NEWINGTON TOWN PLAN AND ZONING COMMISSION

October 11, 2006

Regular Meeting

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

Commissioners Present

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

Commissioners Absent

Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. PETITION 38-06 Assessor Map NE 505, East Cedar Street, known as Cedar Mountain parcel, Connecticut Children's Medical Center owner, Reno Properties, LLC, 170 Pane Road, Newington, applicant, represented by Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hirtle, City Place I, 22nd. Floor, Hartford, CT 06103, request for 4 lot subdivision CD Zone District to be accessed by a proposed commercial street over abutting property known as Lowe Manufacturing Company, 751 Russell Road. Inland Wetland Report Required. Continued from September 27, 2006. Extension granted to November 3, 2006.

Attorney Wise: Thank you Mr. Chairman, Members of the Commission, my name is Lew Wise, I'm an attorney with the firm of Wise, Rogin, Nassau, on behalf of the applicant. Let me just briefly review with you where we are. As you may recall, the public hearing opened in July, July 26th, and we made our initial presentation to you, and at that time, we responded to the Town Planner's preliminary comments. A site walk was conducted on August 23rd, the public hearing was continued until your first meeting in September, but we decided to continue that hearing because we had not received the final staff report from Mr. Meehan, nor had we received formal engineering comments, and we wanted to respond at one time to all of the comments. The hearing was continued until the 27th of September, and we continued it again because we had only just received the Town Planner's rather extensive staff report, and still had not received any engineering comments. Tonight, we intend obviously to go forward, what we are going to do tonight is respond to the extensive staff report, and of course any additional questions that you may have. Unfortunately, we still have not received any formal engineering comments. We are told yet again, for the second or third time, that they are imminent and hopefully we will get them at some point before the final public hearing session, which will have to be at the end of the

month, because that is the last date for the time to expire. We have already consented to the maximum amount of extension that is allowable under the statutes. So, tonight we will respond to everything except the engineering comments which we still do not have.
I want to just put into the record, I have a formal written response to Mr. Meehan's staff report which I want to put in the record tonight, and I'm just going to use that as a guide here in going through the comments. I'm going to respond first, and with respect to several of the comments, Mr. Bongiovanni is going to provide some supplementary explanations and responses, and we are going to try to do this as quickly as we can, but the staff report, as you can see, is quite lengthy, so it may take a little bit of time.
Let's start with the first comment, Mr. Meehan's first comment is that, in essence, our subdivision plan does not accommodate a possible roadway that is discussed in the corridor study, Cedar Street report, in a report that was issued in 1999, it's up on the board, Mr. Meehan's comment is that our the road that we have proposed in the subdivision plan is not in harmony with the possible roadway discussed in the corridor report that would link Cedar Street basically to Russell Road. There is a plan there that Alan put up on the board, and as Alan is going to explain to you later, our proposed road is in no way inconsistent with any town roads that may be built in the future in that location. It is highly unlikely by the way that a road will be built there, because it would go right through a fairly extensive wetlands area, but in the event that the town were to do that, our roadway would not conflict with that, and in fact, as Alan will explain, we can make and will be prepared to make, some accommodations now that will actually make it easier for the town in the future to put that roadway in and have it link up with our proposed road.
The second comment in the staff report basically is that some, or all of the property in question, we're talking about almost a thirty acre piece of land here, and what Mr. Meehan's comment is, is that some or all of the property is not suitable for development because of slopes in excess of 15%. If you will recall, you have the section in your subdivision regulations that has three different types of land that can be considered unsuitable, one are wetlands, one are flood areas, and the third, are land with slopes in excess of 15%. We had several responses to this comment. First of all, to suggest that some or even all of the property may not be suitable for an office park is really incredibly surprising, given the fact that in 1991 this Commission rezoned this thirty acre parcel to CD, Commercial Development, find that this zone, and it is up here on the board, the Commission found, in it's Certificate of Action, rezoning this property, that the classification for these thirty acres quote, is an appropriate classification for the land based on it's character and location. Subsequent to this action of the Commission, back in 1991, this Commission has, on three occasions in denying applications for various types of development, including the one that we presented less than a year ago, on three occasions the Commission has reaffirmed its desire not to change this zone, and to make certain that this land is in fact used for an office or business park type of development.
I would submit to you that you can't zone or it is improper to zone a parcel like this, in this case for an office style development, and then determine that most, or even all of it is not suitable for the very development that you have indicated is appropriate for the location. That would be considered a taking, and the town would have to pay the owner for the value of the parcel. Secondly, the section of the regulations that the staff report is referring to, Section 3.2, on suitability of land, that regulation says that land which the Commission finds to be unsuitable for subdivision or development shall not be approved by the Commission unless, there is a very important unless in your regulations, unless adequate and safe methods are proposed by the developer to solve the problems of the unsuitable conditions, and of course, that is exactly what we have done. We have solved, even if you were to consider the property to be unsuitable, and as I will explain in a minute, under prior interpretations of your regulations, this property cannot be considered unsuitable, but even if you deemed it to be unsuitable, we, in our plan have mitigated the so called unsuitable conditions. In the past, in other situations that has been the way you have applied this. If the unsuitable conditions could be mitigated, then the land could not be deemed unsuitable.

Up on the board, the next slide is a statement from the Town Planner made during the public hearing on this particular petition, this is the Rockledge subdivision, and in this portion of the public hearing, the point is made that, in the middle of this it says, the question is, is this plan mitigated, I think it should have been has this plan mitigated the unsuitable terrain to meet your standards, and as Mr. Meehan pointed out, they are not asking for any waivers, and so forth. We know that, to get where they want to go, to meet your standards, they are going to blast right up the middle of the site. So, the fact that the so called unsuitable condition was going to be mitigated meant that this particular regulation could not be applied to deny the proposal.
Finally, the staff report identifies several areas on this thirty acre parcel, as having slopes that are in excess of 15%, however, and this is critical, the report's methodology in measuring these slopes is fundamentally inconsistent with the methodology that this Commission, and the staff have used in numerous prior applications, and as Alan will explain when I am done, there are at least, just in the last couple of years, there are six or seven that come to mind. Sunrise Estates, Rockledge, Target, Lowe's, Walgreen's, Wendys, all had slopes in excess of 15% except that you measured the 15% differently for every one of those applications. As Mr. Meehan has pointed out in Petition 03-2001, the Rockledge petition, the standard engineering practice is you measure from the toe of the slope, to the top of the natural terrain. These are all quotes. The toe of the slope means the beginning of the slope, in this case the beginning of the road, which would be basically at Cedar Street to the high point on the property. When you measure the slope that way, and that is the way that you did it in every other prior application, when you do it that way, we are far under the 15%. We are at what, 7, we have submitted a plan that shows, and Alan will explain in a minute will explain that we are well, well under the 15%, and it is worth quoting from that public hearing. Mr. Meehan was explaining the definition of suitability, and so forth, the regulation that talks about the suitability of land, and I'm just going to quote a portion of this. This is from the public hearing session of April 25, 2001. Mr. Meehan says, there is in your subdivision regulations as was discussed during the public hearing by both the Commission members and members of the neighborhood, there are three criteria, or three references to environmentally sensitive land that the Commission can look at and should look at when they have a development before them. Two of the three are basically regulated by state or federal law. The one by federal law is flood hazard area, and that is regulated by FEMA map, flood insurance map, and state law it's the Inland Wetlands and that is regulated by the Conservation Commission. The third area of marginal land when the Commission looks at pieces of property are those pieces that have in excess of 15% slope, and this piece, he is of course referring to the Rockledge piece, this piece does not meet that third criteria. I would say that generally, because I have walked it, and the Commission members have walked it, you would think it is steep in some areas. The critical thing is where you measure it. I went over this with the Town Engineer during the public hearing process and went over it recently just to satisfy my own curiosity based on some questions that I have heard. If you measure the slope on this piece, from the toe of the slope, that is the proposed drive, to the existing topography to the top of the hill, you get about twelve and a half, 12.8 percent slope, that is from station 12 to station 17. If you reduce that horizontal length, make it shorter, and you measure from station 13 to station 14, you are going to have in excess of 15% because your grade goes up that much quicker. Normally, you would measure from the toe of the slope to the top of the existing natural terrain. It goes on to say, one of the members of the Commission asks, there is nothing in there, in the regulations about where you are supposed to measure, this is Commissioner Camilli, there is nothing in there about where you are supposed to measure? Mr. Meehan responds, no, other than what is standard engineering practice, you measure from the toe of the slope to the top of the natural grade, and I have taken various measurements in different cross sections and stations, and he says, I have those calculations, I went through those with the Town Engineer, you want me to share those with you. They range from everything from less than a twelve percent slope up to a thirty eight percent slope, if you measure like from station 12 to station 14, a couple of hundred feet, horizontal, that is a sharp rise, then it flattens, and goes back up again. That is the end of that portion of the hearing. Well, what I think Mr. Meehan did in calculating the slopes here, was

exactly what he said not to do in the Rockledge situation. If you measure, as I said, from the toe of the slope to the top of the natural terrain, which is how you have always done it, then this property is suitable, under your suitability criteria. If you were to apply a different standard now, and again, we are going to discuss, when Alan has a chance, the many developments that have been approved which had slopes in excess of 15% in certain areas of the property, but not as measured from the toe to the high point. If you would, all of a sudden, apply a different interpretation of this regulation to deny our application, that would be the height of arbitrariness which would violate very well established principles, principles that have been applied over and over by the courts in reviewing zoning decisions, so we urge that you apply the same standards to this application and you apply, and have applied to other applications, other pieces of property that had similar types of terrain.

The staff report's next comment which is comment three, is basically, has basically said that the relation, that our proposed street should be planned to provide for continuation into the adjoining property with an alignment design that complies with the street standards set forth in the regulations. We think that this comment is basically reiterating the first comment that talked about the compatibility of our proposed road with the road that was discussed in the corridor studies. As I said before, Alan will show you that they are not at all incompatible.

The fourth comment basically, well, it says that our subdivision lots should be designed with care and recognition of the existing character of the land, and arranged in such a way that there will be no foreseeable difficulties for reasons of topography or other conditions. And then it goes on to talk about public safety concerns involved in excavating and exporting off site the, admittedly large amount of rock that would be excavated, and talking about the safety impacts of the truck trips that would be required to remove the rock. First of all, with respect to the public safety concerns, of the required excavation, let me just go back to my first point which was that this Commission has already on several, has already decided that the land is suitable because of its character and location for a CD development. That is what you decided in '91 and that is what you had reaffirmed on several occasions. Section 3.5 of the regulations which I think Mr. Meehan's comments were alluding to, seeks to ensure that a proposed subdivision plan avoids, and I think that the language used in the regulations is, foreseeable difficulties in complying with zoning regulations or building codes or providing safe driveway access to future buildings. Our subdivision plan avoids all foreseeable difficulties in complying with zoning regulations, building codes and providing safe driveway access to future buildings. It completely complies with that regulation. With respect to any public safety concerns involved in the excavation of the material, as my official response, my written response says, the regulations simply don't address blasting. You have no blasting standards, and as the Town Planner pointed out in the Rockledge public hearing, the subdivision regs do not contain, or I guess the developer talked about it, but Mr. Meehan was certainly agreeing, that the subdivision regulations do not contain standards for blasting. We don't have standards for that. It's beyond your enforcement jurisdiction because it is the hands of the Fire Marshal. The Fire Marshal takes care of regulating blasting.

With respect to the possible public safety concerns involved in trucks carrying this material from the site, first of all, to the extent that Cedar Street is going to be used, that is a state road, and the Department of Transportation, if they feel that there are public safety concerns has the authority to address those concerns. Having said all that, we are perfectly amenable to reasonable conditions of approval that would, for example, set appropriate days and hours for blasting, for truck activity, and that would perhaps even prescribe truck routes from the site. Alan is going to address this issue in more detail, but it seems to me that there is nothing in the regulations about blasting, and blasting like I said, regulated by the Fire Marshal, and since there is nothing in there about public safety concerns, you know, with trucks operating on a public state road, it seems to me that those are not legitimate reasons to deny this application.

Comment five, questions, comment five and we have discussed this in prior conversations, comment five noted that our access drive is going to be on our neighbor's, our abutter's property, and the staff report questioned whether we should be required to submit some documentation that we have the right to use our abutter's property for our driveway. I have responded to this

issue in writing in a letter to the Commission which is in the file, and basically, as I explained, this situation comes up all of the time, when you have people with contracts to purchase land, options, or whatever, so that you have applicants who are not necessarily owners, and understandably the Town wants to make sure that an applicant has a legal interest in the property, the way you have chosen to deal with this is to require in these situations that any application be signed both by applicant and by the property owner. And that is exactly what we did. Our application is signed by the applicant, Reno Properties, and is signed by a representative of the property owner. It is my understanding that the Town Attorney who has been retained for this matter has expressed his agreement with my position, and there is an e-mail, or memo in your file now, your official file to Mr. Meehan to that effect, so I am hoping that this is no longer an issue. In addition, the applicant for the development next door, the Hunter Development Company submitted a letter to you which outlines the nature of the agreement between Hunter, and my client, Reno, and I'm going to put that, I want to make sure that it is also in the record of this matter. It's in the record for the Hunter application, but I want to make sure that it is also in this, and as he explains in this letter, there is an agreement between Hunter and Reno that would allow that driveway to be built.
The sixth comment in essence says that the grade of our proposed street should be increased so as to reduce the amount of required excavation. As Alan will explain to you, that really is not feasible if you want to have a viable office park development, and as I keep saying, that this Commission has stated that it has desired for many years now.
Comment seven and eight, say that we haven't submitted any documentation regarding state approvals….

Chairman Camilli: Excuse me, I just got through reading this, would you just answer five, it's also there that says in addition the revised subdivision plan now shows a 9' to 13' cast in place reinforced concrete wall off-site on adjacent property. For my own curiosity, is that anything that was….

Ed Meehan: That is on the property to the east.

Alan Bongiovanni: For the record, Alan Bongiovanni. That wall location straddles the Cedar Mountain LLC and the subject property right in this location here, we do have an engineering design with us this evening that we can submit for the record on that wall. Since, in talking with Mr. Meehan this afternoon, they were getting about three pages of engineering comments, we figured we should hold it until we address all the comments and submit that all together, but if you would like to see the design, we have it.

Ed Meehan: I think the point is, it's off-site.

Alan Bongiovanni: It's within the proposed right of way.

Attorney Wise: It is within the right of way for the road, and part of the road.

Ed Meehan: I don't think it is in the right of way unless you revised the plans.

Alan Bongiovanni: It's adjacent to the right of way.

Ed Meehan: Okay. Do you have, are you going to try to get rights to build it outside the right of way?

Alan Bongiovanni: Everything we are proposing on the plan we have rights to do.

Chairman Camilli: Okay, I was just curious. Go ahead.

Attorney Wise: It is all part of the agreement that we have with Hunter.
Comments seven and eight point out that we have not submitted documentation as to state approvals for various work that is being proposed within the state right of way on Cedar Street. The response to that is, as you probably know from many, many other applications that require state approvals, the state does not grant approvals for proposed developments until after all the local approvals have been obtained, such as the approval from the STC.

Chairman Camilli: That is eight, let's go back to six. When I interrupted you, you were on six, I just wanted…..

Attorney Wise: No, all I said was the comment on six was that the grade of the road should be increased so as to lessen the amount of excavation, and I said that Alan is going to address that because he is going to explain why it's not really feasible to do that if you want to have a viable office park. Viable, I mean with decent size buildings and parking lots and so forth that are attractive to the users.
Seven and eight are the state approvals, as you all I think, probably know, you can't get a state approval until you have the local approvals, and in fact, your regulations, 6.1. K of your subdivision regulations states that prior to the issuance of building permits, the developer shall submit the state's permits to undertake subdivision improvements within their right of way. That is the state's right of way. If the state's permit requires substantive changes to the originally approved subdivision plan, the Commission reserves the right to require the developer to resubmit the modified plan for its approval. So, it's your approval, we go to the State for whatever approvals we need, if they grant us the approval but they required significant changes in what we are doing, then we would have to come back to you to get your, to get you to modify the plan accordingly.
Section nine points out that we have not yet provided the MDC letters regarding the availability of public water and sewers. They are forthcoming. We were told that they would be issued, it just takes them a long time to actually issue them, but that should not be a problem.
The tenth comment suggests that various technical changes be made to the grading plans. As Alan will explain, they are all being made. This comment also asks that areas with slopes in excess of 15% be shown on the plans, this goes back to what I was talking about just a moment ago, if the 15%, the so-called 15% rule is applied as it has been in the past, there are no areas on this property that exceed 15%. The comment also asks that ledge or outcroppings be shown on the plans, and they are already on the plans, according to Alan.
Comment eleven suggests that we be required to get a special permit under your zoning regulations dealing with removal of earth products. That is Section 6.4.1 of the Zoning Regulations, however as I explained in previous letters to the Commission, this section exempts any quote, grading or landscaping incidental to the development of the land, or grading for public improvements. As I said in my letter to this Commission dated August 24th, the clear meaning of the word "incidental" as used in Section 6.4.1 is, and I'm quoting from the dictionary, occurring, or likely to occur at the same time, or as a result. This is from Webster's Dictionary. The obvious intent of this regulation is to exempt from the Special Permit requirements any excavation which is necessary to prepare a site for an improved development. Any other interpretation would obviously make no sense, because it would theoretically allow the Commission to approve a development application, and then nullify the approval by denying a Special Permit for the excavation necessary for the same development. Incidental does not mean more than a little bit, in this context. It means occurring, or likely to occur at the same time, or as a result. So, we think that once again, it would be inappropriate and frankly in conflict with the clear meaning of the regulation that I just read to you, the special permise regulation to require us to get a Special Permit in this context. As I noted before, we have no objection to reasonable conditions of approval when it comes to the excavation activities and as I also noted before, there have been numerous developments which have required extensive excavation and blasting in Newington and which were done without the requirement of obtaining a Special Permit.

As Alan points out, in your approval for Sunrise Estates, you had several conditions, conditions of approval, dealing with, rather than require the applicant or the developer to file a separate special permit application, you simply, you added a couple conditions of approval dealing with blasting. For example, you had condition, rock blasting shall be conducted in accordance with state regulations, blasting permits shall be obtained from the Newington Fire Marshal, and so forth. So, you have done it in the past, you have conditioned, you've had situations where blasting is going to be required, you have simply added conditions of approval dealing with that activity and we have no objection to you doing the same thing here.
The staff report also contains some technical review comments and Alan is going to address those as well.
In summary, the proposed plan that you have before you complies with all of your subdivision regulations, and all of your zoning regulations, at least as they have been interpreted and applied consistently in the past. If you were to apply the regulations here, as they have been applied in the past, in other cases, you would virtually have to approve this application. To deny this application here, in these circumstances I would submit would be quite obviously discriminatory, arbitrary and certainly not supported by the rather voluminous evidence that we have put into the record. This Commission has indicated over and over again that it wants this property to be used for an office or business park. It is specifically, if you look at your Plan of Development, it is specifically labeled, office park, or office park development, and just a few months ago, I believe it was last January, when you denied our town house application, you reaffirmed your desire to see this property developed for office use. Even though, at the time, and during the public hearing I know, because I was there, even though we told you on several occasions, that an office development would require far more excavation than the town house development that you had before you. Not withstanding that, you reaffirmed and reiterated your desire to see this property used for office, and so, we ask that, when you finally get around to voting on this, that you approve you application so that the property can finally be developed in accordance with its zoning classification. Now I'm going to let Mr. Bongiovanni take his turn. Thank you for your attention.

Alan Bongiovanni: Thank you Lew. Again, for the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut, president of the Bongiovanni Group at 170 Pane Road. I'm going to try to be as brief as possible, and I'm also going to follow along with the Town Planner's comments, dated August 31st, 06.
The first item, the proposed subdivision not in harmony with the Plan of Conservation and Development Transportation Component. I prepared over here, in red, this is what your Plan of Conservation and Development Transportation Component corridor study recommends, a road in the same location as the proposed signalized intersection is for the Hunter Development and proposed to accommodate this development, is in this location. At the very same pole, the Hunter property and the eastern portion of the Newington Medical Center, the Newington Children's Hospital property, in a northerly direction, out to Old Highway, so that this road can move through, and then go easterly to Russell Road. Our road design is such that it comes down in this area, and intersects radially with the proposed Corporate Row driveway. I've had experience in town that, although we can make provisions for potential roadways, they don't always happen, but what we can do, is to, if this potentiality ever comes to fruition, we can provide restrictions and language such that if the town chooses to install this road, we can make this section of land available through restrictions on the property, an automatic reversion of what was a former roadway to Lot #1, and reserve rights in this area so that if the town wished to construct that road, they could do that across the applicant's property, with minimal realignment of the roadway, and not have to adjust the grade, anything beyond this point of curvature, so it's a real potential that if this was to go in, this is an easy fix to make that work. We cannot plan on this potential happening at this date, for many reasons. One, budgetary, but two, there is significant impacts to large wetlands in this area if this was to go through, and it's probably

unlikely that this would happen, but we can make provisions. If the town is successful in securing funds and approvals to do that work, that we can accommodate that future development, so I think this clearly shows that we can be, and are proposing to be in conformance with your transportation components.
Comment Number Two, talking about the 15% gradient. The Town Planner, and the overhead plan on the wall, all the areas in gray are areas in excess of 15% slope. If you take spot elevations, we did (inaudible) photography on the site. We have over 1500 individual shots and what happens is that the computer will interpolate between those points, that is why you get these triangular shaped areas, but in essence what this does is everywhere that is shaded, that slope is greater than 15%. If, without definition, if we were to follow what I believe the Town Planner is requesting, or stating, anything with a 15% slope, no matter how big horizontally, would be considered unbuildable, then if that is the case, I think you have rendered, this Commission has rendered this site unbuildable. We know that is not the case because history tells us that the Commission views slope measurement in a different way. I submitted, I believe, on our first meeting for this plan that showed percent of grade about 7.1 percent from the road beginning to the high point, and I think it was 7.8 percent here. I don't know if you have that handy Ed, if you do, I will put that up on the board.

Ed Meehan: I don't have it.

Alan Bongiovanni: That is typically how slopes are measured. To further support our argument, several other developments that have occurred recently in town, Berlin Turnpike, Sunrise Estates, if you look at these brownish lines that are very close together, these are contours, this is an enlargement of that. This is the MDC, based provided by the MDC for the Town of Newington GIS, and this is the existing grade contour, with the plan metrics of the proposed development. If you look at this plan, we did the same slope analysis for this parcel of property that I showed you previously for the application before you. Everything highlighted in gray or shaded in gray is areas of land that are in excess of 15% percent. If the Town Planner's guidance, or recommendation that anything over 15% would be considered unbuildable, then this development should not have happened.
This is maybe a little hard to see in the light. This is a photograph of one of the lots at the top of the hill, the northeast corner of Sunrise Estates, currently being built. This is a steep slope of land, this is a residential house being constructed, there are the forms for the foundation, and this is going to be the rear yard of the lot. This is typical of what the Town of Newington has approved.
This street here is the Rockledge Development. This is an enlargement. This area here I believe the record earlier from Lew's testimony was about 38%. I did not do the approval on this, but was present at the hearings when slope was determined and a diagram was presented and it was measured from this point, to that point, for an overall average that was considerably less than 15%. This project was approved by this Commission, and steep slopes which are in excess of 35% were disregarded.
This is a very current development. Berlin Turnpike, Richard Street, this box you see here, that is the Target Store. Here is an enlargement. These are 40 and 50% slopes. This is the outline of the building. This whole hill about fifty feet was obliterated, to accommodate the proposed development. If what is being presented in the staff report is the way the slope is measured, this development should not have happened.
This is the Berlin Turnpike, this is the Lowe's site. Look at the slopes along the back of that property. These are probably closer to 50 to 60 percent, at least 30% in this area again. You would have thirty to forty foot hills that were taken down to accommodate a development. This is no more of a stretch of moving exorbitant amount of land or earth or accommodate the building. This is nothing different than what we are proposing in this application.
Even on the smaller sites, this is the Walgrens store. The slope that existed prior to this development was about 25% along this line. Here is the slope of the earth here, and this is

where they constructed about a fifteen foot wall to accommodate it. That is mitigation of steep terrain. That is acceptable in the Town of Newington. That is similar to what we are proposing in this application. We could probably spend the entire evening I think I have gotten my point across, at least I hope I have. I would like to move on.
Relation to adjoining areas incomplete. The proposed commercial street should be planned to provide for continuation into adjoining property with an alignment design that complies with street standards set forth in Section 3.6.18. I'll work with the plan on the bottom, it's basically the same as on top. We have, I discussed this briefly this afternoon with the Town Planner, we have commercial projects being developed in this area, we are sharing an access point. We have a Connecticut Humane Society over in this property, basically developed property. Everything to the north is Old Highway. The other side of that is R-20 zoned land. So to suggest that we should be connecting our proposed roadway into a neighboring property, the only property to connect it to is the property to the north. That is R-20 land. You would not in proper planning design a major commercial street to service a commercial development as the forefront to the entrance to your highest residentially zoned land. Along with that, I believe by making provisions to allow connection of the road, or re-working of the road, to a future street in this area accommodates the same purpose. It provides a thorough fare to make provisions to do that, to accommodate that, but to state that this road should be connected into neighboring property, there is only one other use there, and that would be inappropriate.
Section 3.5, subdivision lots should be designed with care and with recognition for the existing character of the land and arranged in such a way that there will be no foreseeable difficulties for reasons of topography or other conditions, and so on. Our response goes back to what this land is zoned for. It is zoned for commercial development. Basically, larger style buildings, office buildings. We have designed it at two percent because that's what makes sense for creating buildable pads for potential tenants. You take a building, most office buildings preferable is to have a level grade throughout that building pad, at least fifty feet in both directions if it is a building of substantial size, ten thousand square foot or greater, are going to be at no greater than a two percent grade on either side to accommodate sidewalks, handicapped parking, van loading and access; by ADA code, you can't exceed two percent. Then you go to the town's parking requirements, saying that parking can't be in excess of five percent. Well if you apply all those numbers you get an average grade across, say about two, two and a half percent. We are designing a road, so that if a buyer comes in, a corporate citizen chooses to relocate in this area, they would be able to fit a substantial building with a minimal amount of work on this site. This grade works for the intended use. If we were to change this to three percent, four percent, or the maximum six percent, the cost to construct individual lots with retaining walls, and the limitations that you would put on the end user are not consistent with the regulations, the zoning regulations in the Town of Newington, or the way that the Town of Newington has approved developments in the past. If you zone a piece of property for a certain use, then we intend to have the landowner obtain the highest and best use out of it. If we force, if this Commission forces the developer to use a steeper percent of grade, he will have a lesser yield, for usable land on this property and create a difficulty for many corporate citizens to overcome, to locate in this spot. So we feel that the design is consistent with building regulations, handicapped regulations, and what the intended use of the property is.
Comment Number Four Mr. Meehan also talks about public safety, Lew addressed that, and quantity of materials. I said in previous meetings that were about 944,000 cubic yards of rock. Two revisions, mainly shelving and then raising Lot #4 to maintain the original drainage pattern to the wetlands, we are now at about 775,000 cubic yards, about a twenty percent reduction, from what we had originally stated.
Item five, Lew addressed, Item six, I think this is rehashing of some of what we have already talked about. Subdivision streets should be planned in such a way as to provide a safe and convenient street system for present and future traffic and should fit the topography of the land as much as possible. Given the zoning classification of this property, the statement of fitting the topography as much as possible is a contradiction of the classification. Fitting the land to the

topography, fitting a road to the topography of the land today, would not yield buildable properties. We have designed a site that would provide four pads that can be readily developed for the use in which it is intended.
Items seven and eight and nine are with respect to state approvals, DOT, that information, DOT information can not be obtained until after local approval has been granted. The MDC, I'm waiting for that letter. I've been told verbally that sewer and water service is available.
Section ten, or item ten, Section 6.6, grading plan; we have made several of the changes, I talked with Ed about bringing plans, and since we will be receiving a several page report from the Town Engineer, it was suggested that they not be printed at this time. Our plans do, if
Zoning regulations removal of earth products, number eleven, Lew touched on it briefly. I have always contended in other applications, as I will tonight, that to effectuate an approved plan whether it is cutting, or filling, a Special Permit should not be necessary. There have been instances where my clients have said, well, it's not a big deal, we'll get the permit anyway. A good example of that it's not necessary, is the petition for Sunrise Estates. Lew read condition number seven, number six, if you read further into condition number seven, it specifically states that crushing, blasting are an integral part, to paraphrase, an integral part of the subdivision design, and a special permit is not necessary, and I believe the same holds true for this.
The, real quick, technical comments, again, we addressed most of them. We have put street names on, this is a two street system, we have Corporate Row and then Executive Ridge for the large cul-de-sac, we've moved grade away from Old Highway, we've provided the shelving, fencing, we moved the things out of open space areas, again, I don't know that we should belabor that point, until we finalize plans with the Town Engineer's comments.
Briefly, just to talk about the quantity of materials a little bit before Jim Winn, our traffic engineer gets up here. We are looking at 775,000 cubic yards of material, averaging 15 cubic yards per truck, we're looking at 51,600 trucks. I made the assumption nine hours a day, basically seven to four, at twenty trucks leaving the site an hour, about 180 truck trips per day. This plan, if everything went smoothly, could be done in about 287 days, or within a calendar year. Although it is a large quantity of material, it's not something that could not be done relatively easily. David put up on the board here a plan that is a compilation of the MDC street maps, the subject property, the proposed signalized intersection at 175, with the installation of the signal, and of course, subject to the approval of the state, we may be able to have right and left access exiting out of the property, as well as we have the potential for coming out to Old Highway, taking a left on Russell Road, right on Arrow Road, and being distributed through another signalized intersection there. I think the preferred route would be to come out on 175, but again, that is beyond our control, and is subject to state approval and their guidance.
With that, I would like to introduce Jim, Jim Wynn and Green and Pedersen, who will talk about the traffic.

Jim Winn: Good evening. Again, for the record, my name is Jim Winn and I'm a traffic engineer, project manager with Green and Pedersen. GPI was retained to look at the requirements for site access particularly as it relates to the Hunter Development project. We want to have a shared access that worked for both the Hunter project as well as the proposed development. The original study for Hunter Development, we, as mentioned in the study, we did look at the abutting site, the proposed office development now, as a residential development. As currently proposed, the office development had more traffic in the a.m. peak, and p.m. peak hours, so what we did, is evaluate the site driveway, and find out what mitigations in addition to the Hunter project would be necessary to accommodate that traffic. What I presented here, if I can point out the differences, this plan is a little different from the original plan that was presented early in September. This plan incorporates some of the changes that were made as part of the Hunter development project. I can first go through some of those changes, and then I can go through the changes that would be necessary as part of the office development.
As part of the Hunter plan, the changes that we most recently made, are the left turn lane that was going into Redan Upholstery driveway was extended to include the fitness center. The

additional lengthening of the left turn lane modified where the widening was going to occur along 175. In addition, as part of the Hunter Development, originally there was a right in, right out driveway going basically through the middle of the Hunter Development site. The Hunter Development agreed to restrict the right turns out, only allowing the right turns in at that driveway. As part of the office development, the differences that would be needed to accommodate the traffic would be the construction of a right turn lane in, as well as an additional lane coming out. The Hunter Development project had two lanes coming out, and this will have three. We did receive some comments from the town traffic review, GM2 Associates, if acceptable to the Commission, I would like to go through those, and just touch upon some of the responses that we have to those preliminary concerns that we received.

The first comment, and this is basically reviewing the traffic study, initial investigation that we did that was dated September 2006, on page 3 of that study, there is a comment that the sight lines to the left need to be 701 feet. This is a little different from the Hunter Development requirements, in that, the more lanes you have, the longer the sight distance you need to exit, so with the addition of this right turn lane, the intersection sight distance requirement is a little longer. As part of this project, with these improvements, the ledge outcrop here will be raised, or would be lowered, eliminating the sight distance restriction, with that ledge outcrop, and then you would be able to get that additional sight distance needed by the creation of that additional right turn lane. The next comment relates to page five and six, the right in and right out driveway on 175 may not be allowed, calculate capacity with all traffic entering and exiting the main driveway. Two things I did, first, again, Hunter Development project agreed that this driveway would be restricted to the right in out, I did look at the operation of this driveway, assuming all traffic, right in and right out accommodated through the signal. Based on those results, there was no change in local service, very little change in the queue, there was no more than one car in the queue trying to exit the site, by restricting those rights in and out onto the driveway, so again, there was no change in level of service for any approach, or all intersections.

Comment on page six, they suggest signal phasing on Route 175 to remain as designed. This is just that each of the three driveways have a separate phase. There are three driveways that would basically be accommodated through the signal, one being the proposed site driveway, the shared site driveway, I should say; Redan Upholstery driveway, and the Gospel Hall driveway. When this has a single left turn lane, it's only two lanes, these two can accommodate the same time permissive phase, with this having its own exclusive phase. When a double left turn comes out, the State requires that that has its own phase, so as part of the widening of this, creating those two left turn lanes, these three approaches will have their own green time. This will have their own protected green, this driveway would have their own protected green, and this driveway will have their own protected green, as stated in the comment letter.

There was a comment that all intersection analysis in The Shops at East Cedar Street report should be analyzed for the weekday a.m. and p.m. peaks, and Saturday peaks. The study that we did was our initial investigation, we really just looked at this location, as part of our STC submission we were intending to meet with them and expand the study to include the locations that we also looked at for the Hunter Development project. At this point, we are really looking, focusing on the signalized access and just to make sure that the two projects could co-exist, and the driveway would be able to accommodate both developments.

The proposed left turn lane into the upholstery driveway should be extended to encompass the health club, again, as I mentioned, as part of the Hunter Development Plan, that left turn lane has been extended and now anyone wanting to turn left into the health club would be able to do that in an exclusive left turn lane.

The next comment is right in, right out driveway should be eliminated since right turn lane is being provided, the proposed geometry will allow vehicles destined for the office complex to short cut through the gas station, and in addition, vehicles exiting the right out driveway could be trapped in the right turn lane for the main driveway. Again, the original concern for the rights out, was that if you had this right turn lane, someone trying to exit would basically get into this lane, and not be able to get over, and be stuck. Again, we, as part of the Hunter Development project that has been eliminated. In addition, there was an original driveway here, through the gas station, Hunter Development project, that has also been eliminated. For someone to cut through the site, you would basically have to come to this right in driveway, traverse to the gas station site, traverse up

to the stop sign, and go across. With this plan with the exclusive right turn lane, into the exclusive left turn lane, should eliminate any cut through traffic where it is a lot more convenient, and a lot less time to make this movement than to traverse a gas station and traverse up to a stop sign control.
The right in driveway for the gas station off of the main driveway should be eliminated, vehicles may attempt to exit the driveway crossing two lanes of inbound traffic, and again, as I mentioned, this driveway as Hunter Development project has been eliminated, only creating a four way intersection for the office development and the Hunter project. That would be the end of the comments that we received from the traffic reviewer.
Do you want me to go through some of the traffic volumes?

Alan Bongiovanni: I think, touch on the amount of traffic that we are proposing the twenty-five an hour.

Jim Winn: One of the things that I also wanted to present tonight, is the traffic volumes along 175. I think from the site walk that we did out there, was pretty evident that there really is a specific time period when traffic volumes are heavy along 175. It's definitely a commuter type route. You can see here, these are the hours during the day, and this is the volume of traffic. You can see during the day the volumes definitely subside, and then when you get toward the p.m. peak hour, you know, you have that peak in traffic as we saw during the site walk. One of the recommendations that I would do, I know that Mr. Bongiovanni had talked a lot about having the truck traffic is, that you have the truck traffic occur, not during these peaks. That way the intersections can accommodate the truck traffic and will not have any safety concerns with the traveling public. My recommendation would be do it during the course of the day, and to avoid those peak hours where it's clearly, from this board, shown that it's during that p.m. peak. I would be happy to answer any questions or whatever.

Alan Bongiovanni: We also have with us Joe Perraginni from A-N Consulting Engineers and I think at this point, if you have any questions, we will be happy to answer them.

Attorney Wise: Well, I don't hear any questions.

Chairman Camilli: Ed, do you have any questions?

Ed Meehan: The last comment of the traffic engineer, about staggering your truck traffic, you were saying, off peak hours, would that be done under the protection of a traffic signal in place?

Jim Winn: Yeah, one of the recommendations, and we talked about it earlier too, was the intent was that you know, the signal would be constructed as part of the Hunter Development project, truck traffic would be accessing through that, and through the signal you know, during those off peak hours when the traffic volumes are lower. The intersection is designed for these peaks, and when you have truck traffic going through during these other time periods, there is a lot of additional capacity through the intersection, you know, assuming that that signal is in place, and again, that has to go through the state for approval.

Ed Meehan: So the roadway improvements and the signal will be in place before you exit out onto Cedar Street?

Jim Winn: That's correct.

Ed Meehan: The only other question I had is Alan mentioned his estimate of excavation to export 775,000 cubic yards off the site, those are one way trips? Twenty per hour, those are one way trips?

Alan Bongiovanni: Correct, twenty trips leaving the site, per hour.

Ed Meehan: Three trips a minute?

Alan Bongiovanni: Per hour, every three minutes a trip.

Ed Meehan: And then you have a trip coming back empty.

Alan Bongiovanni: Correct, right. I mean,

Ed Meehan: Going through the signal?

Alan Bongiovanni: Potentially. Like I said, there is the second means of egress, where you could have ten trips an hour every six minutes a truck leaving from the north end of the site and the south end of the site, if that's how the state chooses to have us remove. It's really up to their discretion as to what, you know, it's their highway, they govern it, they regulate it, they tell us what we can and can't do, and how we can go about doing it. They will not, and can not deny us access to the highway, but they will regulate how we will go about doing it.

Ed Meehan: I didn't follow what you said for the north, something about going over Old Highway?

Alan Bongiovanni: There is a penchant to do that, yes.

Ed Meehan: So you would approach the town about rebuilding Old Highway and fixing out to Russell Road?

Alan Bongiovanni: Our proposal would be, I don't think we would want to put the financial burden on the town to improve that to public standards, town standards, but to construct it as a temporary access for construction vehicles I think is appropriate.

Ed Meehan: And you would leave it in that condition?

Alan Bongiovanni: Then restore it back to its condition today.

Chairman Camilli: How does that square away with the 287 days if you limit the number of truck trips, to about 1500 maybe…..

Alan Bongiovanni: Well, let's say, instead of nine hours, I was thinking seven to four….

Jim Winn: Yeah, well even if you wanted to avoid these, if you wanted nine to four, something…

Alan Bongiovanni: Nine to four, that's eight hours a day, as opposed to nine hours a day, you know you would extend it out another twelve percent, roughly.

Jim Winn: That would be my recommendation.

Chairman Camilli: I was just wondering if that was taken into consideration.

Alan Bongiovanni: It would be the developer's intention to go through this in a workman like manner, and do the blasting and excavation as expeditiously as possible. That's not to say, if the state or the town said that, or that the state said, we are going to limit your hours even further, or restrict, put some restrictions, that we couldn't accommodate a longer period of time, but we think it's reasonable to say about 287 days we should accomplish the removal off site.

Ed Meehan: Could you address the retaining wall, the question that the Chairman brought up? I believe the retaining wall is outside the right of way, on the Lowe property.

Alan Bongiovanni: It is, it's adjacent to that, and the reason that we designed it that way, we do have, in our agreement, what we are proposing on the plans that we have (inaudible) to do with the Lowe property. Two ways to show that retaining wall, I could put it on the private property, and not become the responsibility of the Town of Newington for maintenance in perpetuity, or I could move it two feet and put it on the town property, and then it would be a town maintenance problem. If you would like to me to go in the right of way, we can.

Ed Meehan: I'm not suggesting either way, but I understood you to say that the arrangement would be to buy a certain amount of land from either Cedar Mountain LLC, whoever is going to own this piece, and convert that over to a commercial street with the utilities, and since the wall is outside of that, that's what I was trying to find out. How you are going to build it outside the right of way? So you have a separate agreement for this off site improvement?

Alan Bongiovanni: Yes.

Ed Meehan: The question of removing the material in the state right of way, I know Jim mentioned some of that would be appropriately done in conjunction with the increased sight lines. But some of that seems to be well beyond sight line improvements.

Alan Bongiovanni: Well, part of the issue we have is in creating a commercial development, Reno's property, there is, whether we work with the grade that is here or not, because the number of vehicles that are leaving, we would have to increase the sight line, some widening of that slope or moving it north is going to be required. If we don't, say we move back five or ten feet, if we don't do this excavation in this area here you basically are going to have a stone berm that is going to block any corporate citizen that hopes to come up here. You are basically force him to be in a cavern that, other than one small directory sign, nobody is going to drive by and know that he is there. So it is our proposal to do this work as well, to accommodate the potential citizens, or residents of this development.

Ed Meehan: Have you calculated the additional cubic yards to flatten that out to the, out and through the state right of way?

Alan Bongiovanni: I can have that number for you, I don't have that specifically tonight. The, I will tell you, that is an expense to the developer, my experience through other developments, a good example is the Stamm property. The Stamms had to pay the state, per yard, or per ton, of the rock that they blasted and took off that property because to the state it was a commodity.

Ed Meehan: Well, it's public property.

Alan Bongiovanni: It's public property.

Ed Meehan: Our property, your property, exactly.

Alan Bongiovanni: I mean, if it was mud, dirt or silt, they would say take it away, and don't worry about it, but there is a use for that. So it's not like we want to do it because it's a profit center, that's an expense.

Ed Meehan: I think in the comments, it was mentioned that this would be through the State Traffic Commission process, I don't think that is quite true in this type of excavation.

So, my comment is, if that is not part of the State Traffic Commission process, because it is not traffic related, are you engaged in any conversations with District One, rights of way people, to ask about X number of cubic yards and what it's value is, and how it relates to this, if they don't give you permission to do that, how does that affect your grading plan?

Alan Bongiovanni: That is correct, that this part of the curb cut encroachment, the drainage is not a STC issue, that is done through District One special services. I have had conversations with Dan Pompei as late as today regarding that. If they so chose to not let us take that rock out, then we have a rock berm basically ending somewhere around the state highway line between there and the curb line of East Cedar Street that remains an obelisk to block our view.

Ed Meehan: Do you have any idea when they are going to give you an answer?

Alan Bongiovanni: We will not get that, we will not even be able to apply for that formally until we get approval from this body. Just like you have asked about drainage rights, drainage in the water shed is such that it drains currently to those locations. They have outlets, or inlets to receive our drainage, we will, I can assure you be allowed to continue to drain and make these connections. We will have to sign a drainage concurrence or hold harmless, no different than the town requires if you put in footing drains for a catch basin. But that is all after this Commission acts.

Ed Meehan: My last question is, who did the grading plan for this?

Alan Bongiovanni: It was done in conjunction with my firm and A-N Consulting Engineers, their seal, Alan Nafis.

Ed Meehan: They are going to seal the grading plan?

Alan Bongiovanni: Absolutely.

Commissioner Kornichuk: Alan, on this upper drawing, here where you have the drive, where, on that drawing, where you say the toe is where you did the measurement for this slope?

Alan Bongiovanni: I believe I took the toe measurement from down in this area, I did provide a drawing, I don't have it exactly with me, and I did give it to the town, it's in the town records.

Commissioner Kornichuk: Okay, now that leads me to a second question. How can you measure from a piece of property that is not yours? Because that road is on the Lowe property, right? That's why I asked where they took the toe measurement from, where I am under the understanding that this driveway is the Lowe piece, it's not the Children's Hospital, so how can you take a measurement from a piece of property that doesn't belong to you?

Alan Bongiovanni: The, I don't know exactly, I don't recall exactly where I have taken from. The property line is in this location, I think I indicated this evening that I took it somewhere over here, whether I took it there, or shifted fifty feet over to the front of our property, you're probably talking a tenth of a percent difference in grade, so I could very well have measured the wrong percent of grade, but I'm going to tell you, it's inconsequential if I shift the line over, if I have not already done it appropriately, and as I said, that drawing was submitted, it was on the board as part of the record.

Commissioner Kornichuk: I was just trying to understand because I know somebody's comment, they said the toe was taken from the driveway, and I just wanted to be sure.

Alan Bongiovanni: And that may have been I think you have a valid point about taking it there, and we can adjust that number.

Commissioner Fox: Through the Chairman, continuing with Commissioner Kornichuk's question, when we are taking about the toe of the driveway, we are talking about actually the access to the property, okay. In this case, I don't know what the difference would be, but the access to this property is eventually going to be at the intersection of your Corporate Row and whatever that is over there, Executive Road, right there.

Alan Bongiovanni: Again, I'm more comfortable, it's a matter of semantics, and where you choose to interpret it, based on how this commission historically through staff direction has measured the slope, I think we are consistent with that, whether it is a matter of measuring it in front of the Lowe property, or moving it fifty feet over to where we have legal access currently, I think it is insignificant, the difference, but I think we are comfortable that we do meet the regulations.

Attorney Wise: We have access right where the green light is, and if you measure from there, it is going to be almost exactly the same, maybe a tenth of a percent or something.

Commissioner Pruett: I have a question on the traffic, to Jim, did you get a, did you summarize a report on that traffic light on the Wethersfield town line, and also the bottom of the hill? I know that you can't get a grade report now for potential, level of service grade report.

Jim Winn: Sure, Again, Jim Winn with GPI. Are you looking for the level of service operation at this signal here?

Commissioner Pruett: Yeah, both.

Jim Winn: Level of service C, here in the a.m. peak and the p.m. peak. So, that is consistent with the Hunter. Basically what we did is we had the improvements proposed to basically get us back to the same level of service as just with the Hunter Development project, and to also bring the queues, I think I also mentioned through the Hunter Development presentation that you know, it wasn't just necessarily the level of service that we were concerned, but we wanted to make sure the queues worked as well.

Commissioner Pruett: Was that an increase in the grade from before or basically the same?

Jim Winn: Basically the same.

Commissioner Fox: Through the Chair, I'm wondering, and it might be insignificant, how much difference the level of service would be when you include twenty trucks per hour?

Jim Winn: Particularly if we limit, like I mentioned, that level of service C is rarely looked this p.m. peak hour, and that is what we designed for, looking at the peak fifteen minutes, so when you are looking at these time periods here, I don't want to say for sure, but I would guess that it is level of service B, maybe, so then when you have all that additional capacity, the addition of twenty trucks isn't going to bring you up to the operation of what you have, that much traffic along East Cedar Street, so with all that additional capacity, by not allowing trucks during that peak period, you can accommodate the trucks and still get adequate levels of service.

Commissioner Ganley: My concerns are about the excavation of the amount of fill from the property. Just by way of reference, I refer to a couple of documents, one is the August 24th letter

from Rogin, Nassau addressed to Ed Meehan in which the second paragraph discusses the permit activities and incidental development of the land, grading for public improvements, that sort of thing. Your incidental use in Section 6.1.4 is occurring, or likely to occur at the same time or as a result. So I looked at the letter and said, well, okay, let me look up incidental myself. So I got a dictionary, and looked up incidental. Occurring in the course of something else, contingent, happening without regularity, something that is incidental, contingent or fortuitous, a subordinate or minor occurrence, circumstance, or result, that is incidental. Okay, we are going to take off 775,000 cubic yards of fill, will take about a year, and chop off a fifty foot hill, so as to get down to where they are going to put their site plan. Okay, so I read this letter again, dated August 24th, Rogin, Nassau and he read a sentence in this evening, which is interesting, it says, "any other interpretation would obviously make no sense, because it would theoretically allow the Commission to approve a development application and nullify the approval by denying a Special Permit for the excavation necessary for the development." I said, okay, let's look up the word necessary. Necessary, absolutely needed to accomplish a desired result, essential requisite, that which is indispensable or essential requisite, etc., and then, that which is essential, belongs to the essence of a thing, so that the thing cannot exist in its completeness without it. Balancing and weighing the two words, it seems to me that the word necessary applies here as opposed to incidental. If you are going to chop off a hill measuring fifty feet in height, and then you are going to take out 775,000 cubic yards of fill, it's going to take you a year, so as to get down to the site, to then do some incidental pushing and shoving of piles of earth, seems to me an awful lot more than incidental.
The last sentence of the staff report which I then received and went over, of the first paragraph, which is on page three, the drilling and blasting of rock at depths up to fifty feet, coupled with one hundred thousand plus truck trips warrants Special Permit consideration. Right now, absent some absolute overwhelming evidence to the contrary, I'm more inclined to go with the word, necessary, as opposed to incidental, and refer in deference to the staff comments, that that amount of drilling, and hauling of fill off the site, warrants Special Permit consideration. Thank you.

Chairman Camilli: You know what is going to happen, I was going to say plenty at some point, but you know what, this isn't a court of law. What is going to happen here is, and I'm going to jump in for just a second, because there are a number of issues that you brought up, and you did a good job, and I am complimenting you again, but however, a lot of these things are interpretive, it's an interpretation, and certainly you can't deny the Commission to have it's own interpretation of it's regulations. I mean, certainly you are entitled to yours, which from vis-à-vis, the slope, how the slope is measured, there apparently is a problem. There is a problem with the word incidental, there are a lot of, and another word that came up is suitability. Very interpretative. That is why we have courts. But we certainly as a Commission have the right and the duty to interpret our own regulations, not withstanding your interpretation. So, Commissioner Ganley kind of jumped the gun, I mean, we can go back and forth, and you submitted a letter as far as your interpretation of the word incidental, and it's in the record. To go over it again would be redundant, in my opinion. Let me just finish. Suitability, I know from both Mr. Bongiovanni and you both, on the suitability of the land, well, a tenant would have to, as far as the two percent and as far as the grade, and the parking lots, and that would be harder, or economically unfeasible, which brings up the suitability of the land. This taking of this right of way for the sight line, well, it would be encased in a stone berm, to me, that is a suitability question of land. Perhaps, and I'll tell you what I was going to do, is have the Commission interpret these responses that you made. These were staff comments, but the Commission, we have only had one so far, which is Commissioner Ganley, he doesn't agree with your interpretation. That's it. I mean, you know, we can go around this table at some point, and I'm going to, get whether or not this Commission in terms of the slopes, and so forth and so on, and I don't want to be redundant at this point, that we will also make our own determinations, because they are not that measurable. They are

dictionary definitions, and that is all that I am going to say, and I don't want to argue back and forth. You had your letter submitted, as incidental, I think the Commission understands what you mean by it, to reiterate it again, it's already 8:30. We are way past our procedure time, which I allowed you to do, but you know, I think I have been more than fair with you.

Attorney Wise: I just have one comment, in response to your comment, which is, yes of course this Commission has to interpret its regulations, that's what Commissions do. However, if you are going to interpret your regulations, you have to be consistent in your interpretation and application of those interpretations.

Chairman Camilli: And I think you made that point before.

Attorney Wise: So you can't interpret your regulations depending on the application that happens to be before you. Once you have adopted a position, then that's the position that the Commission has to take consistently, unless there is a good reason to adopt a new interpretation, otherwise, you would be guilty of acting arbitrarily, which the courts have said is illegal.
Secondly, I just wanted to respond to, talking about dictionary definitions here, you have to read the definition that you just quoted Mr. Ganley, in the context of the regulations. The regulation exempts from the Special Permit requirements grading or landscaping incidental to the development of the land. That can only mean, as a result of, the development of the land. It can only mean that, it cannot mean anything else in this context. Certainly the word incidental has other meanings, in other context, but in this context, that is the only definition that makes any sense and I still maintain that if you approve a project that requires excavation, and then you force the applicant to apply for a Special Permit, you can nullify the approval by denying the Special Permit, and that doesn't make any sense whatsoever, so I think that our interpretation of incidental is not only the only permissible interpretation, under the context of the rule, but it's the way you have interpreted this regulation, over and over and over again with the numerous applications that you have received that have required extensive excavation including some of the examples that Alan showed you earlier tonight.

Commissioner Schatz: Through the Chairman, to Ed Meehan, and to refresh my memory, because I'm over 21, not too long ago I believe we voted to protect the ridge line, so the question is, is that the ridge line that we voted to protect?

Ed Meehan: This is not an area that qualifies under the ridge line protection ordinance, which has very stringent standards of at least, almost a two to one slope, fifty percent slope.

Commissioner Schatz: Thank you.

Chairman Camilli: Are there any other comments from the Commissioners?

Commissioner Fox: Are we going to go around?

Chairman Camilli: Not at this time. Because it is late, at some point the Commission is going to have to make its own interpretation, that's all I'm saying.

Commissioner Fox: But I want to read these minutes first.

Attorney Wise: I think the hearing is going to be kept open because we are still waiting for the Inland Wetlands Conservation Commission to do its thing, and they are scheduled to meet next Tuesday, and we are hoping to get some kind of a decision from them, which you will then have for your meeting at the end of the month.

Chairman Camilli: At the next meeting, and I don't want to do it this meeting, but you know, as far as the blasting and everything, from blast surveys, you had a expert come in and say what kind of blasting you were going to do, we don't have any information from truck routes, which way you are going to go, I mean, you said you would cooperate whatever way, but it is up to you to set up your own route, as far as how you intend on getting that material off the site.

Attorney Wise: We have shown you two proposed routes,…..

Chairman Camilli: They are two proposed routes, one is totally not, in my opinion, at this point, from what I understand, from what you just said, you would have to go through the Council.

Ed Meehan: You may have to go to the Town Council to use Old Highway and then access to Russell Road, which is a state road, and there would be issues, you know, curb cuts

Chairman Camilli: Is that Wethersfield?

Ed Meehan: Well, it's in the Town of Wethersfield, but Russell Road is a state route.

Chairman Camilli: And that really hasn't been researched, I think, that's open at this point, I don't know if that is, it's a proposal, but it's not really that practical at this point.

Attorney Wise: Well, it is a public road. And the public has a right to use it.

Chairman Camilli: Access over that road now? I don't know.

Ed Meehan: It's not an approved public road.

Chairman Camilli: It's not an approved public road.

Attorney Wise: It's still a public road. But we certainly have a right to use East Cedar Street.

Chairman Camilli: You certainly have the right to use the mountain provided you can, if that works out. But, you know, there we go, again, to me it is nebulous. Anybody in the area, it's going to be an ambitious project as far as the blasting goes, do we need blasting surveys of neighbors, and all businesses there.

Ed Meehan: Well, I think we are starting to hear for the first time a little bit that they have narrowed it down to 775,000 cubic yards, and they have some ideas on the number of truck trips now, but you know, are they going to crush on site to reduce this, are they just going to take it out raw, you know, is it going out in fifteen yarders, eighteen yarders, you know, bigger trucks, the routes, all these things are pretty important public safety I think that they, as you pointed out very correctly, the applicant needs to propose those things.

Chairman Camilli: We haven't heard anything on any of the blasting procedures, as I started to say, your experts said it might be more expensive to blast a certain way, which with that kind of rock, and are you going to blast that way. He just said you know, it's a better way to blast, but are you going to blast that way? I don't know, and you haven't alluded to it.

Attorney Wise: Well, we have alluded to it, we…

Chairman Camilli: Which way, which way are you going to blast?

Attorney Wise: We have alluded to the fact that the blasting in the Town of Newington and in all towns is regulated by the Fire Marshal and in prior applications involving extensive blasting you have not required any information like this at the time of the public hearing.

Alan Bongiovanni: We hired Dr. Dimmock and he is recommending a closer hole pattern and we would adhere to that, that it is in our best interest to do that, so we would do the more expensive style of blasting.

Chairman Camilli: That's what I want on the record, that is the kind of thing I want….

Attorney Wise: It's already in the record.

Chairman Camilli: Well, it's not.

Commissioner Kornichuk: It is now.

Chairman Camilli: It is now, after ….

Alan Bongiovanni: He recommended it, and we agree with his recommendation.

Attorney Wise: We will also agree to any kind of reasonable hours of operation, and we will agree to reasonable days of operation.

Chairman Camilli: See, we want to know from you what your hours are and what you are going to do, and then we can impose what we want to do, but it's not our project. So you can do, and for the next meeting, can you just because it seems like it was just a closed thing, all the issues, do they need a blasting survey, do they have to contact neighbors, if they blast and there is a problem with a neighboring property somewhere, I mean, are they going to be held responsible?

Ed Meehan: If they are permitted to blast, they will have to notify, through a pre-blast survey abutting property owners within a certain distance that the insurance company for the blasting company is going to recommend, and as was said before, they would have to get their permit, using some month permit from the Fire Marshal, and there is controls on the size of the blast, the time of the blast, and the readings that they take with, the Town has it's own equipment as well as the blasting company, so there is a whole protocol, which is quite a bit different, and apart from the actual subdivision process that we are talking about here. This is really a construction process that any developer would have to go through, to take this magnitude of rock, move it around the site, and export it off the site. A little different than if you are cutting rock up on the site, and moving it around on the site. Say you are taking X number of trips off the site, to get to that point, I don't know, 280 days of blasting or something like that, is that what I hear?

Alan Bongiovanni: No, I think we estimated 287 days, given my truck counts, using conservative truck size load, fifteen cubic yards apiece, it would take 287 days. I would differ with you that blasting would be different, or site work would be different if it was a balanced site. Rock is rock.

Ed Meehan: I was referring to the amount of truck trips off the site….

Alan Bongiovanni: I got confused with the discussion on blasting, but blasting again is under the guise of the Fire Marshal and is regulated as such.

Ed Meehan: That's what I said.

Alan Bongiovanni: State regulations, whether we are putting in a twenty five thousand square foot building, or a single family house, I assure you there would be blasting and rock removal probably required just to accommodate putting a sewer line in up there.

Ed Meehan: No doubt.

Chairman Camilli: Okay, so at the next meeting, if you can have some information on that, that would be one of the things.

Alan Bongiovanni: Sure.

Chairman Camilli: And as I said, we will go over these minutes and I charge the Commissioners to go over the minutes and see what kind of interpretation they want to put on some of the comments. Anyone else on the Commission want to say anything at this point? We can hear from the public. Anyone from the public wishing to speak in favor?

Attorney Wise: They get to rebut our rebuttal? They get to rebut again? This is our rebuttal.

Chairman Camilli: Well, that is your opinion of that, but the Chair will make the decision on that, thank you. Anyone from the public wishing to speak in favor, one more time. Against?

Ryan McCain: Good evening, for the record, my name is Ryan McCain, I'm an attorney with Shipman, Goodwin in Hartford here on behalf of the Connecticut Humane Society. Just for the record, if anyone were actually to question the motives of the Humane Society, the Humane Society has been a good corporate citizen in Newington for fifty-six years, at least fifty-six years. It just celebrated its one hundred and twenty-fifth anniversary, and its presence and participation in these proceedings is done as any property owner in town, to preserve property values, this is the headquarters of the Humane Society, and the Humane Society certainly has a vested interest in protecting its operations and its mission, and fulfilling its charitable cause. We still have the same three issues that we have had all along, I won't reiterate them, or rehash them in any great detail, but a couple of issues that have arisen tonight that I did feel warranted a response.
Our first issue has always been the access and the legal right and what I have not seen is the legal right to actually deed to the town, that portion of the public road that is off of their property. The applicant has apparently presented authority to develop the road, but this isn't the same as developing a private driveway where we are accessing across a neighboring piece is required. This is a public road, as a subdivision it will ultimately be deeded to the town, with all of the inherent road, inherent isn't the right word, but with all the ancillary functions of the road, which is the grading and the additional right of way, so that certainly needs to be presented to this Commission before it can approve a road that it is ultimately going to accept.
Our biggest issue has always been this Special Exception issue that we have mentioned before. We have given you the Aiudi case, of Plainville, which I know that your town attorney is reviewing, and I won't go into the details over the exact meaning of the word, incidental. I did have something I wanted to say, but I do want to highlight, for the record, something that I picked up on from the applicant's testimony earlier tonight, the applicant's engineer had stated and I wrote it down so that I didn't misquote him, that Lowe's and Target both moved exorbitant amounts of land. Coupled with the discussion that you had before with incidental, I think that also speaks to whether this falls into this definition or not. At the end of that quote was, and this is no different. Meaning that this is also an exorbitant amount of land.
I also wanted to submit to the Commission a copy of a newspaper article that appeared this morning in the New Haven Register, and I do have a copy for the applicant as well. This dealt with a zoning application for a bonafide gravel operation in Hamden. Admittedly a different operation, admittedly a different town, admittedly a different set of regulations. In Hamden, the developer proposed to remove 250,000 cubic yards of gravel and sand, so approximately one

third, a much more modest proposal than what is here tonight. They were proposing sixty-four round trip trucks a day, which is sixty-four in, sixty-four out, weekdays and Saturdays, and that would take two years. So, I question the Commission, I think you are on the right track in looking for more details on the actual rock removal operation, but I will submit for the record this application, at least the newspaper account of the operation in Hamden that would estimate about two years to remove about one third of the amount of material.
Finally, our third issue that we have always had is the suitability of the land, compliance with the Plan of Conservation and Development, and I think it bears worthy of mentioning, that the applicant has insinuated that if they don't get a corporate business park, that would somehow be a taking of their property. That you zoned this for a corporate business park, and by regulation, they are entitled to build a corporate business park. That's not entirely accurate. You zoned this for Commercial Development, that's not a corporate business park, that's a single commercial use. I pose to the Commission that a single development on this site might be more in harmony with the land, might be more suitable to the existing conditions on the land, and I haven't been doing this as long as Attorney Wise has, I imagine that I haven't been doing this as long as most of you have, but I don't think there is a court in the state that would hold that it is a taking unless you deny all use of the property and prohibiting a corporate business park is not denying all use of the property. Certainly they are capable of developing this property with a commercial use, as was contemplated by the regulations. Thank you very much.

Chairman Camilli: Any one else wishing to speak against this application?
You can rebut.

Attorney Wise: We will save it for two weeks from tonight.

Chairman Camilli: Okay. We will keep Petition 38-06 open.

B. <u>PETITION 57-06</u> 426 Hartford Avenue, Rosario & Maria Giarratana, owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for Special Permit <u>Section 6.11</u> Auto Dealer Use, I Industrial Zone District. Continued from September 27, 2006.

Attorney Randich: Thank you. Robert Randich for the applicant, Alex Kosovskiy. I first want to confirm with Ed that I faxed over a letter which the Commission has, and Ed, for the record is nodding his head yes, so we will make that part of the record. Initially I want to report that this is a continuation of the hearing that was started a while ago. In my letter you will see that Mr. Kosovskiy, in talking to the Department of Motor Vehicles from whom he is going to be getting his dealership permit, his dealership permit is going to be in the name of a wholly owned LLC by him, by the name of LADA Motors, LLC, L-A-D-A Motors, LLC.,so we are advising the Commission that we would like that to be a co-applicant. If he closes on this deal, he'll take the property in his own name, so it is appropriate that he remain an applicant, but he needs to have the business as an applicant as well, per the DMV. So, anything that the Commission may do should be in the name of Lada Motors, as well.
Just briefly to review the contents of the letter, the letter was written in response to the staff report which Mr. Meehan issued, essentially the major change in the plan itself will be the elimination of the..I don't know if I identified myself for the record, Robert Randich from Shipman, Sosenski, Randich and Mark, 135 South Road, for the applicant.
Right now, the existing plan that was submitted to the town, the front line of the parking lot is closer than five feet to the property line. We have agreed to move that back to create a five foot setback that is required, that is going to leave the backup area a little bit short, but as Mr. Meehan indicated, since there will no longer be through traffic through here, and it is simply a matter of moving cars within the parking area, very limited parking area, there shouldn't be a problem with the cars going back and forth, so we would agree to that comment, and modify the map.

Storm drainage control system is essentially what it is today. The site slopes this way, there is no drain in the site itself, any rainwater exits the site onto the road, and then into the storm drainage system. So we are not proposing any changes to that, essentially the paved area is probably going to go down a little bit since there are going to be major sections of the driveway which are now open that will be planted with grass. So we don't anticipate the drainage problem existing with respect to the current system.
The light standards and fixtures will be shown at a maximum height of seventeen feet; with respect to the sewer issue again, this was gone over last week, but the current building is 165 feet from the nearest sewer line, the MDC has advised us anything beyond 120 feet does not require to be hooked up unless you are engaging in new construction. We are not building a new building, we are going to use the existing building, and plan to use the existing septic system and obviously the new owner will make any upgrades, or repairs, or you know, service it as any other owner would.
With respect to the building itself, as I indicated there is not going to be any change to the building. The building has, is covered right now with a thin metal covering, which has been painted. Much of that has rusted through, Mr. Kosovskiy's intention is to take off that metal covering, and depending on the condition of the material underneath, it's a concrete block material, if it's in good enough condition, he will paint it, to give it a newer appearance. There are doors, bay doors, and a door for the office on the building itself that are in pretty good shape, he does not anticipate having to replace those until the end of their useful life. One of the bay doors, I guess is almost brand new.
We certainly would love to do as Mr. Meehan had suggested, and that would be to extend this parking lot and square it off, unfortunately there are cost issues involved here, and with grading and moving earth, which go beyond the applicant's current budget to renovate this property and get his business going. We would request that the Commission not impose that on the applicant, leave it to the applicant's discretion in the future, if his business is successful, and he wishes to expand, to allow five more spots, at that point come back before the Commission and you know, seek a modification of the site plan, but he's not really in a position at this point to make major changes to the parking lot, along the lines observed by Mr. Meehan. So we ask that that condition not be imposed.
Lastly, just to correct a couple of the issues that were brought up last time, there was a question of a 500 gallon oil tank, and again, the environmental issues I think are kind of beyond the Commission, but in terms of interest, general interest and the public we will try to address them. Mr. Kosovskiy showed me the paperwork that shows that the 500 gallon oil waste tank was removed from this property, in the late '80's and looking at it quickly tonight, it seemed to indicate that the Fire Marshal didn't notice, didn't appear to have any leaking, everything seemed to be fine, and instructions were made to go ahead and fill in the hole, so I don't think that is an issue.
With respect to the washing of cars, part of what the state regulates with a used car dealership is car washing operation. The State wants to know from anybody who applies for a license whether or not they intend to wash cars there or not, so if he puts down that he is going to wash cars, then the state will come out and look at the site, and if they believe that there is a problem with him washing cars, they won't allow him to. If he doesn't apply for it, then he will have to have the cars washed off site. It's his intention, if he washes cars to just you know, use the existing drainage system and have it go down the street into the public sewer. If there is any issue with that whatsoever, the state will advise and he won't do it. But that is, that aspect of it is regulated by the State of Connecticut with the dealership license. I don't know that there are any other questions that I can think of, if the Commission has any further questions, we'd be happy to respond at this time.

Chairman Camilli: Ed?

Ed Meehan: I had done a summary of some of the items and Attorney Randich has seemed to hit on all of them. One of the questions came up, was the issue of snow storage. This is a very limited site, if you have cars in there during a winter storm, how are you going to, how is the applicant going to move things around, and where would they place the snow so as not to compromise any sight lines along the driveway, or the roadway. I don't see any place where they can really tuck snow into any corners here.

Attorney Randich: Well, you are kind of assuming that every single parking spot is filled. I don't know if that's, there certainly is a little bit of green area here, and there is area behind here, that drops down quickly, and this is a customer parking area, so if it snowed in the middle of the night, the plow comes, they could dump back here before the place opens, and the customer spaces wouldn't be occupied at all, so while this area back here is completely unusable in terms of accessing it for cars, there is no reason why you couldn't dump snow back here. You're right, if there is a situation where there is a limited amount of parking, and they may have to have some cars move around while the snow is moved, but I think there is plenty of storage space for snow.

Ed Meehan: I did go up and took a look at the building again today, and noted quite a bit of the metal panels are in tough shape. If that is removed, you may be left with just raw concrete block that was never trowel finished or anything, so there could be an aesthetic issue that I would call to the Commission's attention. I also noticed some like strip lighting on the north side of the building, it must be like tube lighting. Is that going to remain, or is that going to be taken off.

Alex Kosovskiy: Well, that is going to be renewed. Alex Kosovskiy, applicant. Yeah, the lights in it will be renewed because I think part of it is not working, only the fixtures are there, but I don't think it's working.

Ed Meehan: There is quite a bit of rust all across….

Alex Kosovskiy: Yeah, on the front of the property, and on the side, on the north side, I think that will be renewed.

Ed Meehan: Again there is an issue of size of two operations here, with a dealership and a repair service going on, I would encourage you to try to think about trying to square off that parking lot, I think you would really improve the maneuverability inside the site and gain the parking spaces you need. I understand the economic constraints, but I think that would make for a safer site. I would call to the Commission's attention that sites like this, the Commission can require a development bond, prior to the Chairman signing the mylars, or before issuance of building permits to ensure that the improvements shown on the site plan can be fulfilled. It's been done on other smaller sites such as this, and again, it's a matter of making sure that the site is recycled and upgraded as best as possible. If you do move on this, I would encourage you to consider that.

Commissioner Cariseo: Does it need an oil/water separator in there?

Ed Meehan: They can't separate because it goes into a septic tank. It has to go into a waste oil container, can't put it back into the system. They have to have a service come you know, on a regular basis and remove the waste oil.

Commissioner Kornichuk: I just have a question. How many parking spaces does this proposed property have? I see a thing there that says twenty-three.

Attorney Randich: There's four here, for customer parking, there are fourteen for display of cars, and then there are five more for cars that are being serviced. So nine, twenty-three, no the twenty-four is for twenty-four feet from here to here. Twenty three parking spaces.

Commissioner Cariseo: You didn't count the handicapped.

Attorney Randich: Where is the handicapped?

Ed Meehan: It's to the north side.

Attorney Randich: Okay, then twenty-four, oh yeah, you're right, twenty four total, with one handicapped.

Commissioner Fox: I have a number of reservations. As long as Commissioner Kornichuk mentioned parking, Ed, with the five foot grass area in the front, and standard parking stalls for these display cars, is there enough room to turn around?

Ed Meehan: You are going to have, for the cars that are at the north end of the lot, you have almost sixty to sixty-two foot front to back, with a twenty four foot travel way. It's still going to be tight, again, that is why I wanted the site squared off. You need sort of an area to back into, and then do like a K turn and come back out. You know, with displayed vehicles, maybe you could jockey cars in back, but if a customer is parking on the west side, where Attorney Randich pointed out where they might move snow, those cars are there, it's going to take a little while to move a car around inside that area.

Attorney Randich: I was going to say, we would be move than happy to keep the twenty four feet, and actually, the area that Ed is talking about, even if we move this back, is way more than twenty four feet, because there is no more building here. The only area where the twenty four feet is an issue, was right in front of the service building, so there is plenty of room here to back up a car.

Commissioner Fox: But not for those lower, the southerly spaces.

Attorney Randich: The only ones that are going to be kind of tricky are the ones in the display, in that they are going to have to make sure that they, those are the cars that are going to be for sale, you know, not only the people who are going to buy them, but the owner will be out there at the time, whenever they are moved, so again, this is not an area for through traffic, it's just the people who are in here who will have to watch. I mean, if money was not an object, he would square this thing off in a heartbeat, but we're not in a position to do that at this time.

Comissioner Fox: Another issue in my mind is the proximity of the proposed driveway to the next door driveway, that is pretty close, and at the last session, the Capaldos had complained about the snow being piled up there in the winter. We're not going to say we are going to have a mild winter or a harsh winter, but you never know, so that if that driveway remains there, and there is not much place to put snow, I know that you talked about over there, up in the northwest corner, even on an average storm, that would be a lot of snow, and going in and out, you could wind up putting a snow on the south end, and that could hinder the sight line, as you are coming out. An extension up there, squaring that off, could remedy that.

Attorney Randich: I'm not quite sure that I am following you because the plows are going to come in, they are going to move this stuff….

Commissioner Fox: Yeah, but they have to come back too, they have to come back, all that snow is not going to go into that corner, believe me, I was in the business for over twenty years, you are still going to have to be putting snow up in the southeast corner there. A way to avoid that, I think would be to square it off, and not withstanding the drainage problems, which can be worked out, move the driveway to the northeast corner.

Attorney Randich: Well, it would be nice to move it to the northeast, the problem is that the site slopes like this. So, this is the exit for the drainage, for the rain and water runoff, that is why they closed this driveway instead of this driveway. I don't think there is any problem with the driveway to the neighboring property, his driveway is down further, I don't know, it's been like this forever that this driveway has existed and it's become smaller.

Commissioner Fox: Well anyway, on to my next issue which is environmental, I remember when the Environmental Commission first started up, and I was Chairman, there were a lot of issues presented by the Capaldos with fugitive dust from Balf. Although that has been mitigated quite a lot, I know, driving up there a couple of times, it still gets dusty up there. If they are going to be washing cars on the property, they are not going to be able to let that drain into the…..

Attorney Randich: I don't know whether they are or they aren't, the State of Connecticut will tell them if they can or can't do it, when they get the answer back. It is something the state is, has to regulate, has to approve if he wants to do it.

Commissioner Schatz: You are going to display cars facing Hartford Avenue?

Attorney Randich: Yes, this is the display, well actually, this is a display area, this is a display area, so I would imagine that they would be back into here, I don't know, would they be backed into here, or would they be facing the other way.

Alex Kosovskiy: Facing Hartford Avenue is the original plan, yes.

Commissioner Schatz: In the event of a snow storm, and it happens to be slushy, the state plows come by there probably at about thirty miles an hour, and will probably cover those cars with slush, number one, that's one thing, and the other question, would you expect to do any body work there?

Alex Kosovskiy: No. There will be no body work, no.

Chairman Camilli:: Any other questions from the Commissioners.

Ed Meehan: One comment that I saw in the letter that we received today about the handling of the situation with the concrete island and the pavement of the parking lot. Again, I was at the site today and that parking lot is in really tough shape, I would recommend that the, need more than just some overcoating and sealing, the parking lot be reconstructed, you know, milled in place and reconstructed.

Chairman Camilli: There appears to be some conflict with, and I can understand cost constraints, that you alluded to, and what the Commission and the town see as for the reconstruction and recycling of the site, for this whole project. It seems like it is a very ambitious undertaking, to have both repair and a used car dealership going on at the same time. Cars, from our experience, cars pile up awfully quick. I know when I go to my own repair, you know, he's waiting for parts for the car, that is why that car is still in the driveway, the part isn't in, the customer didn't pick the car up, more cars come in. Parking is a big issue, just if you are doing repairs. I know from going around town. People who just repair cars have a lot more spaces, and people who

sell used cars have a lot more spaces. They are always trying to eek out every possible space. Doing both things on this limited site, I think is extremely ambitious. Let alone these cost constraints to make this property come up to some level that would be acceptable to the Commission and the town. You know, just putting a coat of paint on something, if the doors need replacing, the pavement needs replacement, plus adding a few more spaces, and everything comes down to cost. So it appears to be that it is very ambitious, and probably, if the business goes well, it's definitely not enough room, if it languishes I'd say it has a halfway shot, but not if it goes well. If it goes well, there is no way that he has enough room there to do everything that he wants to do.

Attorney Randich: There is no question that the amount of business that he is going to be able to conduct is going to be constrained by the size of the site. He knows going into this thing, he is never have more than fourteen cars for sale, because he only has fourteen spots.

Chairman Camilli: What do people do then, in these circumstances, you know what they do, they pile them in, and this happens time and time, I've seen it. People will, they'll get them in there, the business is there, they are going to try to get as many in as possible, try to find other spots, the town is always going after people who park in other places and you know, it's just a concern.

Attorney Randich: Well, I appreciate your comments, and again, I don't think it is necessarily fair to visit upon him what other issues the town has had with other operators. I think, I guess what I am trying to say is that he understands that he only has three bays, he is only going to be able to work on so many cars at a time. I know when I talk to my mechanic, as you talk to yours, I say, I want to bring my car in tomorrow, and he says how about Friday, because he is already booked. He can only book so many cars a day. So he, if anything, is going to have a greater constraint based on the amount of work area that he has and the spaces that he has.
The other thing is, the doors are not shot, I don't know if Ed gave that in his report.

Ed Meehan: One door is in good shape, the other two are the older wooden style I guess.

Attorney Randich: Right, and they will be, things will be replaced as they reach the end of their useful life. With respect to the parking lot, Alex, I don't know if you want to point up there to show, he, his intention was to replace, not repair but replace a portion of it, and keep a portion that is in good shape just give it an overcoat. So I don't know if you can show….

Alex Kosovskiy: I can pretty much point out where, the northern part of the lot, which is here, is all shot, it's gravel pretty much, that will be repaved, and the center island will be removed as well, so well, because we are adding, we are changing this around a little, so this will be paved as well. So the only portion that might not be paved, which is, as far as I remember, you know, from this corner of the building, and as wide as maybe one and a half bays, that might be just covered, again, the whole lot will be sealed after it is paved. If that is the issue, we definitely can repave the whole thing because we are talking maybe a ten foot wide portion here.

Commissioner Ganley: You raised a very good point Mr. Chairman on the issue of cars being sort of piled in there, if the business generates that kind of a customer base and I'm wondering if with a view toward accommodating what it is he sort of wants to do on that particular property, is actually reducing some of the parking spaces on the lot by requiring more green area in certain parts, thus heading off any opportunity to pile cars on, since there would be less places to put the cars. That might be one way to address the problem of a car just coming in there and parking in places other than that which is designated. It might be one way to kind of assist him in maneuvering the cars around, and keeping the number of cars on the area within reason. If you look at the site plan, I'm looking at the second page by the way, every single spot is used to get a car, which then lends itself to the very point you raised, you stick some extra cars in. Once again,

maybe reducing the amount of parking spaces permitted may head off at the pass a whole bunch of cars being piled in there, if that is a serious issue, and require more green.

Attorney Randich: I'm not sure I understand that, because quite frankly if you make him make this area green, if he is going to quote pile cars in, why wouldn't he just pile cars on top of the green, if that is your concern. The way this is set up, these are all legitimate parking spaces, you can easily fit cars into them. I think the better thing to do would be to say, you know, you have got to have a space to bring the car. Once the lot is filled, you can't bring any more cars onto it. That to me makes a lot more sense than to create artificial green areas. Bottom line is, anybody you approve, you may potentially have an enforcement problem. What I'm telling you is that he came in here with his application understanding that there is only a certain amount of business that this site can generate. I mean that all plays into how much he is paying for the parcel and everything else. If he gets to the point where he is successful and he has confidence that he is going to have a higher demand of business than this site allows, then I think he can go ahead and square this thing off and add some capacity, but it's very hard to do that before you even open for business, to have that kind of confidence. I know that I like to spend other people's money too, if I have the chance, but usually I don't have that opportunity.

Chairman Camilli: Any other comments from the Commissioners? It's a public hearing, anyone from the public wishing to speak in favor? Against?

Michele Capaldo: Good evening everyone, my name is Michele, M-i-c-h-e-l-e Capaldo C-a-p-a-l-d-o. I'm the VP of and here on behalf of C & C Automotive Service, Inc., located at 416 Hartford Avenue. I'd like to begin this evening by clarifying my purpose for being here, as well as for my comments on September 27th. You see, I feel that my presence at these hearings may have been misconstrued. My purpose all along has been to first, secure the safety of my customers and employees, second, secure the future reputation of my business, and third, to attempt to lead the applicant of 426 down a path of what I like to call good corporate citizenship. My intent was never to block the addition of yet another auto repair facility in the area, there are currently three within a mile radius, for fear of any sort of competition. In fact, there is an economic theory that states just the opposite. That certain similar businesses actually thrive when in close proximity to one another. The ten plus auto dealer franchises in Hartford's north meadows are perfect examples of this theory in action.
Regarding my safety concerns, last hearing I mentioned your Section 7.4.17, Snow Removal, and it states, provisions shall be made for storage of snow which is both appropriate and not required for other purposes, in a location which is both appropriate and not required for other purposes, and it shall be shown on the site plan, which hasn't been done. Also, I feel that the proposed driveway would be too close to the existing driveway at 416 based on road speed and road conditions, heavy truck traffic from Balf Quarry, and whatnot.
Concerning the reputation of my business, I am concerned about Section 3.24.5 (e) discarding offensive wastes into streams. If 426 does not have the proper waste water separator system installed inside the building, because in the auto repair industry you get a lot of oil and antifreeze on the ground, and you have to wash it up. A spill or contamination might be found in the nearby stream some time in the future. I would not appreciate having my business called in as a possible source simply due to proximity to the problem. Not to mention the sizable expense the owners of 416 have gone through in the past to hook up city sewers, whereas 426 is running on a fifty year old septic system. I'm not interested in dealing with that mess, literally. 426's leeching fields and their land, slopes right into my building.
Finally, what I like to call good corporate citizenship, here's my point. Take into account the new façade that many businesses in the East Cedar Street, Main Street intersection have applied to their buildings. That is the main entry point as people come into town from Wethersfield and Glastonbury. Now think of this, Hartford Avenue is the main entry point into Newington from

Hartford, and points east via Route 84. Do we really want someone's first impression of Newington to be a series of dilapidated properties? Now I'm sure that Mr. Randich will rebut as he did on the 27th, quote, I don't think it is fair to compare Mr. Kosovskiy to other operators that the town may have had a problem with. However, consider this, public policy in this country is based upon past historical events and similar situations. Example, twenty years ago, no one would have dreamed that schools would need metal detectors, but sadly a number of school shootings have proven differently. Does this mean that we end up inconveniencing the children who have no ill intent in an effort to safeguard them and apprehend possible offenders? Unfortunately yes. I feel that the same applies here. Does the town need another M & D at the corner of Hartford and Stoddard and Main Street? Does the town need another Day Street, the old Cashway Lumber? This is my point. You can't take a fifty year old, fuel pumping, limited repair service station, repave the lot, apply some paint to the exterior of the building, and eureka, you have a car dealership. Also, you may not realize a dealer's license, that when a dealer's license is granted, it is equivalent to a carte blanche in the auto industry. A dealer can at his discretion, add tow trucks to his business, add auto body repair to his repertoire of services, etc, etc., whereas the current repair license that is in existence at 426 is simply that, to perform mechanical repairs to vehicles.
In closing, I personally would love to see 426 cleaned up, because it would not only be an asset to the town, but to myself and my business as well. Perhaps it would be wise to require that the applicant spell out, on the site plan, precisely what building improvements we all can expect. Thank you.

Chairman Camilli:: Anyone else from the public wishing to speak against?

Frank Capaldo: I'm one of the owners of 416 Hartford Avenue. Mr. Chairman, I just want to make a few comments, I'm not going to spend a lot of time, I'm not going to take too much time. I just want to make a couple of points. The first one is, we have, our parking lot is eighty feet wide, and approximately, the length is one hundred and ten, and then it goes further, and we only allow two rows of cars. The parking lot being eighty feet wide, two rows of cars, average eighteen, thirty-six, I have forty-four feet from the last car parked going to the garage to pick it up and do what I have to do. The applicant has only twenty-two to twenty-four feet to turn, so I have almost double what he has. Also, my cars parked toward Hartford Avenue, facing Hartford Avenue, I have eighteen feet from the curb to the fence which is the property line plus I have seventeen feet of green, from the fence to where the cars are parked. So I have thirty-five feet, the applicant says five feet, come on, let's be realistic here, okay?
I have two more comments, and then I am done. Also, I got this from the DEP, just want to read two paragraphs, very short. One, it says here, floor drain must not discharge to septic system, or storm water. Also, it says again here that vehicles must be washed, steam cleaned or serviced within a roofed structure, and keep the vehicle separated from storm water. So if the applicant is a used car dealer, if you approve the used car dealership, he has to wash the engine, he has to wash the cars, detail the cars. Nobody buys a car that, first of all, is not nice looking. I worked for a dealership for thirty-two years before I opened my place, and the first thing we were doing when we used to take a car in trade, we wouldn't even repair it, believe it or not. We would just detail the car. As the car was sold, whatever was needed, you had to do it. So therefore, I think, how can you go into the used car business and say, I don't wash cars, I don't steam clean the engine. Come on, let's be realistic. You have to do those things, there is no other way out. And being that there is a septic system there, he can't. It's impossible. You cannot do that type of business. I can only park two rows of cars there in the parking lot, plus I have a nine bay garage, and I was limited before to park two rows of cars. You cannot allow this kind of a business there. It's impossible. There again, I know that my son told you that before, I'm just telling you again, we're not, we're not afraid of the competition. We are not speaking against the fellow because we are afraid of the competition. We are speaking for the area that has to be cleaned up. That is our

main concern. The driveway, if he is going to pave the parking lot, okay, what is the reason not to pitch north, instead of south. My driveway to his driveway, right now is only thirty-two, and five is about thirty-eight feet, thirty-two and five is thirty-seven feet. I don't see any reason why, besides he tells us economical, I can understand that, but when I applied for a permit they didn't want to hear it. I had to put a sewer, private sewer line, I had to put a private gas line, the gas company, or the MDC, they didn't give me a break, I had to go to the bank and get a mortgage. I don't know if this is appropriate or not, but if the applicant doesn't have the money to do it, he just has to go to the bank like everybody else. Nobody can help it. If you can't do it, you can't do it. Also, could I ask the Commission if I am entitled to the letter that the Attorney submitted with the name of the business, am I entitled to it, or not.

Ed Meehan: Sure.

Frank Capaldo: I am? Okay. Thank you for your time, appreciate it.

Chairman Camilli: Anyone else wishing to speak against? Do you want to rebut?

Attorney Randich: Just briefly, you know, it certainly is our intent to clean the site up. You know, you talk about dilapidated buildings coming into town, that's what you've got there now. You know, clearly, if we are able to repave this parking lot, in the manner that Mr. Kosovskiy indicated, retreat that building to get the rusted metal off of it, and get a new covering on it, and painted and whatever we can do to improve it, it will look a heck of a lot better than what you have there now. With respect to snow storage, if you want to put in as a stipulation that we identify that area, the northwest parking lot for snow storage, on the far side of it, that would be fine. That area is not being used for anything else, and there is plenty of area back there to store snow. The oil water separator and the wash car issue is again, all the environmental issues, the State of Connecticut when it issues these licenses deals with those environmental issues. They will not grant a dealership to Mr. Kosovskiy unless he complies with all their regulations. I think all of that, while it is a good concern, that we should all be mindful of, goes beyond what this body has to do with respect to zoning, and it is going to be addressed. He can't wash cars there, then he will have to arrange to have them somewhere else, and brought to the site washed. It's as simple as that. That is the extent of my comments, the only other thing I guess I would say is that this driveway, right now, the way that it is being narrowed, is probably pushing it about thirty feet, maybe not that much, but a certain amount of feet than what it is now, away from the current existing driveway. So, I mean, there has been some narrowing, but we feel that there shouldn't be any problem, the two driveways should co-exist.

Chairman Camilli: You can rebut, you have five minutes to rebut that if you wish, according to our rules. Are you all set.

Michele Capaldo: Thank you.

Chairman Camilli: I don't think we are going to get any more, we will close Petition 57-06.

C. <u>PETITION 57A-06</u> 426 Hartford Avenue, Rosario & Maria Giarratana, owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for motor vehicle dealer Certificate of Location per <u>Section 14-54</u> CT. General Statutes.

Attorney Randich: Thank you, Robert Randich, Shipman, Sosensky, Randich and Marks, 135 South Road, Farmington, Connecticut on behalf of the co-applicants, Mr. Kosovskiy and Lada Motors, LLC. It didn't appear on the agenda. Lada Motors LLC does not appear on the agenda,

but the application was made in both of those names. This application was read into the record based on Connecticut General Statute 14-54, whereby the town Planning and Zoning Commission for a town the size of Newington has to issue a location, a Certificate of Location prior to the state considering an application for a used car dealership license. I would call the Commission's attention to a case, Connecticut Appellate Court Case of 48 Connecticut Appellate 599 in which the Appellate Court stated that, when determining whether to issue a Certificate of Approval the Board must consider the location suitable for the proposed business. The board must consider the following factors when making its decision. The proximity of schools, churches, and theaters to the proposed business, as well as traffic considerations such as the width of the highway, and the effect on public travel. Certainly there are no schools, churches or theaters in the area, and as I indicated in the last hearing, and I'll stress again in this application, this site is, by its own appearance, can only provide for a limited amount of commercial activity. It is not going to be a huge traffic generator simply because it doesn't have that many parking spaces, and you can't squeeze water out of a rock. There is only going to be so many cars coming in and out of there everyday, this borders a Connecticut state highway, which is built to state road specifications, there is no development on the other side, nor based on its current configuration I think, certainly nothing in the anticipated future that you would think that there would be anything on the other side. If this site isn't appropriate for a used car dealership, then perhaps our neighbors ought to turn in their license as well, because I just don't see why they wouldn't be able to co-exist. This type of activity, used car dealership as an auto use, is permitted as of right within the industrial zone, and I think that speaks to some extent as well too, so we think that the factors that have been identified by the Connecticut Appellate Court for this Commission to consider on whether or not a Certificate of Location should be issued all mitigate in favor of the Certificate being issued, that is that there are no schools, churches, or theaters nearby. This is right off a Connecticut state highway and there are no, while there may be a quarry down the road, and truck traffic on the road, it is a Connecticut state highway and there is no reason for the Commission to deny this type of use at this location. Thank you. If there are any questions, I'll be happy to answer them.

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

Michele Capaldo: I only ask that anything that may have been previously said that might apply here, please be applied. Thank you.

Chairman Camilli: Thank you. We will close Petition 57A.

D. PETITION 59-06 2909 Berlin Turnpike (former Krispy Kreme) Wek Tuck Realty, owner, Acnco Sign Company, Inc., attention Jeremy Waycott, 1133 South Broad Street, Wallingford, CT 06442 request for Special Exception 6.4.2 Free Standing Sign, Citibank, PD Zone District.

Jeremy Waycott: Good evening folks, Jeremy Waycott, Acnco Signs, 1133 South Broad Street, here on behalf of Citibank, looking to replace the existing Krispy Kreme Doughnut free standing sign with a new head and cladding. Our sign is four foot ten by ten feet, overall height is approximate twenty feet. That's it, a very simple application, just looking to replace what is existing.

Chairman Camilli: I notice that it is twenty feet, did you, twenty foot height on this, is that, what is the regulation on that?

Ed Meehan: Maximum height is going to be eighteen.

Jeremy Waycott: It's actually not going to be twenty, they were originally proposing to actually replace it all together, since then they are just really looking to actually install, take down the existing Krispy Kreme head that is up there with the banner, it's bagged right now, and bolt this on there, it would probably be more like a fifteen foot height.

Ed Meehan: Maximum height from the ground to the top of the sign is twenty feet. What is the, this building carries a lot of square footage, because it is considered a corner building, do you know what the wall signs are, as far as square footage? Were those done by your company?

Jeremy Waycott: We did do them, yes. I went over it with Mr. Hanke actually, and I believe the site is allowed something like 460 some odd square feet because it has frontage on the Berlin Turnpike as well as the side street right there.

Ed Meehan: I think the actual square footage permitted on the site is, just the Krispy Kreme building by itself is 450 square feet, and the area for the sign that you are proposing is, counting both sides is 95 square feet, so, and they have two signs, two wall signs now which I doubt are going to get close to that 450 square feet.

Chairman Camilli: Any questions from the Commissioners? It's a public hearing, anyone from the public wishing to speak in favor? Against? I don't think we are going to get any more out of this. We will close Petition 59-06.
You can read Petition 60-06 and 61-06 and Petition 62-06. Read those all together.

E. <u>PETITION 60-06</u> Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza) 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickley Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners, Realm Realty, Attn: David A. Stern, 900 Town and Country Lane, Suite 101, Houston, TX 77024 applicant, represented by Michelle M. Carlson, P.E. Fuss & O'Neill, Inc., 145 Hartford Road, Manchester, CT 06040 request for <u>Special Exception Section 3.19.3</u> retail use over 40,000 sq. ft. PD Zone District. Inland Wetland Report required.

F. <u>Petition 61-06</u> Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza) 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickley Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners, Realm Realty, Attn: David A. Stern, 900 Town and Country Lane, Suite 101, Houston, TX 77024 applicant, represented by Michelle M. Carlson, P.E. Fuss & O'Neill, Inc., 145 Hartford Road, Manchester, CT 06040 request for <u>Special Permit Section 6.11.6</u> gas station use, PD Zone District. Inland Wetlands Report required.

Chairman Camilli: We have a letter from the petitioner requesting that we just keep this open, so we are not going to be hearing anything from the applicant, but if someone from the public wishes to speak, on either 60-06 or 61-06, you may do so. So, anyone from the public who wishes to speak?

Susan Raimondo, 98 Rowley Street: Good evening, I'm the property owner at 98 Rowley Street which is a R-20 Residential area. I purchased the property back in 1991 or 92. My husband and I built a home there. When we built our home, at the time, the property behind us was totally vacant, and in the last fourteen years we have seen a dramatic increase in the amount of traffic on Rowley Street. My concern is for pedestrian safety, and also there has not really been any sort of traffic study done to my knowledge. My other concern is for wetlands, from the perspective of, there is a brook in the back. I don't know if this information has been made public as to where the actual gas station is going. I was hoping that I would be able to learn more about that tonight. My concerns are that placing it so close to residential areas does cause issues with increased traffic, and that it really could cause problems with people and accidents and things like that happening. Thank you.

Chairman Camilli: At this point, you are a little premature only because we don't know ourselves what the Inland Wetlands Commission has done as far as the wetlands part. They have, I think a meeting…..

Ed Meehan: They have actually given a report, they have amended the wetlands map as far as the wetland boundaries, and they issued a permit to Realm Realty, so this is one of the applications that they have completed. The applicant chose to do these in sequence, that's why they are before TPZ now, but any questions about wetland impacts or mitigation, you were probably notified by the Newington Conservation Commission, they had meetings over the summer, and that was the forum for that type of concern.

Susan Raimondo: Right. Unfortunately, they kept postponing it. Is that information public, that I could obtain it?

Ed Meehan: Yes. The files are public information.

Susan Raimondo: It's not available electronically though?

Ed Meehan: No, the file is not, but if you want to call me, the wetlands file is available as well as all the plans for this proposed gas station and Sam's, are available in the office.

Susan Raimondo: Thank you.

Chairman Camilli: Anyone else wishing to speak on these applications? On these two previous applications, as we said, the applicant wished to keep them open, so they are open.

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

None.

IV. <u>MINUTES</u>

September 27, 2006

Commissioner Fox moved to accept the minutes of the September 27, 2006 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

Ed Meehan: Just a quick comment. I sent the Commission a memo on an amendment to the zoning regulations, to bring you up to speed with the State statutory changes for your new responsibilities for Certificate of Locations. I can work up some language for you, and get that scheduled, and then the other thing on the table tonight is the CRCOG housing information that I know Commission members like to follow, tracks all the sales, where we are.

Chairman Camilli: You should have this at your spot.

VI. NEW BUSINESS

A. PETITION 56-06 2-14 East Cedar Street, Newington Development Associates, LLC, owner, Jeff Hedberg, 120 Northwood Road, Newington, CT 06111 applicant, request for Site Plan Modification, B-TC Zone District. Continued from September 27, 2006.

Jeff Hedberg: Hello everyone. Jeff Hedberg, 120 Northwood Road. I was notified by Ed, months ago, as far as doing a new site plan which I ordered, to come here and answer any questions that the Commission might have tonight as far as what we are doing over there, and if there are things that are needed, or talk about buffers between the residential property that I own next to that, and it's a work in progress, if there is something that the Commission wants specifically or whatever, I'm here mostly to answer questions or give you more information.

Chairman Camilli: Well, I talked to the Planner and the only thing that, actually you have done a nice job.

Jeff Hedberg: Like I say, it's a work in progress, we're still going.

Chairman Camilli: It's a, sometimes you know, you have to put the cart before the horse, whatever.

Jeff Hedberg: Right.

Chairman Camilli: The dumpster was one of the issues, the screening of the dumpster, the dumpster issue and screening as far as what our regulations call for, that's the only thing that I…

Ed Meehan: Essentially that is what the staff report cites down the bottom, in bold letters is the remaining re-landscaping of the property, the property's perimeter which was removed when the new picket fence and the stockade around the dumpster was put in. Some of the arborvitae and the hosta, and some of the other plantings were removed, and so I have asked the applicant to complete the site plan by presenting to the Commission what the landscaping would be along the town green, and along 944 Main Street. The site plan that Flynn Land Surveyors provided addresses the questions that came up early last spring, and came up again when Mr. Maffuchi came in for Vito's expansion. It shows the dimensions for the patio area, the correct parking count and the correct stripping of parking, which has always been an issue at this site. The closure of the driveway onto Main Street, onto Cedar Street which was done as part of this, and where the stone walls are and so forth, so I think, as the applicant said, a work in progress, the last thing would be how the landscaping is going to be finished up on this site.

Jeff Hedberg: Well, my wife was going to be here, a couple of hours ago, she's in charge of all landscaping and that. What we want to do, and what, I know the old plan goes back to 1982 had

the four foot trees and so forth, and when I started this project and was talking with our old town manager, he wanted the shrubs to stay up as long as the building looked as bad as it did. At this point, what we would like to do, and of course I know I've got to get permission here to get site plan approval, is we want to do mulch, and we want to do low lying shrubs with more colorful flowers and plantings, and just dress it up more versus just having the four foot arborvitaes in there. That is what we would like to have as a change to the site plan, that way we have the nice white picket fence which matches the white trim which has the brick which we have been trying to get in the center of town, so we kind of, I hate to put up four foot plants and start blocking some of the accents of the building. We want to do more low lying shrubbery, flowers and plantings and things like that to put in there, but I guess that's something I need to have approval for as far as the…..

Ed Meehan: Well it needs to be shown on a plan. I would agree with you, to go back to the heavy arborvitae plantings would be a step backwards, particularly on the town green. Maybe in the area, the space around the dumpster enclosure, something very minimal there, but the area between the parking lot and 944 Main Street is where some of those maybe larger plantings could go, and then the rest of the site, I don't think you need to do too much landscaping because other than what plantings you have on Center Court and some of the areas, for some small ornamental flowers would be sufficient in my mind, but I think something to offset. Something around the dumpster and something between the residential property and the commercial property as required by zoning is appropriate.

Jeff Hedberg: Yeah, and like I said, it is a work in progress, so I don't even have anything in mind yet, but what kind of plantings around the dumpster?

Chairman Camilli: See this is where, we ran into a problem with some other applicants, what I'm trying to say, we don't tell you what route to take. You come up with the route. I mean, if you want to plant tulips versus you know, hosta, that is your decision how you want to do that.

Jeff Hedberg: Is there a height requirement? I like the flowers, hosta, is that what it is, I mean, what she has done over there, and she does all the maintenance free of charge, you know, I would like to have lower lying plants, I don't want go back, even with the dumpster area, I think the white dumpster, not that it looks great, but I mean, it still has that white accent to the brick and the white trim that we did to the building.

Chairman Camilli: What would you need? Would you need something like, to keep this open and have….

Ed Meehan: Normally what we get is part of a site plan like this, that is called a Planning Plan, or Planting Schedule where it is basically a table saying, here's tulips, X number of tulips and then there would be a symbol on the plan, or X number of arborvitae or deciduous trees and give a little schedule, so it's a guide to what the Commission is looking for, illustrates what you want to do there, you go out to your nursery people and that is what you order. Then, you are getting toward the end of the planting season right now, you still have time, but if not now, next spring, the Commission would expect to see those plantings put in. That completes the plan.

Chairman Camilli: As I said, what you want to put there, we can't approve nothing. I mean, if you said, I'm going to put in ten hosta plants, whatever, and then okay, that is what we can approve or not approve.

Jeff Hedberg: Is there an actual planting application?

Ed Meehan: No, it's part of your site plan. In other words, you hired a land surveyor to do this, and, so he provided you with a location survey which is very detailed. He doesn't have landscaping people on this staff, or he didn't for some reason go out and talk to a landscape person, a firm can do that. A landscaping firm can have contacts with landscape people that they work with, and they could work with you, that landscaping firm, or your wife could do it. I mean, she could take the plans and put down symbols of where she is going to put stuff.

Jeff Hedberg: As far as, the plantings that are there now, as far as everything but the buffer between 944 Main and the plaza there, 2 East Cedar Street, everything is pretty much the way that I know that we want it, along those sides. As far as the buffer, kind of held off on that because it is late in the season, and I don't believe that we would be planting anything until the spring over there, also we are looking to repave the parking lot in the spring, so, I don't want to do to much planting over there before we dig everything up. But, so, we can keep this open until spring?

Ed Meehan: I wouldn't keep it open that long. I think you ought to sit down with your wife and say, along that property line we going to put in, eight, six, types of plantings, show them on a plan, and anything else you are going to do, and then come next spring….

Jeff Hedberg: Next summer, whenever we do the paving.

Ed Meehan: The only other thing that I would add, and I believe District One Conndot people may have contacted you about the planters. There is an issue with District One about the location of the planters, whether they are in the state right of way, partially in the state right of way, their location. They came into our office and we said, well, here's Mr. Hedberg's survey, and we don't know, based on what Mr. Flynn has provided, it looks like the planters are basically on your property. They have an issue with that.

Jeff Hedberg: We had a conversation and we are going to push them back two to three feet.

Ed Meehan: Onto your property?

Jeff Hedberg: More onto my property.

Ed Meehan: Is that acceptable? They aren't concerned about a traffic hazard? ConnDot?

Jeff Hedberg: Well, that was their concern, but when we looked at the map, that was the compromise that we had for now.

Ed Meehan: They have been in a couple of times about that issue.

Jeff Hedberg: No, they stopped by my office, we discussed that, and, you know, I told them, we looked at the map and pushed them back, because the other concern that I had with that was, the fact that Vito's has the outdoor dining and are using that sidewalk more, and as far as just having a buffer of sorts, if a car should come up on the sidewalk.

Ed Meehan: If someone jumps the curb, they are going to hit the planter, not the people.

Jeff Hedberg: The planter is not going to move, trust me.

Ed Meehan: I just want the Commission to be aware of the concern.

Chairman Camilli: Outside of the plantings outside of the fence, do you know now what you have to, I'm just making sure that you know, in terms of what you have to screen and whatever has to be done there. Work with Ed, come up with some, where ever they are going to go, you could X them, and say, and then put on there, eight of these, three of these, and X where they are going to go. Then we will have something to approve, or not approve. Okay? And I would suggest that you work with Ed in terms of the screening for what is acceptable, because he would know.

Jeff Hedberg: Are you talking about the back side of the dumpster as far as along the town green, or the front, like a gate in front of it.

Ed Meehan: No, the town green side. You don't need a lot on that side, because this is a solid plank wall, as opposed to what it was in the past. Maybe some accent on the corners, but I think it's better done, we can do it at your convenience.

Chairman Camilli: We're all set, we're just going to continue this until we get something more definitive.

B. <u>PETITION 62-06</u> Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza) 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickley Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners, Realm Realty, Attn: David A. Stern, 900 Town and Country Lane, Suite 101, Houston, TX 77024 applicant, represented by Michelle M. Carlson, P.E. Fuss & O'Neill, Inc., 145 Hartford Road, Manchester, CT 06040 request for site plan approval 133,945 Sq. ft., Sam's Club retail store and 12 pump gas station pad, PD Zone District. Inland Wetlands Report required.

Chairman Camilli: And the applicant is not here and we had a request by letter to continue this application.

C. <u>PETITION 64-06</u> 4 Hartford Avenue, former Gulf Service Station, Newington Gas Distribution, LLC, 1125 East Main Street, Meriden, CT 06450 owner and applicant, represented by Kevin Curry, Newington Gas Distribution, LLC, 1125 East Main Street, Meriden, CT 06450 request for Site Plan approval, 2660 sq. ft. gas station/convenience store redevelopment use, B(Business Zone) and R-12 Zone District.

Alan Bongiovanni: Good evening. For the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut and owner of the Bongiovanni Group here in Newington, land surveyors, land planners, representing Newington Gas Distributors LLC in the application before you tonight for what is known as 4 Hartford Avenue. With me I have Mr. Kevin Curry, a principal with Newington Gas Distributors, who is the applicant, the individual with the application after I go over the site specifics.
The existing property is 23,500 square feet, located east of Main Street, and north, northwest of Hartford Avenue, right at the corner. Many of you long time residents know that as Al's Service Station, it was an American Service Station, in recent years it has been a Gulf Station, open closed and different things. Mr. Curry has owned it for a few years and has been working to redevelop the property, and I think we have come up with a solution. I know talking with the staff we think it fits well with the site, and hope that you find the same.

We will start with the survey. This is the existing property, a triangular piece of property. It is all within the B-Zoning district. The R-12 starts at our property corner and goes out in this direction, ninety degrees to Hartford Avenue, and starts at the northerly property corner and goes ninety degrees to Main Street, and intersects at this point here, so this triangular shape of the neighbors property is also in the B Zone and then everything north and east of that is in the R-12. This is the existing building, the gas pumps, if you look at the property line and I'm sure many of you are aware, the pumps are right there at the property line. We have a large expansive of curb cut along both streets and it is in desperate need of updating and repair.
Having said that, I'll turn to the landscape plan and what we are proposing, again, is a 76 x 34.8 or 35 foot convenience store with a canopy and two gas pump islands, a series of four pump outlets and, in my opinion, a very nicely designed colonial style brick structure with a canopy coming out the front in this area, to cover the gas station islands. Circulation has been vastly improved, in that we have taken these large expansive curb cuts, closed them down to meet the standards, we have an in and out on Hartford Avenue, as well as Main Street. The truck, fuel delivery is an easy movement from either direction, whether the truck comes in, pulls underneath the canopy and unloads in this area, or comes from this direction and pulls up to this area, and unloads.
This is an existing automotive use. It is already permitted for this location. We have several zoning issues that we have to look at. One, we have a fifty foot setback from a residential zone for this use. That represents that dashed line and you can see that any of our improvements, associated with the automotive use are well outside of that. We have a twenty-five foot buffer requirement which we have planted with white spruce, I was thinking white pine, but I knew we had changed it. We selected white spruce these days because it keeps the shape better and requires less maintenance. It is a good evergreen hedge. Spacing is in accordance with our buffer regulations. Then we have other requirements, pumps, minimum requirement of thirty feet from the street line. If you go to the layout plan, all those items are dimensioned, that we have the minimum required setback for the pumps, parking requirements would be five spaces per thousand square feet of floor area. We have twenty-six hundred and forty-four square feet, we are required to have fourteen spaces, we have a proposal of fifteen spaces which includes one handicapped, seven spaces along side of the store, and then eight parking spaces at the pumps. I don't want to step on Kevin's thunder because I know he has a few things prepared to say. It's currently serviced by MDC sewer and water, it has gas service, all the utilities are available to the site. Most of the utilities, at least in the street portion will be reused. Mr. Meehan had a comment about an existing SNET pole here, that is behind the building. It's on the subject property, actually without an easement, it is a support pole for the system out on the street, it's the applicant's intent to have that removed, reworked, something so that it is a little more attractive. It doesn't actually cut over the building, but it is in close proximity to the building, and we'd like to get that cleaned up.

Ed Meehan: Actually, it goes the other way.

Alan Bongiovanni: I knew it was to one of them. The, we are proposing to take the service to the building underground. We have a dumpster enclosure, Kevin can talk a little bit more about the architecture and the enclosure, but behind that, we have our air conditioning units, to handle the coolers as well as the building itself. On the landscaping plan we have screened that, along with the buffer, we proposed a six foot high white vinyl stockade fence, which will help buffer the neighbors. Right now they have a very overgrown, I wouldn't call it a buffer, but it is a swath of plantings there that is deciduous, it's bare in the winter, and Kevin will talk about his conversation with the neighbor, but I think they are very happy to see this, will be very happy to see this cleaned up as he has shown this proposal. With that, I'll turn it over to you Kevin, and if there is anything else I can answer, we'll do it at the end.

Kevin Curry: For the record, my name is Kevin Curry, 1125 East Main Street, Meriden, Connecticut. We are a distributor for Gulf Oil, our company is Danby's in Meriden. Our company has been around longer than me, since 1948. The biggest thing here is, it's an unsightly corner. I mean, our intentions have been to upgrade this corner, this was a, originally a Ford service center, and where the office area is now, the snack shop was the showroom. So its, the doors are gone, and its got snacks, items in there now. We have had our run through of tenants, which we heard about from some of the neighbors down the street. The used car business that was in there was really, the last one in particular was why I decided I wasn't going to rent the building any more. I couldn't put up with the tenants and hearing from everybody, and we've moved forward with this, and it's been great working with Alan. I have my own engineers that I use in town, but I like to use the local people, and Ed and Alan, we have gone through this, and hashed it out, it's the only plan, Ed, that I've ever seen that you guys wanted less parking on, which usually every other planning, they want more parking, but we reduced the parking spaces along here. The biggest thing is, I met with Mr. and Mrs. Lindquist here and the Houldcroft's, I met with, there are two brothers, one lives in the house, one doesn't, I talked to the other one, they are both in favor of, you know, they don't want the service station there, they prefer something less intensive on there. The property line goes back, there is actually a fence that is well onto their property, our property, which I told them I would put the fence in the same area for them, and basically whatever type of fence that they wanted, a vinyl fence, maintenance free. The trees that are here, Mrs. Lindquist has had a lot problems with roots and the trees, and I know I have talked to Ed about this, she wants the trees down, I want to take them down, but it's a buffer zone, so we can't, so we've got a complete re-work of that to put them in with the white spruces with the year round coverage for her and they are happy with that. The property line on Main Street, you can see the curb cut is here, the property line is probably thirty to forty feet away and that will be all grass. This whole area will be grass, irrigated, keeping it looking good, I think it will be very attractive for the area. We have a brick sample, right here. A couple of things that I looked at, I looked around town, and keeping in harmony, you have Yanni's building over here, we tried to match that as close as we could, it's a really nice looking building. The State Farm building down on 175, tried to look at the newer buildings in town of what would look good, and gave those ideas to the architect with some pictures of the neighborhood, and Dante, who was a recommendation of Al, did a great job of designing this. We also looked at the back of the building. He had it blank and then we added the columns and put the fake brick windows with the soldier course around them, so if they do see through it, it looks good. On the side of the building, over here, on the Hartford Avenue side, on the plan here, we have a brick dumpster which will be two sided which will match up with the building. In front of it we have the gates with the slats enclosing them. Behind the dumpster one of the problems, I know at one of our other convenience stores when we built it, we didn't build that area big enough, all the milk crates have to go back, it's the stupid things that you don't think about, but you learn as you go along, milk crates, now the soda crates have to go back, so there is room inside here for that, as I stated the utilities will go in the back. The other thing is, the traffic flow. We moved it well back from the intersection which was a recommendation of Ed, to get it away from the intersection so the people can come out and you still have your stacking ability at the lights. The key to this property I think is that it is your gateway into town from Hartford, Hartford down here, and West Hartford over here, and really, I know my sister works in Hartford, she goes by everyday. We're not looking at any increase in traffic, I mean our, there will be no increase in traffic, what we are looking at is our business would benefit from the existing traffic that is there. Basically it is a convenience store, just what it says, it's convenient to the people who drive by, stop and get their milk and cigarettes and lottery tickets, and also their gas at the same time. We have diesel on the site now, we are not going to have diesel on the site. It just doesn't work, I mean, it's, one truck comes in and they block off the site, and it just doesn't work to have it that way, so we aren't going to have that. We will have public water and sewers, there are going to be some added storm drains coming in through here, bringing them over to here, you can see the storm drain that is on here, and the neighbors were concerned with the drainage on the property, coming down off

the hill in back of their house and then in here, so they were happy to see that. That's pretty much it.

Alan Bongiovanni: If I could just wrap up, Kevin. We do have you may recall the architect is the fellow that we used for Fountain Pointe, and he really did a nice job, he also prepared a model of this which is better than any presentation that we could make, it's to scale, it shows the proportion and the shape of the building to the pavement and the green areas. The only thing that doesn't show, it shows squared corners on the front of the canopy, they would have to be clipped to match the building line, as we show here, and then a couple of deciduous trees in back, I think he actually added those for color, that will actually be an all evergreen buffer. But, you know, I think that is worth a thousand words, I think, I know that Kevin has been a pleasure to work with because he wanted to do a nice thing, he wanted to do a nice job, we started with a much more aggressive plan, and through working with Ed and design standards we came down to something that I think meets your regulations, could be a nice benefit for the town, it will clean up that area and we hope you think the same.

Chairman Camilli: I only have one question, you didn't touch on the lighting?

Alan Bongiovanni: There is site lighting proposed, it's on the landscape plan, they are the typical shoe box style fixtures. They won't exceed fourteen foot height with a three foot base or seventeen foot height, so we are not asking for any waivers. Those locations are as shown, there's a detail picture.

Chairman Camilli: The hours of operation?

Kevin Curry: We have no intention of going twenty-four hours, nobody in the area is twenty-four hours, it's not a twenty-four hour area. It turns to a ghost town, probably at nine o'clock.

Commissioner Fox: They roll up the sidewalks.

Kevin Curry: Roll up the sidewalks, that's it.
The other thing on landscaping that we didn't mention, we also, we've got some colored trees going around the entrance here, the shade trees and a nice perennial garden around the sign area here, with also we will have some more landscaping on the side by the utilities. Alan's crew did a great job, it was a pleasure to work with Alan and Brian on getting this done too.

Chairman Camilli: That architect knows what he is doing too.

Alan Bongiovanni: He does a nice job, doesn't he?

Chairman Camilli: He does an excellent job.

Kevin Curry: He was away last week, so he didn't get all the color on this that he wanted to. The whole front section, the gray section, this is all grass in here, the landscaping will go here, but this is all grass, right now, this is all pavement, so just that alone, is just a huge improvement to the area for you.

Commissioner Fox: One quick thing, I mean it's very nice, sign, everything is beautiful, you did a great job. It will be nice to see that instead of what you see now. You mentioned the tanker coming, are they going to be right up against the building?

Kevin Curry: No, right over here.

Alan Bongiovanni: This aisle is twenty-four foot, it will come off hours, the tank truck will, and I don't know where they are going to come from, if he comes this way, he pulls up, he runs his hoses to fill the tanks, or he pulls in this way, and he pulls his hoses to that location. He will be under the canopy, the canopy…..

Commissioner Fox: Under the canopy, off hours, because that is kind of close to the building.

Kevin Curry: Each driver that comes to our site has a different way of delivering, I don't care what we tell them, they all have their own way, one guy will pull in this way, the other guy says, well, he does it that way, I'm doing it this way. They know what they are doing. The other thing is, unfortunately everybody likes to park at the front door, so there is room to come right through here with the tanker while somebody is getting gas. That is why we have it that way, so you can come right in.

Chairman Camilli: Ed, do you have any questions, because you're the one that worked with them.

Ed Meehan: This is a real tough site, and Alan and his staff and the applicant did a good job working a tough site. Just a couple minor things, I think we kind of want to clean up the sidewalk as it goes down to the cross signal, I can talk to Alan about that, that area down there, so we have a handicapped ramp and an extended sidewalk. But everything that we talked about in staff meetings they did. Can't complain.

Alan Bongiovanni: I would ask, I know you have a couple of things, Mr. Chairman, on your agenda that are probably languishing because of wetlands or whatever, and if you wanted to move this up, we wouldn't be unhappy to maybe get it off your agenda.

Chairman Camilli: It would have been okay with me, but he's not prepared.

Ed Meehan: I haven't got a motion.

VII. OLD BUSINESS

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

Commissioner Fox moved that Petition 32-06 2553-2557 Berlin Turnpike, Jayanti Patel and Kuntal Patel owners, JK Partners, Inc., 983 Hoop Pole Road, Guilford, CT 06437 applicant represented by Richard P. Dimmock, Consulting Engineers, 11 West High Street, East Hampton, CT 06424 request for Site Plan approval for 100 unit Comfort Suites Motel be postponed to October 25, 2006 to receive report and recommendation from the Inland Wetlands Agency.

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

Chairman Camilli: Motion passes unanimously.

B. <u>PETITION 33-06</u> 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Zone Map Amendment I District to B-BT, Business-Berlin Turnpike. Intertown advisory referral to CRCOG, (C.G.S. Section 8-3b) required. Public Hearing closed. Sixty-five day decision period ends December 1, 2006.

Commissioner Pruett moved that <u>Petition 33-06</u> 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Zone Map Amendment I District to B-BT, Business-Berlin Turnpike. (Public Hearing closed. Sixty-five day decision period ends December 1,2006) be postponed to October 25, 2006.

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.

C. <u>PETITION 34-06</u> 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032 request for Zone Text Amendment, <u>Section 3.14.1</u> c to permit hotels and motels up to a height of 4 stories or 45' in B-BT Berlin Turnpike Business Zone and amend Table A: Schedule of Height & Area Requirements to permit hotels and motels up to a height of 4 stories or 45' in B-BT Zone District. Intertown advisory referral to CRCOG (C.G.S. Section 8-3b) required. Public Hearing closed. Sixty-five day decision period ends December 1, 2006.

Commissioner Ganley moved that <u>Petition 34-06</u> 751 Russell Road and corner of East Cedar Street known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032 request for Zone Text Amendment, <u>Section 3.14.1</u> c to permit hotels and motels up to a height of 4 stories or 45' in B-BT Berlin Turnpike Business Zone and amend Table A: Schedule of Height & Area Requirements to permit hotels and motels up to a height of 4 stories or 45' in B-BT Zone District (Public Hearing closed, sixty-five day decision period ends December 1, 2006) be postponed to October 25, 2006.

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

D. <u>PETITION 35-06</u> 751Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for <u>Special Exception 3.14.1</u> and <u>Section 3.11.3</u> and <u>Section 6.11</u> auto related service gasoline station, B-BT Zone District. Inland Wetland Report required. Public hearing closed. Sixty-five day decision period ends December 1, 2006

Commissioner Schatz moved that <u>Petition 35-06</u> 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for <u>Special Exception 3.14.1</u> and <u>Section 3.11.3</u> and <u>Section 6.11</u> auto related service gasoline station, B-BT Zone District (Inland Wetland Report required, public hearing closed, sixty five day decision period ends December 1, 2006) be postponed to October 25, 2006.

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

Chairman Camilli: Motion passes unanimously.

E. <u>PETITION 36-06</u> 751Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Special Exception <u>Section 3.15.3</u> restaurant use, B-BT Zone District. Inland Wetlands report required. Public Hearing closed. Sixty five day decision period ends December 1, 2006.

Commissioner Cariseo moved that <u>Petition 36-06</u> 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for Special Exception <u>Section 3.15.3</u> restaurant use, B-BT Zone District. (Inland Wetlands report required. Public Hearing closed, sixty five day decision period ends December 1, 2006) be postponed to October 25, 2006.

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

Chairman Camilli: Motion passes unanimously.

F. <u>PETITION 37-06</u> Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for site development plan approvals for 15, 120 sq. ft. hotel, 3,000 sq. ft. bank, 5,256 sq. ft. restaurant, 3,500 sq. ft. gas station/convenience store and 9,000 sq. ft. retail use, B-BT Zone District. Inland Wetland report required. Sixty five day decision period ends December 1, 2006.

Commissioner Kornichuk moved that Petition 37-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032, request for site development plan approvals for 15,120 sq. ft. hotel, 3,000 sq. ft. bank, 5,256 sq. ft. restaurant, 3,500 sq. ft. gas station/convenience store and 9,000 sq. ft. retail use, B-BT Zone District. (Inland Wetland report required, sixty five day decision period ends December 1, 2006) be postponed to October 25, 2006.

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.

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

Commissioner Fox moved that Petition 58-06 183 Louis Street, Aero-Craft, LLC, 179 Louis Street, owner, PDS Engineering & Construction, Inc., Attention Chris Eseppi, P.E. 107 Old Windsor Road, Bloomfield, CT 06002, applicant, request for site plan approval 27,000 sq. ft. industrial use building and waiver of buffer distance PD Zone District be postponed to October 25, 2006 pending receipt of the Inland Wetlands report.

The motion was seconded by Commissioner Cariseo.

Chairman Camilli: I just wanted to say, it was on TV yesterday.

Commissioner Pruett: And the Hartford Courant.

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

Chairman Camilli: Motion passes unanimously.
Before we go onto the bond release, I need a motion on Petition 57-06, a motion to postpone.

H. PETITION 57-06 426 Hartford Avenue, Rosario & Maria Giarratana, owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for Special Permit Section 6.11 Auto Dealer Use, I Industrial Zone District. Hearing closed October 11, 2006. Sixty five day decision period ends December 25, 2006.

Commissioner Fox moved that Petition 57-06 426 Hartford Avenue, Rosario & Maria Giarratani, owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for Special Permit Section 6.11 Auto Dealer Use, I Industrial Zone District be postponed until October 25, 2006.

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

Chairman Camilli: Motion passes unanimously.

I. <u>PETITION 57A-06</u> 426 Hartford Avenue, Rosario & Maria Giarratana, owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for motor vehicle dealer Certificate of Location per Section 14-54 CT. General Statutes. Hearing closed October 11, 2006. Sixty five day decision period ends December 5, 2006.

Commissioner Kornichuk moved that <u>Petition 57A-06</u> 426 Hartford Avenue, Rosario & Maria Giarratana owners, Alex Kosovskiy, 444 Bloomfield Avenue, Bloomfield, CT 06002 request for motor vehicle dealer Certificate of Location per <u>Section 14-54</u> CT. General Statutes be postponed until October 25, 2006.

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

Chairman Camilli: Motion passes unanimously.

Bond Release
Newington Business Park
Harris Driveway Completion

Commissioner Pruett moved that the $10,000 passbook bond held for the driveway entrance into the Harris Company released all paving and curbing work having been completed.

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

Chairman Camilli: Motion passes unanimously.

Bond Release
Newington Business Park
Pods Site Development

Commissioner Ganley moved that the $10,000 passbook bond held for the site improvements for the Pods Company, located at the southwest corner of the former Torrington plant, be released all work having been completed.

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

Chairman Camilli: Motion passes unanimously

Bond Release
Newington Business Park
Huttig Site Development

Commissioner Schatz moved that the $70,000 cash bond held for the site improvements related to the expansion of the Huttig Company, located at the north side of the former Torrington plant, be released all parking lot paving, lighting and driveway widening having been completed.

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

Chairman Camilli: Motion passes unanimously

Bond Release
Newington Business Park
Corp of Engineers – Site Development

Commissioner Cariseo moved that the $19,445 cash bond held for the parking lot, landscape islands and lighting along the east side of the former Torrington plant, associated with the Corp of Engineers building occupancy, be released all work having been completed.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING (TPZ October 25, 2006 and November 8, 2006.

A. PETITION 63-06 Newington Town Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT request for Zoning Regulations Amendment, Sections 1.2.2 (B**)**; 1.2.2 (D); 4.1;4.3.1; 4.4.4;6.14.2 and 6.14.9 Purpose of proposed amendments is the clarify the design requirements for a Residual Lot, Section 6.14 Referral to Capital Region Council of Governments and Central Connecticut Regional Planning Agency required. Schedule for Public Hearing October 25, 2006.

B. PETITION 65-06 300 Fenn Road, Fenn Manufacturing Company, Division of United Dominion Industries, owner; and 33 Commerce Court, 33 Commerce Court Realty, LLC owner; TRC Environmental, Inc., 21 Griffin Road, North Windsor, CT 06095 attention Carl Stopper, applicant request for Special Permit Section 6.4 Removal of Earth Products, I Zone. Schedule for public hearing November 8, 2006.

C. PETITION 66-06 2640 Berlin Turnpike, known as JDC Trucking, Aldi Inc., South Windsor, CT 06074, applicant, Joseph D. Carey, 2640 Berlin Turnpike, Newington CT 06111 owner, represented by Phil Woodyatt, WD Partners, 1000 Winter Street, Suite 2900 Waltham, MA 02451 request for Special Exception Section 6.2.4 pylon sign, PD Zone District. Schedule for public hearing November 8, 2006.

D. PETITION 67-06 2640 Berlin Turnpike, known as JDC Trucking, Aldi Inc., South Windsor, CT 06074, applicant, Joseph D. Carey, 2640 Berlin Turnpike, Newington CT 06111 owner, represented by Phil Woodyatt, WD Partners, 1000 Winter Street, Suite 2900 Waltham, MA 02451 request for Site Plan approval to redevelop property and develop 16,400 sq. ft. retail store, PD Zone District. Schedule for presentation, November 8, 2006.

E. PETITION 68-06 124 Beacon Street, Gregory and Maria Pastuszak, owners and applicants, 124 Beacon Street Newington, CT 06111 request for Special Exception Section 6.13 Accessory Apartment, R-12 District. Schedule for Public Hearing October 25, 2006.

F. PETITION 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Green Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111, Donna DiMauro and Hollis Kobayashi owners, request for 10 lots subdivision, R-12 District. Schedule for public hearing November 20, 2006.

Ed Meehan: A lot of things coming to a head. Let me just, we are carrying forward tonight Cedar Ridge Commercial Park, and we left that public hearing open, and the public hearing for Sam's, will be scheduled for the same night, I was hoping to get that out of the way, but they are not going to be ready, so you will have public hearing for Cedar Mountain, two public hearings for Sam's, the Commission has scheduled your zone amendments to Section 6.14 for residual lots for the 25th, and a resident down on 124 Beacon Street, under E on the last page has asked for a public hearing for an accessory in-law apartment. It came to the attention of the building department and my office that they may have made a conversion to add a kitchen, which constitutes an in-law apartment without getting building permits, and the property owner is trying to sell the property. It was determined by the appraiser that the permits weren't on file, and there is probably a contract on it, and the deal is not going to go through unless it comes before your Commission first. I do not know if this in-law apartment meets your standards. All I know is that they paid the application fee and they would like to be heard as soon as possible.

Chairman Camilli: Will you find that out for us?

Ed Meehan: I will have a staff report for you, I'm, meeting the standards, it means that you have to have a relative living there, you have to have adequate parking, you have to have certain dimensions and a secondary means of egress.

Chairman Camilli: Now if it did, meet the standards, and in our discussion, no taxes were paid on it, no building permits were pulled, does the town have any recourse?

Ed Meehan: Well, the building department would have to go back in and do their final inspection, they were never called in to do the final inspections. If they had been called in, they probably would have certainly not approved this. There was a bathroom, without getting into too much detail, there was a bathroom proposed on the second floor, over a garage, so all the plumbing was run to the second floor, and the first floor area is a mud room, and that's the area that was converted to a kitchen. So, the property owner says that they didn't know, and they did it in good faith, and there was miscommunication with one or two of the building inspectors, and so….

Chairman Camilli: Could this be a legal issue, I mean, can we solve this?

Ed Meehan: If they don't meet your standards as far as dimensions, they would have to remove it.

Commissioner Pruett: Did this guy do this himself, or did he hire a contractor?

Ed Meehan: Don't know, but the electrical and plumbing was done by licensed tradesmen.

Commissioner Ganley: Does he really want his mother-in-law to live with him, and therefore….

Ed Meehan: They are selling the house.

Commissioner Ganley: Well, that answers that question.

Ed Meehan: They can't sell the house, they probably have a contract based on the fact that this is an accessory apartment and the contract would be void if they didn't have a secondary unit, but I will have a staff report, and you will have the opportunity to talk to the, if you want to do it on the 25th, that's the first question.

Commissioner Fox: It should be fine.

Chairman Camilli: We're loaded, but it's up to you.

Commissioner Pruett: Get it out of the way.

Commissioner Kornichuk: How much can we do on the 25th?
We have all these that we just postponed.

Ed Meehan: You have Cedar Mountain, two for Sam's Club, the zone amendments, which you may get some public participation on zone amendments if history repeats itself, and then this 124 Beacon Street.

Chairman Camilli: Can we push it out?

Ed Meehan: The zone amendments?

Chairman Camilli: No, not the zone amendments, the 124 Beacon Street. Are they under a constraint?

Ed Meehan: They are under a time constraint because of the sales contract.

Chairman Camilli: We'll listen to it, if they are under a time constraint, we'll let it go.

Commissioner Kornichuk: Can we put them on first and get them out of here?

Ed Meehan: If you want that, I can set it up that way.

Commissioner Kornichuk: How long can it take?

Chairman Camilli: I'll discuss that further with you, but I think what we will do is to come up with a different plan next time. You know, like the first shall be last and the last shall be first, you know, but we'll see what we come up with and I may call around and see if it is acceptable to you at this point. We'll let Ed work on it.

Ed Meehan: The other petitions I pushed out to November 8th, Fenn Manufacturing is a public hearing because they have to remove soil, contaminated soil, but quite a bit of it, over on Commerce Court, but that shouldn't take long; JDC a site that we have been watching for years, finally has a contract on it, it's a retail use, November 8th, is the recommended date. Maple Hill is a ten lot subdivision, I would say probably do that on the 20th of November, it has some neighborhood interest; one of those long, deep lots, two property owners have gotten together, it's the north end of Maple Hill.

Commissioner Schatz: I know where it is.

Ed Meehan: Now, not listed on the agenda, but you should know about these. Prior agendas had listed as Petition 53 and 54, the Deming Street project for age restricted housing. It's not listed on this agenda because the wetlands agency failed to approve it. They didn't have the required four votes to get approval, and the controversy went to the town attorney who has ruled that it didn't pass, so I didn't put it on the agenda. Since the agenda has been mailed out, I found out from the attorney representing the Deming Street Corporation, that they are going to resubmit, have resubmitted to Conservation and hope to reactivate it on Tuesday night, the 17th. I said, well Planning and Zoning has time requirements, we have sixty-five days and we have to hear it within sixty-five days, or you are done with it, and the sixty-five days would be up October 13th, which is Friday. Today is the 11th, so just to be safe, I said, I don't want any automatic

approval here with some legal technicalities, so he, Attorney Sullivan has sent in a letter of extension, granting you an extension to October 25th. In anticipation, his anticipation that Conservation Commission is going to put them back into their schedule.

Chairman Camilli: If they don't, are we going to have to vote on it?

Ed Meehan; I think you are going to have to have them come in, and you are going to have to vote on it, and the vote, you have to give him his public hearing, and then you vote with no positive report from the Conservation Commission. I won't tell you what it could mean, but you have to give him, you cannot vote on this, you have to take it through the ten, ten hoops. So that may be another item on the 25th.

Chairman Camilli: So a public hearing, close it, put it on Old Business….

Ed Meehan: No, once you have closed the public hearing, you have another sixty-five days. What I would like to suggest is, if for some reason they get rescheduled for Conservation on the 17th, is talk to Attorney Sullivan and say we need, you have to give us more time, push this out, now that you are back before Conservation, push it out to November 20th, or even the first meeting in December. He would be using only twelve of his sixty-five days, so he could give you another thirty days, twenty days, and again, this is one that came in early, but it kept falling down behind because of issues with Conservation. It did get to a vote, and failed.

Chairman Camilli: So that is the vote that we have to work with.

Ed Meehan: Right now you have to work with that vote. You can't vote on it until you have a hearing, that's the catch-22.

Commissioner Fox: Even if it fails the Conservation Commission before our scheduled hearing, you still have to hear it?

Ed Meehan: You have to hear it, based on your regulations and the standards that you apply, it's a special exception request, you know, is it the right location, all those sorts of things, and then during the discussion of your action, you would usually fold in the Conservation Commission Report, in this case it would be a failed report.

Chairman Camilli: Okay, so you have a public hearing, would they also present a site plan?

Ed Meehan: They present a site plan.

Chairman Camilli: They would do that the same night as well. That's going to be on the 25th, perhaps.

Ed Meehan: Well, I'm going to really try to prevail upon them, if they get, again, back on Wetlands calendar, to push it out.

Chairman Camilli: That is if the Conservation Commission agrees to hear it again.

Ed Meehan: Yes.

Chairman Camilli: And if they don't?

Ed Meehan: They I think you have to go ahead on the 25th, and dispose of this. Have the public hearing. It's a really unusual situation. My biggest concern is that there is statutory provisions if

you don't act on a site plan, it can be automatically approved, even though this had a companion special exception, they could come forward and say, well, you violated procedures, you didn't give us a hearing, the time limit on the site plan has expired, you know, we want our approval, and it's a…..

Chairman Camilli: We would approve or disapprove on the original site plan.

Ed Meehan: Yes. The other thing is, the attorney has not withdrawn the application that they originally submitted to you, although there was discussion that in order to qualify for reconsideration by the Conservation Commission, to remove some of the units. So that is another question that I had for him. What site plan do you want Planning and Zoning Commission to work with? And his comment was, I'll let you know when we find out where the Conservation Commission is. Conservation could say, this is not a substantial change, we don't have to hear it again.

Chairman Camilli: Now we're really stuck with the 25th. We have to do everything on the 25th, and get it out of the way, one way or the other.

Commissioner Kornichuk: No problem.

Ed Meehan: The problem I have, is I'm going to have to advertise this anyway, because I have to get a legal notice in the paper for the 25th, this Saturday, so I will probably have to advertise this, and then strike it later.

Chairman Camilli: I think we should, just to cover, because we don't know what the Conservation Commission is going to be doing, so….

Commissioner Ganley: So they have to stick a sign back on that parcel again?

Ed Meehan: Yeah, once the hearing date is set for the 25th, you have to put the sign back, and he could always, like other applicants, could grant you an extension between now and the 25th, but…..

Chairman Camilli: You have to do it just to be on the safe side.

Ed Meehan: Yes, notice the abutters, do everything that you have to do procedurally.

Chairman Camilli: Keep it technically correct, so if we have to move on the 25th, if we knew what the Conservation Commission was going to do, then it would be no problem, but we don't know and we won't know….

Commissioner Fox: Until they do it.

Ed Meehan: Right.

Chairman Camilli: I'd rather be safe than sorry on this, just to make sure.

Ed Meehan: Two other petitions that have come in since the agenda was sent out, 57 Church Street reapplied, they withdrew it and then applied, I'm suggesting that they go out to the 20th of November; or longer, depending on how much you get done on the 25th, and 256 New Britain Avenue, Bel-Air Manor has applied for a site plan expansion, and I would say, November 20th, or the first meeting in December, because these are construction projects for next spring, so they are not in a real hurry, that is the work load for now.

Ed Meehan: The last thing that I did not talk about was for bonds, I mentioned, Maple Hill at Cedar Street, the four lots, five lots at the corner, the relocation of the subdivision street behind them, the developer is pretty much finished with all the bond work, we need to get some certifications from their engineer, but they are asking for consideration to eliminate the sidewalk that was supposed to be part of that road system. About five hundred feet of sidewalk, we have a bond for $23,000.00, and it's sort of left up in the air with this, you know, it didn't get ratified by council, so it didn't go forward, ConnDot has taken it off their list. They have had a bond in place since 2002, 2002, we're holding $36,000.00, but of that $36,000.00, twenty three thousand and change is the sidewalk, so they are looking for some direction, and in good faith, I can't tell them that I have an answer for them.

Chairman Camilli: Ed and I discussed this on the phone at one point, and since the Council didn't move the street, this left the developer up in the air, through no fault of his own. So, it's $23,000.00, I asked Ed what would happen, if at some point the Council changed its mind and then we would want the sidewalks, well then the town would have to do it. But that is something, I mean, if we have to do it, we have to do it, but it's no fault of his, of the contractor, so my suggestion if it's okay with the Commission, is to say, release the money, because we don't know if the Council will ever approve the realignment or not.

Commissioner Pruett: That's fair.

Chairman Camilli: And then, it has to go back to the state, it may take years, and why should we punish the contractor. That was my opinion, if you guys agree, then the direction that I think Ed is looking for, is we should release the bond money.

Ed Meehan: I can notify the contractor that that is the position of the Commission, and tell him to finish up the other items, get it all done at once. He needs to certify the mere stones and drainage, and this will be good incentive for him to finish up.

Chairman Camilli: And it will be without the sidewalk, and if it ever gets realigned, well, we'll have to put them in, and it will be part of the cost.

Ed Meehan: I just need one minute on one other thing. I sent onto the town attorney, based on your last discussion a question on subdivision bonding and coverage of street trees, over to Steve Nassau's office. Included information based on Rockledge, Waverly and New Britain Avenue with the copies of the contracts between lot buyers and the developer, a copy of the bond agreement, a copy of the approved subdivision plans, Steve just left a voice message for me, it's his reading of the subdivision regulations that the town can call the bond for the trees. I would like to get that in writing from him, and maybe spend a little time to talk about some of the nuances of the situation. I tried to explain as much as I could in the memo, but there are some property owners who don't want trees. But that was his answer, you have the bond, the bond is for implementation of the subdivision, the subdivision regulations require two street trees, so you have every right to call.

Chairman Camilli: You know, we can, the other question is, does the home owner have the option of not having the trees planted. I mean, the subdivision calls for the trees, and we're putting two trees in, this is what the subdivision called for, so I don't know if you want to get into it with the homeowners, but I think the homeowners are very concerned about paying for the trees. I think that was why they were so adamant, but I think if we went to the homeowners and said, you know, this is the subdivision plan that two trees, and you don't have any liability, even though this other contract says you do, you don't, if you can get to that point, then I wouldn't think they would have an objection.

Ed Meehan: The issue of the property owners not paying for the trees that were put in by the town, if the town calls the bond, would be an argument between the developer and the individual home owners. The developer would have to go back to the home owner and try to get money out of them to be reimbursed.

Chairman Camilli: They don't want that hassle either. They don't really want that hassle.

Commissioner Cariseo: How much are these trees?

Ed Meehan: A thousand dollars.

Commissioner Fox: What if those that don't want them told us in writing, forget the trees.

Ed Meehan: Well, you have ten home owners down at Rockledge that have asked for a waiver for the trees for various reasons, and I think the Chairman is right, some of that is because they don't want to pay for it.

Commissioner Fox: They signed a contract though.

Chairman Camilli: And I'm sure Mr. Snow said, you're liable. That's what came out at the meeting, the last meeting.

Ed Meehan: The gentleman who was here, Mr. Taber, after the meeting, went back and sent me a copy of his contract and highlighted it, that is what I sent over to the town attorney. Steve said, this contract is between the lot buyer and the developer. The issuing of the bond, and implementing the subdivision is between you and the developer.

Chairman Camilli: Which is fine, but I can appreciate where the home owner would say, I don't want a hassle. I don't want the trees, because you know, Snow is going to come after me.

Ed Meehan: So, we got a $400,000.00 streetscape grant so we are going to start on that, work on that construction for the spring.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: I just have one. Is there anyway that we can have that corner of Willard Avenue and Cedar Street, the hedges and everything trimmed up? Going west. The corner house.

Commissioner Fox: Pat Snow's house.

Commissioner Kornichuk: No, the opposite corner, somebody is going to get killed there. Corner of Willard Avenue and Cedar.

Ed Meehan: Oh, I know what you mean, the old house they restored?

Commissioner Kornichuk: No, directly across from that. I don't think those bushes have been trimmed in years.

Ed Meehan: Okay, I know what you are talking about.

Commissioner Kornichuk: I know, because I almost got creamed there.

Chairman Camilli: Is there a sight line problem there?

Commissioner Kornichuk: Yes, because you have to pull out into the road to see if anybody is coming.

Ed Meehan: That's the little brick house, the brick ranch on the corner. Both the left turn lane at that location and the left turn lane here at Mill Street were funded, so next construction season, 2007 they are going to be dedicated lefts, so a lot of that scrub brush that you are talking about as well as across the street at 711 Willard is going to be taken out of there, because that sidewalk is going to be pushed back twelve or fifteen feet. Unfortunately, all the work that was done, and the site didn't come out too bad, there was a lot of attempt to save a huge tree in there, and it died. A beach tree I believe. They could have buried the root, or nicked it, whatever. About a thirty-six, forty-six inch tree. Beautiful tree.

XI. STAFF REPORT

A. Bond Release

Newington Business Park – Harris Driveway
Newington Business Park – Pods Site Development
Newington Business Park – Huttig Site Development
Newington Business Park – Corps of Engineers Site Development

B. Request for Bond Modification

Maple Hill Avenue at Cedar Street – Cameron Realty

Discussed under Old Business

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary