

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 28, 2005

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

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

Commissioners Absent

Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

Chairman Camilli: Just before we start, Commissioners, we had a little procedural problem with the dates for notification, and Ed can explain it, and just so that everything is procedurally correct, we are going to keep all of the public hearings tonight open. Go ahead, Ed.

Ed Meehan: We are required by statute to always notice public hearings twice before you actually convene them. The first notice can't be more than ten days before the hearing and can't be, you have to do it between the fifteenth day and the tenth day, and the second notice has to be at least two days apart from the first notice but can't be two days before the hearing. So we asked the Herald to insert this, tonight's legal notice on the 17th of September and the 24th, and the Herald failed to run it on the 17th. They didn't run it until the 20th. So we didn't make the first cut-off date, and when this happened before, the prudent thing to do, to correct the error, as the Chairman says, is to keep the hearing open, and we will re-advertise so that the proper legal notice will appear, and that avoids any concerns of a procedural error, and that is what I would recommend that you do.

Chairman Camilli: And for that reason, the first petition, 32-05, probably would have been closed, but we are going to keep it open.

II. PUBLIC HEARINGS

- A. PETITION 32-05 1000 Willard Avenue, Paul DeFelice, 295 Orchard Avenue, Newington, CT 06111, owner and applicant request for Special Exception Section 6.7.2 Interior Lot, R-12 Zone District. Inland Wetlands Report required. Continued from September 14, 2005.**

Chairman Camilli: In case you didn't know, the Wetlands report denied that petition, so we are out of the woods, if you will, that petition will not come before us, but we are still going to leave it open.

B. PETITION 53-05 2340 Berlin Turnpike, known as Hartford Drive In property, Toll Brothers, Inc., applicants, Honey Loew and Keith L. Hughes, as Trustees of the Elias M. Loew Connecticut Realty Trust, represented by Attorney Thomas J. Regan, Brown, Rudnick, Berlock, Israels, LLP, 85 Asylum Street 38th Floor, Hartford, CT 06103-3402 request for Special Exception, Section 3.7.1 multi unit residential development, R-12 Zone District.

Attorney Regan: Most of my consultants are outside. Good evening, for the record, my name is Tom Regan, I'm an attorney with the law firm of Brown, Rudnick, Berlock, Israels, City Place One Hartford, Connecticut. I'm here tonight representing the applicant Toll Brothers on the proposed Special Exception application for the property located at 2340 Berlin Turnpike, better known as the Hartford Drive-In. As you may remember, some months, many months ago we were here in front of this Commission requesting a zone change to re-zone the property, the entire property to residence, R-12 in order to bring forth the housing application, and the Commission was good enough to approve that zone change. Since that time we have spent a good deal of time meeting with staff, both the Newington and Wethersfield to develop a plan that we felt everybody could buy into, and reflected the character of what you wanted to see on the property, and I'm here tonight to submit that application.

We have several consultants that I am going to have come up and summarize their portions of the application. For the record, I would just like to indicate, one of the pieces of the application that was submitted was a plan and land use report from Harold Mickaloskas Associates, who are consulting planners. The information that is in this goes to the use of the property as residential, and as so much of that was presented in the initial application for the zone change, we'll take any questions that you might have, and we can answer if anyone has any specific questions on the planning report, but I thought it would be better to probably not repeat that and get onto the actual site design at this point, because I think that is more what everybody is curious about.

Our project that we are proposing is for a seventy-four unit community, attached unit town homes. At this point, I would like Chris Bennett who is the project manager for Toll Brothers and just make some brief comment's about Toll's view of the project from an overall standpoint, and then we will get into the specific plans.

Chris Bennett: My name is Chris Bennett and I'm a senior project manager for Toll Brothers here in Connecticut. I'd like to start by thanking you, again thanking the Planning and Zoning Commission for the time tonight to hear our application for seventy-four town homes located at the old Hartford Drive-In site on the Berlin Turnpike.

Toll Brothers is a national company, has been in business now for about thirty-eight years. In that time, we have managed to spread across about twenty-four states. Locally here in Connecticut we have had opportunities in Shelton, North Hampton, Ellington, Bloomfield and Glastonbury. We have recently finished a town home community similar to this one proposed in Newington, in North Haven.

The Toll Brother name has always been synonymous with luxury end and it just doesn't mean a luxury in housing. It also means a luxury in communities, so when a buyer purchases a home, whether it be a town home or a large estate home, they feel that they have bought into a luxury life style. One of the ways that we can accomplish this is by being both the builder and the developer. So, not only do we build the homes, we develop the site. We put in the infrastructure, we put in the roads, all improvements, landscaping, and it also allows us to work, by being both the builder and developer to work with the community from the raw land, to the final certificate of occupancy. Which also allows us to work closely with the local municipality and our engineer during site plan design so that we can incorporate all of our ideas and our standards to make it

what we consider a luxury in the field, along with the comments of local municipality, in this case, the Town of Newington staff to make sure that in the end what we have is more of a collaboration, in this case, Toll Brothers and the Town of Newington staff. We foresee this community being marketed more toward empty nesters, and single professional and possibly single parents, single professionals commuting into Hartford. And so, seventy-four town homes, there is going to be a mix of one and two car garages, master down, master up. Bill Grant, who we have here today will be taking you through the descriptions of each unit, giving you an idea of the square footage, so at this time, I would like to turn the presentation over to John Mancini who is with BL Companies, who will take care of the site plan.

Chairman Camilli: We don't want the site plan now.

Attorney Regan: Not the site plan comments, but just an overall of the community.

John Mancini: Mr. Chairman, Members of the Commission, I appreciate the opportunity to present this project to you this evening. For the record, my name is John Mancini, I'm a principal with the firm, BL Companies. We are located at 355 Research Parkway in Meriden, Connecticut. We are the design professionals who were hired to perform civil engineering, landscape engineering and traffic engineering components for this project, and as Tom had alluded to, following my presentation, will be my colleague, Martin Mallon, when we get into the site plan portion of the discussion to discuss some of the details of utilities, drainage, and grading, and in addition, later in the presentation, Bill will speak a little about the units.

The first part of our application is in fact the Special Exception, and what I, in order to sort of refer to the few comments that are within the Special Exception section, I would like to take just a brief moment to walk through the site plan.

For orientation purposes, north is straight up on the plan, this is the Berlin Turnpike, Route 5 and 15, Prospect Street, Route 287 runs east and west and behind us, in our neighboring town, Wethersfield, the town line being right here, is a road called Back Lane.

Through multiple discussions with the DOT and for me personally, our firm has a history of looking at this site in the past, and has a history with the DOT's desires for the use of this site, as well as access to the site, and through lengthy discussions the DOT had strongly recommended a very defined, very strong right in, right out driveway to Prospect Street, but in addition, they did think that seeing that a few years back they were part of the expenditures that went into the expenses of putting in a light at Back Lane, and they thought that it would really be a great idea to additionally have a second access drive that could utilize the signal for this much less traffic generator than they ever anticipated for this site in a manner where all movements into this site would be extremely safe. A safe right in, a safe right out, a safe left in and a safe left out at the light at Back Lane, so that started to frame the layout of the development plan. We had a grade to meet here, we have a grade, as everyone knows, the site currently is sort of a rock cliff here, a gentle grade up to about right here, it plateaus and then drops back down. So the natural plateau of where the grade drops off sort of drove the end of our site development, but also drove the need for the S-curved driveway in order to get in so that you can climb and meet the grades that are required to get up to that area. The goal would be to work within the site plan, to work with the grading to end up having as much of a balance condition as possible to ease construction. The general layout, as we talked about, is seventy-four units. The roads have, are thirty foot wide, which are adequate to have on-street parking. We do have some designated additional parking that can be used for visitor parking. We have a full network of sidewalks through the site, and we do have, we have designated a total recreational open space area. Now, in one of the special, in one of the comments, the comments suggested that Section 3.7.1 G, where a thousand square feet per unit should be set aside for open space. We certainly meet the overall intent of that, we have over 102,000 square feet, however, we respect the comment, and we understand that in our proposed impact study, fiscal impact study, that there could be up to possibly thirty-three school aged residents that might need some type of recreational play area

that is not necessarily what the open space, or the gazebo, or this, walking trail, which is connected to sidewalks throughout the site, would really appease, or meet their needs. So what we would like to propose to this Commission, as a response to this comment, they have got the grade, down in this area, grades down in this area are very flat, right here. What we would like to propose is to maintain, we would like to propose a twenty-five foot natural buffer, stay at the toe of the slope and do a active recreational area here that could include things such as a playscape and an additional nice flat field since this whole area is wonderfully flat already, for playing ball, for playing all other types of activities that children like to play. It is away from the main streets, it's far off this road, and we feel that that would be, and that would be approximately 18,000 square feet and combined with this recreational area, we respectfully believe that we would meet the twenty percent of the common open space set aside for active recreation. So that is a proposal that we would like the Commission to consider.

The next comment regarding the Special Exception talks about a twenty-five foot buffer, and it speaks to these two locations. The hammerhead on Harlow Drive and Bogart Drive come within ten feet of the property line. An error on our part, we were thinking that we couldn't go into the yard, the yard along this side, is ten feet. But in reality, this Commission does have the authority to, with a particular vote outcome, to commission us to allow us to have a setback that is up to fifty percent of the twenty-five, so we can have, this Commission could approve should it choose, a twelve and a half foot setback for landscaping, or buffer here, and respectfully, I have an exhibit that I would like to submit for the record this evening, that corrects that error and certainly this would meet the merit of something that could be approved and at least begin a discussion on how to address that comment.

Moving onto the second page of comments, there's really observations made regarding some of the off-site traffic proposed trips, as well as some of the pavement widths. I think they were observations and certainly we concur. This project on Saturday, peak hour which is between the hours of eleven a.m. and two p.m., that is where the projected peak traffic would be, a total number of trips within any one of those three hours, peak hours, in any given hour in those peak hours, is a total of sixty-five trips that would be derived from this site, and so one of the discussions that we had well ahead of coming to Newington with formal applications was in fact discussions with DOT and the Town of Wethersfield, and for some reason, when this signal went in, unlike on this area, where there is adequate by-pass for people making a left, with a wide shoulder, there isn't adequate by-pass in this direction, so some of the improvements that we would make although not needed to mitigate our traffic, but requested of us, and we have concurred is to widen a bit to the north here, such that when a car is making a left into Back Lane a car can traverse smoothly though without having to try to dip into this driveway and around. Then, likewise, since we control this frontage, and since the catch basins are in a bit of a pocket anyway, we have straightened this curve line out, widened this side to create an exclusive left turn lane, so that when one approaches this light, in the a.m. peak hour, or the Saturday peak hour, there is an exclusive left turn lane, and an exclusive right turn lane, so again, the overall operations of that signalized intersection can be approved. So, we feel that in terms of traffic circulation and impacts although this is a very low generator, with a low impact between the dual access points and the mitigation that we are doing off site, we feel that we have met the intent and the requirements of the Special Permit. We submitted a full traffic study that ends up with the conclusion that pretty much summarizes what I have just said, and that there are specific points that want to be discussed, I would like to certainly answer those questions. At this time, Mr. Chairman, I believe what is left under the Special Permit comment section is some discussions of what our building types, styles, areas, and some of the features that the buildings have that the Commission may not have understood yet is absent in our discussion. Would you like to hear that from the architect at this point?

Chairman Camilli: Actually, I'd like to hear on the first part of the comment there, under Section 5.2.6, these bullets here. You started with 3.7.1 and you actually kind of went over that first....

John Mancini: Okay, so you would like for me to talk to some of those issues.

Chairman Camilli: I would think that that would cover what we are looking for, right at this point.

John Mancini: Okay, I have to tell you, Mr. Chairman, some of these specific points, I have seen these comments for the first time today, I didn't give a lot of these issues a whole lot of thought, I thought that we would be able to address this at a later meeting, but, Tom, if you would like, I could.....

Chairman Camilli: We can give you time, this is going to be left open, so if you want to address it at the next....

John Mancini: I'd like to respectfully answer them with more thought than just sitting here and trying, I think they deserve more than that.

Chairman Camilli: Okay. That's fine.

John Mancini: Great, and so, but just touching on a few things, traffic within the site, and on adjacent streets I believe you know, that I touched on that comment and I mitigated that, public water and sewer to the site, and storm water has safely been accounted, and we have, for instance and you will hear this later, there is adequate water, there is adequate sewer. We have designed our storm drainage system in a manner where the current run off from the site, there is a segment of run off naturally because this is the divide that goes over this way, and then there is a segment of run off that goes over this way, and a small amount that sheds off of this little hill here. In all cases, the eventual flow path of water has been maintained, but we have mitigated our storm water by meeting and exceeding all the pre and post development run offs for the different designed storm events. That comment, through our engineering design, and our engineering drainage report, we feel we have adequately supported the need under this Special Permit.

The proposed signs, at this time, we are talking about proposing a ground mounted sign, decorative sign here, stone, you will see in one of the renderings this evening, and we also have landscaped walls here, and I believe on these landscape walls there may be some additional signing. Is that what was proposed, Chris?

Chris Bennett: No, just at the pylon.

John Mancini: Just at the pylon, the ground mounted pylon.

Chris Bennett: John, there is also a sign down on Back Lane.

John Mancini: Thank you very much. There is also an indicator sign of this development, right here.

Some of the safeguards to protect the neighborhood, I think that one of the things that we want to respect here is that we strongly understand our responsibilities of providing a buffer to the neighborhood, even though we are a similar use to the residential neighborhood here. We have respected this section of our neighbors in Wethersfield, by maintaining this buffer. We have provided a safe access point here off of the state system, where if a full access driveway was permitted here, it's not just the user of the condominiums who would be at harm, it's the people who may not see the person making the left because of the high point in the road, and they could be hit from behind. We have improved Back Lane in a manner so that that can be more safely used. We have proposed structures and placed these structures in a manner that are, at a comfortable distance from some of the physical constraints that exist at the Berlin Turnpike, Route 5 and 15 cut here, and I believe we met the intent of protecting the neighborhood there, so

the architect will come up and talk about the size, type and location, and really, the item that I haven't addressed is the need for purpose use, and that is something that I'd like to talk to the attorney about, and discuss a little bit more, but some of the existing and probable future characteristics of the surrounding area, this is a fairly dense neighborhood as you come down Back Lane in Wethersfield, and they are fairly small lots. We are talking about quarter acre, half acre zoning in this area, very densely knit homes with some larger multi family dwellings at the end, and the general area here is commercial, as well as commercial office in that direction, and we think that this is by right, after we got the zone change, by right now, a consistent use for this site, and one that is certainly, from a traffic standpoint much more desirable.

Attorney Regan: Mr. Chairman, just to take a couple of minutes to address the first issue which is the need for the proposed use. As I referenced earlier in my remarks, we have a report, a planning report in, which summarizes the use, the consistency of this use to the overall Plan of Development for the Town of Newington. In that report it talks about, it talks at length about using larger, greater than five acre parcels along the Berlin Turnpike for medium and high density residential, and that is exactly what we have here and that is exactly what we proposed. This serves as a good transitional use from the industrial, commercial and retail corridor of the Berlin Turnpike, transitioning into the single family homes that exist on Back Lane and further down on that side, so this is a consistent transitional use. It is consistent with the Plan of Development, and we believe that it is a project that takes a property that has been not used for a very, very long time, cleans it up, and turns it into a productive use, and we feel that it is one that does it at the lowest possible traffic generation of any of the proposed uses that have been considered for this project in the past. I think except for leaving it vacant, there probably much that you can do that would be less dense than what we are proposing from a traffic standpoint and impact to the neighborhood standpoint. It's consistent with the Plan of Development and the transition from commercial and industrial on the turnpike, to residential and it's a medium density residential which is what the Plan of Development suggests, so I think in that regard and that is all summarized in Dick Harold's report, which is part of the record. With that, I would like to turn this over to Bill Grant, our architect to just walk you through the various buildings.

Bill Grant: I'm a registered architect, I've been one since 1981 and I'm with Murphy Architectural Group, and we have worked for Toll Brothers off and on doing different projects for them since at least the mid-seventies. At least two years ago, we were involved in the North Haven project, we designed the units down there, which two of them were interior units and the same units that we brought up to this site here. Our dealings with Toll Brothers, in working with them over the years, I said to Bill Murphy, I said, it's a shame that this unit that it just doesn't have an extra foot, and he said, I agree with you, and he said, talk to them about it, and we increased the width of the unit, made all the difference in the plans, so they are a fine outfit, they were, some years ago, number one builder in the country, and that's a nice honor to have. It's nice to work with Toll Brothers, and we work with the Connecticut division up here, and I have enjoyed working with them. We took the two interior units and we made two end units, and some of the nice features that we were able to bring into the end units, we're looking at the A unit there, was in our discussions and talks with them on the units was, to create a two car garage. That would be a nice need for that, so this particular unit that you are looking at here, the A unit, has a master bedroom down, and a two car garage, two additional bedrooms upstairs and various options, sizes of lofts and that, so downstairs the remaining elements, nice size rooms, breakfast area, kitchen, dining room, great room over here and of course the master bedroom suite, two additional bedrooms and the bath. We have (inaudible) and when you get up to the loft which is this area here, overlooks this lower area of the house, so you get that extra light and ventilation. So this unit again, looks wise fits in well with New England architecture up here, with a dormer window there which would bring additional light into the unit, and with the town here representative, we have put some light on the garage doors. This was our North Haven product, down there, what were your interior units were single core garage units there. Again, they had the dormers over the garage into a room above

the garage that had various uses to meet the various needs of various families. We tried to develop the housing with as much flexibility as we possibly can. Do you want to talk about the B unit?

Attorney Ryan: Yeah, do you want to give them the square footage of the A.

Bill Grant: Oh sure, the square footage of the first floor area is 1322 square feet and plus 457 square feet for the garage. So, upstairs, with the various options that you can have, at least the square footage upstairs on the second floor is 736, so you know, you are around 2000 square foot, and with options, that could go even larger.

The second unit that we developed for this site up here was again a two car garage, and this unit we put the master bedroom on the second floor, so that we would have a variety. Some people would prefer to have a bedroom on the first floor, some would prefer to have it up on the second floor. We have two bedrooms up here, with some other options that another bedroom could be over in that area. We have a great room, it was two story right here, if there is not a bedroom there, and the dining room and kitchen. The square footage on this unit here on the first floor is 833 square foot with a 423 square foot garage, and the second floor is 956 square feet, and again, if somebody took the option of a bedroom up there, again, we have the nice trim and features that you would see in New England on the houses, the nice trim even on the back of the house. It is a quality looking unit, and Toll Brothers, as you can see here, what they built down in New Haven they blend very nicely with your architecture up here in New England, and I am partial to New England architecture when I served in the Navy up here in New England. My own personal house I developed into a New England colonial house.

The interior units, we have two interior units and this one we call the Hemlock model and the Hemlock model here has the, I'll start on the second floor first, the master bedroom is up on the second floor, on the Hemlock model, on the Spruce, we moved the bedroom down. Again, it's a one car garage, and the first floor is 1025 square feet, plus 256 square feet for the garage. On the second floor, the smaller unit where there is no living space over this area, is 594 square feet, but we offer an optional room, various things, a bonus room, bedroom, has a dormer that comes out, in that area, and that would make the second floor 905 square feet. We have versions of the house where on your site where the grade falls off and in the rear there would be a walkout basement which gives additional living space, there for growing families and entertainment areas with decks and doors that would be off of the back of the house, and would be very private. Again, we have the same details with the light on the garage doors, nice trim, shutters, and you saw the photographs there, maybe I'm biased, but I think that Toll Brothers did a very nice job down in the North Haven project.

The other interior unit that we did, we called it the Spruce unit, and the Spruce unit, it's the same width and has a one car garage, and they are interchangeable, this, the Spruce unit has the master bedroom downstairs with the master bath, and the kitchen, dining room and living room are on the first floor. It's the same square feet downstairs, 1050, for the first floor, plus 252 square feet for the garage. On the second floor, it's smaller than the other unit, so that allows people who are coming into a project there to maybe be able to live where they want to live. It's a nice size unit, nice size rooms on the second floor, again, you can have no living space over here, you could have the bonus space, or bedroom, and dependent on the needs, as children come along, you have that space right there. There is a walk out basement site, there is additional space there. The look of the unit is in keeping, it's different, we have a bay window here, but generally it fits in with the character of the other remaining houses.

It's something now days, when you can see the renderings that the BL Company can produce, I am just amazed. You know, the cars and the sky and the buildings, you can see the site as what you would see from the site plan, there it is, before it is ever built. You can see what the units are going to be. The various unit here, I believe this is the A unit here, and the B unit there, and of course the ones in the middle would be either the Spruce or the Hemlock. If you were standing

there with your camera a year or two from now, took the photograph and looked back at it, that is what you are going to see.

Attorney Regan: I think at this point, Mr. Chairman, that concludes our Special Exception portion of the presentation. We have other issues to address on the site plan portion of the application later on, some more specifics about drainage on the site, but at this point, we will take any questions that the Commission may have.

Chairman Camilli: Okay, anyone from the Commission?

Commissioner Cariseo: This picture here, that to me looks like a project. That does not. To me, I can't see how you can tell me that these two pictures are the same. At least, if it is, I can't see it.

Attorney Regan: They're not actually. The first pictures on this side are actual photos of the North Haven project. The second pictures on this side are actually photo simulations of the proposed project and plans that you have. So they are two different layouts entirely. These pictures are only merely offered for the illustrative purposes of what an individual unit looks like from the front, but that is an entirely different layout, that is actually a straight, almost a straight row as opposed to the layout that we have in front of us, so these are only up here for the purposes of demonstrating what the outside of the unit looks like in front. The rendering on the far side is actually a photo simulation of the proposed plan, so they are in fact, two different things, you are correct.

Commissioner Cariseo: That doesn't look anything like this.

John Mancini: This is for massing, and scale. We were just trying to explain to you what an end unit, with a single car garage, in terms of size, what it looks like. That is what this is for.

Commissioner Cariseo: What is that over there?

John Mancini: This here, that is what the purpose of this was, because he was referencing North Haven, what we haven't done yet, and we will during the site plan presentation is, if you were traveling eastbound on Route 287 and you were in a car coming up the road here, as you approach the entrance, you would see this entrance. This is true to scale and to site gradation, so in other words, the entrance, the road, the slope, the grade of the drive, the shape of the drive, the scale of these walls relative to the house, the trees that are at planted size, the grade of the road here, the sidewalk and it's relative grade difference up to the house, are all true to the way that the site is modeled and graded. This is what it is going to look like. We have several other photos that I'd like to show regarding this issue, since you brought that up as a question, and we were going to discuss this in greater detail during the presentation. This is a typical, this is, Martin, the exact location of this, do you remember which one of these?

Martin Mallon: Yes, it is looking down one of the side streets.

John Mancini: Either Chaplin or Bogart, looking down the street, I wanted to be specific, I didn't know if it was one or the other.

Martin Mallon: Actually, it's on the other side of the site, probably at the end.

John Mancini: Here?

Martin Mallon: Yes.

John Mancini: Okay, looking down this way. You would see the homes, you would see the streets, you would see the streetscape trees, you would see the decorative lighting, you would see the scale of the stone curb relative to the sidewalk, so that is a real perspective of what that would look like. We are going to move through some of these, and we will certainly leave them up for everybody to see.

This location is what we call View 3. View three is a view from the visitor parking area here. This way, looking this way from the intersection. You see this curb line here, and you see this curb line here, and you are looking at these, and the interesting thing here is you see how different the design is. You are looking down this road, and there is nothing lining up. That's what makes the interest. The road starts to curve, so the units are staggered, and you never see anything that is linear, you see these units, staggered, in the foreground, and you see almost, a very tiny little opening, and that opening, is that tiny opening here at the end, so it is very carefully placed to meet the grades and the layout there.

This is a view of looking from here, back at the gazebo, out towards this area, across this parking area here. These units are up a little higher, they are all, they are all benched again, to create not any similarity of roof lines, and we have them all at different elevations.

Now, is the fun stuff. We were able to show, this is what is out there today. If I was standing at the intersection of the Berlin Turnpike and Route 287 and I was across the street, and I took this photograph, specifically showing what it would look like. This is the view from the Berlin Turnpike that gets sort of the most exposure to the site. If you look at this, some of the existing vegetation will remain, as per our plan. We have been able to take, with our model, superimpose our models onto the existing photographs i.e., the car is still there, you no longer have the driveway to drive into, we have put in our site grades, a small retaining wall, a board on board fence, and the units as they are exactly to scale, and the trees as they would be planted size, to give you a very real perspective of what this would look like at the corner.

Attorney Regan: John, for height on that one, you could point out the power lines, you can really see the difference. As you can see here, the power lines appear, in our proposed development as under the existing power lines in comparison to the existing screen which is, as you can see the power lines are in the same position, you can see the screen is way above, so what we are proposing from a height standpoint is below what exists presently on the site.

John Mancini: This is a perspective, I'm sitting here at the MacDonald's parking lot, no, actually further down, I'm sitting at the intersection that is beyond it, where you would come to make a U-turn turn, and you look back and see the end of the development, this end of the development here from a view that is essentially looking to the northwest. You would see the beginnings of these units and then the rest of the units fade out behind this area. This is where the, from about this point, is where the slope gets really steep.

Lastly, we did a view that, if you were standing way down at the other intersection, looking back at our project, looking through all of the rock removal that just occurred here, just beyond Wendy's, below our site, that is located right here, okay, and the limit of rock, top and bottom of the slope is right here, and if you look up at that, from this location, what you are seeing is, it is a view that is taken way down the street here, looking up at this point, which is the area that has the least vegetation today, because this area has been already modified and changed, and what you see, in true scale, is the units as shown in the background right here.

I have an eleven by seventeen reduced size of everything that I just showed you to hand out to everyone. It's a little package. Sorry, I went off on a tangent to answer your question, but you were right, that is not what this is.

Chris Bennett: I would like to point out something. This is the product that we did build in North Haven and when we decided to use this product in Newington Ridge, we decided that, at least I feel, that we wanted to upgrade it a little bit, so when you look at the end unit, that is not actually

what we are using as an end. We use those as our inside units, and we came up with additional units that have two car garages and side entry's to break up the front, so that not every front door is on the front, you can bring people around the side for privacy, just to break it up along the front as well as jogging units in and out, so when you look at this it's really a neat site, this is what an inside unit would look like at Newington Ridge, but definitely on the outside I think we dressed them up, added some nicer units, a little bigger unit, a two car garage to break up the garages on the front, and then again, brought the entrance around the side.

Attorney Regan: Also, if I could point out, the North Haven situation, where we had single car garages here, you don't see the green space between the driveway, if you look on the site plan here, between most of our driveways here we have green in front of the units, so it's much more broken up, and a much different design than that.

Commissioner Cariseo: I'm satisfied with that explanation, I just thought that picture was awful.

Attorney Regan: That was a long answer to the short answer that your comment was correct.

Chairman Camilli: Any other questions?

Commissioner Prestage: Has the petitioner drafted any proposed condo association guidelines, or do they have what the proposed restrictions are going to be for each of the landowners in this unit, development.

Attorney Regan: We do have a form, a form document that we have used in other associations here in Connecticut and they will be very similar here.

Ed Meehan: They have been filed.

Commissioner Prestage: All right, thank you.

Chairman Camilli: How many units are going to have..B units have master bedrooms on the second floor, how many of the A's and B's of each?

Chris Bennett: Well there is a total I believe of thirty-six end units, and the way that we designed it, is that we put as many A units as we could in, because it is larger than the B unit, so where you see this larger end unit, that could be either A or B, depending on what the market dictates. Where you see the B units, it can only be a B unit, it can't be any bigger than that. So if the B unit is 28 feet wide, and the A unit, I believe is 37 feet, so I think the mix, so I think the mix, if it was built exactly like this I think there would be thirty-four A units and only two B, four B units.

Chairman Camilli: I'm concerned because you mentioned the market, and I would say if it's for fifty-five and over, even though it isn't restricted, I would think that you would want the bedrooms on the first floor, if possible. Okay, so you answer the A and B, what about the Hemlock and Spruce?

Chris Bennett: Well, they are interchangeable, so on the inside units we can do either Hemlock or Spruce at any point, so if the market, if everybody that came in was let's say empty nesters and they all wanted the master down, everybody could have the master down except where we have these B units.

Chairman Camilli: Just the B units?

Chris Bennett: So you could have four, so seventy could be master down.

Chairman Camilli: So the market can dictate.

Chris Bennett: Absolutely. This is very flexible, so we can go anywhere that we really need to go with this to satisfy whatever the market dictates.

Ed Meehan: If the Commission asked you for a schedule, it would fairly, like a monte carlo type thing, you can't give us a real schedule right now.

Chris Bennett: We could give you what would be the max, as John says, what would be the maximum footprints from which we could only go down, we couldn't go up.

Ed Meehan: I think that would be useful to have so that of the seventy-four units, the Commission can tell what the probable bedroom impact might be.

Attorney Regan: A good example of the Chairman's comment might be Hunter's Run in Avon, which is a little larger project, but is similar layout. It's not age restricted by restriction, but by marketing it more or less became age restricted by the people who moved in, and it became very much of a fifty-five and over community and a lot of units were chosen with the master bedrooms because those were the people who chose to live there. This is a very similar unit, where the market could dictate that, and we have the flexibility to accommodate them.

John Mancini: Well, I think we can submit a range to you, respectfully, so you would know the high range and the low range.

Chairman Camilli: Well it just goes along with what you said about the number of children, because that could be a big impact on the schools and if you have only thirty-three, you must have a pro forma idea of what is going to happen, to have that minimal impact.

Attorney Regan: The thirty-three number comes out of our economic analysis that is in the application that Don Klepper-Smith did, and that is done, Don gets that from deriving numbers for non-age restricted, non-age targeted projects and the number of school children that they would generate, and Don's analysis in there is a very conservative one. He feels that that is pretty much the maximum that you would get, you certainly could derive a number less than the thirty-three, but given the data of similar communities throughout Connecticut that was the number that he derived at the maximum end of the spectrum.

John Mancini: Certainly that number would be affected if the trend was to go to an active adult or age restricted, so there would be less.

Attorney Regan: The number of school age children at Hunter's Run in Avon is minuscule, almost everybody in there has kids out of the school system.

Chris Bennett: I think we can give you a range.

Commissioner Anest-Klett: This could be site plan. Are these on a slab, or are they basement?

John Mancini: These are full basement.

Commissioner Anest-Klett: They are full basement?

John Mancini: Yes. And they are good size basements. Believe it or not, and maybe some people aren't surprised, this is really nice soil up here. You would think it was not. It's not rock there, there is a whole lot of sand here, so we were quite surprised when we did several test pits

that a basement is very possible. At first, we didn't think it was, you know, but there is the rock out front.

Commissioner Anest-Klett: I just have a question. How come on Chaplin and part of Harlow Drive, there is more than three or four units connected. You have like six units. Was there reason why you didn't reduce? Like, right in there, and then on Chaplin, you have six units together, and then you have others where you have four or three.

John Mancini: I think in some ways, the lay of the land, I don't want to be, I'm being respectful of the question, in this area, because the land kicks down, we were able to add more units in that area okay, but as we wiggled the road back through, and again, if you look at that one view, so that nothing is ever really lining up, that is what makes communities like this interesting. If all these buildings were at the exact same level, the exact same distance, so that we were able to kick these out, this area provided us with extra width to create that additional banding, whereas down in this area here, because of the natural buffer and this area being closer to the roads, we broke up the buildings to make this a little more interesting. You know what I'm saying. There is an advantage to buying something back here, it's a little more private, a little more off the road and there really was a need for more of those larger size units. These are all, they all have the ability to have the master bedroom on the first floor.

Commissioner Anest-Klett: But all the middle units are one car garages, correct?

John Mancini: Correct. These here are one car.

Commissioner Anest-Klett: I know most people want two car garages, that is why I was just wondering why you didn't make them a little bit bigger to make two car garages for some of the interior units?

John Mancini: I see, okay. They are one car garage, but there is a two car space, parking space.

Commissioner Anest-Klett: No, I'm talking about the garage. Not a car port, an actual garage for an interior unit.

Chris Bennett: One of the things that we did in the planning, originally we had a little more dense version up toward the Berlin Turnpike and one of the comments that we got from staff and others was that, that in the Back Lane corner back there were areas where it really needed to be broken up from an architectural stand point, so we did, I think at one point we had a six there and we took that out and put three there, just to make, because that view is so critical at that corner so we went and broke it up there, and there and then in the back where the ground and geography kind of dictated it, and we wanted to get a better landscape.

Chairman Camilli: Since you brought up the other site plan, this fence on top of the wall....

John Mancini: The board on board.

Chairman Camilli: Board on board, what's that?

Chris Bennett: Do you have a close detail of that?

John Mancini: I think we do. It's a top rail, bottom rail and then in between.

Chris Bennett: It's not a picket. Board on board means that it is completely private, so on one side the boards are spaced like this, but on the back side, there is a board there, and it's cedar, it's a very attractive fence. Staggered boards, I guess.

Chairman Camilli: Now the other question that I have, that is the perspective there, those, what kind of trees are those? Pine trees?

John Mancini: Yes, we are proposing twelve to fourteen foot pines in this area here and we are proposing some deciduous trees in that area as well. This is at the planted stage. We are trying to be realistic with sort of the worse rendition of what the, year one and planted.

Chairman Camilli: As these trees mature, that is going to block that quite a bit more, isn't it?

John Mancini: Yeah, these pines are going to get quite mature, and you are not going to see this at all.

Chris Bennett: This will all pretty much go away.

John Mancini: But, if I came in with a site plan here, after ten years, you guys would be, like, I want to see what it is like the day after you plant it. That is why the grass is a little brown. So, anyway, are you thinking that there might be too much once they mature?

Chairman Camilli: No, no, I'm just looking at it from the perspective, as you look from the north looking at that. You said that was from across the street.

John Mancini: Yes, from right....

Chris Bennett: Here's the existing, here is the corner....

John Mancini: Yeah, but we were taking the photograph, we were on the opposite diagonal corner.

Chairman Camilli: So you took the hill down quite a bit, that looks a lot flatter than....

John Mancini: Yeah, the hill here is close to the same, but then the rest of the hill comes down.

Chris Bennett: Those are all walk out basements.

John Mancini: These are walk out, yes.

Chris Bennett: It lets us bring the grade down.

John Mancini: Right here, that's a walk out, and you can see the grade, so this is the floor elevation, so that elevation is going to be the elevation of the parking lot. If you took a line of the building, detailed the building and carried that through, so we have taken the grade down in this area, yes.

Chairman Camilli: And you are closer too, to the turnpike aren't you.

John Mancini: The sign pylon, that's a good question though.

Ed Meehan: You're lower.

John Mancini: We're lower, but I'll give you an example. The pylon sign, just for reference, the pylon sign is, the sign is right here. So our buildings begin on the back side of that sign.

Chris Bennett: Isn't it right on the driveway?

John Mancini: Yes, it's right here. The driveway is right here, so our first building starts right about there.

Chairman Camilli: We were very concerned about how that was going to look, actually from the north, mainly....

John Mancini: This is the most open view, I guess is the best way to put it, and we did do the other end, let's go to that for a second. We did show the one from the south, we did do, I think this was the other one that was a question. This is from a distance, but this is the one that is closer.

Ed Meehan: That is from MacDonalds.

John Mancini: Right, and these are trees actually that are in the state right of way, we don't even own this area there, and I sure that anybody could ask them to trim them or prune them, but to us, that's an effective buffering for noise.

Chairman Camilli: The only concern that I have is the traffic on the turnpike, people who are butting up closest to the turnpike, that's relatively close, very close.

John Mancini: Yes, the pavement line when you drive in, is right here, so when you are driving into the theater, here is the line right here, so really, if you go back to the photograph, this photograph right here, to give you a visual, there's, the units closest to here, start here, and then they are never really closer than the pavement line. It's kind of natural, that's kind of the end of where it's flat and that's where the unit ends.

Ed Meehan: Those back yards are about thirty feet deep. And you are about thirty, to thirty-five feet from the property line to the state right of way, so at those end units, you are hanging on the corner, on the top of Prospect Street.

Chairman Camilli: Let me just say our experience, and not with this project per se, but the town always gets a lot of calls about the noise on the Berlin Turnpike, even if they are three thousand, not thirty five feet away, or fifty feet away. It's from the honking to the traffic to whatever, I mean it's a perennial problem, I mean, it's, we hear about that. What I'm thinking, I'm not quite sure, but I know that the Town probably will be getting those people who end up there in the front, especially, perhaps, I don't know if there are enough buffers for the sound.

Ed Meehan: I don't think you can buffer it, because you are going to be above the noise. It's not like you can put a sound barrier up.

John Mancini: And unfortunately, if we had existing vegetation to work with over there, one could argue, gee, do what you did on the rest of the site, and work behind that, but we don't have a pretty site right there, what's out there. There isn't much existing vegetation.

Chairman Camilli: That would be a major concern of mine only because after the people get in, they can start, what can you do to buffer the sound. It's the Berlin Turnpike, so we hear it from people, as I said, in the other neighborhoods, what are you going to do about the noise, so...

Chris Bennett: It's an economic concern for the seller and buyer, right.

Chairman Camilli: Oh absolutely, absolutely. I think your back units would probably go faster.

Chris Bennett: Well, actually we think those units will go first because there will be views and historically when we have had homes like this, we have West Hartford, we have a community that is right on Route 4, and there is a tremendous amount of traffic on Route 4, and there is some traffic noise there, but those are the units that went first because they overlooked the reservoir on Route 4.

John Mancini: You know, it's interesting, you're on the golf course and you look back, from two holes, and maybe I notice these things because I'm not such a good golfer, but I looked back, and I've seen the Hartford Drive In sign from at least two holes on the course. You will be surprised, there will be views, I guess a good point, you will have to look beyond what is right there, but if you look beyond that, there will be some views that are of interest from these, but it's all valid and it's something we will look at.

Chairman Camilli: It's a concern, and obviously we are not there yet, but....

John Mancini: We are certainly within the building setbacks, we are not asking for any relief or anything like that.

Chairman Camilli: Well not on that side.

John Mancini: Right.

Commissioner Ganley: Referencing that same photograph, and page two of the staff report, item two, proposed sidewalk, which shows up as a white line coming down the hill, there is no walk, don't walk indication at that intersection, there is no bus stop there. I would not encourage people to walk down that sidewalk because they are not going to get anywhere except to, and there is a right turn on red when you are traveling northbound....

John Mancini: We had talked about that.....

Commissioner Ganley: I have a problem with a sidewalk being there, since it serves no valid purpose. The other thing is, back to the noise, if I may, and if I may defer to the Chairman, he and I both live behind the hill across the street, and I live a little further down the hill on Goodale, and he lives on the side of that same hill, on the back side. I can tell you, on Saturday nights, that turnpike is extremely noisy, okay, and if I may go back a couple of years, now that the statute of limitations has run out, I used to take my 1950 Oldsmobile and I used to drag race from that traffic light so as to go southerly on the turnpike, and we did it all the time. There are cruise nights, which originated, by the way, on the Berlin Turnpike and not in California. There are cruise nights out on the turnpike, when people take their 1950 cars and everything else and go up there, it's an extremely active roadway. I stood across the street, there is a karate studio across the street, and I took my grandson there on more than one occasion, and I would stand on the step when this thing was first proposed, and during the rush hour, the noise is absolutely incredible, the noise from the cars turning up Prospect, coming out of Prospect so as to get onto Robbins, that is an extremely busy, busy intersection. The traffic flows reasonably well, as it relates to the timing on the lights, but none the less, the noise generated from that turnpike, I then took the liberty of driving up, onto the site, I have a history of doing that, and I stood underneath that pylon, top photo, okay, and I stood there during the rush hour, and the traffic is just incredible. It sounds like they are testing jet planes. That is what it sounds like, so, to me, the protection from the noise is a concern of mine also in addition to the Chairman's, and I think that somebody ought to take a

really, really good look. I see that you graded it down quite a bit, I don't know precisely why you did that, you know, if you leave the grade the same, and you get some kind of a buffer, up there, or something, because I am telling you, we're going to get the noise complaints. I don't drag race any more, but others do, and I'm telling you right now, noise is a very genuine concern. Thank you.

John Mancini: I think that maybe one thing that I want to do is sort of frame the perspective here. One thing that we didn't do because we were, the tree line, the tree line along here hasn't been highlighted in green because we didn't, because most of that tree line is on the state right of way. We were sort of high lighting open space, green space that is on our own land that we own, okay, but there is a buffer here. With the three units that are most affected by your concern are these three right here. Once you get to this unit, the natural buffers occur, so I think what we need to do is understand those three units, understand what is happening in terms of the spacial separation, because I think, it's fairly evident that they are right there.

Chris Bennett: They are right there, and that is something that we can do before we come back in two weeks.

Chairman Camilli: Okay, any more questions from the Commissioners? Ed?

Ed Meehan: This is a critical corner, and I don't think that the majority of this existing buffer is in the state right of way because the state right of way, if you look at your contour map is the very steep slope, basically a lot of it is facia rock, and the substantial trees are not growing in the facia rock, they are growing at the top of the ridge there, and that is where you are going to put your detention basin. We've been talking about this through staff reviews, how much of that existing natural tree line, at the southwest corner of the site, as well as along the Berlin Turnpike, you can save, and if you look at your grading plan, some of this will come up under site plan, you are grading right to the property line. So all those trees that are there, are going to come out, and I believe that the trees that we are seeing in the photos are really on the neighboring property to the south. The corner there is about seven thousand square feet, right about there, and so, I don't know, this is a nice composite photo, but I'm not sure this is accurately representing the tree line and I just bring this up because of the Commission's concern about visibility and noise. I would, I mentioned in one of my staff comments, I think, if this goes forward, the Commission should reserve the right to go back, and see what could be replanted after everything is taken out. You could lose a lot of vegetation along the Berlin Turnpike.

Martin Mallon: John, should we stake it in the field?

John Mancini: Well, yeah, I'm thinking that, although the 12th is upon us, but if we could stake this in the field, and if this Commission could sort of authorize or allow staff to really hone in on that and see it in the field, we'd be happy to do that.

Ed Meehan: I think that is important to do.

Attorney Regan: We have done a tree survey, correct?

John Mancini: We have, but this is very difficult to survey over here, although some of the trees are in the right of way, some aren't, and there is substantial overburden here, but as you come down, here's where the rock face begins. You can just start seeing it in the picture here, beyond this pole. The best thing to do is what Martin just said, we should stake out our limit of grading because clearly the limit of grading will be the limit....

Attorney Regan: You want to stake out the level of grading and the corners of the nearest buildings?

John Mancini: Sure. The buildings are somewhat inward though, that I'm not sure that that is as important, I think, but we could do both.

Ed Meehan: Well, that's a critical corner and as I said in one of our staff meetings, that could be your Achilles Heel as far as noise, visibility, the slope on that corner, is at least a two to one slope, you have a retaining wall in there that has a ten foot exposure, so all those things begin to double up on that corner. I think we maybe need some field identification.

John Mancini: Okay, I think what we could do is we could stake out the limits of grading along this whole ledge, here, we'll stake out the limits of these units, including the ones up here, and we can even stake out where the end of this road is. We'll try to do that right away, so that we can invite you up to see all the stakes, and maybe it's not possible for the whole Commission but then you could see it and sort of report back to everybody.

Ed Meehan: I think that's important to have for the record.

Chairman Camilli: Anything else?

Ed Meehan: I know that we talked about schedule of units and I know that there were discussions about any enhancements or embellishments that you are going to provide to these units, as far as decks and privacy walls. I guess I saw decks on your plans, is that what I'm seeing.

Chris Bennett: Right now they will all have decks, similar to what we have in North Haven. I don't know that we want to go forward with the privacy fence, that may be more of a maintenance problem than anything, and we may let the association do that after they have taken control. I don't think we have the same situation there, our decks are off set from each other.

Ed Meehan: Those buildings down there were more linear, and these have more recesses in them.

Chris Bennett: We made a point of trying to make sure that they were all jogged, whereas in North Haven we had decks that were next to each other, and here they actually recess into the building, so I don't know that we have a use for a privacy fence here like we did down here.

Ed Meehan: Do you have any patios here, or are they all above.

Chris Bennett: I believe that everything is up, even on the standard, we have a recess of twenty-four inches from front to back, does that sound about right?

Ed Meehan: The last comment that I would make under the Special Exception is the standard for recreational space, and that is at the Commission's discretion where you can provide up to twenty percent for active recreation. I think that needs to be discussed, but I would certainly discourage it on the Back Lane side. In that back corner. I don't think it's fair to the neighbors in Newington or in Wethersfield, or the residents who might buy here, to have it so remotely placed away from the units. A place to look, if it is considered important by the Commission is around the gazebo area.

John Mancini: Right, we can change the way that this lays out, where the gazebo can come in tighter, and we can create more of an open recreational area in there.

Ed Meehan: And the last thing I would say, and I know that this is probably going to frost the developer, but it goes back to what Commissioner Klett said, the long, long buildings. The bottom line to reduce some of this concern about long buildings and the tightness to the Berlin Turnpike is to reduce density. If you take a couple of units out, the buildings on the back, those six units buildings are probably over two hundred feet long. I know that there has been quite a bit of attempt to jog them. Just like you did on the Berlin Turnpike where you split those buildings up, I think that had a positive result, but I know that the economics of it come into play, but that is one thing that we have addressed a couple of questions to.

Chairman Camilli: Well, when you reconfigure, the recreation and open space is something you can refigure. Are you all set?

Ed Meehan: Yes, thank you.

Chairman Camilli: Any other questions from the Commission. What we will do is hear from the public and we'll give you a chance to respond. This is a public hearing, and we can hear from the public on this. Unfortunately, we separate the Special Exception from a lot of the site plan issues which you may be more interested in than just the Special Exception, but if you just state your questions, I'm sure the people will write them down, and rather than having a give and take, they will take your questions and they will have a chance to answer them. Then you have a chance to respond back, so that is the way that it is going to work. Anyone from the public wishing to speak in favor of this application? Anyone wishing to speak against? Anyone have any questions on this site plan that would like to come up to the, or has it been informational enough for you so that you don't have any questions at this point.

Audience: I just want to know how they are going to market them?

Chairman Camilli: No, no, no, you can come up and speak if you wish, you have to give your name and address for the record, and they will take your question, and they will answer it in due course.

June Moran Blackburn: My mother lives on Back Lane, and will be impacted, lived on Back Lane, I'm sorry, but that house will be impacted. I do want to know how you are going to advertise them and market them. You said something about putting more effort into over fifty-five. Are you actually going to do that, or is that just going to be an open advertisement for these condos?

Chairman Camilli: Okay. Thank you. Anyone else have any questions, yes sir, come on up. This is just for the record, so our secretary has your name and we know who is speaking, otherwise, we don't know who you are.

Frank Myers, 71 Settler's Knoll: I moved in about a year ago. The previous owner stated that when they were blasting near Wendy's they had a lot of cracks in the walls because it runs along the ridge there, and I was just wondering if this is an issue, has it been looked into at all?

Chairman Camilli: Are you asking whether or not there is going to be any blasting on the site?

Frank Myers: Yes.

Chairman Camilli: Okay, they can answer that. Any other questions?

Frank Myers: No, that's it.

Chairman Camilli: Anyone else have anything?

Clifford Stamm, 105 Harold Drive: I also own the property adjacent to the theater, next to Wendy's. I lived here for a long time, almost all my life, something like seventy, maybe eighty years. At that corner, are they going to control that water that comes down around the corner. That's one bad corner. Then, I am worried about the access, if you are coming onto Back Lane. When you come onto Back Lane, with your plan, is there enough width in there for a double lane of cars going out. Now that light that is there, changes kind of quick, and it's a long light. So that means if you are going to have more traffic coming out of your development and coming out onto Back Lane, I know that they are not going to chance it to come out where you have it onto Prospect, that's like death warmed over coming out there. You are right on the top of the hill. You have cars coming up the hill from one side, cars coming from the other side, and I don't see in the plan where they have done anything to take care of this. Three or four people come around from the Berlin Turnpike, and they take a right turn, and they want to get into that, they don't get into it, bang, bang, bang, and I know that's a bad area. I've stood out in front of that and done traffic for the theater, I know what it is. Then I worry about, like I said, all the water drainage, and I think you're being misled by saying that there is not rock there. Up by your gazebo, where you've got it, that rock is right to the top of the ground, higher than all the other out there. Also, they have been talking, the backside is gravel that has been hauled in there from down by Roy Rogers. It was hauled in there, I know, I hauled it in there, a good many years ago, and so that does drop off, so there is a lot more rock than you people have anticipated up there, so it worries me. Then, when you were talking about noise, I have noise up there on Harold Drive, off of Back Lane, in fact, I'm opposite the Burger King, on the top of the hill, I'm at the lower end of Harold Drive and sometimes, in my house, I can hear a vibration from the boom boxes that they have down on the turnpike. It will vibrate the dishes that are in the cupboard. So you have to take this into consideration, about things like that. There are a good many more questions that I would have on this, but I just want to make sure that the backup is good enough on Back Lane. You have the property, I think you could get from the state, and you could put two distinctive lanes coming out of there to take care of that traffic. And as far as that recreation that they have on the open space there, that, along Back Lane, there's an awful hill there and I think it's maybe thirty feet high, and they are going to stick recreation on there, and they've got to take and get some kind of control so that anybody who is in that recreation won't come down onto Back Lane. I was hoping that in doing this project that they would clean up that intersection coming out of Back Lane onto Prospect Street. I see the state was up there today and they took the buildings down and did a little bit of correction, but I think that coming out of, with the amount of traffic that we've got, you are going to have to widen Prospect Street, in that area to take care of the deceleration and acceleration of cars. I don't think they have put enough into that.

Chairman Camilli: Thank you very much. Is there anyone else that wishes to speak? Okay, we will keep PETITION 53-05 open at this point, and for the people who are here, they will be coming back with the site plan, so you will get more information as to the particulars of the site plan, although we kind of melded some in now, which is okay, you don't have to do it afterwards.

C. PETITION 56-05 1044 Main Street, Flowers, Etc., building Peter Vournazos owner, John MacNeil, Aldin Associates, applicant request for Special Exception Restaurant Use Section 3.12.1 (A) contact John MacNeil, 77 Sterling Road, East Hartford, CT 06108, B-TC Zone District.

John MacNeil: Good evening, I'm construction manager for a company called Aldin Associates, our address is 77 Sterling Road in East Hartford. This is a food business that we have two similar locations to this, we do other things beside this, we are a Mobil Distributor, don't hold it against me, I'm here alone, I don't have a posse, it's just me. This is just about chicken wings. This building over here we don't own, we hope to lease from Peter Vournazos. I have some, we have two of these other businesses, I'll show you some photos of the existing store front in West
Newington TPZ Commission
September 28, 2005

Hartford, and just, the only handouts I have beside that just so you can have them, and pass them around is just a menu that kind of shows you the products that we offer in our facilities. I don't have any huge blow up pictures, but you can pass this around, so that you can be familiar with where the facility is. You probably all know where it is, but the exact address, well he owns all three addresses from 1042 to 1046 Main Street. The subject, the Wings facility, I guess you guys just went through some type of a face lift and improvement to the, there are going to be additional improvements, I think an awning on this facility. We are right where the bridal shop is in the center is where we hope to put the Wings business, and again, the store front will not change, it will look exactly like it does now, with the exception of your improvements that are already there with your streetscape project. This is just a few different angles of the front, and I wanted to give a walk around so that you could visualize, I'm calling it the alleyway, this is as you face to the right, between the next building, leading around to the back, and again, a shot looking up this way from the rear, public parking area, walking around back and seeing the back corner of the building, and then exiting out to, I think it's East Main....

Ed Meehan: East Cedar.

John MacNeil: I'm sorry, East Cedar. So that is basically a three sixty of the building. It won't change, the looks of it won't change with the exception of the word on the top of it, and you can see our logo, it's just Wings, that is all it says, is Wings. Just to give you an idea about the business, the business that we have owned and operated for about a year now, eighty per cent of the business is delivery, twenty percent is pickup. So most of it is, we bring it to people's houses, so it doesn't generate a lot of traffic, there is a very small amount that actually come in. Again, we have had two businesses, one in Storrs, next to the college, and there is one in West Hartford. I don't know what the address is in West Hartford, but they are both about eighty percent delivery, twenty percent pickup. Okay, West Hartford, 1026 Boulevard. So that's the existing location, so if there are any questions about where that is, or what it is going to look like, it's not really going to change much at all, except for the additional word, Wings.

I was asked to show you what you actually would see as far as the improvements or the changes outside so we could get the proper cooling and refrigeration to the floor plan, which I will put up here as well. This is the front elevation, this is an old site plan, or an A-2 that I blew up so that you can see a little clearer. This is the front of the building, this is what I am calling that alleyway, and these, these in green are the units. Right now, this is, the X is, these three units are existing, I'm proposing three more units along this back wall, and to pretty much show you, I took some pictures of the existing units. This back door, is the Chamber of Commerce building, by the way, the last one to the left, or the right if you are looking from the front. They have those two units, those will stay because they serve the Chamber. Along side, these will stay, nothing changes, there is another unit way in the back of this building, which is shown in this picture. We basically are going to add two small units, similar in size to this one. They all look the same, but they are just newer, to run the two walk-ins, the cooler, and the freezer, and one more of these units here, for cooling in the store. So all the additional units are added and they are inside the property line, so they are not on town property, they are actually on the strip that is owned by that, so that is showing you where the refrigeration will be put, and really it is on the back alleyway side. That was important for you to see what is going to happen there, so that is the mechanics to run the refrigeration.

We have two floor plans, I gave one to Mr. Meehan that you all have in front of you. We also have several convenience stores, they are called Chucky's Country Stores, and there is a facility, and we have done this in several, we like to see a lot of glass in our buildings because it is just more inviting, and people feel more comfortable, rather than box in and stuff, you have that here, you have a good store front. What I, the layout that you have in front of you, you see that when you walk in there is a unisex restroom up against the store front. You would think, what is that going to look like from the outside, and what I would do is put opaque film on it, it would be glass, you couldn't see through it, it would still be like a smoked glass, so you wouldn't know it would be

a wall into no where, and then you would look into this place, look into the entrance in this direction. If that was a problem, I can do anything. I'm not locked into that floor plan, so I came up with, if you were uncomfortable with that, reason that I mentioned the Chucky's, we have one in Saybrook that we did that because we have like a cigarette wall, and I did that because it was a big glass front and I did opaque, basically a black out film.

What I did here, was that I pushed the bathroom back, and I relocated the deuce, the double seating and pretty much pushed the wall back and put like plants and something in between the window and this wall here, and if you prefer that, I can do that, so I can change the floor plan if you like and if it is too close I can push it back five feet, whatever, if you have an issue with it being too close to that front wall, that's not a problem. That class is pretty heavily tinted, so it is hard to see in any case, but I would let the Commission dictate to me where they would like me to put that, I'm not locked in to that.

Just to briefly go over the operation, very briefly, the customer enters here, this is a cooler where they can grab their beverages, they don't go past this area right here. This area back here is our two walk in units, our exits and there is basically a dish washer and our frying stations and basically shelving and mop sink and a little office in the back. So that is pretty much just the heart of the operation. This template is just showing clearance for wheelchair, but this is where the delivery and the orders are all taken over the phone, so actually there is a wall here, you don't order there, it's just a wall that comes up, I'll show you some pictures, you walk up here if you are going to get something to go, or you called in something that you are going to pick up, you get it at this counter, and either you wait, if you are ordering it, or you can sit and eat it. It's not a big sit down place. It's, if somebody wants to stop by and have some wings they can, there is a place to sit down, but we don't have a lot. So, those are the two versions of that, and to show you what the image of Wings looks like, that is what the logo looks like, it's yellow, but I guess it's not going to be yellow here, you have a special color.

Ed Meehan: It will be gold.

John MacNeil: It will be clear, I guess. This is basically the storefront in West Hartford, next to a UPS, and inside, this is the look, you know, it's not something that we developed, but that is pretty much it, you walk in there, and you, this is the counter where you order, and behind here is, that little place where you take the orders, and this is what the sit down area looks like, just a few small tables, and a few pictures of airplanes and I guess that is how it ties into the Wings name, but I don't know how it got there, but that is what they have there. What else can I tell you, the outdoor seating, yeah, we would like to have it, if you have something that, I spent some time trying to find appropriate furniture to match the existing streetscape, or the furniture that you have there now, and I've got something that I'm not sure if it would work or not, it's just a photograph, we're looking at like three tables with two chairs at each, I guess if this is the time that is appropriate to ask for it, I would like to ask for it, but if it is not, I can come back later. Again, the specific materials of it, the colors, I can be held to any standard that you would like, if this is objectionable, it can be approved by you, at the last second, or if you want to give that approval or pass to Mr. Meehan, I would gladly work with him, I don't think, it almost looks like I could make it match if I had to paint it, whatever I had to do, I would make it match, but pass this around, this is nothing that I, I was looking for something a little higher end commercial that would stand out, that wouldn't be plastic, I was looking for something like a wrought iron, or something I could paint to match the existing, so I'm not looking to get something that is inexpensive, I'm just looking to have something to at least show you.

I'll be happy to answer any questions that I can. That is our menu, it's fairly limited, I also have the manager, the supervisor from Wings here with me tonight, if there is any questions about our operation, or our intentions, I will be glad to answer them.

Chairman Camilli: You do have the hours of operation on here. Is that going to be the same in Newington?

Robert Savin: Well, in West Hartford we are only open until midnight, which is dictated by the town, and up at Uconn until three in the morning, but that is at a college.

Ed Meehan: What are you proposing here?

John MacNeil: Usually the market tells us when we should close, unless you guys do, because we are not going to stay open if there is no business, but we also can't stay open if you limit our hours.

Chairman Camilli: Do we have any limit on hours in our regs?

Ed Meehan: Under a Special Exception, you can decide what you think is reasonable.

Chairman Camilli: And as far as the number of tables inside, do we, we have to control that too, in terms of the parking.

Ed Meehan: This particular area, I scaled it off, it's about 250 square feet of public seating area, which would require based on the parking count, five spaces. So it's almost equal as if this was a retail use. This property, when it was owned by Thrifty Drug, Mr. Martin who owned it, donated land to the municipal parking lot, so their parking count is, basically they have public parking because they donated land for public parking.

Chairman Camilli: Okay, so parking is not really an issue here.

Ed Meehan: Not really an issue here.

Chairman Camilli: Okay, so how many tables can they put in?

Ed Meehan: They have sixteen seats.

Chairman Camilli: Sixteen seats?

Ed Meehan: Yes.

John MacNeil: I would say that is the maximum, our business really isn't sit-down.

Chairman Camilli: What did we allow outside there?

Ed Meehan: Quiznos was two tables outside, I think.

Chairman Camilli: I don't know if you talked to the tenant.....

Ed Meehan: Owner.

Chairman Camilli: Well somebody wanted to have a shared outside seating, if you remember and we told the other applicant, that they should talk to one another.

John MacNeil: I'd be glad to work, this is something that is available to us, I said three, if it's two, it's two, if it's one, it's whatever. It's nice for the business is what I'm saying, but if you said no, none, well that would be fine.

Chairman Camilli: No, we are encouraging it, so it's just, I think what happened is that the other owner came and said you know, I'm already out there, and so forth....

John MacNeil: I'm sure we would be charged with clearing them, so if somebody else wanted to start sitting their customers, we would probably have to ask them to help clean up a little bit of the trash.

Chairman Camilli: Would we do anything there, Ed, I mean, depending on the size of the tables, they don't look that big.

Ed Meehan: Well, there is a fairly large public seating area available where the alleyway used to be and was closed off, so you could easily put two or three tables in there, if you did café tables, again, the important thing I think is to match the quality and color of the existing benches, and to be very mindful of the trash receptacles. It's an on-going problem at Carvel's right now, and the owners of Carvel's do their best to keep up with it, but between the smoke shop, and people don't seem to hit the trash cans. We have talked about this before. So there would have to be some definite commitment on the restaurant manager to go out and police that area a couple of times a day.

John MacNeil: We certainly have the strong arm to do that, and again, we're not just like a one shop, we have quite a few places, we are in many towns, and we are, I'm not sure how much you know of our facilities, but we pride ourselves on our facilities.

Chairman Camilli: Any questions from the Commissioners?

Commissioner Prestage: I have a comment, a concern and a question. The comment and concern are really more for the record, my comment is, you have stated that there is an eighty/twenty ratio, eighty percent delivery, twenty percent pickup.

John MacNeil: Yes.

Commissioner Prestage: I disagree with that, and again, this is just more for the record. I don't think Newington will draw eighty percent delivery, I think there would be more of a pickup use in the town center versus, I'd say more like a sixty/forty. That ties into my concern, which is parking. It's tough to park there during the day. I go to Flowers, etc., Carvel's with the kids, parking is a concern there, it's tough to find a place during your peak hours. Lastly, my question, your deliveries, are they going to be done from the rear of the store? The back parking lot?

John MacNeil: I would think that would make the most sense, there is no reason to have them out in front.

Commissioner Prestage: Okay.

John MacNeil: The delivery people can go out the back because there would just be a conflict, and it would be bad. Should I address your first comment?

Commissioner Prestage: If you would like to, again, my comment was for the record.

John MacNeil: Okay, just so you know, the eighty/twenty comes from our experience in the two facilities that I mentioned, and the seating ratio is not intended for a sit-down, but again, every market is different, so I can only tell you about the two that we own.

Commissioner Prestage: Storrs is a college market, this is too far from Central to be....

John MacNeil: Right, the West Hartford one though, is an interesting....

Commissioner Prestage: Where is that?

Chairman Camilli: Prospect Ave, the Boulevard.

John MacNeil: So the ratio holds there, so I have no idea, I'm not the numbers guy, that's from the two stores, the only two we own, so this could be sixty/fifty, I don't know, we'll take the business any way that we can get it, but I just want you to know that from our experience, and we have owned these facilities for a year, that's the way it's been.

Commissioner Prestage: Okay.

Chairman Camilli: Any other comments?

Ed Meehan: A couple of comments. Relative to the location of the restroom, I would strongly recommend that the applicant place seating up at the windows. We are trying to create a pedestrian street, in the town center. We have spent a lot of money on new doors and windows, and streetscape, and to block it with an opaque piece of glass to me doesn't make any sense. I think you should have people in your store front windows. I know that you offered Plan B which was maybe a showing with some plants, but I think that there should be people there. Secondly, we haven't talked about trash pickup. We do have a municipal pick-up in the back, but we need to know the generation of how you are going to work with that, do we have the capacity, and also, what you do with your grease. How do you dispose of your left over grease? You have a grease trap?

Robert Savin: We use grease traps....

John MacNeil: No, no, we're talking about the fryolaters, do we change it or does it actually get consumed, when you filter it and re-use it. At the point where you change it, what do you do with the.....

Robert Savin: We have a service that comes and picks it up, and disposes of it.

Ed Meehan: We have a restaurant up the street, in fact it's Cuginos and they have a dumpster maybe a two and a half, or maybe a five yard, and they actually pour the grease into it. They have a service that comes and picks it up and takes it off site. Are you going to need something like that?

Robert Savin: Yes.

Ed Meehan: Where is it going to go?

John MacNeil: I can't tell the quantity that is generated, off the top of my head. How often, how often are they changed?

Robert Savin: About once a month.

Ed Meehan: Once a month. So, every night, or every week, you take the stuff

Robert Savin: No, no, it stays in the store.

Ed Meehan: In the store?

John MacNeil: In the store.

Ed Meehan: So in West Hartford, or at Storrs, do you have one of these, outside the store, or in the parking lot, where ever it is, do you have one of these things where you dump the grease.

Robert Savin: No, it remains in the store until it gets taken away.

John MacNeil: Oh, I know what you are taking about, those greasy, nasty looking things outside. Looks like a regular dumpster but it has this grease poured over it. No, we don't, no that's not us.

Ed Meehan: What is your waste generation going to be?

Robert Savin: I would say they come now, to pick up in Hartford three times a week.

John MacNeil: But we are public, right?

Robert Savin: Right, and there is a Subway there, I think that is the only thing, except CVS, UPS.

Ed Meehan: If this is approved this needs to be discussed with the Health Department. We have, in the municipal parking lot, we have two areas where there are shared dumpsters. I think I mentioned this to you.

John MacNeil: Yes you did.

Ed Meehan: So, the tenants get a key, they partake of it, and should be responsible for keeping it clean, so you know, restaurant use shouldn't overtax that. That's what we need to find out, what your waste, is there a lot of cardboard going in there, or cans or anything like that, which would be extra ordinary waste.

Robert Savin: I think it would be mostly cardboard.

John MacNeil: Can I address that? I'm not really sure of the available capacity of the pickups, and I'm sure, I think we discussed it before, if more frequent dumpster pickups were needed, obviously that would be a cost that we would have to work out, I'm not familiar with how that is shared, but we certainly would want to pay our share. But if we should happen to generate more than it can take, we can actually take our garbage to another one of our facilities, if it became a limiting factor to the business, because obviously we do have a lot of room in the back, if we had to take it daily, nightly away, extra cardboard, if that was not available, again, if you give us a conditional approval, stipulating that, as well as the, any other issues that you can come up with, like the bathroom or whatever, I know that the plan doesn't show it, but I would accept any conditional approval of the seating in the front, whatever you have to do. I mean, this is not a deal breaker, moving the bathroom, or the trash, taking it away maybe.

Ed Meehan: Last question, how are you doing getting your electrical service?

John MacNeil: I actually got a hold of, his name is George Rabecki, I believe, he's the supervisor of the area, the gentleman that was working on it, he is in training, anyway, he has all the loads and he's got the information, and I found a duct that goes, that you think may be a terminator, or not, and he's looking at that right now. He thinks that he might be able to do something for me, and he's going to get back to me tomorrow and let me know. So the upgrade of the service is still up in the air, but he feels confident that they will be able to take care of me, but until he says yes, I don't have any guarantee that I'm going to have an upgrade.

Ed Meehan: So that is the duct to the street vault out front?

John MacNeil: Yes, it's an empty riser right now, there are no conductors in it, but there is a man hole right in front of this facility, and I'm looking and at one point if we tied into that duct, that could be tied in to that manhole, so there must be some kind of a system underneath, under the street there, and they needed to send a crew out there so they could rot it and verify the, where it went, so that is something that they are working on, and I'm pressuring them to do that, because obviously we couldn't do this if we don't get it.

Chairman Camilli: So that could be a deal breaker.

John MacNeil: Yes, and the gentleman who is leasing this knows, because the service in there is inadequate, for this whole building, it's only 300 amp, three phase, and it's split into three separate meter sockets, one hundred amp per unit. Three phases is obviously more generous than single phase, however, and the Chamber doesn't need anything, but, we could probably get away with three twenty continuous, but right now, four hundred amp is what we are looking for, we could do the whole building with four hundred amp, three phases. They probably can do it, I gave them all the load breakdowns, and he is working on it now, so he feels that he will somehow be able to help me out. That's again, I'm waiting.

Chairman Camilli: Okay, we'll see, we'll see how that goes. Any other questions? Anyone from the public wishing to speak in favor? Against?

Leon Davidoff: Good evening Mr. Chairman, my name is Leon Davidoff, I'm co-owner of the Paper Station, which is located at 29 East Cedar Street. Our entrance is in the municipal parking lot, and we, from our front door, can see the back of this building. I have several concerns, having been a thirteen year resident of 29 East Cedar Street, and I have a daily experience with respect to a lot of these issues, and I have first hand knowledge of them and experience. First I would like to start with whether or not cars will be parked in that alley. When the bridal salon was a tenant, they used to park a car there and it made it very difficult for one to traverse from the municipal parking lot to the sidewalk on Main Street, and I would hope that there would be a condition that there would be no parking in that alley.

I heard no discussion as to whether there was going to be any type of back entrance to this property. When Manhattan Bagel went in, in the early '90's, they were required to put a back entrance in, similar to what we see over at Goldburgs and I thought that the intent was that when the town, the landlords donated the land to create the municipal parking lot, they were going to try to turn things inside out, so people could come in from Main Street and also could come in from the municipal parking lot. I saw no discussion this evening, for the record of anything of that sort. Employee parking, where would the employees park? The two strips that are in front of my establishment, are one hour parking and I would sure hope that the people here would be parking on the other side of the island, adjacent to the dumpster area, so that they would park there, and not be parking along the driveway when you come in off of Cedar Street. Sometimes it's very difficult to get an eighteen wheeler in there, and people, sometimes from the flower shop, have parked there short term, I would not want to see a delivery truck for a food establishment parked there, it's very difficult to make that radius, especially in the wintertime when snow shelves are a problem.

With respect to hours of operation, I'm certain that this Commission will do those things that are necessary, but I don't think that they ought to make it a teen aged hangout. Recently I have noticed a rise in graffiti on that building on the side there, in that alley and I think that it is dark at this particular time of year, and it encourages things that aren't positive for what we are trying to create in the center.

With respect to the dumpster and I think this is going to be my major contention, I have regular conversations with Bob Cosgrove, the Director of Health. I spoke with him today, people seem to think that that is the public dumping grounds. If one was to drive in there this evening, one would

find tons of vegetation, one would find a couch out there, a metal filing cabinet, and things of that nature, and Bob is going to send a note to Wendy Rubin and try to get a schedule, so that gets cleaned up. But I asked Bob today, I said, am I the only person to complain, and he said no, you and your sister are the only two that complain. My customer's come from as far away as Danbury, CT, and my average transaction can be over a thousand dollars for an order of invitations, and people are coming here and they want to shop in a place that looks presentable, and when we take them in off of East Cedar Street, behind the bike store entrance over there, and if they miss the quick left and loop over by the dumpster, that's what they see, they see this ugly eyesore, and I thank the town for putting the wood fence all the way around it so I don't have to look at it on a daily basis, unfortunately I do have to go out there and dump cardboard, and a bag of trash everyday, and I notice what is out there, and it's not pleasant, and I don't like it. When Manhattan Bagel was a tenant, the place where the smoke shop is, I would notice a lot of bagels being dumped in that dumpster that weren't sold that day, and some times the person who worked there made the dumpster and some times they didn't, and when they didn't make the dumpster what I found was a lot of pests, and things crawling on the ground. I don't want to find that when I go to take my clean trash out, and I'd like it to be, if there are going to be food products put in there, currently the dumpster is not sanitized, and I would like to know who is going to bear the cost for the sanitation of that dumpster. Trash smells. One needs to just walk from my business to Webster Bank and you walk right by the Cugino's dumpsters and those are not enclosed, and they reek. They absolutely reek! I put a complaint in today to Mr. Cosgrove and it's an unpleasant smell and I don't want to have that over there, I just don't think it is something positive and I think that, I'm all in favor of business coming to town, but what I think they need to do is to step up to the plate and make some affirmative statements of responsibility, things that this Commission is going to require them to do. I think that I have sort of outlined those things that are important to me with respect to this operation. That frying thing, I spoke to Mr. Cosgrove today, and he said most establishments have a separate unit that gets emptied, so I don't know how they are planning on locating this, if there is going to be a spill that they would clean that up, that would be a major concern, I would like to see some way that they are going to deal with this trash in a very logical manner. This thing about them taking away this grease on their own, or if there is an excess of trash, that doesn't happen, okay. Contrary to everyone's good intentions, when that dumpster gets full, cartons just seem to pile up outside and trash bags, I saw three of them this morning, just piled out in front of that dumpster, and it just sits there all day and starts to smell. These are legitimate concerns. I would invite members of this Commission, before you vote on this application to tour that dumpster area to see exactly what I am talking about. On any given day you will find all these things, if you went after this meeting, you would see exactly what I'm talking about. Thank you, Mr. Chairman.

Chairman Camilli: Thank you. Is there anyone else who wishes to speak against this application?
You have a chance to rebut if you wish.

John MacNeil: On the alleyway, we don't plan on parking there. As far as the employees parking, this isn't the only business that we have, we want people to come to our business because it looks good, they are invited, they feel safe. As far as the entrance in the rear, especially with the conflict of the dumpster that is in the rear of this property right now, I'm not going to encourage people to enter a building that is, first of all, the property doesn't lend itself to a second entrance in the rear, it wouldn't work. It couldn't be done, at least not at this facility, not with us. Again, the ratio of the business doesn't lend itself to that kind of foot traffic, but I'm not going to dispute that the numbers could be skewed based on demographics. The issue about the hours, again, we will yield to whatever you think is appropriate. Loitering, again, just to repeat myself, we have over forty locations, many of them twenty-four hours, they are convenience stores, they are also gasoline stations and we have ways of handling it, it's a problem but we are

on top of it, we have our own security department. We have been doing this for a long time. We've done chicken before also, and we still do it in some of our locations. The dumpster seems to become an issue and before I discuss the trash I just want to inform about the grease, bring you up to speed about the grease. If I tell you that there is not going to be a grease dumpster there, there's not going to be one. I'm on record saying that, so whether or not the gentleman who was just up here hasn't seen one, is unfortunate, but that is the case here, that is not what we do. So if I tell you we're going to do it, you can hold me to it. It can be a conditional approval like I said, and as far as the couches and the vegetation of the existing dumpster facility, unfortunately whoever is in charge of that dumpster right now, I don't have the control of that. I certainly would want it to be cleaned up before I came in. I'm not going in there to clean the dumpster up for somebody else. I wouldn't want to be held to a standard to clean up somebody else's trash as a qualification to come in, but in order to participate I would hope that I would pay my fair share, and again, when you decide to vote on this, you can look us up, and find out about our facilities, call any town, and ask them if we are responsible citizens, and I think you will be overwhelmingly surprised that not all applicants are sloppy. If there is anything else that I can answer for you, I'd be glad to.

Chairman Camilli: Thank you. Would you like to respond? Okay. Any other comments from the Commissioners. Okay, we are going to keep this petition open as well, 56-05.

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

None.

IV. MINUTES

September 14, 2005

Commissioner Fox moved to accept the minutes of the September 14, 2005 Regular Meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

- A. PETITION 47-05 40 Commerce Court, Carducci Enterprises, LLC, owner Lauth Property Group, c/o Lauth Construction LLC, Richard Radabaugh, 401 Pennsylvania Parkway, Indianapolis, IN 46280 request for site plan approval 16,000 sq. ft. building, insurance claim center (auto) I Zone District. Inland Wetlands Report required. Continued from September 14, 2005.**

Chairman Camilli: They are still before the Conservation Commission, I don't think that there is anybody here on that petition.

- B. PETITION 54-05 2340 Berlin Turnpike, known as Hartford Drive In property, Toll Brothers, Inc., applicants, Honey Loew and Keith L. Hughes, as Trustees of the Elias M. Loew Connecticut Realty Trust, represented by Attorney Thomas J. Regan, Brown, Rudnick, Berlock, Israels, LLP, 85 Asylum Street 38th Floor, Hartford, CT 06103-3402 request for Site Plan approval Section 5.3 R-12 Zone District.**

Attorney Regan: Thank you Mr. Chairman. Based on our earlier discussion and based on our need to go back to the drawing board on several issues, I think at this point, I don't think having a discussion on the site plan would be all that effective. I think some of the issues laid out in the staff report may go away based on the comments that were made during the public hearing and some redesign issues that we are going to look at. So I think at this point, it would probably be more productive for us to go back and do our homework and come back with the changes we are going to propose, and then we will go back and talk about the site plan, unless anybody has a desire...

Chairman Camilli: I would suggest though, that you work with the Planner on what you are doing.

Attorney Regan: Oh, we will.

VII OLD BUSINESS

- A. PETITION 41-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street, owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for zone map amendment R-12 (Residential) to B-TC Business Town Center) for property known as 944 Main Street, approximately 14, 985 sq. ft. parcel. Continued from August 24, 2005.**

Commissioner Schatz moved that PETITION 41-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street, owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for zone map amendment R-12 (Residential) to B-TC Business Town Center) for property known as 944 Main Street, approximately 14,985 sq. ft. parcel be postponed to October 11, 2005.

The motion was seconded by Commissioner Kornichuk.

Chairman Camilli: The reason why we are postponing is that I felt at the last meeting, I didn't think we had enough of discussion as to what we should do, get the feeling of the Commissioners, is there is something that we want to discuss. I put some comments on the record the last meeting, I think from all of what we have heard, from the neighbors and also, I know that I spoke, we are concerned about the, that restrictive covenant, in terms of how much restriction that really gives to the applicant and how it protects the Town. I think that is where it all kind of hinges. I think the neighborhood was sort of for it, but they wanted assurances that it would be restricted to just the office use, and I concurred with that, myself, but I didn't really hear from other people, and I just wanted to hear from other people and that is why I asked that we just postpone it for now, so that we could have this discussion, so we really want to listen to other Commission members besides me. I don't know if you have anything to say.

Commissioner Anest-Klett: Well, I'll start this discussion off. I concur with you, I'm concerned about the language in the restrictive covenant, "not limited to." That basically leaves it open that, five years from now, twenty years from now, if he feels that professional office space is not profitable, or is not suited for that area, and parking needed to be used for that adjacent building,

that building can be knocked down. That is the worse case scenario, and that is what I'm concerned about. I'm looking at it, as how will it benefit Newington. Why is a zone change needed? I'm concerned that if we do this one too, and then he purchases property across the street, now we want to put professional office space across the street. Now, we are just starting to encroach as well, and I don't think that that use is needed for that particular piece of property. I'm also concerned about the parking agreement, because that parking agreement is only between those two current two property owners. So if an offer is made for the East Cedar Street property, and he decides to sell it, then that property agreement extinguishes and now we have non-conforming on the Main Street property. Can't do that. If he was going to do that, he could do a perpetual easement, if the owners decided that they wanted that terminated by agreement, there could be a termination of easement recorded in the land record, and it wouldn't be an easement any more. I just, I'm very uncomfortable with the whole proposal, and what could happen in the future, and what could happen if either of those two properties get sold, with the parking situation.

Chairman Camilli: Okay. You had your hand up.

Commissioner Prestage: Yes, thanks. My concern goes back to my initial concern, several meetings ago with hypothetically if the application to B-TC zoning is denied, my concern is that the, with it remaining under R-12 status, the property at 944 Main Street will become, it will be a rental property, remain a rental property, and I guess this ties into a question that I have. Can the town have any control over tenants usage of the exterior property, if it were to remain a R-12 zone, and there were tenants. My concern is clotheslines, toys, other items, and again, all adjacent to a town green. Forgive my ignorance, does the town have any control over usage by a tenant of the exterior of a premises such as 944 Main Street under the current R-12 status?

Chairman Camilli: I think I know the answer, but I'll have the Town Planner answer that question.

Commissioner Prestage: Thank you.

Ed Meehan: If it stays in the residential zone, no you don't, because it doesn't come before the Commission as a site plan. If it stays residential use, they could use their yard, they could put playscapes out there, as you say, clothesline, they have to meet all the sideyard setbacks and the requirements for that, but they could probably easily do that, because it is a large enough lot, but you don't have as much restriction as you would if it came before you under the site plan, where you can decide the pathways, the lighting, the parking locations through site plan review.

Commissioner Prestage: I for one, and I know that I speak for a lot of members of the Newington committee, do not want to see, adjacent to a town green, items such as clotheslines, playscapes, etc., and I know every member of the Commission, or several members have addressed their concern for the historical nature of this property and they want to preserve that, and I think that a clothesline or a playscape would fly in the face of any historical use, or any, just history itself within the town.

Commissioner Fox: Well, I really don't want to stretch this out too much, I basically, not basically wholeheartedly agree with the Chairman and Commissioner Anest-Klett and I really, if this were to remain residential and the owner of 944 Main Street rented it out to some tenants, the tenants living in an historical home very open to the town itself, to the center, especially the historic town green, I really, I don't see any problem with tenants with old dilapidated toys, or clotheslines all over the yard, in deference to the rest of the neighborhood, so I really don't think that is going to be a problem.

I have very little faith in that restrictive covenant and I too would be worried about any future use, in spite of the good intentions of the property owner, at this time.

Chairman Camilli: Anyone else have any comments?

Commissioner Kornichuk: Now wasn't our town attorney supposed to look at that covenant? See what he thought of it, or no?

Ed Meehan: He did look at it. I know that it was shared by the applicant's attorney with Mr. Boorman, as well as the proposed draft parking agreement. Mr. Boorman didn't provide any written comments back. Remember, this restrictive covenant is not something you can impose, this is basically at the good will of the property owner. You can't put conditions on a zone change. So this is an attempt by the property owner to address the comments that some of the Commission members have made. Peter Boorman didn't give me, he didn't say whether it was good or bad. He did express to me that it was unusual that this happens, although he recognizes the historic nature of the green and he knows this neighborhood very well, but it would certainly be at the volition of the property owner. He did point out, and I think the Chairman said this, I don't know if the Chairman or Commissioner Klett, I don't have a copy right in front of me, there is a phrasing, there is three or four lines here that sort of leave it wide open, and it has to do with those uses permitted by right, subject to site plan approval in the business town center zone. So, you're not really restricting this property to anything but the uses that are restricted in the business town center zone, I think that is where Commission members, and people who came before you from the neighborhood raised concerns. If that phrase was taken out of this draft restricted covenant, it tightens it up, and I think would address certainly the couple of neighbors that spoke, and maybe what Commission members here tonight are speaking, because that would limit it just to professional offices. The other thing that ties this down, if that was done, is the offer of shared parking, which this Commission would have to approve. If you take the parking lot for Center Court, the exception may be a handicapped space, we even talked about trying to take that off, and eliminating the stairs and having a proper grade to this building. You create a front yard on Center Court, and you limit any re-use of this property by controlling the parking. So if you limit the parking, shared parking to six to eight spaces, that pretty much limits it. That, plus the strength of a restricted covenant that you feel comfortable with, I think may address the comments, but I would believe the restricted covenant right now, the way that it is written does not do, what I think I hear that you want to do.

Commissioner Ganley: I would like a consensus, is the restricted covenant the deal breaker? I would request that we poll the membership. If that is the deal breaker, then we can deal with that particular issue.

Chairman Camilli: Well, the problem is, at this point, according to what Ed said, you know, it may very well be, I'm not, I could poll, but the fact of the matter is, it had to come from the applicant. It can't come from us, so we can't put it on again. As far as I know, the public hearing is closed. This I think, with discussion with the applicant, with the Town Planner, this was the best, according to what the attorney said, was this what they would concede to, what was it, the site plan approval. So, it's a question as to whether or not that would, but it would not limit it to just professional use. You know, in my opinion, that particular phrase there, that the Planner just read, those permitted uses, by right, subject to site plan. That doesn't limit it to office, and that is the problem, and I think it was discussed, from what I could tell, and that was not something that the applicant was willing to do, so we are left with it the way that it is.

Commissioner Ganley: Therefore, is the language, presently contained in the submitted covenant the deal breaker, lacking more specific language, which makes a tighter, more

restrictive use of the land. We may not in fact, then approve this zone change. Would that be a fair statement?

Chairman Camilli: I can speak for myself, I don't know about anybody else....

Commissioner Ganley: That could be the deal breaker. If you don't get the restricted covenant, then someone might say, then I don't want it then, and yet, I believe you also said, it cannot be an imposition on the, as it relates to the terms of the approval, that there in fact be a restrictive covenant in place? Is that fair?

Ed Meehan: You can't put a condition on a zone change.

Commissioner Ganley: You can't put the condition, however, if, there is no tightening of the language of the restricted covenant, it is conceivable that the proposal could be voted down, on the other hand, even though you couldn't put it in as a condition, see that is what is puzzling to me.

Ed Meehan: To answer your question, if the language had come forth from Attorney Davidoff representing his client, that satisfied what some of the Commission members are concerned about, going beyond just office use...

Commissioner Ganley: Right.

Ed Meehan: Let's say that was part of your public hearing when it closed two weeks ago, you probably wouldn't be having this discussion now, I don't think, I don't know. But, there, I don't think what was proposed goes far enough, I don't want to speak for Commission members, goes far enough to what you hope to get. Now that the public hearing is closed, I would certainly recommend that you talk to your Town Attorney if there is any other movement on the applicant's part to re-introduce something. I don't think you can do that, at this point. So what you are left with is voting on the policy issue of expanding the Business Town Center Zone up Center Court from what you feel is comparable to the neighborhood, compliments the Plan of Development, and some of the other items that we talked about during the presentation, knowing that the applicant is willing to provide a restricted covenant on his own, but is doesn't go as far as some members would like. Does that answer the question?

Commissioner Ganley: It did, it does, and it shows how confusing the issue is. Once again, we are talking about something that cannot be imposed, but yet may be sufficient cause for the Commission to have an adverse reaction to the fact that there was no tightened up restrictive covenant. That's my observation of what we are looking at.

Ed Meehan: That is exactly it.

Commissioner Ganley: Thank you, glad we cleared that up.

Commissioner Schatz: I'm going to ask a question, the zone change say goes through, and the amendment to the parking also is agreed upon, somebody buys the Mazzocoli building and he doesn't want anybody to park there, does that make the property, can't be used because you don't have a parking lot?

Ed Meehan: No, I think that the draft easement was amended, or re-drafted so that the parking is a cross easement and it travels with the land, successors and assigns, in perpetuity, so a new owner, if somebody else buys the former Mazzocoli plaza, which Mr. Hedberg now owns, they

buy it, they can't take those eight spaces, or whatever spaces there are, away from 944 Main Street. The owner of 944 Main Street has the right to park, to use those spaces with a cross easement.

Commissioner Schatz: Okay, another question, we can't make, the Commission can't make the applicant put this covenant on there, I mean, that is not within our jurisdiction. But the application person is willing to do a certain portion of that, voluntarily, right?

Chairman Camilli: That's a good way of putting it, there is a restrictive covenant, but the question is, how restrictive is it?

Commissioner Schatz: And they are willing to do that, to a limit.

Chairman Camilli: As it reads, within, and the part that is really the stumbling block if you will, is that sentence again, here, it says, those permitted uses by right in the B-TC Zone, so it doesn't, by that phrase in there in that sentence, by those words in that sentence, it gives the applicant all the right of the B-TC Zone which, how restrictive is that? That becomes the question, by site plan, but that's not really strong enough.

Commissioner Schatz: I'm not arguing, but if he is willing to put some restrictions on that, is part of that, what I am saying, is part of that restriction that he is willing to do, I think our position here that our Town Attorney should look at it, to make sure that we don't run into some muddy water here. I understand and Carol talked about historical, and I go for that too, but I look at the house at the corner of Cedar Street and Willard Avenue and that's not even the same thing that was there before. So we didn't protect that too well.

Commissioner Prestage: Are we going to get an opinion from the Town Attorney regarding that covenant? I know you said, mentioned that he had looked at it, are we going to get a written opinion?

Chairman Camilli: I don't....

Commissioner Prestage: I mean, what was the point of him looking at it if we are not going to get an opinion.

Chairman Camilli: I think, I suppose if the Commission wants it, we could, but it's rather clear. If it weren't clear, I would definitely, I mean, we could still ask.

Commissioner Prestage: Well, we did have him look at it for a reason, correct?

Chairman Camilli: Yeah.

Commissioner Prestage: And that reason was?

Chairman Camilli: Let me say this, I didn't talk to the Town Attorney, Mr. Meehan did, I'll let him speak.

Ed Meehan: This, these drafts came from the applicant's attorney, and they were submitted directly to Mr. Boorman....

Commissioner Prestage: Okay.

Ed Meehan: And then I had a conversation after Attorney Boorman got a look at these, and he didn't say they were good, he didn't say they were bad, he said he was surprised that a property owner would do this, from his knowledge of real estate law, but also pointed out that one phrase, leaves it open to your site plan review process which is as if the restricted covenant didn't exist, because it says one thing, and then it takes it back by leaving that phrase in there. Now, I guess it could be a moot point, because the hearing is closed, so you can get information from your attorney outside the hearing. You have that right, but the applicant doesn't have the opportunity to respond to that. Mr. Boorman has the right to review this and talk to you, or give the information to me, and I can advise you, but it leaves the applicant out of this right now because the hearing is closed. It leaves the neighbors out of this now too.

Chairman Camilli: Let me just read that whole sentence, so, "the premises shall be used only for those permitted uses by right subject to site plan approval in the B-TC Zone including, but not limited to professional office space pursuant to the Town of Newington Zoning Regulations as of the effective date thereof." So, I mean, it's pretty clear, it's not you know, just office space, and I think, from the public hearing, and from all that was said, that was one of the things that we were looking for in the covenant, which, we can't put it in our condition of the zone change, and require that it just be limited, if we give the zone change, with this covenant, it means all of the B-TC permitted uses that I think Ed....

Ed Meehan: By right.

Chairman Camilli: By right, would be subject to site plan. That's it. So, in other words, it's not restrictive. What would be the difference, it's just logic to me, but...go ahead.

Commissioner Ganley: Well, I guess I have a procedural question then. At the (inaudible) time, since we have, what it is, October 11th, if in fact the petitioner were then to come back with the cleaned up language, settling the issue of the restricted covenant, could we vote on it on that date?

Chairman Camilli: The public hearing is closed, that I could ask the attorney but....

Ed Meehan: I believe the hearing is closed, and you can't take information in, but that's...

Commissioner Ganley: That's a box to put someone in by the way.

Chairman Camilli: The box was put in by the applicant, not by us.

Commissioner Ganley: I understand that, but you see what I'm saying, is that the, I haven't seen anything from the Town Attorney in writing, which is kind of distressing because this stuff was sent to him, so that is the number one thing, we never really got a definitive answer as to where we were supposed to go with this, we never got, I don't know for a fact if the petitioner had an opportunity to address the concerns by the Town Attorney because I haven't seen anything from him...

Chairman Camilli: I think there was discussion, wasn't there discussion?

Commissioner Ganley: Well there may have been discussion, but he submitted his in writing, what did he get back? What procedurally....

Chairman Camilli: Well, if you read the minutes and I don't want to be argumentative,

Commissioner Ganley: Neither do I, but I'm looking for an answer to where the petitioner is today.

Chairman Camilli: The minutes clearly state by the Attorney that this, it seems that they were aware that this was the concession that they were willing to make. He said, we can do the site plan review, he used another term, and I don't have those minutes in front of me, but he said, we will do this, but that's it. So it wasn't like they were blind sided, I don't think they were blind sided by it at all, from the little that I could gather from Mr. Meehan, but so I think they were aware.

Commissioner Ganley: Okay.

Chairman Camilli: So, as far as I know, as I said, I wasn't privy to any of the discussions, so I don't really know....

Commissioner Ganley: So on October 11th, this would get an up or down vote, is that correct?

Chairman Camilli: Yeah, I just wanted to discuss it, this is why we are doing this tonight, I just wanted to know where we kind of stand, and I made my declaration last meeting, and I'm just frankly disappointed, I thought with the negotiations that were going on with the Town Attorney, and, but see, we can't demand, and I think the point is, we couldn't demand what goes into this covenant. We can only take the covenant as it was written and go up or down, because it was voluntarily done. I mean, we could say, I think in negotiations, the town could say what we were looking for, and I think they knew what we were looking for. I think the minutes might, I could find that particular area of the minutes if you wish, not right now, but I will find that for you if you wish.

Commissioner Ganley: I can look it up, thank you, I appreciate that.

Commissioner Anest-Klett: I have a question. Ed, you had just stated that they came back and revisited the parking agreement and it was going to be in perpetuity to successors and assigns.

Ed Meehan: Yes.

Commissioner Anest-Klett: When I asked Attorney Davidoff that question two weeks ago, he said no, it was only between the existing land owners, that why would they give that right to a future owner, has something transpired within these last two weeks that would have changed that statement that he made? It's on page 15 of our minutes.

Ed Meehan: Well, nothing has changed.

Commissioner Anest-Klett: Okay, so then it doesn't run with the land, it just runs with the owners.

Ed Meehan: Well, the way that it is worded and this again is based on my conversation with Attorney Boorman, the covenants and agreement herein, are to be binding upon and inured to the benefits of the parties hereto, their respective heirs, representatives, successors, and assigns. Both parties agree that the mutual use of the parking spaces may not be terminated without prior consent of the Newington Planning and Zoning Commission.

Commissioner Anest-Klett: Okay, then what Mr. Davidoff stated for the record was incorrect.

Ed Meehan: He may have said that. What paragraph are you referring to then?

Commissioner Anest-Klett: Where it says Attorney Davidoff, and then he says, if Mr. Hedberg sells the piece to Mr. Jones and Mr. Jones doesn't have any parking for his site, Mr. Jones would be in non-compliance with your zoning regulations for lack of parking.

Ed Meehan: I would interpret it different. If this property exchanges hands, whoever buys either property has to live by this easement.

Commissioner Anest-Klett: It's not an easement though, he said it's an agreement. There's a difference.

Ed Meehan: Well, it's called a mutual parking agreement. It's basically a cross easement. In other words, this easement says that these people can park there and they have a schedule attached, certain times of the day. Both properties can use this parking different times of the day, different times of the week.

Commissioner Anest-Klett: Right, but I think it's changed because he said here, as private party owner, his successors, his heirs, his legal representatives, doesn't say assigns. That says assigns.

Ed Meehan: Yes, says assessors and assigns.

Commissioner Anest-Klett: He didn't state that. When he read it, he must have not read the whole thing, that's why this discussion. I just wanted to make sure I'm clear on this issue, because I'm concerned about that.

Ed Meehan: This may be something that, again, you can get more guidance from your attorney, even though the hearing is closed if you want to pursue that, on this question of the easement. I don't know what else you can get on the covenant, the covenant is pretty straight forward but if you want to pursue that...

Chairman Camilli: I just want to...this is Attorney Davidoff speaking, "I did have a discussion with Mr. Meehan about this as to whether or not this covenant went as far as this Commission so desired, and I expressed to Mr. Meehan that at some point if we restricted it to just professional office space forever, and in perpetuity the marketability of this piece of property or the ability to change the use, whenever, fifty, sixty years from now, we would never be able to do, okay" And he goes on, so this was something that was, as I said, what I wanted to get across to the Commission is that there was no blind siding on this as to what the Commission was looking for in terms of how the applicant's attorney understood it, and he goes on to say, "it's my duty as an attorney to protect my client." And as I said to him, it's our duty to protect the town. So, that's where that all is, and I don't have any more to say on it. Anyone else?
I think we had a good discussion. We have a motion on the floor to postpone.

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

Chairman Camilli: Motion passes unanimously.

- B. **PETITION 42-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street, owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for site plan approval for professional office use and request for buffer waiver, Section 3.12.4 and Section 6.1.1 E joint use parking.**

Commissioner Cariseo moved that PETITION 42-05 944 Main Street, Jeffrey L. Hedbert, 27 Garfield Street owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for site plan approval for professional office use and request for buffer waiver, Section 3.12.4 and Section 6.1.1 E joint use parking be postponed to October 11, 2005.

The motion was seconded by Commissioner Anest-Klett. The vote was unanimously in favor of the motion to postpone with seven voting YES.

Chairman Camilli: The motion passes unanimously.

- C. **PETITION 50-05 48 Commerce Court, Zavarella Woodworking, Bruno Zavarella owner, Karen Roche, 250 West Point Terrace, West Hartford, CT 06107 applicant, request for Special Exception Section 3.17.6 Recreation Use, I Zone District. Public hearing closed September 14, 2005. Sixty five day decision period ends November 18, 2005.**

Commissioner Kornichuk moved that PETITION 50-05 48 Commerce Court, Zavarella Woodworking, Bruno Savarella owner, Karen Roche, 250 West Point Terrace, West Hartford, CT 06107 applicant, request for Special Exception Section 3.17.6 Recreation Use, I Zone District Public hearing closed September 14, 2005, Sixty-five day decision period ends November 18, 2005 be denied, the Commission finding that the requested "Cheerleading & Dance Academy" and an associated use hair salon are not permitted in the I Industrial Zone District.

The motion was seconded by Commissioner Cariseo.

Chairman Camilli: It was my opinion anyway, that these uses were not acceptable for the particular zone and that is why I am going to vote to approve this denial. I don't know if anyone else has anything to say.

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

Chairman Camilli: The motion passes unanimously.

VII. PETITIONS FOR SCHEDULING (TPZ MEETING 10-12-05 AND 10-26-05)

- A. PETITION 55-05 Sunrise Estates Subdivision, Waverly Drive, Griswoldville Road Associates, LLC, owners and applicant, represented by Mr. Patrick Snow, 110 Court Street, Cromwell, CT 06416 request for Re-Subdivision approval (2) lots Lot 1 and 1A R-20 Zone District. Schedule for public hearing October 12, 2005.
- B. PETITION 57-05 1120 Main Street, Webster Bank owner, applicant Darcie Roy, 7 Burning Tree Lane, Wallingford, CT 06492 request for Special Exception Section 6.2.4 free standing sign, B-TC Zone District. Scheduled for October 12, 2005.
- C. PETITION 58-05 3000 Berlin Turnpike, known as the Grantmoor parking lot, CNLRS Exchange I, Inc. owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square Newington, CT 06111 request for site plan approval, 19, 685 sq. ft. retail use, PD Zone. Schedule for October 26, 2005.

Chairman Camilli: This is a procedural question, Ed.

Ed Meehan: I want to call your attention to October 12th, this is the first night of Yom Kippur, and traditionally we move back a night, to the 11th, if that the Commission's wish?

Chairman Camilli: I was all for that, I said we would bring it to the Commission and so we will be meeting on Tuesday. If you can make it fine, anyone have a problem, you have a problem, I think we will have enough members here anyway.

Ed Meehan: Okay, I'll have to make sure, it may not be this room, Midget Football has this room, but we will try to get you a room.

Chairman Camilli: Okay, so that was a little homework that we had to clear up.

Ed Meehan: Let me tell you, three petitions that are not listed here, have come in since the agenda was posted. One is a site plan is in the works for 133 Louis Street, it was a former industrial building. It's being restored architecturally right now and they have to come in with a site plan showing the parking layout their parking lot. They hope to have their plan in to show it to you, because they hope to have their site work done this November. This is right across from Hunters Green. I expect that to be in.

There is a site plan application from Mr. Basile. He is the fellow that is doing the Walgreens. He has two applications. One is for a filling application for the south end of the Libretta piece. That is the land right opposite Pascone Place. He got approval from the Conservation Commission to amend the map, the wetlands map, and he needs to come before you to get a permit to fill the land. He is trying to develop a site.

Chairman Camilli: Is that where the other sign is?

Ed Meehan: Exactly where the other billboard is. A lot of fill.

The other application that he has that was just submitted yesterday morning is an application to modify the Walgreen's site plan for relief on the installation of the traffic signal. Which, I had a conversation with Attorney Sabatini representing him, and reminded Attorney Sabatini that both developers working that corner have similar requirements and that I would expect that the Commission would be looking for evidence as to why it needs to be relieved, a date certain, and how it is being coordinated with the other developer.

Chairman Camilli: When he says relief, it's not do away with the light, it's just a question of timing. I think, in effect, what happened, might happen, if we gave it to him, that the drug store would open without the light, is that the idea?

Ed Meehan: That is what they are trying to do. They, his cover letter says December, 2005. I would be surprised, but you know, they could work their contractors 24/7. They are just getting the plans now to MDC for the water line change.

Chairman Camilli: What was the delay on, were you ever able to get an answer on that?

Ed Meehan: Well, the big delay was the easements from ConnDot for MDC and the storm sewer, but then there was delays on the applicant's own part, Walgreen's because of the decision of trying to avoid relocating the three utility poles on Griswoldville.

Chairman Camilli: Was that Walgreen's or the developer?

Ed Meehan: That was the developer, he's turning the site over to Walgreen's. The utility company wanted \$130,000 to move a couple of those poles, and the resolution was to slide the

road slightly north, which from an engineering point of view gave us a better roadway, but in doing that, it caused changes to the water line and the sewer line. Until they got the water line and sewer line located in the proper place, they couldn't get the signal design, so it's a chain reaction when you start moving this stuff. The other option they looked at was to bring the water over from the west side of the Berlin Turnpike, there is a hydrant in front of Bertucci's. They had that engineered, I found out today that the contractor said he couldn't get to it for six weeks, and there was a very, very high premium bond on the fiber optic line. If any disturbance of that, by this water, they were going to jack it under the highway, any disturbance or breakage of that line was like a million dollars a day for that line. They are coming the other way.

Commissioner Ganley: They went out onto the turnpike about six or eight feet from that site.

Ed Meehan: That is for the gas line.

Commissioner Ganley: That's for the gas line, okay.

Ed Meehan: Gas is usually thirty to forty inches below the surface.

Chairman Camilli: I don't know if this is the proper time to discuss, but they are going to come in and make their pitch on this, what would happen, what if we denied the request?

Ed Meehan: Well, neither of these are public hearing items, so you can discuss them

Chairman Camilli: Well, we don't want to know that, I guess, what do you think? Let's wait to hear them.

Ed Meehan: I think we need some more information back and, from both sides, because there is inter-reactions between what they need to do with the State Traffic Commission and the light timing, there are property owners that are trying to get houses done, construction mortgages converting to permanent financing, and the same thing with Walgreen's. There is also the public safety issue that this Commission put square in the middle here as far as the traffic signal.

Chairman Camilli: They are having a dual problem there, because the other side, Pat Snow's project also is a problem.

Commissioner Prestage: I don't know if this is hearsay, or even appropriate, but wasn't there originally an agreement between Premier and Walgreen's for any modifications for the state traffic light, and wasn't that agreement then breached by one party? Didn't one party renege? Is that the cause of the problem.

Ed Meehan: I don't know, to that extent, it's a sidebar agreement between the two developers, which has to do with certain cost sharing with the light.

Commissioner Prestage: Of the light. Is that why now they want relief from, it might be irrelevant, but just to get some history on the whole issue.

Ed Meehan: Well, I know that there is cost sharing, there is different bartering going on with materials, what each contractor needs to finish their site, with earth products, a lot of it has just to do with time delays, just getting their engineering coordinated. Sunrise Estates, they have a bond posted here, Walgreen's hasn't put a bond up yet.

Commissioner Prestage: Okay, thanks.

Ed Meehan: One thing I want to keep you informed and up to date on, at the last meeting, I asked for direction on how to deal with Delta Building out on Commerce Court and Hollow Tree Lane. Following the meeting, I reported back to Delta with, I think it was Commissioner Cariseo who said, let's hold the money, don't give anything back, which was a good idea, and so I sat down with the Town Engineer the next day, and he said well, he wanted to go out and look at Commerce Court. We had a short punch list, he went up to Commerce Court and he found a couple of items that he wants the developer to go back and take care of, which he doesn't think he can do this fall. It has to do with the water gate that MDC needs to do, and going into Omar Coffee, there is a utility trench that keeps sinking in Commerce Court. So we sat down with the principals of Delta Building and we gave them our punch list, and what Delta Building said is, well, if you are not going to give us our money back, and you want to join both bonds, they'll accept that, but they want until June 30th, 2006 to do both roads. The town engineer feels that is reasonable because he doesn't want to rush the work on Commerce Court, and then subsequent to the meeting with Delta, Mike Mancini was out at Hollow Tree Lane yesterday, and he is going to require the developer to peel back maybe two or three hundred feet of Hollow Tree Lane, the binder. If you drive in there, it's cracking and its settling, and we don't want to put a finished course on until the subgrade is corrected, so that work really is something that we want to do in the spring.

Commissioner Fox: So he wants them to peel back the binder and redo it?

Ed Meehan: Take any of the process that has been contaminated by soil pumping up through it, remove that, bring back new process, pack it in, and put a new binder in, and then put the finished course on. That should be done after the winter. Delta was on the site, walked the site with Mr. Mancini on Tuesday, and is agreeable to that. So what I wanted to keep the Commission informed of but also just tell you that, Delta has not argued about joining the two bonds together, but they want to have more time to do the work.

Chairman Camilli: Okay, well that's, as long as it's reasonable.

Ed Meehan: I think we made some progress.

Chairman Camilli: Anything else?

Ed Meehan: No, oh, one of the town council members, through an e-mail to the Town Managers office asked a question, and I know that this Commission has talked about it before, is there any interest or any legality that we can look into regulating signs in store front windows? We have talked about this, I know the zoning subcommittee has talked about it. The question comes up, particularly in the façade improvement area of the town center, and I believe that they are talking about Smokers World, after all the façade work, and then the guy fills his windows up with paper signs. We have talked about, in the past, at least trying to regulate electronically controlled signs, they have to be hard wired, or plugged in.

Chairman Camilli: Is there anything in the B-TC Zone which is a little more restrictive. I don't really know.

Ed Meehan: No, there isn't. I mean, I'm working on a list of zoning changes for you, that we could maybe do in the business town center zone, because you have design review. I'm not sure you could do it out on the Berlin Turnpike or

Chairman Camilli: I would say the B-TC Zone would be the area.

Commissioner Cariseo: At least start there anyway.

Ed Meehan: That's one, I was over there today, and that is one that really jumps out at me. Some of the other stores don't go quite that far.

Chairman Camilli: ZBA people, I get the minutes, and they also complain about enforcement about the, you know, like the trucks that park with their signage, and then we're aware, but it comes down to enforcement. Who works on the weekends?

Commissioner Fox: You need to give the Zoning Enforcement Officer a day off in the week so that he can do this.

Chairman Camilli: I thought maybe, I said maybe you guys would like to go out and patrol it.

Commissioner Anest-Klett: They talked about that, many times in our meetings.

Chairman Camilli: Oh, I know, I've seen that, I've seen their minutes, I know, but it's like saying, No Left Turn, but.....

Commissioner Anest-Klett: Can I ask a question about No Left Turn, the one going into Brooks Plaza off of Main Street? What happened to that sign?

Ed Meehan: Going north on Main Street?

Commissioner Anest-Klett: Yeah, it's down. It's gone. It was knocked down, now it's gone, and now people are constantly, it's really bad, I mean, it was bad when the sign was up, now it's gone ...

Commissioner Ganley: That is the same kind of restriction that was put on MacDonalds. It's worthless, I don't know why we do it.

Commissioner Anest-Klett: But my concern is, if there was a police officer there, now we can't enforce it, because the sign is not there. The sign is down, it's gone.

Commissioner Ganley: We should never do it.

Ed Meehan: That restriction was imposed by the State of Connecticut.

Commissioner Anest-Klett: I know it was, but somebody hit the sign, now it is gone. I mean, you should have seen the traffic jam the other day. Two cars were trying to make left turns into there, and traffic was through the intersection, past the church.

Commissioner Fox: Same thing around the corner on Main Street, right in, right out. People going north on Main Street go right into the Brooks shopping center, is that what you are talking about?

Commissioner Anest-Klett: Yes.

Chairman Camilli: Anything else?

Commissioner Cariseo: Did you check on the seating out there at the old gas station?

Commissioner Kornichuk: Quick Stop?

Commissioner Cariseo: All the tables and chairs that are inside when they are not supposed to have them?

Ed Meehan: No, I didn't check on that. That's the place where they steam the cheeseburgers?

Commissioner Cariseo: Yes.

Chairman Camilli: Should they have any tables at all?

Ed Meehan: I think there were a couple of counter seats along the windows, but no sit down.

Commissioner Kornichuk: There are at least two or three tables.

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

None.

IX. REMARKS BY COMMISSIONERS

See above.

X. ZONING ADMINISTRATOR COMMENTS

None.

XI. STAFF REPORT

Chairman Camilli: I think we covered everything.

XII. ADJOURNMENT.

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary