

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

January 9, 2013

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Carol Anest
Vice-Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner David Lenares
Chairman David Pruet
Commissioner Stanley Sobieski
Commissioner Frank Aieta-A
Commissioner Audra Ekstrom-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

II. APPROVAL OF AGENDA

Chairman Pruet: Mr. Minor, any changes to the agenda?

Craig Minor: Yes, I would suggest that you consider eliminating item **VIII. OLD BUSINESS**, the special exception for the sale of alcohol at 137 Kelsey Street. The application has been withdrawn by the property owner, and on the table in front of you is a draft motion, because when I started preparing for tonight's meeting I was thinking that you would, when we got to that item on the agenda to let it be withdrawn, but the Chairman suggested that we just delete it from the agenda now which is just as good and probably more efficient. That's the only change that I have.

Chairman Pruet: Okay, officially withdrawn.

Craig Minor: Yes.

III. PUBLIC HEARING

None.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; each speaker limited to two minutes.)

Holly Harlow, 11 Edmund Street: Ever since June, when our friends, Toll Brothers asked for an application meeting, I have been trying to understand the procedure for the plan that TPZ approved last year with conditions and whatever might emerge from Inland Wetlands in the

unfortunate event that this ever changing plan is approved. I was first told with ascending levels of certainty that they would have to have a re-application. Then I was told that as long as the review plan incorporates all the conditions from the old plan, and no other changes are made, it would only require TPZ review and I was also reminded that the plan, showing all of the changes legally needs in-house TPZ approval. At the November 14th meeting a question from a member of the public was addressed by a statement that the board had approved the plans last year and reiterated the requirement of the plans to be filed with the 21 conditions, but did not mention the stipulation that there would be no more changes. Also at that meeting, it was just underscored a lack of need for a new application. Last months meeting, and I'm reading the minutes and Mr. Minor stated that he hadn't started looking at the new plans yet that he received in September, and was kind of holding off pending what Inland Wetlands was going to do and in the mean time, wasn't sure that was a good use of time, if I'm understanding the opinion of how to handle this, but I'm fully aware that Newington has a lot, not very much experience if any, with this situation with the two land boards voting in opposite directions. I've made a couple of unsuccessful attempts at trying to figure out what this constitutes and my points tonight are these: How is it determined, how is the determination made as to when a new application wouldn't be necessary without criteria to base a judgment on, and how is it determined that an application isn't necessary if the plans haven't been looked at to the degree that you might see whatever criteria that is unknown to me, might be required. In the tragic event that the application before Inland Wetland is approved, the applicant is undoubtedly going to be expecting and pressuring the Commission to move forward on this. Are these plans already for Commission review? What if there are changes that should be really vetted in depth and the Commission had to be bound so that any of those considerations fly because of inaction that is happening now. I don't want you to misunderstand me, me and the other people who oppose this plan, we get it, we believe that the number of conditions on last year's approval should have actually constituted a disapproval, and it means, you know, you need a lawyer and money, the only way we had to voice our dissent was to come here and speak like I'm doing tonight, and we will continue to do that. What really concerns us is the direct change presented at the meeting last night. It was revealed that lots have been rearranged, phasing has been added, some storm water features were being moved which, for all we know, should have denied the application, but we don't know. And we have no way of knowing if the right things are being done or not. You should also be aware and you probably already suspect this, that public perception out there is that the purpose is just to avoid a Toll law suit. The way we have seen this playing out, it really doesn't help to change that perception at all. It doesn't help to have situations like last night where the Town Attorney is talking, mouthing words to the applicant's attorney over the table. It just doesn't seem like a good situation to us.

Chairman Pruet: Thank you. Due to the fact that this is a pertinent concern that you have, I just want to just review the procedure on application and review. From what our attorney, we have an attorney on this, and they reviewed the process and stated that if Toll Brothers abides by all twenty-one changes they would have met our conditions. They still have to come before the TPZ and explain each item, if they do comply and if they did go forward with our approval of their petition and if it's new.... am I correct on that?

Craig Minor: Well yes, the thing that people need to remember is that this is an evolving situation. Last night it took another very interesting turn which nobody was expecting and because it is such an evolving application at the Conservation Commission level, it's premature for this Commission to tell someone today what this Commission is going to do two months from now, because we don't know what the future holds and that's why I've been reluctant in the past and will continue to be reluctant to tell you what is going to happen because there are so many possibilities of things that could happen, things that we

weren't expecting, like last night, so that's why if in the past you have been told things that seem to be conflicting, it's because the situation keeps changing, so something that was true six months ago, or two months ago, well it's not that it isn't true today, it's now it's moot.

Holly Harlow: Can I engage him?

Commissioner Pruet: Well, not really because it's a litigation matter, ongoing, so we're just going to.....

Holly Harlow: Can I just say one more thing. What happens if the changes, ever evolving....

Craig Minor: That's what I'm saying, until we know what those changes are, we can't tell you what our response is going to be.

Holly Harlow: If you don't know, understandably you don't want to comment on something you don't know, but when the results come, is it going to come back.....

Craig Minor: Yes.

Holly Harlow: It's been very frustrating to understand what is going to happen. I understand that you can't comment because they are going to change things, but in the course of the evolution enough changes are made and the types of changes that really require thought and engineering expertise and review.....

Chairman Pruet: Then we will have to rely on the advice of the attorney that we have hired, that is a land use expert on that, to advise us.

Holly Harlow: I guess I'm picturing, when is that in depth evaluation, when are they going to get the plans out, what is the difference between this plan and the one you approved with conditions, I'm just wondering.....and I guess you don't know.

Chairman Pruet: It's like Mr. Minor says, it's going to be rolled out on a continuing basis, once it is adjudicated with the Conservation Commission.

Okay, is there anyone else from the public wishing to speak at this time?

V. REMARKS BY COMMISSIONERS

Commissioner Anest: Craig, can you just elaborate what the turn of events was last night?

Craig Minor: Yes. The Town received a memo from someone at DEEP recommending, stating that these cottonwood maples, I think they are....swamp cottonwoods, apparently the DEEP botanist is concerned that storm water coming off of the development, coming into the basin, or the wetland where those cottonwoods live, would be contaminated by fertilizer and insecticides, so the DEEP person recommended a 150 foot buffer be put around the wetlands rather than just the 100 foot buffer that is there now. So apparently Toll Brothers people, they burned the midnight oil and between Monday afternoon and Tuesday night they redrew the plans to eliminate a couple of lots that were in the area of the critter tunnel but then add some additional lots up north by making them all a little bit smaller, so the net number of lots is the same, but it's been loaded up at the top instead of down at the bottom, so it's the same number of lots, but now it's different from what you folks saw, so this will be one of the things, if it gets to you, that will certainly be a topic for discussion.

Commissioner Anest: Well, we approved X number of lots.....

Craig Minor: Yes.

Commissioner Anest: And then they reduced it after...

Craig Minor: Yes.

Commissioner Anest: So it's not what we approved originally.

Craig Minor: Well, it's still a reduction as you mandated. It's still a reduction from whatever the number was down to a smaller number.

Chairman Pruet: From 62 to 57 I think.

Craig Minor: Presumably it's still 57 but those 57 lots are arranged differently from the way that they were a month ago.

Chairman Pruet: Anybody else at this time? There's further opportunity for the Commissioners at a later time.

VI. MINUTES

A. December 12, 2012

Commissioner Sobieski moved to accept the minutes of the December 12, 2012 regular meeting. The motion was seconded by Commissioner Camillo.

Commissioner Aieta: Mr. Chairman, I have a correction. On page 3, under Public Participation, I believe that the person's name was Amenta. That's the only thing I saw.

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

VII. NEW BUSINESS

A. Sec 8-24 Referral for Drainage Easement at 26 Mill Street Extension.

Craig Minor: The Town of Newington needs to relocate, actually they have already done it, but they need to relocate an existing storm drainage easement from a parcel that belongs to the Town of Newington but has been leased to the New Samaritan folks for 99 years, onto what happens to be the Newington Housing Authority's property. Apparently the New Samaritan's financing from HUD, HUD has told them that there can't be any easements on the property, so to accommodate them the town has moved the storm drain over a few feet onto Housing Authority property, so now the Town of Newington will be, there will be an easement in our favor but this is, technically an easement, and under 8-24 this has to be approved by the Planning and Zoning Commission before the Board of Selectman can accept this easement from the Housing Authority. I believe there is a map in your agenda package and I have a draft motion.

Chairman Pruet: Okay, any questions for Mr. Minor?

Commissioner Sobiestki: Craig, what happens to the old easement that was in there?

Craig Minor: There will be, if you see the map, part of the length remains, part will be dissolved, and there will be legal language on file dissolving the old part that is no longer needed.

Chairman Pruet: Okay, I recommend that we move this over to Old Business for discussion and vote.

Commissioner Sobieski: So move.

Chairman Pruet: We will move to put that into Old Business.

VIII. OLD BUSINESS

- A. Petition 31-12: Special Exception (Section 6.6.2: Sale of Alcoholic Beverages) at 137 Kelsey Street, Adorna Carroll, owner, Tasneem Fatima, applicant; Sheikh Ali, 137 Kelsey Street, Newington, CT contact person.**

Withdrawn from Agenda

**Petition 01-13
26 Mill Street Extension
Section 8-24 Referral (Drainage Easement)**

Commissioner Camerota moved that the Town Plan and Zoning Commission report to the Town Council its recommendation that the Town accept a Drainage Easement at 26 Mill Street Extension on property owned by the Newington Housing Authority.

This easement is identified on the map entitled "Storm Drainage Easement Re-alignment across land of Town of Newington & Newington Housing Authority, 50 Mill Street Extension, Newington, CT dated 5-4-12 by The Bongiovanni Group Inc."

FINDINGS:

This re-alignment is at the request of the developers of the "New Meadow" elderly housing project at 50 Mill Street Extension, to comply with a HUD requirement.

CONDITIONS:

None

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

Commissioner Hall: Question, now this goes back to the Town Council to approve it and then it becomes official.

Chairman Pruet: Yes, with the changes recorded with the Town Clerk.

IX. **PETITIONS FOR PUBLIC HEARING SCHEDULING** (January 23, February 13)

- A. Petition 02-13 Special Exception Section 3.15.6: Health Club at 3153 Berlin Turnpike. McBride Properties owner; Oana Nita, 55 Highgate Road Apt. B5 Newington, CT applicant/contact person.

Craig Minor: This young lady, Oana Nita, would like to open a Health Club, it's kind of a fitness, as she described it, like a Zumba type of operation in the existing building at 3153 Berlin Turnpike, but under our regulations it's considered a health club and that requires a special permit so that is why it's on your agenda for scheduling.

Chairman Pruet: Okay, anyone see a problem scheduling this for our next meeting? Putting it on the agenda? We'll put that on the agenda for our next meeting. That's it? Nothing else?

X. **TOWN PLANNER REPORT**

- A. Staff Report

Craig Minor: My report is in your package. I'll go over them quickly and if anyone wants to talk about them, or has questions I'll go into more detail as requested.

The façade issue at CVS, Main Street: Yes, it is correct, those red panels should not be there and Art has already contacted the owner about either having them painted over or having the white, I mean, the red sticker peeled back or something, because it does have to be white, according to the minutes from those meetings.

Weekend Enforcement: Mr. Hanke has already doing inspections of the Berlin Turnpike and town center. He did it the weekend before last and he identified about six temporary sign violations on the pike, some of them he already knew about, some of them, well the one at Outback was a temporary sign that Art had explained to the manager was illegal, but apparently that was the day manager, and then the night manager came on and the night manager didn't know what the day manager knew so the sign went out again, and Art stood there and waited for them to remove it. He had one issue with the Global flooring, yes, Global. They had a temporary sign which made it hard to look out onto the turnpike to get onto the highway, it was a sight line violation, so he stood and waited for them to remove it, and he insisted that they remove it because it was dangerous. A couple of the temporary sign violations he found he sent the owner's letters and he will follow up on that, but this was a safety issue, so he waited until they actually removed that one. He also found the elusive Sophia's Luncheonette sign, and he physically took it, it was attached to the stop sign, he took it down, put it in the back of his car, I don't know if he has talked to Sophia about it, I don't know if she knows that he has the sign, but as of last Sunday it was in the back of his car. So I would say the weekend visits are beneficial. They will be on a random basis, so the people can't think, okay, it's now been six Sundays, so he's going to come out, no, it's not going to be exactly every six Sundays, it's going to be roughly every month and a half.

Chairman Pruet: Saturdays and/or Sundays.

Craig Minor: Yes, exactly.

ZEO report: I've sat down with our secretary on the ZEO report, to talk about the format for the report but it turns out that the data is in ACCESS, and I think the secretary knows how to use EXCEL, but ACCESS is a relational data base that is much harder to work with, and apparently our IT person must have written the report that she uses today to come up with a report to physically give you, so I'm going to go and talk to the IT person and ask them if they can write a report that then can be populated with the data that's more user friendly, that

doesn't have all of the initials, that's makes it clear whether an enforcement action was initiated by a complaint versus discovered by the ZEO himself, or if he is doing an inspection at the request of the property owner to get a compliance certificate, whatever the purpose of the inspection is, to be again more user friendly for you folks.

Old Performance Bonds: I am going through them, I am finding a number that had been released, but for some reason are still showing on the record as being in place, in fact there are a couple on the agenda tonight for release. Actually, the ones that I will talk about later, these are actually fairly recently completed. The ones that I found that are old, there's actually a reason for them still being around. Now, is there an excuse for them being around, no, but there is a reason why some of these that are ten years old are still there, it's because something was supposed to be done, that never got done and that's why there're still on the list.

Commissioner Aieta: When does it become, when does it get to the point where the town calls the bond, takes the bond money and does the work. It should not be ten years. That should not happen, because the ten year old money doesn't cover the cost of the improvements after ten years. I believe it is specified in the regulations how long these bonds can run. So we're not doing our job by letting them run for ten years. I mean, when they reach the deadline point that is set by law or by the regulations then we should a tickler file that would bring them back and say, this thing is up, what do you want to do? Then we should say, send it to the Council or whoever and have them pull the bond and do the work. That's what has to happen, not ten years later.

Chairman Pruet: I'm just curious, who is accountable? Is it finance, or.....

Craig Minor: The Town Planner, he's responsible. It's his job to make sure that the work gets done and the money gets released, or it doesn't get done and they call the bond and do the work. I know one of the ten year old ones for the subdivision and that was approved back in the mid 2000's, Rockledge, and the work was substantially complete but it was reduced down to I think \$10,000.00 because, but the \$10,000.00 was retained at that time because there were some landscaping issues.

Commissioner Hall: Trees.

Craig Minor: Yeah, you remember, trees. Right, but the \$10,000 that I think we are holding, is that enough to pay for these trees? Maybe. But what is also possible is that those trees were supposed to be on private property and the current owners of those lots may say, I don't want a tree.

Commissioner Hall: That is exactly what happened.

Craig Minor: I've seen that before. So, I may then in that case, come back to you and recommend that the \$10,000 be put into the town's landscaping, or give to the Parks and Rec Department or some of that sort and not give it back to the developer. But I'm not certain whether we have that \$10,000 or not. I'm not letting this dominate, I'm spending a couple hours a week at it.

Chairman Pruet: Good, chipping away at it.

Commissioner Aieta: If you could bring them back to us, the ones that are a problem and then let's start working on them and let's see if we can get some resolved.

Craig Minor: At the moment, the only problem is that I'm not sure whether we have the money or not. But once I know exactly what the facts are, then I will come back and ask you for your guidance as to how you want me to handle it. Whether you want me to cash the bonds or not.

Modern Tire: Attorney Bradley reported that the plaintiffs have been directed by the court to file their brief, which is a description of their complaint no later than February 15th, and then our brief is due March 15th. Now I did actually the other day sit down with the site plan for Modern Tire because I was really curious, they keep complaining that they can't expand under the new rules, so I literally, I got the plan and I made a chart of the new regulations and Modern Tire's situation, and I found that of the ten requirements Modern Tire complies with every one of them except for the overhead doors, the overhead doors that face the street. That is not allowed under the current regulations, but that is the only thing. So if they were to come in tomorrow and ask for a permit to expand, we'd approve it because they comply in all other areas. Just thought I would share that with you because it was something that was bothering me all along, their complaint that they can't expand under the new regulations. Not correct.

Commissioner Aieta: We would have to waive the.....

Craig Minor: The overhead doors. Right, we wouldn't allow them to create additional overhead doors, but they could expand any other way.

Commissioner Aieta: Good point.

Newington Walk: We talked about that, it's on hold pending the Conservation Commission situation.

Newington Junction Planning Study: I, other than the e-mail that I got from the consultant a week or so ago, I haven't heard from them yet about getting together to begin work on that plan, and as soon as I do, I'll let you know, and Mike, you're on that subcommittee so I'll certainly make sure that you are available for whenever we meet.

Low Impact Development Regulations Project: We are getting together on Friday to begin work on that.

Commissioner Aieta: Under staff reports, I know that the liquor thing on Kelsey Street is null and void because the owner, but we didn't answer the question that was brought up last week about what happened at Fenn Road, and then we heard that there is another one on Willard. I forgot all about the Willard Avenue one. The answer that Ed Meehan came up with, an interpretation of the regulations is done by this Commission, not by a former Town Planner. I don't know what fell through the cracks, but when I read that regulation, it does not differentiate between a package store or a grocery store, it just says, store and the like. It doesn't say, package store and the like, or grocery store and the like, it just says store and the like. So his answer to you on your staff report is bogus because it doesn't even comply with what the regulations say, so those two, in my opinion, the Fenn Road one where it is a package store and a grocery store, something fell through the cracks because the distance requirement, if they didn't waive it then there was a problem there. On the 7-11 one, you've got the same situation, you've got a package store and a convenience, they are both stores and under our regulations, they needed a two thirds vote to allow it to go through. That's the way I read it, unless I'm reading it wrong, I don't see where there is a difference between the stores, a store is a store. So, I'm not trying to make a big deal of this, but we should keep that in mind because if this comes up again.....

Commissioner Hall: According to the owner, it won't.

Commissioner Aieta: No, not that particular one, but some where else it might come up. I don't know how those got approved, the Fenn Road one and the Willard Avenue one without, I didn't go back in the record, but if there was a vote, a two third vote then.....

Craig Minor: No there wasn't.

Commissioner Aieta: There wasn't. Well, then something was done that wasn't right.

Craig Minor: Well actually, let's take a minute and, if the Commission agrees with what Ed tells me was your practice in the past, even though it doesn't seem to be consistent with your regulations, you have some flexibility in interpreting your regs, and if you agree with Ed, then say so, and the next time someone comes in for a liquor permit then I will tell them, okay you're allowed because.....

Commissioner Aieta: If you want to do that, then change the wording in the regulations so that it is clear. The way that it says now it says, store. So if someone comes in and wants to do what this guy on Kelsey Street wants, you would have to say, these are both stores, you don't meet the distance requirements, you could ask the Commission, but in this particular case there was not any distance, difference in the distance, zero. So even a reduction, you would have to reduce it down to zero.

Chairman Pruettt: Could you give us some examples next meeting, a future meeting of how we could address that, work on that and brainstorm it and come up with a more definitive regulation.

Craig Minor: Yes, I asked our GIS consultant a couple of weeks ago to put together a map of the nine locations, the nine actual package stores in Newington. Then draw a five hundred foot ring around it, and then I was going to go out and see if there were any other convenience stores, but then he went on maternity leave and so that put it on hold, and then I heard back from Ed saying, well that's never really been our practice, so I told Thad that okay, it's moot, I don't need the map any more, but from what you just said, I think I will ask him, yes, please put together that map and see if there are any other places in town where we have a grocery store liquor license within five hundred feet of a package store.

Chairman Pruettt: And as a preventive measure for future.

Craig Minor: I'll do that.

B. Performance Bonds:

1. Hudson Accessibility Solutions, 151 Rockwell Road
2. LADA Inc., 426 Hartford Avenue

Craig Minor: We have two projects that are now completed for a total bond release. The first one is the Hudson Accessibility Solutions building at 151 Rockwell Road. Actually it was an addition to the existing building and as I point out in my memo, work has been done, the staff has been out to inspect it, everything is as it should be, so I recommend that you release the surety bond. There's no cash, it's just an insurance policy, but it should be released by the Commission.

Chairman Pruettt: We can, even though it is not in Old Business, we can vote on this as a group right now and vote to release it. Is there any discussion? Put it in the form of a motion to release the surety bond for Hudson Solution.

Commissioner Sobieski so moved, seconded by Commissioner Camerota. The vote was unanimously in favor with six voting YES.

Craig Minor: Now the next one was the one that I came to you with a couple of meetings ago, where they had done most of the work, but hadn't finished some of the landscaping, so you held back \$5,000. The work has been done, so now I'm back recommending to you that the last \$5,000 be released.

Chairman Pruet: Okay. Entertain a motion that we place this LADA Incorporated 426 Hartford Avenue bond to be released.

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

XI. COMMUNICATIONS

Craig Minor: That is all I have formally, but as you've noticed, I put a bunch of stuff in front of you. A couple of meetings ago I think it was Commissioner Anest asked me to put together a brochure of our sign regulations to give to the Chamber to give to new businesses in town, so I did some research to see what other towns are doing, and found a whole bunch of interesting looking brochures that other towns have done, and I made some copies, Carol, I gave you the colored ones....

Commissioner Anest: Thank you.

Craig Minor: I made copies of them, in your spare time, if you want to flip through them and if you see any aspect of any of them that you think is really great and that you would like ours to have, just make a note of it, and let me know, and then I will find somebody in the Town Hall that has graphic ability, because mine is elementary, to put together a trifold brochure like what these other towns do, that we can give to the Chamber of Commerce to give to the new businesses in town. At your convenience, take a look at those. Also in front of you are some handouts that I got the other day which were from those two half day sessions that was in Hartford last month on TOD and the impact of the busway and the high speed rail in Newington so that information is just for your information. I think that is all that I have.

Chairman Pruet: Any questions on that? The sessions were well attended, myself, Craig, Carol, the Mayor, Councilor Borjeson, Economic Development was there too I believe, Council Nagle, and it was very informative, and the participation from Newington was very good. It was well received, and we spoke upon to push even further the two million dollar grant to clean up the National Welding site, and my personal opinion, I think it was very well received by the people in charge of okaying it, so hopefully, keeping our fingers crossed, we will get a favorable decision on that. I think it was worthwhile in that respect to just get an overview on TOD and also if we can get that, it will be well worth our efforts. So, Newington was very well represented, I was pretty proud of that.

XII. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; each speaker limited to two minutes.)

None

XIII. REMARKS BY COMMISSIONERS

Commissioner Anest: Craig, did you have a change to look in.....

Craig Minor: Oh, Dunkin Donuts, and I brought the plans too. You are absolutely right. Commissioner Anest called me the other day to point out that the Dunkin Donuts/Farmington Bank parking lot on Main Street, the parking lot in front of the building, the way that it is designed, as you are heading north on Main Street and you turn left to go in, which is the way that you have to, because it is one way, you have to make a left turn across two lanes of oncoming traffic and hope that the car behind you doesn't rear end you now that you have just gone through that traffic light at Garfield, and then when you go through the parking lot in front and you realize that there are no spaces there, you have to get back onto Main Street, well hopefully you are going to turn south because if you try to turn north you are taking your life in your hands, so Carol asked a very good question, why did we approve this? I was talking about it with the town engineer, his first thought was, well maybe that isn't how we approved it, maybe we approved it with the angle the correct way and they did it wrong, but no, that is what the town approved. And he looked at it some more and he realized that, maybe they designed it this way because if you designed it with the lot angled to come in from the north, they would lose one, and maybe they have exactly the amount of parking and they can't afford to lose one. I am going to take a pencil and ruler and see if they can, if they have a space to give in the back, then why not ask them to re-stripe it. It's a little bit more than just re-striping, they would have to redo some of the curbing, but it doesn't seem like a big thing, and it would definitely improve it.

Commissioner Anest: Did you also check the curb lapse. You know the driveway.....

Craig Minor: On the north?

Commissioner Anest: On the south. The entrance, because if you are driving down and the curb ends, but the grass goes, but if somebody sees that there is no curb, and that is where they are going to turn in, and you can see in the snow that people did that, and they took it too short, and they were going up on the curb and through the snow because the driveway is a lot narrower now than it was previously.

Craig Minor: No, I didn't know that.

Commissioner Anest: If the town could just extend the curb over to Main Street and then when they shovel, the shoveled the sidewalk out to the street, they didn't leave like a path, the buffer, the grass like it should have been. They shoveled the whole thing.

Commissioner Hall: Now is that the Dunkin Donuts portion of it, or the bank, because the bank was going to be handicapped.

Commissioner Anest: There is a handicapped space.....

Commissioner Aieta: Is it stripped there now. The stripes, make me understand, it's stripped and it's angular parking....

Commissioner Anest: Yes.

Commissioner Aieta: And they did it the wrong way?

Commissioner Anest: No, no, no. My concern was you enter from the south side of the parking lot, and in front of the building there is like six spots.

Commissioner Aieta: And can you pull right into the spots?

Commissioner Anest: You can pull right in, and then you exit from the north. Now the problem is, if you pull in, there are no extra spots, then you have to pull out and then go around and then go down the back. If you pull in from the north, if there's no spots, you can pull in and just go into the back, rather than going back out to the street and coming back in.

Chairman Pruet: It's one way.

Commissioner Anest: It's one way and it clearly can only be one way because it's angled, I mean, if you could get down the side of the building between the church and the building, that would fine, but there's people who go to Dunkin Donuts and they park in the front and they are there for an hour. So if you are running in for coffee and this has happened to me, and I come up Garfield, now you don't know if there are any extra spots and there is no spots, now I have to pull out and either go across and park at the church, which isn't good, or I have to take a right and then go back in, and go in the back. It's an inconvenience, it really is. I think we didn't think about that when we were looking at the plans, but I really think you should enter from the north and exit from the south.

Commissioner Aieta: That would mean that they would have to angle the parking the other way and change this landscape, change this whole landscaping island.

Commissioner Anest: There is one island, I don't think it would be a huge impact. They have like near the sidewalk, the parking is angled, one car, the next car, the next car, goes deeper and deeper, but safety issue, it's an accident waiting to happen. They also lost a spot to snow.....

Commissioner Aieta: This looks to me as if it would work.

Craig Minor: Well it does, but you have to cut across two lanes of southbound traffic to get in. If they had just done it that way, you come in like this.

Commissioner Anest: The other thing is, I don't know for their snow storage, that the spot on the south side.....

Commissioner Aieta: There is no snow storage

Commissioner Anest: Was not plowed out, so they lost a whole spot for like a week until the snow melted, so there is a problem with the snow storage in the front, the way that they are plowing.

Commissioner Hall: Do they have a rear entrance?

Craig Minor: Yes, from Garfield.

Commissioner Anest: But that's only one.....

Commissioner Hall: No, no, a rear entrance to the shop.

Commissioner Anest: It's not open yet.

Commissioner Hall: But they will have one?

Commissioner Anest: Yes.

Commissioner Sobieski: Craig, you might want to check, I was there today and the sign at the Congregational Church does block the sight line, so you have to kind of nose out a little bit to see what is coming.

Commissioner Anest: It's always been like that.

Chairman Pruet: But you are going to get more traffic in a while.

Commissioner Anest: We can't like tell them that they have to make short term parking in front?

Craig Minor: No, we can't tell them, but we can certainly strongly request that they.....

Commissioner Hall: Coffee to Go.

Craig Minor: We can't tell them, but we can ask.

Chairman Pruet: Any further questions from the Commissioners?

Commissioner Aieta: I have one. One the gateway property on the turnpike, looks like they have done paving, I don't know if it's the final course of paving, but we originally approved three buildings there, they've only built two, and I don't know what the procedure is, but don't they have to come back, if they aren't going to build the third building, how are they going to leave the conditions of that parking lot? Are they going to leave it just with a hole there? Are they going to put a fence around it? It's not finished, so if they are not going to put the third building up how long do they have not to put it up, or what condition is it going to be in when they open the store? That's the question I have.

Craig Minor: That's a good question. What normally happens in these situations is when they come looking for a c.o. for say the Chipolte's and the other site is still no where near done, the approval process will allow them to have a c.o. but they'll have to post a cash bond to guarantee that they come back in a timely manner, and that can all be spelled out in the agreement as to how quickly they need to come back and finish the rest. As you know, they have five years, but do we have to live with a construction type for five years? No, we don't. We can have a quid pro quo, we give them a c.o. for the first building, they have to promise to make the rest of the property attractive to our standards within six months, or whatever, it's all negotiated, but it's all in the written agreement.

Commissioner Aieta: Okay. What I'm saying is that I think if they don't want to put the building up at this point, they should grade that area and put a binder course on it. We don't want to have, we don't want to see it where we are driving down there and there's a fence with a big hole, a fence around a big hole. We have the same situation where L.A. Fitness is, where they left that piece of property there, and it's unsightly, people are parking, it's not safe, just for your information.

Commissioner Hall: Do we know that they are not going to build that building?

Commissioner Aieta: I don't know what is happening but two buildings are done, are pretty close to being done and I'm assuming that they are rushing because they want the restaurants to get in there.

Craig Minor: The third building is the bank.

Commissioner Aieta: The building in the front, that they are working on is the Chipolte's and Starbucks. So it looks like they are rushing to get those people in there. If they come for a c.o. to occupy it, then right next to it is this big block of a hole where the foundation is going to be for the third building. I don't know what happened, maybe they didn't get the commitment from the bank, it's supposed to be a bank, I don't know what the situation is, but it could happen where you could have a business open, the restaurant, the coffee shop and then you have this unsafe area there. That's all I'm saying.

Craig Minor: That's a good point.

Chairman Pruet: I don't see a problem with him not complying. He's been pretty.....

Commissioner Aieta: I'm sure he will. We should press for at least to the point where he puts a binder course over it so if people drive across it or park on it, or whatever it's not an unsafe condition.

Chairman Pruet: Anything else?

Commissioner Hall: What about Urgent Care, when's that going to open because their sign is lit all day.

Chairman Pruet: I'm surprised that it is lit, I saw a car there on the way in.

Commissioner Aieta: This is another situation where they started the work on the restaurant, they came and stripped the land, now they have blocked the access to get into the Urgent Care. You can't get in there unless you go through where the drive through was.

Craig Minor: From Main?

Commissioner Aieta: From the Berlin Turnpike you can't go in and drive, they dug up all the earth there and they have all their machines parked, I mean, they dug it all up, I don't know how the heck you could get into that business. I'm sure the doctors are going to find out how they are going to get in, but the way I looked at it, there was only one way to get in, and that's not the way that we proposed by going around the building and going through, you know where the drive through was for the bank, that's the only way you can get in to access that building. You can't pull in because they dug up and then they stopped, they didn't start again.

Craig Minor: It's going to continue to be bad, the Berlin Turnpike entrance when the Firestone project, if it gets approved and that's going to be difficult.

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pruet: We are going to convene a special subcommittee to review the signage again. I mean, we've done this in the past. There seems to be some, review it, put a sub committee together on that and see what we can come up with, put a little sub committee together on that, and see what we can come up with, some recommendations or improvements or whatever. I'll let you know on that.

XV. ADJOURNMENT

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary