

NEWINGTON TOWN PLAN AND ZONING COMMISSION

November 12, 2014

Special Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 6:00 p.m. in Conference Room L101 in Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Brian Andrzejewski - A

Commissioners Absent

Commissioner Anthony Claffey - A

Staff Present

Michael D'Amato, ZEO/Asst. Town Planner

II. APPROVAL OF AGENDA

Chairman Hall: Now as far as the agenda, this is different than what we had intended and so for the next couple of meetings it will be different than it is tonight. As you can see, the 6:00 was called a special meeting, the purpose of that is for us as a group to start to deal with our zoning regulations as to what if any changes we would like to make, revisions, updates, any of that, and that was the purpose of the 6:00 o'clock meeting and tonight in particular, to get the strategy going as to how we want to approach this. Is the 6:00 o'clock the time that you want to meet? Maybe it will be 6:15, maybe 6:30, maybe 5:30 depending on how much time you want to devote to it, so that was the intention of the 6:00 o'clock meeting, and then we were going to have our regular meeting at 7:00. So, that is the way that I would like to do it, but I would like to have your backup as well, and make sure that that is the way that you would like it, so that we meet, as we did for the 2020 Plan, that we had our special meeting and then we had the regular one, because it's not fair to ask the public to come out at 6:00 o'clock. It's bad enough that we are here, but to have them come at 6:00 and then have them sit through the meeting, especially when we are talking about things that they can certainly listen to, but it's more strategy for us, so I'd like some input on that.

Commissioner Leggo: I like the idea of 6:00, that works, and the special meeting, definitely, that way we start our normal meeting, normal time, and everybody knows.

Chairman Hall: Okay, from now on we will have a 6:00 agenda, and then we will have the 7:00. Tonight we are going to run it as is, we've already taken roll call, we are going to talk about the

agenda, this whole agenda, we'll leave it at this, but in the future, we will move forward and have the two separate meetings. Also at this time, I'd like to introduce Mike D'Amato who is the new Assistant Planner and Zoning Official. Started work on November 3rd, came from the Town of Somers, we're very happy to have him, and as you can see, he's sitting in Craig's place tonight, because Craig has had a family situation and is out of the building, and will be out for a couple of days. So, Mike has kind of been thrown into the shark pool tonight. It's his first meeting, so we are going to treat him kindly and hopefully, we do welcome him and hope that we have a long time together.

So, the approval of the agenda, any changes, any modifications that anyone wants to make on this one, we've already talked about the future, but anything on this one? All right, seeing none, we will leave it as is, and then we go into the review of the zoning regulations.

III. REVIEW OF ZONING REGULATIONS

Chairman Hall: Again, this is a strategy meeting tonight, it is not anything that we have, although Craig did give us some examples of things, it's not necessarily going to be directed by Craig, it's going to be directed by us, that's why we asked you to bring your zoning regulations tonight so that we can start to decide how we want to approach this, do we want to go page by page? Do we want to take certain sections that we want to work? How do we do it? I think it's important that we do it as a group because I think everybody has an idea, and I think everybody has input and I think we all should be part of it. Craig certainly will be part of it, as will Michael, but it's not going to be directed by them that they come up with the ideas. We're the Commissioners, and we should have a working knowledge of the zoning regulations, and therefore know what we want to do with them for the future. Any comments on that?

Commissioner Sobieski: Craig looks like he has gone through this, he's given us some parameters at least to start. I think he's done a good job so far.

Commissioner Anest: I think like we did with the 2020 Plan, we should start with page one and go through it. If there is nothing on the page, go on, or do it by chapters. I think if we skip around we might miss something, but I think if we did it in order that would be the best way to do the regulations.

Chairman Hall: Right, and I think the other thing that I would like to do is have a certain number of pages or sections that we will take each week. In other words, we'll have, tonight, by the time we finish tonight looking at this, because I think we will review the whole thing, not page by page, but just go through it, and say, okay, what do we think we can do? Can we do twenty pages, can we do four sections? Whatever we want to do, and then for the next week, everybody will have read them, come with notes, questions, whatever you have on that section, so instead of trying to bite the whole thing at once, take it in increments, and as Carol said, page by page from the beginning to the end, so that we have some kind of continuity and we don't miss anything. Yes, no?

Commissioner Camillo: Yes, I agree.

Chairman Hall: What we can do tonight is go through Craig's staff report, but then actually look at the regulations that we have (and we also have to make sure everybody has the same one because they have been revised), and we want to make sure that we have the latest section, and we also have subdivision regulations, we can take that separately. That is a separate packet anyway. Any of you who might have old regulations: they are on the website; all you

have to do is bring up Newington CT.gov and print those out, if you have a printer that can handle that, and you'll get the latest.

Commissioner Anest: What is the effective date of the current?

Michael D'Amato: The one that I was provided is of April, effective April 28, 2014.

Chairman Hall: Right, that's the one that is on the Internet.

Michael D'Amato: If you can't print them, just let me know and we'll get them to you.

Chairman Hall: There weren't that many changes between that March and April, but there was one section I think that we had to replace.

So if you want to, just so we see what Craig had given us, for tonight, he did this as of November 6th, we have the Description of Petition 47-14, which tells us about the last meeting where the Commissioners agreed to meet an hour early which we are doing now to review the zoning regulations for items that need to be clarified, updated, or just plain fixed. The process will probably take several months before it's ready for a public hearing. That's the other thing, we will say right now, at the beginning, that the public will have input on this. It's not something that we do around this table and then that's the end of it. Once we decide what changes we think need to be made, it goes to a public hearing, so the public will have a chance for input.

Then there's a list that Craig has accumulated over the last few years of items in the zoning regulations that he believes need to be addressed by the TPZ, and he's sure that the Commissioners will have some more, and as he states, it is in no particular order:

Zoning regulations don't allow modern type of gas station, with a convenience store; and again, this is coming from Craig remember, so just keep this in mind as we go through that we are going to be working on these regulations. There is no category for doctor's office - these typically need a different amount of parking than other office uses. Zoning regulations don't allow restaurants that only do takeout because of the way restaurant is defined. Section 3.12.2, (a) etc., delete the language saying that a site plan must be approved in accordance with Section 5.3 before there can be a change of use for the property. Number five, Section 3.12.2 (b) delete the language saying that an application for site plan approval must be submitted when ever a zone change is requested. Zone changes cannot be approved with conditions; that is state law, so it really doesn't matter what the applicant says he intends to do if the zone change is approved. We can't hold him to that. Requiring an informal site plan as part of the zone change application is reasonable but mandating full blown site plan approval is not. Six, there are no "purpose statements" for the various zones. I think he may have to explain that, and since he isn't here I think we will have to wait to find out what he does mean by that. Section 5.3.5, and 7.2.3, add submission of a certified as-built. Section 6.5, filling of land regulations doesn't say how much fill triggers the review and permit process. Number nine, Section 4.4.6, prohibits a principal building within fifty feet of a wetland. This is already adequately regulated by the Conservation Commission. Number 10, Section 7.4.19 fencing on corner lots shall not exceed four feet in height along the two front sides of the property and may only be increased to six feet in height starting at the rear street side corner of the dwelling unit. Fence height and placement cannot impede corner visibility and shall conform with all applicable traffic standards as determined by the Town Engineer. Number eleven, Section 7.4.2 (a) Procedures to be followed when submitting an application or (d) application for that. Section 7.4.2 (a) eliminate application forms must be filed in triplicate, and replace with application shall be typed or neatly printed. 7.4.2 (a) .2, eliminate "maps and plans as defined in the applicable regulation shall be submitted in five copies" with the application forms,

replaced by site plans shall be submitted as follows: five full size which constitutes 24 x 36 sets, and twelve half size, which are 11 inch by seventeen inch sets. Twelve, Section 3.2.3.1 Accessory outside use standards insert the phrase in front of means between the plane of any wall of the building and the street the wall faces. Thirteen, again, this is from Craig, in my opinion bed and breakfast should be allowed by Special Exception in some residential zones. Number fourteen, the installation of solar panels at commercial sites needs to be addressed in the zoning regulations so that property owners and town staff know what is required. Fifteen, Section 5.1.2 states that a legal non-conforming use expires if such use ceases for a period of twelve months. That is no longer legal. The courts have ruled that a non-conforming use only expires when the owner does something affirmative to abandon it, such as converting to a conforming use. Mere non-use is not sufficient to extinguish a legal non-conforming use. So he has presented us with fifteen sections, and that is throughout the regulations, that's not any one section, it is throughout, and again, it's just a start on his side. So, does anybody have any questions or comments on any of these fifteen.

Commissioner Anest: He's got more because I forwarded a bunch of stuff that I had heard from the public, and there should be more.

Chairman Hall: And there will be as time goes on. I think we take them from beginning to end and use this and whatever else we have as a sidebar, so that when we get to these sections, we reference this, plus some other things, and each of you as you read them will be taking notes, you'll make suggestions, and then when we come together, we'll review those to see where we go. Again, it's not going to happen in a month, it's not going to happen in two months. We're going to allow ourselves about an hour each week and it's going to take a good long time because you know, these are not skinny regulations. Some of them have been reviewed, some of them have never been reviewed. They're the same way they were probably back in the forties, so, it's time to at least give it an overhaul. I don't remember...now Frank, you've been around a little bit longer, can you remember in your history ever having gone through the regulations from beginning to end?

Commissioner Aieta: They were done in the late seventies. We did a complete review.

Chairman Hall: So about thirty-five years ago.

Commissioner Aieta: And then beyond that point I think that there have been two reviews, say the 1980's and at 2007 they were looked at it, and that's when we had all the problems with the accessory apartments.

Chairman Hall: We have spent the last seven years putting things back in.

Commissioner Aieta: They took stuff out, so there were definitely reviews between 1980 and now, maybe two or three reviews. I think it's been looked at a lot over the years since 1980.

Chairman Hall: Well, I think it's time for another one, and I think that was the consensus of the Commission when we talked about it. You can't let these things stay forever because situations change, circumstances change, and so we have to make sure that we are current with things that might come before us, because we try to be a little pro-active too. For instance when we talked about medical marijuana. It hadn't come yet, but it was around us, so it's time to think about things like that. And there might be things that we want to add this time around too. I think it's interesting about the B & B's because that is a topic now that just came out in West Hartford within the past week or so. I don't know if that is where he got the idea, whether it had come up before that. Anything else?

On the regulations that we have, let's get a sort of a syllabus going on attacking this, and most of you probably have a 2020 Plan mixed in as well. I think if we take the Table of Contents, that hasn't changed too much. Maybe some of the wording in the regulations have changed some, but I don't think the Table of Contents has changed. Overall, we have eight sections, so that if we took one or two sections each meeting, that would be four weeks, because we have eight. So if we took Section One, well, Three is huge, so that might have to have it's own meeting, but if we, one and two are about fourteen pages long...

Commissioner Leggo: Three might be a meeting or two.

Chairman Hall: Right. So I think that's one that we will have to spend a lot of time on. The others probably we could combine into a meeting. So obviously the first is pretty much talking about the purpose, basic requirements, interpretation, that kind of thing. That's again sort of setting the table for what zoning regulations are all about. So then when we come up to Three, that's really the meat of where we want to be, so maybe we'll take Section One, Two and then half of Three, because there are twenty-four sections of three. If we did, 12A would start the second, or include 12A in the first? So if we took Section One, Two and Three up through 3.12 A, that brings us up to about page 33, for the first meeting. Does anybody feel that's too much to handle? Maybe up to 3.10.

Commissioner Anest: The meeting after that, maybe we could catch up.

Chairman Hall: Or bring things over into the next meeting.

Commissioner Anest: I think it might be.....

Chairman Hall: Okay, let's go through 3.9, so that will bring us up to page 28, not up to 3.10, but up to 3.9. Also, the next meeting, remember, is Monday the 24th of November because it is Thanksgiving week and so we are not meeting the night before Thanksgiving, that is Monday the 24th for the next meeting. Make sure everybody has the right sections in there, and again, contact one of us because I can run them off too if somebody needs them, certainly the office can run them off, so just make sure you have the right ones, and you don't necessarily have to have this binder. This is sort of a cumbersome thing. They were issued to us early on, but some of them have been lost, and some of them are just too big. Okay, any questions so far. You look as if I just gave you a homework assignment. You all look very disgruntled. Mike, have you ever been involved with regulations in any other town?

Michael D'Amato: We didn't do any extensive rewrites, but we did do some additions to the regulations, and the process is the same whether you are changing, but we did, most recently some draft regulations. Somers is different than Newington, in the fact that it is extremely rural, so we wanted to distinguish between different types of drive-through because they require different things, because a bank that has a drive-through is different than fast food; we did some temporary sign regulations, stuff like that, but they are gearing up for a rewrite now.

Chairman Hall: Okay.

Michael D'Amato: My guess is that Craig's list is based on what he has come across; you come in, people have questions, that doesn't make sense, or, why is this, well I can't really answer that, and that is probably where that list came from. That would be my guess.

Chairman Hall: Right, and I know there have been things in his time here that he has questioned, because again, he had extensive experience in other towns, and often he would

say, in such and such a town we would or would not do this. All towns are different, but they have to be. You have to mold it to your needs, what is going to work for your town, and again that's why we have to look at them every once in a while to make sure they are suitable for the time and place.

Again, Section One is pretty simple. It's the purpose of the regulations adopted under the General Statutes of the State of Connecticut, as amended for the following purposes. We'll just go through the first page:

"To promote and protect the public health, safety and welfare of the inhabitants of Newington Connecticut and of the public generally.

To regulate the height, number of stories and size of buildings and other structures, the percentage of the area of a lot that may be occupied, the size of yards, courts and other open spaces.

To regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

To regulate the height, size and location of advertising signs and billboards.

To divide the municipality into districts or zones of such number, shape and area as may be best suited to carry out the purpose of this regulation."

Now when you look at that, you wonder what are they talking about? We have industrial zones, we have residential zones, we have different categories of residential zones so to divide it into districts of such number, shape and area as may be best suited to carry out the purpose of the regulations. And, in the past we have changed areas. We have changed some Industrial areas into PD, for instance, so, but you have to have some blueprint as to what the overall town looks like.

"To regulate the erection, construction, reconstruction, alteration or use of building or structures and the use of land in such zones.

To permit certain classes or kinds of buildings, structures or uses of land with the Town, only after obtaining a site plan approval, special permit or special exception from a commission or board.

To further the policies and recommendations of the 2010-2020 Plan of Conservation and Development adopted pursuant to Section 8-23 of the Conn. General Statutes.

To lesson congestion in the streets.

To secure safety from fire, panic, flood and other dangers.

To promote health and the general welfare.

To provide adequate light and air.

To prevent the over crowding of land.

To avoid undue concentration of population.

To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

To conserve the value of building and encourage the most appropriate use of land throughout the Town.

To enhance historic values.

To protect existing and potential public surface and ground drinking water supplies.

To ensure that proper provision is made or sedimentation control.

To encourage energy efficient patterns of development and the use of solar and other renewable forms of energy and energy conservation.

To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the zones in which they are located and are adversely affecting the development of other property in such zones, and

To define and limit the powers and the duties of the administrative officers and bodies as provided herein.

To minimize the impact of development on public finances and resources.

To provide opportunities for the development of affordable housing for Newington's citizens consistent with the Town's participation in and to the limits set forth in the Capital Region Fair Housing Compact. These numerical goals shall be used to guide the processing of petitions for affordable housing and shall be monitored and revised as provided for in the Compact."

And then, starting next week, we will go up to 3.9. Any questions on anything? Anything that jumps out at anybody right now? That's just the overall view. That sets the parameters for what the zoning is supposed to do. That is the purpose of zoning in our town. Is everyone okay with that?

If you have nothing else for this section because this was supposed to be "review of zoning regulations" for this meeting. It will be this way, but will be in a separate agenda for next time; zoning regulations for the first hour and then regular public meeting will commence at 7:00. At this time I'll entertain a motion for adjournment.

A motion to adjourn was made by Commissioner Sobieski, seconded by Commissioner Serra. The meeting was adjourned at 6:30 p.m.

The meeting was recommenced at 6:40 p.m.

Chairman Hall: I think everyone is here that was going to be here for the 7:00 meeting, and it said 6:00 on the meeting notice, so.....

IV. PUBLIC HEARINGS

None

V. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to two minutes.

Susan Freese, 109 Goodale Drive: I'm here to submit a letter in regard to work that we are trying to do on our property. We began doing work in June of 2014 when our work was ceased due to Arthur Hanke, the then Zoning Officer, welcome to Mike. This all may be your baby at this point. We were asked to cease the work or we would be fined, for the work we were doing until they came to take a look at what we were doing in our backyard. My dad had brought his little bobcat machine because we had a big slope in our backyard that had eroded to the point where it was just dirt and we wanted to put some fill in, flatten it out and put a swing set in for our children and put a fence in for our dog, an electric fence. So we were asked to cease the work, we did, and Bonnie and Art came by and took a look at our backyard and said that we would have to submit a hand drawing and an explanation of what we were doing, and that it was filling and grading of our land, and that we should be okay, we would get a permit for this. On the day that I came in to submit that permit, we were then told by Art that we needed full engineered drawings, surveying done and a whole lot of work that we hadn't anticipated and we were told that we would be fined if we continued working. So we hired an engineer to do drawings, they came and surveyed our land and we're thousands and thousands of dollars into this, and still have not had approval to complete, sorry, I'm a little emotional, to just flatten out our backyard and just put a dog fence in for our dog's safety, and a swing set in for our children. So, I'm not sure what the regulations are, I mean, I haven't read this binder, but from what I'm understanding, there is not a regulation for the amount of fill that we need to bring in, that we were bringing into our yard and flattening that would cause there to be any kind of red flags that say, hey, these people need to spend thousands and thousands of dollars on engineered drawings. Also, at the time we were told we needed a building permit, and we paid for the building permit, added that to the engineered drawings for the flat patio that we were extending in our backyard, against our house and even the wonderful building inspector, Dave Zwick, on his last day of working, he came to check our solar panels and said, no, you don't need a permit for this. But we were told that we did, so we took out a permit. We have now been reimbursed for that permit, and that is work that we could have done in June, and we will start doing that work, but in any case, there have been many, many contradictions as to what we need to do as homeowners, we've asked other contractors in the town, and other neighbors who have done similar type of work, and none of them had to take out permits, none of them had to get engineered drawings, and so we're at the point where we just want a backyard for our kids and we can't do anything because we don't know if we are going to get fined, we don't know how much more money we can possibly spend on this project. So, I'm asking the Commission, all of you just maybe review this and see where the discrepancies are, and hopefully let us move forward because I don't believe there are regulations that control what we're doing to just simply improve our backyard. Our neighbors are also frustrated too, they've now been looking at this eyesore for seven months and they really would like for us to move forward and get the work done.

Chairman Hall: And did you say you have a letter for us this evening?

Susan Freese: This is the letter, yes, and actually it was enlightening to sit in this meeting because some of the things that you just talked about as far as how much fill is required, there is nothing telling us what is needed and that was the premise for Arthur saying you need permits and all kinds of things. It's really frustrating and I think this Commission is the only group that can help us at this point.

Commissioner Aieta: What number Goodale is this?

Chairman Hall: 109.

Susan Freese: A sidebar, my father is, has been a contractor for forty years, he has built dams, bridges and has been controlling water for all of the time that he has been working and this is one of the things that is a concern I'm guessing, of the Planning and Zoning Department, and I would never use a contractor who would not understand the needs of the rest of the neighborhood and take all of that water control and everything into consideration.

Chairman Hall: Thank you for bringing it to our attention, and we now have it in the hands of the Assistant Planner/ZEO officer. Thank you.

Susan Freese: Thank you.

Jeff Zelek, 55 Welles Drive North: With you permission Madam Chair, I would like to talk about the meeting that you just had, regarding the review of the zoning regulations, and suggestions.

Chairman Hall: It's on the agenda though, Jeff.

Jeff Zelek: Well, this being a separate meeting I was wondering.....

Chairman Hall: Well, it's actually a continuation, it's all one so, the intent was for it to be two, but it wasn't.

Jeff Zelek: Correct, understood. So what is the best way to get you?

Chairman Hall: Put it in writing to me.

Jeff Zelek: Thank you.

VI. REMARKS BY COMMISSIONERS

None

VII. MINUTES

A. October 8, 2014

B. October 8, 2014 Special Meeting

Commissioner Leggo moved to accept the minutes of the October 8, 2014 meeting and the October 8, 2014 Special Meeting. The motion was seconded by Commissioner Serra. The vote was in favor of the motion, with six voting YEA and one abstention (Hall.)

VIII. NEW BUSINESS

A. Petition 45-14: Site Plan Modification at 100 Milk Lane (Saputo Foods) Saputo Dairy Foods USA, LLC, owner/applicant, Stan Bogdan, 100 Milk Lane, Newington, CT, contact.

Chairman Hall: Mike, are you familiar with this? We've had it a couple of times of times and now it's another application.

Michael D'Amato: I'm familiar with what you are seeing here. I read it; Craig gave it to me as he left. I've seen what he has here, but as far as any background, I don't really have that.

Chairman Hall: I think what Craig had said was that he had not gone through the entire thing yet, his staff comment was that "I have not completed my review of the site plan. The proposed building will be located in an upland review area and the plans need to be approved by the Conservation Commission before the TPZ can take final action on them." So, I think at this point we just table this.

Commissioner Aieta: There is no applicant here. Even if it's not a public hearing, applicant's should be here for a site plan modification, should present a site plan and tell us what he is doing. If he is not here, then who can present it?

Chairman Hall: Are you the applicant?

Greg Hunt: I'm not Stan Bogdan, but I represent Saputo. I'm Greg Hunt from Buck and Buck Engineers.

Chairman Hall: Okay, and do you have drawings and other things that we need?

Greg Hunt: I have what you got earlier.

Chairman Hall: Okay. So, do you want to come forward and explain what we have?

Greg Hunt: I'm Gregory Hunt from Buck and Buck, LLC, 98 Wadsworth Street, Hartford, Connecticut, and I'm representing Saputo Dairy Foods. Basically, Saputo has gotten a notice of violation from the DEEP under the Fats, Oils and Grease regulations that says that they have to clean up their waste water more than they are doing right now. Right now they have what they call equalization tanks and a waste water treatment building which pretty much controls just pH, adjusts the pH before the waste water gets into the sewer. Now they have to remove any milk residue that is in the water. For this they have to go out and buy a new piece of equipment. They have chosen a dissolved air flotation system which essentially adds (inaudible) that makes the milk particles float in the water, and you can see them and store them, and then truck it off site and dispose of it in an approved manner. To house this, it's basically an open water tank and a whole lot of piping and a lot of other controls, but to house this new equipment and the storage tanks we need to construct a 26 x 47 square foot building, roughly 22 ½ feet tall. The best place for it to be is adjacent to the existing waste treatment plant, and it will fall between the equalization tanks and the existing building, because that is where the process is going to be inserted into the existing treatment system. The building construction is going to be a brick and block, cavity walk construction with a cement plank roof, matching the construction of the existing building. The brick will match what is there, roughly, the best that they can. It's not any taller than any other, it's actually shorter, than any other building on the property. The main processing plant is taller than this, the coolers are taller than this, the silos are as well, so that's really all there is. They have to do this; they have to address the issues somehow.

Chairman Hall: Any questions from the Commissioners?

Commissioner Camillo: The loading docks on that side of the building: will they still be able to get in there?

Greg Hunt: Yes, this is further west, and then they have their loading docks. I don't know how frequently they use these loading docks, but most of their loading docks are on this side of the building, and then this is where the plant is.

Commissioner Camillo: The north side is where they park the trailers.

Greg Hunt: Yes, they have a lot of parking for truck trailers right there. I don't believe that they need to get to this; it stands to be found out after they start the system, to see how much sludge it produces. They expect to only have to empty the tanks every two to four weeks.

Commissioner Camillo: You can't have milk get into the ground water because it never goes away.

Greg Hunt: Right. Well, it goes into the sewer, and from what I understand it's kind of stretching the fat, oil, grease regulations but it was at the request of the MDC, so they are doing it.

Chairman Hall: Do you have a date for your Conservation Commission yet?

Greg Hunt: It's being handled as an administrative approval. The application is in processing right now.

Chairman Hall: And then Craig or Mike will be going out to review the site plan apparently. Anybody have questions? That gives us an idea of what it is you are seeking. Thank you very much for your time.

Commissioner Camillo: I have one more question. If that tank should rupture, would that building contain that too? Or would it just flow out of the building into the parking lot?

Greg Hunt: No, there will be a series of floor drains. If it were a small leak, yes I think it would just go back into the pump system, and be contained. If it were a large catastrophic rupture, I don't think it would be contained.

Commissioner Camillo: Do the floor drains have oil/water separators?

Greg Hunt: All of the waste water currently comes down and gets put into this pump station, or pumped into these tanks, so all floor drains also return to that pump station.

Commissioner Camillo: Parking lot also?

Greg Hunt: No. Parking lot drainage is not allowed to go into sanitary sewers. That is a separate system. That's part of what the Inland Wetlands officer is asking for; they are adding a hydrodynamic separator to the storm water system, although I don't think it would help in the case of this thing rupturing.

Chairman Hall: Any other questions? Thank you.

Greg Hunt: Thank you.

B. Zoning Text Amendments proposed by the TPZ;

1. Revisions to Section 6. 11 (Sales, Rental Service or Storage of Motor Vehicles).

Chairman Hall: All right, so we will just do the first one. Section 6.11, Sale Rental or Storage of Motor Vehicles and that is right after Saputo.

Commissioner Aieta: Point of Order Madam Chairman. We have to take some kind of action on Petition 45-14; leave it on as New Business, move it to Old Business, we didn't do anything, left it out in the breeze. I know we are waiting for the Conservation Commission.....

Chairman Hall: Right and Craig, so at this point we should leave it open, we're not going to close it, and we're not going to act on it.

Commissioner Aieta: Well, it's not a public hearing so you're not closing anything, so you could.....

Chairman Hall: Chairman Hall: We'll leave it as New Business, move it to next meeting and continue it at that point. So Petition 45-14 will be left for New Business at the next meeting as well.

Chairman Hall: Did Craig go over this with you at all?

Michael D'Amato: No, he left in kind of a hurry.

Chairman Hall: Exactly. All right, Mike, if you would read that, the staff report?

Commissioner Camillo: "Description of Petition 46-14. This is the revision of Section 6.11 of the Zoning Regulations that has been mandated by Judge A. William Mottolese. This decision upheld Section 6.11 in general but he struck down the "and other uses as may be determined by the Commission" phrase, and the three waiver provisions. He struck down the waiver provisions because of the very recent McKenzie vs Planning and Zoning Commission, Connecticut Appellate Court decision. In that decision the court ruled that a town Planning and Zoning Commission does not have the authority to grant waivers to a requirement in the zoning regulations; only Zoning Board of Appeals can do that (see attached article from the newsletter of the Connecticut Association of the American Planning Association). As you can image that decision sent shock waves through the state since probably all towns contain some sort of waiver provision in their zoning regulations. Staff Comments: Town Attorney Jack Bradley told us at the TPZ meeting on September 22, 2014 that no public hearing is necessary to enact this amendment."

Chairman Hall: All right, then attached is Section 6.11, Sale Rental Service or Storage of Motor Vehicles and in that section there are highlighted areas that would indicate where the changes would be. There are cross outs, things that he suggests that we eliminate and most of them are eliminations. I don't see any additions. It's all elimination, so essentially it would be taking what we have and taking out the parts that have been suggested to be removed as a result of the decision. So, has everybody had a chance to read those sections? The first one is 6.11.3, and the highlighted "the Commission reserves the right to alter this requirement when in its opinion the natural, topographical or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double than decreased to less than half the requirement herein and any such action shall require two thirds vote of the Commission." So that would be eliminated.

In 6.11.5, "The Commission reserves the right to alter this requirement when, in its opinion, the density of the residential zone and the natural topographical or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to

more than double nor decreased to less than half the requirement herein, and any such action shall require a two thirds vote of the Commission.” Again, that would be removed.

6.11.7 “The Commission reserves the right to alter this requirement for a corner lot or when, in its opinion the natural, topographical or manmade utilities of the site clearly indicate that the requirement is inappropriate. Such action shall require a two-thirds vote of the Commission.” Again, that would be eliminated. Any questions on that? Any comments?

Commissioner Aieta: I have a comment. I think that we are not taking this far enough as a review of this motor vehicle regulation. There's other item that have to be considered when we look at this, not just taking out these particular items. You don't address any of the non-conformities that were created by this regulation and I think there are other parts of this regulation conflicting with part of the general statutes that cover motor vehicles. I think some of the definitions and categories are not consistent with the general statutes. I think this whole regulation is flawed, should never have been put in in the first place. I think it was ill-conceived the way that it was brought forward, and acted on, and now we are trying to piece it together by just eliminating certain sections that the judge has mandated. I think this regulation should be looked at in it's entirety before we start removing anything from it. We should look at it and do a complete review of the "Sale, Rental and Storage of Motor Vehicles". The whole section. I don't believe, I believe this is going to require, should require a public hearing and I don't agree with the Town Attorney's opinion that it does not.

Commissioner Leggo: Following up on what Frank said, I just want to understand this the correct way. This right here is just saying that we are removing the parts where we can alter what the reg says? We're still going to go over this in our meetings beforehand.

Chairman Hall: Absolutely.

Commissioner Leggo: So all we are doing is answering what they recommend, what they want us to do for them?

Chairman Hall: Correct. It's this section that has been brought up several times. We've discussed it. This is one way to get rid of these. It has nothing to do with going over our entire regulations, which we will be doing. Section 6 is one of the ones that we will be discussing.

Commissioner Leggo: Okay, so this is coming right back to us. We're just removing the

Chairman Hall: Absolutely, this is not the end of it. This is tightening up the section so that when we get to it, if there are other things that we want to change, again, we will be discussing all of that. That is the purpose of doing this. Anyone else? So at this point what is the general consensus of the group? Do you want to move forward with removing these at this point, or as Frank has brought up, do you want to wait until we do it all? It's on our table right now for removal.

Commissioner Anest: I think to conform with the order of the judge we should remove what we are told to remove, and then as we go through the regulations, then really tweak it to meet what the Commission wants it to say. I think at this time we should abide by the decision of the judge.

Commissioner Sobieski: I agree with Carol.

Commissioner Aieta: I think we should have a public hearing, let the public have an opportunity to have input on the removal, this whole regulation. It doesn't affect just one or two people, it

affects some of the biggest taxpayers in the town: H. O. Penn, PBE, all these people have automobile licenses and they cannot expand their businesses. H. O. Penn cannot make an expansion to their business because of the way this thing is written. They are a non-conforming situation.

Chairman Hall: And that we will deal with when we go through the regulations.

Commissioner Aieta: Why don't we take it as one piece and do the regulation right from the beginning, without just taking this one section? There's no opportunity for the public to have input on any of these changes.

Chairman Hall: They have had input through the months. This is not the first time we've seen something like this come across our table. This is not new. This is something that came down through the court decision. This is an attempt to make that right. When we get to the Section in the regulations, if we feel it has to be added, subtracted, whatever we have to do with it, at that point. We will be working on it, and there will be plenty of opportunity for public hearings.

Commissioner Leggo: All we are doing is taking away our right to alter it, that's it.

Chairman Hall: Which we were told we cannot have in our regulations. We're just conforming with what we have been told that we can't have in our regulations.

Jeff Zelek (shouted from the audience): Section 7.6.1 requires you to have a public hearing. Please read it!

Commissioner Aieta: You're making all these other changes. The next change that you want to make on the sign regulations: why don't we just do that as a Commission and not bring that to a public hearing? You're making changes to the regulations by eliminating these things. You have to have a public hearing.

Chairman Hall: We're doing it by court order.

Commissioner Aieta: Yes, I understand that, but you still have to have a public hearing. The public still should have the right to comment. And I believe what the gentleman from the audience said is correct. Do what you want.

Michael D'Amato: I can just give you the small bit of background that I have. Craig said that he had spoken with the Town Attorney, I did not, I'm not privy to that conversation, but....

Commissioner Aieta: Is it in writing? His conversation with the Town Attorney?

Michael D'Amato: I don't know that.

Commissioner Aieta: Then don't even bring it up because.....

Chairman Hall: Let him speak.

Commissioner Aieta: We keep having the Town Planner bring stuff to the Town Attorney and it's all verbal. We don't know what he said, what the remarks were, what comes back, it's all verbal, there's nothing in writing, we don't know what the conversation between the Town Attorney and the Planner was. We don't even know what the Planner asked him. He could have asked him if he was having a nice day.

Michael D'Amato: My guess is that the judge's decision is in writing and this is non-negotiable because the McKenzie decision has said that you can't give them these waivers. So the way that Craig explained it to me is, we are not changing the content of the regulations, we are simply abiding by the decision that all towns, including Newington, have to now address. This section may take you six months to get to. You don't want to have your regs out of balance with the decision for those six months. Better to get it squared away now and then adjust the total change down the road. That's the way it was pitched to me. What happened between the Town Attorney and the Town Planner I can't speak on.

Commissioner Anest: When Attorney Bradley was here he said that it didn't need to go to public hearing, and that was Attorney Bradley, it had nothing to do with the Town Attorney, Attorney Boorman. I might be mistaken, but I thought that is what he said.

Commissioner Leggo: I thought I heard that.

Commissioner Anest: That's what he said when he was here.

Chairman Hall: He also has encouraged that we do this and get it out of the way, so the consensus is that that is the direction that we will take.

Commissioner Anest: And the public is going to have a chance to pipe in as we go through the regulations.

Chairman Hall: Absolutely.

Commissioner Anest: It's not like they are being blocked out of this. We need to conform to an order by the judge, and we have to abide by it, and that's what we are doing so that we're not in default, or whatever the term is, of the court's decision.

Chairman Hall: So at this point, we will move it to Old Business to vote on it at next meeting. Is everybody in agreement with that? A show of hands? Okay, we will move that to Old Business for our next meeting which is the 24th.

2. Revisions to Section 6.2 (Signs)

Commissioner Anest: A question: Frank, didn't we agree that we were going to do this with the rest of the regulations?

Commissioner Aieta: Yes.

Chairman Hall: As committee members.....

Commissioner Anest: We discussed that we were doing this as part of.....

Chairman Hall: The overhaul.

Commissioner Anest: Right, we weren't going to do it as a separate item, correct?

Commissioner Aieta: That's correct.

Chairman Hall: Is there anything that you want to tell us about it at this point just so we have some kind of background. I wasn't here at the last meeting; did you make a presentation to the Commission?

Commissioner Anest: No.

Chairman Hall: I didn't think so. I think that has to be done at some point too.

Commissioner Anest: I think when we get to it in that section, it would be the place to really discuss what we proposed, what we did, what went into it, and we did have public there, and we responded to the public. I won't even tell you how many meetings we had to get to where we are.

Chairman Hall: Do you have anything additional that Craig might have told you?

Michael D'Amato: He didn't have anything other than the draft.

Commissioner Aieta: To be real quick, basically we looked at the temporary sign regulations, how we could streamline it, make it easier for people to use temporary signs; also we looked at the length of time and how it was going to be enforced. Another area that we looked at was to tighten up, take out some of the language that was inconsistent with the realities of the regulations, and the other thing was we tried to define signs on motor vehicles, which is part of this, and basically just tightening up, and we felt we could do it as part of the regulation change.

Chairman Hall: When we get to that section?

Commissioner Aieta: Right.

Chairman Hall: Again, I will take a motion on this to table it until we deal with it in the regulations themselves.

Commissioner Sobieski moved to table revisions to Section 6.2 Signs until the Commission deals with that section during the revision of the regulations. The motion was seconded by Commissioner Leggo. The vote was unanimously in favor of the motion, with six voting YEA.

C. Zoning Designation of Open Space Parcels

Chairman Hall: Open space in the 2020 Plan of Conservation; we discussed this back in September and we have some explanation for this at this point. Did Craig give you anything that you want to add?

Michael D'Amato: These are his comments. I did read through them; I'm not sure what you went over, or what the question was that came up on the 22nd.

Commissioner Anest: I think it was at our last meeting in October, because that was when it came up, and I requested if there was a way that we could have an open space zone. We have acquired part of Cedar Mountain that is zoned Industrial, that we really bought as open space. Park land is zoned residential, and it should be zoned as open space. I understand that the Town is not subject to zoning, however, it's nice to have an open space zone. It sends a red flag that yes, it is supposed to be open space, and that's how the whole dialogue started, so what we want to know is, as part of the regulations, how we can add an open space zone for properties like Eddy Farm and Deming Farm.

Michael D'Amato: I think he addresses that in the last paragraph on page three.

Commissioner Anest: Right, and that's how the whole dialogue started.

Commissioner Aieta: I think it goes a little beyond that; it goes beyond the dedicated open space. If you look at the underlying zone it is not consistent with open space. One of the parcels that is big in town is the Mill Pond parcel, but the underlying zone is R-12 residential zone. We want to take those designated as open space, whatever the underlying zone designation, and make them another category, just open space, not going back to the underlying zone. So on the zoning map it would not show as R-12 or Industrial or whatever it happens to be, it would be a piece of property designated as open space. So we wanted to have a non-underlying zone. Is that correct?

Commissioner Anest: Yes. It was when we found out that Mill Pond is R-12, because on the POCD map it says dedicated open space, or preserved open space, and we were kind of taken aback by that. That's how the whole dialogue started.

Chairman Hall: That gives us some background as to how we will handle this when we get to that section. Does everybody agree with that? It would be the perfect spot for us to add. This is good background to have, but it's nothing that we will deal with this evening. It's going to be as part of the total package of the revised regulations. Is everybody in agreement with that? I would like somebody to put that into a motion for us?

Commissioner Sobieski moved to discuss the Zoning Designation of Open Space parcels during the Revision of the Zoning Regulations. The motion was seconded by Commission Camillo. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Anest: Do you have any information on Harvest Village? The applicants are here, and it's not on the agenda.

Michael D'Amato: There is a memo here from November 7th, from Craig to the TPZ that's in the file here, but it looks like it wasn't provided as part of the packet.

Chairman Hall: And I don't think it was on the table either.

Michael D'Amato: No.

Chairman Hall: I think it was November 7th, and there was a memo that he was supposed to e-mail.

Michael D'Amato: There is a memo from November 7th from Craig regarding his Town Planner report for the November 12th meeting, regarding a number of things and one of them is regarding Harvest Village, first floor master bedrooms. I can read to you the comments that he had for that if you want me to.

Commissioner Anest: It's under the Town Planner's Report, number five.

Chairman Hall: So maybe he was just going to bring it up as part of his report.

Michael D'Amato: The memo that is in file is the memo that is part of the package here. That is the same memo.

Chairman Hall: I would like to put it on the agenda. If we could back up...but actually it is on the agenda, under the Town Planner Report. Let's have him talk at that point, okay? So that way we don't have to go back and re-invent the wheel again.

Commissioner Aieta: But if we're going to take action, we can't do it under Town Planner report.

Chairman Hall: But there may not be any action that needs to be taken, it may just be informational. So let's go with that.

D. Bond Release

1. 1268 Main Street (Liberty Bank)

Chairman Hall: The release for the Liberty Bank. Everybody have a chance to read that? Anybody have any questions?

Commissioner Aieta: Does he have the report saying that the Town Engineer was satisfied.

Chairman Hall: He supports releasing the bond, he received the marked up plan, finds it acceptable, and now can release the bond. Any questions?

**Performance Bond
Liberty Bank Commercial Development
1268 Main Street
Reno Properties Group LLC, owner/applicant**

Commissioner Aieta moved to release the Performance Bond at 1268 Main Street ("Liberty Bank") in the amount of \$20,000.00"

No conditions.

The motion was seconded by Commissioner Leggo. The vote was unanimously in favor of the motion with six voting YEA.

2. Victory Way (Victory Gardens)

Chairman Hall: We don't have any information on this because apparently the last piece that he was looking for didn't come in on time, but apparently it hasn't been inspected and he didn't get a report. He'll have it in time for the meeting, but he didn't. You didn't get anything today, right?

Michael D'Amato: No.

Chairman Hall: So there is no draft motion for that one because he did not get the written report, so that will have to be tabled and bring that back next month if he gets all of the information that he needs. Again, let's just take a vote on that. Any objection to that?

IX. OLD BUSINESS

None.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None.

XI. TOWN PLANNER REPORT

A. Town Planner Report for November 12, 2014

Chairman Hall: There are five items on the Town Planner Report. Mike, if you would like to give us whatever you have on here? Zoning Enforcement Issues I think we have here. Is this one that Bonnie worked on?

Michael D'Amato: Yes. I'm meeting with Bonnie for the first time tomorrow so I'll have more information on what is pending at that point. I can speak to what I'm dealing with now, but as far as any of these, I haven't had any correspondence from anyone on the on-going zoning violation. I haven't had anything, only new stuff that I have been dealing with. I can speak to that if you want, or if you want to wait until next meeting.....

Chairman Hall: Yes, we can wait. Whenever you put it on paper like this, then we will discuss it. Some of these are fairly new; these are all September and October. Anybody have any questions on any of these that maybe Mike can answer, considering that these are not his? Any concerns that anyone have with these? Again, they are fairly new.

Commissioner Aieta: Again, on the sign that I gave him, just be sure that they have our regulations.

Michael D'Amato: Sure.

Chairman Hall: "Old performance bonds held by the Town": just if there is any new information. Number six, Fountain Pointe, because supposedly he had put the trees up and then apparently didn't. We went out for a site review, made a recommendation, and then on the 22nd of October, he went out and found the work was not complete, so he went back to the owner of Fountain Pointe to find out what is going on with that one. Number twenty-six I think too.....

Commissioner Aieta: He didn't release the bond on Fountain Pointe did they?

Chairman Hall: No.

Commissioner Aieta: Now it's beyond the point where he can do anything, so this is going to have to sit until the spring, because we don't want to have to release anything on this bond until he does the planting and we know that the planting season is over.

Chairman Hall: Right. Number twenty-six is the Newington Professional Center which is Reno Properties/Liberty Bank again. That is the one that we released tonight which was the \$20,000.00. Then Rockledge: there was a little bit of movement on that one, they planted trees on four of the lots, and we still have a little bit of money left over because there was one person that was on the fence, so I think we still have a little bit of money left over for that, so it's not completely gone yet. Newington TOD committee: final report has been posted on the website; next meeting has not been scheduled yet.

Michael D'Amato: Number four: as you can see, he's talking about coming up with some type of a handout for a lay person coming in who is not really privy to what the LID standards are. This is something that is very new, even in the planning world, not a lot of towns have it, so he suggests a moratorium until we can come up with some kind of a handout to make things easier for the homeowner. It makes it easier and it streamlines the process on the application side, because if they know what they need to do, then the permit process moves more smoothly, moves more quickly, things happen easier; they have a better opinion of the process. I think that is what he is getting at here. Obviously I'm not privy to what the process was to get the LID regulations in place, but this is what he has seen now that you are been with it for a little while;

to make it more manageable for someone who doesn't have a retained engineer or who is putting in 50,000 square feet of commercial space or something like that.

Chairman Hall: Right, because it is new to everybody when they come in to take out a permit, and they hear this for the very first time.

Michael D'Amato: Most of the pending permits that I need to work on with Bonnie, starting tomorrow, are LID stuff because it is so new, and these homeowners are having a hard time figuring out what it is. It is a lot, and they're saying, "I don't have a drainage problem, I've been there for thirty-five years, and now that I want to do this you are telling me..." So it's an education thing, it's a learning curve. People want to be educated as best they can. I think that when you give them the opportunity to learn about it, when they become informed, it changes the game completely. I'm a major proponent of that. I think it's a good idea, so I started doing some research on my own, and there are some handouts in some cities and towns, the way that they go about it. There are certainly things that we can do to give them tools right off the bat to comply, because that is ultimately what we want.

Chairman Hall: Sure. It's good for everybody.

Commissioner Aieta: How would that affect the people that are coming in now, if you put a moratorium on?

Michael D'Amato: That's a good question, and we do have a couple that are pending. I was on the phone with one today, and it seems like he is on the road to complying now that he understands what he needs to do, but if he needs another revision to his plans, and then you adopt a moratorium...that is something we would have to check on. If they have already made the application, and they have already gone through the process of hiring an engineer and are producing a plan that complies with what is here, I assume you would adopt a moratorium effective on a certain date, and anything that comes in after that date...

Commissioner Aieta: When we enacted this, a lot of people had questions as how it affected the homeowner who was putting an addition on, or a garage addition. I remember the Mayor saying he had problems with putting all of these additional requirements and burdens and mandates on the homeowner, and now we find that the homeowners don't know what they are supposed to do. We have to tell them how to do it, and it's a burden for a homeowner, especially with some of the small work that they are doing on their property, making them bear the additional cost of engineer and plans, and so on. I think maybe we should have segregated the homeowners from the commercials.

Michael D'Amato: There are some cities that do tier it. And they say a tier one project consists of certain criteria, and then with a tier two, they do this. As I said, I don't have the background for here, but it's becoming increasingly popular. Now you have the mechanism, now you have been using it for a while; it just needs to be tweaked. Once homeowners figure out what it is, and they understand, they don't have a problem with it. It's just figuring out what LID is.

Commissioner Aieta: Maybe we should look into tiering the regulations, and take the burden off of the guy that's putting an addition onto his garage.

Chairman Hall: Well, there are square footage limitations; it is only after a certain amount.

Michael D'Amato: Six hundred.

Chairman Hall: But as we see a problem, we'll be able to deal with it, and as Mike says, the more education you have the more comfortable you are going to be with it; the more you're going to be able to implement it.

Commissioner Aieta: You can handle the ones that are already started. I would be in favor of a moratorium until we have a booklet that the homeowner can come in and get, and understand what his responsibilities are.

Michael D'Amato: My impression is that we don't have fifteen or twenty applications with this, because there is that threshold of the 600 square feet or greater. Right now, especially going into the winter, not a lot of people are trying to get shovels in the ground, so it's probably a really good time. Like I said, the one that I'm thinking of especially, they are right at compliance so that shouldn't be a problem, so I don't think taking care of what's existing now would be an issue.

Commissioner Aieta: Because of the lightness of the agenda, I would like to make a motion that we put this moratorium on for public hearing for the next meeting.

Chairman Hall: Next meeting, or do we want to have Craig explain everything next time and then have it for the following? Because if we have it on for public hearing next month, and we don't even understand it.

Commissioner Aieta: Well, it's pretty cut and dried, they are looking for a moratorium, and it spells it out right here why he thinks it would be a good idea to have it, and if you think it needs more explanation from the Planner.....

Chairman Hall: No, I'm just asking a question. Do you feel comfortable with it?

Commissioner Anest: I think it should go to public hearing. All we are doing is establishing a moratorium, it's not like we are making a decision.

Commissioner Aieta: Let's get a reaction from the public if they have some input into it, and that will give the staff time to put together this handout, so people understand what their responsibilities are.

Chairman Hall: Is everybody in agreement with that? Okay,

Commissioner Aieta: I made a motion, it needs a second.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with six voting YEA.

Michael D'Amato: So we are going to schedule a public hearing for.....

Chairman Hall: A moratorium on LID.

Michael D'Amato: And that is going to be.....

Chairman Hall: The 24th. November 24th.

Commissioner Aieta: If you have enough time to advertise.

Chairman Hall: As long as you get it in by Friday, because that is ten days. Next: Harvest Village, first floor master bedrooms.

Michael D'Amato: Do you want me to read what Craig has here?

Chairman Hall: Yes, and we all have the map.

Michael D'Amato: "The developers of the "Harvest Village" planned unit development on Deming Drive would like to modify the footprint of several of the remaining houses, to enable the creation of first floor master bedrooms. They are finding that this is what the market wants. This does not increase the density and only minimally impacts the amount of open space, but "architecture" was an important part of the approval process. I told the developers that I would tell TPZ about this at the next TPZ meeting, and if any TPZ commissioner feels that a formal modification to the original approval is warranted, that would be the appropriate time to say so. I will have a sketch showing the proposed change at the meeting."

Chairman Hall: From what I can see, none of these face, or back up, however you want to say it, to the main street, which is Deming. They are going to be interior units essentially or backed up to the turnpike end which again has a buffer.

Commissioner Aieta: Does the architecture change with this? The outside doesn't change?

Chairman Hall: No because it is the back. See they are just adding something onto the back.

Commissioner Aieta: A bump-out.

Chairman Hall: A bump-out in the back just to add a little bit more square footage to get those first floor bedrooms, they should have had a hundred.

Commissioner Aieta: This is a minor modification, I don't believe it requires any action by the Commission to be done.

Chairman Hall: It doesn't change anything; the facades will be exactly the same. Distances between the buildings will be exactly the same. Again, we'll take a consensus on this. Anyone see any issue with this? I think it's a great thing.

Commissioner Leggo: Just a quick question. There are two, three cases here where they are building on; two units are actually coming closer together.

Chairman Hall: You mean in the back?

Commissioner Aieta: They really aren't getting any closer because these two points are existing, they are just filling in the square.

Commissioner Leggo: Which is back, so it is okay. Just wanted to make sure.

Chairman Hall: So the consensus is it's fine, no problem.

Michael D'Amato: No formal modification required.

XII. COMMUNICATIONS

None

XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda, speakers limited to two minutes.)

Jeff Zelek, 55 Welles Drive No: My apologies for having to shout from the gallery. I know that you all have your regulations in front of you. If you want to open your books, it's Section 7.5.: "any change to your regulations requires a public hearing." Also if you have any legal advice, it should be in writing, absolutely agree with the Commissioner, make sure you protect yourself. A public hearing will help you protect yourself and so will documentation from the attorneys. Thank you.

Chairman Hall: Thank you Jeff. Anyone else wishing to speak?

John Bachand, 56 Maple Hill Avenue: I know the Planner is not here, so I can't ask my usual questions, but I'm a little bit confused about the way that the schedule went. I thought that the hour early start was just to discuss the zoning regulations and the regular meeting would start at 7:00.

Chairman Hall: Right, you came in a little late John, and we did explain that at the beginning.

John Bachand: I came about quarter of. So what I wanted to address, which I thought I would have a chance to but I guess it's too late, was the minutes of that special meeting that we met out at Packard's Way subdivision. Did you already accept those minutes?

Chairman Hall: We did.

John Bachand: That's a problem, so just for the record I'd like to state that I know that Craig was writing those minutes down so of course he wasn't going to get everything verbatim, but a couple of critical points were: one was when we were discussing who authorized that silt fence to be put there, the one that caused all of the flooding, and the developer said that the engineer had required it. Do you recall that? I was hoping that someone might remember that that was mentioned. The second thing was when the engineer looked into the catch basin and claimed that the stub, the storm water stub that we have been talking about for twenty-six months actually extends to the property line. How he made that assumption, I question that too. I talked about this already with the Planner and he said, "that's what he said, it doesn't mean that that's what the facts are", but I still would have liked to see that corrected on the minutes, but I guess it's too late for that.

To give you an update on that situation, I'm glad you all came out that day, at that special meeting, and someone did cut the silt fence, they did open up the silt fence so I'm happy about that. I would have asked the Planner if we know any more about the subdivision. I raised this question originally in September of 2012. I wrote a letter to this Commission and sat right here and addressed the Commission, so it's been twenty-six months, and in that time everything has happened. I've been given all kinds of explanations how those protected covenants were going to be filed in the land records like they were supposed to be done with the Certificate of Action. I was given explanation after explanation after excuse after verbal exchanges, after denials and this is twenty-six months, it's getting a little bit ridiculous. So an issue came up about verbal communication between the Planner and the Attorney. We have heard different stories, where I asked him, have you heard from the Attorney, and he said he had verbal discussions, but I need to make a written request, and that was going back all through July, and we are talking about months now, so I'm a little bit frustrated. I'm sure everyone that is involved is frustrated, and I know it's not this Commission's fault and I know that it's not interesting to members of the public but I am an abutter there, and there are other abutters who live in the neighborhood who are

probably very concerned. I don't know if there is anything you can do, press the Planner for an explanation, press the Town Attorney for an explanation. If you know anything I would hope you would share it with me after I finish my discussion here.

Another thing I read in the agenda packet was eliminating the fifty foot wetland buffer for primary buildings. I just wanted to say that I'm against that. I don't think that is a good idea and I guess the reasoning was that it was already controlled or regulated by Conservation Commission, but I see no reason to remove that protection. I just wanted to say that to you. Thank you.

Chairman Hall: Thank you John. Anyone else wishing to speak, come forward, state your name and address for the record.

Domenic Pane, 638 Church Street: I would just like to let you know, as far as the McKenzie case, the McKenzie case not only affected the auto regulations, but it affected multiple other areas in your regulations. For instance, 6.10.5 (c) where it talks about the front yard green spaces and you have a waiver in there. So if you are concerned about complying with the judge's comments, I would think that you would want to be consistent and make sure that you took care of all of the areas that the judge felt wasn't compliant. Thank you very much.

Chairman Hall: Thank you Domenic. Anyone else wishing to speak?

Jeffrey Zelek, 55 Welles Drive North: Just a follow-up to what Mr. Bachand said. There are no protections within the Newington Inland Wetland regulations to prevent building within fifty feet. That is strictly a regulation that the Conservation Commission relies on the TPZ to enforce. If you remove that, all bets are off. The Planner may believe that it is well regulated now by the Conservation Commission, but that all depends on the competency of the Conservation Commission. If you don't have a good Conservation Commission, you're not going to get the enforcement or the planning, so it's better to have it in writing, have it regulated and very specific. Thank you.

Chairman Hall: Thank you Jeff. Anyone else?

XIV. REMARKS BY COMMISSIONERS

Commissioner Aieta: I'm a little concerned about the woman who came in at the beginning of the meeting, the woman on Goodale. I don't know what we can do as a Commission, but I don't know if this problem was as a result of a complaint by a neighbor, or something the Zoning Enforcement Officer got involved with. I'm going to try to find out why exactly, to visit the site and try to see what was going on there, but I don't believe that the regulations are being equally enforced. There are situations that I know where the Zoning Enforcement Officer had major, major filling in areas where he never made any enforcement effort at all. So, I don't know how bad this can be, and I think if there is something we can do as a Commission to help this woman.

Chairman Hall: I think the whole point is that we check and find out. Let's start with the Town, find out their story. We have the letter, so let's find out the history before we make any site visits or anything else. But definitely we will look into it.

Michael D'Amato: Is this something you want me to try to do? I mean, I can try to put together a chronology. I haven't had any correspondence with her, but I can certainly review the file and try to at least try to figure out what she was cited for.

Chairman Hall: Right, how it started.

Michael DaMotta: My questions, because if it was Art and Bonnie, what capacity was Art acting in at that point, because he's now doing Building, I can certainly come up with as much.....

Commissioner Aieta: I just want, she came in, she took the time to come in, she has a problem, she was very emotional about it, sounds like she got the run around, it could be something all together different, but I would like to have this Commission follow up on it, not just have her come in and say what she had to say and then we just do nothing. So I would like to have it followed up.

Chairman Hall: Right. We'll check it out.

Michael DaMotta: I can get that for you for the next meeting so that you can see what is going on.

Commissioner Anest: Can you just have Craig follow up with the Town Attorney regarding that subdivision, Packard's Way because he said that he met with the Town Attorney last week, which was October 8th, and is just waiting for an answer, and now it's been over a month, so we should have something.

The other thing is, can we get an update on the Fenn Road station, the CTFastrack because I heard, and I don't know if this is true, that they are going to be putting bump outs for buses on Cedar Street, and I think we should know what is going on with the traffic and buses, so if you could have him give us an update on that?

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: Again, I apologize to the Commissioners, the public, for tonight. It was a little disjointed, but we got back on track towards the end of the meeting and I promise it will be better next month and again, I'll say it one more time, it is Monday, the 24th that is our next meeting. We will meet at 6:00, just the Commission, I mean, anybody can come, it's not that people can't come, but just be aware that we will meet for the sole purpose of going over our regulations, and then the regular meeting will start at 7:00 on the 24th. Have a good almost two weeks, and we will see you then.

XVI. ADJOURN

Commissioner Leggo moved to adjourn the meeting. The motion was seconded by Commission Serra. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary