

NEWINGTON TOWN PLAN AND ZONING COMMISSION

December 20, 2006

Special Meeting

I. ROLL CALL

Commissioners Present

Chairman Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Kornichuk
Commissioner Ganley
Commissioner Pruett
Commissioner Schatz

Commissioners Absent

Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. **PUBLIC HEARINGS**

A. PETITION 70-06 57 Church Street, John A. Amaning applicant and owner, c/o Attorney Vincent F. Sabatini, 1 Market Square, Newington, CT 06111 request for Special Exception Section 6.7 Interior Lot R-20 Zone District. Continued from November 20, 2006.

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, attorney, One Market Square, Newington Connecticut, here tonight, part two of the public hearing, two reasons. One, we were waiting the fire marshal's review of the gravel road, which I understand he did review and sent an E-mail to Mr. Meehan saying that the plan, as revised, which we submitted to Mr. Meehan, is acceptable to him. Mr. Bongionvanni, who cannot be here tonight, did submit a revised plan, that's up on the board, and I would ask Mr. Meehan if he has the E-mail and the revised plan.

Ed Meehan: I have an E-mail dated December 5th, Chris Schroeder, Fire Marshal, requesting that if a driveway is constructed on this property that it be at least fourteen feet wide, and have a suitable base to support heavy equipment. There is a detail on the revised plan showing the depth, eight inches of processed stone.

Chairman Camilli; And that will support the heavy equipment?

Ed Meehan: Yes. I'm not sure you have the right plan.

Attorney Sabatini: This, if you don't have it, I have two copies. This is the right one, this is the eight inch processed stone notation.

Ed Meehan: Okay, has the notation, that's the correct plan.

Attorney Sabatini: So other than that, Mr. Chairman, I think that was all the information that we needed. I had submitted the exhibits at the last public hearing. Again, to recap, I think we meet all the regulations. There is a rear lot right across the street from this site, 54 and 50, 54 is the front, 50 is the rear, I think they just approved new house plans for that lot, and the important point is, is this lot either meets or exceeds the size of any lot that is in that area. We look at these side yards and rear yards, and everything else here, you will see that a thirty foot side yard, when ten is required, we have 103 foot rear yard, the other side you have twenty six feet, and in the front, 67 feet. It's bigger than most of the lots, if not the biggest lot in that whole area, so there is no reason not to grant the application.

Chairman Camilli: Ed, are you satisfied with the drainage, on the north side?

Ed Meehan: The drainage that I had looked at was the existing drainage which now flows across the front northerly towards, I believe it's the rectory or parish house for the church on the corner and I talked to Mr. Bongiovanni about that, because of the driveway which would be put in, on that northerly side, and his opinion is that the driveway would help retard or slow down any drainage off site into that northerly property, which is lower by about a foot and a half.

Chairman Camilli: Did our town engineer look at it?

Ed Meehan: He did not look at, there is no structural, no piping here, so he didn't look at it from that respect. I can certainly have our acting town engineer look at the drainage across the front. The one thing to keep in mind is that the drainage on this site wouldn't really change across the front lawn here. Because the property of the Methodist Church is a little bit lower, the concern we had was that if this driveway were paved, it would have to be in my opinion, some sort of a curb on it, to keep the water from flowing down towards that house, it would have to be tilted southerly, away from the house. I could ask Mr. Ferraro to look at this and get his input too.

Chairman Camilli: The process stone that they want to put, that is kind of pervious, right.

Ed Meehan: It's pervious, it would be rolled, packed in, it should have good structural integrity to support heavy equipment, on the other hand, it wouldn't have the same characteristics as pavement, which would accelerate run off, whereas the gravel will slow it down a little bit.

Chairman Camilli: Well, that was a concern that you have raised, I just wanted to make sure that it was taken care of. Any questions from the Commissioners? We can hear from the public, anyone from the public wishing to speak against this application, or for, first, excuse me, for. Against. Anyone wishing to speak against?

Cindy Vallencourt: Hi again everyone. Here we are, I think our third or fourth time doing this. My name is Cindy Vallencourt, and I reside at 32 Patriot Lane with my husband Ivan. I have a question first, because in the few letters that we have received, no one has actually said what is being built? Is that something that is supposed to be public knowledge? Are we supposed to know what is going there? I mean, is it a house,

Ed Meehan: A single family home.

Cindy Vallencourt: We had absolutely no idea. I can try to explain my emotions and tell you again how moving to Patriot Lane two and a half years ago was a pipe dream for us. I know emotions don't come into play, so I'm really not going to get into that. I will however, say one more time, when we bought our house two and a half years ago, we emphatically asked, because John does have a very big lot, will or can anything else be built there. We were emphatically told no, by Prudential. Now, I feel that we were misrepresented and that's not fair to us. We've spent

so much money on this house, we worked so hard to get this house, and now we have a chance of something like this happening. So, I will be speaking to Prudential, and if I have to take it further than that, I certainly will. They got that information somewhere. I'd like to know where. I know first hand how neighborhoods can change. My mom lives in Newington. My mom lived on a beautiful street that had just single dwelling houses. Several years back they changed the zoning for two family houses and allowed houses to be built, just like this, it was a big farm land. The minute those houses were built, single houses, double houses, duplexes, the neighborhood went down, drastically. Little by little there were more cars, there was more noise, there were people in the neighborhood that didn't belong in the neighborhood any longer. Everyone was coming together, there were always police in the neighborhood, my mom's eighty-five, she just moved in with us, she couldn't take it any more. The noise, the land isn't secure any more, now I have this happening to me in my neighborhood. When she sold her house, she could have sold it for a lot more than what she sold it for. Unfortunately, everyone that came to see it had said to her, love your house, anywhere else in Newington, this would be great. Hate your street, you've got duplexes here, you've got two families here, cars all over the place, we're not going to give you what you are asking for. That was huge, that's huge to someone who has lived in a house for fifty years, really thought she would get a lot more, and isn't. I guess another question that I have is that you mentioned drainage, well my house abuts up against John's house, I'd like to know how this is going to affect the drainage coming into my yard where my pool is. That's a big concern for me. Another concern for me is, I guess those sheds that have to come down, I'm assuming, are there termites where those sheds are? Is anyone going to do anything about that? Is that my next problem, drainage and termites? As I'm speaking now, I have to find someone to come in and make sure I don't have termites, check my drainage, how much is this going to cost me? Thank you.

Chairman Camilli: Thank you. Anyone else wishing to speak against this application?

Ceil DiLuciano: My husband Richard and I live next door to 57 Church Street. As mentioned at the two previous meetings, we strongly oppose the petition pertaining to 57 Church. If the petition were to be approved, you can be sure no matter what anyone says, that our property value would decrease, not to mention the fact that it would be very difficult to sell our house. We no longer enjoy the privacy that we once had with the previous owner of 57 Church, and now, if another house were to be built on the property in question, it would not be a good situation. Ours has always been a quiet and well kept area, and we know that another house on the property would cause problems for us and for our neighbors, therefore we are pleading with you to please deny this petition, and save our neighborhood. Thank you.

Chairman Camilli: Someone else wishing to speak?

Pamela Czelazewicz: My husband and I reside and own 20 Patriot Lane and again, as on numerous occasions I'm here to plead with you people to say no to this petition. I object and urge the Commission to vote no for the following reasons, our back and side yard privacy would be invaded, neighbors would be on top of our terrace and pool. Additional vehicles would increase emissions lessening our air quality, additional persons and vehicles would increase noise to our yard and our home. The probability of my home's resale value would depreciate enormously, the probability of drainage could have a negative impact on our yard and home, drainage has already been an issue for us, we created a swale in an attempt to divert ground water away from our home, and keep our basement dry. That grading will not support additional ground water. Subdividing would contradict the town's open space acquisition practice. Millions have recently been spent by town tax payers to preserve open space, including the Young property just a half a mile down the road. Subdividing would additionally tax the school system and emergency services. Just because other interior lots exist, in my opinion a mistake, is no reason to make an additional mistake by approving this petition. Just to elaborate on this point, it is my understanding that the

Womar and Stamm lots previously mentioned were not originally intended to be interior lots. Old Hatchery Lane was intended to connect with Halloran Drive, however, did not and thus these two parcels exist. For all of the reasons previously stated by myself and neighbors throughout Mr. Amaning's petition, and as our town manager, Mr. John Salamone, at another unrelated hearing said, that he wanted his property to remain stable and open space to remain, so do I. I want my property to remain stable, and the regulations in affect at the time of my purchase to remain in place. At the time that my husband and I purchased, we came to the Town Plan and Zoning Commission and asked if a building could be built back there, or a house could be built back there, and we were emphatically told it could not. It was not properly zoned for another house. I beg the Commission to hear all the neighbors that have spoken against this petition, and stand by the original zoning, with no special exceptions. Please vote no to Petition 70-06 before you.

Chairman Camilli: Thank you. Is there anyone else wishing to speak against this petition? You can rebut, five minutes.

Attorney Sabatini: Just a couple of things, I already submitted this into the record, but as the property record cards for the property across the street, 54 and 50 Church Street, which is a rear lot. The 54 Church Street has a total value of \$351,000, and the rear lot, has a value of \$324,000, and I understand that that rear lot house is being torn down and a brand new house is being built there, so I don't think the values of anyone's house is going to depreciate. Down the street on Church Street, at 334 front and 336, the values are \$328,000 and \$245,000. With regards to drainage, the drain I think does the other way towards the church. I already submitted photographs, I think you have that on the record, showing that, looking south, that's the view, those trees are all going to remain, they are all in this area right here, and there is not going to be any visibility. The last point is, it's going to be a single family home, comparable to the homes that are there, again, I have to re-emphasize, when you look at, do a spacial analysis, of this lot, the separations between the properties is greater than any house that exists right now. So, I mean, where you have a ten foot side yard, and you are actually going to have thirty feet, one hundred feet, it's going to be one of the biggest lots in Newington with the most space around the houses in the area. So again, this use is allowed by your regulation, and it is a use that meets all the requirements of the regulations. Thank you very much.

Chairman Camilli: Anyone from the opposition, you have five minutes total, so if you want to rebut that, you may.

Pamela Czelazewicz: I just want to clarify that 50 and 54 Church Street are owned by Rob Womer Jr. and Rob Womer Sr., both are new houses. One is about fifteen years old and the other one isn't even occupied yet, and nothing on that property is being torn down.

Chairman Camilli: Okay. Before we close this, anyone from the Commission have anything to say? We will close Petition 70-06.

B. PETITION 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111, Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivsion, R-12 Zone.

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, attorney, One Market Square, Newington, Connecticut. I don't like to start off a hearing like this, but I owe the Commission an apology, and the apology is that we do not have the revised plans in place because our surveyor, Mr. Flynn, has not been able to direct his attention to our project, even though he has had the information for a long time. So we have not been able to get any information over to Ed, or the Town Engineer for review. What I would like to do tonight, is give

an overall presentation of what this project is all about. I do have Alan Nafis, who has addressed some of the concerns of the staff, and just talk about the project in general, and then ask that we hold the public hearing open and hopefully by then we will get the revised plans into Ed for review before the next hearing, if that is okay with everybody. Again, I'm sorry.

This property is located at 68 and 80 Maple Hill Avenue. It's a proposed ten lot subdivision, the zone is R-12. There are two existing homes right now, and this is a combination of two separate properties that will be combined to make a total of a ten lot subdivision. The areas will be, the ultimate outcome of the subdivision will be to conform to the existing character of Maple Hill Avenue and the surrounding area and the new houses that are built there.

We have to conform to two zoning regulations, 3.0 and the subdivision regulation 6.0. I'll just go through 3.0 for the overall view of the land. The land is suitable for this subdivision, we're going to propose a cul-de-sac, there aren't going to be any through streets. The cul-de-sac will empty out onto Maple Hill Avenue, there are no flood hazards in the area, no wetlands, the area is all residential, there will be all underground utilities, as well as sewer. Although we don't have a letter from the MDC, with regard to the connection, we did in fact submit a letter on December 5, 2006 which I would like to put on the record, and are just waiting for a reply from the MDC, but we don't foresee any problem with regard to connecting with the sewer, water and other utilities.

With regard to (inaudible) that doesn't apply because this is going to be one street, with regards to relation to adjoining areas, again there is no through traffic, the subdivision will only handle self contained traffic going out to Maple Hill Avenue. The lots are all laid out to meet all the setback requirements under 3.5, and all have safe access to the frontage, all the lots will front onto the new street, which by the way is going to be called Greene's Way. That's two words. Greene's Way. I know that Ed asked about that, it was not on the plan. The lot size and arrangement are spelled out on the plans, and we have indicated where the houses will be located. All the lots are on a public street. There is going to be again, under 3.6, just one arterial street, so we don't have to worry about all the other requirements, different streets, this is just a cul-de-sac street that meets the length requirements. The plan is going to have drainage and storm water improvements that are going to conform to the regulations, and Alan Nafis will talk about that, because he has reviewed the comments of the town engineer and Ed Meehan and will address those. The utilities will be underground, no open space requirements, we are going to ask for, that there not be any sidewalks that I think is typical of cul-de-sac subdivision. We will plant the two trees as required for each lot, we aren't asking for any other waivers, and 6.0 we have filed a full set of plans, I know that technically that we need to upgrade those plans and that is what I was referring to earlier. Ed's comments with regards to the record subdivision plan, the utilities and improvement plan, the grading plan, are all having to be done, and we will do that. Again, there is not a problem in doing that, it's just that Mr. Flynn hasn't gotten around to doing it, or could not do it in time for this hearing, and again, we're going to have the letter from the MDC. So I'm not really going to talk about the plans at this time, I'm just going to go through some of the other items that Ed talked about. The street name again, is going to be Greenes Way. You are going to have a notation that two trees, street trees per lot will be provided, that will be on the plan, we will locate the fire hydrant, again we are asking for the sidewalk to be waived, that is up to the Commission, and we will provide a notation for the traffic control stop sign and pavement markings and the street name sign to be provided by the developer. We will make the notation for the underground utility service for all the lots, and we are going to be everything underground, so there will be no overhead wires. The street lighting, we probably will provide a cut-out for the fixture, we don't have that yet, but it will probably be some kind of a colonial light fixture rather than the ordinary light. There is going to be one developer for this project who will be responsible for all of the grading, construction, clearing, erosion control, etc., so there won't be separate responsibilities for that, the town can be assured of that. In regarding to removing and closing driveways, I'll let Alan Nafis talk about that, and in regard to clarifying the deed descriptions, again, that is going to be done. With that, I just want to let Alan talk about what he has done so far, and address the engineering comments and then will make more comments after that. I also

would like to hand out a copy of what has been on the board for each of the members. I know that you ordinarily have this in advance, but again, I'll hand it out now.

Alan Nafis: Good evening Mr. Chairman, Members of the Commission, my name is Alan Nafis and I'm with A-N Consulting Engineers out of Berlin. As Vinnie said, I was able to make some of the changes that were requested, and look at some of the issues that were brought up on the engineer's plans. I could not finalize the plans, what I was able to do was to respond to some of the comments, with the proposed work that we want to do. I couldn't finalize the plans because I'm going to have to wait to get the final survey, a number of things are asked for on that survey. I'd like to go over the plan as it stands right here. Up here on the wall here, it's the same plan that we just gave you, kind of a composite of the utilities and the grading and everything. North is to the top, Maple Hill Avenue, is over on the left land side here. As Vinnie told you, it's going to be, well let me, we've got lots 68 and 80 Maple Hill Avenue. Those lots are approximately six hundred and some odd feet deep, are going to be combined together and is going to be an approximately six hundred foot cul-de-sac that basically straddles what is the existing line between those two lots, breaking them in half and coming up with the ability to get the ten lots in there. It's an R-12 zone, basically quarter acre lots, we have lots ranging from .3 to about an half an acre with the existing houses in the front, so we meet all those requirements and the frontage requirements and all the rest of the zoning requirements for these particular lot.

Again, it's basically a straight road, no deviations, one of the comments from the staff was the change of profile a little bit to get different grades in here, we were able to accomplish that to get what they want, with a little bit of a cut in front, we know that that is going to happen through this area here, and we do have room to grade up to the existing houses without impacting them. Again, as Vinnie said, we do have all the utilities available, we do have water and sewer out of Maple Hill, we have gas out of Maple Hill, and we are planning on, which we show on this plan a fifteen foot easement all the way around, that is normally what CL&P asks for to get all the underground utilities to each of the lots, so we do anticipate, or we do intend to underground all the utilities to the eight new lots. I do not think at this point we intend to underground the utilities to the first two lots because there is lots more work involved in revising those types of connection. I think one of the big issues here is the drainage in this area, and what is going to happen to the drainage. Basically there are three drainage areas through this lot, one being the front area, from about this point to the high point, that all comes out onto Maple Hill, drains into the Maple Hill drainage system, and heads off to the north. Another ridge in the back part of the property, so we have a lot point that comes through the middle which takes approximately 17,000 square feet of land to the north, and all that drains across this lot. It doesn't drain very fast, it is basically a flat area through here, but that water does now currently come down and come across the middle of the lot, and the third drainage area is basically the back corner here, which drains down into the back, there is a berm of some sort in here, so that generally drains again into the back, and then down back to the south of our lots there. The biggest challenge that we had on this particular thing was to find a place to put that drainage, because by intersecting with the road, we are not going to get the drainage from up here down to here, we didn't want to get involved with putting in large detention basins and above ground water storage and still have that water sheet across the property as it is going to now, so we came up with something that we think takes care of the water there, actually reduces some of the impact downstream, and doesn't impact the existing system that we are dealing with.

First thing we're doing is the water that is coming off front, most of that is going the same way, the grass areas will definitely drain out onto the road like they do now, we will be picking up the house leeders and putting them into catch basins on the new road in this area here, and certainly all the driveway and roadway in this area will go into these catch basins. Water coming down through the middle, and this is the grading plan which we show the houses on here, and with the first floor elevations, generally what is going to happen is that that water is still going to sheet down. It's going to be able to go between the houses, into this low point here, from either side, between the houses, down to the roadway and onto the roadway here. All of the houses from

this side will be taken through underground roof leeders, down to a catch basin here, all the houses on this side will be taken through underground system into this catch basin there. All the impervious areas on this site will go into the drainage system on this road. So what happens here now, rather than having all this water flowing down this way, we pretty much eliminated everything up to here, and the only water that is still flowing south is what basically on the side and behind the houses. Again, the houses themselves are flowing into the drainage system. Same thing in this area here, we've cut down the area flowing to the south here, this area, this drainage area hasn't changed all that much, some of the roadway will still go in, but all of the impervious surfaces will drain to the roadway, so the only thing draining down back here, again is the grass area, and there is a lot less area than drains there now, so we're reducing all the flow off of our site, onto the private flow. So by doing that we are increasing a lot of the water that is coming out onto Maple Hill and going into that system, and what we have proposed to do on that, is to provide an underground detention system in the guise of two drainage lines coming down the road, connecting at a controlled structure right here, outlet into a catch basin, and down into the system onto Maple Hill Avenue. What that is, is two forty-two inch pipes coming down here, that is going to store the excess water, so we can meter the water our of our system, so that the peak flow that is coming off this site and going into this system now is no greater than the peak flow, I mean, should this get built, is no greater than the peak flow that gets into that system now. So a lot of the water that is coming down is going to be stored under here, it's not a wet system, it's meant to drain, when the storm is over and the rain stops coming down, but it will be detained, and it will be metered out, so we don't impact the system on Maple Hill. We think in that way hopefully we will be able to answer any concerns about how we are going to deal with drainage, and we are going to prevent impacting neighboring properties with our drainage. With that, I don't think I have a whole lot more to add. If you have some questions.....

Chairman Camilli: The plan that you put on here, and as you know, or may not know that, we have had problems on Maple Hill Avenue with drainage, houses and drainage. Have test pits been dug to determine the water table?

Alan Nafis: Yes. One of the comments that came out, I guess somebody took a walk out there, and saw some water standing there, what they didn't understand is what they were standing in was like a (inaudible) water table. We went out there and dug a hole eight and a half feet deep, right in the center of this, and there is no water under the ground. It's all silty, clay material. We had no water seeping out of the hole, eight and a half feet down, so I think what you are seeing out there, I think that water is staying on top of the ground. It's kind of like at my house, you can't get into the ground, it doesn't move. It's all clay. You just can't get through it. So that is what we found out there when we dug a test pit. We'll be talking with the engineer if there is really any need for under drains in the road, I don't think that is the issue, I think the issue is we have clay, and we have to deal with that. There was not water table.

Chairman Camilli: That was the question that I had. Ed, do you have any questions at this point? We will keep it open.

Ed Meehan: Yes, keep it open because there is a lot of technical information.

Chairman Camilli: So we will just keep this open, unless you have something else to say.

Attorney Sabatini: No, that's it.

Chairman Camilli: Since this is a public hearing, people from the public wishing to speak in favor of this application? Or against this application?

Bhupen Patel, 43 Green Avenue: Good evening Mr. Chairman, and ladies and gentlemen, and Members of the Commission. I did not come to speak on this application at all tonight, however I was sitting on the Planning and Zoning Commission and listening to what is being proposed, I think it should be a concern for all of you as Commissioners and also residents of Newington. That any piece, any vacant land, I mean, they may meet certain requirements on certain subjects of the regulations which will impact many of us, for many many years for many of us who are sitting on the Planning and Zoning Commission in the past. Particularly important concern is the drainage, as you can see, they explained where water goes and you charge should be (inaudible) in any subdivision that you propose. When you propose zero discharge for the water system that you install, make sure that the system is installed, so that you don't have a problem in the future. MDC is going to spend millions of dollars to clean up our water, we better make sure that we contribute towards all of the effort being done in the region. Thank you.

Chairman Camilli: Is there anyone else wishing to speak against the petition.

Susan Birdsall, 106 Maple Hill Avenue: First I should say that I am not necessarily speaking in opposition, I just have a few things that wanted to make known and ask a question. My property on Maple Hill Avenue goes back about four hundred feet, and abuts the rear of the landowners on Vincent Drive, we're a little bit south of this area. I've lived there for about twenty years. The rear yard was always very, very wet, it was really a swamp for the first eight years that I lived there. A swale ran through the property, that started somewhere up toward Cedar Street, running through those properties and back through mine, and it ended at the church, the church, I don't remember the name of it, a little further south. About twelve years ago, my basement often flooded, as many basements in the area did, about twelve years ago, we worked with the town to correct the situation, some of the Vincent Drive land owners, and myself to correct it, and what we did was to grade the property, my property at 106 Maple Hill Avenue and put in a storm drain that goes out to Vincent Drive from the rear of my property. So I just wanted to be sure that the town is aware of that, and the water problem that we had, and that certainly anything new that is done is not going to upset, or create a new problem that was corrected twelve years ago.

Chairman Camilli: Thank you. We are very concerned about the drainage there, as Mr. Nafis was also. He said drainage was the issue with the project, we'll stay on top of that issue. Someone else wishing to speak against this application?

David Marsden, 73 Maple Hill Avenue: I live directly across from what appears to be the street that is going to be installed. I'm not really speaking against it, because I think development is important in town, I'm just wondering if it is necessary to have ten lots there. I also want to know if the remaining driveways, the existing driveways for each of the houses are going to remain there, with the street in the middle, because I know right now we get a lot of traffic in and out of those driveways because these families have a lot of friends and relatives that come and go, not that that is bad, I think friends and relatives are wonderful as long as they don't create a problem. Now, my question is, is it feasible for us as neighbors to ask that perhaps one road, one street goes into all those properties, and these houses can come off of that road, or are we still going to have three entrances and exits coming opposite my house.

Chairman Camilli: Do you have any other concerns....

David Marsden: No, just the amount of driveways that are going to be facing my picture window.

Ed Meehan: The plan shows that the existing driveways for the two homes that go out to Maple Hill would be changed, and would come in on the new side street.

David Marsden: Then that answers my question, and I should have stayed home.

Chairman Camilli: It's going to be just the street. Okay, is there anyone else who wishes to speak?

Christine Toofeldt, 107 Vincent Drive: I am the property owner behind Susan Birdsall who spoke previously. We go about 380 feet back to her property, so we have pretty deep lots there. The area, as I'm sure you are aware, is very wet, and there is a drainage issue that has been somewhat resolved for the last twelve years. Our concern is, what is this going to create for us. It could help us, it could hurt us, it just depends on how it is done, and what kind of regulations can get put in place. It seems to me with the plans, on the right side, the bottom part of the plan, the back yards would be heading in our direction, I don't know what would happen from there, all through the woods, down to our property. Like I said, some of it could help us, or it could hurt us, and as far as the upkeep of the property, when you get different home owners in there, over the years, everyone wants to change something and do something to their yard, could really make issues for property owners south of that property. I mean, if it goes through, great, we're not trying to stop it in any way, but it needs to be thought out, about the impact on the area.

The other question that I have is, Attorney Sabatini mentioned that there was no flood plan, or wetlands. I don't know what source he is using, for that information. You know, the history of the neighborhood, the church got put in I think maybe in the mid sixties, somewhere in there, and that landlocked that whole piece of land from what I have heard. I'm just wondering, I know the Inland Wetlands I think for Newington didn't even start until the early seventies, so there is probably nothing within the Town, as far as information for that, however State DEP used to keep records or something, I don't know, I don't know if there is a record somewhere, but a large piece of property was landlocked, I don't know if it was a developer or builder, but you can tell, there are intermittent ponds back there, in the spring there is skunk cabbage galore, you know, I just don't know what source he is using as far as no wetlands.

Chairman Camilli: Okay, Ed, do you just maybe....

Ed Meehan: I would ask the applicant, has a soil scientist looked at the property?

Attorney Sabatini: Yes.

Ed Meehan: And what were the results?

Attorney Sabatini: There are no wetlands.

Chairman Camilli: So a soil scientist of used by the applicant, and apparently there is no wetlands.

Ed Meehan: Are you going to give us a report on that?

Attorney Sabatini: Ah, okay, I'll see if there was one. Mr. Flynn, we'll get a report if you want a report.

Chairman Camilli: Okay.

Ed Meehan: A report would be good.

Chairman Camilli: People are concerned about the drainage, it's a little early at this point because our town engineer obviously have not seen any plans, as to what the drainage plans are. I think we have been made amply aware that there could be problems back there, and I think the town will try to do whatever it can to mitigate whatever is there, including the applicant. I think the applicant is also aware. Okay, anyone else wishing to speak against it?

Steve Toofeldt, 107 Vincent Drive: I have a couple of questions for the applicant.

Chairman Camilli: Okay, what you do is, ask the Chair, and then they will have a chance to respond, okay, just ask all the questions and we will get you the answers if we can.

Steve Toofeldt: Okay, he said that they dug one test pit, and it was in the center of the property, if you go buy a house today, or even a building lot, I see they are trying to divide this into ten separate building lots, each property would be getting a test pit, theoretically, correct instead of just one test pit in the middle of the property. Then he also stipulated that there was a soil scientist that visited the site. A copy of that would be fine, to see what the soil type was, so that we have that for a record too. Inland wetlands, does that stipulate what type of soil deems a wetland?

Chairman Camilli: I would think so, you see, it doesn't go to the Conservation Commission or Inland Wetlands Commission if there is nothing there for them to judge, you know, if there is nothing there.....

Steve Toofeldt: Right, but on a state level, if it comes back as a certain type of soil, if you looked on the chart, on the state level, it tells you it's considered a wetland type of soil.

Ed Meehan: If their soil scientist goes out, or goes back out and comes back and identifies this as meeting the criteria for the state wetlands soil, and certifies it as such, this application should go to the Newington Conservation Commission.

Steve Toofeldt: And he said that he dug down eight and a half feet, and didn't hit any water, he just has to move over a couple of hundred feet, and he could see water right at ground level, at 106 Maple Hill Avenue. All he has to do is look in the backyard, that is the existing water level at any given point at any given time of the year. Thank you.

Chairman Camilli: Is there someone else? Come up again, quick, since this is a public hearing.

Bhupen Patel, 43 Green Avenue: Question about the slope of the road with the intersection with Maple Hill Avenue, what percentage is it?

Alan Nafis: (Inaudible)

Chairman Camilli: Okay, anyone else?

Hollis Kobayashi, 80 Maple Hill Avenue: I'm one of the owners, on the south side. There has been a lot of drainage discussion, and a lot of discussion on that this evening. A lot of the people south of me say there are a lot of drainage issues, and a lot of water. On my property, I don't have water. I, my kids, I've had the house for ten years, and they have used that a tremendous amount, the backyard, year round, even in the winter, and there is no water. When we have heavy rains, after a period of time there may be a little bit of slush, but other people have skunk squash and stuff like that, not on my property.

Chairman Camilli: Thank you. Anyone else?

Matt Peck, 65 Vincent Drive: I just have a quick question. To the best of my knowledge, and maybe they can answer me after, but I think my house is directly on the other side of this, of what is going down on Vincent Drive, and I'm just curious about it, the aesthetic purpose of it, I know that has no real impact on anything, but is the whole woods getting torn down, all the way to my

property, which would be butted right there by now apparently two corners of two peoples houses, I would just like a clarification on that.

Chairman Camilli: When we get into the site plan, this is not the site plan, once we get into that, we get into more detail, about screening.

Matt Peck: Obviously so, I would just like to know as soon as possible if, I bought the land, obviously it is not my land behind me, but I bought the land with that in mind, that there was privacy there, I also have a young son, less than a year old right now, who when he is home during the week, would be dealing with this noise everyday, and I would just like to know as soon as possible where that comes into play.

Chairman Camilli: Okay. Thank you. Anyone else wishing to speak. You can rebut, or answer the questions as best you can.

Attorney Sabatini: Well, I thought I would wait until next time.

Chairman Camilli: Okay.

Attorney Sabatini: I will get the letter from the soil scientist and.....

Chairman Camilli: I think at the next meeting, we will have more definitive answers as far as what is going to happen with the drainage. Okay. Any questions from the Commissioners?

Commissioner Ganley: Just a comment regarding the grading. It might be helpful to the abutting property owners, that in addition to the science of what kind of soil constitute wetlands, it might be helpful for them, and for us, to understand the difference between what constitutes a wetland type of soil, and the issue of water on the surface, allegedly due to the fact that it is hard packed clay, which doesn't lend itself to easily draining off and thus that's what happens when it is seeping. We heard that, but I think, should this soil scientist submit a report which is going to be basically scientific, you may seek to prevail upon said scientist to then go on just a bit, in layman's terms for the benefit of the property owners, who have concerns about surface water versus wetlands water.

Chairman Camilli: Yeah, I'd like to know myself. That's a good suggestion.

Attorney Sabatini: The next public hearing, is that in January?

Ed Meehan: January 10th.

Attorney Sabatini: Okay, thank you. Have a Happy Holiday.

C. PETITION 74-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Special Exception Section 3.19.2 (23 detached residential units,) PD Zone District. Inland Wetlands Report required.

Attorney Sullivan: Good evening, Attorney Timothy Sullivan on behalf of the applicant, Deming Street Development, LLC. Also with me tonight is the applicants engineer, Joe Perraginni with A-N Engineering. My client is proposing a twenty-three unit age restricted common interest community on property known as 119 Deming Street. I've provided a rendering of that, of the

entrance, that would be from the south entrance of the property, I'll take it down if everyone has had a chance to see it. My client is proposing a 23 unit age restricted common interest community on property known as 119 Deming Street. The property is 7.381 acres and is located just south of the Deming Street, Griswoldville Avenue intersection, it would be just south of that intersection. The Walgreen's would be up here on the Berlin Turnpike. This is tucked right around the corner, a seven acre site. The property is located in the Planned Development Zone, the PD Zone, which is an interesting zone, sort of a transition zone for the Town of Newington, which provides for many different uses. I think it's very appropriate on this particular site because you have many single family residents, living along here, Barn Hill, Winding Brook, and also across the street on Griswoldville, whereas along here, on the Berlin Turnpike, you have a commercial, many commercial developments obviously, but this is a transition zone, I think it's very appropriate for higher density development, such as the common interest community. The application is filed pursuant to Section 3.19 of the Zoning Regulations, which permits residential buildings by Special Permit. In looking at the plan, a private road is proposed which enters and exits on Deming Street. The highest elevation is located at the north end of the site, along here, and then it gradually slopes down, to the water course along the south border, the south boundary of the property. Last evening the applicant received approval from the Conservation Commission which included filling an isolated wetland, or depression, and that was in this area right in here. It was an isolated wetland that was really a depressed area where the cows had formerly grazed and beat down a path. It was isolated and had very, very little value, functional value as a wetland, and we proposed, and it was approved by Wetlands, as I stated, the wetland creation mitigation area in two areas that will straddle the creek, the water course, and really have an enhanced wetland on both sides of the creek as opposed to a depressed, non-functional wetland toward the middle of the site.

Before turning the state over to Mr. Perraginni to discuss the project in detail, to address the comments in the staff report, I would like to address the first concern raised in the staff report, and that is whether the Planned Development Zone allows single family detached dwellings in a common interest community on this site. Section 3.19.2 which was cited in the staff report, permits, by Special Permit, permits residential structures provided certain conditions are met. There is no condition that prohibits detached single family units. We believe that the higher density type of development is compatible and consistent with the neighborhood. Whether it be a condominium or a planned unit development, they are both permitted. We can get into some of the specifics if we need to, but 3.19.2 b (6) defines a dwelling unit, or states the restrictions on a dwelling unit and if you look into the definition section of the regulations, a dwelling unit is defined as either a one, two, or multi-unit structure. We think that yes, they do permit detached single family common interest community which is obviously a higher density development which is what was intended on this site. We also believe that the single family detached common interest community is more appropriate and fits in with the neighborhood better than to come with a multi-unit structure, or many multi-unit structures, whether it be two, three, four or five, units within one building, and situate more larger buildings on the site at various locations, we though keeping with the character of the neighborhood, and preserving the value of the neighborhood, would be better to come with single family detached in a common interest ownership situation.

Also in the staff report, Section 3.7.2, the age restricted was cited which provides for age restricted housing in an R-7 and R-12 Zone. Well, we are not in a R-7 or R-12 Zone, we are in a PD Zone, but there is nothing in the Plan of Development Zone which precludes a condominium or a planned unit development, higher density development, and there is nothing in the regulations that precludes my clients from self imposing an age restriction. We think the age restriction, once again, as opposed to a pure planned unit development or condominium type of complex, preserves the integrity of the neighborhood, and protects this neighborhood, to the east, both neighborhoods to the east, because if you get into more of a condominium, or just a planned unit development project, you may get some investor owned, and therefore tenant occupied structure, whereas in an age 55 development, you are most likely, in fact probably one hundred

percent will be owner occupied dwelling which would be consistent with the owner occupied units on the other side of the street, and not getting into the rental market in this particular area of town. Like I said, my client could be proposing a larger multi-unit townhouse type of common interest community, but feels that this is better for the neighbors. We started to address the staff report comments, however we anticipate the public hearing continuing where we will be responding to the comments in greater detail, in January. At this time, I would like to turn this over to Mr. Perraginni, but before I turn it over to Mr. Perraginni, I would like to bring to the Commission's attention, obviously you are aware, that we are on the agenda in the New Business for the site plan application, and in discussing this with Mr. Perraginni, I don't know if you want us to get into the details of the site in this aspect of the public hearing, or hold it off under the New Business item.

Chairman Camilli: I think you can hold off of that, but there are other parts to this staff report that you did not address and maybe you may want to comment on them, or not, but if the Commission decides that in the PD Zone, we can do this single family stand along housing, the Planner has here that you should follow the standards of that, which usually means that the distance between structures is equal or greater than the height. In this development, at least 28 feet, rather than 15, in other words, the standards of the zone should be met. It seems like, from the little I can tell, at this point, you have half, you know, you want to get into this PD Zone, you are in the PD Zone, and you want single family, stand alone house, but your standards don't meet that, so I would like you to address it.

Attorney Sullivan: I realize, and Mr. Perriginni was going to address it as well, but I will initially address it. This is not a single family subdivision, this is a planned unit development, it's a common interest community. So, for instance, where they say standard seven requires thirty-five feet, requires parking to be thirty-five feet back, from any street right of way, well, the only street right of way that we have, well, we have two street rights of way, on Deming Street, there are two intersections for this street right of way. This is a private road, and similar to a lot of the private roads, the set back is not driven by the standard seven which requires thirty-five feet, because there is no street right of way intersecting with any of these driveways. The public street right of way is down on Deming Street.

Also, regarding the density in terms of construction being equal to or greater in height, I'm going to allow Mr. Perriginni to discuss that more in detail but we believe that this is very similar to, for instance in your regulations you provide for town houses, and, I have the citation here, but under townhouses, structures can be as close as six feet apart. We have a separation of fifteen feet between each of the structures. We could certainly talk about combining some of these structures and increasing the spacing between the structures, and getting into a more dense development, and creating more spacing between structures that have multiple units within that, but we felt that would be getting away from the character of the neighborhood. We do believe because it is a planned unit development, a common interest community, that some of the standards that were cited, are not appropriate for this type of development, or do not apply to this type of development, because it is a planned unit, common interest community. I like to turn it over to Mr. Perriginni at this point to discuss some of the comments in detail, especially the density issue, and the spacing.

Chairman Camilli: Okay, that's fine. In my opinion, you are hoping from one to the other to meet the needs, which is okay.

Attorney Sullivan: I certainly don't mean to hop around, I was going to give a general overview and Mr. Perriginni, being the engineer could speak more specifically. I just wanted to address whether this type of development was permitted in this zone.

Chairman Camilli: Yeah, and that will be up to the Commission to decide.

Chairman Camilli: Do you want to speak? Go ahead.

Joe Perriginni: Good evening, for the record, my name is Joe Perriginni, I'm a civil engineer with An-N Consulting Engineers. We are responsible for the site development and design of this project. I'm just going to quickly go through this section on the Special Exception and the conditions required, and how we meet those various conditions.

The first of which is location. No site location shall be approved unless it has direct access to the Berlin Turnpike or a street which directly connects to the turnpike. We have shown from this plan that we do have that direct connection to the turnpike from Griswoldville Avenue to the Turnpike.

Chairman Camilli: That's not a direct connection. That is not a direct connection, Joe, because you have to Deming, and then you go to Griswoldville, and then Griswoldville connects to the Berlin Turnpike.

Attorney Sullivan: I believe Deming connects to the Berlin Turnpike on the other side, going south.

Chairman Camilli: That's true, but he didn't say that.

Attorney Sullivan: I understand, I wanted to clarify.

Joe Perriginni: Well, it says, direct access, is that defined....

Chairman Camilli: Well, direct access, I think your lawyer answered the question.

Joe Perriginni: Okay. Under site area, the minimum site area shall not be less than five acres, and the site shall contain at least forty-five hundred square feet of the site area for each dwelling unit. The total ground floor area of all buildings shall not exceed twenty-five percent of the site area. This particular lot is 7.4 acres, we need to (inaudible) our minimum.

The site shall contain 4500 square feet of area per dwelling unit. We are providing 13,979 square feet of site area per dwelling unit.

Under recreation area, suitable common space for the recreation of children and adults shall be provided and screened from driveways, streets and parking access. At least 200 square feet of space shall be provided per dwelling unit. We are providing a minimum of 870, in some places more than the 200. This is at the immediate rear of the building.

Chairman Camilli: Where is that going to be? Can you show us where that is on the map?

Joe Perriginni: These are thirty-seven foot wide units, so that would be a ten foot by thirty seven foot area immediately behind the rear of each unit. That is what we are using as the recreation area. That includes a ten foot by ten foot deck at the rear.

Chairman Camilli: Is that, I thought it had to be a common area, not individual.

Ed Meehan: It says, 200 square feet for each dwelling unit. I would think this, again, this is an interpretation issue, we're talking about a recreation area, it probably should be suitable common open spaces, suitable common open space.

Chairman Camilli: That's not a backyard.

Attorney Sullivan: Well, there are no backyards here.

Chairman Camilli: Hold on. Hold on a second.

Ed Meehan: Suitable common open space for the recreation of children and adults.

Chairman Camilli: And that's in the PD Zone, right?

Ed Meehan: This is standard three under recreation in the PD Zone.

Chairman Camilli: Okay, so it's a matter of interpretation again, you have yours and the Commission will have to make its own.

Attorney Sullivan: But just so I can declare this, there are no backyards in any of these units, it's a common interest community, so the individual structures will be owned, if it's approved will be owned, but all the space around is going to be owned by the association for the benefit of every unit owner. So that is why Mr. Perriginni was saying, he was mapping out a ten by X foot area, so really, the entire area can be enjoyed by the entire community.

Joe Perriginni: If I may add, it does say that should be screen from driveways, streets and parking access, we have provided a landscaping plan which provides privacy and screening for each unit, between each unit.

The next item is the height of buildings, these units are two stories, this condition says that no building shall exceed a height of four stories, or have less than two stories, and no accessory buildings shall exceed a height of fifteen feet, there are no accessory buildings proposed.

Chairman Camilli: What kind of houses are going to be on this.

Joe Perriginni: These are two story, single families with two car garages, full basements.

Chairman Camilli: That shows attached, doesn't it?

Attorney Sullivan: No, no it doesn't.

Joe Perriginni: Because of the angle....

Attorney Sullivan: There is fifteen feet of spacing between the two structures.

Chairman Camilli: And they are all going to be of similar style?

Attorney Sullivan: They are all going to be similar style, they might be flipped back and forth, there may be changes in....

Joe Perriginni: Color schemes.

Attorney Sullivan: Yeah, color schemes, and changes to some of the facades, but the same basic floor plan.

Chairman Camilli: Okay.

Joe Perriginni: Under spacing of buildings, all the conditions state is that buildings shall be located, arranged so as to permit full access to the sun. Which, in the staff report, it says that this usually means that the distance between structures is equal to or greater than their height. Because of these units, our architectural plan shows no windows on one side, and two windows on the other, so there is not a need for full access, like you normally would with more windows, but we have gone by the regulation, looking for a separation distance, and we have determined

that fifteen would be suitable for the lack of windows, and lack of need for access to the sun, as this states.

Under dwelling units, the basement shall not be occupied as living quarters, we are not proposing this.

Under parking space, in addition to requirements of Section 6.1, no garage or parking space shall be nearer than 35 feet from any street right of way. Parking under the building is permitted. This condition sounded like it applies to a multi-family, or multi-unit development. We did try to adhere to this condition, and we have provided, along with the 35 frontage, front yard set back, no parking was included in that 35 foot area. That is from the right of way line along Deming Street and because this is a private development, there is no right of way lines on either side of the proposed roadway.

The next and last, is fire protection, and these apply to multi-unit developments with over three feet of space, which we are not proposing.

I guess that covers my, oh, as far as the density, this section stated that the building footprints shall not exceed twenty-five percent of the site area. This plan proposes eleven percent of building coverage over the site area. So that is less than half of what the maximum allowed would be for that, so we do not feel that it is an overly dense development under these regulations, 3.19.2. That's my presentation.

Attorney Sullivan: I have a couple of comments. We understand that there is a regulation interpretation that is going to have to take place by the Commission. We feel as though, when we look at the regulations we felt as though this complied, this project complied with the regulations. There are high density planned unit developments and a common interest community, that's really what this is, we're just attaching the age restriction ourselves. We feel we are doing this to protect this neighborhood down here. We feel as though we are trying to be consistent with the single family residences down here, and protect that neighborhood. Like I said, it's a very interesting zone, this Planned Development Zone, I mean, this could be light industry, this site could be a light industry site, in transition to the commercial site on the Berlin Turnpike. We feel that would doing a disservice to the community down here. We also feel that putting up high density large unit structures, with five, six, seven units in a building, where you are going to have an awful lot of investor owned units and possible tenant occupied, that would be doing a disservice to this neighborhood down here. We're really trying to preserve this neighborhood with this project. Thank you.

Chairman Camilli: Ed, do you want to make any comments?

Ed Meehan: Well, I think relative to the interpretation you stated it clearly, it is the interpretation of the Commission, but the reason I put in the staff report the section of the Zoning Regulations that very specifically governs age restricted housing, is because there is a section in the Zoning that says, uses not listed are not permitted. I think if the Commission wanted age restricted single family detached housing when they put that into the regulations they would have mentioned the PD Zone. Whereas the history of the PD Zone, based on the standards as I read it, as well as the Plan of Conservation and Development, that sets the policy guidelines, is for higher density housing, parallel to the Berlin Turnpike, maybe multiple units in one structure. Whether it's something the applicant wants to do here, or not, it's still subject to the Special Exception, and he's right, the other uses he listed because the PD Zone is so broad, could be permitted, retail uses, financial uses, warehousing uses, this is a very unique piece of property. It is isolated from the Berlin Turnpike, it's a very marginal piece of property, environmentally the Wetlands Commission looked at this for quite a while, they did approve it last night, but in my opinion, it's a very marginal, poor piece of property given its shape and topography, it's location on Deming Road and I would recommend to the Commission that you very seriously look at the density on this property in light of the interpretation opportunity you have, because I think the density should be reduced substantially. I don't think the applicant has given you a quality project

yet. We have experience with age restricted housing, with Fennwyck Estates, off of Fenn Road now, and I know the Commission members and I'm sure residents have driven down that road, and when you see these single family detached units fifteen feet apart, from the top of the road to the bottom, you can't tell whether they are joined or separated, and again, in my opinion, fifteen feet for this type of housing, on this type of topography is much too tight. I think if the interpretation is that you can do this type of housing in this zone, the applicant should seriously look at spreading the units apart, and pulling the units away from the road twenty feet between the front of the garage and the road is not enough room for a car when you have possibly a lot of stuff in the garage and no one can park their car in the garage, again, even in another project similar to this, twenty-five to twenty-eight feet it's rather tight. I think if the applicant is persuasive in guiding you to the interpretation that this type of housing is permitted here, the Commission should apply the standards in this section, and look at the separation and the setback of the garages to the street.

The rest of the comments are site plan, so...

Commissioner Pruett: I think Ed kind of elaborated what I was thinking, I wanted to question the width of that road, number one, I didn't get, was it less than twenty feet, or twenty feet?

Ed Meehan: The road is twenty-eight feet.

Commissioner Pruett: Twenty-eight feet, and I don't think it's provided for any off site parking, either, like for visitors, etc., I just wanted to get that clarified.

Commissioner Ganley: If you reference sheet C-4, which shows the elevations, I lined up two numbers, one on Deming Street and the other into that common area on the east end of the property. It's, if you were to travel westerly from Deming Street out to the common area, from 144 feet down to 134 feet, okay, for every four feet you travel, you drop a foot in elevation, where is all that water going to go?

Joe Perriginni: We have roadway drains. Are you talking...

Commissioner Ganley: I'm on page C-4, the common area right about there. It drops down ten feet for eighty feet, where is all that water going?

Joe Perriginni: This is a site plan issue, but this was brought up by the Town Engineer, and some of the Wetlands Commission, and what we did was, we designed two swales that were to drain that area. So we do have overland relief.

Commissioner Ganley: This will be discussed during the site plan.

Joe Perriginni: Yes, it was.....

Commissioner Ganley: Thank you.

Joe Perriginni: It was, we had a depressed area before, it was decided to fill that area so we don't have it ponding up in that common area, so that was resolved with the Engineering Department.

Commissioner Fox: For one thing, one thought I had, I'm trying to not get ahead of myself, we're still at the public hearing, and we still have, I feel that we still have some regulations here to interpret. One of the things that the Town Planner mentioned was something that I had in mind ever since the presentation started, and that is if a use is not listed, it is not permitted, and that is

something that I am going to be looking at as I read, getting ready for the next public hearing. The second thought that I had kind of slipped my mind.

Chairman Camilli: I think Mike that you hit it on the head, the Attorney did say that it doesn't preclude anything, but, he said that several times in his presentation, but if it's not stated in the regulations, then it is not a permitted use. Anyhow, I think you are on the right track. Anyone else? This is a public hearing, we'll hear from the public. Anyone from the public wishing to speak in favor of this application? Against, anyone from the public wishing to speak against?

David Marsden, 73 Maple Hill Avenue: You know, I liked what Mr. Meehan said about the fact that this should be downsized somewhat. I'm also concerned about what, this gentleman, the third one down, I can't remember your name, I'm getting old, you don't have a road very wide, you don't have any parking for guests, you've got a rendering that shows that you can get one car length in off of the private street, and where are you going to park friends and relatives that come for the Thanksgiving Dinner, or whatever they come for, but the point is, the point that I'm trying to make is that it seems as though you could, you've got a lot of space here, why not give a longer driveway, why not give more space in between the dwellings so that cars can park. Certainly if it's only 28 feet wide, you are not going to be able to park on both sides, you are not going to get a fire truck up that street. That is a very serious concern, ambulances and that kind of thing, especially for people my age and older than me, so I'm thinking that maybe Ed Meehan is right, drop down the amount of dwellings allowed, give some more space to each unit and plenty of parking for guests and maybe even take some of the space and make a small guest parking lot. It's only a thought, because I happen to be an observant individual. Thank you.

Chairman Camilli: Thank you for your comments. Anyone else wishing to speak against this application, or make some comments. You can rebut that if you wish.

Attorney Sullivan: Sure, I'll be brief, I know you have a long meeting. Just to address, the road width is standard public road width of twenty-eight feet, no different than any other public road in the town. As far as the driveway is concerned, and the two car garage, we have twenty-three units and have a double driveway, you have forty-six parking spaces for visitors. Two car garage, you know, a lot of your age 55 and older have only a single garage, a single driveway and then you need parking for visitors. Here every unit is going to have a parking space for two visitors. So you are going to have forty-six visitor parking spaces as proposed on this project. I understand the concept, I was a town attorney for twelve years, of the fact that if it's not listed it's not permitted, but if we took, and it's not prohibited but if we took, if we proposed this development, we can propose this development certainly without any question about regulation interpretation just by taking the age restriction off. That takes that off the table. We can still have a planned unit development here, or a condominium complex, multiple unit condominium complex. We believe putting, voluntarily, putting the age restriction on it is to preserve the neighborhood down here. That is the only reason that we are doing it. We, I think it's financially, I think financially the developer could do better by having multiple large buildings and maxing this out. If you read the staff report, it somewhat contradicts itself when it says, early on, that this PD Zone was made for high density development, towards the Berlin Turnpike. Then later on says, this is too dense. You want high density, you want real high density, we want big tall buildings, four stories high, with multiple units put in a hundred dwelling units and six building, whatever it might work out to, we want the high density, but yet, when you come up with single family, detached high density, that's too high density. It seems to contradict itself. Either you want high density here or you don't want high density here. We're trying to give you a little bit of both that conforms and protects this neighborhood down here, rather than to come with something large that nobody wants. That there would be no interpretation of the regulations, if we came with multiple units in large buildings, no age restriction. One final comment, we don't have, just so you know, there is talk about with all this space back here, we can push units back. We really can't.

It's, we can do something in here a little bit, but back here, that is all wetlands here, and there is upland there, and we can't start pushing these units back into the upland area, in fact, that was one of the discussions that we had with wetlands, in fact when we resubmitted to wetlands, we actually took out two units, it was originally a twenty-five unit development, we took out two units and when we took out two units, some units that we had staggered in the rear, we brought back forward to the street and by doing that, we were able to preserve an area of undisturbed wetlands in the back, by removing the fill required on the site. So it is a tight site, it doesn't look like, it looks you might have a lot of extra space, but when you consider wetlands and the upland review area, and this area, it really tightens it up quite a bit. We appreciate your time tonight.

Chairman Camilli: Ed, do you want to make any comments on that, or do you want me to take up your battle for you.

Ed Meehan: I think the attorney is missing the point. The point is, this is a very marginal piece of property, and you mentioned some of the restrictions with the tightness with the wetlands and so forth. Good land planning would dictate that you don't take a marginal piece of property, regrade it and spread it out with as many little boxes as possible. Good land planning would dictate that you pick the best part of the site, and put your units there. Maybe you would have to compromise on the density, maybe the client doesn't get as many dense units, but maybe instead of having twenty-three little boxes spread on a 300 foot road, you have two or three structures with six units each put on the best part of the site, so the least impact to the environment is the result. This is the worse impact to the environment that I can see.

Attorney Sullivan: What we are creating....

Ed Meehan: Right, you are creating something. Why not just leave the wetlands alone?

Attorney Sullivan: Well, it's a non-functional wetlands, it's really just a depression.

Ed Meehan: I've been out there after heavy rains, and the water flows over Deming Street, flows through the culvert, and that is one reason that the cows were down there, because they were up to their knees in mud. I mean, I'm just being blunt, this is a terrible piece of property, and I think you are putting too much on it.

Chairman Camilli: Okay. All right, we'll, at this point we will just keep this petition open. I have a procedural question. If, when does the Commission decide whether or not this type of housing is permitted in the PD Zone? Do we do that in the form of listening to everything through and then we have some kind of motion that says that it's not permitted? Go through the whole process here?

Ed Meehan: I think you should do that, because the applicant has submitted both the site plan as well as the Special Exception, so you should give him the benefit of making his full presentation.

Chairman Camilli: Okay, and I want, I'm just saying, one way or the other we have to make a decision on whether or not it belongs in the PD Zone. And then, if it does, the other decision is do they have to comply with the PD Zone regulations. That is something that we will do in the form of a motion at the end of the process.

Ed Meehan: Right.

Chairman Camilli: We will keep petition 74-06 open. When we get to the site plan, I think some of these other things will be answered, I hope.

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

Vasant Patel: Mr. Chairman and Members of the Planning and Zoning Commission, I am Vasant Patel and reside at 58 Barry Place in the town of Rocky Hill. I have been resident of Rocky Hill for the last twenty-five years. I represent the applicant Bochasanwasi Shree Akshar, Purushottam Swaminarayas Sanstha-Northeast also known as BSA, Northeast, the abbreviated name of the Swaminarayas organization. I am here to give you background information and speak in support of Petition 76-06, requesting Special Exception, Section 3.2.1 place of worship for the former Knights of Columbus building located at 647 North Mountain Road in Newington. The Swaminarayas faith is one of many Hindu religious faiths, with their presence in India and throughout the world. Today the faith leader is Mr. Swaminarayas, an international religious figure. Followers are known for their discipline, dedication and spirit of volunteerism. The Swaminarayas faith is a socio-spiritual organization with commitment to working for the betterment of society with the emphasis on family values and morality, through education and general activities. Its members engage in volunteer programs and activities that encompass moral, cultural, social and medical fields. Our center will provide inter-religious and inter-cultural harmony, create a society free of addiction, drugs, violence and crime. Nurture a society that is morally spiritually and socially strong. In addition to foregoing, my reasons for requesting you to vote in favor of the petitions are as follows; ours will be the first temple, place of worship of our faith. Most of the membership, approximately one hundred families reside in the Newington, Wethersfield, Rocky Hill, West Hartford, Berlin and adjoining towns. This location is very convenient to our worshippers. I kindly request your approval, thank you for your time.

Chairman Camilli: Is there anyone else that wants to speak before we get into the Commissioner's remarks. Any questions for this gentleman, Ed?

Ed Meehan: I met with the gentleman and Mr. Patel before their put their application in, and two of the questions that I asked them to be prepared to answer for the Commission was the expected occupancy, and he mentioned one hundred family members, in their group, and also their parking need for this site.

Vasant Patel: The membership, by saying one hundred families, you can see, this is the core membership here. The total of our parking spaces, I did check, Mr. Meehan, is 118 spaces currently.

Chairman Camilli: What is your requirement? What do you think you are going to need. Is there going to be adequate parking?

Vasant Patel: This should be more than adequate parking right now. Absolutely.

Ed Meehan: I have some recommendations for the parking. I can talk to them now, or after, whatever. I did look at this site, and I would recommend, I tried to count the parking spaces, they are quite faded, I would recommend that the parking spaces be repainted. Directional arrows, handicapped spaces be identified, and some attention be given to perhaps cracks, sealing and repairing damaged areas of the parking lot, which needs some attention.

Vasant Patel: We will consider doing that.

Chairman Camilli: Okay. Any questions from the Commissioners?

Commissioner Schatz: Any physical changes to the building at all?

Vasant Patel: At the present time, we are not asking for any physical changes.

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

Buhpen Patel: Mr. Chairman, Members of the Commission, Ladies and Gentlemen, I am Bhupen Patel, reside at 43 Green Avenue Newington, have been an active member here for years, and the first time on the other side of the fence. I'm speaking in support of Petition 76-06 for 647 North Mountain Road. The reasons for that are following, number one, the application meets the requirement of Special Exception as stated in our zoning laws, which is a permitted use. The application conforms to the legal requirements and it will serve many members of the Indian community living in the town and surrounding area. This is the best, and highest use of the existing facility, which was already in a similar use for years and has not caused any adverse impact. The proposed use will not cause any adverse impact on properties either, therefore I urge you all to support the application. Thank you.

Chairman Camilli: Thank you. Anyone else wishing to speak in favor?

Ms. Patel: Good evening Mr. Chairman, Members of the Committee. I have lived in Newington for about ten years. Our community does not have a temple nearby town, so this is going to be a very good thing that is going to happen to us. I request all of you to support this petition.

Chairman Camilli: Is there anyone else wishing to speak in favor? Anyone against this petition? Okay, we will close Petition 76-06. We are all set, we are not going to vote on it tonight, but you are all set.

E. PETITION 77-06 Stefan Jarosz and Eugenia Jarosz applicants, Howard and Helene Cashman, 33 Pfister Drive, Newington, CT 06111 owners, request for Special Exception Section 6.13 Accessory Apartment (renewal) represented by Stefan Jarosz, 352 Highland Street, Wethersfield, CT 06109, R-12 Zone District.

Commissioner Ganley: I have to recuse myself on this one.

Stefan Jarosz: Good evening, Stefan Jarosz, 352 Highland Street, Wethersfield, Connecticut. I purchased the property at 33 Pfister Drive and I would like to renew the permit for the in-law apartment.

Chairman Camilli: Okay, so this is here for a renewal of an existing apartment. Ed, does he have to do anything, just to guide him?

Ed Meehan: This is very simple. The zoning regulations say that you cannot transfer this Special Exception, you have to renew it, and the original Special Exception was approved back in 1998 at the Commission meeting, November 23, 1998, it was granted to the prior owner. There is nothing special that he has to do. The building permits have been issued, the Certificate of Occupancy has been issued, it's just a matter of getting a new Special Exception.

Chairman Camilli: Okay. We have to ask, anyone from the public wishing to speak in favor of this application? Against? We will close Petition 77-06. We aren't going to vote on it tonight, but I don't think there is going to be a problem. Thank you.

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

None.

- IV. **MINUTES**

Regular Meeting November 20, 2006.

Commissioner Fox moved to accept the minutes of the November 20, 2006 regular meeting. The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion, with seven voting YES.

- V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: There is a communication from Mr. Ganley, if you want to take it up later on.

Chairman Camilli: I think we could do that.

- VI. **NEW BUSINESS**

- A. **PETITION 75-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Site Plan approval Section 5.3 (23 detached residential units,) PD Zone District. Inland Wetlands Report required.**

Attorney Sullivan: Good evening again, Timothy Sullivan representing the applicant, Deming Street Development, LLC. I won't get into the specifics of the site again, in terms of the property address and, I'm going to turn it over to Joe Perriginni right away. You have already had a long evening, to give you specifics on the site plan for the staff comments.

Joe Perriginni: Good evening, again for the record, my name is Joe Perriginni, I'm a civil engineer with A-N Consulting Engineers. As mentioned earlier, this is a 7.4 acre site. There currently exists a barn at the high point of the property, at the southeast corner there is an existing home, both of which we are proposing to be removed. Also mentioned earlier, there is a 9,000 square foot pocket of wetlands that we received approval for the elimination and recreation of what is in the vicinity of an existing stream. This stream also has wetlands associated with it, we have shown on this plan the wetlands, in light blue, but all that area is vegetated and wooded and in dark green, we are showing the tree line. We are not affecting that tree line, except in this area here, and also in this area here, we are cutting back the vegetation. As for the site plan, we are proposing 23 single family active adult residential units. The units are located on 800 feet of proposed road, private road. This road begins opposite Winding Brook Lane, extends to the property to where it ends, several hundred feet to the north. The units along the rear of the property will have walk out basements. This is because of the elevation of the roadway in comparison to the existing ground to the rear, so we were able to slope back and have walk out basements for those units here. The units on the interior will have steps up to a (inaudible) type door. Also proposed for this project is a four foot wide sidewalk along the front of the property. That would tie into the existing sidewalk at the corner of Griswoldville and Deming. As you may know, the sidewalk comes down from Walgreen's, we are tying in, extending the sidewalk along the entire frontage of the property, to the southeast corner and what this does, is it provides a continuous pedestrian route from the existing sidewalk along to the intersection of

Barn Hill Lane, so pedestrians are provided a complete route, pedestrian route all the way to the Walgreen's at the Berlin Turnpike.

Chairman Camilli: Any sidewalks inside the site?

Joe Perriginni: We have not proposed sidewalks for within the site. Also, we are showing a roadway storm drainage system. This system will control all of the roadway runoff, driveway runoff and some of the roof runoff. This system drains between units four and five, it will outlet into a water quality swale, this water quality swale will treat the runoff prior to it draining off to the west, into the wetlands. We do have several sedimentation erosion control measures proposed for the construction of this site. These are all in accordance with the Connecticut guidelines. These will be installed in the sequence that the site is to be constructed. The first thing that would happen would be the clearing of trees as needed, a silt fence would be installed throughout the site, and we do propose a temporary sediment trap at the low point of the site. This would be a point, during grading operations any runoff would be directed to that, so that sediment is allowed to settle out. This is all for protection of the nearby wetland areas. Similar, and typical methods would be the bringing of catch basins and stock piles of hay bales and all that sort. Also, we are proposing a permanent structure, a hydrodynamic separator before the outlet of the system. This will treat runoff on a permanent basis. Also there would be temporary seeding of the site as needed, and the site, the entire site would receive topsoil and turf establishment for the final stabilization.

All proposed utilities are to be underground. We are showing water, gas, and we should be showing electric and cable, we will add that to the plans. MDC water and sanitary will be accessed from Griswoldville Avenue. The north side of this site will discharge sewer by gravity, where the southern half, because it is lower than the intersection, will have to be discharged by gravity down to a pump station and then of course will bring that sanitary to the north. That ends my presentation of the technical issues. There are several issues on the staff report that we felt we would revise the plans accordingly. There are a lot of clarifications and additions. Excuse me, I would like to address the sight distance issue. We did receive, there was a measurement done by Buberis Associates for, to determine the eighty-fifth percentile speed on Deming Street, that was determined to be 42 miles per hour, a bit higher than the posted speed limit. What this requires is, by Connecticut DOT standards, we are required to have 467 feet of sight distance in all directions from the two driveways. For the northern driveway, looking south, we do have over 500 feet of sight distance, looking north, through the Griswoldville Avenue intersection, we show that there would be 494 feet, which is more than 467 feet. On this plan, which we will submit for the staff review, we show the profile and how it was determined. For the southern driveway, we do have the five hundred feet of sight distance looking north, and looking south, we would be able to revise the 467 feet by way of, we are working with the adjacent property owner to obtain a sight line easement. This is the sight line, cutting across the property corner just into the adjacent property. Within these discussions, we also require that one pole that is used for the protective netting for the driving range, that one pole be moved back ten feet. Also in these negotiations it would be decided what to do if there is any existing encroachment of the fencing or the netting that extends across our property. So those are also being decided, but again, all those other technical comments we plan on addressing and submitting to the staff in time for their review before the next meeting.

Chairman Camilli: Ed, do you want to start?

Ed Meehan: Well, it's think it's important that there are about twenty items here that are mentioned in the staff report. I understand that you are working on them, could you explain that pump station? It is going to be under the ground, it is going to be buried? It's right next to one of the units there.

Joe Perriginni: It would be underground. If there was any type of access that would be above ground, we would have that properly screened. We will talk to the landscape architect about showing that a little better. The pump station would have to be located on our property behind the street right of way. I know the comment was, will this affect the sight line, and the sight line is taken fifteen feet from the edge of the roadway, which we are well behind that with the location of the pump station.

Ed Meehan: This is actually located in the front entrance corner of the site? I know there is one of these pump stations down on Pfister Drive, and it's fairly large.

Joe Perriginni: Is that a pump house?

Ed Meehan: It could be a pump house, is it smaller than that?

Joe Perriginni: Oh yeah. The force main line I believe is a two inch, very small, and the reason for that is, it would, the pump would drive the sewage up hill to a proposed sanitary line here, from there it can run by gravity out to Griswoldville.

Ed Meehan: Is there a grinder pump in there?

Joe Perriginni: It's an MDC, it would have to fall under MDC standards.

Ed Meehan: Again, with the enhancement of this site, and the quality of it is, if you have something above the ground there, as you drive in, I don't know how you screen it. Maybe you put it behind an entry sign, or you know, something that takes your eye away from it.

Joe Perriginni: That was another comment, about adding some type of enhancements to that entry way. We are looking into that. Obviously at an entry point we would not want something to be that visible and take away from the aesthetics of the project.

Ed Meehan: I just want to echo, the Chairman asked a question about an internal sidewalk, if this is an active adult community, I think it would be appropriate to have a sidewalk on one side to preserve the neighborhood, so to speak. You don't want people walking in the road. I think that is in my staff report also. I think the rest of them need to be looked at, as this project evolves and the only other thing that Attorney Sullivan could address, is there restrictions and covenants and condo documents about this project yet.

Attorney Sullivan: Yes, both myself and Joe will be responding to the comments for submission to the staff hopefully by a week or so before the next meeting. We would like to meet and review with staff some of these comments and address those, and it's our goal, I will have condominium documents for you prior to the next public hearing, prior to the next meeting. In fact I said, we would like to meet with staff just to review these comments and make sure we are all on the same page. We will have a full submission prior to the next meeting.

Chairman Camilli: As far as screening from the Walgreen's, what is going to happen in that corner over there. We tried to screen the neighborhood.

Joe Perriginni: As you may recall, there was a pretty tall hill, that was preserved by the Walgreen's, they did cut back into it, but we're talking an elevation 168 and these homes are down at 151, 152, so there is a large hill with all vegetated with trees beyond the limits of the hill, and this is all vegetated back. I only show the vegetation here because of the wetlands, but this is all vegetated, all of this area.

Chairman Camilli: They're not cutting any of those trees are they?

Joe Perriginni: This tree line is currently, extends along here, we are only cutting back to provide these units here, we did not develop into here because of that, trying to preserve that buffer, that natural buffer.

Ed Meehan: Isn't the lighter green your cutting limits?

Joe Perriginni: Yes.

Ed Meehan: So, if you were to go out there today, to the north side of the barn, and silo, that stand of trees, based on the cutting limit, I believe would be removed.

Joe Perriginni: Well, these are all preserved.

Ed Meehan: Those are, but right in there.

Joe Perriginni: Well, we were trying to create rear yards, and manage the grading, because this area drops down, and picks back up. In order to grade this area out, and get that water out, we needed to cut back, but our landscape plan shows screening all along the roadway and between units.

Chairman Camilli: Did we get, do we have a landscape plan?

Ed Meehan: There's a landscape plan, I had some questions in my staff report on it.

Chairman Camilli: Well, maybe you want to wait until...

Joe Perriginni: His questions had to do with things like lighting, entry walls, and we will address those.

Commissioner Pruet: I just want to reiterate my concerns with that lack of parking, I'm concerned about the people walking in the street, I'm concerned about, if they do have company, with that limited area, there would be no parking, even though they have, the Attorney mentioned, they have two parking spots each, that would be for the homeowners, I don't think it would justify anybody visiting them, in a safety concern. For example, in the winter with the snow or ice, a fire truck needed up there, an ambulance, I just have a concern with it. I just want to state it again for the record.

Commissioner Ganley: Mine was, once again, the site appears to be down somewhat in a bowl, and I was looking at where this pump is going to be, down opposite Winding Brook Lane, you have to pump sewage, you say?

Joe Perriginni: Yes.

Commissioner Ganley: You have to pump sewage from an elevation of 135 feet to 160 feet, so as to connect onto Griswoldville, and you said it was a two, four inch pipe.

Joe Perriginni: Because it is pumping it up, the size of pipe is not the same as what you would require to drain by gravity. It is a smaller pipe. That would be designed in accordance with MDC's standards.

Just a comment, the roadway radius, we made sure that we followed the town's standards for radius so emergency vehicles would be able to get in and out of the area.

Commissioner Fox: First of all, I just want to reiterate Dave's comments, not reiterate, just agree with them. Especially the sidewalk. I mean, I'm looking at this, and I just can't understand why you would be proposing a sidewalk along Deming Street to continue from Walgreen's and along and then up into the Barn Hill area, and not allow these over 55, active adults and their possibly grandchildren and visitors to be able to walk on a sidewalk, continuing, so as on the outside perimeter of that roadway. That's number one. Aside from the fact that I don't even know if I'm going to interpret this as a permitted use, to me it's, shall I use the word massive, we have an awful lot of single family detached units there, doesn't look like there is too much breathing room, as far as I'm concerned, no common park area, so to speak, and I'm going to stop there and just say, needs an awful lot of work.

Ed Meehan: I don't think I clearly stated it in my staff report, but it goes to a previous comment about the spacing of these units and the marginal quality of this piece and I might as well put it on the table now. The closeness of these units, fifteen feet apart, but when you look at the grading plan that you are proposing, I'm looking at between units three, four, four, five, six, and then around to the side where you show two to one slope in the back yards, a fifty percent slope. The grade between these units, of fifteen feet apart, is fifteen percent in those areas, ten percent in other areas. So not only do you have a house fifteen feet apart, you have a yard dropping down, steep, and to be able to grade this, stabilize it and give everybody a functional yard, is, to me, I think again, you have too much on this site. It goes to one of the comments that Commissioner Ganley mentioned, when he talked about a pocket, you put that road in there, this fills of eight to twelve feet if I look at your road profile in some of this area. So, I think I agree with Commissioner Fox, you have to look at this again, I think to loosen the site up, and kind of work with the land a little bit better, and I'll be happy to sit at staff with you, and the Town Engineer and go over this in more detail.

Commissioner Ganley: I'm looking at the staff report, the third paragraph, the sentence beginning with, and I'll read it into the record, "These zoning conditions are consistent with the Plan of Development's housing component which recommends a strategy, that higher density, multi-unit housing is appropriate within the town center and in larger five acre plus parcels adjacent to the Berlin Turnpike, page 17." The two key words in that sentence are the word recommends, and then strategy. That doesn't preclude the Commission from looking at each individual parcel to see if it fits within the overall strategy, or concept of the kind of density that that sentence addresses, and thus I find the rest of the report consistent with the recommendation and strategy of looking at the parcels to see if they conform. If they don't, it doesn't make any difference what this says, because it only says that they are recommending that as strategy, we are not obliged to consider this for higher density just because there is a recommendation that we could. Thank you.

Chairman Camilli: One of the concerns that I have is the drainage, the water. With the contours of the land and so forth there, and Newington, as many residents know, a lot of water problems. I don't want to create another one. We have to make sure, it's beyond me for sure, you know whether or not the drainage works, I mean, it's something I think, we've had other applications as well, you know, whether this really works, rather than people coming back trying to work with the town, later on and try to take care of past sins. I mean this seems to me to be, as you said, an area that is marginal, at best, and I think one of the areas that we are going to have to carefully look at is the drainage.

Commissioner Kornichuk: I'm still having a problem with this recreation area. Now if these, I know that he said that they were not called back yards, called common areas....

Ed Meehan: Yes, all that land would be owned by the Association.

Commissioner Kornichuk: Now, if they are two to one slope, how are you supposed to have any recreation on a two to one slope?

Ed Meehan: You probably won't. If they are active adults, there are some areas that they cull out at two to one slope areas for certain types of stabilization, they really should be protected by some type of fencing. I wouldn't count those as recreation areas, I would delete those out.

Commissioner Kornichuk: But they did, right?

Ed Meehan: Mr. Perriginni counted the backyards, out along Deming Street, that sort of pocket area, that might be where there would be some....

Commissioner Kornichuk: Well, I'm going on what he stated, you know, what I consider a backyard, what did you say, a ten by ten?

Joe Perriginni: A ten foot wide by, the width of the building, ten foot wide by thirty-seven foot wide area. So it's the ten foot, immediately behind the building. And that is 370 per unit, the regulation says 200 per unit.

Chairman Camilli: Yeah, it's a question of whether or not it's recreational. I think Commissioner Kornichuk is saying there is land there, but whether it's recreational or not....

Commissioner Kornichuk: I reading what it says here, suitable common open space for the recreation of children and adults shall be provided. Now, two to one slope, I don't consider that suitable.

Commissioner Fox: One more, Mr. Chairman, one more quick thing on the same thing, through the Chairman, you mentioned screening between the units, such as.....

Joe Perriginni: Well, screening vegetation.

Commissioner Fox: Vegetation, okay, and that would be just between units, not extending out to the ten feet behind that you are planning for....

Joe Perriginni: I don't have the landscape plans, but the landscape architect said that there was privacy between the units.

Commissioner Fox: I would be interested in that.

Joe Perriginni: It probably shows.

Ed Meehan: It's sort of like at the ends of the unit.

Joe Perriginni: So that the decking and the rear yard area is some sort of privacy.

Chairman Camilli: You can respond, if you want, to any of the comments that were made.

Joe Perriginni: One comment, the two to one slopes are in this area here, and this would be the only area of two to one slopes, and this is immediate to the wetland area. A comment was brought up by Ed about providing fencing, we feel that is a valid addition to the plan.

Attorney Sullivan: We also talked about possibly putting in some retaining walls, some screening walls as well.

Joe Perriginni: The steep slopes are not proposed immediately behind the units. We made an effort to provide a flat area. The issue here was you have a high point on the site, and this portion of Deming Street is very steep, and so to get, to manage that grade from the high point down, we're talking about quite a bit of grading. This we kept at (inaudible), but this is the steepest area and all along the west side of the road, you have the yards sloping back, they all have walkout basements.

We are bringing in about 16,000 cubic yards of material and this is to manage the sloping on either side of the road. We did not want to exceed a five percent slope on this road, so from the high point we went down five percent to a low point of flat area. We did work very hard with the engineering department on the drainage, and they made some recommendations like removing the detention area at the rear of the buildings to avoid any stagnant water, issues with mosquitoes, that was a big concern of theirs. So we, at their recommendation, replaced it with a water quality soil, and will treat the water. This area here we actually filled in, from what it was so that water was allowed to get out of that area to avoid any drainage issues. All these areas will be picked up by the drainage system.

Chairman Camilli: Will the swale retain water there?

Joe Perriginni: This swale, no. These are all designed to get the water out of there, this swale here has a permeable bottom that water goes quickly down, and it was removing some pollutants from that before it gets, these are very important (inaudible) that they were adamant about protecting and in addition to the swale we have hydrodynamic separator.

Chairman Camilli: We could go on, but I think you have enough for now, do you want to ask anything more?

Ed Meehan: The only thing I want to clarify, on Mr. Buberis' sight line, the, looking from the northerly connection to Deming, there is a vertical and horizontal curve there? Jim Buberis still picked up you're going to see a car, say you are looking right coming out of this driveway, I can't see from here, going this way, he says you have five hundred feet?

Joe Perriginni: Yes.

Ed Meehan: Okay, because that is where the road drops down.

Joe Perriginni: You are at a high point here, looking down the road, you have a much better....

Ed Meehan: The car won't go into the dip there, and you won't miss him?

Joe Perriginni: No, we have five hundred feet to here.

Ed Meehan: Okay.

Joe Perriginni: The five hundred feet is prior to this intersection.

Ed Meehan: And that lines up with Winding Brook, directly across from Winding Brook, right? The southerly.

Joe Perriginni: Yes, they preferred that we.....

Ed Meehan: Ninety degree line.

Joe Perriginni: That we line up.

Chairman Camilli: I have one, hypothetical, what would happen if they don't agree with the abutting property owners about giving some land there, or doing whatever, what happens in that case, because we have had some situations where abutters don't want to cooperate.

Ed Meehan: Well, there are two encroachments. There is one with the Sphinx and there is one with Raja of Newington, up in the corner, the southwest corner. I saw on your map, those would have to be worked out. The more significant one is getting the sight line easement. That has to be present, you have to be able to keep that vegetation clear, or maybe remove a utility pole, or maybe that is a pole for the netting, or else you won't have safe sight lines and you certainly won't want to have this road coming out without safe sight lines on Deming. Forty-two miles per hour, I'm surprised it's that low.

Chairman Camilli: Well, it would be incumbent on the applicant to get the agreements.

Ed Meehan: With what the Commission has heard, with all the history of Barn Hill, and what you went through with Walgreen's, is, the people in the neighborhood are saying, the traffic on Deming is increasing every year, and that is the why it was pressed to put the dedicated right turn going up the hill at Griwoldville to get those cars out of the intersection.

Chairman Camilli: It's interesting, we didn't get too much from the public tonight.

Ed Meehan: I'm surprised.

Attorney Sullivan: We hope, just to clarify, we hope, knock on wood, that we've been in discussions and we anticipate being able to acquire this sight line easement. The alternative that we have discussed in house, is that we just make this simply a one way turn to the south, coming out of the south entrance, so that you cannot turn in a northerly direction, so if we cannot get the sight line easement, well, people that are exiting the development to the north will exit this way, and go that way. It's a very short road. Chances are half the units are going to exit this way anyway, so simply a north turn only, rather a south turn only, is only going to impact two or three units.

Ed Meehan: Did you ever just look at building this as a cul-de-sac and not going through that wetland and avoiding that whole intersection?

Attorney Sullivan: We did, and we felt that this was a better development because building a cul-de-sac, in through here, meant putting in larger, multi-unit development, which we didn't think was compatible with the character of the neighborhood, the single family neighborhood. We were trying to make this as nice as possible, I guess for the single family neighborhood down here. Certainly we could have come in with a, in fact, this was spoken, this was discussed at the Wetlands Commission last night, they commended us, they thought, they said this was a great idea, getting rid of this pocket of non-functional wetlands right here and creating a more functional wetland which straddles the water course. We did, in fact that was an alternative plan that we showed the Wetlands Commission, a cul-de-sac coming in here, then large structures, multi-unit, but we didn't think that was keeping with the character of the neighborhood. We thought this was a better development, both for this neighborhood and for the wetlands.

Joe Perriginni: One other point about the cul-de-sac is that all the traffic is forced into one driveway. This way you split the traffic up.

Ed Meehan: Of course, if you reduce the density, it balances out.

Chairman Camilli: Well, okay, we will continue this....

Commissioner Fox: I just have one quick comment, and it stems from a comment that the Attorney and Joe had just made, in splitting them up for right turn only, so that only impacts a couple of residences. If it impacts the safety of only one resident, to me it is not acceptable.

Attorney Sullivan: Well, we would never impact safety of any resident, what we would do is impact the convenience of the resident, making them exit this way if they want to go north.

Commissioner Fox: Inconvenience, but there is also a safety issue there.

Attorney Sullivan: We would just make it impossible to turn north.

Chairman Camilli: We have a lot of impossible turns that become very possible with some very creative drivers.

Attorney Sullivan: I just think, we are talking about an 800 foot road, if this is simply a right hand turn coming out of here, it would be just as easy to go this way, as this way, rather than screw around with trying to make a sharp turn, cut across the curbs, whatever. I would be simpler to go in this direction.

Commissioner Fox: You could probably also be talking about maybe a four hundred foot road.

Commissioner Schatz: I have one question, at the end of the table. I agree with Commissioner Fox on the sidewalks, now from this end of the table, you don't have to be a genius to look at this and say, well they didn't put sidewalks in, without making the driveways longer, because they don't have the room. I mean, that's what I'm looking at, they just don't have the room to do all these things. To me, if I get to be 55, I would want a house with a little room, and number two, if you are going to have a pump down there, in other words, the electricity goes off, and half the units, nobody flushes the toilets for a while. Is there an alarm on them, because in Massachusetts they make you put an alarm on those things.

Ed Meehan: MDC might require a backup generator, I don't know, that would be MDC code.

Joe Perriginni: I have a question for the Commission about why we had this sidewalk and not the sidewalk through the development. Do you feel it would be more of a benefit to the public to eliminate this, and then have that connection through here, so it would benefit the development? Do you think that the pedestrian route here is not as important as, I mean, do you think people would be using that?

Commissioner Fox: I think you missed it Joe. What I was saying was you are giving pedestrians access from Walgreen's all the way over to Barn Hill and everything, and I don't mean to displace that with a sidewalk around the perimeter of the road, I mean to add that. People from Barn Hill can come straight across, if they want to visit, people from the development can go in and out. I meant you know, why not continue on and do both. Not eliminate one for the other.

Chairman Camilli: Any other questions, we're all set for now.

VII. OLD BUSINESS

Commissioner Kornichuk: Mr. Chairman, I would like to state that I have read all the minutes and everything, and I feel comfortable voting tonight.

Chairman Camilli: Okay.

- A. PETITION 38-06 Assessor Map NE 505, East Cedar Street, known as Cedar Mountain parcel, Connecticut Children's Medical Center owner, Reno Properties, LLC, 170 Pane Road, Newington, applicant, represented by Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hirtle, City Place I, 22nd. Floor, Hartford, CT 06103, request for 4 lot subdivision CD Zone District to be accessed by a proposed commercial street over abutting property known as Lowe Manufacturing Company, 751 Russell Road. Inland Wetland Report Required. Hearing closed October 25, 2006. Sixty five day decision period ends December 29, 2006.**

Commissioner Cariseo moved that Petition 38-06 Assessor Map NE 505, East Cedar Street, known as Cedar Mountain parcel, Connecticut Children's Medical Center owner, Reno Properties, LLC, 170 Pane Road, Newington, applicant, represented by Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hirtle, City Place I, 22nd. Floor, Hartford, CT 06103, request for 4 lot subdivision CD Zone District to be accessed by a proposed commercial street over abutting property known as Lowe Manufacturing Company 751 Russell Road, revised plans dated October 25, 2006 be denied the Commission finding:

1. That the quarrying and removal of an estimated 775,000 cubic yards of rock from this property is so significant that it requires review as a Special Permit subject to the standards and conditions set forth in Section 6.4.1 Removal of Earth Products, Newington Zoning Regulations.

The magnitude of blasting and removal of this quantity of rock exceeds the exceptions set forth in Section 6.4.1 "excavation for basements of structures to be erected on the land forthwith, and "except for grading or landscaping incidental to the development."

The applicant's testimony that an estimated 52,000 truck trips (104,000 round trips) will be needed to export the mined rock off this property raises concerns for public safety on East Cedar Street and adjacent Berlin Turnpike interchange. The applicant has not adequately addressed these safety issues.

The Commission does not agree that the proposed rock removal is incidental. The drilling and blasting of rock at depths up to 50 feet is not typical of most developments which seek an equal amount of cuts and fills to achieve a balanced grading project. Therefore it is the Commission's position that a Special Permit in accordance with Section 6.4.1 is needed.

In addition to the above, the Commission finds the submitted plans do not comply with the following sections of the Newington Subdivision Regulations:

2. **Section 3.1** Proposed subdivision is not in harmony with the Plan of Development's Transportation Component which recommends that the CROG Corridor Studies of Cedar Street (Route 175) and the Berlin Turnpike (Route 5/15) be used to accommodate land use and traffic management (pg. 28) Both Corridor studies recommend a future

roadway to developed through the subject property to provide future access between Route 175 and Russell Road.

The proposed subdivision plan cul de sac layout is not in harmony with the Plan of Development and precludes future connection to Russell Road and the opportunity to improve the Route 5/15 and Route 175 interchange.

3. **Section 3.2** Proposed subdivision grading and earth removal alters natural slope areas that are in excess of 15% gradient. This parcel is characterized by three ridges that run north to south. The summit of the ridges are at elevations 332, 320 and 346. Typical of trap rock ridgelines the easterly slopes are gentle grades and the westerly slopes are steeper. Because of the parcel's unique topography, steep slopes and natural trap rock ridges some of the property is not suitable for development. The three areas that are in excess of 15% gradient have been identified by the Town Engineer between the 332 foot ridge contour going westerly down to the 190 foot contour at the south westerly corner of the property, a distance of 463 feet, for a gradient of 30.6%; between 320 foot ridge contours northerly to the toe of the slope at the 290 foot elevation, a distance of 150 feet, for a gradient of 16%; and third, from the ridge elevation of 346 feet westerly to the bottom of the slope at contour elevation 316 feet, a distance of 170 feet, with a gradient of 17.6%.

As set forth in Section 3.2 Suitability of Land the areas in excess of 15% gradient should not be disturbed by development.

4. **Section 3.4** The proposed cul de sac street does not comply to the Subdivision Regulations standards for commercial streets. The proposed commercial street should be planned to provide for continuation into adjoining property with an alignment design that complies with street standards set forth in Section 3.6.18. The commercial street should be projected into adjoining "Old Highway" and carried to the boundary of the property. The applicant has not requested a waiver of this requirement.

