

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

January 26, 2011

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

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Commissioner Schatz
Commissioner Aieta
Commissioner Lenares
Commissioner Turco

Commissioners Absent

Commissioner Casasanta
Chairman Pruett

Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Commissioner Casasanta and Commissioner Lenares was seated for Chairman Pruett.

II. PUBLIC HEARINGS

- A. **PETITION 41-10 – 184 Fenn Road My Storage Space, Storage I (CT) LLC owner, Sign Pro Inc. 168 Stanley Street, New Britain, CT 06061, attention Kyle Niles, applicant request for Special Exception Section 6.2.4 pylon business sign, I Zone District.**

Vice-Chairman Camerota: Is the petitioner present? Please come forward and step to the podium. Would you state your name and address for the record?

Kyle Niles: Good evening, I'm Kyle Niles, Project Manager for Sign Pro, 168 Stanley Street in New Britain, Connecticut. We're here today to talk about a pylon sign for My Storage Space and the address is 184 Fenn Road in Newington. Currently there is no pylon sign existing on that property. We have building signage, and they would like to add a pylon sign. What we have is an eighteen foot high pylon sign. It's six feet high by ten feet wide and it's twelve inches deep. It's going to be an extruded aluminum sign cabinet, non-illuminated. It's double faced, poly carbonate face with vinyl graphics. There is also going to be two bollards installed in the ground in front of the pylon so that it can't be hit by any vehicles. I did a survey out there, and I was asked by Mr. Meehan to adjust my square footage for that site for allowable signage. We're allowed a total of 210 square feet of signage, combining the building signage with the pylon. We were well over that, so he asked me to reduce some of

the signage on the building so that we could go for the pylon sign, so I went back to the client, we discussed it and they sent a new proposal into me which I dropped off to Mr. Meehan's office and there are two signs that we will be removing from the site. If you look at your drawing, this page here, number two is a temporary banner that they have tied between the awning structure. That temporary banner counts as signage. You had, that was at twenty four square feet, so we eliminated, we want to eliminate that sign. In picture number three, it shows the corner of the building out by Fenn Road. That building is funky because it has a bunch of jogs in it, but there are two wall signs and those wall signs are eighty square feet right now, each, so that is a considerable amount of square footage. So what our client proposed is that we would remove the sign in picture number five which is, if you look at picture number three, it's the sign on the left. So that is actually, I don't know, Fenn Road, is that north, northbound heading towards, yeah, that's northbound, so the north sign would come off. So now, by eliminating that sign and by eliminating the banner in the front, and adding in the pylon sign, we are now at

Ed Meehan: Two hundred and eight.

Kyle Niles: Two hundred and eight, thank you very much. I lost that for a minute, I had a temporary fade here, so we are now within regulation as far as our square footage is, and we've been working back and forth on this, pretty hard, trying to make sure that I could come here today and everything is within the zoning regulations. I also had been speaking with Mr. Hanke earlier on, and he is requiring engineer drawings for the foundation, which I have. I haven't supplied them to him yet, until I see if this is allowable, but I have everything in order and ready to go. So basically that's what we have. If you look at the page with the pylon sign drawing, you will see where it is located. We conform to all of the setbacks. It's off set from the Laundromat sign, so it won't be hiding the neighbor's sign in any way, it won't be obstructing that when you are coming down the road, ours is actually sitting farther back in the property and it is in the parking lot, that's why the, we are going to have to put the bollards around it right there. It takes up one parking space, where it sits. There is actually, from the road in, that's the sixth parking space in, so that one parking space would be eliminated for the pylon. Other than that, I think it is pretty cut and dry. That's what we have.

Vice-Chairman Camerota: Okay, thanks. Staff comments?

Ed Meehan: There is a brief staff report that Commission members have on the table, with the adjustments with adding some wall signage as the applicant has mentioned, it does comply with your area requirements for sign's square footage. This building is an older warehouse building and it has multiple fronts along Fenn Road, but we only count the frontage where there is public access and that's the northern wall. That's where the 210 feet comes from. The other walls that face Fenn Road, even though they have doors and they have some way to get into the building, they are not for the public. They actually are labeled, not a public access door, a couple of them are actually old loading dock doors, so the credit is only given for the north wall. That sign height would meet your requirements of eighteen feet. I would suggest, I haven't mentioned this to the applicant yet, but there is an awful lot of black top on this site, it's just a very minimal island along Fenn Road. There is another option to protecting the sign rather than just putting it in the parking lot with a couple of bollards would be to put some curbing around it, and secure it with some lawn or landscaping at the base of the sign to reduce the amount of blacktop along the northwest corner of the site, to soften it up. I think it would serve a function of both protection and some aesthetic improvements there. One of the pictures shows a very narrow island along Fenn Road which is well kept, but even that doesn't completely cover much of the landscaping on this site, so I would propose that to the Commission and I would hope that the applicant would think about

it. I think a six inch curb and some landscaping would do just as well as the bollards, and other than that, it meets your standards.

Vice-Chairman Camerota: Thank you. Any Commissioner comments? You can take a seat and we will see if we have any public comments.

Kyle Niles: Thank you very much.

Vice-Chairman Camerota: You're welcome. Is there anyone wishing to speak in favor of this petition? Anyone wishing to speak against this petition? Shall we move this forward? Close it?

B. PETITION 02-11 – 3119 Berlin Turnpike Jo-Ann's Plaza, Ceres Newington Associates, LLC 55 Watermill Lane Suite 100 Great Neck, NY 11021 owner, Benayad Enterprises 2, LLC applicant, contact Nordine Benayad 18 Victory Court New Britain, CT 06051, request for restaurant use, 1,250 square feet, Section 3.19.1 Special Exception, PD Zone District.

Vice-Chairman Camerota: Is the petitioner present? Would you come forward to the podium?

Nordine Benayad: My name is Nordine Benayad, from 3117 Berlin Turnpike.

Vice-Chairman Camerota: Tell us why you are here tonight.

Nordine Benayad: I don't know how it works but I'm here to answer any questions.

Vice-Chairman Camerota: Do you have anything that you want to tell us about what you are requesting?

Nordine Benayad: No, no I'm just here for, I don't know, just to find out.....

Vice-Chairman Camerota: What kind of restaurant are you proposing to have?

Nordine Benayad: A small pizzeria.

Vice-Chairman Camerota: With seating?

Nordine Benayad: No, I have just a small, just one (inaudible)

Vice-Chairman Camerota: And what are your hours of operation going to be?

Nordine Benayad: In Newington?

Vice-Chairman Camerota: Yes.

Nordine Benayad: The hours, from ten, Monday through Sunday from ten to ten, Friday and Saturday from ten to eleven.

Vice-Chairman Camerota: Are you going to be doing deliveries?

Nordine Benayad: Yeah, we do. Just one driver, two people working in the kitchen and the cashier.

Vice-Chairman Camerota: About how many employees will be working at one time?

Nordine Benyayad: The same, two in the kitchen, one cashier, one driver and I'm going to be there too.

Vice-Chairman Camerota: Okay. Ed, any comments?

Ed Meehan: There is a staff report that the Commission members have before you. Just to give you a quick summary, this is a small store front on the east side, facing the Berlin Turnpike. It's a vacant space between the existing Fed-Ex and Oreck business locations. The floor plan that the applicant has submitted shows four tables with four chairs at each table for a total of sixteen seats. Public seating area of approximately 375 square feet. Based on the parking standards for restaurant uses, sit down, an area this size, 375 square feet of public area would require about seven spaces. The interesting thing about this location is the history of waivers for parking at Jo-Ann's Plaza that go back many years when it was originally Leachmere's. There were waivers granted on occasion by this Commission for TGIFridays, the most recent one, the most substantial one. TGIFriday's restaurant occupied the northeast corner where we observed many, many vacant spaces, so you know how they set up there. The bottom line is the total waivers up to that point was 176 spaces in that plaza.

Commissioner Aieta: They waived 176 spaces?

Ed Meehan: Yes, and that is the cumulative of TGIFridays, Chuck E. Cheese, and Ming Palace and also thrown in the mix there at one time was Lefty McGoo's, another restaurant that went out of business. So that was the waiver up until 2004. In 2006 the present stores along the easterly side of Jo-Ann plaza were built out at about 6,900 square feet and that's where Oreck, T-Mobile, and Fed-Ex are now located. They are only accessible by the 44 spaces on the easterly parking lot. It's never used, it was used I guess years ago when Leachmere had a store entrance on that side, but when Jo-Ann's moved in there they closed this entrance. That is where this gentleman wants to locate his restaurant. The restaurant, if it was, instead of a restaurant if it was used for retail space like it's neighbors, like Oreck and Fed-Ex, would require six spaces. As a restaurant it's set up with sixteen seats, it requires eight spaces.

Commissioner Aieta: He's only showing twelve seats.

Commissioner Anest: He only has three tables shown on the plan.

Commissioner Hall: Printed says four, but the plan is showing three.

Ed Meehan: Okay, my bad, so it is seating for twelve. It's the same parking count through because we go by the square footage, 375 square feet. So the difference between a retail use of this location that this gentleman has leased versus a restaurant use is two spaces, but that is going to add into the waiver mix at this location, so now you are up to a 178 space waiver. From my observation, this came into the office as a petition more than a couple of weeks ago, we missed our last meeting, I have not seen these forty-four spaces on the easterly side of the building fully occupied, or occupied at all, for that matter. It seems to be somewhat isolated from the rest of the parking lot. So, as you see in my staff report, I think that the difference here of two spaces is not going to make or break this parking lot. This use could be accommodated would be my opinion.

Vice-Chairman Camerota: Commissioner comments?

Commissioner Aieta: If you took the square footage of the Fed-Ex, the proposed restaurant, the vacuum store and T-Mobile, what is the square footage of that area?

Ed Meehan: That is 6,978 square feet.

Commissioner Aieta: And using the retail formula, how many spaces would you need for 6,000 square feet, using retail?

Ed Meehan: That would be 6.9 times 4.5, that's the ratio, that would be 31 spaces.

Commissioner Aieta: Okay, and they have 44 spaces. I would consider the parking in front of these, there's 44 spaces specific to this operation, these four.....

Ed Meehan: Yeah, I would say that is fair.

Commissioner Aieta: I think the parking is conducive for people to park there to use these, so for 44 spaces for that amount of square feet, they have enough to put a restaurant in there.

Ed Meehan: I agree with you, that's what I have observed.

Vice-Chairman Camerota: Any other Commissioner comments? What is the pleasure of the Commission? Close this as well? Well, actually I mis-spoke. Anyone in the audience wishing to speak in favor of the petition? Anyone wishing to speak against this petition? Thank you. Applicants, just so you know, we aren't going to vote on your petitions tonight, they will be moved to Old Business for our next meeting which is February 9th. There is no reason for you to stay around if you don't want to.

Kyle Niles: Okay, so no word until February 9th?

Vice-Chairman Camerota: Yes.

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

None.

IV. **MINUTES**

December 8, 2010 – Regular Meeting
December 8, 2010 – Special Meeting

Commissioner Schatz moved to accept the minutes of the December 8, 2010 regular meeting and the December 8, 2010 special meeting. Both motions were seconded by Commissioner Anest. The votes were unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

A. **Lowrey Place – U.S. Post Office Collection Boxes Location**

Ed Meehan: Just quickly, there is a letter from the post office to myself, and a copy of a letter to Dave Pruet. Our correspondence goes back over the summer with the issue of the safety of the mail box location on the easterly side of the post office at Lowry Plaza. I won't go into

all of the details, the Commission can look at that for themselves. I talked to Dave about this, disappointed that the post office wouldn't consider all of the options that we suggested, not just the remote boxes for drive-by convenience, but there is another option, if they couldn't see that, moving the boxes, and just slide them a little further up the sidewalk to get away from the driveway. Apparently their safety people didn't look at that, so Dave wanted to make sure that, Dave Pruett wanted to make sure that you were aware of this letter, we can talk about it at another meeting, maybe we go back to them again and ask them to reconsider this, or take it to another avenue to see if there is another way to get the post office to respond in a more positive way.

B. 2011 Representative to Capitol Region Council of Governments – Planning Commission.

Ed Meehan: The other item is any nominations that the Commission would want to consider for your representative for the Capital Region Council of Governments, their Planning Agency. There was information that went out in the packet. That now meets quarterly. If there is no one who wants to step up, we can hold off on that....

Commissioner Aieta: Who is there now from this Commission? Michelle. Just one person from the zoning board? Is this part of this information about the bus, the bus shelters, is that part of this....

Ed Meehan: No, it's different.

Commissioner Aieta: Is that on the agenda?

Ed Meehan: It's on the back, staff report.

Commissioner Aieta: Thank you.

Ed Meehan: So I don't know what you want to do with that. Anyone that you nominate goes up to the Town Council and they actually make the appointment.

Vice-Chairman Camerota: How do you want to handle....do you want to nominate someone or is someone interested and they can just let Dave know.

Commissioner Anest: We already missed the January 20th meeting, why don't we just wait until the next meeting.

Commissioner Pane: By the way, I think it meets every other month, not quarterly.

Vice-Chairman Camerota: Did they change it? Well, they skip June, July and August. So, yes, there are five meetings.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

- A. **PETITION 35-10 – 49 Fenn Road A Walk-In Medical Center, LLC applicant 365 Willard Avenue, Newington, Estate of Jeanette E. Koczera owner, contact Joseph Perugini, P.E. Weston and Sampson, 273 Dividend Road, Rocky Hill, CT request for Site Plan approval 1,800 square foot medical office, I Zone. Decision extension granted to January 31, 2011.**

Commissioner Hall moved that PETITION 35-10 – 49 Fenn Road A Walk-In Medical Center, LLC applicant 365 Willard Avenue, Newington, Estate of Jeanette E. Koczera owner, contact Joseph Perugini, P.E. Weston and Sampson, 273 Dividend Road, Rocky Hill, CT request for Site Plan approval 1,800 square foot medical office, I Zone, be approved as follows:

1. Based on the plan entitled: “Site Development – Dr. Stuart Calle, Fenn Road, Newington, CT” revised dated 12-31-10, prepared by Weston & Sampson, Scale 1” = 20’ Sheets 1 to 14.
2. Based on architectural plan entitled: “Proposed Office Building – Fenn Road Newington, A Walk in Medical Center, LLC” revised dated 12-8-10 prepared by Robert B. Hurd, AIA showing the exterior elevation and materials, Scale 1/4” = 1’ Sheet A2.
3. Prior to the site plan mylars being signed by the Commission Chairman notes shall be added to:
 - Sheet G-1 Zoning Date Table
“The gutters at the southeast corner of the roof shall be modified so as not to project into the front yard set back.”
 - Sheet C-5 Typical Retaining Wall Section
“The façade of the retaining wall shall be constructed to resemble a natural thin stone texture as presented to the Commission 12-8-2010 and the detail added to plan.”
4. Prior to the issuance of a Certificate of Use and Occupancy the project engineer shall certify to the Town Engineer that the site’s stormwater system was constructed in accordance with the approved plan.
5. Revisions to the site driveway design that may be required by Connecticut Department of Transportation for the development’s curb cut encroachment permit shall be coordinated with the Town Planner for signing of the site plan mylars by the Commission Chairman.

The motion was seconded by Commissioner Anest.

Commissioner Aieta: We discussed the sign on the island, that is not part of this approval is it?

Ed Meehan: That’s correct. They would have to come back for a separate special exception.

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

- B. **Petition 39-10 – 85 Market Square Roma Properties 75 Market Square Newington owner, Benjamin Petitpus applicant request for Special Exception Section 3.12.1 (A) and 3.11.1 place of recreation/health club, 1010 square feet, B-TC Zone District. Public hearing closed December 8, 2010. Sixty-five day decision period ends February 11, 2011.**

Commissioner Pane: This was on the agenda, through the Chairman to the Town Planner, this was on the agenda last meeting that we met.

Ed Meehan: Right, for action.

Commissioner Pane: I'm questioning whether or not we should even have had this on our agenda since this space was already a place of assembly and a recreation facility, a place of assembly, the applicant probably should have never even been asked to come in, and why vote on this when they have the right to go in there, under the previous tenant that was there, under a special exception with a similar use, and if we do vote this in, we didn't even have a meeting last month, and we didn't even talk about it, we didn't have anything presented to us. I think the staff should have just allowed this to go through. For some reason the staff let them believe that they had to come in. I don't understand why they had to come in to be honest with you.

Ed Meehan: If I could respond, the previous use of this space was not ever granted a special exception so to get it set straight for future tenants and this tenant, a special exception would be appropriate for a place of recreation and assembly.

Commissioner Pane: Okay, I can understand that, but why do we have a motion without even hearing all that.

Vice-Chairman Camerota: This was on the agenda for December 8th.

Commissioner Pane: December 8th, I thought it was the last meeting that we met.

Ed Meehan: No, it was heard on the 8th and closed on the 8th but the first part is, we want to get this set straight so that this place is a place of assembly.

Commissioner Pane: So the tenant before never came in for a special exception.

Ed Meehan: Right.

Commissioner Pane: Okay, thank you very much.

Commissioner Pane moved that Petition 39-10 – 85 Market Square Roma Properties 75 Market Square Newington owner, Benjamin Petitpus applicant request for Special Exception Section 3.12.1 (A) and 3.11.1 place of recreation/health club, B-TC Zone District, be approved the Commission finding: 1) that this small assembly use, 1010 square feet, replaces a prior recreational use (dance studio); 2) is compatible with the mix of businesses on Market Square; 3) member and staff off street parking can be accommodated at the Constitution Square public parking lot.

The motion was seconded by Commissioner Schatz.

Commissioner Hall: I just want to make sure that we know where this is. This is where the dance studio was, it is not the furniture store, right? Because when he came before us he was telling us it was the furniture store, it was to the right of the door, and if you drove by, you saw that the dance studio was empty.

Ed Meehan: Yes, it's the other end of the building. The far east side of the building.

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

C. Discussion of possible DRAFT Zone Amendments for consideration, continued from December 8, 2010 Regular Meeting.

<u>Section 1.1.8</u>	Purpose and Intent – Amend to references 2010-2020 POCD
<u>Section 5.1</u>	Non-Conforming Lots
<u>Section 5.3</u>	Content of Site Plan – Rock Faces and Bedrock Outcroppings
<u>Section 6.5</u>	Removal of Earth Products – Rock Faces and Bedrock Outcroppings
<u>Section 7.4.8</u>	Grading – Removal of Bedrock
<u>Section 7.4.15</u>	Cultural Features – add natural exposed bedrock and bedrock outcroppings

NEW

<u>Section 6.2.4 D</u>	Reader Board Signage
<u>Section 9</u>	Definitions: Sign Mechanical and Digital

Vice-Chairman Camerota: Next on the agenda is a discussion of possible Draft zone amendments and this is continued from our December 8th meeting.

Ed Meehan: We left off with a couple of different packages floating around on this, so the one that I believe is the most current is the one dated January 12th, and that is what we were going to discuss that night at the meeting. We have talked about restoring the Drive Through Restaurant as Special Exception; we talked about amendments to increase the number of days of temporary signage and better clarification of what temporary signage is and how it would be regulated, and then we also talked about changing the requirement on non-conforming buildings and structures that was restrictive in the sense that if more than fifty percent was destroyed at fair market value, you couldn't replace it. In doing some research in neighboring towns, we found that we weren't consistent with what some of our neighbors do, and quite restrictive. So that has been suggested to be removed.

We've also talked about nine or ten changes in the regulations essentially, I'll call them environmental design changes that would follow up on strategies mentioned in the 2020 Plan, specifically aimed at steep slopes over fifteen percent, to eliminate those from the density calculations, to require in the site plan information that comes before this Commission that those steep slopes, bedrock outcroppings, be identified. Another environmental control suggested in the regulations is to tighten up on earth removal as far as distance from the property, and showing contours and bedrock outcroppings. We talked about erosion control measures as part of a single lot plot plan review so on those occasions when the Zoning Officer or the Town Engineer sees a single lot coming in, it doesn't go through your board, but it is dealt with at the administrative level there's something in the regulations that staff can point to as far as erosion control measures, and going quickly here, we have also talked about the issue of wider buffers for open space, adjacent to existing town owned greenways such as Old Highway, Twenty Rod Road, Piper Brook, Rock Hole Brook, existing open space so that we have more of a buffer along those areas. Again, that comes out of the Plan of Conservation and Development. Those are regulations since November, late October we have talked about. What is new, and I don't want to get too far ahead on you, what we haven't talked about, it was mentioned when Stonehedge came before you with the idea of an electronic reader board sign, and after discussion the applicant withdrew it and there was a conversation that the Commission would look at options and consider whether they wanted to go forward with this, or not go forward, and then some options for considering it. That is what I drafted, and that is what is in the packet that the Commission members have had with you for a couple of meetings now. I don't know if you want to get into that tonight, take some more time to think about it, or if you want to give me some direction on what you feel you are ready to bring to public hearing. We had had the drive through, temporary signage, I believe

some of the town Plan of Conservation and Development proposed zone changes ready to queue up for public hearing. At your meeting back in December the request was to put those on hold, so I don't know what your feeling is now as far as bringing those forward. The referrals have been made to the Regional Planning agencies and there are no issues with inter-town conflicts or neighborhood zoning, so if you want to bring those to public hearing the conversation can still continue because it is a public hearing item and you, because you are the petitioner you can start the public hearing and keep the public hearing open as long as you want. It's your petition and you can still fine tune these as you see fit, or you can keep them on the table. It's up to how the board wants to proceed.

Commissioner Pane: I still have a lot of concerns with a lot of these things. The only thing that I don't, I think I feel pretty confident of is some of the 2020 strategies and the open space details that we talked about. I think that it would be in the best interest of this Commission to get that resolved as fast as possible, the strategies of the 2020 Plan and anything that's involved with open space and bring that to public hearing, and then the other items we can still continue to talk about. I still have concerns with drive throughs, I've got some other concerns with some of the other ones, and I think those other issues are more controversial and will be more talk on it, but I think the open space information should be brought to public hearing and approved as soon as possible. Thank you.

Commissioner Aieta: Question through the Chair to Domenic, which items on C would you consider part of the.....

Commissioner Pane: It would be like Purpose and Intent, 1.1 A, and then the nine or ten items that Ed was talking about which was the removal of earth products, Section 6.4. I believe and 7.4. A, elevations and grades in existence and proposed, and then culture features including flood plains and the rock faces, the outcropping, buffers for the open space. That is the only thing I think we should run through right now.

Commissioner Aieta: Why don't we find if that is the way the Commission wants to go? Maybe we should define what we want to send, because under that you have non-conforming lots and I don't know if.....

Commissioner Pane: No, I still have some issues with that, I'm not satisfied with the wording yet on that. I'm not sure what everybody wants to do. I just think that the open space because it involves the 2020 Plan and the open space and I think we shouldn't let it linger in case there are any applications coming in, in the near future we should get that resolved for the buffer for the open space and the outcroppings and the fifteen percent slope, the rock face slopes and all of those things should be incorporated in and those other strategies that Ed was talking about, those things should all be incorporated and brought to public hearing as soon as possible. Those are the only things I feel confident with right now.

Commissioner Anest: I have a couple of questions. We can keep these open as long as we want, right? Because we are the petitioner?

Ed Meehan: Right.

Commissioner Anest: Can we, is there a way to do it, I would like to get public input regarding the signage and the drive through and the only way we can do that is to bring it to public hearing.

Ed Meehan: Well, we've had it on the agenda sort of informally as an item, if the public was here tonight, they could comment on this but the formal way to do it is, as you say, do a public hearing process.

Commissioner Anest: So could we, say we decided to bring all to public hearing, could we then vote on pieces of it, the ones that we felt comfortable with and then leave the remainder of this stuff for discussion with the public hearing.

Ed Meehan: Yeah, you could do that, even, you could take from the public hearing comments the ones you wanted to move forward and still leave some for discussion, or you could, after the public hearing time, you could say, the public has come out, they are not in favor of bringing back drive throughs, as an example, so you have gotten the feed back that you want from the public and you can decide how you want to do that. Or, another thing would be signage, let's hear what the public has to say about increasing advertising days for special signage. Hopefully the public will see these notices, see it on TV or look on the web page and come and talk about this. So that is the normal route you would follow. I think Domenic hit the eight or nine that I mentioned and I can go specifically, in preparation of tonight's meeting I did a possible public hearing call, and there are nine items under Plan of Conservation and Development. Then under general amendments there is the drive through, the non-conforming lots and the temporary signage. So I will take your lead on what you want to bring forth to public hearing. If you want to do some of these or all of these on February 9th, the hearing notice has to go in before the end of this week, we have a fifteen day hearing requirement.

Commissioner Anest: But we can just vote on the stuff to comply with our 2020 Plan without voting on the whole package.

Ed Meehan: Yes, you could bring those to public hearing on the 9th, listen to the public, hopefully you will get some input, close it on the 9th, and vote the same night and set an effective date. You have to set an effective date with zone changes, and then you could leave other things that you don't want to act on still on the table.

Commissioner Anest: Yeah, that's what I mean because it is still there for discussion purposes.

Ed Meehan: Right. That's another option.

Commissioner Aieta: Then how do you move it off the table after that?

Ed Meehan: You close the hearing, for those items that are still there, let's say drive through restaurants are still up in the air on the table on the 9th. You leave them in the public hearing call, it's re-advertised for the second meeting in February, you could close it on the second meeting in February or you could leave it open again. Once you close it, then you have sixty-five days to vote on it.

Commissioner Pane: So we would have to vote it up or down.

Ed Meehan: Within sixty-five days.

Commissioner Pane: Yeah, so we should talk about it as a Commission and really know whether we want to bring something to that because otherwise we are voting it up or down.

Commissioner Aieta: Through the Chair, well maybe we should get a consensus of the Commission members as to, on the signage, the signage is controversial and the drive throughs and the non-conforming lots, whether we want to go forward with those. I mean, I thought, my opinion, I have some opinions on those three items that I would share with the Commission, but I would like to hear what the other people are thinking on those three items, particularly whether we should go forward with them.

Commissioner Schatz: My feeling on this is that we talk our brains out here and we don't hear from the public, and yet when we did the 2020 we did more than give the public a chance to voice their opinion which helped design the 2020, so I don't see why we just don't move the whole packet and listen to these people and give them a chance to speak on the slopes, which would probably be a very hot item, and then we can either vote it up or down at a later date. Once it's up, we can talk about it, I thought we did talk about it.

Commissioner Hall: How are we getting the word out, is it just a post on the web site, usually in the Herald, you can't rely on the TV any more. I have Cox and all the local stations are gone, you have to get a special box now in order to, if you have Direct TV, you don't get the locals, if you have U-Verse you don't get it, so how are we getting the word out. We don't have anybody here because they don't know what we are doing.

Ed Meehan: We can do a press releases....

Commissioner Hall: I think we have to.

Commissioner Anest: In the Courant, I notice like in the Connecticut section, on the bottom on Monday Newington is never listed there, for anything. I don't know if that is directed from the Town Manager's office but maybe when they list all those meetings, the Monday of the week, they could even put a little blurb about it on that.

Ed Meehan: We can make that happen.

Commissioner Hall: You've got to get the word out, otherwise we are going to end up with an empty room, we are going to be talking to ourselves again, and end up no where.

Commissioner Anest: Right, because no one is watching these meetings any more.

Commissioner Hall: They can't. They can't see them.

Commissioner Aieta: If there is no public input, then apparently the public is not interested.

Commissioner Hall: Not necessarily. They may not know about it, I mean, how many times have we had people come and say to us, if I'd only known that you were talking about this. I mean, we can't go knocking on their doors and tell them what we are doing, we can't call them on the phone, but I think just the web site and the notice in the Herald which is about that big, is not enough for the public to be informed.

Vice-Chairman Camerota: Cathy, any thoughts on what we should move forward on?

Commissioner Hall: Well, I think definitely the 2020 Plan for sure, because spring is coming, and my other concern is to have things in February, again, weather issues and whatever, and some people don't like going out in the winter time so I think some of the heavier things we should wait a little bit later in the year to discuss because I think to put it all together in February really would not serve the public well. I really don't. I do think the 2020 should be

because there may be things that we wish we had this in place before we discuss them, so I think it's important.

Vice-Chairman Camerota: Domenic, any further comments?

Commissioner Pane: No.

Commissioner Aieta: I feel that same way, I think that the signage, the drive throughs and the lots we could put off and take those up with other items at a later date. I think what's important at this time is the 2020 thing and get it into the regulations to get in line with the 2020 Plan, and putting in some of these areas that we have talked about, the rock face and the grading and so forth, in and on the books so that in case something comes in, in those areas that we have it on.

Commissioner Lenares: I would love to see as much as possible moved forward, but if some of the Commissioners have some opinions that they want to discuss further then we should hold off on some of those hot topics. I mean, I'd love to see as much as we could to get off of our table, to get moved forward, to get to the public to get their input, but if some of the Commissioners want to hold some stuff back, if timing is a question, whatever it is, then just hold it back and we will talk about it and move it forward when we are done doing that.

Vice-Chairman Camerota: I have a question about procedure, if we move things forward and we have the public language, do we have to vote on that specific language, or we can make changes to it again?

Ed Meehan: You can modify it a little bit, you can't change the substance of that. Let's say you brought to public hearing criteria to try to protect slopes over fifteen percent, if you changed that down to ten percent you would probably have to start over again, but if it's some grammatical changes or clarifications, that's fine.

Vice-Chairman Camerota: So other things that we have discussed that we are in agreement that we should move forward, are there any changes to Ed's language in the proposed hearing? These are all pretty straight forward I think.

Ed Meehan: The bold is proposed, the strikeout is (inaudible). The Plan of Conservation is pretty much all new, new language that we haven't got into our regulations at this point. I can do another consolidated packet so that everybody has exactly what is going to public hearing. Is that what you want to do?

Vice-Chairman Camerota: Yeah, I think that's a good idea to have a consolidated packet of what will be going to public hearing so we can check it out next time.

Ed Meehan: And advertise the Plan of Conservation for the February 9th meeting?

Commissioner Pane: Is that our next meeting?

Ed Meehan: Yes.

Commissioner Pane: She wants us to look at it first, so it looks like she wants you to put everything together and then look at it for the next meeting and then put it on for the second meeting in February.

Vice-Chairman Camerota: Unless everyone is satisfied with what they see here.

Commissioner Hall: We are, but I would rather have the whole Commission here too. We are missing a couple of members tonight, so if they are here on the 9th, which they probably could be, then we could discuss it as a full board and then move it to the second meeting.

Ed Meehan: It's not going to change too much from what you have got.

Commissioner Hall: I don't think so but again, give them the benefit of the doubt, I mean, we've got one that is ill, and we've got one that has work commitments so.....

Ed Meehan: Okay, so no zone changes advertised for the 9th then.

Commissioner Pane: Ed, do you think that we've covered the buffers and stuff and buffering from the rock faces and stuff thoroughly enough? Do you think there should be some footage and some specific requirements to protect the wetlands and the fifteen percent slopes and the other areas that we want to protect. Do you think we should be a little more specific on it so that we thoroughly know so there is no question in any developer's mind when they come in, that, hey, this is what our regulations say, you have to be X amount of feet away from this, when you do the terracing it has to be like this, I'm just wondering whether or not we should be a little bit more specific on some of our requirements when it comes to protecting flooding areas, wetlands, cropping rocks, the slopes?

Ed Meehan: Well, the environmental ones, wetlands are pretty much going to be up to the Wetlands and Conservation Agency and we have existing standards. We have a fifty foot setback in the Zoning Regulations and they have a one hundred foot upland review area, so I think those are in pretty good shape, as is the flood insurance rate map. The one that is always the gray area is the slopes because it is not protected by statute. I can't point to a section of the statutes like I can for wetlands and flood plain, and say, 8-2 of the Connecticut General Statutes says topographic features over fifteen percent slopes can be regulated, such as the flood plain. But through the site plan information that is going to be asked for if these amendments are adopted, the Commission will have very accurate information as to where these are on the map, so that's one thing. As far as earth removal the proposal is to get into the terracing because we don't have straight one to one slopes, and also to move it away from property lines. That's going to help in that area. The erosion control measures are already covered on a lot by lot basis, so I think to answer your question, I think we've gone pretty far with these. It's always going to be how we apply them when we get a project in front of us.

Commissioner Pane: Okay, very good.

Vice-Chairman Camerota: Ed has put together some information on the reader board signs....

Commissioner Pane: Excuse me, if this isn't going to change much, maybe we should just set this for February 9th.

Ed Meehan: We can chose these things in parallel, we can do the public hearing, I can get the packet together for you. It will go out with the next agenda or a couple days ahead of it so that you will have it. It's not really going change too much.

Commissioner Pane: No, and if it's not going to change much you could notify whoever is not here and then still set the public hearing for the 9th instead of the second meeting of the month.

Ed Meehan: What I would like to do, I normally do for the benefit of the public is make this a little bit more readable. We've had it for four or five meetings, so we know what is going on, but I'm going to need to make it crystal clear because the public legal notice is just going to be by section and some people will say what does that mean so I will have to say a packet is available. So that will be available to the public.

Commissioner Hall: If there is not going to be much change, then there is no point, we are just wasting another meeting.

Vice-Chairman Camerota: All right. The reader board signage and the mechanical and digital signs, Ed sent out, or put in our packets definitions and information. Does anyone want to discuss that tonight, has everyone read through it, comments? This is a discussion that we will probably have over several meetings.

Commissioner Aieta: I'm willing to discuss it tonight, I have some feelings about what Ed proposed, his proposals for the different opinions, or the different options.

Vice-Chairman Camerota: Okay.

Commissioner Aieta: If other people want to discuss it, I'm willing to discuss it tonight.

Vice-Chairman Camerota: Anyone opposed to discussing it?

Commissioner Pane: No, I'm willing to discuss it if they want to discuss it too.

Vice-Chairman Camerota: Frank, do you want to tell us what your thoughts are?

Commissioner Aieta: Yes. My feelings are that we should prohibit these boards and define the digital type signs under the option one which is the definition of what a digital sign is so we have in the regulations and it can't be misinterpreted that it's something other than what it is. I think that for the years that I have been involved with the zoning board, and that goes back to 1979, it has always been interpreted that these signs, digital type signs were not allowed. From the definition in the zoning regulations right now you could read it a couple of different ways. It's not that clear. So I think we should get it once and for all and straight in everybody's mind, we should define it.

Vice-Chairman Camerota: Anyone else with comments?

Commissioner Schatz: On the signage, what are you saying, Frank?

Commissioner Aieta: I'm saying that we should prohibit the digital signs and define it in the regulations so that it is clear as to what is allowed and what is not allowed. Apparently someone was able to look at the regulations right now and say well, I want to bring it in because it is allowed, and it's not. Someone interpreted the regulations other than the way that it has been interpreted for the last thirty, forty years, and so there was an application that came in that wanted to put a digital type sign, and they said well, the way that we read it we are able, we're allowed to do it, and the way we've interpreted it over the years, they're not allowed by the way it's written so apparently the way that it is written is not clear enough for people to understand what it allowed and what is not so we should define what a digital sign, a mechanical sign, is.

Commissioner Schatz: And that has been in existence for forty years?

Commissioner Aieta: Well, it's been in existence for at least thirty years.

Commissioner Schatz: Well, you know, we would all have horses out here instead of cars....

Commissioner Aieta: I understand that is your opinion, but you look around to the different towns in this area and the regulations. I've done some research into what other towns allow, and they don't allow. Maybe some of the other towns have one to two, like Rocky Hill has one at the fire department, but it's not allowed as a general thing throughout the town. West Hartford, I've looked at other regulations, they're not allowed because, there's a lot of information that has to go into the thought if you wanted to allow because the qualities of these signs is, you could buy a different range of products and you could buy a different range of prices and the prices determine the quality of the sign. These are very expensive and people that were to buy them, if they went to the lower end, you can't read the signs. So it's a distraction to the people who are driving cars, it's a distraction to where you are going to put it, what zones you are going to put them in. Are you going to put them in the PD zone, are you going to allow them in the neighborhood business zones, what about, how are we going to protect the residential zone? There's a lot of things that have to go into this if you wanted to allow them. We've haven't in years past allowed them. The only one we have in town, we have two, we have the one at Walgreens which was a mistake by the former Commission allowing it to go in, I don't know how the hell it did. If I was sitting on it I would have fought a lot harder to try to stop that, and the one that we have with, at the high school that we, as a Commission fought and sent the Chairman and other members to the Council to fight for what we felt was our regulations. We interpreted it at that time, we sent our Chairman to the Council, we interpreted it at that time that they were not allowed, by our regulations as they stand right now.

Commissioner Schatz: Through the Chair, to the Town Planner, couldn't something like that be put in the regulations where it would have to come for a special exception to get it on whatever location?

Ed Meehan: That would be the process that is in the regulations now that would be followed. It would not be an as of right. You would go through a special exception.

Commissioner Schatz: That's what I'm saying.

Ed Meehan: That's how it is now.

Commissioner Schatz: In doing that, that means that the Town should put certain parameters on what they could do with that sign.

Ed Meehan: You could put requirements for when it is turned on and off and the brightness. Some of the other items suggested here and other options, but I think what Commissioner Aieta is speaking to is the basic, do you put them in, or you don't put them in.

Commissioner Aieta: I think you've got to determine that first before, then you decide how you are going to regulate them. I mean, we have a problem right now regulating regular signs and when you have the complications of the digital sign I don't think we have the enforcement to regulate it. I don't think we have the personnel to regulate them. We can't regulate the signage that we have now. That's why I'm not overly excited about bringing the signage that we talked about, the temporary sign to a public hearing because I don't think we could regulate them.

Commissioner Pane: I'd like to read Section 1.3.2 to the Commission which is an interpretation. "Whenever the requirements of this regulation are at variance with the requirements of any other lawful adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standard shall apply." In all reality, 1.3.2 should have overstepped the Town Manager's thought on the high school thing, because our standard is the higher standard, and you have to go with the higher standard instead of the lower standard and this supercedes even ordinances. For some reason this 1.3.2 was missed. I'd like to hear the Town's Planner's opinion on that.

Ed Meehan: Well, I don't know if it was missed, because I think the claim was made that the Town exempted itself from zoning, and therefore this didn't apply.

Commissioner Pane: Well, that's true, but they've never, they've always, you're right, but they have always listened to this Commission in the years past.

Ed Meehan: I think what was missed was the.....

Commissioner Pane: And what was really too bad was that they didn't listen to the Town Planner because you've been fighting for years and years to make our signs uniform and conform and small town charm, all uniform in the town center, and we fought for years to get these regulations in and do them right and then once stroke of the pen, everything that we worked for, for years was destroyed.

Vice-Chairman Camerota: Any other comments? Any comments on the drive-through? It's not really under our discussion for possible zoning amendments, do you want to leave it for next time?

Commissioner Pane: Well, I've talked to some former chairman of the Town Planning and Zoning and they were very concerned with the drive-through. If you read some of the old minutes, there are some real thorough reasons why they took those out. So I would have concerns about putting them back in. I've read the minutes of when they took them out, and they wanted to increase the quality of food establishments on the turnpike and there was some other reasons and I think that we need to take that into consideration and we should thoroughly read those and there is quite a few chairmen that I've talked to, past chairmen, and I have some concerns with putting that forward.

Vice-Chairman Camerota: Any other comments?

Commissioner Hall: Just a question of Ed, would you be able to get us a list of possible sites for drive-throughs. There probably aren't all that many, but where they would be. I can think of a couple on the Berlin Turnpike but other places. Any where around town, because obviously this would be, if we let them in, it can be.....

Commissioner Aieta: PD Zone, so that's not just on the Berlin Turnpike.

Commissioner Hall: So if you can.....

Ed Meehan: North Mountain Road, Cedar, Fenn, Kelsey Street.....

Commissioner Hall: So if you could get us a list of those so that we have an idea as to, if it does come back in, where we might hear some proposals.

Commissioner Aieta: And maybe vacant buildings, vacant land in those zones. We have a lot of PD on the turnpike, but most of it is built up and there are existing businesses there.

Ed Meehan: Well, we see if the economics are right, and we have an obsolete use, you know, a business is not restrained from tearing down a property and starting over. Yeah, I'll take a stab at it, sure.

Vice-Chairman Camerota: Ed, do we have one outstanding at Cedar and Fenn?

Ed Meehan: We have one on the books, for a, at Cedar and Fenn for a Starbucks. It's part of their overall master plan.

Commissioner Aieta: That's for a drive-through?

Ed Meehan: Yes.

Commissioner Aieta: That one came in before the change?

Ed Meehan: Yes, a very small operation. I'll put a list together for you.

Vice-Chairman Camerota: Any other comments?

D. Public comments related to above possible zone amendments.

None

VIII. **PETITIONS FOR SCHEDULING** (TPZ January 26, 2011 and February 9, 2011.)

A. PETITION 40-10 Newington Town Plan and Zoning Commission request for public hearing to consider Zone Regulation Amendments (Date to be set by Commission.)

(1) Section 3.15.4 Drive through Restaurants permitted by Special Exception in the Business Berlin Turnpike (B-BT) and Planned Development District (PD.)

(2) Section 6.2 (E) Temporary Signs advertising sales events.

(3) Amendments to implement recommended 2020 Plan of Conservation and Development strategies:

- Erosion control single lots.

- Restrict development on slopes in excess of 15 % gradient.

- Increase landscape buffers adjacent to greenways and town open space.

Referral to Capital Region Council of Governments and Central Connecticut Regional Planning Agency for advisory comments completed.

B. PETITION 03-11 308 Alumni Road Newington Business Park LLC One West Avenue Larchmont, NY 10538 owner Daniel Pizzoferrato 31 Birchlawn Terrace, Newington, CT 06111 applicant, request for Site Plan approval Section 5.3 for a 4,050 square foot building, I Zone District. Schedule for presentation February 9, 2011.

Ed Meehan: There is only the two, one is on the agenda, and one didn't get placed on the agenda, it came in after the agenda went out. This is a site plan over on Alumni Road, this

site was approved years ago for almost the exact same size building, contractor's warehouse, that's what this particular one is being requested for, so that needs to go back for plan review, and then one that is not listed here, but if the Commission wants to bring it to public hearing on the 9th, would be Mill Pond Church. If you remember they had a petition in originally for Pane Road and they withdrew that petition and they have a new petition in for a site on the Berlin Turnpike, 2175 Berlin Turnpike, I think there is a day care facility in that building now.

Commissioner Aieta: Where is that?

Ed Meehan: Just south of.....

Commissioner Aieta: What was the number?

Ed Meehan: 2175.

Commissioner Aieta: 2175.

Ed Meehan: Just a little bit down from the bowling alley. From Bowl-O-Rama.

Commissioner Anest: Oh, Kidco.

Commissioner Hall: There is a vacant building there.

Commissioner Aieta: I think there is four thousand square feet of vacancy in that Kidco building. It's a store front.

Commissioner Anest: There was a futon store in there.

Ed Meehan: So if the Commission wants to bring this to public hearing we can do this on the 9th, or we can wait until the second meeting in February.

Commissioners: The 9th is fine.

Ed Meehan: Okay.

IX. REMARKS BY COMMISSIONERS

Commissioner Anest: What's going in where 99 was?

Ed Meehan: Okay, there is a new restaurant, I don't know the name of it, because I wasn't here when the gentleman came in, but it is a replacement for the restaurant, they are going to come in, it's supposed to be more of an upscale family restaurant. They are going to try to change the outside of the building. They were in talking with the building department today about requirements for building code and signage.

Commissioner Anest: They are in there working.

Ed Meehan: It must be under some kind of a contract.

Commissioner Hall: Is Carson's still around.

Ed Meehan: Carson's is closed.

Vice-Chairman Camerota: Any other comments?

Commissioner Pane: I have one. Ed, though the Chair, I'd like to request the Town Attorney come in and speak to the Commission as soon as possible. We do this every now and then when there are new Commission members, talk about procedures, talk about conflicts of interest, what is a conflict, what isn't a conflict and other items like that so I would like to request the Town Attorney to come in and talk about those things with the Commission members.

Ed Meehan: Sort of a work shop type of thing?

Commissioner Pane: Yes.

Ed Meehan: Okay.

Commissioner Pane: Thank you.

X. STAFF REPORT

A. Bus Shelters Advertising - CT Transit

Ed Meehan: Just one quick item, I think it went out with the agenda. This is a project that Connecticut Transit is working on with the Capital Region Council of Governments. They have tried to go out with a request for proposal through Connecticut Transit to have a company take over the bus shelters. We have ten in Newington, that the town is responsible to maintain, locate, keep clean and so forth and the concept with these is that, it's been done in other locations, the company takes it over and through the advertising that is placed on the shelters, through that revenue, they assume the responsibility to build new shelters, to maintain them and to create the shelter that each community wants as far as its design. The catch is, they want signage and I tried to make a copy of what the signs would look like, I can only give it to you in black and white but I can pass around the color version. They say it's sign panels probably two feet by four feet, I'm assuming non-illuminated, inside, and they are looking for feedback from the communities here that are part of the Connecticut Transit district because it goes all the way from Newington, Wethersfield, Rocky Hill, Glastonbury. I was at one meeting and some of the communities are saying if you want to do signage, we are okay with it if the bus shelter is in a commercial district, but if it is in a residential district we don't want to see signage. Other communities are saying, they don't want any signage at all. What Connecticut Transit and CCROG are looking for is what the consensus is before they put out the RFP. If they get a lot of communities saying, we don't want any signage, they are not going to get any bidders because they aren't going to make any money by selling advertising, so that is the gist of this. So we are talking about signs, again, these are in the public right of way, someone could claim that they are technically exempt, I don't want to go that route, so I just want to get your feedback on it.

Commissioner Pane: Ed, what, according to this report it says that certain towns have already indicated that they want to participate, and Newington is listed as one.

Ed Meehan: That isn't quite correct. East Hartford, Manchester, Hartford, have indicated that they are okay with it. They may be referring, this is the second time they have gone out to RFP and they may be referring to the first time they went out to RFP. They are going to try this again.

Commissioner Pane: How does the Town Manager feel about the signs being advertised.

Ed Meehan: I don't know.

Commissioner Aieta: The ones in Newington now, the ten that are in Newington, they do not have signs on them?

Ed Meehan: There's no signage.

Commissioner Aieta: There's no signage at all. A lot of the towns that you mentioned already have these bus shelters with the signs already on them. I know Hartford already has them, I know East Hartford does. I think you brought up a good point, the ones, I would be dead against the ones in the residential, there is one on Maple Hill Avenue on the corner of Robbins, I wouldn't want to see a big billboard on that one, that's a pretty good size one. In the residential zones I would be against having the signage.

Ed Meehan: There are a couple in the town center, there are some over on Fenn Road, those are high traffic areas, they are not residential.

Commissioner Aieta: There is one on Willard and Fisk, that's basically a residential area.

Commissioner Anest: I'm against it, bottom line.

Ed Meehan: One hundred percent?

Commissioner Anest: Hundred percent.

Ed Meehan: That's what I need to know.

Vice-Chairman Camerota: I'm afraid of what is going to be on there.

Commissioner Anest: Yeah, me too. I mean if we are having problems, problems with our signage, I don't want to give a company the right to put signs up when we can't even come to a consensus of what we want for signs and sizes of signs. I just think, number one, if we are trying to keep Newington a small village you don't want advertising, I mean, I personally think that the bus stops should be like little gazebos, to make it look like a small village, especially in the center. I'm totally dead set against this, it's not what our town is all about, advertising. That's more of a city thing, not what we're about.

Commissioner Aieta: I could go along with that.

Vice-Chairman Camerota: Anyone else?

Commissioner Pane: I agree.

Commissioner Schatz: Carol has a good point.

Ed Meehan: Okay, that's the word that will go back. Thank you.

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

None

XII. CLOSING REMARKS BY CHAIRMAN

None

XIII. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Schatz. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary