

NEWINGTON TOWN PLAN AND ZONING COMMISSION

December 12, 2007

Regular Meeting

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

**I. ROLL CALL**

Commissioners Present

Commissioner Correll  
Commissioner Fox  
Chairman Hall  
Commissioner Kornichuk  
Commissioner Pane  
Commissioner Pruetz  
Commissioner Schatz  
Commissioner Ganley

Commissioners Absent

Commissioner Camerota  
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

**II. PUBLIC HEARINGS**

- A. **PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111, owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone. Continued from November 14, 2007. (Commission field trip to be scheduled.)**

Ed Meehan: I can explain that the applicant through its professional representative BGI Land Surveyors has asked that this be continued. They have granted the Commission an extension to your January 9<sup>th</sup> meeting. They would like to present that evening after the Commission members have the benefit of a field walk, so they will not be here tonight to present on this application, and before you close up for business tonight there should be some discussion of possible dates for a field walk that I can communicate back to the applicant and that will be a meeting if you have a quorum out there, so you can do it now, or under the later part of the agenda. We'll post it as a meeting and as a field walk.

Chairman Hall: If everyone is in agreement, I would like to set that now, because as you get to the end of the meeting, we might forget it, so I'd just as soon take care of it now.

Commissioner Schatz: I'll be in Hawaii on the 9<sup>th</sup>.

Chairman Hall: You are leaving soon?

Commissioner Schatz: I'm leaving the 7<sup>th</sup> of January.

Chairman Hall: Oh, well I'm hoping to get it done by the end of December if we possibly can and therefore we will have enough time before the next meeting if we have questions or whatever, so, and I would like to do it during the daylight. The terrain tends to be a little bit rocky, a little bit steep, so therefore, for everyone's safety, I would like to have it during the day. Obviously people work, so that would probably mean a weekend unless people have time off after Christmas and we can do it during the week after Christmas. What is your pleasure? Does anybody have any recommendations?

Commissioner Fox: I just was going to say, as long as its daylight.

Commissioner Pruet: I'm flexible.

Commissioner Pane: Anytime is fine.

Chairman Hall: Even during the week?

Commissioner Pane: Yes.

Commissioner Correll: Whatever.

Commissioner Ganley: Sure.

Chairman Hall: All right fine then, why don't we get through this weekend obviously with the snow, next week maybe by Tuesday, Wednesday, things may be clear, I think we are going to have a period of clear weather in the middle of the week.

Commissioner Kornichuk: Tuesday and Wednesday are supposed to be bitterly cold. Twenty-three, twenty-four for a high.

Chairman Hall: Well then, Ed, how about your schedule?

Ed Meehan: I'm good, I'm here throughout the holidays but you want to do it after Christmas, the 27<sup>th</sup>, the 28<sup>th</sup>, toward the end of that week?

Commissioner Fox: That might be better.

Chairman Hall: We have Thursday, Friday, you want to aim for that Thursday after Christmas which would be the 27<sup>th</sup>.

Commissioner Pruet: Make-up Friday the next day in case it's inclement.

Chairman Hall: That would be a good idea. All right, we'll do the 27<sup>th</sup>, weather permitting, and then the 28th if necessary, and how about time of day? Say, ten o'clock in the morning, is that all right with you people? All right, so the 27<sup>th</sup> at 10:00 a.m., that is a Thursday, and this will give us enough notice to let the neighborhood know so that they can make it as well, and send their representatives, whatever needs to be done, as well as the applicant. Obviously if there is a problem with the applicant, let us know. Okay good, thank you very much for your cooperation on that.

**B. PETITION 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario applicant, Umberto Manocchio, owner, request for Special Exception, Liquor Restaurant Use, Section 6.6.**

Chairman Hall: Is the applicant available? Would you like to come forward please? Please state your name and address so that the secretary, the clerk can.....

Laury Rosario: That's my personal address?

Chairman Hall: Whatever address you wish to give us, you are listed at 190 Fenn Road.

Laury Rosario: My name is Laury Rosario and my business address is 190 Fenn Road, Newington, Connecticut. What we are doing is, I'm one of the owners, and Jesus Ortiz is my partner for Spin Cycle LLC, doing business as Spin Cycle Café Laundromat, and what we are requesting is a Special Exception for a liquor permit on the premises. That is basically what we are requesting today, reason being is we have been voted, recently won the national award for America's most progressive Laundromat and the reason why we were voted was because of our progressive way of thinking outside of the box. What we brought to the table was a Laundromat with a twist. We offer entertainment, we offer Laundromat dating, we have dance lessons on the premises, we also have movie night, and senior discounts. The seniors come and play bridge, so it's a communal type of center or business of sorts that offers a lot to the public and our customers. In doing so, we thought from the beginning that it would be a good idea to incorporate liquor, beer and wine, specifically, but we would like to have an open liquor permit, to incorporate an added menu of beverages to our already full menu. That's basically it.

Jesus Ortiz: A lot of that request is actually from our older crowd which, the senior citizens come in and they feel that it is a very common, neutral environment. I don't know if any of you have been into the Spin Cycle yet, I know that Mr. Meehan has, but we had, passed out the package.

Ed Meehan: The Commissioners have it.

Jesus Ortiz: That gives a lot of detail as far as, it describes our place in depth, and everything that goes on. We have a lot of things going on there that involve the community and anyone who wants to get involved. A lot of fun things, and like I said, at the request of our customers, they requested beer and wine, because we had just about everything else there, all the comforts of home, and that is why we are here tonight.

Laury Rosario: And the reason that we would like to go with the full, originally the idea was to go for beer and wine, but in talking with the customers, a lot of them, since we offer, we are going to be offering a very detailed espresso, and café and latte, where they thought it would be nice to even incorporate Kahlua in the coffee or Bailey's, and we also have been approached by several fan clubs, one of which for example is the Sex In the City Fan Club and what they intend to do whenever there is a premier of either the show or the movie, for instance the movie is coming out some time in the spring, which I was unaware of, but the fan club would like to do it at our location, and what they typically do is, they will have a cosmo night prior to the premiere of the show, the movie, and there are little organizations here and there that have approached us and we just suited, our environment is very well taken care of, it's very clean, ninety-nine percent of the feedback from our customers is they enjoy being there. It's therapeutic and there is always either myself or Jesus on the premises so supervision is always going to be there. It's a very family orientated place.

Chairman Hall: Any questions from the Commissioners?

Commissioner Schatz: Now what I am trying to understand is, number one, you have families that come there and do their laundry with kiddos and youngsters. I'm not sure youngsters can be in a place where you serve beer and wine, I don't know.

Laury Rosario: The provisions in the state law states that as long as there is alcohol being served on the premises, there can't be any minors at the bar, but restaurants for instance, TGIFridays, all these different locations have a full liquor license and it's a family gathered place, it's a business where families come, they dine, and the parents can enjoy a drink. We have tables, we have a sofa, we have a large screen TV, I mean it pretty much follows the provisions by state.

Commissioner Fox: I have a question, through the Chairman for the Planner. They state that there is nothing within 1500 feet, but to your knowledge is there any other liquor license, I know what is it, 500 feet?

Ed Meehan: The property is in the Industrial Zone, and the regulations set the standard under Section 6.6.3 voiding similar liquor establishments with 1500 feet and based on the radius map and my knowledge of the area, that is correct.

Commissioner Fox: Question number two, if I may, through the Chairman. Commissioner Schatz was talking about you know, having kids in the same area, so am I to assume that it would be all right with you if you had a couple of young parents doing their laundry, and their kids playing video games, and they are sitting at the bar. Would that be a scenario?

Laury Rosario: Not if there is liquor on the premises, the children would not be allowed to sit at the bar.

Commissioner Fox: No, no, the kids wouldn't be sitting at the bar, that is against state law, would there be a separation between the bar and the arcade area, let's say.

Laury Rosario: If you look at, in the pamphlets, we have pictures of the premises, both pictures of the café and the Laundromat and it's about 600 square feet there, there isn't much, there isn't a stretch of distance where the parents wouldn't be able to supervise their children while they are playing video games or watching TV.

Commissioner Fox: All right, that's what I was getting at, supervision plus, you know, this hearing just now being opened, I don't know yet if I personally am comfortable with a situation where you will have toddlers in one area while their parents are sitting at a bar having a couple of cocktails, or in this case, beer and wine, I don't know if that's, it's not for me to say of course, but I personally don't know if that is a good atmosphere, number one, number two, you are asking for a full liquor license, okay, might I bring up in front of the Commission that, if that is the case that we talk about a beer and wine license, and then if they feel that they want to go to a full liquor license, come back in front of the Commission.

Laury Rosario: I would prefer to go for the full liquor and that is because that does take away from being able to offer additional beverages with the coffee, Kahlua, or the Bailey's, which is a request that we have had from many customers. Just because we have waited this long to request the Special Permission because we wanted to get a feel for the business, we have now been open for five and a half months, and if we were another business owner, we would have done it initially when we first opened the doors, but we wanted to get a feel for our customers, what they wanted, what works for us, as a business owner with a new concept to Connecticut because we are the very first in Connecticut and because of the ideas that we bring to the table and how organized we have maintained our business and everything we offer the public I think for

that reason we won the national award, so that we are showing how progressively we are thinking in today's world. So I would honestly love to get an approval for the full liquor license.

Commissioner Fox: Okay. One more, through the Chairman. I appreciate your business acumen, seems like a very nice, never been in there, but it seems like you really have a handle on it, the last question that I have, you say that you have customers from their early twenties through seniors, you get a lot involved with the college kids there?

Laury Rosario: No we don't. Not yet, and the reason being is Central University as much as other universities have their own debit card system, in their case it's called the blue chip card and because we don't offer, we have requested, we did apply for the application and the contract with the state, and that is under review now. I think things will improve with the school once we obtain permission and the card usage. Up until now we haven't seen, we've seen a trickle of students come in that pretty much live off campus and for whatever reason they choose to do their laundry on the premises. The other, there is a very strict clause in the contract with the blue chip, it cannot be used to purchase alcohol, tobacco products or lottery tickets. That is something that Jesus and I take very seriously, so if alcohol were to be granted on the premises, there would always be strict supervision from myself or Jesus, there is always one of us on the premises.

Commissioner Fox: All right thank you. I can see why they enjoy going there.

Laury Rosario: Thank you very much.

Commissioner Pruett: I haven't had a chance to read your stats on the business, how many parking spots do you have out there.

Laury Rosario: We have seventeen and we have verbal permission for when we have the special events, to use the parking lot next door, the storage place. I'm not sure if you can picture, there is a storage place that has ample parking right next to us. We have verbal permission with them and the owner, to use that at our discretion after they close their hours.

Commissioner Pruett: How big of a bar would you plan on putting in there if you had the liquor license?

Laury Rosario: The bar would stay as it is, that's the size. We did play ahead and in the future if we were granted the permission, we had already spaced out to have a small sixty-five inch cooler that would house bottled beer, and then a smaller tap cooler for the kegs. The size that you see on the counter is exactly the way that it would stay.

Commissioner Ganley: Mine is parking also, if you would just once again please, the adjacent property, you are allowed to park there for special events, it's a verbal agreement?

Laury Rosario: It's a verbal agreement and they have also mentioned that if something has to be done in writing, they will definitely be willing to.....

Commissioner Ganley: What is that again, please?

Laury Rosario: If I needed to have something in writing from their part, they would definitely do that for us, but right now, nothing has been formalized, whenever we have an event we just call over and say, is it okay if we use a couple of parking spaces, and they are okay, and as far as employees and myself and Jesus, we are always, we always park on their parking lot. That is something that we have already agreed upon, so when we are working in our regular business hours, you'll never see one of our cars in our own parking spaces.

Commissioner Ganley: Okay, because, the reason I raise this is the ordinary day to day traffic, that's the patrons going in and out, who for a variety of reasons don't happen to find a spot right in your lot, may just very well go over there, because I think they can park there when there is a special event, they just go park there, so that could pose a bit of a problem for the adjacent parking, for the adjacent owner I should say, who has limited your use of his property for special events. I mean, the person just pulls in, sees no parking, but everybody parks over there, so they drive over there and they park there. I personally would feel more comfortable with something in writing, outlining the terms and conditions of the use of the property. We have something similar I think there is a precedent for this, on another piece of property we were looking at, and we wanted to make sure that there was access and parking share agreement among several people in the same building, so there is precedent for this, to ask in fact for something in writing because verbal agreements when there is a tough issue, kind of get fuzzy and then we are kind of stuck with the results which are not always good for us. So I personally would prefer to see something in writing which clarifies precisely when and if and how you would use that adjoining property.

Laury Rosario: Okay, right now it's the verbal agreement is, pretty much our special events are from eight o'clock on, and the company storage space closes at six p.m. So, basically when ever we have an event or what have you, it's always after their business hours and we've never had a problem, even, we've, the only time our parking space gets filled is when ever we have a special event. As far as our regular business, as far as the Laundromat and Café and people dining in, we have yet to fill up the parking spaces.

Commissioner Ganley: The dilemma now is that they can get some drinks, literally soap and suds there, so that kind of raises the ante if you will, so it might be in our best interest certainly to see something that would kind of make a little bit more finite for us.

Jesus Ortiz: The management over there has told us that it wouldn't be, we didn't want to take it any further because we didn't know what the results would be so of course right now, it's just a verbal, he said it wouldn't be a problem to put things in writing.

Laury Rosario: The other thing is too, we as owners of Spin Cycle have to depend primarily on our own spaces because who is to say in the future they might have a special event outdoors or what have you, but having the seventeen parking spaces and we have a limit of fifteen seats in the premises, so that is also something that is going to limit the amount of people we can house inside at the business. It's not as if we have, or can house fifty plus people inside, literally, that is our max is fifteen seats, so that is proportional to the amount of parking spaces that we have, so that is also something that is going to control the amount of traffic going in and out of that business.

Commissioner Ganley: Thank you.

Chairman Hall: Any other questions from the Commissioners? That was my question, as to how many people you seat now, it didn't look at if there are an awful lot of seats and you say that there are fifteen seventeen parking spaces.

Commissioner Pane: Madam Chairman, I think everybody should realize too, that most likely people are going to be doing laundry there, so they are not going to go there and just drink. It's not just a bar, this is pretty much like an accessory use and I don't think the parking is going to be too much of a problem, to be honest with you, in my opinion. It's just an accessory use, so, offering something else to the clients that are existing, going there for laundry. I don't foresee it to be a place where somebody is going to go over there just to drink alone.

Chairman Hall: How many machines do you have, washers and dryers? How many washers, how many dryers?

Laury Rosario: We have a total of twenty-five machines, they range, we have five single loaders, we have seven double loaders, six triple, we have five that are, it's called maxi loads which can hold up to four loads, and then we have two of what we call the big boys that can hold up to five loads at once, and then we have twenty-four dryers on the premises. That's another, you brought something to my attention, we have no seating in the Laundromat area. So the patrons that do use the Laundromat area have to sit only in the café area, whether it be in front of the TV, on the couch, or on the three, we only have three tables in the seating area, so it's basically, the reason we are requesting the permit is to add another item to our menu.

Commissioner Fox: Madam Chairman, again, through the Chairman, with the addition of the bar, beer and wine facility, or the liquor, would that change the parameters, in other words, right now, it's the square footage of that building that determines the number of spaces, the square footage for retail use.

Ed Meehan: What determines the square footage is in 2005 the building, the property was issued a special permit for a restaurant use and that's where the 600 square feet of public food area, that footprint was established and the fifteen seats. Those are the two controls on the occupancy, the fifteen seats and the 600 square feet of restaurant area. That would be something I would recommend that you maintain given the limited number of parking spaces.

Commissioner Fox: Right, so this would not change, it would be the same square footage, so their parking requirement would remain at fifteen.

Ed Meehan: The liquor, if it was approved would be an adjunct to the existing six hundred square feet. The other thing that I would add is what Commissioner Ganley brought up, the Commission can consider off-site parking, if there is an arrangement by an easement presented to the Commission. More than verbal if it is going to be used on a regular basis for special events, and they have mentioned two or three special events tonight that may tip it where in addition to their cars, they would have patrons cars parked there. I would recommend that that be done by easement. The other thing that I would call to the Commission's attention, went back into the records, this site is a tough site, was a tough site from the very beginning because of it's configuration and the requirements to design the building. It necessitated up to five variances at the time to even get the building going. In addition, there is an easement with the Town of Newington granted to the property owner, Mr. Manocchio so the parking out front can encroach within the town right of way, because part of Fenn Road cuts through this parking lot, and a requirement of that easement is that he provide the Town with a Certificate of Insurance, we're named as an additional insured. I have to check with the Town Manager's office, with Jeff Baron down there, to make sure that this is being done on a regular basis. The other item the Commission should know about, I don't know if the folks up here know about it, is that when Mr. Manocchio was approved for this site, he also signed a hold harmless agreement relieving the Town from any liability, if you can do such a thing legally, for any accidents that occur associated with that parking area, because it does straddle the town right of way. So there are various layers of control on this piece, the building itself is only about 2400 square feet. That physically, I think will constrict what you can do here, but I agree with some of the concerns about parking. I think you should probably have off-site parking by easement for a limited number, whatever they can work out with their neighbor as part of your record. If this becomes popular to the extent that it can, I think that parking would be warranted. The only other thing I was wondering, what the hours of operation were going to be in the evening.

Laury Rosario: If we were approved the permit?

Ed Meehan: Yes.

Laury Rosario: We would open up until twelve p.m., no twelve a.m. That's for the week-end. The week-days would be until ten. So it would be one more hour.

Ed Meehan: Okay. If the Commissioners would like, I have what was approved in 2005. As the applicant said, it shows the layout of the washers and dryers, it shows the dividing wall, the counter, and the small lounge area, and if you go in there, you'll see it's as approved.

Chairman Hall: Any other questions?

Laury Rosario: I do have a question. What exactly would be a request for an easement?

Ed Meehan: An easement would be granted by the owner of the adjacent property to you, or to your business to park a certain number of vehicles there. It would set forth the number of vehicles and where they should be located, it would be something that either your attorney or his attorney would draft. You may want to talk to your owner, Mr. Manocchio about it, and he may, it may benefit him certainly, in the future, but there would probably be some consideration possibly between the two, between the person who is granting the easement, there will probably be insurance requirements, so he doesn't take on liability, someone slipping and falling on his property, going to your business, so it's more than just the verbal that Mr. Ganley alluded to. It would be something, I think you would have to produce, my recommendation is you would show the Commission that you have those spaces lined up for your use prior to getting a liquor permit.

Chairman Hall: If there aren't any other questions, thank you.

Is there input from the public? Anyone wishing to speak in favor of this petition? Anyone wishing to speak in opposition to the petition? Anyone wishing to speak? Seeing none, we can close this. You don't see any need to keep this open?

Commissioner Kornichuk: We don't need to get the easement?

Ed Meehan: You can close before you get the easement, the question is whether you want to vote on it before you get the easement, or have some indication of whether you are going to get the easement.

Commissioner Pane: I think it's also a question whether or not all the Commissioners feel that the easement is needed. I think we can talk about that.

Ed Meehan: You can close the hearing, at the next meeting you can discuss the issues you heard tonight, the issue that Commissioner Pane just brought up, you know, do you want an easement, if you don't want an easement, are you satisfied with what you heard tonight? If you do want the easement, then that language we could probably, should be in a motion on this. You have the option of approving it as presented, approving it with conditions or denying it with reasons. You need to state the reasons for denial, you need to make the record when you do vote on this as to your findings, so if there is, at your next meeting, you should discuss any of the concerns that you have tonight, and I think parking seems to be one of them. I think you got quite a bit of information on hours of operation, the physical layout of the property you know, so basically talking at the next meeting and then with that information, you can direct me to draft a suggested motion, can have it ready so that you can vote on it, or try to formulate a motion right from the table.

Chairman Hall: Commissioner Pane, did you have a question?

Commissioner Pane: No, just suggesting that we close this, and then I think I'm going to pay the area a visit during the week, and suggest that the other Commissioners do that, at their convenience, just to look at the situation so that we can come to a conclusion at the next meeting.

Chairman Hall: I agree.

Laury Rosario: Could I just ask, with the owners next door, they were willing to, they had given us verbal permission, and they would be willing to write a written letter stating they are giving us permission. What, in the event, if they don't want to conform to a formal contract that they have to share easement of the property, would that mean that the application wouldn't be considered at all?

Ed Meehan: I think that goes back to the extent of how much legalese the Commission wants to get into. Do that want a formal easement, or will a simple letter suffice?

Laury Rosario: That was a concern of mine, because what if the owners don't want to, I mean that is their property and they have a say there, that is one thing that I didn't really want to depend on, a just in case scenario.

Ed Meehan: The Town always has to be careful though, in granting approvals for these types of uses, we're not open to legal exposure. Ultimately we probably would be because they go for the body that has the most insurance, and so forth, but as part of the record, the Commission should have I think before you make your decision, what you are going to be satisfied with, a simple letter of permission, or a full easement. In some language, the same as the Town did in 2005 with Mr. Manocchio, that the town granted an easement, we also took a hold harmless. Now, that was very legal because we were dealing with our public right of way. This is not quite the same, it's private property to private property. I think that is something that the Commission could talk about at your next meeting.

Commissioner Ganley: It might be in the best interest of the adjoining property owner, once he realizes what it is he is going to do, to in fact protect himself by virtue of a legal agreement. Liability, somebody flops on the ice on his property, going to their car, those are things that he may not have considered, and it may be in his best interest to go for an easement which protects him, just as we have one which protects us, relative to our right of way. So he may not see the value of just a simple letter if he feels kind of uneasy about what it will do for him in case something goes wrong. So an easement is not something out of the ordinary. It may be to both your benefit and certainly to his because it is his property.

Commissioner Pane: What are your busiest times right now?

Laury Rosario: We really don't have a feel for, I mean, there is no trend. I mean, Sunday, it depends on people, their time, their schedule when they are fitting their laundry in. Sunday is typically our busiest day, and we still don't get a full house.

Commissioner Pane: Thank you very much.

Chairman Hall: Petition 42-07 will be closed, and now our next meeting will not be until January, correct. January 9<sup>th</sup>. So we don't meet again in December, we will meet in January. Thank you for coming in this evening.

**C. PETITION 53-07 – 102 Pane Road, RBMC LLC, owner, Kempokan Martial Arts, applicant, represented by Benjamin Thomas, 80 Sylvan Road, New Britain, CT 06053, request for Special Exception Section 3.19 and 3.15.6 place of recreation.**

Chairman Hall: Is the applicant here? Come forward please and state your name and address.

Benjamin Thomas, 80 Sylvan Road, New Britain: My understanding is that I need to get a Special Exception to run a martial arts school in this space. I have been in business in Newington for approximately the last five years and the school is moving to the new space. I believe this is currently zoned as a storage area, and in order to operate it as a martial school I would need to get a Special Exception to use it as a place of assembly.

Chairman Hall: Questions from the Commissioners?

I'm trying to figure out where this building is, I see Image Inc. on the side of one, so is that the north side of Pane Road?

Ed Meehan: That was one of my questions, I left some questions with the applicant on his voice mail, I don't know if you remember them, I can repeat them, and you can help the Commission.

Benjamin Thomas: Yes, it is on the north side of Pane Road, approximately a quarter mile from the Berlin Turnpike, right near Reno Properties, there is a curve in the road right there and in between there and the building that houses Timber Gyms.

Chairman Hall: That was a storage facility?

Benjamin Thomas: I believe it was zoned as storage, the prior tenant was actually an embroidery company.

Ed Meehan: For the benefit of the Commission, where are you in this L-shaped building?

Benjamin Thomas: As you are looking at that picture, Image Inc. is located at the bottom part of the L that is closest to that bottom edge of the paper, I am located in the space adjacent to that, so in the narrower portion, I don't know if that helps, like in the skinny section still.

Chairman Hall: Here?

Benjamin Thomas: Yes.

Chairman Hall: So in back of Image Inc.

Benjamin Thomas: Exactly.

Chairman Hall: Okay, before you get to, say where we have the number 102 . Your address is 102 Pane Road?

Benjamin Thomas: Yes, that's correct.

Chairman Hall: How many square feet?

Benjamin Thomas: Approximately 3,025.

Chairman Hall: Questions from the Commissioners?

Commissioner Pruet: Are you presently at the Jo-Anne's plaza?

Benjamin Thomas: Yes.

Commissioner Pruet: Okay, I remember you coming before us.

Benjamin Thomas: A few years ago.

Commissioner Pane: Madam Chairman, could we have the Town Planner give us the parking on the site, update?

Ed Meehan: That was one of the questions that I asked the applicant. I wasn't sure of his square footage because it says exercise area, but I didn't know which square footage to put with that. The parking for this site, as you can see from the aerial photo is fairly generous for the uses there. There is also parking that is available at 156. When these property lines, not the property lines, but the driveways were modified a few years ago, one of the driveways on Pane was closed and brought into this property, so I believe that the occupants of this 102 have the rights to park on the far easterly side of 156. Based on the count that I see on this photo, as well as being on the site, there should be enough parking for the tenants in there now, but I also have a question that I asked the applicant to explain, his hours of operations and when the peak time the clients are using this facility compared to other tenants in the building.

Benjamin Thomas: The vast majority of my business traffic occurs after 4:30 in the afternoon, usually between 4:30 and 8:30 in the evening. Currently the majority of the building is vacant. Image Inc the only other direct to consumer business that is in there currently and their traffic is pretty minimal and they close at I believe around 4:30 in the afternoon. So my business generally takes place after everybody else is gone.

Chairman Hall: And are you open on the weekends as well?

Benjamin Thomas: Saturdays, yes.

Chairman Hall: Just Saturdays.

Benjamin Thomas: Just Saturdays, yes. But my traffic on Saturdays is actually pretty small relative to the rest of the week.

Chairman Hall: Approximately how much square footage is remaining, you say it isn't occupied at the moment, but how much could be used.

Benjamin Thomas: I have to be honest, I'm not totally sure. I believe that the big section of the building is approximately ten thousand square feet, but I'm not certain of that.

Ed Meehan: I copied the Assessor's field card.

Chairman Hall: Oh, good, and there is nothing in there right now?

Benjamin Thomas: There's a little bit of use in the back.

Ed Meehan: The northerly side is warehouse, storage, and you're not, maybe you could look at this, because you aren't in the 9,225 space. You are in the long neck portion.

Chairman Hall: Right and that's almost 20,000 left.

Commissioner Pane: Madam Chairman, I forgot about the joint easement that took place several years ago. Like our Town Planner was saying, that, he can confirm this, that there is quite a bit of parking at 156 the adjacent property, so it appears that there is an excessive amount of parking.

Ed Meehan: They actually closed one of the driveways, moved it as far off the curb as possible, and then closed the other driveway to the west, and you can see one of those property lines straddles the parking there.

Commissioner Pane: There is a joint easement there, isn't there?

Ed Meehan: Yes. There was, well, at the time, both property owners were the same.

Commissioner Pane: Now they are different, so is it still....

Ed Meehan: If there was an easement, it would go back to the easement situation, if there were cross easements there would be legal requirements.

Commissioner Pane: So we need to investigate that.

Ed Meehan: I'm fairly sure there is, because the driveway, there are two driveways that serve this property. The driveway to the west which goes into sort of the back parking is on the other property, so I'm pretty sure that was the way it was set up.

Commissioner Fox: Madam Chairman, if there were cross easements, would that go with the deed, with the land? In other words, when Reno property did sell that to whoever owns it now....

Ed Meehan: Yeah, it travels with the land.

Commissioner Fox: So the cross easement would still be there.

Ed Meehan: Yes.

Chairman Hall: And the topography is such that you can easily get from one to the other? There is no slope or rise or anything like that.

Ed Meehan: It's all paved, actually.

Chairman Hall: It just isn't stripped.

Commissioner Pane: It is stripped, 156 is stripped, it's just not as clear as 102.

Chairman Hall: Again, I think a little field trip is in order on this one, I have a pretty good idea of what it is, but I would like to see it. Any other questions from the Commissioners? Anything else from the town side, Mr. Meehan?

Ed Meehan: How many people on your staff?

Benjamin Thomas: It's just actually me. I have one person who works about three hours a week.

Chairman Hall: And at any given time, approximately how many students do you have?

Benjamin Thomas: Usually between twelve and fifteen at any one time, and most children that are students are dropped off. So their parents drop them off and go shopping.

Chairman Hall: And then come back, so the parking issue isn't all that great.

Commissioner Fox: I do have one question, through the chair, Ed, would signage be a problem?

Ed Meehan: No, there is a pylon sign there now, they can replace the panels. The applicant has a petition, or an application to the zoning officer for a wall sign, contingent on this action.

Commissioner Fox: Thank you.

Chairman Hall: So at this time we would consider closing....do you have any questions for us at this point?

Benjamin Thomas: No, not at this time.

Chairman Hall: At this time, are there any people who wish to speak in favor of this motion, or this petition? Anyone wishing to speak against the petition? Anyone wishing to speak. Seeing none.....

Commissioner Pane: Madam Chairman, I move that we close Petition 53-07.

Chairman Hall: All in favor?

Commission: Aye.

Chairman Hall: Any opposed? Again, our next meeting will be January 9<sup>th</sup>, in the mean time again, you want to take a ride by this and see what it looks like, and Ed, if you come up with any issues, let us know before then, but we will take this up again on January 9<sup>th</sup>.

Benjamin Thomas: Do I need to be present on January 9<sup>th</sup>?

Chairman Hall: I don't think so, because we closed the public part of the petition, there really won't be any questions, it will be discussion among ourselves. Thank you.

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

Stephen Tabor, 52 Rockledge Drive: I'm here to status the bond issue on my neighbor's grading for the slope that abuts my property. The Commission has a bond, and nothing has been done so far, I mean the last time I was here they said everyone, something was going to be done, letters were going to be sent, they have a construction schedule to find out, the town, if the bond was forfeited, the town would actually go out and grade the, my neighbors property, because they would have the right to go on it as part of the bond. I just want to know how it is coming.

Ed Meehan: We met with your neighbor and his contractor, asked them to proceed to do the work, when they left they were in agreement that it was going to be done, I believe there was some disagreement among the household next to you as to whether the work should be done or not, between the parties living next door. There was an attempt by the property owner to do some brush clearing, and planting of junipers, that he called me to go down at look at. We went down, and looked and found it unacceptable, so we have not released the bond.

Stephen Tabor: Okay, now the next step is, the slope will be graded?

Ed Meehan: The slope will probably not be graded because it is such a steep slope that to get the three to one is going to be right up to his foundation. What we had asked him to do is to do, get the rocks that seem to be rolling off that steep edge, clean up the loose rocks, and stabilize it as best he can, and either use jute mat or spreading juniper to stabilize this slope. I saw the property owner working on it himself one day and then he called a couple of days later but it was late in the season and the amount of plantings are not going to stabilize....

Stephen Tabor: I saw it myself, he put three to four plants about this big.

Ed Meehan: It's not going to stabilize that slope.

Stephen Tabor: And the rocks are still falling into my property.

Commissioner Pane: Madam Chairman, I don't understand why this wasn't taken care of. This has been years on the agenda, obviously. I remember this when I was Chairman, this slope should never have been that steep, something should have been taken care of, and I don't understand how staff hasn't stayed on top of this, in four years to get some plants planted, or to take care of the problem.

Ed Meehan: Well, I think I should respond because Mr. Tabor gave your neighbor permission to go on your property.....

Stephen Tabor: Yes, I gave his contractor permission for the purpose of grading the slope.

Ed Meehan: The neighbor to the other side, Audari, did not give any permission, you know, cross permission. There is probably not enough money in the bond, \$2500.00 bond to re-grade this, and re-grading it is not going to solve the problem. It's a type of job that maybe some generous landscaping would stabilize it, but at this point, it's too late in the season and .....

Commissioner Pane: We've gone through several seasons, with all due respect.

Ed Meehan: We have been going back and forth with getting permission and not getting permission, probably for two years.

Commissioner Pane: With all due respect, the original developer should have been held responsible for this, and it slipped.

Stephen Tabor: I stated that, too at a prior appearance.

Ed Meehan: There are two sides to this story Domenic, two separate land surveyors, on each site. The property that Mr. Tabor purchased, he began working on it himself, and began filling it and there were problems with the fill, it did not follow the plan, both property owners changed the footprint of their buildings and the location of their driveways from the original approved subdivision. When you have changes on a steep slope like this, that's where things fall through the cracks.

Commissioner Pane: And obviously staff should have noticed these things a lot sooner when that project was going on.

Ed Meehan: We did notice it, that's why there was so much requirements for as built foundations and certification of top of foundation before the subsequent building permits were issued, but once the site was set up, between the two developers and it was such an extreme bust in the

surveys, there is not much we can do, short of probably doing what we are right now, waiting for the property owner, on the high side to take care of the problems.

Commissioner Pane: Well, that, or the \$2500 is a significant amount of money, and that would certainly put the plants in, the junipers in to take care of the problem, hand grade the area, I've seen the area.

Ed Meehan: Hand grading is what you have to do.

Commissioner Pane: I've seen the area, that area could be hand graded, and plants could be put in there so that they will spread out, and \$2500.00 is probably a significant amount of money that would handle that.

Ed Meehan: If Mr. Auderi will grant permission for the town to go out with a private land surveyor, you know, we'll go out to bid, or get quotes, for that guy to go on his property, we'll spend the \$2500.00. He asked for time to do it himself, and that time, I think it was like the, almost the last week in October.

Stephen Tabor: Last month.

Ed Meehan: Was when he finally got to it.

Commissioner Pane: I'm just saying that it's too long, I mean, he's asked, I'm familiar with this because this is when I was still Chairman and it's been going on a long time. I think that owner, adjacent to Stephen has had ample time to take care of the problem.

Ed Meehan: You know, I don't want to keep beating a dead horse, Commission members heard from Mr. Tabor before, and I've certainly talked to him. There is a point where these two property owners have got to get together, and the town has to stop refereeing. I mean, we can go in and call the bond, and we can try to get a private contractor to get on Auderi's property, but is he going to be satisfied, is Mr. Tabor going to be satisfied with what this guy does for \$2500.00? I don't know.

Stephen Tabor: All I want is for the slope to be stabilized, okay? In the subdivision plans it states that everything in that subdivision has to be graded to either a two to one or three to one, whatever is in the regulations of the subdivision, the requirements. It hasn't been done. I had to comply with those requirements, so did everybody else on that street. Now that slope is still stuck there, and if he has to grade to the foundation, well so be it. To get a three to one slope he is going to have to do it, or when you guys walked the property.....

Ed Meehan: He's probably going to have to blast to get to that foundation.

Stephen Tabor: No, it's clear to that foundation from my level, because when they put the foundation in, all that was brought in, that material, including that big boulder in the front lawn. One of the Commissioners made a comment the last time I was here, it's bedrock. It's not. It's a boulder that was excavated out of his foundation, they pushed it over onto my property, and then I told them to get it off my property, they pushed it back, as far as they could get it, it was right over the line, and just left it there.

Ed Meehan: But to move, to have the size equipment that's needed to move that dirt around, it's basically going to be a disservice to both property owners. The way to do it is with small equipment or hand, you know, get a couple of laborers out there and do it that way. That is the way that we suggested to Larry Webster and to Mr. Auderi. Either a small bobcat or you know, laborers, but if you go in there with heavy equipment, you are going to wreck both lawns.

Commissioner Pane: I agree with you, you can't bring heavy equipment in there, you can't bring a bobcat in there, it's got to be done by hand, and with all due respect Stephen, I know that the problem has been going on a long time, okay, I think you are not going to achieve the exact slope because of everything that has happened but I think with enough juniper plants in there, and with grading it out by hand, you'll relieve the problem of things coming over onto your property, and the junipers are going to soak up a lot of the water.

Stephen Tabor: I understand. That I understand.

Commissioner Pane: So you might not achieve that exact slope that is technically supposed to be there, okay, but I think with the \$2500.00 or if this neighbor can put in enough plants, they usually spread, they're probably every four feet or something, okay, and put in two, three rows of them.....

Stephen Tabor: But the key is to grade it more than what it is right now.

Commissioner Pane: By hand, it needs to be raked out by hand.

Stephen Tabor: It has to come, the grade has to go back towards his foundation, to get more of a slope. I'm not saying all the way, but right now, it's almost a ninety, I mean, it's bad.

Ed Meehan: Well, you have to go in there by hand and pick the spots where you can put the plants in, because you are going to end up disturbing more than you are going to solve. Four foot on center is what we call for, that's how we came up with the number of plants. We said about a hundred plants in there.

Stephen Tabor: Well he put maybe four or six in.

Ed Meehan: Yeah, he put them in there, they're about the size of my fist.

Stephen Tabor: Yeah, I saw them. That's why I wanted to come here because my wife saw his wife on Halloween night, trick or treating with the kids, and mentioned they are going to put some arborvitae on the top and if you do that and then all of a sudden it caves down more, and I was saying again, the material that is on my property I was going to do it this year but I didn't get a chance, I was going to scrape that out because it's all poured onto my property, it's eroded onto my side of the line.

Commissioner Pane: Then I suggest, Madam Chairman, there is matting that can be placed.

Ed Meehan: Jute matting.

Commissioner Pane: Jute matting can be rolled out over the entire slope and add the juniper plants at the spacing that the town has recommended, and this problem will go away.

Stephen Tabor: As long as it's stabilized.

Commissioner Pane: You aren't going to get the exact slope, at the top of the slope, the top of the slope should be knocked down a little bit, and some of the large rocks should be taken out of there, it's all hand work and then juniper matting and spacing.

Chairman Hall: At this point, Mr. Meehan are we in a position to send a letter to this neighbor to explain that this has come up again, and this is what we expect to be done, or how should we handle this at this point.

Ed Meehan: He was told that what he planted was not acceptable.

Chairman Hall: He was told, should we put it in writing?

Ed Meehan: We can put it in writing, I mean right now it's again, this is a spring time thing.

Chairman Hall: Correct, but I think we should be on record that again we have discussed it and this is the action that the Town would like to see done, and then we will follow up with that in the spring. Obviously nothing can be done now, if we are going to start to get a freeze and snow and all the rest of it, then.....

Ed Meehan: Every time there is a freeze and a thaw, more rocks pop up.

Stephen Tabor: Exactly.

Chairman Hall: But again, you can't plant it at this point.

Ed Meehan: Right.

Chairman Hall: So I think we .....

Stephen Tabor: Just him going on the slope to plant the plants, he almost caused a landslide. I had to throw all the rocks back up onto his side to get rid of them.

Chairman Hall: It's a difficult site, and remember this.

Stephen Tabor: I want to point out just one thing, everybody keeps talking about, there was a bust in the two properties, okay, I submitted the plan to this town, and my driveway was a little, the grade was not to the ten percent, and the town kicked the plan back to me, they did not approve it, and I had to come with the ten percent grade. So the town checks grading in their approval process, I want it clear that the Town did not properly review both of the plot plans for both of these homes because if it did, this problem wouldn't be here. It was the Town's negligence in the review of these plans. They handed me, when they stamped that plan approved, it doesn't matter if I'm building a sixty-five story house or a two story house as long as it complies to the R-20 Zone, and the setbacks are met, I can build my house. When I have an approved plan, the Town, it's in part of their review process to check these grades which is what I'm saying wasn't properly done by the town. They did not properly review these plans before issuing the permits for my neighbor's yard and my house, both of them.

Chairman Hall: Well, sometimes the builder doesn't do it according to plan, so.....

Ed Meehan: Sometimes people change plans.

Chairman Hall: Right, exactly.

Stephen Tabor: Well mine wasn't changed.

Chairman Hall: Well at this point, I think what we do at this time is send a letter to the neighbor, explain the situation and then we'll follow up on it. Thank you for coming before us this evening.

Stephen Tabor: Thank you.

Commissioner Pane: Madam Chairman, maybe the Town Planner could ask the neighbor if they just want the town to take care of it. See if they grant the town permission to take care of the problem.

Chairman Hall: Well, I think we would have to decide whether we want that liability or not.

Commissioner Pane: Liability, it's a bond that hasn't been done. We call the bond. It's not a liability.

Ed Meehan: The bond was posted by their builder.

Commissioner Pane: Yeah, we have it.

Ed Meehan: We have the bond in cash. So if we call the \$2500.00 it comes out of the builders pocket. We discussed that with the owner and I think that's why he went out and started to do his, I don't know what arrangements between the builder and the owner, maybe the owner paid the developer, the contractor \$2500.00 to get him out of the picture. I don't know, we can find out, but the bond agreement gives us the rights to go on the property. That is when Mr. Webster who was the contractor who built the house had control of the site. It's more complicated than we probably have time to talk about, but we will try to get the property owner to clean the site up. My concern is that, probably is better off doing it with a couple people who know how to do landscaping than have the private property owner do it.

Chairman Hall: Right.

Ed Meehan: We observed that there was some stabilization of the slope with, it wasn't great vegetation, but there was some vegetation naturally taking over the slope and when he went in and planted his little junipers, he disturbed that, so the next time it rains, it's washing down to the property below.

Chairman Hall: Can you give him a deadline, and if he doesn't keep the deadline state that the Town will take it over at that point?

Ed Meehan: We can do that. We've done.....

Commissioner Pane: We've given him several deadlines, why are you going to give him another deadline? He's not qualified to do the job. He's just a homeowner, he's not qualified to do the job, the builder left. Either the highway department can handle it, or it goes out to bid and be done with it and let the, I think Ed should talk to the homeowner and see if that's.....

Commissioner Fox: Madam Chairman, Domenic is right, but I think Domenic saying they have had enough deadlines, and evidently they have, okay, but if the town sent them a letter saying you have such and such a time to do such and such a thing and have it inspected and if it's not done then, immediately afterwards the town does come in, plants, does the proper grading, whatever has to be done and plant the junipers and that's it.

Ed Meehan: We have a thirty day notice in our bond call. You have to give them thirty days, and we can do that, we can say, if you haven't got it done by, pick a date, April 10th.....

Chairman Hall: April 30<sup>th</sup>.

Commissioner Pane: Didn't you do that already once? Or twice?

Ed Meehan: No, we did not do that because we're going back and forth with permissions to go on each others property.

Commissioner Fox: Once you take the bond, you have the permission to go onto the property.

Ed Meehan: Yeah.

Chairman Hall: So I think this will be considered an ultimatum.

Ed Meehan: Yeah, we can do the ultimatum and I think it also requires a vote of the Commission, but let me check the bond agreement.

Commissioner Pane: Are you going to add juniper matting to that?

Ed Meehan: I'll have to see if there is enough soil down there to cover it. The matting that was referred to down at the detention basin down at the bottom of the hill, at Rockledge, there is enough soil for that to grab onto. It's pined, but if we are just going to put juniper mat over rock..

Commissioner Pane: It's not rock, there's soil there.

Stephen Tabor: There's not enough soil there, if they add some soil.

Ed Meehan: That's my point.

Chairman Hall: For \$2500.00 what you can get done on that.

Commissioner Pruett: I'm just curious, if that cost exceeds \$2500.00 who assumes the liability above that?

Ed Meehan: We can only pay \$2500.00. There were three things required for the contractor to complete, to tie in the roof leaders into the town storm system with an easement out to Rockledge which he did; to do some additional grading which was attempted, I won't say it was as much as the neighbor on the other side wanted, and the third thing was to complete this landscaping, which we have been going around on for probably two and a half, three years.

Chairman Hall: Well, I think at this point, if we can come to an agreement that we give him a deadline of April 30<sup>th</sup>, if it's not completed by April 30<sup>th</sup>, to the satisfaction of the Town and the neighbor....

Stephen Tabor: Yes, please.

Chairman Hall: Then the town would take it over and complete the project, not to exceed \$2500.00, which could be a problem. Sounds like a pretty expensive proposition. Is everybody in agreement with that?  
Any other public participation this evening?

**IV. MINUTES**

November 28, 2007

Commissioner Pruettt moved to accept the minutes of the November 28, 2007 regular meeting. The motion was seconded by Commissioner Fox. The vote was in favor of the motion with six voting YES and one abstention (Hall).

**V. COMMUNICATIONS AND REPORTS**

- A. Newington High School Field House Plan Informational Report – Jacunski Humes Architects, LLC attention: Albert Jacunski, 15 Massirio Drive, Suite 101, Berlin, CT 06037-2352.

Ed Meehan: We have Al Jacunski for the field house presentation, informational for the Commission.

Al Jacunski: Good evening.

Ed Meehan: Does everyone know where the field house is, over off of Alumni.

Al Jacunski: I also have some handouts for you, one of the plans that I will be using during the presentation. Ed, I think you said I have an hour and fifteen minutes for this? I'm Al Jacunski, Jacunski Humes Architects, 15 Massirio Drive, Berlin, Connecticut. We were commissioned by the town and the Board of Education to prepare plans and specifications for additions and alterations to the Newington High School field house. The project consists of an addition in two areas, of 4600 square feet. The existing building is approximately 5,660 square feet. The existing part is the Newington High School blue and the additions are shown in Newington High School yellow. We do have a small addition located within this area, it's a girl's visitor's team room, and by the way, the prime purpose of this project is to achieve gender equity and handicapped accessibility and also some of their physical needs. The larger part of the addition located right within this area, by the way, the football field is up in this corner, and I'll show that to you on the site plan, and that is an expanded weight room, boys visitor team room, athletic field storage and then this area being a, down on the slope of the property, a new practice center which is at a lower level, approximately eight feet lower than this upper part of the existing structure.

Site improvements, again, the existing field house, you see part of the track and football field up in this area, the property slopes off quite a bit in this direction, I'm sure you are aware of that. Hence it gives us an opportunity to give them a little taller part of the building for indoor practice, football, baseball. All the dark gray area components are new driveways, access, there is a handicapped ramp that allows handicapped accessibility from this upper level to the lower level. We are creating also two new handicapped parking spaces within the existing drop off area. Architecturally, not much changes to the architecture of the building. You see the existing part of the building, we're still staying with the same Newington High School color scheme. We are adding a small little component here to define the main entrance. Here is that taller section of the building, storage under the upper area for practice, so basically that is your Newington High School Field House complex. Plans are to go out to bid some time in February/March, mobilization, the bulk of the constructions are in the summer. There is still a fund raising component that is part of this project, I'm not sure exactly how far that is, but again, that's the goal.

Commissioner Ganely: The lower section, is that where they are going to put the equipment from the field, the practice field, the shot-put stuff and.....

Albert Jacunski: Right in here.

Commissioner Ganley: Very convenient, we used to, the kids used to drag them up the slope into the building.

Chairman Hall: That is an overhead door to get in?

Albert Jacunski: That's correct. On the plan, you don't have the floor plan, I just brought the site plan, but on the floor plan that overhead door that you see right there, and then the entrance door is right in that area, so that is the high storage area.

Chairman Hall: And then the practice center is up on the main level.

Albert Jacunski: Actually the practice is lower from this area, so you either walk down the stairs to get into that practice center or again, the handicapped ramp.

Chairman Hall: So it will be below.

Albert Jacunski: It will be below.

Chairman Hall: So what is going to be on the top part of that, that would be on the same level?

Albert Jacunski: The upper part of that practice area, they wanted a really tall area so they could throw footballs and hit balls and so forth. Actually the grading was very conducive to that layout because basically this entire area, these upper windows, the reason that we put the windows up higher, so they wouldn't basically break them. Again, there is screening that is going to protect them from the inside, but these windows are the upper part of that practice area. To give you an idea, that door is approximately seven feet high, so overall you are looking at close to twelve feet of height within that tall practice area.

Commissioner Pane: Is that all it is, twelve feet?

Albert Jacunski: About twelve feet yeah, it's not going to be that much, by the time you get the structure and equipment in there. There are also some mechanical improvements to the project, ventilation, heating, etc., not a lot of interior renovations, just for handicapped accessibility, some re-locations of doors, etc.

Ed Meehan: How many square feet is that?

Albert Jacunski: The lower area is 1,958 square feet, that's gross, outside dimension. The small little addition this section right here is 585 and then 2,057 square feet is this component right here. So if you add that up, that's the 4600 square feet added to the 5,660 square feet. That's gross square footage, outside perimeter. Hopefully after this they will play better and win every game.

Chairman Hall: Any questions? What did you say your time line was, you are going to start in the spring.....

Albert Jacunski: Well the goals are to go to bid, February/March, mobilize, probably start construction in the spring through the summer.

Chairman Hall: Hopefully finish by September?

Albert Jacunski: It will probably drag on a little bit longer than September.

Commissioner Schatz: Any updates to the old part?

Albert Jacunski: Very little, just some handicapped accessibility, but very little updates. Every one of these doors that you see that has the triangle shape is an existing door. There are some variations, for example, in this area, by the way this is a study that we had originally done for the Board of Education. There are some variations, there was a concept of adding doors here so you wouldn't be walking through the bathrooms to access that area, and that is this version of it. That still hasn't been defined. We are still in a process of developing these documents, that still hasn't been completely ironed out, but there is not a lot of improvements inside of the building, other than mechanical, heating. Now is there is more money, we would be more than happy to do more improvements, but the budget is very, very tight on this project. I know that there is still some fund raising going on, and I don't know how successful it is, but we're hoping that there is enough to get all of it done, but we'll see.

Chairman Hall: Any other questions? Thank you for your presentation.

Albert Jacunski: Thank you very much. Good evening.

**VI. NEW BUSINESS**

None.

**VII. OLD BUSINESS**

None.

**VIII. PETITIONS FOR SCHEDULING (TPZ January 9, 2008 and January 23, 2008.)**

- A. Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill CT 06067.
- B. PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067.
- C. PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone.
- D. PETITION 57-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed.)

- E. PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan development of mixed commercial uses, 15,000 sq. ft. retail, 124 room hotel, 1,600 sq. ft. restaurant and 3,600 sq. ft. bank, PD District (Proposed.)

Ed Meehan: We are still waiting for some information to come in for both of these sites. Both are, have components of drive through restaurants and they need to produce for the Commission some information on expected traffic generation for their drive through facility. We haven't received that for Tim Horton's, which is the project proposed over next to Wendy's, and we haven't received the information, the more extensive traffic report which is going to be necessary for the Fenn Road project. We had another meeting with ConnDot again, we met with the developer and ConnDot on Monday, and we feel we are making some progress on some of these traffic issues that we raised about Fenn Road, the busway, and the location of traffic signals. I think the developer has been responsive to what we're suggesting, ConnDot seems to be interested in some of the ideas, but they just don't move as fast as the developer would like, so the schedule is to continue with public hearing on January 9<sup>th</sup>, but my guess is that maybe even early spring, if ConnDot does change their proposal for the busway, which they are looking at, to change the driveway location, the developer might come back and ask for an amended site plan. The big hang up, not to get too detailed because you do have a public hearing is the location and the spacing of traffic signals on Fenn Road. There is really no way to control some of these site drives without traffic signals, and we can't have them too close together, so there has to be some accommodation to spread them out, and one of the suggestions made to ConnDot was to relocate the busway driveway from the area they bought, which goes back to when Koczyras owned the property, further south on Fenn Road, and the developer is willing to do a land swap, and at town level and the developer's level, that sounds fairly simple, we deal with it with cross easements and land swaps, but with the Department of Transportation, it's not that simple. So, it's a good idea, but I don't know what is going to happen.

Chairman Hall: So this will be January 9<sup>th</sup>, and January 23<sup>rd</sup>.

Ed Meehan: I believe you will need a couple of nights on these.

Chairman Hall: Subject to any petitions coming between now and then, it's quite a bit of time.

Ed Meehan: If we get something that doesn't look as if it would take too much on your agenda, I'll talk to you, and see if you want to put it on.

Chairman Hall: Any questions on any of this at the moment?

Commissioner Schatz: On the Wendy property, they have a tenant?

Ed Meehan: Tim Horton's.

Chairman Hall: Any other questions?

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

None.

**X. REMARKS BY COMMISSIONERS**

Commissioner Fox: First I want to apologize for missing the organizational meeting, congratulations to you.

Chairman Hall: You missed the cookies.

Commissioner Fox: I don't need the cookies. Thank you, that's it.

Chairman Hall: Any other comments? I would like to express my thanks to you this evening to those of you this evening who supported me as Chairman. I intend to do the best possible job that I can, I've been sitting observing this Commission for several years as those of you who are sitting here know, I'm looking forward to this next couple of years, and I know that we have some interesting petitions before us, and still have quite a few things to do, and I look forward to working with all of you and I also look forward to working as one. That is one thing that I have always noticed about the TPZ, is that it is a Commission that is dedicated to doing what is right for the Town of Newington. I expect that will continue and we will work as a group to do the best possible job that we all can do with foresight, because what we decide on any given evening, has ramifications for years and years, and I know that those who have sat here have taken their job seriously and I know that those who are sitting here now will continue to do that, and I do look forward to the next few years working with you. Thank you.  
Any other comments?

Ed Meehan: You have one item left, for a bond release.

**XI. STAFF REPORT**

A. Bond Reductions and Releases.

Harman Court Extension – Maintenance Bond Release

Ed Meehan: Just to explain it, this is the one year maintenance bond, the performance bond was released about a year ago. The Town Engineer has provided a report on the inspection and has recommended to the Town Manager that the road formally be accepted and that the \$5400.00 bond be released back to the developer. Over the past year there have been no problems with the integrity of the road, and it's gone through a winter so we feel that we can accept it.

**Bond Release  
Harman Court Extension  
Maintenance Bond**

Commissioner Pane moved that the \$5,400.00 one (1) year subdivision street maintenance bond for Harman Court Extension, approximately 280 feet, be released the Town Engineer having inspected this street found it to be constructed and paved to the Town Specifications.

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

Chairman Hall: Do you want a roll call vote on that, it seemed to be unanimous.

Ed Meehan: No.

Chairman Hall: Any other staff report at this moment?

Ed Meehan: No, just to wish all of you a Happy Holiday.

**XII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Pruett. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary