

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

November 8, 2006

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

I. ROLL CALL

Commissioners Present

Chairman Camilli
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruett

Commissioners Absent

Commissioner Cariseo
Commissioner Schatz
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. **PETITION 60-06 Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza) 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickley Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners; Realm Realty, Attention David A. Stern, 900 Town and Country Lane, Suite 101 Houston, TX 77024 Applicant, represented by Michelle Carlson, P.E., Fuss & O'Neill, Inc., 145 Hartford Road, Manchester, CT 06040 request for Special Exception Section 3.19.3 retain use over 40,000 sq. ft. PD Zone District. Inland Wetland Report required. Continued from October 25, 2006.**

Attorney Kleinman: Good evening Mr. Chairman, Members of the Commission, for the record, my name is Daniel Kleinman, I'm a land use attorney with the law firm of Levy and Droney, 74 Batterson Park Rd. in Farmington and represent the applicant. We're here this evening, really to respond to a number of questions and comments that the Commission raised as well as certain comments that were raised by the public at the last public hearing, as well as in the course of our presentation for the site plan approval. We met last week with your professional staff, the Town Engineer and the Town Planner, to try to work through a number of the questions and concerns and I believe that we have done so satisfactorily and Michelle Carlson is going to begin the presentation by discussing a number of changes to the site plan in response to those comments and concerns. We feel that when all the evidence has been presented to the Commission this evening, that you will agree with us, that the Special Permit should be granted in accordance with

this application. As we did in last weeks, two weeks ago presentation, we will try to confine our remarks to the application before you, and public hearing before you, because as you know, it's kind of a unified site plan, interdependent in terms of parking, traffic, circulation, etc. We will defer our comments regarding the gas station to the second public hearing. I would also just call your attention to the fact that we, in response to the engineer's comments regarding issues of plowing and turn around and storm water right to drain, did prepare a draft memorandum of understanding wherein the applicant agreed to grant the town the right to use the cross hatched area which is shown on the plan, and Michelle will go through that with you, for the purposes of snow plowing and that we agreed to grant the town the right to connect to the storm drainage system on our property to the two catch basins shown on this sketch, and of course we reserve the right to use the property consistent with our approval. I would expect of course whatever document is in draft form would be in form satisfactory to the town attorney, and we would certainly stipulate that that be the case, and I don't know whether Mr. Meehan has shared that with the town attorney at this point, may be premature, but certainly we are willing to work with the town attorney to craft language that would be satisfactory to this Commission.

I would also say this in general, that not only will we address the issues of traffic tonight, that were raised, but we also have had an opportunity to speak with abutting property owners, who had raised a couple of concerns and Michelle will take you through the site plan to show you the changes that we have made to the site plan, including buffering and other changes that we believe will be satisfactory to the abutting property owners and certainly to this Commission, so I will not bore you any longer, and I will ask Michelle if she will come up and run you through the revisions so that we can keep this public hearing as brief as possible. Thank you.

Michelle Carlson: Good evening, my name is Michelle Carlson, I'm a professional engineer, licensed in the State of Connecticut. I work for Fuss and O'Neil, 146 Hartford Road, Manchester, Connecticut. I'm just going to go over a few items. When we last met, we were, we made some minor changes based on comments. The first comment, as it relates to item, Section 5.2.6, paragraph D, traffic circulation. There was some concern about traffic in front of Stickley's and cars driving by and safety of pedestrians. So what we did is, we are proposing on the plans, we've added a striped cross walk, in this section, and on each side, we are going to put a stop sign, so traffic has to stop, if they are driving into the site, they have to stop here, and then proceed through, and on their way into Sam's, and if they are coming out of Sam's, they will stop before the entrance, and then they will proceed through the cross walk, so we are stopping traffic on both sides of the entrance of the Stickley's property.

As far as buffering, that was another item, that's paragraph, Section 5.2.6 paragraph F and G, F talks to landscaping, G to buffering. One comment that one of the neighbors had was that they wanted to see some evergreen, pine trees put along the west side of the property in here, so that during the winter they couldn't see, there is a subdivision over here, they wanted to make sure that they couldn't see through the trees, the deciduous trees, and see the building, so we did add a bunch of evergreen and cedar trees in this area.

To the north, in this area up here, we had a small retaining wall that was about two feet to five feet, and then back down and it died into the landscape, but we met with Mr. Pane and he is gracious enough to give us that grading easement, so we are going to grade on to this property slightly. He prefer that we grade it out, and not have that short retaining wall, so we were able to get rid of that little retaining wall, on that side, and in addition, we are going to plant some arborvitae on this property line, as a screening, as a buffer to the development.

Lastly, one other item was, that a resident raised, we had a chain link fence around the ponds, and then we had a chain line fence along the rear of the property, and there was a gap in this small section, where there was no chain link fence, and we have extended the chain link fence on the revised drawings.

Do you want me to go into Tony Ferrarro's specific comments, they are really minor, and technical in nature.

Chairman Camilli: Do you want to do that under site plan, or do you want to do it now.

Ed Meehan: Well, I think most of those are site plan.

Chairman Camilli: We'll wait until we get to the site plan. Anyone from the Commission have any questions? Most of the issues that were raised were resolved.

Michelle Carlson: Would you like Patrick and Mark to go through the traffic percentages, or do you want to save that for site plan?

Ed Meehan: I think the Special Exception for a retail use over 40,000 square feet does have a traffic component, so I think that would be good to have in the record, at this point.

Mark Bartucci: Good evening, I'm Mark Bartucci, I'm a senior transportation engineer at Fuss & O'Neil and also a registered professional engineer in the State of Connecticut, and have with me Patrick Baxter who is the project engineer for this traffic study. We just wanted to go over a couple of the concerns and questions that came up at the last meeting. One was related to the distribution of traffic, where traffic is entering and exiting the site, which driveways they are coming in from, and also there was some concern raised about the operations, traffic operations and delays that are experienced at the Pane and Church intersection. So Patrick is going to go over the distribution and show you on a plan here, I think is being distributed to you right now, but we have showed on the plan exactly where the traffic is entering and exiting from each site driveway, if you want to walk them through that.

Patrick Baxter: Just going to go over the percentages, real quick. We're showing a total of thirty percent of the traffic will be entering the site from the north, at the Maselli Road driveway, fifty percent will be exiting that driveway; from the south driveways, there is a total of thirty percent exiting, and thirty-seven percent entering; and that is for both of the driveways combined. For the site drive, on the Berlin Turnpike, which is the right turn in, right turn out only driveway, thirty three percent of the vehicles will be entering there, and twenty percent will be exiting. The difference between the entering and the exiting percentages is due to the unique configuration of the driveways and how we expect vehicles to most efficiently access the road.

Chairman Camilli: For Maselli, what are the percentages?

Commissioner Kornichuk: I think he said thirty and fifty.

Ed Meehan: I think it's thirty in.

Patrick Baxter: It's a total of thirty percent of the vehicles entering, and fifty percent exiting onto Maselli Road. Out of those, twenty percent are turning left, when they are departing, thirty percent are turning right. And visa versa, when they are entering, twenty percent are turning right in, and ten percent are turning left in.

Mark Bartucci: Just on a global perspective, we have, most of our traffic here is entering and exiting from the turnpike, that is where we are going to draw most of the traffic. This is a regional traffic generator, so most of our traffic will be coming, you know, people coming from Hartford, from the north, and up from the south, from Berlin and Middletown, and basically, anyone coming from the south, they are going to come up and they are going to make a left turn and go into Rowley Street. They can't use the right in, right out driveway because of the median on the turnpike. Anyone coming from the north is going to turn in and use Pane Road, it's off the map here, and then come in via Maselli. Some may use Rowley as well, but that is why we have a

higher percentage exiting from Maselli Road. Vehicles cannot directly make a left turn out of the site and go up the turnpike.

Chairman Camilli: I was just concerned how much traffic would be increased coming from the west, from Kelsey, New Britain, and also from Church Street. What the increase of traffic would be on Church Street?

Mark Bartucci: I think, correct me if I'm wrong, Patrick, but I think we have about fifteen percent of traffic is coming in from Pane Road, to the west, and then we have smaller percentages, five percent of the traffic coming in at Rowley Street, we have small amounts coming in from the south, Episcopal Road, and across Route 15, so those increases, as Patrick had presented at the last meeting, can be accommodated by the intersections, by the signalized intersections on Rowley and Pane Road.

Chairman Camilli: There was a comment made by someone from the public that the intersection...do you want to address that now, or do you want to do that later?

Mark Bartucci: No, we'll address it now while we are up here. The intersection that you are referring to is Pane and Church, which is located, it's off the map, but Pane Road is up here, Church runs north, south. It's a signalized intersection here off to the northwest. Much of the traffic coming in from the west, from New Britain will go through that intersection.

Chairman Camilli: That is where my concern is.

Mark Bartucci: Right. The comment that was made is that that intersection is operating poorly, so we went out and we did a field visit during the afternoon peak hour of traffic. Traffic was at its height from four thirty to five thirty in the afternoon. And we did observe that there were lengthy queues on Pane Road in the westbound direction, and we observed the traffic signal operation, and the signal actually is malfunctioning. The detector was not functioning on the Pane Road west bound approach, and it was causing queues to back up throughout the peak hour. We had, at one point the queue was almost back to Maselli Road. The detector was not functioning, traffic, the green cycle was as short as eight seconds, so there were only two, three, four vehicles getting through at a time, and that was causing an increase in driver frustration, people were trying to run the light at the end of it....

Chairman Camilli: The level of service must have been horrible.

Mark Bartucci: The level of service went down. We did contact the Director of Public Works and they are looking into that issue, and they are going to get that signal fixed, hopefully in the near future. When they do fix that signal, the phasing and the timing of the signal that it should be operating at when we analyze it with those phasings and timings, the intersection operates acceptably during both the afternoon peak hour traffic and the Saturday peak hour traffic, and when we add in the development traffic from the Sam's Club and the Stew Leonard's there is no reduction in level of service at that intersection. We're just proposing some minor timing modifications there. That will accommodate the traffic and the intersection will operate acceptably at a level of service D or better at the peak hours. As you know, level of service is rated on a report card scale from A to F. Level of service D or higher is generally considered acceptable by the Department of Transportation, and we will be above that threshold in the combined....

Chairman Camilli: What is the level of service there now, do you know? Well, you can't really tell without the signal working right.

Mark Martucci: It's probably an E or an F right now with the signal malfunctioning. That would not surprise me, but with it operating as it should be, as the signal plan indicates it should be operating at a D in the afternoon peak hour, and a C on Saturday, the Saturday mid-day peak hours. We can maintain those levels of service in the combined condition.

Chairman Camilli: Okay. Does anyone else have a question?

Commissioner Pruet: Are there going to be any adjustments made to Maselli Road coming in from Pane Road, turning into Maselli Road, anything with that intersection, widening or dedicated turns?

Patrick Baxter: We are recommending changes to the signal timing there, but we are not recommending any changes to the lane arrangements or physical roadway changes.

Mark Martucci: And with those modifications again, we are at an acceptable level of service.

Ed Meehan: I guess this is, you mentioned globally, what do you base the assumption that twenty percent of your traffic is going to come from the west through the Kelsey Church intersection, down Pane Road, to take a right into the site. Is it based on what? What if it was thirty percent or forty percent coming that way. What if you are low?

Mark Martucci: Well, it's generally based on the existing traffic patterns in the area, where we have most of our volumes on the turnpike, and that is where we are going to be generating most of the traffic. We also reviewed this with the Department of Transportation planning office. They did look at our distributions and they agreed with them, as far as our STC application process for the first phase....

Ed Meehan: For Stew Leonard's?

Mark Martucci: For Stew Leonard's, yes.

Ed Meehan: We did get an E-mail from Patrick and we have contacted our traffic control service, Signal Control is the company that we use and they went out and they reset the light at Kelsey and Church, we cannot get the detectors fixed yet. It's getting late in the season to do what we have to do, so right now it's on its standard fixed cycle. I will agree with the observation that it is definitely a problem with the backup on Pane. So we are going to have to take a look at this signal, this spring, and probably have to go back out and as part of re-paving, reset that, it got damaged somehow.

Chairman Camilli: I'm sure you know, being traffic people, traffic is a big concern, people are saying, the Berlin Turnpike on Saturday, you know, it's a crawl, and people are very concerned about traffic and so are we. I just want to ask another question. You said people traveling from the north and taking a right onto Pane Road, enter through Maselli, is there a dedicated left to get in there because that Pane Road is a rather heavily traveled road and people waiting to take a left there, could have, you could back traffic up. I don't think it's two lane there, is it?

Commissioner Pruet: No, plus you have that S curve there too, that sharp curve there. It's a very dangerous, potentially dangerous thoroughfare.

Chairman Camilli: So how much of the traffic, you know, you are speaking in percentages, and, you know, when you say twenty percent, twenty percent is how many cars? Or thirty percent. I would rather, I understand percentages, but the number of cars would be more, would be clearer.

Commissioner Kornichuk: They are only counting on ten percent coming in there.

Chairman Camilli: Yeah, but what's ten percent? Ten percent of what?

Mark Bartucci: During the afternoon peak hour, that equates to seventy-seven cars, making a left turn from Pane into Maselli. So, seventy-seven left turn vehicles going in there.

Chairman Camilli: As they are traveling north?

Mark Bartucci: As they are traveling from the turnpike, coming west, would be seventy-seven vehicles during the peak hour making a left turn into Maselli, and I believe on Saturday, it's about 120.

Chairman Camilli: Seventy-seven per.....

Mark Bartucci: Per hour, so you are looking at an average of one, but they can only go during the green phase of the cycle, but that intersection does operate acceptable, that left turn movement does operate acceptably during the peak hours for traffic making a left there. We don't have a dedicated turn lane.

Chairman Camilli: For people taking a left into Maselli Road.

Mark Bartucci: Yes.

Chairman Camilli: Is that with the new development, or as it stands now. Have you talked

Mark Bartucci: Well, there really is not much traffic now, there is no connection.

Chairman Camilli: There is a lot of traffic on Pane Road.

Mark Bartucci: Well, I mean, the connection into the site. I'm talking about Maselli, Maselli Road. On Pane Road, yes.

Chairman Camilli: I'm concerned about Pane Road because that is an east/west.

Ed Meehan: You are talking about the full build?

Mark Bartucci: We're talking about the full build condition, yes. Pane and Maselli operates at a D in the full build condition.

Ed Meehan: From a traffic engineers perspective, or based on standards, at what point would a dedicated left turn lane, what would the threshold for that be? Is it 150 cars, 200 cars?

Mark Bartucci: Well, there are a number of factors, and it does depend on the opposing volume that you have, it depends on if we anticipate an queue backup and block the through traffic, as you described, it also depends on the level of service and delays. If we had excessive delays in the left turning vehicles and it was a poor level of service, we may propose a dedicated left turn lane. In other instances, we do have width, by-pass width for through vehicles to get around the left turn vehicles. Maybe you can pull the signal plan and we can get a exact look at what it there.

Chairman Camilli: You know, we hope that this development is a home run so, we've had a lot of traffic, we've had Krispy Kreme traffic, so we are familiar, we'll have Stew Leonard's, that is going

to be a big draw, it's going to draw from all over, and so are you. I think we have to be prepared for it. I think the volume of traffic may be more than we anticipate is all I'm saying, and being only a one lane road there....

Mark Bartucci: We can certainly look at a re-stripping there to allow by-pass for through vehicles to get through there. That can be accomplished fairly easily.

Chairman Camilli: Re-stripping?

Mark Bartucci: Yeah, I'm just talking, shifting the center lines to allow the left turn.

Chairman Camilli: I would think that, I would like to see something like that there, you know, just in case we do have a lot of traffic.

Commissioner Pruet: And I think that Maselli Road is not that wide a road coming in, so I have some grave concerns with that traffic entering and exiting from that area.

Chairman Camilli: Any other comments? So, maybe you could look at it and see, I see a lot of traffic, because I hope that it is a home run.

Mark Bartucci: It will be, and we can make it work, we have the capacity at that intersection. We can certainly look at a re-stripping just to give that extra width to allow through vehicles to by-pass the left turn vehicles, that can make it work better. We need to look at the road width, and what we have out there.

Chairman Camilli: Okay, any thing else? Thank you.

Attorney Kleinman: I'm trying to respond to the concern that the Commission has, and certainly legitimate traffic and public safety is obviously important to us and we want the center to be successful and people to feel that they can easily access the center because the first couple of times they get backed up and can't get there, will be the last time they go there. We certainly would be willing to visit it as a condition of approval if in fact, we were able to engineer it, as opposed to keeping the public hearing open, and then coming back again with another plan, we certainly would be willing to look at that as a condition, and if it wasn't possible, then we could always come back to the Commission after the fact, but clearly we will be willing to look at that.

Chairman Camilli: Okay.

Attorney Kleinman: I guess that completes our presentation, I have a couple of concluding remarks after you allow the public to speak, if you like, Mr. Chairman.

Chairman Camilli: Any remarks from the Commissioners?

Commissioner Ganley: I remarked the last time, I just rechecked the minutes of the last meeting, on that cross walk issue, integrating some lights adjacent to that cross walk, so that when they cross in the dark, there is sufficient lighting at the pedestrian cross walk they are proposing.

Chairman Camilli: You're talking about Stickley's?

Commissioner Ganley: Yeah, that's right. They have the cross walk going across, and I mentioned the last time they ought to do something with the lighting, so that after dark you know, there should be an integration of the light, plus the cross walk.

Michele Carlson: Michele Carlson, Fuss & O'Neil, we can make sure that between putting something else, lights on the building if we need to, and then the nearby islands, we can make sure that that is adequately lit so it is safe. Based on lighting plans, there are light poles, there are standards out there now, we could put something extra out there, just for safety.

Commissioner Ganley: Thank you.

Chairman Camilli: We'll hear from the public. Anyone from the public wishing to speak in favor?

Sunny Ezete: Good evening everyone. I am a professional engineer, licensed in Connecticut. I have almost twenty-one years experience in transportation and traffic engineering, and I work for the Connecticut Department of Transportation and all those twenty years has been in the division of traffic engineering. Mark Bartucci and I have worked on various projects around the state, and have done a wonderful job for the State of Connecticut. He is a highly respected, qualified traffic engineer and Mark and I (inaudible) together. I do have some concerns for Mark today. I have to start with the right in, right out drive on the Berlin Turnpike which is (inaudible) direction. I know that you were talking in terms of percentages but my clear observation is that anyone who is exiting the shopping center with the right turn movement, who wants to go to the traffic signal and make a U turn to head back to Hartford, there is a problem there because sometimes you have the left turn queue filled up.

Chairman Camilli: Can you tell me where you are talking?

Sunny Ezete: Here is the right in, right out driveway. Here is the traffic signal at Rowley and the Berlin Turnpike, the left turn queues, in the left turn slot, very often back up, and you will make it really difficult for anyone coming out of this site, to get into the left, cross the two through traffic lanes, and to get into the left turn lane in order to make a U turn, heading back to Hartford. We don't have sufficient storage in this particular bay here. Right now it is a problem, with Stew Leonard's going in here, although we assume that the traffic is in the background, there is no traffic out there today, it's going to be a zoo, once this thing is open, we are going to have a problem right at this intersection.

The other comment that I have for Mark is, I'm not sure what the proposed improvement is for Berlin Turnpike, Rowley and Seldon Street. I'm not sure what has been proposed to mitigate the impacts of the additional traffic coming from Sam's and maybe Stew Leonard's. But as a resident of Willow Lane, and we are here collectively from the Willow Lane Association, we are concerned about what is going on, on Rowley Street, and its intersection with Church. That doesn't show up on this map. Now, Rowley Street, which runs east/west also, just like Kelsey runs, starts out as two lanes when you come onto it from the Berlin Turnpike, and as soon as you go by the Stickley driveway, it drops into one lane. My understanding from a member of the association who attended this meeting last time, was that the developer is proposing to re-stripe Rowley Street at this intersection with Church to make it a two lane approach. I'm not sure if you are pursuing that or not. Now, if you are pursuing that, there are some problems, operationally with that. First of all, you go from two lanes, to one and go back to two. The other issue is, when two traffic queue up on Rowley Street and Church each driver is competing for the sight line. This person moves up, trying to see the traffic coming from the right, the other person moves up, to try to see the traffic from the left. The intersection of Church and Rowley has been the scene of two serious accidents in which the LifeStar actually came down to lift the injured to Hartford Hospital. I have a problem entering Church Street from Rowley Street, and I read accidents every day of my life, and Mark knows that, and I would not be happy to see anyone get injured at that intersection. Some type of traffic control should be established at the intersection of Church and Rowley. We are not looking for traffic signals, but I believe an all way stop would do a great deal to mitigate the impact of traffic at this intersection.

Chairman Camilli: Now, Church and Rowley, but you are pointing here, that is the Berlin Turnpike.....

Sunny Ezete: It should be, I'm sorry, here, Church and Rowley over here, and the factory will be on the other side.

Chairman Camilli: Isn't there a stop sign there now?

Ed Meehan: Not for Church.

Commissioner Fox: Just going west on Rowley.

Sunny Ezete: Church Street is a through street there, and Rowley is a stop.

Chairman Camilli: That is what you are talking about, you're talking....

Sunny Ezete: This is where I am talking about, this is where we have had two serious accidents at this intersection. The other problem that I am looking at, I really suggest that we make this an all way stop, is traffic coming down Church, and Kelsey is over here, when you stop to make a left, you don't have the right of way, you have to wait for the opposing traffic before you can make it, there is no by-pass, and there is a utility pole on the side, that pole has taken it's own share of traffic banging on it for many years. That is another problem. Now, if we go back to, I'm trying to identify the intersection of Kelsey and the driveway up in here, is it somewhere up in here?

Ed Meehan: Yeah, Maselli.

Sunny Ezete: Okay, it was mentioned about how many, and not percentages, how many cars are you really adding to this intersection? You indicated seventy-seven vehicles in a peak hour, it only takes one vehicle sitting waiting for a gap in the traffic stream, and a truck, or a tractor trailer plowing into that person for us to do something radical at that intersection. There may be a by-pass of this intersection, but it is not clearly defined. You may have to look for an exclusive left turn lane. I mean, seventy-seven vehicles today, grow up to 150 by the time that this thing is all built, so it would really be a good thing to take a look at that intersection to make sure that you provide an exclusive left turn lane.

Now I'm not sure what the traffic control is that has been proposed here. Today, during Saturdays, and it's not only for kids, Rowley Street coming off the Berlin Turnpike, has three lanes. It's marked as a left, a through and a right. Most people, make a left turn from the through lane. That is because sometimes the queue is longer and they want to beat the system. They get into the left turn and they move with two abreast, so as you turn, you have to watch this side, to make sure nobody is doing it illegally. The reason why I want to say that is because, because we have standing queues here, with five percent or ten percent of traffic congestion that you are supposedly thinking is going to come down Rowley Street. If motorists spy a backup going onto the Berlin Turnpike, they are going to go the back way, and where are they going to go? To Church Street intersection. So I would urge you to take a hard look at this intersection, and take a hard look at that intersection as well.

The only thing I would like to leave with the Commission is that I would have to apologize for not being here for the last two meetings, and that was because of family circumstances. I would recommend seriously, if this meeting, if this public hearing is to be closed today, that you make it as a condition of approval that six months after this development is open, you should go back, do a new study, come back with the traffic volumes and I'll be willing to come in, and look at it for you, free of charge. I'm not going to charge the Town of Newington. We want to make sure that the traffic situation we have here are addressed and we are not trying to make it difficult for

anyone, but as Mark knows, Section 14.3.11 says, that we have to do whatever we have to do, as traffic engineers to make sure that the safety of the public is not compromised. The safety of the public will be compromised if we do not look at this. Thank you very much.

Chairman Camilli: Now, maybe I'm not speaking that clearly, that was, I don't know if you were speaking for or against, but.....

Sunny Ezete: I'm speaking for, but I want to make sure that our concerns are addressed.

Chairman Camilli: We appreciate that. Is there anyone else from the audience wishing to speak for the project?

Domenic Pane, 638 Church Street: Just wanted to let everyone on the Commission know that I did meet with the developer, and I'll just read into the minutes the letter that I gave him, and I'll give you a copy. "Dear Dan: This letter confirms our conversation pertaining to the cross easement for grading for the Sam's Club development. I give you permission for this easement for the property that abuts your property. The property is located on the east end of Maselli Road. Domenic Pane" I think this will be better off for the transition between the two properties. At the last meeting I also was concerned about the transition of people within the site, and after thinking about it, as long as the pedestrian safety is met, it would be very difficult to have walkways from all of the buildings, like I was thinking about down in the outlet stores. Those are different types of stores, they are more clothing stores and other small stores, these type of stores, after thinking about it, the developer is right, these types of stores wouldn't, it wouldn't pertain to that type of store, but public safety for the walkways and everything would be very important. I still have, I'm still very concerned about the safety at Pane Road and Maselli Road, keeping an eye on that. I think we probably operate at a level A now, and to go from A to D is kind of a disappointment. I think a lot of the traffic is going to come down Pane Road from the west, but I don't think we are going to get as much coming off of the Berlin Turnpike, turning right onto Pane Road. I think they are going to go straight down the Berlin Turnpike and turn mainly right into the right in from the turnpike, but that intersection, and the other intersections, I'm sure this Commission will look closely at. Thank you very much.

Chairman Camilli: Thank you. Is there anyone else who wishes to speak in favor?

Beth White, 27 Willow Lane: I just would like to reiterate as Sunny Ezete said before me, that we are very concerned about the traffic flow on Rowley. It is a residential neighborhood, and we're very concerned that we are going to have a lot of traffic increase on that street, and one thing that I wanted to mention is, as you turn onto, from Rowley Street onto Church Street, going north, it's, if you could look at, where the traffic turns there, especially for vans or larger cars, it's hard to turn that corner and stay in the lane, and that might be something that could be looked at a little more carefully also because there have been a couple of close calls on that road. When you try to make that corner, it's just a sharp turn there. So that is a concern, and then also the fact of the two lanes going into one and then back to two, if you could just look at that again, it would be great. Thank you.

Chairman Camilli: Thank you. Anyone else for?

Lucian Rusier, 24 Willow Lane: I am in favor of it, just wanted to, like everyone was saying be sure the traffic concerns are handled properly and as Beth was saying, there is going to be a lot of traffic on Rowley, and it is residential with a lot of children playing in that area, so we really don't want that much more traffic on the road. Thank you.

Susan Raimondo, 98 Rowley Street: I'm concerned about the traffic, although I certainly don't want to hamper any sort of development, I realize that it could be a boon for the town, I have a number of concerns. I'm going to echo what the residents of Willow Lane said, from the perspective that actually having my house on Rowley Street. I can't tell you the volume of truck traffic that we have, it is horrific. Every time a truck goes down the street, my whole house shakes, I have cracks in my foundation, it's really pretty pathetic. As you are building it, I would hope that you also are looking at issues around that with the Stew Leonard's building. There are dump trucks going up and down my street to haul away the product and it is again a nuisance. The speed at which traffic goes on Rowley Street, it is posted at 35 miles an hour, that's baloney. We could use one of those little machine counters that come there. It's not unusual to find somebody driving down the street at least seventy-five or eighty. My husband has Multiple Sclerosis, he is confined to a wheel chair, the idea of even going to the mail box scares us half to death because he can drive down to the end of our driveway, and he is literally taking death into his hands, let alone the other accidents. So, as you are proposing this, I mean, things such as Mr. Pane and people had discussed the whole issue of pedestrian safety, I urge you to take that into account. I also urge you to make sure that the project contains curb cuts, people who want to travel from things like Stickley or Stew Leonard's to the Sam's Club, people do walk, people do use wheelchairs, and those are all things that are legal modes of transportation. So I would urge you to consider those as well. I certainly don't want to fight the project, but I do want to call these issues to your concern and I hope that the Commissioners will work with them to really look at reducing the traffic on Rowley Street, because it is terrible, and I just foresee once the Stew Leonard's opens, and this it will be even worse. I mean, all the trucks coming from Route 9, people will use it as a highway, and it is meant to be residential. Thank you.

Chairman Camilli: Thank you. I was asking for people who want to speak for, still, if, I mean, we will get to the against, I promise you. I just want to be sure we got all the people who were pro, first. All right, anyone wishing to speak against this application. No one else wishes to speak. We will give the attorney a chance to respond.

Attorney Kleinman: First of all, I would say, on behalf of the applicant, we are gratified that there is the support shown tonight for the project, albeit with some concerns and clearly any project of this size, brings with it concerns. The project that was approved originally had traffic considerations as well, we have now evolved as a society in terms of the number of cars that we have driving along the road, but I would say to you that public safety and accessibility are probably two of the most paramount concerns that this applicant has. I've said it before, if people cannot safely access the property, either driving to it, and once they are parking accessing the various commercial establishments there, then the center will not be successful, and I think everybody in town wants it to be successful because of the economic benefit to the town. Mr. Ezete, I think I pronounced his name correctly, raised some very very interesting points that we will take clearly into consideration, and I did check with my client, and his suggestion that we revisit this in six months, is something that we certainly would be willing to do. I think that what is important is that the neighbors feel that we are a good neighbor, and that the Town isn't flooded with phone calls from neighbors upset that somehow this center is not working the way that the Commission envisioned it, so we certainly would be willing to revisit it, we think our numbers are correct, we think our counts are correct, we are hopeful that they are, and that public safety will be clearly protected by the traffic layout that we have. But, should the Commission feel that they want to revisit this in six months, we certainly would be willing to do that, and I can speak for my client in that regard. In terms of the requirements of this application, this is an application for Special Permit and this Commission needs to be guided by the provisions of Section 5.2.6, and I think that rather than rehashing each one of the seven conditions, I would say that a reading of the public record and the testimony that was given by the applicant here reviewing the existing and future character of the neighborhood, and the type and size of the buildings presented, the traffic circulation, the availability of public sewer and water, etc., the location of signs and lighting,

and certainly safeguards to protect adjacent property, have all been addressed by the applicant, and clearly the Commission has the ability to place conditions on any kind of approval that they believe would be in the best interest of the public, so we think this is an excellent project, it was really designed to be such a project, including the 6500 square foot building, which we discussed at the previous public hearing and we believe it will be a good project for this community, one that will really improve, one, the existing site, and two will enhance the offerings and availability to the public in Newington, and we ask that you approve the application. Thank you.

Chairman Camilli: Anyone who spoke against this application can rebut this if you wish. If somebody wants to. I have a question for the Planner. The engineer from the state spoke about doing something at Rowley and Church. He didn't suggest a light, how difficult would, he didn't say put a stop sign, but I'm, would a stop sign take care of some of it.

Ed Meehan: I think he was talking about having people taking a left from Church onto Rowley having to wait for a gap in the traffic, that if the traffic volume is what it is now, increases, that gap doesn't occur and people take chances a four way, three on the local street and the fourth controlling the driveway into what used to be Russell Corbin would provide the drivers coming to that intersection the opportunity to have sight line and eye visibility to other drivers, so it's probably the simplest least expensive way to quiet the intersection.

Chairman Camilli: Right, and I thought that was something that could be done rather easily, now would it be the town or would it be this Commission or is that....

Ed Meehan: Well, it would be inter-town. We would have to discuss with our neighbors in Berlin. One of those legs coming up, I think they call it Episcopal Road in Berlin would be up to their local legal traffic authority.

Chairman Camilli: So that would handle one of the, I was just thinking, would you like to respond because this is still open.

Mark Bartucci: Well, first of all we have submitted this, as you know, to the State Traffic Commission. We submitted this traffic study which has both a phase one and a phase two developments and analysis and proposed improvements in it. They have thoroughly reviewed it, they did look at all of the intersections that we have. We are in the process right now of doing our off site improvements design for what we proposed, on the Berlin Turnpike and Rowley Street and some of the signal improvements that we have touched on a little bit earlier. So the State is looking at this and the Stew's STC application was approved and the certificate has been issued and the Sam's Club application is currently under review by the department. Just to go over a few of the things that were discussed by Sunny is, the Route 15 at Rowley Street intersection, there were some questions about what we were doing for improvements there, and I'll briefly go over those. On the Route 15 northbound approach, we are proposing to widen that to add an additional left turn lane so that there will be a double left turn lane, there is currently a single left turn lane. There will be two left turn lanes turning into Rowley Street. Rowley Street already has two accepting lanes, for those turn lanes. The right lane will become a dedicated turn lane that can be used for access entering the site, and it will be signed as such that the right turn lane is a right turn only to enter the site. The through lane then, will be a single through lane continuing westbound into Rowley all the way over to the Church Street intersection. Our analysis of the Church Street intersections shows that in the background condition we are operating at a level of service C, there is no change in the level of service in the afternoon peak hour with the addition of the site generated traffic, so we are still at an acceptable level of service, and the Saturday peak hours, we are operating at level of service B, in the background condition, and we drop to a level of service C in a combined condition, but again, it's still an acceptable level of service.

Our accident data, we did review data from the Newington Police Department and we only had a report of one accident in the past two years of data that we reviewed. There wasn't an accident rate that we were concerned about when we looked at that. Now there may have been another accident in the most recent year of data that you know, didn't show up on that, Sunny had mentioned that there were a couple of accidents, so there may be one that wasn't included in that data, but we didn't see an accident pattern at that intersection.

Now, the condition that Sunny had described, where a southbound vehicle on Church, turning into Rowley Street has to wait for northbound through traffic before he can make that left turn, that's because there are no stop signs on Church Street. There is one on Rowley, but not on Church. So to address that issue, again, we don't think it is warranted by our analysis, but we could put stop signs on Church Street if there is a concern that that intersection has safety issues. That would make it an all way stop, force everyone going through that intersection to stop, reduce the speed through the intersection, everyone has to grant the right of way. That certainly reduces the risk of accidents through that intersection, if that is a concern, and we could, and if the town is willing to make that improvement, that's an easy improvement we could make there. I don't think we would object to that.

Ed Meehan: Did you check accident data from the Town of Berlin? Because accidents could have happened south of Rowley Street which would be on the Berlin.....

Commissioner Ganley: The entire intersection is in Berlin. The town line is on the north side of Rowley Street, so the entire, the person making a left turn he would be hit in Berlin.

Mark Bartucci: Yeah, that was Berlin accident data we reviewed then.

Chairman Camilli: That would be a quick fix that, sometimes it is confusing for people, slowing down there, not realizing.....

Mark Bartucci: The other issue, the intersection of Pane at Maselli, while you were talking, we did pull a picture from that intersection, which I can pass around, it's the lower left picture here, and it's a picture of Pane Road heading westbound and the signal in the forefront is the signal at Maselli Road. You can see in that picture that there is ample roadway width there now, there is over twenty feet, heading westbound, so in that existing condition, without any roadway widening, we can provide re-stripping of that road to provide a left turn lane there. That allows, as I mentioned earlier, by-pass width for westbound through vehicles, they can get around the vehicle that is waiting to turn left into Maselli and that reduces the risk of a rear end collision, it improves traffic flow, and will improve operations at that intersection. Again, it's a very low cost, easy improvement that we can implement.

Chairman Camilli: The only other thing, the other engineer, would you address what he said about the safety issues, people with not enough of a queue here, people coming out here who want to go back to Hartford and get into this so they can make a left.

Mark Bartucci: Yeah, this configuration, this right in, right out was an existing driveway, has been here, did serve the Caldors. In our traffic study, we assumed with our distributions that everyone exiting would use the signal here to turn left and go north, one of the two signals. We didn't account for a heavy percentage of traffic making that move. It is certainly possible, they could make that move, but, if it were me, I would go out and get the signal and make a left rather than try to dart across three lanes of traffic going at fifty miles per hour to get into a standing queue line. There could be a few vehicles that do that. We could put a sign there saying cross over traffic is prohibited, or internal signage, directing people to exit to 15 north, use this driveway, there are a couple of things that we could do. We do have a good distance of five hundred feet from that driveway to the signal at Pane Road.

Ed Meehan: People tend to go out the way they came in, at least the first couple of times, being new to the plaza, they may do that. I would agree with the traffic engineer, if you wanted to go back, you would probably work your way to the traffic signal. People who don't know the area go out normally the way that they come in.

Chairman Camilli: But chances are, if you are at Sam's, and you are parked over here somewhere, chances are you are going to go out Maselli and take a right and a left. I don't know, but that would be my.....

Mark Bartucci: Oh you're right, absolutely, and someone from Stickley's, they are most likely going to use the Rowley driveway, some at Sam's Club will go out onto Pane Road, and some of the Stew's traffic will be most tempted to use those driveways.

There was a concern for truck traffic. I understand that most of the truck deliveries, or all of them, are going to come in from the turnpike and access at Rowley and turn into the site, or go out onto Pane, back to 15, there is not going to be truck deliveries going through Church at Rowley intersection.

We did do a, there was concern for speeding traffic on Rowley, we did do an automatic traffic recorder count, on Rowley near the vicinity of where the driveways are, and the eighty-fifth percentile designed speed was recorded to be thirty-five miles per hour, which isn't excessive, there certainly, it's an eighty-fifth speed, so there are a few vehicles that go high than that, but that's generally the designed speed, what we look at when we design for site distance in the eighty-fifth percentile speed. Again, speeding traffic is an enforcement issue, something the police would need to look at if that is a problem under the existing conditions.

Chairman Camilli: Okay. Thank you. That sort of clarifies it for me. Anyone, before we close this hearing, anyone from the public, take one more shot at this, and then we are going to close this.

Sunny Exete: Here is Rowley Street, and this is the Berlin Turnpike, and you are telling me that you are proposing a double left, from here, onto Rowley Street. You know me very well, you walked with me for quite some time, I would not approve that plan for you. I'll tell you why. When you take a double left from the Berlin Turnpike, going north, and you bring two cars abreast, for a short distance from here, to the driveway you know what is going to happen? People are going to be in the wrong lanes, and they are going to try to cross each other once they get here. You are going to create a weaving situation, I would not approve that plan, if I reviewed it. You know me very well. That is the point that I am making, it isn't how many lanes you put down that is the issue, is it operationally going to provide the safety that we are looking for. If you move two people from New Haven or from Meriden who are coming here to shop, they will not know exactly which lane they are going to be in, in order to get into this driveway. If they end up on the wrong side of that double left, they will make that switch, at the last minute, what are you going to get, you are going to get an accident, so because of the proximity of the driveways to this intersection, I would not approve that plan. Now, the other thing that I am talking about is the difference between traffic projections based on whatever model that you use, but there is also the reality which you know. People tend to avoid congestion. If you have a queue on Rowley Street, that extends past their driveway here, the two driveways, people will find some other way to get out of the site. They may go back up here, and the problem that didn't exist here, we are talking about it right now, will become evident. So we can sit here and talk in terms of numbers, we can sit here and talk in terms of actual number of cars, the reality is, what we are saying we are going to do here, is it really operationally possible, is it really going to provide the safety that we are talking about.

Chairman Camilli: Okay, thank you. Do you want to,

Attorney Kleinman: Well, I'll just tighten it up a little and we'll....

Chairman Camilli: Okay, well we are going to close this, but I just want to get the last shots, just so the public understands, in the final analysis, the State Traffic Commission is going to make those decisions, so we don't even make them here. Whether they agree with the applicant or

Attorney Kleinman: And I'm not going to contradict what Sunny had to say, and I respect his background and his experience, etc. We're saying a couple of things, one, when the STC approved the Stew Leonard's application, part of that application included all of the background traffic for the proposed Sam's. We are willing to take a look at this in six months, if our proposals and some of the changes which our traffic engineer is proposing now, in terms of stop signs and by-pass lanes, etc., work, and there is no reason to change it, then we are fine. If there's a feeling that this Commission has, after six months, that there need to be some more changes or investigation, the applicant is willing to do that, because we all have the same goal, and that is public safety. Thank you very much.

Chairman Camilli: Thank you. We are going to close Petition 60-06.

B. PETITION 61-06 Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza) 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickley Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners; Realm Realty, Attention David A. Stern, 900 Town and Country Lane, Suite 101 Houston, TX 77024 Applicant, represented by Michelle M. Carlson, P.E., Fuss & O'Neill, Inc., 145 Hartford Road, Manchester, CT 06040 request for Special Permit Section 6.11.6 gas station use, PD Zone District. Inland Wetlands Report required. Continued from October 25, 2006.

Chairman Camilli: Please, just speak to the gas station.

Attorney Kleinman: That's exactly what I am going to do, Mr. Chairman. For the record, Attorney Daniel Kleinman, Levy and Droney, 74 Batterson Park Road, Farmington. We have made some minor modifications to the gas station, the site and location, and as you know, your regulations give this authority sole discretion over locations of gas stations, so Michele, if you would come up and just run through the changes and location, and plans I think we can make this very brief.

Michele Carlson: Good evening, Michele Carlson, for the record, a licensed professional engineer in the State of Connecticut. I work for Fuss & O'Neil, 146 Hartford Road, Manchester, CT. There has been one minor change to the gas station actually, for the better, I submitted an 11 x 17 drawing. Sam's has changed the prototype and it has gotten a little more compact, so basically we're within the same footprint. It has gotten a little bit smaller, so there is a little bit more green, and that is the basis, there is no more to add.

Ed Meehan: Commission members have the larger version, the plans.

Michele Carlson: You can pass this around, it clearly shows, you can see that the island on the Rowley Street side gets bigger and there is more green right here. This was the curb line, and now it's going to be here. So, this will be green and then this got a little bit skinnier. It is in the main drawing of your packet.

Ed Meehan: You also eliminated the exit islands.

Michele Carlson: Correct, as per our discussion, they eliminated the exit islands.

Chairman Camilli: So you are satisfied with that now?

Ed Meehan: Yeah, because now it's not as confusing, and I agree, the more buffering we can have with the neighbors the better.

Chairman Camilli: Okay. Any questions from the Commissioners? Comments from the public, anyone wishing to speak in favor of this application? Against? We are going to close Petition 61-06.

Attorney Kleinman: May I just say for the record that the testimony that we presented under the Special Permit provisions meet your regulations, and I request that the application be approved. Thank you.

C. 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.

Sarah Trombetta: Good evening, my name is Sarah Trombetta, I'm a licensed environmental professional with TRC Environmental in Windsor, CT. We are here to present a special application for earth excavation activity at 300 Fenn Road and 33 Commerce Court in Newington. The activities are generally related to remedial actions at the site. TRC has been completing investigations at the site since the site was transferred several years ago, and have determined that there are several locations on the site that exceed the applicable Connecticut State Regulations with regard to contaminants in both soil and ground water, so we have developed a remedial action plan that addresses each of these areas and I'll let Malcolm describe in more detail what we've got.

Malcolm Beeler: Good evening, my name is Malcolm Beeler, I'm an engineer with TRC in Windsor, CT. I'm here to discuss the proposed remedial activities for the site on Fenn Road. We have three areas that we propose to do excavations, they are all located in approximately the same area of the site. They are labeled on this map as AOC-6, AOC-10 and the ZVIPRB, which I will talk about more in detail. One thing that I would like to make clear is that for all this excavation activity, final restoration will involve restoring to current grades and conditions. By that I mean that areas that are paved will be returned to pavement, areas that are currently turf will be restored with turf, and we have been in front of the Wetlands Commission, and there is an area, a drainage swale there that will be restored as a drainage swale, and we have submitted the appropriate plans.

AOC-6 for which we have a blow up, estimation of contaminated soil, approximately 415 cubic yards of soil will be removed from the AOC-6 area acre excavation. The environmental impact of the contaminants will be removed and then the area will be restored to the current grade and conditions. Other alternatives that were considered, were, no action, which is unacceptable, because of the State regulations, and then in situ treatment, which would eliminate the need to do excavations but because of the nature of the contaminants it's not considered to be feasible. So excavation was considered as the best remedial alternative for that area.

The second excavation will involve construction of a zero valent iron permeable reactive barrier, to keep from having to say that over and over, I'll just call it the ZVIPRB, we propose a 400 foot long trench, you can see it there. It's two hundred feet, approximately on the one property

boundary, and then going two hundred feet down another property boundary. The trench will be two feet wide, and approximately eight feet deep. It will be excavated down to the depth of competent rock, which is between six and nine feet in this area. If constructed to the four hundred feet long and the eight feet wide, it will be 240 cubic yards of soil removed, and the total disturbed area will be .02 acres. Again, following the construction, you can see the pictures there, a large portion of it is paved, and then the portion along the fence line at the bottom is grass covered, and that will be restored with turf following the construction of the (inaudible) barrier. The environmental impact of that is that the contaminants in the ground water will be destroyed in situ, the chemicals will react with the iron, producing non-toxic by-products. Other alternatives that we considered that would eliminate the need for excavation were, no action, which again was unacceptable under the current regulations, ground water pump and treat, and air sparging, both those technologies have been used, but are not very effective and need long treatment times, and with excessive costs, neither of them were considered to be acceptable alternatives and the construction of this barrier was selected as the preferred remedial alternative. The final excavation that we are proposing, is located on the adjacent property, 33 Commerce Court, it's a ten foot by ten foot excavation, being done down to about five feet. There will be removal of about 20 cubic yards of soil, and the disturbed area will be .002 acres. The environmental impact is that we will remove the contaminants down to the residential direct criteria which will eliminate the need to have any land use restrictions on the property, which was sold by the current owner of the Fenn Manufacturing facility. Other alternatives that were considered were no action, and in situ treatment, and again, neither of those were considered to be feasible, and the information was selected as the preferred alternative.

There is a letter in there from the owner of the adjacent property, 33 Commerce Court, and they are on board with this whole approach, and support our applications to do this work. So overall, we are proposing removal of 675 cubic yards of soil. The total disturbed area will be .08 acres, but there will be no net removal of because of our plan to restore the current grades and the conditions of the surface, so all grades that are on the map there, are shown as proposed grades they will be returned to existing. Some, you know, the first two excavations, AOC-6 and the ZVIPRB are proposed to be done immediately adjacent to the property line, and I know that there is a requirement that there be no excavation within twenty feet of that property line, but because it is no net excavation, we're not changing the grades, and also the need to get to the contaminants at these locations, I want to be sure the Commission understands why we are proposing these locations, and I don't see that as being a large issue.

There were some, the issues in the permit application regarding safety involving excavations, this is a project that TRC oversees quite a bit, we are familiar, and our workers are all 29CFR-1910, the regs and also the 1926 sub (inaudible) excavations and all the work will be done according to these OSHA regulations. That concludes our presentation.

Chairman Camilli: Can you, I just have one question, on the second one you said 240 cubic yard removal, you said the remediation was in situ, that means on site, you are going to do the remediation on site. Is that what that means?

Malcolm Beeler: The in situ is the ground water will pass through the barrier that we will construct. It will be iron and sand placed in the subsurface of the ground water. As the contaminants in the ground water pass through this iron barrier, they are broken down into actually will have ethane and cloridine.....

Chairman Camilli: That part is done on site. That's the only one, and the others are going to be total removal.

Malcolm Beeler: Yeah, the materials will be removed, we'll, they will be sent to the appropriate land fill, and we will characterize that, and all those materials will be taken off site. Also the native

materials that we dig out for the permeable reactive barrier, we have a stockpile location, so we will stockpile, test them, if we can't put them back in the ground, they will also be removed.

Chairman Camilli: How long will this operation take?

Malcolm Beeler: The AOC-6 will take approximately two or three weeks, AOC-10 a week, that one is very small, very quick. The construction of the permeable reactive barrier will probably take about a month to do it.

Chairman Camilli: Traffic impact of the trucks going off the site, Ed?

Ed Meehan: This would be minimal because it isn't a large cubic amount, what, 675 total, 15, 18 yard trucks, that's not a lot of trips.

Chairman Camilli: Okay, I don't have any questions. Commissioners? Ed?

Ed Meehan: Are you going to stockpile the contaminated soil, or would that go out immediately.

Malcolm Beeler: The contaminated soil, our goal is to live load it into trucks, we will characterize it for disposal prior to doing any digging and then we can just live load it. This is an active facility and their receiving dock is actually in that back area there, so they are not going to want us to be creating any hazards for them, so we will live load this material. Like I said, it's not a large amount of soil, we can get six trucks, and knock it out fairly quickly.

Ed Meehan: Okay, just as long as the fire folks, the apparatus can get around the building, keep it open, so they have passage through there.

Malcolm Beeler: Right.

Ed Meehan: This has Wetland Commission approval already.

Chairman Camilli: Okay. Any questions from the Commissioners? You're all set. We'll just hear from the public and we can close this. Anyone from the public wishing to speak in favor of this application? Against? We will close Petition 65-06.

Malcolm Beeler: Thank you very much.

D. 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.

Phil Woodyatt: Good evening, my name is Phil Woodyatt with WD representing the applicant, Aldi. We are also presenting a site plan application tonight as well, so I'll just give you a brief overview of the site plan here, and talk basically about the signs. We also have a representative here from Aldi to give you overview of the operations of the store. Would you like to hear from Aldi now, during this application or during the site plan.

Chairman Camilli: Ed, we can get the overview now, can't we?

Ed Meehan: Yeah, I know under site plan they will talk about some of the operations and truck circulation, but who they are, and what they do, I think you could hear.

David Wolf: My name is David Wolf, I'm the director of real estate for Aldi Foods. I have a little packet for everyone, a little bit of information on us, some pictures. You are probably not familiar with Aldi Foods, we're fairly new to Connecticut, we have four stores in the state. Our motto is equitable value every day. We are the world's leading limited assortment value supermarket, privately owned, and we do have 800 stores in the U.S., but as I say, we only have four stores in Connecticut, so not a lot of representation yet, but we are hoping to expand that. A prototype store is about 17,000 square feet. We have a product range of about 1200 items, the most commonly purchased items. When you go to Stop and Shop, or whatever, bread, milk, eggs, over ninety-five percent of our range is private label, product range includes produce, bakery, dairy, fresh meats, chilled items, frozen, dry goods, basic goods. Typically we have one delivery per day, one tractor trailer. It comes into the site, drops off the goods, usually in and out of there in a half an hour to forty-five minutes, sometimes quicker. Store staff is about ten to twelve employees, we're open for business from 9:00 a.m. to 8:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. Any questions about the store, the company?

Chairman Camilli: Okay, you can address this sign now, that is the application, and the public hearing, and then we can discuss some of the site plan issues.

Phil Woodyatt: As part of this project, the address of the site is 2640 Berlin Turnpike, it's known as the JDC trucking facility. This project will re-develop that site, that building will come down, and in place of that, the existing 29,000 square foot building, we are going to put up a 16,000 square foot Aldi grocery store. For this application we are proposing two free standing signs, one pylon sign on the Berlin Turnpike, and then one monument sign on Kitts Lane. I have graphic representations here of the pylon sign. It's fairly straight forward. The monument sign is on a brick base wrapped with brick columns on either side. The code for the entire sign package for the site allows 430 square feet of sign. Each, the monument sign and the pylon sign are about 152 square feet each, for a total of 304 square feet. When we add in the wall sign, on the building, it brings the total signage package to about 398 square feet. The signs are internally illuminated, and this is pretty much self explanatory. If there are any questions, I'd be happy to answer those.

Chairman Camilli: Do they meet the standards, that's all I'm concerned about.

Ed Meehan: Yes, they meet the standard, the only thing we should keep in mind is the actual sight lines on Kitts Lane, when that monument sign is put there, and its brightness. Even though it's commercial across the street, I think there is a couple of residential homes in the area.

Chairman Camilli: Is it positioned okay now?

Ed Meehan: Visually, it's okay. After that site is graded out, because that is where the existing berm is, and it would be behind the sidewalk. You may want to put some stakes in the ground and be sure that it doesn't block sight lines.

Chairman Camilli: So that would be the only thing, a sight line issue.

Phil Woodyatt: Sure, that's fine. We can work with the town, as we get under construction for the actual placement.

Chairman Camilli: Everything else is okay. Certainly it's not a problem as far as sight lines on the Berlin Turnpike. The height is okay?

Ed Meehan: The total height is not more than eighteen, is it?

Phil Woodyatt: No, it's eighteen feet.

Chairman Camilli: Okay. Anyone from the public wishing to speak for this application? Against? We'll close Petition 66-06.

E. PETITION 72-06 19-21 Eighth Street, Katherine Crooks, Executrix and Gail Cyr applicants, Estate of Patricia Crooks, Gail Cyr and Leonard Daigle, represented by Attorney Edward G. Pizzella, 81 Market Square, Newington CT 06111 request re-subdivision, R-7 Zone District.

Attorney Pizzella: Good evening Mr. Chairman, Members of the Commission, I'm Attorney Pizzella with my office at 81 Market Square in Newington. I represent the applicants. I'm sure that the Commission is familiar with this type of application. I know that you have probably handled a lot of them, and I have also handled a number of them in the past.

This is a piece of property on Eighth Street, 19-21 it's a duplex dwelling, and the ordinance provision allows it to be re-subdivided if it meets certain conditions. Those conditions involve the separation of all utilities, and also fire walls in the basement and the attic, etc.

This is a very difficult situation for several reasons. First of all, this half interest, the Estate of Patricia Crooks, owns 21 Eighth Street, actually an undivided half interest in the property, and Gail Cyr and her father Leonard Daigle own the other half interest where they, Mr. Daigle occupies 19 Eighth Street. Now, in our particular situation, the property is owned by the Estate of Patricia Crooks, and has to be sold because of substantial debts owed by the estate. We estimate something like eighty to ninety thousand dollars owed, and a good portion of that, about seventy thousand is owned to the State of Connecticut for assistance to Patricia Crooks when she alive. So the property has to be sold, and the owners were apparently confused about the legal technicalities. They thought that in 1991, when that whole area was resurveyed, as a matter of fact, Kenneth Herbert who did our re-subdivision plan, did that area, that entire area, his firm. They thought that when they signed the papers for the boundary lines in connection with that survey, that that effectively divided the property. That was a misapprehension obviously, and they went ahead and made a contract to sell this half interest, this 21 Eighth Street, and subsequently found that they only owned an undivided half interest and it had to be re-subdivided in order to complete the sale, and this is why we applied for the re-subdivision. Now, all of the, the only utility that is not separate is the sewer. The gas is separate with separate meters, there are separate water lines, with separate meters, separate electricity with separate meters, so that all utilities are separate but there is only one sewer line, and that sewer line is basically on the side of the property which would be the 21 Eighth Street side. We're asking for a waiver of the requirements of separate sewers. First of all, and in conjunction with that, we are willing to try to do some kind of cross easements which would provide that this sewer is commonly used by both sides and both sides would be responsible for repair of the sewer.

I would note that I am familiar with the properties on Eighth Street, and I don't think there is a single duplex up there that has separate sewer lines. I could be corrected, but I don't know of anyone that has separate sewer lines, and this of course would be an undue burden as far as the applicant is concerned, if they were required to put in a separate sewer line because this, the contract that they have for the sale calls for closing on or before October 26th. So we are already over the time limit on that, and we've been able to induce the buyer to hold on and wait to see if we can get this approved so that we can complete the transaction. If you note, there are many two family homes in town with one sewer line, there are many condominiums where people own separate units, and frequently a number of them are on one sewer line. I think this is a really burdensome situation to require separate sewer lines in this particular situation.

In addition, we have another problem, which arose today, we were under the impression that the other requirements had been met, and there was an inspection that disclosed that there is some problem with the fire wall in the basement and attic and so it is our intention to meet with the building department to determine specifically what has to be done, to comply with that requirement and to do that as soon as possible, so we can perform our obligations under the

sales contract. So we would ask that this application be granted subject to our satisfying the building department, that the fire wall requirements have been met.

I have Miss Crooks here, the executrix, if you have any questions and her son James, who is familiar with the property. Are there any questions?

Ed Meehan: The situation with the sewer lateral, a single lateral going into these duplexes is typical. It's more often the public water service lines are separate, particularly on the part of this development, the Eighth Street development, where New Britain water happens to be the other water provider. I would agree that in prior re-subdivisions the Commission has not required a separate construction of a sewer lateral. Not only is it probably economically difficult to do, but from an engineering point of view, we would have to end up excavating most of Eighth Street to get to the lateral tap on the opposite side of the street, so.....

Chairman Camilli: We have the power to waive it?

Ed Meehan: Yes. But as the Attorney said, the building inspector was out today, and the fire separation walls in the basement aren't up to code. They brought the wall apparently up to the floor joists, but didn't fill between the top of the fire wall and the floor, and up in the attic, it's only plywood, it's not the proper sheetrock. We need to get access into the next door unit. I guess....

Attorney Pizzella: We can arrange for that.

Ed Meehan: So, those are the issues that are set forth in the regulations as far as the utilities. The separation of the meters as mentioned was all found to be correct, the re-subdivision map is on the wall, it's a standard re-subdivision pursuant to the survey that was done in the neighborhood back in the '90's, and the lot sizes and frontage comply with the zoning regulations.

Chairman Camilli: What kind of time constraints are you under?

Attorney Pizzella: Well, I'm not absolutely sure. I know that we are over the contract date. I talked to the attorney representing the buyer today, he could not give me a specific answer as to how much longer they would wait. I'm just hoping that we can convince them to hang on a little longer and get these problems resolved so that we can go ahead with the transfer.

Chairman Camilli: This fire wall is really a building department issue. It's not ours.

Ed Meehan: It's a building department issue, but Section 3.6.1 in the Zoning Regulations sets forth, that for these duplexes, that that be a requirement before the re-subdivision map is filed, so I would recommend that it is a condition of your approval that the Chairman not sign the map until the building department verifies the fire wall safety completed. That's up to the applicant, up to your clients to get moving on that. That is the only way the sale is going to move. You would have to add this to the agenda later on if you wanted to vote.

Chairman Camilli: Do you want to add this to the agenda?

Attorney Pizzella: We would really appreciate it, if there could be a decision this evening, because we still, even after that, have the work to do on the fire walls and then we have to exchange quit claim deeds and all that other kind of thing, so there are a number of other functions that have to be performed before we can transfer the title.

Chairman Camilli: Are you ready to do....

Ed Meehan: I have a draft motion, if the Commission sees fit to do this later on in the evening.

Commissioner Ganley: Do we need a motion to transfer this issue to Old Business, so we can take care of it?

Chairman Camilli: Eventually I will ask for it. Since this is a public hearing, anyone from the public wishing to speak in favor of this application? Against? Okay, we will close Petition 72-06.

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

None.

IV. **MINUTES**

Regular Meeting, October 25, 2006.

Commissioner Kornichuk moved to accept the minutes of the October 25, 2006 regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with five voting YES.

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: I have some legal matters to share with you later on.

VI. **NEW BUSINESS**

- A. **PETITION 62-06** Intersection of Rowley Street and Berlin Turnpike (formerly known as Caldor Plaza) 15.4 acres vacant parcel and adjacent properties, American National Insurance Company, 1 Moody Plaza, Galveston, TX 77550; RK Newington, LLC, P.O. Box 111 456 Providence Highway, Dedham, MA 02026-0111; First Brook Properties, LLC, 1 Stickley Drive, Manlius, NY 13104; McBride Properties, Inc., 3153 Berlin Turnpike, Newington, CT 06111 owners; Realm Realty, Attention David A. Stern, 900 Town and Country Lane, Suite 101 Houston, TX 77024 Applicant, represented by Michelle M. Carlson, P.E., Fuss & O'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. Continued from October 25, 2006.

Attorney Kleinman: Good evening, Mr. Chairman, Members of the Commission, for the record, Attorney Daniel Kleinman, Levy & Droney, Farmington, CT., 74 Batterson Park Road, Farmington, CT., just for the sake of expediency and time, may I request that the transcript of the public hearing petition 60-06 and 61-06 be incorporated by reference into the records so that we can dispense with some of the testimony this evening.

Chairman Camilli: Yes.

Attorney Kleinman: Thank you. Let me ask Michelle Carlson, if she can just go through the site plan with you, and point out the relative changes that we have made since we were here two weeks ago, in response to questions and concerns from the planning staff and engineering department.

Michelle Carlson: Good evening again. Michelle Carlson, professional engineer licensed in the State of Connecticut, employed by Fuss & O'Neil, 146 Hartford Road, Manchester, CT. For the record, we didn't catch it in the last two iterations, on the cover sheet, under the internal parking

lot landscaping, we have the existing center, it's noted as 8.8 percent, so I just want to submit a revised cover that has the correct landscaping internal parking lot with the proposed plan as we discussed at the last hearing of 26.2. I know that when all is said and done, that we are going to wrap up the plans into one complete package that you will all sign off on, and it will have the, all the approval letters, but just for the record, I wanted to make sure that you have that, Ed. It said 8.8 and now it should say 26.2 right in the table.

Ed Meehan: Is this with the water body, or without the water body?

Michelle Carlson: That's with the water, it's 15 without the water, slightly over 15 without the water body, so in the final plan we can whatever you all agree on we'll make sure it is on the final plan.

The only items that are left to go over, if you want me to, are Tony's comments, we met with him on Halloween, last Tuesday, the 31st, we met with Tony and he gave us some comments. The first comment was, he wanted a provision for the Town to have the right to come onto the property and turn their snow plows around. That is submitted as a new drawing in the package, I believe it is G.I.4, the actual drawing in there, that shows the lane with the drawing that is going to be attached to the agreement that the Town will agree to. The other comment that he has, he says, a roadway excavation permit will be required for public works to work within the town's right of way within Maselli. We know that, and the contractor will have to pull those permits once we get started. He had two comments on the grading plan, one was catch basin seven, this catch basin here was actually right here, in the middle of the right of way, and he wanted it moved down here so that people, if this is ever developed in here, and they drive in here, they won't be driving over that catch basin. So we shifted that, without a problem. One other item that Tony wanted was these two basins technically are in the Maselli right of way, the town right of way, and they drain onto this property and through the system, Realm's system, so Tony just wanted an agreement and a drawing showing that the town has the right to drain through the property, and that is also, that drawing is on G.I.4 and is part of the draft agreement that Ed has.

The other comment that he had was just on the detail sheet, on the handicapped, the accessible spaces, we didn't have a detectable warning shown, now ADA requires that when there is handicapped access at the ramps that have those dimples, the bumps that I'm sure you have seen, that are sometimes are yellow, sometimes a reddish brick color, so that was added to the detail. The other comment, the only other comment was, he said the underground detention system detail shows the bottom layer labeled as suitable base as per spec, and he wanted to know who's spec was that, the developers spec, the town's spec, the manufacturer's spec, and it's the manufacturer's spec and that was clarified on the drawing.

We did go over the Maselli grades with him, and he was fine with the grades that were shown on the drawings, the proposed grades for Maselli, and those were all of his comments.

Ed Meehan: Did we talk about street lighting on Maselli?

Michelle Carlson: Yeah, we did.

Ed Meehan: I would like that to be looked at, cause, I agree, that there is going to be a fair number of trips in there, and it should be suitably lit.

Michelle Carlson: I drove through there, and the entrance to Domenic's, the long building here that has the different businesses in it, the last main pole is there, then, lights are strung through the site on smaller poles, like temporary poles, so we will have to set another permanent pole where one of the temporary poles is here, it is on the lighting plan, so that is taken care of, but there were temporary poles, once you got beyond this driveway was the last permanent pole, and then the others were just temporary with a light fixture on it.

Ed Meehan: Are you going to talk about architecture?

Michelle Carlson: Jeff will.

Ed Meehan: Okay.

Jeff Wagner: Good evening, my name is Jeff Wagner with WP2DC, here to talk about the architectural designs. I see you have the old board from the last meeting, so unless you have any further comments, I will go through the before and after, and this time I brought extra copies, you can have these.

From the last meeting essentially, the one primary comment that was given to me was on the front elevation, the comment was made that this front façade right here was a little empty, wanted to break up that blank space so what we did was added in another architectural element bump out, right here, same building materials as the entrances right here. It's an effis with a fascia on top, it's brick at the bottom, and it's probably a little easier to see on this view right here. So, I updated this view also. It's another perspective. Clearly you can see, looking at the before and after, if you look at that view over here, there was definitely a need to add something to this middle section. So it was a good comment, and we took that and basically added the architectural element right here. You can see from this perspective that it does break up the façade. When you are looking at it straight on it breaks it up, but even from a real perspective of the customers coming in, I think it has accomplished what was the intent of the comment.

The only other change was, you are looking at the old Sam's Club gas station elevation. There were some branding changes, the canopy changed as far as size, and then it used to be like a lighter color with a stripe, and they went to all blue, and a different sign package. The upgrade to the sign package is actually smaller in square footage for the building and the gas signage, so in both cases we comply with the sign ordinance, so it's really just a branding change. The building still remains, the gas station building with the store building. That was really it, those were the only upgrades that I had.

Chairman Camilli: Ed, did you have any comment?

Ed Meehan: No, that's I think, Tom had the comment about the architecture, in the front of the building.

Chairman Camilli: Tom's all set?

Commissioner Ganley: Yep.

Chairman Camilli: Anyone else have any comment? I think you did a good job. Thank you.

Attorney Kleinman: Are there any further questions from the Commission?

Chairman Camilli: I don't think so.

Attorney Kleinman: I would just like to say in conclusion, I would just like to reiterate my appreciation to the planning staff, for taking the time. This is a two year project that has culminated in the public hearings, and the site plan that you have, and we have had some very good feedback from the town, and I hope that you feel that we have been responsive to the comments that the planning staff and other professional staff have made, as well as the Commission in making some renovations. I mean, this is a site that goes back to 1992, and we're very confident that when Sam's Club opens and Stew Leonard's opens and the gas station, this will pull the center together and be something that the town will be very, very pleased with, and I think this Commission will be pleased that it had a part in approving it, and we would very much

appreciate the support of the Commission in approving the site plan as well as the other special permits that we have presented to you this evening. Thank you very much.

Chairman Camilli: Thank you.

B. 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.

Dave George: Good evening, my name is Dave George and I'm a professional engineer with WD partners and what I want to do is to just give you an overview of the project, starting out with the existing conditions. JDC Trucking facility, Kitts Lane here, the Berlin Turnpike here, the existing building stands right here, 29,000 square feet. The proposal is to come in and demolish this building, clean up the site, the existing site is paved and has a gravel base throughout the site, used for trucking right now. So our proposal is to come in and demolish this, and re-work the site. I have a graphic presentation of our plan view to show you what the site will look like. What we are proposing to do is put the new building here, with entrances from the Berlin Turnpike, as well as Kitts Lane. Traffic coming into the site here, with the ability also to enter and exit onto Kitts Lane. Overall, the plan, we have the associated parking, that meets the code, landscaping, we have excessive open green space right now. You can see that this piece of the property is really going to be graded off, and left for future, planted with grass. As far as the overall setback requirements, we meet all the setback requirements listed by the code. We can take a look at the plan view of what was submitted, with our site plan application. We list all of the zoning setbacks on the plan, which we do meet. One area in particular, there is an existing slope in this area, where there is some retaining wall, retaining blocks, a steep slope, in this area there is a twenty-five foot setback, from a landscape buffer standpoint. What we would like to propose in this area is to reduce this to twelve and a half feet, so that we can go in here and put in some retaining walls, so that we won't have to disturb the native vegetation up the top of the slope. Otherwise if we come in without the retaining walls and have to carve in, and do something to that slope, we'll have to work all the way up to the property line, so we're proposing to put in some retaining structures that we could terrace that up and leave this area in place. This is all going to be natural buffer along here, and here so this one particular area we would be looking to reduce the setback from twenty-five to twelve and a half feet from the landscape standpoint. We did submit a landscape plan with the application. We recently received comments back from engineering and the town planning departments, we had the opportunity to meet with them, Monday of this week, to go through the comments. From reviewing the comments, we don't have any issues with addressing those comments on the site plan application. We've updated this drawing, just recently based on some comments about adding some additional trees which we put in. We talked about the existing entrance here, planting some trees in here, continuing the grading in that section so that we actually provide that buffer and we actually, from that perspective, we have not had any issues with the comments or addressing them. So, at this point, what I would like to do is open it up to you for any questions that you may have of the project, so that I can address those so you have a good site plan to start with.

Chairman Camilli: Ed, we'll start with you, because you met with them.

Ed Meehan: We did have a staff meeting, Engineering and myself and this buffer issue, along the south property line, which is adjacent to Crown Ridge Condominiums, as the engineer has reported, there is a, it may even pre-date JDC, there is a stretch along that property line where the hillside was removed. It could have been for additional yard storage, it could have been because the material was good and they wanted to use it, as part of their business, but it's going

to prevent a full twenty-five foot buffer in there, so when we discussed alternatives to that on Monday, the idea of a possible retaining wall to shorten that slope up, the grade, came up and it is something that the Commission can consider under 6.10.5, reduction down to twelve and a half feet in that short area. The balance of the boundary out to Kitts Lane, in my opinion, should remain at twenty-five feet. The other comments were already addressed in his presentation, about closing off the existing driveway, moving the proposed north on this site will improve the, certainly the sight lines coming down Kitts Lane. People come down there at a pretty good rate of speed. I would like them to, there is a curve on that corner and the curve goes up to a stop sign, just verify that the sight line distance is there. The other thing that we talked about was the building architecture, and location of HVAC's.

Dave George: The HVAC units that we are talking about, are actually in the back rear portion of the building. The roof is sloped, and as the roof slopes, it slopes down to the back, so the HVAC equipment is in the back where it would extend probably about eighteen inches to maybe two feet about the parapet wall, but when you look at the sight lines, you take a look, coming from the Berlin Turnpike, the building is set back pretty far, talking about the equipment back here, the roof sloping down, this would be looking out, you really wouldn't be able to see that equipment as you are going by, based on that line of sight, so at this point, having that eighteen inches we don't think would really be an issue regarding sight lines driving by having that equipment visible.

Chairman Camilli: How about from Kitts Lane? Could you see it from Kitts Lane?

Dave George: From Kitts Lane, see this is the existing trees, and more trees here, so the only place as you went by that you would really see it would be in this driveway.

Chairman Camilli: I have a question. That big piece of green, do you intend on building something there at a future date.

Dave George: Yeah, that would be reserved for something in the future, which we would have to come back again for a site plan approval.

Ed Meehan: In the meantime, it's just going to be like a field, just lawn?

Dave George: Yeah, so this would be all cleaned up, blended grading and seed it all.

Chairman Camilli: Are you going to irrigate any of this?

Dave George: The proposal we have does not include irrigation. The plantings that were chosen, lawn, trees and shrubs that are chosen that don't need irrigation, so that, we don't propose irrigation for this right now.

Chairman Camilli: Don't we usually require irrigation?

Ed Meehan: The Commission can require irrigation of some of the green areas if you see fit. It's in your site plan criteria. You have, as a matter of fact, it's, most recently for Laz-E-Boy and for TGIFridays, and Walgreen's, the area of lawn adjacent to the turnpike, without trying to get into the state right of way, because that is another issue, have had irrigation, just in the front part site.

Chairman Camilli: Where is the state right of way?

Ed Meehan: That very dark line.

Chairman Camilli: That's the state right of way?

Ed Meehan: This building is set back, I think 160 feet, if I've scaled it off correctly, plus almost another forty feet to the curb line, this building is set back, it's almost set back as far as the existing building. I agree with his comment on the HVAC's, you're not going to see....

Chairman Camilli: You aren't going to see them from the turnpike. The only thing about the future, if they develop the other piece, what that would be. There's adequate parking, the building isn't that big.

Ed Meehan: Yeah, they meet the parking standard of 99 spaces, and they have 99 parking spaces. They meet the internal green space, they meet all the setback lines. The only thing I, and I didn't have the benefit of this when we met, this picture of this building that you showed the Commission tonight, with a little bit of crown molding, it's a little bit more attractive than that one. Is this what you propose to build?

Dave George: Yes.

Ed Meehan: I don't, is this is Bristol? Where is this one, because I know that there is one in Bristol.

Dave George: New York.

Chairman Camilli: Is that what this is going to look like? I mean, this is kind of nebulous.

Dave George: This is the latest one.

Chairman Camilli: This one has a little more character, doesn't it?

Ed Meehan: Yeah, with the drivet. That's a real life picture, the one in New York there.

Chairman Camilli: Is that one doable?

Dave George: Well, we have the owner, I don't know....

David Wolf: This is the prototypical building that they use for this size. I don't know what the size was for that.

Dave George: It was an old design. That was an older prototype that we built into Clifton Park, New York, north of Albany New York.
Any further questions on the store?

Chairman Camilli: Well, as I said, it seems from the Planner's perspective and I don't know about the Commissioner's.....

Commissioner Kornichuk: That's a nicer looking building.

Commissioner Fox: Yeah, definitely. I like that.

David Wolf: I would have to get the sign off on that, the expenditures, it's extra....

Chairman Camilli: Well, we would appreciate it. I think it's a more signature looking. The other question that I have is on that waiver, do they have to request the waiver, I mean, we just don't grant that, do they ask for the waiver?

Ed Meehan: Well, it came up Monday, more formally Monday, in our discussion....

Chairman Camilli: Yeah, but I think you should tell them, I think they have to formally request the waiver though, don't they. The twelve and a half.

Ed Meehan: It's going to require a two thirds vote of the Commission to waive that twenty-five feet.

Chairman Camilli: So they didn't formally really....

Ed Meehan: It didn't come up until it was discussed in a staff meeting on Monday. I think you have knowledge of it now, and what they are proposing to do, the question is, is it adequate in that area. The only other way to get around it, and I think it would have an impact on their site is to pull that driveway back, or build a substantial retaining wall in there, which.....

Dave George: Over in here. There are other ways around it, I mean, we could, what we were trying to do was to make sure that we minimized any impact close to the property line, so rather than go in there and re-grading the site and then putting in some plantings, trying to leave it natural vegetation around the site, which we have done everywhere else. So, you look at the layout, as we have left it, natural all around the site. That one area, would be the only area that we would be impacting right up to just about the property line. So rather than go in there and impact the natural vegetation, we are proposing to reduce that buffer.

Chairman Camilli: What was your suggestion?

Ed Meehan: Well, they talked about a retaining wall, and shorten the length of the slope up, and then put a twelve and a half foot shelf, keep the natural vegetation there, and supplement it with plantings, which I think would be adequate. To go in, if they had to grub that out, any substantial trees would be lost and you would probably put yourself back ten or fifteen years before you had a mature buffer there. So, it's a doable compromise, but I think they need to show us how they would construct the retaining wall in there.

Dave George: Looking at that, just between the other day and now, we would probably look at terracing it, so we would have a nice terrace effect, instead of one big wall. Terrace this so that you could put some plantings in, and actually leave, as we were saying, that twelve and half feet natural so that we would come back up to that and maintain it.

Ed Meehan: We would need to see that in a grading plan and a cross section. Some detail on the plan.

Chairman Camilli: Any questions from the Commissioners on that?

Commissioner Ganley: No, not on the engineering. Back to the façade of the building, referencing Sam's Club we asked that they dress the building up, just put that drawing back up there, would you please? Now that tan color is rather nice, it's a nice contrast, but if you could work that across the building, especially to the front where there is, you know, it looks rather plain, if you could just dress that up a bit, you could use the same color, but do something with some paneling or some kind of additions to kind of break it up just a little bit.

Dave George: In the Bristol store, we have this line of bricks here, is in a tone similar to that.

Commissioner Ganley: Well, something, as I say, we raised this issue with the Sam's Club and they had a nice rendition, but it didn't seem to have much character to it, much pizzazz is another

way to put it, and so they made some adjustments that were very satisfactory and we are hoping that you guys can do the same.

Commissioner Pruett: You mentioned irrigation, I'd like to see that pursued. We've had it every other building on there since I've been on the board here.....

Chairman Camilli: It wouldn't necessarily be the whole, not the whole....

Commissioner Pruett: No, just the front portion of it. No, not the whole thing, that would be astronomical.

Chairman Camilli: Just for the applicant's direction. I'll ask again, do they need a waiver, do they have to ask for a waiver? I think they might.

Ed Meehan: They should ask for it tonight, yeah.

Chairman Camilli: That would be the waiver for that twenty-five foot setback. I think you have to request that and that, as the Planner said, is by a two thirds vote.

Dave George: So, just send something....

Ed Meehan: You can send me an E-mail or something in writing to formalize it I believe, is what the Chairman is recommending, and will need if they are going to vote on it. Along with that, between now and the next meeting, if you can get a cross section of that area, so that I can share it with the town engineer as far as a structural wall and the things that he would have to look at from an engineering point of view would be good to have.

Chairman Camilli: That's the area where those big sand things are?

Ed Meehan: They are over in the corner, the blocks that Carey uses for his bins,

Dave George: Those walls are over here, this is adjacent to that, so these piles up here, once we get in to grade it, some of this stuff is going to come down. Then, you can see the tree line here, is that natural tree line that we are talking about, so that is the area where we would just like to maintain that. As you mentioned, there are ways that we could do it, the twenty-five foot, go back in and disturb it all and remove mature trees and plant new ones.

Chairman Camilli: I think you have enough direction, just work with the Town Planner. I'm all set.

Ed Meehan: This is a major re-development of the site, we skipped over a lot of the infrastructure and utility replacement, that this applicant is going to have to do to relocate the maze of drainage lines and things that run through this site. It's a site that is long overdue as far as redevelopment on the Berlin Turnpike.

Chairman Camilli: It certainly will be an added plus.

Commissioner Kornichuk: I just have one question. Where they are requesting this reduction of buffer, what are we looking at for a buffer there now? Do we have the twenty-five feet, or did JDC already cut it down to twelve and a half.

Ed Meehan: I don't know if JDC did it, or whoever, but the twenty-five feet is not there now.

Commissioner Kornichuk: So we are roughly at the twelve and a half now. So they just want to clean it up.

Ed Meehan: Clean it up, yeah, but to the east of that, there is twenty-five feet, to the east in the corner. The one area where the site cuts in.

Chairman Camilli: Anyone else?

Commissioner Ganley: Any remediation?

Dave George: There are plans for remediation on the site.

Chairman Camilli: Okay, so just work with the Town Planner and we can move it along.

Dave George: Thank you.

Chairman Camilli: Before we go to Old Business I would just like to have a motion to put onto Old Business, Petition 72-06.

Commissioner Fox: So move.

Commissioner Kornichuk: Second.

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

VII OLD BUSINESS

- A. PETITION 33-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032 request for Zone Map Amendment I District to B-BT Business Berlin Turnpike. Intertown advisory referral to CRCOG, (C.G.S. Section 8.3b) required. Public hearing closed September 27, 2006. Sixty five day decision period ends December 1, 2006.**
- B. PETITION 34-06 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032 request for Zone Text Amendment Section 3.14.1c 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 September 27, 2006. Sixty five day decision period ends December 1, 2006.**

- C. **PETITION 35-06** 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032 request for Special Exception 3.14.1 and Section 3.11.3 and Section 6.11 auto related service gasoline station, B-BT Zone District. Inland Wetlands report required. Public hearing closed September 27, 2006. Sixty five day decision period ends December 1, 2006.
- D. **PETITION 36-06** 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, 45 Old Farm Road, East Longmeadow, MA 01028 applicant, represented by Attorney Robert Randich, Shipman, Sosensky, et al, 135 South Road, Farmington, CT 06032 request for Special Exception Section 3.15.3 restaurant use, B-BT Zone District, Inland Wetlands report required. Public hearing closed September 27, 2006. Sixty five day decision period ends December 1, 2006.
- E. **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.

Commissioner Ganley moved that the following petitions involving property at 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company be postponed to November 20, 2006 and they are enumerated as follows: Petition 33-06, 751 Russell Road, Zone Map Amendment – I Zone to B-BT Business Berlin Turnpike; Petition 34-06, 751 Russell Road, Zone Amendment – Section 3.14.1c; Petition 35-06 751 Russell Road Special Exception – Auto Related Use Gasoline Service Station; Petition 36-06 751 Russell Road, Special Exception – Restaurant Use; Petition 37-06 751 Russell Road, Site Development Plan.

The motion was seconded by Commissioner Fox.

Chairman Camilli: Before we go any further with this, I just wanted to let the Commissioners know, we did get an opinion from our town attorney. As you know, the Conservation Commission, I guess the word is denied, I'm not sure, it was two, two and two on their application which I think the decision is being appealed. We wanted to know what our standing was as the TPZ and I think, to make a long story short, in conclusion, while the TPZ has to give due consideration to the report of the Inland Wetlands Agency, is not bound by it. The Town Planning and Zoning Commission may act on the Hunter applications before it, even though the project cannot go forward without the Conservation Commission's approval. So we can do our thing, without them getting a yea or nay, and they have to decide their issues themselves, however that goes. We can look at it in our own, before we go any further, with this, we have a motion to postpone, but I would just like to get some comments from the Commissioners as to their concerns about this proposal, including what the Conservation Commission voted, if it means anything at all to any of us. I don't know if I should start, or, go ahead, I'll go right around the room and I'll keep quiet.

Commissioner Kornichuk: I do have some concerns with this project mainly the light, the traffic, especially the way they want to take that exit coming off of the turnpike, and make it a free flow clear onto Cedar Street. I have problems with people coming in from Wethersfield wanting to get to that gas station/convenience store. I have a problem with the gas station and the convenience store because of that traffic light, the traffic, everybody trying to get there. As the engineer for prior made the comment about the two lanes coming off the turnpike, trying to get into Sam's Club, I see the same thing happening here. I can honestly see where you are possibly going to need a wrecker across the street, you know, it's just, people have to have that coffee or whatever, in the morning, and I just see a lot of accidents waiting to happen.

Commissioner Fox: My issues are just about the same as Peter's. The traffic and traffic safety and at this point those are my concerns, and I haven't read the Conservation Commission's decision, I don't know if I want to or not, but yeah, I have just about the same concerns.

Commissioner Pruett: Just to echo having personal knowledge of Cedar Street and the mountain, having investigated accidents on there, I have a concern with that, with the traffic, even though they did traffic studies, we had our own traffic study, but I still have that concern especially if a gas station is in there too, attracting more traffic into there, if a gas station is really needed. That about summarizes my major concerns, the traffic.

Commissioner Ganley: Essentially the same, I checked the minutes, I raised this four meetings ago, relative to the traffic, and my comment was that the plan was a good looking plan, the buildings are architecturally very nice, seems like it is nicely done, the layout, the interior layout could use some massaging, but essentially was a nice plan. My comment was if we could somehow address the traffic concerns about that street. I don't know that our traffic study and others have actually sat down with the spread sheets and compared them sort of number for number, and come up with some methodology of resolving the entrance to the property, and the exit from the property which collectively is the traffic concern for that parcel.

Chairman Camilli: Well, I suppose that you can thank the rejection of I291 for a lot of this. Right now, I don't know how the state is going to look at it, as you know, that's an east/west arterial route that people use to get from downtown Hartford, if they want to go on 84, depending on where they are going, they use that quite extensively, and that is a problem, I don't know how you divorce that from the development. It's there. The issues of the traffic and safety are obviously a concern, and probably will be a big concern also for the State Traffic Commission, I'm not sure. I mean, we're talking from experience, I know, you were a police chief, I'm sure there were accidents, I mean, going up and down that hill in the winter time, we did that site walk, and the speed of that traffic is really quite, I don't know what the word would be, it's much faster than you think it's going.

Commissioner Kornichuk: Then you have to put a traffic light.

Chairman Camilli: And you have to put a traffic light there. As I said, I know on Main Street at one time, we wanted to improve Main Street, and we didn't improve Main Street, because we wanted to slow the traffic down. But, I don't know if that conflicts with what the State sees as how the traffic pattern for that street should be. I know that anytime that you improve a road, what happens is you get more traffic, and more speed. It used to be, 175 as it was, improved probably how long ago, probably fifteen years ago, ten or fifteen year ago it was improved....

Ed Meehan: Longer than that.

Chairman Camilli: Longer, okay, but in any event, rather than helping, it actually made the traffic speeds increase. I don't know what the answer is to the traffic, but it certainly is there. Other concerns that I have, it seemed to me, as I walked the site, one of the things that concerned me was the slope as you came around the corner there, which almost went right to the street. I know they wanted to mitigate that slope, I think the Planner said it was approximately a two to one slope there....

Ed Meehan: Almost.

Chairman Camilli: Which is, I don't know what the appearance of that would look like. How it would be taken care of. I'm sure you are all aware of a two to one slope, and they wanted to put in some grasses and so forth that would not need too much care but that could be an eyesore there. I must say the applicant did try to mitigate many of the concerns that we had. As all of you have said, and I'm just going to reecho it one more time, I think the traffic and safety issues are paramount, the gas station may be more of a traffic generator than we want there, I'm not sure, but I think that is where this Commission is at this point, I haven't made up my mind yet, it's just, to me that mountain is a very difficult piece of real estate, so that is about all I have to say. Are there any other concerns that we have? And I do agree with you, Commissioner Ganley, that the, overall the site plan, I didn't have any problem with it. Seemed like it was a good plan.

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

Chairman Camilli: Motion passes.

- F. 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. Hearing closed October 25, 2006. Sixty five day decision period ends December 29, 2006.**

Commissioner Kornichuk moved that 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 be postponed to November 20, 2006.

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

Chairman Camilli: Motion to postpone carries.

G. 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.

Commissioner Fox moved that 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 be approved based on the plan entitled "Improvement Location Survey" dated July 27, 2006, scale 1"=20' prepared by Peter D. Flynn, Land Surveyor.

This plan shall be submitted on mylar for signing by the Commission Chairman. Prior to submission the applicant shall revise the site plan to add:

1. Landscape plantings as presented to the Commission October 25, 2006.
2. TPZ signature block and petition file number.
2. Landscape plantings shall be installed by May 15, 2007.

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

Chairman Camilli: Motion passes unanimously.

H. PETITION 63-06 Newington Town Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111, request for Zoning Regulations Amendment, Sections 1.2.2 (B); 1.2.2 (D); 4.1; 4.3.1; 4.4.4; 6.14.2 and 6.14.9. Purpose of proposed amendments is to clarify the design requirements for a residual Lot, Section 6.14. Referral to Capital Region Council of Governments and Central Connecticut Regional Planning Agency required. Hearing closed October 25, 2006. Sixty five day decision period ends December 29, 2006.

Commissioner Pruett moved that Petition 63-06 Newington Town Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111, request for Zoning Regulations Amendment, Sections 1.2.2 (B); 1.2.2 (D); 4.1; 4.3.1; 4.4.4; 6.14.2, 6.14.9. Purpose of proposed amendments is to clarify the design requirements for a residual Lot, Section 6.14 be approved the Commission finding that modifications clarify the Special Exception requirements for Residual Lots; and second, ensure that various cross references to other sections of the Zoning Regulations, which pertain to lot requirements and frontage, are consistent.

The effective date of these Zone Amendments shall be December 1, 2006.

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

Chairman Camilli: Motion passes unanimously.

I. 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. Public hearing closed October 25, 2006. Sixty five day decision period ends December 29, 2006.

Commissioner Ganley moved that 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 be denied the Commission finding:

1. The applicant and owners illegally installed a second kitchen in the single family residence in violation of Zoning Permit No. 60929, issued 9-25-2000 and Building Permits 60929, 62219, 61138 and 60493 approved for a bedroom and bath addition.
2. The applicant and owners have not complied with Section 6.13.1 which requires verification of residency throughout duration of the Special Permit and they can not certify occupancy by a relative as required.

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

Chairman Camilli: The motion passes unanimously.

**Petition 72-06
19-21 Eighth Street
Resubdivision R-7 Zone District**

Commissioner Kornichuk moved that Petition 72-06 19-21 Eighth Street, Katherine Crooks, Executrix and Gail Cyr applicants, Estate of Patricia Crooks, Gail Cyr and Leonard Daigle, represented by Attorney Edward G. Pizzella, 81 Market Square Newington, CT 06111 request for resubdivision, R-7 Zone District be approved the Commission finding that:

1. The duplex units at 19-21 Eighth Street existed prior to 2-25-1974 and have in excess of 3,000 square feet per unit and frontage width in excess of 20 feet per unit. (Zoning Regulation Table A R-7 Design Requirements Two Family.)
2. Resubdivision Map entitled "Proposed Lot Split 19-21 Eighth Street" dated 10-2-2006, Scale 1"=20' prepared by Compass Engineering Group, LLC, verifies lot sizes and frontages of the two properties.
3. The Newington Building Department has inspected the dwellings and reports the firewall protection and separate access to attic spaces are not in compliance.

Prior to the Chairman signing the resubdivision mylar, firewall protection and separate access shall be completed.

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

Chairman Camilli: Motion passes unanimously.

VII. PETITIONS FOR SCHEDULING (TPZ Monday November 29, 2006 and December 13, 2006.)

- A. PETITION 69-06 68 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111, Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District. Schedule for Public Hearing November 20, 2006.
- B. PETITION 70-06 57 Church Street, John A. Amaning applicant and owner, c/o Attorney Vincent F. Sabatini, 1 Market Square, Newington, CT 06111 request for Special Exception Section 6.7 Interior Lot R-20 Zone District. Schedule for Public Hearing, November 20, 2006.
- C. PETITION 71-06 256 New Britain Avenue, Bel Air Manor Associates owner, A-L Consulting, LLC, P.O. Box 863 Essex, CT 06426 attention Alvin Wolfgam, request for Site Plan Modification CD Zone District. Schedule for presentation November 20, 2006.
- D. PETITION 73-06 625 Maple Hill Avenue, known as Elm Hill Pizza, Nick Morikis owner, Bianca Signs, Inc. Attention: Mike Mogie, 99 Newington Avenue, New Britain, CT 06051 applicant, request for Special Exception Section 6.2.4 pylon sign. Schedule for November 20, 2006.
- E. PETITION 74-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Special Exception Section 3.19.2 (23 detached residential units,) PD Zone District. Inland Wetlands Report required. Schedule for public hearing December 13, 2006.
- F. PETITION 75-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Site Plan approval Section 5.3 (23 detached residential units,) PD Zone District. Inland Wetlands Report required. Schedule for public hearing December 13, 2006.

Ed Meehan: I was looking at your work load and this subdivision, because of, you still have two large applications on your docket for the next meeting, I would recommend that you might move this off to your first meeting in December and hold a public hearing. That is at your discretion, the public hearing on the subdivision, but I think that the Commission finds that a good practice, particularly as we have many neighbors interested in a development much as this. I would recommend that you move it to December 13th.

Chairman Camilli: Okay, any objection to that? Okay.

XI. PUBLIC PARTICIPATION
(For items not on the agenda)

None.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

A. Bond Reductions and Releases

542 Church Street, Lots 1-3

**Bond Reduction
542 Church Street
Subdivision**

Commissioner Fox moved that the \$9,800 bond held for completion of the three (3) lot subdivision at the corner of Church Street and Pane Road be released subject to verification that two (2) remaining items be addressed:

1. Installation of hay bales at top of slope at lot 2/3 lot boundary to control erosion.
2. Installation of merestone instead of lot pin at Church Street front corner of lot 3.

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

Chairman Camilli: Motion passes. I just want to, as we looked at Petitions for Scheduling, is on Monday, November 20th. You may be getting a call from your friendly chairman, to remind you that it is Monday, just so you know. That's because of Thanksgiving.

- B. Rockledge Drive and New Britain Avenue, Subdivision Development bonds.
Section 3.12 street trees, Premier Building and Development.

Ed Meehan: I want to report to you on the efforts to complete Rockledge Drive subdivision and New Britain Avenue subdivision, which have been done by Premier Building and Development. I have received letters from the developer, Mr. Patrick Snow, stating that he will plant the trees by May, 2007. I shared with Premier Dave Griffith's letter concerning the contract which the developer has with the lot buyers, and he feels that he would like the opportunity to work it out and get the trees in by the next planting season. So I would recommend that we just hold the bonds for those trees until that time.

I have a request, and I thought the person would be here, and she's not here, from the folks who annually sell trees at the Hartford Drive-In. They have apparently been talking with JDC Trucking about placing trees out in front, for sale. There is a little sketch at the member's places. I asked them to sort of give me an illustration of the size and what they were anticipating. This is their effort. I attached an aerial photo and the area that they are talking about is in the southwest corner of the site, as you drive in. It's a very dark site. They are going to need and they said, I did get a letter from them today, that they will get electrical permits and have an electrician put lighting, temporary lighting out there. But other than the pylon sign out front, and the lights on the building, it's very dark.

Traffic wise, the driveway is not too bad. It certainly is better than the old Hartford Drive-In driveway coming out onto Prospect Street, but they have not, I asked for insurance information, I did not get that as of this afternoon, and I asked for a letter from the property owner, which I received this afternoon by fax, from Mr. Carey giving them permission to use his property.

Chairman Camilli: From Mr. Carey? I thought it was Aldi.

Ed Meehan: Carey owns the property.

Chairman Camilli: Carey still owns it?

Ed Meehan: Yes. "I will allow Edward Ferrons to operate a Christmas tree stand on the property this season. Mr. Ferron will utilize the services of Joseph Orsini of Orsini Electric to install lighting as needed for the stand."

Chairman Camilli: Are you looking for wisdom from the Commission?

Ed Meehan: Yeah, wisdom from the Commission because this is, I guess historically we never really had to look at the Hartford Drive-In. Since I have been around, it's always been there. The other time that this has come up was when the, we had a vendor who came in and sold trees in the Grantmoor parking lot. He came before you in a similar fashion. He had a little more formal site plan, he had a tent out there, and so forth. I was hoping for something better to give you some direction on how this would work.

Chairman Camilli: Well, do you want to hold off until they do something to your satisfaction?

Commissioner Ganley: Submit the lighting plan, that sort of thing.

Commissioner Kornichuk: Well at least their insurance certificate.

Ed Meehan: I, you certainly need an insurance certificate, you know, something hold harmless maybe....

Commissioner Fox: Like Tom said, lighting, access management.

Commissioner Ganley: How close is it to the state right of way, or is it on it, that little sketch doesn't tell you much.

Ed Meehan: This is like a, I'll use the word fly by night. They are going to come in with trucks, set them up, put them on the stands, and then, they will be in and out in two or three weeks.

Commissioner Pruett: Does the town pick up any tax revenue on this?

Ed Meehan: No.

Chairman Camilli: Is it the same concern that did it at the drive-in?

Ed Meehan: Yeah, it's the exact same guy. He's from Orleans, Vermont. I think it was his wife, someone down here on Monday putting this together for him, and when I raised these questions about a letter from the property owner, and lighting and insurance, they were going to get all that information put together. I just got the letter from the property owner. I think you definitely have to see insurance, they have to have the lighting plan and permit approved by the building department, before they turn the lights on. I'm not sure this is the best location on the site. I thought the other side, the north side of the driveway might be better, and the other issue they have here is heavy equipment goes in and out of the site.

Commissioner Fox: I think that's why they want to be on that side, otherwise they have to get by that nice boat that is sitting there, right now, and a bunch of low beds.

Chairman Camilli: So JDC will be operating during this operation.

Ed Meehan: Yeah, I mean....

Chairman Camilli: There's a safety issue if trucks are going in and out of there.

Ed Meehan: It could be a busy site.

Commissioner Fox: Maybe you should require some kind of barricades, some kind of horses, to delineate it.

Commissioner Pruett: Some little kid walking over there looking at a Christmas tree....

Commissioner Fox: Yeah, some little kid walking over to look at the big trucks that are parked there, or something.

Chairman Camilli: Well, I'm not a big fan of JDC as you know. They haven't been cooperative for the last twenty years, so I don't think we should move this forward unless it was done properly and we can't overlook safety issues or any other issues that might, would it be okay for the Commission to leave it up to you?

Ed Meehan: Yeah, if I could report back to the Chair. I mean, they want to do this like next week, and I said, wait a minute, you just can't do this next week, you have to go before the Commission.

Chairman Camilli: We will leave it up to you, and you can....

Ed Meehan: Run it by you.

Chairman Camilli: Yes, and I'll talk to the Commissioners if there is anything, we basically want it safe. Whatever that entails. If the trucks are moving in and out of there, I think that's a good point, we have to separate it somehow. If you don't think that it is going to operate safely, I would deny it.

Ed Meehan: Okay. I may call and make an effort to go meet them on the site and have them mark out exactly what they are talking about. This sketch leads me to believe that, I know that the state right of way is pretty wide, as you saw from the site plan tonight, that they would be up in the state right of way with this display.

Chairman Camilli: Well, there has been a lot of scofflawing with this whole operation here, that's why I'm deeply concerned about it. So they probably say, put them where you want, if you can put a boat where you want, I suppose you can put the trees where they want as well.

XII ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

