

NEWINGTON TOWN PLAN AND ZONING COMMISSION

October 14, 2015

Regular Meeting and Public Hearing

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Anthony Claffey-A

Commissioners Absent

Commissioner Brian Andrzejewski

Staff Present

Craig Minor, Town Planner

Commissioner Claffey was seated for Commissioner Andrzejewski

III. ZONING ENFORCEMENT OFFICER REPORT

Chairman Hall: We'll start with the Zoning Enforcement Officer's report that was in our package. Mr. D'Amato, welcome.

Mike D'Amato: We touched on some of this during the special meeting, but you see a lot of notices have gone out for temporary signs. If anyone has any questions for me we can go from there.

Chairman Hall: Anyone have any questions?

Commissioner Claffey: 84 Hickory Hill Lane, is that a landscape business?

Mike D'Amato: They are not operating the business from there, it's not registered to that address, but equipment is frequently there. It is like a half way point, and rather than hauling it back to where they house the rest of their equipment, they leave it there. It's a guess, but yes.

Commissioner Aieta: Just to touch on Galaxy Carpet: what we are going to do there?

Mike D'Amato: I spoke with the manager, and they have ordered a replacement door because the current door doesn't work as a "public entrance". I also talked to them about the issue of temporary signs and even though the signs are not up, the foundations or bases, or whatever, I've also explained to them that they need to be removed, that we are going to consider that part of the sign, just like the foundation of a house is part of the house. She understands, and we are going to touch base again when the door is in. I'll be looking at it, once it is installed, so I'll look to close that out. She said it wouldn't take long; they have

ordered the door to match the front of the store, so I will be looking at that, taking care of that and hopefully resolve that shortly.

Commissioner Aieta: There is also a stanchion that they put up that made out of pipe that they hang a sign, a 4 x 8 sign, on the side that Aldi's is on. You must have seen it when you drove in there. It's a U shaped pipe stanchion that they hang the sign on, that's got to come down.

Mike D'Amato: I believe I know what you are talking about, I think I have seen the banner as well as carpet display or something on that.

Commissioner Aieta: They normally have a sign, a "twenty percent off" sign. They put it up every Friday and take it down Sunday night.

Mike D'Amato: I did weekend inspections this weekend, and I didn't see signs up there, I don't know if you did.

Commissioner Aieta: No, they didn't have it up.

Mike D'Amato: I just was very frank with them, and I explained where we were at, and the regulations, and where the Town would go if we need to. I think that we did get somewhere, so all of that will be addressed shortly in regard to the signage and the entrance and all that stuff.

Chairman Hall: Anyone else? Thank you.

IV. APPROVAL OF AGENDA

Craig Minor: I suggest we move the item that was received, Petition 39-15 for the health club, I recommend that we move it to the public hearing portion of the agenda. It will be Item F. That's the only change that I have.

V. PUBLIC HEARINGS

- a. **Petition 31-15 Zoning Text Amendment Section 3.23.I.C (Commercial Vehicle in Residential Zones) to change the definition of "commercial vehicle". Newington TPZ applicant/contact. Continued from September 9, 2015.**

Craig Minor: Madam Chairman, if you like I will read my staff comments, and then either turn it over to Mr. D'Amato or open it for public comments.

- "1. As requested by TPZ a DOT mandated contractor license number may be painted or attached to the side of a vehicle without it counting toward the amount of signage that would make a vehicle "commercial."
2. Since "trailer" is included in the list of types of potentially commercial vehicles, and only one commercial vehicle is allowed per lot, a self-employed contractor cannot have both a commercial pickup truck and a commercial trailer. I suggest we address this by allowing one additional commercial vehicle (of any type) by special permit. This would give the contractor the opportunity to explain to TPZ why his second commercial vehicle would not impact the neighborhood, give neighbors the opportunity to comment or ask questions, and give TPZ the ability to approve with

conditions. None of this would apply to a recreational trailer, nor to homeowners' personal utility trailer.

3. What used to be considered "construction equipment" is now being marketed to homeowners. As requested at the last meeting I went online and found numerous examples of personal utility equipment designed for the homeowner with a lot of land. See Attached. I therefore suggest adding the phrase "heavy-duty" before "earth moving equipment" to distinguish between commercial-grade construction equipment (prohibited) and the smaller types that a homeowner might have (allowed as of right.)
4. We recommend adding the work "yard" to the list of definitions at the back of the zoning regulations, to make it clear where a car may be parked in front of a house."

Chairman Hall: Is there anything that we want to react to before we go to the public?

Commissioner Claffey: I have a question on the definition of "yard": where did you get that from?

Craig Minor: I got that from my handy-dandy "Illustrated Book of Development Definitions" which is a book that I used for many years in Cromwell, so I bought one when I came to Newington and I use that whenever I need to come up with a zoning definition.

Chairman Hall: This is a public hearing so we will go to the public. If there is anyone in favor of what has been stated for "commercial vehicle" definitions, come forward at this time. Anyone wishing to speak in opposition? Anyone wishing just to speak?

John Bachand, 56 Maple Hill Avenue: I think you are getting pretty close on this, and I think I mentioned last time two square feet seems a little small because that would really only be a sign this big on the side of a vehicle and you would rarely ever see something that small, so in practicality it's a little bit small; maybe two square feet on any one side. That would still only be 12 x 24 which is probably the average sign you would see on a contractor truck. Then the trailer thing. I'm still a little bit confused about that. Having a special exception for a trailer, there are so many trailers out there you would be inundated with special exception requests, unless this was strictly going to be as a complaint type of thing. In other words, the people wouldn't be required to come before you unless somebody complained about it. I'm not sure what the intent is of these regulations anyway, but..... calling any trailer that would be pulled by a contractor a "commercial vehicle", and not the same exact trailer pulled by a mini-van. I went to a lady's house today, she's got a little utility trailer. I have a good sized dump trailer that I use a couple of times a year to go to the dump with all my vegetation, my brush, and that is a fairly heavy-duty trailer, and a lot of the people I see at the dump have that exact same trailer, so I don't know about that special exception clause, but I guess we are still talking about in the front yard. I think that trailer part needs a little more clarification. Thank you.

Chairman Hall: Thank you. Anyone else wishing just to speak on this? Mr. D'Amato, did you have anything that you wished to add?

Mike D'Amato: Craig and I talked about a lot of these changes after the last meeting, so the comments that I had have been addressed in his report. The reason we clarified "yard" is so it wasn't confusing; a lot of people don't read the regulations, and they think "yard" means where the grass is. So we wanted to clarify the difference. Also, I'm sure you guys are aware of it, but for the public's benefit, there is a regulation that prohibits vehicles being parked on any non-surfaced part of the property. Essentially what that means is that if you think, well, if I can't have it in my front yard, so I'll just park it in the middle of my back yard,

but there's a regulation that addresses that. To speak a little bit to the person's comment about trailers: if a trailer matches the definition of a "commercial vehicle", what Craig is saying is that they would be required to get a special exception to keep the vehicle. So if someone has a commercial vehicle by definition, and a commercial trailer which also ticks off all the boxes as being a commercial vehicle, they would need a special exception to be able to keep both vehicles on site. If it didn't, it would be regulated through the RV's, boats and trailers regulation which we have now. If someone has a small utility trailer and a commercial vehicle, those are covered by two separate regulations. I just want to make sure that everybody understands that not every trailer is a commercial vehicle.

Commissioner Sobieski: Mr. D'Amato, so a "commercial trailer" would be like a box trailer with the name printed on the side?

Mike D'Amato: Yes. It would have to meet the definition. So if it had signage, or if it was in excess of a certain height, certain length, twenty feet, or seven feet high, had more than four tires in contact with the ground; if it met two or more of those characteristics, it would be considered a "commercial vehicle" just like a dump truck for example.

Commissioner Sobieski: You could have a dual axle with four tires on the ground, and have a rack of four feet all the way around, but that would not be considered a commercial vehicle, am I correct?

Mike D'Amato: Correct, because it would not have more than four tires in contact with the ground.

Commissioner Sobieski: Well, you would have four tires in contact with the ground, you would have a dual axle in the back. You would have four tires on the ground.

Mike D'Amato: Well, this says it would have to have more than four, so four or less, it would not kick it up to being considered a "commercial vehicle".

Commissioner Sobieski: So basically we are talking about that box type trailer with the name on the side?

Mike D'Amato: Yes. If it had some of the other stuff, signage or height or specific length, or other modifications, then yes, it would be considered a commercial vehicle. A lot of the landscapers have what are essentially a rolling garage. So it is likely that there would be other factors that would kick it up to a "commercial vehicle".

Commissioner Sobieski: If a person has a regular trailer with four tires on the ground, and it has four foot high sides, and he uses it for brush or whatever, that would not be considered a commercial vehicle, right?

Mike D'Amato: Right.

Commissioner Camillo: A one ton trailer has two axles, and you can't have a one ton truck, correct?

Mike D'Amato: The only thing that we talk about is GBW.

Commissioner Camillo: It's the same thing, so if you have two axles on the trailer...

Mike D'Amato: Okay, so if it was in excess of 10,000 lbs. and that was the only thing that it had, it wouldn't be a commercial vehicle. If it was just capacity, and everything else was fine,

that's why we require two or more of these characteristics, because if you have one thing going for it, someone could have something that is really heavy-duty, but if you have two or more, that brings it out of the residential realm of things.

Commissioner Camillo: (inaudible) vans, the tractor part of a tractor trailer, you have tractor trailer here, but...

Mike D'Amato: Yes...

Commissioner Camillo: Because what is happening now a lot of the time is guys are registering their tractors and they are not putting a name on the side, just a DOT number. Would you consider that commercial? Because it is.

Mike D'Amato: On the last page: "In residential zones, construction equipment, flat bed, stake bed trucks, buses, semi-tractor trailers, tractor trailers, large dump trucks, wreckers and heavy duty earth moving equipment, cement mixers," all of those types of those things are prohibited in a residential zone. So I would consider the front end of a tractor trailer to be heavy duty, and not allowable.

Commissioner Camillo: Or a box truck or a cube van.

Mike D'Amato: I don't know what those are; I'm not picturing a specific vehicle here.

Commissioner Camillo: A (inaudible) van with a box on the back of it.

Mike D'Amato: I think that would be commercial; at that point you are going to have more than four wheels in contact with the ground, and you are probably going to have some kind of signage.

Commissioner Camillo: Now you are getting back to a crew cab, dually, pickup truck that they use in all of their recreational trailer routes, which is that same truck, as a van.

Mike D'Amato: The difference is, that vehicle is customary used by the resident for transportation, so it wouldn't be a "commercial vehicle". He drives it around and it's a truck, but it's for his personal use. I hope I answered your question.

Commissioner Camillo: Thank you.

Commissioner Claffey: I have a question on the weight of the trailer that Commissioner Camillo brought up. If you have a trailer that big, wouldn't you need a commercial vehicle to pull it? Not a mom and pop min-van like I have.

Commissioner Camillo: The combined GVW between the two trucks, you would need a Class A license.

Commissioner Claffey: So we could have vehicles that need some requirement to drive, but meet another requirement to park these two mammoth things in my front yard.

Commissioner Camillo: Right.

Commissioner Claffey: That I think is a little bit of an issue, that you can have these large, we're trying to get away from these large vehicles...

Commissioner Camillo: It's no different than if you have a 30 foot motor home and you have a 28 foot trailer being pulled behind it, and all you need is a driver's license.

Commissioner Claffey: I'm not speaking about, but a 10,000 pound trailer is legal to have as a "recreational use" in our driveway per our amendment, that's what this says. I want to make sure that I am reading that right. From what you two were talking, you're saying, it seems to me, that there is an issue with that.

Commissioner Camillo: Most homeowners don't have that.

Commissioner Claffey: I know most homeowners don't, but we have a lot of homeowners that drive a dual axel rear end dually which is over 20 feet, which I can go and buy at GMC and use for my contracting business that if I don't put signs on I can legally park because I'm the resident of the house. That's what we get here.

Mike D'Amato: I think, if it's over a one ton capacity on a trailer and it's already falling into that category, or it already has a commercial vehicle...

Commissioner Claffey: He already has a commercial vehicle, but I have a dually which is my residential truck that meets the definition, but its legal?

Mike D'Amato: So then the trailer is your one allowable commercial vehicle and it needs to be parked accordingly.

Commissioner Claffey: So I can park a trailer that exceeds most residents of this town in my front yard...

Mike D'Amato: You can never park a trailer in the front yard.

Commissioner Claffey: Well, in the driveway.

Mike D'Amato: You can't park a trailer in the driveway.

Commissioner Claffey: What I'm saying is that you can legally park this large trailer that usually is pulled by a vehicle that only a commercial CDL driver can drive, not a van, not a utility trailer. That's why I'm saying, this trailer that you are getting very large and wide in the okaying of a vehicle size.

Mike D'Amato: We can't think of every example of what people manufacture.

Commissioner Claffey: I'm thinking of what someone from the public came up and spoke of, a dump trailer. I've seen dual axles...

Mike D'Amato: And they are typically four, not more than four, dual axle, but single tires on the side, so that wouldn't be commercial.

Commissioner Claffey: I'm looking at the size, they could be as large as this.

Mike D'Amato: So essentially the weight class is the only thing that it has going for it. Other than that, it's not too long, it's not too high, it doesn't have more than four tires on the ground, so it wouldn't be a commercial vehicle. I don't know how many people have dump trailers, I suspect a lot.

Commissioner Claffey: I don't know many people with a minivan who pull a 10,000 pound trailer. But the problem I see when I drive around town is these large, eyesore type trailers that our residents have to look at. I just want to make sure that we are covered, it's not going to come back to us in a year and we're back again.

Mike D'Amato: Every trailer now cannot be parked in the front yard and cannot be parked in the driveway, the regulations align in that respect, so if it's a commercial vehicle or trailer, either way, they can't be in the front yard. So if you are driving around and seeing these things, it's just a matter of making us aware and we can address it, but I don't know how much those dump trailers weigh, as far as what you could tow it with.

Chairman Hall: Any other Commission comments? What do you want to do with this?

Commissioner Camillo: I move to close Petition 31-15.

Commissioner Anest: Can we do more advertising? I mean, no one has really come out, and this is a huge change to our regulations. I would like to give it one more shot before we close it.

Commissioner Camillo: That will be the fourth meeting about it. Nobody is saying anything about it.

Commissioner Aieta: This is generated by the Commission, so we could leave it open.

Commissioner Camillo: I withdraw my motion to close Petition 31-15.

Commissioner Aieta: Do we move it to New Business?

Craig Minor: We leave it on as a public hearing.

Chairman Hall: Consensus on that? Okay. We'll leave it open.

B. Petition 29-15: Special Permit (Section 3.2.5 Convalescent Home) at 238, 256, and 268 New Britain Avenue (Bel-Air Manor). Bel-Air Manor Associates; applicant Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Matthew Boggio, 88 Ryders Landing Suite 208 Stratford CT, contact.
Continued from September 24, 2015.

Alan Bongiovanni: Good evening Madam Chair, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut. My office is at 170 Pane Road in Newington. This is the third time that we have met on this public hearing for the Bel-Air Manor proposed expansion.

There was an outstanding issue that the Commission sent me back to address and that was the front parking area, and the landscaping and what we could do about buffering in that area. What I'm going to do, if I may, this is what I presented last meeting, where we had all of the parking in the front, and then we included a hedge in this area here. The plan that is on the screen represents removing ten spaces from the front of the building, in this area here, but leaving six spaces here. The reason that we chose to leave the six spaces here is because from this point, to the west, there is an existing stand of twelve to fifteen inch pine trees. They provide a good screen and buffer in that area. Our landscape architect has detailed a two foot high berm with various types of plantings, flowering pear trees and shrubs, to provide not just some screening, but an attractive landscape for the property.

We were able to accomplish a reduction of parking in the front by some of the reconfiguration. As we are going towards the back of the site, we were able to reconfigure some of the islands and still fall within our green space requirements. I have submitted to the Planner, although we didn't have a chance to meet about them, plans addressing the comments from engineering staff as well as the Town Planner's office.

I did have a moment to speak with one of the neighbors in regards to this, he may have his own comments on it, but I think this is a very attractive solution to a screen for some of the parking areas in the front.

There are a couple of reasons that there is parking in the front there. One, we have to have access around the building as we do today, we have fire access and that is the access road that goes around the back of the building. Secondly, the recent addition, and that is the portion of the building that is in the lighter tan, that's to an existing rehabilitation facility. Not just for the residents of the building, but they receive patients to be rehabilitated in that area. We need accessible parking as they have today for that area. So that is part of the issue with that. And then we have the porte cochere that is going to service the new addition on the building. We have reduced it I think to a very manageable size while still allowing the facility to work properly. I hope you find this is a satisfactory concession on the applicant's part and a solution that will satisfy everyone.

Chairman Hall: Do the Commissioners have questions for Mr. Bongiovanni:

Commissioner Anest: Can you point out where the house is?

Alan Bongiovanni: It's in that area right there [pointing to image on the screen]. The existing house is approximately in this location here. This is the building line, it's behind the building line, so it's somewhere in this location. This is the existing house, the building line that I spoke about, the driveway and then here is the driveway that circles the building. The map that you have there now represents the existing conditions.

Commissioner Claffey: So to the left of the 262.44 number, on the bottom front, those trees from there to the left are existing?

Alan Bongiovanni: They are existing, and each individual tree was physically located, twelve inch pine, fifteen inch pine, twelve, this is a series of four twelve inch pines, then back to fifteen inch pines. They are all existing.

Commissioner Claffey: So half of the house is covered by trees now?

Alan Bongiovanni: Correct. This part is lawn area. Our proposal is to screen all of that area, with no cars parked in that frontage.

Commissioner Claffey: Where currently do cars park?

Alan Bongiovanni: Currently you have some cars that park in the driveway here, and they park along the side here. One thing that needs to be kept in mind is, we're adding about thirty percent additional rooms, or fifty percent to the room count at this facility. There's only about 57 parking spots today. If this plan is approved we'll have about 121 parking spaces. That will provide for the overflow parking that is required on the holiday and weekend time frame but also on the day to day visitors that go to the rehab facility, for the workers, and the day visitors. This is a vast improvement over how it operates today and there will be significantly more cars that will be parked on site, and they are not haphazardly parking as they are today.

Chairman Hall: Any additional Commissioner questions before we go to the public?

Commissioner Serra: It was brought up by a resident that at the last remodel a comment was made by the owner that it was going to be the last remodel. There was going to be no more remodels after that, and we had asked the Planner if he could find that somewhere.

Craig Minor: I could not confirm that, because what I found was that there were no public hearings on any of the previous applications. There were minutes, where the applicant made a presentation and the Commissioners asked questions, but I could find no statement from an applicant saying that they weren't planning on ever coming back again. I could not verify that statement.

Commissioner Aieta: There was no public hearing on the last addition?

Craig Minor: There has never been a public hearing on any of the previous additions.

Commissioner Aieta: All that was done was just site plan approval?

Craig Minor: In and out. All in one night.

Commissioner Aieta: So why are we here with a public hearing on this?

Craig Minor: Because it is required by law.

Commissioner Aieta: And it was not required then?

Craig Minor: Yes it was, but it didn't get done.

Chairman Hall: Anyone else? This is a public hearing, anyone wishing to speak in favor of this petition, come forward, state your name and address for the record. Anyone wishing to speak in opposition, come forward, state your name and address for the record.

Albert Magnoli, 275 New Britain Avenue: We all have a wish list. The petitioners wish is for more parking spaces beyond the required 82. We, the abutting home owners, wish that they would not increase the size of the facility, let alone increase parking areas. The important fact is that there is no need for any parking abutting New Britain Avenue. There are ample parking spaces with 84 to satisfy the needs.

There is another scenario to consider. With the additional 43 spaces available beyond their needs, are they considering a future expansion of the facility without having to add any parking spaces? This becomes more plausible when you consider that, as part of the petition, they intend to add the property at 238 New Britain Avenue which is an additional 40,000 square feet which at one time was the building lot of 20,000 under the umbrella of Bel-Air Manor Associates Inc., LLC. As was 268 New Britain Avenue, which is also under their umbrella.

Another interesting point, as the petitioner filed at the September 24th meeting they mentioned as part of the argument to maintain the number of parking spaces that this facility was undersized for the area that it occupies. It could have been larger. Very interesting concept.

I talked to Mr. Bongiovanni recently and he mentioned that they hired a landscape architect but I don't see anything publicly or officially done. We the abutting property owners strongly suggest that the Commission insist that the petitioners hire a landscape architect now because it becomes more important because the plan to demolish the house in front on New

Britain Avenue, so the facility becomes more visible and it brings more of the physical therapy building and the new assisted living building closer to New Britain Avenue and the abutting homes and owners for all to see.

According to the architect of the building they have taken great strides to make the two wings very appealing. The landscaping should also be appealing. So far the landscaping has been done on the cheap, drab, nothing to enhance the intended beauty of the building or the site. Based on what is being presented nothing will change. There appears to be little interest in upgrading the landscaping. Only a landscape architect can design a proper privacy berm and make the entrance and body along with a proper parking, planting of shrubs around the building, and the site. This will have a positive effect on the entire neighborhood. It can add value and soften the negative impact that this expanded facility will have on the area.

Mr. Bongiovanni just made a statement that the large pine trees to the left of the property would act as a buffer. I'd like to show you pictures of these trees [distributed photographs of pine trees]. Do you consider this a buffer? He said they are going to stay. So really, nothing has changed. They are still going to have landscaping on the cheap. That is why the Commission should insist that they hire a professional landscape architect to oversee the entire planting with a landscaping plan so the Commission knows exactly where all the plants are going to be planted and what type of plants are going to be planted.

I've taken the liberty of taking some photographs of what I think a privacy berm may look like. This photo was taken in Clinton, Connecticut and it's on Beach Park Road and it separates a (inaudible) which is an upscale building tract from Beach Park Road. I will pass these around for you to see as what a good privacy berm looks like. Thank you for listening.

Chairman Hall: Thank you Mr. Magnoli. Does anyone else wishing to speak in opposition.

Beng Kuan, 263 New Britain Avenue: Last week when I came for the meeting I was quite surprised to hear that this is zoned residential. Today I heard from the Town Planner that during the last expansion no public hearing was held. Does that mean that that expansion two years back was approved against our planning rules? To now follow the policies and procedures. Maybe someone could let me know at the next meeting, or whenever. I was surprised to hear that this development was zoned residential, where they will have 200 plus patients. On a very conservative estimate, based on 100 patients if the expansion is allowed, and assuming that they charge each patient 500 dollars daily, the revenue would come up to be about 50,000 per day or 18.25 million a year. That is a commercial activity alone. I wish to reiterate that this expansion will greatly reduce the market value of the surrounding residential property. If the P & Z recommends the proposal, to reduce pollution and improve safety, I would suggest no left turn from 174 west into Bel-Air. As I mentioned the last time, a lot of car brakes, the tires screech because a car is going to turn left into the facility. That would cancel the number of screeching brakes. This would be an additional stream of revenue for the police department if they would enforce the no left turn. In summary, if this should be approved, then the hearing tonight is a cop out. Looking at the plans, I do not see where the additional fifty rooms are going to be situated. Is there going to be an additional story, left or right? Thank you.

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

John Bachand, 56 Maple Hill Avenue: As I said before it is not anything that is that near and dear to me; I just have some sympathy for the neighbors. We're talking about three special exceptions in a residential zone, and then such a large facility, and again, I have some sympathy for them. The one thing I heard, I don't know if it was you Madam Chairperson, but

someone at this table said they thought they heard that was it for expansion, and I would just offer one bit of simple advice. If the Planner looked into the printed minutes, those are not verbatim. If you really wanted to find out what was said, you have to listen to the tape which is a lot of trouble I realize, but just throwing it out there. I know if I was a neighbor I would be a little upset if that statement was made and then you came back again. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak? Does the applicant have anything in rebuttal?

Alan Bongiovanni: I do Madam Chair. I did speak with Mr. Magnoli, and I did inform him that the plans have been revised. We hired the services of Thomas Linden, landscape architect, licensed in the State of Connecticut, Linden Landscape Architects in Wethersfield, to prepare our landscaping and planting plan, and I believe when the Planner has the opportunity to review them in detail I think he might agree that we have done the maximum landscaping that is required. I think you will see that what has been proposed is suitable, appropriate and in some respects maybe more than needed to provide the aesthetics that we desire.

The comments made about the merging of the lots, and how it is interesting that we are attempting to create more units here. This is a permitted use in the zone. Your zoning requirements dictate how many units per acre the maximum could be done. The purpose of merging the lots is, the vacant lot on the right side is 95 percent wetlands. It will be merged with the property so we can employ some of the low impact design techniques that your regulations call for, by putting the drainage improvements on that property. That is why the property is being merged. It's not being merged for density increases or anything else.

We would be entitled to, if this was a flat piece of property, and height requirements were not an issue, probably 210 units on there. Just from the perspective of 30 units per acre with seven acres of land. We go to 21 units, it's well within your regulations, and these site plans meet and/or exceed all of your area, set back requirements, and density requirements. When the Planner has the opportunity to review the plans submitted to address the town's comments, of a technical nature, I think you will agree that everything that is proposed and everything I have represented meets the requirements of the regulations.

The berm that we have proposed in front is a couple feet in height. It is not intended to be a privacy berm because we removed the cars that it was intended to screen. To require a berm that is not in your regulations to provide privacy from what we believe is a very attractive residential style building would be unjust and unfair to the applicant. This is a commercial establishment. It is a business. They are entitled to the same benefits as everybody else in that they should be allowed to be visible from the road. To require some kind of screening where you would not be able to see anything is unfair to the applicant. We removed all the cars that would not have any existing trees fronting them. We have provided a beautiful landscaped buffer and still preserve six spaces in the front area that we feel are necessary for the operation of this facility. I don't think we are asking for things that are above and beyond what our needs are for this facility. We're not asking any special treatment to allow more units or higher (inaudible) or anything else. This is within your regulations.

According to Mr. Minor there haven't been public hearings on this property in the past. I don't know whether that is true or not or whether we have complete records. We have an existing facility that is there today. The regulations say and state statute says that if I want to expand it today, we need a public hearing. We are meeting all of the requirements. If the town erred in the past and did not require a public hearing, we can't be held responsible for that. The issue that the neighbors bring out, that it's residentially zoned - it is residentially zoned, it is a special permit use. It is an existing use in this zone. It has been allowed by the Town for

many years and it has been expanded within your regulations. We think this is an appropriate use of the property. We have met and exceeded all of the requirements, especially the low impact development. One of the benefits that this expansion will allow is correcting of a lot of the parking areas, and renovating all of the storm water systems for the property so that everything that exits this site will be an improvement and help the environment forever.

We think this is a very good plan, a workable plan, and I think I have demonstrated that the additional parking that we have requested is because on certain days, peak days of the year they have a lot of visitors and this will allow us to do that. I don't think there is any prohibition in the regulations to for asking for more parking. Because we have done such a wonderful job conforming to the LID regulations, this could be a moot point. Thank you very much.

Chairman Hall: Thank you. Anyone else who has spoken want to rebut what Mr. Bongiovanni want to say?

Albert Magnoli, 275 New Britain Avenue: I think one of the important factors is that the neighborhood was there long before Bel-Air Manor came. We are the neighbors, I've been there since 1959, and we as neighbors welcomed them to that area. They've been good neighbors, but lately they have been growing too fast and I think that they have forgotten that they are in our neighborhood. We were there long before they were. We welcomed them and we still welcome them, but I still feel that there should be certain restrictions that would make it more palatable for the neighborhood. It's not that we want them to go away. It's that we want them to be good neighbors to us, as we have been good neighbors to them. Thank you very much.

Chairman Hall: Thank you. Anyone else?

Craig Minor: Madam Chairman, I want to add one more thing to the record that is in the agenda packet, the Commissioners have seen this, but it hasn't been mentioned on the record yet. When I did my research into what approvals were granted in the past for this building, I came across these drawings from the files. This shows the expansion of the building over the years [series of plans displayed on the screen]. This was the original building, I believe it was built back in the sixties. Then the first expansion added this addition here, and then the second expansion added this additional piece in front of the first expansion, and then today we have the third expansion. So we have gone from this, sort of a wishbone originally, to now this, over the space of some forty or fifty years. This is a very dramatic increase from what was originally there. I'm just making that statement, not passing judgment per se. I wanted to show the Commission how much expansion there has been over the last fifty years. That's all I have.

Chairman Hall: Tonight is the deadline for closing the public hearing.

Commissioner Camillo: I move to close the public hearing and move it to Old Business for the next meeting.

Commissioner Aieta: Second.

Craig Minor: I have no problem with closing the petition because I think you have enough information, but I think the Commission should have some discussion about what we have heard over the past couple of meetings. So I suggest you put it on the agenda under New Business at the next meeting, and if after that you find you are ready to approve it, you can do it that night, but I would like the Commission to have the opportunity to have some discussion about it before you actually vote on it.

Chairman Hall: Would we be able to see some of the renderings of the landscaping that he says the landscape architect has created? Did he say he gave them to you?

Craig Minor: Yes. If you are going to mandate additional screening this would be the only opportunity to do that. As Mr. Bongiovanni said, it meets the minimum requirements. These are the plans that Mr. Bongiovanni gave us earlier tonight, so let's take a look. The landscape plan would be Sheet 8 or 9.

Commissioner Aieta: Mr. Planner, we have this on the agenda under Petition 31-15 and under New Business Petition 28-15. Where would we take up our comments on additional screening?

Craig Minor: At the next meeting under New Business.

Commissioner Aieta: For the special exception portion or site plan?

Craig Minor: For the special exception. Site plan approval will possibly also be a New Business item. The site plan will probably be there for a while because it hasn't been approved by the Conservation Commission yet.

Chairman Hall: So Mr. Bongiovanni will be presenting the site plan to us in the second half of the evening?

Craig Minor: Yes.

Commissioner Anest: Why don't we wait?

Chairman Hall: We'll be discussing this at the next meeting anyway.

Craig Minor: Okay, so hold onto the plans.

Commissioner Camillo requested a five minutes recess. The motion was seconded by Commissioner Serra. The Commission recessed at 8:00 p.m.

The meeting was resumed at 8:07 p.m.

Chairman Hall: We are going to close this and move it to New Business for the next meeting.

Commissioner Sobieski moved to close Petition 31-15 and move it to New Business for the next meeting. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Hall: The next meeting is the 28th by the way, October 28th.

C. Show Cause Hearing to Revoke Special Permit #16-14: Special Exception (Section 3.15.3; Outside Restaurant Seating at 3260 Berlin Turnpike (Plaza Azteca Restaurant) Hector Angel, owner, Manuel Rubio, applicant/contact.
Continued from September 24, 2015.

Chairman Hall: Is the applicant present? Plaza Azteca? [no response]. Can we talk about your staff report at least?

Craig Minor: I have nothing new. During the last meeting he mentioned how his other stores operated and he was going to bring in information on how that other store conducts their Cinco de Mayo event, but he's not here.

Chairman Hall: And he never got back to you in the meantime?

Craig Minor: Correct.

Commissioner Aieta moved that we continue the show cause hearing until the next meeting. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

D. Petition 37-15: Special Permit (Section 3.2.1: Churches and Places of Worship at 800 South Mountain Road. Hartford Liederkrantz Inc., owner, St. Thomas Indian Orthodox Church, applicant. Rev Fr. Abraham Philip 10 Lantern Hill, Newington CT, contact.

Commissioner Sobieski: I'd like to state that I am a member of the Hartford Liederkrantz, and I will be voting on this. I do not see a conflict of interest.

Chairman Hall: I will be recusing myself, the reason being that my company represents both sides of this transaction. Commissioner Anest will be taking over this petition.

Vice-Chairman Anest: Can the applicant come forward? State your name and address for the record please?

Binu Chandy: Good evening Madam Chair and Members of the Commission. I am a resident of the Town of Mansfield. I live at 21 Max Felix Drive in Mansfield, and I would like to disclose that I am a member of the Planning and Zoning Commission in the Town of Mansfield, and I am not representing Mansfield today. I am representing St. Thomas Orthodox Church and our official applicant is Rev. Fr. Abraham Philip who is here tonight as well as our members. This is my first time sitting on this side of the table, and I don't know which is the more difficult job.

A little background about our church. We founded the church in 2010 and this is still the only one in Connecticut. We just finished five years, and prior to 2010 our members had to go to the Boston area or somewhere in New York to worship. We have been worshipping in the Grace Episcopal Church at 124 Maple Hill Avenue. They have been wonderful to us, but sometimes our needs are not met, and we have grown from maybe six families to about 20 families, and we think we are ready for our own home. When this opportunity came, we thought the location was safe and meets our budget resources. That is why we are here today.

A little bit about our request. We are asking for a special exception under Section 3.2.1 to change the use. The property is located at 800 North Mountain Road, and is currently being used as a social club and gathering place. The property is zoned Industrial, and as I said, this is a special exception request, under Section 3.2.1 to allow this property to be used as a church, so essentially it is a similar use, it's only a change in character. We will be using it as a religious gathering for our religious faith, and for the social activities for the church. We are only asking for a change in use, we are not doing anything to the site: no change to the outside improvements, no change in landscaping, lighting, parking area; all of the renovations will be within the building footprint, or the existing building space, and no new structure additions are planned at this time.

Something about the operations. The Church will operate on Sunday mornings, starting at about 8:00 a.m. and go until about early afternoon. We may use other space on a routine basis on Saturday evenings, for other activities, charity clubs, or adult and children's meetings.

Vice-Chairman Anest: Any questions from the Commissioners?

Commissioner Aieta: Do you propose any day care operations as part of your church facilities?

Binu Chandy: Not now.

Commissioner Aieta: Is there a school for the past two years that you were operating at the church?

Binu Chandy: The schooling is Sunday school. We usually have Sunday school Sunday mornings after church until about 12:30, 1:00. There may be some extra Sunday school meetings, practices for special events, but those would happen on Saturday.

Commissioner Aieta: Just to let you know, if you propose to do any day care or, you would have to come back to this Commission for approval.

Binu Chandy: We understand.

Commissioner Serra: There is no outside playground or anything planned for the kids?

Binu Chandy: There are about seventy-five parking spaces and we need only 20 to 30, so definitely the children would love to, maybe a basketball hoop, but nothing major.

Commissioner Serra: My only concern is, if there is going to be a basketball court or something, which I don't have a problem with, it's going to need to be fenced off away from the parking.

Binu Chandy: Yes, we were thinking, you see the building [pointing to aerial photo on the monitor], you see the paved area behind the property, to the south of the property, maybe that area could be used.

Commissioner Serra: Mr. Minor, would they have to come back to us to add that?

Craig Minor: That's a judgment call. If they decided that they want to operate a five days per week school, or a day care, yes, that would have to come back to you. If they wanted to put up a basketball hoop, no; but if they wanted to construct a basketball court, maybe.

Commissioner Serra: I just want to be sure that the safety is there, that's all. That's my concern. I have no problem with it. Kids need to play, need to burn off energy, I'm fine with it.

Binu Chandy: We would make sure to have a fence or some kind of definition. The children are so excited about this new place, and we want to make sure that our children are safe, so definitely we will take care.

Commissioner Camillo: During the winter you are going to want to put snow in that corner. I have plowed that lot for twenty-five years, so, if you put a fence up for a basketball court, you won't have any place for the snow, so you might just want to put cones up if the kids are out

in the yard. You will probably lose thirty percent of the parking if you have a two foot snowfall.

Vice-Chairman Anest: Thank you. Since this is a public hearing, we are going to go to the public. Is there anyone from the public who would like to speak in favor of this petition?

Michael McCann: I am the president of the Hartford Liederkrantz, the existing use of the building at the moment. I live at 77 Pomfret Street in Hartford, Connecticut. I would just like to say I hope that you approve this petition. Thank you.

Vice-Chairman Anest: Thank you. Anyone else who would like to speak in favor?

Jitsu Santhosh: I live with my two kids and my wife. I support this project because mainly my kids need a place, and we have moved from our rental space, and here in Newington we would like to have our own place. Thank you very much.

Vice-Chairman Anest: Is there anyone else in favor of this petition who would like to speak?

George Baiju: I live in Newington. I am at John Wallace Middle School. I have been a member of the St. Thomas school for the past four years and it taught me some valuable lessons to be a good person and to help society and the world be a better place.

Vice-Chairman Anest: Is there anyone else who would like to speak in favor?

George Beiju, 300 Reservoir Road: Good evening, I would like to support this project because we need our own place so (inaudible)

Banthosh Chatin, 10 Lantern Hill: Good evening, I live in Newington and I support this project. Thank you.

Vice-Chairman Anest: Anyone else wishing to speak in favor of the petition? Anyone wishing to speak in opposition to the petition.

Frank Capaldo: Good evening, 183 Nott Street, Wethersfield, CT. I own the property at 416 Hartford Avenue with my brother John. I oppose the application for 800 North Mountain Road. The use as a church and school would prohibit the sale of alcohol from a package store within a certain distance. This would restrict my future use with adverse (inaudible). Also, on page 2 of the applicant's application, it states that there is surplus parking for the proposed use. This may not take into account that some of the parking is over a right of way in my favor in the parking area. I have requested the current property owner remove this pavement as it interferes with my right of way. I have a sewer line there. So, thank you very much, have a good night.

Vice-Chairman Anest: Thank you. Have you contacted an attorney about this?

Frank Capaldo: Yes ma'am. A letter went out to whoever is supposed to get it.

Vice-Chairman Anest: Okay, because that is out of our hands.

Frank Capaldo: What is that?

Vice-Chairman Anest: The easement has nothing to do with us.

Frank Capaldo: I understand that...

Vice-Chairman Anest: As long as you understand that we can't...

Frank Capaldo: That's what lawyers are for.

Vice-Chairman Anest: That's right. Is there anyone else who would like to speak in opposition? Is there anyone who would just like to speak on this issue?

David Marsden, 77 Maple Hill Avenue: I'm aware of this situation because my wife is the listing agent on it, and I've come to know the folks who are buying the property, and I have come to learn more about them and various opportunities to meet with them, as they check out the property and bring in their people. They have earned my respect, let's put it that way. I think they will be a good neighbor. I also have spoken to the owners of C & C at 416 Hartford and I like them very much, they are very nice people. I would like to see everybody in this particular transaction happy, including you board members. Now, Frank, who just spoke, showed me the property that he has this easement on, and he has met with the people who are buying the property and they have agreed verbally, not in writing yet, but they have agreed to remove the trees in the area. If you look at 800, just to the left of that [pointing to the aerial photo on the monitor], where the property line is, it's a fifteen or sixteen foot right of way, well, sixteen feet to the property line, and his easement is right on that property line, about sixteen feet. They have agreed to take down the trees. There is an estimate in hand from a tree removal service and that should cover the situation that Mr. Capaldo is interested in, to make sure that if he has a problem with his sewer line, and a gas line I understand as well, he would have immediate access to it. I'm thinking that if everybody is in agreement, then they put this in writing and there should not be a problem, because the seller is willing to pay half and the buyer is willing to pay half according to the verbal agreement. Thank you.

Vice-Chairman Anest: Thank you. Is there anyone else that would just like to speak regarding this petition?

Michael McCann: I would just like to follow up on what Dave has just said. I have already contacted a tree contractor to take those trees down, grind the stumps. I talked to Mr. Capaldo, Frank, the other day, and I told him that as far as the other business, with part of the driveway going through the easement, that is something that I was not familiar with at all. But the tree issue is being addressed and the individual, Bruce Graver, the contractor has been hired, and the job is going to be done within the next two or three weeks.

Vice-Chairman Anest: Thank you.

Frank Capaldo: In reference to what Dave said, it is not true. We were talking about it, and one of the fellows was going to send an e-mail, so I said to him, I don't do e-mails because I'm not capable. So my son did the e-mail and they didn't respond to me or anything. So I called and he said, my attorney advised me not to send you any e-mails. Therefore whatever Dave is saying that the other guy said, is not true. Right away, I'm sure the Town Planner knows. No trees, no pavement, no fences, nothing, they have to be free, one hundred percent. Thank you very much.

Vice-Chairman Anest: Thank you sir. Is there anyone else that would like to speak on this Petition? Seeing none, are there any Commissioner comments?

Commissioner Claffey: Someone brought up how, if it becomes a school or something like that, it affects the other properties around. Can our Planner explain that? How does that work?

Craig Minor: I would have to do some research on that. I'll have an answer for you at the next meeting.

Commissioner Serra: At this point, I like the idea, but right now there are too many questions. I think we should keep this open and get some answers.

Vice-Chairman Anest: At this point I'll have the petitioner come back up to rebut what was stated:

Binu Chandy: The question about the possibility of the sale of alcohol, you can talk about for any petition, and the surrounding area, there are other religious uses going on. I saw on the map the Church so there are other religious uses, so I'm not sure that an auto body shop (inaudible). About the tree issue: that definitely doesn't have any relation to our special exception request. If he has a problem we definitely welcome them, but at the same time, we need to go by the advice of our counsel, and we cannot make a sudden decision without thinking. Also there are some wetland areas, so I need to talk with Mr. Minor, there are some upland review areas close to us. I need to know if we can touch any trees. If someone wants the trees cut down, we cannot do that without understanding the rules and regulations of the town and what the issue is.

Vice-Chairman Anest: Thank you so much.

Commissioner Aieta: I'd like to keep the public hearing open until the next meeting to get answers to some of the questions that were raised tonight.

Vice-Chairman Anest: Is that the consensus of the Commission?

Commission: Yes.

Vice-Chairman Anest: We will leave this open for the next meeting. Thank you.

Commissioner Sobieski: Mr. Minor, will you be able to get us answers by the next meeting, on the easements and stuff?

Craig Minor: Yes.

Commissioner Aieta: For the next meeting could we just outline where the easement is?

Craig Minor: Yes. Right now I don't know either.

Vice-Chairman Anest: So this petition will be kept open and will be back on the agenda on October 28th. Thank you.

Chairman Hall returned to the meeting.

E. Petition 38-15: Special Permit (Section 3.11.6: Restaurant at 39-41 Market Square. Sarjac Partners LLC, owner, Nichole Vega and Michelle Dickenson, applicant, Nichole Vega, 163 Francis Street, New Britain, CT, contact.

Nichole Vega, 163 Francis Street, New Britain: Good evening. We are applying for a special permit. I have owned the Envy Salon for the past seven years, and we are trying to set up a tiny café in the building which would be open to the public, but mostly for our customers.

Chairman Hall: Do the Commissioners have any questions before we go to the public?

Anyone wishing to speak in favor of this petition? If so, come forward and state your name and address for the record.

Michelle Dickenson, 104 East Robbins Avenue: I used to own Sal's on the Berlin Turnpike so I have a little bit of restaurant knowledge and it was something that we always wanted to do, get back into it, once we had a little bit of space. It will be mainly for the clients and hopefully it will bring more people in. We just want to put out good healthy food. Thank you.

Chairman Hall: Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? Anyone wishing just to speak? Commissioner questions? Planner comments?

Commissioner Aieta: Do you have a plan as to when you want to open?

Nichole Vega: We've got everything lined up pretty well, so we were hoping if everything went through it would be the first of the year.

Commissioner Aieta: The first of the year, okay, so you aren't pressed. If we put this on for Old Business at the next meeting, and acted on it then, that wouldn't be a hardship?

Michelle Dickenson: We've been wanting to get going.

Chairman Hall: It would be two weeks from now, before the end of the month, so by November 1st you would have your answer and you would be able to move forward at that point.

Nichole Vega: We have already put in the menus and spoken with the Fire Department about the water and the grease traps and all that. We've got all the answers.

Chairman Hall: So you are pretty much ready to go.

Nichole Vega: The water department said that we do need grease traps, and those are ready to go, so if you do have questions we should be able to answer them this evening.

Chairman Hall: I don't think we will be voting this evening; it's not our usual procedure. Two more weeks.

Nichole Vega: Okay.

Commissioner Anest moved to close Petition 37-15 and move it to Old Business for the October 28th meeting. The motion was seconded by Commissioner by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

F. Petition 39-15: Special Permit (Section 3.11.1 Health Club) at 135 Lowry Place, Lowry Place Realty LLC, owner, Connecticut Kenpo Karate, applicant; Wayne Tanguay, 48 Buckingham Street, Newington CT, contact.

Commissioner Anest recused herself from this petition as her son is a student at this studio.

Wayne Tanguay, 48 Buckingham Street, Newington: Good evening. Connecticut Kenpo Karate has been part of the Newington environment since 1991. We started behind the Willard Avenue 7-11 and we were two years there. The previous owner bought the building at 64 Market Square and we've had 22 years there. That owner, first he sold the business to me ten years ago, and then he sold the building this year to someone else and the new

owner intends to use it himself and not rent it. So that left me the option of moving or closing. I intend to move to 135 Lowry Place and there is good visibility for my business with Best Market being there, and other businesses are going in there. I've had the Fire Marshal in and there are a few corrective actions that I have to take, I have Syntax coming in next week to fix those, so I think we are in good shape. That is the only thing that was done to the building. It was the old People's Bank, they removed the interior walls and everything else stayed the same, so no major construction issues there.

Chairman Hall: First we'll hear from the Commissioners, and then I'll have the Planner give us a little more information.

Commissioner Aieta: Just a procedural question for the Planner. You determined that this is a health club, not a school. Would schools be required to go through a special permit?

Craig Minor: Schools do not appear to be permitted in the Town Center zone. But "places of assembly for recreation", such as health clubs and dance studios are allowed by special exception. As of right uses include retail stores, personal service shops, business or professional offices, clubs or fraternal organizations. But a school...it would be tough to find a fit for a school.

Commissioner Aieta: I was just wondering how you determined it was a health club.

Craig Minor: It's the closest fit to what is allowed.

Commissioner Aieta: Okay, that is what is allowed. I have no problem with that, just curious if we could eliminate the hearing if it was a school.

Chairman Hall: Mr. Minor, do you have anything else to add?

Craig Minor: No, only that we have to keep the hearing open.

Commissioner Aieta: I don't understand why we have to keep the hearing open.

Craig Minor: Because there has been no legal notice published or sent to neighbors. There needs to be a legal notice for a public hearing to be official.

Commissioner Aieta: That would preclude us from acting on it tonight, but can we act on it at the next meeting?

Craig Minor: Correct.

Chairman Hall: The sign has been up.

Wayne Tanguay: Yes, the sign has been up since the first of the month.

Chairman Hall: Is there anyone from the public wishing to speak in favor of this petition? Is there anyone wishing to speak in opposition? Is there anyone just wishing to speak?

Commissioner Aieta: I'd like to keep the hearing open.

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

Chairman Hall: We will be talking about this again on the 28th of October. You better come back, just in case.

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

None

VII. REMARKS BY COMMISSIONERS

Commissioner Sobieski: Back in August I thought we gave the person who owns Packard's Way to the end of September to get the mylars filed. Has that been done?

Craig Minor: No it hasn't. I spoke to the developer, and her position is that it is not her responsibility to file the mylars. I then spoke with the Town Attorney and he told me that we cannot withhold performance bond money to enforce her obligation to file the mylars, because that money is only to make sure that the project is constructed exactly as shown on the site plans, and it can't be used for other things. That's what the Town Attorney says and I see the logic to that. He says there are other ways we can compel her to file the mylars.

Commissioner Sobieski: What about the drainage issue?

Craig Minor: Which drainage issue?

Commissioner Sobieski: We have more than one?

Craig Minor: Possibly - which one are you talking about?

Commissioner Sobieski: I'm referring to the pipe that's supposed to go to the property line, that hasn't been added, the last fifteen inches or whatever.

Craig Minor: No, there is no issue there. The pipe is there, and there will be a note on the "as built" (which we don't have yet), stating that the pipe is there. This will be visibly confirmed by town staff that the pipe is there before we release the bond.

Commissioner Sobieski: And when the house is built on that lot, there will be no grade changes that impede any of the water flowing down?

Craig Minor: That's correct. In fact I was out on the site the other day with the site contractor for the house that is just about finished, and we asked him to use of his equipment to make a swale so that the water can flow from the property to the north to the double yard drain the way it has historically flowed and the way that the plans call for it to flow. So we are enforcing the utility easement, for the water to flow as it historically has across the property to that double yard drain, the double catch basin.

Commissioner Sobieski: And what would be the maintenance requirements by the Town, it gets inspected yearly, every five years?

Craig Minor: I don't know; whatever the inspection schedule is for the other hundreds of these around the town. It would probably be no better than the others.

Chairman Hall: What about the electrical?

Craig Minor: I've been in touch with the homeowner and she has hired an electrician to do what needs to be done. The ball is in her court and she realizes that.

Chairman Hall: So that is all settled.

Craig Minor: Well, it's not done yet, but there doesn't seem to be any dispute.

Chairman Hall: Anybody else have anything?

Commissioner Aieta: How do you propose getting the mylars filed? Do you have a way to force the issue?

Craig Minor: That is something that I would rather talk about during Executive Session if you like, which we can't do tonight, but I can put it on the agenda to discuss it at a future meeting.

Commissioner Aieta: We have to move on from this project. This is something that has been brought up at meetings for the last couple of years. I would really like to get beyond this.

Craig Minor: Would you like me to put it on the agenda for discussion in executive session for next month?

Commissioner Aieta: Yes.

Commissioner Serra: When will that meeting be?

Chairman Hall: The 28th.

Commissioner Serra: I'm asking because I would like to be in on that, but I will be on vacation, so if I can't.

Craig Minor: I can brief you separately about what I will say.

Commissioner Serra: All right.

VIII. MINUTES

- A. Regular Meeting September 9, 2015
- B. Special Meeting September 9, 2015

Commissioner Sobieski moved to accept the minutes of the Regular Meeting and the Special Meeting of September 9, 2015. The motion was seconded by Commissioner Aieta.

Chairman Hall: I will recuse myself although I have read them, I was not here and I have found that if you are not actually at the meeting, and don't get the nuances, etc., so I will pass on this because I wasn't here.

The vote was in favor of the motion, with six voting Yea and one abstention (Hall.)

IX. NEW BUSINESS**A. Petition 30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC owner/applicant, Joseph Sullo, 312 Murphy Road, Hartford CT, contact.**

Craig Minor: It's not ready for action. The applicant submitted some information to the engineering department on the Friday of a three day weekend, and the staff wasn't able to review it in time for tonight. I advised the applicant which is why he is not here.

B. Petition 28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue (Bel Air Manor) Bel-Air Manor Associates, applicant, Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Mathew Boggio, 88 Ryders Landing Suite 208 Stratford, CT, contact.

Alan Bongiovanni: Thank you Madam Chair, Members of the Commission, Staff. For the record my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut. The application before you is for Bel-Air Manor. As you are well aware, we have had three evenings of public hearings on the site and the public hearing for the special permit is closed. I'm going to try to be brief since we have gone over most of the key points of the site plan in the special permit.

It's an existing facility as you are all aware. We are looking to add forty-five residential living units or beds in the facility, and that is shown in the shaded area in the center of the drawing [pointing to image on the monitor]. The existing facility has around 57, 58 parking spaces, depending on how they are striped, whether the stripes have worn off or not, and we're proposing to expand the parking beyond what is required in the regulations. The regulations call for 82 parking spaces based on the operation that has existed for some time and the additional beds, and they are looking to increase that to 124 spaces because of accommodations we have made to the front landscaping. It's almost fifty percent more than is required by zoning but given this unique use of the property and those peak days, holidays or Sundays, when there are a lot of visitors, they do need the additional spaces, so this will accommodate that.

It's served by existing sewer and water service. We will be providing an additional sewer lateral to the building. It's an existing sprinkled building serviced by the MDC. One of the big components of this and one of the great benefits of this addition is that we are going to renovate all of the parking areas. We're going to expand, correct some of the evils of the grade and pitch, and address ADA accessibility issues so that it meets the code.

We're adhering to the LID techniques per your regulations. The entire site will undergo LID techniques. All storm water on the site, whether it leaves the roof of the buildings or the existing or proposed paved areas, will be treated and renovated through the prescribed techniques that we have worked out with the Town Engineer and his staff and our engineering staff over the last several months. There has been some trial and error, experimentation as this is a regulation that takes some time to perfect. Town staff has been wonderful, a great resource to work with; it's just taken an inordinate amount of time to get everything lined up the way that they would like to have it and make sense to our engineers as well. We've done a good job with that. We are currently before the Wetlands Commission for their approval. Although we do not intend to do any work in the actual wetland area, we do have impacts in the regulated area that exist now and are going to expand slightly. We think we are being received very well by that Commission and hopefully next week we will receive an approval. Beyond that, I have supplied the Town Planner with seven new sets of plans that address the comments that came out of engineering as well as the site plan requirements. There are landscaping plans as part of the set now. As I said during public

hearing, Thomas Linden is our landscape architect and he did a really nice job of enhancing the entire look of the building and the entire entrance to the site, while providing the necessary screening and landscaping.

I did have an opportunity to look at Mr. Magnoli's, the neighbor's, photographs of the existing pine trees and I have to admit they have been limbed more than I remembered, so I would propose in place of those trees we replace those with arbor vitae. I'll discuss with the applicant what suits the site best. Some of those trees may be planted on State property so we'll look to increase the buffer in that area. I can't give you an exact solution to the issue, at this moment, but before the next meeting I will have that information.

We have expanded parking throughout the site and revised grading to accommodate code. For access to the new addition we still maintain fire exits around the building. Some of the front driveway is sized to accommodate the turning radius of emergency vehicles.

I think that is it. It's well within the regulations and it's a fraction of what is permitted for beds on this property. We think it is a natural evolution of this type of housing, to provide more ranges to an increasing elderly population, more services and options, and we think it is a good fit for the site. Again, it's a continuation of system use. If you have any questions I'd be happy to answer them.

Commissioner Sobieski: According to that green space plan up there [pointing to the image on the monitor], it looks like the plantings are in the State right of way. I could be wrong but I think that is the property line going straight through those plantings.

Alan Bongiovanni: That is true. Actually that is the plan that we showed last time, if I could flip that over, this represents where it is proposed now, but we're looking to shift that a little to the north to keep it off the State right of way.

Commissioner Sobieski: I'd like to see that on the plan for the next meeting.

Alan Bongiovanni: What I'm going to offer to you, as I said, looking at the pine trees that are kind of sparse at the bottom, we will have that available at the next meeting.

Commissioner Sobieski: And the berm that you are going to put in will be completely on your property, and not fall into the state right of way.

Alan Bongiovanni: Well, there may be some grading in the State right of way, but that is not generally a prohibition from the State. On the landscaping plans, you see the sight lines, so even in that location it doesn't affect the sight lines, so minor grading on the State right of way won't be an issue. The berm that we are looking at is a couple of feet high.

Commissioner Sobieski: I understand, but do you need their permission to do that? That's what I'm asking.

Alan Bongiovanni: Because we have work within the right of way, we will get an encroachment permit, just for changing the curb radii. We'll ask for it then.

Commissioner Anest: Would it be possible to eliminate those other six spaces that are in the front to make more green space? You have plenty of parking, and I understand why, but you could try to appease the neighbors as well as the facility.

Alan Bongiovanni: That's a point well taken. As I explained earlier, this is the last addition to their rehabilitation facility. They have a significant number of people that on a daily basis

come to that facility, and to take six spaces out of there, you are putting the vast majority of those visitors on the other side of the driveway towards the back of the site. Again, I think we did a great job, we took ten spaces out that were there. We have an existing stand of trees which we are going to augment and enhance a buffer in that location. Those parking spaces are greater than 22 feet from the street right of way, and you probably have about a 40 foot or greater minimum distance to the curb line of Willard Avenue. I think it would be a hardship for the operator to take more spaces away from the front of that building. We're very happy to do what we can to accommodate the neighbors. This is an existing use, and we are asking for an expansion, but it's within the regulations. We aren't asking for something that is not permitted.

Commissioner Serra: I know this is something that you don't have to do, but we're trying to make everybody happy. What about raising that berm a little bit more? Bring it up a little bit higher, to hide those six spaces.

Alan Bongiovanni: I think we can do that. We can provide additional grading and enhance that a little more. I'll put that all in my revised plans and give you a cross section as to what it will look like.

Chairman Hall: I think that the biggest complaint is the visual.

Alan Bongiovanni: I agree.

Chairman Hall: If we can work on the visual I think maybe we can make almost everybody happy.

Commissioner Aieta: You will come back with revised plans for that front area and try to keep everything on your own property?

Alan Bongiovanni: Yes.

Commissioner Aieta: And the trees? When I saw that picture...

Alan Bongiovanni: Yes, they are all skinned up, and pine trees don't look good when there is nothing on them.

Commissioner Serra: Well, the way the State has been trimming trees lately, if that is on their property, they can come and take them right out.

Chairman Hall: He mentioned the arbor vitae.

Commissioner Serra: And a taller berm, I think.

Commissioner Claffey: Mr. Bongiovanni, on the left property line, where these pine trees are, to where the berm starts; what is the grade difference?

Alan Bongiovanni: It really follows the grade of the road. The grade of the road increases from our driveway, actually almost from Willard Avenue, all the way up the hill.

Commissioner Claffey: So my question is, does that continue all the way? If it's four feet high at the lowest point, is it still four feet high at the highest point or are you going to take the grade in, it would be at zero at the top of the grade?

Alan Bongiovanni: No, I think we can place a berm a couple, four foot high, all the way until we get to the property line and then taper it off from two or three to one. I'm not looking to build on the south side and then dead end it into the hill on a level fashion.

Commissioner Claffey: So if you are coming down with that grade, some people wouldn't take that over.

Alan Bongiovanni: I think if we are going to put a berm there to make it the same height all the way across, so it would provide the same screening.

Chairman Hall: Anyone else?

Commissioner Anest: So when you are driving in, what are you going to see? Do you have a picture of the port cochere? Okay, so this is from the parking lot? The one that you just put up?

Alan Bongiovanni: This one here, this would be looking west [pointing to image on the monitor].

Chairman Hall: We're standing in the wetlands.

Alan Bongiovanni: Yes. We're standing in the wetlands looking west. The port cochere is here, New Britain Avenue is over here, I'm standing in the wetlands over here looking towards the west, towards the southwest, this is what I see. That would be the side of the port cochere, and I believe that we do have...

Chairman Hall: Are these assisted living units? Because they look a little more residential than just rooms.

Alan Bongiovanni: They are more like assisted living. They will be like efficiencies.

Chairman Hall: That's what I thought. It's not really part of the nursing home, it's more active.

Alan Bongiovanni: It's described to me as part of the whole "continuing care."

Commissioner Aieta: The same concept as Amara.

Craig Minor: You are proposing a berm and screening from to about here [pointing to image on the monitor], and that will address the view of the person directly across the street, but what about the other homeowners? They are still going to be able to see this large expansion. Did you consider adding some landscaping across the entire front of the parking, because you also have this parcel? You could continue the screening for the benefit of the other homeowners as well.

Alan Bongiovanni: The argument as I understand it is that they don't want to see the cars. It wasn't the height of the building. This is all wetlands here, so I don't have enough nerve to ask our Wetlands Commission to do anything in that location. This here is going to be a part in our storm water quality structure. I'm sure we can add some landscaping along there, but I think it takes away from the appeal. I think the owner would say, why do I want to hide my building? I'm putting this beautiful structure there.

Craig Minor: I'm sure he won't. The owner cares about what the owner cares about. I'm concerned about the homeowners across the street.

Alan Bongiovanni: If the Commission feels that there should be some landscaping there, I would take your recommendation, but I think that's excessive. I think they are making a significant investment and I think you are taking away some of the benefit of that.

Chairman Hall: Isn't your sign there?

Alan Bongiovanni: Our sign is in this location. We're going to relocate it a little bit because of the grading.

Chairman Hall: Is it going to look like the sign you had approved that never went up?

Alan Bongiovanni: Our intention is to leave the same sign. We just showed a new location, just relocate that sign. I haven't been told otherwise.

Craig Minor: Mr. Bongiovanni is approaching this from the applicant's point of view, and that's fine, that's his job. But I'm approaching it from what is best for the residents, and although I don't know who lives in which house, my understanding is that the neighbors are concerned about the encroachment of what used to be a small nursing home fifty years ago to something much bigger and very close to the street. I don't think it's unreasonable for the homeowners to ask, and maybe I'm projecting onto them, but if I was a homeowner I might not want to look at this big commercial building in my R-20 neighborhood. It is a very attractive building, but it is in an R-20 neighborhood.

Commissioner Aieta: Can you carry the berm over there, or some plantings, some trees?

Craig Minor: I would like the applicant to put himself in the position of the residents and propose something voluntarily, and not just say, well, I'll do whatever I'm told to do. I would like him to take ownership of his obligation to the residents across the street. I'm sure there is room for compromise.

Alan Bongiovanni: I'd be happy to look into that. I want to discuss with the owners and see what they would be willing to do. Again, I can't unilaterally tell you that he is willing to screen the whole property...

Craig Minor: This is a special permit activity and it's up to the Commission to decide whether the applicant has satisfactorily buffered it from the residents. At the moment we are talking about site plan approval, but the context is the special exception. That's why special exceptions are special exceptions, because approving an activity in one area of town might be a no-brainer, but in another area of town, it may need a little more thought, a little more creativity.

Commissioner Claffey: Three things. From what I heard from the public tonight and at the last meeting they have an issue looking at cars, looking at parking. Currently they look at cars that double park up the right hand side of the green drawing there, in the mud. They currently look at cars that are parked in a residential house that is currently there that park in the driveway, four to six cars at a time, eight to ten cars on the right. So they are already looking at cars that park in an area where they want to put a parking lot because they have an issue with parking, what I heard was that they didn't want to look at the cars. They currently look at the cars to begin with, it was not an issue before someone came in and said, we want to put on an addition.

Secondly, explain to me why tonight we are talking about a site plan, but a few minutes ago we were talking about a special exception which is not part of this site plan review? I will go back as to how this got discussed with the Amara project when we did discuss it like that, we

were shunned and told not to because it is almost conflicting what we are doing here. So if we are doing the site plan, why are we talking about the special exception?

Craig Minor: Technically we should just talk about the minimal requirements under the site plan section of the regulations for a nursing home, but the reality is, it is...

Commissioner Claffey: I know that they are compatible, but in the same jurisdiction in this town, and the same type of business, we fought tooth and nail with everyone that we shouldn't discuss this, we shouldn't discuss that and now we have the same exact type of building, same exact type of issue, how it's going to look, what the site plan and special exception and we're kind of putting two things in one. Is there a way we eliminate the next time a Middlewoods or someone else who has the same style building, same facility is under a special exception, I mean, this is twice in less than six months we're fighting over the same thing. Now we are putting the onus back on the owner I mean, you're going to be here the fourth time on this project?

Commissioner Aieta: In the past we used to take up both of these simultaneously; you can't separate them because the special exception and the site plan go hand in hand. I don't know how you could look at one without looking at the other. I mean, in the past we used to hear them together and that's what I thought we were doing here. You can't lump them together on one application, you separate them because one is a public hearing and one is not. But they go hand in hand.

Commissioner Claffey: They go hand in hand but we are told at previous meetings, don't think about what the building is going to look like. My third point is, which in defense of the public, no one objected to the site plan, but now we are talking about how the building is going to look. That is kind of what I heard here.

Commissioner Anest: I don't think they are talking about how the building is going to look, I think...

Commissioner Claffey: He just said it. The general public, the impression of that building coming out, what they are looking at, and now you are all talking about adding a berm to cover the look of the building. This is exactly what happened with Amara. This is exactly what happened. You are throwing conflicts when we are trying to decide one, and you want the public input, but they are not here for that. They all left.

Commissioner Serra: First of all, every building is different. It's all different, same type of business, it's all different.

Commissioner Claffey: Not this. Special exception, Amara; Special Exception Bel-Air Manor. Are they not the same?

Chairman Hall: Amara did not have residents across the street. I think that is what makes this unique in the sense that this was residential versus commercial.

Commissioner Claffey: So is every other one that I know of, in a residential zone. That excludes Cedar Mountain. So, Middlewoods, is that residential zone?

Chairman Hall: PD.

Commissioner Claffey: We're back at the same concept of what is going on here.

Commissioner Anest: There is certain criteria that they have to meet for a Special Exception.

Commissioner Claffey: And that's what I thought we were here for the site plan, not the special exception.

Commissioner Anest: We are, and the site plan is, we are talking about what the site looks like.

Commissioner Aieta: Beyond that, the residential, when you have this type of a commercial use in a residential zone you have to have buffering between the commercial and the residence. You didn't have that up at Amara.

Commissioner Claffey: But did you have that with the current building. It was built in a residential zone.

Commissioner Anest: We didn't have a special exception hearing. I mean, all there was was a site plan back then. They skipped the special exception.

Commissioner Claffey: So they didn't have any buffering requirement.

Commissioner Aieta: There is always a buffering requirement between commercial type uses and residential, and we're not asking for something, we're not asking him to build the Great Wall of China.....

Commissioner Claffey: Well you asked him to do something, he's done that, come back, and now he mysteriously has new requirements.

Commissioner Serra: The residents also asked for a left turn only, and we didn't go anywhere with that. I mean, we're trying to be fair, we're trying to make it reasonable for the residents. I understand that Mr. Bongiovanni has been back several times, it's the nature of the beast, and I think we are close to being there, I think we are, and now I think we are just splitting hairs over, I mean, we're talking a few more trees, and I understand that it is expensive, to protect a few more residents who aren't going to come here and argue this, or aren't going to go along with this, isn't that worth the price of holding this up longer to keep discussing this?

Commissioner Claffey: My point to keep discussing Commissioner, each time we keep discussing it we bring up new items. I mean, what's new?

Chairman Hall: That's the whole evolution of the application. That's what we do.

Commissioner Serra: That's why we are here.

Commissioner Anest: And, we are discussing the site plan. We didn't discuss the site plan last week, two weeks ago.

Chairman Hall: This is how it works. Things change.

Commissioner Claffey: How does he come back with a whole new site plan, has to change his proposal. That wasn't here last week? The new trees, the double....

Chairman Hall: Correct. We sent him back to come back...

Alan Bongiovanni: Part of the evolution is from the public. I'm going to present, at the next meeting, a revised landscaping along the whole frontage. I will talk to my client about adding

additional buffering along the east side of the driveway along the frontage and then everybody will be happy at the end of the day. We'll work toward that.

Commissioner Aieta: We understand that. We are not looking for you to put up a wall, you know, you have done this a thousand times. You know what we want.

Alan Bongiovanni: Absolutely.

Commissioner Aieta: We have to satisfy the neighbors and get the best that we could get to put this huge expansion onto this property.

Commissioner Camillo moved to leave Petition 28-15 open until the next meeting. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Hall: We will see you on the 28th.

Alan Bongiovanni: Thank you very much.

Chairman Hall: Thank you.

C. Discuss TOD Text Amendments.

Craig Minor: Would the Chairman like me to read my memo?

Chairman Hall: Sure.

Craig Minor:

"As expected, many of the residents who spoke at the TOD forum on September 24, 2015 are against any additional high-density housing in the Newington Junction neighborhood. Newington Junction is currently a mixed-use neighborhood so people don't seem to be opposed to more retail, professional offices, restaurants, and employment opportunities.

But, as expected, many people complained that they still don't know exactly what "TOD" is. Several people acknowledge that it's the fear of the unknown that is causing anxiety. Other people said they want to know what their development choices are before they express any preference.

The first two issues (lack of knowledge, and the fear of the unknown) will be overcome once the TPZ begins holding the open meetings and workshops that we have always said are coming. I think a good way to begin is by conducting what's called a "visual preference survey."

A "visual preference survey" is a way for a TPZ or other organization to find out what type of development residents want to see. It consists of a set of photographs of buildings, streets, sidewalks, shopping areas, parks and other examples of a neighborhood's built or natural environment. The images are usually taken from within the community, although some images may be from other areas if a certain design principle (such as high density housing) cannot be found in the survey area. The photos are shown to residents at public workshops and meetings, or on the Town's website. Residents rate each photo on a scale from 1 to 5. The score for each photo is calculated and the results are

presented to the participants. In this way, the residents build consensus on what kind of future development they would like to see in their neighborhood.

Attached is an example of a rural VPS and the results of an urban VPS. I will bring hard copies of these examples to the meeting on October 14, 2015."

The rural one that I gave you is a pretty good example. It's of a rural area, but the concept would still apply to Newington. Businesses are shown a series of photographs [pointing to images on the monitor], and participants are asked to rate them, what they think of them. In Newington's case we would have similar types of photos, and after the public has had a chance to indicate their preferences, the results are crunched and we end up with data indicating what it is the town, the neighbors, would like to see.

This is a very urban example of a VPS that was done [pointing to images on the monitor]. The data was crunched and it resulted in these great pie charts showing what people liked and what they didn't like. I'm just going through this very fast, but I can make this available on the town website if citizens would like to see it again, as an example of a Visual Preference Survey. My suggestion is that we do something of this sort. That's all I have for the moment.

Chairman Hall: Commissioners?

Commissioner Anest: I like this and I wish that we had something like this at the September 24th hearing. I think we weren't as prepared as I personally would have like us to be. I would have liked to see slides so people knew, when you did your introduction, instead of just a definition of TOD, that we show different examples of TOD. The next time that we have a public forum again I think that A, we need to be better prepared, and B, I really like this but I don't know how we would do this. We shouldn't do it on the web site and have people going on the web site to do it. And there are still people who don't have Internet access, especially older people. If we are going to have work sessions, have this available at a couple of our work sessions, so people will come in and sit in the back and do it. I think that would be the best way to do it. Have it for a couple of meetings, not just do it once, but give people the chance to participate.

Commissioner Sobieski: Mr. Planner, would this involve taking houses?

Craig Minor: No, it's just showing citizens photographs of things and then asking them to vote on what they like what and what they don't like.

Commissioner Sobieski: I understand that. My point is, we have very little or no vacant land at Newington Junction.

Craig Minor: You are jumping ahead. All this is is an opportunity for people to indicate what kind of development they would like to see. That's all it is.

Commissioner Aieta: We also have to describe the area that we are talking about. There are areas that are inside the quarter-mile radius that are developed already and have single family homes on them. So, are we saying that we're going to rezone an area that already has houses on it? Are we looking at just vacant land, or are we going to zone a whole area, that whole radius, the half mile radius.

Craig Minor: All this is is an opportunity for people to show, to vote on what kind of development they would like to see, and what kind they wouldn't like to see. If you read a

whole bunch of stuff into this we will never get going. We'll just keep going in circles. This is just a starting point, just a kickoff.

Chairman Hall: I think maybe we call it a "vision". What we tried, when we had that meeting, was to find out from the public what they wanted. What we found out was they don't know what they want. So this next step would be, all right, if we were to develop, what is your vision, or your preference? By showing pictures we get a better read as to what they think it should look like. Has anybody been to Portland, Maine? That was an old factory area, and it was disgusting. It was rundown, it was horrible. Now people come from all over to the shops, restaurants, museums. Is that what they have in mind? Do they have anything else? You get the answers, you collate it, and you will have a better idea of what people think. Now, this is dependent on two things. First, that people show up and give us an answer, and second, that they are willing to talk. We had at least twenty-two people sign up, but fewer than half of them were willing to speak. Again, they thought it was an attendance sheet, even though it said at the bottom that if you wished to speak sign here. We have a huge learning curve here, and this is one way to try to get some answers.

Commissioner Anest: I think people would be more apt to say something on paper than give their opinions. Some people are afraid about what is going to happen to them if they speak one way or another. I think you are going to get more participation with this. You have to remember, we can do an overlay. I don't even want to touch the residential. I mean, you're thinking, Spring Street and Day Street; those areas really could use some redevelopment, and that's where I would visualize all this happening. I don't want to touch the residential areas at all. But, let's get a vision of what these other areas should look like, and let's get a lot of input. This is definitely going to change the characteristic of Newington - Newington Junction as well as Cedar Street. We just have to be attentive and listen and do it right, and not affect the residential properties.

Chairman Hall: The other thing I would like to know is whether people have been on the bus. If you have been on the bus and you look out the window, what do you envision this to be? This is the corridor we are talking about, whether it be rail, bus, whatever, but that's the site. Some of these people who are talking to us and are so fearful, I'm sure many have not been on that bus; they don't know what we're talking about.

Commissioner Sobieski: What I have heard from people is, where is this "hundred acres" that is developable. There are a lot of wetlands in there, and one of the town councilmen got up and said, you don't understand, there's a hundred acres there without touching any residential. People are starting to ask that question. Can the Planner or somebody give us an answer on that, or get them an answer on that? They ask me, and I say, I have no idea.

Craig Minor: I'm not sure either.

Commissioner Sobieski: Well, that was said at the meeting.

Commissioner Anest: It's been said several times.

Commissioner Aieta: You have a parcel that runs along Willard Avenue from Mike's piece down to Spring Street and in the back there where you could put some type of redevelopment.

Chairman Hall: But you can't see it from Willard.

Commissioner Aieta: The portion south of Francis Avenue, that whole residential area, I wouldn't even want to get involved with that.

Chairman Hall: I don't think they are talking about residential.

Commissioner Serra: Is there a way, I know you mentioned going on the bus, but for those who can't, is there a way that we can get pictures of that area? A video, give them a visual, "this is what you will see, these are the areas that we are talking about." So they have the visual.

Commissioner Aieta: I think they were way out of line asking what parcels we are talking about in that half mile radius. I envision any redevelopment in that area would be from Mike's piece up to Spring Street. That's what I'm envisioning, I don't see any other, unless you want to start getting into Day Street and the factory areas.

Commissioner Sobieski: Mr. Planner, the Department of Transportation has what is called (inaudible) wide unit. You might want to contact Mike, I'll try to call you tomorrow with his last name, and send that vehicle down. What it does it shoot directly in front and to the side, so you do a run down and a run back, you can get that if you want to do that. That would be something that could be downloaded to you and put it up on the Newington web site.

Commissioner Anest: I'm sure it's already been done.

Commissioner Sobieski: I don't know because it must have a number on it. That's the issue.

Commissioner Claffey: If we did something like this, say in the auditorium, and you flash pictures and they do the bubble thing, who counts the numbers and figures out what they like? Is that a system that we purchase or that someone gives us? My question is, do you do two separate or one big? You have two totally different areas.

Chairman Hall: We are just talking about the Junction at the moment.

Commissioner Claffey: But if you have the ability to do both, why not?

Chairman Hall: For Cedar Street, it's National Welding and wetlands; that is essentially what we have at the Cedar Street station.

Commissioner Claffey: But what are people envisioning? That's what I am talking about; what they are envisioning?

Chairman Hall: But what they can see, it is vacant right now.

Commissioner Claffey: When they flash a picture in front of them with two distinct areas, we have already taken our moratorium and split it in two.....

Commissioner Anest: So we should do two separate visuals. One for Newington Junction and one for Cedar Street.

Commissioner Claffey: That's my question.

Commissioner Anest: Yes, oh yes because they are two separate areas. You are absolutely right, they are two different areas.

Commissioner Claffey: Mr. Planner, who does this study? Is it somebody that we have to hire? Is it part of that consultant...?

Craig Minor: I wasn't going to spend a lot of time researching this before running it by you, but now that I know that this is something that you would like to do, I will come back to you with information on how to actually conduct one. There is a cost involved; hiring someone who does this for a living.

Commissioner Aieta: Using pictures of Newington?

Craig Minor: These pictures are not chosen at random. The first one [pointing to images on the monitor] shows traditional style houses right up on the street. The second one shows a conventional subdivision. The third one is an old house that has been split up into apartments; here's your typical apartment/condominium type of building, this looks like a strip mall, a traditional downtown, one big box and another big box. But we would use specific photographs to get people's reaction to the kind of development that could potentially take place up in up in the Newington Junction area. I was hoping you would like this idea.

Commissioner Claffey: When we do this...you said they use pictures from within the town. Wouldn't that be a bias to what you already know? If you show a picture of a Lowes that they see every day, compared to some Lowes that they don't see every day, you are going to get two different perceptions on that. I would strongly suggest that you not use pictures of your town, because a new Lowes that is being built, that could be built right at Newington Junction, take up the whole thing would not even look like the Lowes that we have. I think the Wal-Mart in our town, no offense, doesn't look as good as the Flatbush Wal-Mart.

Commissioner Anest: Well it was supposed to be upgraded, but it didn't happen.

Commissioner Claffey: But be cautious of using pictures of something that the people have already seen, because you are not going to get a true neutral opinion on it. Look at the people who were at the public hearing for this, or the public information session, it was the same demographics. It wasn't a mix of demographics, no offense. Let me tell you this, when you're in Hilton Head Island, the McDonald's in Hilton Head does not look like the McDonald's on the Berlin Turnpike. You don't even know it's there.

Commissioner Anest: Yes, but we can set design standards so a McDonald's can look like, well, look at the CVS in Glastonbury. I wish our CVS looked like that. They have design standards for their village.

Commissioner Claffey: The reason that I'm bringing this up is that you are in a, especially around Day Street, Francis, and West Hill...

Commissioner Camillo: When the Newington Junction committee had the consultant come in, they did plans for the inside track of Newington Junction from the property line of the houses. Their ideas were commercial, retail; a destination, and it actually looked better than Blue Back Square. If they had showed everything that they had, I don't think we would have had the reaction that we had.

Chairman Hall: It got off the rails really fast.

Commissioner Anest: Maybe you could use the snapshots from that.

Commissioner Camillo: We have already paid for that, and it's there. There was housing, which we don't want, but there were other kinds of destination, and you have the train station coming there too. No one is talking about that, but it is coming.

Commissioner Serra: One of the people at the meeting said something about an entertainment district which I thought was a great idea. Bring people in, let them spend their money, and get them back on the bus.

Commissioner Anest: We want visitors in our town.

Commissioner Camillo: A developer is already looking at the area from Holo-Chrome, Stop and Shop down. There are just a couple of pieces between that and the Junction.

Commissioner Serra: Clinton Commons is a good example. Take a couple of pictures of that, something like that.

Chairman Hall: Evergreen Walk also, and there is one in Canton. That gives you a little bit of direction.

Craig Minor: Okay, good.

D. Discuss Reinstating Previous Auto Related Use Regulations

Commissioner Aieta: We should move that to the special meeting.

Craig Minor: The 6:00 meeting?

Chairman Hall: Yes, give it an hour.

X. OLD BUSINESS

None

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

None.

XII. TOWN PLANNER REPORT

a. Town Planner Report for October 14, 2015

Craig Minor: Galaxy Carpet: the owners have agreed to remove the wind anchors, and they also have agreed to replace the solid door on the side of the building with a glass door that they say is along the same lines as the front of the building. When they do that, they are eligible for the amount of signage that they have asked for.

Commissioner Aieta: I agree with you Mr. Planner that they will be in compliance, but it is after the fact. We used the side of that building as part of their calculations when in fact that door was not really a public use, because if you went inside, they had merchandise in front of the door.

Craig Minor: Really?

Commissioner Aieta: Yes. So we made a mistake and we are trying to fix the mistake by saying, by convoluting something that is not right, because that building is way over-signed. It really is, we all know it. They have signs going down the side of the building, painted signs, they go out of their way to violate the sign regulations. It's not a good situation. It's like, if

you want to get something beyond the regulations, if you do what they do, violate, violate, violate, then we cater to letting them...

Craig Minor: No, we did what we do when someone violates the zoning regulations. We gave them the opportunity, which we have to do by law, to come into compliance, and that is what they did. They misled, maybe that is too strong a word, they gave Mike misinformation, or they led Mike to believe something that maybe wasn't the case, and when Mike found out he told them, look, you need to make a change, because what you did does not comply with the regulations, and so they did. They took out that solid door and they are replacing it with the kind of door that it should have always been. It's not like they violated it and we caught them and now we're making....

Commissioner Claffey: But did we give them the answer to their problem?

Craig Minor: We told them what they had to do to comply with the regulations.

Commissioner Claffey: So it is our right, as a town to tell people how to comply their buildings, to exceed, or meet, it's not their right to come to us with their solution to their problem?

Craig Minor: I don't understand your question.

Commissioner Claffey: Our Zoning Officer told them what they had to do to bring their building into compliance.

Commissioner Camillo: No, he told him why he wasn't. He said the door was there, and it wasn't a public...

Commissioner Claffey: But isn't it the applicant's responsibility to make sure that what they do is in compliance, and not us telling them what they need to do?

Craig Minor: It's both. It's the real world.

Commissioner Claffey: Well, the real world is, they violate the code every weekend, but now we are allowing them to.

Craig Minor: I'm talking about the door, I'm not talking about the signs.

Commissioner Claffey: No, that door, giving them that door as an entrance and an exit gives them more signage, right?

Craig Minor: Right.

Commissioner Serra: It brings the signage that they have into compliance. They were over signed, and by making this door, it brings them into compliance.

Commissioner Claffey: Only after our officer told them how to bring it into compliance.

Commissioner Aieta: But if he went out there to do the calculations on the sign, he had to see that that door was not used as a public entrance. If he walked inside the building he would have seen that it was blocked, locked from the inside so that was a bogus way for them to get additional signage on the side of their building which is way beyond what that building should actually have for signage. That's the problem.

Craig Minor: The regulation uses the phrase, "perpendicular to the Berlin Turnpike, used for a public entrance."

Commissioner Aieta: That is not a public entrance.

Craig Minor: The language is, "used for public entrance". So, what does that mean?

Commissioner Aieta: It's like the guy, to say, no you can't have the sign there, but if you put it inside the window, we can't stop you. You're going to the people and you are trying to meet the regulations, and then you are giving them a cop out, how to circumvent the regulations. That's my problem.

Craig Minor: It's not a circumvention.

Commissioner Aieta: Yes it is.

Craig Minor: It is the regulation. They now comply with the regulations. That's what we have to do. If we took them to court, the judge would ask, "Did you give them an opportunity to come into compliance?" You would have us say, "No, we didn't give them a chance". You have to give someone who you believe is violating the zoning regs the opportunity to correct it. That is what Mike did. That is the proper way to do it.

Commissioner Claffey: But there has to be a way to stop this cat and mouse game. Like I said at the last meeting that I attended. We put these people into compliance, and the next day they go out of compliance and then the turning wheel, it starts all over again. It wastes my time, and guaranteed that they will be back out before the end of the year putting those anchors in the ground.

Craig Minor: I'm not talking about anchors.

Commissioner Claffey: But it's the same concept. They were out of compliance, they got in compliance as you are saying with the door, so now they are in sign compliance, and then next week...there has to be a way to nip this in the bud. The Berlin Turnpike looks like a carnival ride with these signs.

Craig Minor: Okay, which one are you talking about?

Commissioner Claffey: I'll use the one we are talking about, I'll use them. We gave them a way to look like a carnival.

Craig Minor: What do you mean by that?

Commissioner Claffey: It is their responsibility to look in that book, not....

Craig Minor: You have a regulation that gives buildings on the Berlin Turnpike two square feet of signage for every linear foot of a building perpendicular to the street that has a public entrance. The staff didn't make up that rule, you folks did.

Commissioner Anest: What is perpendicular to the street?

Craig Minor: The wall that is perpendicular to the street. And they now have a public entrance.

Commissioner Claffey: Which one?

Craig Minor: The one that we are talking about.

Commissioner Anest: That wall is not perpendicular to the street.

Commissioner Claffey: On a diagonal it is.

Commissioner Anest: I would not call that perpendicular to the street.

Commissioner Claffey: It's diagonal.

Commissioner Anest: No, it goes like this.

Commissioner Claffey: It's on an angle. You're right.

Commissioner Anest: Just because the building is shaped weird, it's like a trapezoid, that's not perpendicular to the street.

Craig Minor: It is in the black and white world of this regulation. In this regulation, there are only two kinds of walls: walls that are parallel to the street, and walls that are substantially perpendicular to the street.

Commissioner Anest: Then I think we should change that rule. I think we should use the word, whatever angle...

Craig Minor: If we did that, Mike would have to take a protractor on every site plan and measure every building on the Berlin Turnpike.

Commissioner Aieta: You tell me that that building, in your estimation is signed the way that we should be signing the rest of the buildings on the Berlin Turnpike.

Craig Minor: That's not my...

Commissioner Aieta: It is, it is your responsibility.

Craig Minor: What I was going to say is that's not my regulation, this is your regulation. You wrote it, and now the staff has a burden of trying to enforce it.

Commissioner Aieta: In my estimation he shouldn't have used that side of the building to make the calculations. That is totally bogus. And when we call him on it, he goes back and comes up with a way, well if you make this door, and take it out.

Craig Minor: You are impugning the character of the ZEO when you say that.

Commissioner Aieta: These are the facts, and facts are facts. He went out there, he allowed them to use a side of a building that in no way should have been included in the calculations. It's ridiculous that every week we come here and there is some, we have to cover up for the mistakes of the staff.

Commissioner Claffey: I did not start this discussion to downgrade any employee of our town. I just, in the future, when there is a controversial issue like this, and we have talked about it before, we need to just bring it to the Planner and let it rest on his choice to bring to us when it's some hot topic. I didn't mean at all to bring this up to berate the ZEO, just that it could be handled differently in the future. That's all.

Commissioner Aieta: The signs, the digital signs, the thing on Pane Road, the solar panels...

Craig Minor: Which digital sign?

Commissioner Aieta: The one in the center of town that is illegal.

Craig Minor: And it was approved by who?

Commissioner Aieta: By the ZEO.

Craig Minor: By Mike?

Chairman Hall: No, he inherited that. It was Bonnie.

Commissioner Aieta: Oh. The solar panels.

Craig Minor: He made the right decision on that.

Commissioner Aieta: No, he did not.

Craig Minor: Yes, he did. Afterwards you gave him guidance, that you want him to do it differently from now on and that's absolutely your prerogative. But you cannot say that he was wrong when he made the decision that he did back then. He will do it differently from now on because he now knows what you want, but that doesn't mean he did it wrong.

XIII. COMMUNICATIONS

None

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

John Bachand, 56 Maple Hill Avenue: I just would like to know if there is going to be another TOD public hearing, if you have set a date yet for it?

Chairman Hall: No. But there will be.

John Bachand: You keep saying that there is nothing on Cedar Street. I think there is more surplus land around Cedar Street with Atlantic Machine and the old Crest Pontiac and that half mile goes all the way up to Alumni Road. I didn't really intend to talk about Packard's Way, but since the Planner brought it up, he said the pipe is there. I think I have done a pretty good job of trying to convince everyone that when I say something I'm pretty accurate about it, so I'll give him the benefit of the doubt, but I'm sure he didn't go out there and measure. There was never a dispute as to whether the pipe is there; it was a matter of whether it came all the way to my property. As far as I can tell, it's at least a foot short. The last time that we talked about it, the Planner assured me that it would come to my property, so I guess we can at least agree to measure it. If we are going to call a foot, a foot short of my property, and we are going to call that the property to the north, then we could call it anything. I try to be factual and I try to be accurate in what I present.

You mention that the plan filing is not something that, it's just that one of the pages of the plan had the specific language, and it's nowhere else. But the plan filing is really one of the plan's conditions. It's a condition of a plan. It's a condition of approval and it actually was

required to validate the project, but we're not going to go down that road again. So I just wanted to question that part of it.

I just want to give you a little history as to why that pipe was specified by Anthony Ferrero. The water exits my property outside of the ten foot easement. He mentioned something called "prescriptive rights". That means that you have rights to drain downhill. It's part of, I looked it up, it's part of adverse possession, but basically that's why they had to put the catch basin in, they didn't want to make her move the lots over, so he said, we will bring a pipe to your property so you never have a civil case going forward. It shouldn't be a burden on me if someone blocks the water outside of the ten foot easement. If they block it in the ten foot, or twenty foot easement, ten foot from the center of the catch basin, the Town could go in there and clean it. They can't go in and clean it when it is outside the easement. I just wanted to give you that history. It wasn't designed by me, it wasn't asked for by me, it was designed by the Town Engineer for a very specific reason. Can we make a plan to go out and measure it or somehow confirm it?

Craig Minor: Yes.

XV. REMARKS BY COMMISSIONERS

None

XVI. CLOSING REMARKS BY THE CHAIRMAN

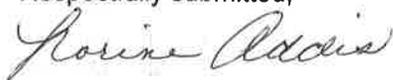
Chairman Hall: We will see you on the 28th, same time, same place, 6:00 o'clock.

Commissioner Serra: I will not be here, I will be on vacation for that one.

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 9: 55 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary