

NEWINGTON TOWN PLAN AND ZONING COMMISSION

October 10, 2012

Regular Meeting

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  
Commissioner Cathleen Hall  
Commissioner David Lenares  
Chairman David Pruet  
Commissioner Stanley Sobieski  
Commissioner Frank Aieta-A  
Commissioner Audra Ekstrom-A

Commissioners Absent

Vice-Chairman Michele Camerota  
Commissioner Michael Camillo

Staff Present

Craig Minor, Town Planner

Commissioner Aieta was seated for Commissioner Camillo and Commissioner Ekstrom was seated for Vice-Chairman Camerota.

**II. APPROVAL OF AGENDA**

No changes

**III. PUBLIC HEARING:**

None.

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

None

**V. MINUTES**

A. September 24, 2012

Commissioner Sobieski moved to accept the minutes of the September 24, 2012 meeting. The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion, with six voting YES.

**VI. NEW BUSINESS****A. Petition 29-12: Site Plan Modification at 191 Deming Street ("Morningside" Condominium) JFC Endeavors Inc, application; Morningside Newington LLC, owner; Johnny Carrier PE 68A Canal Street, Plainville, CT contact.**

Chairman Pruet: I see our petitioners are here, good evening.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut. My business is at 170 Pane Road here in Newington. I'm sure most of you recall we were before you a couple of years ago with this application on Deming Road, a common interest ownership style project, a condominium development consisting of sixty units. The site was approved, we have approvals from both wetlands and site plan. The project, due to the economy has not been started as of yet, and a couple of things have transpired. One, Morningside LLC is still going to be the applicant, still be the developer but there will be new principals of Morningside LLC. I'll introduce Johnny and Jay Carrier from by Carrier in a few minutes, but they are buying the entity from Ron and Chris Nelson who were the original applicants before you. I think by the time that John is done explaining who they are and what they do, I think you will be quite satisfied with the level of construction, the quality of construction, that these people are known for and are very successful at. Having said that, we do have some modifications, very simple in nature. We are not proposing to change the site plan from construction perspective, as far as road layout, drainage, utilities, placement of homes, no more, no less. We have a proposal for a construction entrance, this was something that I had talked to staff during the other approval. The main entrance is here. Move on to the phase in plan. First, the main entrance being in the center of the site, phase one would consist of this area here, so that they can prepare the entire entry, roadway completed to a certain point, and complete some models, landscaping, furnishings, all that so that they can have a sale center with parking in this location here. Then they would work their way around the site as sales progress and work their way out. One of the problems with a single point of egress is that construction traffic goes through the same area. That could be problematic from a lot of different directions, so what we have proposed is, just during construction an entry point at the northeast corner of the site, opposite Barn Hill Lane. We've talked with staff, we've met with the Police Department, we do have comments from them, I think everyone is supportive. Their comments speak to that, construction of temporary stop signs. Right now Barn Hill Lane has a stop, Deming St, north and south is not stopped. This will create a three way stop sign, actually a four way because we will have a stop sign from our construction entrance. Along with those stop signs, and they are not shown here, because we got the comments after we submitted the plans, the Police Department would like some notification signs a couple feet down the street so that you would know a stop sign is coming, but we have prepared a construction entrance at this location, proper erosion and sediment controls, so as you come into the site, and they complete the phases of this, all of the truck traffic will come in and out of this area, at one secure location that they can monitor and maintain. There were a couple of comments from the engineering department as well, basically pertaining to the cleaning of the street. Carrier has a street sweeper that they leave on site. That's probably not typical of most sites that we have had in town, but that is how they operate. Then silt sacks at the catch basins so that if there is any mud on the road, it rains, it doesn't go into the storm drainage system.

Step back here, we talk about the change of principals in Morningside, our request to modify the site plan just for the temporary construction access and then our phasing, four phases, and I'd like to reiterate before I introduce John, introduce Ron Jenesko, and then Johnny, reiterate that we are not changing the site plan. We like the site plan, by Carrier intends to start construction of the project probably some time in November, early November, hopefully

work right through the winter and their plan is to market these, final paving, grass growing, in Phase One, landscape around the buildings probably by the end of summer next year, 2013, September 2013, something like that. Having said that, Ron wants to say a few words.

Ron Jenesko: Thank you Alan. I am Ron Jenesko, I am the co-owner of Landworks Development. Landworks Development is the owner of Morningside Newington, LLC. When we came before you a couple of years ago we gave you a little history of who we are, to get you comfortable with how we do projects and our reputation, and if you recall, I was a long term resident of Newington. I served on this Commission, I served on other commissions, and my wife was very active in things like the Junior Women's Club, so we have some history in town, and Chris and I, in the last two years were very fortunate to get very busy with another project in Simsbury. I don't know if you have heard about it, the Old Grist Mill in Simsbury that is being renovated, that's us. It started off as a very small project that grew into a 182 unit housing project that includes town houses, apartments and single family detached homes, so what started out as small has grown into a five plus year project that is pretty all encompassing for Chris and I so we sat back and said, we can either continue to land bank this project or we could find someone like ourselves that we would trust to carry the torch forward and in the entire State of Connecticut there are only a few people who we would trust with a project like this because we started this and it is kind of like one of our children and the Carrier Group is at the top of the list in the entire State of Connecticut. I've know the Carriers, I've known them for over twenty years, and believe me we have mutual admiration and respect. I know we go on the podium at the home builders annual awards event, it's kind of like, who is going to take home more awards, is it going to be By Carrier this year, or is it going to be the Landworks this year, so they have a fantastic reputation, they do wonderful quality work and I'm just very happy that they are interested in working, continue to work with Alan and this Commission and this town to see Morningside come out of the ground this fall and available next year and knowing the Carriers, it's going to be done with top quality and it's going to be something that will (inaudible), so without further adieu, Johnny Carrier.

Johnny Carrier: Good evening ladies and gentlemen of the Commission. My name is John Carrier with By Carrier, Inc. We are a family owned business, I'm a second generation, my mother Francine and my father Jake are in the back there and my sister, with a different last name since she's been married since, but we're all in the family business. I have probably three other brothers, a lot of cousins and we've been here since the mid-sixties and became builders in the early seventies. So forty plus years that we have been at this. All live in the Farmington Valley, in Bristol, Plainville, most of us have set our roots here and stayed. By Carrier is a building company that really pushes for that local family owned business, local flavor and probably without getting into all of the details one of our biggest things is just building a quality product. Whether it's through energy efficiency, whether it's through the types of construction that we use, and we've done one thing that most other builders haven't, is we've put a five year warrantee on our house. All mechanicals, the biggest things that customers worry about which would be, water in the basement, structural defects, things that should not go wrong at all when you buy, in the first year, the fourth year, or the tenth. If we have a five year warrantee on that, if it doesn't happen, it's probably going to last a long time. That being said, I sell, as I said, I'm a second generation builder, I'm a licensed professional engineer, I'm actually a self taught residential architect, where when I went off to school my father said, you better learn something else in school, so we started with the framing, that's where I've come from and since then I've done all different kinds of things, I'm the first vice-president of the Hartford Home Builders Association, was actually one of the task group members for the LID design task force that was used to draft the new storm water control so I'm well versed in the different processes and things like that. Tonight we came in for just a simple site modification to try to help us keep the construction traffic separate from the traffic

of the home owners as they start to move in. As Alan said before, we are looking to have four models and landscaping around that area starting September, and homes ready for occupancy right after that. For the two to three year project that we believe it will take to build this out, we would like to keep that traffic separate. The lumber trucks, the concrete trucks, the dump trucks although most of those will be done during the site work phase, but to keep them separate. There is no reason to put abuse on the new tar that we are going to put down, etc., and then also over the course of the last six months, after reading the minutes from the 2010 hearings and talking with Ron and Alan, there are two major things that kind of came out of those conversations. The first of which was this property to get built out, some talk of, what if you get bought out, we don't want you to sell out, we want to be comfortable that if there is a company that is going to build this out that some of that is not lost in translation so to say, you know, just because I'm coming on board, that we are not basically going to take the torch and run, we aren't going to forget some of those concerns that you may have had back two years ago, because I'm sure that those are still the same concerns that you have today. One of the other things that came up was some discussion of architecture. Mostly from the minutes and the discussions, that view along Deming Street, within the overall aesthetics of the project to be, we want Morningside to be something that Newington is proud of. We take a lot of pride in what we do, and we liked what Landworks had put together with the help of Jack Kemper who is an architect out of Farmington. Doing my own designs since 1995, I've got my own stamp on things, my own kind of style and there are some subtle differences between what I do and what Jack does and I wanted to show you that today just to show you that although there are some differences, we like to think that we're doing it along the same lines with the integrity of construction, the look, the aesthetics, and so on. I'm just going to quickly pass this out, it's just really basic. I don't know how much you got in the packet as far as pictures. In the initial, I've given pictures, I'll pass this around so that you can have a look at it. What you have in front of you is just a simple booklet that takes you through what By Carrier is, the different parts and the make up of it, and what we do. It's just a small marketing piece that we use to introduce ourselves to the public when we are starting a new project or in the middle of marketing one. What you have behind that are three drawings that Jessica put together. I had included some architectural that I had done for this which I'll put those to go, and I will pass these two books around so that you can see, these books here, one is a subdivision that we are currently doing and we're about mid-way through and it's an active adult with some ADA compliance stuff which parallels some of the approvals of the seven units that need to be ADA compliant. The other one is just a market rate where we have about two lots left, both of which we are currently working on and it just shows you some of the architecture that we do. I will start with, this is the renderings that were put together by Jack Kemper and produced by Ron and Chris two years ago when these approvals had taken place. Very nice finishes, New England style, gable roofs, stonework, details, very typical of another very classy piece of work by Jack Kemper and some of the plans that they had, that went through, this was the two unit building and this was the four unit building. They had put some rough sketches together of the, you know, the layouts of the outside, how they would look, and there were some differences, A units, B units, a lot of really good layouts and things like that. Myself, what I have done, there are two pet peeves and kind of a style that I have of my own which I really try to push, and that is that really open kitchen and family room are together, something that has been popular for the last ten years, and it's something you see quite a bit, and these had that, I always try to take it to a new level obviously. But there are two major things that I kind of went into and without going into all of the details, I'll just give you a couple of them. I don't like to put designs in where kitchens don't have islands. I don't like to have where kitchens don't have windows where they can't see outside, and those are just the two things that I start with, and I build from there. So, I'll bring you through a couple of the sketches that I have that I have put together in the last couple of months, in and out of working with the town, etc. The style that I have is very New England, wide trims, stone work, lots of cuts, gables, etc. One thing that I

really plan to push over here when I looked at the design was, because of the density and the four unit buildings in the back we've hit a lot of our designs to try to take that gable look away from it, to kind of reduce everything, bring it down a little bit. In reading the zoning and the minutes I know that in your regulations you can do four story buildings in here, even though these are all two story, one is two and a half because it's three on the front and two on the back. We still want to bring that down so it will be more of a residential, as much of a nice tight knit residential neighborhood as you can. These are just blown up versions of the sketches that Jessica put together but this is a typical two unit building and you will notice that one side is an ADA compliant unit, cape style, the other side is more colonial looking. There's some hip roofs to kind of soften the highness of it, but it gives you that second floor bedroom, master bedroom, master bath kind of layout and feel. I had actually, you don't have the designs in front of you because some that I produced were more symmetrical and actually what I did was, I pulled that design out of my hat because I don't want symmetrical, I want each unit to look like a single residence. We are going to, we envision having siding colors that you know, this will be one siding color, the two units next will be a different, so you drive through, it's going to look like single family residences as much as possible. This was....

Commissioner Aieta: Can you go over the finishes while you have it, what the finishes are?

Johnny Carrier: Oh yeah, we have, the exterior is vinyl, very low maintenance, we use a lot of premium colors, so believe it or not, our model right now that we have if you look through these books, we have some deep reds, some chocolate browns, there's a lot more fancy names than that that my marketing crew would be really yelling at me for right now. We use a lot of cedar impressions to do accents, we use stonework, the front porches are actually done out of pavers, so when you get up, the little portion on the front, the columns are done out of, we actually handcraft those, our trimming expert basically builds those in the field and we try to change them up, etc. The garage doors, believe it or not are actually made in house at our company. We never found ones that we liked totally, so we went through and actually make our own design. We probably have six or eight different designs for this and we'll mix and match them through there. Standard wood grain garage doors, but we add our own flavor to them, and then we paint everything but the trim the same color as the siding so that really softens that garage door in the front which is always very typical, you know, big white door in the front of the house, always the biggest opening. The roofing is an architectural style, we're actually looking to go up a little bit. We haven't finalized one hundred percent what we are going to put in there, as we said, we are not going to start construction on the actual units until probably late spring, so there is some final touches and details that we have to put together. My biggest thing that I would like to convey today is that, from seeing the work that I do, and looking in those picture books and what we have put together, I don't like all of the units to look the same, I don't like cookie-cutters, I don't want these to be symmetrical. I'm trying to make this as unique and different as possible and if you look at our other housing construction sites or communities, we actually custom design everything. They come in, you like a bigger kitchen, you could care less about a formal dining room, we actually do that on the spot. There's going to be some limitations to this, due to the restraints of the building footprints and things like that but I'm going to probably develop another five or six elevations before I'm done with the plans, so as we start going, I'll come up with something new to mix in, we'll re-use one in the next phase, we'll come up with a couple more, that kind of thing. So again, it won't look like a cookie-cutter. The four unit building, or actually the next one is another two unit without the ADA so this is you know, two exact footprints on the left and the right, one unit is made to have an extra study, one is going to have a smaller bedroom upstairs, I mean, there will be some differences but the biggest thing is do make the elevations look much different so it doesn't look like it's just two units that are flip-flopped over each other, mirror image. On the four

units, lots of bump outs, lots of windows, trim, gable end, especially the one on the left side that is going to be closest to Deming Road, bump outs for the dining rooms, I have some corbels in here, cedar impressions, I have stone work all around the front, really tried to bump the building in and out in all different directions to really kind of cut it up, because it is a four unit building and by doing this I think we can soften a lot of that, if not all of that. Just to give you a typical unit plan for the four units, it's between fifteen and sixteen hundred square feet, when you get to the second floor you have a great room that's 19 x 16 which is by no means a small family room or great room, 6 1/2 or 7 foot opening with column detail to separate, but that kitchen is wide open to the great room, and the dining room is next to it. Kitchen has a window, dining room has windows in it, even the interior units will have the door to let in plenty of light. I've got three windows in the great room, I put windows in all of the stairwells on the end units just to even light those up, I like tons of light. So do the green, I am a certified green professional and they would probably yell at me for all of the windows that I put in, but you have to balance energy efficient and your comfort of living. Getting upstairs, master bedroom, separate baths, walk-in closets and they are all going to vary a little bit. This is one building, I probably won't do the same elevation next to it, I'll probably come up with something different. Again, there are still some of those details that I have to work out, but I'm really, when I'm done doing something I want to step back and be proud of what I put in, and I hope that shows to everyone today with some of the sketches that we put together. I'll just quickly go through the ADA compliant one just to kind of show you how that lays out and then if you have any questions, I'd be happy to answer any questions about some of the information. The, this is, let's call it a typical A you know, two sided unit, one is all the bedrooms on the second floor, one has a bedroom on the first floor. One of the things I saw too was the master bath that I believe did not have a window in the master bath, you don't need a big window, you don't want to have people looking in when you are taking a shower, but it's nice to have a transom window across the top, because you want to let some natural light in, you don't always have to have the lights on. Entry foyer which is kind of typical, I like to have kind of a semi-formal which is, you know, a formal dining room, but which is open by arches and columns, not by French doors which closes it off, makes things feel tighter. You come into a kitchen which has a six foot island, which actually could be expanded to an eight foot island if you want. That kitchen overlooks the family room completely, there's options to kind of do a story and a half, a balcony over the upstairs looking over half of that family room the way that I put the designs together. Family room ends up being 16 x 18 which is again, not a small family room, and I have to say, with the footprints that we have there, it's pretty restrictive on, I just can't make the family room four feet bigger because we don't want to take away from the separations, we have twenty to twenty-five feet on the front side, we have between fifteen and twenty feet on the rest, and our intention is not to change those footprints that were previously approved by you guys, stick with those, stick with the separations and really not move too much from what your initial approval had. On the upstairs, that is where the designing could take place, I mean, I have everything, first floor living will be on the first floor, there's no steps going from the garage to the house, everything would be ADA compliant as far as your five foot circles, turning radius in the bathrooms, the mud room, etc., and then getting to the second floor, it could be a bedroom in a loft, it could be a third bedroom, it could be an optional office with a window, it could be a dormer. This actual dormer came into play because again, I'm thinking about that Deming Street view, putting a dormer on the front, adding a stoop off the back of the back porch so that it looks more like the front of a house, not just like, you know, where the back of the house always looks (inaudible) because it is more of a functionality inside the house than it is on the exterior. I put some things in there to take that away, so that first unit on Deming Street is actually going to be our sales office. As Alan had mentioned we typically don't put anything for sale until I have something completely to show, which means someone is walking in, there is furniture, there is, the furnishing are done, everything is there and we don't sell that unit until the entire project is complete.

When you come into the main entrance, we want to work in a clockwise motion, building ourselves out, building ourselves towards that construction entrance that would come here across from the Barn Hill intersection. Plenty of parking here for the sales office, this, these two units will be completely for show until we are sold out, towards the end, and this unit on the end will be for show until we sell out the units for that. People these days I can show you plans from here until the next three hours, but unless you can see, touch, feel, that's what people want. They want to be able to walk in, they want to picture furniture in it, they want to see what kind of color schemes can be done with it before they buy and that's the market we're in today. That's why, starting construction in November puts us out selling into the following September for that kind of fall rush because we want to get everything, make sure the grass is green, everything is perfect because that first five seconds is what you have to make that sale, so that is kind of the process that we use. That being said, I've said a lot very quickly, I have a tendency to do that, but if you guys have any questions, I'd be happy to answer them.

Chairman Pruet: Let's go with staff comments first, then we will open it up for the Commissioners.

Craig Minor: Very briefly, I myself, well, actually I do have one comment. I went out to look at that site the other day, the house on the bend of the road there, that little old, I think little red house, the construction entrance is going to be pretty close to it. Do you have any thoughts on how to mitigate for that, dust control, or have you approached the home owner.

Alan Bongiovanni: That is going to be a track mat, and actually this house is slated to be demolished.

Craig Minor: Oh, okay.

Alan Bongiovanni: Part of the approval of the Deming Farms subdivision is that gets removed, that all gets excavated or restored, mitigate some of the wetlands, filling on site and we will take great care to make sure this is maintained. They have a water truck on the site all the time, they have street sweepers all of the time. There is a little difference between By Carrier and many other developers and not that these people walk on water and everybody else doesn't, but they do a very good and complete and thorough job. Most all of the licenses, if not all of them, are done by family. Plumbing, HVAC, the electrical, their family, they have family members who do almost everything on these jobs. So they have a lot of family pride and they make sure and they are working this site from start to finish, they always have somebody on the site, a super on the site.

Johnny Carrier: I told you at the beginning I have a lot of cousins, brothers. I have two brothers that handle all of the site work, one hundred percent, that's all done in house. So is the road work, the construction work, any of the piping, as Ron said, we have a water truck and a sweeper there because just for the weekend, if people start coming in, if I have a dirty road, it doesn't look good for us, so they have all those tools available to clean everything up every Friday and as need be. My brother Kevin is actually a licensed electrician, but he's also our project manager. He handles everything right down to the closing of the final punch list. Jess is involved, everybody is involved and it's kind of how we work. We are integrally placed within the project so not much escapes us.

Craig Minor: Good. I distributed the plans to the staff. The Fire Marshal, literally, I have no problem with the Morningside modification. The Chief of Police did have a comment as you mentioned, he says, I have reviewed the plans and as the legal traffic authority approve the temporary stop signs requested. I would also request two temporary stop ahead yellow

warning signs be installed at least two hundred feet from the installation site of the two stop signs on Deming, which you know about. The town engineer, he reiterated the same about the two stop signs, but he also asked for, as Mr. Bongiovanni mentioned the E & S controls namely silt sacks at the two catch basins and that a road sweeping program be implemented if needed. So that is all that staff has.

Johnny Carrier: All of those comments are very minimal and easy to comply with. Actually things that we would do anyway. As far as the street sweeping program if needed, you know, we plan on having a preconstruction meeting with town staff before this all starts. As I said, family and I have a lot of control on what goes on, on the site because we do it all mostly in house, so we're going to work through that and have no problem working with town staff to follow those guidelines.

Commissioner Sobieski: I see you are going to do dust control and sweeping of the paved road, what are you going to do as you are building in a clock-wise direction? Do dust control where people have already bought the units that are done? Are you going to put down some type of calcium dust down there.....you aren't going to be able to sweep dirt obviously.

Johnny Carrier: Actually where the road is in front of the finished units, we actually use the water truck to wet the road first before we sweep so we don't create the dust, and second as far as any construction, I mean, we plan on sodding pretty much everything so when it comes to someone moving in, we want to have the landscaping done, and we want to move out of that direction.

Commissioner Sobieski: Well, I'm saying.....

Alan Bongiovanni: If I could, and I think I know what you are getting at, the site as you know is fairly compact. The first thing that is going to be done, and it's pretty much a balanced site, we are going to cut the hill, move all the earth at one time. Then they are going to start the utilities, by the time people start moving in next fall, probably all of the infrastructure will be in place. There may be process on part of the road, and not paved yet, but it is going to be a good stable surface, not going to be a bare naked construction site. It's going to be pretty much on the way.

Johnny Carrier: Right. With the utilities and the way that they are run, we have to run eighty-five percent of the utilities before we can do anything anyway, at least the sewer, the storm sewer and the stuff under the road. The phasing is more for sales, and the way that we want to build out the project. Our actual site plan, when we went through the site work of it, is actually phased two ways. The first half has to be completely on binder course, one hundred per cent and the rest has to be boxed out, meaning that the utilities under the road are done and the process in place and then by the time we have I would say even the first six or seven homeowners, we will be paved throughout.

Commissioner Sobieski: That was my concern, keeping the dust from the homes that they bought.

Commissioner Lenares: Just a couple of concerns that came to mind that you actually touched on. Obviously you are taking over the project and there are residents across the street, that residential development, and I liked the fact that what I heard when you said not cookie cutter, not symmetrical. That tells me that you obviously have been to the site and you noticed that there are people around you and you are taking that into consideration. That was a concern of mine, having the development be turned over to someone else and I appreciate that, because that is being considerate of the people across the street and

surrounding. My only other question is, and it's for Alan or John, since the development is being turned over to by Carrier, I don't see a lot of changes. Are there a lot of big changes that are being made? I don't see that you added in ten units, you subtracted ten units, the road is going this way instead of that way, I don't see a lot of difference between the two, what was approved before and then what is here before us today.

Alan Bongiovanni: It's in the architectural details and I tried to reiterate that a couple of times. The site plan stays the same. The layout stays the same. The grading, the drainage, the landscaping, all stays the same. There could be a substitution of a shrub here or there, but I mean, it's basically the same thing. By Carrier, specifically John, has a different architectural flavor, still going to have the same architectural theme, New England style of homes, he's not trying to put in Quonset huts there. It's the same style, but it matches what they do. They have, I look at it as, they made improvements to the style of the homes. They are not changing the footprint, not changing the location of the driveways.....

Commissioner Lenares: Just to be fair, I thought that was the answer, I just wanted to make sure because it's just a couple roof pitches here or there or a couple of colors here or there and I thought that was the answer.

John Carrier: And I won't even say improvements to the buildings, I would say that I have a different style and it's just...Jack Kemper had a very beautiful design, I just have my own style, just want to make sure you guys were okay with what I do.

Chairman Pruet: Anybody else? What is the pleasure of the Commission?

Commissioner Lenares: Mr. Chairman, I just asked that questions, and I don't see a lot of differences, except for some architectural, and I don't see a problem with this development changing hands at all.

Chairman Pruet: Would you like to close it and move it tonight?

Commissioner Lenares: Sure, without any other objections.

Chairman Pruet: Is that the consensus? Okay, we will be voting on that tonight.

**B. Petition 32-12: Site Plan Approval (Section 3.18.2.A) at 2909 Berlin Turnpike Premier Healthcare Services of Connecticut LLC, applicant; Wex-Tuck Realty II LLC, owner; Jomarie Andrews, Levy & Droney PC, 74 Batterson Park, Farmington, CT 06032, contact.**

Patrick O'Leary: Good evening Mr. Chairman, Members of the Commission. My name is Patrick O'Leary, I'm a principal of VHP, Middletown, Connecticut. I'm here tonight on behalf Premier Healthcare Services of Connecticut who is the applicant for this application, as well as the owner of the site, Wex-Tuck Realty LLC. Tonight I'm here on behalf of the applicant and owner for a minor site plan modification for the site. The site under consideration, we'll call it the former Krispy Kreme site, located on the Berlin Turnpike as well as Main Street. The site was recently a consideration for site plan approval for a Bonefish Grill and Restaurant located just to the north of the former Krispy Kreme site. What we are proposing this evening is a change in use for the former Krispy Kreme site. Originally it was approved as a Krispy Kreme donut shop, more recently it was re-approved for a Citibank use and tonight we are requesting a change in use for a proposed medical office. No changes are being proposed to the site plan that are associated with the proposed medical office use itself. They are re-tenanting and re-fitting the interior of the building. They may do some

minor architectural modifications, adding a window, additional exit door, something of that nature, to the building itself, but no site plan changes are being requested. The reason that we are here for the change in use is there is a net change associated with the parking demand when you change from retail use, restaurant use over to a medical use. As a result of changing to the medical use, it requires five additional spaces for this building. Under the site plan that was approved for the Bonefish site, there were 107 parking spaces that were provided, and required was 99 spaces. If this is changed to office medical use, the new parking requirement will be 103 parking spaces, and 107 have been provided. One note has come to light recently, Premier Urgent Care is ready to move ahead, apply for a building permit, and re-tenant and begin the revitalization on this important corner of the town. We do have one minor issue and I respectfully request, if at all possible, to make a minor modification to the application, to the site plan modification to reflect both the original (inaudible) associated with the Krispy Kreme as well as the site plan for the Bonefish site, and the reason for it is, in the event the applicant here submits their building permit prior to the Bonefish group filing their mylars, the approval relative to the Bonefish site will not be fully effective. So, I respectfully request this evening that we be able to amend the application to modify this site plan as shown relative to the Bonefish application as well as the original site plan approval for the Krispy Kreme site. Once again, relative to the Krispy Kreme site, the parking requirements associated with, at that time, for Krispy Kreme and retailer out front, required a total of 52 parking spaces, 79 were provided. So in either event, we certainly satisfy the parking requirements associated with the site. There are no changes to the site plan itself associated with it, so we respectfully request the site plan modifications, and I'll certainly keep it short because it seems relatively simple and turn it back to you Mr. Chair for any questions.

Chairman Pruet: Okay, staff comments?

Craig Minor: I think I know the issue that you are referring to, but I don't understand what it is you are asking the Commission to do tonight, other than approve your change of use and as I thought I heard you say, allow you and allow the doctor's office to go forward with getting their building permits for their fit-out before the Bonefish folks submit their mylars. You just don't want to get held up, your project held up pending the Bonefish people submitting the mylars for the site plan that you are showing tonight.

Patrick O'Leary: Correct.

Craig Minor: Okay.

Patrick O'Leary: And the issue with that, if the mylars were never provided, or it took four months for the mylars to be provided, my concern would be that they would have their building permit issued in the absence of that final approval forthcoming from the Planning and Zoning Commission so it seems that an easy way to remedy that would be to issue the site plan modification relative to both the Bonefish site plan, which you have approved, as well as the original approval associated with the Krispy Kreme and retail issue back in 2002.

Craig Minor: But why does the Commission need to change anything when theoretically that site plan which was approved by this Commission years ago, that's an approved site plan, and your use is consistent with that site plan, so, I realize this is all a technicality, but why do you need them to change anything.

Patrick O'Leary: As long as it will, the approval do nothing to prevent them to submit for their building permit, be it tomorrow or next week, irrespective of when mylars are filed for the Bonefish site, we're comfortable with it as long as the Chairman and staff are.

Craig Minor: Okay.

Commissioner Aieta: This application is a little more complicated than you make it sound. You also have the parcel to the north which is going to require a purchasing of property or the deeding of property from this parcel to that so that it meets a requirement of an acre. Did they do that? Is that part of this plan?

Patrick O'Leary: That is not part of this plan, there is no application pending for this parcel at this time.

Commissioner Aieta: You do realize that when that does come about, you are going to have to come back here for a change in the site plan for this site because it is not going to be correct.

Patrick O'Leary: Absolutely, in fact, that application would require an additional site plan modification irregardless because in this specific area here relative to the Bonefish site, they will be providing access to this site, and by virtue of that, I will be back here before you, or the applicant would be to seek another site plan modification, at which time the lot line adjustment also would be part of that plan.

Commissioner Aieta: Why didn't you come in altogether with all three building all at once and make it so much more clear for this Commission. You are asking, you have a surplus of four parking spaces with this plan, you could conceivably end up with a deficiency when you put in the driveways to the other parcels to the north, so you are rolling the dice here, when you could have come in with all of, the whole three applicants at once and show us what you want to do as a master plan, not that you had to do them all at once.

(Tape failure)

Attorney O'Leary stated that there was no plan presently ready for presentation for the parcel of land to the north of the Bonefish Grill. He also remarked that when that application was ready for presentation, they would be returning to the Commission for approval.

Dr. Larry Levine presented the scope of the Premier Healthcare Service use for the site, indicating that this would be an urgent care center, operating as an emergency type center. They would provide many of the same services found in an emergency room, but on a much more efficient basis, hopefully having people in and out within approximately one hour. They would have limited lab services, x-ray equipment to enable them to deal with low grade emergencies, with anything more serious referred to an actual emergency room. They would be open seven days a week.

The consensus of the Commission was to move this petition to Old Business and vote on it tonight.

**C. Petition 33-12: Modification to Approved Grading Plan (Section 6.5) at 712 Cedar Street, Fenn Road Associates LLC, owner/applicant; Patrick O'Leary, 54 Tuttle Place Middletown, CT 06457, contact.**

Attorney Patrick O'Leary presented the modification for the approved grading plan at 712 Cedar Street which had been approved by the Town Council granting grading rights onto 690 Cedar Street on August 28, 2012. The location of the grading is because of the busway and the parking/station located behind Stop and Shop, with this grading affecting the entrance into the property from Cedar Street.

Craig Minor stated that as Town Planner he had no issues with the modification but had several comments to be presented from Chris Greenlaw, the Town Engineer. The following comments pertain to the plan:

1. Show current/anticipated Connecticut D.O.T. grading
2. Provide the Town of Newington with a "Drainage and Maintenance Agreement"
3. Show access to drainage and means of maintaining drainage.
4. The plan shows the grade for the swale as 0.5%. The minimum grade for a swale is 1.0%. Steepen swale slope to 1.5% as shown on approved plan dated 09/10/07.
5. Show depth of swale such that runoff will not impinge upon Town of Newington property
6. The end of the swale elevation should be higher than the 36" outlet shown on the Connecticut D.O.T drainage plans. Show the 36" pipe information.
7. Provide calculations and details for proposed swale including erosion protection.
8.
  - a. Provide erosion and sediment control for grading.
  - b. Provide pipe slope drains to minimize rill erosion (See 2002 CT Guidelines for Soil Erosion and Sediment Control, Chapter 5 – Stabilization Structures)
9. The modular block retaining wall shall be dimensioned to be a minimum 5ft. from the property line.
  - b. Retaining wall shall be engineered when the height is 4ft or higher, and shall be topped with a minimum 4 ft., high fence or barrier.
  - c. The ground at the top of the retaining wall should be lower than the top of the wall to that surface runoff does not spill over the top of the wall.

The Commission did not feel that this motion should be voted on until all of the concerns of the Town Engineer had been addressed by the applicant. The Commission indicated that they normally do not vote on an application with outstanding corrections that must be made and they would like to see these conditions met to satisfy the Town Engineer before voting.

## **VII. OLD BUSINESS**

### **Petition #29-12**

**191 Deming Street**

**Transfer of Special Exception #19-10 for "Morningside" Condominiums**

Commissioner Sobieski moved that Petition #19-10 Special Exception for Residential Use (Section 3.19.2) at 191 Deming Street ("Morningside Condominiums") be transferred from original permittee, Landworks LLC to the new owners, JFC Endeavors Inc."

### **FINDINGS:**

The quality of work performed by JFC Endeavors (d/b/a By Carrier Homebuilders) is equal to that of original permittee Landworks LLC.

### **CONDITIONS:**

None

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

**Petition 29-12**  
**191 Deming Street**  
**Site Plan Modification for “Morningside” Condominiums**

Commissioner Sobieski moved that Petition 29-12: Site Plan Modification at 191 Deming Street (“Morningside Condominium”) JFC Endeavors Inc. applicant: Morningside Newington LLC, owner, Johnny Carrier PC 68 A Canal Street, Plainville, CT contact be approved with conditions.

**FINDINGS:**

The Chief of Police, the Fire Marshal, the Town Planner and the Town Engineer have reviewed the revised plans and find them generally acceptable.

**CONDITIONS:**

1. The site plan be revised to address the following:
  - a. Two temporary “Stop Ahead” signs shall be installed as requested by the Police Chief on September 27, 2012.
  - b. Appropriate erosion and sediment controls (e.g. silt sack) be placed at the catch basins to protect the wetlands adjacent to the roadway as requested by Town Engineer on October 8, 2012.
  - c. A road sweeping program be implemented if needed in the opinion of the Town Engineer.

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

**Petition 32-12**  
**2909 Berlin Turnpike**  
**Site Plan Approval for Premier Healthcare Services**

Commissioner Ekstrom moved that Petition 32-12: Site Plan Approval (Section 3.18.2.A) at 2909 Berlin Turnpike Premier Healthcare Services of Connecticut LLC, applicant; Wex-Tuck Realty II LLC, owner: Jomarie Andrews, Levy & Droney PC, 74 Batterson Park, Farmington, CT 06032 contact be approved.”

**FINDINGS:**

The amount of parking shown on the site plan submitted with the application is sufficient for a medical office use in the former bank building, and for the approved “Bonefish Grill” restaurant.

**CONDITIONS:**

None

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

VIII. **PETITIONS FOR PUBLIC HEARING SCHEDULING** (October 24, 2012 and November 14, 2012)

A. Petition #30-12: Special Exception (Section 6.13: Accessory Apartment at 131 Stonehedge Drive. Paul Bongiovanni, 40 Grant Street Hartford, CT 06106 owner/applicant/contact.

Craig Minor reported that an application had been received for an accessory apartment at 131 Stonehedge Drive, but that the information received from the applicant was incomplete. He had attempted to contact the applicant, sending a letter to 131 Stonehedge Drive, but had not received any reply. Commissioner Hall suggested that another letter be sent to 40 Grant Street Hartford since the applicant had only recently closed on the property on Stonehedge Drive, and perhaps was not living there yet. The Town Planner indicated that he would send another letter, and the date for scheduling would be determined by a response from the applicant.

IX. **TOWN PLANNER REPORT**

Town Planner Craig Minor reported on the following items, some that had been addressed at previous meetings;

Farm-stand on Maple Hill Avenue: The Zoning Enforcement Officer was directed to tell the property owner to re-do the sign to be consistent with the sketch he showed TPZ at the meeting when he received approval.

ZEO on Weekends: ZEO Art Hanke stayed late on Friday and drove up and down the Berlin Turnpike and returned on Sunday as well. He found about five sign violations. Four of them were repeat violators or violators that he has already sent notices to. The fifth one is a costume rental business just over the town line in Berlin. Art will talk to the DOT about that one, because those signs are in the median.

Commissioner Aieta mentioned that the banner at IHOP had been up for an extremely long period of time, and maybe should be investigated by the ZEO.

Toll Brothers: The plans submitted to the Conservation Commission are still being reviewed. Some of the changes ordered by TPZ last year were made, some were not. Their consulting engineer has asked for a meeting with the Town Engineer and the Town Planner next week.

Newington Junction Planning Study: (Tape resumed)

Craig Minor: CRCOG submitted a proposed scope of services that I looked at, I gave it to Mike Camillo, Andy Brecher, the Economic Development Director, Terry Borjesen, as the Council liaison to TPZ he is interested, and the Town Manager. We made some changes to it at the request of Andy Brecher. I sent our changes back to CRCOG. I did this just yesterday, I haven't heard back from CRCOG yet, but my expectation is that they are okay with the changes that Andy asked to make to the scope of services of this plan and study. When I get the final version of it, I'll share it with the Commission. It's a planning study, they'll, these consultants will gather information on existing land uses, we asked them also to document known or suspected contaminated areas, we happened to add areas of drainage problems, areas of traffic congestion, we asked them to add that information also. Then they will at some point come in and meet with us, and offer some suggestions on changes that we can make to the Planning and Zoning Regulations in the future to be able to attract the kind of development that the Planning Commission wants in that area of town.

Commissioner Anest: If they propose something and we don't agree with it....

Craig Minor: They'll change it, they're working for you.

Commissioner Anest: We don't have to go with it, we can over ride it, as long as we have the final say.

Craig Minor: They are working for you. They are your consultants. They are working for you. If they give you an idea that you think is terrible, then they will throw it out and then come back with another plan. They are working for you.

Commissioner Sobieski: Craig, do we know where all of the contaminated areas are?

Craig Minor: Well, that's why I said, known and suspected.

Commissioner Sobieski: That rail line itself from years ago, when they used to have the old oil and hot boxes, all that property is pretty contaminated with oil. I remember when Amtrack wanted to sell that to DOT, there were concerns about that land. So that was one of the things that I would hope would be in that report.

Craig Minor: Well, they are going to rely on what we know, they are not going to go out and do a lot of original research or their price tag would have been through the roof. They are going to rely on us to provide them with whatever information that we have, or that we have access to.

Chairman Pruet: Could you e-mail him more specifics on that Stan, so we can....

Craig Minor: Yes, please.

Finally, the Town of Newington got an actual \$100,000 grant to do two things. The first half of it \$50,000 is to hire a planning consultant to help us revise our land use regulations to incorporate the latest in what are called low impact development techniques, which are green techniques. Green roofs, rain gardens, swales, in fact, Johnny Carrier, I don't know if you caught this, when he gave his bio he mentioned he was on the statewide LID committee. I was interested to hear that. So anyway, so the Town of Newington has been given a grant to number one, hire a consultant to help us re-write our zoning regs and our wetlands regs, incorporate all these latest and greatest, but then another \$50,000 to actually, to construct an actual demonstration project showing how these practices can work. For example, the parking lot at Westfarms Mall, that's pervious, that's a good example of low impact development. We might end up doing a project of that sort, that would be a town project. So the reason that I'm bringing it up is, the State really wants a committee made up of citizens to guide this project, they don't want the staff to do it. They want it to be a more publicly involved process. So what I have suggested is that we make a committee of the Town Engineer, me, a member of P & Z, a member of the Conservation Commission, and then an at-large member of the business community or something of that sort, and I think the Town Manager is going along with that, so if there is anybody, and you don't need to tell me tonight, but if there is anyone on this committee that would like to serve on that committee and it will only be in existence for a year at the most, because we have to spend this money by December or it goes away. So it's going to be a very short time frame commitment, it wouldn't be an on-going one.

Commissioner Hall: December, 2013?

Craig Minor: 14. , I'm sorry, 13 yes, 2013. The money is actually coming from someone who was fined by DEEP for some kind of a contamination, a company out of Dallas, so they are giving us \$100,000.

Chairman Pruet: If anyone is interested, send me an e-mail.

Craig Minor: That's all I have.

Chairman Pruet: Very good.

**X. PUBLIC PARTICIPATION**

None

**XI. COMMUNICATIONS**

None

**XII. REMARKS BY COMMISSIONERS**

None

**XIII. CLOSING REMARKS BY CHAIRMAN**

None

**XIV. ADJOURNMENT**

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Lenares. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary