

NEWINGTON TOWN PLAN AND ZONING COMMISSION

November 21, 2005

Regular Meeting

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

Commissioners Present

Commissioner Anest-Klett
Chairman Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Schatz
Commissioner Prestage

Commissioners Absent

Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 53-05 2340 Berlin Turnpike, known as Hartford Drive In property, Toll Brothers, Inc., applicants, Honey Loew and Keith L. Hughes, as Trustees of the Elias M. Loew Connecticut Realty Trust, represented by Attorney Thomas J. Regan, Brown, Rudnick, Berlock, Israels, LLP, 85 Asylum Street 38th Floor, Hartford, CT 06103-3402 request for Special Exception, Section 3.7.1 multi unit residential development, R-12 Zone District. Continued from November 9, 2005.**

Attorney Regan: Thank you. Good evening, for the record, my name is Tom Regan, I'm an attorney with the law firm of Brown, Rudnick, LP, City Place One, Hartford, Connecticut and I'm here on behalf of the applicant, Toll Brothers. As you may remember, two meetings ago we continued the public hearing on the Special Exception in order to get a noise study done on the site which we have tonight, and in a minute I'm going to ask Tom Houley from VHB to come up and present the noise findings that he has done on the site.

One thing that I would like to note for the record since the last meeting, we took some comments that we had received from the staff, you may remember on the original site plan we had requested a waiver for the twenty-five foot setback along the southern border of the property. Based on comments that we received from staff we have redesigned that portion of the property, changed some of the unit configurations so that we now have, we now meet that twenty-five foot setback and we have officially withdrawn the request for the waiver, so that setback was met and we've given staff new sets of plans which reflect the twenty-five foot setback being met. With that, I'll ask Tom Houley from VHB to come up and present the noise study.

Tom Houley: I have a noise report here which I would like to pass out to you. Good evening, my name is Tom Houley, I'm the director of air quality and noise services for VHB. I've been with VHB a little over fifteen years, and prior to that I worked with the Federal Environmental

Protection Agency where I was responsible for all of the transportation air quality and noise work here in New England, including Connecticut. I began my career at Massachusetts highway where I ran the air and noise program.

I was asked to do a noise evaluation of this site to identify what the future sound levels would be and try to evaluate whether or not there would be any impacts and then to develop mitigation measures. As you go through the report, I'd like to begin by just giving you a little bit of background about noise so you can have a feel for some of the terms that we may talk about. The key thing is in terms of loudness. You may hear us talk about decibels and specifically all of the analysis in the report and the criteria that we are going to talk about are in what is called the DBA A weighted. There can be other weighted, but A is what is recommended by EPA, by Federal Highway, the A weighted scale of decibels is what we as humans hear best, and that is why all the criteria and analysis and the monitoring is based on that.

Also you should know that noise is logarithmic, and that means some unusual numbers in terms of addition and standards. You should know that one and one decibels don't add up to two, they add up to have to increase it by three. Also you should know that an increase of one or two decibels is just barely perceivable to us as humans, you need to have an increase of about three decibels before we would be able to say that you could hear a difference. But an increase of ten decibels has the effect of sounding twice as loud, or a reduction of ten decibels will sound half as loud. Then there is, there are perimeters of how we describe it. In terms of the highway noise, we are going to talk about L equivalent. L equivalent is simply a time weighted average. In terms of the interior noise, we compare to the HUD standards, we are going to talk about what is called a LDN, which is a L day time, night time ratio, and naturally, for inside noise, night time is more critical, so that is how we identified the key issues. So, LEQ, for outside exterior noise, LDN for day, night interior noise.

We looked at the criteria, the key criteria, we thought we went out in the field and tried to identify the criteria the best that applied to our project. We looked at the Federal Highway Administration because we have highway noise as a predominant source of noise here, we looked at EPA, they predominantly have a goal, and HUD, who has a criteria for protecting residential areas in exterior and interior, however the Federal Highway ones were selected as the exterior noise because it was a little more rigorous, and the HUD was identified as the key noise to look at in terms of interior noise.

We went out to try to establish the existing sound levels and create a procedure for calculating the build sound levels. Noise (inaudible) was conducted on the site during a peak hour period, five to six p.m. to try to identify the kinds of noises that would exist in the area, and we took readings at several distances back, concurrent with the rows of buildings, from the nearest rows of buildings to the roadway, and the second and third rows of buildings, just to get an idea of what the sound levels were there, and how would they drop off with distance.

Next we went in and consistent with the Connecticut Department of Transportation, and the Federal Highway Administration, we used what is called the traffic noise model. This is a model developed by the Federal Highway Administration released about five or six years ago, it's really state of the art and the key is that it allows us to create a three dimension model of the area since topography we felt, was an important consideration in this project. The roadway, for example, if you are familiar with the area, is on a rise as it passes the site, so that causes vehicles to act differently than if it was flat. There is a small hill, there is vegetation, and then the terrain for the site goes up slightly as you go towards the back. The model enables us to be able to put in X, Y, and Z coordinates for the terrain, for the receptors, for the roadways. While we were collecting monitoring data, we also collected traffic data. The percent of trucks is critical, the speeds of the vehicles traveling in the area is critical. With all this, we were able to create a model and using the noise monitoring data, we calibrated it for the key sites that we measured at. Then we had a useful tool for prediction for the future. It's important to note that while monitoring is wonderful, it only can tell you what is out there today, and it was important for us to be able to predict and calculate for what would be there in the future. So what the model again does is that it lets us put in things like the buildings, the terrain, the future build conditions, and enables us to evaluate that.

When we conducted our noise analysis, what we found you will see from the receptor locations that building, receptor location one, is the building that houses units one, two and three. It's closest to the roadway, it's down closest to the Route 15 roadway in terms of elevation, and the impact line for, starting with exterior sound levels now, that building, we found had levels that were just slightly higher than the standards. Let me just mention briefly that the Federal Highway has established standards for residential air/land use areas and it is, that value is sixty-seven decibels. However, Connecticut DOT says that if you approach within one of that standard they consider you to be impacted, so that is why you will see in the table there of impact numbers, a value of sixty-six. We showed you the table in there, showed you the land use at sixty-seven, but to be conservative, we used sixty-six as recommended by Connecticut DOT. So the sixty-six sound levels would pass through that building, and as you went further back, noise drops off a distance, and we found that the buildings further back were lower. Similarly, one might have thought that the buildings along the front row, all of them would have the same sound level. Well, it turned out that that wasn't true. One, because as you go to the middle building and the further building that house units four, five six, seven, eight, nine and ten, further along that way, those buildings are one, further away from the roadway, two, they are protected more by the hill that is on the site. The hill provides a natural barrier, and thirdly, there is vegetation in that area that helps reduce sound when it travels that distance.

Next we went ahead and looked at the LDM's. The day, night ratios to be able to calculate interior sound levels. What would happen inside the buildings, and similarly we found that our receptor location one, which houses building units one, two and three, had an interior sound level that was right at the criteria. So, again the other buildings resulted in sound levels that were below the standard, so we focused on mitigation looking at protecting receptor location one, which has building units one, two and three and we determined that, we evaluated, looked at a fence, an acoustical type fence that would go along the crest of the hill, providing a slightly higher protection, and two, we looked at improved construction of the exterior walls of that building to provide improved reduction from the outside to the inside sound levels.

The fence, you have seen typically highway fences, the noise barriers that are along the highways. We do a lot of work with Connecticut DOT and have designed many of the noise barriers here in Connecticut. Those are obviously much higher, but when they are constructed, they tend to achieve substantial reductions, in the neighborhood of ten to thirteen decibels of reduction. In this case the six foot fence would get us a couple of decibels of reduction and result in the exterior area meeting the criteria and the improved construction of the wall construction improved sound attenuation, batting, improved techniques into the walls to prevent leaks through the seals, and an additional layer of sheet rock, the doubling of it helps to reduce the transmission through it, provided us the estimates from the recommendation from the manufacturer say five to ten, we used five decibel reduction as a conservative measure in there, and we were able to show that the interior reduction due to this extra mitigation measure would result in meeting the criteria of HUD.

So, in summary, we set up and evaluated the available criteria using the procedures approved by Federal Highway, Connecticut DEP, DOT, conducted the analysis, and came up with a mitigation package for the location that we identified as being impacted and have that recommendation of the mitigation in terms of the acoustical fencing across the front of the property and the improved construction of the wall material. With that, I would open it up to questions.

Commissioner Ganley: The doubling the sheet rock, doubling from what to what, is it three quarter inch initial, half inch initial.

Tom Houley: Half inch to inch.

Commissioner Ganley: So it would be doubled to an inch.

Tom Houley: Yes.

Commissioner Ganley: Thank you.

Chairman Camilli: Am I to understand the fence is, would be just for the first three buildings, one, two, three.

Tom Houley: Well, it would be located on the property line, it would be located across the crest up here, and it would provide the maximum protection for the front three, but it provides less protection but additional protection to receptor locations further back, and what the model allowed us to do is that we can put in these buildings, and with their spacing, account for that, and the models accounts for the blockage that each of those does as you go back further also.

Chairman Camilli: Question on visibility, what is that going to look like?

Ed Meehan: Is that a sound barrier fence, like we see along the highways or is this more of a decorative fence?

Tom Houley: I believe it will be decorative, certainly it will be decorative because of the aesthetics that you want to look nice, the key is that it will be solid, it won't be like a picket fence with every other, the key is that it will be solid to provide blockage, blocking the line of sight.

Ed Meehan: What height is that?

Tom Houley: Six foot fence is what we modeled for.

Chairman Camilli: Well, I think you have answered our questions. I mean, as far as I'm concerned, I'm satisfied, as I said, just looking at it, is there anything going to be in front of this fence, do you know?

Ed Meehan: There is some landscaping.

Martin Mallon: Martin Mallon with BL Companies, I'm the project engineer on this. I just wanted to, in addition to the fence we also had the landscaping in this area, we had always proposed the fence and now what Tom did was model it in as a soundproofing measure, so that fence was always in there, and then there is landscaping all around it to shield, you aren't going to see just a solid white fence. There is a combination of trees, plantings and smaller shrubs in the area.

Chairman Camilli: Just point out from where it would go.

Martin Mallon: I think Tom had said, based on his model may need to go a little farther, we had it coming along the back of all these units. One, to define the yards and to provide some additional privacy in that area.

Chairman Camilli: So it would go basically around....

Martin Mallon: Basically, around the first units and then all the way across the back, and then it actually came all the way down through here.

Tom Regan: Martin, that is already factored in our visual analysis, correct?

Martin Mallon: Correct, that is already shown in with our photo simulation.

Chairman Camilli: I just want to see what it looks like.

Martin Mallon: Just a white solid fence.

Chairman Camilli: It would wrap....

Martin Mallon: Yeah, it would wrap right around the side of that unit, that first unit.

Chairman Camilli: Any other questions:

Commissioner Schatz: So nobody would be buying those first units for the view, right?

Tom Houley: There is a beautiful panoramic view over that hill, into the distance.

Martin Mallon: Actually, those first set of units from the existing grade, to the first floor, it will be about twenty feet difference from what is there now, so if you stand where those units are now, first floor is twenty feet higher, so you will get a view over the Berlin Turnpike, looking out toward Newington and Hartford.

Chairman Camilli: We can hear from the public, but the only other issue that I can recollect was the drainage issue and I think that was also resolved to some extent?

Attorney Regan: I believe it was, Mr. Chairman. I didn't know if you wanted to discuss that now, in the Special Exception portion, or do it in the site plan portion of the application later on.

Ed Meehan: I can report that they have been meeting with staff, and that staff is satisfied. There are some minor technical issues to sew up, but....

Attorney Regan: But I believe that staff has agreed to the underground drainage and the system we have proposed.

Ed Meehan: Yes.

Chairman Camilli: Those were the two big issues, thank you. Now we will hear from the public. Anyone from the public wishing to speak in favor? Against? I think we have done all that we are going to do with this application, unless.....

Attorney Regan: Just a couple of closing remarks, Mr. Chairman, first of all I want to thank the Commission and staff, most importantly staff, for their patience on this application. We have taken somewhat of a long time to do it, but there are some reasons for that. We spent the better part of a year working on this application, with both the staff in Newington and the staff in Wethersfield. I think everyone is well aware of the history of the site and some of the past developments that have been proposed for it. We have tried to come up with a plan that we think makes the best use of the property, makes the best use of the transitional facet from commercial to residential and does it in a way that minimizes the impact to both towns, and I think we have done that.

We thought we had a good plan before we started, and since we have come in, based on comments from the Commission and staff, we have made several changes. We have reduced the density, we have reduced the building mix, and done away with the six building units, creating mostly three building units, which has two effects, it gave us more green space for the project and also allowed us to have more two car garage units. We have increased the buffer, by removing the three units in front and increasing the buffer to the Berlin Turnpike, but more importantly I think, by changing the drainage system from the proposed detention basin that we had originally, to the underground drainage system that we have now, we've saved a big chunk of the existing landscape along the front of the Berlin Turnpike, and that existing vegetation is going to give us a

much better screening. Also, we have scaled back our units on the southerly border and given the full twenty-five foot buffer, and removed the request for the waiver. We have been before both the Wetlands Commission and the Planning and Zoning Commission in Wethersfield and gotten supportive comments from them on the application. I think, given the past applications on this site, some of the acrimony that has gone on, that's a first. Based on the engineering and traffic reports that were provided in the application by BL Companies, the planning report from Harold Micklelowski Associates and the noise report that we heard from VHB, we believe that this application meets the Special Exception criteria set forth in Section 5.2.6 in the regulation. Our memo of October 26th summarizes these. We believe that this is a good project and makes the best use of this property, and will take a property that has been off the tax rolls and off the productive use for a long time, and put it back in the productive use in a way that is very complimentary with the neighborhood and works for both towns, and for those reasons we would ask our Special Exception be approved. Thank you.

Chairman Camilli: Thank you. We are going to close Petition 53-05.

B. PETITION 57-05 1120 Main Street, Webster Bank owner, applicant Darcie Roy, 7 Burning Tree Lane, Wallingford, CT 06492 request for Special Exception Section 6.2.4 free standing sign, B-TC Zone District. Continued from November 9, 2005.

Dan Kleinman: Good evening Mr. Chairman, I am not Darcie Roy, but she is here. For the record, my name is Dan Kleinman, I am a principal in the law firm of Levy and Droney, 70 Patterson Park Road in Farmington, and I represent Webster Bank, the applicant. I think you are all familiar with the location of Webster Bank at 1120 Main Street. It is in the B-TC Zone, now this is an overlay zone, the application obviously is being brought under Section 6.2.4 but is also obviously subject to Section 3.12 A 4 (c) which approves your signage requirements under the overlay zone. By the way of a little bit of background for you, in case you don't bank at Webster Bank, Webster Bank undertook about a year ago, to take a look at its logo, to make its logo and signage more identifiable throughout the State of Connecticut. Some banks, such as Fleet, that got converted to Bank of America simply changed their signage to the new banks name. Webster Bank took a hard look at what would be effective, and has now, over the last number of months, throughout the State of Connecticut changed virtually all of their signs so that as you drive from town to town, within the state, you will see the new colored signage, which you can see on the sign in front of you. Certain of the signage, which was simply a re-facing of wall signs, or directional signs have been completed because it was not required that a special exception be granted, and the zoning enforcement officer of Newington granted that, and those signs have been affected. So what we are here to discuss with the Commission tonight, is the issue of a free standing sign, and I recognize that the various standards, etceteras are set forth in your regulations and if I can simply read it to you; a detailed drawing showing design, size, color, texture and type of materials, lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity, uniformity of the signs, placement and size consistency with adjacent signs shall also be presented. My evaluation at least, in looking at the business town center district, and frankly because I am in town significantly, and having looked at virtually all of the streets that are covered in the center, what is clear to me is that there is no real uniformity or consistency in terms of the signs that are there. Clearly in terms of the banks, there isn't. If you look at Sovereign Bank, and Bank of America and of course now you have Bank North across the street. What Darcie will describe for you, at least in terms of the signage is our intent to remove the large twenty-one foot sign, it is going to come down, with a smaller ground sign free standing, and at this time it does comply with the regulations in terms of size. So, Darcie, if you would walk the Commission through this, and then certainly we will entertain some questions.

Darcie Roy: Hi, I'm Darcie Roy. As you guys can all see, the bank is proposing that we remove the ten foot by six foot ground sign that has an overall height of twenty-one feet. That sign is internally illuminated and they intend to replace it with a six foot eight, by five foot one, which is thirty three point eight square foot ground sign with an overall height of fifteen feet. This sign also is internally illuminated. The blue is an opaque face with white cutouts for the circle, and the lettering. The W is a translucent yellow film, the gray is actually painted, the sign is steel with aluminum cladding and the gray that you see there is an actual paint. If you look at the second page, you will see the standard signs, there are three of them and this is, on the right hand side of this drawing you see all the details for the sign. Are there any questions about the sign structure?

Chairman Camilli: Well, the question that I have is, that while there are many different signs in the center of town, what is it, a couple of years ago, two, three years ago, we adopted design standards for the town center, just to address that particular issue that you alluded to, and so that may have been in the past, but this is a new application and we do have design standards and I was just asking the Planner whether or not they conform to our new town design standard guidelines. And that is my question, and I address that to you because I don't have that in front of me.

Ed Meehan: Well, the Commission adopted back in 2002 the town center village overlay district and it lists the various activities and uses that are covered and free standing signs such as Webster Bank's sign is one of the items that is covered and in that regard, I believe it has been the Commission practice to regulate ground signs and pylon that have come before you, under these regulations. For example, Bank North, the Congregational Church, Brooks all came through under Special Exceptions and there was discussion back and forth with the applicant to try to make the signs more colonial looking. That is the theme that I think that the Commission is trying to achieve through your design guidelines and the new center as new applications come before you, to try to bring people into some uniformity through those design guidelines. I think moving to a smaller sign which is below the height, the twenty-one feet is over the height limit, I don't know the history of that, it certainly is a step in the right direction, but as I said to Ms. Roy when I first saw this, I didn't think it would pass your collective review of this as a sign that meets your town center design guidelines. I know that there are some Commission members who will want to see this with some colonial embellishments.

Commissioner Cariseo: The old one has it.

Commissioner Anest-Klett: I like the old one.

Commissioner Cariseo: I mean, you have a beautiful colonial building there, all they need to do is top it, I mean, there is nothing wrong with the sign, but it should look colonial I think, in my estimation.

Ed Meehan: That is the consistency of the last two or three signs that have come before you.

Commissioner Ganley: Two things with regards to the sign. One being the height of the new sign,.....

Darcie Roy: Is fifteen feet.

Commissioner Ganley: Yes. You know we have, they call them taggers, and they go and they spray can stuff, and that puts it right within tagging range, it really does. Sure, you can reach up, it's only six foot eight, I mean there are basketball players that are that tall. So, it just seems like it is too low to protect it from being worked over by the taggers. That's number one. It would

appear to me that you could take the sign, the bottom, where is has, I can barely read the writing....

Darcie Roy: It says drive up ATM.

Commissioner Ganley: Just lift that out, just lift that out and stick it up here, and it would be fine. The design of the one there is safe enough, nobody can reach it, it's a great looking sign, just take the lettering and stick it up on the top, I think you have it. And I think it would be less expensive to do that. Thank you.

Chairman Camilli: Any other comments?

Ed Meehan: Well, my comments, weren't concerned about vandalism, I was expressing the past practice of the Commission to make the sign more colonial looking, and there are many signs that are certainly reachable in the center that you could walk up and tag or spray paint, that wasn't what I was trying to point out.

Chairman Camilli: No, I didn't think you were.

Commissioner Anest-Klett: I agree, the top of the existing sign, if that top could to into this sign, somehow, that type of architectural structure on the top of it, would start flowing into what we are looking for as new applications are coming into us, and trying to build a uniformity in the town, and I think it's a good place to start with, because people see it.

Chairman Camilli: Would that be difficult to do, to put a top on there, a colonial top?

Dan Kleinman: May I respond respectfully to the Commission and I certainly understand prior decisions. At least in my reading of your regulations, in terms of the village overlay, the business town center zone, there is no requirement in it, specifically that it be colonial. I understand that the decisions that this Commission has made, and Webster Bank wants to be a good neighbor, and is a good neighbor to all the communities where it is located, but a couple of things need to be mentioned. One, it would have been very easy for the bank to simply reface the twenty-one foot sign as it exists right now. That was an option, and I suppose it is still an option to them. Their choice was not to do that, their choice was to have a smaller sign. Signs, for instance for Bank of America is clearly a lower sign capable of being defaced or whatever you would like, but it is a square sign, it is clearly not colonial, either is Sovereign Bank. There are other signs in the area, and I think what I would like to do is just pass these around to show you that there is no consistency. The Brooks Drug store is an example, you may call it colonial, but it is hardly colonial compared to the church, and the church by the way, I do not believe is in your town business center zone. I think if you look at the map, I think it is excluded, and on the site, the site of the church, is a square sign which is not a colonial sign. It's the learning center, or something of that nature. We have a picture of that, so even within the church property, you have a colonial sign, and you have one that is not a colonial sign. So, I think the bank was saying to the Commission, that we would be willing to take down a sign which is higher than any other sign frankly in the area, replace it with one that is more tasteful, which is smaller, which is consistent in terms of architecture with many, many signs that are in your town business center, so I think what I was saying to the Commission earlier is, that in terms of the uniformity, there really isn't a uniformity here, and the bank has spent an awfully long time in trying to come up with a sign which effectively designates it throughout the State of Connecticut and if you drive into New Britain or to Farmington, or to Avon or to Simsbury, or Cheshire or other towns that are in this area, you will see virtually the exact same sign that you see here. So, that is the rational behind it, I certainly understand what the town wants to do here, but frankly, at least in looking at what is up in the town center, there is clearly no uniformity, even of the colonial signs. There is all

different grade and size and shape, and there is just no direct regulation that says that signs shall be of a colonial nature, and certainly this Commission can regulate signage as it deems appropriate, but I do believe that we have met the standards of your regulation, and met the standards of 5.2.6. I wanted to give the Commission a little sense of the rationale that went into it. This is not something that was just done haphazardly, just to come in and throw something at you and say, hey this is it. There was a lot of thought about reducing the overall height of the sign, and putting in one of their middle size signs on the site, again, Bank of America, Sovereign Bank, two banks which are both in your district, in your town center business district, and the picture of Sovereign I think is going around there, and we've checked the district so we know which businesses are in there. It includes East Cedar Street, and Market Square and the Main Street area is your town business center.

Commissioner Fox: While you may or may not be right, there may not be uniformity through the center district at this time, but number one, as mentioned by the Town Planner, and I think but, and I can't speak for the whole Commission, but I probably do, by saying that with the town center guidelines we are trying to gain that uniformity, okay, and the Congregational Church is one good example of it. We worked for a couple of meetings in order to get that particular design, and to get the brick foundation for it, which probably would look nice here too, now that you mention it. You bring examples of the Sovereign Bank, and the Bank of America, that sign, Bank of America, is pre-guideline, a pre-guideline sign, and all they did was reface it.

Dan Kleinman: I think the Bank of America was re-faced after your guidelines, your guidelines were 2002 and it was last year that they did it.

Commissioner Fox: Re-faced, but the original sign was before hand, okay. What we are trying to do, as far as I can see, is gain that uniformity, okay, and that is why we are looking at this with a jaundiced eye, and we would like to see the colonial type, so that eventually the center will be something even more proud of than we are of it now. Thank you.

Chairman Camilli: Any other comments?

Since this is a public hearing, we can hear from the public. Anyone wishing to speak in favor of this application? Against? As I said, I think there is some sentiment here that although, as has been stated, the uniformity isn't there now, the new guidelines seek uniformity and although it may not be specific in the regulations, I think we do have overview as to what the appearance of these signs look like.

Ed Meehan: I think you do under the town center guidelines.

Chairman Camilli: Yes, and that is where this is, and we just have to separate this from existing signs versus a new application, if you would. So I think that there is sentiment here to at least look at perhaps making some attempt to, if you will, colonialize the sign somewhat. It's a nice sign, but I think for our little town, and for what we are looking for, I think we are looking for something with a colonial nature. That's my comment. Since there seems to be some, direction, if you will, I think we will keep this open just so we see what happens, if you want to come back and

Dan Kleinman: Mr. Meehan, do you have enough time from the application date to, will we be exceeding the sixty-five day period?

Ed Meehan: There were several extensions.....

Dan Kleinman: I just want to make sure, if you are going to keep it open, that we.....

Ed Meehan: I'll have to check that because the last extension I received was a note from Ms. Roy, was that new sign plans were coming in, so the Commission continued it. But no new sign plans have come in. I'll do my math on this because we started way back on October 12th, so we are getting pretty close to the end.

Dan Kleinman: When is your next meeting Mr. Chairman?

Chairman Camilli: December 14th.

Ed Meehan: We continued it to the 26th, to the 11th, of November and to tonight, so....

Dan Kleinman: The applicant would consent to a continuance to that to the next meeting.

Chairman Camilli: You know, we didn't, this is the first time that we were looking at this, so we gave you all these continuances because there were some problems, whatever, now we're.....

Dan Kleinman: No, I raised it specifically for you, because if you continued it and we didn't give you an extension, then we would have a problem, so...

Chairman Camilli: Appreciate that.

Dan Kleinman: We are not in a situation where we are about to play a "gotcha" situation, so I think that what would be best here, because I have to go back and talk to my clients. It may very well be that no new plan does come in, and at that point, you can close the public hearing and make a decision. I take it you wouldn't be voting on this tonight anyway?

Chairman Camilli: No we would not.

Dan Kleinman: Why don't we, Mr. Meehan, if you want a letter, I can fax one to you tomorrow, or whatever and we'll keep it open to....

Chairman Camilli: December 14th, that's our next meeting.

Dan Kleinman: So December 14th?

Chairman Camilli: Yes. That will be fine.

Dan Kleinman: And then at that point, we will make a decision whether to submit revised plans or simply to close the public hearing at that point.

Chairman Camilli: We will close the public hearing. So, we'll get a letter, or E-Mail, or something?

Dan Kleinman: I'll get something, I'll give the Town Planner a call tomorrow.

Chairman Camilli: Thank you.

Dan Kleinman: Thank you.

C. PETITION 59-05 Lot #209 Berlin Turnpike, known as the Libretta property, located on the easterly side of the Berlin Turnpike opposite Pascone Place, Donald F. & Betsy B. Libretta owners, Victor Bassile, Basile Enterprises, LLC, P.O. Box 270-361 West Hartford, CT applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037 request for Special Exception Section 6.5 Site Filling, PD Zone District. Continued from November 9, 2005.

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, my name is Vincent Sabatini, attorney, One Market Square, Newington, Connecticut. Alan Nafis is in Barbados tonight, so I am here pitch hitting along with Joe Perraginni. This is an application for the filling on the property off of the Berlin Turnpike. Last time we were here the Commission asked a number of questions, so we went to work and got some answers for you. The first plan that is mounted here is the site itself. The second plan is the map from the DOT showing you within the interior of those gray lines the property that is going to be acquired, and the now, what is going to be the route that we will take for the filling. Pascone Place is opposite here, the traffic light is around here someplace for the Berlin Turnpike, and the state owns all this property, and this property right here. Since we have not, the applicant has not made any arrangements with the abutting property owner, we are going to take the route on the land of the old DOT right of way as the route into the site to bring in the fill. I have here some documents, one is the last time we had a proposal from the State of Connecticut, but now we have an actual agreement dated November 16th, 2005 which is the agreement from the applicant, with the applicant, and Richard Allan, the rights of way administrator which I am going to file for the record, that has been entered into. This letter agreement outlines the terms upon which Mr. Basile will purchase this property from the State of Connecticut and of most importance here, I think is the, number nine, because it talks about once the property is acquired, then proper permits from the District One office of Maintenance Special Services unit for any work performed within the highway right of way on the site would have to be obtained, and I think that is important.

The other thing that I want to file is the, there are Certificates of Insurance which were also submitted to the DOT, indicating that there is insurance, and lastly, I want to submit to you a letter from the Office of Rights of Way indicating that the consummation of this transaction will take place right after the appraisal and the appraisal is going to be completed by November 30, 2005. So I think we have answered all of the questions that you had earlier on this, again, the most important point is I think Mr. Meehan raised it, about safety, etceteras, again, we are going to be using the Berlin Turnpike. District One is going to tell us what has to be done, what safety measures have to take place, and I submit to you that we would, if you see fit to approve the application, to approve it subject to District One initiating the proper safety controls in accordance with the staff, working with the staff, and I think that taking this particular route and then we will take that as a condition of approval. If there are any other questions, I'd be glad to answer.

Chairman Camilli: My question is, is the safety, and I would like to know a little more about the plan of how you are going to get in there. In generic terms even though you don't have to go to the state, I think the Commission is legitimately concerned as to how this is going to happen. Again, just in the broadest terms of how you are going to get into the site. Because it does affect the Berlin Turnpike, there isn't that much land there, I mean, it's going to affect a lot of businesses, closures, and having a lane put in, to get in, and get out and obviously your other solution, which would have been a more simple one, fell by the board, so this is what you are left with, the Berlin Turnpike.

Attorney Sabatini: Right.

Chairman Camilli: There is a lot of fill, and a lot of trucks and it is going to be, in my opinion anyway, the safety of that even though the technical way of doing it I'm really not that concerned with, but I think we want to know in general how you propose to get into the site. As I said, lane closures, are you going to have policemen, are you going, is the Berlin Turnpike going to have one lane closed, and for how long, and that is this project, but we are concerned about the Berlin Turnpike. People complain now.

Attorney Sabatini: Mr. Chairman, it is a state highway. And again, we can't do any work off the property, which is on the state highway, unless we go to District One and pull the proper permits, and when we pull the proper permits, they will have us put in place whatever safety measures are necessary. If it requires temporary lane closure, if it requires having a patrolman out there, it's just like any other construction job, if they are widening the road, or making improvements to the road, when the road was built, all these things, so it will be done, so what we are saying is, I don't know the specifics, because I don't know what the specifics are, I can't speak for the State of Connecticut. I can assure you, that we will take as a condition of approval a requirement that we have a plan for the bringing in of this fill, that will comply with all of the safety requirements and concerns that the Commission has, and the staff has, subject to the review by the staff, subject to review by the State of Connecticut and your local police department.

Chairman Camilli: Well, just let me rephrase it then. You say you are going to go with a plan, to the State, why can't we have a generic plan as to how you intend to do this? Because, I think the weight of this, if you go to the State and say, we have approval from this Commission to do this, then they are going to look at it in one way, when I'm not absolutely sure at this point, one way or the other whether this would be acceptable for the Berlin Turnpike.

Attorney Sabatini: They are not going to do that. I mean,

Chairman Camilli: They're not going to do what?

Attorney Sabatini: They aren't just going to allow us to just bring in the fill off the Berlin Turnpike..

Chairman Camilli: I didn't say that. I said if we give you the approval, then you are going to go to them and say, we have the approval and we're saying that we are giving a blessing to this particular project when, at this point, as I said, I'm not saying yea or nay, I'm just saying, we don't know. We, as a Commission don't know whether or not we want to give the approval.

Attorney Sabatini: My understanding from Mr. Nafis is that we are talking about three trucks an hour. The fill is coming in from the site which is the subdivision off of Griswoldville Road, and that fill will be trucked into this site. The duration is going to be about six weeks. Obviously we can only go in one direction on the Berlin Turnpike, and we are going to enter into the area right opposite Pascone Place. There is a traffic light there. We will go into the state right of way, and the trucks will dump the fill and exit the same way.

Chairman Camilli: Well, I think I said what I wanted to say. Anybody else want to make any comments?

Commissioner Anest-Klett: I have a question, as the trucks go northbound on the pike, are they going to be backing into the site, or are they going to come into the site and turn around when they are on the site. Will they have to back into the site, or are they going to just come right into the site?

Attorney Sabatini: I believe they can go right into this.

Commissioner Anest-Klett: Okay.

Attorney Sabatini: There will be no backing. What I have here, I have, again, this is not for this particular, but it is a typical work in right lane, multi-lane highway requirement from the DOT. I can just pass these out so you have some idea of what it is that they require when you are doing work on property that is off of the Berlin Turnpike, and the safety measures that they implement, or are required to, this is not for this particular project. This is for a generic multi-lane highway work that is being done in the right lane, which will be happening in this place. Trucks will be entering the right lane, they will be taking a right into the site and then they will be taking a right out of the site.

Chairman Camilli: As I said, I'm just concerned with the safety of this thing, just myself, and that part of the Berlin Turnpike as it affects our town.

Attorney Sabatini: Well, I think we all are, Mr. Chairman, and we are willing to do what has to be done. We can't do it unless it is safe, there is no question about that.

Chairman Camilli: Okay, we'd just like to see a little something....

Commissioner Fox: Mr. Chairman, and through the Chairman, Attorney Sabatini, I personally don't know if I would want to approve this application without actually knowing what District One has in mind for the safety of, this generic thing is one thing, okay, but there are a lot, as the Chairman said, safety issues are a concern, and just mentioned, when Commissioner Anest-Klett asked about how they were going to enter the site, and I'm sitting looking at Pete here, and his eyes are wide open, we can see what the slope is, I mean, I'm not only concerned about the safety of the motorists on the turnpike, but the safety of the drivers of those eighteen ton tri-axles, and of course, the safety of the people on Deming Road. I know you are not going southbound and then northbound on the turnpike, you are going to come back around Deming Road and up by Roy Rogers and stuff, so I personally would not, and I'll say it right now, do not feel comfortable about approving this without something a lot more sure, a lot more concrete from District One. Thank you.

Chairman Camilli: Any other comments? Ed.

Ed Meehan: Let me understand what you are presenting tonight. The original plan was to come in, create a driveway with a tracking mat in here, and you are now saying that the applicant is going to acquire this eighty to ninety foot, from the state, and you are going to come in here, right? So instead of coming in here, you are going to come in, in this, when Mr. Basile acquires this area here, you are going to use this to come in. The old 291 area. That is what this letter tells me. This piece here, is this piece here. That's what you just said, and that is what this says, that this begins on November 16th, and will expire upon closing, upon closing by the second party, the second party being Mr. Basile.

If that is the case, then my question is, your inland wetland permit is not for that eighty foot strip. Your inland wetland permit and the map boundary change did not affect that strip at all. You are going to have to go back to the Conservation Commission because now you are talking about constructing a driveway and filling within the hundred foot upland buffer, and maybe within the wetland area. I think you need to maybe discuss this with the inland wetlands staff, or go back and amend your application with them before you propose using that surplus I291 land.

Attorney Sabatini: Okay, that's fair.

Ed Meehan: I think that is what you are going to get stuck with, and certainly there is a traffic issue too, but if you move it a little bit north, into that old ramp system of 291, that's not what the

Conservation Commission approved a couple of weeks ago for you. That's one question, the other question is that we did talk about a sight line study, and I thought that was going to be done, at the eighty-fifth percentile.

Joe Perraginni: We have looked at the sight lines for what the eighty-fifty percentile speed would be. I spoke with DOT and they said it would be five miles per hour over what the speed limit is posted on the turnpike, and we would be just short of the required sight distance, so then we would need to obtain other traffic controls, from the high point of the road to account for that deficiency in the sight line.

Ed Meehan: So you are deficient in sight line, but they haven't, no one has done a speed study. They think it is five miles a hour over the posted speed limit, but it could be ten miles, it could be eight miles, which affects the distance. But either event, they are going to want to have some protection on the crest of the hill, further south there.

Joe Perraginni: Correct.

Ed Meehan: That makes sense to me, because if people hit the green light, they're traveling pretty fast. If the light is turning red, they create a gap, and that is to your advantage, but as the Chairman said before, if it's not, if it's green, there is a traffic safety issue there. I would think that this wetland issue ought to be cleared up first if you are going to go with this new option, and just present it.

Attorney Sabatini: We will get those answers. We will try to come up with a plan, we'll go to District One and come up with a plan as to how this will work.

Chairman Camilli: How is their time line on this? Is this something, are we running out of time on this also?

Ed Meehan: Yes, you just started the hearing at the last meeting on the 9th, so you have sixty-five days from the 9th. This will carry okay to January. If you do go back to Conservation, you may have to withdraw this, and start over again, just to get it back on track.

Chairman Camilli: This is a public hearing and we can hear from the public. Anyone from the public wishing to speak in favor? Anyone wishing to speak against?

Alan Bongiovanni: Good evening, for the record my name is Alan Bongiovanni, 170 Barn Hill Lane, Newington. I apologize to the Commission and the applicant. I was not available to come here for the last meeting, the opening of the public hearing. I was aware that this was before the town. I would like to get a little more information as to the purpose of this filling. What is the end result, how many yards are coming into there so, Mr. Chairman, if it is appropriate to ask at least the applicant to give a little explanation of the plan, and maybe fill me in.

Chairman Camilli: Just those questions, you want to know how many yards....

Alan Bongiovanni: How many yards, what is the purpose?

Chairman Camilli: I think the yardage was ascertained, wasn't it?

Commissioner Prestage: It's in the minutes of the last meeting. 12, 550.

Chairman Camilli: Okay, and what is your other question?

Alan Bongiovanni: What is the purpose of the filling?

Chairman Camilli: That I don't remember if it was.....

Alan Bongiovanni: To me, that is a pertinent point, is, to move earth to a piece of property, there should be an end reason for that, as opposed to indiscriminately placing fill. You know, what I heard this evening was additional land was going to be purchased just to accommodate this fill, and most construction sites, if they have excess material, and I think what is coming from the subdivision as Mr. Sabatini stated is good basalt trap rock, it has a value, so to just purchase land to place it here, the developer must have an idea what his end result is for this piece of property, and I think the public should know.

Chairman Camilli: Thank you. The applicant can come up and respond, if you wish.

Attorney Sabatini: To what questions?

Chairman Camilli: Well, I think he asked two, one was the, how much fill, and the purpose I think were the two questions, if I'm not mistaken.

Joe Perraginni: At the last meeting there was a clarification of the amount of fill. The number that was reported I believe was twelve thousand, but the correct number, and it's on the plans, is 11,109 cubic yards. Also at the previous meeting, we showed a conceptual plan of development for that property with the acquiring of the adjacent property owned by the state, and that was to create a platform so that it would be at the same elevation, or close to the same elevation of the turnpike once the two pieces of property were combined, and it could be accessed. We had a, we used that generic model or that conceptual model to generate the quantity of fill, and we are just short of what that would require but we are hoping to fill up to that, that quantity.

Chairman Camilli: So the purpose is to build a platform, but in terms of specificity, in terms of what, there is nothing conceptually as far as housing, big box, whatever, and I think that is perhaps what the person from the audience is looking for, the purpose. I may be speaking for him. If you want to answer any further, if not, fine.

Attorney Sabatini: They have a conceptual idea specifically, whatever the zoning allows, we don't know yet.

Chairman Camilli: Okay, thank you. I don't know if that satisfies you, but that's what we have. Anyone else? We are going to keep Petition 59-05 open until we get more of these questions answered.

D. PETITION 62-05 1583 Southeast Road, Courtyard Marriott Hotel, applicant, Apple Six Hospitality, owner represented by Chris Carey, 66 Shelly Lane, Glastonbury, CT 06033 request for Special Permit Section 6.6 Liquor sale restaurant license, CD Zone District. Continued from November 9, 2005.

Chairman Camilli: Is the applicant here?

Shawn Rutchick: Good evening, with me is Chris Carey, I'm not actually Chris Carey, my name is Shawn Rutchick. This is Chris Carey, he is the general manager of the hotel. Some of you may recall, this is the hotel that just opened up four weeks ago, we are in the place where the TGIF used to be, over at 1583 Southeast Road. We do have some photos tonight, this is as big as I could get decent resolutions, but just briefly, you know that we are here for a liquor permit at the Marriott. It's a 119 room hotel. It's about, just under 66,000 square feet, total facility. There are

no other class one permittees within five hundred feet of our facility, and what we do encompass, this is from our driveway, looking southbound on 71,

Chairman Camilli: You can just pass them around.

Shawn Ritchick: Okay, this is looking the opposite, northbound on 71, in front of the hotel itself. This is inside there, this is going to be the service area, and on this side is the lounge where people can sit with their beverages.....

Chairman Camilli: Excuse me, if anyone from the public wants to look at these, feel free to take a look if you wish.

Shawn Ritchick: This is an image of the same but from behind the bar, looking to the lounge, and the next ones that I am going to show you are over here, and they would be this way, the restaurant seating area, if you will, where you can also have a drink at your table obviously if our permit is granted. This is on the opposite side of that wall that you can see in there, this is where the buffet is, you have to walk in here to get your food and whatnot. Another view of the buffet area. The next few are a series showing our food preparatory areas. The total seating area and service area is about 3800 square feet, the lounge area is about 960 square feet of that. This is the storage pantry area.

The anticipated hours are, when we open up, we are going to start I believe, from five to ten, however, we anticipate that we may actually have to start earlier for the lunch crowd at eleven, so that might be in the near future. Also, we do have a patio off the back of that area, it's about a 1600 square foot area outside, I don't have photos of that, and we anticipate that obviously during the warmer months, some of the patrons might like to take a drink out there.

It's designed primarily as an amenity for our guests. We don't anticipate a lot of public coming in. Of course it is a public facility, so people can come in, but we aren't going to be advertising and making it sort of a bar if you will, it's more for the business/pleasure traveler who wants to come downstairs and have a drink while they have a meal.

Obviously we are going to be having hot meals, cold entrees, salads, soups, the like, so it will be a full service facility is what we are looking for. That is pretty much it in a nutshell. We did put the sign up, we've had notice up on the facility since Thursday, November 10, 2005.

There is a possibility, there are two conference rooms, one is about 750 square feet, off to the side of this area, another one down the hall, over here, about half that size, 300 square feet. We may offer a rolling cart service to those if somebody is having a business meeting, and requests it, but it's not going to be an on-going, regular thing. I'm open for questions, if anybody has them.

Chairman Camilli: The only question, I may make a suggestion, the hours, I mean, I think the hours, I would just put in the hours that you want, that would probably be, if you want eleven o'clock instead of five, and then have that on the record, and if you want, for lunch, I'm sure for lunch some business guys might want a drink.

Shawn Ritchick: Thank you very much, Mr. Chairman. We will go on the record saying from eleven a.m. until ten p.m. Thank you.

Chairman Camilli: Any of the Commissioners have any questions?

Commissioner Ganley: Just an observation on the closing. The Liquor Commission permits that they can stay open longer, I don't understand why you would want to close at ten, if you have somebody would be there, and you certainly would be in conformance with the liquor regulations, which allow you to stay open later. Unless you want to kick them out of there, that's another matter, but I don't see any reason to have a narrow window, if you will, just be in conformance with whatever the Liquor Commission requires and I think you are on relatively safe ground.

Shawn Ritchick: Thank you. Thank you for your comment. We will leave it open then to whatever the Liquor Commission will allow then, and be in conformance with that.

Chairman Camilli: Any other questions or comments? From the public, anyone wishing to speak in favor, against? We are going to close this petition then, Petition 62-05. Thank you.

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

None.

IV. **MINUTES**

November 9, 2005.

Commissioner Kornichuk moved that the minutes of the November 9, 2005 meeting be accepted as submitted. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW BUSINESS**

- A. **PETITION 54-05 2340 Berlin Turnpike, known as Hartford Drive In property, Toll Brothers, Inc., applicants, Honey Loew and Keith L. Hughes, as Trustees of the Elias M. Loew Connecticut Realty Trust, represented by Attorney Thomas J. Regan, Brown, Rudnick, Berlock, Israels, LLP, 85 Asylum Street 38th Floor, Hartford, CT 06103-3402 request for Site Plan approval Section 5.3 R-12 Zone District. Continued from November 9, 2005.**

Chairman Camilli: I don't know how much more we are going to get, but you can make your comments, whatever you want to do.

Attorney Regan: I think we have pretty much presented everything. Martin Mallon is our project engineer, and is here and would be happy to answer specific questions that anyone might have on the site plan, but I think that everything we've got has been presented at this point. I don't know if Ed has anything that directly relates to the site plan. As I said, the only change since our last hearing, was we have submitted the revised plans showing the full twenty-five foot buffer and we have removed the waiver request. If there is anything else, we will be happy to answer, other wise we'll let you guys move on, you have a long agenda.

Chairman Camilli: You are all set.

Attorney Regan. Thank you.

- B. **PETITION 58-05 3000 Berlin Turnpike, known as the Grantmoor parking lot, CNLRS Exchange I, Inc., owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for site plan approval, 19, 685 sq. ft. retail use, PD Zone. Continued from November 9, 2005. Sixty-five day decision period ends December 2, 2005.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, attorney, representing the applicant. With me is Joe Perraginni of A-N Engineering. Last time when we were here we talked about the plan, and the Commission had some questions about different things, and then while we were gathering the information we discovered that the footprint that was given to the architect in August by the end user, Laz-E-Boy, turned out to be an old footprint, actually a footprint that they used for their current building so we had to revise all the plans which we did, so the actual building footprint is almost identical to the other one, with the exception that the loading dock area shrunk a little bit so there is a little bit more square footage of usable space, but the building is not really any larger than what it was.

The biggest comments that I think that the Commission members had was on the elevations, and looking at the building, they were concerned about how the building was going to look from the Berlin Turnpike. What we did, what was done here is that the architect re-designed the building so that when you look at this part, this is the south elevation, and this is the main entrance, and this is the site that faces, right here south, we made the west elevation, the side facing the Berlin Turnpike almost identical to the entrance part, so we have a lot of glass, we have the cutout and parapet walls and the architect is here to explain the technical part of it, but this will look, from the Berlin Turnpike as if it is the front elevation of the building. Also on the east elevation, the side facing the Scottish Rite, and Masonic Temple, we have also added architectural features and more glass, and we did also the same to the rear of the building, so the building, I think in keeping with what the Commission wanted as a look, it looks very nice, it will look nice from all sides on the turnpike.

The other question had to do with parking, and we did some more investigation with the various parking easements. As you know, this, at one time was a combined area, shared area. The Scottish Rite and the Sphinx Temple is to the east of this site. Although there is an agreement with the Sphinx Temple and the owners of this particular property with regard to parking, there is no requirement as to the exact number of cars that have to be parked on our site. All there is, is a reference to parking. The issue of parking was actually resolved by this Commission in 1991 when you decided and you required each of these three lots, our lot, the Sphinx Temple lot, and the Grantmoor to exist on their own with regard to parking, and you actually established the number of cars, and you said that the Grantmoor was to have 103 spaces for parking for their use, which they have, you said the Sphinx Scottish Rite has to have 160 for their use, which they have; you deferred thirty-four spaces, because you had an issue of green space; and our site shows 124 spaces which complies with the regulations, so there is parking on each lot for everyone's particular use. Again, to answer the specific question there is no requirement that the Scottish Rite has to park any cars on our lot.

The third point that the Commission raised was, how does our building line up with Panera Bread, and we show Panera Bread sketched in here, in this green color, and you can draw a line from the edge of Panera over across to the whole site, and you see our building is slightly behind Panera Bread, so someone going south, rather north on the turnpike, actually doesn't even see our building, we are about three to four feet behind Panera Bread. The building is three to four feet behind, if you were to draw the imaginary line from the edge of Panera Bread, so there is that uniformity that I think that the Commission was looking for.

The fourth point is the light poles, and the light poles will be exactly the same height and type that exist on Panera's and the Walmart site.

The next point is the irrigation, and the irrigation of the

Ed Meehan: We have been informed of an accident, an untimely accident in town, and it concerns the Police Department, and we've been requested to close the meeting down so that you folks can go home. This is a matter of safety, and we will pick up where we are on December 14th.

We have finished the public hearings, so with the indulgence of the applicants, as far as time extension....

Attorney Sabatini: Oh, you can have a time extension.

Ed Meehan: Okay, and anything like that, I think it's best that we just do that.

Chairman Camilli: Motion to adjourn?

Commissioner Fox moved to adjourned the meeting, with Commissioner Kornichuk seconding the motion. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary