has been increased, that's pretty much it.

Chairman Camilli: What about the front, from the road to the building?

Ed Meehan: They haven't got the thirty-five feet.

Chairman Camilli: But they are grandfathered in.

Ed Meehan: Yeah, they're grandfathered in. The parking, they don't show it on this plan, but is was over the state line.

Tim Mulcady: Originally, yeah, actually I think I have that.

Ed Meehan: So now it's at least five feet behind it.

Chairman Camilli: Is there grass in the front?

Ed Meehan: Yeah. From well, all the way out to the edge of the curb is all grass.

Tim Mulcady: But there was an old building there, with some parking in the right of way, and we are getting rid of that.

Commissioner Cariseo: So this is the front of it?

Tim Mulcady: Correct.

Ed Meehan: But that's just a, it doesn't stick out as far as the existing front. The existing front probably sticks out about twenty-five or thirty feet. It's more of a façade than anything else?

Tim Mulcady: That? Yes, that's all it is. Eye candy. This is the existing, right here.

Ed Meehan: That shows how the parking is in the state right of way in that plan, also. One of my comments is that you need connect the twenty-eight new spaces in the front by a sidewalk into the vestibule that is proposed.

Tim Mulcady: I think that is pretty easy. I think we can pick it up either here, or somewhere in this area, because again, we have this walking up to it, actually there are no shrubs right here, I think we'll clip it right here and put it through.

Ed Meehan: Either there or slide a space down and stripe a three foot walkway through, so that you lead people to the front door. Even though there is a vestibule, there is only one door in there, right?

Tim Mulcady: Right, this is more of a façade, you know what I mean, this isn't the entrance, even though it's supposed to look like an entrance, it's not. It's really over here. So what we will do, we will address that, we'll put a walkway to the front door from the parking in the front.

Ed Meehan: The other staff comment was on some lighting out in those new spaces, and in the far back.

Tim Mulcady: In the back, yeah. We'll address that. That will be.....

Ed Meehan: I think it will be dark out there.

Chairman Camilli: Did you get the staff report?

Tim Mulcady: Yeah, I just got that today. I got those, and I don't think that there is anything that we can't address. Concrete curbing, I've seen that many times, utilities underground, yeah, I think that is self explanatory, and the lighting. We will put the shielded lights up, and go from there.

Ed Meehan: The town engineer didn't have any comments because it's less impervious on this, slightly less, but the system is what it is, no increase in impervious which would cause him concern as far as drainage.

Chairman Camilli: Okay, unless the Commissioners have any questions? Thank you.

Tim Mulcady: Thank you.

## **VII. OLD BUSINESS**

### **A. PETITION 39-07 – 2551 Berlin Turnpike, Joseph Cody Jr. applicant, 687 Arch Street, P.O. Box 876 New Britain, CT 06050, 2551 Berlin Turnpike, LLC, owner request for site plan modification, PD Zone District. Sixty five day decision period ends September 28, 2007.**

Commissioner Cariseo moved that Petition 39-07 2551 Berlin Turnpike, Joseph Cody Jr. applicant, 687 Arch Street, P.O. Box 876 New Britain, CT 06050, 2551 Berlin Turnpike, LLC, owner request for site plan modification, PD Zone District be approved based on plans prepared by MBA Engineering, revised dated August 20, 2007, scale 1" = 20' Sheets 1 to 3 entitled "Parking Layout and Improvement Plan for Cody Plaza."

Prior to the chairman signing the site plan mylars the following modification and conditions shall be met:

1. Revise plan note 11 and labeling to state all curbing shall be 6" concrete except as may be modified for curbing within the state right of way.
2. Provide concrete pad for dumpster enclosure.
3. Revise plan note 15 and label to state utility connections shall be underground.
4. Pavement in the existing parking area may be reconditioned by milling and overlay or reconstruction at the owner's option.
5. Site Engineer, MBA shall coordinate with the Town Engineer inspection and repairs to on-site drywells.
6. Grading and landscape planting along south property boundary, Holiday Inn Express, may be modified with the approval of the Town Engineer and Town Planner to achieve intersite consistency.

7. Prior to the chairman signing the site plan mylar a bond surety for improvements shall be posted with the Town Manager.
8. It is the owner's responsibility to contact District One, ConnDot for encroachment permit approvals onto the Berlin Turnpike.

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

Chairman Camilli: Motion passes.

**B. PETITION 45-07 - Market Square – Municipal Parking Lot “Newington Waterfall Festival”, September 29, 2007, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111 request for Special Exception Section 3.2.8 B-TC Zone District.**

Commissioner Ganley moved that Petition 45-07 – Market Square - Municipal Parking Lot “Newington Waterfall Festival”, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111 request for Special Exception Section 3.2.8 B-TC Zone District be approved as a public event, scheduled for September 29, 2007 rain date October 6, 2007. It is a condition of this approval that all requirements of the Town of Newington's Event Application Ordinance, Section 14-2 be complied with and that the program's representatives meet with Town departments to coordinate responsibilities.

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

Chairman Camilli: Motion passes.

Commissioner Cariseo: I have a question, do we want to release this bond in advance of the sale of the property?

Ed Meehan: The Chairman asked me that today. I called Aldi, I don't want to put a motion on and talk about it, but I did not get an answer from Aldi back, so if you want to postpone it, no problems from me.

Commissioner Ganley: I don't have a problem with that, do you have a problem?

Commissioner Cariseo: I don't have a problem, I could wait a couple of years in fact.

Chairman Camilli: I had the same concern, the Planner said that a lot of things have gone forward as far as Aldi, I don't know if you want to explain that, or not....

Ed Meehan: Well, Aldi has a contract for sale, they had a date to close, and additional environmental problems were discovered at the back of the building which requires, I think the contract obligates J.D.C., to remediate a good portion of the pollution that is accessible, either at the edges of the building, or on other parts of the site. There was a big large overhang in back where they used to store the cranes apparently, and underneath that there was soil contamination so they applied for a building permit to demolish the back of the building, that is the Kitts Lane side. That has held up the closing. Aldi has brought their plans in, the Chairman signed them, they have plans before the Building Department for the construction of the building but as far as, I checked this afternoon after I talked to Vinnie, haven't seen a transfer come through the assessor's office and so you can postpone this.

Commissioner Ganley: How do we, procedurally, how do we do this?

Ed Meehan: Well, it's on the agenda, but you could not approve the motion.

Chairman Camilli: Just deny it?

Ed Meehan: Yeah. Deny, and you could tell me why and then we will put it on the next time, when it does actually transfer, then it will be on your agenda, but not until then.

**Bond Release**  
**2640 Berlin Turnpike**  
**J.D.C. Trucking**

Commissioner Schatz moved that the passbook bond, original amount of \$38,300 plus interest, be released to J.D.C. Enterprises Inc. because the property at 2640 Berlin Turnpike is under contract for purchase by Aldi Inc. and will not be developed by J.D.C. Trucking for its construction yard.

The motion was seconded by Commissioner Ganley.

Commissioner Cariseo: I would say that we don't release this bond until there is a transfer of the property according to the town. At that time, we can reconsider it.

Chairman Camilli: Do you concur with that? Yes, I do too. I think under the circumstances, in case something happens with that environmental that Aldi has, we don't know what that contract says, and if they have an escape clause in there, and it reverts back to J.D.C. we will have given, released the bond, and they can do what they want, more so than they already have.

The vote was unanimously against the motion, with four voting NAY.

Chairman Camilli: The nays have it.

**Bond Release**  
**3050 Berlin Turnpike**  
**Lazy Boy Site Bond**

Commissioner Cariseo moved that the site development bond of \$15,000 held for landscape work at the Lazy Boy property, 3050 Berlin Turnpike be released all landscape improvements having been completed.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: Now we had some problems there, they finally got that work together?

Ed Meehan: Early in the summer they, the irrigation wasn't completed and they hadn't put in any real loam and seed down until the middle of August. I'll keep my eye on it, but even with the dry weather they have been irrigating it, so it's in pretty good shape.

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

Chairman Camilli: Motion passes.

I have another question that I have mulled around once in a while. We require applicants to irrigate and they put it in, but they don't turn it on. It's always fascinating to me, that next step, you know, somebody put it in, and then they don't, for whatever reason....

Ed Meehan: Wal-Mart did that. They put it all in, and it didn't really get activated until Panera Bread came in. The system was in the ground but it never was hooked up properly.

Chairman Camilli: So I don't know, we have to be more vigilant, if you will.

Commissioner Cariseo: Say, you have to put it in, but you also have to use it? You have to tell them? Do you have to put the hours on too? Should be on early in the morning....

**Bond Release**  
**2355 Berlin Turnpike**  
**McDonald's Restaurant Site Bond**

Commissioner Ganley moved that the site development bond of \$25,000 held for landscape work at the McDonald's Restaurant, 2455 Berlin Turnpike be released all landscape improvements having been completed.

The motion was seconded by Commissioner Cariseo.

Chairman Camilli: Are all their plantings alive?

Ed Meehan: McDonalds?

Chairman Camilli: Yes, everything is growing well?

Ed Meehan: Yes.

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

Chairman Camilli: Motion passes.

**III. PETITIONS FOR SCHEDULING (TPZ September 26, 2007 and October 10, 2007)**

Ed Meehan: None right now.

Chairman Camilli: None , we don't have to have a meeting?

Ed Meehan: I'm going to try to get some Plan of Development stuff done.

Chairman Camilli: Plan of Development, that would be an opportune time to move forward as they say.

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

None.

**X. REMARKS BY COMMISSIONERS**

None

**XI. STAFF REPORT**

Bond Release Requests

- 2460 Berlin Turnpike, JDC Trucking Site Bond
- 3050 Berlin Turnpike, Laz-Boy Site Bond.
- 2355 Berlin Turnpike, McDonald's Restaurant Site Bond.

Completed Under Old Business

Ed Meehan: Just two quick things, this afternoon the plans for Deming Street, the Deming Farm, the nineteen age-restricted housing, they came in. Not the mylars for Vinnie to sign, the, just the paper prints to verify that they have met conservation and TPZ requirements, so we will go over those this week. That project is almost finished with its EPA review, so getting ready to do something with that.

The project for 68-80 Maple Hill, known as Greene's Way, the subdivision that was reduced from ten lots to eight lots. That has been submitted for staff review. They have provided the 20,000, 21,000 square feet of open space, reduced the road length and increased the lot sizes a little bit, because they eliminated two lots, and they are cooperating with staff and trying to work with the abutting property owners to the north to pick up some of the drainage that is coming through there.

Commissioner Ganley: How are they reconciling the problem with the, they had a rather unusual catch basin, water retention then release kind of a thing, going out onto Maple Hill Avenue. As I recall the discussion, which at least on the face of it seemed to interfere with water coming off the abutting property. It just seemed like they had a funny little nuance to how they were going to get the water off the property via the street.

Ed Meehan: Well, for the property to the north, they are providing a twenty foot drainage easement to the Town of Newington along one of the property lines, and at the end of that drainage easement they are providing a double catch basin. So overland, and they will grade the swale so the water from the two abutting lots will go into that catch basin. Overland flow from the property to the north is also, they are putting that basin right where the lowest point is on the north, so water will go into the basin from the north that way, and will go into the street system, the new street system. With this reduced road length, and the 21,000 square feet of open space the neighbors on Vincent Drive will not have the water going around the back. They talked about water breaking through their back yards on Vincent Drive and going out. Pulling the road further west, towards Maple Hill and shortening it will keep all the water away from the back yards of Vincent Drive.

Chairman Camilli: So hopefully that helps the drainage situation. We tried to do what we could.

Ed Meehan: The other project, plans are in for the Hayes-Kaufmann project on the corner of Cedar and Fenn. One of the lots over there was transferred to the State for the busway rights of way, and a couple of lots up by Newington Junction have been transferred to the State for the busway rights of way, so that is moving along as far as acquisition.

Commissioner Schatz: Question, the house is for sale now, the two bedroom house, the brick house, Maple Hill Avenue, we approved the backyard for a house, does that go with the property? In other words, if they sell the property, do they get the okay to put a house back there without...

Ed Meehan: They have not filed that Special Exception because of the private covenant between the house to the south and this lot. They have not been able to come to agreement with release of the covenant or the easement for the utility pole. So from my, several conversations with the

property owner at 52 Maple Hill, John Bachard, he's not interested in releasing the covenant, and I see there is a sign on that property now, they are trying to sell it.

Chairman Camilli: I don't think they are going to be able to do that without his consent.

Commissioner Schatz: I just wondered, was that a selling point.

Chairman Camilli: I'm sure, if they could have gotten the agreement, they would have built on it. I thought that was their original intent.

Ed Meehan: They claim they didn't know about the covenants, but the covenants really weren't that old, they were placed in 1941, 42 and the chain of title was only two or three deeds back, it wasn't a complicated title chain.

Commissioner Cariseo: That's like this guy with the gas station, with the parking spaces. Now, how far back did that go?

Ed Meehan: He claims, '73.

Commissioner Cariseo: That's not that far back to do a title search. I would be concerned if he was my lawyer.

Ed Meehan: Well there was also the MDC easements, where they had the dumpster enclosures and some other stuff right over the easements. MDC will not tolerate that, that's why they had to move that stuff.

Chairman Camilli: Any other comments, remarks, Ed?

Ed Meehan: No, I'm all set?

Chairman Camilli: How about Norine? Have any comments?

Norine Addis: Actually I do.

Chairman Camilli: Go ahead.

Norine Addis: The center of town, where all that lovely pavement was done, and then they put those black strips.

Ed Meehan: That is temporary.

Norine Addis: All right, when I take my walk, I walk that way and it really looks awful.

Ed Meehan: Many people ask that, I'll put it on the record. When they put the new traffic signal in at Market and Main, they had to put new pedestrian pedestals in, and the wires and the conduit that go to those require the block pavers to be removed, so that is a temporary patch. Secondly, those corners need to have handicapped ramps. We have ramps, but they are not the, what do they call it, attenuated, with the little bumps for Braille, so to be in compliant, all four corners will have those attenuated pads when our street scape project is done, which should be early November.

Chairman Camilli: There's a big sign there, saw the big sign.

Ed Meehan: Glad you mentioned that, because the contractor started in earnest, yesterday and today, ripping up the Budney corner now. We've already advertised for the façade loans, we can do one or two façade loans.

Chairman Camilli: Any takers?

Ed Meehan: OFI has applied. Roma Tailor has applied, 1052 Main Street has applied.

Commissioner Cariseo: What about Budney?

Ed Meehan: Budney has not applied.

Commissioner Cariseo: The building there, that building looks like hell.

Ed Meehan: I think they finished painting it recently.

Commissioner Cariseo: All that stone work out in front, it's a disaster.

Commissioner Ganley: With the raised sidewalks and all.

Ed Meehan: That's all been torn out, it's all going to be put in with brick pavers.

Commissioner Schatz: I heard this through the grape vine, People's wants to move into the front part of that parking lot down there, and they are looking for a drive through window. Did we approve that? I didn't recall a drive through window.

Chairman Camilli: Yes, there was.

Commissioner Schatz: Okay.

Ed Meehan: A teller window and an ATM window.

Commissioner Cariseo: Have they gotten a grocery store in there yet?

Ed Meehan: Haven't heard. Have heard rumors, but don't know anything. There's only one or two tenants left in that whole plaza.

Commissioner Cariseo: They're trying to get everybody out, except for the realtor I guess.

## **XII. ADJOURNMENT**

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

Respectfully submitted,

Norine Addis,  
Recording Secretary