

NEWINGTON TOWN PLAN AND ZONING COMMISSION

February 27, 2008

Regular Meeting

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

I. ROLL CALL

Commissioners Present

Commissioner Correll
Commissioner Fox
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Niro

Commissioners Absent

Commissioner Camerota
Commissioner Ganley

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. PETITION 03-08 – 260 Stamm Road, Marcin and Dariusz Jarosiewicz, 64 Brown Street, New Britain, CT 06053 applicants, Integra Realty Associates, LLC owner request for Special Exception Section 3.17.8 and Section 6.11 auto repair use, I Zone District.

Chairman Hall: Is the petitioner present this evening? If you would come forward and speak into the microphone, state your name and address.

Alex Kolanski: My name is Alex Kolanski, I am just speaking for them as my friends from Poland. Originally they moved to the USA and they started a business here, and so this is John Potter and Marcin, his son, and Dariusz, he is absent today because he is attending school. The two gentlemen and their father are living on Brown Street in New Britain, Connecticut, before tried to establish business in New Britain, but unfortunately the Commission like you gentlemen asked them to provide plans of the area which costs \$10,000.00, they couldn't afford, so they stopped and now they are trying to establish business in Newington. They moved to the USA a long time ago, and they completed this course, completed their education, they are mechanics, auto mechanics, licensed with a diploma, and they were working for a few different garages and now they want to work for themselves. We would like your consideration in allowing them in this area to do such business. It's not a big business, just three persons working, repairing mostly European because they have the knowledge. This business is very hard to make any money on this, but you know, they are just educated on this subject so they want to do it. They are in this country like a thousand, million other immigrants.

Alex Kolanski: There was, I think there was an issue that there was a missing spots for parking, now there is enough space. They had this area for repairing, this for storage, spaces for handicapped and everything inside is all set just as well.

Chairman Hall: Thank you. Questions for the applicant from the Commissioners?

Commissioner Pane: Could we get a staff report?

Chairman Hall: If you want to have that first, sure, and then we can follow up with questions. I just didn't know from anything that they said, if you had any questions.

Ed Meehan: Well, I can review with the Commission, the prior application was withdrawn, it was for both auto sales and repair. The issues related to that that the Commission should know about was the concern that this is a building with other tenants. There is another tenant in there that repairs snowmobiles and off road equipment and then maybe, actually the owner who is in the last unit who is, does mail order business. The sales operations, the concern was so much activity on the north side of that site, the combination of cars waiting to be repaired as well as cars being displayed for sale, there were questions as to whether that site was going to be able to accommodate that, plus the traffic going through this parking area to the other two tenants in the back. The revised plan before you now is as the applicant explained is just for repair, and they are proposing to convert the display spaces, I believe there may be nine, to, this is where cars would be placed for customer's vehicles who are waiting to get parts, or be picked up after they have been serviced. That is one aspect that has changed, and the second aspect that has changed as I understand it, they are now showing space inside the building for storage, where before that wasn't on the plan, it was more of an open floor area. This building is somewhat peculiar, if you have been down there you know that there is really no cross easements to the driveway on the south side, so access for customers to come in the south side and park is not available. There are no easements of record for that driveway. The majority of traffic will come in through the driveway on the north, and park and enter that way. They are proposing also customers probably could come into a small office on the south side but the parking really is not there for them, there are only a couple of spaces, otherwise they are parking on the neighbors property.

I think the issues that the Commission should know about from the applicant are the hours of operation, the days per week they plan on being open, they have already told you that there will be three persons working here, three employees. Other questions, any painting, auto body work, this came up before, but we are making a new record tonight, so for the benefit of the Commission members who weren't here before, have to vote on this again, this may be redundant, but you are making a new record so questions like paint booth, spray painting, auto salvage on the site, towing service on the site, all these questions came up before so those are some of the things that you need to bring to the Commission.

Alex Kolanski: Yes, there will be no painting shop, no auto body shop, just straight mechanical, so no spraying, no painting, no banging, just typical electro-mechanical shop.

Ed Meehan: Do you intend to do any towing, or do you have a relationship with a tow company?

Alex Kolanski: No, they don't have any towing. If someone comes to repair their car, they accept it.

Ed Meehan: We always have a concern with these types of uses with the storage outside of dismantled vehicles, you know, inoperable vehicles go along with your business, when but you see wrecks outside, and this is an industrial park, that was one of the concerns that we had about this site. What are you going to do about that to make the site work more efficiently?

Alex Kolanski: There is a special storage area inside, inside space.

Ed Meehan: You have overhead door access to that?

Alex Kolanski: Yes. There are three to four repair station and two lifts and the storage area for cars. They won't accept more because they are only three persons.

Ed Meehan: Now you have been in this building for a while, I think you signed a lease?

Alex Kolanski: Yes they have a lease.

Ed Meehan: There are no approvals in place to occupy this building, for your type of use, to provide public motor vehicle services to the general public. You haven't got our local approval so you can't get Department of Motor Vehicles approval, but have you had any conversations with the Fire Marshal or the Building Inspector about what you need to do to make this building code compliant?

Alex Kolanski: The Fire Marshal accepted it.

Ed Meehan: He's done his inspections in there?

Alex Kolanski: Yes.

Commissioner Pane: There as to be a three hour fire rated wall in between there, for automotive use.

Ed Meehan: That's what I was wondering, I don't know if....

Alex Kolanski: The Fire Marshal was there a couple of months ago.

Ed Meehan: Okay, he may have done an initial walk through, and a couple of months ago, his office alerted the Zoning Enforcement Officer to you being down there, but subsequent, if the Commission was to approve you as a land use there, there are two codes in addition to the land use codes, the Building Department codes, for occupancy and there is the State Fire Marshal code for fire rating walls, storage of hazardous materials, waste oil and those other things that you should be aware of in how you are going to practice your business.

Alex Kolanski: They have storage for oil, everything is supposed to be....

Ed Meehan: I've seen it on the plans, but I just want to make sure that it is part of the record.

Alex Kolanski: It is. John is saying whatever the people, the department needs to have changed or added, they will do it.

Commissioner Pane: Madam Chairman, so is there going to be sales, or only repairs. Can we get that clarified?

Alex Kolanski: Repairs.

Commissioner Pane: Just repairs. How is that going to be, how are you going to do that, because DMV does not give just repair license only, it's repair/sales, so how do you.....

Ed Meehan: Well a limited repair license permits them to sell a certain number of vehicles a year, the way that I understand it, and it's not just like a general dealership.

Alex Kolanski: They said there will be no sales, just repair.

Ed Meehan: So if the town granted this, the town approval by their special exception I think, would have to be more restrictive if the town Planning and Zoning Commission does not want to see used car sales going on down there, just repairs, you would have to make that more restrictive. How you enforce that, it's going to have to be by observation.

Commissioner Pane: How about oil/water separators, or an oil/water separator over there?

Ed Meehan: I don't know of any floor drains in the building, that would be something that the building department and Chris Schroeder would look at. If there are floor drains, then that would have to be looked at by Central Connecticut Health District because they would have to put a separator in, because they can't flush into the floor drain.

Commissioner Pane: Right, but usually we require some of the automotive uses to have the oil/water separators because sometime when they work on automotives, cars, they hose down the engines and stuff before they work on them to find the oil leaks.

Ed Meehan: Are there floor drains in this building?

Alex Kolanski: No. On the main floor there are not any drains.

Commissioner Fox: Through the Chairman, how do you propose without the floor drains, you know, while you are working on vehicles, you are draining anti-freeze, draining oil, as Commissioner Pane just mentioned, there is a certain amount that is going to end up on the floor, now how do you propose to get rid of that liquid and to make sure that that liquid is environmentally safe.

Alex Kolanski: As in every good garage, they have containers for this kind of job and in case of leaks on the floor, they call it Speedy Dry. They are in business you know, like ten years so they really know you know, about it and they can deal with the different situations. If they get some of the floor, they just take it in a container and they take it to Middletown.

Commissioner Fox: Okay, that was my question, how are you going to dispose of the Speedy Dry? One other question, no drains so I would imagine that you don't have any in-floor lifts.

Alex Kolanski: The lifts are on the floor.

Commissioner Fox: Just the standard, not in the floor. Hydro-electric?

Alex Kolanski: Yes.

Commissioner Fox: Okay, thank you.

Commissioner Schatz: I hope they understand what, they aren't going to be dismantlers down there? Where they take cars apart and sell the pieces?

Alex Kolanski: No.

Commissioner Kornichuk: Did they answer the question about hours of operation?

Ed Meehan: No.

Alex Kolanski: They will be working from eight to six, five days a week. Saturday, eight to four.

Chairman Hall: That's different than what is on the printout, this says eight to five, and eight to noon on Saturday. That's what you put on the plans.

Alex Kolanski: They say, right now it is such a business that they work until four, and Saturday they are done, because no customers, their business is slow.

Commissioner Schatz: There was a concern last time that, after hours, night repairing, I think it was the citizens that were in, talking about that.

Alex Kolanski: It would be administration, just for paperwork. No loud banging.

Ed Meehan: Did I hear you say that they have been in business for ten years? Do you have a motor vehicle license now?

Alex Kolanski: Five years at a dealer in Meriden, and other places, now he wants to work for himself.

Ed Meehan: Did you have, or do you have a motor vehicle license?

Alex Kolanski: No, no.

Ed Meehan: So you haven't operated a public garage, this is just for yourself.

Alex Kolanski: They were working for someone.

Ed Meehan: Someone else, okay. Someone else held the license.

Alex Kolanski: For a few years they try you know, to establish business for themselves like many other immigrants you know, they want to work for themselves. The opportunity for everyone, so they are trying to do this.

Chairman Hall: Any other questions from the Commissioners?
Do we have anyone from the public who wishes to speak in favor of this petition? Anyone who wishes to speak against? Anyone who just has any questions or wants to speak? Seeing none, I guess our questions are answered. I think that is all we are going to do on this.

Commissioner Fox: The only question that I have left is the Town Planner brought it up, on the Fire Marshal's report.

Chairman Hall: We would have to see a copy of that if he did go down there.

Ed Meehan: He probably did an incident report, but as far as having plans that show any improvements to the inside, fire rating walls or any exiting, fire extinguishers, I don't know if he has done that. He told you to post those?

Alex Kolanski: Okay, they said that whatever the Fire Marshal told them, they, everything is done except if something happen, what they are required to do additionally, you know they have the owner of this place who is just next door, so they can talk to him and get the things.

Ed Meehan: There could be some structural changes, one of the Commission members said, three hour wall, expenses that your landlord is responsible for under the lease. Is that true?

Alex Kolanski: Yes, he is just next door, so.....

Ed Meehan: I know he's next door, but is he going to do that work?

Commissioner Pane: Maybe we could get a report from the Fire Marshal and the Building Inspector before the next meeting?

Ed Meehan: Before you vote on this.

Commissioner Pane: See if they did an inspection on it, and then report back to us.

Ed Meehan: I know that three of our code officials have been down to visit. I think the last time you were before the Commission, back in the fall, they were there.

Chairman Hall: You say the Fire Marshal was there recently?

Alex Kolanski: Three months ago.

Chairman Hall: So it was probably for the other petition.

Ed Meehan: Yeah, it was.

Chairman Hall: So should we keep this open to get those reports, or.....

Ed Meehan: Those are more technical reports, they would only, if you approved the land use part of this thing, Chris Schroeder, Pete Hobbs would have their codes to administer at that point. I can find out what they have seen down there. I don't think you have to keep it open for that.

Chairman Hall: I don't either, so if everyone is in agreement, we will close this petition. We've listened to what you have said, we are going to take the information that you have, check with the Fire Marshal, check with the Building Inspector, but we are going to close the petition tonight, in other words, there is no necessity to come back and present this again, and there won't be an answer tonight.

Alex Kolanski: Okay, thank you.

B. PETITION 04-08 – 2451 Berlin Turnpike, Joe Campopiano, 39 Buckland Street, Apartment 1233-3 Manchester, CT 06042, d.b.a. Mother Cluckers Chicken, Seafood, Steak, Ribs, LLC, David Kay owner request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District.

Chairman Hall: Are the petitioners present this evening? Can you please come up to the podium, state your name and address into the microphone?

Joseph Campopiano: My name is Joseph Campopiano, and I live at 1233-3 Buckand Street, 39 Buckland Street, Manchester, Connecticut 06042.

Chairman Hall: Do you want to tell us a little bit about your request this evening?

Joseph Campopiano: Sure. I'm looking to open up a restaurant, obviously in Newington here, I know a lot about the town, I know that it is a great town to do business in, I know that the Berlin Turnpike is a very good area to go in, that's why I looked there first. We are actually going to be a family establishment, we're going to be serving, as you read, chicken, seafood, streak, ribs, you know, everything that you can imagine. It's going to be home cooked, cooked to order, I mean the food is phenomenal food, it's different than a lot of the food that you are used to, we have barbeque, which we don't have on that road, so we are going to bring barbeque in there, fried chicken, it's going to be pretty full course as far as the restaurant goes. As far as, I know that we have a special permit obviously for the liquor, it's going to be a family establishment but the liquor is actually going to be, it's not going to be an entertainment full bar outside, we're going to have a full bar for people just for dining if they want to, some kind of a mixed drink.....

Chairman Hall: That's going to be for the next petition, so if you just stick to the special exception for the restaurant use.

Joseph Campopiano: Sure, that's basically it as far as the restaurant goes. We had come in, I had planned first with Ed, came in, we looked at the area that we are going to be in, and it's a great area, like I said, to actually establish this restaurant.

Chairman Hall: Ed?

Ed Meehan: Some of the things that the Commission should know about this, and the applicant can help give you the background, where in this building you want to locate, the size of the area that you propose to lease, we need to talk about parking, because parking is critical in any public restaurant services, and I've looked at your floor plan and also the other tenant space there, and I just need you to help clarify some numbers on how much is going to be open to the public. I think the Commission members would want to know the hours of operation, the days per week that you are open, how you are going to control, restaurants generate higher volume of waste materials, the dumpster plans, and that would be as much as I would say, under this part of the application, and liquor we can talk about separately. Let's go one at a time. Where about are you going to be located in this floor plan? I have a site plan up on the wall.

Joseph Campopiano: Right, we are actually right in the center, so when you are coming down, we'd be like the center building, right where that peak is on the building, so our actual square footage is like 2208 if I'm not mistaken, square feet.

Ed Meehan: Okay, and I calculated the public seating area which you are proposing to have twelve tables, forty-eight chairs all together at about 800 square feet. Is that the same number that you had?

Joseph Campopiano: No, we had gotten from our planner about 600 square feet is what we are looking to accommodate.

Ed Meehan: Okay, because I need to verify that, because I need to be sure we are both counting the same thing. If it's 800 square feet you need about sixteen parking spaces, if it's down around 600 as you say, it's like thirteen spaces which is what this area is allocated as a retail use. Just to give the Commission some background, the latest site plan for this address was approved for the property owner Mr. David Kaye back in 1980 and there was a small addition put on the north side of the building. The total number of spaces provided at that time was 89 spaces and that parking count was based on this building being used for retail purposes. I've pulled the Assessor's card and the Assessor's card has this building at 15,750 square feet and about 13,800 of that the Assessor allocates as commercial retail space and about 2,000 square feet is warehouse space. So, you know, based on the warehouse uses, at 2000 square feet, they need

about eighty, eighty-two spaces here so anything more that 600 square feet of public seating area is not going to meet your parking standards. So this floor plan has got to pretty much limit their seating area to about 600, 650 square feet. I measured 800 but I could be wrong. I counted right from the front door in, and.....

Joe Campopiano: One good thing about this, this section too, just to bring the attention, we do have the fireworks place that is only there probably a couple of, probably two times a year. Usually July, other than that, there is no one parking in there because they do not use that space. So I don't know if that helps or not, but.....

Ed Meehan: But you could get another tenant that could move in there and be more popular, so we look at the worse case situation to be sure that all the tenants have the spaces that they need. What are your hours of operation?

Joe Campopiano: It's going to be Monday through Friday, we'll be open from 11:00 a.m. to 10:00 p.m., Saturdays, I'm sorry, Monday through Thursday, is 11:00 to 10:00; Friday and Saturday is 11:00 to 11:00 and Sunday is 11:00 to 9:00.

Commissioner Pruet: Is this a type of a franchise, or just a.....

Joe Campopiano: No, it's just my own, family owned.

Commissioner Pruet: Okay.

Chairman Hall: And do you have any other restaurants in the area that you currently run?

Joe Campopiano: No. This is the first one. I've actually been in the food business three or four years. I was the sales manager in a few places, I also was a supervisor in Rhode Island in a Newport Creamery and my family has been in the business for quite a few years, the food business.

Chairman Hall: I think you heard the chuckles when the name was read, how did you happen to come up with that name?

Joe Campopiano: Well, I was on the internet actually, and we're looking at something for a chicken, a sound that a chicken would make, and we saw a couple of things on there with cluck on there, so me and my partner, we were trying to come up with names, and we came up with a diagram, we were thinking of an old mother with a maid suit on, and that's what we came up with, Mother Clucker's Chicken, Seafood, Steak, Ribs, LLC and that's pretty much how we came up with it. I actually have copies too of the menu if you guys want to see the logo. It's pretty cute. This will be all the food and stuff that we will be serving.

Chairman Hall: Other questions from the Commissioners?

Commissioner Pane: I think the biggest problem is with parking. I've been over there in the front of that site, and there is very limited parking in front there and I don't remember seeing that many parking spots on the side when I went over there, I'm going to have to go back there.

Ed Meehan: They show seventeen on that plan in the back which I'm not sure how functional those are.

Commissioner Pane: Yeah, because of delivery and stuff, and that is the only concern that I would have is the parking. I'll have to take another drive over there.

Chairman Hall: As I remember, the sound, is it Action Sound, or whatever it is, sometimes has special events, I mean, they have had radio stations there broadcasting, and how do you get around that too?

Ed Meehan: Well, they do these tent events where they have sound-offs and that would have to be coordinated with the other tenants, because that attracts quite a few pass by motorists that drop in and out of there.

Chairman Hall: And that is usually on week-ends too when it's the longest period of time, 11:00 to 11:00.

Commissioner Pane: We've had problems with that in the past too, so I don't know if they have had any lately, but.....

Ed Meehan: Noise problems.

Commissioner Fox: Yeah, we used to have a big problem at the VFW when all the overflow parking would go in there, and we've had to call the police at times.

Chairman Hall: Any other questions?

Ed Meehan: How many employees would be here and where would they park? One shift, let's say a Saturday night shift?

Joe Campopiano: If they were to park, I would definitely have them park towards the back end of the building, I probably wouldn't have them use all those spots because I think there is some parking too on the side, side of the building, but my partner may be a little bit better to answer that, Tony, would you come up? He's actually going to be my head chef, so he kind of looked at the area for us.

Anthony Taracana: My name is Anthony Taracana and I'm going to be the head chef for Joe at his restaurant. The parking for employees, on a busy staff would probably be five to six employees on the first shift. Parking again would be in the back for the employees. There is parking around the whole building. There is spots all across the back, both sides next to the dumpster, all the way up to the front. There is also parking in the center of the lot when you come in, in the front entrance from the turnpike, there's also parking.

As far as, Joe had said, we came in, sat down with Ed, and based upon the 600 square feet and doing all the calculations, that's why the plans have been drawn in accommodation for 600 square feet, the parking opposed to the town's regulations are sufficient to supply 600 square feet of seating as indicated on the plans.

Chairman Hall: And you do have a back entrance, or would patrons have to walk around the building and come in the front? I see that there is a delivery spot in the back.

Anthony Taracana: There is a delivery spot in through the back, mostly at the times that it is going to be busy. They are open obviously before the restaurant is going to open, obviously, all the places, on the weekends I don't think anybody in the plaza is open on Sunday beside ourselves. Most of the places would close by the time we get busy for dinner as far as the PC Farm, which is the computer store, your manicure, tanning salon, the high end audio store, and as Joe indicated, the fireworks store is only open at specific times. So, all of us, for prime time wouldn't conflict with each other, as far as everybody needing specific space at the same time. In addressing your issue about the sound off's, you know, that is something that I believe that they would have to get permission from the town, but the landlord, by accepting us in there would also

have to probably let them know that if it is on a Sunday, then we would be the only ones open in the plaza on Sunday, because nobody else is open.

Joe Campopiano: I know that the last place that I worked at, I was a manager, it's kind of detailed off the business that I work at, a lot of the food was take out, and we do offer take out. Probably seventy percent of the business was take out and thirty percent was eat in, so there is going to be a lot of opportunity for people for take out, you'll have more people taking out than sitting there.

Chairman Hall: But again, you would need parking for them to park to come in to get, to leave, so one way or the other you are still going to need the parking. Is this a sit down restaurant with waitress service or is it counter where you take your order and then pick it up at the counter and then find a place to sit. How is this going to operate?

Anthony Taracana: There's waitress service.

Chairman Hall: Other questions?

Commissioner Schatz: How many parking spaces do you think you have there now?

Anthony Taracana: As far as the plot goes, we didn't really get to see a plot plan, but we went off of Ed's recommendation based on the plot plan that he did some research on which was on file with the town and again came up with that six hundred square feet, is how the restaurant was drawn up to be so we would have sufficient parking based upon the town recommendations for the type of business, to be able to go in there, so that is how the business is going to stay, it's what the town allows and again, what we have gone over with Ed, there's sufficient parking for the business as of right now.

Ed Meehan: To answer your question, the approved plot plan or site plan on the wall shows 89 spaces. Some of those on the back, I'm not sure they are stripped, along the Kitts Lane side.

Anthony Taracana: Actually, the whole parking lot is stripped.

Ed Meehan: Is it?

Anthony Taracana: Joseph and I checked, yes, there are stripes everywhere, in the center of the lot, some of them are faded, they could probably bear to be repainted but definitely the whole lot is stripped, every aspect of the lot, also handicapped spots.

Chairman Hall: Any other questions. Again, on this, I don't see that there is anything that we would need to keep it open for, I mean, it's pretty much cut and dried, just a question of parking. Anybody from the public wishing to speak in favor of this petition? Anyone wishing to speak against it? Anyone here just to speak? Seeing none. Again, at this point, we won't have an answer on this petition this evening. Might as well stay there because you are also the next petition.

C. PETITION 05-08 – 2451 Berlin Turnpike, Joe Campopiano, 39 Buckland Street, Apartment 1233-3 Manchester, CT 06042, d.b.a. Mother Cluckers Chicken, Seafood, Steak, Ribs, LLC, David Kaye owner request for Special Permit Section 6.6 Liquor Permit Restaurant use, B-BT Zone District.

Commissioner Fox: Madam Chairman, before you begin, since I'm the CFO of the VFW which is right behind them, and serves liquor, I'm going to recuse myself.

Chairman Hall: Again, just state your name and address because this is a separate petition from the one before.

Joseph Campopiano: My name is Joseph Campopiano, address is 39 Buckland Street, Apartment 1233-3, Manchester, Connecticut 06042. The reason we are applying right now for a liquor license as well, as I said, we are going to be a family operated restaurant, it will not be a entertainment type of establishment where people come in to drink, it's not going to be an outside bar. We are just using it for people who come in and say, you know, they want a glass of wine, you know, they want a mixed drink or something, we will have that capability, to serve everyone who comes in the door. That's pretty much it for the liquor license, I just want to be able to accommodate everyone that comes in and I know that when I've told people that I'm opening, oh, are you going to have any liquor to serve, so I thought it would be a good idea to at least have the capability of serving people if they should ask.

Ed Meehan: You didn't provide us with a radius map, the radius in this zone, the Berlin Turnpike Business Zone for similar liquor permits, this would be a restaurant liquor permit, is five hundred feet from door to door, and I didn't prepare a map for the applicant but I did take a quick look on our GIS. I wasn't quite sure of exactly the spot that they were going to take, but the establishments in the vicinity that the Commission members probably know are the Mexican restaurant which is more than 500 feet away, on the other side of Citco, and then there is a new restaurant in the process of opening across the Berlin Turnpike in the northbound lane, where MotoPhoto used to be. That was granted a liquor permit when they came through for a restaurant permit. Now that I know where they are located, I can give you a better number on that, but it's probably a touch over 500. To the south and east, there is no other liquor establishments.

Commissioner Pane: What about the VFW?

Ed Meehan: The VFW is a separate liquor permit, as a club, so it's a different class. They have fraternal uses, club uses, tavern uses, this is a restaurant use.

Commissioner Pane: Okay.

Ed Meehan: I don't have that information, I didn't know exactly where their front door was.

Commissioner Schatz: It's not going to be a sports bar type of chicken place?

Joe Campopiano: No. It's, no sports bar, anything like that, just going to be family.

Anthony Taracana: The bar is going to be located in the kitchen only accessible to staff.

Ed Meehan: So this is all table service?

Anthony Taracana: Yes.

Chairman Hall: And it would be a full liquor, not just beer and wine.

Anthony Taracana: Correct.

Chairman Hall: Any other questions from the Commissioners? Anyone from the public wishing to speak in favor of the application? Anyone wishing to speak against? Anyone wishing to speak. That's pretty much cut and dried, and again, we won't give you an answer on this tonight, but I

don't see any reason to keep it open unless you want to do something with that radius, or we can do that behind the scenes as well. Thank you very much.

Joseph Campopiano: I have a quick question for you. Do you know what time table we have to wait.

Ed Meehan: This will go to the Commission's Old Business at your meeting on March 12th.

Chairman Hall: That would be the next time that we would review it.

Anthony Taracana: So it would be voted on at that point?

Ed Meehan: If the Commission is so inclined to vote that night, yes. They have sixty-five days from tonight, by state statute once the hearing is closed, the Commission has sixty-five days to make a decision.

Joseph Campopiano: Thank you very much.

Chairman Hall: Thank you for coming in.

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

None.

IV. MINUTES

February 13, 2008

Commissioner Pruett moved to accept the minutes of the February 13, 2008 regular meeting. The motion was seconded by Commissioner Fox.

Chairman Hall: I am going to abstain on this because I read them, but I wasn't here, so....

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

V COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

- A. PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 1,600 sq. ft. restaurant and 3,600 sq. ft. bank, PD District (Proposed.) Continued from February 13, 2008.**

Attorney Jacobs: Hi, Attorney Len Jacobs, actually I don't have anything to add tonight. You know we have had a few nights of meetings on this project, except that Ed has agreed with me that the, when it's published next time, the square footage will be as we discussed last time, but other than that, we have nothing to add to the presentation that we made over two or three nights.

So, I know that you are carrying it on the agenda, so we have to be here, but we don't have to take up your time.

Chairman Hall: All right, and that would be 1800 square feet versus 1600 which is what we have had, and that is what you are referring to.

Attorney Jacobs: Yes, and therefore the size of the building is a little bit bigger. That's correct.

Chairman Hall: Okay, is there anything that you want to add at this point, Ed?

Ed Meehan: No, I think the site plan is what they have presented. We have got that information, the boards are here, and they are available for Commission member's inspection and because of the, I don't want to get repetitive, but the last time that we talked about, this is going to be before you for a vote with the right in and the right out, without a traffic signal on Fenn Road. That's the way the layout is set up right now.

Chairman Hall: Anybody have any questions, any different from what we have had? Further explanation?

Commissioner Fox: Commissioner Pane at the last meeting had brought up a suggestion that maybe on the Cedar Street side that that would be a right out only. No entrance there. It's going to stay that way, right?

Commissioner Pane: I think what I did was, I asked why we would allow an entrance there, when we didn't allow one for the gas station.

Ed Meehan: The issue with the gas station was the right out, it's a right in, but the right out was problematical because of it's proximity to the right turn on red. This is only thirty feet further east, so, this is where you have three lanes, two westbound and one right turn lane.

Chairman Hall: That's it, no further questions?

Ed Meehan: I would just continue to carry this on your agenda because all these different parts of the site plan inter-relate with what we will call the master site plan. It's all contingent upon the Commission's feeling that you have the product that you want there, and you are willing to consider the applicant's request for a zone change to the Planned Development Zone.

Chairman Hall: So at this point your recommendation is...

Ed Meehan: I would continue this under New Business and there is another application, 61-07 which also relates to this project, hear that tonight and then between now and the next meeting you can tell me if you want to put it over to Old Business. We do have a time calendar clock we have to keep our eye on here, but I think you should at least hear the next petition and see how that relates to the overall project too.

Commissioner Pane: Have we seen any drawings of what the restaurant and the bank are going to look like?

Ed Meehan: Yes, they are right below here.

Attorney Jacobs: We presented those I think at the first meeting.

Ed Meehan: There are some in the packet too, there is a sample board.

Commissioner Pane: Is that a parapet on the bank?

Ed Meehan: Yeah, it's a utility well.

Commissioner Pane: That is going to hide the AC's?

Ed Meehan: Yes.

Chairman Hall: No further questions on that, we'll move on.

B. PETITION 61-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 124 room hotel, PD District. (Proposed.) Continued from February 13, 2008.

Attorney Jacobs: Thank you, again, Leonard Jacobs. On this application we do have some additional information to provide to you. We have gone, as Ed indicated to you, we've gone a long way on the project. You will remember that we have a zone change application, and with the zone change application we have a master plan of development. The master plan of development tells you that we are going to put a hotel over here, we're going to put the Starbucks Restaurant in the front, where, with the bank building, and we have indicated that, and that the third building will be retail. So, if you do approve the zone change, with the master plan of development, we will have to stick to the master plan of development. After the master plan of development, we have a special permit for the Starbucks because of the drive through, and then we have the implementation of the master plan of development with the site plan for the Starbucks, we just finished that application, and for the hotel. When we presented the hotel last time, I think we went through all of the aspects of the hotel, but issues remained regarding the appearance of the hotel. That is what we want to talk to you about tonight. Bob Smith is back, as you remember, Bob is the Director of Development for the company that wants to build this hotel on the site, and Bob has been able to have more communication and I'm going to let Bob explain to you where we are with respect to the hotel, and how Bob was able to move us to this point.

Bob Smith: Good evening ladies and gentlemen, my name is Bob Smith and I'm the Director of Development for Liberty Investment Properties. Address is 2200 Liberty Way, Maitland, Florida, actually it's cold down there, about thirty-five degrees tonight. Last week, or two weeks ago, we had discussed some of the images and some of the, how the building looked, laid out on the property. Through the discussions, requests were made for bump-outs, changes to the building and changes to the façade materials and at that time I was led to believe by the franchisor, Value Place, with the franchisee the owner operator and builder developer of the property that changes to the building were not possible. With that, I challenged the Value Place leadership, they pushed back on me, and said that the franchisee very rarely get changes. Went around them a little bit, started talking to some of the worker bees, and they in fact, the corporate people have done changes to their building. Yes, true they do push back on franchisees, but it is not unheard of to do changes to the building. With that, I have to stand corrected, I'm bringing forward this evening some changes to the building that had been recommended by the Planning Board here and we can go through those this evening. We met earlier with Mr. Meehan, and discussed some of the changes that we proposed, for both the façade materials and the bump out materials. We have some handouts there, if we could get those around, we can discuss them. This is the same image that you were seeing last week as far as color goes, as far as roof line goes, but what I have done, if you look closely at the lower, if I may, if you look at the lower elevation, which is called the right elevation, notice in the middle there is now a portico and a full bump out on that building. What this is doing is bumping out the back as seen as you come over the bridge, the same as the front and then on the end views you

will see it on the far left side, the end view that will be facing Cedar rather than putting an off-set as you see on the left one, on the right hand side of the building, that's an off-set, we have centered that right down the middle and put a portico on that end also that faces the street, so this diagram, this graphic here shows porticos on the front, the rear, and the Cedar side elevation. Through discussion with Ed, he thought it might be prudent to also include that same end elevation on the left side, or the right side of your page, so that all four sides have porticos and that both end views are centered with the bump out. What that does is changes the way that the exterior of the building laps over the rooms that are on one side and the stairwells that are on the other side.

You also see that the building incorporates a roof change that has a cupola on that roof. Right now the ordinance that has identified that building four stories is in compliance with height, the cupola, which could be referred to as a pertinent to the building, and in your rules, Section 4.4.3 allows for that flexibility of a cupola upon approval of your board. We would ask for that also in addition to the changes that we have made to the building. You will also notice that the bottom still maintains the water mark that would be consistent with Mr. Hayes' buildings, would be the gray cinderblock. The one thing that this shows that we discussed last week that doesn't show is the red brick. Mr. Meehan has a sample of that, the color isn't quite right on that, that's why we chose not to pass it around, but we do have a sample of the material that is color specific. That particular one with the brick does not have the shutters nor the water mark, that is the modification of another plan that we had done in Utah. What this would do is graphically represent the color that could be done with the brick, the red brick versus the tan brick. The red brick that you see, this would be the brick that would be represented on the red one, which would also be pretty close to what is the brick color on the remaining development. Last week you discussed the roof materials. It was discussed a green standing seam, or architectural shingle. What I would propose on this is an architectural shingle, that would also be the same as what is represented on the sample board. The trim boards that we would propose would be white. The siding would also be a light cream color, that would also represent a color similar to the rest of the development.

If you have any questions at any time, please ask, I'll try to answer anything that you may have about the building, about the operations, whatever you may need.

Chairman Hall: Anybody have a question?

Commissioner Schatz: What's under all this brick? What's the foundation, what are you going to stick it to?

Bob Smith: The, this isn't an adhesive product. This is a product that Nichiha people out of Georgia produces, and I have personal experience in cold climates, I'm originally from Minnesota, the epoxy adhered brick has difficulty with freeze, thaw and the epoxy that is not just the exact epoxy and the right application peels off, so what this is, is a clip on, screw on type of material. You have a metal plate that the Nichiha product which is a eighteen inches high, by six feet long, it's a tongue and groove product that is then screwed into the metal rails.

Commissioner Schatz: Okay, I understand that part. That wasn't, the question that I had was, what is under this?

Bob Smith: This is a stick built building. This is a wood frame building. Plywood.

Commissioner Schatz: Something like the one down in Berlin that burned down.

Bob Smith: This is going to be sprinkled. This building is fully sprinkled.

Commissioner Schatz: I'm just thinking of the safety of the people. Thank you.

Chairman Hall: Any other questions? The cupola, I'm assuming, is this rendition?

Bob Smith: That's correct.

Chairman Hall: Obviously it won't, that looks like a sticker that you just put on there.

Bob Smith: No, that is actually a structural member of the building, the trusses have been modified for that, and actually that would be structurally stable for a cat three hurricane.

Chairman Hall: Right, but I mean, it wouldn't look like that, that looks like something that was stuck on there to show us essentially where it would be?

Bob Smith: That's correct.

Chairman Hall: Okay, because on the left elevation it looks as if it is more towards the center of the building versus way here on the end.

Ed Meehan: You want it on the end.

Chairman Hall: You want it on the very end?

Bob Smith: No, that, actually would be as you would see it on the front and the rear, the long elevations, it's off-set, it's not laying right on the end of the building. End views can sometimes be deceiving from a perspective distance, it looks like it stacks up, so that is why you have to have all the different views, front, rear and both ends so that you can get a perspective exactly where it lays on the building.

Chairman Hall: That wouldn't be neon would it?

Bob Smith: No. It would lay in this location, flip it around in this location, looking at it from the end, that's how it would look, and this, this just got cut off here, but this would be looking at it from all the way across the building.

Chairman Hall: Okay, thank you. Anyone else? Now from what I read, this is going to be a franchise.

Bob Smith: That's correct.

Chairman Hall: And you will then sell it to someone who will run the franchise, it won't be corporate offices.

Bob Smith: No, this, we will be the franchisee, Liberty Investment Properties has the franchise trade units for 123 areas, the Florida market, in the Northeast, and Massachusetts, Pennsylvania, Rhode Island, and Connecticut, the Phoenix Arizona area, the Austin, Texas, San Antonio Texas, Denver and Salt Lake, and within that we will build and own and operate ourselves 120 Liberty Hotels. Both in conglomerate of the, the aggregate of corporate and all the other franchisees, the total will be about 680, 665 hotels total. There are about 70 of them up right now, it's a concept that is two years old, and in three to five years all of them will be built and operational.

Chairman Hall: Ten times what you have now.

Bob Smith: Yes, it will be national, coast to coast, border to border. We'll have about 120, we have about I think about nine that are open right now.

Chairman Hall: Nine nationwide?

Bob Smith: Yes. Phoenix we have open, a number of them in Florida and in Alabama.

Chairman Hall: Any other questions? Ed.

Ed Meehan: I did have the opportunity to meet with Mr. Smith this afternoon and the applicants, Mr. Hayes, Len Jacobs, his attorney and we went over some of these concepts. You know, I would just give you a summary of what we discussed and I think this represents what the Commission talked about at your last meeting, to move towards the red brick, which is called Newport brick, that is the sample shown here. That would be compatible with the Starbucks and the bank building. Black shutters, where ever feasible on the windows, that would be basically where the gables are located, center the gables on the north and south ends of the building and then having the protected entry on the north and south end, the porte cochere, those ends and then also a new gable on the back side, rising up to the roof to tie in that side with the porte cochere to break up the mass of the roof. Mr. Smith mentioned the water mark, to again be compatible with the building that is proposed for the bank and Starbucks. The white trim would be also compatible with the building nearby and the Navaho beige, which is the clapboard, so it wouldn't really as dark as the upper rendering, it would be closer to the red, more red brick, but again, we couldn't get it right on the print job here. I think, my biggest concern with this and we just saw this for the first time today is this request for this cupola, which is up to the fifty foot mark and the standards for your regulations is four stories, not to exceed forty-five feet, and we measure the height, not to the top of the ridge but to the mean of the gable, so without this cupola, this building meets your design height requirements. The cupola pushes it over that standard, and there is a section where the Commission can make exceptions for height modifications. There are three areas where you can do it, public and semi-public buildings, you have the right to go up to sixty feet, and business and industrial buildings with special types of equipment requiring special types of design, you know, like elevator shafts or chimneys or exhaust stacks, and the third area is for ornamental structures, church spires, shafts, stones, towers, cupolas may/exceed the height requirements when approved by the Commission. That is what the applicant is asking you to consider. My opinion, I don't think that this is something that embellishes this building at all. I think it detracts from what the applicant is trying to do, by breaking up the roof and making it look, I'll call it more New England. I don't think, this cupola doesn't serve a purpose other than being a place for a sign, and the building at four stories with the gable ends, the applicant could place wall signs up to almost a forty foot height, so I think the visibility will be there. The Commission within the last six months to a year has had to address this section for two other uses in Newington. One was Stew Leonard's, when that business came to town and they put up their silo. There was a request to make that a little bit higher. That was granted, but that was without signage. There is no signage on that silo. The second one more recently is L.A. Fitness where because of the businesses desire to have better visibility from the Berlin Turnpike, they asked to raise the front parapet. It's not a gable parapet, it's a flat wall. They went up to almost I think thirty-eight, forty feet with their parapet, but the Commission did not permit any signage up that high. They kept the signage at the standard height of below thirty feet, so there have been those two accommodations made without signage. I would respectfully disagree with the applicant that this is needed for signage. I think this building is going to be visible, and I think they have moved towards what the Commission asked of them as far as the gable on the back side, the east side, they have provided covered entries, they are working with you on the siding and the water mark, so I think they have come a little bit along, but I think this idea of a cupola on top is a step backwards.

Commissioner Pane: I don't think that is what we had in mind when we mentioned cupolas. Cupolas I thought, at least I had in mind a smaller version of something in white, maybe like two or three smaller ones. I didn't have a vision of this.

Ed Meehan: I didn't think that you did. You know, you see them as weathervanes, there is one over on Webster Bank, there is one over on.....

Commissioner Kornichuk: This looks like a shed, he said it would stand to hurricane three, it looks like a hurricane blew it up there.

Commissioner Pane: I am pleased with the other changes that they have made though.

Ed Meehan: I think they have been responsive to us.

Commissioner Pruet: I agree with the Town Planner about that cupola, it's a little bit too much. The changes that they have made are very good.

Chairman Hall: Anyone else?

Ed Meehan: I don't know if you are done with the architecture, but you were going to elaborate on the operations, we talked about that this afternoon. You gave me more information than I knew about, and I think it would give the Commission members a better understanding of how the guests are going to be accommodated here.

Bob Smith: I'd be glad to elaborate on that, and please, interrupt me anytime with specific questions if you have them. One of the questions that was asked, if a guest were to come, and they only wanted to stay for one night, if that would be possible. Our operations are on a weekly basis and a weekly basis only. We would turn away a guest who wants to stay for just an evening. Typically our guests pre-register, we have operational hours of Monday through Friday from, Monday through Saturday, from eight in the morning to six at night. We are closed on Sunday. The office is closed on Sunday, and it is closed in the evening. We do have three staff who live on site, for technical assistance if necessary, for late check-ins, if a guest happens to be pre-registered and after hours that's the only way that they can gain access, if they had pre-registration, they would ring the bell at the security door, and the attendant would then come down and finish, complete the check-in at an after hours time so that they could go to their room. The last time when I had discussed it, I had briefly talked about the make-up of our guests. The make-up of our guests was actually revealed to us at a franchisee retreat that Value Place sponsored to help us understand exactly this, our operations and the guests that we are looking for and the guests that typically use our hotel. This information actually was done as exit polls, in this time of election, exit polls are popular and this isn't estimated data, this is actual information. About seventy-three percent of our guests have some college or are college graduates; our make up is about forty-three percent, at least forty-three percent of our guests have a household income of \$50,000.00 or more; sixty-nine percent of our guests are male, thirty-one percent female; of that, the ages, seventy percent are between twenty five years old and fifty four years old; the racial make up is about sixty-eight percent white, seventeen percent African American, ten percent Latino and the rest is a variable of Asian and Native American. The type of working situations that the people are in, about twenty-five percent are trade or skilled labor, about sixteen percent are executive or management, eleven percent technical, which makes up about fifty-two percent. From there were have retired folks, military people, military is about six percent, and then to break the income down a little bit, we have about seventeen percent in under \$25,000.00, seventeen percent is between \$25,000.00 and 34,000.00; all the way up to about eight percent is over \$100,000.00, so we have broad range of mix of people. Everyone works in our hotel, we don't have welfare people. One of the things that I made very sure of in asking our leadership and asking our director of operations is the, do we rent to Section 8, or government subsidized people and we absolutely do not rent to Section 8 or government subsidized individuals. This is the general working public that we, that are our guests.

Commissioner Pane: How can you not?

Chairman Hall: How can you discriminate?

Bob Smith: We can choose our guests, who we are. What I'm saying is that there are many hotels that work with the government agencies and they go after the government agencies for renting their rooms to Section 8 individuals. We do not do that.

Commissioner Pane: What is your cost for a week on your lowest room?

Bob Smith: Our lowest room is \$299.00 plus tax.

Commissioner Pane: \$299.00 per week.

Bob Smith: That's correct. One of the reasons that we can.....

Commissioner Pane: And your most expensive room?

Bob Smith: The most expensive room is \$329.00 a week. One of the reasons that we can do that is that we don't have what the industry calls (inaudible). We don't have pools, we don't have restaurants, we don't have workout rooms, those things, and you have all been in hotels where you have seen them, the pool is nice, but do you use it? It costs on a nightly rate, or a weekly rate. The gymnasium costs, the restaurant costs, what we have done by not having all of these amenities is that we are able to keep our staff down, keep our overhead down, and to monitor lowest cost, cleanest, safest, and simplest. We are the simplest, we don't have all of these other things, that's how we keep our rate down.

Commissioner Pane: So if somebody from Central was coming in to see their kids, they were coming in for the weekend, they would not be able to stay there.

Bob Smith: They would have to rent for the week. That's correct, on a seven day basis. You will find though, often, that people will rent for the week, if they are going to stay at the Marriott or the Residence Inn, that may be \$189.00 per night, they may stay for two or three nights here, and financially be better off than staying at a Residence Inn, or some other type of hotel on a nightly, on a night to night basis, and they check out and just leave.

Commissioner Pane: So you will rent to them, but it's on a weekly basis, minimum of \$300.00 and they can leave whenever they want.

Bob Smith: As you can in any hotel. But we rent at the minimum of week to week, is what our rate is. We also, if a guest wants to stay longer than a week, they are required to re-register weekly. That means that they swipe their driver license, they fill out the applications on a weekly basis, so that we can monitor who is there. Every guest is registered. If they happen to have a friend over, they can't stay over night. It's the rule that they can't stay, they have to be registered guests. That's where we can monitor who stays there and who doesn't. That's important in a hotel to know who is coming and going. We're owner operated, we don't bring in a third party management company, second company management party, the people who manage the hotel are our employees. So that we can monitor them. Our hallways are all monitored, our public areas are all monitored by closed circuit television, our security people can at any time that they want, on the internet dial in through the passwords and monitor our management in the office, monitor our laundry room, monitor all the corridors. All of the corridors and exterior entrances, on each end there are doors and in the front and back there are doors, those are all key card entry

only. They are not open to the general public. So our guests have a key, their buddy doesn't. So that we can monitor who is coming and going at any particular time frame. Anything else?

Commissioner Pruett: Just a clarification, if I want to stay eight days, I have to sign up for fourteen days.

Bob Smith: That's correct, sir.

Chairman Hall: And do these rates vary from state to state, because I pulled up something on the internet that was a little bit different from the pricing that you mentioned, I think it was in North Carolina.

Bob Smith: Absolutely, they do change. We have hotels in Lakeland that I believe is \$239 per week, we have one that we are looking at in the Kissimmee area that is \$189.00 a week. It depends upon the area, what the area can stand, what the marketing can stand, we've done our background, Value Place Corporate has done a rate analysis of different hotels, income, apartments and similar type hotels area, and actually all hotels, not only similar type extended stay, but daily's also to understand what that rate is and the area that would draw on that rate.

Chairman Hall: And you charge extra for things like housekeeping and change of linen and that type of thing.

Bob Smith: If they desire to have a daily linen change, yes, the linen change would be weekly, as part of the normal weekly rate. We always ask, the question was posed to me, do you change your linen at home daily? Once a week I change my linen and that's also coincidental with the way that the weekly room cleaning is. One of the things that is unique about the way that we do housekeeping, is that when a guest checks out, hotels will take the sheets, pillowcases off the bed and clean the toilet rooms and whatnot, what we do is that we completely strip the room, take the bedcovers off, take the duvets off, everything, take them out and they are actually sterilized and sanitized. The carpeting after every guest is steam cleaned, the curtains are cleaned, everything is sanitized much more than you would find in a regular hotel on a daily basis. On a weekly, we can do that, but it is sanitized just as if it was brand new out of the box, every time a new guest comes in.

Commissioner Fox: Through the Chairman, that rate, is that per person, or for the room? Like if my wife and I wanted to go down and stay at the hotel in Kissimmee for a week.

Bob Smith: That would be for the, I had it written down here, let's say the \$299.00, if it's a one person room, it's a one person room, a double, it would then be \$339.00 for two people.

Chairman Hall: Any other questions?

Ed Meehan: I'm looking at a floor plan, now some of these are especially ADA compliant?

Bob Smith: That's correct.

Chairman Hall: And you have studios and doubles and that kind of thing, they are not all the same room.

Bob Smith: That's correct. We have, and I don't remember the exact mix, we have the studio singles, we have studio, we have doubles, we have a double sleeper. A double would have two beds, the sleeper would have a bed and a sofa. I don't recall of the top of my head what the mix is, but we do have a variety of those. We also have ADA compliant, in key locations right close

to the elevators. Make that elevator, singular, the elevator in the middle, stairwells at each end, so the guests can get in and out.

Chairman Hall: I think the Commissioner's have had their change to ask questions and we should be all set.

Bob Smith: Thank you very much.

Attorney Jacobs: I think this is all that we are going to present tonight. Thank you very much.

C. PETITION 02-08 418 Willard Avenue Udolf Properties owner and applicant attention Mr. Leonard Udolf, 2475 Albany Avenue, West Hartford, CT 06117, represented by HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, attention Frank Sova, PLS, request for site plan modification to construct a 31 space parking lot. PR Planned Residential Zone District. Continued from February 13, 2008.

Frank Sova: Good evening, my name is Frank Sova, I work for HRP Associates in Farmington, Connecticut. As I stated two weeks ago, my client wants to put in a 31 space parking lot to alleviate the parking problems at his apartment complex over on Willard Avenue. Since last time, the engineering department had been concerned, so we addressed all of the concerns that they had. One of them was that they wanted the elevations referred to the U.S.G.S. so made that correction. They wanted us to go further with our elevations to the east to make sure that the flow of water was broken at the right spot, so the drainage area would be the correct drainage area. We put a note on the drawing about capping the dry wells, I don't even know where those are but, and we added all the roof leaders on to see where they drain, these two at this end are going into a pipe which goes into an existing drainage system that we are refurbishing and making a lot bigger, and we are also adding a water quality unit to intercept any debris that may come out of the pipe from our new parking lot. We corrected the sidewalk thickness for the driveway and we did, instead of, there is a utility pole over here, so instead of having SNET or CL&P having to come out and relocate the pole, I kind of shifted the driveway over to miss it, so it kind of comes out just a little skewed. We put erosion control all the way around the property, what do you call it?

Ed Meehan: Silt fence?

Frank Sova: No, well we have a silt fence all the way around, but in the driveway we put, for the trucks, tires.....

Ed Meehan: Anti-tracking mat.

Frank Sova: Yes, so I think that we have accomplished all of the engineering department's concerns and hope to get your approval for this.

Ed Meehan: The revised plans were submitted yesterday afternoon with new drainage calculations so they are being reviewed now, but I was over on the site today and I know that the Town Engineer has been over there before. These plans do not reflect a brick garage that is right in here, and today at two o'clock the water was over the top of your shoes walking through the site, the walk area here, because the water gets trapped in the off site, two backyards, it comes around the back here, hits the back of this garage, and then flows over the top of the sidewalk. It's probably a half a foot deep down in here. Then it sort of makes it way to a yard drain that could be clogged, it's not working that well.

Frank Sova: That is quite clogged.

Ed Meehan: And then this sidewalk over on this side is covered with water. Now part of that could be because of the slush on the ground, but basically the concern of the Engineer staff and myself is that when this is raised, when this site is raised, that water, in combination with this garage is going to, this is going to act as a dam and the water is either going to back up into these yards or it's going to flood the sidewalk, so the people who live here are going to have an icing problem all year round, or whatever. So, there may be a need to have a high point here, with a basin on this side, pick it up before it gets in here, or a basin over here tying into this basin, because this house is higher than that. Even when there isn't heavy rain, there is always water there and the parking lot is certainly warranted, but you have to displace that water so it has to be controlled.

Frank Sova: You can't see the spot elevations I put on here, but along the property line, just on the other side of the property line, it's a little bit of a wooded property line, the spot elevations along the property line are higher than the top of the curb in this area, so the whole thing, that's why I shaded the green here, shows the limit of the work, so that all this is going to drain to the catch basin. So we are going to alleviate the ponding problems that is over here now. Over in here now, there is kind of a little low spot in here.....

Commissioner Pane: You are going to pitch everything over to the front?

Frank Sova: Yes. Everything will be pitched to that catch basin.

Commissioner Pane: That's not going to work.

Ed Meehan: Well, I'm going to let the engineer give you the technical review, but normally that is kind of a long run for that much water, and it doesn't address probably the question about the water coming onto this site from the properties to the east.

Frank Sova: It's about 210 feet.

Commissioner Pane: 210 feet, that's a long way.

Ed Meehan: A gutter on a highway is 300 feet, normally

Commissioner Pane: You are going to have icing on that, it's going to ice up.

Frank Sova: Well, this thing is pitched at almost five percent, and it's about one percent coming this way.

Commissioner Pane: No big deal, just go around the catch basin on the back to catch all the water from the back.

Frank Sova: The problem with that is because the thing is so flat, I mean there's not enough pitch to go into this catch basin.

Ed Meehan: For your flow line?

Frank Sova: For the whole thing, and this was put in at a half a percent. This new pipe, right now there is an eight inch pipe in there, that drains this area, okay, we're putting a fifteen inch pipe in, we're going to double the size of the pipe at more of a percentage of grade. Right now there is

an eight inch pipe in here, at .37 percent, and it's clogged. It's full of dirt, and it still takes away the majority of the water. We're going to put in a fifteen inch pipe, at .5 percent, so.....

Ed Meehan: I think you sat down with Mr. Ferraro last week.....

Frank Sova: An associate of mine has, and I talked to him on Thursday, I believe.

Ed Meehan: With the new plans being submitted yesterday, and the observations that were made today, maybe between your engineer and him you could work out the issue, the concern about the water coming onto the site. If there is some way to intercept it, all to the better, but I don't know how, I understand the flatness of the property, and that is why the water is just sitting there right now....

Frank Sova: Well yes, it's sitting there now because it's a little lower in this area than the drain,

Ed Meehan: The yard drain.

Frank Sova: The yard drain is up higher than this area here. There's ponds over here in back of the sidewalk because it is lower than the sidewalk. What we propose to do is make everything flow instead of pond.

Ed Meehan: Okay. Well, that is the comment that I wanted to bring to you from the engineering staff who looked at it quickly, and also in the field, but they will review the plans and they will get it worked out, and the geometry of this, as far as the size of the parking spaces, that part is all fine. It's just this issue of making it flow.

Commissioner Pane: What kind of lighting are they going to have Madam Chairman, on this?

Frank Sova: The lighting? All the rest of the parking lots that he has down there and I think that there are three other ones, is lit from a light on the building, and he will do the same thing here. This plan doesn't show, we are going to put a bunch more trees in here, and landscape. The green area is all going to be landscaped, or grass.

Commissioner Pane: I think they need to show the landscaping and the trees.

Frank Sova: It's on the these plans in here.

Commissioner Pane: And the lighting is shown on the plans?

Frank Sova: There is a note on C-1, it says, parking lot lighting to match that of existing parking lots attached to the buildings, and I think sheet four is the landscaping plan.

Chairman Hall: Now these buildings are north/south, is there an east/west building over here?

Frank Sova: There is a one family house here.

Chairman Hall: That's where the little house is, that Udolf just bought.

Frank Sova: Yes.

Chairman Hall: And that is going to remain, you aren't going to take that down and put parking there.

Frank Sova: He tells me that he is going to refurbish the house, which I have seen his guys over there doing, and is probably going to rent it.

Chairman Hall: So your lighting for here, if you have just a house, and you have north/south buildings, the only lighting that you would be able to have from the building would be these two.

Frank Sova: The ones from this side are aimed at an angle to not be pointed right at, directly north/south, they are angled.

Chairman Hall: No, but what I am saying is that you only have a light source from this side, you don't have one from here.

Frank Sova: These are only from one side also. I mean, if that is an issue, we can definitely put some bollard type lighting on the other side, or we could put bollard type lighting, I was just trying to keep everything uniform. And the grading thing too, I'm trying to match about what is there, just to take the real low spot out of this thing, I was just trying to keep the excavation down to a absolute minimum.

Commissioner Niro: I would like to see you clarify the caliper's of the trees that are going in there.

Frank Sova: I think they are three inch maples.

Commissioner Niro: Well, you can't buy them that way, you buy them two and a half to three or three to three and a half. It's a big difference, because I've seen it a lot of times where you call for three inch caliper and they go out and buy two and a half to three and put in the smaller caliper so if we're going to maintain sizes of plants going through the town, we have to be consistent.

Frank Sova: Which would you prefer?

Commissioner Niro: I would like to see the bigger ones, three to three and a half.

Frank Sova: We can do that.

Commissioner Niro: And then the grass seed, you have one pound per thousand square feet, and you should be using around seven per thousand in order to get a good grass establishment, so I think those two things have to be changed.

Frank Sova: Okay. That is a minor problem.

Chairman Hall: Other questions?

Ed Meehan: As I said, the engineering staff is going to be looking at this. So the radius is going to be okay, that pole is going to be far enough from your, back of your driveway coming in there?

Frank Sova: Yes, we increased that, we had the ten before, we increased it to fifteen. I talked to Mr. Ferraro about putting the catch basin here, he said that's fine.

Commissioner Pane: That's not going to be a sight issue? Sight line?

Frank Sova: Absolutely not.

Ed Meehan: The utility pole?

Commissioner Pane: Yes. Could that be a sight line issue?

Ed Meehan: I don't think so.

Frank Sova: It's back far enough from the existing road.

Ed Meehan: I didn't check that in the field, so the fire hydrant is okay, you're not messing with that, right?

Frank Sova: No.

Ed Meehan: I mean, you've got two expensive utilities on the side.

Frank Sova: Yeah, moving the pole is more of a time issue than it is anything else. I mean, we could have this whole thing done and the pole wouldn't be moved. I happen to go through Southington a lot, and when they were widening Route 10 and the poles were paved around for six months before they started to even more them. CL&P and SNET, they don't cooperate too much, so if we can avoid moving a pole, we certainly would want to do that?

Commissioner Pane: Sidewalks to the pavement?

Frank Sova: Pardon.

Commissioner Pane: Is there going to be a walkway to the pavement for people?

Ed Meehan: There should be a handicapped ramp I think you show, right?

Frank Sova: Yes.

Chairman Hall: Anything else? I think before the next meeting we should all go out and just take a look at this, now that we have had these plans. That pole will be crucial.

Ed Meehan: If you pull into the driveway of that little yellow house, that's the best place to park and then just walk over because there is nobody in there right now.

Chairman Hall: And this will be to the south of the house.

Ed Meehan: To the south, yes.

Chairman Hall: Currently it's all grass area, right?

Ed Meehan: It's all seeded, yes.

Frank Sova: It doesn't drain because the existing drain is too high, that's the basic problem and the eight inch pipe is full of leaves.

Chairman Hall: Thank you for your presentation.

Frank Sova: Thank you.

VII. OLD BUSINESS

- A. **PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111, owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone. Public hearing closed January 9, 2008. Sixty five day decision period ends March 14, 2008.**

Chairman Hall: I have to recuse myself from this.

Commissioner Correll moved that Petition 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111 owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone be postponed to March 12, 2008.

The motion was seconded by Commissioner Kornichuk.

Commissioner Correll: One thing I think we should discuss here before we vote, going back to that blasting, the big question on the blasting up there of the street and the houses and basements. Would the Commissioners like to comment on that?

Commissioner Fox: Well I think during the last couple of meetings we all have agreed that ideally all the blasting should be done at once. Maybe the blasting shouldn't be started until the properties concerned are dealt with, and of course, pre-blast surveys taken, so....

Commissioner Schatz: I agree, the blasting I think one of the comments on the field trip out there was well, they don't know when they are going to sell the houses, but I think they won't have any problems selling these houses personally. It's a nice location and I think if the blasting could be done, in regards to that lot up there where the swimming pool is, so we wouldn't damage that, get it all done at once.

Commissioner Pane: Would they be allowed to sell the two front lots?

Ed Meehan: Yeah. They could, since the last meeting, I've had conversations with the applicant's professional surveyor and another one of the investor's I guess, in this project, and what they recognize that they need to do is to blast this, get the upper part of the site set first, that would be for the road and the four lots up on top, and get that major blasting out of the way and rough grade and stabilized, but they would like to be able to go ahead with the two lots which have frontage on Culver Street. There is really no site work that needs to be done on those lots. Get the subdivision approved and recorded, so that they have buyers, that buyer could come in and file a plot plan, get a building permit or there may be someone interested in taking the old house down and putting something there. The way that I would recommend that this might be done is that the upper part of the project, the new road, and all the work associated with that be bonded up front, and that way the town has the assurance the subdivision is going to get done and gives the developer the latitude to get those two lots to market faster. The one thing that it does do depending how fast they can move, and I certainly agree, those two lots will go pretty quickly I think, is the concept, the idea of trying to use that as a haul road area. If they have active buyers, we don't want trucks going through their back yard, so that option would be go out to Rockledge and not go out to Shady Hill.

Commissioner Pane: But it's only two houses away....now they might be able to utilize a lot of the rock fill on site so they won't have to haul it away.

Ed Meehan: The, I think it's Lot #3, the one on the west side, not the steep lot, the one next to it, is going to require some fill so they may be able to use some of the rock there.

Commissioner Pane: Plus even the real deep lots there, isn't there some ups and downs....

Ed Meehan: It depends where they site the houses.

Commissioner Pane: So it is possible that they would have minimum.....

Ed Meehan: I don't think it's going to be a balanced job, but the amount of rock may not be as severe as we think. But our main concern is, once it is all recorded and approved is to work with whoever is going to construct this to have good construction management practices to get it stabilized as quickly as possible, Mike said the pre-blast, make sure the neighbors aren't disrupted, and get the site buttoned up. The analogy that I would use is the experience that has been down on Trotter Lane, which was pre-blasted, from what I understand, binder put in, some lots were sold, but the other cellars were blasted, and it's ready to go, and that's the way that this thing could be handled too. I was away last week, I just found out that there are some more comments that went to Al Bongiovanni just yesterday or the day before which are mostly technical and between now and the next meeting I think we can get all those squared away, so we can have a motion on the table for you.

Commissioner Pane: That would be good.

The vote was unanimously in favor of the motion, with six voting YES and one abstention (Hall.)

B. Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill CT 06067. Hearing closed January 23, 2008. Sixty five day decision period ends March 28, 2008.

Commissioner Kornichuk moved that Petition 54-07 Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill CT 06067 be postponed to March 12, 2008.

The motion was seconded by Commissioner Schatz.

Chairman Hall: Discussion?

Commissioner Pane: I have a question for the Town Planner. One the 300 foot radius, on the project to the north, was a building permit taken out for that last site on that last building, or not?

Ed Meehan: There are seven units to the north of this proposed drive through restaurant, seven units in two structures. One of the structures has three units in it, and the building permits have been taken out, putting a foundation for those three. Across the street, there is a structure with four units in it, and no building permits have been applied for. The Toll Brothers practice is to take a building permit out when they get a deposit on one of the units in the project area, but not to exercise or do any work on the actual construction until they have deposits on all the units within that particular structure. The project manager up at Toll Brothers had told me about the building permits, they were taken out back in November, but they have no real schedule to do anything until they get the other deposits in place. Plans have been, you know, standard plans for all those units look pretty much the same, so the building department would be ready to go with those, but I don't think they are going to be asked to be exercised, not yet anyway. I copied

for you the minutes and the regulations that were in place prior to the new changes being made by the Commission. Language of issue here is this 300 foot interpretation, that's Item D and that's really where we are with this right now, the applicant has revised the site plan, they came before you with a crushing permit, technical part of the site plan have been addressed. This is where your interpretation of this is, will be needed on this project. Any adjacent residences, the attorney for Mr. D'Addeo gave you information from his point of view, there is really no other guidance in the regulations, you don't have any definitions that put a time frame on this. It says any adjacent residences.

Commissioner Kornichuk: Say we were to approve this, and once they build these other houses, doesn't that make this a non-conforming, isn't it part of this Commission that we don't do anything that's somewhere down the road makes it non-conforming?

Ed Meehan: Well, it depends, if this was up and operating before those were built, then they would be non-conforming. If they were up and operating before this was approved, or this was opened, the restaurant would be non-conforming.

Commissioner Pane: They have approved plans.

Ed Meehan: They have approved plans.

Commissioner Pane: So it's.....

Ed Meehan: And they have three building permits, three of the seven building permits. The residences, are they there, no, are they going to be there, in all likely hood this project is going to be built out, and the utilities are in the road, and the foundations are ready to go, it could be weather dependent, it could be having to have a couple more deposits on the two other units, but I doubt Toll Brothers is going to leave that end of the project not completed. So, this is the interpretation, that's why you guys get the big bucks.

Chairman Hall: So if they came back for approval, they don't have to because they have already had that section approved as part of the project? So there wouldn't be the issue of non-conformance.

Ed Meehan: No, Toll Brothers is one hundred percent approved. They weren't done, they did the whole thing basically in one phase.

Commissioner Schatz: So would the restaurant be non-conforming?

Ed Meehan: Well, this is really peculiar, we've never had this, let's say that you took it that the residences are not there and so you approved the Special Exception for the restaurant. The restaurant gets constructed, or gets into construction this spring, it's up and operating and gets a c.o. by say, October, and then the residences don't get their c.o.'s until November, well, the restaurant is legal at that point, again, my interpretation, legal non-conforming. In fact, if you interpret this to approve it, it may be just legal, it may not be non-conforming because you are saying, I think, by your interpretation because the residences aren't there, it's not an issue at this point. They aren't physically there.

Commissioner Schatz: But what if the residences were there before October?

Ed Meehan: I haven't got a black and white answer.

Commissioner Schatz: No, I know it, I'm just trying to wrestle with it a little bit, be fair all the way around.

Ed Meehan: Both of them could be there sooner or later, I think. I shouldn't say both, I know one, I know that Toll Brothers will be there, sooner or later. Both depends on this Commission.

Commissioner Pane: I was just going to say, you have to determine whether or not this complies with our regulations, and if it doesn't, is there any special circumstances, and I would say that one special circumstance would be that the elevation is at such a high degree there, that I don't think that it is going to be an impact on the residence. I would say that there is such a huge difference in elevation, that would be, that could be a special circumstance for this Commission to allow this. Just to throw that out.

Chairman Hall: Just to play the devil's advocate, we at this point are under the assumption that there is a certain type of restaurant that is going in there. If that doesn't prove to be true, if circumstances are that they end up selling the property, someone else goes in there with a different type of restaurant, and all of a sudden, it's a restaurant that has a distinctive odor, that goes up and out, are we going to have trouble down the road with the residences being that close, with a restaurant that we didn't think was going to be there, but ultimately ended up there.

Ed Meehan: Well, one way to, if I could interject, one way to maybe safeguard against that is your approval be specifically for the application before you, which is a Tim Horton's, and any changes to that would have.....

Chairman Hall: They would have to reapply? So we could be able to be that specific?

Ed Meehan: I think you can, because they presented to you their operations.

Chairman Hall: Exactly, and that's what we have been going on, that assumption that that is what it is going to be.

Commissioner Fox: It's not like we are talking about something like on Harris Drive where you had one residential type thing and then, or like Pulte, okay, they switched ownership in mid-stream, a little bit different thing there, but bearing with Tim Horton's restaurant, I think what Ed said is quite apropos. If we have an application from Tim Horton's, and we approve an application for Tim Horton's restaurant with a drive through, then if anybody else wants to, you know, Dunkin Donuts, or Mother Cluckers wants to go over there instead, you know, then they would have to come back I would think.

Chairman Hall: And at that point we could establish it on its merits and by then who knows, maybe the buildings will be there. But we could be that specific?

Ed Meehan: Yeah, your approval is for a drive through Tim Horton's, that's the whole geneses of the special exception. I mean there is nothing to say that you couldn't get a different type of restaurant in there and they could eliminate the drive through and you could get a sit down food service restaurant and the emissions could be a problem, but at that point, that party would have to come back and you would want to be extra careful about that being a problem, being a nuisance to people, up wind, so to speak, no matter what it was.

Commissioner Pane: If you could determine that it was from there, and not Wendy's or somewhere else.

Ed Meehan: Yeah, and we hear complaints about Bertucci's, the smoke. Some people don't have a problem with it, some neighbors do, some neighbors have problems with the International Coffee place down on Louis Street.

Chairman Hall: Omar?

Ed Meehan: Omar is over, we hear about that one too, but another one, Sarguzzo.

Commissioner Pruet: Same with Krispy Kreme, too.

Ed Meehan: But that is one of the roles of this Commission, you try to avoid those nuisance situations, and I think through the special exception process you could sort of safeguard some of that. Give you another look at it anyway.

Chairman Hall: As long as we have that as a window, that makes me feel a little bit more comfortable. Any other comments, questions?

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

C. PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067. Sixty five day decision period ends March 28, 2008.

Commissioner Schatz moved that PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067, be postponed to March 12, 2008.

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

D. PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone. Hearing closed February 13, 2008. Sixty five day decision period ends April 18, 2008.

Commissioner Pane moved that PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone, be postponed to March 12, 2008.

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

- E. **PETITION 57-07** 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed.) Hearing closed February 13, 2008. Sixty five day decision period ends April 18, 2008.

Commissioner Fox moved that Petition 57-07 - 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed) be postponed to March 12, 2008.

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

- F. **PETITION 01-08** Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 6.4 Removal of Earth Products and processing on-site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067. Public hearing closed February 13, 2008. Sixty five day decision period ends April 18, 2008.

Commissioner Pruettt moved that PETITION 01-08 Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 6.4 Removal of Earth Products and processing on-site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067 be postponed to March 12, 2008.

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

VIII. PETITION FOR SCHEDULING (TPZ March 12, 2008 and March 26, 2008.)

Ed Meehan: There weren't any listed at the time that the agenda went out, there are three that have been received since last week. One is for Sam's Store, Sam's Club for a package store permit; the second one is a request for a zone amendment to the regulations to reinstate interior lots, and the companion application to that is a special exception petition for 179 Meadow Street for approval of an interior lot. That's what we have right now.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Fox: Ed, have you heard anything else on Malcolm Arnold's project?

Ed Meehan: I hear rumors, I have not talked to Mr. Arnold directly to verify it, that they are, Highland Market is committed to a letter, or signed a letter of intent. Cannot substantiate that, but that's what I hear.

Commissioner Niro: Where is this going?

Ed Meehan: The old Foodmart.

Commissioner Correll: I heard the same thing, Ed.

Commissioner Fox: That's strange because according to rumors, they dropped out almost right away.

Chairman Hall: Well there were three of them at the beginning, and it went in favor of another one for a while, and then they backed out.

Ed Meehan: The plans for the bank have not been filed with the Building Department, so they stopped, well, I'm glad they stopped their site work. It's not the time to be doing site work.

Commissioner Fox: What do you hear regarding the Lowe property? Are they.....

Ed Meehan: The property was transferred, and the developer's traffic engineer which is a firm out of New Hampshire has been working to address some of the comments the State Traffic Commission staff issued on the preliminary review and so they have to, what happens when you issue a report to the State Traffic Commission, they give you comments back, and they stop the clock, so to speak, they have a time clock, but they will shut the clock off and say, you have 120 days to respond and if you don't respond in 120 days, then the project is considered basically dead. So this project is still within the time frame of providing STC probably traffic counts, background information, to satisfy that issue. I have heard that they revised the plans to take them to the next level of construction drawings. I haven't seen them.

Commissioner Fox: What about 57 Church Street?

Ed Meehan: 57 Church Street is going to hearing a week from this Friday or two weeks from this Friday.

Chairman Hall: Is that the lot?

Ed Meehan: That is the Manning interior lot.

Commissioner Fox: It was the last interior lot, and we denied it, and it ended up at the Human Rights and Opportunities Commission.

Ed Meehan: It is scheduled for a court hearing, I think it is in two weeks. Dave Griffith still has the case, Steve Nassau's office still has that case. The briefs have been filed, I had to give a deposition, provide the court with a lot of information. They have switched attorneys, the plaintiff is not using Mr. Sabatini any longer, he is using an attorney I think from East Hartford. So it will be a very interesting case.

Chairman Hall: Is that going to be in New Britain Superior Court?

Ed Meehan: Yes. I don't know who the judge is yet, but I think Dave Griffith did a very thorough job in his brief, and we will keep our fingers crossed.

Chairman Hall: Any other remarks by Commissioners?

Commissioner Pane: I have two. Do you have an update on the major engineering failure down at Sam's for the underground drainage?

Ed Meehan: Can't give you the real technical reasons, I know building staff and town engineering staff was down there, they took pictures to photo log it, they contacted the project engineer, who used to be part of that, from Fuss and O'Neil, apparently she explained everything but how they were going to fix it in her response. Obviously what happened was the water table popped those out of the ground. The excessive water table, they had tried to keep the pipes sanitized, by closing the ends so that they wouldn't get all the muck in there, well they created just a buoyancy factor. With the heavy rains, several of them popped. So Tony Ferraro put in writing to Fuss & O'Neil who are the engineers of record, how they are going to get those back in the ground and get them correctly in the ground, because they were all set....

Commissioner Pane: They will have to be taken out.

Ed Meehan: Well, probably I don't know how they are going to do it, but they are set with a transit, it's like a galley system that they all are flowing, and they may well have to be taken out.

Commissioner Pane: Oh, there is no question about it, you can't, there is no other way to do it and I think everybody is pointing a finger at everywhere else.

Ed Meehan: They had three and a half feet of fill on some of those plus crushed stone. It was the parking lot base. So it was a lot of water pressure. They miscalculated that one. It could set them back months.

Commissioner Pane: The other question is, over on Willard Avenue, the new business condos over there, there is one tenant there with an unbelievable, huge sign, lit.

Chairman Hall: Rosenberg Orthodontics. That red one.

Commissioner Pane: That can't be the uniform sign for the whole complex, can it?

Ed Meehan: Is that the one under the façade?

Commissioner Pane: I thought that when we put buildings like that up, it's all uniform signage and stuff, so why is that sign like that, and who approved it?

Ed Meehan: Well, the location of the sign is per the site plan, it had to be that location. The next tenant, he's got the south end of that building, there will only be one other tenant in that building. That tenant's sign has got to match his. They have to be uniform in that respect.

Commissioner Pane: And, every other building has got to be uniform. Every building has to be uniform in fashion.

Ed Meehan: Right.

Commissioner Pane: Okay, but I don't think every building is going to be like that. He's got it on three sides. Front, side and the rear, did this Commission or did.....

Ed Meehan: No, it was approved, not by this Commission, it was approved by the Zoning Enforcement Officer as part of the site plan process.

Commissioner Pane: He approved that?

Ed Meehan: Yeah, he looks at the elevations and he looks at the box that says three by eighteen, and the placement and then the uniformity and we can't dictate color, we can't dictate the style of the letters....

Commissioner Pane: Size, uniformity, size and uniformity we can dictate and there is no way that everybody is going to have signs like that.

Ed Meehan: I don't know about that, we don't know who the tenants are.

Commissioner Pane: Well, he should never have approved any sign on that building unless he had a sample sign from the builder on what the signage was going to be for every tenant.

Ed Meehan: Well, what we have is a master sign plan that shows the location of all future signs and where they are going to go, so that we know that they are in the parameters of the square footage allocations. That includes the ground signs as well as the wall signs.

Commissioner Pane: Does that show what they are going to look like?

Ed Meehan: Well, we don't know who the tenants are going to be, but this shows the location and the size. Now are they going to be that tilted lettering, that's the uniformity issue....

Commissioner Pane: You have residences right across the street, I don't know if anybody else has seen that sign, but that's a blunder, for the town to approve it.

Ed Meehan: I haven't seen it at night, is it lit up?

Commissioner Pane: It's lit up, in big red letters.

Ed Meehan: It's back lit, right? Or is it reverse lighting, I haven't seen it at night. I'll look at it. There was quite a bit of issue on the amount of square footage that tenant wanted, because he is taking more than seventy-five percent of the building, so he argued that he should have at least seventy-five percent of the signage.

Commissioner Fox: Well he may have a point there, and square footage is one thing, but the type of sign.....

Ed Meehan: You're saying it's not so much the color but the style of the lettering, or because it is lit?

Commissioner Pane: Well, number one it's lit.....

Commissioner Fox: It's garish. That's what it is.

Ed Meehan: It's not the quality that you wanted in there.

Commissioner Pane: It's big, bright, red letters, lit.

Ed Meehan: I'll drive by it tonight, I haven't seen it lit.

Commissioner Fox: You know Grove Hill Clinic, it looks good compared to that.

Commissioner Pane: Yeah, Grove Hill looks nice compared to that. I'm serious, you remember how much this Commission had a problem with Grove Hill, well, Grove Hill is nothing compared to this one.

Ed Meehan: I'll have to, honestly I have not seen it at night.

Chairman Hall: Any other remarks by Commissioners?

XI. STAFF REPORT

Ed Meehan: The summary of the zone changes, that I put out in the last packet, if any Commission members want more detail or elaboration on those I'd be happy to share that with you. I have zoning regulations for the Commission members who were not able to be here last meeting.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary