

NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 25, 2012

Regular Meeting

Chairman Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

**I. ROLL CALL**

Commissioners Present

Commissioner Anest  
Commissioner Camerota  
Commissioner Hall  
Commissioner Lenares  
Chairman Pruet  
Commissioner Sobieski  
Commissioner Aieta  
Commissioner Camillo

Commissioners Absent

Commissioner Woods

Staff Present

Ed Meehan, Town Planner

Commissioner Camillo was seated for Commissioner Woods.

**II. PUBLIC HEARINGS**

None scheduled

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

None.

**IV. MINUTES**

January 11, 2012 – Regular Meeting

Commissioner Sobieski moved to accept the minutes of the January 11, 2012 regular meeting. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion with seven voting YES.

**V. COMMUNICATIONS AND REPORTS**

Chairman Pruet: Ed, what do you have for us?

Ed Meehan: Just the material coming up next on the agenda.

**VI. NEW BUSINESS**

A. Review of Auto Related Use Zoning Regulation Options

Chairman Pruet: Several of the Commissioners asked to revisit and re-look at our auto related zoning regulations that were deleted in the past. I've asked everybody to take another look at them and open that up for discussion and review by the Commission.

Commissioner Lenares: I have one question. Just as an overall and I guess this question would be for Ed, how does the process, or how would we go about this, I mean we are going to talk about it as a Commission and whatnot, but how does it work in terms of the public, time line, how many days you keep it open for, that kind of thing. How does that work to get an end result yea, nay, or indifferent?

Ed Meehan: Well the normal process would be that this Commission would go through the language and I think reflect on, do you want to make this a policy decision to bring auto related uses back. I think we need to start by, what do you mean by auto related uses, a clear definition of that. The regulations in the past have treated that as limited repair, repair license dealers and we have not treated as a gasoline station with repair bays is an auto related use, a gasoline station just selling gasoline as part of a convenience store is not considered an auto related use. Auto body shops, tire and muffler places, body shops like Turnpike Motors would be auto related uses, so if it is the will of the Commission to bring it back, then the process going forward would be to discuss how you want to do that. You could bring it back just the way it was in 2007, you could bring it back with changes to some of the design standards, you could bring it back with a combination of changing some of the design standards and eliminating some of the locations by zone. Now, the way it starts now the auto related uses are introduced in the regulations in the B Zone, which is the neighborhood B zone, or used to be anyway. Then it goes through the Berlin Turnpike Zone, Business Town Center Zone, Planned Development Zone by Special Permit. That is what was removed in 2007. The regulations still permit auto related uses in the Industrial Zone by Special Exception.

Commissioner Aieta: And the other ones are not by Special Exception the way it was before?

Ed Meehan: They were always by Special Exception.

Commissioner Aieta: So they are always by Special Exception, even in the approved zones.

Ed Meehan: Even in those zones. They were permitted, not by right, but by Special Exception. It goes back to 1930, the regulations always treated these by Special Exception. The standards, the design standards I mentioned in here, haven't, they've changed a little bit, but as far as the distance separation, like the front yard setbacks, distance to fueling pumps, distance to schools, playgrounds, that standard changed, distance to nearby residential, it's always been fifty feet. Commission has talked about making that a hundred feet. But I think the first issue is the policy one of reconsidering bringing this back and under what conditions, requirements you want to do that, if you want to do that. Having reached that decision, whether you do that tonight or in a future meeting, giving direction to the staff to revise the language that you want to look at, and when it's written so it's acceptable to the Commission, then you put it down for public hearing. You set a public hearing date and we do all the public hearing notices, it would be available for public review and comment. Parallel to that it needs to be referred to the regional planning agency for inter-town referral because a couple of these zones, let's say you want to keep it in the Planned Development Zone, would about a

neighboring town within five hundred feet. So procedure would require that you refer it to Capital Region Council of Governments and Central Connecticut Regional Planning Agency which is the agency for Berlin and New Britain. That requires at least twenty-five to thirty days lead time before you can have a public hearing. You get their response back, you hold your public hearing, businesses and residents are given the opportunity to comment and the public hearing reports from the two regional planning agencies are read into the record, and then you vote on it, so to answer your question, it could be a two month process, at least six weeks I would think. The other way that you could do it, and sort of do this in a workshop atmosphere is to entertain under Public Participation before you go to public hearing, I think this would be appropriate, invite members of the public to comment under public participation to get their input early in the process. It would give you some insight as to what the residents and businesses are thinking before you spend a lot of time putting this down for public hearing. This was taken out of the regulations in 2007, it's been in the regulations in various forms since 1930. It really hasn't changed too much over the years. I was just telling Dave, I went through the list of uses that are in the auto related category right now and the majority of them are in the Planned Development Zone. That is the southern end of the Berlin Turnpike, Pane Road, Kelsey/Christian Lane, and a little bit up near Mountain Road. That's where most of the uses are. There are no auto related uses left in the Business Town Center now that Newington Auto, Ron's is closed. In the Berlin Turnpike Business Zone which is the area on the Berlin Turnpike north of Ann Street, Turnpike Motors is on the corner, and the other, the only other auto related use that I can think of is Don's Speed Shop. That's pretty limited. Then in the local business zone, the B Zone, the ones that I know of are the Sunoco at Maple Hill and New Britain Avenue, and B and B Auto at Dowd Street, Dowd and Main. The other uses around town are either in the existing Industrial Zone or in the Planned Development Zone. There are quite a few in the Planned Development Zone.

Chairman Pruet: How many are grandfathered in, Ed? I know Fenn Road, across from Eagle Drive there, that's.....

Ed Meehan: That's the gas station that is grandfathered in because it had work bays, Jiffy Lube on Kelsey Street. The other uses, like across from Yanni's, that was torn down so they lost their protection. That is basically a gas station convenience store. On Willard Avenue there was the existing, I think it's A-1 gas with the car wash, that had a redevelopment plan that was approved and that has not gone forward. It was approved to basically demolish and start over just with a gas station, no car wash, and they haven't proceeded with that.

Commissioner Anest: What about the Shell station.....

Ed Meehan: The Shell station on Main Street doesn't have any service bays. The only other gas station that hasn't been built yet but is approved is the Hunter Development at the top of East Cedar and Russell Road.

Chairman Pruet: And that was strictly gas and convenience.

Commissioner Camerota: What about the one on Fenn Road?

Chairman Pruet: Yeah, that's the old one there by Eagle Drive. That's been out of business for about twenty some odd years, right?

Ed Meehan: Yes, but it's still protected.

Commissioner Hall: The same people still own it?

Ed Meehan: No, I don't think so. It was someone from Waterbury I think.

Commissioner Hall: Molloy used to own it.

Ed Meehan: Yeah, Tom Molloy, but I think someone from Waterbury now owns it.

Commissioner Camillo: Charter Oil owned the property at one time.

Ed Meehan: We have several gas stations, but they are a different category, different licensing. They just sell gasoline. Then there are some auto related permits that are held by businesses that don't really service the public. H.O.Penn has an auto related use, and a dealership use. Acorn-Thompson has one.

Commissioner Aieta: And those permits stay with the property.

Ed Meehan: They travel with the land.

Chairman Pruet: They're not for retail, correct?

Ed Meehan: No, those aren't. Well, I think H.O.Penn, I suppose, they needed to get their dealers license essentially for trailer sales, for equipment. It's not really public.

Chairman Pruet: Exactly, it's specialized.

Commissioner Sobieski: Ed, what about the old H.O.Penn on Day Street? Is that still grandfathered in? Where they were?

Ed Meehan: Is that Mirabelli's now?

Commissioner Sobieski: No, it's farther down from Mirabelli's. Mirabelli's is over here, near the Corvette Center, and then go back down, there's United Woodworking Cabinets, stuff like that, that's where the old H.O. Penn used to be.

Ed Meehan: Is that down where Zavarella's Woodworking is, 90 Day Street Extension?

Commissioner Sobieski: Yeah, almost near Day Street Extension, actually right across from Northern Heating.

Ed Meehan: There's a couple, that's in the Industrial Zone anyway so it's permitted by Special Exception, by right. Those are all in the Industrial Zone.

Commissioner Aieta: I think they got their permit when they moved over to Richard Street. I don't think they had it over at the old place. I think they got it when they started selling trailers over on Richard Street.

Ed Meehan: On this list I would guess there are probably thirty-five, thirty-five uses. I can read them off if you want.

Commissioner Aieta: We have it in the packet.

Commissioner Hall: There's one that's not in there, that new Pike on, next to R & M, they've got big signs up.

Ed Meehan: Which one?

Commissioner Aieta: Pike. That's the old R & M, because they are out of there.

Commissioner Hall: Next to it.

Commissioner Aieta: That was their property

Commissioner Sobieski: The building to the left, in the back....

Commissioner Hall: Yeah, it's different.

Commissioner Camillo: Behind the car wash.

Ed Meehan: I can't visualize.....

Commissioner Aieta: It's behind the car wash.

Commissioner Hall: You know where R & M is, Image Ink I think had a spot, and then it's in the back of that.

Ed Meehan: Oh, okay.

Commissioner Hall: They've got a big sign out on the street.

Chairman Pruet: So the concern now is that if we want to, as a Commission review this and consider reopening it, that's what it basically comes down to, does it merit us looking into it, and fine tuning the regulations as we see fit, or let it go.

Commissioner Lenares: I don't know if you are looking for everyone to make a comment, but I'd be whole heartedly for looking at this, but with the right language, whether it be in terms of the specific spot within the town, here versus there, and then once a spot is designated that we think is appropriate for these places that may be permitted, the regulations in place to ensure that the place is not left like a junk yard, there's cars in the front, there's tires over there, there's oil cans over there, I mean, stuff has to be enclosed or fenced in or whatever, but I think it can be a positive for the Town as long as it's regulated by our input, the public's input, obviously staff what they can write for us in terms of what we give them I think is important.

Commissioner Sobieski: I agree with Dave, I think we should look, revisit this and see if we can, if anybody wants to come in, that's going to keep them clean with new regulations, it would be a definite plus for the Town.

Commissioner Camerota: I think we should look at it, and I would like to hear from the public as far as whether or not they think it should come back in. I think the reasons for taking it out were both the concern of it being in that Business, the residential/business areas and then the fact that we thought that we had enough of them and then I think the concern when it was taken out was the non-conformity issue. You know, what happens with these buildings, so I think we have to figure out if, to deal with the non-conformity issue, do we have to put it back in and then regulate it better, or is there no reason to put it back in. Do we put it back in when the need arises?

Chairman Pruet: Non-conformity, we kind of touched on that.....

Ed Meehan: Yeah, you amended the regulations about a year ago to address the reconstruction of a building after a fire.....

Chairman Pruet: Right, as long as they didn't basically increase the footprint of the.....

Commissioner Aieta: But that still leaves, it's still a non-conforming use. That only gave them the right to rebuild after a fire that destroyed it more than fifty percent. So it's still in a nonconforming state.

Chairman Pruet: Right, but it protected the business if it did happen

Commissioner Aieta: Right. I think what Stan said, we should, if we are going to go ahead with this, we should strengthen our regulations as far as Special Exceptions specifically to give a laundry list of what can and what cannot be done so that the people who are coming in have an idea of what the Commission is looking at, not just to leave it the way it is, because we have had problems in the past where there is a thought that if it is a Special Exception but we don't have the right to deny just because it's, I think we have to strengthen the Special Exception so that we have the ability to regulate it to the point where we feel that it is acceptable to, and then the other thing that we should be looking at is what zones we are putting them in and define what zones they should be in.

Chairman Pruet: Anything specific on the restrictions or modifications?

Commissioner Aieta: Well, you could be talking about, I don't want to say architectural review because people have a tendency to think that we don't have the right to do that. I particularly think that we do and we should be looking at some type of a building review. Materials, heights, how it appears from the street, in the case of auto related uses where the garage doors are, where outside storage is, if outside storage is allowed, there is a whole litany of things that we could talk about to try to get them, I know in some of the areas, like on the Berlin Turnpike in the PD Zone you might want to have the building, the whole building and if it is a brick façade we might want the whole building brick instead of just the front depending on where it is located on the property. There's a whole bunch, a litany of things that we could be looking at.

Chairman Pruet: Anybody else have any comments?

Commissioner Hall: I'm willing to revisit it. I sat through the '07, 2007 discussion, sat twice since I have been sitting on the board or the Commission on this, I mean, this is not something that we take lightly and its been bandied back and forth quite a bit since it was taken out. There are certainly pros and cons on both sides. I know why it was taken out, now it's a question of do we think maybe that was a little draconian, that maybe it was a little too strict, that maybe there are some instances where it can be successful, and the non-conformity. We took a little step on that to help rectify that, but I think maybe there is still a little bit more that we have to be concerned about. I am willing to look at it again.

Commissioner Anest: I think that we need to have a stricter design standard. We need to say where the location of the bays and I totally agree with Frank on that. I would like to hear some public input as to how they feel, you know, I think in this day and age too we have to be a little bit business friendly and not shut out every business out of our town, so we have to take that into consideration too.

Chairman Pruet: Good comment. Can we open this to the public.....

Commissioner Aieta: This is not a public hearing.

Ed Meehan: I think if you are going to do it, you could do it under Public Participation. The one thing that I didn't mention and you should be cognizant and keep this in mind, this is in your 2020 Plan as a recommended that this be, auto related uses be controlled and deleted on the Berlin Turnpike. It specifically talks about that. The Plan is advisory, it can always revisit those statements in the Plan of Development but that was sort of a mission statement going back to 1995 in your Plan of Conservation and Development. So I think there may be a middle ground here if you are going to bring this back, as some of the Commission members have said, you bring it back with design controls that you feel will protect the location that you decide you want to put it. Let's say it's on the Berlin Turnpike, and other parts of the Plan talk about being aware of buffers to residential, and some parts of our Berlin Turnpike are cheek and jowl as far as business and residential, so you look at that fifty foot separation standard, maybe you make that a little bit wider so that that in combination with design standards for location of doors and outside storage, you are addressing some of the policies of the Plan of Development. Then we have those design standards in place, that's how you regulate your site development. That's a measurable regulatory item. It's not like, well, I don't like brick, I want split face block. Measurable design standards are better than some of those other ones.

Commissioner Aieta: In defense of the Plan, the 2020 Plan, I think it was in line with what the regulations said at the time, that auto related uses were not allowed, so in defense of the Plan, I think it's....but if we look at this as a revision of the Zoning Regulations as far as auto related uses, then we put the standards in and restrictions and the controls that this Commission can use, then I think we would be meeting the intent of the 2020 Plan.

Ed Meehan: You would have to underpin your reasons for doing this with some of the items that you just mentioned.

Commissioner Hall: The other thing is, especially for obtaining a license for dealing or repairing motor vehicles, that's really ZBA.

Ed Meehan: Not any more.

Commissioner Hall: No?

Ed Meehan: No, the Commission took that when it was in your regulations, the location requirements or the Certificate of Location was brought back to Planning and Zoning.

Commissioner Hall: Oh, all right.

Ed Meehan: And the reason for that was, because you can do your Certificate of Location along with your site plan.

Commissioner Hall: Right, otherwise you are working at cross purposes.

Ed Meehan: Right, it wasn't working the other way.

Chairman Pruet: So I think the consensus is that we are going to re-visit it, under the parameters of Public Participation, and we'll do that at future meetings. Anybody else want to, any other comments?

Commissioner Aieta: One other thing, we have plenty of time to look at this, there is not anybody knocking on the door asking for anything, so this would be the perfect time to take our time and make sure we get it right this time so we don't have to re-visit it again in the future. If no one is asking, we should take as much time as we need.

Chairman Pruet: You're right.

**VII. OLD BUSINESS**

- A. PETITION 38-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Amendment of Special Exception Petition 70-99 granted March 8, 2000, to redevelop Bassett Furniture for expansion of Wal-Mart Store. PD Zone District. Sixty-five day decision period ends March 16, 2012.**

Commissioner Camerota moved that PETITION 38-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Amendment of Special Exception Petition 70-99 granted March 8, 2000, to redevelop Bassett Furniture for expansion of Wal-Mart Store. PD Zone District, be approved for a total floor area of 158,369 square feet. The larger store will be accomplished by the demolition of the existing 19,000 square foot Bassett Furniture store and the southerly expansion of the Wal-Mart footprint by 27,221 square feet, a net increase of approximately 8,221 square feet.

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

- B. PETITION 39-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Site Plan modification to demolish Bassett Furniture Store and add 27, 221 square feet for the expansion of the south side of Wal-Mart Store. PD Zone District.**

Commissioner Anest moved that Petition 39-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Site Plan modification to demolish Bassett Furniture Store and add 27, 221 square feet for the expansion of the south side of Wal-Mart Store, PD Zone District be approved for a total floor area of 158,369 square feet.

The Commission finds that the revised building footprint complies with Zoning setback standards and the total parking count for the shopping center.

The Commission further finds that the redesign of the store's public entrances at three (3) locations will provide customers with parking spaces closer to entrances which will result in full use of the parking lot.

The applicant's engineer shall certify to the Town Engineer that changes to the site stormwater management system have been constructed in accordance with the approved plan.

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

**C. Petition 40-11 – 181 Patricia Genova Drive proposed parking lot expansion, Hartford Hospital owner and applicant attention: Raymond Gradwell, BL Companies 355 Research Parkway, Meriden, CT 06450, request for Site Plan Modification, PL Zone District. Inland Wetland Agency Referral Report required.**

Commissioner Lenares moved that PETITION 40-11 – 181 Patricia Genova Drive proposed parking lot expansion, Hartford Hospital owner and applicant attention: Raymond Gradwell, BL Companies 355 Research Parkway, Meriden, CT 06450, request for Site Plan Modification, PL Zone District, be approved the Commission finding that the expanded parking is intended to add 100 new spaces to accommodate new administrative employees.

The parking lot design complies with the Zoning Regulations standards for green space, lighting, curb, and handicapped parking design.

The applicant's engineer shall certify to the Town Engineer to installation of the expanded parking lot's stormwater management system design.

The Inland Wetlands Agency permit approval is acknowledged and made a part of this site plan approval.

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

**VIII. PETITIONS FOR SCHEDULING (TPZ February 8, 2012 and February 22, 2012.)**

None

**IX. REMARKS BY COMMISSIONERS**

Commissioner Aieta: When we went over the Plan, the 2020 Plan we have in here about the transit districts. We have to get the regulations in line with the 2020 Plan. We have, there's areas that this Commission should be looking at as far as the busway, the land that surrounds the busway and to what we would like to see in these areas. We haven't talked about that and what's going to happen is we're going to have developers driving the Commission instead of the Commission deciding before hand what these areas should be designed for and what we will approve or what we were looking for as far as development along the busway. The busway apparently is going to be a reality whether we like it or not and I think we should be acting proactively before someone comes in and the busway gets done and these areas, people start coming in for development along the busway we should have an idea of what we are looking for as far as development along these areas, because it is going to happen and I don't think we covered it under the current regulations have we Ed, in line with the 2020 Plan?

Ed Meehan: Well, it's open ended, but it was addressed but as you said, with the anticipation that if the busway became a reality the Commission would go back and revisit it and over the years there have been various model zoning regulations put forth by Capital Region Council of Governments, the study committee that they were involved with the Town. We talked about it as part of the redevelopment contact plans for National Welding and how the Town would go forth and market that. What do you want to put out there to make the site economically viable but also get the environmental issues addressed, so again, you have some time. The issues I believe are going to be what uses you see happening around the

transit nodes and the density, floor area coverage. Density gets back to dwelling units, but if it's the will of the Commission from a policy point of view, you don't want mixed use development, you just want commercial development then it's a question of floor area coverage, how many stories are you willing to permit these buildings to go up to? Some of the sites are pretty unique. I mean National Welding and that area there is pretty unique because of its location but also because of its below grade situation, so it has some advantages as far as coverage, land coverage. There's also a strategy discussion to think about. Do you want to put out regulations and sort of lead the target or do you want to have regulations ready to go as part of a request for proposal working with the Town Council to entice redevelopment of that site. The other site is the West Hill site which is very small, not necessarily a redevelopment site but other parcels in that neighborhood, if this busway becomes as viable as the transit planners believe it will be, it could be an economic catalyst in some areas along the busway. Some obsolete uses may become more valuable because of their location. That's what has happened in other parts of the country, but that usually happens with rail transit, not necessarily with busway transit. Because it has happened other places doesn't mean that it is going to happen here. Other places have metropolitan areas much larger than we are.

Chairman Pruet: Couldn't we paint ourselves into a corner though if we come out and say well, we want this, but a developer might want to come in and say, well, I might have this instead.

Ed Meehan: That's what I was saying by strategy, I think working up some model regulations that the policy people, the land use policy people being this board, feel comfortable and working with, I don't know what the schedule now is with the Town Council, but we were trying to get grant money to sort of set the table for National Welding, as the first, I'll call it the premier transit site because of its location near Central and Route 9 here but after, if we were successful and got the building knocked down, then the next step would have been a request for proposal with some concept plans, and going back to Frank's point some direction in that request for proposal, what the Town is looking for as far as land use and density. But that means that everybody in town, all the decision makers have to be on the same page. I think leadership of what you want there for land use and density comes from this body, then coordinating that with the Town Council, that's the economic side of it, I mean we're upside down a million, two million three on taxes on that site. Fortunately we have had grants to do the environmental studies but it could be a million and a half to clean it up, and a developer is not going to come along and invest that money unless there's enough floor area or density to get him a return, no matter how much you subsidize it.

Chairman Pruet: Would you recommend some kind of a plan between the Council and this board to say, okay, this is what would be more appropriate for a site like that, for the National Welding or for the.....

Ed Meehan: I think it starts here with the land use people. I mean, that's where it sort of got set aside in the Plan of Development process, I think it was more recognizing that this is, the busway was out there, it might have been a possibility, but it was sort of put on the sidelines in the plan, recognizing that if it became a reality some land use regulations to implement what Commission members want to happen there and to control it was the next step. CCROG developmental model regulations, they were for mixed use development, they were coming in at about sixteen, eighteen units per acre, three or four story buildings, National Welding the most you could do was, I think it was like 80 units.....

Commissioner Aieta: The Council, at least from what I understand the Council and some of the Council members have come out publicly and said that they were against housing in these areas, against housing in any form, in these areas. I mean, not even talking about high density housing. Our Plan of Development talks about eliminating high density housing in the transit district, not housing in general. I mean, there have been comments by Council members where they're against housing in any way, shape or form in these areas.

Ed Meehan: If that's still the position, vis-à-vis, this body, then when you do your model regulations or you put forth, I'll call it a position paper, then at the top of the list is commercial development only and the issue of housing is, when it comes to rezoning, you don't rezone it for housing. These are only for say, office parks, or research development or, you can leave National Welding in the Industrial Zone. That's wishful thinking, but.....

Commissioner Aieta: I think that has to be changed to a PD Zone.

Chairman Pruet: Planned development, yeah.

Ed Meehan: Then the other thing that you need to keep in mind are the adjacent land uses, how are they compatible again, I firmly believe from a community development use that this body drives economic development, whether you think you do or not, it's what you say someone can do on their property and what coverage and all the hoops the guy has to go through, that the developer looks at and says, yeah, this is a great location. I can put a three story office park there, I can make some money, even with all the cost of the environmental cost. But permission to do that comes from you guys.

Commissioner Sobieski: Excuse me Ed, one quick question. There is going to be a bus stop there, is there not, in that area for Central?

Ed Meehan: Not for Central. Central's property is south of Cedar Street.

Commissioner Sobieski: No, I meant, wasn't there something in the DOT plan, wasn't there supposed to be a bus stop near there.

Commissioner Aieta: Yeah, it's right behind the National Welding site is the station.

Commissioner Sobieski: Okay, and my other thing is, there is Brownfield money available to clean up that site.

Ed Meehan: Yeah, we've tried a couple of times to get PILOT, it's called municipal groundfield pilot money and the last time it was called TOD PILOT money, and we had put forth, this past summer we put in an application for 1.2 million with the thought of just demolishing the building down to a slab, and that is the expensive part. The building is filled with asbestos, but at least get it down to a slab, salvage some of the steel and then address an RFP out to the interested folks.

Commissioner Sobieski: The rail right of way I think is almost up near against that building, so if the busline goes in, you would only be responsible for where the state property ends and the rail property ends to clean up that.

Ed Meehan: Well, the proposed busway station is under remediation right now. That's what the temporary road is going on down there, and that is more of a superficial clean up we understand. I believe that the bids have been awarded for the road coming in from Fenn, with the traffic signal out on Fenn going through the Hayes property down to the station and

the strategy has always been that that is going to be the access to the four acre National Welding site because Cedar Street is not really conducive.

Chairman Pruet: And to the busway.

Ed Meehan: And to the busway, and there is an all purpose trail, a walking-biking trail that goes with the busway that goes underneath Cedar Street and eventually will serve what CCSU might be south of Cedar Street, a long range campus concept of dorms and some, talk about School of Engineering, Environmental Engineering down there.

Chairman Pruet: 120 acres, right, approximately?

Ed Meehan: Right, 120 acres....

Commissioner Sobieski: Then you would have to have access which means they would probably have to cross the busway, or use some of the busway to get down in there, would they not?

Ed Meehan: Yeah, again, the planning concepts are you know, very optimistic. They talked about a building that would straddle the busway, would actually be a combination parking garage, some sort of a building where you could drive over the busway going through the garage to get to the other side, they are very optimistic. There is access under Route 9 to East Street, but again, the students use it but it's not conducive I don't think for students to walk that way. They are walking away from the campus first before they get to the campus.

Chairman Pruet: To address your comments Frank, you're right, we need a pro-active group we would like to have come in there, discuss it among ourselves and what we don't want to come in there.

Commissioner Aieta: Mike just mentioned that he believes that they are going to start this spring at West Hill, actual construction.

Commissioner Carillo: They actually are bringing equipment in now, they will start work in March.

Ed Meehan: If you go up on ConnDot's web page, you'll see, where doing business with the State of Connecticut, a lot of the bids are up, and some have been awarded. All the environmental bids were awarded for Cedar and Fenn, and last I heard the traffic signal design and the roadway design to extend down to the busway was about to be awarded. There are some right of way issues and land swaps with Hayes-Kaufman that were pretty much agreed to, but were put on the side until the funding was available, so the pieces are beginning to come together. Other towns along the busway have already got their TOD Zones in place, they treat them as overlay zones and then the other area where this would be again to be pro-active is the New Haven-Hartford-Springfield line, because again, there is transit orientated with that, and that's where Newington Junction comes in as a key location with the busway and the rail line meet. Again, this is a ten, fifteen year vision of redeveloping that area. It's going to be slow, but that's a possibility. But that's a direction, that's really what it says in the Plan is, we're going to revisit the PD Zone and see how that might work.

Commissioner Aieta: Do you envision the existing zones staying the way that they are and putting an overlay zone onto those zones.

Ed Meehan: Right, like a design development zone, so you control density, height, design and uses.

Commissioner Camerota: I think that makes the most sense, only because they are two unique sites.

Ed Meehan: That's where the request for proposal and how you work your strategy with the Council, I wouldn't show all your cards up front, you could have like a draft form, or a white paper type form so if you do get, a developer comes in then you can work with that developer to get what you want through the overlay zone process.

Commissioner Aieta: What about the other land that's along the actual, not the station areas, but the other land along the corridor? You see any activity on each side of the busway, not really?

Ed Meehan: Most of it is wetland. You get outside of, north of National Welding site, by the back of the town garage, back of Commerce Court, some of it is wetland already developed. All the land on the east of the rail line, former old rail line is all wetlands. Then you get into the Piper Brook flood plain, it's wetlands.

Commissioner Aieta: So it's just basically the areas where the two stations are that are to be considered.

Ed Meehan: Yeah, and then up Willard Avenue, some of the back property along Willard Avenue might work, and then the 120 acres that Dave mentioned, south of Cedar Street going into New Britain, but I think there is only thirty or forty usable acres in that whole area, and that's exempt from zoning anyway because it's state property. The other thing we should always keep in mind is that the Town owns National Welding, so not only do you have zoning control, but your RFP again, working with Council you could put restrictive development covenants on the resale, what you want, going beyond zoning and you can do that as a carrot to market the property, that's what some communities do, use restrictive covenants as development covenants.

Commissioner Aieta: I think on that site, if we don't get the remediation of the site, grants or money for that, it's going to be almost impossible to market that site unless we get the money to clean it up. That has to be a clean site to market that site because there is not enough use that you could put on that site to cover the million, million and a half for the clean-up for the site.

Ed Meehan: The access road being constructed will be constructed to town standards, the traffic signal, that's probably \$120,000, \$150,000, in addition to that, there is a utility corridor which is going to be provided, which was agreed to with Mr. Hayes and the town, and then the State plans for their busway station, they are receiving all the storm drainage from the Hayes site and from our National Welding site which is a big bonus because it was all going to be designed to the highest standards before it is discharged into the Piper Brook wetlands. Get the building down, and then you've got a very usable site.

Chairman Pruetz: Very attractive piece of property. Any other Commissioner comments?

**X. STAFF REPORT**

Ed Meehan: The new zoning regs, this is, we set this up, if you have your three ring binders, throw your old zoning regs away. It wasn't much of a rewrite, this incorporates the shopping center gas station kiosks, but it was enough that we had to move the index and the pages around so it was easier just to put this back together, the whole document so it's effective and it was adopted last November. Everything is up to date in here and it's up on line and hard copies are available for the public if they want.

Chairman Pruet: Okay, if everyone has their booklet, toss the old and keep the book and put that in there.

Ed Meehan: One other comment that I want to make, there were legislative changes effective in October regarding how municipalities can secure bonds for development projects. Newington's practice is pretty common, we were taking a passbook, cash or letter of credit. We never took an insurance surety bond for development projects. We did take them for road projects in our right of way. That's been changed where municipalities can no longer exclude surety bonds so the regulations, that section of the site plan regulations and the section of the subdivision regulations need to be revised to address the new legislation. We had a situation tonight where New Samaritan is getting ready to occupy their housing across the street, they had to put up a small bond, like \$5,000 and they wanted to put up a surety bond and the Town Engineer wasn't aware of the new state requirements, so I met with the developer and they can put up an insurance bond, so that is something that should be addressed. The town has gotten burnt on insurance bonds and they're hard to collect on, so you have to be careful with those.

Chairman Pruet: Anything else? Okay.

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

Rose Lyons, 46 Elton Drive: Now if you could just get microphones for the Commissioners so it would be easier to hear out in the audience.

Chairman Pruet: I'm on top of it.

Rose Lyons: I made the pitch at the Town Council meeting last night, so I'm working on it also. Just an observation, last time that you met there were quite a few people here who didn't have copies of your agenda and I think when there is an issue on an application on the table that you know you're going to have a lot of people here, maybe just have a couple of agendas ready for, even outside the door, if it could be posted. I print it off the computer, but not everybody has that capability. I'm glad to hear that you are taking a pro-active approach rather than a reactive approach to what may or may not come by on the busway. I understand that West Hartford has a committee set up, I don't know exactly what their Commission is or what exactly their charge is, but I'm assuming it's to keep an eye on what's going on and how fast things are going. I think not only this Commission and the Town Council need to communicate, that perhaps the Conservation Inland Wetlands should be involved in it. I was at a meeting to stop the busway and the former chair of that Commission thought, made it public that he thought that one of the applications that they granted probably shouldn't have been granted. I'm not even sure what he was referring to, but that was said at the meeting. I think the residents should have some input as well. West Hill area is a very dangerous intersection at the stage that it is right now, I can't imagine how much more traffic there is going to be once the busway goes through. All that being said, I will be back with my

comments on auto related uses when you have time for that and set up a public hearing. Thank you.

**XII. CLOSING REMARKS BY CHAIRMAN**

Chairman Pruet: I just have some brief closing remarks. I want to again personally thank our retiring Town Planner Ed Meehan for his 22 years of faithful service to the Town and all that he has done, we're going to miss him very much. We are planning a little testimonial in his honor, it will be on Thursday, February 9<sup>th</sup> at Indian Hill Country Club with a snow or rain date the following day on a Friday. Anybody wishing to join us, it's open to the public, feel free to contact me at 558-1560, the name and phone number is in the phone book too, or also contact the Town Manager's office.

**XIII. ADJOURNMENT**

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary