

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

November 14, 2007

Vice-Chairman William Cariseo 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

Commissioner Cariseo
Commissioner Ganley
Commissioner Fox
Commissioner Kornichuk
Commissioner Pruet
Commissioner Schatz
Commissioner Camerota

Commissioners Absent

Commissioner Andersen
Commissioner Ancona

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Camilli

II. PUBLIC HEARINGS

- A. PETITION 46-07 260 Stamm Road, Integra Realty Associates, LLC, owner, Marcin Yarosiewicz, 64 Brown Street, New Britain, CT 06053 applicant, request for Special Permit Section 6.11 Auto Related Use, Used Car Dealer, I (Industrial) Zone District. Continued from October 24, 2007.**

Darius Yarosiewicz: Good evening, my name is Darius Yarosiewicz for my brother Marcin. I was hoping, from the 24th, there were some comments and I did (inaudible) everything, so if you have any questions, because that was from the last three weeks, last month.

Vice-Chairman Cariseo: Ed, do you want to bring us up to speed on this?

Ed Meehan: Yes, the applicant has submitted a Special Exception request for the auto dealership on Stamm Road which is in an industrial zone, the public hearing has been left open from October 24th, and at the last meeting, on October 24th, the Commission discussed some issues that I had in my staff report, as well as information that was provided by a neighbor on Stamm Road, concerned about the number of autos that are already parking at that site now, which the applicant told you was another tenant's vehicles. At least two or three of these are dismantled and not operable, and they appear to be in the location where he wanted to display his vehicles. Also, we discussed access for customer's to come into the car dealership's office, rather than walking through the service garages, safe access for customers, and I think generally

there was the concern about can his operations fit on this site? There were some changes that are going to be needed to the site plan. One of the standards for auto related uses is that autos for sale cannot be displayed in the front yard, which under zoning is a twenty-five foot setback from the street, so he would have to move the vehicles in a couple of spaces, which is going to reduce the number of spaces that he has for display. I believe the applicant, according to the minutes when I reviewed them this afternoon said he was going to bring the lease, a copy of the lease?

Darius Yarosiewicz: Yes, I do have it.

Ed Meehan: So that could be put into the record, that was suggested by Tom Ganley, you know, verifying that you have control of those fourteen spaces. I think that pretty much summarizes the concerns that I had in my staff report, was the logistics of using this site for display, for customer vehicles waiting for repair, and the safe access for customers going into the building, and there were some suggested repairs to the site, if this is going to go forward, to repair some of the damaged curbing, pavement and just the appearance of that side of the building, where there is miscellaneous chain link fencing, that I believe at one time may have enclosed or was safety fencing for some sort of storage tanks. Just cleaning up that part of the site would improve its appearance.

Darius Yarosiewicz: That was done today, so everything is cleaned up for now, other vehicles were from my neighbor, he removed them, so it's pretty clean right now.

Ed Meehan: My staff report from the October 24th meeting is on the table, and also the pictures submitted by the adjacent neighbor, I circulated at the last meeting, are also available for the applicant and the members of the public and the Commission members. They are part of the record if you want to look at them. That's all I have.

Vice Chairman Cariseo: Any of the Commissioners wish to say anything? I think we need time to review that lease. If you don't have any questions, we will leave this petition open. Anybody from the public wishing to speak in favor of this application? Against? Please come forward.

Laura Zarotney, 19 Berkley Circle: I just had a couple of questions in Mr. Meehan's report we had a bunch of concerns that you stated, that there was no reference to any of the comments by the neighbors, and our various concerns. I don't know if that is part of your report, or if that is separate.

Ed Meehan: That is not part of my report, it's part of the record, the prior, October 10th hearing.

Laura Zarotney: Okay. Another major concern that I have, the gentleman that just spoke, he's speaking for his brother, who apparently doesn't speak English well. Maybe there should be an interpreter here, so the brother, if this gets approved or disapproved, whatever, can totally understand what is going on, if he is actually the person, the lease is in his name and he is the owner of the property. Another question I have is last week they talked about the working hours of operation, and he said he could stay after the hours of operation, he stated that in his comments, and my question is, if you are staying after the hours of operation, is he working during this time, or is he just staying. Lastly, at the last meeting, he did say someone asked if he was working on cars, and he said they were his cars, so I'm thinking if they are his cars, they are cars that he has purchased and he is fixing to sell, and I'm wondering if he is operating this business now. These were my questions. Thank you.

Darius Yarosiewicz: The business is still not operating, we did not open. I did have some cars from before because I was trying to open a business in New Britain, that is why I have a couple of

cars, those are not customer cars like I said before. As far as staying after the operating hours, I would just stay there to do some paperwork. Work like that, not working on cars, doing anything noisy or stuff like that, just quiet work, paper work, after hours. I would stay after operating hours in my shop.

Commissioner Kornichuk: Through the Chair, are you part of this operation, or is it just your brother?

Darius Yarosiewicz: Yeah, I am going to be part of it.

Commissioner Kornichuk: So you are part owner?

Darius Yarosiewicz: No, I'm not going to be an owner, just my brother will be owner of the business.

Vice Chairman Cariseo: An employee?

Darius Yarosiewicz: I'll be an employee, yes.

Ed Meehan: Is that you, or your brother on the lease?

Darius Yarosiewicz: I'm on the lease, yes.

Ed Meehan: You are the lessee, that's what I thought. Okay.

Commissioner Fox: I don't know if this is relevant, but whose name would be, the motor vehicle department permit be in?

Vice Chairman Cariseo: The dealership license.

Ed Meehan: Who is going to apply to DMV?

Darius Yarosiewicz: Oh, my brother will.

Vice Chairman Cariseo: Anybody else?

Commissioner Ganley: If we leave this open, when is the close date?

Ed Meehan: You can't leave it open, it started on the 10th, October 10th.

Commissioner Ganley: Oh, it started on the 10th, then we have to make a decision.

Vice Chairman Cariseo: So we are going to close the Petition.

Commissioner Ganley: Close this and make the decision at the next meeting.

Ed Meehan: The 28th. There are also logistical issues. If the members seated tonight are different the beginning of December, they can't vote because they didn't have the public hearing experience, so this is one item that I would recommend, if you feel that you have enough information to close tonight, take up on the 28th.

Commissioner Ganley: Thank you.

Vice Chairman Cariseo: So we will close this petition. Thank You.

Darius Yarosiewicz: I have a question. If it would work better for everything, I can have my brother put his name on the lease, but I don't see any problem on that.

Vice Chairman Cariseo: Okay, but I think we are all set.

B. PETITION 47-07 - 240 Culver Street JS Culver Street, LLC, 2175 Berlin Turnpike, Newington CT 06111 owner and applicant, attention John Scelza, request for six (6) lot subdivision R-20 Zone.

Alan Bongiovanni: Good evening, for the record, my name is Alan Bongiovanni, President of the Bongiovanni Group here in Newington. I'm a licensed land surveyor in the State of Connecticut, representing the applicant in this proposal known as Harvest Ridge in the R-20 Zone, proposing a six lot subdivision. The subject property is on the east side of Culver Street, it runs about 215 feet on Culver Street, westerly about 1425 feet, it's a long rectangular parcel of land that was owned for many years by the Jasut family. My client has purchased the property, and is proposing to divide it into six residential housing lots, single family lots under the R-20 Zone, with two lots fronting on Culver Street, Lot number two encompassing the existing house, and then four lots on the easterly portion connecting the road that this Commission approved, or your predecessors, known as Shady Hill Lane and in recent years stubbed the right of way on Rockledge Drive to the north. We are proposing about 215 foot connector extending Shady Hill Lane out to Rockledge Drive. There is a temporary cul-de-sac in this location that has been there since the late '70's, early 80's, would be removed, the road would be extended through. This subdivision, for the record, meets and/or exceeds all of your zoning criteria for lots in an R-20 Zone. It meets and/or exceeds all of your subdivision regulations, with the exception of one item, and that is, the ratio of width to depth. We have requested a waiver, I submitted it to the Chairman, through the Town Planner on November 8th. The regulations state that the lot depth should not, or can not exceed two and a half to one times the width, so if you have a one hundred foot lot, it shouldn't be any deeper than 250 feet. Given the size and configuration of the existing parcel, and the fact that the town has approved the road subject to this location, and this location, they have kind of boxed the land owner into creating the subdivision that necessitates violation of that regulation. The only thing that happens with deeper lots is that you have more privacy in your backyard because we no longer allow rear lots in this town under our zoning regulations, these deep area could no longer be developed as additional building lots, they will just remain wooded portions of land behind the residences. There is no, health, safety and welfare is not threatened by this waiver, if granted by the Commission. There is no engineering standard affected by granting of this waiver that we have requested. This has been done in other lots in town, and again, I say because the shape of the property is such that it is so long, compared to it's width, there is no way to divide this in conformance where the roads have been stubbed, without violating that two and a half to one regulation. If you look at it this way, the lots are larger than need to be in the zone and again provides more rear yard between not only the new homes but any houses on the east side and their neighbors farther east off of Valley View Drive. The subject property will be sewered by MDC sewer and water service provided by the MDC as well. The vertical geometry of the road worked out very well. My first impression was that this would be a very steep section of road. Our subdivision regulations call for a maximum of ten percent grade, we've designed this, and worked out the grades so that it is basically a little under or at about eight percent at the steepest part of the road, so it is well within our safety design criteria.

I'm going to flip to the next page, the grading plan, and I did receive the Planner's comments, which are probably in need of the most discussion, at least on my part. The Planner had concerns that, there is an existing slope in this area, not quite half way back from the proposed road to the west on those properties, and his feeling was that it may not be suitable for

development. We've graded the lots such that they can accommodate the typical house built in those neighborhoods, good size colonials. These would be walk-out basements towards the south side, we have our building line, home structure and then you have the garage on the high side, sloping down about six feet to the rear yard, and then the tree line would be where the slope starts. This slope that Mr. Meehan refers to in his report as being about thirty-seven percent is actually a three to one slope. If we were to propose grading on a subdivision or a site plan, the town standard recognizes a three to one slope as being a self sustaining, stable and safe slope. We have a three to one slope that is in its existing condition, we're proposing not to alter that, it is wooded, we are proposing beyond the areas where we are going to excavate material, leave it wooded, and that slope extends, at the worst case down about twenty feet in depth, or height, from our edge of clearing. I know we have had the discussion numerous times on different applications about two to one slopes, three to one slopes, what is safe, what it actually looks like, I know that the Planner recommends a field trip, I would suggest that is probably a good idea, but I made a little mockup to talk about what a three to one slope is. This is to scale, for three feet of run, one foot of rise, that is what the existing grade in the back of that yard is today and with the exception of the area that we are proposing to rework to create the house site, this is what the backyard is going to be, at the steepest point. This is a two to one slope, two feet of vertical or two foot of horizontal for one foot of vertical rise. That is permissible under our standards. This Commission looked to change grading from two to one to three to one, a few months ago when you redid some regulations and the Town Engineer's report was that the two to one is an adequate safe slope to work with, but we are at a three to one slope. The, I apologize, I was late coming in, I went to my car to pick up an enlarged plan to demonstrate the grading characteristics we're proposing, I left it in my office. I think if you are going to do a field trip, the meeting would probably be held open, Mr. Chairman, so I would like to have the opportunity to present that at the next meeting. I think this in a nutshell tells you what we are proposing to do. There will be some rock excavation. For the construction of the road itself, it will probably be in the neighborhood of a couple hundred yards of actual excess material generated because the road follows the natural terrain. When we get into grading the sites as we have proposed schematically we'll generate about four thousand yards of material, excess material grading the site. It's rock. It's rock that is at the surface in many locations, not unlike everything else, all the other neighborhoods in that area. One of the nice features is that four thousand yards of rock, maybe another thousand, twelve hundred yards in foundation excavations would not come off the site at one time. As each house would be built, you would take off twenty-five percent of that material, you may have seventy-five trucks leaving that area during the construction of each home site, being the market the way that it is today, that could take a few years to eventually build out those four sites, if the market turns better, it may happen over a summer, but it's not a mass excavation. It will require blasting as regulated by the Fire Marshal. Again, it's not unlike any other development or any other house construction in this neighborhood. That's the nature of the beast. We have rock very close to the surface, if not at the surface, and it's a necessary evil that must be dealt with. If you have any questions, I'd be happy to answer them.

Vice Chairman Cariseo: Ed?

Ed Meehan: Well, I would like to have my staff report put in the record, the Commission members have it, it's available to the public. I think Alan has given you a good overview. I do endorse the idea of a site walk, again, it's a logistical thing, how you want to schedule this. I would recommend that you wait until you know who is going to be seated to vote on this before you have your site walk, so that the people who do the site walk, will also the Commission members who will be eligible to vote, and take all the information into the public hearing process. The geometry of these lots do meet the zoning regulations, setback wise, frontage and area. I think the big question down here is going to be the suitability of, at least the one home site that is in the north, west side, yes, right there.....

Alan Bongiovanni: Lot number four.

Ed Meehan: The town engineer and I have been down there at least a couple of times, and it's a very tough lot. It's exposed bedrock, I think when you see, in the field the slope, the challenge that it is to grade this, you need to understand the logistics of that, and what a reasonable footprint is. I think you said you had revised plans for larger footprints.

Alan Bongiovanni: The plan that we've shown and submitted reflects the same footprints of the houses that were built on Stage Coach or on Shady Hill Lane. Mr. Meehan pointed out that's probably a lot narrower or shallower than what is currently built, so the large scale plan that I will present at the next meeting shows a deeper house, a thirty-four foot house, plus a twelve foot deck, and still demonstrates that we have a minimum of fifty foot rear yard, level, usable rear yard before you get into the slope.

Ed Meehan: The reason I requested that is the experience has been that on Rockledge subdivision, and over on Waverly, Sunrise Estates, which are similar properties as far as the terrain and rock is that you need to come in with a reasonable footprint for your foundation, because if you come in with a subdivision that has a twenty-four foot wide house, the end result is that a lot of these homes are custom in those neighborhoods. You have a much larger footprint, it changes the grading substantially on these lots, it affects the drainage, it affects the neighboring property owner, and it's going to affect the amount of rock that comes off of these sites. You know, if you do it over time, certainly the impact of truck trips and blasting won't be as severe, although I would hope that the blasting, we know more about that, it gets done and gets done out of the way, up front so the neighbors aren't constantly being disturbed. You are looking at anywhere from I think eight to nine thousand cubic yards of rock to come out of here, foundations plus this one lot and part of the adjacent lot, that's a considerable number of truck trips, fifteen to eighteen cubic yards per truck, you can do the math. So I think, that can be what, five hundred truck trips, five hundred fifty truck trips. They show a tracking mat coming out on Rockledge, I think once we know more about the impact of the rock removal, maybe the better route is to bring the trucks through the Jasut property out to Culver Street, to haul road out that way, so the neighbors on Rockledge aren't inconvenienced. There are kids on that street, you know, bring it out through the property, I think some of the construction management practices need to be discussed here.

The drainage aspect of this, we feel that we have a good handle on that. The Town Engineer has looked at it, they have submitted drainage calculations. We have discussed, through the Town Engineer's office he has discussed the drainage capacity of this system with our neighbors in Rocky Hill. This water ends up going down Colby into Rocky Hill, goes through a system on Shady Hill which it can easily be connected to, so the street drainage, and then again some good careful construction practices, tying in roof leaders and some yard drains are something that the engineer department is going to look for to make sure the adjacent neighbors downhill from this development are protected.

I think you see the lots on, the frontage on Culver Street are pretty nice lots, and the other thing, I'll end with this is the developer showing sidewalk connections that we want to see in this neighborhood to bring the sidewalks through from Shady Hill to Rockledge and extend the sidewalks down Culver. We still are going to have a gap on Culver down to Little Brook, it has to be, I recommend closed someday, but at least we are heading in the right direction on that. So hopefully you can leave the hearing open and convene a public hearing date.

Commissioner Ganley: I'm looking at the notation, I'm referencing page two, Shady Hill Lane, temporary turnaround easement to Town of Newington, there is kind of a cul-de-sac there right now, okay, if the street and curbing is straightened out, where does that little excess piece of property go?

Alan Bongiovanni: That is actually owned in fee by the homeowners. I believe.....

Commissioner Ganley: So they get a nice piece a new lawn put in there, curbing....

Alan Bongiovanni: Exactly. Our plan calls for saw cutting their driveways, removing this pavement, repaving the driveways, new curbing, as a typical road would have it, then top soil and seeding their lawns so that hopefully after the developer is done, you wouldn't know he was there and the road was always a through road.

Ed Meehan: These are just temporary easements.

Commissioner Ganley: That is what drew my attention, the fact that it said temporary easement, I said, well, if it's abandoned, for lack of a better word, what happens to people's property that was formerly temporarily taken, if you will, by the Town for the cul-de-sac.

Ed Meehan: It's restored. It's covered by the subdivision bond. That goes for both ends of this development because the Rockledge side essentially is being used by the adjacent property owners as a private driveway, so there is no cul-de-sac on that side at this point. There are a couple of manholes that have to be addressed, and then a new intersection out to Rockledge would be established, stop signs, street signs, stop bar, typical subdivision requirements.

Commissioner Schatz: If the rock is going to be removed, are you going to put a crusher up there?

Alan Bongiovanni: It's not the intention to put a crusher there. I think my estimate is a little lower than Mr. Meehan's but either way, you don't have enough area to really set up and stage, and given, you know, it sounds like a lot, but if it's five, six, or eight thousand cubic yards of material, that's really not enough to set up a crusher and run that type of operation. They will haul it off site.

Commissioner Schatz: And you are going to tie these sidewalks in?

Alan Bongiovanni: Our proposal is to run the sidewalk along the entire front of Culver Street which, there is sidewalk from the Rockledge development abutting our property to the north, and then we would connect the sidewalks from Shady Hill through to Rockledge Drive.

Commissioner Pruett: The type of blasting, are they going to use the blanket approach to prevent, we've had some episodes up there in the past with some homes, flying rocks and....

Alan Bongiovanni: My experience working on various construction sides for blasting, because it is at the surface and there is not a blanket of overburden in many areas, they would have to control it with blasting mats.

Commissioner Fox: I want to go back to the grading just a little bit, just to clarify before we do take a walk. The footprint of the building on Lot #4, it's actually, and they have broken this out for us, so that we can see it, the 220 foot line, 234 foot line just about like a little swale, okay, and then as you go through the backyard, going through the center of the backyard, it comes back up and then goes down. I can't see the distance between the grading lines, so you are saying that that's between the 240 foot down there, about 45 feet.....

Ed Meehan: That's the natural grade right now from the toe of slope, from about 206 elevation up to 242, 240 is about thirty-five, thirty-seven percent.

With re-grading, again if you measure it from the toe of slope, not from the property line, but from the toe of slope, you don't really change the gradient that much, you are still around thirty-five percent, in fact, it could be worse because your vertical run becomes shorter.

Commissioner Fox: The run becomes shorter and the slope gets more acute.

Ed Meehan: More acute, and there is a standard for fifteen percent slope and there is another standard for suitability as far as ledge, outcropping and rocks that the Commission needs to look at, mostly on Lot #4. There are some outcroppings across the whole street, but I think that is rock that can be handled by, from what we have seen in the field, the Town Engineer felt that could be handled.

Commissioner Fox: There is a lot of rock in here then?

Ed Meehan: It's the safety of that backyard.

Commissioner Fox: Yeah. Okay, and of course if we take a field trip, you will be with us.

Alan Bongiovanni: Yes.

Ed Meehan: I think it's important to get the sense, the lay of the land, so to speak, what's going on.

Commissioner Fox: Especially on this, is there any way we can get some stakes?

Alan Bongiovanni: Sure. When would the Commission be looking at.....

Ed Meehan: I think it's going to have to wait until December. You have a meeting on the 28th, some terms are up the end of this month and then the Council will be making their appointments, will have new members coming on the first meeting in December which is the 12th. Maybe even after the 12th, if everybody gets their calendars up to date.

Commissioner Fox: If the appointments are going to be made and everybody is seated by then.

Ed Meehan: If everybody is seated and sworn in, I could go with a phone call, but it's going to be advertised as a public meeting. I will have to see the logistics of doing that. If we have a quorum out there, it's a public meeting.

Commissioner Pruet: It would have to be in the daylight too, I mean, it's getting darker.....

Ed Meehan: Yeah, we would have to do it on a weekend.

Commissioner Pruet: Saturday or something, yeah.

Commissioner Fox: And pray for no snow before.

Ed Meehan: Yeah, we've got a lot of things going against us, but we have to make a point to look at this. This is a tough area.

Commissioner Ganley: In partial answer to Commissioner Fox's question, a measurement using their scale, three inches, eighty feet, in eighty feet, from the, what would be the north, and slightly to the west on that lot, for a distance of eighty feet, it drops from 240 down to 236, see, I went down 204, thirty six feet in just eighty feet. That's a steep slope.

Commissioner Fox: That's steep.

Ed Meehan: When Rockledge subdivision was developed, we did walk that, some Commission members walked that, this is, well, the little ridge line that ran through that, this is one of the steeper sections, and the house to the north was in that steeper section. I think again, it's better to see the lay of the land.

Vice-Chairman Cariseo: Thank you. Anybody from the public wishing to speak in favor of this application? Please come up.

Vicki Rosenkrantz, 38 Sunnybrook Drive: I just have two questions. The first is, I was wondering if the Town is going to do anything to protect our foundations from cracking during the blasting, if it's, the town will perhaps survey, come around and check our foundations before the blasting and after, to see if there was any damage as a result of the blasting. Our house lies in that same bedrock, and my second question, it wasn't clear to me when Mr. Bongiovanni spoke, you mentioned that this area would remain wooded all the way to the east, well, who will own it. Will the developer still own that, or will these lots own all the way back.

Vice Chairman Cariseo: I believe he said the homeowners.

Vicki Rosenkrantz: If they own the whole thing, then what is to stop them from just taking down all the trees. That's it. Thank you.

Dr. Ted Rosenkrantz, 38 Sunny Brook Drive: I guess my question is similar to my wife's, I mean, the developer who owns that property and beyond right on the map there, I mean are you going to do something in the future or just have land there, or if it goes to the property owner really, what does stop them from developing it? The other is, the experience of many of us who live in that area, since we are on bedrock, that these houses will have radon coming into the houses and what is going to be done by the developer to protect the lives of the people living in these houses. Our house, after we got in we found very high toxic levels of radon and required modification.

Vice Chairman Cariseo: Thank you.

Barbara DeMaio, 37 Sunnybrook Drive: This is the first time I've seen this plan, so please bear with me, I really want to get a good look at what is going on here. It's six lots, is that correct, and this is Shady Hill, coming from Little Brook, correct, and proposing two houses here, to the east and then so far as I see, two houses here to the west.

Commissioner Kornichuk: And two on Culver Street.

Barbara DeMaio: Oh, way over here, all right. Just trying to get a picture of where I am here. I'm Sunnybrook, maybe you can show me where I am.

Audience: Those are the condos, you are further to the right.

Barbara DeMaio: Just trying to figure out how far blasting is going to be from me, I think just like everybody else would like to know in that neighborhood. Ted brought up a good point about the radon. Wondering if we can have a blaster come in to meet with us? To give us something in writing exactly what kind of protection they are going to be offering. Pre-blast surveys, will those be done, and within how many feet of blasting, and maybe somebody who does these pre-blast surveys, is it insurance company or the builder or we need to talk to that person. Could we please be noticed of the field trip, whenever that is going to be so that we can attend? Also,

when it comes right down to blasting, is the town going to be monitoring it? I don't know who does that, is it the Fire Marshal? Is it a part-time Fire Marshal? Is it somebody who is going to be there all day, we've experienced in the past the Town was not present and we're not sure and have really never determined whether some of the levels of blasting were going over what they should have been. Reports accessible to us, on the daily blasting. That's all I can think of right now. Thank you very much.

Vice Chairman Cariseo: Is there anyone else wishing to speak against this project? Alan?

Alan Bongiovanni: Thank you Mr. Chairman. I think that everybody had some valid concerns, blasting is always a sensitive issue. Mrs. Rosenkrantz asked about blasting service, when blasting is undertaken, licensed blasting contractor has to get a permit from the Fire Marshal. In the last probably ten years it's been my experience that whenever blasting is done, first of all, there are pre-blast surveys in a radius from the blast site determined by I think the Fire Marshal and the blasting contractor and the insurance requirements where they inspect all the foundations within that certain radius prior to any work taking place, and after the work taking place. The Fire Marshal will schedule blasts, they have, on recent projects at a certain time, at a pre-determined date, and the Fire Marshal will set his own seismograph to monitor the strength of the blast to make sure it is not over done, to shake the ground, as well as the contractor who maintains his own seismograph on the site. It's not like it used to be. I know this neighborhood has experienced, twenty years or better, unmonitored, unregulated blasting, that caused problems in the area. Today it is done a lot more carefully, it's monitored closer, and I think there is a minimum of a five million dollar bond that is posted, an insurance policy that is posted by the contractor, by the blasting contractor to insure that if there was some problem that anybody would be whole if their property was damaged.

The question of what is there to stop, well first let me back up, lots five and six, the proposal is to create two lots that start at the new road, and go through the entire depth of the property, it's about 850, 900 feet in depth. The question was raised, well, what's to stop the developer from further development. There is no provision in our zoning regulations today that allows that land to be developed. There was a regulation that allowed rear lots, to be created and built on, that is no longer on the books. There is no vehicle or mechanism or regulation or ordinance in the Town of Newington that would allow, if approved, either of those lots to be further subdivided in the future. The question about what is to stop the person from clearing the entire depth of the property, there is nothing to stop a person from clearing their own residential property. It's not a wetland, therefore it's not a regulated area by the town. Just as everyone in this audience, if you live in a home, and you have trees in your yard, it's your right to clear them. These people would be entitled to the same rights that you have. I personally wouldn't, couldn't conceive someone wanting to clear 850 feet of depth in an area that is a very undulating terrain, that is laden with bedrock, that could not easily be made into a lawn, if you will. I would venture to guess that whoever is going to live there would leave the vast majority of that in its natural state.

Ms. DeMaio asked the question, how far is she from the proposed site where the blasting would take place, this is where the road is proposed, the houses would basically line up with the houses now, Barbara, I think you are over here probably five, six hundred feet away from where the house sites would be. Again, the blasting is regulated by the State Fire Marshal's office, the local Fire Marshal, we do have a full time Fire Marshal in this town, they schedule, they inspect, and they insure that the contractor hired to do the work has the insurance plus a pre-blast survey and works within the regulations.

The last question was radon. Radon is present wherever you have bedrock. Builders today will simply put crushed stone underneath the foundation slab, perforated pipe, and vent that above the roof line. That eliminates the radon problem in basements. It's not an expensive fix when you are starting construction, I believe the code addresses that. If you have an area prone to radon as we know this whole mountain is, that is taken care of during construction of the house. Just as footing drains, or any other protective measure in the home. Thank you.

Vice Chairman Cariseo: Well, I guess there is a whole lot more work that needs to be done with this, so I suggest that we keep this open.

B. PETITION 48-07 – 435 to 485 Willard Avenue, Fountain Pointe Professional Office Park, Richard Rotundo, owner and applicant, 11 Lembo Drive, Wethersfield, CT 06109, request for Special Exception Section 6.2.4 Ground Sign, CD Zone District.

Alan Bongiovanni: Good evening, for the record, my name is Alan Bongiovanni, representing Richard Rotundo, Rotundo Developers in this request for a free standing ground sign. The proposed development underway is Fountain Pointe Office Park. I hope you all have had an opportunity to take a look at it through its development stage, it's shaping up quite nicely. On the original site plan approval we had shown the location of the proposed ground sign, we are proposing to maintain the same location in the southeast corner of the site. Mr. Rotundo has provided some detail as to how that is to be constructed with a granite stone wall, grayish in color, the sign, metal letters attached the stone work with columns on either side, it's an arc facing the corner, so as you approach the site, it's visible to the property, and I think the design blends well with the architecture. If you have any questions, I'd be glad to answer them.

Vice Chairman Cariseo: No fountain?

Alan Bongiovanni: The fountain is still proposed for the back, that is a site plan feature that you have approved, this is the sign that is to actually go in front.

Vice Chairman Cariseo: Is it lit?

Alan Bongiovanni: I believe it is lit with a ground, a little spotlight that shines up, it's not internally illuminated.

Commissioner Kornichuk: The fountain has got to be lit.

Ed Meehan: I don't think the fountain is going to go on that corner.

Commissioner Kornichuk: No, that's where it's supposed to go.

Alan Bongiovanni: That's where it was proposed, I don't know any different.

Ed Meehan: The last time I talked to the applicant because of all the utilities in that corner, and the tightness of it, he was thinking of relocating it. I'm not sure if he was going to take it off the plan completely, but it wasn't going to go in the corner. I don't know if this plan is in lieu of the fountain, but that is what he submitted with the application, is that sketch.

Commissioner Fox: Well, I guess we will be hearing from him again.

Ed Meehan: Well, if the Chairman doesn't mind, I can add that there is a sign company, Hartford Sign and Design has been retained to do the master plan for the whole Fountain Pointe development for a uniform sign package. That's all the wall signage. They have submitted a request that I want to take up with the Commission later on in the meeting, but I know Mr. Rotundo is following the architect's plan for the placement of the signs, for the wall signs, because all of the buildings have quite a bit of windows, and there is just a certain area for the signs to go, and that is the plan that your Commission approved. That's the sign package for the wall sign.

Commissioner Fox: Has nothing to do with the fountain?

Ed Meehan: Nothing to do with the fountain, I don't know what the status of the fountain is, other than it is getting a little crowded in that corner.

Alan Bongiovanni: I imagine that the developer would be required to come back before the Commission if he wanted to change that part of the plan, it is a bonded item, so if he wants to change that part of the site plan, he would have to come back before you.

Ed Meehan: I think you can close this, I mean, it's a ground sign, the dimensions are certainly going to be satisfactory as far as your standards because of the numerous frontages that this development has, they aren't even close to their sign requirements. I don't see any reason to keep this open.

Vice Chairman Cariseo: Anyone from the public wishing to speak in favor of this application? Against? We will close this application.

C. PETITION 49-07 345 East Cedar Street, Newington Gospel Hall, owner and applicant, represented by Greg Hunt, Buck and Buck, LLC 98 Wadsworth Street, Hartford, CT 06106 request for Special Exception Section 6.2.4 Ground Sign, B-BT Zone District.

Greg Hunt: I'm Greg Hunt, from Buck and Buck, LLC, representing the Newington Gospel Hall. They want to put a, basically a four foot concrete stone faced wall just to the west of their entrance drive, that white arc right there, the drive off of Cedar Street. It's going to be a four foot high wall, with brass lettering to match the type of lettering they have on their existing sign on the building. The existing signs are almost thirty square feet, they are allowed to have eighty square feet total, based on the regulations, and their new signs are only going to be thirteen and a quarter square feet for a total of almost forty-three square feet of signage on the building, between the building and their free standing signs. In terms of lighting, they haven't decided whether they want it lit, if they do they are going to put a ground mounted flood light pointed at the wall. That's about it.

Vice Chairman Cariseo: Ed?

Ed Meehan: Very simply, it meets all of your requirements for location and area. It's a very attractive sign, and it has indirect lighting, which is appropriate on that type of street, high traffic volume street, so I think that is pretty much it for this sign.

Vice Chairman Cariseo: I have a question. Is your driveway going to be changed? How about with all that stuff going on across the street, were they trying to line the driveways up? Would that mess you up at all?

Greg Hunt: Well, they don't have any room to recondition their driveway, really. They have no plans to do that.

Ed Meehan: The only thing that is going to happen with that driveway, it would move easterly.....

Greg Hunt: If the rear lot, the lot to the south were developed, they are thinking they might, they would like to get a driveway back there. But there aren't any plans that they are aware of, or that I'm aware of for development.

Ed Meehan: It's all in the talking stages for that side of the street right now.

Vice Chairman Cariseo: Anyone from the public wishing to speak in favor of this application?
Fred?

Fred Callahan, 99 Cedarwood Lane: I'm here representing Callahan Acres, LLC. I'm not against or in favor of this, because they haven't come to me, but my problem is, I don't want all the wetlands, I share wetlands, two thirds on my property. I don't want the wetlands stuck on my property.

Vice Chairman Cariseo: What does this have to do with wetlands?

Fred Callahan: Aren't they here for wetlands?

Vice Chairman Cariseo: No. For a sign.

Fred Callahan: Oh, it's for a sign, I thought it was for wetlands.

Vice Chairman Cariseo: No.

Ed Meehan: There is a subsequent petition on the agenda for site plan, which doesn't have a public hearing component, but it's under New Business which will discuss impacts on the wetlands, so you might want to hang around for that, but that is not a public hearing item. There will be a Wetlands Commission meeting next week, Tuesday, that you should get noticed as a abutter. That will talk about wetlands and drainage.

Fred Callahan: Right, but there is a wetland component to this?

Ed Meehan: Not to the sign. But to Petition 50-07 they want to expand the parking and it does affect the wetlands.

Fred Callahan: Can I speak then?

Ed Meehan: No, it's not a public hearing, you cannot speak then.

Vice Chairman Cariseo: Anyone wishing to speak in opposition to this application.
We can close this.

Fred, you can see the plans if you would like to.

Fred Callahan: Okay, they are over there?

Vice Chairman Cariseo: Yes. We will close Petition 49-07.

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

None.

IV **MINUTES**

October 24, 2007

Commissioner Pruett moved to accept the minutes of the October 24, 2007 regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I have a memo that I prepared for the Commission relative to hotel suites, I don't know if you want to take it up now or later after you get your other business done, it's up to the Commission, regarding inquiries that have come to my office from prospective hotel uses in town. I'm just looking for some guidance. If you had a chance to look at the memo, you could give me your feedback.

Vice Chairman Cariseo: Want to do it now? Okay, we'll do it now.

Ed Meehan: Well, the gist of it is, there are two hotels approved by this Commission already, the Holiday Inn Express which is on the Berlin Turnpike. It started out as a Comfort Inn, and then the second hotel which is proposed for the Lowe family property at the corner of East Cedar Street and Russell Road. Today we received an application for a third hotel at the corner of Cedar and Fenn being proposed by Hayes-Kaufman Developers. Legal counsel for the hotels have contacted me, and they are offering a tradition hotel, you know, front desk and entrance, but they do want to know if they can offer some rooms as extended stay suites, for the business travelers and there is a prohibition in the regulations that goes back to 1988, as I explained in my memo, where a motel efficiency units were prohibited. You know, we define a motel efficiency unit, it has a refrigerator, stove, hot plate and microwave for transient guests, but it has a separate entrance, meaning, I believe the meaning back then was a separate entrance at grade from like a parking lot. Of course, now I have three or four different attorneys reading this, and I said that you are the guys that need to interpret this, my feedback to a couple of the applicants was that I felt that a hotel was not in the same class, land use as a motel efficiency unit because you go through the front desk, you have check it, you have key cards and so forth, and they would just like that comfort level before they sign development options and leases, so I said I would bring this to you for your guidance. That is the purpose of the memo.

Commissioner Fox: The extended stay units would not have a separate entrance, as in a motel.

Ed Meehan: They would come in through the front.

Commissioner Fox: Come in from the desk, go upstairs, but they would have quote unquote, cooking facilities.

Ed Meehan: They could.

Commissioner Fox: They could have cooking facilities, but it's just like a room that they are going to stay in for say, a couple of weeks.

Ed Meehan: At most, yeah, it's for the business travelers.

Commissioner Fox: Now would they, of course be suites.

Ed Meehan: Yes.

Commissioner Pruet: I think the motel provision is clear, you know, they have their own separate entrance, I think a lot of the hotels are going in this avenue, Courtyard Marriott, etc., etc., for the efficiencies, so I don't think that is a violation of what we interpret it, from a motel to a hotel because it has it's own unique mail entrance.

Commissioner Ganley: I concur, I think it's a settled issue because it's a common entrance to come in, as you say, to come in, check in at the desk, some kind of security, you have your own

key swipe, go ahead upstairs, it's very different than parking in the rear, going up to the balcony, going to your own apartment. It's just not the same kind of thing, in my judgment.

Commissioner Kornichuk: I believe a hotel is totally different than a motel, so I don't see any problem.

Vice Chairman Cariseo: I don't either.

Ed Meehan: Okay, good, thank you, because this will be reflected in the minutes and I can pass it on to the corporate people who are looking at this.

Commissioner Camerota: I agree, I think the difference between motels and hotels makes sense and I think the regulation, with that separate entrance, I think makes the difference.

Ed Meehan: Good, that's very helpful, thank you.

VI. NEW BUSINESS

A. PETITION 50-07 - 345 East Cedar Street, Newington Gospel Hall, owner and applicant, represented by Greg Hunt, Buck and Buck, LLC 98 Wadsworth Street, Hartford, CT 06106 request for Site Plan Modification B-BT Zone District. Inland Wetland Agency Report required.

Greg Hunt: I'm Greg Hunt, from Buck and Buck LLC representing Newington Gospel Hall again. What the Gospel Hall is interested in doing is adding some additional parking to the rear of the existing parking lot that is there right now. The existing parking lot is pretty much in line, the edge is right about in the middle of that island between the two tiers of parking spaces. In preliminary meetings with the town engineer he had shown interest in having a hydrodynamic separator put in place to block any sediment that might fall off of the cars during the wintertime. We have done that, that will require us to re-grade the existing parking somewhat and add additional, or add new drainage. There is currently no underground drainage at all at this site. It's all leaks off into the wetlands. As far as lighting goes, they are going to, there are currently four lights on the property, and they are going to relocate those to just be in the center of the island. Currently they are there just off the back of the existing parking area, so they are just being relocated, it's the same as what is there now. We do have to go through Wetlands but we are not putting any new parking in the wetlands area, we are within the setbacks, and that is pretty much all we are doing. We will have bituminous curbing and bituminous paving.

Vice Chairman Cariseo: Ed?

Ed Meehan: It's a straight forward application for site plan expansion of the parking field. Mr. Hunt answered my question about the lighting detail, they are going to reuse the existing lights. It's really an application that requires a review and report to you from the Conservation Commission for wetlands impact because the wetlands review within the one hundred foot upland review area. I'm just curious, do they have a dumpster location on this site, or do they have such a small generation they handle it some other way.

Greg Hunt: I don't recall seeing one out there, but I'm not positive.

Ed Meehan: I didn't see a spot, I don't know that they generate that much that they have to have a dumpster location.

Greg Hunt: I don't believe that there is a dumpster out there.

Ed Meehan: This is basically additional paving, so the storm water management, storm sector system for wetland mitigation is important and then the erosion control measures when the site is constructed are important. That's all I have for comments.

Commissioner Ganley: I just looked at this, that little spike, in the lower left hand corner, that's twenty feet from the edge of the wetland.....

Greg Hunt: That is wetlands as flagged by the soil scientist.

Commissioner Ganley: Right, so is that what you are asking for as sort of a waiver. You have to go before the Wetlands Commission?

Greg Hunt: No, we're just within a hundred feet of the wetlands, we're not doing any work within the wetlands at all, but we are within a hundred feet, which is a regulated area.

Ed Meehan: There is another line inside, parallel to this on the map, so any time you do work within that one hundred foot review area, requires a permit application to the Conservation Commission. You see a one hundred foot wetland setback typical....

Commissioner Ganley: Yeah, okay, thank you.

Ed Meehan: They are not filling any wetlands, they are not removing wetlands.

Commissioner Ganley: No, I was under the impression that within a certain distance of the wetlands it would be a run off as opposed to seepage, and I was just taking note of that little spike with it so close, that it would be run off, if you will, from the paved area. That's what raised the question.

Greg Hunt: Well there is a curb that will direct the drainage down to that catch basin and put it through the storm sector, so there will not be any sheet flow-off.

Vice Chairman Cariseo: Anyone else? Thank you.

VII. OLD BUSINESS

A. PETITION 51-07 505 Willard Avenue, Newington Realty, LLC, owner, Don Hammerberg Associates, applicant, attention Mark Fey, 772 Farmington Avenue, Farmington, CT 06032, request for site plan approval, 5,000 sq. ft. office building, CD Zone District. Sixty five day decision period ends December 28, 2007.

Commissioner Camerota moved that Petition 51-07 Willard Avenue, Newington Realty, LLC, owner, Don Hammerberg Associates, applicant, attention Mark Fey, 772 Farmington Avenue, Farmington, CT 06032, request for site plan approval, 5,000 sq. ft. office building, CD Zone District be approved the Commission finding that the plans entitled "Proposed Office Building, 505 Willard Avenue" Revised dated 11-01-07 sheets 1 to 4, scale 1"=30' prepared by BGI Land Surveyors and architectural elevations for the proposed professional office use, sheet A-1 prepared by Don Hammerberg Associates, dated 10-10-07 are in compliance with the Zoning Regulations for the subject property.

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

Vice Chairman Cariseo: Motion carries.

Commissioner Fox: Are you going to get this out o the way?

Vice Chairman Cariseo: We'll do it under Staff Report.

VIII. PETITIONS FOR SCHEDULING (TPZ November 28, 2007 and December 12, 2007)

- A. PETITION 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario owner and applicant, request for Special Exception, Liquor Restaurant Use, Section 6.6 Schedule for Public Hearing December 12, 2007.

Ed Meehan: Just to let you know, in addition to the list there, that I may have mentioned during the course of the meeting, we have an application for a mixed use development at the corner of Cedar and Fenn, which the applicant has asked that it not be scheduled for public hearing until January because of lead time which they need, and actually the town will need to talk with the Department of Transportation on the traffic issues and the busway issues associated with this development.

We have an application for the site next to Wendy's for a drive through restaurant, that's known as the Stamm site. Then you have an application for a karate school on Pane Road, a place of recreation and assembly. It's a relocation, it's an existing karate school in town, they're moving to Pane Road, in addition to Petition 52-07.

What we have done in the past is that we probably will schedule these so that the clock starts running on the public hearing after the new Commission members are seated.

Vice Chairman Cariseo: Is it Tim Horton's?

Ed Meehan: Tim Horton is the applicant for the site next to Wendy's.

Commissioner Fox: Now that sixty-five day clock, that's the date of the application, right?

Ed Meehan: The date of the receipt of application which if they filed it today, the clock doesn't, even though you had a meeting today, the clock starts running on November 28th. So we have sixty-five days from November 28th.

Vice Chairman Cariseo: You know what is surprising, Wendy's owned Tim Horton's.

Ed Meehan: Oh they do?

Vice Chairman Cariseo: They did, they sold it.

Commissioner Ganley: The Fenn Road, just what is it they want to put there?

Ed Meehan: The proposal is for a drive through Starbucks, and a bank, a 15,000 square foot drive through building, not a restaurant, looks like it could be a pharmacy, you know, like a Walgreen's or a Brooks or a Rite Aid, one of those type of pharmacies and then a hotel, four story, 120, 124 room hotel on the back side of the property, closest to National Welding, and that is why I was asking before about the Value Suites.

Commissioner Ganley: I was just wondering where the other buildings are in relation to the hotel, so the hotel is going to be in the back.

Ed Meehan: In the back, and the big issue when you see the plans you'll understand the issue is going to be the relationship of this development to the traffic access from Cedar, egress onto Fenn and how it's coordinated with the driveway into the busway station. Then the longer range opportunity for the town, to pursue the remediation of the National Welding site, the four acres down below has to be kept in mind, because we want to make sure that we do not preclude the town's access to that property.

Commissioner Ganley: So it would have to be accessed either on the south end, closest to the gas station, or on the north end, closest to the shopping plaza, there would have to be some way to get to the back.....

Ed Meehan: Pretty close to what some of the concept plans talked about, certainly the hotel is right on target.

Commissioner Fox: And that application, especially considering the drive through would have to be no later than tomorrow.

Ed Meehan: They had to get it in today, no tomorrow, excuse me, the 15th, the 15th was the cutoff.

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

Audience: I can go now?

Vice Chairman Cariseo: No.

Audience: Can I speak after the staff report?

Vice Chairman Cariseo: No.

Audience: Can't speak after?

Vice Chairman Cariseo: No, it's too late.

Audience: I can speak now?

Vice Chairman Cariseo: No, you cannot speak.

Audience: You're kidding, or are you serious?

Vice Chairman Cariseo: I'm serious.

Audience: I can't speak on my project?

Vice Chairman Cariseo: No. Public participation for items not listed on the agenda. So you cannot speak.

Audience: But the Staff Report is part of the agenda. So can I speak after the Staff Report?

Vice Chairman Cariseo: No.

X. REMARKS BY COMMISSIONERS

- A. November 14, 2007 – Discussion of reconsideration of deletion of Accessory Apartments, Section 6.13.

Vice Chairman Cariseo: Do you want to start?

Commissioner Kornichuk: Well, as everybody knows, I'm the only person on the Commission who voted in favor of keeping this in the town, and my feelings definitely haven't changed. That's really all I can say about it, I'm still in favor of keeping the accessory apartments in Newington.

Commissioner Fox: I would like to see a discussion regarding Section 6.13, when I don't know, as Ed keeps saying, probably after the new members are seated. I would be open to discussion on changes of it, I think some of those have been discussed before and this may, or may not be the time to bring that up, I don't know, and I think during the public hearing we can discuss them and the other reason that I think is at least as important for a public hearing, is to let the public know that deleting accessory apartments as we did does not necessarily disallow in-laws, disabled to move in, in a semi-separate environment from the entire house. That there are provisions in the current regulations without the accessory apartments that allow for expansion and additions including bathrooms and additional bedrooms. I don't want to extend the discussion but I would be open, I would like to see a public hearing.

Commissioner Preutt: I recognize the need expressed by the public and the various departments, committees, to provide affordable housing, I think a debate and discussion is well suited. I don't have a problem per se reinstating the past provisions, I would like however to research the provisions in order to safeguard the residential zone 12 and zone 20 so there is no area for potential abuse. In other words if a person, existing rules now say if a person, it's a temporary permit on the existing owner, if the existing owner changes, I think we need to be able to regulate that, so I think a discussion is needed. I would like to ask Mr. Meehan if he could research some other towns in the state, and see how they approach that, which would add to the discussion, give us some ideas how we could regulate that, so I'm for that, to open up that dialogue, and maybe we can come to a decision that would protect everybody, provide affordable housing to relatives and also protect the existing home owners.

Commissioner Ganley: I made it a point to go on line to HUD and accessory apartments have no relation to affordable housing. No one is going to bring three children, making \$40,000 per year into a one room, hot-plate addition stuck onto a house, so the use of affordable housing as it relates to accessory apartments is a misnomer. The issue revolved around two separate and distinct things that came before the Commission. One was an attempt by someone which opened the whole door to this thing if you recall, to sell their house, and now suddenly it was a two family house. It was advertised as a two family house. It was discovered that they snuck in an apartment that they shouldn't have had there in the first place, which then gave us some idea of what was going on here in the Town. Mike is right on the money, by the way. There are more than sufficient provisions in the regulations to allow someone to put an addition on their house, within our regulations, which should accommodate their in-laws, or whomever. No separate entrance, which is I think where we all were thinking no separate entrance because what then happens is, once the in-laws move out, in effect you have an apartment that has a separate entrance. We had discussed that, and that was one of the big hang-ups, we said, look, we're not going to allow that. To re-open this thing, we have to do a couple of things, I for one would like to hear, in equal measure from neighbors who fear that through the process of osmosis the homes that are zoned single family will suddenly become two family because one or more of the homes in the neighborhood have been allowed to have accessory apartments with separate entrances. I

think that is kind of a big, big hang up here. I'd like to hear in equal measure from anybody, or from neighbors generally that live in single homes. The second thing is, with a separate entrance when the in-laws, or grandparents, or whomever move out, who is going to move in? We have no assurances that it doesn't become some youngster from CCSU may just come over and rent the place. So any change has to be, or any modification of our outright rejection or if we are going to include or revisit that subject, we have to be very, very careful about how we regulate, how that thing is built, that's number one, and I for one am absolutely dead set against a separate entrance, and there has to be a way to verify by some fashion or other, that once the in-laws are gone, or whoever is allowed to be in there is gone, that something has to be done. Either the kitchen is taken out of there, or there is some other provision that okay, when, the provision is, in-law apartments, blood relatives, etc., now they are gone, that means the kitchen is gone, and we have to be able to verify that. That we don't leave the door open for the thing to become just an apartment which is the big beef. The second instance that I recall, is that folks over on Pfister Drive, this is very straightforward. It was built as an accessory apartment, changed ownership, we got a letter from the new owner validating the fact that they in turn were going to move somebody in. There was no problem with that because it was a nice easy transfer, provided in the regulations, they abided by the regulations. I don't have a problem with that because we knew that, there were no cards face down on the table with that endeavor. So, any re-visiting, it's got to be a reg that is exceedingly tight to protect the neighbors who live in single family homes in an area that is zoned for single family from having the neighborhood slowly become two family. That is not why they bought their homes.

Commissioner Schatz: I would like to see it go to a public hearing, so we could hear the other side of the coin. We have heard the, as Commissioner Ganley said, as somebody who is selling a two family house, which we discovered apparently when they decided they were going to put the kitchen in, and the other rooms were already on the house. That was when that realtor was in here. I would like to hear the people from the other side of the coin. Also, I'd like to know is there also a big, and at the public hearing, is there a big demand for this?

Vice Chairman Cariseo: Well, my opinion is that we don't want to have two family houses in a single family residential neighborhood and I think, Ed is going to look into it, but the only way that we can control it would be to make sure that there is no separate entrance into that room. It has to be from the main house to get in there. I don't care if he has a kitchen in there or whatever for the old man or old lady, whoever lives in there, but so even when they are gone, it's just, you know, another room, it's a den, office, whatever, but it can't be used as a rental, and we need to protect the people who live in the single family residential neighborhood. If that can be worked out, I'm certainly in favor of it, but I probably won't be here to answer that question about it. That's my thought on the subject.

Commissioner Schatz: The only other thing that I would comment on, one of my employees that lives in Southington purchased the house with an in-law apartment in it, and that is being rented out for \$800.00 per month.

Vice Chairman Cariseo: And that is what we are trying to prevent. If I bought a house on that basis, I'd probably do the same thing. You know, it's a separate unit, in fact, what I don't understand is if you have an old-timer living in this room with a separate entrance, and something happens to him, you have to go to the outside to get in. So, if they needed pills or medication, or dropped on the floor, you know, you're kind of shafted. So, having an opening right through the whole house I think covers a multitude of sins.

Commissioner Fox: Michelle wasn't involved in this thing, but I don't know, as a former private citizen, non-member of this TPZ, do you have.....

Commissioner Camerota: I think everyone has made good comments and that since there has been a lot of comment by the public as well as other bodies in town, that it may be a good idea to have another public hearing on this issue, and I definitely understand Tom's concerns about having it become a rental unit after the original owners who needed an in-law apartment for their uses leave, and the concern that you would end up with a whole bunch of two family houses that were never intended to be that way.

Vice Chairman Cariseo: Well, the next group can handle that problem.

Ed Meehan: From what I can research through CCROG and through other town planners, what their communities do, to try to regulate this, Tom led me to Suffield, I talked to the Planner in Suffield about, they eliminated this because it was a problem, they have a completely different type of zoning, much different community than we are, because of the large lot zoning that they have there. They were trying to get at the issue of a single entrance, two units within the house, but one entrance, and I know a couple of communities down on the shore line have regulations to that effect. Some communities also have time limits on these, so if it's for an in-law they need an affidavit, it's for an older in-law and that in-law passes away, the Special Permit ceases and they have to apply for a new one if the house is sold. A lot of these regulations sound very good, but the practicality of enforcing them, tracking them is really very difficult and you know, basically going into private homes and seeing if the rooms are divided, unless they get a building permit, or it's a fire code issue, it's not something that zoning normally does, to get inside of the unit, we're concerned with the outside, the placement of the home. A couple of issues on the separate unit is something that I want to talk to the building department and Fire Marshal about, time limits I can check out, I can bring back a short report to the Commission members, you know, outlining some options, and I think it's a good idea, bring it back to public hearing.

Commissioner Fox: Ed, through the Chairman, I forget whether it was Tom or Bob, somebody mentioned the number of applications that we had for the accessory apartments in the last decade, or whatever, do you have figures on that.

Ed Meehan: I prepared a little report for the Town Council the night we went before them, I think in the last five years, only seven applications, seven to nine applications, and one or two of them were renewals, one of those was on Pfister, I forget where the other was, and a couple were brand new homes, one on, I think over in the Barn Hill neighborhood, and one right here also.....

Commissioner Pruett: Cimmeron.....

Commissioner Fox: I think that's right, there's one on Cimmeron, and on, not Ridge View Crossing but up there.....

Ed Meehan: So, when it comes in as a new home, it's pretty clear, you can see the floor plan, you can see the complete layout, and those are the easier ones to deal with, really. How many are done without permits, there's probably quite a few that we don't know about. You know, we may pick them up through assessment records, we may pick them up through inspections because another type of building was being in with that, we pick them up through the multiple listings, we see a multiple listing advertising an accessory apartment and there are no permits in the file, or an appraiser or a realtor is coming doing their due diligence for a customer, and they don't have permits. So, you hear about them that way, so I'll do some more homework and prepare a report for you.

Commissioner Fox: Again, through the Chairman, again, just as a time line, do you think the first meeting in December is too early?

Ed Meehan: Well, I think the first meeting in December is usually an organizational meeting, you know, with your election of officers and getting everyone seated, I hope, I can use that as a target date, but I would think more apt the first meeting in January, and then the Commission can decide how they want to schedule a public hearing. It will have to be referred to the Capital Region Council of Governments as a zone change, so that requires some lead time, you are probably looking a hearing the end of January, beginning of February.

Commissioner Fox: Thank you.

XI. STAFF REPORT

A. Bond Reductions and Releases.

Vice Chairman Cariseo: We need to add something to the agenda.

Commissioner Fox moved that the bond reductions and releases listed as one through five be added to the agenda. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

Vice Chairman Cariseo: Motion carries.

**Bond Release
Rockledge Drive Subdivision
Detention Basin Lawn Reseeding**

Commissioner Kornichuk moved that the bond amount of \$5,000 be returned to the Premier Building and Development the property owner at 23 Rockledge Drive (location of detention basin) agreeing that the reseeded lawn area is acceptable.

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

Vice Chairman Cariseo: Motion carries.

**Bond Reduction
176 Kelsey Street**

Commissioner Fox moved that the bond held for site work at 176 Kelsey Street be reduced from \$15,000 to \$2,500.

The balance of \$2,500 shall be held until May 1, 2008 to verify that lawn area reseeded in late October 2007 has stabilized and germinated.

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

Vice Chairman Cariseo: Motion carries.

**Bond Reduction
Fennwyck Estates
Fenn Road**

Commissioner Pruett moved that the bond amount of \$50,000 be reduced to \$2,500.

The balance of \$2,500 to be held until May 1, 2008 to verify that lawn areas reseeded in late October 2007, after the growing season, have germinated and provide acceptable ground cover.

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

Vice Chairman Cariseo: Motion carries.

**Bond Release
Volvo Aero
183 Louis Street**

Commissioner Ganley moved that the bond amount of \$2500 held for lawn germination and landscape plantings at the Volvo Aero property, 183 Louis Street be released all work having been satisfactorily completed.

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

Vice Chairman Cariseo: Motion carries

**Bond Release
Price Chopper Plaza**

Commissioner Schatz moved that the site development bond in the amount of \$25,000 held for drainage and landscape improvements at the Price Chopper Plaza be released all work having been satisfactorily completed.

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

Vice Chairman Cariseo: Motion carries.

Ed Meehan: One other item to ask for your guidance on, has to do again with Fountain Pointe and the layout of the sign plan for that multi-building plaza. One of the first buildings that is planned to be occupied is Dutch Point Credit Union, which is at the corner. The applicants, well, Mr. Rotundo who is the developer has hired Hartford Sign Company to design the sign master plan and they are having a problem trying to figure out how to locate a sign on this building, which is the Dutch Point building, I'll pass that around.

Commissioner Fox: The one up front, right?

Ed Meehan: Yes, because of all the window locations they can't put a wall sign up. They could, but it wouldn't look very good. They are asking if they can put a small sixteen square foot sign inside the site to advertise their location for that one building. The other buildings, because they are much longer and narrower can do some wall signage. Normally we would treat this as a ground sign, but since they already have a ground sign for the whole plaza, in discussing it with

the company who came in with the drawings the other day, I said I would bring it to the Commission to get your guidance on it. It won't be lit.

Vice Chairman Cariseo: It is a tough one, to get it on that building.

Ed Meehan: Oh yeah. That's the inside of the main entrance. The Willard Avenue side also has quite a bit of glass, and then the south side is where the drive through, portico is for the ATM and the service window. So at staff level, we thought it was a reasonable request, but

Commissioner Fox: So they would have a mention on the ground, no, there's no mention of the tenants on the ground sign, right?

Ed Meehan: No, it's a generic, this is Fountain Pointe.

Commissioner Fox: I don't see anything wrong with it.

Ed Meehan: We said to the applicant, we do it for you, we don't want do it for, we've got ten buildings here.

Are you comfortable with that? Okay, the over all master plan for signs looks pretty good. Okay, I will relay that back to the sign company. Thank you.

Vice Chairman Cariseo: Do you think they could use brick?

Ed Meehan: Put it in brick?

Vice Chairman Cariseo: Yes, I mean, it would look much better than this, this looks temporary. I would think that they even would like to have it bricked in.

Ed Meehan: If they put it on a brick base, they have to put a footing in.

Vice Chairman Cariseo: Yeah. That's fine.

Commissioner Kornichuk: Come on, just say it like you usually say it, it's an ugly sign.

Vice Chairman Cariseo: Okay, it's an ugly sign the way that it is.

Commissioner Camerota: If they had designed their building better, they wouldn't have this problem.

Commissioner Fox: That's a good question, who designed that building. What commercial developer or architect where you can't put a sign on it.

Ed Meehan: Yeah, well, there is no place for a sign on this building. It's a bank where you go and leave your money.

Vice Chairman Cariseo: It is not a bank.

Ed Meehan: Credit union.

Commissioner Fox: You still leave your money.

Ed Meehan: That's all I have.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Norine Addis
Recording Secretary