

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

January 13, 2010

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

**I. ROLL CALL**

Commissioners Present

Commissioner Anest  
Commissioner Camerota  
Commissioner Casasanta  
Commissioner Hall  
Commissioner Pane  
Chairman Pruet  
Commissioner Schatz  
Commissioner Aieta  
Commissioner Lenares  
Commissioner Carragher

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

Chairman Pruet: Before I conduct the first item for our public hearing, I'd like to say that we've had a special meeting prior to this one to discuss the first three sections of our Plan. It was very productive and we are going to continue that until we review the entire plan. At that time, our intentions are to publish our findings on the web, we will post copies of the changes and we will have another meeting in the Council chambers to discuss that and get further input from the public.

**II. PUBLIC HEARINGS**

**A. Proposed DRAFT 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from December 9, 2009.**

Chairman Pruet: Ed, any comments on our proposed draft plan?

Ed Meehan: No Mr. Chairman. I think as you just reported to the audience, the Commission is going to continue to work your way through this, the second draft that was put out for public hearing back in October, maybe take another couple of meetings, we will then do a comprehensive re-write of draft three and make that available to the public, make sure that the Town Council is up to speed on draft three, and give everybody another chance to comment on this. I think maybe two or three more meetings we can get this in the shape that the Council and the Town Planning and Zoning Commission are heading to.

Chairman Pruet: Very good, thank you. Okay, anyone from the public wishing to speak on this item? You could come forward, state your name and address at the microphone.

**B. PETITION 29-09 – 451 New Britain Avenue, Gianni DiDomenico, 257 Stillmeadow Lane, Berlin CT 06067, applicant, Newington 451 LLC owner request for Special Exception Section 3.2.6 School for Cosmetology Training, B-Business Zone District.**

Chairman Pruet: Ed, any comments?

Ed Meehan: The applicant has applied for this for licensing requirements with the State of Connecticut to have cosmetology training there, I hope that the applicant is in the room, and he is here to explain the number of students, their training requirements and hours and when I met with the applicant, and wanted to know how this would work along with his other clients, as well as the parking in this plaza, that's the key thing. It's the plaza next to Seven-11, and Public Market is to the east of it.

Chairman Pruet: Okay. Would the petitioner please come forward and state your name and address at the microphone.

Gianni DiDomenico, 257 Stillmeadow Lane, Berlin, CT: I have a Sculpture Salon business in Newington for about the last eighteen years. I am looking for permission tonight, we have opened up a new store and built a new plaza at 262 Brockett Street, which we will be relocating our existing salon at 451 New Britain Avenue over to our new store on Brockett Street and what I would like to do with our existing salon is turn that into a training center/cosmetology school but I need approval from the town in order to go forward with the State of Connecticut. It's going to be limited to about five students, and one to two teachers. So there will be about seven people total. Usually a cosmetology school, in the first half of the semester, the first six hundred hours, they don't accept clients, they aren't allowed to work on clients. The second part of their schooling, the school does allow, by the State of Connecticut to accept clients. Again, that depends if people do come, we do have existing slots in the business over there and will be driving most of our clients to the new salon. So therefore we would be using about seven parking spaces total and it is an existing salon right now, we do have nine employees at that 451 location, and at max capacity, we have about sixteen people in the salon when we are very busy, so I'm probably reducing the parking spaces, if that is a concern to the town, probably by more than half. So I don't see that it would be a problem, because it is going to be half of what we are doing now. And I do ask, with all due respect to the Town of Newington, and the Council, I'm on a time line with the State of Connecticut, actually within the next week, the next couple of days, by Friday, I need to submit my paperwork, just getting an approval by the town, in order to go forward with the cosmetology school. The State of Connecticut meets every three months. I tried to get here in November, but there was bigger projects going on in the town, which was fine, so I got bumped up to tonight. So all I ask is if it is possible if we can move it to Old Business and maybe get an answer tonight so that I can submit my paperwork, at the latest by Friday because I need a fourteen day grace period with the State. If I don't get that date, the State will push me all the way to the first week in May, therefore, I don't have the finances to hold onto the plaza where I am and maintain the rent, and I don't want to see that store closed down because that plaza is already getting to be vacant, and if we shut that down, then I don't know what will happen for three months and then it's kind of like another empty plaza. If it is possible, like I say, to discuss after, however I have to go about it. If you could move it to Old Business I would appreciate it.

Commissioner Lenares: Ed, is this one of the applicants that got moved from the last meeting, that got bumped, we moved a couple of them.

Ed Meehan: Yeah, with the long meetings that you had in the Council chambers back in November.....

Commissioner Lenares: This is one that got bumped off?

Ed Meehan: Yes, and then we had one night where there was a crowd and everything got shifted, so, this gentleman, as he said, was on your agenda and then got pushed out to tonight.

Chairman Pruet: We will try to accommodate you, we'll discuss it and try to accommodate you. Ed, any comments?

Ed Meehan: Well, I think the applicant has addressed the concerns that I mentioned to him when I first heard about the application, because I wasn't sure whether they were going to have clients coming for salon services as well as the training and he has clarified that the majority will be for training. I guess the other question that I have and I know that he put some information forward to me is the number of hours that your students will be there during the day and the length of the training?

Gianni DiDomenico: The time frame of a student going to the cosmetology school is roughly anywhere between nine and twelve months depending on them. If they show up at 8:30 in the morning and come to school until 4:30, that's basically what the school hours will be, between 8:30 to 4:30. If for some reason that student doesn't show up for one or two days a week, then yes, it stretches out their term, going to school. They have to accumulate a total of 1500 hours in order to be certified by the State of Connecticut.

Chairman Pruet: Can you explain the parking again, why it's going to be deleting the number of spots out there.

Gianni DiDomenico: Okay, right now we have nine employees and the service stations are nine, existing and if there are nine employees working on a Thursday night, or on a Saturday most of the time, each one has a client so at any given time it's pretty much full capacity. Student wise, I probably will only be taking a limit of five students, at that time, will have one teacher and maybe one assistant so therefore, and they won't be accepting clients and if there are any clients, it will be maybe someone's grandmother or something, just to practice for training.

Commissioner Camerota: Two questions, will you have the facility or the space to accept more students if you choose to in the future?

Gianni DiDomenico: In the future, my hope, to be honest with you, is to look for another spot in the Town of Newington and maybe grow the business even more. The whole objective is, we built a plaza in the town on Brockett Street, you guys are aware of that, and we wanted to keep more business going so we decided because we are in business, we wanted to open a school. Therefore, our next goal is to grow the school, move out of here, and hope we can get another location.

Commissioner Camerota: So if you added more students you would have to move business?

Gianni DiDomenico: I would have to, because again, there would be a parking problem, and I would just need probably a 4,000 square foot facility.

Commissioner Schatz: Personally, my feeling is that it's a good idea to move it onto Old Business, number one because nothing is going to happen on the state level unless that's done, and having dealt with these people before, he needs all the time he can get on that project.

Commissioner Aieta: I think that to move it to Old Business would be wise, because we held him up in November and to penalize him now because we had other things on our agenda that we had to move him, it would be a courtesy to him to move it to Old Business and act on it tonight.

Commissioner Pane: Mr. Chairman, I move that we move this petition to Old Business.

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

Chairman Pruet: Anyone wishing to speak in favor of this petition, please step forward. Anyone wishing to speak against this petition? Thank you.

**C. PETITION 30-09 – 445 Unit A Willard Avenue, Fountain Pointe Office Park, Family Adult Day Care, LLC, applicant contact Mervyn Rimai, 1560 Asylum Avenue, West Hartford, CT, Rotundo Developers, LLC owner, request for Special Exception Section 3.2.9 Adult Day Care Use, CD Commercial Development District.**

Chairman Pruet: Is the petitioner here? If you would come forward and state your name and address for the Commission.

Mervyn Rimai, 1560 Asylum Avenue, West Hartford: I'm a member of the Family Adult Day Care LLC. Some of you were on the Commission back in 2008 when I appeared before you to get a site plan approval and a special exception to develop the land just north of Fountain Pointe for a family adult day care, approximately 15,000 square feet. That was approved, and the time it took for my architect to complete the drawings so that I could put it out to bid, got me right into the banking fiasco and I spent the last twenty-two months trying to re-secure financing that I had at that time, or develop new financing, and nobody would touch a new business with construction. With that in mind, my wife and I decided that we pull in our horses a little bit, and will rent a smaller space rather than try to build a building and open up a smaller day care of approximately 25 clients and 1700 square feet in Fountain Pointe itself. Basically in the larger property we were planning on doing our own cooking, we've made contacts to bring in a lunch time meal. Our hours of operation we anticipate will still be the same with extended hours from 7:00 a.m. to 7:00 p.m., hopefully Monday through Saturday because there is a need on all those day. Parking, our personnel will probably be approximately four, rather than the forty that we anticipated originally and we will have a van doing transportation for the elderly clients. Some clients I anticipate will be dropped off by family members and picked up by family members but there will not be a need for parking at that point, they will be bringing them in, bringing them out, and most of the transportation I anticipate as before, will be done by our own van. With that in mind, I'd like to get approval of renting this property and putting this in place.

Chairman Pruet: Ed, comments?

Ed Meehan: This is a new location, and a different scaled down size of operation, it's still an adult day care use and as a day care use it does require a special exception for Unit A, 440 Willard Avenue. Unit A is the second tier of buildings, back. There is adequate parking at this plaza, and it's all, basically been improved by the developer, Mr. Rotundo, it's all accessible, and it's well lit, and at 1700 square feet, this use should not be a problem for it's neighbors.

