

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 27, 2006

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

Commissioners Present

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

Commissioners Absent

Commissioner Pruett
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

Chairman Camilli: Before we start, just as a courtesy to the people who are here in the audience, we have a couple of petitions where the petitioners asked for them to be postponed. I'd just as soon tell you now, but you are still welcome to speak if you like, but the petitioners are not here. That is Petition 38-06, which is East Cedar Street, Cedar Mountain and the Connecticut Children's Medical Center and the Reno Properties. That one, if you are here for that, they are not here tonight, and also on Petition 55-06, 57 Church Street, there were some problems with the petition and they asked for it to be continued, so if you are here for that petition as well, we will not be hearing that one. As I said before, you still can talk, if you wish. It's up to you, I just wanted you to know.

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. Continued from September 13, 2006.**

Attorney Randich: Mr. Chairman, are we doing A and B together?

Chairman Camilli: No, we are going to do those separately?

Attorney Randich: So we are on A right now?

Chairman Camilli: Yes.

Attorney Randich: The applicant really has nothing to add. We made our statements, we drafted a letter concerning this issue for the Commission, we have nothing further to add at this time regarding this application.

Chairman Camilli: Is this the letter?

Attorney Randich: Well, no actually, I would want to confirm we did get a letter, this is not necessarily applicable to Petitions A and B, but it will certainly be for C. I did fax a letter to Mr. Meehan, concerning the MDC letter of water and sewer availability, and I just wanted to confirm that you did receive that?

Ed Meehan: Yes it has been received.

Chairman Camilli: I was referring to the Paul Bifore letter.

Attorney Randich: That was something that was requested by the Commission concerning the agreement between our abutter for the use of our driveway at some later future date, if certain things happen.

Chairman Camilli: Okay.

Attorney Randich: I don't see that as necessarily being relevant to the zone change application, or the application to modify the height.....

Chairman Camilli: No, but it is applicable to the site plan.

Attorney Randich: Absolutely.

Chairman Camilli: That is why I thought you were alluding to this letter, but I'll wait and comment about that. Okay, so no comment as far as the Petition is all set, 33-06. Anyone from the public wishing to speak on 33-06? Either for or against? Any Commissioners have anything to say? Ed?

Ed Meehan: No, as Attorney Randich mentioned, he has submitted a letter dated August 17th, setting forth the reasons why he and his client feel the zone change is warranted, and we have put into the record the intertown referral from the Capitol Region Council of Governments, so the record is complete.

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 Test Amendment, Section 3.14.1 c to permit hotels and motels up to a height of 4 stories or 45' in B-BT Berlin Turnpike Business Zone and amend Table A: Schedule of Height & Area Requirements to permit hotels and motels up to a height of 4 stories or 45' in B-BT Zone District. Intertown advisory referral to CRCOG (C.G.S. Section 8-3b) required. Continued from September 13, 2006.

Attorney Randich: Thank you again. Robert Randich, Shipman, Sosensky, Randich and Marks, 135 South Road, Farmington, Connecticut for the applicant. Again, we spoke at some length regarding the reasons why we believe this petition should be granted by the Commission. We

also, the letter that was referenced by Mr. Meehan earlier also addressed the issues regarding this application as well, so the applicant really has nothing further to add at this point. We would request that the hearing be closed.

Chairman Camilli: Anyone from the public wishing to speak in favor? Against? Any Commissioners? Ed? Okay. We will close Petition 33-06 and 34-06 and go on to Petition 35-06.

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. Continued from September 13, 2006.

Attorney Randich: Again, Robert Randich, Shipman, Sosensky, Randich and Marks, 135 South Road, Farmington, Connecticut for the applicant. I'd like to report to the Commission that we did appear before the Conservation Commission who held their proceedings and closed the public hearing. They did not take any action, but it is on their agenda for action next month. It was during this public hearing previously that the Commission raised the number of issues, concerns, regarding traffic. We have, since that time, met with the town's consultant and Jim Winn, the applicant's consultant would like to make a presentation to review those discussions and some ideas on how to solve issues raised by Commissioners.

Jim Winn: Good evening, for the record, my name is Jim Winn, I'm a project engineer with Greenman and Pedersen. GPI had prepared a traffic study, and as discussed at the last hearing, the town hired a traffic reviewer who was GM2 to review the traffic study that was submitted and presented to the board. We also met with Mr. Meehan and representatives of GM2 on September 19th, to discuss his comments and go over some changes that we made, or could make to address these comments. GPI and Allen Major have revised the plans that we submitted, to address these comments and GPI has also submitted a supplemental study dated September 26th, a supplemental analysis to provide some additional information that was requested by GM2 in their comment letter.

If it is okay with the board, I'll leave it up to the board, I can go through each of their comments and how we addressed them or I could just go through and show the changes that we made.

Ed Meehan: I think it would be beneficial if you took the Commission back a little bit, and then explained why the changes were made and what has been done as a result of the meeting with our consultant, and everybody getting together with your client.

Jim Winn: Okay, so I'll go through the comments, that way I don't miss anything and we can address any questions or comments.

It probably will make sense. I'll start with the plan review because some of the comments that were made and our response to them basically addressed what we have in traffic, so some of the answers that I have for plan review comments helped us out on the traffic study.

On the last page of the plan review, the first comment was, the DOT will most likely not allow a right in, right out driveway and a full access drive. They may allow a right in, and a full access drive. Response was, comment taken, and I can show you, shown in front is a revised site plan prepared by Allen & Major. What we did basically, is took off the right turn out, leaving the right turn in. That is how we addressed this comment, so I can show this board. So as originally proposed, this driveway here allowed a right turn in and a right turn out. Based on comments that we got from the board at the last hearing, as well as comments that we got from GM2, we basically restricted those right turns out, leaving the right turns in.

Comment Number Two, the drive-in window for the convenience store should have sufficient on site storage for queued vehicles, check the Connecticut DOT guidelines. Our response was, we will provide appropriate queuing storage. I believe that the drive through is not proposed at this time, but to keep that option open in the future, what we did was to look at what the requirement is for the Connecticut DOT which is fourteen vehicles or approximately 280 feet, and accordingly, 280 feet can be provided on the site if a drive through lane was to be provided.

Number Three, a two lane entrance driveway seems unnecessary at this time. Our response was, will stripe for a lane and shoulder. As I have shown before, this is on the main driveway entering. There was originally two driveways, particularly for, if and when another development came on the abutting property, we are proposing a left turn in, so we had two lanes coming in the main site driveway into the site. At this point it is not necessary, so what we did was just provided a wider lane and a shoulder at this time. It can be changed in the future if it needs to be.

Number four, the intersection of the two driveways with the motel parking lot should be an all way stop. That intersection is right here. Originally it was a two way stop. Based on comments from GM2, we made it a four way stop, which we are showing, and we are going to provide as part of this revised plan.

Number five, a single access from the main driveway on-way into the convenience store should be provided. As shown on the original plan to the board, there were two driveways on this main approach, and I think there was quite a bit of concern about that first driveway. We agreed to eliminate this driveway and provide off the main driveway an egress and entrance from this one location here.

Number six, convenience store traffic should exit through the all way stop. Again, as I mentioned, we got rid of that driveway, and now have the one, access/egress driveway on this driveway.

Left turn lane into the upholstery drive should be extended to allow left turns into the fitness center. Left turning vehicles will affect capacity and should be removed from the left through lane. I can switch now to the concept plan that we provided, showing the off site improvements. As part of the original off site plan, we had a left turn lane going into the site at the main driveway, we also had a left turn lane that went into the upholstery driveway. Based on recommendations from GM2, they suggested that we extend this left turn lane, beyond the fitness center driveway, so if someone was turning left, into the fitness center, they could be pulled out of the through traffic, so if someone was stopped to turn left, it wouldn't block through traffic, so that ultimately you would have a continuous two lanes of traffic even if someone is stopped to turn left. To accommodate this what we had to do was basically widen, obviously there is going to be more widening to get that left turn lane, we did some more widening on both, originally we were trying to do most of the widening on the northern side, to provide this additional pavement, we did widening on both sides of the road and that allowed us to get enough room to get that left turn lane in for the fitness center. So that was the last of the comments for the plan review, and I'll jump back to the first page, which is the comments and resolutions to the comments.

Page 1, square footages in the report do not agree with what is on the plan. The number of rooms identified for the motel is not consistent with rendering. Do they have a floor plan? Also, square footage is five (5) times the footprint or 75, 600 square feet and not 30,000 square feet. What we did as part of the supplemental study we revised the numbers of generation accordingly. When we originally did the traffic study it was based on a preliminary concept for the site. A lot of things actually got smaller. The hotel, based on the number of rooms, which is still the number of rooms we are proposing, but the restaurant is a little smaller, the retail portion of the portion was originally 13,000 square feet, was reduced to 9,000, so I think that I presented at one of the hearings that our numbers were conservative that the numbers in the study were based on higher generations that what is currently projected and we left it, being that the numbers were higher. Again, I have clarified it with the supplemental analysis of exactly what is proposed at this point.

Next comment on page five, accident data should be obtained. We had, as part of that study, we did get accident data from Connecticut DOT, for Newington and Wethersfield. We got local data from Wethersfield, but we did not get local data from Newington. We requested it at the time of the study, and actually when we met on the 19th, we asked the Police Department to get that data

again. We haven't received it yet, but the information that we do have from the Connecticut DOT did provide enough information to give us details of approximate location, the type of accidents, the direction that they were traveling, and I'd like to keep that for the board, if that information does come in, I can, if it is substantially different from what we have from the Connecticut DOT, I'd like at a future point to be able to present that to the board.

Pages 6 and 7, collision diagrams should be provided to show accident trends. At one of my presentations I discussed what types of accidents occurred, how many accidents and what types were occurring, and the supplemental analysis, I have a figure which shows not only the type of accidents but what approaches the accidents were occurring and that is provided in that supplemental memo that was presented, or submitted to the board.

Page 9, see CTDOT Guidelines section 11-2.03.01 for 55 mph. Intersection sight distance, ISD should be 690' for the lane arrangement shown at the main drive, for 53 miles per hour, 660' and for 54 miles per hour 763. Those speeds are significantly greater than the posted speed limit, but as I presented before, people are traveling a lot higher than that, and what we are doing is providing sight distance to the driveway, not only for that posted speed limit but also for what people are actually traveling. With the left turn lane, the requirements become even greater. The more lanes that someone takes to come out, the greater you need for sight distance. As I mentioned before, we did a little bit more widening on the southern side as a result of providing this left turn lane to get that pavement width. What this also did, is pull this intersection a little farther south and provided even greater distance coming out of the driveway, even greater sight distance. With this, we will be able to meet the requirements for the Connecticut DOT stated in this letter. Just to make a note with that, that there is a standard using a nationally accepted site distance which is a lot less than Connecticut DOT, so again, the driveway meets the Connecticut DOT which is significantly greater than the requirements of the national.

Page 11, development is now an office building. This is referring to the abutting parcel that originally during the traffic study was going to be residential. The current proposal is now office. As a response to that, comment taken. We actually, the proponent of that project is providing some supplemental information and they are evaluating the impacts of their project independent of this one, so as part of this project, we are looking at basically the impacts of this project and making sure that what we do here can preclude them, if they come in later to be able to draw on that fourth driveway, four way driveway to have access through the shared signal.

Page 13, retail is now 9,000 square feet not 13,000 square feet. Question choice of ITE 820, (shopping center) the size of the development is too small. Suggest using 814 (specialty retail center). Traffic generation would be much lower. Again, as I mentioned before, using that 13,000 square feet our traffic volumes were higher than what would be proposed with the current use, and also the methodology used, the type of shopping center, but since it is so small, the traffic volumes are expected to be lower than what we presented in the traffic study and we kept it, to be conservative.

Under methodology, the traffic report should analyze only the proposed development as currently revised without the residential element since it is questionable what type of development would eventually be on the adjacent site. The AM peak, PM peak and Saturday should be evaluated. Connecticut DOT may not allow the right in, right out drive. The Am/PM and Saturday peaks should be analyzed without this drive. What we did as part of the supplemental study is that we basically just looked at the development based on methodology, as recommended by GM2, and come up with those numbers, and in that supplemental analysis, we have traffic volume analysis, and obviously the operation of the driveway is better than what was projected in the original traffic study.

The Gospel Hall Driveway is within the intersection area. If the driveway cannot be combined with the upholstery driveway, a separate phase should be provided in the traffic signal analysis. The response, I think that was actually mentioned at one of the other hearings, that there is actually three approaches, or side street approaches into this intersection, how the signal is going to be phased is that someone coming out of the Gospel Hall driveway will have its own phase, so they will be under signal control, they will have their own green time to exit. It's a fairly,

particularly during the peak hours it's a very low generated driveway, so that phase will really be (inaudible) but it will have it's own phase.

The traffic signal warrant analysis should be based on the protected volumes for the proposed development only. As I mentioned in the supplemental analysis, we have traffic volumes in there, traffic volume network that only looked at the development. We took out residential component, and we also generated based on the actual current proposal, not the numbers that we showed you, and with those numbers you can see it meets, still meets the warrant signals even without the other development in place.

Page 28, the last paragraph – it is most likely that DOT will require the developer to implement all improvements. We have submitted all our information to the STC, the State Traffic Commission. We heard back from the Planning department, they agreed with our traffic study and numbers. We still haven't heard back from design but as we get those comments, we will address them appropriately, and based on comments that I received from the board tonight, if they are in agreement with the changes that we made to the site plan and the roadway, I'll provide this information to the STC as well, so they would review the current plans, and not the plans that we provided earlier.

Page 31, weaving analysis may not be an appropriate tool when considering the proximity of traffic signals on Route 175. I think that was actually also mentioned by the board last time. The proximity of this free right turn that we are making and the driveways, and the comment was that the weave analysis, it's really a three way weave, and when the signal is introduced, it may not be appropriate to have it that way, because that program is based on equations, volumes and what was recommended was to look at a different programs that is called simtraffic. What it does is, it doesn't necessarily use equations, it actually models every car as a single entity and it shows the impact of one location to another and how vehicles interact and what I did, I presented, or prepared a simtraffic model which I can present to the board, if acceptable to show, what this does is show a model of what this would look like out in the field, instead of just giving a table.

Ed Meehan: Will that computer model show the queue lines as we talked about?

Jim Winn: Yes, what it does is, and I have a handout for the board, I know one of the things that was questioned before is, and it's tough to really visualize, you know, you say what the queue lines are but to really see what it looks like on the roadway, I do have something to hand out, and what it does is it presents it on the board, and shows you lines, the average queue, the ninety-fifth percentile queue and the maximum backup queue, and it graphically shows that on the map so that you can see exactly where the queues are going to extend to, and I can present that now if you wish.

Ed Meehan: Yes, the question that several Commission members have is the queue backing down the hill, and the concern about being on the grade in inclement weather, and the other queue was the cars backing onto the ramp, going westbound.

Chairman Camilli: While he is setting up, did our traffic engineer look at this report?

Ed Meehan: Our traffic engineer looked at the assumptions and the methodology and concurred with both, and also ran their own computer program, which I observed over at their office and they brought with them when they met here last week. We talked about level of service and queue lines, which I think they will show you, it shows little cars running around, it's kind of interesting.

Jim Winn: Right, and this was actually a recommendation from GM2 that it would be a good idea to show this model instead of just looking at a table to see what is the level of service, and queues, to actually see it in operation.

This is a simulation model in real time, I can speed it up so that you can see a little more as it goes through. With this program model, the speeds, volumes, turn movements, the geometry, what it does for that peak hour, actually models each car going through the corridor as an actual single entity, so basically the operation of the signal would show the effect of what would happen at the upstream signals, or upstream intersections. As I mentioned here, this shows the plan that I last presented which has a, we had a slip ramp for the right turn in, a left turn lane into the fitness center, and there is also a left turn lane at the signal going in along East Cedar Street. This also shows Russell, coming down here with the free right, and the point of this is that you can see the interaction between the right coming off here, and through traffic coming through here. With the left turn lane at the fitness center, we still get two true through lanes through that, without someone turning left into the fitness center blocking through traffic. I don't know if it's clear, but this is the proposed signalized intersection, this is going to be the main site driveway, this is the upholstery driveway, Gospel Hall driveway, this is the fitness center, coming down here, this is the north, or traffic going on in that direction, this is the traffic coming off, going west, downtown.

Ed Meehan: This is a peak hour?

Jim Winn: This is, what I looked at here, I have both PM and Saturday, but Saturday isn't as critical. PM is the critical peak hour out there, and what this is looking at is that peak hour that we counted out there, during the PM time period. I can speed it up a little bit so that you can see a little more.

Ed Meehan: I think the important thing is to show what happens when the east and west bound traffic on Route 175 is stopped, and the traffic coming from the site development driveway is permitted to come out, what happens to the queue lines backing up. I don't know if that is in your model.

Jim Winn: Exactly. So when you see these indications of who gets the green time, you can see that these people get a green time, these people are stopped at a red light, and what this shows, instead of just showing it on a table what the, how many feet of queue, and so many seconds of delay, you can actually see here how long it takes someone to get through it, and how far the queue backs up and how it is going to operate with the improvements in place.

Ed Meehan: As a point of reference for Commission members, the backup going eastbound, coming up the hill is about, not quite to the private residence driveway that goes in, I think it's the Roberge's residence. It goes not quite all the way back to that.

Jim Winn: Yes, and that is actually presented in the figures, the figures I have are the PM peak is the first sheet, and the second sheet is Saturday. You can see from those that the PM is critical, and the lane lengths that are provided are based on the original traffic study that we did. We are not going to take credit for the lower generation, we're keeping that same design as the original proposal to work with for that full development, including the traffic that we originally did.

Chairman Camilli: When that traffic stops, I only see in the double lane, like eight cars.

Jim Winn: Which queue is this?

Chairman Camilli: This one here, when they stop, this is the one going down the hill. How many are stopped there with the signal, because you said this was going to back up a lot more than what this shows.

Jim Winn: Right, well what happens, during this whole peak hour, the sketch that I shows what that backup was, and basically....

Chairman Camilli: It doesn't show there though.

Jim Winn: Through this whole model you would see it. Like I said, that printout has through that peak hour, what that backup queue is, and I think based on this, the maximum you would see, if you watched this for a full hour, the maximum you would see coming up the hill, is just past this left turn lane during the PM peak hours. The left turn lane is through here. Again, we are only a couple of minutes into it, it's a full hour. Again, that representation is the max, you, on the average, it's a lot shorter, but what the program does, and what we actually evaluate for is the ninety-five percentile, and ultimately it's that queue that you see one time during that peak hour, and that is what we design for, so most of the time you are not going to see that queue, but we do design for having that backup queue. I can speed it up a little if you want.

Ed Meehan: Is this five o'clock at night?

Jim Winn: Yes. So we are only five minutes into it, I can speed it up so that you can see....

Ed Meehan: Well, we were out there, the Commission members were out there at 5:30 I think, and we noticed a lot of cars, so if you get to 5:30.

Chairman Camilli: It's backed up now.

Jim Winn: During different cycles it depends on how much traffic, it's based on completely random arrivals, and what is really going to be seen out in the field, so, sometimes on the site driveway you are going to have two cars, sometimes on the site driveway you could have six or seven. So during those times when you have more people coming out of the driveway, you may have longer queues on East Cedar Street which is projected in the figures that I presented.

Chairman Camilli: So the maximum you said would be about fourteen, twenty eight with the double lane there?

Jim Winn: Total, correct. Yes, it goes just beyond that left turn lane, it's still fairly flat up on that hill, at that point, it's pretty far back, it's well beyond where the hill starts getting steep.

Chairman Camilli: Fourteen, is that where that house is?

Ed Meehan: It's about the beginning of the driveway. Usually we use twenty feet per vehicle, about 280 feet. I think one of the important things that they are proposing here is to get cars off of Cedar Street to take a protected left turn into the fitness center. At the peak hour, that is a very busy facility, and if a lane were shut down, I think that would be a problem for traffic safety because of the speed that the vehicles come off of Russell Road and go west on Cedar Street, so putting them in that protected lane makes a lot of sense.

Jim Winn: So ultimately, with this current proposal, all these driveways here will have the protected left turn lane, so anyone going into those driveways is pulled off the through traffic.

Chairman Camilli: Does the Commission want to see any more.

Commissioner Fox: I just have a couple of quick questions. Although when the Gospel Church, I guess they have their services on Sunday, there will be a lot of people going out, but it really won't interfere very much, but how about left turns from Redan and the Gospel Church.

Jim Winn: They will be split, there will be different phases.

Commissioner Fox: Okay.

Jim Winn: So, these two, being on the same side of the road, won't have the same green time. They will have their own green time, so if someone wants to make a left or right, they are not going to conflict this traffic. So they will have two different green times.

Commissioner Fox: And the fitness center, they're on their own stop sign.

Jim Winn: Right, they will have a stop sign, as today, but we are providing that left turn lane for people that are coming in, instead of waiting in the left turn lane, blocking through traffic as they are today, we are providing a whole exclusive left turn lane that, you know, you can see here, this car is waiting, if this were out here, these people would stop, but by providing the left turn lane there is the ability for those people to keep going, and there you see, it doesn't happen all the time, but you will have times where.....

Commissioner Fox: And I see after 5:15 you have some people going west on East Cedar Street. Not too many before. One more question, on Mr. Roberge's driveway, it's just about west of the queue.

Jim Winn: It's just past that, right in this location.

Commissioner Fox: So he really won't have much more trouble, if any at all, getting out of his driveway?

Jim Winn: No, in fact, actually we are providing a shadow for this left turn lane here, he will actually have a little bit of space in here that is not traffic, so instead of having you know four lanes of all traffic, there will be a little space in the middle that you know, you could pull into when you pull out of the driveway, so there will be a little extra space where, it's ultimately where the thickest part of that island is, is where his driveway is going to be.

Commissioner Fox: And that is just a cross hatched island, right.

Jim Winn: Yes, it's just going to be a painted island, all it does is separate the traffic so that we can create this left turn lane here, but there is going to be a space in the middle of the road that is not going to have traffic on it, and that is going to be right where his driveway is.

Commissioner Fox: Okay, thank you.

Chairman Camilli: Are there any other questions?

Ed Meehan: What is the level of service at the proposed site drive intersection?

Jim Winn: Level of service C. With the numbers, I think it was C and C with the current proposal, but with the reduction in size, from our traffic study, it actually went to B during the Saturday, C for the peak PM hour. That is all provided in the supplemental analysis.

Chairman Camilli: Okay, we are all set.

Jim Winn: There was just one last comment before I leave this model, on Page 33, all modifications to Route 175 will require review through the STC Certificate process. The costs or any needed improvements are funded by the Developer. Again, we are currently in the STC review process.

Chairman Camilli: Well, that certainly clarifies a lot of questions for me. I don't know if the Commissioners have any other questions.

Attorney Randich: We still have one more presentation. Do you want to do the traffic questions now, or.....

Chairman Camilli: Hold on, are the Commissioners satisfied now with the traffic, before he gets off.

Commissioner Fox: I had one quick question, going back to where we were talking about the four way stop, according to the rendering here, the two southerly corners, there is quite a radius, so that the stop line will have to be quite a bit from the intersection. Will people be able to see? I mean, have you done any kind of a sight line.

Jim Winn: On site we will make sure that all landscaping is low enough or either no landscaping in the intersections, or low enough that you know, someone coming through the intersection will still have appropriate sight lines. Ultimately, in having the four way stop improves the, you know, if there is a sight line restriction, everybody is stopping so, they should be fine.

Chairman Camilli: Anything else on traffic, Ed.

Ed Meehan: No, I was pleased to see that they addressed the issue about the right in and right out and I think the area around the proposed convenience store/filling station is a little bit cleaner and safer looking with not so many multiple curb cuts. It's still functional as far as getting customers in and out and getting tanker trucks in there.

Attorney Randich: At this time I would like to again introduce Phil Caldero who will talk about some modifications to the site plan.

Phil Caldero: Thank you. For the record, Phil Caldero from Allan and Major Associates, site engineers for this project.

I'll just very briefly go over a few of the modifications that were made to the site plan, many of them were addressed by Mr. Winn's traffic presentation. The primary revisions to the site plan were the right turn in movement here, so we have obviously eliminated the right turn out. This will now be a green space area, general grass land being through there. The other revision is at the main signalized intersection, previously it was two right turn in lanes, that has been reduced to one wide right turn in lane, with an additional shoulder which can facilitate future development possibly to our abutter. Additionally we have closed up this drive entrance here, what we have done here is close this, this again will be additional green space here to divide this central roadway from our gas station/convenience store development. We have relocated some parking over to this side, it made good sense from a mobility stand point from the internal movements of this gas station and the convenience store. As previously mentioned, this will also facilitate truck turning movements through here, fuel deliveries coming through this entrance, the primary entrance and making a roundabout, making a fueling stop over the filling stations which will be located in this left lower corner and then rotating out of the site and coming down out through the signalized intersection so a slow moving vehicle is controlled through the signalized intersection. Additionally we have created a four way stop here, again as requested by the traffic consultant to facilitate movements here. We have also added, in our landscape diamond here, we have

provided two cutaways in the island for a proposed stairway to allow for foot traffic rather than going through the parking lot and interfering with the vehicles, we will direct them to using these stairs to get down from the proposed retail to the proposed bank or the restaurant or travelers from the hotel, down to the restaurant and bank. This will give them safe access over the grade change that we have through this landscaped area, approximately a two to one slope there. The last, this isn't really a revision to the site plan, but just a general clarification that was requested by Mr. Meehan was our treatment of this front corner, at the intersection of Russell Road, the turnpike off ramp, and East Cedar Street. There were some questions as to what is actually happening here, landscape wise. The lower portion of the slope will be clear, it will not have any vegetation in it, that is for sight distances, that is for all the vehicles traveling through here. This will just be grass, which will be maintained. We will have, not shown on this plan, the Welcome to Newington gateway sign, with the ground cover, flowers, vegetation, just as a welcoming sign, and then the two to one slope, what we are proposing, it's a slope stabilization mix which requires no maintenance. It is a low growing grass, it will be six to eight inches, maybe twelve inches of maximum height, to hold the slope from erosion, but also it does result in a visually attractive slope. Provided in the packages for the board members, just some photographs taken from a plant specie nursery, just kind of depicting what that material would be and then some of the materials along here hopefully to clarify to the Commission what would be happening along that slope. Apart from that, the site plan is unchanged, we have not changed the infrastructure at all, the drainage systems, the utility systems are still as previously proposed and discussed during the public hearing. If there are any questions regarding this, I'd be happy to answer them.

Chairman Camilli: This looks here, this is going to be, that's the welcome sign here, basically in the same spot. This is going to be grass.

Phil Caldero: That's correct. This area that you are depicting here, this lighter green shade on my plan will be similar to this, low lying green grass. This slope through here, because of the steep slope, a two to one slope will be a denser grass, it will be a sprayed seed mixture to hold that slope, so it will be taller than typical lawn grasses, but it will still have an aesthetic appeal to it.

Ed Meehan: I took your plan and blew it up so that the Commission members could see the vegetation and the colors.

Phil Caldero: It's the lower left corner that is the slope grass. The upper right corner is a juniper plant which will be, this slope that faces coming off of the turnpike, and then depicting on that sheet the larger tree here, just again, a little aesthetic appeal.

Chairman Camilli: There isn't going to be any maintenance on the two to one slope then, is that what you are saying?

Phil Caldero: The two to one slope, that spray mixture is designed to be zero maintenance because two to one tends to be a difficult slope for lawn mowers and such. It can be done, it can be controlled using weed trimmer and things of that nature, but it's primarily designed to be zero maintenance.

Chairman Camilli: How does that hold up, I have no experience with that, how does that look over a five year period, does it get ratty looking after a while.

Ed Meehan: I think it has to be cut once in a while, and probably raked out. It's not like you are going through with a lawn mower with a mulcher on it, that keeps it nice and flat, and certainly any litter control has to be taken care of. It's standard along interstate highways where you have the steep slopes.

Chairman Camilli: It is standard. Any questions on that?

Commissioner Ganley: This is just a, just a little technicality I think where your artist got carried away. The green space immediately to the east of the gas station, exactly, you have trees there?

Phil Caldero: There will be a couple of trees there.

Commissioner Ganley: On the blueprint it is noted, future potential parking, are you going to cut the trees down?

Phil Caldero: There was a discussion as to whether that space could be used as potential parking if we needed additional spaces in the future. Obviously the trees that would be there you know, if we were ever to convert that to parking would be re-located.

Commissioner Ganley: You know, daffodils would be cheaper than trees.

Phil Caldero: If obviously that space is never converted to parking, the trees would be a much better product.

Commissioner Ganley: Thank you.

Ed Meehan: On the east side of the proposed restaurant, there is like a driveway, is that a service side?

Phil Caldero: It was intended to be a service side for delivery vehicles, to be here and out of the main flow of traffic.

Ed Meehan: I would suggest that we, the Commission consider a screen wall or a wing wall, so if that is the side where you know, the back side of restaurant, you have a little wall in there to screen it. A restaurant has outside things, the materials, the washing products, and so forth, just to keep that as clean looking as possible.

Phil Caldero: Just to bring to the Commission's attention, in one of the original site plans, we did have dumpsters located there, and the dumpsters would obviously be screened, but with something similar to what you are referring to, it was our understanding from the board that they did not want to see that type of obtrusive fencing right on that corner, on that gateway site, so we relocated the dumpsters and left that as the open pavement, so you see the visibility of the building.

Ed Meehan: Well, you are not going to have customer windows and seating on that side, right? I don't know how the floor plan may lay out, but that could be the back side, the utility side of the restaurant. So, I'm not saying a high wall, basically get a low wall that would almost carry the same fascia as the restaurant if you are using like a combination of clapboard and brick, you would carry it around in a L shaped, just to screen the back side of the restaurant because we know, like Applebees has successfully done that, and Panera Bread and even Atlanta Bread recently, some of the newer restaurants and it just keeps your eye off the mops and the wash buckets and the plastic crates that the deliveries come in, so that could be a problem. You come off the highway, the first thing you do is look at the back side of somebody's building. Just a comment. The rendering is very nice, but it's not going to look like that. I don't think you are going to have windows on that side.

Michael Frisbee: Hunter Development, as requested by the board, we did provide architectural drawings of all four sides of all the buildings and it was the intent that the building look like that,

even though the windows may not be functional, they will look the same as they will on the front and the side of the building, so that is what it is going to look like. There is a service entrance door I believe on the actual side.

Ed Meehan: So the entry into the storage freezer and the locker would be from this side?

Michael Frisbee: Correct.

Ed Meehan: If you can pull that off, that's great, but.....

Michael Frisbee: We'd be happy to work with you on some type of screening if.....

Ed Meehan: If it turns out to be something different, some of the Commission may want to reserve judgment on it.

Michael Frisbee: For the record as well, I'll be the owner of the property, and we are going to be responsible to the Town of Newington, etc., and I'd be happy to have a condition on that, on the plans to revisit that after it's up and running.

Chairman Camilli: Where is the dumpster? You had the dumpster here.

Phil Caldero: And it's still there, which as you can see in the rendering is screened, you know both by a protective wall and vegetation.

Chairman Camilli: Okay. So, you are saying that there should be a wall.

Ed Meehan: Yeah, well the applicant says that they are going to have windows either fake or real in there, which is fine, but I just think it is something that you may want to reserve the option to require some screening, if for some reason it doesn't turn out as nice as this rendering looks. I'm not talking about a big twelve foot wall, something low, tie it in with the building.

Chairman Camilli: I hear you, because this is what you are going to see coming down the ramp.

Ed Meehan: You are going to be at a higher elevation coming off of the Berlin Turnpike, because Russell Road slopes down so you would be looking sort of, into, maybe the same elevation as the Berlin Turnpike, and then you go down to Cedar Street, but until maybe we get further along, if it gets further along, then you may want to go back and take a look at it.

Commissioner Ganley: I seem to recall a conversation that we had about that very issue and I think we envisioned, if you will, the atypical stockade fence with the dumpster stuck in there which is why you said, okay, move it out of there, so I think your remarks are right on the money. They could use something in the way of a low decorative wall, with some kind of shrubs, just to kind of clean that up because you are going to put food delivery trucks in there, cleaning folks are going to come in there, that sort of thing, so I would like to see something done to just kind of cosmetically change how it might look.

Commissioner Cariseo: Where are the air conditioners? Are they on the roof?

Phil Caldero: We tried to put them on the roof where ever possible, but in the case of say the hotel, which requires substantial equipment, we will have a mechanical area here in the back. The smaller retail we will try to either put them behind the buildings, or with the steepness of the roof, we can't really put them on the roof on that one, and what would happen, on the proposed restaurant, they will probably be adjacent to the building and we will try to keep those as aesthetic

as possible so they won't become unsightly. Until we have the specifics with the building interiors, we don't know what the mechanical systems will be.

Chairman Camilli: Anyone have any further questions?

Attorney Randich: In summary, I guess I would say, with respect to the restaurant, you know, it is our intention to build exactly what you see there, so I think that probably the way to go would be reserve the right to re-look at that, if in fact we aren't able to do that because of the needs of the particular restaurateur. Obviously the Commission wanted, because of the proximity of the building, a building that looked good from all four sides and that is what we have tried to accomplish and now you want to cover it up with a wall. So I think that is something that as Ed Meehan indicated, keep an open mind on this as you go forward. I guess in summary I would just like to say that it has been a long process for my client. He started meeting with Ed back in January, and I think that he has tried to be as flexible as possible, in meeting the town's needs and trying to address all the concerns raised at the staff level, and at the Commission level, including making substantial road improvement changes that are going to involve even further cost on his part to make sure that the Commission is comfortable and this is as safe a project as possible. I think he has gone above and beyond what is required by him, and I think that is an indication that he wants to be a responsible property owner in this town, not just make an improvement and make a profit off of it. So, with that, I think we have completed our presentation with respect to this application.

Chairman Camilli: Petition 35-06 and 36-06, we kind of covered them both.

Attorney Randich: Yeah, I think for the record, you probably want to go through each of them and see if there are any comments. We have no further presentation to make on any of these.

Chairman Camilli: Well, that was on the auto related service, the gasoline station. I think the questions that we had on that, as far as the safety of the, the movements within that, were taken care of. Under the site plan, I have a couple of questions when we get to the site plan, but let's move to Petition 36-06.

Anyone from the public wishing to speak in favor, or against? Very quiet tonight. That was a good presentation by the traffic engineer. I think it answered a lot of questions, at least for me.

**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.
Continued from September 13, 2006.**

Attorney Randich: Robert Randich, Shipman, Sosensky, Randich and Marks 135 South Road, Farmington, Connecticut for the applicant. We have no further presentations, I guess I would just ask for the record, that any remarks made during Petition 35-06 that are applicable to the restaurant be incorporated into this portion of the meeting.

Chairman Camilli: Anyone from the Commission want to make any more comments? From the public, either for or against? We will close Petition 35-06 and 36-06.

- 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. Continued from September 13, 2006.**

Chairman Camilli: As I said at the beginning of the meeting, the attorney for the petitioner asked that this be postponed, but anyone from the public that is here and would like to speak in favor or against, can do so now.

- F. 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.**

Chairman Camilli: As I said, that has also been postponed, the lawyer asked for it to be continued. Anyone from the public wishing to speak on this application, for, or against.

Pamela Czelazewicz: My name is Pamela Czelazewicz, my husband Edward and I reside and own the property at 20 Patriot Lane, Newington. Patriot Lane is a neighborhood made of 28 single family homes, situated on R-20 lots. Mr. John A. Amaning the owner of 57 Church Street is requesting a Special Exception Section 6.7 Interior Lot R-12 Zone District. Our property directly abuts 57 Church Street. Our entire back and side yards border Mr. Amaning's back yard. I strongly oppose this special exception. When my husband and I purchased our home in 1979, we questioned the builder, Mr. Peter Turek, if the property behind us could ever be subdivided so that one could build another house behind the existing home. Mr. Turek's answer was no, it is not possible, there is not adequate access to the street for two separate lots. Edward and I also went to the Town Hall and posed the same question to the Zoning Department and were again told that there was an R-20 zone in place at 57 Church Street allowing only one dwelling on the lot. Feeling confident that the privacy and serenity of our future back yard would not be compromised we went ahead and purchased our home. Several months ago, the previous owner of 57 Church Street, Mr. Leonard Stasky, also attempt to secure a zoning change and at that time I also strongly opposed his petition. We are a one family neighborhood living within a R-20 Zone.

I feel strongly that smaller size lots with unconventional egresses to streets devalue the property, and that of immediately surrounding properties. One may say the solution to the issue for us would be to sell and move elsewhere and I strongly feel that if we were to opt for that solution the resale value of our home would be far less if another house were to be built in our back yard.

Additional vehicles and persons at the rear of 57 Church Street would invade my terrace and pool area privacy. 57 Church Street driveway noises are easily heard in my bedroom and should 57 Church Street be divided into two parcels, I am sure that the vehicle numbers, noise and fumes would also double. Air quality, with just one more wood burning fireplace, would jeopardized my home. I value my private and serenity.

Already trucks come and go with miscellaneous items being stored in sheds, and vehicles covered and stored outside adjacent to garages, numerous cars and trucks are parked and much coming and going by many people is observed, all of which has drastically changed the peaceful atmosphere we were once accustomed to. Change is bound to happen, although as we grow older, it is more difficult to adopt to, however zoning should not change so freely. Town of

Newington residents should be able to plan their lives on certain basics. I planned my life on a peaceful and private home and yard and that plan for peace is now in jeopardy.

The Town of Newington has placed referendum questions to its voters regarding the acquisition of open space, as an example, the Young Farm just a half a mile down Church Street and also the securing of the Eddy property in the center of town. I cannot understand the logic in paying millions of dollars to protect open spaces and then even considering splitting up 57 Church Street through a zoning change.

My in-laws immigrated from Poland to Newington in 1920 and gave birth to my husband at their home in Newington in 1935 and my grandparents came to Newington in 1925. My mom and dad built here in town, and at age 88, both still enjoy the many amenities of Newington. Ed and I have both lived in town all our lives except for his years in the army. We love this town, hope that we have contributed to it, been worth residents and good neighbors. We plan our final rest to be in West Meadow Cemetery. So my friends, you see we are here for the long haul. For all of the above reasons, I strongly oppose the re-zoning of 57 Church Street and I beg the board to hear the neighbors that will speak out against this request. Please stand by the original R-20 zone so thoughtfully placed by our forefathers, and please vote no on Petition 55-06 before you. Thank you.

Chairman Camelli: Thank you. Is there anyone else that wishes to speak against this?

Ceil Deluciano: My husband Richard and I own the house next door to 57 Church Street. We strongly oppose the petition to build on the property located behind 57 Church. When we purchased our house eleven years ago, we understood that no additional homes would be erected on the property in question. Last year the previous owner petitioned for 57 Church Street to be recorded as a two family dwelling. As you know, this was denied. Now we have another situation involving the same property. It has been a source of constant concern for over a year. In addition, we feel certain that approval of this petition would lower the retail value of the surrounding properties and therefore we ask for your serious consideration. Thank you.

Chairman Camilli: Thank you. Anyone else?

Cindy Vallencourt: I live with my husband at 32 Patriot Lane for two years. I can't believe that I am here again doing this so shortly. We opposed the two family last year, and now they are doing this again. Last year I had said that this is a new home for us, we worked very hard to be able to obtain this house. I lived in New Britain all my life, my husband lived in East Hartford, we always wanted to move to Newington. We waited years to move onto Patriot Lane and we love it. It's quiet, our son was very happy there, there isn't a lot of traffic. My mom lives in New Britain, and the street that my mom lives on was always single dwelling homes. Now there are two family homes, my mom is now moving in with me, the street has really gone downhill, and I don't want to see that happening in my neighborhood. I worked very hard, as has my husband and everyone else on our street. We were also told that, when we bought our house, you cannot have two families, or another dwelling in one area, so this is misrepresentation, and I agree with everything that our neighbors have said, and thank you very much for speaking up.

Chairman Camilli: Anyone else? Okay, so this petition will be continued until the next meeting. The folks who came, can certainly come again. When is that, in a couple of weeks.

Ed Meehan: October 11th.

Chairman Camilli: October 11th, and you can hear the presentation and you will be able, you don't have to repeat what you said, tonight, but whatever questions you may have, or whatever at that time, you will be able to speak again. So we will continue Petition 55-06.

G. PETITION 57-06 426 Hartford Avenue, Rosario & Maria Giarratana, owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for Special Permit Section 6.11 Auto Dealer Use, I Industrial Zone District.

Attorney Randich: Robert Randich, Shipman, Sosensky, Randich and Marks, 135 South Road, on behalf of the applicant. We do have a site plan that we can put up on the board. As an initial matter, Mr. Kosovskiy is proposing taking the site, which a number of years ago was a gas station and a garage and in recent years has been operating purely as an automobile repair service center, and continue the automobile repair service business and also add a used car dealership. Pursuant to that, he is obligated to get a certificate of location to operate that which historically has been issued by the Zoning Board of Appeals, and in July, he was directed to file the application with the Zoning Board of Appeals, however, he retained me a week ago, and in looking at the statutes, the duty to, or the jurisdiction to issue such location permits in towns of 20,000 or more, that have both a Planning and Zoning Board and Zoning Board of Appeals is delegated now by the Connecticut General Statutes, to the Zoning Commission. So that while his hearing was commenced by the Zoning Board of Appeals, they are in fact without jurisdiction to hear it, and in discussing with Mr. Meehan, that is going to be something that is going to need to come before this board and maybe at the end of the discussion tonight, we will talk about the procedure on that, but we are hoping to get that in the next meeting.

The other thing is, when he came to see me and show me a copy of the application that he filed, and it was less than clear, but it was my understanding that he was coming for a site plan approval before this board. I note in the agenda tonight, it's noted that he is requesting a Special Exception pursuant to, or a Special Permit pursuant to Section 6.11, Auto Dealer Use in the I Industrial Zone. I discussed it briefly with Mr. Meehan today, and I think we have a little bit of a disagreement here. This property is zoned Industrial, and in section, on the Industrial uses allowed, Section 3.16.1 (F) states that automobile, automotive uses as permitted by the general statutes is a use that is allowed as of right. That would be uses, in my opinion, that don't require a Special Permit. Mr. Meehan has advised that historically from before he even started, any automotive use within the town requires a Special Permit, so I think for the purposes of tonight's meeting, I don't want to waive my right to claim that, but I guess I would request that the Commission consult with the Town Attorney to see what his position would be with respect to that issue. My concern is that in the section on automotive uses for Special Permits, where, and there are zones in the town where automotive uses are only allowed by Special Permit, so that you have to go by 6.11. Our position would be that because it is allowed as of right, you don't need to get a Special Permit. However, where you do pursuits to a Special Permit, there are certain standards which apply, one of which in Section 6.11, Section 6.11.4, No Display, sale, rental or storage of any motor vehicle is permitted in the required front yard. The required front yard for this site is where almost all of the parking is. Certainly he would be completely unable to conduct, to have any spaces to sell cars if he was unable to display them within the thirty feet. I guess what I would like to propose is proceeding with the hearing tonight, getting further input from the Town Attorney, understanding that if we do ultimately pursue a Special Permit there would have to be some flexibility to strike that requirement because clearly he is not going to be able, he is going to be very prejudice with a thirty foot right of way, not being able to display cars. We did get the staff report, and unfortunately, Mr. Frank D'Onofrio, who is the site engineer was not able to see it before tonight, but he is here, and is able to comment on some of the things. I will address, again, not waiving my right to claim that a Special Permit is not required, I would like to go through the standards, none the less.

With respect to need, this is an industrial zone lot, as I said earlier, motor vehicle uses are allowed as of right. In this area there are several automotive repair uses, including right next door. We feel that it's very typical in business, in the free economy that we have that competitors will located near each other, and this section of town seems to be an area where there are multiple automobile repair businesses, and it is currently used for automotive repair and that is good for competition.

With respect to used car sales, there isn't any use like this in the area, and because of the very limited nature, something like fourteen parking spots would be allowed to display cars for sale, that is one way and Mr. Kosovski can set himself apart from his competition and we don't think that that is an intensive use that is going to create any difficulty with anything, but it will allow him to give some additional service to his customers that they would not be otherwise able to get. The existing and probable future character of the neighborhood, 5.2.6 (B) again, this currently is existing as an automobile repair, so really we are talking about changing it so that you could have fourteen spaces available to sell cars and run a limited used car dealership there. We don't think that that in any way imperils the future character of the neighborhood. It's probably, the character is pretty much firmly established, it's on a state road, there is an automobile repair facility right next to this site. On the other side is the Balf Quarry, and it's probably never going to be developed, so that we don't feel that this is changing in any way detrimentally at all the future character of the neighborhood. As a matter of fact, he plans, his plans are basically to clean up this site which is a little bit of an eye sore at this point.

5.2.6 (C), the size and location of main and accessory buildings, again, we are not proposing any changes in the existing buildings as they stand today on the site so there isn't anything to analyze with respect to that. Everything that is there will stay there in terms of buildings, and there aren't any changes proposed to the building.

With respect to the traffic circulation in the site, again, we feel that this is a very big improvement, that we are proposing. Right now the driveway access into the site exists from when it was a service station, so right now there are two sixty-five foot wide driveways, into the site. What we are proposing to do is to close up one of them entirely, and to shrink the other one from sixty-five feet to thirty feet. This would allow for the, again, the gas station has cars coming in and out of it all the time, volume is part of the deal in selling gasoline, however, for a service station and a used car dealership, there is much less need to have that kind of in and out access, so a simple driveway will do the trick and it will also allow us some additional room to park cars.

Availability of water and sewer, currently the water hook up is with the MDC for the provision of water, but the site is on a septic system. My client was advised by the MDC that if you are more than 120 feet away from a sewer line, then you have no obligation to tie into it, unless you are proposing to do new construction. So, since he is going to use the existing septic system that is there, he is not looking to incur that cost. It would be quite an expense to reach the line.

Location of signs and lighting and landscaping, the site plan does show some of this, and I know that the administration had some questions which perhaps we can go over tonight, on the signs and the lighting as well.

The last standard is safeguards to adjacent properties, again, we don't believe that the proposed use change significantly impacts the property, the properties that are around it, and essentially everybody will continue to exist pretty much as they do today. We certainly are not proposing anything that is going to worsen that.

Looking at the staff report, there were a number of issues that have been identified. At this time, maybe perhaps Mr. D'Onofrio can go over some of those, and walk through the site plan.

Frank D'Onofrio: My name is Frank D'Onofrio and I'm a private engineer and land surveyor. This is the existing site plan and existing conditions. As you can see here, this is the existing building, and there is a septic field coming out through the back here, a wish bone type. It's been there for over fifty years. This is the existing parking area by the building and around here, and then back out this way. This is the island in the front, and we have two sixty-five foot driveways here. This used to be the gasoline pumps and concrete pad area. What we have decided to do, was close this driveway here and put in a radius twenty here, and then I added a little paved leak off here to get the water through there because the site exists like a sheet flow and it goes from the northwest corner to the southeast corner, and we're trying to hold the same grades that are there now, it works, and the water then progresses down here, towards Mountain Road.

The parking area we moved back on the south side, here and opened it up so that we have five spaces here. We allowed a twenty-four foot backup out of the garage, then have eleven spaces along here, and then three more along this side area. You would have four more here along with one handicapped space. The grade from this corner here, this northwest corner of the parking area, going towards this area that is not used, drops off real fast, almost like ten percent, so it's kind of hard or I would say almost impossible to square this thing off for the parking area, without getting into some hassle with it. Any questions?

Chairman Camilli: Are they going to display, you showed these parking spaces, is this where he is going to display?

Frank D'Onofrio: He is going to display right here, and here. This is an optional thing here, he could use for customer parking and keep the eleven spaces here for display.

Chairman Camilli: What is in the front? Are the cars just going to be right up to the street?

Ed Meehan: No. That was the purpose of closing the driveway and providing actually a lawn across the front. Right now it's just a minimal island with just the two sixty-five foot curb cuts, so the shaded area would be all lawn to control traffic, to control the display of cars and to provide a better definition between the curb and the property area. In it's present condition, it's a very obsolete older site, goes back to the fifties. It's typical of what was done, when they built the site, they actually had their parking area in the state right of way, which is not permitted any more. That is the purpose of that closure area and the requirement is for at least five feet off of the property line, I think the site plan is only showing two and a half, or 2.8 or something like that. Based on zoning regulations, there should be another couple of feet along there, behind the property line.

Frank D'Onofrio: But that won't give you a twenty-four foot back up.

Ed Meehan: Well, you have a twenty-four foot backup north of the building.

Frank D'Onofrio: But from the building out.

Ed Meehan: I think you have twenty-two feet or something like that.

Frank D'Onofrio: So it is twenty-four as it stands now, but twenty-two, if you make it five.

Ed Meehan: In that area.

Frank D'Onofrio: So that would probably mean that you would have to have a variance granted.

Ed Meehan: For twenty-two feet?

Frank D'Onofrio: Yeah, wouldn't you? Isn't your standard twenty-four?

Ed Meehan: In like a shopping center, travel ways, when you have two way traffic, certainly twenty-four is desirable. I think in a small site like this, particularly when you have a short area in front of the building, twenty-two is adequate. You are not moving cars through there at high speeds. Then, as you get past the building, where you have the double bay, you could go back to your twenty-four feet which gives you room to back a car in or out if you are displaying a vehicle, pull it in, pull it out. I made the comment about trying to square it off, I know that there is a grade there, it seems that the angle parking is sort of conflicting with the ninety degree parking,

you could actually pick up a couple of more spaces but you are right, you are chasing a grade down the slope which requires fill, which requires more money.

Frank D'Onofrio: It would probably require a site plan for excavation and filling also.

Ed Meehan: Excavation for....

Frank D'Onofrio: Well, we would have to grade this off.

Ed Meehan: You would have to grade it off, yeah, but what would be the excavation?

Frank D'Onofrio: You would have to grade in this area, because it dips down and then comes back up. Even if you had a plan that showed a lot of filling operation, you would have to decide what type of material you are going to put in there.

Ed Meehan: Oh yeah, to get a solid foundation.

Frank D'Onofrio: And what are you going to do back here?

Ed Meehan: I wouldn't touch that area back there. That is all pretty well heavily treed and the slope goes down ten to twelve feet as you go further back. It was a suggestion in the staff report because of the awkwardness of how that parking area comes in, and the reason that it comes in, as you mentioned, in your report is the grade in that corner.

Attorney Randich: I would point out though, that the parking in question is the display area, so these are going to be the cars that are for sale, they are only going to go out when people take them for a test drive, or whatever, and obviously that would be an area that would be under some supervision in terms of how the cars will be moved around. Obviously, I think the applicant would like to have five more parking spaces, but you know, he has to face cost reality. He's not going to be in a position to make this expenditure.

Chairman Camilli: So this is going to be an auto dealership and used.....

Attorney Randich: Just used cars.

Chairman Camilli: Are they also going to do repairs, and are they going to be doing like an auto repair business as well?

Attorney Randich: Yes, if you just want to bring your car in to be serviced, they will do that. They may be making repairs to cars that are also for sale, but obviously, his operation and the car dealership is limited by the spaces on the plan, and he understands that he.....

Chairman Camilli: What happens if business is good, and a car gets done, and where is he going to be parking the cars before people pick them up, or when they drop them off, or that kind of thing.

Frank D'Onofrio: The area right here, five spaces.

Chairman Camilli: I'm just trying to envision you know, most auto repair people that I know they have a bunch of cars, either being ready to go out again after they are serviced, or waiting to be serviced. I don't think there is just enough room for that kind of, can he put them in the back? Is there room?

Attorney Randich: He is not going to park cars anywhere other than where the spots are shown. I don't know that he is necessarily going to have eleven cars for sale all the time, it may very well be that he has less than that, and some of those spots will be available once he repairs a car he can put it there while he goes to repair another car. But there isn't enough room on the site to just stack cars, stack cars in the driveway, and then I'll get to it when I get to it, I mean,

Chairman Camilli: What is going to happen in the back?

Attorney Randich: Well, the grade issues that make it not usable.

Ed Meehan: From the back of the parking at the northwest corner of the building, back to the back property line is about a ten foot difference in grade. It's shown on the topo map here, the GIS map, so that area is not accessible.

Chairman Camilli: What about this area, the south side?

Ed Meehan: The south side is the same way. Other than the parking, the five spaces, they are proposing up front, you get behind the building, and, you may be able to get behind there with equipment, but I don't think that, I haven't been back there, so.....

Frank D'Onofrio: Beyond the septic area, this is all wooded, and drops off just like it does on this side.

Ed Meehan: That is why I suggested a couple more spaces, but basically it is a small, it's not a small site, but the usable part of it is limited, and the number of vehicles that he wants to show out there is going to be by the configuration of the parking area. It should make it more manageable, by having the smaller site, there shouldn't be cars parked everywhere, you would keep them on the hard surface and in the striped stall spaces.

Chairman Camilli: What kind of surface is there now, is it a hard surface?

Ed Meehan: It's a surface that needs to be repaved. It's damaged, it's broken up, the concrete island needs to be removed and that whole area needs to be reclaimed. New pavement, and new curbing. There is an investment to recycle this property and bring it up to what the Commission is trying to do with these older sites, both in the site plan and I hope to hear what he is going to do with the building before the hearing is over.

Chairman Camilli: Any questions?

Commissioner Fox: Yes, still on parking, your slots up front across the state right of way, those are all for display. Your employees? Where are they going to park?

Alex Kosovskiy: No, I'm not going to have any to start with, in the beginning just me alone and eventually maybe one employee. I'm Alex Kosovskiy, I'm the one who is trying to make this work.

Commissioner Fox: Okay, so the rest of those spots are basically for cars under repair, when the car is repaired, until the customer is ready, it goes outside and you bring the next one in.

Alex Kosovskiy: Yes.

Commissioner Fox: Okay. What about long term repairs? You are waiting for a block, let's say. Where are they going to be? These would be I guess considered inoperable vehicles. Vehicles

that you can't drive until he gets a part to repair them. They may be there for a couple of days at a time. Where are they going to be stored?

Alex Kosovski: Well, there is enough parking to, realistically there is not going to be more than one really that would need to stay on that property for no more than two days, really. I mean, it could be stored, out of the way, in this corner here.

Commissioner Fox: The driveway cut, and I'll have to use your expertise, how close is that to the adjacent used car dealer?

Ed Meehan: Here, to the south?

Commissioner Fox: Yeah.

Frank D'Onofrio: It's over a hundred feet.

Ed Meehan: The driveway for the next business down is at the south side of their lot. No, it's actually in the center of their lot, so I would say, it's sixty to seventy feet away. The land surveyor says a hundred. I haven't measured it, but I'm looking at the GIS map, it looks maybe sixty to seventy feet away.

Attorney Randich: And again, we located the driveway on this side, because of the way the slope of the land and the water drains. It drains toward the southeast.

Commissioner Fox: Okay. Stop me if this is site plan, this is like a fifty, sixty year old building. Are there any oil/water separators there? They are going to be doing oil changes and stuff, do we require that?

Ed Meehan: They would have to meet all the DEP requirements for waste oil, and they should show what they do inside the building, waste oil containers that have to be recycled pursuant to DEP licensing.

Commissioner Fox: All right, so all their oil, transmission, all their fluids have to be drained into a...

Ed Meehan: Holding tank.

Alex Kosovski: There is a brand new storage, right now at this point, there is a brand new storage container, I think it is about three hundred gallons, brand new, inside of the building, by DEP regulations.

Commissioner Fox: And then you have a guy come in, charge you an exorbitant amount to take it away, right?

Alex Kosovski: Yes.

Commissioner Fox: Okay. That's a former gas station. Are the storage tanks removed?

Attorney Randich: The tanks were removed about twenty years ago.

Alex Kosovski: There are no tanks in the ground at all, no oil tanks or anything like that. All the tanks were removed at once.

Commissioner Fox: The only other question that I have is about the septic system. It's over fifty years old, I don't know what MDC requires for maintenance or.....

Ed Meehan: MDC has no requirements because they are not involved with the private on-site septic system. The zoning regulations require the connection to an MDC sanitary line if the service is available within two hundred feet. I think Mr. Randich said, one hundred and twenty feet.....

Attorney Randich: Well, I don't actually know, that is what the MDC said that....

Alex Kosovski: One hundred and twenty feet radius, yes.

Attorney Randich: Their radius is one hundred and twenty feet. Do you know how far the run is?

Frank D'Onofrio: About one hundred and sixty-five. To the nearest sewer manhole, but to get to there, you would have to cut across this lot, from here where the lavatory is, we would have to cut down here, and between the two properties, and that drops about forty-two feet, to that manhole. In that distance, you are going to scar out the pipes.

Ed Meehan: Is that on North Mountain Road?

Frank D'Onofrio: That's North Mountain Road and the manhole starts somewhere about in here.

Ed Meehan: That is something that the Commission would have to talk about then.

Chairman Camilli: You are saying that our regulations within two hundred feet, they would have to connect?

Ed Meehan: Well, that is what the site plan criteria is. Service within two hundred feet requires connection to a sanitary sewer line.

Attorney Randich: Isn't that new construction?

Ed Meehan: That's new construction. This is a renovation of an existing building.

Attorney Randich: We aren't really touching the building, except to put a coat of paint on it. I mean.....

Ed Meehan: If it was a brand new building, they would have to connect.

Chairman Camilli: So then it is not applicable.

Ed Meehan: Not applicable, and we never, we don't see too many on site septic systems any more. Very rare that you see one, particularly in a commercial building. This corner of Hartford Avenue is not served, other than the distance that you mentioned, and if this was a new building, they would have to connect.

Chairman Camilli: Okay, so it is really a moot point then.

Commissioner Ganley: I would say it is a moot point. The fact that they are doing something else on the property really ought not to affect what a septic tank should or should not use. It's a fifty year old septic tank. They are going to park cars, and probably with the same number of repair people, maybe two sales people, so how many more flushes are you going to get?

Ed Meehan: There are some other issues with the site plan. I mentioned the repaving of the parking lot, the landscaping, the lighting standards, this issue with the five foot offset from the front property line, the question, what do you do with the building? You know, it's an old gas station, and are there going to be any attempts to upgrade the appearance of the building so that, this is an older section of Newington. The building to the north is not in great shape, the building to the south is new, well kept, it's also an auto related use. Then you get down to near North Mountain Road, you have some printing companies that keep their building nice, Data-Mail keeps their building nice, there is a chance here to sort of re-cycle this property. That is the purpose of my question.

Attorney Randich: Yeah, I mean, the intention here, we think the building essentially is in sound condition, it doesn't look nice, because it hasn't been, received any treatment in a long, long time, so the intention is to repaint the building, perhaps put up a sign for his company, and you know, improve, from the building standpoint, that is the nature of the improvement of appearance. It is going to be a change in the treatment of the outside, exterior of the building. As you indicated, portions of the pavement are in bad, tough condition, and the concrete island is completely useless at this point, no longer a gas station. When you remove all that, and you close the driveway and you make the green space, we think that in combination with the painting of the building, it's going to make this a much more attractive site than what you see now. But, are we going to you know, turn this building functionally and aesthetically into something that it isn't now, no. I mean, we are going to make the building look nice, because we are going to treat the outside of it, but there is no reason, it was a service station and a repair shop, it's going to be a repair shop and an office for a used car dealership, essentially the uses of the building aren't changing that much that would justify any kind of grand reclamation, other than the outside appearance.

Chairman Camilli: This certificate of location which has come up, which is now is our jurisdiction, is that for, it says for dealer and repair, repair of vehicles. This was a gas station and since it's become, wants to become a used car dealer, and repair business, is that why they have to get the certificate?

Ed Meehan: They already have their repairer's license, so this is for the new dealing in cars, selling cars. That is why they have applied for a certificate of location.

Attorney Randich: If they were just going to do repairs, they wouldn't have needed it.

Ed Meehan: They wouldn't have needed any of this.

Chairman Camilli: That's why I was going to say, it says, dealing and repairing.

Attorney Randich: Well, that is why they call it for the statute.

Chairman Camilli: Okay, I just wanted to know, so the old job, ZBA had it.

Attorney Randich: Up until June 6th.

Chairman Camilli: I just want to know what our new job is here.

Ed Meehan: You have another hat to wear, issuing certificates of locations for auto related uses.

Chairman Camilli: May I ask, just for our own edification here, what is the criteria for that. I mean, what did ZBA look at, or what are we looking at?

Ed Meehan: The criteria is narrowly defined as location to places of public assembly, such as churches, schools, government buildings. That is really what the Certificate of location is really supposed to address. It's from a public safety point of view, from having a gas station next to a school, you know, with gasoline tanks, or an auto related use next to a town hall, or a church.

Attorney Randich: There actually is an Connecticut Appellate Court case that sets out the exact criteria, which I can read to you, if you want. I was intending to do that at the time of the hearing.

Chairman Camilli: No, that's okay, I just wanted to know, in other words, how do we judge this?

Attorney Randich: There definitely is an objective standard, and I will be prepared to address that at the time of the hearing on the location.

Chairman Camilli: Okay, that answers that question. Anyone else?

Ed Meehan: No towing of wrecked vehicles on this site? No wrecker service?

Alex Kosovskiy: No.

Commissioner Ganley: In essence, we are through with the site plan part of what it is that we have to consider, is that correct? There is nothing further to do with the site plan, is that correct? He made a presentation of the site plan, the legal issue is now another issue, okay, but for purposes of what we have just been through here, this is all there is to the site plan, is that correct? We don't want to repeat this whole thing over again is what I am saying.

Attorney Randich; For the location, no. The location is a completely different issue with different standards. But I think, based on our discussion tonight, we are going to move this line back five feet, so we are not within five feet, and we have twenty-two feet in front of the building, right? We will make that change. Ed, you talked about a need to show light standards?

Frank D'Onofrio: We could put a note on the plans saying that all standards will not exceed seventeen feet.

Ed Meehan: And a detail of the lighting. There was, I think there was two or three sort of broken light standards out there, maybe you don't need three, you may need two, and ninety degrees to the ground, we don't want floodlights, we don't want it looking like Rentchler Field.

Chairman Camilli: Let me just clarify in my own mind again, you said you took some exception to the Planner as far as whether or not a Special Permit was required, nevertheless you went through the different items of the Special Permit, is that correct?

Attorney Randich: Yes, I'm reserving my right to disagree on that, but....

Chairman Camilli: But you nevertheless did address those.

Attorney Randich: Yes.

Chairman Camilli: As this petition is submitted, it is for a Special Permit, there is nothing here that concerns a site plan....

Ed Meehan: Well the site plan goes along with this.

Chairman Camilli: Now, do we have enough here in terms of that site plan?

Ed Meehan: I believe that you do.

Chairman Camilli: I believe that was what Tom was referring to.

Ed Meehan: Yes, we talked about the building, the parking lot, the lighting, the landscaping, the side yard set backs, the possible re-grading issues in the corner....

Chairman Camilli: So if this gets approved, we would put into the Certificate of Action the things that we talked about like the concrete curbing, the driveway and so forth.

Ed Meehan: Depending on how the Commission treats this, it would be a conditional approval listing the things that need to be addressed before the Chairman signs the mylar. Until you sign the mylar, he can't file it, he can't go to the State Motor Vehicles.

Chairman Camilli: What happens with this Special Permit thing? That the attorney took exception to.

Ed Meehan: Well, we have had this conversation before. This is the way that the town has done this with auto related uses for, I understand what you are saying, but everything in Section 6 is treated as a Special Exception such as interior lots, and earth removal and earth filling and residual lots and so forth. I think he has made the record as far as his position.

Attorney Randich: And let me clarify, I have no problem with this Special Permit for an auto related use, but the applicant is going to need some relief from the section on displaying cars within thirty feet of the front yard area. That is the problem that I have with it.

Ed Meehan: I raised this with the zoning enforcement officer when we looked at the site plan, and he went around and looked, and every place that sells autos in Newington, there are not a lot, everybody displays in the front yard. Whether it is on Pane Road, North Mountain road, where ever it is, that's the only place you can put your cars, so, that is just a point of information here.

Chairman Camilli: So are you saying that relief would be granted, or do we have to....

Ed Meehan: I think you need to note it when you discuss this and move it in your motion, so there is a record there, if someone comes along and says, why are they

Chairman Camilli: Why are they putting the cars there?

Ed Meehan: Yeah, right. It's a Special Exception, you can attach conditions to it.

Frank D'Onofrio: You need to have your conditions of approval put on the mylar? In your list, like an official letter from the town?

Ed Meehan: The town issues a certificate of action, which you will adhere to the mylar, so it is there for the record for your client as well as the next person who comes along.

Chairman Camilli: Well, are we going to keep this open, or do we have enough here now?

Ed Meehan: Well, I would recommend a couple of things. As Attorney Randich said, there needs to be another application given to you for the Certificate of Location and what I would recommend, in order to move this along, and to get these going at the same time, is that that application be filed and scheduled for public hearing on October 11th. This should be kept open

until October 11th, there was a notice defect, the neighbor was not notified, so on October 11th, you would continue this hearing and close this hearing on a Special Permit, and open the hearing on the Certificate of Location. If the Commission saw fit, you could close them that night, you could move them to Old Business or you could do it at a subsequent meeting. But we need to get, in conformance with the statutory language on the specific location, and we need to give proper notice, so that anybody who feels they were not properly notified, has the opportunity to come forward tonight, or October 11th, to speak to this. The other issue doesn't involve you, but I think you need to, when this is settled, withdraw from ZBA your application.

Attorney Randich: Yeah, absolutely, I mean they were without jurisdiction to receive it, and I guess the last thing that I would say is, the applicant did pay a fee for that application, and you know, we would ask, since neither the town, or the applicant had an idea that it shouldn't go to the ZBA, I mean the town forms basically say, if you are coming for a location permit, file with the ZBA, it says it right on the form, that the fee be waived for this new application which Mr. Meehan has stated.

Chairman Camilli: The only other thing is, for instance, the painting, would we put that into the Certificate of Action?

Ed Meehan: Well, he said on the record, but it wouldn't, I don't think you need to put it on the Certificate of Action, but things like lighting and paving.

Commissioner Cariseo: What about irrigation?

Ed Meehan: That is up to you, I didn't suggest it in my staff report, but.....

Chairman Camilli: And my only question for your client, and that is, the site redevelopment question, you don't object to what the Planner has suggested, and I didn't hear anything and think the waiver of the two feet for backing up, I didn't really hear anything else that would be a hardship or anything.

Attorney Randich: No, I think extending the parking lot, you know, we would love to be able to do this, but I don't think economically that it's a reality. Other than that, I think that we are in agreement that we will show the location and height of the lighting for the plaza.

Chairman Camilli: Okay. Storm drainage control, would our engineers look at that as well?

Ed Meehan: This has to go to the Department of Transportation for an encroachment permit, this water will be looked at by District One. It goes into their system. There is no on-site control here, it just sheet flows. The department will need to approve the radius and the width of the curb cut and will look at that leak off.

Chairman Camilli: Okay.

Commissioner Fox: I just have one quick question. We aren't going to close this tonight, are we?

Ed Meehan: No, you shouldn't close it.

Commissioner Fox: I have one quick question though, just to clear up some confusion, the Planner asked the question about tow vehicles, you are not going to have a tow vehicle, so if somebody breaks down, they have to get their own tow truck, and they are going to have to wait for you to get to them, and they are going to be parked outside.

Alex Kosovski: Well, they are being towed by somebody, Triple A, some other companies that are doing towing.

Commissioner Fox: Okay, thank you.

Chairman Camilli: Since this is a public hearing, anyone from the public wishing to speak in favor of this application? Anyone wishing to speak against?

Michele Capolo: Good evening, Vice President, speaking on behalf of C & C Automotive Service, Inc., 116 Hartford Avenue. I have a number of concerns regarding the proposal at 426 Hartford Avenue. The first would be, according to Section 3.24.5 (E), No use shall be permitted which discards offensive wastes into the stream, watercourse, or storm sewer. The applicant discussed that he has oil storage tanks, and other storage tanks, but in the automotive industry, you degrease the engines, you wash the undercarriage of the vehicle, you wash the shop floor that has anti-freeze, that has engine oil, transmission oil, you are supposed to have an oil water separator in the building so that that does not get into the storm drain. Also, as a response to 5.3.3, number 7, I feel that when street traffic, not the speed limit and heavy truck traffic due to the quarry are taken into account, the proposed driveway at 426 is too close to the existing driveway at 416 making danger to my employees, and my customers existing the driveway. I was going to discuss Section 7.14.12, the septic system, you guys already covered that, my only issue is that a fifteen year old septic tank, I'm only twenty-seven, that seems a little too old to me. Also, Section 7.4.17, provisions shall be made for the storage of snow from parking areas within the site, in a location which is both appropriate and not required for other purposes. This doesn't exist on the current site plan, my concern is that the snow may be stored as it currently is occasionally, by the current owner, in an area, and in a manner that hinders the sight line of on coming traffic, and again poses a safety risk to myself, my employees and my customers. We all remember M & B Auto Sales across from the Shell gas station, I would hate for something similar to happen next door to me. I do try very hard to keep up the area, I think we are one of the better kept properties on that side of town. I would eventually like to welcome new blood to the area, and someone who is willing to help upkeep the area, but not at the safety of my employees, my customers and myself. That's it. Thank you.

Chairman Camilli: Anyone else wishing to speak against?

John Capolo: I do own C & C Automotive. I do not recommend that to agree to bring the permit for a used car dealer. The reason is, this building was built in 1956 as a service station. It was a service station at the time, up to 1985. The company used to lease it to the dealer, at the time that building was used for a tune up, replace belts, replace the hoses and change the oil. Now, fifty years later we are going to use the same (inaudible) without knowing for a used car dealer. Used car dealer, they are going to create a lot, a lot of problems. You don't have enough space to be a used car dealer. I don't think it should be granted, because the way that I see their presentation nothing is going to be done, and I have been there for thirty years, and I know Mr. Giarratana, and I never had any complaint, but I think tonight, my nephew and to be in the same condition, where I have been for thirty years. So something, for you people to approve has to be done to the area. Now, I have some pictures, right here. This is the north driveway, now they want to close the north driveway and open on the south side, right next to my property. Now, I heard one hundred feet, from here to here is only thirty-nine feet, now, if a car comes down, going north on Hartford Avenue, and somebody is coming, you people are familiar, there are a lot of trucks that go into Balf, and it's a very very very dangerous situation. Plus a pole, one on the right, one on the left with my driveway, have been replaced, since I have been there. Now, if they are going to put the driveway here, you would only be thirty-nine feet. If a car comes from Hartford Avenue going north, and he stops here, and I want to get out of my driveway, I can't get out, because there will only be about twenty feet of space. So this driveway is going to be, they

should put it on the other side. If they do, they have a lot of space, from here to right next to the telephone pole. There is a lot of space. They can make a driveway out to here, not on the south side. If they are going to do that, they have all the water running off from the parking lot going right onto the road and that will create a problem in the wintertime. Next thing, I heard that the oil tank wasn't taken out. The only tanks that were taken out of there were the gasoline tanks. They have to be there somewhere. A five hundred gallon tank, of waste oil. Nobody knows where it is, and nobody on the Commission asked any question where that tank is. The tank has got to be there somewhere. It has not been taken out. Plus, I have another thing here. This is behind the building,

Chairman Camilli: Excuse me, are you saying the gasoline tanks?

John Capalo: No, the gas tanks were removed. An oil waste tank, it has to be there somewhere. It has to be there somewhere, unless it has been removed, that nobody knows. Now we are going to take the building. This is a picture of the building, I think they show some storage area, they have no storage behind and the heater on the side of the building, if somebody is going to check it, which I think somebody should do, it's got to be a condemnation because there used to be a wash tub within the building, and they were washing parts with kerosene, oil, whatever they use, and it used to come out of here. There is a hole right here.

Chairman Camilli: Do you know anything about this?

Ed Meehan: Well, some of these issues are between the buyer and the seller and whatever they do in transferring the property to insure that they have done proper environmental studies, such as a phase one, or maybe a phase two, it does not fall within the purview of the zoning regulations.

Chairman Camilli: I didn't think so.

John Capalo: Well, I have another problem. What if the building, in the back, I know they said there is a big drop, it was created by Mr. Giarratana because he tried to fill the lot, because before you could go down, now if you go back here, and here, which I thinking nobody did, there is all debris from cars, old wheels, old tires, and I think my property deserves better than to have this problem next door. I mean, if we are going to try, because I heard somebody here, they were talking about (inaudible) that said that it was tough to spend the money, when I built this building here, I had to go six, seven feet to the sewer, it cost me money. Nobody gave it to me. If this property is going to be granted a permit to sell used cars as it is, it's a disgrace, to my property, and to the town, because this property will never be up to at the state that it is supposed to be. I'm not a lawyer, but I figure that there is another problem. When you sell a car, you have to clean it, you have to wash it, I would like to know how they are going to wash it? We have a business in the area near Balf Quarry. There is somebody present, that I had a dispute with, and that is what the car looks like after two days. The cars have got to be washed. Where is the water going to go? It is going to go in the street. Nobody said anything about that. This building here, in my opinion was built in 1956 and it was the oldest building, a service station in Newington. I think the property there is a good piece of property but it should be developed the proper way, to the standard that I had to go through, and also the cars, I had to get extra parking space and I was told that I had to be at least thirty feet from the over head door, other wise it would be a problem to go in and out. Now I hear tonight that you can go in and out of the building, only twenty-two feet. I don't see how you can do it, because I do that every day, you know, you come out of that over head door, you have to move at least ten feet, to make that turn, how are you going to do it? It's impossible. And then, all the parking spaces that are there, they should not be there at all. I don't care what anybody says, it's our (inaudible), hey, that's the way we do business in America, you want to go into business, you have to work hard, and you work,

the way that I had to do. You put in a sewer, I had to put in a wall, I had to put in a parking lot, so I didn't have any choice. When I had to go for the dealer license, I had to get a special permit. Now, I understand tonight, you don't need a permit for nothing. I don't know, maybe you just come here, you put in an application, you get an attorney, and you get a permit, because that is the way that we do it. One thing that I want to say, I hope since I have been there for thirty years, you people don't put any (inaudible) don't make me, because I had to do it before with other people, and don't make me do anything, because if I have to an application, then I will be sure I will do it. Thank you very much.

Chairman Camilli: Is there anyone else who wishes to speak against?

Frank Capalo: I am part owner of 416 Hartford Avenue with my brother. Number one, what I would like to say that I'm not afraid of the competition, as Mr. Randich said, competition is good, I'm not afraid. What I would like to point out to you, that when you license used car dealer, you are not just allowed to sell cars. If you were allowed just to sell cars, that would be a piece of cake, because you bring the car on the lot, you put a sign for sale, that's it. The salesman sits in the office, somebody comes over, I would like to buy that car. He shows it to you, he takes a test drive, that's the end. When you allow a used car dealership, it's about repairs, and everything else. You can do anything, you can do body work, anything you want. There are no statutes that stops me because I do have a used car dealer license, to do anything as long as I have the possibility of (inaudible), parking, and everything else. So, therefore what I am afraid of, I'm not afraid of competition again, I welcome the gentleman there, is that he has to go into business like I did, and my brother. What I'm here for the property, the building, number one, and number two, the side plan. It's a disaster. And you say, why is it? Because if you park cars, he shows four car parking here, one, two, three, four, correct? Four, right, not five.

Attorney Randich: Well, I can't see it from here, but...

Frank Capalo: Well, there is the number five, but.....

Attorney Randich: No, the five is for five feet between your line and that line.

Frank Capalo: Okay, I'm sorry, then there are four cars, okay...

Chairman Camilli: There is five, one, two, three, four, five.

Frank Capalo: One, two, three, four, where is the other one?

Attorney Randich: One,

Frank Capalo: That is a parking space?

Attorney Randich: That is a parking space.

Frank Capalo: Oh, man. All right, five car spaces, all right. We have fourteen here, one, two, three more here, four more here, there again, where are you going to put the snow? Where are you going to put it, Mr. Randich?

Chairman Camilli: You have to talk through the chair.

Frank Capalo: Where are you going to put the snow here. Sometime you can have a car parked in the lot there, for four or five days before you get a part. I know, I've been in the automobile

business for forty-five years. There is no way you are going to crowd all this, you are going to create a problem. He is going to be able to park cars in the back, over the grass, he is going to park everywhere. And then what do we do, I call the town, the town comes over, you take the car out, you put it back on, we see this game all the time. So therefore, I really suggest that some of this area, especially over here in the front, you can't get in and out of the inside of the garage, it's just awful.

If I may make a couple of more points. Also, I don't want to bore you with pictures, but they say that a picture is worth a thousand words, I went to the town hall, and I got all permits, by the way it cost me ten dollars, but that's okay, all the permits that Mr. Giarratana took since he owned the property. And the only one that I find that was to remove the gas tanks, but I didn't find any permit for the septic system. Now that septic system there I think was somehow done by a town permit when other things were done by town permit. I think before you do anything, you should look into it. That system, if it wasn't put in properly, they can create a problem. Also, I noticed that Ed, I can't pronounce your last name, he said that the contamination thing, it's between the two property owner, but also I think somewhere it has to be part of the town that has to protect me too. I can't just take a pail of oil and go next door and throw it on his property, so I think that point there should be looked into because I think on the side here there is some contamination.

The driveway issue was done, I measured the area where they want to park those cars, and I don't think you can make it. If you remember when you came to my parking lot prior to doing the extension of the parking lot, you said to me, if you put two rows of cars here, I am going to take it out. I have almost, I think it is eighty feet wide, my parking lot. Eighty feet, versus, I measured roughly it's twenty four, I averaged a car between fifteen and eighteen feet, so I call eighteen feet, so it's going to be very, very hard to do that. I really urge you gentlemen, before you make any decision, to look at that side, and then you will see what my brother and I and my son are talking about. There again, I'm not afraid of the competition, Mr. Randich, so thank you for your time.

Chairman Camilli: Thank you. Anyone else wishing to speak against. Okay, the applicant can rebut this.

Attorney Randich: Yes, just briefly, and I think we will look into a few things and respond further on October 11th, but you know, first off, I don't think it is fair to compare Mr. Kosovski to other operators that the town may have had a problem with. I just don't think that is appropriate. We understand, and he said tonight, he is going to park the cars in the spaces that are on the lot, he's not going to pile them in the back as intimated, and obviously to the extent that there are any issues, the town will deal with them, just like any other person who obtains a permit. The garage is question is going to operate in compliance with state regulations, so it is going to be licensed by the state. If there is anything that needs to be complied with in the operation of a motor repair garage will be complied with. The road that they are on, again this goes more to location I think, but if it is a state highway, it's a decent width, with development only on one side. Maybe some people speed on it, but I don't think that means that you shouldn't allow a used automobile dealership in that location, but we will talk about that further next month.

The storage of snow, you know, there is a lot of area in here to store snow, you can get snow where you can't get vehicles, so we'll look into that further, but I don't think that is going to be much of an issue.

The discussion of the driveway, we're not talking about a new driveway, we're talking about narrowing a driveway which already exists, so, and again, I think that there is a very good reason why we are using the south driveway, and not the north driveway, and that is because of the drainage from the site, so that driveway is going from sixty-five feet to thirty feet, so I see it only improving the current situation that is out there.

I'll be honest with you, when Mr. Kosovski first came and told me about this, the first thing that I said to him, was, you're buying this property, well, you better find out what the environmental conditions of the property are, and in fact, I will reiterate to him tonight and as Mr. Meehan has

indicated, when property changes hands, that's when the environmental issues get dealt with. He would be foolish to take a piece of property that had a whole bunch of problems with the environment because he is going to be on the hook for it as soon as he takes title. We may be in a position to report further on some of the environmental issues that were raised, I do think that they are beyond the scope really of zoning issues, but I thank Mr. Capaldo because quite frankly, that is some stuff that we need to be aware of to protect his interest as he goes forward.

Chairman Camilli: Thank you. The people who spoke in opposition have five minutes if you want to rebut what Attorney Randich said. All right, we are going to keep Petition 57-06 open. Some of the issues and the answers to some of the issues, I was also curious you know, as far as cars and washing the cars and....

Attorney Randich: We will look into that.

Chairman Camilli: Thank you.

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

None.

IV. **MINUTES**

A. Regular Meeting, September 13, 2006

Commissioner Kornichuk moved to accept the minutes of the September 13, 2006 Regular Meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YES.

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW BUSINESS**

A. **PETITION 37-06 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, 3,000 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 September 13, 2006.**

Attorney Randich: Robert Randich, Shipman, Sosensky, Randich and Marks, 135 South Road, Farmington, Connecticut. Our presentation earlier on the public hearing basically consumed all of our comments with respect to the site plan issues. We are certainly available to answer any further questions that the Commission has with respect to this. I believe Ed that we responded to the issues that you raised, if there is anything outstanding please let us know, but I think that we worked very diligently to try to address the issues of the Commission and that staff had raised and if you have any further questions, regarding the site plan, we certainly would entertain them at this point.

Chairman Camilli: Okay. Ed?

Ed Meehan: The Commission has on their places tonight the canopy elevation for the proposed gas station which was not part of the packet the last time that you saw it, so you might want to take a look at that. It's very similar in design I would say to the gas station at the west end of town at the corner of Cedar Street and Fenn, as far as the hip roof design. The Commission members should have a profile. The Commission members, I'd like to put one up on the wall. This is the one elevation that wasn't in the packet when it was all assembled, and resubmitted back on September 11th, so this elevation is now part of the packet. In addition to the black line drawings, the applicant has submitted a prospectus, which the members have on the table, also a prospectus of the proposed gateway sign, and then some of the colored renderings, I'll pass these around, for the proposed bank, the proposed convenience store, for the proposed retail shops. These accompany the scale drawings at the back of your site plan package. That is the additional information. The other information I think you have covered when you presented the gas station, convenience store and the restaurant application prior to this.

Chairman Camilli: We have what the materials are?

Ed Meehan: They are labeled on the drawing in the packet. We did talk about the need to grant an easement to an abutting property owner at Jensen Machine, which is, when we walked the site that night, we saw where the driveway slope crosses into this property. Historically it's been an access way. That would be something that would have to be reflected on the site plan, showing an easement between the two property owners worked out. They submitted the issue with the pedestrian crosswalk between the retail shops and the bank and restaurant to adjust the grade difference between the upper island and lower island with a set of stairs. They submitted some information on the two to one slope on Russell Road.

Chairman Camilli: Is there enough brick on the restaurant, just a very quick visual look at the restaurant and also the shops, convenience store.

Ed Meehan: It's a combination of brick and I call it a high water mark along the base, and a clapboard, on the convenience store it's clapboard, right? I haven't got that drawing in front of me.

Chairman Camilli: Is the Commission satisfied with that? Are you satisfied with what it looks like?

Ed Meehan: I am. I think it was Bill Cariseo who asked about the HVAC units and so forth were going to be. That is important to know. They should be screened. A site like this may have transformer issues and where those are going to go, yet you can't really get into those details until you get further into the construction drawings. But those are the things that you can make as requirements as part of your site plan that there would be some sort of screening and placement.

Commissioner Fox: Are you saying then that we should evaluate their things for the HVAC, the screening and everything before we close the....

Ed Meehan: No, what I'm saying is that would be something that you would put as a requirement in the site plan motion that those utilities be screened, if they are visible to a public street, or some attempt, when they actually know where they are going to go on the site, during the construction process, that before they get a c.o. they be satisfactorily screened.

Commissioner Fox: Okay. Because Attorney Randich and I forgot who else talked about having your HVAC units, on the retail, in the back, but actually facing the hotel. So, whatever the height of the hotel, you would be looking down, would probably be able to see it.

Ed Meehan: I think they would have to give more thought to that. When they actually get into some of the, this is really a conceptual or schematic memo at this point. When they get into tenant needs, and start putting these building on the site plan exactly as the tenant may want it, and find out the utility needs of the tenant, that's why I would again, sort of reserve that as a requirement of your site plan.

Commissioner Fox: Okay.

Chairman Camilli: Are the utilities underground?

Ed Meehan: Oh yes, all the utilities are underground. No overhead service.

Chairman Camilli: Any other questions?

Ed Meehan: If you wanted to get in, well this is a site plan item, so you are not really bound by the public hearing requirements, if you wanted to get into materials on the building, if you don't want to do it tonight, I'd be happy to sit with Commission members anytime during the week, and go through these in more detail relative to the site plan.

Chairman Camilli: Well, that is what I was alluding to, this is the time to do this, but I don't know if we are really prepared tonight to look at it.

Ed Meehan: There are eighteen, twenty pages of plan sheets here, so if you want to come in, you can do it at your leisure. That's one of the things that we asked for very early in the process, and it was submitted, it is to scale, they are all labeled, roofing materials, fascia.

Chairman Camilli: The only other question that I have is this letter, it was just interesting to me because of the, it was alluded to several times in the presentation that we are discussing and dealing with this project independently of the adjacent property and application, and the problem is, in my mind, that it surfaces anyway, because in one respect you say that, and then in another respect you are talking to them, which just raises a concern to me that there is some, obviously some communication there, and from a zoning perspective, not so much zoning but planning perspective, I should say, you know, looking at this holistically is also something I think that the Commission has to do because if this gets approved by itself, or not approved, in the sense that if it does get approved, then these other things come into play. It seems to me that there is a commitment there. I'm not totally clear in my own mind, although we look at it separately, and I agree with that, I don't have a quarrel with that, but there is some connection there. Just by virtue of the fact that there is this letter which makes me want to look at it from a planning perspective in total, even though we are going to look at it separately. So it's almost like a mixed message here, it, the applicant, the Hunter Development Company, or Mr. Lowe, or whomever, if that communication wasn't there, then certainly it would be looked at separately. And not that the application is not going to be looked at separately, but there is some concern, you know, with that driveway, perhaps a shared driveway, in the future, and why would you want to do it twice. I mean, in other words, your application, and it is going to be looked at separately, and it will have the driveway, that's not going to be a public road, is that correct?

Attorney Randich: Correct.

Chairman Camilli: So it is going to be a separate road...

Attorney Randich: If our application is approved, we are going to build exactly what we submitted to the Commission, which is a private driveway, exactly in accordance with the specifications that we provided to you. We understand that we have a neighbor who really, for all intents and purposes, even though the state highway runs right by his land, it runs by it fifty feet high, or whatever, you know, at the request of the town, as well as our desire to be a good neighbor, we understand long term planning as well. The only, the best realistic access into this site would be through this driveway. We've been asked to recognize that, and we recognize it, and we are willing to cooperate. It doesn't mean that we are for or against whatever he's proposing, but it does mean that we're willing to be flexible to allow a circumstance under which our neighbor accesses his property, if he gets his approvals, through this driveway. You are right, if he ultimately gets approved, there are issues with sections of the driveway that come off of Cedar Street, that you need to consider, and maybe change from what we are proposing. But I think what we are trying to express to you is that right now, our reality is our project, and what we are proposing, and our applications need to be evaluated on their own merits and whether or not this driveway services our property for the purposes that we intend. If in fact, you get to the point with our abutter's application of wanting to approve it, or whatever, where ever your process leads you, you then need to consider what changes need to be made in this driveway to make it a public road, and those are measures that are going to fall upon those applications. Not our application. What we have tried to do is to be flexible enough to allow for that, but not endanger either our project or our uses of our property. I don't know if that was responsive to what you are saying, but I think.....

Michael Frisbee: I would like to add that the reason for the letter was at the request of staff and in regard to our site walk out there, there was a question that needed to be addressed with regards to accepting our neighbor's application with regard to the right to use that driveway in some way, shape, or fashion. So, that is in response to that request.

Commissioner Ganley: A couple of meetings back, it's in the minutes, I looked up as recently as several days ago, I had said that these two applications ought to be considered separately, that was my observation. You concurred, you said, yes, they're separate. It's like the next line under mine, so it's on the record that they are being considered separately. A meeting hence, Attorney Randich got up and made it very clear at that time, that the petitions were separate. In fact, I can almost quote him, I'll paraphrase however, he said he doesn't care what happens on the other property. He is just concerned about what he is making his presentation for. He has restated that, a little less vociferously tonight, but none the less, he stated the same decision, so I think that kind of settles the issue as it relates to the Lowe property which is before us as a separate and distinctive parcel, and I think the point is well taken that a portion of it, which would be the lower end of the driveway where this other driveway would be coming in, would have to then be reconsidered for a public way, which would then require ripping up the driveway, to put in a street pad and street asphalt and street curbing to do that. That is what they would have to be doing, otherwise it is going to be a driveway with just driveway traffic into the gas station, and driveway traffic into the hotel, as opposed to using the single parcel of street for an office park, that is going to come down to that same little, that same traffic light. So, yes, when we get to the other parcel, we in fact will have to look at that driveway again. But it is a separate distinct issue, we'll have to do something with theirs first, it's either up or down, and then we will have to consider, now that that one is up or down, and off the table, what are we going to do with this other piece of property. I really believe that they are two separate and distinct parcels and I think this letter, it does say, right at the beginning that this request from staff to clarify it, and it clarifies it. It doesn't commit us, I don't see a domino effect to this, and I don't see an A, therefore B, taking place between the two parcels. I think we have enough savvy, as we look at these two pieces to understand that there is a clear distinction between what we will do on the two pieces, and I think we are going to get through that process.

Chairman Camilli: Any other comments?

Commissioner Schatz: Like you said, it gives you an uncomfortable feeling, you know, this project looks pretty good, but it's like approving for six cars on a driveway, and you have twenty-three next year, and then we are dealing with that.

Chairman Camilli: My only comment to Commissioner Ganley, and I don't think that he said anything differently than what I did except that it doesn't commit the Commission and the town, it commits Hunter Development to, and I think that is the rub. The rub is the commitment by Hunter, or Mr. Lowe or whatever, not the town. That is my only comment on that, and the fact that it is their letter, I mean, I'm just reacting to the letter. That's all I have to say about it. Any other comments? Okay, and as I said, there is just kind of an uncomfortable feeling. Any more on the site plan issues at this point?

Ed Meehan: No, we are waiting Conservation. It's before wetlands now.

Chairman Camilli: And you are all set.

Attorney Randich: Yes. Thank you.

B. PETITION 56-06 2-14 East Cedar Street, Newington Development Associates, LLC, owner, Jeff Hedberg, 120 Northwood Road, Newington, CT 06111 applicant, request for Site Plan Modification, B-TC Zone District.

Chairman Camilli: Mr. Hedberg is out of town, and asked to have this continued.

C. PETITION 58-06 183 Louis Street, Aero-Craft, LLC, 179 Louis Street, owner, PDS Engineering & Construction, Inc., attention Chris Eseppi, P.E. 107 Old Windsor Road, Bloomfield, CT 06002, applicant, request for site plan approval 27,000 sq. ft. industrial use building and waiver of buffer distance, PD Zone District. Inland Wetland report required.

Chris Eseppi: Good evening, I'm with PDS Engineering and Construction and I think for the record, we're representing the owners. The owner is Volvo Aerocraft just so we can get that straight, and this particular property, I've been in front of this Commission a number of times back starting in 1997. We did an original building which really isn't shown on here, the original subdivision was done in '89, it's called D-Mack, D-Mack Partnership, I think, was bought in '96 and this area here was developed for Aerocraft which is owned by (Inaudible) Stannick. Since that time we have done three additions on that property. Also, in this area here, this particular piece of property we have also gotten wetlands permits on that particular piece. We come to you tonight because we are looking for a 27,600 square foot new building. What has happened, now the property is owned by Volvo, and they are expanding. This whole particular property is PD Zone, we had gotten a wetlands permit to fill back in about 2001 when we did the last addition. We brought that material up over here. The property is in Wetlands right now. We had our first hearing the other night. Right now this particular piece of property is about an acre and a half and it's right here. As part of the application we want to extend the property line out this way so that we can allow for the larger building. We require the larger building to meet the needs. They are growing their business. They want to reproduce the same footprint that they have right now. It works very well for them. They want to move their machines into this area. Their machine tool, they turn large rings and so on for the aerospace industry.

The new parcel will be 3.1 acres when we are done with it, and we have parking for 47, that's what we require, 47. It's going to be owned by the same property owner so we are going to have

truck movements coming in here, this is a private drive, we have a loading dock in this area here, we have a drive up ramp in this area here, it's all in the back. We also are showing a proposed 4800 square foot addition off to the side, to the east. Right now this is Louis Street, coming in here, it's right behind the old, DMV Inspection Station, which is right here, and I think Dick's is right over here. It's a PD Zone, it's developed as industrial, and the building itself has been designed to pretty much match what the existing building is. It's masonry at the bottom, windows top and bottom, second floor is a mezzanine, very limited area, front entry way, this is what you would see from Louis Street, coming in. The rest of the building is just like the existing building. This area here is Stanwell. The area that we are looking for the waiver is this little corner here is a residential zone, and your Commission has the ability to grant a waiver on it. We do get about 42 feet right in this corner, and then it goes off to a hundred, and the waiver would be for the normal hundred foot setback, and the forty-two feet in that corner. It's heavily planted, we put the planted buffer in here, deciduous trees, evergreens, we carried this line of arborvitae, which is coming all the way up along the property line, trying to maintain the look in that area. Gone over it with staff, wetlands has it, they are happy with the drainage design, coverage, they just asked for us to see if we could enhance some of the wetland area here, which, this is really a conservation easement and a detention basin. It was designed and approved back on the original application for the subdivision in 1989, and they asked us to see if we could kind of enhance some of the plantings in that area. Talked to Ed, there were a couple of issues, that we were talking about. The department wants to add a fire hydrant, right, and one other issue was that we are not showing it on the elevation, but this proposed area here which would be facing Louis Street, we would carry that block here along the front of that, so it would be consistent. I think the last issue would be the air conditioning units.

Ed Meehan: The noise from the A/C, are those A/C units still on the west side?

Chris Eseppi: Yeah, what we did is, right now on the Aero-Craft building right now, we have the same set-up, of course it is an industrial area, but it is also, we have the air conditioning units on the ground, easily serviceable, so we put them here because if we put an addition on, we would have to relocate them, and it was brought up that there was a possibility of noise that is going to reach the residential zone. Right now I did get one proposal for an A/C unit, those are like twenty five ton units, takes a lot of cooling for this building, and this particular unit is about ninety decibels, but that is right at it. Then, according to, there is a design criteria for noise travel, which is application of sound rating levels of outdoor equipment and it's done by air conditioning configurations. There is a distance factor, you know, the distance from the property line, and using this distance factor without any kind of screening, I end up with about a, at the worst case scenario, it's probably about fifty-eight decibels at the property line, so I'm a little over that night time fifty-one. We have a couple of options, we are looking at a different unit that starts out quieter, and we're searching for that right now. If not, maybe we can do some screening, so that I have to work out with Ed.

Chairman Camilli: You went over the problems that you have.

Ed Meehan: We met a couple of times before this came to you to get the drainage and the grading and buffer issues resolved, and the plans were modified and the issue of the fire hydrant just came up last week when we referred it to the Fire Marshal's office, and the issue of the decibel level has always been there, and I provided to the engineer today the town noise ordinance, so I think that we want to make sure, in conjunction with asking for a waiver, and additional plantings there, that the nighttime decibel levels meet your standards. So that....

Chairman Camilli: Would screening help that?

Ed Meehan: A combination of vegetation screening and maybe some barrier screening right up against the units, whatever you need to get access to them, I think you need to investigate that further.

Chris Eseppi: I have, the criteria gives barrier, and you have to go through it, and I haven't gone through the whole thing.

Chairman Camilli: Okay, so you will work on it.

Chris Eseppi: The other thing I would do is we have the same situation at the building now, and we will probably take tests at about fifty feet away to see, we'll measure it, physically measure it.

Chairman Camilli: Any questions?

Ed Meehan: This whole subdivision was setup years ago, to move in this direction.

Chairman Camilli: Now there is adequate parking? You said forty-seven, and lighting?

Ed Meehan: The lighting is for the employee parking, yes.

Chairman Camilli: I just wanted to make sure that those things are covered. Anything else? There is enough screening?

Ed Meehan: They supplemented the screening along the property line, there is some existing, some mature screening there that they will need to remove when they form the swale, and the drainage on the west side of the building, so that is why it is recommended that they replant, that rectangle just over the property line is an apartment complex. Bradford Commons, so that it why it is important to have that noise adjusted properly. The loading docks on the opposite side works well too, they are away from the apartments.

Chris Eseppi: The idea is to keep as much activity away from there that we can.

Chairman Camilli: I'm all set, anyone else?

Commissioner Schatz: On the waiver, for the buffer, is that because of industrial land up against residential land, is that what we are talking about?

Ed Meehan: Right. Not uncommon in Newington. Historical land use patterns.

Chairman Camilli: I think we're all set with this.

Ed Meehan: You need to receive a report from the Conservation Commission.

Chairman Camilli: You'll work with the Planner as far as these other things.

Chris Eseppi: Yes, we have conservation issues and the next meeting they should vote on it, so I think it's the 26th,

Ed Meehan: Back on the 25th, Conservation meets the 17th, they will render their report so it will be on your agenda under Old Business on the 25th.

VII. OLD BUSINESS

- A. PETITION 32-06 2553-2557 Berlin Turnpike, Jayanti Patel and Kuntal Patel owners, JK Partners, Inc., 983 Hoppe 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.**

Commissioner Cariseo moved that Petition 32-06 2553-2557 Berlin Turnpike, Jayanti Patel and Kuntal Patel owners, JK Partners, Inc., 983 Hoppe 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 be postponed to October 11, 2006 to receive report and recommendation from the Inland Wetlands Agency.

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

Chairman Camilli: Motion passes unanimously.

- B. 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. Hearing closed August 23, 2006. Sixty five day decision period ends October 27, 2006.**

Commissioner Kornichuk moved that 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 be approved based on the following conditions:

1. Improvement Location Survey Prepared for Motta Investments, LLC 1052-1068 Main Street, Newington, CT prepared by BGI Land Surveyors, Revised dated 9-13-06 Scale 1"=20' showing location of entrance to second floor apartment from the south side of the proposed addition.
2. Revised building elevations drawn at scale ¼"=1' for south side of proposed addition shall be submitted showing apartment entrances, concrete landings and canopies.
3. The proposed 4' walk along the south side of the proposed addition shall be concrete and shall extend to the edge of curbing along the east side of the building.
4. A note stating "overhead wire from CL&P #4700 to CL&P #7442S to be removed" shall be added to plan.
5. It is the Commission's finding that the proposed 46' x 28' addition generally conforms and furthers the Plan of Conservation and Development Town Center Design Component and the recommendation of the Newington Center's Design Guidelines December 7, 2000. In addition, the applicant has provided sufficient information to determine that the proposed addition complies with Section 3.12A Town Center Village Overlay District.

Based on these finding this project is granted side yard waivers to permit 8' setback along the northerly boundary and a 4' setback on the south boundary as permitted under Section 3.12.A.(D)

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

Commissioner Fox: I just want to take a minute to compliment Mr. Motta on his ambitious undertaking to get a good start on at least upgrading or improving the rear parts of those building facing the parking lot and I hope he sets an example for everybody else over there. I think he will.

Commissioner Ganley: I concur with Commissioner Fox's comments. We are dealing with a rose in a patch of poison ivy back there. I think this is going to be a welcome addition. I had occasion to walk back there a couple of times, and the improvement is much needed and long overdue.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING (TPZ October 11, 2006 and October 25, 2006)

- A. PETITION 53-06 Assessor's 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 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 October 11, 2006.
- B. PETITION 54-06 Assessor's 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 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 public hearing October 11, 2006.
- C. PETITION 59-06 2909 Berlin Turnpike (former Krispy Kreme) Wek Tuck Realty, owner, Acnco Sign Company, Inc., attention: Jeremy Waycott, 1133 South Broad Street, Wallingford, CT 06442 request for Special Exception Section 6.4.2 Free Standing Sign, Citibank, PD Zone District. Schedule for public hearing October 11, 2006.
- D. PETITION 60-06 Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickely Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners; Realm Realty, Attention David A. Stern, 900 Town and Country Lane, Suite 101 Houston, TX 77024 applicant, represented by Michelle M. Carlson, P.E. Fuss &

O'Neil Inc., 145 Hartford, Road, Manchester, CT 06040 request for Special Exception Section 3.19.3 retail use over 40, 000 sq. ft. PD Zone District. Inland Wetland Report required. Schedule for public hearing October 11, 2006.

- E. PETITION 61-06 Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickely Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners; Realm Realty, Attention David A. Stern, 900 Town and Country Lane, Suite 101 Houston, TX 77024 applicant, represented by Michelle M. Carlson, P.E. Fuss & O'Neil Inc., 145 Hartford, Road, Manchester, CT 06040 request for Special Permit Section 6.11.6 gas station use, PD Zone District. Inland Wetlands Report required. Schedule for public hearing October 11, 2006.
- F. PETITION 62-06 Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickely Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners; Realm Realty, Attention David A. Stern, 900 Town and Country Lane, Suite 101 Houston, TX 77024 applicant, represented by Michelle M. Carlson, P.E. Fuss & O'Neil Inc., 145 Hartford, Road, Manchester, CT 06040 request for Site plan approval 133,945 sq. ft., Sam's Club retail store and 12 pump gas station pad, PD Zone District. Inland Wetlands Report required. Schedule for presentation October 11, 2006.
- G. PETITION 63-06 Newington Town Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111 request for Zoning Regulations Amendment, Sections 1.2.2 (B); 1.2.2 (D); 4.1; 4.3.1; 4.4.4; 6.14.2 and 6.14.9 Purpose of proposed amendments is to clarify the design requirements for a Residential Lot, Section 6.14 Referral to Capital Regional Council of Governments and Central Connecticut Regional Planning Agency required. Schedule for Public Hearing October 11, 2006. (Tentative dependent of RPA Referral Report.)

Chairman Camilli: We're up to Petitions for Scheduling, and I know that Ed has been working on his calendar.

Ed Meehan: I can summarize. I updated this as of this afternoon, and just redid it a couple of minutes ago. Looking to your October 11th meeting, based on the continuation of a couple of petitions tonight, you would have on the public hearing for October 11th the business park at Cedar Mountain, the Occolini project would be continued for public hearing on October 11th, they may be ready to present on October 11th, but they may wait to the 25th of October to get the wetlands report. So that would be one public hearing.

Chairman Camilli: Where is the clock on that? Are we okay with that? I know that they gave us an extension, they had to give us an extension.

Ed Meehan: Yeah, they had to grant the Commission an extension to November 3rd, so under the new statutes, you get up to sixty-five days for extensions, for all, to start a hearing, to keep a

hearing open, and to make a decision, so this extension to November 3rd, uses up all those sixty-five days. When you close the hearing, you have another sixty-five days to make your decision. So, if for some reason you need more time after you close the hearing, all you are going to get is sixty-five days.

Chairman Camilli: All right, so we should be okay. It's been going on for a while.

Ed Meehan: It started in July.

Chairman Camilli: They have asked for the extensions.

Ed Meehan: They did, yes. 57 Church Street, the interior lot that was continued to October 11th, 426 Hartford Avenue, the gas station, the hearing on the Special Permit/Site Plan would continue and then a second hearing on the Certificate of Location would be scheduled as a companion. Citibank pylon sign, former Krispy Kreme I would recommend you keep that on the list. That should be a short hearing, they are getting ready to open pretty soon. The big item next on the agenda would be to start the public hearings on Sam's Membership Club. They are before you for two hearings, one for a box store over 40,000 square feet, and the second special permit hearing would be for the proposed gas station. So that would be your card for the hearings that night.

Under site plans, the Hedberg site plan, which was continued will be taken up on the 10th, and then Sam's has a companion site plan for a site plan presentation. Old Business on the 10th, would be the Hunter Applications, all those petitions you will basically have to postpone because you will not have heard from the Conservation Commission by that time. All of those would be postponed. The Aero-craft hearing, the site plan you heard just a few minutes ago should be ready, no, will not be ready for a vote. Wetlands has to go, so that has to be postponed, and Comfort Suites may have to be postponed. So basically, under Old Business you have no action under Old Business unless you close the hearings and move 426 Hartford Avenue and 57 Church Street that night to Old Business to get them out of the way. You might want to think about that a little bit.

Chairman Camilli: But we don't know what we are going to encounter. Like we did tonight, seems like we did encounter something on the interior lot one, and a little bit on Hartford Avenue as well, so we'll have to see.

Ed Meehan: So the bulk will be public hearings that night. On the 25th of October, you have Reno back again, you have TPZ Zone Amendments for the residual lots scheduled, and you may want to keep some hearing time open if you want to continue with Sam's public hearings. I would recommend that you save a slot for the Deming Street adult housing. That originally was scheduled for October 11th, but I recommend that you move it out to the 25th. Then on the site plans for the 25th, you may still want to be talking about Sam's that night, we have a site plan for 4 Hartford Avenue, which is that gas station across from Yanni's. They are in for a complete new site plan to tear that gas station down and build a new one.

Chairman Camilli: What do they want to do there?

Ed Meehan: They want to tear that down and built a gas station/convenience store. Get out of the used car business, we have had a lot of trouble with used cars and repairs on that site over the years. Also you have the adult housing on Deming Street, site plan presentation that night. Under Old Business on the 25th, you should be ready to vote on Aero-craft, Comfort Suites, and Hedberg.

On November 10th, we have a new application for the JDC site on the Berlin Turnpike, Aldi Foods. They want to tear down the building and redevelop the site, they have been working with staff since March.

Commissioner Ganley: What are they?

Ed Meehan: It's a food warehouse, the building is about twenty, twenty-two thousand square feet. They only carry certain brands, as well as their own, and I think the nearest one may be in Bristol, and there may be one in Torrington.

Commissioner Ganley: Like the old Heartland Food?

Ed Meehan: I'm not sure. It's a German company, they are just starting to move into Connecticut. But they are proposing one building, this is all for site plan review, one building for their use of about twenty, twenty-two thousand square feet, and then the back of the site, which is the Kitts Lane side, another three acres, they are just leaving it vacant for now, they are sort of land banking it until they decide what they may want to do with that. There's a lot of site work to do above the ground and below the ground on that property.

The other application that we have, is from Fenn Manufacturing, 300 Fenn Road, they need to remove, under a Special Permit for earth removal, a substantial amount of materials to do environmental remediation, so they have to take out, not just a simple excavation, it's quite a sizable cubic yard removal. They have to go to Conservation Commission for Wetlands, as well as TPZ. That's the work load.

Hopefully, Reno, Hunter and Sam's won't all collide at once, but it looks like that has happened here. You will get a break with Hunter because you have to wait for the Conservation Commission.

Chairman Camilli: We have to wait for three or four of them. Are they getting back on a better track now?

Ed Meehan: They are getting back on track, I think they got stalled back in August, July and August. Their last meeting, they were until 12:00, got quite a bit of work done. Their next meeting, if they can do Aero-craft, they can do Comfort Suites, if they can do Hunter, then that will open the door for you to act on those applications and lighten your work load.

Chairman Camilli: Well, our work is basically done, so once we get that, we just basically have to make the decisions.

IX. PUBLIC PARTICIPATION

(For items not listed on agenda)

Kevin Curry: Just one comment on 4 Hartford Avenue, Kevin Curry, 4 Hartford Avenue, resident of Meriden. We're proposing a complete rebuild of that problem station, as you gentlemen mentioned, M & B Auto. I've had my share of tenants and I've had it with them, that's why it is closed now. We're proposing a new station, complete rebuild, beautiful station, what I was curious was if we could move it up to the 11th, so we don't get backlogged with everything coming out of, we're not going to wetlands. It seems like everything is going to get attacked on the 25th, and if it was possible to move it ahead, it would help me greatly, I would appreciate it if you could.

Chairman Camilli: We'll let Mr. Meehan, maybe we can juggle it around.

Ed Meehan: You have Old Business items, but all items need to be postponed because you haven't got wetlands reports, so that should lighten the load a little bit. Let me look into it a little more and talk to you about it.

Keven Curry: Thank you.

Patrick Snow: I'm here to talk about, I wanted to get a resolution on some of the subdivision, I guess one of the issues was the trees, that people have been either stating, or saying or the Town has asked about the two street trees in their front yard. I just want to be clear with the Commission, I understand the regulations, there is supposed to be two street trees in each yard. It's without question, and without anything else, and I'm going to pass out the contracts that we give the people who purchase lots. If a developer purchases a lot, or a homeowner purchases a lot, it is clearly stated in their contract, and I will read it, just for the record. Under trees and shrubs, it says, it is understood that there are no additional trees required to be provided to the buyer by the seller other than those existing. Any planting required by virtue of the subdivision approval by the Town of Newington shall be the sole responsibility of buyer and buyer shall hold seller harmless from said obligations. This is done for two reasons, first reason is if we are selling a developer, another builder a lot, we don't know what his landscaping plan is, and we would expect that he would talk to his buyer about doing that, and the second reason is also for a homeowner, if a homeowner purchases a lot, they sometime hire a landscape designer or someone else, and it has been a practice in the past that the street trees have been waived. We had a couple of instances where we went on to Sunrise Estates, and Mr. Meehan informed us before we started that the Commission wanted the street trees and they would not be waived, so we made those part of our package, line item and that is a requirement of each individual home owner there, as part of the site package.

That's where we are, and some of the problems that I see, if people don't want a tree, it's hard to go back now, into the past and say, you have to put a tree in your yard, especially since you know, people have been saying, why do we have to pay, why don't we have to pay? It's pretty clear when they went through with it that they didn't remember, or did remember, I got the minutes from Mr. Meehan, and I heard Mr. Tabor's comments, I'm going to pass out Mr. Tabor's contract which he signed, and his attorney looked at. So it puts me in a little bit of a situation if the Commission says to me, go plant two trees, I don't have a problem doing it, I'm not trying to (inaudible) this Commission at all, but then I'm going to be in, not a legal battle, but I just have to get paid to do it, and we didn't put that in our lot rights at that point in time. Now I'm here to listen to suggestions, I want to work with you to get it done and completed, I just need a way to go and go from there. Here, I just want to pass this out to the Commissioners. Here's the contract, and here is his signature.

Ed Meehan: Can we have that?

Patrick Snow: Yeah, I can, any person who has a question Ed, I have all their contracts in the file.

Chairman Camilli: I had a conversation with Mr. Meehan about this and to me it's a legal problem and I don't know if this Commission at this time can do anything, aye or nay. The fact is that we hold the bond, we hold your bond, and as much as that is a legal contract, binding contract, so is yours with us, so therefore we are at loggerheads as to who has what, does ours, or yours, and the homeowner gets squeezed in the middle between the two. So, I think we just sort of agreed that it is a legal issue, and I don't know that we are going to adjudicate it tonight, or any night, and I think it might be something that we have to refer to the town attorney. So I don't know what to say, because I can understand why a homeowner, when we say, do you want the trees, no I don't them, because they don't want to pay for them. That makes some sense to me, but it puts the town now, and you, in this position of, you are also bound by the subdivision regulations that two

trees are supposed to be in there, you just shifted the burden over, and I don't know where the burden lies at this point. So anyhow, that's my, rather succinctly put, if any Commission members want to say, add anything more to it, I'd entertain more than what I just said.

Patrick Snow: Where does that leave me, as far as the bond, I mean, there is a fifty thousand dollar bond I know that's not all trees, but.....

Chairman Camilli: Well, in reality, we could call the bond and put the trees in ourselves. That would be a way of doing it, but you know, I'm not sure if the homeowners want it, or, I'm not sure where the homeowners are in this because of that cost. It may be because of the cost that is attached to your contract. So that may be very well be an issue, it may not, and I don't know what the answer is.

Commissioner Kornichuk: The lawyers need to settle this. We're not in the legal field.

Chairman Camilli: As I said, it will probably be referred to the Town Attorney, would you say, Ed?

Ed Meehan: I think so, and the town is in the middle, because the homeowners are saying you know, we are not going to put trees in because we don't want to spend a thousand dollars and Mr. Snow is on the other side saying, well, I'm bonded, but I can't put the trees in, so

(Tape Failure)

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

None.

XII. ADJOURNMENT

Commissioner Ganley moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary