

NEWINGTON TOWN PLAN AND ZONING COMMISSION

November 20, 2006

Regular Meeting

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

I. ROLL CALL

Commissioners Present

Chairman Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Pruett (7:10)
Commissioner Schatz

Commissioners Absent

Commissioner Kornichuk
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. **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.**

Attorney Sabatini: Good evening, Mr. Chairman, Members of the Commission, my name is Vincent Sabatini, Attorney, 1 Market Square, Newington, Connecticut and I'm here tonight representing John Amaning in this application under 6.7 for an interior lot, and with me is Alan Bongiovanni, who is our surveyor and is going to address the technical aspects of this matter. Let me give you a little bit of an overall view of this area. 57 Church Street is in a R-20 Zone, the lot consists of approximately 50,000 square feet. Right now there is a single family house on that lot, and some out buildings. The area is primarily residential, but it does have a mixed use, and I took the liberty of just identifying, I'll put this on the board, some of the uses that are presently in the area. The subject site is where this little pin is, and we have a church here, on the north border, there is a synagogue across the street, there is a school down the street, there is another church and we have the health care facility down the street, so that is the general layout of the area. Also in the area there are rear lots, presently being used. There is a rear lot which is almost directly across the street from the subject site, at 50-54 Church Street, and that was verified by the Assessor's office today and I will submit that into the record, please. There is also a rear lot, further down on Church Street, it doesn't show on this map, at 336 Church Street, there is a rear lot, also verified by the Assessor's office and on Halloran Drive, which is across from the school, there is a rear lot, hasn't been developed yet, but Mr. Stamm's property has a rear lot that is undeveloped in the back of his house. Just to show you what we are dealing with, because an

acre plus lot in Newington is a little bit unusual in terms of the size, I have some photographs, which I can submit for the record, but I will also put these on the board to show you. The first photo is taken from the front of the property, looking west. You can see that it is a pretty spacious lot. The next photo is looking from the front of the property, but along the north border, and the purpose of this is to show the heavy vegetation that is on the property right now and how it blocks out any other properties. The next shot you are looking at is from the rear of the property, looking at the south boundary of the property, and again, it shows the heavy vegetation that is there, and how the abutting homes on Patriot Lane can't really be seen by this property, from the interior of the property. The next shot is looking east, from the rear of the property and again, you can see the vegetation, and that is the one out building that will be coming down if you approve the site for a rear lot.

The purpose of these pictures is to let you know that there is an abundance of area, even, and Mr. Bongiovanni will talk to you about that, you have 52,000 square feet, and you are going to have a lot in the rear that is 30,000 square feet, and this lot is bigger than, or as big as, or bigger than, any of the surrounding properties. What I did here, is I'd like the Commission to look at this, as to what I referred to as a spatial, S-P-A-T-I-A-L, analysis of this site, and I'll just submit these, and put these on the board too. These are just some aerial shots that I printed from Goggle, I think you have a GIS map that will probably show you the same thing, but the idea of this is to indicate, what's the relationship of this rear lot and the effect that it would have on the other properties in the area, and when you look at it, you will see because of the size of the rear lot, and the way the setbacks are, that the spaces, the spatial relationship analysis, indicates that the side yard distances between the properties is greater than, or equal to, whatever side yard distances or separations that now exist. For example, you are going to have 103 foot, 103.4 rear yard, I mean, that's a huge rear yard. You are going to have 26.3 side yard, you are going to have a 30.3 side yard and a 67.02 front yard, so when you place that house there, it's great than, or equal to any other separations of any other properties. The others are just different angles, of the property to show different viewpoints of the site and it's relationship to the entire area, so, the point being, that it's not going to be anything that will detract from the development that is in that area right now. As a matter of fact, it will be equal to, or better than what you now presently have. Now, as Mr. Bongiovanni will tell you, this plan meets all the technical requirements of 6.7, but I'm just going to talk a little bit about the Special Exception requirements. First, we have to comply with 5.2 and we have to talk about the need. There is always need for good housing in the area, so I think that is established. The existing and probable future character of the neighborhood, again, this is a predominately residential use, and we are going to have a residential building there. As I indicated, the way that this lot is situated, and the size of the property, this lot will be equal to, or better than, the existing areas, the existing lots that are on there. We indicate that where the house is going to be located and it's relationship to the other properties in the area I think is in accordance with your regulations; traffic circulation is not an issue; the lot is going to have all of the utilities, water, sewer, electricity, there are no signs. In terms of safeguards, the heavy foliage that is on the boundary of the lot right now will not be disturbed, and, except for the entrance to the lot there will be some disturbance there, but in the rear part, where the actual house will be constructed, right now it's a big open field surrounded by trees and other vegetation, but that will pretty much remain. In terms of meeting the requirements of 6.7, I'll have Alan talk about that, but I want to mention the one fact that Mr. Meehan brought out about the topography of the subject land, and the historic pattern of the land division, which is a requirement, have created practical difficulty in meeting the requirements of frontage. I think, in my estimation, analyzing this whole area, that this site is probably an anomaly because the owner either did not want to sell this property to the church, or didn't want to sell it to Mr. Turek when he developed the subdivision, because it would have made an ideal assemblage under either circumstance. So it's left there, it's like an island, it's over an acre of land, but the way that it is situated right now, you can't have frontage. If Mr. Turek had developed it as part of Patriot Lane, it could have been a couple of more lots and could have fit into the subdivision, so I think we meet

that part of it, but again, going back to my earlier theory of the spatial relationship, you will see that it all fits into the area and that it's not going to detract, it's not going to make any house over there worth less than it is right now, and I'll turn it over to Mr. Bongiovanni to explain the technical part of it, and answer any questions that you might have.

Alan Bongiovanni: Good evening, for the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut, my office is at 170 Pane Road here in Newington. As Attorney Sabatini said earlier, subject property is in excess of 50,000 square feet. It's in an R-20 Zone, minimum requirements in an R-20 Zone are 20,000 square feet, one hundred foot frontage, at the building line and ten foot side yards, thirty five foot rear yard and thirty five foot building line. When you get into a rear lot situation, the requirements change a little bit in that a minimum of 1.5 times the R-20 zone requirement, 30,000 square foot minimum is required, this is just over 30,000 square feet. Because the access, the side yard, front yard and rear yard set backs stay the same because of the average depth of the access from Church Street to the main part of the building lot is excess of 200 feet there are special requirements where the access way needs to be twenty-five feet, twelve foot minimum driveway width for emergency vehicles, all those requirements have been met.

The house that we are proposing, is basically centered, north to south, on the lot and favoring more towards the east, creating a larger rear yard. In order to construct this home, there is a shed, old chicken coop, actually that is there that would have to be torn down. It really is in violation of the zoning regulations that it is in such close proximity to the property line, but being allowed, this rear lot, that would come down. We are proposing the driveway, accessing from Church Street, and then entering the site. MDC, MDC water are available, right out on Church Street, matter of fact, we have a hydrant which is about 140, 150 feet from the driveway entrance, so that we do have access to a hydrant if there were a problem in this area. Gas, telephone, electric are all available on the street. The topography is such that the land from Church Street to the main portion of the building lot rises gradually, there is no steep terrain, no steep topography, or any difficulties, it's relatively consistent grade. Then we come to the house site which is basically on the higher part of the site. The water shed currently, and the pattern that we maintain is basically going from the south to the north, in a northeast and northwest direction. We have shown all the appropriate best management practices for soil erosion and sediment control, and I think that is basically it. We have designed the lot so that the existing structures, especially the garage that will remain, with the existing home, is within the zoning requirements, and this does meet, and or exceed, all your bulk and dimensional requirements for a rear lot in a R-20 Zone as well as the lot we would create for the existing house, meets all the requirements of the zoning regulations.

Chairman Camilli: Ed, do you have anything?

Ed Meehan: One of the questions that I had is the proposed driveway coming in, it appears that some of the vegetation that Attorney Sabatini mentioned along the north property line would be removed, if not all three of those evergreens, at least two of them, and a hardwood near the entrance, so that buffer that was mentioned probably wouldn't result if the driveway was put in. (Break for fire alarm)

I had a couple of questions that I wanted to ask Mr. Bongiovanni. One was, Attorney Sabatini mentioned the buffer along the north side of the property. I believe based on the plan that has been submitted, some, if not all of the trees that were in the pictures, the large evergreens, will need to be removed in order to facilitate the driveway in that location, and then the second comment that I wanted to make, was in the vicinity of the 146 foot elevation, I was over on the site today, looking at that, it appears that there has to be filling along the fence, and what are the expectations for keeping that fill from damaging the fence or causing water to build up against that fill area, and drain onto the property to the north. It's kind of low in that area. How is that water going to be kept from going north onto the adjacent property, is the third question, and

then, relating to that, the amount of fill and then lastly, the applicant is proposing a gravel driveway, this should be, as required by the zoning regulations, reviewed by the Fire Marshal for adequacy of weight bearing on that gravel driveway.

Alan Bongiovanni: First comment, relating to the trees, there is a maple in this area that would probably have to come down, the pine trees, the evergreens, spruce, spruce and spruce that you are looking at, these here, are on the south side of the driveway. The first one would actually be on the lot for the existing house, the second one is on the property line and the next one is just over the line. It would be our hope to try and save those, and depending on, the first one I don't think would be disturbed, but depending on the amount of root damage, just to put the water line through here, if it's not significant, those trees would be maintained. In regards to the 146 contour, that's in this area here, we are showing a low point of 145.5, right now the current watershed is from the existing house, goes in a northerly, northeasterly direction in this area. That is the current water flow, water shed, that would be the same drainage pattern that would be maintained after the fact. We are not proposing anything to stop the water from flowing off our property as it does today, after development would be built, we are proposing to try and work with the grade as best as possible, the existing grade. There are some areas where the driveway would probably cause six to twelve inches of fill, so that we could have a smooth grade for the driveway, but there is no large amount of fill, if you look where the contours end, they end within a couple of feet of the driveway, which is still halfway between the driveway and worse case, to the property line. The fence that you are speaking about is basically on the north side of the property line, on the Methodist Church property, we're not proposing to disturb that, we're not proposing to fill up to that fence. Our grading, as shown is about three feet from the property, like I said, we are just massaging the grade to make a smooth driveway, and still have the water flow in the same pattern, post development as it does pre development.

Ed Meehan: Are you going to have a slope on that northerly side between your two 146 foot contours? Is that going to drop down?

Alan Bongiovanni: That is why we show a low point of 145.5, we can add another spot elevation to probably clarify what the pitch would be but yes, it is the intention to have it flow in that direction.

Ed Meehan: Okay. The last comment, I don't know if you have had an opportunity to talk with the Fire Marshal about this driveway?

Alan Bongiovanni: I have not, we can do that, we can meet with the Fire Marshal and talk with him. The proposal was, as shown, a gravel driveway, we'd be happy to work with him for a cross section of base material to that it would carry the weight limits.

Ed Meehan: Okay. That's all I had.

Chairman Camilli: Any questions from the Commissioners?

Commissioner Schatz: It's going to be a gravel driveway?

Alan Bongiovanni: There would be a paved apron, eventually Mr. Amaning would like to pave it. In the short term, it would be gravel.

Commissioner Schatz: Having had a little experience with the noise, with that length of driveway, that house that sits in the front, when a car goes out of there, a gravel driveway, it's like a little bit

of a jet airplane going by, because we have one on Maple Hill Avenue, the same way and it's driving the neighbors nuts.

Alan Bongiovanni: If the Commission perceived that to be a problem, I mean, we do have to do a paved apron, within the right of way, it could be extended, you know, to get past that house. We don't see that as a problem, especially with the paved apron. I think the noise that you are speaking about is typically when the cars take off, or make that quick turn into the driveway, this will have to be paved in that section.

Chairman Camilli: We'll hear from the public. Anyone from the public wishing to speak for this application? Against?

Pamela Czelazewicz, 20 Patriot Lane: We oppose this petition, one hundred percent. Our property, and our pool area and our terrace area is just a few short feet from Mr. Amaning's property, and I truly, truly feel that if there were a house to be placed in the center there, it would devastate our privacy. I spoke back on September 27th, and I would like to repeat a few of the comments that I made then. Again I say our backyard privacy would be totally invaded, there is not.....

Chairman Camilli: Excuse me, what I want to say, is that I think that application was withdrawn, so that the comments that you made, am I correct on that, is.....

Ed Meehan: This is a new application.

Chairman Camilli: This is a new application, just so you know, any of the comments that you made at that time, are not relative to this application.

Pamela Czelazewicz: Do I have time to go over those comments that I made then?

Chairman Camilli: Yes, that's why you're up here, I'll give to time to make your comments.

Pamela Czelazewicz: Okay. When my husband and I purchased our home in 1979, we questioned the builder, Mr. Peter Turkek, if the property behind us could ever be subdivided, so that one could build another house behind the existing home. Mr. Turek's answer was no, it is not possible. There is not adequate access to the street for two separate lots. Edward and I also went to the town hall and posed the same question to the zoning department and were again told there was a R-20 zone in place at 57 Church Street that allowed only one dwelling on the lot. Feeling confident that the privacy and serenity of our future backyard would not be compromised, we went ahead and purchased our home.

Several months ago, the previous owner of 57 Church Street, Mr. Staski, attempted to secure a zone change. We opposed it at that time also, because of the invasion of our property. I feel strongly that smaller lot sizes with unconventional egresses onto the street devalue the property and the immediate surrounding properties. When they say the solution to the issue would be for us to sell and move elsewhere, and I strongly feel that if we were to opt for that solution, the resale value of our home would be far less if another house was to be built in our backyard. Additional vehicles and persons at the rear of 57 Church Street would invade my terrace and pool area privacy. 57 Church Street driveway noises are easily heard in my bedroom, and should 57 Church Street be divided into two parcels, I am sure that the vehicle numbers, noise and fumes would also double. Air quality is just one more wood burning fireplace would be in jeopardy. I value my privacy and serenity. Already trucks come and go with miscellaneous items being stored in the shed, vehicles are covered and stored in back, and numerous cars come and go, many people are coming and going, and it has drastically changed the peaceful atmosphere we were once accustomed to. Change is bound to happen, although as we grow older, it's more

adapt to, however, zoning should not change so freely. Town of Newington residents should be able to plan their lives on certain basics. I planned my life on a peaceful and private home and yard, and that plan for peace is now in jeopardy.

That was basically what I had said previously. I'd like to add that subdividing will contradict the town's open space acquisition practice. I can't understand why the town put a referendum question and asked us to spend millions of dollars to save the Young property, just down the street from us, and now they are going to subdivide behind us. I question the addition subdividing and the effect that it may have on our school system, on our emergency vehicles, on our police department. I think the Town of Newington's growth should like of be held where it is. And I would like to state, our new Town Manger, John Salomone, so eloquently stated at a recent town meeting regarding senior housing and neighborhood stability, and I quote, "I want my home property to remain stable, and the open space to remain stable." This was a statement that Mr. Salomone made, and it was regarding him seeking to purchase a home in Newington. Likewise, I want my property to remain stable, and the regulations in effect at the time of my purchase to remain in place. Thank you everyone for listening to this. Again, I close with my previous request. I beg the board to hear what the neighbors have spoken against this petition, and stand by the original zoning, with no special exceptions for this zoning. It was thoughtfully placed by our forefathers, so please, vote no to Petition 70-06 before you.

Chairman Camilli: Thank you. Is there anyone else wishing to speak against this application?

Ceil Deluciano, 67 Church Street: My husband and I strongly oppose the petition in question. Our peace, tranquility, and privacy are slowly being compromised, not to mention the fact that our property resale value would be lowered. At this stage of our lives, it would be a hardship if we had to pick up and move because of this situation, therefore for these factors, and those stated by our neighbors, we reject this petition, and hope that you will take this under your serious consideration. Thank you.

Chairman Camilli: Is there anyone else wishing to speak against? You can rebut.

Attorney Sabatini: Thank you Mr. Chairman. Just a couple of things, first in regard to Ed's comment on the trees, I think as Alan pointed out, the trees that you see here again, will be on the existing lot, Mr. Amaning's lot, and would be on the south side of the proposed drive. In addition, you have when you look at this photo, you can see it on your own, there is a lot of existing vegetation between the drive and the wood frame building, which I think is the rectory to the church. The first person who spoke against, this is not a zone change, we are not asking for one, this is not a smaller lot size. The setback requirements in R-20 are ten foot side yards, we have 26.3 and 30.3; thirty five foot building line, we have 67.2; thirty five foot rear yard, we have 103.4 rear yard, so we well exceed, probably three times as much setbacks as you would have in the R-20. The heavy screening that is in the rear yard right now, as shown in these photographs, will remain, I think her property is behind these trees, somewhere. That is all going to remain. The rear lot regulation was in effect when Mr. Turek developed this property, twenty, in the late '70's, twenty, thirty years ago, so for him to say somebody, nobody could ever build there, I'm not sure if that was accurate. So, the privacy is going to be maintained, the set backs exceed the set backs of the R-20, and again, I don't see how this would interfere with anyone's privacy, or value of the property, and I would urge the Commission to approve it. We will talk to the Fire Marshal, we will make sure that any other questions that Mr. Meehan has are answered.

Chairman Camilli: Ed, are you satisfied with the drainage toward the abutting property there?

Ed Meehan: I'd like to maybe go out with the Town Engineer, who is away, acting Town Engineer right now, and just walk that first part of this proposed driveway, have another set of eyes look at it.

Chairman Camilli: Any comments from the Commissioners? So we will leave this petition open because we are waiting for the Fire Marshal's report, and....

Attorney Sabatini: Excuse me, do we contact him, or, how does that work.

Ed Meehan: We both, we won't let this fall through the cracks, one of us....

Attorney Sabatini: So we will have a report by the next meeting.

Chairman Camilli: Thank you.

Edward Czelazewicz: Excuse me, may I ask one question? That bottom picture that you've got in your left hand, your right hand, I'm sorry, see that pine tree right there, that bottom picture, now where is that tree located on the property? Is that in the middle of the yard where you are going to build a house? You stated that was abutting the.....

Chairman Camilli: You know, you had your chance to speak when I asked.....

Edward Czelazewicz: But didn't you say we had rebuttal too, two minutes.

Chairman Camilli: Yes, you do.

Edward Czelazewicz: That's all I'm asking.

Chairman Camilli: Just state your name.

Ed Czelazewicz: Ed Czelazewicz, 20 Patriot Lane, Newington.

Chairman Camilli: Okay, thank you.

Attorney Sabatini: This photograph was taken on the rear of the property, looking on the south side, looking east.

Ed Czelazewicz: That is the tree in his backyard that is going to have to be cut down if you are going to build a house there.

Attorney Sabatini: No, no, this on the south side, this is over here.

Alan Bongiovanni: Through the Chairman, if I may, first of all, maybe to clarify, which property is the Czelazewicz's?

Attorney Sabatini: I think it's over here, I'm not sure where it is.

Ed Czelazewicz: On Patriot Lane, 20 Patriot Lane.

Alan Bongiovanni: Is it an abutter to this property, Mr. Chairman?

Ed Czelazewicz: Yes it is. We border the property.

Attorney Sabatini: Is it Kimball?

Pam Czelazewicz: No, it's Czelazewicz.

Attorney Sabatini: Used to be Kimball? Okay.

Chairman Camilli: Okay, now listen, this meeting is getting out of control, let's get back to order.

Attorney Sabatini: Can I just put on the record the photograph is taken with the person standing here looking toward the east, and showing the south boundary, so that is the boundary between the proposed lot and this lot right here. Okay?

Chairman Camilli: Okay, any other questions? Do you have a question.

Pamela Czelazewicz: Yes, in rebuttal, I would just like to invite anyone to come out into our backyard to see how shallow an area that is between the front of our pool and the property line.

Chairman Camilli: Okay. So we will keep Petition 70-06 open, and perhaps maybe the Commissioners at some point would like to take a field trip, or go out individually to see the property, but we will discuss that later. Thank you.

B. 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 signs.

Paul Bianca: Good evening, I'm Paul Bianca, Bianca Signs in New Britain, representing Elm Hill Pizza, looking for a four foot by six foot, double faced internally illuminated sign. They have had a sign on the property, a four foot by eight foot sign, for probably the last twenty-five years, attached to the roof, and they have had some leakage with the roof, so they are doing the roof over, and they don't want the sign on the roof any more. So this sign would be, actually it's almost in the exact same spot the four foot by eight foot sign has been all these years, and it is going to be adjoining the building, and it's also illuminated, but they are cutting it down, making it a bit smaller, from four foot by eight foot to four foot by six foot.

Chairman Camilli: Where is the location of that sign? That's a pretty tight area in there, because I get pizza in there sometimes, and it going to be, right at the corner of the building?

Paul Bianca: Well, what he has there, he has a canopy there, it wants to actually put the pole right through the canopy so it's like, the pole is abutting the building.

Chairman Camilli: The pole is abutting the building, because you know, people could drive into that pole, as I envision that, where it would be.

Paul Bianca: Right, so he has an overhang that comes out from the building, I think it's about four feet, this pole is, he wants to put it right through the overhang.

Chairman Camilli: My only question is safety.....

Ed Meehan: Is it an overhang, or part of the mansard? This is a mansard roof building.

Paul Bianca: Right, it would be part of the mansard.

Ed Meehan: You get into an issue of, you are not supposed to have roof signs anymore, I, the sign is gone off the roof, the last time I was there it was gone, so following up on what the Chairman said, this is right near the front door where customers park and walk in, a pole coming down to the ground.

Paul Bianca: Right.

Ed Meehan: Is this going to, if I walk out of the door, that little air lock there, am I going to walk into this pole?

Paul Bianca: No.

Tom Morikis: My name is Tom Morikis, I'm the son of Nick Morikis, speaking for him. The pole actually.....

Ed Meehan: The Commission members all have aerial photos.

Tom Morikis: The front door is actually on this side, I don't know what side that is, east, west, the door actually comes out this way, on this side of the building, the sign will be on the front part of the building, so the pole will actually abut to the building, it wouldn't be sticking out more than what a pole is, six inches, so it would actually be, it would go through the overhang right next to the building, and it won't be near the door or anything where people would be, high traffic. There is actually a sidewalk that goes in front of the building, so that sidewalk would still be there, except that you will have a pole sticking, whatever, four to six inches off the building.

Ed Meehan: And the bottom of this sign is going to hang over the top of the.....

Tom Morikis: That's going to come through, up so that half of the sign will actually be.....

Ed Meehan: Where is the roof? Is the roof right in here?

Tom Morikis: So, this is how the roof is, if I can draw this. The overhang goes like this, okay, so this part is going to be over the building, and this part is going to be over the overhang. Where the old sign used to be completely hanging over, it used to start at this part, and hang over that way. So this is going to move in over the building, actually.

Ed Meehan: It's going to look like a roof sign, but it's not a roof sign.

Tom Morikis: It's not going to hanging off the roof, exactly.

Commissioner Ganley: Okay, it's going to be hanging over the roof...

Tom Morikis: It's not going to be hanging, it's going to be held by a pole. So it's not going to be hanging from anything.

Commissioner Ganley: Would there be any need for a brace from the roof, affixed to the sign?

Paul Bianca: Can I draw, is this a blank piece of paper.

Ed Meehan: You can use a pencil, we can....

Commissioner Ganley: That might be helpful, thank you.

Paul Bianca: Here is the top of the roof, and you have the mansard coming down like this, okay, he had a sign before that was hanging off of the roof, so now he did the roof over, he doesn't want the sign on the roof any more. The sign was hanging right here, a four foot by eight foot sign, so what he wants to do is put a pole over here, but he's got people parking over here, he

doesn't want to come out here with the pole, so what he wants to do, he wants to run the pole through the mansard, and put the sign like that.

Mike Morikis: This pole will be actually against the building.

Paul Bianca: The pole is going go all the way through, right into the ground, and five feet into the ground, and all that, but just for clearance sake, instead of putting it over here, where somebody could bump into it, he wants it to move in a little bit....

Commissioner Ganley: So it would require the roof help to stabilize the sign?

Paul Bianca: Well no, that's just a hole here, with a cap on the top, with a seal. We're going to put it over here, because he wants to bring it away from the traffic over here, so the pole itself is going to hold the sign, it's basically a pole sign. The sign that he had before had all kinds of brackets to hold it up, and that one was stabilized by the roof, but he has had problems with the roof, he had the roof done over, he doesn't want anything attached to the roof.

Ed Meehan: That space between the building and the pole, you are going to butt the pole right up to the building?

Paul Bianca: Well, not right....

Ed Meehan: Well, a couple of inches off the building?

Paul Bianca: Yeah, maybe a foot here, and two feet over here.

Ed Meehan: And the total height won't be more than eighteen feet.

Paul Bianca: Right.

Ed Meehan: You are showing sixteen here, a twelve foot pole and a four foot sign.

Paul Bianca: Yeah, it won't exceed sixteen feet.

Ed Meehan: It meets the square footage requirements, it's a total of forty-eight square feet and the building can carry up to seventy-two square feet, so that part is okay, and as long as it's not over eighteen feet, the top of the sign, it meets the standard for a pylon sign, internally lit.

Chairman Camilli: It's very creative.

Commissioner Fox: Through the Chairman, Mr. Bianca, it says here on this little photograph, it's ten inches from the building, Is that from the corner of the building, or from the south face...what I am getting at is parking and safety was mentioned, I don't know, it seems as if that corner there, on a busy night, you know, people if they are going to park in there, there's one, two, maybe three spaces, how are you going to keep people from bumping their front bumper into it. Is it past the sidewalk, or....

Paul Bianca: You've got cars that are over here, parking over here, that was the whole idea of bringing it in, so that cars wouldn't.....

Commissioner Fox: You need a little jersey barrier.

Tom Morikis: Just to answer your question there is actually cement blocks here to stop the car from moving any further.

Paul Bianca: That was the whole idea, say coming through here, and if you put it over here, somebody would bump into it. So we want to bring it in enough so somebody won't hit it.

Chairman Camilli: That was my concern. Any other questions? Aesthetically, how this thing is going to look would be the only other concern, but I don't know if we have any review of that.

Ed Meehan: Well, I think it will be cleaner looking than the prior roof sign with the various brackets hanging on. As long as it doesn't exceed the dimensional requirements, there is no other location on this site for a free standing pylon sign without interfering with the driveway or going into the state right of way. I think the property owner is fairly constricted here. As Commissioner Fox pointed out, it's tight when you pull in there.

Chairman Camilli: Oh, I know. Okay. This is a public hearing, anyone from the public wishing to speak for this application. Against? We will close Petition 73-06. Thank you.

Paul Bianca: Thank you.

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

None.

IV. **MINUTES**

Regular Meeting, November 8, 2006.

Commissioner Pruettt moved to accept the minutes of the November 8, 2006 regular meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with six voting YES.

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW BUSINESS**

A. **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 Wolfgram, request for Site Plan Modification, CD Zone District.**

Alvin Wolfgram: For the record, my name is Al Wolfgram, A-L Consulting, representing the applicant, the owner of Bel-Air Manor. Mark Petrin is our project architect, and Mr. Diaz in the back is our project administrator. Quickly, we are proposing renovation to the existing Bel Air Manor, and what we are asking for, what we are proposing is taking away some existing parking which happens to be outside the property line. Apparently when this went through before, that wasn't caught back in '95 or '98. We're widening parts of the driveway to twenty-four feet, here and twenty-four feet here, and adding a little pavement back here to accommodate that twenty-four foot width. We would like to add a small part to a building here to increase the kitchen area; we'd like to add a feature, a wing to the front of the building, and Mr. Petrin will get into that in

more detail. It's important to say that we are not adding any beds to Bel Air Manor. This is going to allow us to increase the size of the beds in the other parts of the facility. Part of this, where the existing end of Bel Air Manor is there is a driveway access for ambulances. We are planning to take that away, and move it more towards the main road so that we can have the ambulance entrance into the new wing addition. In order to make setbacks work, this is a separate piece of property at this time, owned by one of the owners, we're proposing to add that into the main parcel, so the setbacks will not be an issue right here. We are proposing an extension for a fire lane going behind the building, if that meets with the Fire Marshal. One other thing, on the call of the meeting, it says that this is a CD District. I believe this is R-20.

Ed Meehan: CD.

Alvin Wolfgram: Over there I believe it is R-20. We're right here, this is the church.

Ed Meehan: You're correct.

Alvin Wolfgram: Just wanted to clarify that point. You can see on this drawing, this is Bel Air Manor, and there are two out parcels here in front, and each one is owned by an owner of Bel Air Manor, we are going to take this parcel, and incorporate it into this one so we can meet our setback requirements. With that, I would like to turn this over to Mr. Petrin to explain the interior renovations that are going to occur.

Mark Petrin: For the record, I'm Mark Petrin, the architect of the project. We came before this Commission, I think it was in 1999, and we added a wing to the existing building, which was right here, and at that time, we renovated three quarters of the building. At the present time we have an existing wing which has not been renovated, and really doesn't meet the requirements of the public health code. Doesn't have the required toilets, the required square footage for the rooms. The owners, the Spriglios, want to bring the building up to code, and make it a better residence for the people that they serve, so we are going to renovate this existing wing, and we are going to go from, I think it's twenty-two beds down to eleven beds and these are all going to be single rooms with bathrooms. We are going to take those additional beds and we are going to build a new wing onto the existing wing. We are going to take half of those beds and move them over here, and make these more in keeping with what the residents and what the marketing is looking for, which is, larger rooms, showers, toilets, larger corridors, something more on the lines of assisted living than a nursing home. So, that was the goal, to build this wing to make it more assisted living like. The, I don't know if you can see this, but this is an enlarged plan of that wing. What we have tried to do is instead of keeping the corridors at eight feet wide, we have gone to ten foot wide, and we have brought light in, as you will see, I have a cupola on this roof which we are going to bring the light into the corridor, so we have, it's not a dingy, dark corridor, and then we are going to open up these areas, and bring light into these areas. We are going to give them additional lounge space. One of the issues that we had in the old Bel Air Manor is down in the existing basement, they had their recreation room, and they had a very small PT room. It didn't meet the requirements of the code. We are going to renovate that lower area for recreation, and what we are going to do in the new wing, on the lower floor, is the access from, the site slopes away, on that lower floor, we're going to build a brand new PT-OT area, just for this facility, and we are going to have state of the art physical therapy area, in which we are going to have, we are even going to have a car in there, we're going to bring in an old car, and renovate the car and use it for OT, and that is going to be one of the features here. We are going to have a swim-x unit. I don't know if you are familiar with a swim-x unit, it's like a therapy pool. It's about, it sits up about this high, and it has different stations around it for, with different aqua therapies and they bring the people in and they have like a little lift and they use it for physical therapy. It's very, it's really state of the art, and that is what the Spriglios want to do with this facility, they want to bring in

state of the art PT, state of the art rooms, they want to make it more assisted living. That's their goal. The exterior of the building, right now the exterior of the building is brick, and effus, with pitched roofs, and you know some nice screening up here. We, what we want to do is to extend that look, over to this building, bring the line of brick across here, and down to the lower level, continue the effus over here, build a cupola up above which actually filters the light down into that corridor space, and we also are going to build a roof top screening area, as we are going to have our HVAC units up on that flat roof, and we will screen those from view like we did on this side over here. One of the interesting things that we have been doing lately, the Spriglios own, I want to say about seven facilities now and we are renovating all of them, and making them more assisted living like, one of the things that we are going to do is, the rooms themselves are going to be completely independent. In other words, we are going to, within our rooms you are going to have showers, we're going to have all of the built in furniture, we going to have a little area for a refrigerator, we're going to have like a little nourishment area, we are also going to build washer, have you ever seen the washer dryer units they have in boats? They are the single units. We actually are going to include those in here too, so all the services will be self contained in those units. That is essentially why we are planning to renovate and add on to Bel Air Manor. Any questions?

Ed Meehan: To the engineer, are you going to re-file a new deed and map for this.

Alvin Wolfgram: Yes we are. We have the map, the survey map is incorporated with that, and we will have the deed which we will file with that. That drawing there is (inaudible)

Ed Meehan: Okay, so you are going to file a new map.

Alvin Wolfgram: I forgot one thing on the site plan, screening wise, currently there is a row of evergreens here, and there is a row of pine trees in here, we are going to save as much of this row as we can, so we still have the screening from New Britain Avenue, to screen this development over here.

Chairman Camilli: It seems to me that it is pretty straight forward, as far as drainage, the road in the back, everything seems to be okay?

Ed Meehan: The improvements in back to widen out the travel way and straighten out the parking are good improvements, particularly the travel way, to get in there.

Chairman Camilli: Does the Fire Marshal have to.....

Ed Meehan: I want him to look at the proposed grass paving blocks are.....

Alvin Wolfgram: Well, on this one we are proposing a thick base of gravel with top soil grass over it, but we could do the paving blocks, you know, that's common. We can do that to make sure that there is a structural surface here that you can clean at any time, that's not an issue.

Ed Meehan: What is the grade over here? You're looking at about an eight foot rise, on a curve like this.

Alvin Wolfgram: It's in the back of my mind, not in the front of my mind. We tried to make it as shallow as we could, so we can get access into the wing. It meets your requirements, I know that.

Ed Meehan: I think I would like to have Mr. Schroeder look at this, just to make sure.

Alvin Wolfgram: Certainly, like I say, paving blocks are okay, it's not an issue with that.

Chairman Camilli: Just out of curiosity, nothing to do with this application, are you changing the focus and making it more assisted living, rather than a convalescent hospital.

Mark Petrin: I'll answer that question. I do a lot of health care work, that is clearly my forte. What is happening in the industry is, if you take your mom and dad to a facility like, most of these facilities were built in the '70's, you are not going to feel very good about yourself, what you see there. I mean they are basically barracks with a room, and they are not very pretty. Recognizing the fact that the population is getting older, and marketing forces are changing, my, the people that I work for, the different nursing homes, they realize that if you want a room, marketing forces come into play. You want a nice room. You want it to feel like the bedroom that you left at home. You want a nice bathroom, you want a nice wall covering, you want to feel comfortable there. My clients feel that that is their focus, that is what they want to bring to the public.

Chairman Camilli: And these are for permanent residents, not just.....

Mark Petrin: Nursing home residents. We already have the short term PT wing there already in the wing that we built.

Chairman Camilli: I'm curious because a number of our Commissioners are getting older and....

Mark Petrin: This is just one aspect, I could lecture about this, but what is going to happen, is it will be in the future, it will be all single rooms. There will be no double rooms in nursing homes and you will see a lot of nursing homes not, you know, have to close down, because people just will not, they will not go there. What is happening is, the assisted living and the nursing homes are kind of merging, and people are saying, well, if my nursing home room looks as nice as my home, or as an assisted living room, why wouldn't I want to spend the money there, knowing that I am getting twenty-four hour care, and services, and having all of these services available instead of going to an assisted living where I don't have that. That's kind of it.

Chairman Camilli: Is that going to drive up the cost?

Mark Petrin: Cost of, well I don't know if you know this, but the DSS budget, nursing home, that is one of the biggest parts of our budget in the state, I don't know if you knew that or not, and the question is, I don't want to get into a philosophical discussion, but if you don't take of your elderly, what kind of society are we? You know what I'm saying?

Chairman Camilli: Any questions, any other questions? Thank you.

Alvin Wolfgram: You'll be in touch with the Fire Marshal, will you call me?

Ed Meehan: I'll call you.

Alvin Wolfgram: Thank you very much.

Chairman Camilli: We have one of our Commissioners who requested that we try to keep this meeting so that he could be here for some of the voting.

Commissioner Cariseo: Before you get into Old Business, since I missed the last two meetings, I am going to recuse myself and abstain from voting on all of Old Business this evening.

Chairman Camilli: Okay.

Chairman Camilli: Before we get to Old Business, I would like the Planner to, we'll start with Petition 33-06, 34-06 and all these petitions, and go over, summarize for us before we go any further on this, what has transpired so far, so that the Commissioners have a better idea as to what is going on.

Ed Meehan: These petitions go back to July 12th, when the public hearing process started on the Hunter Development project known as the Cedar Mountain, LLC, Lowe Manufacturing site. The applicant is asking for two zone amendments, one is to change the current I Industrial Zone for the 8.9 acre parcel to the Berlin Turnpike Business Zone, and the Commission conducted public hearings on that, and introduced into the record referral reports from Capitol Regional Council of Government, which in its advisory report found no inter-town conflicts. It was also referred to the Town of Wethersfield, we have not received any comments from Wethersfield on this project, either relative to the zone change or to the site development plan.

The basic position of the applicant's attorney, Mr. Randich, when he presented the reasons for the zone change, he offered that it extended and furthered the Plan of Conservation and Development for this area, and that the Berlin Turnpike designation would be compatible with the properties across the street that are already in the Berlin Turnpike zone, and expands the range of uses for this site from Industrial to commercial oriented uses, including the hotel use, which is not permitted in the Industrial Zone.

The second petition 34-06 is a request to increase the height and stories of hotels in the Berlin Turnpike Business Zone. The way that the regulations in Newington are constructed, this would also pertain to the Planned Development Zone. Both those zones, as the Commission knows, cover the three, three and a half miles of the Berlin Turnpike in Newington and there are sections of the Planned Development zone that are also in place along some of the more heavily traveled side streets off the Berlin Turnpike, Pane Road and sections of Cedar Street, is in the Planned Development Zone. This would change the design schedule to go to four stories. That also was submitted to CRCOG and no adversarial comments were received from CRCOG, or the Town of Wethersfield on that change.

The next series of petitions are the development petitions which Hunter has presented to the Commission. I'll go through these one by one. The first one is the gasoline service station, proposes a twelve pump service station for this project. It would occupy about, a little over an acre of the site, the westerly side of the site.

The next use is the restaurant, which also requires a Special Exception. It would be a sit down, full service restaurant, occupying the southeast corner of the site, just at the corner of Russell Road.

There would also be a request for a, this is under the site plan, for the whole project, which encompasses all of the developments, the site plans shows a free standing bank, with a drive through window, at 3,000 square feet and then the 9,000 square feet of retail, which is the central part of the site, and the hotel, the one hundred room hotel and banquet area at the north side of the site, next to Jensen Machine.

I think the Commission, in looking at this project, conducted a site walk, at a Wednesday evening, at peak hour, and was basically taken with the traffic concerns, particularly the traffic coming off of Russell Road and on East Cedar Street. As residents of Newington know, this is a high volume area. Average daily traffic is about 30,000 vehicles per day, and in the peak hour in the afternoon is considerably higher, two or three thousand trips an hour, sometimes coming through that area.

Saturday the peak hour switches to mid-day and the vehicles per hour because the commuting traffic is not as severe on Saturday, is not as high. The Commission did ask for a peer review and we retained GM2 Associates to look at some of the traffic report information and methodology, that the applicant's traffic engineer followed and confirmed that the process that the applicant's engineer followed was correct and met ConnDot standards, but as the Commission mentioned at the public hearings initially, I think there has been a lingering concern about the gas station, 12 pump gas station at this location. Of the uses that this mixed use development would

introduce to this area, the gas station has a peculiar type of traffic development and characteristics. Gas stations, by their nature attract a fair amount of pass by vehicles which are already on the street, and with the formula that ConnDot permits I believe the traffic engineer for Hunter used about forty-five percent ratio of pass-by trips.

The other uses don't have the same high pass-by attraction level. Hotels are basically neutral, because they are a destination, the retail, the new retail there wouldn't have necessarily a high pass by traffic attraction, but as a new use, it would attract new cars or new trips through the intersection. I think the critical thing that the Commission needs to talk about under the gasoline station special permit is the traffic aspect and what your comfort level is with the gas station at this location, particularly because of its pass-by trips, and the number of new trips that it could generate. Of the uses, of the uses that I mentioned, the gasoline station is somewhat unique in that it attracts, I think it's about over half of the peak hour trips on a Saturday, over a third on Friday afternoon, so it is by itself, a traffic generator.

The other uses on this site, I would say are neutral, they don't really have an impact on this intersection. The one exception might be the retail on a Saturday afternoon. So looking at this overall development from a traffic point of view, knowing the area as you do, driving through it, having the benefit of the applicant's traffic report as well as your own engineer review, I think you have to decide, you know, is this going to be a safe intersection, given what the applicant has asked for. They have responded, I could put the plans up, with some roadway improvements to the ramp coming off of Russell Road, they have addressed the issue of the right turn in and the right turn out, they are just going to limit it to a right turn in, and they are talking about two through roads now on Cedar Street with a dedicated left hand turn lane. They believe this will work. We know that the speeds out there are well over the posted speed limit, I think the eighty-fifth percentile is up to fifty, fifty-four miles an hour, pretty fast. Those are issues that I think the Commission has to talk about from your perspective. I'll answer any questions or try to give you some technical answers to anything you may have.

Chairman Camilli: Are there any questions.

Ed Meehan: I will put the site plan up, and here are pictures of the development here. As I said, this started in July and has gone through a lot of changes throughout the process, from July to where we are today. This is the latest version, dated September 25th, which represents, the land uses haven't changed, the layout of the parking and the offsite roadway changes have been modified. The layout is pretty much the same.

Chairman Camilli: I have a technical question. If the, whatever happens with the Conservation Commission, we know what happened so far, if the applicant addresses the concerns of the Conservation Commission, and changes the site plan, do they have to come back before us?

Ed Meehan: Yes. I'm not sure what the Conservation Commission is asking for, that will be discussed tomorrow night I believe, but if you were to approve this site plan, and the changes that the Conservation Commission require the applicant to move buildings around or roadways around, they would have to come back to your board for a site plan modification, and that is really the purpose of the Connecticut statutes, the way that they are set up, is to have a coordinating land use review as projects go through, and this one has gotten out of sync, and it's out of sync tonight because of the way that the meeting schedule happens to fall, which is unusual at this time of year. You have gotten a legal opinion from your Town Attorney that their jurisdiction doesn't trump your decision, but, to answer your question, they would have to come back and address their changes with you at that point in time.

Chairman Camilli: Okay. Any other questions?

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.**

Commissioner Ganley moved that 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 be approved the Commission finding that the rezoning furthers the Town Plan of Conservation and Development "gateway properties" vision that obsolete industrial uses be redeveloped and replaced with land uses consistent with the surrounding area and commercial character of the Berlin Turnpike corridor.

The Commission also finds rezoning to the B-BT District expands the ranges of land uses that may be developed at this very visible turnpike interchange area. The classification to the B-BT District will permit regional scale uses that are more appropriate at this location than industrial uses.

The effective date of this Zone Map Amendment from I District to B-BT District shall be the date of signing of site plan mylar by the Commission Chairman.

The motion was seconded by Commissioner Pruett.

Chairman Camilli: I just want to make the Commission aware that if we grant this that means not only for this application, but for any other application that comes before us, the zone has been changed. So what we are doing in effect, it's more generic than just this application. Just so you are aware. Any other discussion?

The vote was in favor of the motion, with five voting YES and one abstention (Cariseo.)

Chairman Camilli: Motion passes.

- 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.**

Commissioner Schatz moved that 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 be approved the Commission finding that this height standard is consistent with Planned Development District's standard for structures along the Berlin Turnpike corridor.

The effective date of this amendment shall be January 15, 2007.

The motion was seconded by Commissioner Pruett.

Chairman Camilli: I have one question again, what about the heights, does this apply to any other application.

Ed Meehan: This will apply, this new standard, if it is adopted, will apply to any hotel use in the Planned Development zone, or the Berlin Turnpike Business Zone. They could petition up to four stories. It's going to be, a factor of that height will depend on the size of their site and what they can accommodate for coverage and parking and so forth.

Chairman Camilli: Just so the Commission understands that. Any other discussion?

Commissioner Fox: Ed, you said any other hotel use, now, a while ago there was, where Shaw's is, there was the issue with the apartments, would that be the same thing?

Ed Meehan: No, those were residential.

The vote was in favor of the motion, with five voting YES and one abstention (Cariseo.)

Chairman Camilli: Motion passes.

- 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.**

Commissioner Fox moved that 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 be denied the Commission finding:

1. The use of this property for a 12 pump gas station is not appropriate or compatible with the Town Plan of Conservation and Development's vision for a "gateway" site. Zoning Regulations Section 1.1.8.

2. The applicant has not demonstrated that there is a need for a 12 pump gas station on this location. Zoning Regulations Section 5.2.6 (A).
3. A 12 pump gas station use will add more traffic to a roadway that already experiences very high daily and peak hour trips, excessive travel speeds and high accident levels.

A gas station use, with the possibility of a food drive through service window, could add 110 cars, 25% of the mixed use development's Friday peak hour trips and 85 vehicles at Saturday peak hour, 20% of the development's traffic increase. Additionally, the gas station would attract almost half of all "bypass" vehicles to this development on Friday and Saturday peak hours.

On a daily basis a 12 pump station at this location could generate almost 3,000 cars per day, 44% of the development's weekday traffic and 5,000 cars, 54% of the development's Saturday's trip generation.

Because of the high traffic volumes that a 12 pump gas station use could generate at this location, the Commission, based on the applicant's traffic data and having personal knowledge of the traffic on East Cedar Street and the Russell Road area, concludes that for the safety of the public a gas station use should not be permitted as a component of the proposed mixed use development. Zoning Regulations Section 1.1.1 and 1.1.9.

The motion was seconded by Commissioner Ganley.,

Commissioner Schatz: I would go along with the draft motion due to the fact that we have a gas station at one end of 175 down there and we might be generating another one at the other end of 175. It's almost like putting a bad tooth in a sore mouth, from what I can see from the other gas station.

Chairman Camilli: Any other comments?

Commissioner Fox: I think in addition to the fact, or the comments that Commissioner Schatz made, one of the major concerns that we have had in discussing the top of East Cedar Street was traffic, not only the volume clogging traffic, you know, giving up long queues and everything, was safety. If this gas station were to be approved, the exit and entrance ways would be right at the point where people would be starting to come down the mountain, and during bad weather which we get enough of up here, that could result in a number of accidents.

Chairman Camilli: Okay, anyone else?

Commissioner Ganley: Yeah, I think we said it all at our November 8th meeting. I refer to the minutes, beginning on page 32, Commissioner Kornichuk, who is not here, but his comments are in the minutes, he has a problem with the gas station; Commissioner Fox, his issues are the same as Peter's, referring to Commissioner Kornichuk; Commissioner Pruett, concerned especially if the gas station is there; my comments, essentially the same, I checked the minutes, I raised this four meetings ago, relative to the traffic; and then concluding with, on page 33, Ed Meehan, the gas station may be more of a traffic generator than we want there. So I think we have fleshed out the discussion as regards that particular gas station. I'm satisfied that we have given this as fair a review as we can.

Commissioner Pruett: I concur with the other Commissioners, also the fact I think, by taking the extra step which I encouraged in the minutes, of getting another traffic study to concur with that, I

think that we dissected this very fairly and have come up with a sound decision for the safety of the people traveling Route 175.

Chairman Camilli: I have a statement I would like to make and put into the record. Although the applicant has made some adjustments to improve the traffic flows on Route 175, I don't believe a gas station at this location is warranted. Improvements will help mitigate some of the traffic concerns with the addition of the buildings on that site, the hotel, bank, retail uses and retail stores. The gas station will generate more ingress and egress, in and out from that site than any of the other uses. It would also generate a lot more trips, vis-à-vis what Ed had said before. Route 175 which is an east/west corridor for people trying to get from I-91 to Route 9, is already a dangerous route, which is over utilized. It will become more precarious to the health and safety of not only Newington residents but the traveling public. The volume is over 30,000 cars a day, the steep grade and the actual speed limits which the Planner also alluded to, which are approximately, I think the posted speed is forty miles per hour, and the actual speed is about fifty-three miles per hour. When we took our field walk, you know how fast those cars were traveling by there, which causes a great deal of concern. That led to the number of accidents and that is why it makes it dangerous. I think it averages to about thirty-three accidents there every year. A hundred and one, over three years I think was the report that we got. The gas station will not only be the highest trip generator at this site, between forty-four percent and fifty-four percent on Friday and Saturday, but it will also attract the most pass-by trips of peak hours, ninety vehicles per hour on Friday, and eighty-four vehicles on Saturday. Although the gas station will cause a significant number of new trips, one hundred and eleven at peak hours, and on Friday and one hundred and two peak hour trips on Saturday, I believe the gas station would be a detriment to the health and safety of the public.

The vote was in favor of the motion, with five voting YES and one abstention (Cariseo.)

- 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.**

Commissioner Pruett moved that 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, be approved. In granting this approval the Commission finds that the applicant has adequately demonstrated compliance with the Special Exception standards of Section 5.2 and parking requirements for restaurant uses as set forth in Section 6.1.1.C.

The approval is conditioned on:

1. The restaurant being not larger than 5,300 sq. ft. and located in the southeast corner of the development tract as shown on the "Proposed Layout Plan" Sheet C-2, prepared by Allen & Major Associates, Inc., scale 1"=40' revised dated 9-25-06.
2. The restaurant shall have a brick exterior and be consistent with the architectural elevations submitted to the Commission entitled "Proposed Restaurant" Hunter Development Company Shoppes at East Cedar Street, dated 7-20-06, Sheet A 1.1 and A 1.2 prepared by Brown Lindquist Fenuccio and Raber Architects, Inc.

The motion was seconded by Commissioner Ganley.

The vote was in favor of the motion, with five voting YES, and one abstention (Cariseo.)

- 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 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 be approved with the following findings and modifications:

Findings:

1. The Commission has approved the rezoning of this 8.9 acre parcel to the B-BT Business Berlin Turnpike District which permits the development of a variety of commercial uses which the Commission finds appropriate at this "gateway location" and compatible with the surrounding area.
2. The Town Attorney has advised the Commission that it "has to give due consideration to the report of the Inland Wetlands Agency, it is not bound by it." (Steven Nassau, Town Attorney, November 1, 2006.) The Commission acknowledges receipt of the Inland Wetlands Agency's report, dated October 20, 2006, stating the "application {Hunter Development Company, LLC} did not receive four (4) favorable votes, the application failed to be approved."
3. The applicant has been responsive to the Commission's questions and comments regarding revisions to the project layout. The development plans which are approved by the motion are entitled (1) Proposed Site Plans Shoppes at East Cedar Street" revision 1 issued for Planning and Zoning Review: August 11,2006, as amended by revisions dated, 9-25-06 Sheet C-2, prepared by Allen & Major Associates, scale 1"=40'. (2) "Conceptual Improvement Plan East Cedar Street (Route 175)" prepared by GP Greenman-Pedersen Inc., sheet 1 of 1, dated 9-18-06, scale 1"=40'. (3) Architectural elevations for proposed bank, proposed hotel, proposed retail, and proposed restaurant, prepared by Brown Lindquist Fenuccio & Raber, dated 7-20-06, scale 1/8"=1' and 1/4"=1'.

Modifications:

Prior to the Commission Chairman signing the site plan mylars the following modifications shall be made:

1. The proposed gas station/convenience store is not approved and shall be removed from the plan sheets.
2. Notation added that all building roof drains shall be connected to the site's storm water system.
3. Notation added that the developer's engineer shall certify to the Town Engineer that the storm water management system has been constructed in accordance with the approved plans.
4. Notation added to plan sheets for driveway easement to N/F Jensen Machine Company, Russell Road.
5. Notation added to plan sheets that the Commission reserves the right to require screen wall for the restaurant dependent on final layout and architecture.
6. Notation added stating the developer has presented a unified architecture design theme showing buildings with brick façade, clapboard siding, and stucco finishes. Changes to this design theme shall require the submission of revised elevations for the Commission's approval prior to the issuance of building permits.

The motion was seconded by Commissioner Pruett. The vote was in favor of the motion, with five voting YES and one abstention (Cariseo.)

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 Schatz 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 December 13, 2006.

The motion was seconded by Commissioner Fox. The vote was in favor of the motion with five voting YES and one abstention (Cariseo.)

- 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. Hearing closed November 8, 2006. Sixty five day decision period ends January 12, 2007.

Commissioner Fox moved that 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 M. Carlson, P.E., Fuss & O'Neill, Inc., 145 Hartford Road, Manchester, CT 06040 request for Special Exception Section 3.19.3 retail use over 40,000 sq. ft. PD Zone District be approved the Commission finding that the development plans complies with the general Special Exception standards, Section 5.2; the 15% landscape requirement Section 6.1.3; and a traffic impact analysis has been submitted with proposed recommended mitigation measures.

It is a condition of this special exception approval that the applicant shall within six (6) months of Certificate of Occupancy for the Sam's Club warehouse store re-evaluate the post development traffic at the Town Intersections of Pane/Maselli, Church/Rowley and Kelsey/Church/Pane and report its findings and recommendations to the Town Planner. The Commission reserves the right to require additional improvements or changes, as deemed necessary due to this development's traffic. The cost of any additional improvements or changes shall be borne by the applicant.

The motion was seconded by Commissioner Pruett. The vote was in favor of the motion, with five voting YES and one abstention (Cariseo).

- G. **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. Hearing closed November 8, 2006. Sixty five day decision period ends January 12, 2007.

Commissioner Pruettt moved that 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 be approved based on the following:

- A. Revised architectural elevations prepared by William Parrish, Design Development Consultants, Inc. dated November 8, 2006.
- B. Revised site layout plan Sheet CS.1.2 dated 11-6-2006 showing the location of the fuel area setback 75' from the Rowley Street right of way.
- C. The revised layout complies with the location and separation standards set forth in Section 6.11.

The motion was seconded by Commissioner Fox. The vote was in favor of the motion, with five voting Yes and 1 abstention (Cariseo.)

Chairman Camilli: Five aye, one abstain, motion passes.

- H. **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. Sixty-five day decision period ends January 12, 2007.**

Commissioner Ganley moved that 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 be approved based on the following:

1. Site plans entitled "Newington Power Center Berlin Turnpike" prepared by Fuss & O'Neil, scale 1"=40' revised dated through 11-8-06 and architectural elevations Sam's Club Warehouse Store and Fuel Station prepared by William Parrish, Design Development Consultant, Inc., dated November 8, 2006.
2. Prior to the Chairman signing the Site Plan mylars the "Memorandum of Understanding For Drainage" Sheet G1.1.5 and "Memorandum of Understanding Snow Plowing" Sheet G1.1.4 shall be approved by the Town Attorney. These memorandums are for the Maselli Road terminus at the northwest corner of the property.
3. The light fixture and pole design shall match the existing styles, maximum height shall not exceed 20".
4. The Inland Wetland Agency's Plenary Ruling Application No. 2006-9 is acknowledged and made a part of this site plan approval.
5. The applicant's engineer shall certify to the Town Engineer that the storm water drainage management system has been constructed in accordance with the approved plan. This certification shall be provided prior to the issuance of the Certificate of Occupancy for Sam's Club warehouse store.

The motion was seconded by Commissioner Pruett. The vote was in favor of the motion, with five voting YES and one abstention. (Cariseo.)

Chairman Camilli: Five aye, one abstention, motion passes.

I. 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. Wetlands Report required. Sixty five day decision period ends January 12, 2007.

Commissioner Schatz moved that 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 be approved the Commission finding that the property owner's consultant, TRC Environmental Inc., has demonstrated that the removal of approximately 675 cubic yards of contaminated soil is necessary; and, further a remediation plan is in place to quickly restore these properties with minimal disruption to the surrounding area.

The Inland Wetlands Agency Permit No. 2006-21 is acknowledged and made a part of this approval.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion with five voting YES and one abstention. (Cariseo.)

- J. 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. Hearing closed November 8, 2006. Sixty five day decision period ends January 12, 2007.**

Commissioner Fox moved that 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, Berlin Turnpike frontage and ground sign, Kitts Lane frontage be approved.

The total square footage of each sign shall not exceed 152 sq. ft.

The height of the Berlin Turnpike sign shall not exceed 18'.

The Kitts Lane sign shall be positioned on a brick monument base with brick columns. The location of this sign shall be determined in the field based on the provisions for safe sight lines at the Kitts Lane driveway.

The motion was seconded by Commissioner Pruet. The vote was in favor of the motion with five voting YES and one abstention. (Cariseo)

Chairman Camilli: Five aye, and one abstention, motion passes.

- K. 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. Sixty five day decision period ends December 1, 2006.**

Commissioner Pruet moved that 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 be approved based on project plans entitled "Aldi Inc. South Windsor prepared by WD Partners, scale 1"=40', revised dated November 16, 2006, and revised building architectural elevations dated November 16, 2006, Sheet A 2.1b.

1. Waiver of 25' landscape buffer is granted along the south property, for a distance of approximately 100'. A minimum 12 ½' buffer shall be provided in this area and the slope terraced with retaining walls to maintain as much of the existing trees as possible. The Commission reserves the right to require additional plantings along the southerly property line if it determines the remaining buffer, after site regarding is insufficient.
3. Prior to the Commission Chairman signing the site plan mylars the lighting standard and fixture detail shall be added, maximum height not to exceed 17'.

4. Prior to the Commission Chairman signing the site plan mylars the front lawn area to be irrigated shall be shown on the landscape plan sheet, L1. The irrigated area shall include the perimeter of the front parking bay out to the Berlin Turnpike Section 6.1.3 (N).
5. Prior to the issuance of the Certificate of Occupancy, the project engineer shall certify to the Town Engineer that the site storm water management system was constructed in accordance with the approved plans.
6. The design and certification of the retaining walls shall be submitted to the Town Engineer and Building Inspector prior to construction.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: My one question on retaining walls, did you get how they were going to be constructed there? My experience with retaining walls, is sometimes if they are not done properly, they can collapse. It's a pretty steep area there.

Ed Meehan: What we are asking them to do here is, they will probably have the manufacturer, like Versa-Lock, or Keystone, the manufacturer will design and certify the wall, and have that certification brought in to the building department when they get their permits for the wall. The grading in that area has to be fine tuned a little bit, before they bring the mylars in for you to sign, also, so that is how we would work this, and the walls, if they are over a certain height, will require a building department approval.

The vote was in favor of the motion, with five voting YES and one abstention (Cariseo)

Chairman Camilli: Five ayes, one abstention, motion passes.

**Bond Reduction
Strawberry Lane Subdivision**

Commissioner Ganley moved that the bond amount of \$57,000 be reduced to \$14,000 the developer having completed \$43,000 of improvements to the satisfaction of the Town Engineer. The reduced bond balance shall be held until the subdivision street is approved for acceptance and a one (1) year maintenance bond is posted with the Town Manager.

The motion was seconded by Commissioner Pruett. The vote was in favor of the motion with five voting YES and one abstention. (Cariseo.)

Chairman Camilli: One abstention, motion passes.

**Bond Release
Whitewood Subdivision
Cedar Street and Maple Hill Avenue.**

Commissioner Schatz moved that the bond amount of \$38,700 be returned to Cameron Realty, LLC developer of the six (6) lot Whitewood Subdivision. The release is based on deletion of the sidewalk along future relocated Maple Hill Avenue (waiver approved by TPZ 10-11-06), completion of remaining work items and certification of the project land surveyor that lot pins and monuments are installed.

The motion was seconded by Commissioner Pruett.

Chairman Camilli: My only question to the Town Planner is, if at some point, I guess it would be the Council and the State got together and they decided to re-align Maple Hill Avenue with Alumni Road, and that goes through, would we be able to, whoever is there at that time, get that sidewalk and do what we wanted to do there?

Ed Meehan: The bond, the money won't be there to build the sidewalk. The grade and the space within the right of way will be available, but the cost of the sidewalk about \$20,000, with that project not going forward, four years ago, five years ago, we have lost that opportunity. Under the statutes, the developer has five years to complete the subdivision. We are coming up on that five years and without that road project being relocated over, they can't complete the sidewalks.

Chairman Camilli: It certainly isn't fair to the developer, however the sidewalk would be of some value if the alignment ever took place.

Ed Meehan: It's a goal in your subdivision regulations, where you have arterial and collective streets, is to get a sidewalk on both sides of the street now. Newington is getting built out, like Maple Hill, there are some sidewalk gaps, but it is preferable to have sidewalks on both sides, particularly in this area, where we want to bring pedestrians to a new traffic signal, to cross at the traffic signal.

Chairman Camilli: So are you saying, in an oblique way, that the town would have to pay for the sidewalks?

Ed Meehan: The town would have to pay for it, unless they could prevail on the State of Connecticut and put the money in the project. The State doesn't usually build sidewalks in their right of way. They will replace a sidewalk that is there, and damaged by an expansion, or realignment, but if the sidewalk is not there, the municipality pays for it.

Chairman Camilli: Before we reduce this bond, could they put the sidewalk in now?

Ed Meehan: No, because it would lead pedestrians to an area where there is no traffic signal, and on Cedar Street, we don't want that to happen.

Chairman Camilli: Okay, so it's a safety issue.

Ed Meehan: Yeah, a safety issue, a sidewalk to nowhere, really.

Chairman Camilli: Okay, I was just trying to save the town some money if we could, but it doesn't appear that way.

The vote was in favor of the motion, with five voting YES and one abstention (Cariseo.)

VIII. PETITIONS FOR SCHEDULING (TPZ December 13, and January 10, 2007)

- 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 December 13, 2006.
- B. 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

- C. 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.
- D. 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.
- E. PETITION 76-06 647 North Mountain Road, Knights of Columbus owner, Bochasanwasi Shree Akshar, Purushottam Swaminarayas Sanstha – Northeast applicant, represented by Vasant Patel, 58 Barry Place, Rocky hill, CT 06067, request for Special Exception Section 3.2.1 Places of Worship, I Industrial District. Schedule for public hearing December 13, 2006.

Chairman Camilli: Petitions for Scheduling, do you have any more?

Ed Meehan: We have one that come in after the agenda went out, it's for Pfister Drive, 33 Pfister Drive. It was an application for a Special Exception for an in-law apartment. The in-law apartment is already there, it was approved originally when the house was built. These are new houses down on Pfister Drive and the property is being sold, the new buyer would like his parents to live in the house, but the way that the in-law Special Exceptions are written is the renewal requires a new special exception. So before they close, they would like to get that approved, and they are asking to be put on for December 13th, they have a closing some time in December.

Commissioner Ganley: What's the address once again, please?

Ed Meehan: 33, it's at the corner of Pfister and Pfister.

Commissioner Ganley: Is that the long white ranch?

Ed Meehan: Yes.

Commissioner Ganley: Okay. It's diagonally across from my son's house. I know where it is.

Ed Meehan: It's the second or third house on the left right after Fire Station 2. It has an in-law apartment, they came in when they got their, when they got their building permit and c.o. for the first part of the house, and then they came in as the owner, they bought it from DaCosta, the owners came in and got approved for the in-law, and the sellers are leaving and a new extended family wants to move in. They need to go through the process.

IX. PUBLIC PARTICIPATION

None.

X. REMARKS BY COMMISSIONERS

Commissioner Fox: I was just going to ask, if they couldn't use that as an in-law apartment, what would happen?

Ed Meehan: You mean if they couldn't find somebody?

Commissioner Fox: Yeah, what would happen?

Ed Meehan: They wouldn't use it. Well, they could use it....

Chairman Camilli: But they can't rent it out to other people.

Commissioner Fox: So, it has a kitchen in there, right?

Ed Meehan: Yeah, separate living quarters.

Commissioner Fox: Separate living quarters.

Commissioner Ganley: It's a very different building on the lot. It almost takes over the entire lot. There is a very small distance between the back of that house and the next house, which faces Pfister Drive, on the curve there. It's a very different looking house.

Chairman Camilli: The only remark that I want to make is that we have fallen behind on our Plan of Development, and we have a number of issues that we probably are going to address at some point. If you have issues that you would like the Commission to address, please either tell Ed or me, and we can try to get some resolution for them. At this point, we don't see the light at the end of the tunnel because of these applications, and I don't.....

Ed Meehan: I would like to get back on the Plan right after the New Year, because I think that you will be finished with the last big one by then, and maybe we will catch our breath. We have been keeping sort of long hand running notes on the zoning regulations, so when we get to mid-spring, maybe we can bring those through your committee process and bring some of those to public hearing and do a re-write, because we have some pieces that haven't been folded in yet, they have been adopted and made effective; you have the height of hotels, tonight; you have the residual lots re-written; you've got the theaters in industrial zones that is out there, ridge line protection. They have been adopted over the last couple of years, but they haven't been folded into a complete re-write, and there is some other fine tuning that I see needs to be done to clarify some sections that we can work on, and substively they change the regulations a little bit, but they tighten them up more often than not.

Chairman Camilli: One of the issues that I have, or am concerned about, are the issues that appear to give the neighborhoods a lot of trouble, and that is rear lots, accessory apartments, those two things, there is always an issue for the abutting and neighboring property owners. It's something that we could consider, if we take it out of the regulations, from what I understand, then it would not be part of the regulations and it could not be done.

Ed Meehan: Uses not listed are not permitted in Newington.

Chairman Camilli: Right, so those, along with, and I'm just throwing these out, as I said for further discussion would be, gas stations, auto related uses, drive through, things from my point of view, is that when this Commission sits and listens to these things, we, it seems to me that we have, we spend a lot of time on these issues. Defining what, for instance a junk yard, what is a junk yard, this kind of, maybe if we take things out, if we want to take them out, and of course we would have to go to public hearing, but these issues are issues that we could put to bed without putting them in the regulations, then in a way, it inhibits the Commission from being judgmental, let's say, in the sense you know, for a aye or a nay vote on these issues. On the other hand, it makes it rather plain that we don't want them. So that's what I think we would be struggling with

when we go with the Plan of Development. I just wanted to throw that out, if you can think of any other issues, but that's where I'm going.

Commissioner Ganley: It seems as though you are saying that some of the things might better be left to administrative review because of the way that it is written, as opposed to coming before us and formally voting on the thing, and sometimes.....

Chairman Camilli: Well, I don't know that it would be an administrative review to have a gas station.....

Commissioner Ganley: No, no, the way that the regulation reads, if we are doing something with the regulation, make it clear on its face, it may not have to get to us, to vote on, because it says very clearly thou shall, and thou shall not.

Chairman Camilli: This is what you can do.

Commissioner Ganley: Yeah. Okay. It gives more work to Ed than to us.

Ed Meehan: It's easy to tell a developer that this is not permitted any more, or if you say, this is permitted by Special Permit, and here's the standards and conditions that you have to meet.

Commissioner Ganley: And they are not hazy.

Ed Meehan: They're not hazy, and.....

Chairman Camilli: I think it would make the job of the Commission, whether I'm here, or we're here, or you're here, it would make it rather clear and one way of the other, if we want something, if you make it so, it would be administrative, it wouldn't even have to get to us, provided that is what is what we would want, in that particular zone.

Commissioner Schatz: Going back, if John Jones buys a home with a accessory apartment and really doesn't have anybody to move into it, could we require them to remove the kitchen?

Ed Meehan: I don't think so.

Commissioner Fox: That is what I was getting at.

Commissioner Schatz: I was thinking that would eliminate any renters.

Ed Meehan: That would be pretty hard to monitor. We're catching these things because sometimes a real estate agent will flag it for their client, sometimes, more often the appraiser of the bank making the loan, says before we will make the loan, you have to get your sign offs locally. That is what we are seeing more often.

Commissioner Schatz: On Maple Hill Avenue, is that sign supposed to be up or down? On that first scheduling.

Ed Meehan: The sign should still be up.

Commissioner Schatz: It's not there.

Ed Meehan: They tried to bring it into me, not knowing the hearing was going to be continued. Oh, Maple Hill Avenue, I was thinking 57 Church Street.

Commissioner Schatz: No, Maple Hill Avenue. The first, Maple Hill Avenue.

Commissioner Fox: The ten lot subdivision.

Ed Meehan: Oh, that's, they came in and took the sign out and we told them it was going to be postponed, but they still put the sign up anyway, so.....

Commissioner Schatz: I thought somebody snagged it.

Commissioner Cariseo: Did you see this?

Chairman Camilli: On the zoning enforcement, yes.

Commissioner Cariseo: Is this thing a joke, or what? I mean, look at this first one, how many times did the poor zoning enforcement officer go out there. I mean, this is ridiculous.....

Ed Meehan: This has gone to the Town Attorney, this is the motor vehicle one down on Adrian.

Commissioner Cariseo: But, I mean, how long does it take to get it there.

Ed Meehan: It takes quite a while.

Commissioner Cariseo: And why is that?

Ed Meehan: Because we have to go at least thirty days to get a violation in place, and then he can, in this case, he complies, then they come back....

Commissioner Cariseo: Is there no way that we can put something in there that says if we come back three times, and have the same problem, that bingo, you're fined.

Ed Meehan: I don't know.

Chairman Camilli: Who would make that kind of.....

Ed Meehan: Well, we are governed by the statutes on either the zoning citation process or the cease and desist process.

Chairman Camilli: Could the council make that....

Ed Meehan: No, it's statutory.

Chairman Camilli: It's statutory. And virtually every town has the same kind of problem.

Ed Meehan: We have adopted the citation process which is a little bit faster, in that you go to a local hearing appeals officer, if they want to appeal it, but signs and motor vehicles, it's like a shell game. The officer goes down because you have a violation, I'll be back in twenty-four hours, he comes back, it's moved, or sometimes he comes back and it's not moved, and he sends them a violation notice sent, VNS, they get the notice, they have seventy-two hours to comply, they call up and say, the cars are gone. He goes down, the cars are gone. He goes back a week later, the cars are back.

Chairman Camilli: There are several like this, 787 Main Street,

Commissioner Cariseo: Isn't there any way to tighten that up? I mean, this is just like a game.

Ed Meehan: I can, I think maybe West Hartford, West Hartford operates as a home rule community, not like Newington, they actually give tickets. They could have an officer write a ticket on the spot.

Commissioner Pruett: It's right in the ticket books as an ordinance, and you can check it off as a twenty-five dollar fine. It's right in the ticket book.

Ed Meehan: That may be something, through the Council you can look into, but I don't think we have the enabling statutes to do that in Newington. I think it would have to be a home rule, like Hartford, West Hartford.

Chairman Camilli: Well, what makes it a home rule?

Ed Meehan: You were created before zoning....

Commissioner Ganley: Yeah, Bridgeport, Hartford, probably New Haven, those are charter cities.

Ed Meehan: They don't operate under the Connecticut enabling statutes as far as land use and zoning?

Chairman Camilli: Is that something we should pursue?

Ed Meehan: No, you want to stay the way you are, otherwise you guys will abolish yourself.

Commissioner Ganley: The rest of the towns are what they call political subdivisions of the state, permissible political subdivisions of the state.

Commissioner Cariseo: So there is no way to put any teeth in this?

Ed Meehan: I will check on that ticket, ticket writing because I recall that some cities can do that. I'm not sure that statutorily under the Section 8-24 and 8-25 that we operate under, you can do that.

Commissioner Cariseo: But we need somehow, to be able to put some teeth into this I think. I don't know how you do that.

Ed Meehan: I think as the Chairman says, it's a scofflaw, it's a game. We used to play this game with JDC for years.

Chairman Camilli: And they technically won. Just take a look.

Commissioner Fox: I passed it today, it's the worst it's ever looked.

Chairman Camilli: Well enforcement is a perennial problem, that's for sure. This is really not, and I agree with Commissioner Cariseo, it's unfair to the enforcement officer to come up with this, and it is virtually, it appears to have no teeth.

Ed Meehan: I'll call your attention to the 29 Hopkins Drive. It's the first house on the left going in, and there was a car, it's there sometimes and its gone, it's a big sedan or something, parked in

the driveway, tires are flat, no plates. You can see how many times the officer went down there, and they would move it, and they would move it down to the parking space down the end of the cul de sac, and then the neighbors would complain, that they are taking somebody else's space and they would move it back. It finally went over to the Town Attorney, thought we had it resolved back in May, back on the site in October.

Commissioner Pruett: The police can impound that.

Ed Meehan: Well, they could placard it, they could put one of those orange stickers on it, it's got to be there for a while.

Commissioner Pruett: It's not registered, it's got to be registered to be on the street.

Ed Meehan: Yeah, it's got to be there, I think twenty-four hours?

Commissioner Pruett: Yes. Then they charge them a fee to store it. That should cure that guy in a hurry.

Chairman Camilli: A towing fee too?

Commissioner Pruett: Oh yeah, the whole thing.

Commissioner Fox: And look at 787 Main Street, the guy is actually selling used cars, for a used car dealer at the other end of town.

Chairman Camilli: Well, I think it's a very valid point.

Commissioner Cariseo: And it seems a shame. The sign thing will drive you crazy, I mean, they're up, they're down, somebody has a sale for three days, that you are not going to get to, but, the cars, he's been going there month after month after month, the people know it's a joke. So if we could hit them with a fine, you know, it's a hundred bucks and the next time you come out it's two, and then it goes to four, they would get the lesson really quick. I mean, the town is starting to look like a dump with these things parked all over the place.

Ed Meehan: I will ask about zoning tickets. There is another site up on Day Street. Day Street and Willard, cars again.

Chairman Camilli: I want to wish the Commissioners and Staff a Very Happy Thanksgiving.

XI. STAFF REPORT

A. Bond Reduction – Strawberry Estates Subdivision

Discussed under Old Business

XII. ADJOURNMENT

Commissioner Pruett moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Norine Addis, Recording Secretary