Chairman Pruet: Comments from Commissioners on the petition?

Commissioner Hall: Just that the last time this came before us it seemed like a project that was necessary. It was well thought out, and now that it is scaled down a little, so much the better I think. I still think that there is quite a need for this and I think that it will probably be quite a successful business, just what we like to have in town and I for one would encourage it.

Chairman Pruet: Any additional comments? Thank you.  
Anyone wish to speak from the public, on the petition? Anyone wishing to speak against the petition?

**D. PETITION 32-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (south Side), Reno Properties LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact, Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Fineberg owner, request for zone map amendment R-12 to B-TC Business Town Center.**

Alan Bongiovanni: Thank you Mr. Chairman, staff. Good evening. For the record, my name is Alan Bongiovanni, President of the Bongiovanni Group, 170 Pane Road, representing Reno Properties, LLC, in this proposed zone change for land owned by Harris Friedberg. The subject property is located on the east side of Main Street, in an R-12 zone, it's about 26,000 square feet of land, about six-tenths of an acre. Just south of Lowry Place, removed by two properties, you've got the Bank of America on the corner, former Fleet, former CBT, and then you have the professional office at 1268 Main Street. This parcel is ninety feet in width by three hundred feet deep and then just north of the home at 1310 Main Street. It's the applicant's desire to change the zone from the R-12 to the B-TC Zone. What that would allow the applicant to do is to develop a site plan as we have shown and submitted an application for to accommodate construction of about a 2400 square foot bank. In doing so, it would allow the applicant to not only develop this portion, but renovate the site for the entire property for 1268 as well, so that we can have combined access, combined circulation and share some of the amenities.

The zone change as we are proposing it we believe is a natural fit. I have, for illustration purposes put up a couple of plans. These must look familiar, should look familiar, these came off the web site as part of your current Plan of Conservation and Development that the Commission is working on. This is the property here. Again, to the north, we have 1268 Main a professional office building. To the east is the post office, it's part of the Lowry Place Plaza, the former FoodMart retail space in this area and that property actually comes right up to Main Street. It's, if you look at the lower map, the zoning map, it's a little inaccurate in that it shows the Town Center Zone coming all the way out to Main Street. In actuality, it stops at this location. This section of land is still owned by the Plaza, but it's in the residential zone. It's heavily wooded and has a water course, we believe that is a good natural separation between the significant or the majority of the residential property and the land to the north. There is the additional house at 1310 which we believe, working with the regulations, providing the buffer, planting as required, we will not have a negative impact on that property. This piece of property has been for sale for several years. A number of people have looked

at it in its current zone, see if they could build a home on that property, and no one has ever come forward to actually attempt to do that. We think with Reno Properties owning the neighboring parcel that this is a good fit for the piece. It helps to define one of the entry points to the Town of Newington, the Newington Center. I will have the architect Dale Bertoldi come up and talk about the design and the architecture of the building, how it will enhance the approach from the south on Main Street to the center of town. The site will be serviced by Metropolitan District sewer and water. We have received several comments from the town engineering staff and the Planner. All I believe are technical in nature, so there are some design issues, preference things that the Town Planner has raised and we are comfortable in that he has some good suggestions and over the next two weeks we would like to work with him on those. I would like to make an apology that some of the required information wasn't submitted early on. You just received building elevations so I'm sure that you are going to want to continue this hearing. Having said that, I think I'd like to have, if the Chairman prefers probably have the architect talk a little bit about the building. Your requirements call for the B-TC zone utilizing your town center guidelines and a big component is that you review the site plan and you have full knowledge and the neighbors have full knowledge of what is being proposed there, so having said that, Dale, if you could come up and put your elevations on the board.

Chairman Pruet: Would you state your name and address for the record, please?

Dale Bertoldi: I'm with Tek-con architects working with Liberty Bank headquartered in Middletown, and what I'm showing you is a design that we have advocated. The building is very small, it's 2,350 square feet, but we look at it as a building that has classical roots in both design and materials. The building uses sloping roofs in a hip form and has a corner turret for announcing the entrance. It's a very bold structure. The building will actually look a lot larger than the square footage is actually stated due to the extended canopies and arcaded entrances on both sides. This is actually the elevation as you would see it from Main Street, with the parking on the side. I have just for illustrative purposes, the building down the street using a similar roof form, I think that is the Bank of America building, just as a context as a neighboring building, and one across the street diagonally, a funeral home, using a sloped roof and very similar shape as well as turrets. The building will use a stone veneering material for much of the elevations as well as a shake material for the upper siding zones and a slate like product for the roof, so it is a heavily textured, very scalable building form accented by the scalable finishes. As I said, I think it will be a great entrance statement, it also picks up some of the Liberty Banking branding which is very common today, your banks have branding elements in them, but I do think it's sensitive to a down town especially a Village District building in which you very specifically have asked for buildings that have classical accents and gestures. That's pretty much all I have.

Alan Bongiovanni: Thank you Dale. If you like, I can get into a little greater detail on the site plan aspects, some of the technical things. As I said earlier, the property will be serviced by MDC sewer and water. Currently 1268 Main Street has overhead utilities servicing that building, your site plan requirements call up that they be put underground. When and if this gets developed, these utilities would also be put underground. The parking, shared parking, there is, because we are in the town center district, we can reduce the parking count to three spaces per thousand for the uses which would reduce what is required on the site. When we designed the site we looked at what was existing for 1268 Main Street. They have sixty spaces today, we proposed in combination of both sites to maintain that at sixty spaces and then provide the required per the B-TC zone for a financial institution the remaining spaces. In discussion with Mr. Meehan, he feels that is a little heavy for this site and we may have a little excess parking, he's requested that we defer these spaces and the applicant has agreed

to do that. We are going to show them on the plan, but call them out as deferred so we will, in the next rendition, before your next meeting, have a plan that shows that. We've maintained the site (inaudible) basically as it is today. For 1268 Main Street a good portion of the proposed lot is below the road, below the neighborhood property. Because we are basically developing a good portion of the land, we will have to clear cut the property and then fill the back portion of the site. We're going to maintain the drainage patterns, all of the storm drainage will be caught in the catch basins, pre-treated and then detailed. In discussions with the Town Engineer he has requested that we combine the outflow from the existing site, we've agreed to do that, again, that is something that would be included. Our dumpster is located in one central location for each property, in the center back of the site. Another detail that we need to provide you with is the enclosure style and how it is to be built. That again you will have for the next meeting. Site lighting, all the lighting fixtures for the site will be shoebox style with full cutoffs so that you have no fusion of light on the neighboring property. Those details are being selected at this time and we'll also provide that information. The perimeter of the building and the drive through areas will all have recessed lights, canned type fixtures built into the soffits, built into the overhangs so that the entire building, although it will be illuminated and the walkways around it, no light will flow onto neighboring properties. We have shown the location for a pylon, or a pediment sign in the front. That would come before you in a separate application to permit that when we have shown the location of the landscaping around that. CR3 is our landscape architect, I think that they took great care in designing very attractive landscape plan that one, incorporates the buffers, we also have details on the plan that a six foot stockade fence along the residential property would be constructed, and then they have provided adequate shade trees, flower beds, seasonal color and evergreen plantings so that year round it will be an attractive landscape. Having said that, I think I have covered the major components of the plan. I'd be happy to answer any questions you may have.

Chairman Pruet: Alan, what about a buffer between here and the neighboring.....

Alan Bongiovanni: What we've done and we're requesting a reduction in the buffer. Twenty-five foot is required between commercial use and a residential zone. Our building is about thirty-five feet from the property line, the front portion of the property would meet that requirement. For the drive through lanes we're requesting per your regulations that you reduce it to fifty percent or 12.5 feet if you see fit. That's why we have taken care to really look at the landscaping, how it is planted, good evergreen buffering, as well as the stockade fence and we hope that you find that to be satisfactory.

Chairman Pruet: Ed, comments?

Ed Meehan: First I would recommend the comment that Mr. Bongiovanni offered to keep this hearing open on the zone change and the companion site plan. We've been playing catch-up for the last couple of weeks in getting the information before you, and the Commission members are seeing for the first time tonight the staff report. Because this is a policy decision, you need to carefully look at this and go back and as you know, we have been talking a lot about plans of development and go back and look at your existing plan, the 2005 Plan, as well as the draft 2020 Plan, the criteria is pretty much the same. It's saying that you have to be careful about increasing the business town center zone, you need to be careful about buffering adjacent residential areas, gateway sites, or edge sites coming into the center, the overlay design guidelines as well as the town center plan that goes back to the 1990's, talk about a gateway site that has strong visual features, New England type architecture and design, and it goes on and on about what you are looking for as far as the village district. If you are going to offer a zone change, I would say that you be very careful and get the type of building that you want. That you feel fits in the Newington center

particularly on this site as you come up Main Street. Once you change the zone to the business town center district, it doesn't mean that you are locked into a site plan for Liberty Bank. If they abandon this project, the site still stays business town center zone. Connecticut case law and statutes do not permit contract zoning which links this site plan to the change in zone, so be aware of that. The way that our regulations are set up, they come in as a companion application simultaneously so that you can get a look at this, the neighbors can get a look at this, but you can't require the developer to only build a bank on this site. As far as the village town center, the overlay district, I've had a couple of meetings with the project architect, I've offered him some suggestions as to what I think the Commission has talked about over the past few years as far as town center design. I think they have hit a nice scale, as far as the building, the shape of the building, the roof line. My preference again, this is a value preference is that they continue with a red brick building, which the most recently approved bank on Lowry Place was a traditional red brick building similar to Sovereign Bank over on Constance Leigh and East Cedar Street, similar to the other banks in the center, except for Bank of America. I think this shape of this building, they could use a combination of brick and other materials and it would be a nice appearance coming up Main Street. That is something that the client has to talk about and that is up to the Commission to decide. But it is a very important site from a policy point of view. As was mentioned, this is not just about the architecture of the building, it's about the neighboring property to the south. The buffer waiver has been requested for the drive through lanes. We know that banks you know, they generate traffic 24/7. The ATM's will be on the back side, the service lanes will be on the back side, so I think from a traffic control point of view the layout fits the site very nicely. It's a matter of property buffering, so that light glare, noise activity in that travel lane do not disturb any neighbors to the south. The fact that the two properties are being combined with a single curb cut, I'm getting into the site plan area a little bit, but this should be something in the back of your mind as you look at the zone change, I think is a prudent thing to do on this section of Main Street. On occasion, we may see a queue line backing up a little bit at Lowry, but by sharing parking, sharing lighting, sharing drainage, I think there are some good improvements to the building to the north that are being offered here. The Town Engineer and I have looked at this, I've mentioned deferring parking because I think it would afford the site more snow storage, less grading, softer grading to the back of the site which is the post office area, you could eliminate a retaining wall, less structural objects on the site, you could probably save some money in that area, and the Town Engineer has offered some ideas to tie the drainage back into our existing system so no plunge pool or any overflow onto the neighbor would be a problem. But at this point in the meeting, the key thing is going to be the policy call which the Commission is being asked to look at here and how you want to strengthen the character and the appearance of the town center on this very visible site, keeping in mind that some of the strategies in your plan basically say you should hold the line on changing the business town center zone. But there is also some other language in the plan and we know that some times the plans, because of the long range and generally worded, can be used both for and against some applicants, but you know, this could be a gateway site. You could establish these two building, the companion buildings, as a gateway site, coming up Main Street. I suggested maybe moving the building, the proposed bank building a little closer to the street edge, not a lot, but a few feet forward to give it an appearance as you come up Main Street but also signal that you are coming into the town center. So there are some things like that that I think would improve this site and if the Commission does agree to keep this open and give the neighbors a chance to look at this and comment, that we can work with. If the Commission keeps this open but feels that the zone change is not appropriate, it stays in a residential zone. A residential zone, you have no design review. You can get a single family house by right, and you, it doesn't come before this Commission. It goes before the building department as a plot plan. This site will have to be clear cut. It's two or three feet lower in areas to both neighboring properties so it has to be filled. The other issue with the height of this property the finished floor and the bank and the

service side in relationship to the neighbor to the south. There's a retaining wall here, there's landscaping, there's some fence screening. There's a pass door on that side of the building. We should look at how that is lit. How the security lighting is there and how that affects again, a private home. So, this is, the zone change affords you and the residents a good chance to look at this. That one benefit, the downside is if you leave it residential, you still have the continuity of residential but you don't have all these design review requirements that a single family home bypasses by going directly for a zoning permit and a building permit. The other thing is, this site is in the upland review area, within the hundred foot wetland buffer because of the stream, water course further to the south, so we still have to wait for the Conservation Commission Inland Wetlands Agency to give a report to you before you can render any decision on the site plan. So that's it for tonight.

Chairman Pruet: Thank you Ed. Commissioner comments?

Commissioner Hall: I have a couple. I don't expect the answers tonight, but I would like to know the elevation of this building, as well as the elevation of the house that currently exists at 1310. I'd also like to know the distance between the foundation of the new building and the garage side of 1310, in other words, how much distance there is from the end of the garage to the actual building. The wetlands, you just answered my question on because I thought it had to go through Wetlands. As far as the drive through, I'm assuming they would come in off of Main Street, head east, go to the back of the parcel and then head south, curve around and go out, okay. Now, that's exactly what I thought. As they stack up, the exhaust because we know banks, you never get to the bank when there is one person there, what are they going to do as far as making it so that the exhaust doesn't go into the neighbors because that is their back yard, so what provisions will they make for that? And as far as that buffer reduction, that was the other question I had because it did look as if it had been reduced and you are saying now that you are reducing it by half, so it would become twelve and a half. Again, I don't expect answers tonight, and if we keep this open, but I would like to know those before I make any kind of a decision.

Alan Bongiovanni: If you like, I can answer a couple of them right now. I'm sorry, I don't have the plan up there. I was going to give you the grades, I don't have the right plan on the wall, so I will answer them at the next meeting.

Commissioner Hall: Okay. Thank you.

Commissioner Aieta: Alan, could you give us an idea of what the materials are on the building per the sketch there. What are those materials?

Alan Bongiovanni: The front entry way, turret and the columns are a sandstone product. It's a cultured product, it's not a natural.....

Dale Bertoldi: I have a sample if you want to see it.

Alan Bongiovanni: The tan areas are a shake, a cedar shake type but it's a synthetic not natural wood shake type siding and then on the roof it's going to be a imitation slate roof shingle, an architectural shingle.

Dale Bertoldi: Which is this sample here.

Alan Bongiovanni: We think the tenant, Liberty Bank has done a good job with the architect, selecting quality materials so that it is, it not only has a nice look and shape, but it also gives

the appearance and the feel of a bank, something that people can put their money into and feel solid about.

Commissioner Schatz: They are going to fill the lot, so does that mean the lot is down here and you are going to fill it up so that it is even with the neighbor?

Alan Bongiovanni: For the most part, in the front part we're going to fill the depression so that the fronts of the properties are even. Because the drainage is so shallow in the back, we actually have to raise this a couple of feet, so we are going to have about a two foot retaining wall so that we don't have to slope right to the neighboring property. That's why we have a wall. It's not like we are going to fill it twenty feet, but in order to get cover of the drainage, which is required, it's going to be a couple of feet higher than the back of the east side of the south property.

Commissioner Schatz: The other comment, if you are putting a wall in, shouldn't you have some kind of drainage right at the wall on your property to make sure it takes away, for them to just think it's an act of God if they get rain?

Alan Bongiovanni: Well, what happens right now, is that all of the topography goes this way. This entire lot drains onto this property, the undeveloped property. What is going to happen is, if it drains onto this property and then goes across to the back end of the shopping plaza where the water course is going under Main Street. We are going to take the water, per the recommendation of the Town Engineer for all of the paved area, and this curb is going to act like a dam, it's going to go into the drainage structure, and then come out in the same location. It's going to by-pass the back of that lot. So in essence, this is going to improve what they experience during heavy rain storms. From the curb that twelve and a half, thirteen feet, will continue to shed onto their property but it's going to be about an eighty percent reduction into that rear yard from what it is today.

Commissioner Schatz: That's what you are saying.....

Alan Bongiovanni: Yes.

Commissioner Schatz: But maybe I'm not believing it.

Chairman Pruet: Any other comments from the Commissioners? From the public, anyone wishing to speak in favor of this petition? Anyone wishing to speak against this petition? You can come forward please, state your name and address for the record.

Robert Sazinski: I think I might be involved in this project since I live in this house that is right here, and frankly, I am totally against it. It will destroy the value of my property, the driveway that the lady mentioned, the exhaust is going to destroy my backyard completely, the twelve and a half foot buffer is totally unacceptable. That's from here to that wall. Traffic is going to be really a problem because right now we have a problem with accidents and if they are going to combine the bank with the office building, it's really going to be a problem. What else, you as a Commission, you are pretty consistent in denying people applications for any kind of business or development in this area, including Julia and Tom who moved into the house three years ago, six years, I'm sorry, and they had to actually prove that their business was going to be non-customer based, so I really don't see why this bank should be approved.

Chairman Pruet: Thank you sir, any further.....state your name please, and your address.

James Welles, 1271 Main Street: I live directly across from the existing lot that is building there now. I have been there for twenty-five years, and adding a bank, a business at this location is wrong. It's going to add too much congestion right here to the entrance way. The design is beautiful, Reno Properties is actually a very good company, a reputable company, keeps their properties up very well, nothing there, but this is a mistake. We don't need another bank in the center of town, we've got enough. Let's get somebody in there, you guys interested in developing something, take over FoodMart Plaza, do that. But I really think you guys need to deny this and keep it residential zone. If someone wants to build a house, I'll deal with a house. I don't mind one or two cars, I'd welcome a new neighbor. But a bank with a business.....come to my house on a Saturday night and see how that bank right across there that used to be a CBT, all the different banks that have been in and out of there, what the traffic is like coming out of there. I'm very happy that there is a doctor's office across the street from me because it limits their hours of operation because at nighttime that driveway, the headlights dump right into my front yard, right into my front window. I take pride in the center, it's nice, but it's got to stay residential. That's a nice buffer that we have there, we don't need something else that is going to go belly-up like the bank that took over Krispy Kreme.

Chairman Pruet: Thank you. Anybody else wishing to speak against the petition?

Brian Skivo, 63 Stoddard Avenue: Yes, the other person who was just speaking, we don't need another bank, how many banks do we have over there, five, four, six, we need ten more, right? The town developing the center, you know, it's coming along nicely in the back over there, Market Square and that's great, it's going to come out nice, but I don't think we need another city like object right there, right coming down from, southbound, you know, you've got this little woods that separates, when you are entering the town, so it gives a nice flow, you pass that woods and it's nice. You've got your banks and everything, shopping, looks great, but to get another building. You've got to build something, every inch of this place, I don't understand why. Leave it alone a little bit. I know that it's money and greed, but what can I say. I know that I'm small time, I'm not going to change the world, but I'd like to see you just leave it alone, or if you are going to build, build a house, that would be great. Have a nice little house there, that would be fine. Another commercialized building, a bank, I don't think we need more.

Chairman Pruet: Okay, Mr. Skivo, thank you. Anyone else wishing to speak against the petition?

Don Sama, 1307 Main St.: I'm right across the street from Robert over here. That's been for sale for about two years as the gentleman said, nobody was going to build a house there in the last two years, I mean, let's get real, it's not like you are going to buy a lot. If you were going to buy a lot it probably wouldn't be this anyway, but they aren't developing a lot of lots anyway so that's not a big deal. We moved here about fourteen years ago, they were making a CVS where they had those three family houses. You claimed then that you were going to make a colonial cape cod style look for CVS, and I'll be honest with you, it doesn't look much like a cape cod style CVS. It sounded like it was going to be, but it never really panned out, to me, I may be crazy but it doesn't look it. You are saying this one here is going to fit in, that's diagonally across from me. The other ones, we walk the streets over here go downtown, Carvel, whatever, go to eat, whatever. There is almost always business at the bank that does exist in there, not one hundred percent, but this will be diagonally across from me at nighttime, and we know that the noise, even from the backyard, we'll be sitting in the backyard and you hear the cars come and go, whatever it is. As you said about traffic, Robert getting out of his house, out of his driveway, it's bad on good days. I mean, at

times, I can't get out of my driveway and my driveway, I can go to the left or right, the fellow next door, the photography thing there for six years, I was against it, I'm fine with it. Couldn't be a better neighbor, nobody coming in or out, how he makes any money I don't know, but it works for me. That twelve and a half foot buffer there, now come on, if I was the next door neighbor, I wouldn't be happy whatsoever, I mean, that's like having it right in your yard.

Chairman Pruet: Okay, sir. Thank you. Anyone else wishing to speak against the petition?

Jonathon Jennings, 38 Northwood Road: For the last twelve years I have lived right behind the post office so the issue that I would like to specifically address is the reduction of the twenty-five foot buffer. As someone who has lived behind the post office that buffer that exists there has been critical to the quality of life in that neighborhood, I feel. So reducing that buffer, especially by fifty percent I think would be ill advised, and that is all that I want to say.

Chairman Pruet: Thank you sir. Anybody else wishing to speak against the petition?

David Sadonowicz, 1360 Main St. I'm on the corner of Northwood and Main. I thought the town's major focus was to continue development around Market Square, and the other thing is, I can't see pushing out the business zone with all of the vacant property on Lowry Place. The other major concern is the traffic, there is a lot of traffic that comes out of the bank on the corner, and additional traffic emptying out onto Main Street could be a problem. We already have six banks and a credit union in the center and I don't think we need another one. As far as lighting and noise, early in the morning, there is a lot of lighting that comes off the post office and you can see through the wood line even though it is a considerable distance, and a lot of early morning noise, which I can see added to it from traffic at the bank.

Chairman Pruet: Thank you, Sir. Anyone else wishing to speak against the petition? Okay, the petitioner has the opportunity to rebut.

Alan Bongiovanni: Thank you Mr. Chairman, I'm going to be brief because I'm going to hope that you are going to continue this and we're going to take some of the comments and see if we can work on them to appease some of the neighbors. I would just like to say first of all, I appreciate your comments, I'm a resident of Newington as well. The issue of need, and do we need another bank, I think that's better left to the people who are intending to build the bank. They have a client base in town that suggests that they should have local options for them to do their banking. That's why they are coming to town. In regards to traffic and noise, we all must consider, this is Main Street in Newington. This is a state highway, this is a heavily traveled road. We're talking about adding twenty four, 2350 square feet, this is as about as small of a use that could be put on that property to make it viable. The amount of traffic that this should generate is going to be at such a low level that it doesn't warrant even doing a traffic study or analysis. We did talk to our traffic expert to see if he thought it would be wise to add some information to our public hearing, he said, Alan, it's miniscule. You have thousands and thousands of cars that travel that road every day, you know, this could probably generate at peak hours ten trips an hour or something. He said, it's not worth analyzing. I'd like the Commission to keep that in mind, this is a very, very small use, it's not a major plaza.

Regards to the buffer, we have several comments that we think are well founded from the Planner and the Engineer. We will also look to see if we can increase the buffer to help satisfy the neighbors to the south and if we have to continue to ask for a reduction maybe we can reduce the amount of reduction that we are asking for. We'd like to be able to respond, again, at the next meeting.

Chairman Pruet: Okay, the public has an opportunity to rebut that. Anyone wish to step forward and rebut? Again, if you can state your name and address for the record.

James Welles, 1271 Main Street: You are absolutely right, it's a state road, there is tons of traffic there anyway, but I don't think the issue is really the traffic. It's what is going to be coming out of the business and the noise right there in the neighborhood with the houses that are there, adding to it, for the residents who live there. That's basically it.

Chairman Pruet: Anybody else?

Robert Sazinsky, 1310 Main Street: I would like to add that this traffic that we are talking about is generated 24/7, not just between the hours of nine and three. That makes a difference. ATM machines generate noise, cars with blasting stereos.

Chairman Pruet: Thank you. Anyone else?

Don Sama, 1307 Main Street: I beg to differ with you there, that ten cars per hour, maybe based on a twenty-four hour period, you know, that's not the same, but at least rush hour I mean, the other banks, they line all the way up, you go on a Thursday afternoon, that type of thing, they have one drive through open, one ATM open, not even with that second drive through open, it's busy. There is no doubt about it. This other bank here it's just going to be more things, you know, and this guy here, he's in the worse situation. For myself, it's bad enough, but being right there, you just can't budge out of those driveways. I know that it's easy to say, and for that adjoining property there, it's not always so beautiful as they seem to say, that they forever have this huge for lease sign out in the front. Reno, or whoever it is, they don't just have their little shingle hanging there like the other regular doctor office type of thing, they always have something vacant and it's not pleasant to look at from my aspect. I mean, it's probably not blocking the corner but, because that bank sticks out, but eight out of twelve months a year there is a billboard sign hanging there. I'm not saying that the bank is going to go belly up or anything, but you know that could happen.

Chairman Pruet: Anyone else? It's my recommendation that we keep this petition open. The petitioner requested it, the Town Planner recommends it and it's my recommendation. Do we have a consensus to leave this open? Okay, we are going to leave this open for further discussion.

**E. PETITION 34-09 – 240 Day Street, former Merrow Machine Co., 240 Day Street, LLC, owner; Mill Pond Church Inc., 705 North Mountain Road, Suite A-210 Newington, attention Senior Pastor Joel Ressinger applicant, request for extension of Special Exception approval, Petition 46-08 condition #7 one (1) year limitation. I Zone District.**

Attorney Kelly: Good evening Mr. Chairman, Commission Members, Mr. Meehan, good evening to you, Happy New Year. Standing to my right is Pastor Joel Ressinger, my name is John Kelly, I'm the attorney for the applicant. The Commission may recall that back in October of 2008 your Commission granted this application originally. In that year we have been working very extensively with the building department, architects, although you folks approved it, there is a lot of interior work. This is the former Merrow Machine building on Day Street, the corner of Day Street and Francis Avenue over by where Cashway Lumber used to be. The property is in an industrial zone, it still is an industrial and just as in 2008 the regulations still permit a church use for, in the industrial zone. A lot of drawings have been worked to get the interior work done, but the year passed and we need an extension or I guess a re-approval, however the Commission views it to go forward now. The design work

has been done, the building department and the Fire Marshal are pretty satisfied at this point, with the extensive work that has to be done. It's going to be about 9,000 square feet or so of that, it will be a third of the building, and it's going to be the northern most part of the old Merrow Machine building. Really the only thing that has changed as far as this past year, we have been being educated as far as the extensive work that had to get done, and of course, you know, it's a church that is working to build a ministry among the community and funds are limited so some of the work, you know, they had to take some time with the economy, the architectural work, but also develop a plan to have the build out, which is going to be a fairly extensive build out, but that is all interior stuff. But really, we are just looking for an extension or re-approval, however the Commission views it, for what was approved in October, 2008. The site is essentially the same, with the staff report we now have information in terms of maximum occupancy through the fire codes and building codes and I think the staff report indicates occupancy would be 339 persons, and I know that Pastor would love to see 339 persons, he's seen no where near that yet at his services, even the holiday services, but that's what they have rated for fire safety and the parking on the site, just as in October, 2008, parking, there is parking along the building, both to the north and along the easterly side of the building, and then there is about one hundred spaces across the street on Day Street. Again, this is an old factory, and is any other part of the building being used at this point?

Pastor Ressinger: Not at this point.

Attorney Kelly: Okay, so right now they would be the only tenant occupying about 9,000 square feet which is about a third of the building. Honestly, just as we said in October, 2008, it would be nice to have manufacturing coming back to Newington, certainly coming back to this property. It's been vacant for a long time, but I don't think that is going to happen any time soon, particularly with this economy, and again your regulations do permit a church in this industrial zone. There is adequate parking, I think Pastor had submitted designs earlier that had some changes and we now have some updated designs with more than adequate parking, and have you submitted those yet?

Pastor Ressinger: No, not yet. This drawing shows 117 spaces which is what we had talked about before when we appeared.

Attorney Kelly: So, at this point, we are just asking for additional information now from the building department that we have and everything, that we have adequate parking, even for the maximum use of the property, we are asking for the Commission to give us approval. At this point they are at a stage where they know what they have to do, they have the financing to do it, and with your approval, they will be able to move forward and get their church activities going there and also they have a pretty extensive youth ministry which we advised the Commission back in October, 2008, they're going to be having Wednesday evening youth programs and they want a location for those programs as well. So really, very little has changed since 2008, October, 2008 when we were here last, the only difference is you now have more information in terms of fire safety requirements through the building department and the Fire Marshal.

Chairman Pruet: Comments from our Town Planner?

Ed Meehan: Thank you. The staff report, again, I'm going to ask that you take a chance to look at this and go into the details of the situation here at 240 Day Street. What has happened in the interim is that the Certificate of Approval as mentioned by Attorney Kelly actually expired on October 22, 2009. The original approval had a one year condition on it to give the church the opportunity to get their plans together, meet with the code officials and

begin work. That got stretched out, and then actually the Special Exception then terminates and plans were filed, the plans before the Commission on the table tonight, are date stamped December 23<sup>rd</sup>. I haven't seen the revised plans that you just mentioned. My staff comments are based on the December 23<sup>rd</sup> information, and there were a couple of things that we had not seen before which I discussed with Mr. Kelly yesterday, and need clarification. I'll just go down the list. First, the original approval, the Commission was looking for information and clarity on what was going to be done to the exterior of the building. A letter was submitted to the Commission shortly after the approval stating that they had no intention to change the façade of the building, the southern third of the occupied area. That condition still stands and there are building sketches, or elevations in the packet that you have before you. Still not clear as to what is going to happen on that part of the church. More importantly, these sets of plans have a rudimentary site plan which shows seventy parking spaces on the east side of Day Street and it seems to indicate to staff that a curb line and a landscaped strip is going to be developed to control that open parking field with two driveway entrances. I'm not sure if that is correct, I'm not sure if seventy spaces is actually the maximum that can occur over there. I think the parking area may be a little bit larger. That's completely different from what the Commission saw back in October, 2008. It's a great improvement, I mean from a point of view of traffic control, on Day Street near a corner site like this, to have an open parking field is a very obsolete arrangement. When you begin to establish curb lines, and driveways, you need traffic control signs, you need the stop bars, and you could affect the drainage, and all of that is open ended at that point, sheet flow drainage, I mean. The other information that we have now that we didn't have a year ago, was the build out of the rooms and how they were going to be used inside, and then working with their professional architect and code officials, it looks as if the occupancy load would be 339 persons. If you apply your zoning standards, of one space for three legal occupants, that's 113 spaces. The testimony submitted back in October, 2008 that has been referenced already, that on a good day, I guess you said a good day would be a holiday event, Christmas or Easter service, hopefully you will have 150 parishioners, members of the congregation there, so that would only be about fifty, maybe sixty spaces. It's more than adequate that right now on the east side. But the only thing shown on this plan is the removal of the spaces on the south side of this building, a paved area and it says outdoor play area, which I think the Commission needs to know more about that. The youth ministry Wednesday night events are high lighted on these plans. What happens if the rest of the building is occupied? The other two thirds, or the half of the building to the north, there has to be shared parking on this site. We know from prior testimony that this is basically a Wednesday evening and Sunday occupancy by the Church, so if there was a warehousing, distribution use as permitted in this zone, parking should be available for the rest of the week, but that needs also to be clarified. So, those were the things that came to light with the plans that were submitted for Fire Marshal's and Building Official's review that weren't available a year ago, over a year ago that should be clarified if the Commission is going to re-activate the Special Exception.

Pastor Ressinger: Those are great points, and actually the drawings that we brought with us tonight are in response to some of those questions. The architect basically looked at the parking area across the street and thought, oh, well, we've got more than enough, I'll be very generous with the driveways, I'll do the play area and so forth, and when we realized that, after John had the meeting the other day, I went back to him and said, what happened, and he said, oh, we've got plenty of room, and I said, no we don't. We need the 113 spaces, so these plans reflect what you originally saw which is a 113 spaces. The play area is gone, the extra curbing is gone. He did stay within regulations as far as the drive space between the parking spaces and the actual size of the parking spaces so it comes out at 113 spaces altogether.

Chairman Pruet: Okay, Commissioner comments?

Commissioner Pane: Mr. Chairman, I think that this is an excellent example of how to reuse some industrial space and I think that they will be able to work out some of the fine details of getting their plan once they come back to the town, and rework some of their drawings and stuff and we will be able to work out some of those details, but I think this is a good example of how to reuse some industrial space and I think it's a good project. I don't see a problem with extending it, their Special Exception.

Chairman Pruet: Okay, thank you Domenic. Any other Commissioner comments? At this time we are going to request participation from the public. Anyone wishing to speak on behalf on the petition may come forward. Anybody wish to speak against the petition, come forward and state your name and address for the record.

James Welles, 1271 Main Street: I'm not completely against the whole thing, I, maybe I'm too late in the whole process but I am kind of against another organization getting a tax free building structure. The re-use of the building is really great, I hope that you guys put some exemptions or criteria for them for anything else that they do, really limit them to what it is so we get some tax structure out of the industrial zone. The other issue that I have is, there is a major drainage problem with that east side parking lot that dumps out onto Francis Avenue. You don't know it unless you are there on a rain storm, but everything comes dumping out, washing down the embankment. There was a problem with Merrow Machine there before, and it was never ever corrected, but there is one now that does need some major attention if there is going to be any significant site work done here.

Chairman Pruet: Thank you. Anyone else wishing to speak against the petition? Okay, you have a chance to rebut.

Attorney Kelly: I appreciate Jim's comments and actually we are going to be leasing the property, the church is going to be leasing the property, so we're going, well, the property owner is going to be subject to taxes. So it is not going to be a tax exempt situation in this particular situation and also as far as the drainage, I'm glad that you brought that to our attention, because we can take a look at.....

James Welles: I'd be glad to show you the pattern in the daytime.

Attorney Kelly: Definitely, we'd like that because obviously when it's up and running I'm sure that they are going to want to make sure that there are no problems with ice or anything building up, or any kind of drainage issues, so thank you for bringing that to our attention.

Ed Meehan: One thing in my staff report, I don't know if your property owner is here tonight, but it is in the staff report, this has been cited as a blighted property because of the materials stored in the parking lot. Don't know what the arrangements are, we have been in contact with DEP about removing those piles, it's been a problem for the neighborhood. It will be a problem for the church if you do gain occupancy because it takes up several parking spaces. The property owner needs to get his environmental guys to get the material out of there. I appreciate that, because people dump stuff off there.

Attorney Kelly: Well, the Pastor and I were at the property yesterday, kind of walking the parking lot across the street, and we were out there counting spaces, but definitely part of this project is that stuff gets out of there because, first of all, it covers some spaces, number one but number two, it's very unsightly and that is not, you know, the church is looking to occupy this part of the property, they are looking for it to be a desirable place for people to go and worship, they certainly, if they get the approval, they are going to occupy it and that pile goes away, so believe me, that is job one on that project.

Chairman Pruet: Thank you. What is the consensus on leaving this petition open? Open, very good.

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

Rock Aranheim, 11 Farnham Avenue, Waterbury, CT: I'm the owner of Doogie's Restaurant on the Berlin Turnpike, actually my wife is the owner of Doogie's Restaurant, so I'm here on behalf of the boss. The town has a ruling regarding signage, promotional signage, banners, temporary signs which basically allows those of us in business to pay fifteen dollars for twenty days of additional signage in addition to what zoning allows, and frankly, I feel that it is antiquated. It's been a difficult economy for two years for myself and a lot of other businesses and I'm asking this board to consider extending that period. What's really burdensome is that when we go in for the permit, we have to give the twenty days that we want to use, whether it's a sign, a sandwich board, or whatever, and it's very, very difficult, if not impossible to plan for the entire year what twenty days I want to promote special things that come up. Special events. So I would like you to consider something along the lines of two or three days, a couple of days a week, half of the weeks of the year, something, I'm not asking for 365 days a year, but we are in the business district, we need to promote our businesses. Times are tough, it's difficult to do business and those of us who have some imagination come up with periodic promotions that we just can't anticipate.

The second issue that I'd like the board to consider is that I approached Ed Meehan, I met with Ed last year, I wanted to do a charity funding flea market on our property, one day, once a year for my charity of choice, which is the Humane Society and Ed very nicely explained that I couldn't do it because the prevailing attitude in town was, we don't want the Berlin Turnpike to become a year round flea market, and I would respectfully say that not everybody is going to do what I was willing to do, not everybody is going to take the time and the effort to do it, and I think that when it is for a charitable cause perhaps there is a way of allowing it once a year. That doesn't seem like an unreasonable request on my part. Thank you for your time.

Chairman Pruet: Thank you.

IV. **MINUTES**

December 9, 2009 – Special Meeting  
December 9, 2009 – Regular Meeting

Commissioner Casasanta: Mr. Chairman, I have a correction. The special meeting, where it came to the nominations of the Vice-Chair, Commissioner Schatz nominated Commissioner Casasanta for the office of the Vice-Chairman, and the motion was seconded by Commissioner Hall, actually, for Vice-Chairman, Commissioner Schatz nominated Commissioner Camerota, and I seconded that, so I wanted the minutes to reflect that correction.

Chairman Pruet: Okay, we'll make the correction. Anything else? Is there a motion to accept the minutes?

Commissioner Pane moved to accept the minutes of the December 9, 2009 Special Meeting and December 9, 2009 Regular Meeting. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with seven voting YES.

**V. COMMUNICATIONS AND REPORTS**

Ed Meehan: Two brief items, Town Council has appointed your open space members, last night, Carol and Dave, and I understand that most all of the other appointments have been set so we will be convening that group as soon as possible and we'll start working on that important project.

Secondly, I had an opportunity to present to the Council last night some work that we have been doing at the corner of Cedar and Fenn with National Welding and the Department of Transportation and the Hayes-Kaufman Developers. The project goes back many years. If you didn't get a chance to see it, there is a copy of the power-point presentation on the table. Commission members will recognize a lot of this from our discussions, fifteen quick slides and a lot of photos, so it is a project that we are starting to work with the Council on and it will certainly be an important project for you because as the land use policy makers eventually, I believe, you will probably see a project on your table some time this year. It's also been the top project that was set by the Development Commission when they met last week. They spent some time talking about this and they want to give preference to this project. So, that is the limit of my communications right now.

**VI. NEW BUSINESS**

- A. PETITION 31-09 – 170 Pane Road, David Occhialini, c/o Reno Properties, 170 Pane Road, Newington, CT 06111 applicant, Reno Properties, LLC owner project contact Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for site plan modification Section 5.3 for construction of additions to existing building totaling 32, 650 sq. ft. PD Zone District.**

Alan Bongiovanni: Good evening again. For the record, my name is Alan Bongiovanni, president of the Bongiovanni Group at 170 Pane Road here in Newington which is also the subject of this application, representing Reno Properties. We have two plans on the board, the plan on the right, about a year, a year and a half ago, an expansion was approved for the Reno Machine Company. The existing building is about 68,000 square feet. They were proposing a 60,000 square foot addition. This was approved by the Commission. That was brought forth in anticipation of a contract with a major client. That contract is still in the works, though it looks as if it is being scaled back, so what Reno Machine would like to do would be, instead of going out at 60,000 square feet, reducing it by fifty percent, or at this time, adding 30,000 square foot addition to the rear. While they are going to do that, they would like to take the opportunity to make the front of the building symmetrical, add about 2500, 2650 square feet to the office part of the building to the west of the existing office. Right now it's off center. They have a need, some of their office disciplines are growing, they have a need to expand that space and that is the logical place to put it. What we have done, if you look at this plan here, that shows the parking configuration. We are basically going to take all the pavement out, from this point up to this point and reconfigure so that it comes around that addition, gives us a net of about nine additional spaces. We are proposing to realign some of this parking, some of these spaces are a little smaller than they need to be so we are going to repave and repair this whole area, and then expand so that we have truck loading to the rear, as opposed to where it was coming in on the side. It's a basic application, it will service the need of Reno Machine, they are looking to expand. It gives them what they need incrementally. We have an approval for sixty thousand, right now we would like to do only thirty of that and then also expand the office in the front. Do you have any questions?

Commissioner Aieta: Alan, the materials, they are the same as the original building, the poured panels and everything?

Alan Bongiovanni: Yes. When this building was originally built, it was structural concrete around the perimeter. The front office building with the long windows were pre-cast off site and brought to the site and erected. That is how that would happen again, as well as I believe when they build the back portion, the existing building, they poured the slabs, they created forms and poured those wall panels in place and tilted them up. That may happen, or it may even be easier to actually transport them to the site from a location where they would fabricate them, but it's the same architecture, same design, not changing color or anything else.

Chairman Pruet: Further comments? Ed, any comments?

Ed Meehan: Very straight forward plan, it fits the footprint of the prior sixty thousand square foot approval, what the Commission saw, if you do recall that, the grading, drainage, the layout is all compatible with that. This one will afford the machine company a little bit more truck turning area, in back for now, hopefully they will be able to grow in the future. Originally this goes back to a master plan for this whole area.

Alan Bongiovanni: When this was built in 19.., it was I think built and constructed in 1985. In '84 when this was approved it was contemplated that this would be the build out, 120,000 square feet of manufacturing space, and that is still the goal, it's just you know, business doesn't allow them to do it today.

Chairman Pruet: Any other comments?

Alan Bongiovanni: Thank you.

**B. PETITION 33-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (South Side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact, Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 Harris A. Fineberg owner, request for site development approval Section 5.3 for construction of 2,500 sq. ft. bank. Inland Wetlands Report required.**

Alan Bongiovanni: Thank you Mr. Chairman, again, for the record, Alan Bongiovanni, 170 Pane Road representing Reno Properties. We started our presentation of the public hearing for the zone change, presented briefly the site plan, and the building architecture. During that hearing I did state for the record that there are several comments from the staff that we would like to incorporate before your next meeting, as well as we would like to take some of the comments from the neighbors, especially regarding the buffer, and see if we can tweak the plan to satisfy everybody. Having said that, I'd be happy to put the plans on the board if you have questions or you can wait for the next meeting.

Chairman Pruet: I think we will do that.

Alan Bongiovanni: We should have them cleaned up, whatever your pleasure.

Chairman Pruet: I think that would be appropriate. Comments?

Commissioner Hall: I just have a question. In our notes, have it as Harris Fineberg, I believe it is Friedberg, isn't it?

Chairman Pruet: It is Friedberg, Dr. Friedberg's son.

Commissioner Hall: That's what I thought. It's notated in both our petitions as Harris A. Fineberg.

Chairman Pruet: Okay, we'll correct that. Any other comments? That is going to be continued, thank you very much.

**VII. OLD BUSINESS**

- A. TPZ Land Use Fee Schedule Increases per P.A. 09-03 \$60.00 surcharge for DEP's Environmental Quality Fund, report to Town Council.

Ed Meehan: With the Commission's indulgence, let me just explain the first one, the first item under Old Business is the land use fee. We started to talk about this at some prior meetings that got late, and this got pushed off to the side but it's something that we need to bring up and forward to the Town Council because as of October 1<sup>st</sup> all municipalities were directed by statute to increase their environmental fees. DEP basically doubled the fees from \$30.00 per application to \$60.00 and that pertains to like zoning regulations, subdivision site plans, and Special Exceptions so we did an analysis of fees in the neighboring towns, and we were fairly comparable. We're a little less than West Hartford but similar to Berlin, Rocky Hill and Wethersfield. So I prepared a fee schedule and it's either in this packet or prior packets. For example, now our zone change, petition for zone amendment is \$450.00, that would change to \$500.00; a site plan, we charge \$200.00, it would go to \$250.00 and site plan modification, I would not recommend a change, now we charge \$125.00. The reason for those not really changing substantially even though there is DEP fees involved, we don't have the public hearing publication requirements. That is what really costs the Town when we have to advertise twice, the public hearings, both before and after, the notice of decisions, so with your permission, I would like to bring this to the Town Council, they are responsible for setting the fees before we go through another quarter. We return our fees and report quarterly to DEP financial office. What they do with this money when they collect it from 169 towns, they are supposed to make environmental review teams available to Connecticut communities and they are supposed to run land use seminars through the Resource Conservation and Development District. We have seen those on occasion, we could take advantage of what we call ERT's, Environmental Review Teams, if you had a big project, you could use that expertise, so that is the project in a nutshell. I just want to let you know what is going on because we had a package on the agenda and it sort of dropped off.

Chairman Pruet: Okay, fine. We don't need any further action?

Ed Meehan: No.

**Petition 29-09  
451 New Britain Avenue  
Special Exception Section 3.2.6  
Cosmetology Training**

Commissioner Camerota moved that Petition 29-09 – 451 New Britain Avenue, Gianni DiDomenico, 257 Stillmeadow Lane, Berlin, CT 06037 applicant, Newington 451 LLC owner, request for Special Exception Section 3.2.6 School for Cosmetology Training, be approved with the following restrictions:

1. Approval for this business school training use is limited to Sculptures Salon within the existing floor space area, Units #T-4 and T-5.

2. Approval is limited to the training at one time of not more than five (5) students.

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

Chairman Pruet: We have also for a suggested motion on the Pulte Homes request for Bond Reduction, we could, if we could have a report on that?

Commissioner Aieta: Dave could we, the moratorium on Cedar Mountain?

Chairman Pruet: Yeah, I can do that after we do Pulte Homes.

Commissioner Aieta: Well, Pulte Homes is under staff report, we're still on Old Business, no?

Chairman Pruet: Yes. But it was a draft suggested motion to bring this up.

Commissioner Aieta: You added it from Staff Report to Old Business?

Chairman Pruet: Right, that's what.....

Commissioner Pane: We never added it.

Chairman Pruet: No, we didn't, that's what I'm looking for.

Commissioner Pane: Make a motion that we don't add it to Old Business.

Commissioner Anest: Leave it under staff?

Commissioner Pane: Well, I think we need to talk about it. I'm not ready to vote on approving a reduction, to be honest with you. We didn't get a report on any of the problems that were over there, there were a lot of problems, I'm in disagreement with some of the comments from the Town Planner and Town Engineer on some of the stuff there, but if we want to put it on the table so that we can discuss it, that's okay too.

Chairman Pruet: What are your feelings on it, as a Commission?

Commissioner Anest: Leave it under staff.

Commissioner Camerota: Especially since there are new members, we may want to go back and look at the minutes, I think that was the 14<sup>th</sup> meeting?

Chairman Pruet: Okay, we'll leave that under staff report and talk about it then.

## **B. Cedar Mountain Development Moratorium.**

Commissioner Anest moved that the Town Plan and Zoning Commission not pursue the enactment of a zoning moratorium for the Cedar Mountain area, north of East Cedar Street, State Route 175.

The reasons for this decision are:

The Cedar Mountain area north of East Cedar Street is approximately 383 acres. Within this area, the following characteristics make the implementation of a moratorium impractical:

1. There are eight (8) separate property owners.
2. There are six (6) different Zone districts.
3. Approximately two-thirds of this area, 253 acres, is developed, protected open space (Balf Park) or approved for future development, HDC Hunter.
4. The remaining one-third of this area, 130 acres, is vacant but zoned for commercial development or residential uses.
5. The Newington Town Council by Resolution 2009-123 approved December 22, 2009 has established an open Space Committee with the priority "to determine the means to acquire, preserve and protect the Cedar Mountain parcels."

The motion was seconded by Commissioner Pane.

Chairman Pruet: Discussion on the motion?

Commissioner Aieta: The only thing that I would like to add is that this was reviewed by the Town Attorney and some of these suggestions were his from a legal stand point.

Chairman Pruet: Very well put. Further discussion?

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

VIII. **PETITIONS FOR SCHEDULING** (TPZ January 27, 2010 and February 10, 2010.)

- A. PETITION 35-09 – 2600 Berlin Turnpike, Mauro Agency, Ted Mauro owner, Camille Criscitello, 2600 Berlin Turnpike, Connections Dating, Newington, CT 06111 applicant, request for Special Exception Section 6.2.4 Free Standing Sign, B-BT Zone District. Schedule for public hearing January 27, 2010.

Ed Meehan: This is the only one that you have right now, it's a change to an existing pylon sign. You will be carrying over 240 Day Street, Mill Pond Church and the Liberty Bank Zone Change request on Main Street.

Commissioner Aieta: Ed, on the first petition, 35-09, is this the Mauro property?

Ed Meehan: Right.

Commissioner Aieta: Do we have locations and drawings? I'd like to take a look there, because that site is pretty well signed up.

Ed Meehan: Yeah, he's brought some information in. We asked him to redo his calculations because, it's a mansard roof type building, there are two of them, and we want to be sure of the one, the square footage on the wall signs as well as the existing pylon.

Commissioner Aieta: Is he proposing to put an additional pylon sign?

Ed Meehan: No, you can only have one per site, he wants to put a three by eight.....

Commissioner Aieta: He wants to add to the pylon sign?

Ed Meehan: Yes. He can't put a second pylon sign.

Commissioner Aieta: I just want to go and take a look there.

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

None.

**X. REMARKS BY COMMISSIONERS**

Chairman Pruet: I'd also like to state that besides the Open Space Commission Carol Anest and Dave Lenares, we have CRCOG appointments too. I'd like to mention that Michelle Camerota will be our delegate and also Mike Carragher will be the alternate. Any other remarks by Commissioners?

Commissioner Aieta: When they take over their new duties at CRCOG, can we get a report once in a while?

Chairman Pruet: I think they are only meeting once a quarter now, is that correct?

Ed Meehan: Yeah.

Chairman Pruet: I'm sure our new delegates will give us reports. Any further remarks by Commissioners?

Commissioner Casasanta: I spoke to a couple of members from the public in the hallway a short while ago, and they didn't stick around because they thought public participation would be for a lot longer than it was, but anyway, I guess there was some confusion on their part as how we were going to proceed with, looking at the Plan, they thought when we were having our conversations, going through the first few sections this evening, they were under the impression that we were going to do it in front of the public, so that they could observe and ask questions and stuff like that, so I think we just need to clarify that for the record, so that these folks have a clear understanding as to what it is and how we are going to proceed with this.

Chairman Pruet: Yeah, I thought I did.....

Commissioner Pane: If I could interrupt you for one second, I would appreciate it. I agree with my fellow Commissioner here. I think that if anything, instead of spending the full time on it, that maybe we should have done like a little overview of what we talked about in our work session in front of the public, so that they had a chance to hear some of the comments and some of the changes that we were making, because all of the public wasn't here for our work session so I think that is important to have in the meeting of our regular meeting.

Chairman Pruet: Good point, but what I wanted to do though, because I didn't want to give a report to the public because it was kind of, I really didn't have anything definitive, I didn't have definitive notes, I wanted to, if I was going to speak, I wanted to speak with accuracy. What the intentions were was to discuss the Plan, put it up on the web site, give them an opportunity to look at it, make hard copies of it, and then have a scheduled meeting in the auditorium to do that. Now that was just an idea and I'll be happy to entertain any other thoughts to do that.

Commissioner Camerota: Do you think it was, I mean, it was a public meeting, they were invited to attend, it was noticed. Do you think they just didn't understand that it was starting at six? I thought you did explain that after....

Commissioner Aieta: We explained that at the last meeting. I think the Chairman is right, we have given so much opportunity to the public, but you know, I think if we do it the way he's talking about, they will have an opportunity to go through the Plan, and maybe we should, I talked to Dave and suggested before when we do the final draft that we high-light some of the areas that were taken out or someway that the public would understand what we took out or what we added, maybe by high-lighting them or italicizing the print, or something so they know what we are taking out and what we're putting in, and then give it to them and let them come in and talk about the whole Plan instead of doing this, you know, we could be doing this.....

Chairman Pruet: That's why I didn't want to do that because I was afraid that I would leave something out.

Commissioner Casasanta: I'm just merely saying, I'm being a messenger here. Whatever it is that we decide to do I just think we need to convey that clearly so that there's no misunderstanding.

Commissioner Camerota: So that they understand the procedure.

Commissioner Anest: And it was confusing on the web site because you, with the special meeting, if there was a way on the regular meeting agenda at the beginning that you could put, special meeting, so these people are keyed in that there is an additional meeting at six o'clock that they are more than welcome to attend. I think the two documents are very confusing, and also, there is a way, I think you should do a red line copy at the end. You know, you bracket what we take out, and underline what we put in.

Ed Meehan: I think that is what the Chairman asked me to do, is, and when you wrap it all up, and you are on version three of the draft, you bracket what you delete, you bold, or italicize what you put in, and then you have it between covers. If you keep stopping and starting with this process, you'll get to the end, but you still should afford the public an opportunity to comment, as part of your regular meeting.

Commissioner Anest: Right. Can they comment during a special meeting?

Ed Meehan: No, special meeting, you can only act on what is on your agenda and if you don't advertise that for a public hearing, they don't have an opportunity to comment, but at seven o'clock, there were some people in the room and I thought they would stand up and comment, and it was open ended, they are not limited to Sections one through three, they could go back and comment on things before, they could go to other sections that we haven't heard from. So that gives them a bigger opportunity.

Commissioner Aieta: Right. That is what is confusing, is that someone is, because it is right as our first item as a public hearing, that we opened it back up to the public, I don't know what.....

Commissioner Casasanta: I guess they didn't understand that that was their opportunity to comment. I guess they didn't understand that when we had our six to seven session, that they could observe that part and then when we had the public hearing aspect at the seven o'clock meeting they could comment on what they had heard during the six to seven piece. I think that part was, they didn't grasp that concept I guess.

Commissioner Aieta: Dave, you know the principals of the group that has come in here, maybe you can convey that before the next meeting, what we are trying to accomplish.

Chairman Pruet: Yes, I did. Two days before I explained it to them, and I'll explain it again, I'll come up with some kind of format, we can put it on the website and further clarify it, but that was my intent, to make sure that everybody has public participation but be precise about it so we don't leave anything out.

Commissioner Aieta: I was surprised that no one got up and spoke.

Commissioner Anest: I knew they were here to speak, I mean, you could tell them just to put it on Facebook so they know that we.....

Chairman Pruet: Yeah, I asked Bernedette Conway.....

Commissioner Anest: But what is confusing is this next paragraph says written communications pertinent to the proposed Plan, they might have taken it that they had to submit something in writing.

Ed Meehan: You try to open it up as much as you can, that statement has been on your public notices for the last two months, but I think maybe when you get to your regular meeting, a quick explanation saying that the Commission is receptive in this portion of the meeting, as a public hearing, for the public to speak on any portion of the plan, including what they may have heard at a workshop prior if they were attending the workshop because they could have stood up tonight, if they were here and said, well, we like what you are doing with the open space section, we suggest this, or that.

Commissioner Aieta: Yeah, but none of them were at the six to seven meeting.

Chairman Pruet: Yeah, some of them were, they staggered in. Okay we'll get it out there. Other remarks by Commissioners?

## **XI. STAFF REPORT**

### **Pulte Homes – Woodlands Development Bond Request for Reduction.**

Ed Meehan: Pulte Homes is on here, we have been carrying it for the last few meetings, with the recommendation that the bond be reduced with the documentation that went out with the agenda package, and the reason that it is on this agenda now is that we finally got the engineering report from the property manager, who is retained by the home owners to do their inventory of what they feel are defects, and as set forth in the staff report, it looks like the majority of those are not site plan bond related. I would think maybe over fifty percent are issues with the building code or workmanship. The ones that do refer to the site development plan have either been taken care of or staff agrees with, and we agree with quite a few of the issues that need to be resolved when the weather permits this spring and that is the re-grading, some of the yard drainage issues, landscaping, as the list goes on. One hundred and thirty-three thousand we feel is adequate because of that amount the finished pavement course, in one section has already been done, and Pulte was carrying a number of \$22,000 for that. I've listed the reasons why the Town Engineer and I thought that reducing the bond from 1.1 million down to \$133,000 was satisfactory. In addition, as part of petitioning for the street acceptance they will have to post a maintenance bond which will be a one year maintenance bond, at such time as we get the as-builts and the warrantee deeds and the easements. So looking at this project, compared to many other projects, there should be enough, we feel, safety net to protect the home owners association and the public improvements which the town is ultimately going to receive. There is also, Pulte will also still have to look for two c.o.'s for the four buildings that haven't been started yet, which is another

leverage point if that was needed. It's up to you. I think the documentation is in the report, a million dollar bond is not reasonable in my opinion.

Chairman Pruet: The question that I have for you Ed, the recommended bond reduction, in your opinion, is that adequate to cover any items that haven't been completed?

Ed Meehan: The \$133,000 balance is adequate in staff's opinion to cover the unfinished work. As I mentioned, \$22,000 has already been done, but we are not going to give them credit for that. There is a second bond that would be posted as such time as the road goes through public street acceptance. That is usually five percent of the original bond, so they still may have one hundred thousand, hundred and thirty thousand still left on the table after they finish these performance items.

Commissioner Aieta: Does that take into consideration the comments from the Association and the problems that they are having over there. Does that cover that, or is that.....

Ed Meehan: Well, the hundred and thirty-three covers those concerns within the public area. That is the yard drainage in several locations, some of the pavement at the end of these driveways that has to be touched up when the weather permits, there's a couple of areas where we want to go back and look. It was suggested that they may need some safety fencing, we should look at that.

Commissioner Pane: We suggested adding catch basins over there, are they going to add catch basins?

Ed Meehan: That's part of the drainage, either yard drains or some catch basins at the end of those, they call them the carriage houses, would be part of that. There is some suggestion too for some street numbers for those carriage house areas, a good suggestion, safety related in the sense that fire and police personnel could get there quicker, but for the most part a lot of this is yard grading, re-establish of seed and loam, pavement is pretty much, all the pavement is done, there may be, their engineer, their engineer being for the home owners association, said there is some tremendous amount of damage to the curbing. Well, there are some areas where the curbing, a vehicle was backed onto, but I wouldn't say a tremendous amount of damage. There are also a couple of areas, we were talking the other day with the Pulte representative, myself and the Town Engineer where there is some sidewalk scaling. Where it looks like it was either poured and the water situation didn't work right on it, it set up too fast, they were using some sand mix, salt mix, excuse me, that was causing that problem. But, \$133,000 is still a lot of money for what is left in our opinion, so, it's up to the board.

Commissioner Hall: What about this letter from Pearstein, Tanler and McCracken representing the home owners association? Are we going to respond to that, that we think that if we do reduce it that it would cover what needs to be covered and the rest of it is not our concern kind of thing?

Ed Meehan: That would be appropriate, if that is the Commission's wish, to inform the property management company and the homeowners association that you feel that you have the situation in control for the amount of public work that is left. The issues, and we try to do a little notation in the column of what is homeowners and what is town and what is public, those are issues of workmanship between Pulte and the individual property owners.

Commissioner Hall: I have one other question. When it says, do not agree, who does not agree? Do we not agree.....

Ed Meehan: Me, I didn't agree with that. It's for your benefit or your consideration. I think it may be for the light poles. I mean, the project engineer for the homeowners association walked around with us, maybe twice, once I think, there are one or two light poles, these are the street light poles that may be off kilter, and that is a matter of using the adjusting bolts to level them. But it's not rampant throughout this development and that's basically, either Pulte or CL&P fixing that. I think there is probably one and it's not out by very much, it's a judgment call, so to be very honest, I don't agree with everything that the private hired engineering company came up with as far as your bond requirements.

Commissioner Pane: I just want to know, I can anticipate some of the response, but I just want to know is Pulte working with the association to take care of these other problems.

Ed Meehan: Yes. Since the Commission was up there on October 14<sup>th</sup>, several of the drainage areas have been fixed, the one area that we looked at that night with the issue of the bird bath and then the lawn going back was regraded and some of the bituminous was replaced. That will have to be looked at again this spring. The areas that they touched up was late in the season and they will have to be looked at. Pulte has been in communication with us with their list, and it goes out with the packet, of what the item was and what they did to check off. They are keeping a running check list of items as far as the site bond and as well as the other items that we don't have purview over, those are the building issues, but if you look through the report, you will see a check list of what was reported by the town, what was reported by the home owners association, and how Pulte feels that they are responding. So I think they are, I think things are going to be on hold for the next couple of months until the weather permits them to go out there and do a lot of this work.

Commissioner Pane: A lot of this stuff is like railings on the landings.....

Ed Meehan: Those are all building codes.....

Commissioner Pane: I understand that Ed, I understand that, but I want to know, are they going in? It's a fair question, are they going in?

Ed Meehan: They have to go in.

Commissioner Pane: Okay, well I want to know, I want to make sure, I don't want, all of a sudden this happens, these people buy \$400,000 condo units, or whatever they cost, and the association gets stuck with hundreds and hundreds of problems and they just bought the places. I don't think it's fair to these residents, and I want to make sure they are protected.

Ed Meehan: The list that goes out with the packet, I don't think they address, well some of them do address, they talk about some deck areas, settlement, and you will see where Pulte, this is Pulte's list, where they have checked off, complete, complete. There are some non-bonded issues on this list. Most of the miscellaneous items are directly the concern of this Commission, those are the public improvements for the streets, the drainage, and the landscaping.

Commissioner Pane: I'll agree with the Town Planner and the Town Engineer that the million dollars well exceeds things, but I would just hope that this Commission could understand that our job is also to help protect these residents that just bought these buildings. Again, I'll agree with the Town Planner that a million dollars is well, way too much money to hold, but I want to make sure that the homeowners association doesn't get stuck with all kinds of problems. What I'd like to do is I would like to make a suggestion that instead of \$133,000 we hold \$200,000 and I think that is more than reasonable, it's only an extra \$70,000. A lot of

these problems are simple problems, if they just did the problems and took care of them then they won't have the homeowners association mad at them and they won't have us mad at them, get the job done and we'll return the money.

Chairman Pruet: Any further discussion on that?

Commissioner Anest: I just have a quick question for Ed. Number six on page two where you said add town bond, was that included in the \$133,000?

Ed Meehan: No, that would be a new bond. As such, the process is that they submit the warrantee deed, any drainage easements, hold harmless agreements, along with the as-built plans, they petition the Town Council for street acceptance, and when the Town Council holds their public hearing, they authorize the Town Manager to accept the street.

Commissioner Anest: No, no, this is regarding the retaining wall between three of the units. It says, add to town bond, so.....

Ed Meehan: Number six on page two, oh, page 6....

Commissioner Anest: Oh, I'm sorry, page 6, on their letter, page 2, Item 6, under.....

Ed Meehan: Yes, that is covered by the \$133,000. That is one of the things that we do agree with. There could be a couple of areas that need some security fencing or safety fencing.

Chairman Pruet: Okay, how does everybody else feel about this?

Commissioner Aieta: Just a clarification, maybe I'm missing something. On this thing where you hand penciled in, town bond, this HOA, that's homeowners association, you feel they are responsible for these items? I don't know, what does that mean?

Ed Meehan: HOA is homeowners association. It doesn't mean they are responsible to do it, it means that they need to get Pulte to do it. In other words, Pulte is responsible to fix the landing steps, Pulte is responsible for the settled stoops and steps.....

Commissioner Aieta: Then the \$200,000 isn't enough money.

Ed Meehan: But you don't have the right under your regulations to bond for these items. You don't.

Commissioner Pane: We understand that, but this is a lot of poor workmanship here and you are going to let the homeowners association be responsible for this stuff, or fight with them? We have leeway on this, a little bit, okay, and it will send a message. We have leeway, we've done it before by the Commission, years ago.

Commissioner Schatz: I agree with Commissioner Pane on that, for the simple reason if there is a problem, and the money is all turned back, even though we are not responsible for it, then these people are going to get some kind of an assessment. That's extra money that they will have to pay to get it done. It would send a message that, hey, we're not fooling around.

Chairman Pruet: Okay, we've heard this pretty good, does the Commission wish to entertain a motion to put this into Old Business and modify the recommendation of \$133,000 to \$200,000, or leave it as \$133,000. What is your pleasure.

Commissioner Schatz moved to move the Pulte Homes request for Bond Reduction to Old Business and raise the amount to \$200,000. The motion was seconded by Commissioner Anest for discussion.

Commissioner Anest: I have a question. Ed, do you have to justify why we are holding so much?

Ed Meehan: Yes. I mean, we need to be reasonable with our numbers and that is why the work sheets have been prepared. If you look at the estimates, Pulte is carrying like, I forget the numbers, but they are inflationary costs and they bring the costs up pretty high. That's why we thought the number was fair.

Chairman Pruet: Any further discussion on that. We can put that in the form of a draft motion to change this to \$200,000. The vote was unanimously in favor of the motion, with seven voting YES.

**Pulte Homes – Woodlands Development Bond Request for Bond Reduction**

Commissioner Schatz moved that the site bond held for Pulte Homes Woodlands Development, Phase I and Phase II, be reduced from \$1,133,000 to \$200,000. The balance of \$200,000 shall be held to cover remaining work items in both Phases I and II as listed on Pulte Homes' November 18, 2009 letter to the Town Plan and Zoning Commission, as well as additional miscellaneous items as may be identified by the Town Engineer.

The completion date for this site work shall not be later than October 1, 2010.

Upon completion of the site work, Pulte Homes shall post a one (1) year Maintenance Bond in accordance with the Subdivision Regulations, Section 7.7 procedure for public street acceptance.

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

Chairman Pruet: Okay, just a reminder, our next meeting will be on the 27<sup>th</sup> of this month. We will continue at six o'clock with a special meeting to discuss as much as we can of the remainder of the Plan and we will judge it from there on.

Commissioner Casasanta: Mr. Chairman, unfortunately due to my work schedule, I will not be able to come to the six o'clock meeting, but I will be here for the seven.

**XII. ADJOURNMENT**

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

Respectfully submitted,

Norine Addis, Recording Secretary