5. **Section 3.5** The proposed subdivision lots have not been designed with care and with recognition for the existing character of the land and arranged in such a way that there will be no foreseeable difficulties for reasons of topography or other conditions. The layout and grading plan proposed for this development has not taken into account the topographic characteristics of the land, and public safety, concerns of blasting, excavating and exporting off site in excess of 775,000 cubic yards of rock. The public safety impacts of up to 104,000 round trip truck trips required to move this amount of excess rock has not been adequately addressed by the applicant.

6. **Section 3.6** The proposed subdivision street is not planned in such a way as to provide a safe and convenient street system for present and future traffic at this location and does not fit the topography of the land as much as possible. The proposed cul de sac is not in harmony with proposed street layout recommended in the Plan of Development and does not attempt to fit the topography of this property. The proposed commercial street is set at a 2% grade. This design necessitates very deep cuts to construct, as deep as 51' near the center of the cul-de-sac. Subdivision Regulations Section 3.6.18 permits commercial street grade to 6%. Increasing the grade would result in roadway was less impact on the land as well as a reduced volume of blasting and rock removal.

7. **Section 6.1 (K)** The applicant has not submitted documentation from the State of Connecticut granting rights to grade and remove 42,000 cubic yards of rock from State

Property within the Route 175 Right of Way. This off site grading is not necessary to achieve roadway sightlines.

The applicant has not submitted documentation indicating that the State of Connecticut will grant rights to the developer to connect to the State's drainage system within the Route 175 Right of Way and has not provided verification that ConnDot has reviewed and found the storm water management plan acceptable.

8. The applicant has not submitted any documentation that permission has been granted to them to construct on the adjacent property of Cedar Mountain, LLC, a 10 foot to 13 foot cast in place concrete wall located beyond the limits of the future commercial street right of way.

9. The Newington Inland Wetlands Agency has reported to the Commission that the wetland permit for this project failed to be approved. This report is acknowledged and made part of the Commission's decision.

The motion was seconded by Commissioner Kornichuk.

Chairman Camilli: We have a motion and a second. Any discussion? Maybe I should start off. I have some prepared notes here for the record. Route 175 as we know, is an arterial route, east/west route which drivers use to hook up from I91 to Route 9, and because of this, there are over 30,000 cars per day that go through that area, among other things, but that is probably one of the principal reasons. The grade there is rather steep, and from what the Planner said, it could range, as we go down that hill, how much (inaudible) what is the grade, five to seven percent, eight percent, something like that, percent grade which is a rather steep grade which adds to the dangerous situation. When I say it's dangerous, you know, it's because of the volume of the traffic. We, as a Commission, do not want to experience a similar fate, as to what happened on Avon Mountain. Cars travel well above the posted speed, and any vehicle behind a loaded trucking going down a steep grade, will have to appreciatively slow down. Inclement weather will further acerbate this condition. This will create weaving, with some drivers being very anxious to go around the trucks, this is a practical thing, this is not a situation that we have traffic engineers, but you know what happens when you get behind truck, you get a little antsy, and you want to go around the truck, and these trucks when they are fully loaded and going down that grade, are not going to be going that fast, I certainly hope that are not. The applicant said they are going to comply with all the regulations, but nevertheless, that is just a practical viewpoint. Thus I believe the health and safety of the public is at risk with this project, and that is my number one concern that I think getting material off site, the amount of material off site which was alluded to in the motion, is going to take a long time, and I'm not sure that their calculations were correct, I mean, you take an ideal condition, we heard many, many different suggestions in terms of, well, we'd stop the trucks going at certain times because of the amount of traffic there, 7:00 to 9:00, but then, how do you reconcile inclement weather, positive hours to move that and so forth and so on, on this project, which I think is a real pie in the sky kind of a calculation, in my opinion. So, the health and safety issue is my number one concern.

Another issue is suitability of land. The applicant proposed to remove approximately 750 to 775 cubic yards from the site. This would involve extensive blasting and removal from the site, of this material. No attempt to work with the land, in this application. We heard that they tried to, in other applications, but in this one, no attempt was made, except in my opinion, to use it as a quarry and therefore, what we said in the motion about whether or not they have the right application here, I think they really need a Special Permit. So, what they want to do, is cut down, as was stated, 51 feet of the mountain in some locations, and it was opined by the attorney as being incidental to the project. Well, obviously, as an old English school teacher, there is a difference between fact and opinion, and in my estimation of this, this was certainly just an

opinion. Now, I'm going to read very quickly what that regulation is again, but it's stated in the minutes, in the motion. "Except as otherwise provided in this section, there shall be no removal in any zone of soil, sand, gravel, stone or other earth products except excavation for basements of structures to be erected on the land forthwith, and except for grading or landscaping, incidental to the development of the land, or to grading for public improvements. Now, I did my own research, and I know Commissioner Ganley did his, and put it in the record, quite a few weeks ago, maybe several months ago, but my Webster's Collegiate Dictionary Tenth Edition, defines incidental, quote, being likely to ensue as a chance, or minor consequence, and they give, as an example a social obligation incidental to the job. So, incidental, to me, means precisely that. Running 750,000 cubic yards of material is certainly not incidental to this application. The scale of this operation is not incidental. There was also a great deal of contention, and again, this was a matter of opinion, as to how the slopes were measured, between the Town Engineer and Planner and the applicant's engineer. Well, it seemed to me, because of the topography of this land, and it was irregular, we had different peaks there, that it was difficult to measure what these slopes were. So different assumptions gave you different results. So it was a question of who's definition, where you wanted to measure the slopes, and we as a Commission, you know, I'm a lay person, I hear two sides of this argument, but then again I realize that it's just one man's opinion against another. In this case, two engineers basically disagreeing on how we measure the slopes.

The applicant alluded many times that he be treated in a fair and non-arbitrary manner. There are many citations noted when this Commission approves similar types of projects. In my opinion, none of the applicant's that were cited are analogous to this one, and I could go into them, but I don't really, it's all in the record. As my old Jesuit logic professor said, that analogy limps. I don't think there was any real connection from other applications as to whether or not we were treating this applicant in a capricious or arbitrary manner.

From the size, scale and scope, location, and danger of other projects approved, this hardly fits the same mold. So I don't think they were analogous at all. This is a very, certainly unique application.

So for these reasons, I think, I agree with the motion that it should be denied, but the number one issue in my mind is still about safety.

I'll hear from other members.

Commissioner Fox: Thank you Mr. Chairman. I too agree, and I don't think I'm alone in agreeing with everything that the Chairman has just said, but I would like to add my own comments. One being that I wholeheartedly and emphatically agree that the safety of Newington residents, the drivers of the trucks, and anybody else concerned, going up and down 175 while these trucks are going in and out for the next two or three years after they start, is tantamount to disaster, to another Route 44. I also agree that their proposal to use Old Highway as a way of transporting this three quarters of a million tons of rock is way out of line with actually, as with most of this project, really destroy a local treasure, that being the Old Highway, the mountain top itself, and for what, for what I believe, as has been said before, is to cut a quarry, to take 775,000 tons of rock off the mountain, and quarry it, and use it for profit, and then see what happens after that.

Consistency in our decisions was mentioned. Consistency, I think the project next to Wendy's, the Stamm project, and others were mentioned. Consistency is a good thing, but I think, I don't think that anybody around this table will disagree with me that when we make our decisions, consistency I think goes side by side with the individual project, the individual petition, which we must judge on their own merits, on each petition's merits. This petition here, this application just in its massive scope just doesn't fit with the terrain, the subdivision is not taking into consideration the land, the slopes, and the best interest of the town, and for that reason, I will also deny this application.

Commissioner Pruet: Mr. Chairman, I just want to paraphrase what you said, I'm in agreement and I just want to add for the record too, I've been harping on safety all along too, I just think I

would be derelict in my duties as a citizen, a member of this Commission, if this was allowed to go through. I would rather err on the safe Route 175, with the untold amount of trips, just to level this, I think the project could be slated for better use with the terrain of it, rather than the one that has been proposed to this Commission, so I agree with your comments and I just want to add mine for the record.

Commissioner Ganley: Just for the issue of how we arrived at our conclusions, I went back to some of the minutes, and I missed some, so I believe that the record here is probably larger than our consideration of the Fenn Road property, in the amount of minutes kept. I went back, and I was trying to think, what is the longest deliberations that we have ever had, and I thought that might be the longest one, but I'm beginning to think that this one is probably the longest set of minutes that we have ever, since I have been on the Commission, that I have ever seen. I don't think that anybody can doubt that there was a tremendous amount of information made available to us, and that the decision, as a practical matter, not as a legal matter, we don't have to go into that, that's not what we are here for, as a practical matter, is the correct one, and I think we have a very, very substantial, very thick and very well developed record to back us up on the decision that we will be making this evening.

Commissioner Cariseo: I would just like to agree with everything that has been said. With the magnitude of the rock removal I think a new plan could have been developed and modified, and less excavation and put that mountain to a useful purpose.

Commissioner Kornicuk: All I can say, is all my concerns as far as this project have been covered by all of your comments, and I would have to say, I do agree with everything that everybody has had to say around this table tonight.

Commissioner Schatz: The only other thing that I would add to what everybody has said here is, right off the bat, the amount of rock that was going to be taken out of there, was a major concern with me sitting here, and in researching it, and the gentleman that came in and talked about how they, if they make a mistake in blasting, they can patch it up with cement, and so on and so forth, but that is disrupting the water ways that are in that rock system. Florida right now is having a lot of problems with that because of all the gutters they have in that state, and I agree with everything that was said here.

Chairman Camilli: Again, we were educated by the applicant, at length because they requested that they have as much time as possible, and I agree with Commissioner Ganley, that there was a lot of time granted, they certainly can't complain about the amount of time they had to present their case. As far as the blasting is concerned, which is another particular area that I really didn't allude to in what I said before, we don't have any oversight of this particular application, that's why in my opinion we would need a Special Permit where we, see, there was this concern by the Commission that, which way the vehicles would be going, I mean, the kind of blasting, and we were told, well, we will do whatever is recommended by the State or the Fire Marshal. We wanted to know, as a Commission which way the trucks were going, the time of the blasting, how much blasting, we really didn't get into, they really didn't have a blaster, they had an expert here on rock, on the shale rock, or the trap rock, but it never really got into the procedures for blasting, which would be extensive for this application which would lead me to conclude that it is the wrong application, so, because we can't control anything. We can't say the time of the blast, and it was like, well, we'll do whatever, and so forth, but you really couldn't do it on this application. So we were under sort of a constraint there to try to limit, whatever, as far as all the blasting issues. Another issue I had about the blasting was the ambient rock. I mean, 175 and where they want to blast and what they want to take away, some of the rock in the state right of way which was mentioned in the motion, and you are right up to 175, so God forbid if some ambient rock or something, they have a big blast, and it hits a car. I think we would be responsible, and that

happens, even though in other applications, where we required blasting mats, people still complained they got rock. I mean, this happened, and this is a fact, so to say that this cannot happen even with putting in precautions, well, we know better that it can happen. So that also presents a safety issue. I did want to get that on the record, about the application.

Commissioner Fox: On the same line Mr. Chairman, I don't know how many of you around the table or in the audience drive up and down 175 in the winter or after a thaw and then it freezes, and see the ice form from the water actually seeping through the rock. That is not all coming from the top and sliding down, so whatever blasting would have to be done, and it would probably be massive, to use the term again, would disturb all that, and if there is going to be less rock, less strata, to hold that moisture, to hold that water, along the mountain, it's going to go right down on the road, which makes for even icier conditions.

Chairman Camilli: Any other comments?

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

Chairman Camilli: The motion passes unanimously.

B. PETITION 71-06 – 256 New Britain Avenue, Bel Air Manor Associates owner, A-L Consulting, LLC, P.O., Box 863 Essex, CT 06426 attention: Alvin Wolfgram, request for Site Plan Modification, CD Zone District. Sixty five day decision period ends December 15, 2006.

Commissioner Kornichuk moved that Petition 71-06 – 256 New Britain Avenue, Bel Air Manor Associates owner, A-L Consulting, LLC, P.O., Box 863 Essex, CT 06426 attention: Alvin Wolfgram, request for Site Plan Modification, R-20 Zone District be approved for renovations including a new 5,513 sq. ft. addition to the south side of the existing facility, 126 sq. ft. of internal renovation and site improvements as shown on plans entitled "Renovations to Bel Air Manor, Nursing & Rehabilitation Center" prepared by A-L Consulting, LLC revised dated 12-8-06, scale 1"=40' and architectural elevations prepared by Marc Petrin, Architect dated 8-15-06.

This approval also includes the combining of 256 and 268 New Britain Avenue into a single property as shown on sheet 3 of 7 "Combined Parcels Plan, dated 9-15-06, prepared by Resource Management and Mapping, scale 1"=40'. This map shall be filed in the Newington Land Records together with the new legal descriptions.

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

Chairman Camilli: Motion passes unanimously.

C. PETITION 73-06 625 Maple Hill Avenue, known as Elm Hill Pizza, Nick Morikis owner, Bianca Signs, Inc., attention: Mike Mogie, 99 Newington Avenue, New Britain, CT 06051 applicant, request for Special Exception Section 6.2.4 pylon signs. Hearing closed November 20, 2006. Sixty five day decision period ends January 24, 2007.

Commissioner Fox moved that Petition 73-06 625 Maple Hill Avenue, known as Elm Hill Pizza, Nick Morikis owner, Bianca Signs, Inc., attention: Mike Mogie, 99 Newington Avenue, New Britain, CT 06051 applicant, request for Special Exception Section 6.2.4 pylon signs B-Business Zone District be approved based on the following conditions.

1. Total sign height shall not exceed 16' and total sign area shall not exceed 48 sq. ft. as shown on the design plan prepared by Bianca Signs and presented to the Commission November 20, 2006.
2. No part of the pylon sign shall be in contact with the building.
3. The pylon sign shall comply with all requirements of the Building Code including engineering certification for wind load.
4. The location of the sign shall be approved by the Town Planner.

The motion was seconded by Commissioner Pruett.

Chairman Camilli: We have a motion and a second and I just want to make sure that you understand why we put in number four here. There was some discussion by the Building Department, they were concerned about the pole going through the mansard, if you remember it was kind of an exotic thing, and apparently there are some, kind of out of our bailiwick but some building issues to look at, and one of the plans was to move the pole four feet into the parking lot, which some Commissioners, if you remember were concerned about people bumping into it. Well, that's why we have number four there. I don't know what is going to happen, you know, we're not against the sign, I'm not against the sign, but there are these building issues, if you will, where the location of the pole is, so we put in number four to just to be able to vote on it, but it said, the location of sign shall be approved by the Town Planner because I don't know if we want that pole four feet into the parking lot. So that is why that is in there. I just wanted to put that in the record.

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

Chairman Camilli: Motion passes unanimously.

**Bond Reductions
Pulte Homes - Woodlands
Phase I and Phase II.**

Commissioner Pruett moved that the bond for Woodlands Development Phase I be reduced from \$1,555,300 to \$533,000 and the bond for Phase II be reduced from \$1,197,000 to \$600,000.

The total bond for the project shall be \$1,133,000.

The proposed completion date is extended to October 1, 2008.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: I just want to make sure there is enough money there to, this is a big site also, again, that's out of my prevue, but I'm sure you calculated....

Ed Meehan: They have a bond in place already of \$1,197,000 which has an expiration date of June, 2007, so with this small reduction, they will file a new letter of credit. The did ask to extend it out another year because the market is a little bit slow, but they were very prompt in, Pulte is good. They have the money.

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

Chairman Camilli: Motion passes unanimously.

**Walgreen's Site Bond Release
Griwoldville/Deming Traffic Signal**

Commissioner Ganley moved that the \$179,000 bond held for Walgreen's site landscaping and the construction roadway improvements, as well as the new Griswoldville/Deming traffic signal, be released, all work having been completed as certified by the developer's Traffic Engineer, Bubaris Traffic Associates, 11-27-06.

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

Chairman Camilli: Motion passes unanimously. That light is working well now, everything is...

Ed Meehan Yes, we had a little glitch at the corner, got it straightened out, it's done.

**Fennwyck Estates
Bond Reduction**

Commissioner Schatz moved that the bond amount for Fennwyck Estates, active adult condo development be reduced from \$197, 000 to \$50,000.

All remaining work shall be completed by June 1, 2007.

The motion was seconded by Commissioner Kornichuk.

Commissioner Cariseo: Ed, are all the people happy with

Ed Meehan: No, we had a meeting, the Town Engineer and I met with the homeowners association officers on Monday to talk about the bonding. They are satisfied with what we are covering in the bond, there are still quite a few outstanding issues with some of the workmanship, and I think the fireplaces have been red tagged, and are not operational and miscellaneous other building fire issues, that go outside the bond. The developer wanted a bond of about half this amount, but we don't feel given the lateness of the landscaping going in, even with the weather that we have had this past month, that's why it's this amount.

Chairman Camilli: You know, it's very difficult to protect homeowners, as a Commission and my thought is, if we reduced it even less, would he move faster. You know, it's a very difficult situation for us. I know they come to us for relief, but we really don't have.....

Commissioner Fox: You know, my concern, I think it would be a little bit of the opposite, is the bond, is that enough to cover things that aren't done after June, you know, fire places still red tagged....

Ed Meehan: But we can't bond those things.

Commissioner Fox: Okay, but the bondable items, have we got enough?

Ed Meehan: This is enough to cover the bondable items. This protects the homeowners in the sense that they are going to be, as members of the homeowners association, responsible for the landscaping, responsible for the roads there, and the detention ponds, so what we are

endeavoring to do is to get the best, get the job done according to the plan, and make sure that, right now we were talking about catch basins being cleaned, before the road is turned over to the homeowners association, which never occurred to them, but we know that those catch basins are probably filled with mud. It's like when we accept a road, as a town, we go out there and watch the developer sump out a catch basin.

Chairman Camilli: So there is no way we can....

Ed Meehan: Not under a site bond, you cannot go inside a unit and say, you have to fix the cellar stairs, or the light in the cellar stairs.....

Chairman Camilli: Not the specifics, just a general statement that, you know, he should try to take care of the problems that people have, rather than, you know, if he walks away, once the bond is gone, he's going to walk away anyway. Okay, I just wanted to say that for the record.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING TPZ January 10, 2007 and January 24, 2007

- A. Petition 78-06 751 Russell Road and corner of East Cedar Street, known as Lower Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, P.O. Box 366 East Longmeadow, MA 01028 applicant, represented by Attorney Michael A. Zizka, Murtha-Cullina, LLP, 125 Asylum Street, Hartford, CT 06103-3469, request for Site Plan approval Section 5.3 gas station use and convenience store, I Zone District. Inland Wetlands Agency Report required. Sixty five day decision period ends February 16, 2007.
- B. Petition 01-07 86 Clarendon Terrace, William D. Unghire owner and applicant, 86 Clarendon Terrace, request for Special Exception Section 3.2.4 radio antennas, R-12 Zone District. Schedule for public hearing January 10, 2007.
- C. Petition 02-07 45 Costello Road known as former Acorn Rental, Bulley I, LLC owner PDS Engineering, 107 Old Windsor Road, Bloomfield, CT 06002, attention Timothy Mulcahy applicant, request for site plan modification to construct additional parking and storm drainage, PD Zone District. Schedule for presentation January 10, 2007.

Commissioner Kornichuk: I have one question on Petitions for Scheduling, A, sixty five day decision period ends February 16th.

Ed Meehan: Well, that's right. Right now, we're treating this based on the day it came in, it's the next regular meeting. It was filed on November 22nd, and your next regular scheduled meeting date would have been December 13th, so they filed as a site plan, and under State Statute you have sixty-five days. This decision has to be coordinated with the Inland Wetlands Agency and they set a public hearing on this application for January, which will automatically give the Commission probably another month to make your decision. It has also been referred to the Town Attorney to ask Steve Nassau to look at the application to make sure that it is procedurally being handled correctly, whether it should be a site plan, or a special exception. The Town Attorney is going to be working on that and getting an opinion back to you at your January meeting.

Chairman Camilli: This is awfully bizarre by the way, because they are coming back under the I Zone, we approved the plan, denied the gas station, but we approved changing that zone, and we got a town attorney opinion that said that our approval to change to the Berlin Turnpike zone, that wouldn't go into effect until they brought in the mylars, and I signed them as Chairman, but so they can come back to us, with the I Zone, and then the question arose, well, what happens to all that we approved under the new zone. You know, they didn't subdivide this part out, so, can you see where I'm going, this gets way beyond my scope.....

Ed Meehan: There is going to be have be some procedural unraveling of this, to give guidance to the Commission from the legal procedures to follow, and until you get that, I wouldn't spend a lot of time talking about this because, it does require a public hearing, and you should really do it in the body of the public hearing, but for now, your observation is correct, we're treating it the way that they filed it, until the town attorney tell us different.

Commissioner Kornichuk: It just struck me as funny that, here it is for scheduling, and it seems as though as soon as we get it, it's time to vote.

Chairman Camilli: The other petitions there....

Ed Meehan: Clarendon, the home owner wants to some ham radio antennas, pretty straight forward. Forty-five Costello is, that was approved last fall for Goodwill, for retail operation. It's either Goodwill or another tenant wants to expand the parking, so they have to come back with a site plan modification.

There are a couple of other petitions that aren't listed here, that came in after the agenda went out. One is for a zone change over on Brockett Street, across from Citgo, where the old Palumbizio property is, it's been on the blighted list, and there is a developer who actually owns the piece, it's not a developer, but a businessman in town, who wants to get it rezoned for Commercial and put a small professional office building in there. So there is a zone change, as well as a site plan.

Another application that just came in today, is for an interior lot at 42 Maple Hill Avenue, just north of the ten lot subdivision that we talked about. That probably shouldn't be scheduled until the end of January, early February, and a couple of other applications floating around out there. I think you are still going to have two or three public hearings and a couple of site plans on your agenda, through the end of February, at this point.

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

None.

X. REMARKS BY COMMISSIONERS

Chairman Camilli: We have on the table, from Commissioner Ganley who promptly proceeded to leave the room, and it's his, I don't know, we haven't had a chance to read this, and it's getting a little late.

We are talking about you, Commissioner, we are up to where your little.....

Commissioner Ganley: Okay, bottom line is, we have to devise a system where these cars are expeditiously gotten off the property, and I think a one, two punch, either the tax collector yanks them, there is no registration on the car and it's illegal there, otherwise the police department can yank it. The car is gone from the property. We've got to work something out.

Chairman Camilli: Would this be like a town ordinance or it would be part of our regulations?

Ed Meehan: It wouldn't be done under zoning, it would be a town ordinance.

Commissioner Ganley: Town ordinance, it's stronger.

Chairman Camilli: Yeah, and that is where the Council would come in, it obviously wouldn't come from us.

Commissioner Ganley: We could recommend, I think, I honestly think we are going to have to do some of the staff work, and make it easy for them to then do it for us, and for our zoning officers to go and enforce this. That is my own idea, other than just tossing it to them, and then having them bloviate, but anyhow.....

Ed Meehan: The zoning officer went up to West Hartford and met with their enforcement people. We got a copy of how they do their ticketing, they actually can write tickets and they do it through their ordinance book, they are a home rule town, so they have that right, under home rule, they aren't operating under the Zoning Enforcement Statutes, but we got copies of their regulations. The other thing that we found out is that they have very good cooperation from their police department, particularly on motor vehicles, actually an officer will meet the zoning people out there.

Chairman Camilli: And we don't.

Ed Meehan: Not always.

Commissioner Ganley: Not always, I recollect that myself.

Chairman Camilli: Well, I think that is something on a staff level.

Commissioner Ganley: Well, at the time, they didn't request it, they just didn't do it.

Commissioner Pruet: We could work on that.

Commissioner Ganley: They would go out if they thought a guy was going to take a poke at them, and that was probably the only time.

Ed Meehan: They have a ticket, just like a parking ticket, they check off other, zoning, it doesn't go through the cease and desist process, it doesn't go through the Zoning Citation process which we do, which takes forever, and you get a ticket. It's twenty-five bucks, move your car. Don't move it, you go back and give them another ticket.

Chairman Camilli: I know that ZBA, some other Commissions are concerned about enforcement. A lot of these things happen on the weekend and all kinds of things happen, and maybe, at staff level, it's beyond this Commission but maybe we could alert, the Town Manager, you, and express the concerns, and try to work something out with the Police Department where we can get, if you will, more cooperation, but I don't think they would not cooperate. It's just a question of getting it done.

Commissioner Ganley: And framing the language, so when they check off, violation of town ordinance, they have the correct ordinance number on the ticket, and they know what it is they are tagging, because it already says, violation of town ordinance on the ticket now anyway. So they just put the right number in.

Chairman Camilli: Well, we have something to copy here.

Ed Meehan: Tom has some stuff here, and what West Hartford did, we need to get the Town Attorney's office involved to see what we can do legally. While Hartford and West Hartford operate under different laws because they have home rule.

I did ask the zoning enforcement officer, give me a summary of places where, motor vehicles you see on this list quite a bit, and a couple Commissioners say, why the repeat visits. One was Hopkins Village, 29 Hopkins Village. The car is on private property one day, the next day it is parked out in the cul-de-sac. Violations go on for six months, seven months, finally got it resolved, but what it took was, I think he said, up to sixteen visits. You think that is terrible, but that is probably quicker than going to court. Because, if you go to court, it's a one to two year process.

Chairman Camilli: So that is why Commission Ganley's suggestion, of trying to take a different approach might help, quicker, faster, probably a little more punitive.

Ed Meehan: The other one we are working on, 174 Francis, American Muscle, the car place. We went through the drill, got a citation, he didn't respond, waited seventy-two hours, issued another citation, and now we are clicking away at a citation every day. Town Attorney, when Peter Boorman was Town Attorney he said you have to re-write it every day, it's a new violation every day. So, everyday it's a \$150.00 fine, but every day he gets a chance to appeal it. He has not chosen to appeal it yet, to take it to one of the hearing officers.

Chairman Camilli: So what happens, all those would be, or would he have to appeal....

Ed Meehan: He reaches the point where he doesn't pay the fine, then we go to Superior Court, and the Court has to levy the fine.

Commissioner Ganley: Then they collect.

Ed Meehan: Hopefully they collect.

Commissioner Ganley: No, no, the court collects.

Ed Meehan: We get some of it.

Commissioner Ganley: Well, if it cuts a check on the ticket to the town treasurer, we get it all.

Ed Meehan: The other time that we end up going to court on these non payment of citation fines is the corner of Costello, and Costello Place where there was an open yard with a lot of junk there, and a guy put a fence up and started to store inside, and we took him, through the citation process, we piled up a considerable amount of fines, and we got to Superior Court, and the judge dismissed all but the last one. Basically the guy got a ride for a month or two on fines, and he hit him with the last one. The guy had to pay some legal fees obviously, but it was very frustrating. I mean, the property was eventually sold and a new buyer came in and fixed it up, but you can spend a lot of time on this stuff, which is what the zoning enforcement officer is supposed to do, and so I said, go down your list, tell me where you are, where are the multiple violations. Over on Adrian, 169 Adrian, Dave Griffith is taking that one, actually that went to court. Main Street, there was a guy at 787 Main Street, car out in the front yard all the time for sale, apparently that has been resolved. The other ones, down on Deming, box trailer and boat in the guys yard, on the corner of Deming and Winding Way. One of the old houses, next to the nice houses, the landscaper, who was running his business out of there, was cited, he has moved off the site, but

now the property owner, who apparently is absentee, was not responding to any letters. That has gone over to the town attorney's office. So we try to do it through pressure, cajoling people to abide by the regulations, and the last resort is the cease and desist.

Chairman Camilli: It's the repetitive ones.

Commissioner Ganley: Well, we mentioned it the last time, and I said, well wait a minute, let's do something else.

Chairman Camilli: I think other Commissioners are also interested in it, unfortunately the zoning officer doesn't work on the weekend, so all this, so all the signs come out, but if the policemen, as you said, here's your ticket, it violates this part of the code, or an ordinance, and if he puts it on there, they're working.

Commissioner Pruet: And if you don't pay it in five days, it doubles or triples.

Commissioner Ganley: That's exactly right.

Commissioner Pruet: There is the incentive to clear it up, right now.

XI. STAFF REPORT

- a. Bond Reduction- Housing Development – Pulte Homes Woodlands

Discussed under Old Business.

XII. ADJOURNMENT

Chairman Camilli: Before we adjourn, I'd like to wish everyone Merry Christmas, Happy Holidays, both to everybody here.

Commissioner Cariseo moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary