

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

January 28, 2015

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent None

II. APPROVAL OF AGENDA

Craig Minor: No changes

Chairman Hall: I thought we wanted to switch somebody?

Craig Minor: Oh yes, Madam Chairman, the Saputo applicants have asked if their item which is under Old Business could be moved up on the agenda to take place before the public hearings.

Chairman Hall: Anyone see any problem with that, just so they don't have to sit through all of the public hearing, and it is fairly short and sweet for them? No problem? We're fine with that, so we will move Item 8, which is Old Business, and it really is the only one that we had under Old Business anyway. We will move that before the public hearing.

III. OLD BUSINESS

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

Attorney Joe Williams: Good evening Madam Chair, I'm Attorney Joe Williams with the law firm of Shipman and Goodwin, 1 Constitution Plaza in Hartford. Very pleased to be here with you again for Saputo Dairy Foods and with me to my left, two persons over is Mr. Stan Bogdan who you heard is the applicant, the plant manager for Saputo Dairy Foods, and to my immediate left Greg Hunt our civil engineer with Buck and Buck. Thank you very much for moving this up on the agenda.

You have already heard about this application and we will be very brief. We'll just basically, if I could, wanted to bring you up to date on what we have been doing because as you know the

matter has been sitting and waiting for the last couple of months. I think you heard it last in November because we were going before wetlands. So this is just a request for a minor site plan modification to build a small addition to the waste water treatment building that is near the northerly property line, and in the rear of the plant at 100 Milk Lane. The background is that the existing waste water treatment system has been in place since 1996, and it was approved by town agencies and the State DEP when it was put in, but that current system only adjusts for pH which was what it was required to do. It adjusts for pH before the waste water from the plant is discharged into the MDC sewer system.

Saputo bought this operation in 2013 and just before that the DEP permit was renewed, and when the DEP renewed the permit they added a requirement to remove fat, oils and grease from the waste water which has milk in it of course because it is a dairy processing plant. In order to remove the fat, oils and grease Saputo needs to add an additional piece of equipment. It requires the additional building addition and the sensible place to do that is immediately next to the existing building to connect to that equipment and to connect to the tanks that are there on the property. The DEP and you all have a copy I think with our original application. DEP has already approved that additional equipment, it's called a DAF system, for "dissolved air flotation" which basically causes the milk to rise to the surface and be skimmed off and trucked away before it goes to the MDC sewer system. That's our application. As you know the Conservation Commission requested that the application come before them for a full review because the treatment system is in the upland review area which means that any addition to it is also in the upland review area, and the Conservation Commission reviewed the matter thoroughly over several meetings. We provided some detailed response to their questions and the Conservation Commission about a week and a half ago gave us an unanimous approval, and so that's what I know you all were waiting for us to come back to you. I don't know if it is technically in the record, but can I submit a copy of the Wetlands approval Madam Chair?

Chairman Hall: Sure.

Attorney Williams: As part of the Wetlands consideration, Mr. Hunt, as we will explain to you in a moment, made a few revisions to the plan to answer requests that were made by the Town Engineer. He will explain that one of them was to move the sewer line further to the south, and how that reduced the amount of vegetation that is being impacted on the property. So that was part of what Conservation approved, and we have submitted to you, and you have in your packet the revised site plan that was approved by Conservation, so we are asking you to act on that same plan so that we can have the same plan fully approved by both Commissions. Mr. Minor, as you might recall, suggested a few tweaks to the plans in a letter in November to us, which Saputo has already accepted and if it meets the Commission's approval we will be happy to accept as conditions of approval that would be added to the plans for final signing. With that, I will ask Mr. Hunt just to give a quick summary of the changes that have been made to the plan. We did bring as requested ten full size sheets of the revised site plan so that you have that for your record and Commissioners can look at it. Greg will walk you through that, so otherwise we believe that the plan complies with your regulations and we request your approval.

Chairman Hall: Do the Commissioners have a question at this time?

Greg Hunt: I'm Greg Hunt from Buck and Buck, Engineers. I've been before you twice already about this building and the building itself has not changed since the first time I spoke with you. It's a 26 x 47 foot building, brick and block construction, shed roof. The only thing that has really changed since I last spoke to you is, the original layout for the sanitary sewer bypass to connect into this manhole up by the northern property line would have required a lot of trees be removed to put that in. The Town Engineer asked if there was any way that I could pull that closer to the

building and save some of the trees, and after getting some more survey information, I discovered that I could actually pull that to south of the existing equalization tanks that are on the site right now. So that is what we are doing at this point. We proposed to pull the sewer down, we are staying out of those trees, almost entirely with the exception of a little bit of processed piping that needs to go in with the building and the new equipment. There was some discussion about a hydrodynamic separator when I was before you before, but we had hired Environmental Planning Services as the environmental consultant on this job and decided to go with their suggestions for compensating for any cutting of trees on the site that we do have to do, and he is working out an alternate planting plan with the Town Engineer which is going on the other side of the brook to the left. Other than that, there's nothing different from when I came here before.

Chairman Hall: Anyone have any questions? Craig, is there anything on this that you wanted to add? I know the letter that you gave us pretty much said that you had reviewed it and it seemed to meet all of the criteria.

Craig Minor: Right, except for the items that are mentioned in my November letter, and they stated they would make those changes to the plans.

Chairman Hall: And what would those include? Dated November 14, 2014? That letter? Craig

Minor: Yes.

Chairman Hall: We don't have a copy of that.

Craig Minor: Things like A-2 Certification, the names of the adjacent property owners, the data block showing the setbacks that are required; there is a line missing that shows the fifty foot offset from the wetlands, the wetlands boundary; there is a detail on one sheet that is not on the other sheet that I thought should be on both; the proposed and existing sanitary waste lines do not have a direction arrow; that's it.

Chairman Hall: So when they come in with the final, before you can sign off on it, all of that would have to be proven to have been done?

Craig Minor: Yes. And that is in my draft suggested motion.

Chairman Hall: Okay, so that is according to the letter dated November 24¹ h. All right.

Chairman Hall: Anyone else have any questions? I just have one question, and that concerns the sign that seems to keep moving. Where is the permanent location of the sign and which is it going to be - the smaller one or the bigger one that is out there now?

Stan Bogdan: The bigger one.

Chairman Hall: The one that is out there now. So if we can check on that and be sure that is what we approved? We kept going back and forth on the sign. And it's going to be on the driveway, not on the Fenn Road side, but on the driveway?

Stan Bogdan: Yes, let me just say, I've only been in the plant for eight months, so I'm assuming that I know what sign you are talking about.

Chairman Hall: The one that was there today, the big one.

Stan Bogdan: Yes, the other one has already been taken down. So, that's the one.

Chairman Hall: Just make sure that that is the one that we approved. All right, anything else at this point? We have the draft resolution. Should we do that now or wait?

Commissioner Anest moved to approve, with conditions, Petition 45-14: Site Plan Modification at 100 Milk Lane (Saputo Foods) Saputo Dairy Foods, USA, LLC, owner/ applicant, Stan Bogdan, 100 Milk Lane, Newington, CT, contact.

CONDITIONS:

1. The applicant shall revise the site plan as indicated in the Town Planner's letter to the applicant dated November 24, 2014.

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

IV. PUBLIC HEARINGS

- A. Petition 49-14: Moratorium on Low Impact Development Regulations at Single Family Residential Properties (Section 6.15.2). Town Plan and Zoning Commission, applicant.

Craig Minor: Madam Chairman, this is a complicated issue, so how about it I just read my memo, and that way the audience can follow the discussion?

"Description of Petition 49-14

If adopted this moratorium will exempt homeowners from having to comply with the LID (Low Impact Development) regulations for twelve months. During that period the TPZ would revisit the LID regulations and either modify them or leave them as it but develop tools to assist homeowners with compliance.

Background

Low Impact Development (LID) is an approach to design and construction that allows rain and snow to enter the ground where it falls, rather than conveying it to rivers and streams via a network of pavement, catch basins, and storm water pipes. LID techniques such as rain gardens, drainage swales and porous pavement have numerous environmental and fiscal benefits. It reduces downstream flooding, increases the amount of water available to wells, minimizes erosion, and supports the natural habitat. In March 2014 the Newington TPZ amended the zoning and subdivision regulations to require that LID techniques be used in any new construction that increases the amount of impervious cover by more than 600 square feet.

There are towns in Connecticut that require LID techniques for single family projects as small as 200 square feet, and there are towns that completely exempt single family projects. The committee that developed Newington's LID regulations realized that complying with these regulations would be a challenge for average homeowners. The 600 square foot threshold was a compromise between committee members who wanted Newington to benefit as much as possible from LID, and the members who felt it would be an excessive burden on single family homeowners.

The Issue

Selecting the correct LID technique for a given project on a given site requires a considerable amount of effort.

First, the homeowner needs to become familiar with nearly the entire 83 page "Low Impact Development and Stormwater Manual for the Town of Newington." Then he or she needs to calculate the volume of runoff to be managed, measure the absorption capacity of the soil, chose the correct location for the selected swale or rain garden, and prepare an accurate site plan. None of this is a problem for developers or commercial property owners who have access to consulting engineers, but it is beyond the ability of the average homeowner whose project is big enough to trigger the LID regulations, but too small to warrant hiring an engineer or an experienced contractor.

There are many online LID resources and even an iPhone app for handy weekend project homeowners who just want to do their part to protect the environment and aren't concerned with precision. But they are of very little help to the person who is mandated by the LID regulations to provide a specified amount of stormwater, mitigation, nor to the Town staff person who needs to verify that the homeowner has provided the required amount of mitigation.

I have been told by some LID experts that we should just have the homeowner do the best he or she can using the NRCS soil map for Newington, because some LID is better than none. But I have been told by other experts that a rain garden that fails to drain is worse than no rain garden at all because it becomes a poster child for excessive government regulations.

This moratorium is recommended so that the owner of an existing single family home with a construction project of over 600 square feet will not have to comply with the LID regulations for twelve months. During this period the TPZ will revisit the LID regulations as they pertain to single family projects. Following that review, TPZ will either:

- a. Revise the 600 square foot threshold, or
- b. Retain it, but develop tools to assist the homeowner with compliance, such as brochures and handouts or revisions to the LID Manual."

Chairman Hall: Any questions of Craig at this point?

Commissioner Sobieski: Craig, I seem to remember when this was being discussed, mentioning the various soil types in the Town of Newington. Newington is predominately a lot of clay and no matter what you do, you aren't going to be able to control the water. Secondly, I seem to remember that there was concern from this Commission to not burden the homeowners with additional responsibilities and cost on this. Going through this now, just listening to what you are saying, an A-2 Survey, you are talking \$1800.00, if that is what is going to be required. I think that we need to look at this in depth a little bit more. Most lots, the old house lots are 50 by maybe 100, you are not going to be able to absorb a lot of water in that, especially if you are in an area where a lot of clay is, which is what Newington mostly is. I'd be willing to look at this again to see what we can do to help homeowners. I don't want to burden them with any more expense than is necessary. You're talking an A-2 Survey, you're talking putting in rain gardens that may or may not be suitable for that type of area, and when we discussed this, I remember clearly it was brought up. Along the shoreline, we have a high density of sandy soil where it will absorb water like no tomorrow. But you get up to the clay areas, like in the center of the state, you're not going to be able to absorb that water and most of the houses, the concrete foundation of the houses act basically as a retention

area for water to get around the concrete and stay there and work its way into the subfootings as such, so I think we really need to look at this a little more.

Chairman Hall: Anyone else from the Commission at this time? This is a public hearing; anyone from the public wishing to speak in favor of the moratorium on Low Impact Development? Anyone wishing to speak in opposition to the moratorium? Anyone wishing to speak to the petition, neither for nor against, but just to give us some kind of information?

John Bachand, 56 Maple Hill Avenue: I've been a waterproofing contractor, I deal with ground water all the time, over thirty years. I have more questions than answers, and I don't disagree with what the Commissioner said, it's just that I was thinking that instead of a moratorium possibly, they have been kind of tossing it around and I heard some conversations in Conservation Commission, but I wasn't able to speak about it at that time, but they talked about different ways of doing it, and I don't think surveying the property is going to be a viable solution because on my property alone I go from basalt gravel to pure clay. So what I was thinking of, you know on the emissions systems when you go in and have your car tested, most of us have newer cars so it's kind of a non-issue, but for the old cars, you had to take the test. If you failed, you had to make some repairs, but there was a limit on how much repairing you had to do. Let's say you did the threshold of \$200.00 or whatever it was, then you got a waiver. So, some of the other alternatives I heard where you know, they would get consultants and determine whether it was practical or not, everyone is just going to get a consultant to say that it is not practical or that it won't work. So, I think you make an attempt to do it, if you spend X amount of dollars, it could be a percentage of the project or something like that, and after that point, if it doesn't work, it doesn't work and the Commissioner is absolutely right, with the clay that we have around here, in many cases it's not going to work. I don't necessarily agree that one doesn't work is a bigger problem than one that does work, because it will work to some degree, it just won't work very efficiently, some water will perk into the ground, just very slowly through the clay, so if you slow that runoff as much as you can, you're going to reclaim some of it, so you want to get as much surface area as possible, so instead of a smooth runoff, you know rock gardens and things like that. I just had one question, does this apply to people who are just replacing, because I heard the talk about driveways, and impervious asphalt, does this apply to people who are just replacing an existing driveway, or is this only if you would be installing a new driveway, or making your driveway bigger?

Craig Minor: Right, it's 600 net additional square feet.

John Bachand: So a town resident that is just replacing their driveway and not making it any bigger, they wouldn't be responsible. 600 net for any type of construction, patios, new driveways, sidewalks, additions on the house, impervious improvements basically.

Craig Minor: Right.

John Bachand: What about a swimming pool?

Craig Minor: Yes, a swimming pool would count towards the threshold.

John Bachand: All right, I just wanted to throw that out there, either of those options, either the percentage of the cost of the work, or a certain dollar amount, a set dollar amount, whatever you set it at, \$500.00 because to start off with \$1800 out of your pocket, that number was thrown out for a survey, that seems like a waste right from the beginning. I'd rather see that go into the attempt, if it doesn't work, it doesn't work. It's nobody's fault, it's just the way it is. Thank you.

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

Chairman Hall: Anyone else from the Commissioners again after the public has spoken? Anybody have anything else to add?

Craig Minor: Before you close the hearing, we did receive a recommendation from the Conservation Commission which is in front of the Commissioners.

Jeff Zelek: Madam Chair, are you still taking public comment?

Chairman Hall: I will.

Jeff Zelek, 55 Welles Drive North: Actually here on official business from the Conservation Commission. Currently serving as Chairman of the Conservation Commission, and at our December 20 meeting we discussed the possible moratorium of the LID. The Commission had some concerns and one of the main reasons is back in April of 2014 we started an update of our Inland Wetland Regulations, to incorporate LID. The public hearing has been held open since then. We were waiting for the DEEP to return comments on the proposed regulations that we had submitted. Around November, we learned that the DEEP was not going to respond, so we were about to continue and implement LID into our regulations when we learned that there was going to be a moratorium on TPZ's version of the regulations. So, what is happening is, we are stalled now. The Conservation Committee formed a sub-committee to look at the proposed moratorium and we, on January 20 voted unanimously to request that the TPZ not implement a moratorium, that the TPZ and the appropriate agencies continue to work through any issues that they may see. Thank you very much.

Chairman Hall: Thank you. Do we have the memorandum? Craig

Minor: Yes, I'll read it into the record.

"To: Town Plan and Zoning Commission

From: Conservation Commission

Date: January 26, 2015

Re: LID Moratorium

Advisory Opinion of the Newington Conservation Commission

The following was raised, voted upon and passed at the January 20 2015 meeting. Whereas this Commission asserts that control and on site disbursement of rainwater is beneficial to the environs of the Town of Newington, it hereby strongly recommends that:

1. The Newington Planning and Zoning Commission refrain from passing any resolution declaring a moratorium that will extend for 12 or more months on the installation of LID storm water controls for residential lots. The agencies of the Town of Newington will research, investigate, and propose for implementation such changes to the regulations and ordinances that will effectively and pragmatically apply the goals and principles of LID to the soils and developed properties of the municipality.

2. Furthermore, the Newington Inland Wetlands and Conservation Commission, siting under Connecticut General Statute 7-131a (b) hereby advises and recommends that until such time as the regulations and ordinances of the municipality be revised and/or implemented that each applicant for a permit be required to investigate and propose design improvements for the control and on-site absorption of rainfall onto the property. If the scope of work proposed is deemed by the municipal agency not to alter the on-site absorption of rainfall, the permit application shall not be effected.

The above is hereby recommended as an alternative to the suggested moratorium. Newington is highly developed and postponing implementation of the requirements upon residential property will be in effect a barrier to the implementation of these beneficial and economical improvements to the municipal drainage problems."

Chairman Hall: I'm going to have to read this again, because even when you said it...just give me a second here.

Craig Minor: The first sentence, I think is missing a verb.

Chairman Hall: Well, first of all, citing is "citing"; "siting" is putting it in place and I don't think that is what you mean, so I'm going to change that to a "c" in my head. Then it stops; something is wrong here. It should be "affected", with an "a". I'm still confused, I know that they are suggesting that we not do the moratorium. My question Mr. Planner is, are our regulations different from theirs?

Craig Minor: Yes.

Chairman Hall: So if we work in our regulations, it really has no affect on theirs. They can work on those at the same time, can't they?

Craig Minor: Correct.

Commissioner Anast: I have a question. Maybe I'm just reading this wrong. Under 1. "The Newington Planning and Zoning Commission refrain from passing any resolution declaring a moratorium that will extend for 12 or more months on the installation of LID storm water controls." They're saying that they want to refrain from anything that would go beyond twelve months. Maybe I'm reading it wrong.

Jeff Zelek: We do not want a moratorium, regardless of the period of time. If the communication from the Commission is confusing, I will send it back to our subcommittee, have it revised, and then submit it to you. The essence is that we are recommending no moratorium at all.

Chairman Hall: That was the gist that I got, but it's confusing.

Jeff Zelek: I will send it back to the subcommittee for revision.

Chairman Hall: Thank you Jeff. Any other questions?

Commissioner Serra: I just have to chime in here. I agree with Stan. We've been talking about this, we've been looking at this, and I understand what Conservation wants to do, but we have an

obligation to the homeowners also. We've talked about what this is going to cost homeowners, and I just want to say for the record, at this time I would be voting in favor of the moratorium.

Chairman Hall: Anyone else have a question? I served on that subcommittee, or the committee, the LID committee, and...

Craig Minor: Madam Chairman, I think there are additional comments?

Deb Krawiec: From the Conservation Commission subcommittee and we certainly will resubmit the communication to you. I have a question, and the question is, has anyone clearly identified the cost of this to the homeowners? We've heard a lot about the cost, and we had a concern about the cost as well, but I'm not hearing what the exact figure is, and has there been any research? That's my question, because we took that into account. Do you have an answer for that?

Chairman Hall: At this point we can't answer, but we have noted the question, and at some point we will answer it.

Deb Krawiec: I mean, we need to have this information because we are making an assumption based on cost, and I think we need to do a full analysis of what costs we are really looking at before we make a determination that this would not be beneficial to our community.

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

Kathleen Marie Clark, 50 Grandview Drive: I'm a Member of the Conservation Commission. I would just like to say I think Mr. Bachand's idea of having a limit on the cost, similar to the emission, was an excellent idea and I would like to see that pursued, as well as getting some actual numbers. Thanks.

Chairman Hall: Thank you. Anyone else wishing just to speak? Back to the Commissioners, anything? What I was going to say is that when we adopted this, it was a very new concept. We had a committee that brought it forth something that was to be used, but in practice as often happens, the best ideas sometimes when you go to implement them you realize, hmmm, there are some things that we didn't think about here. So the idea of a moratorium is simply to take a step back, analyze what we've done. Is there a better way to do it? Is there some way, something that we have missed, in application, a better way to do it? All of which will also include costs, things like that. So I think that the purpose of the moratorium is to take what we have, and now that we know a little bit more about it, maybe tweak it a little.

Commissioner Anest: Craig, if we impose this moratorium for a year, and six months from now we come to the conclusion that we know what we want to do, can we rescind the moratorium?

Craig Minor: Definitely.

Chairman Hall: So if we do a twelve month, that would be the limit, and if we come to a conclusion before that, we can change it?

Craig Minor: Correct.

Chairman Hall: But it would give us a period of time to look at it, and take everybody's information, and at that point we will have more information from Conservation. But again, I just wanted to be sure that our regulations, the way we are doing it, can be different from what Conservation has. We look at it from a different perspective. Conservation doesn't necessarily have direct contact with the homeowner who is coming to the building department, who wants to do something, and then we say to them, oh well, this is how you have to do it, according to our, meaning TPZ, regulations.

Commissioner Leggo: That kind of cleared it up a little bit, because I understand the fear when you hear "twelve months", and that's what it is going to be, but I totally agree with the comments earlier that that number does need to come out, so we can say, here's what it is going to cost somebody to do that, have that engineer, have the work done that needs to be done. Probably a moratorium, hopefully not a twelve month one, would probably be the answer because that's when we can get those numbers.

Chairman Hall: And in the meantime, anybody who comes in who wants to do something is not going to be saddled by these costs or restrictions that at some point we decide were draconian. We really need to make a change here, so I think it's best for our constituents, which are the people who come before the Building Department and Zoning.

Commissioner Aieta: For the Planner: how are we handling the public now that come in for additions or driveway improvements? What are you telling them as staff? You and the Town Engineer?

Craig Minor: Good question. Right now the engineering department and the zoning department are spending a lot of time with applicants, helping them put together their application. The town staff, in the sense, is doing the application for the homeowner.

Commissioner Aieta: That was not our intent, to have the staff of the Town of Newington do that. So that in itself raises a red flag that something is drastically wrong.

Chairman Hall: As I said, things in theory, when they get put into practice, could be two different things, which I think the building department has found. You have these regulations that we have to implement, but did you realize that, and do you know what the answer is? No, we didn't.

Commissioner Claffey: Outside of the cost of this, is there also a way the Planning Department, Building Department could implement some form of step by step, for the standard homeowner?

Chairman Hall: Right, that's what Craig had mentioned, a brochure or something like that. This is new to everybody.

Commissioner Claffey: I'm just trying, like you said, the small lots around here, 50 x 100, and a 600 square foot addition is pretty big on that lot.

Chairman Hall: We have discussed it, we have heard from the public. What is your pleasure on this?

Commissioner Aieta: I would leave it open.

Chairman Hall: I think we should leave it open at least for our next meeting.

Commissioner Aieta: We can discuss it again, and then close it at that meeting.

Chairman Hall: Which will be February

Craig Minor: Eleven, I think.

Commissioner Leggo: Can we possibly get any kind of an idea of what this would cost by then?

Craig Minor: I will see what I can do about giving you the numbers between now and the next meeting.

Chairman Hall: And it may not be exact, but it will be a range. These are the things we have to do, the A-2 survey can be anywhere from \$900.00 to \$2500.00, whatever. Petition #49-14 we will leave open and discuss it again on February 11

- B. Petition Q1-15: Special Exception (Section 6.2.4 Free Standing Sign) at 345 East Cedar Street ("Gospel Hall") ARTfx Signs, applicant, The Gospel Hall, owner, Max Ballardo, ARTfx Signs, 27 Britton Drive, Bloomfield, CT, contact.

Lawrin Rosen: I own ARTfx in Bloomfield, Connecticut. I have made ten copies, I wish I had made eleven or twelve, I need one, so if anyone could share...

A couple of months ago I imagined that this was a formality, but a couple of weeks ago when I came to the meeting, and watched from back here, I kind of figured it was more or less a trial. My company ARTfx designed this sign for the Gospel Hall, and Paul Tomaquindici who is here tonight with the Church, has been a client of mine for over thirty years. We designed the sign after I spoke to Art Hanke, and I asked him for an interpretation of the rules. I outlined everything, I typed it out today. I could read it, we could read it together. I can tell you, my name is Lawrin Rosen, I own ARTfx. I lived in Newington five years, so I'm familiar with the territory, not here anymore.

We are seeking a free standing sign. It's single sided, it incorporates the church name, the tag line, and yes, an electronic message center that it will be stagnant. The message will feature the church's weekly sermon information. I give an outline of what has transpired back in 2007. The Church received from Newington Planning and Zoning for another plan that had been a convex, 100 square foot stone wall which had letters, individual letters that were mounted to the wall and it was ratified, I don't know how you do it here, by the Newington Conservation Commission. About a month later, if you remember back in 07, 08 the economy changed a little bit, so in May, Paul contacted me if ARTfx could design a sign for the Church that would have the name featured along with a message center. I told Paul that I believe that you can, but I will have to check with Art Hanke and if you will excuse me, I don't really do the permits for my company. I had a full time permit person who is retired, but when I handled the permits, I knew Art and I used to ask him for the information in town, along with Ed Meehan, and pretty much what Art said was gospel in our industry, and I was inclined to ask him first, I didn't know anyone in the new regime. So Art stated

to me, and I give an outline of the time frame, I could requisition phone records if I had to, he mentioned to me that in Newington electronic message centers if they were moving or changing were not permitted. However, if they were stagnant, they were permitted, and I said to him that our intent was, to provide a message center that would change once a week, to announce the sermon. He said that was okay. So upon that information, I went back to the Church, to Paul, I won't read everything here, but I mentioned that we could move forward, and we set the design, a tasteful sign that would go along with the property and the Church. There were a few questions concerning double faced or single faced. The Church eventually decided on a single faced sign; if we went to a double faced sign it meant jeopardizing some of the signage that was on the wall, so we settled on a single faced sign. From the last time, we have redone the plot plan, it's bigger and you can see where the sign is going, it's pretty much in the spot of the original proposal, except it's been moved, I believe eastward towards the drive. Now, what happened back in December, on December 18 a fellow who works for me, Max Ballardo, came to the town and spoke with Mike D'Amato, and Mike explained to him that potentially we had an issue here which came back to me and I was more than surprised. I was actually in shock, so I came to the meeting a couple of weeks ago, and I saw that a few members, a few Commissioners were pretty driven about this matter. I'd like to explain that the sign designs came from information that I had that felt was bona fide. I read the regulations over and over and over again, and I know that they are interpretable, but I'd like to say that the Church has no intention of a scrolling message. Last Sunday I came back to my old stomping grounds, and I looked around town, and I looked at some of the church signs that were existing and that are allowed right now, churches that like to present messages on message boards, they are all manually changed messages. The problem with these types of signs, that you can see by some of the photos that I show here, is they need maintenance. One, they are hard to use, and in short time they start to warp and distort, they get dirty, and very rarely have I seen them cared for. They are the type of signs that you see all over the United States, you see them in Oklahoma, Oklahoma City on the side of the road. They are ugly, they're not great signs. What we have done I think is to present a nicely designed sign, and frankly I am very surprised that this sign is being challenged. I went out of my way to really pay attention to the rules, to listen to Art, to design something for the Church that we thought was tasteful, that was commensurate with the property and the way they keep things, and I'm interested to hear what you have to say. I also know that in town (and I know these are exempted from approval), there are a few message centers. I know that Walgreen's was an issue. I did check out that sign, and I didn't think it was particularly nice. I didn't like the red. But one thing I did notice, they didn't change the message all day. I stayed here for about three or four hours, had a coffee at Starbucks, we ate on the Berlin Turnpike, the message didn't change. On the signs that are exempt, the message did change, and we timed it. It was every fifteen or seventeen seconds, but they are tastefully designed signs. I know it's kind of subjective but for the VA, they have a very nice changing sign, and obviously they did their homework, they figured out it was a better way to go. The High School, I'm not as enamored with the sign, but I think they also did a fairly nice job and they have a good idea of how they would like to present things, and what is going on at the high school. So I think all we are asking for here is a message center that is easy to change, can be changed by computer, that we could program in a fixed changing point once a week. If you look at the size of the sign, the message center is less than twelve square feet and how it's positioned on the property you can see is pretty non-invasive, it's parallel to the road, and I think it was styled in fairly good taste. I'm here, I'm listening, and I also have with me Paul Tornaquindici and he is going to speak on behalf of the Church. Now before Paul speaks, I'm seeing that sign, and I think I did that about thirty-one, or thirty-two years ago. We've been around for a while, and we've made a lot of signs, and I think that people recognize ARTfx signs to be some of the very best, not only here, but in the world. So, I going to turn the mike over to Paul.

Paul Tornaquindici: Good evening, Paul Tornaquindici, Gospel Hall, 349 East Cedar Street. Just wanted to say hello and talk to you tonight about the sign that we are requesting. I think it is a nice, quiet sign. I'm also the owner of Shop-Rite Supermarkets, and I have stores out in Bristol and the Waterbury area, and we use the reader board signs quite a bit. I happen to have a store across the street from Stephen's World of Wheels which has largest most dizzying sign I have ever seen in my entire life; it is an absolute wonder. It's like going to the movies basically as you drive by, it's frightening. We worked very closely with the towns to make sure that these signs do not end up the way that we present material. So, I was thrilled when I heard that town officials said that we could go ahead and proceed and the Church did a really good job raising funds for this particular sign that you just saw there. So, I was hoping that that would be okay with you, that you understood that we have a public service that is an hour on Sunday evening for the preaching of the gospel. The message would be up there and once a week, it would be changed if needed. That sign will not change week to week. So, if we have a special event or something we would be able to change it, so I just wanted to assure you of that, and thanks for the consideration, I appreciate it. If there is anything that I can answer for you, I would be happy to do that as well.

Commissioner Claffey: Just for clarification, on the drawing you submitted, you show two different locations for the sign.

Lawrin Rosen: It's the location that we showed tonight,

Commissioner Claffey: This drawing?

Lawrin Rosen: This is the official, right here.

Claffey: So that's not in the setback?

Lawrin Rosen: It's behind it, it's right here. This is the original sign that was proposed, over here, and we have moved it a little bit this way. This was approved seven years ago. Disregard what came in a couple of weeks ago, that wasn't correct.

Chairman Hall: But it's not where it says "sign", is it? Isn't it the second arrow?

Lawrin Rosen: No, it's where it says "sign".

Chairman Hall: That's up at the road. The picture shows it way back.

Lawrin Rosen: Oh, you know something? This fellow Max is a new draftsman, I apologize, it's behind the setback where this semi-circular piece is. My apologies, I think he misunderstood it, and he did it today.

Chairman Hall: What do you mean, "semi-circular piece"?

Lawrin Rosen: If you look at this, the one that's in your package... I didn't double check this. I was trying to write the verbiage today, sorry.

Chairman Hall: Thank you. This is a public hearing, so we will be hearing from the public.

Lawrin Rosen: Shall I manually change it on everyone's plan?

Chairman Hall: You don't need to. We can put it on to the other.

Lawrin Rosen: I'm really sorry about that, I didn't check.

Chairman Hall: Anyone wishing to speak in favor of this petition, come forward. Anyone wishing to speak in opposition? Anyone simply wishing to speak? Seeing none, okay, back to the Commissioners and the Planner.

Craig Minor: Before you close the hearing, I live in Bristol, so I've seen some of these signs that we have talked about, and I have a sixty second clip of that very sign that Mr. Tornaquindici was just talking about. Would the Commission like to see it?

Chairman Hall: Sure.

Craig Minor: It's pretty bad.

Commissioner Leggo: I just have a comment. Last meeting, my main concern was motion, rotating, the pictures, everything like that, anything flashing, and those questions were answered. I think with the message up there, it's not moving, it's not changing. I can't see that really as an issue.

Craig Minor: Here we go [referring to video of the "Stephen Auto World" sign on Route 6 in Bristol, displayed on the monitor in front of the room and on the side walls].

Commissioner Aieta: How big is that sign?

Lawrin Rosen: I would say it's about six by twenty, the message portion. It is huge.

Craig Minor: Here's my favorite one: two, one in front of the other [a sign on Broad Street in Bristol]. This is the hotel across the street from ESPN [at the Doubletree Hilton Hotel on Route 229 in Bristol].

Commissioner Anast: So Bristol allows them?

Craig Minor: Yes.

Commissioner Sobieski: What you showed us are the signs viewed from straight ahead. What about a flat mounted sign like this, off to the side? Is there any more driver distraction on that, than this type of a sign?

Craig Minor: I'm sorry, say that again?

Commissioner Sobieski: What you have shown us is a sign that looking straight, you see the sign. This is a flat mounted sign on the side. For me to read it, I have to turn my head. Is there a difference in driver distraction? That's my point.

Craig Minor: That's a good question. I'm not an expert in this, so I don't know any more about this than you folks do, because you drive also, you see these signs. I think your point is that a sign that is parallel to the street would be less distracting than one that is perpendicular, which the ones that we just saw are. I think if you see that sign from half a mile away, perpendicular to the street, that it would be more distracting than the one that you only see when you are upon it, and you have to look to your left to see it. Hopefully you won't be distracted by it.

Commissioner Anest: And you will have the traffic light, and the curve....

Craig Minor: Well, they are both problematic, but in different ways.

Commissioner Anest: What did you find out about the history.....

Craig Minor: I put together the minutes from the meetings where the Commission talked about this, back in April and May of 2001.

Chairman Hall: It was more recent than that.

Craig Minor: Yes, 2011, what did I say?

Chairman Hall: 2001.

Craig Minor: These are the minutes from the meeting before the Commission began the hearing, to summarize all your thoughts up to that point, and the minutes from the hearings themselves, and then the minutes of the meeting where you adopted these changes. I highlighted the comments that I thought were relative to the issue at hand, but I don't think this is something that you can digest immediately. You might want to keep it and think about it over the next few weeks.

Chairman Hall: Commissioner comments?

Commissioner Leggo: You already got mine.

Chairman Hall: I know.

Commissioner Aieta: Unfortunately, and I'd like to apologize from the Town of Newington to Mr. Rosen and to the Church, unfortunately Mr. Hanke gave you some erroneous information and interpreting the regulations is not his job, number one, and he gave you the wrong interpretation. I'm sorry that he did that, because he put you through a whole bunch of expenses that you didn't have to go through. This issue is bigger than your sign on your piece of property. It has to do with what this Commission envisions the signs in the Town of Newington are going to look like. Unfortunately we have a couple of signs that we had no control over, the one at the high school, because it was town property, and secondly the one at the VA Hospital which is a federally owned piece of property. We don't control zoning on town and federal properties. Unfortunately the Commission that was seated when they approved the one at the Walgreen's made a mistake. If you read these regulations, the only signs that are permitted today, digital signs, are time and temperature signs at a bank, restricted size regulations, and ones that are used in gas stations,

with restrictions on the size, that tell the price of gasoline, and it's only allowed on the Berlin Turnpike. We did that because we felt that those signs were changed so much that it was a smaller area, and we could live with that. We've had other areas in town where people have come in and asked for these types of signs, and we have disapproved them. It's the policy of this board to not allow digital signs, whether they rotate, those are in addition to being digital. Because they don't rotate or move or run, running signs, they are still a digital sign. That's what we object it. The problem is, if we allow you to do this, then we open ourselves to basically a change to this regulation and I hate to see our Berlin Turnpike look like the strip in Bristol, because that is what you are eventually going to get, to that point. So, we have to draw a line in the sand, and the line in the sand that I'm asking to draw is that we don't allow digital type signs. That's the intent of that regulation. I was here when this regulation was adopted, when they were reviewed, when they were tried to be changed, I've been here quite a long time. I was here in the 2000's, on this Commission, and the intent of this Commission has always been to eliminate these types of signs. I feel, I don't know what to tell you, you come in, you ask a building official for an opinion, he gives you one, and it's wrong. That's his opinion, and he doesn't have the right, as ZEO to make interpretations to the regulations. That's reserved by this Commission. The only one that can determine what these regulations mean, or interpret these regulations is this Zoning Commission that sits at this table. I'm sorry that you got that information.

Chairman Hall: Other Commissioner comments?

Commissioner Anest: I just want to back up what Frank is saying. I was on the Commission when we had the sign regulations, and I was adamant that I did not want to see any electronic signs. The ones on the Berlin Turnpike for stations, but we didn't want to see it anywhere else. Even though you said you are only going to do it once a week, that doesn't necessarily mean that it is going to happen only once a week. If something happens, you might change it in the middle of the week. I did want to see the Walgreen's minutes that you didn't give us, you gave us the sign regulations, but I know there was a discussion on that, and they said they weren't going to change it, and then it came to a point where it was being changed every fifteen, twenty seconds.

Craig Minor: What was that? Was that an application, so I can find the minutes? Did they apply for the permit that was approved, and you feel retroactively that it should not have been approved? Those are the ones that you are looking for? I'm just asking where to find them, what minutes it is that I am looking for.

Commissioner Aieta: I believe, you would have to check the record, but I believe it was an administrative approval, not a Commission approval, but you would have to check the record.

Craig Minor: What is the time frame?

Chairman Hall: At least ten years ago.

Commissioner Anast: But wasn't it an issue because they weren't going to change it, and then they started changing.

Commissioner Aieta: I don't believe that we approved that sign at all as a digital sign, they just put it up, and once it was up.....

Craig Minor: So it was staff approved and then it came to your attention once it was up. Chairman

Hall: Once we saw it, yes. Like, how did that happen?

Craig Minor: And you discussed it at a meeting under Commissioner's comments? So those are the comments that I am looking for?

Commissioner Anast: Because we are not looking for these types of sign in the town. We are looking for stationary, taking the letters off, and as Frank said, the high school and the VA, we had no control over those signs which are town and federal. They don't have to abide by our regulations.

Commissioner Aieta: One other thing, just to clarify, at the time that the Board of Education requested the sign at the high school, this Commission was adamantly against it, to the point where we sent our Chairman, Mrs. Hall, to the Town Council to tell the councilors that we were totally against and that it is against our regulations to have a sign like that. The Board of Education chose to do it and exercise their right as a town agency that is exempt from zoning, and they put the sign up anyway. So just to tell you the history, we didn't even want the sign at the high school. As far as the federal one, you understand, there is no fighting that, they just did it and we saw it when it was up and we drove by and said wow, that's different, but we have control over what happens in the rest of the town, and we have to draw the line somewhere. You are saying we could do this, it's set back far enough, it's only a small message, it is an eight foot long sign. Eighteen inches by eight feet. So it is a big area where it is going to be a digital type sign. We'd like to accommodate you, but we're opening ourselves up to a change in the regulations that would allow everybody to come in under that.

Lawrin Rosen: May I still speak?

Chairman Hall: I think this being the important issue that it is, I will allow you to speak.

Lawrin Rosen: I think it comes down to a matter of design, to good design versus mediocre design. This is a sign to look at. I don't know if we could put this off until next month, but there is a moving, digital sign that we just designed on the Silas Deane Highway for Gugliatti's Hair Salon. It's got a real nice shape, we spent a long time with the design, and he's programmed it in a very interesting way, and you can see it every night. It's a moving message, it moves constantly and it's a woman, or a couple of women with their hair style and their hair flowing and it's a very nicely designed sign. I just entered it in the International Sign Design contest and I think we're going to win. It's all in the design. I'm not trying to entertain anyone here, but if you look at the signs I showed you with the stationary messages, they're no better. They're a mess. In fact, I think that if you went from one end of this town to the other I challenge you to show me a nice church sign. I haven't found one. You know, I'm telling you from the standpoint of a guy that owns a sign company and we get the job and its money for us, but I'm telling you from this standpoint. I've won the International Sign Design Contest more than anyone in the world. I'm number one, and I design what I think is right for the occasion, and I know what your rules say, but I think you are trying to prevent ugly signs. I don't think you are trying to prevent digital signs and I think you have to look at how the sign is designed and you have to require people who like this type of sign, that it's a nicely designed sign, and it is a stagnant message. Now stagnant implies a change once a day, but if you write that into the regulations, it may be, and you know, every town is different. You may think about having an informal design review and that's a good way to give sign companies a real tough time. But it all boils down to balance and design. It's not the type of sign, it's how it's designed.

Commissioner Anast: I'm not questioning the design of the sign, it is really nice, and the design of the sign at the Congregational Church on the corner is beautiful. This sign is nice if it didn't have that digital message, if you could do it another way to put that message up. I'm pretty sure there is a way to do that without having that one section being digital. The sign is beautiful, it's a nice sign, but I think you can do it to fit into our regulations.

Lawrin Rosen: You know, the thing about that is that it is very high maintenance. It's someone that goes out whenever they change the message and move the letters around. Not to challenge you, but it's the type of lettering that you see on a movie marquee. It's just not apt for a church, it's kind of showbizy and it never really maintains itself unless someone goes out and constantly cleans the tracks, makes sure that they are glued down and that the letters are always consistent. A lot of times they run out of letters, they run out of K's, because they've only got three of them, so they order some more, and five years later it's a different style, then something else happens where the numbers don't match and the colors don't match, and eventually they always deteriorate. I looked at the signs that Craig showed, and I have to tell you, Craig, those are some of the ugliest signs in the state.

I'm really surprised what Bristol has allowed. I come from Connecticut, I've been here all my life, I come from a small town, and I think I single-handedly improved the sign business from the low end of the graphic field to the high end of the graphic field. I'm really into nice looking signs, that's what my company is about. It's just a matter of somehow gauging design, it's the New England way, I mean, and things have to be in balance. Things have to be cared for. Things have to look good all the time. They have to stay clean, they can't be dirty. The thing about a changeable message sign is it's invariably going to get dirty, it's going to have moisture, and the manually-changed signs are very, very hard to upkeep. And a lot of times churches, you know, they're hurting today. I just proposed a sign to a church in Manchester where they allow these and they allow a stagnant message, and I kind of made a joke of it, I sold the sign, and I sold it for about \$20,000 but I had, in the background you see a priest with his fingers, he's breaking the host, you call it, I'm Jewish, so I don't know, and then it says, "now accepting Jews", and you know, I thought it would go over like a lead balloon, they thought it was pretty funny. But the thing with the churches today, they need membership, they need congregants, they are hurting, and you know you have a Lutheran Church, they are taking in Methodists, you have a Congregational Church, they are taking in Evangelicals, it's just a means of advertising and it's just going to become more prevalent as time goes on. I use joking examples, but I think you just have to look at how they are designed and re-entertain what is happening here. I'm always available for phone calls, you can see some of the work that we do, we could send examples, and that's about what I would like to say.

Commissioner Serra: I just want to reiterate, this is not about the sign. It is a beautiful sign, beautiful design on the sign, but I have to agree with Carol and Frank. This is not what we want in town. We would be setting a precedence here, and I think it would be a very bad precedence. We'll get swamped with everybody else wanting to do this and we have denied them in the past. I just think we are opening up a can of worms. We don't need this type of sign, so I have to agree with Carol and Frank on this.

Chairman Hall: Anyone else?

Commissioner Aieta: Just one last thing, just for information. Carol and I sat on a subcommittee for over a year, maybe a year and three months, going over sign regulations. We just got to the point that we said, there were so many different variables, so many different things, that could go on, we said let's just bring it to the Commission as a whole and hash it out as a Commission. We have not gotten to the point in the regulation review to look at signs, but we will, and I'm sure that we will be spending several meetings having to go over those regulations, because a subcommittee of a couple of people, we could not come to a conclusion just among three people, let alone the full Commission, so it's going to take some time. We will revisit the issue, but as it stands today, these signs are not allowed. That is an interpretation, that is from the history and intent of this body, not

just the people who are sitting here today, but people who sat here in the past, and the people who proposed, and put these regulations into effect, so it has a history, and I'm telling you, I've been here for most of that history. We're trying to draw the line in the sand, and guys like you, and the church end up getting to the point where you are the collateral damage of what we do. We are not questioning your ability, the sign company, your qualifications, but as much as I hear what you are saying about the quality of your company, there are a lot of other companies that come in and put up signs that are not that good. We're caught here.

Paul Tornaquindici : I do think that you are very wise to stop and consider the sign program because you really have a responsibility here to shepherd this town through changes. We are a long way from 1970. I reach in my pocket and I pull this out, and it's a marvel, I'm not using a rotary phone any more. There's electronic bulletins, and there's beautiful large banners on the side of the highway that are LED and all controlled. The world is changing and moving, so I think you are exactly right in saying, what is it that we really want for the look for our town? How do we want this to be, and what do we want to be a part of it? I think careful examination of that is going to help because things aren't as they were anymore, and more and more of this is moving away from rotary phones and cell phones that were like this with satellite antennas hanging off the top, you don't see that any more, and I think if you can come up with a way to shepherd and make decisions for the town that reflect the history of the town and incorporate some of the aesthetic design, and some of the things that you would like to do, I think that is really important, because more and more you are going to have people come in that are going to say, the sign that we have, or the way that we are doing this, is not appropriate any more. So, speaking for the Gospel Hall, we're delighted to do whatever you say. We'll have a beautiful sign anyway. It's not the sign that is going to help us get members, its life, live and character and attitude and God will bring people and fill the churches as he sees fit. We're not looking for a rotating sign, we're not selling cars, we're saving souls. There's a big difference. So, we'll be fine with whatever you decide here, but I really encourage if there is opportunity to look, to consider this in the light of 2015 and what needs to be done so that you can really shepherd the town to where you want it to be. I think that would be awesome. I do appreciate the time to come down and certainly, whatever you think is best, we will have a very honorable and good looking sign, no matter what sign it is. Thanks very much.

Chairman Hall: Thank you. That was eloquent and would be a nice way to end at this point. I'll entertain a motion to either close this, or leave it open for one more meeting.

Commissioner Serra moved to close Petition #01-15. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

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

John Bachand, 56 Maple Hill: By now everyone has heard about the proposal for the project up on Cedar Mountain. I know you don't have it before you, so I'm sure you will tell me that you don't have any details, but I just have some general questions. One is, if you follow the news at all, which I'm sure everyone has, they are proposing a fairly significant change, calling it a modification. I just wanted to know, does that type of a proposal fit that zone because that is zoned Industrial now?

Chairman Hall: I think I can save you some time, John. We have not seen any proposal at this point, and so anything that we would be talking about would be conjecture. You know more about it than the people around this table.

John Bachand: Then just a general question: it's a residential facility , is that allowed in an Industrial Zone?

Chairman Hall: Tell us your questions.

John Bachand: That's the first one, we know it's proposed as an assisted living facility, I'm just curious about the zoning. That leads to my next question: if it doesn't fit into the zone, does that mean it requires a new application, or a zone change? Referring to it as a "modification", I saw Saputo Dairy here with a modification which obviously was a simple thing, but in this case, it seems much more complex so it's open right now before the Conservation Commission and I'm trying to study it and keep an open mind about it, and I've been trying to confirm with Craig. I've been trying to get the plans and so far the only plan that has been submitted has been a partial site plan without the typical land use tables, so maybe that will change before the next meeting, but right now we don't know much about it, so I think calling it a modification is a little bit of a stretch, so if it would be a new application here, and a zone change here, it might require the same. Then another thing: Craig and I had a little bit of a disagreement on me obtaining some files. He made them available to me in paper form, but he informed me that it is required of an approved application that they be submitted to the Town in electronic form, and there is no charge for getting copies of them. I had to pay \$6.00 a page for two pages, and there is like 30 pages and I would like to have the time to review them, but I don't think if it was a requirement and the town required them, or if it's typically a requirement, that they be in electronic format which they could just e-mail to me, and it doesn't cost anybody anything, then I don't think I should be subjected to having to pay for paper, just because of an oversight. So far I have gotten two pages at \$6.00 each, and it is in the purview of government officials to waive that fee, and like I said, there are a couple of different reasons to waive it, and one would be if that government official felt that it was for the betterment of the community or the general population, but also again, I think in this case, because it was supposed to be required, I don't see why I have to pay for it now. I feel I shouldn't have to pay for it now. Thank you.

Chairman Hall: Thank you John. Anyone else from the public wishing to speak?

VI. **REMARKS BY COMMISSIONERS**

Commissioner Aieta: Just to clarify something that John said: that particular piece of property is, I believe, a Berlin Turnpike Business Zone, it's not an Industrial Zone, and those types of facilities that are proposed are allowed in all zones in the Town of Newington. Am I correct on the zone designation for that piece?

Craig Minor: Yes. It's in the BT Zone, Berlin Turnpike zone.

Commissioner Aieta: Berlin Turnpike Business Zone, and in that zone this type of facility is allowed.

Chairman Hall: Any other remarks by Commissioners at this time?

VII. **MINUTES**

A Special Meeting January 14, 2015

B. Regular Meeting January 14, 2015

Commissioner Sobieski moved to accept the minutes of the special meeting of January 14, 2015. The motion was seconded by Commissioner Serra.

Commissioner Anest: I didn't have a chance to read them, we just got them today, so I'll be abstaining.

Commissioner Aieta: We'll vote on it next meeting.

Craig Minor: You can withdraw the motion, and withdraw the second.

Commissioner Serra: I'll withdraw my second. Commissioner Sobieski: I'll withdraw my motion.

Commissioner Aieta: I move that we put these on for approval at the next meeting.

Chairman Hall: Both the special and the regular because they came to us late today.

VI. **NEW BUSINESS**

- A. Possible Moratorium on Higher Density Residential Development in the CTfastrak Station Neighborhoods.

Craig Minor: Again, because this is a rather complicated issue, I would like to read the memo:

“Background:

TPZ is concerned about being pressured into approving higher-density residential development in the two CTfastrak station neighborhoods before TPZ has had a chance to develop specialized zoning regulations for these two neighborhoods. This moratorium would be on applications for higher density residential development in those two neighborhoods.

Higher Density Residential Uses Permitted Near the CTfastrak Stations:

There are five different types of higher density residential uses allowed by Special Exception in the area surrounding the two CTfastrak stations. The density ranges from 5.4 units per acre for "alternative residential" buildings, up to 20 units per acre for senior independent and/or affordable age-restricted living. Some of these uses have a high minimum acreage requirement (as much as ten acres) and I have not yet done the research to see if these requirements make the prospect of higher-density development here moot. That is information that TPZ should have before a decision is made on whether to proceed with a moratorium. I will have at least a partial answer to the question at the meeting on January 28.

Before I draft a moratorium, the TPZ should review the different types of higher-density housing to determine which of them are problematic. The types of higher-density housing range from owner-occupied single family detached homes to multi-story elderly apartment buildings. Some of these might not be objectionable to the community or to TPZ.

The five different types of higher-density residential uses are (in decreasing order of density.)

1. Senior independent living facilities (Section 3.2.5)
Maximum density 20 units per acre
Location requirements: on or within 300 feet of an arterial road
Minimum lot size: five acres.
2. Affordable Age-Restricted Housing for Seniors (Section 3.7.2)
Maximum density 20 units per acre
Location requirements: on a bus line or within walking distance to services.
Minimum lot size: two acres.

3. The conversion of older homes into multiple dwelling units (Section 3.4.7)
Maximum density: 7.26 units per acre.
Location requirements: none
Minimum lot size: one half acre.

4. Single family Entry Level Housing (Section 3.7.3)
Maximum density 5.8 units per acre
Location requirements: none
Minimum lot size: ten acres.

5. Alternate residential building types (Section 3.7.1)
Maximum density: 5.4 units per acre
Location requirements: on or within 300 feet of an arterial road
Minimum lot size: ten acres.”

So, to summarize, I think the Commission should have a discussion as to exactly which types of higher density housing are a problem, and which ones might not be a problem.

Chairman Hall: I think also, after tonight's discussion we need to define what we are talking about in Section 3.7 because we had a lot of questions on that one too.

Commissioner Aieta: The zones that surround these two bus station, the surrounding zones as they exist today, they would all have to be changed to accommodate some or all of these types of housing.

Craig Minor: No, no, these are all allowed today.

Commissioner Aieta: These are allowed in an Industrial Zone?

Craig Minor: No, but all of these are allowed in one or more of the zones that are within a half a mile of the two stations. Some of these are allowed in the Industrial Zone, and I'll tweak my memo to you to clarify exactly which zones allow which. I forget exactly which, but one of these uses is also allowed, by special permit, at your discretion, in the Industrial Zone. I think it's elderly assisted living.

Commissioner Aieta: Okay, because the welding site is an Industrial zoned piece of property, it's never been changed, that's Industrial and a lot of the property on Day Street, the old Structural Steel Company, that's all Industrial zoned property. When you get up toward Willard Avenue to get into Day Street, that area is all Industrial Zone. So we would like to know, what types of housing could be done in an I Zone. You're saying it's only senior age- restricted housing, is that it?

Craig Minor: I think so, but I'll double check.

Commissioner Aieta: Conversion of older homes really doesn't apply.

Chairman Hall: Well, it might.

Craig Minor: Yes, if you have an existing non-conforming home in the Industrial Zone. There probably are some houses in the I zone in that area.

Commissioner Sobieski: There's a couple of them on Day Street.

Chairman Hall: I think we need a lot more information before we do anything about this, and we also need to have the Town Attorney look at anything having to do with a moratorium. I know he was very much wanting to be involved with this before we make any moves.

Commissioner Anest: Craig, can you do a map with a radius, maybe a mile surrounding the two transportation hubs?

Craig Minor: How about a half-mile, because a half-mile is the distance that people usually talk about as being within walking distance.

Commissioner Anest: CCROG was talking about people walking a mile.

Craig Minor: Really, they just were?

Commissioner Anest: Oh yes.

Craig Minor: Because in the industry, a half-mile is the rule of thumb.

Commissioner Anest: At the meeting they were talking about people being a mile away, bicycling to the station and that type of thing, so maybe you could do a half mile and then a mile, like you did for the... ..

Craig Minor: Marijuana, I can do that.

Commissioner Aieta: They are going to have to walk or bicycle because there is no place to park at either one of them.

Commissioner Claffey: Out of the two hubs, which one is the gravest concern?

Commissioner Aieta: Newington Junction. Fenn road, it's.....

Chairman Hall: It's either retail or industrial, there isn't much residential.

Commissioner Anest: What we've been hearing from the public, I mean, they are concerned about both, but the majority of their concern is Newington Junction because it's such a tight knit area. People are very, very concerned, and no matter what part of town you are in, that's what they are concerned about.

Commissioner Claffey: You sent that e-mail about Amtrak; how would that relate? Is there a location for them or is it the same two points?

Craig Minor: It's the same two, because the Amtrak station will be within a few yards of the CTfastrak stop. You really can't call it a "station".

Commissioner Claffey: But were there any other proposed locations in Newington other than that one?

Craig Minor: No.

Commissioner Anast: At one point we brought up that maybe Newington should have only one CTfastrak stop. They said, well, the train, when it comes, will be at Newington Junction so it would make more sense to have it there, and that's how, because we were trying to get it to one. That was their argument.

Craig Minor: Okay, I will put together some information on that for you for your next meeting.

B. Approve Performance Bond Amount for "Newington Ridge Preserve."

Craig Minor: They are ready to begin construction, but there is a still amount of work that hasn't been done yet. To protect the buyers of those houses we want the developer to post a bond that would cover the cost of any of the remaining work. The bond amount was estimated by the applicant's engineer and then reviewed by town staff, and it's an appropriate number. I believe there is a draft motion in the agenda package.

**Performance Bond
Newington Ridge Preserve Planned Unit Development
Deming Road
Michael Massimino, applicant**

Commissioner Leggo moved to approve the Performance Bond for the "Newington Ridge Preserve" planned unit development on Deming Road in the amount of \$190,000.00"

CONDITIONS:

1. The bond shall be in the form of cash, check, passbook, or letter of credit only.
2. The applicant shall execute a Performance Bond Agreement, to be filed on the Town of Newington land records.

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

VIII. **PETITIONS FOR PUBLIC HEARING SCHEDULING**

None

IX. **TOWN PLANNER REPORT**

A Town Planner Report for January 28, 2015

Craig Minor: "Zoning Enforcement Issues Raised at Previous TPZ meetings: 44 Pane Road: as reported by the ZEO at the meeting on January 14, 2015, the owner of the business at 44 Pane Road has been advised that he is not supposed to be using the driveway on the east side of the building. He explained to the ZEO why he was using it, and stated that he was in fact instructed to do so by the previous ZEO. The current ZEO suggested he formally ask TPZ to rescind the prohibition on the use of the east driveway. I am in the process of working with the owner on his application."

Commissioner Aieta: I have a comment. Just for the record, this was, this came in when Ed Meehan was the Town Planner and it was his suggested motion that we should require that we

should close that entrance. His reason was that the entrance was too close to the entrance to the plaza on the corner. It's within 25 feet. This was a livery service at the time. I think the activity has actually ramped up since they changed ownership to this type of a business, it's an actual change of use. It was a livery service, and now it's a used car dealership I believe. That was the reason for the closing of that entrance way because of the proximity and the safety on the street, the proximity of the two driveways. He has another driveway twenty-five feet away that is his main driveway . Just for your information, and that was a condition that the Town Planner put on.

Craig Minor: "B. Table Top Board Games on New Britain Avenue: As instructed by TPZ at the meeting on January 14, the staff conducted further research into this proposed business and the history of legal non-conforming uses in this space. It was determined that the proposed business is retail, which is the same use as the previous legal non-conforming tenant and therefore has the right to operate. The operator of the business has agreed to the condition that any proposed special event be reviewed by the ZEO at least 30 days prior, and if the ZEO determines that additional parking will be needed, the operator will arrange for additional off- site parking on an adjacent lot."

Commissioner Anast: I have a question. So they don't have to come before us?

Craig Minor: Correct, because it is a legal non-conforming use.

Commissioner Anest: Not even for a special event?

Craig Minor: You don't have a mechanism to approve special events.

Chairman Hall: We will discuss that when we get to that Section. This isn't the first time that we have been stymied by this.

Craig Minor: "Old Performance Bonds held by the Town": There is a fresh report in front of you. The only change since last week is with 46 Commerce Court. I have met with the owner, actually with the buyer. One brother owns it, the other brother wants to buy it. I met with the brother and then the other brother showed up at the last minute. They don't dispute that they are required to do this work, and that they should have done it twelve years ago, but they will make the case to you as to why they shouldn't have to put up a chain link fence and why they should be allowed to have parking instead of grass. They will officially apply for site plan modification, come before you, and either win your approval or not. That's the only change I have. Newington Junction TOD Committee: No report.

X. COMMUNICATIONS

None

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

John Bachand, 56 Maple Hill Avenue: So, I would like to expand on that, appreciate the clarification on the zone there. If, a generalized question, a project was approved by this Commission for five buildings, and someone came back and wanted to build one building, drastically different, if you know the answer, if there is a simple answer to that, would that trigger a re-application. I hope to get an answer to that when I leave the table, and then also, if I do need any more of those plans printed

on paper, if you could consider instructing the Town Planner that he could make those available to members of the public for no charge, only for the reason that I mentioned earlier. Thank you.

Chairman Hall: Anyone else wishing to speak?

XII. **REMARKS BY COMMISSIONERS**

Commissioner Anest: I attended my first CRCOG meeting last Thursday. There was an hour presentation about walking and biking, and what CRCOG did is, back in September they looked at 62 sites around the greater Hartford area, and they did head counts of how many people walked and biked. West Hill Road and Willard Avenue was one place they counted, and Fenn and Cedar was another place they counted. How many people were walking, how many people were biking, how many people wore bike helmets, how many were females, how many were males, how many were waking or biking with the traffic, I mean, they had all these statistics. I took notes and unfortunately left them home. The bottom line is, they are seeing an increase in people walking and they are hoping that people will walk within a mile radius around the two stations. It was very interesting, and out of the 62 sites, our two sites in Newington were at the bottom with the least amount of walkers and bike riders. But obviously the stations are not complete and Fenn Road is not a big walking area. Same thing with West Hill.

Chairman Hall: Not unless you have a death wish.

Commissioner Anest: Right, exactly, and at West Hill Road, people cross the street to Dunkin Donuts. They are going to be doing these every year. Every September, they look for volunteers to do the count, they have spread sheets. The other thing is, and this is done in other areas in the United States, you know how they do Zipcars, well, they are thinking of doing it with bicycles, and having bicycles kiosks, and you can use a card to take a bike, ride it home, and then ride it back there, or ride it to another stop, or ride it to a restaurant and bring it back. They are looking into that, looking into funding for that, and getting a corporate sponsor, but that is years down the road. The last thing is, we approve all of the towns zone changes, and then each town says what is going on in the town, and the only big one was West Hartford and Hartford TPZ got together to discuss the Flatbush Avenue bus stop and what both of those towns are envisioning to be there. That is all in the working stages, but both towns are working together on that. Most of the meeting was the presentation on biking.

Chairman Hall: Anyone else have anything to add? Do you want to talk about the paperwork? I know that when I come in and ask for paperwork I have to pay for it.

Craig Minor: Mr. Bachand is correct, the statutes do give the town the ability to waive the fees, but I take that to mean for indigent people. In the case of Hunter Development: we usually have digital copies of site plans, but in this case we don't. My guess is that when Ed Meehan did the approval letter for Hunter Development, because it was a result of litigation and mediation, that when he typed up the approval letter he forgot to include the boiler plate requirement that a DFX format copy of the site plan needs to be submitted. He just forgot, so we don't have a digital copy of the Hunter Development Plan, and that is why I couldn't give him a digital copy. Is that sufficient reason to waive the fee? I didn't think so.

Commissioner Aieta: You don't pay for TPZ stuff?

Chairman Hall: I'm talking about stuff as a citizen. I get a good deal of paper from Town Hall, whether it be the Town Clerk's office, the Assessor's office, and I pay for every single page of it.

Craig Minor: I would waive the fee for a Newington land use board member, as a "professional courtesy". If a Wetlands Commissioner wanted a copy of something, I would waive the fee for that person, but Mr. Bachand is a private citizen.

Commissioner Leggo: Do we have an answer to his other question?

Craig Minor: The question is, when does an applicant with site plan approval have to come in for a modification? I think it's probably on a case-by-case basis. Certainly in the case of Amara which is totally different from Hunter Development, absolutely, they would need a fresh site plan approval from you folks. If Hunter wants to move one of the approved pad sites five feet to the left, would I make him come in for site plan modification? I'm not sure. I did warn him, when he was thinking of putting in a day care instead of a restaurant, that that change of use would have to come before you for your permission. But when does someone have to get site plan modification, it's a judgment call.

Commissioner Aieta: Just one thing, you've got to keep Hanke out of TPZ. He's no longer the Zoning Enforcement Officer, so please, you have got to keep him from giving opinions about TPZ matters to people who come to the office. I mean, there are two instances tonight where he gave people the wrong information. We have a new Zoning Enforcement Officer, let him do it. If he has a question, he should not be going to Hanke, he should be going to you and to the Commission for advice.

Craig Minor: Well, I did today ask him to go back and ask Art something. Mike got a call today from someone who has an attached one-story garage that encroaches six feet into the side yard, and the homeowner wants to know if he can put a second story onto this non-conforming, with regard to encroaching into the side yard, building. I said, I don't know what Newington's policy is on this; the regulations don't say, so I suggested he ask Art what the history of these kinds of uses are - have they been approved by staff, or do they have to go to the ZBA? What has our policy been in the past?

Commissioner Aieta: That is kind of cut and dried. You can't expand a non-conforming use.

Craig Minor: But does going up "expand" the non-conformity?

Commissioner Aieta: The addition is six feet into the side yard, so that's complicating or aspirating the non-conformity. It's not allowed. And I'm not a Zoning Enforcement Officer.

Craig Minor: But I wanted to ask him what the practice has been.

Commissioner Aieta: Well, that's the problem. The practice has been that Art unilaterally tries to come up with ways to pacify the public by circumventing the regulations with his own

interpretations, and I can give you fifteen different examples of how he did that, over the past history. It's not right, I mean, he tells people, he's actually told people, well, if you do this, then you're all set, don't put the sign outside, put the sign behind the window, and then the Commission can't bother you. I mean, we have examples, people have told me. I was so happy when he decided not to be the Zoning Enforcement Officer and you hired someone else, because he has been a problem, and a problem tonight. I'm embarrassed as a, not even a Commissioner, as a member of, a resident of the town, that he gives information that costs this guy extra money when this Commission's history and everything else has been that we don't want digital signs, rotating, non rotating, changing or not changing. Where do we draw the line, we have to draw the line, it's not cut and dried with these digital signs. Is this a good digital sign? It's not that bad, well, you know, we allow this, and then we don't get the same guy that has the awards for the best signs in the world, we get some other guy that doesn't really care and we end up with what you have in Bristol, or what you have on the Las Vegas strip. Where you have so many that it's overwhelming to the point where you don't know where to look, and it becomes a traffic hazard, it loses its effectiveness because every five feet you have one of these signs, so this town, we made a decision by the people on the Zoning Board it goes back through the history that we want to stop them, I mean, we relented enough where we said, okay, let the gas stations have them, let the time and temperature have them. Carol and I have agonized over these sign regulations for over a year and a half now, and we can't come to an agreement on anything, so we are going to bring it to the Commission, but we do agree that this digital sign regulation, we will beef it up, when we look at it again, we'll beef up the language. So it's crystal clear that we don't want digital signs in any way, shape or form.

XIII. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: A little bit longer, but we did get a lot accomplished tonight, but it's getting tougher, we're getting some stuff that is not our fault, not anybody else's fault that we are having to deal with, and that makes it very difficult. We have to make a call that someone is not going to be happy, one side or the other, but that's what we're paid the big bucks for, right?

XIV. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary