

NEWINGTON TOWN PLAN AND ZONING COMMISSION

October 11, 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 the Town Council Chambers 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

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 28, 2005.**

Chairman Camilli: As you know, the Inland Wetland's report came in and it was denied, so we will just close this petition for tonight.

- 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. Continued from September 28, 2005.**

Chairman Camilli: The applicant requested that we just continue this application for tonight. This application will just be continued. Since it is a public hearing, if there is anyone from the public who wishes to speak, they can do so. I probably mis-spoke on the first one, I closed the petition, but if somebody want to say something else about 1000 Willard Avenue you can, but I don't think that is necessary either.

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. Continued from September 28, 2005.

Chairman Camilli: Is the applicant here?

John MacNeil: I am. I am the construction manager for Aldin Associates, and I'm representing Wings. One of the major things that I came up with, the front of the facility, where I had the restroom pretty close to the front of the store, the store front, and I guess you went through a recent upgrade, and there was concern about what it would look like, so a request was made to take the restroom and move it to the interior and put seating in the front window, and I'm not sure if you can all see that, so that was one of the outstanding issues, and the other the hours, I'll take as late as I can get. I know there is a recommendation probably by the Planner, and I would like to get the hours extended as late as we possibly can, we don't have a problem closing it down inside, I'd like to push it to two, on the deliveries if I can. That way, the only people coming and going would be our people out the back door so I'm not sure if you will have an issue with that, but I'd like to request that, and close the inside pickup at your discretion, whatever you want it to be. Our business is mostly, like I said, eighty percent delivery, so that way, there will be nobody permitted to stop by except for our employees, and that would be again, out the back. Midnight would be great, eleven o'clock, whatever you say on the pickup, that is your discretion. If you have any questions I'd be glad to answer them.

Chairman Camilli: Anyone from the Commission have any questions? We'll hear from the public. Anyone from the public wishing to speak in favor? Against? Okay, we will close PETITION 56-05.

D. 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.

Patrick Snow: Commissioners, actually I'm waiting for my engineer who just said he had to run back to his office and come back. Could you just skip over and come back to us in a moment?

Chairman Camilli: Okay, we can do that, Ed, I don't know procedurally.....

Ed Meehan: Yeah, you can keep the public hearing moving forward, I would just advise the Commission the next item on the agenda has also asked to be deferred, so you can go out of the public hearing and come back in when Mr. Cassidy returns.

Chairman Camilli: Okay, why don't we do that, just to expedite things. So we will keep this open for now.

E. 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.

Chairman Camilli: As the Planner just alluded to, this applicant also requested a continuance, so we are all done with the public hearing, but we will re-open the public hearing when your engineer comes back.

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

Patrick Snow: Commissioners, it's more of a question I guess. I notice on the agenda further, we are scheduling a petition 60-05 on the traffic light, Ed, I didn't see where you had mentioned Griswoldville Associates on there anywhere, unless I missed that.

Ed Meehan: Commission members have that in their packet, the correspondence.

Chairman Camilli: That's not relative,

Patrick Snow: I just didn't know, I thought you might be putting them together.

Chairman Camilli: No.

Patrick Snow: My apologies.

Chairman Camilli: That's okay. Public participation, anyone from the public wishing to speak?

IV. **MINUTES**

September 28, 2005

Commissioner Fox moved to accept the minutes of the September 28, 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 28, 2005.**

Ed Meehan: The applicant has resubmitted all their plan drawings to the Conservation Commission because of concerns for drainage and wetlands. They are also addressing staff comments that were made, from my office on some of the items that I heard from their very preliminary presentation to the Planning and Zoning Commission. So the first stop for the application is going to be the Conservation Commission before it is ready to come onto your table.

- 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. Continued from September 28, 2005.**

Chairman Camilli: Again, they requested that we just continue this because they weren't prepared.

C. PETITION 61-05 133 Louis Street, Goldstar Medical Services, applicant Chester Trust LLC owner represented by Donald Bouchard c/o Goldstar Medical, P.O. Box 301 24 Spring Lane, Farmington, CT 06034 request for Site Plan approval, PD Zone District.

Chairman Camilli: Is the applicant here?

Ed Meehan: Mr. Chairman, I don't see the applicant here yet, I did talk to him this afternoon and I did tell him to come early because of the abbreviated public hearings, but I guess they still didn't believe it when I said be here by twenty after, so in a couple of more minutes, maybe, if they aren't in the room....

VII. OLD BUSINESS

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.

Commissioner Anest-Klett moved that 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 be denied the Commission finding:

1. The Newington Conservation Commission decision September 20, 2005 application 2005-5, did not approve the filling of a wetland area located on the proposed interior lot.
2. The applicant has not demonstrated that the property qualifies for interior lot use because of its unusual character, topography or the pattern of development.

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

Chairman Camilli: Motion passes unanimously.

I think we will interrupt right here and go back to the public hearing. I'll just call the petition, it was already read once, and that would be PETITION 55-05. We are just reconvening the public hearing at this point.

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy, I'm a professional engineer with the firm of Hallisey, Pierson and Cassidy. I'm here tonight representing Griswoldville Associates, LLC who is the owner and developer of Sunrise Estates which I'm sure many of you Commissioners here are familiar with. Pat Snow, the president of Griswoldville Associates is here tonight with me.

A little bit of history about what we are looking for this evening. You may remember, about two years ago at this point, we got Sunrise Estates approved, a 26 lot residential subdivision in a R-20 Zone. At this point, the development is well into construction, but there is one lot in particular, Lot #1, which would be at the easterly portion of the site, if you remember, Sunrise Estates comes off of Griswoldville Road, hooks back and comes back on to Griswoldville Road. This is at the far easterly end, or the upper end of the site, the easterly most lot, this area here. Lot #1 was about 43, 000 square feet in area. Shortly after we received approval of the subdivision, Mr.

Snow was able to purchase an additional piece of property from the abutting property owner to the east, the Sloans, consisting of about another 30,000 square feet, leaving Mr. Sloan with his parcel and his house out front which left a legal conforming lot for this house which is in excess of 20,000, it's actually 20,847 square feet, also meeting the minimum frontage requirement of that lot. We had proposed to come back, and we are proposing at this point to come back and re-subdivide Lot #1, creating a new Lot 1A.

Once again, this is the entire existing Lot #1, what we are doing is, we are going to keep this portion as the new Lot #1 and the 30,000 square feet that we purchased is going to be included into the frontage along Waverly Road, Waverly Drive. What will happen when we are done, we are going to create this new Lot #1 with the entire frontage on Waverly Drive, with a lot area of 40,000 square feet, so well exceeding the minimum 20,000 square foot requirement. In addition to, we are going to take the additional back portion of this property, and deed it over to the new lot #1 to give it an additional 7,000 square feet, so they will have a total area of 31,000 square feet, once again, it well exceeds the 20,000 square feet requirement. Both lots will well exceed the minimum frontage requirement for the R-20 Zone.

To develop this lot, Lot #1, the house is already under construction. Someone purchased that portion of the lot, started construction on the house, so the footprint that you see on this plan is the actual footprint of the house that is under construction. We have all the utilities in the roadway so we will be able to service the existing Lot #1 and the new Lot #1A with the existing utilities that are under construction at this point. As part of our original proposal, we proposed to cut the area out behind Lot #1, grade it down to a two to one slope to the back of it, and then continue that two to one slope at a forty-five degree angle up to what was our original property line. As part of development of Lot #1A, there would be additional grading along the back portion continuing that two to one slope bringing it around to the new property line and connecting back into the grades along Waverly Drive. I believe at this point, and correct me if I'm wrong Pat, but as part of the rock excavation done in the past, we actually have done the majority of this removal of rock in this area, so there is no additional rock blasting or crushing involved in the development of this lot at this point. As I stated previously, the new house would be serviced by existing utilities in the roads, which are the sanitary sewer and the water main. For drainage, all you are really picking up for drainage is the slope behind the house. That slope once again will be a two to one slope and we are proposing to grade it into a two to one, top soil it and vegetate it either with grass or a meadow mix, or if the client wants, the home owner wants we can plant it with some other type of landscaping, but it would be a landscaped slope, we are not proposing to have a rock slope in the back. Very similar to what is already done on Lot #1. At this point that whole back slope has been graded, it hasn't been seeded at this point, but we haven't had any erosion problems back on the slope, it looks like it is going to be maintained.

This afternoon I did receive some comments from Ed Meehan, and I would just like to go over them briefly.

Comment Number One says to show on the plan the area of the lot for 154 Griswoldville Avenue. Once again, that is the remaining property of the Sloans, and as stated previously the remaining area is 20,847 square feet, so it does exceed the minimum requirement of the R-20 Zone.

Also explain the recording of the new deed and map for 145 Griswoldville Avenue. Correct me if I'm wrong Ed, but you are looking to see how this lot was created?

Ed Meehan: Yes, for the record, how this whole piece was cut.

Jim Cassidy: Okay, and as stated previously, during, or shortly after our approval process the opportunity came up to buy the back portion of that property. We took that opportunity, Mr. Snow was an abutting property owner, so he did incorporate it into the area out front, and now we're coming back for this re-subdivision to make this new lot, so it's not like we created a land locked piece of property, it was abutting another piece of property that he owns.

Comment Number Two, explain the grading behind Lot 1A, the rear slope. Once again, this area is going to be graded as a two to one slope, it will be topsoiled, it will be vegetated, it's not going to be an exposed rock slope. We seem to be having luck with the back of Lot #1, we don't have any erosion problems back there, so we are going to continue with what we are doing on 1A. Just a little about also the drainage of the rear yard. Because this area is draining down to the back yard what will happen is along this toe slope, there will be a swale formed, with a high point midway at the house, forcing the water off to the north, and the remaining water to the south, where there is an existing catch basin in the road. I'll also point out, when we did the final development of the plot plan for Lot #1, with the final house configuration they were looking at, we ended up putting a yard drain in their back yard to help pick up any water that was coming off of the back slope to get by the driveways, so there will be some small amount of water from this backyard here, 1A, going into the yard drain, and that yard drain connects to the drainage system in the road also.

Comment Number Three deals with rock removal, and as I stated previously, the rock has already been removed and crushed, and we don't anticipate any additional rock removal for this development of this house. Everything is at grade, to date.

Comment Number Four, explain the rights to grade 154 Griswoldville Avenue. If you look at the proposed contours in this area, you will see the proposed contours encroach slightly over the back corner of Mr. Snow's lot. During the early development plans for this project, we kind of anticipated that that would probably happen, so this was the original plan for the transfer of the property, and as part of this plan, we had the area dedicated for grading rights, so we are well within the area of grading rights, it was covered, it was picked up when we originally transferred property. We picked up the rights for grading in that area.

Comment Number Five, explain the utility connections for 154 Griswoldville Road. Presently 154 Griswoldville Road is serviced by a well and a septic system. As part of the transfer of the property, we agreed to make a connection into our sewer line and into our water main. This square in this area is the existing house location at 154. What we are doing is to bring the sanitary sewer lateral out of the last manhole on Waverly, and we are also bring laterals perpendicular off of the water main up to the property. What is happening is there's an easement that has been provided over the remaining land for Lot #1A, providing the utility connections for that house.

Comment Number Six, explain how the runoff from Lot #1, rear yard will be controlled. Once again, we have a yard drain, there is going to be a swale created along the toe of the slope, with a high point in the center. Half the yard will drain towards the yard drain, be collected here and then discharged out to the road, the other half will be carried to the swale to the rear yard, in a southerly direction, and back out to the catch basin in the road. So there is not going to be a lot continuously run overland, it will be in a closed system in a relatively short length of time.

Comment Number Seven deals with all kinds of conditions of the original approval of this plan, and we will accept any conditions that were previously approved as part of the development of this additional lot.

With that, I conclude my presentation, and will be glad to answer any questions you may have.

Chairman Camilli: Do any of the Commissioners have any questions? Ed?

Ed Meehan: Is Lot #1 going to grant Lot #1A rights to drain onto their property in that yard system.

Jim Cassidy: Yeah, actually we grant rights to Lot #1A to drain onto that system, and in addition I want to point out we put the yard drain in and piped back out to the road, the actual pipe cut across the front corner of Lot #1A, so we had to grant an easement back to #1A for that section of the storm drain, so we had to do cross rights between the two.

Ed Meehan: So is that going to be reflected on a map, or

Jim Cassidy: It will be reflected on the plot map.

Ed Meehan: The second question, you mentioned 154 Griswoldville, Sloan is going to connect into the street system on Waverly?

Jim Cassidy: Yes.

Ed Meehan: We don't have that plan sheet. You said you mentioned easements over that, sort of that tail end of Lot #1A.

Jim Cassidy: Right.

Ed Meehan: Would you file mylars for that so we can see where those easements are?

Jim Cassidy: Yeah, we are dealing with the MDC on that right now.

Ed Meehan: Okay.

Chairman Camilli: Okay, this is a public hearing. Anyone wishing to speak in favor of this application? Against? I don't think we will get any more information on this, we'll close this petition.

Hopscotching again from Public Hearings to New Business, now we will go to the New Business part of the agenda. Petition 61-05. This has already been read, so you can come up and present your application.

Ozzie Torres: Mr. Chairman, Members of the Commission, my name is Ozzie Torres, I'm a civil engineer, registered here in the State of Connecticut, and I've prepared the engineering plans for this site. I'm here representing Goldstar Medical Services who is looking for site plan approval for the parcel at 133 Louis Street here in Newington. As you know, the parcel was previously owned by Public Works Supply Company and they basically had a storage area for their piping systems for water systems. The parcel is two acres in size, it is in the Planned PD Zone. There was an existing building on the parcel which is 120 by about 70 feet in size and again, was basically used for storage and disbursement of the water supply products.

Now the parcel originally had perimeter parking and was planned to have additional pavement on the entire parcel, but it was never finished that way. Apparently they just used the bond pavement that was around it. Again, the area was going to be used for storage, and it was never developed or paved. If I can go over to the site plan now, I can explain to you what we are planning to do with the parcel at this time. The existing building will remain the same, it's about 120 by 70 in size, and what we are doing is putting parking all the way around it because the new owner, Medical Services will require parking for around thirty employees plus a few visitors and some trucks in the rear, some vans, basically, to deliver their products. The plan shows, I think thirty-seven spaces, thirty-four, and that should suffice as far as employees for the largest shift, and the men who will be driving the trucks in and out. What the plan is, to have the trucks in the rear, or along the side of the parcel inside, along the east side of the building, to, the men will come in, park their cars, and take the trucks and go on out and do their services, deliveries, and then come back at the end of the day, pick up their car, replace the parking space with the truck, and go on home.

As the plan shows, the parcel slopes basically to the northeast corner and in that area, there is an existing storm system going out onto Louis Street. The original plan was to develop a storm system around the building and drain out to Louis Street, but that was never built. So, in improving this parcel for the parking, we are adding a new storm system, and we have designed the entire storm system accordingly and submitted the drainage calculations to the Town Engineer for review.

The storm system will collect the water and discharge it to the east side of the parcel where we have a galley system which will meter the water up into the existing storm system on Louis Street. It is designed to detain the storm water so that there will be no increase in runoff for up to a ten year storm. There is also a possibility of recharging the soil because we are using galleys with open bottom, and we are providing about a foot of storage at the bottom so that the water will go back and seep into the soil rather than just run off. The roof drains, presently there are gutters on the building, and they will be connected into the storm system where right now the water just splashes onto the pavement.

On our second plan, we are showing the landscaping plan. Again, the original owner of the parcel did not do any of the development or landscaping that was proposed, so we are going to re-design the landscaping as we have shown here. There will be a lot more foundation landscaping now that there will be parking that will be used around the entire building. We also have landscaping for screening along the side that abuts the existing building, and there will be a few shade trees, as shown on the plan. If you know the parcel the surrounding property to the west, I'm sorry, to the east, is already pretty heavily shrubbed and wooded. In the rear you have the old Emissions Control Center.

The third sheet shows all the details. We do plan to put hoods and traps on all the catch basins so that before the water gets to the infiltration, exfiltration, and detention system it will be as clean as possible with three or four basins completely hooded and trapped so that the water entering that system will not be carrying heavy debris or sand or silt.

Finally, all of the utilities are already there, into the building so we will not need to introduce any utility into the street, all of that has been installed and will be utilized. The lighting for the parcel, the plan is to install wall mounted fixtures on the building, and shine them towards the east, toward the vacant lot, and the planned development zone, and on the west side, we will have a couple of free standing light posts along the parking lot with cutoff lighting shining inward, into the parking lot, and then the lighting along the building will not be as strong on that side, so we will not be glaring out to the residential zone on the other side of Louis Street.

I think the question was asked as to how we will be serving an oxygen tank. There is an oxygen tank proposed in the back of the parcel, and there will be deliveries for that oxygen tank, to fill it, and then the trucks that come in and out will be tapping from it to deliver the liquid oxygen to the buyers. So basically, what is going to happen is, we have a tractor trailer coming in, pulling around the building, backing up to the (inaudible) pad, filling the tank, and then pulling on forward all the way out. So it will be a complete turn through the parcel. There will be a couple of gates in the rear, at the end of the building, at the west side, and then there is a gate also on the east side, in front of the building, the rest of the parcel has a fence around it already. So this whole area will be secure. The tractor trailer will be supplying the gas, the tower for oxygen and will be supplying that during non-working hours so that there will be no cars in the parking lot except the trucks, the cube vans which will be parked on the east side of the building. There will be plenty of room for the truck to make all the turns. We used the template for a WD-50 with proper radius, we talked to the truck manufacturer, the truck owners, I'm sorry, the delivery trucks, and they said that that was the proper template to use and we made sure that all of the turns could be made by that truck, around the entire building. Again, that only happens during non-working hours when the lot would be basically empty, except for the delivery trucks which are (inaudible.)

I think that pretty much covers the presentation, if you have questions I'd be glad to answer them.

Chairman Camilli: I have one, it says medical supply/ warehouse use, is it more than just the liquid oxygen that is.....

Ozzie Torres: I have here with me the owner of the property, Mr. Don Bouchard, and he will explain the use.

Don Bouchard: The front part of the building is obviously, all the office staff, the warehouse will be where we will keep the disposable plastic supplies that go along with the oxygen and is

delivered into the patients homes, like masks and there is a place where they clean the equipment, and they also, if they can repair it, they repair it right there, and that's I think, the storage at the rear of that building is about 2400 square feet.

Chairman Camilli: Okay, so basically the only medical supply that you are going to be delivering will be the liquid oxygen, no medical supplies?

Don Bouchard: No, it has strictly to do with breathing, you know, nebulizers, concentrators, portable oxygen.

Chairman Camilli: The only other question that I have, I know very little, nothing about this, is there enough security around those tanks in case something happens? You know, could they explode, or somebody, I'm not sure, is it combustible?

Don Bouchard: No, it's non-combustible. Oxygen is non-combustible. Around the entire complex, that I call it there, there is a six foot or eight foot fence that has already been installed, on top of that is a barbed wire strip that goes completely around so when we lock the gates, no one is going to be able to get in once the gates are locked.

Chairman Camilli: And your deliveries you said are going to be at night?

Don Bouchard: There is a (inaudible) truck that comes in to fill that tank in the back, that is usually done after five o'clock at night. They could come at 7:30, what we are going to do is, we are going to get an exact time so that we know that, we are going to ask to have the deliveries right after we close, like seven or eight o'clock at night.

Chairman Camilli: The only other question that I have is one of screening, what is going to be, I'm not familiar, what is next to this place?

Ed Meehan: To the south is the former auto emissions station, which is now, I think used by a soda company who purchased that. To the west is about an eight thousand square foot building, a small coffee distributor, across the street is Hunter's Green II, and to the east is a vacant piece of land at the corner of Louis and Pascone. They are adding most of the screening to the west and the front.

Chairman Camilli: Certainly, just at first glance at this, it's a big improvement over what is there.

Ozzie Torres: We have some pictures that we would like to show, before and after. What we have done to the building. You can see that the building is basically a metal building, and they have added some drivet to it, and they have done a wonderful job, it looks really dressed up, and I think once the landscaping that we show around the foundation, it's going to give it a very good office type of business look rather than industrial look that it has today. Also, since the original landscaping was never installed, it's really barren out there, and all of this new landscaping around the building and along the edge of this part of the property will really help to dress it up. As Ed was saying, to the east there is already, there is a vacant lot with some pretty healthy shrubbery and plants there, and then to the south we also have the old emissions control and that had some pretty good landscaping along that, so I think this will clean it up and fully enclose it.

Chairman Camilli: Any questions from the Commissioners?

Commissioner Kornichuk: I have one. I might have misunderstood, but did you say there was going to be thirty-seven parking spaces, or thirty-four?

Ozzie Torres: I think there are thirty-four. I know that Ed had mentioned that we did not show a chart on the plan, and we will make sure that it is clearly shown on the plan but I understand that he has about thirty employees and the additional four spaces are for visitors and whatever, and that is plenty for what he is used to have.

Commissioner Schatz: I drive by that building, that particular building, probably once or twice every day, and you have made some real improvements to it. I mean, all I can say is, welcome to town.

Don Bouchard: Thank you.

Chairman Camilli: Any one else? Ed, do you have anything?

Ed Meehan: We have seen this a couple of times at the staff level and I was happy to hear that they have decided to bring the tanker truck in head first, through the security gate and back out, because one of the earlier versions we had talked about trying to possibly back it in. I think this is a more logical, a safer way to access the site. I'm glad you changed your mind.

Chairman Camilli: Any other questions? Thank you.

Ozzie Torres: Thank you very much.

Chairman Camilli: We will go back now to Old Business.

- B. **PETITION 41-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street, owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for zone map amendment R-12 (Residential) to B-TC (Business Town Center) for property known as 944 Main Street, approximately 14, 985 sq. ft. parcel. Public hearing closed September 14, 2005. Sixty five day decision period ends November 18, 2005.**

Commissioner Kornichuk 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 denied the Commission finding that:

1. The applicant has not demonstrated that expanding the B-TC Zone District by 14, 985 sq. ft. along the westerly side of Center Court is consistent with or furthers any recommendations of the 1995-2005 Plan of Conservation and Development.
2. The expansion of the B-TC district is not compatible with and conflicts with the existing adjacent single family homes on Center Court and Ellsworth Street.

The motion was seconded by Commissioner Anest-Klett.

Chairman Camilli: We have a motion and a second. Any discussion.

Commissioner Ganley: As to point one, relative to the applicant not demonstrating, etc., etc., I believe a study of the minutes from the time that this application was made until tonight probably will show that very little reference was made to this particular issue, nor were a significant number of questions directed at the petitioner to show whether or not he had, or had not demonstrated. I'm just kind of befuddled in that the, I just simply cannot recall the presenter, or any other person

who spoke on behalf of the petitioner being questioned on the point about this particular issue. I suspect that there could be a couple of lines there that I missed, therefore my conclusion is if there wasn't any sufficient record that will probably not be found to show that they didn't demonstrate this, I'm wondering how we can conclude that they did not, since it is not on the record to show that he was ever significantly questioned about that.

Number two, this expansion, it's not compatible, it conflicts, etc., etc., we may, and I say may guardedly, approve a subdivision which is going to overlook a karate school, a Wendy's, a Chinese Take out, and a consignment shop, and I forget what is across the street, but it is a ratty looking building with a tower there. I think, riding around town, and very shortly around town, it wouldn't take us long to find a whole lot of businesses co-existing with residences, so I just have a problem with this. I know, number one I have a very significant problem, in that I cannot reasonably conclude that he hasn't demonstrated because I see nothing, I will have to re-study this to see if there is anything in the record that shows that this was a very significant issue, and that the petitioner failed because it was a very significant issue.

Chairman Camilli: Thank you. Bob?

Commissioner Schatz: I agree with Commissioner Ganley. I think, you know we're going to change that to offices which we try to encourage business in this town, just demonstrated tonight that there is possibly a new restaurant coming into town, and these people are looking at our town to set up shop, to make a living, and I think tax wise, for this town, if that building was taxed and you compared both residential against business, I think the town would be ahead with the business side of it on the tax rolls, so I can't support this motion.

Chairman Camilli: Thank you. Any other comments?

Commissioner Prestage: Yes. As I have stated for the record, several times, regarding this issue, I feel that the current R-12 usage adjacent to an historic town green is not appropriate and I won't repeat what I have said, in detail, it's all available in the minutes of the prior meetings, but again, for the record, current R-12 use is not appropriate adjacent to a town green.

Chairman Camilli: Thank you. Does anyone else want to comment? My comment is that anytime we have a zone change since it is a policy decision, the onus is on the applicant to convince the Commission as to whether or not this is an appropriate change. Our position is to judge that rather than to, and I think that I am answering some of the Commissioners comments, that the demonstration of whether or not it further compliments the 1995-2005 Plan of Conservation and Development is up to the petitioner. In my opinion, they did not demonstrate it and under the site plan, I think I will further comment on the layout, I mean there were a tremendous amount of waivers, but I'll comment under the site plan part, but the, as far as how it fits into the town center, I don't think it was sufficient comment by the applicant to prove this. Any other comments?

The vote was in favor of the motion to deny, with five voting YES, and two NAY (Ganley, Schatz).

Chairman Camilli: The YEA's have it, 5-2.

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

Commissioner Ganley moved that PETITION 42-05 944 Main Street, Jeffrey L. Hedberg, 27 Garfield Street, owner and applicant represented by Attorney Leon S. Davidoff, 29 East Cedar Street, Newington, CT 06111 request for site plan approval for professional office use and request for buffer waiver, Section 3.12.4 and Section 6.1.1E joint use parking be denied because the petition for zone map amendment, to the B-TC District, was not approved.

The motion was seconded by Commissioner Fox.

Chairman Camilli: We have a motion, and a second, any discussion? I just want to comment and go just a little further, it seemed to me that the parking, some of the issues under the site plan, were resolved, but I'm also concerned about the neighbor, I guess to the north, where I think there was a ten foot, I don't know, the side yard....

Ed Meehan: There was a twenty-five foot buffer required, they asked for a waiver.

Chairman Camilli: It was only ten feet and we were very concerned about that particular area, and that would have been another waiver which, if you go back to the minutes, I think that particular neighbor was very concerned about that. That's my comment, any other comments?

The vote was in favor of the motion to deny, with five yes, one nay (Schatz) and one absention (Ganley.)

F. 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. Continued from September 28, 2005.

Commissioner Schatz moved that 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 be approved with the following conditions:

1. Restaurant occupancy is limited to "Wings" as shown on the proposed floor plan dated 9-6-05. Change in the restaurant occupancy shall require a new Special Exception approval.
2. The floor plan shall be modified to provide customer seating adjacent to the front windows.
3. Off site delivery service shall use the back entrance and municipal parking lot for delivery vehicles. Delivery service employee vehicles shall not park in front of the store and shall not use the Main Street entrance for delivery operations.
4. Restaurant hours for take out and customers sit down service operations shall occur between 10:00 a.m. to 10:00 p.m. Sunday to Saturday; and for off site delivery service operations no later than 1:00 a.m. daily.
5. Seasonal outside dining seating limited to two (2) tables with two chairs each placed within the public sidewalk area in front of the restaurant is permitted contingent upon the restaurant operator providing the Town of Newington with evidence of Certificate of Insurance as required by the Town Manager and the signing of a Hold Harmless Agreement releasing the Town from liability.

6. Prior to placing tables and chairs in the public area the restaurant operator shall submit to the Town Planner pictures and manufacturers information describing this furniture. Table and chairs must be moveable, and can not be fastened to the brick sidewalk pavers, must not obstruct pedestrians, and be metal, either black or green to match existing street benches.
7. The restaurant operator shall be responsible for cleaning liter and waste resulting from customers outside seating. This may include placement of an additional receptacle if determined to be necessary by the Newington Public Health Coordinator.
8. The restaurant operator acknowledges that the building at 1044 Main Street is participating in the Newington Commercial Loan Rehabilitation program and that a façade design as been agreed to by the property owner which will affect storefront signage. The exterior signage for this tenant space displayed on a fixed awning illuminated by indirect track lighting.

The motion was seconded by Commissioner Kornichuk.

Chairman Camilli: The only comment, Ed is there anything that, as far as I know that we talked a little bit about how they were going to dispose of the grease, if you will, and that.....

Ed Meehan: I can give you some information. It wasn't mentioned at the public hearing, but I did speak to the applicant between the prior public hearing and this evening. They have a service that comes, I think, once a month, and removes the grease from inside the building where it is housed in tanks, or a tank. So there is no exterior holding of the grease, it's all done by a service from inside. I know that was a concern of a neighboring business and I believe that the way that they propose to do it would be satisfactory in that regard.

Chairman Camilli: And what about their just using some kind of dumpster. What are they doing about that?

Ed Meehan: They have the right to use the dumpster in back, they need to contact the carting company that takes care of that, and purchase the services, and acquire a key. The town provides the space, constructed a pad, and the fence. It will have to be monitored by the restaurant as well as the Health Department to make sure that there isn't a lot of cardboard, or things like that that aren't getting into the compactor or cannot be removed by the carting company. They have to make additional efforts to get those out of there.

Chairman Camilli: Well the question, should any of that be in this approval?

Ed Meehan: I feel that it is more operational issues, myself, but however the Chairman wants to handle it.

Chairman Camilli: Well, we did have some comment, that's the only reason I bring it up. Anyone on the Commission have any idea, do you think it's okay.

Commissioner Prestage: The petitioner mentioned that they wanted to deviate from the hours listed in the motion, would that be something they do subsequent to our ruling?

Ed Meehan: That is something for the Commission's discussion. This is just a draft motion proposed, and I drafted it, I thought one o'clock was generous, but the petitioner mentioned two.

I think Newington center is pretty quiet at two o'clock in the morning. There are apartments in this neighborhood. Roma Tailors, to the east has apartments upstairs, I think there are six units, of course the red house and the white house, and there are apartments upstairs over the Smokers Discount, two or three apartments up there.

Chairman Camilli: I was aware of that, and I don't know if you have been in this town a long time...

Commissioner Prestage: Graduated from Newington High, yes.

Chairman Camilli: One o'clock in the morning, it's probably pretty quiet. It's not something where, it's not a town that's up.....

Commissioner Prestage: I agree, my question was procedural, how this would work, would they be able to come back to deviate from this motion, or the hours.

Ed Meehan: If you adopt it this way, and business grows to the extent that they think another hour would be beneficial to the business, they could come back and ask the Commission to amend it, given the test of time to see how it works out.

Chairman Camilli: I could take a stronger view, it doesn't make a difference, well, it does to me, I think one o'clock is late enough. Some people want to convince me two, Carol?

Commissioner Anest-Klett: I just wanted to say, I know that he had mentioned eleven or twelve o'clock for sit down, is there a way to extend that to eleven o'clock, because I know that Vito's, Newington Pizza are open a little bit later on Friday and Saturday nights and that way would extend their eat-in hours. I think they would be more concerned about that than the take out after one a.m.

Chairman Camilli: What is the Commission's feeling about that?

Commissioner Ganley: I think we should let sleeping dogs lie, go with the ten, and at another date, let's see how the business operates.

Chairman Camilli: Okay, that's one opinion.

Commissioner Kornichuk: Well, I don't think we should penalize him for an hour if the other restaurants in the area are open until eleven o'clock on the weekends, then why shouldn't he open until eleven o'clock? Why should he have to close at ten? Maybe some of the people coming out of the other establishments are going to want to pick up some wings. I think he should be open until eleven o'clock, at least on Fridays and Saturdays.

Chairman Camilli: Any other comments?

Commissioner Fox: I agree, Mr. Chairman.

Chairman Camilli: With?

Commissioner Fox: With Commissioner Kornichuk and Commissioner Anest-Klett.

Chairman Camilli: Ed, is that the norm, I just want, for the record, most of the restaurants in town open until eleven, I really don't know.

Ed Meehan: Well, Cugino's is open, Newington Pizza is open, those are the only two in the center.

Chairman Camilli: What about Vito's?

Ed Meehan: I can't say for sure

Commissioner Anest-Klett: I think he should be open, so people could be there, a lot of the other establishments are open.

Ed Meehan: This is for his walk-in, sit down trade, right?

Commissioner Anest-Klett: Right.

Chairman Camilli: Bill, what do you think?

Commissioner Cariseo: Well, I can go with eleven, I guess.

Ed Meehan: Would this be every night?

Commissioner Anest-Klett: I think Friday and Saturday.

Chairman Camilli: Just Friday and Saturday.

Chairman Camilli: Tom, you said keep it at ten.

Commissioner Ganley: Yeah, I would like to see how the business goes, if they are making a significant amount of noise, say, I think we should have the option of saying, okay, enough is enough, don't forget, we are talking about apartments above, and adjacent to, as opposed to houses across the street from Vito's. I think there is a distance factor which is not here, that is my only concern, however, it doesn't make an awful lot of difference.

Chairman Camilli: Bob?

Commissioner Schatz: On the hours?

Chairman Camilli: Yes, do you want to extend it an hour on Friday and Saturday?

Commissioner Schatz: I don't have a problem with that.

Chairman Camilli: Okay, so we need a friendly amendment on this.

Commissioner Fox: I'm just going to suggest a motion. I'm going to move that the sit down service operations be amended to read between ten a.m. and eleven p.m. on Friday and Saturday, ten a.m. to ten p.m. all other days of the week.

Chairman Camilli: Okay, so on Fridays and Saturdays they will be open from ten a.m. to eleven p.m. and then the other days of the week, ten a.m. to ten p.m.

Commissioner Ganley: So that eliminates the one a.m. daily.

Chairman Camilli: No, this....

Commissioner Fox: I said sit down.

Chairman Camilli: This is sit down only.

Commissioner Ganley: Now I have a problem. They are going to be inside preparing food, and backing trucks up until one o'clock in the morning and taking stuff out, you still have noise. You have no customers, but they are still in the kitchen, and you will have the noise.

Chairman Camilli: You will have the noise from the trucks, I don't know that there is going to be any noise from inside.

Commissioner Ganley: They are still working in the restaurant, washing dishes.

Chairman Camilli: You know, I'm not sure, but how invasive is that?

Ed Meehan: I think the applicant wanted to be able to have his delivery people be able to come and go, he asked for two, so there will be people in there. The front door will be locked, the cash register wouldn't be available for customers to come in, but phone in orders, and people taking deliveries off site, so you would have, whatever number customer vehicles you had out back.

Chairman Camilli: So it's all out the back. Who would hear this?

Commissioner Ganley: There are apartments immediately adjacent to, immediately adjacent to that particular site, and that contrasts with the Center Court, Vito's situation, with their parking lot. It's, I don't want us to have something we can't cure later on, whereas I'd rather have us go with what we've got, and then see what.....

Chairman Camilli: Well, what we've got is this one a.m. daily, that was in there. We didn't change that.

Commissioner Anest-Klett seconded the amendment. The vote on the amendment was unanimous, with seven voting YES.

Chairman Camilli: The motion for the amendment passes.

The vote on the motion, as amended, was unanimous with seven voting YES.

Price Chopper's Bond Site Development

Commissioner Cariseo moved that the bond for Price Chopper's site development be reduced from \$110,000 to \$25,000. This \$25,000 balance shall be for completion of the work listed on the Town Engineer's site inspection report including replacement of dead planting, correction of handicapped ramps, drainage repairs and certification of storm water system.

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

VIII. PETITIONS FOR SCHEDULING (TPZ Meeting 10-26 05 and 11-9-05)

- A. 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.
- B. PETITION 59-05 Lot #209 Berlin Turnpike, known as the Libretta property, located on the easterly side of the Berlin Turnpike opposite Pascone Place, Donald F. & Betsy B. Libretta owners, Victor Bassile, Basile Enterprises, LLC, P.O. Box 270-361 West Hartford, CT applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06027 request for Special Exception Section 6.5 Site Filling, PD Zone District. Schedule for November 9, 2005.
- C. PETITION 60-05 2920 Berlin Turnpike, known as Walgreen's Pharmacy, TJJJ, LLC owner Basile Enterprises, LLC applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for modification of Site Plan requirement PETITION 21-03 approved September 10, 2003 condition #4 "installation of a traffic signal at the intersection of Griswoldville Avenue and Deming Street and associated lane widening" prior to issuance of certificate of occupancy. PD Zone District, Schedule for November 9, 2005.
- D. PETITION 62-05 1583 Southeast Road, Courtyard Marriott Hotel, applicant, Apple Six Hospitality, owner represented by Chris Carey, 66 Shelly Lane, Glastonbury, CT 06033 request for Special Permit Section 6.6 Liquor sale restaurant license, CD Zone District. Schedule for hearing November 9, 2005.

Chairman Camilli: We have a new petition for the Grantmoor parking lot. Ed, do you want.....

Ed Meehan: Petition 58-05 is a plan for a pad parcel. It does not require a public hearing but does require site plan approval for a store on the two acres that sits in front of the Grantmoor parking lot.

Chairman Camilli: Is that where Friday's was going?

Ed Meehan: That's correct. Two years ago, it was scheduled for a Friday's restaurant.

Chairman Camilli: The other petitions?

Ed Meehan: Petition 59-05 is for the area just to the north of the Grantmoor, directly opposite Pascone Place, where, I'll call it the southern billboard area. The applicant is asking to fill that area. They have been before the Conservation Commission, they have a map amendment, and wetland approval, but they need a filling permit from Planning and Zoning. Their attempt here will be to create a development site.

Chairman Camilli: And Commissioner Cariseo wants to know if that sign will be coming down?

Ed Meehan: That is correct. That was part of the arrangement that was made with the property owner.

Chairman Camilli: The next petition I think is the one that, the Walgreen's petition, which goes along with the letter that was in your packet from Premier Builders. It's my understanding that it's basically the same request.

Ed Meehan: That's correct.

Chairman Camilli: I don't know what Mr. Snow was been told, but I would assume that he would also have to apply as Walgreen's did, rather than just do it by this letter.

Ed Meehan: I think that is the correct way. The letter would come in as part of his application, but I think the proper way to do it is to amend the subdivision Certificate of Action which had certain requirements for the traffic signal, which would tie to issuance of c.o.'s and so forth, and just as Walgreen's has done, put a petition formally before the Commission and then the two applicants, Mr. Basile and Mr. Snow can come together, or, the same night.

Chairman Camilli: Could it be heard as one?

Ed Meehan: I think maybe in sequence, I think the Commission needs to see the whole picture here of the various reasons why they are at this point. Why they need extensions.

Chairman Camilli: Okay, but it's like, you can't deny one and give it to the other one.

Ed Meehan: That's correct. They are in this together, and I think they have to come together.

Chairman Camilli: Yeah, I would think so. So it seems to me that, just to give you a little direction, I think if you meet with Mr. Basile and come up with some kind of plan, and we will hear the reasons why you want the extension, and probably have to come up with, give us some kind of date that's, I don't think you ever had anything in there, you know, what your intentions are, and I think it's going to be difficult for just one, it has to be more of less concurrent, okay?

Patrick Snow: No problem, I'll just put the application in. I didn't know the procedure, so I just wrote this letter.

Chairman Camilli: Okay, fine, so I think you are squared away with that.

Ed Meehan: Do you want to do that on the 9th?

Chairman Camilli: Pardon me?

Ed Meehan: Is it the Commission's pleasure for November 9th, on this?

Chairman Camilli: I would think you would want that as quickly as possible. Okay?

Patrick Snow: Thank you.

Chairman Camilli: The Marriott, is it the Marriott?

Ed Meehan: Yes, they finally got their c.o., and they are looking for the liquor license for the restaurant. The c.o. was issued last week by the Building Department.

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

None.

X. REMARKS BY COMMISSIONERS

None.

XI. ZONING ADMINISTRATOR COMMENTS

None.

XII. STAFF REPORT

Bond Release – Price Chopper
(Discussed under Old Business)

XIII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary