

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

December 9, 2015

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Brian Andrzejewski
Commissioner Chris Miner
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner John Bottalico - A
Commissioner Paul Giangrave - A

Commissioners Absent

Commissioner Vincent Camilli - A

Staff Present

Craig Minor Town Planner
Michael D'Amato, Assistant Town Planner/ZEO

Chairman Aieta: Commissioner Andrzejewski will be here shortly, so I will not be seating any alternate for him. I will have the Town Planner explain what your role is, and when you can and cannot participate in the debates.

Craig Minor: Alternates are seated in the place of a full member who is not present. In the case of a public hearing, alternates can participate in the discussion whether they are seated or not during the public hearing phase, but once the public hearing is closed, an alternate who is not seated should think of himself as a member of the public, and therefore not continue to participate because at that point only the seated members of the town Planning and Zoning Commission can discuss it. That's really the only aspect of your duties that are any different from those of a full member. Other than that, you can discuss anything as well as any other member, whether you are seated or not.

Chairman Aieta: If we see where there is a situation where we don't think you should participate, either the Planner or myself will advise you, but otherwise as a matter of course, we want you to participate in the meetings, we want you to ask questions and be familiar, because at times some full Commission member may not be here, and you will be asked to sit in, in their stead.

III. APPROVAL OF AGENDA

No Changes

IV. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: I'm going to do this a little differently tonight just because we have a lot of new members. I'm Mike D'Amato, Assistant Town Planner/Zoning Enforcement Officer, and I also do blight enforcement for the Town Manager's office. I want to go through a couple of things so everybody understands my role with this Commission, and the Town, and the different hats that I wear.

These are your regulations, and I enforce them. You have been provided with a report, which is part of the packet. I do that monthly. One thing I will mention about the report is that it reflects the previous month's actions. You are looking at the November report - this is the first meeting of December, so it's not current as of today. It's on a monthly basis, and because the dates fluctuate, sometimes they are earlier in the month, sometimes they are later. If you have questions about specific items, feel free to let me know ahead of time, and I will bring that information to the meeting so I can answer them directly. I have my business card stapled to them, so you all have it, so you can contact me, and if something doesn't make sense as I'm speaking, just let me know.

I also do blight enforcement, which is not part of this. You will see my name on other documents but they are separate from the zoning regulations. The blight ordinance is through the Town Council. They have separate processes, and they have different time lines and different criteria, so it's all coming through me in one way or the other but, they are separate. If you have a question about blight, I will certainly answer it to the best of my ability, later on or at the next meeting. If you have any questions about something that you have seen, just feel free to let me know, or if there is a property or something specific, feel free to contact me.

Chairman Aieta: Are there any questions or any conversation that you would like to have with the Zoning Enforcement Officer?

Commissioner Pane: Mr. Chairman, I was wondering if we could have the Zoning Enforcement Officer come to our next meeting so we could get into a little more in-depth conversation about the methods of enforcement. So we could talk about the consistency and the problem with temporary signs. Years ago Mr. Chairman, we used to have the Town Engineer and Building Official at our meetings too, and I think that it would be appropriate because I've noticed a lot of questions not being answered for the Commissioners. I'm opening that up for conversation.

Commissioner Serra: Just to follow up on Commissioner Pane, we did discuss that in the past and I think that is a great idea. I know that we have discussed having various department heads here, so we get answers, the public gets answers, and they're not waiting, so I will echo what Commissioner Pane said.

Chairman Aieta: I can tell you historically the Commission, in the past, we used to have the Town Manager, when Peter Curry was Town Manager, the Town Engineer Peter Arbour, the Zoning Enforcement Officer at that time who was also the building official, Ken Babcock. This is going back a number of years, but they attended every one of the TPZ meetings. At that time there was a lot of development going on in the Town of Newington and they attended every one of the zoning meetings.

Commissioner Sobieski: I'd also like to echo what Commissioner Pane said. I think we had a lot of questions that deal with engineering aspects and it takes us too long to get responses back, the same with the building codes, so I definitely would be looking to streamline the process. If we want to stay business friendly, that's what we need to do, but at the same

token, we need to get answers that night, or right after the meeting, before the next day if the Commissioners have questions.

Chairman Aieta: Do you want to comment?

Craig Minor: I will convey that to the Town Manager. He supervises those gentlemen and it would be his decision. I will tell him that the Commission would like to have those departments represented.

Chairman Aieta: We are specifically talking about the Town Engineer and the Building Inspector. We don't need the Zoning Enforcement Officer every meeting, but we would like to see him at least a couple of times a month. I know that he's been working Saturdays and Sundays doing enforcement on the Berlin Turnpike, on signs, so I'm hoping that he is taking some time off, maybe on a Friday afternoon, to compensate for the time that he comes in on the weekends.

Mike D'Amato: So I can be prepared, you want me to come to the next meeting, the first meeting in January, and I will be prepared to speak specifically on temporary signs. I just want to know so I can run some reports and look at some stuff.

Commissioner Pane: Temporary signs, and the method of your enforcement.

Mike D'Amato: As far as the process, start to finish?

Commissioner Pane: Yes, the process.

Commissioner Bottalico: I just have one question. I was looking at unregistered motor vehicles, and I noticed that you sent out a second notice...

Mike D'Amato: Is this on the report?

Commissioner Bottalico: Yes. I was just wondering how many, it looks like two or three months, and it hasn't been resolved yet.

Mike D'Amato: Do you have a specific property?

Commissioner Bottalico: Yes, 64 Long Street. It says, "second notice sent".

Mike D'Amato: Typically what happens is that the first notice goes out, and I give them a time frame deadline. That is dependent on the violation. If it is a temporary sign, and it just involves taking it out of the ground, it's generally seventy-two hours. If it is more involved, if it's going to require some work on their part, coordination with contractors or something, then that deadline gets extended. In many cases some progress was made but complete compliance was not achieved, so they get a second notice with a smaller time frame to complete the task. That's typically how it works. If we don't get any compliance, the second notice comes out with a smaller time frame. That builds a record, so if we do end up in a courtroom situation, the Town can show that we were reasonable and we gave them, we made a reasonable effort to accommodate them, to get something done. If we don't give them enough time it's not going to look very good for us. In this particular case, the other thing that can add a lot of time to the process is that we are required to send everything by certified mail. So if I send something out on Monday, the post office gets it on Tuesday, if the recipient doesn't claim it they are required to hold that certified mail for fifteen days before they return it. Every time I send a communication there is going to be fifteen days before the

owner even has to pick it up, so every time, that adds potentially two weeks, which is why you are seeing that.

Commissioner Bottalico: I think my question is, does the Town have the authority to remove the vehicle? You have to go to court, is that what you are saying?

Mike D'Amato: Yes. We do not have the right to tow vehicles. If they are in the right of way, or something like that...

Commissioner Bottalico: No, on the property. So we end up having to go to court then?

Mike D'Amato: Correct.

Commissioner Bottalico: Okay, thank you.

Commissioner Sobieski: Mr. D'Amato, the Shell station on Fenn Road has some of those wavy signs out there. Just saw them up there today.

Mike D'Amato: I'll check to see if they have a permit. If there are no other questions, I have one other thing for you. The Commission recently passed a new "commercial vehicle" regulation, so for the benefit of everybody in town, I created a guide that goes through and breaks the regulation down, so someone can compare the vehicle that they own or are looking to purchase to the regulations. I'm going to pass it out so that you can become more familiar with it, and also my business card, as I said, for the new members. Feel free to contact me at any time. If you have questions, we can certainly discuss them or talk about it next meeting as well. I'll be here.

Commissioner Sobieski: Mr. D'Amato, how much trouble would it be to get a list of the active permits that are out there? Would that be a lot to do? I'm just asking the question, I don't know.

Mike D'Amato: Active permits, permits are active for six months and then they can be extended upon approval from the Building Official. So, in theory, as long as someone is working, a permit can remain active for a fairly long period of time. If you are looking for me to tailor a report to show specific permits, or types of permits, I might be able to do that.

Commissioner Sobieski: What I was just looking for was sign permits, that's all. Because apparently we have a lot of stuff that is out there that we don't know if there is a permit or not out there, and it just seems, and this may streamline your process and make it easier for the Commission to see what is permitted and what isn't.

Mike D'Amato: Yes, I can generate that and have it for the next meeting, and we can look at what it would show. We are limited to the types of reports that we can run, but I can certainly show you a monthly permit report based on issued permit types.

Commissioner Sobieski: I was just interested more in the signage, because apparently we do have a problem with that, and I'd like to know what was out there, whether or not the station I just mentioned has a permit or not.

Mike D'Amato: Temporary signs are forty to fifty percent of the violation citations that leave my office. There are a number of reasons for that, and as I say, we can get into that at the next meeting. I will work with it and see if I can come up with a report that will give you what you are looking for.

Chairman Aieta: Under New Business, the Commission will be discussing the Zoning Regulations with special attention to the auto-related use and the sign regulations. That will be under New Business. Any other questions for the Zoning Enforcement Officer? Thank you very much.

Mike D'Amato: I'm going to leave some extras of the guide I just handed out. For the benefit of the public I'm going to leave them out front on the table where the agenda is, if someone wants to take one.

Commissioner Pane: Thank you Mr. D'Amato.

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

Rose Lyons, 46 Elton Drive: Welcome back to all of the older Commissioners, and the new ones also. The first item I have, in September I called our ZEO about my concerns about the ED, the Electrical Vehicle Charging signs that were attached to the entrance signs for Constitution Square and I want to thank him for his prompt response to my phone call. He returned the call and told me basically that he had taken a look at the signs and also he thought since they were town signs they weren't going to fall under any specific requirement as far as any regulations, because the town is exempt, and the town sign code doesn't say that you can't attach one sign to another. I had voiced my concerns at Economic Development regarding the sign as well and was told that the Facilities Manager was the one who had the signs attached.

I have a copy of Administrative Letter 35, dated September 23, 2004 and it's entitled "Sign Standard, Town Owned Facilities, Buildings, park and their respective features. Ed Meehan, the former Town Planner, presented this information at an Economic Development Commission meeting many years ago when the signs that I'm concerned about were being discussed. I believe the signs that I'm questioning fall under subsection B. What I'd like to do is perhaps give the Town Planner and the Chair of this committee a copy of that, and maybe have somebody take a look at it and see if in fact there are any provisions or not provisions for attaching signs to town signs, and if you are in the process of doing your regulations, maybe something can be done to address it. I get very confused with this matter, because I know the town is exempt. I know the high school put up a sign and they didn't have to come before you. It says at the end of this letter questions regarding the specifics of this policy should be directed to the Town Manager and/or the Town Planner. So my question at that point is, who gets the final say on what gets attached and how the signs are put up?

One other thing, just quickly, I happened to go down Francis Avenue to go to Willard Avenue and I went by the old Cashway Lumber and I noticed that it kind of turns, looks to me like a junk yard. I'm just wondering, I guess that is something that I would talk to the ZEO about? That's about it, thank you very much.

Chairman Aieta: We'll try to answer some of the questions under Commissioner Remarks.

Rose Lyons: Thank you.

Chairman Aieta: Anyone else from the public like to speak on anything that is not on the agenda?

Donna Guerrette, 58 Church Street: As a first time newcomer, I think it would make sense to folks like me for you to introduce the panel so we can get a better understanding of why we are all here. I came because I got a letter in the mail.

Chairman Aieta: Can I ask you what the letter was in regards to?

Donna Guerrette: The letter is in regard to the temple next door to my home. Again, I don't know what I'm supposed to do, what I'm supposed to say, so I would think introductions would be important and just understand as far as new comers like myself, like what really, this is my first time, I've lived in Newington for probably twenty some odd years. Mr. Bottalico, our kids played baseball together. I don't think you have ever seen me at one of these hearings, and I don't know what they are about, so I think a quick briefing with respect to what this is all about would help me. I don't want to speak for anyone else.

Chairman Aieta: On the agenda after Public Participation is a Public Hearing on the specific reason that you got a letter for. You got the letter from the Town because you are an abutting property owner.

Donna Guerrette: But there are other people speaking about, you know, I can talk about my house, you know, I don't have sidewalks in front of my house, I mean, I could go on and on and on, but I didn't realize this is the place to voice my opinion is what it says.

Chairman Aieta: Under this portion of our hearing you can address the Commission, and if you have a question, we'll try to answer it. This is a formal meeting of the Town Plan and Zoning Commission. We meet twice a month, and we enforce the zoning laws in the Town of Newington. As far as membership on the board, everyone has a name plate, except me.

Donna Guerrette: I don't think I'm the first new person here, so I would like to thank you.

Chairman Aieta: Is there any other public participation at this time? The liaison from the Council is here, Councilperson Anest; do you have anything to report from the Council?

Carol Anest: Not tonight.

Chairman Aieta: I recognize the Mayor is here in the audience, does he have anything to say?

Mayor Zartarian: Just dropping by to say hello.

VI. PUBLIC HEARING

A. Petition 41-15: Special Exception (Section 3.2.9 Adult Day Care) at 26 Church Street. New Life Adult Day Care Inc., applicant, Vaishnav Parivar of Connecticut Inc., owner, Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact. Continued from November 12, 2015.

Commissioner Pane: I apologize for any mispronunciations of the names in the reading of the notice.

Chairman Aieta: This is a continuation of a hearing opened in November. Is the applicant here, or the applicant's representative?

Attorney Paul Doyle: Good evening, my name is Attorney Paul Doyle and I'm here tonight representing the applicant, New Life Adult Day Care, Inc. As I previously stated they would

like to establish an adult day care at 26 Church Street. As the Commissioners are aware, we held the first public hearing on November 12, 2015, so we are here tonight solely for permission to operate an adult day care at 26 Church Street. We are not here for any other issues in the sense that, at the last hearing, some issues were raised by the public about how religious events were conducted on the premises. Again, that is an issue separate from tonight. Tonight we are discussing an application for an adult day care center. I think it is appropriate, after the last hearing make a few brief remarks because I think at that last hearing the Commissioners were concerned about some issues that were presented, so I just want to provide the Commission with some updates as I stated I would at the last meeting.

Chairman Aieta: Let me interject, for the people who are here for this application: we don't want to co-mingle events from the church with this application. You may speak if you are in favor or opposed to this application for an adult day care operation, but not to any of the events that happened in the last month or so, at the church. That's a separate issue. We're not here for that issue, we're here specifically for a special exception for the adult day care.

Attorney Doyle: I have two updates. This week on Monday, Mr. Roger DeSai, the president of the temple, which is the landlord, not the applicant, met with the Fire Chief, the Police Chief, Officer Jamison and Mr. Minor to talk about the concerns raised at the last hearing. We tried to work together to come up with, this was a free-form discussion, we were talking about some of the concerns raised, and without getting to a detailed discussion here, at the end it was decided that the temple (not the applicant) should conduct a public meeting with the neighbors. Today a certified letter was mailed to the sixteen abutting neighbors inviting them to a meeting next week, Wednesday, December 16, at 7:00 p.m. at Town Hall, in this room. This is not a government meeting, it is just a meeting with myself and the temple representatives. It's a public meeting, but informal. It is an opportunity for the temple people to meet with the neighbors, to hear their concerns, and try to come up with a consensus. We are going to invite representatives from the Police Department, Fire, and Mr. Minor. We hope they come but they don't have to. The Commission can make a decision if they want Mr. Minor to attend. It's an informal meeting, it's an opportunity for the temple to hear from their neighbors, in a much less formal meeting than today. That was mailed by certified mail today, so they won't have it yet. I mailed it today from my law office in Rocky Hill, at 4:00 p.m., so you may get it tomorrow, you may get it Friday. But I can say again, next Wednesday, December 16th, at 7:00 p.m. I'm not going to focus any more on the concerns raised at the last hearing about the religious events. They are legitimate, and the temple is taking them seriously, but that is not the issue tonight.

What we have tonight is the second public hearing on the application for a special exception to operate an adult day care center at 26 Church Street. At the last meeting the Commission was frustrated with some of the plans we provided. We have new plans, we have colored plans to be handed out.

Craig Minor: They have them.

Attorney Doyle: We also have calendars that provide further evidence of the operation.

Craig Minor: They already have those plans. I just passed them out tonight.

Attorney Doyle: With me tonight is the applicant, Dr. Sachin Patel. He is the actual operator, if this Commission approves it. He currently has another adult day care operation in Lowell, Massachusetts. He's the expert. He will answer questions from the Commission about how the adult day care operation will operate. We are talking about adult day care that goes from 7:00 a.m. to about 3:00 p.m. during the week. We are here tonight to try to get a special

exception from your Commission to operate the adult day care at 26 Church Street. That's really only the first step.

The temple is currently under renovation, and if the Commission were to approve our special exception, after the renovations are complete, there will be a CO issued for the day care. Then Dr. Patel will petition the Connecticut Adult Day Care Association to issue a certificate. They would come to the premises, do a site review, examine the staffing ratio, and they would issue a certificate. That process can take anywhere from a month or so, but it could take longer.

The third step after that is Dr. Patel would have to petition the Department of Public Health for a license. To get from them a certificate to operate an adult day care, they would verify the staffing levels, how we are going to care, is there enough room, but that is really not the main issue for your board. The State of Connecticut is going to get into licensing the operation of the adult day care, staff ratio, so it's anticipated, if your Commission approves it, when all those steps are complete, it's anticipated that the day care will probably open in the fall. So there is still a long way to go because of all these other hurdles.

I want to say that I appreciate your time, and again, we are just here for the adult day care center. We are not here for the other issues. In a good faith effort the president of the temple is also here tonight. He's the landlord to the applicant. Dr. Sachin Patel will answer the Commission's questions about the operation. I thank you for your patience and your acknowledgement.

Dr. Patel: Thank you for this opportunity. Unfortunately I was not able to come for the last meeting. I heard about the issues, but those are totally different from the day care; they are the landlord, and we are the applicant. Section 2.9 categories allowed in the special exception, in this district. We have submitted a site plan along with a floor plan. We will have the day care from 8:00 to 3:00. On weekdays the building is unoccupied during those hours, so during the day, we will be using the building only ten percent of the time, only Monday through Friday. My field is health care, and everybody knows that health care costs are going up and up. We have so many people who every day need help. There is no (inaudible) nursing home. Many people want to stay in their home and not go into a nursing home. So this kind of care serves both; first it is good for the health care department, instead of a nursing home, the cost is almost one fifth. It saves hospital care, and they can spend the longest period of time in their home. The children, they can have freedom in their busy schedule. They can go out, and they don't have to worry about their parents, or their folks.

Right now, according to the Connecticut Day Care Association, there are forty-nine adult day cares in the whole state of Connecticut. There are many elderly care, I did review, and there are some charges, Monday through Friday. These folks will be inside the building. They will have transportation service, and once they come into the building, they will get nursing service, they will get nutrition service according to their diets. They will have recreational activities for physical and mental health, and there will be social support from a social worker who will help them with their social needs. Also there is an activity director who will help them with their daily needs. So they will be busy. Our transportation will take them home, and drop them off, so there will be four or five buses in the morning; not buses, vans, they will come in the morning between 8:00 and 8:30, to drop off the people, and they will be taken by the staff inside the building. All of the activities will be happening inside. The vans will park in the parking lot, and none of the people will be coming by car. They will be coming from Newington and the surrounding towns. This is not like a social club or (inaudible) activity.

Attorney Doyle: In conclusion, we are providing respite care for family members. The concept is caring for our elderly that have dementia or Alzheimer's. It's a real challenge.

Basically it's a situation where if the wife or the husband has Alzheimer's or whatever, the wife can get respite care; the person can be picked up, say at 8:30 in the morning, have full activities during the day and go home at 3:00. It is really beneficial to the spouse that remains home. The capacity is up to 75, but it's not going to be 75 cars, it will be vans. The pickup is important to families too, so the spouse at home doesn't have to drive; the person with dementia is picked up and the person remaining home can get a break and take care of whatever they have to do. So, it's pickup, drop off. It's certainly an increasing need with the number of people with Alzheimer's and dementia increasing statewide and nationwide. It's an interim step before people have to be placed in a nursing home. We know the costs of nursing homes, so again, thank you Mr. Chairman.

Dr. Patel: As Paul mentioned, there is a large demand for day care. When I go to nursing homes, the quality of the care is not good, the health care cost is increasing, so the state is looking for this type of alternating care.

Chairman Aieta: Does the Town Planner have any comments, questions, or anything to add?

Craig Minor: As Dr. Patel mentioned, you have the drawings in front of you. This is the floor plan [pointing to sketch on the monitor] that they submitted late last week, and this is the site plan of the overall property. If the Commissioners have any questions about either of these two sketches, this might be the appropriate time to ask.

Chairman Aieta: At the last meeting, the Commission felt that we needed some explanation of how these entities intermesh. The landlord that owns the building, the property, you have a congregation that rents the property from him, and now the congregation is going to sublease to another entity. This is under a special exception in a residential zone, so we need some explanation as to how this is an accessory use to the congregation, not a separate business opportunity in a residential zone. I'd like to know how you are separating these entities, and how you see it as accessory to the religious organization. A lot of churches have adult day care run by the parishioners, run by the congregation itself, it's not a separate entity, it's not a business entity, so I want to know if this is for-profit or not for-profit. You are going to have employees that are going to be paid, so it's a business. This property was zoned as a special exception for religious organizations, at the time when it was a synagogue, transitioned to a temple, we understand, we have no problem with that. But now it looks like we're getting into a situation going beyond the religious capacity, we're into having a business in a residence zone. This is not like a home occupation, this is a real business. The Commission needs to understand how these different entities intertwine. Make us comfortable that this is something that is even legal.

Attorney Doyle: First of all, I will identify the parties. The New Life Adult Day Care Inc. is the applicant, and Vaishnav Parivar of Connecticut is the owner, but that is the temple; there is not a corporation. The landlord is the temple. You have an applicant and you have the temple. There is no third entity.

You ask why would the temple bring in an outside party to operate the Adult Day Care Center. To be honest, the regulations of the State of Connecticut are so complicated that it is very difficult for the members of the temple to have the knowledge and expertise to operate an adult day care center. As I mentioned earlier, this is the first step toward opening. You have the Connecticut Adult Day Care Association, and then the Department of Public Health. We all know they are very thorough and analytical and it would be hard for the members of the temple to pursue the application. We're not talking about just a simple, you know, seniors walking in and out; these are seniors with Alzheimer's and dementia, certainly a lot of them need help, and you have to have nurses on the site. I think it would be really hard to have the temple members and myself operate one of these. I couldn't do it.

The temple has health fairs for the public, I don't know if the Commission members are aware, I've gone to it. They have free health fairs for the public, and this is really an extension of their commitment to the community. They thought there is a need for more adult day care. The temple's board of directors thought about it, and realized that they were not capable themselves of operating it. So they brought in New Life Adult Day Care Center who has the expertise to provide these services.

The Chairman is technically correct when he said it was a business, but really, it's a health care provider. We're not talking about a business that's making something. We are just providing a service to the public and really, the members of the temple don't have the requisite knowledge or skills to operate it, so it's a true public service. I believe other churches operate similar day care operations in the State. It was a good decision by the temple to utilize the building during the day to achieve an important need for the public.

Dr. Patel: The Connecticut Adult Day Care Association and the State of Connecticut are in charge for adult day care, but they are (inaudible) and there is so much liability also. An in depth knowledge, it's like a thousand pages of policies and what we must do.

Chairman Aieta: We understand that, but the problem here is that this church is in a residence zone under a special exception. We don't know what the locations of the other churches are, they could be in different types of zones that allow day care not under a special exception but as a right. This is a special case where it is in a residential zone, so that's why I'm asking the question. We don't allow businesses in residential zones, and this is, any way you cut it, it's a separate entity. I'll open this up to the Commission for their comments.

Commissioner Sobieski: Under your plan here, I don't see any handicapped parking. Everything is labeled regular parking, so I'm wondering, don't you have to have that under state law?

Dr. Patel: The handicapped parking is here.

Commissioner Sobieski: Can you tell me where? That's what I'm questioning.

Atty. Doyle: The president of the temple is here; he can provide details.

Roger DeSai: Here where we have the entrance [pointing to the site plan on the monitor], we have seven handicapped parking spaces that is marked here. Altogether we have seven parking spaces for the handicapped.

Commissioner Pane: Stan, they are on the left hand side of the driveway as you pull in.

Commissioner Sobieski: Does that interfere with emergency apparatus going up there, if there are people parked there? That was my second question. I'm looking at the floor plan here, and you are going to have roughly 75 people in this day care. What would be the ratio of staff to these people?

Dr. Patel: Under the Connecticut Day Care guidelines we need 40 square feet per member, you cannot count the bathroom, hallway, and kitchen. So 40 square feet per member. And for each seven members you need one staff.

Commissioner Sobieski: So one staff for every seven members.

Dr. Patel: Yes.

Commissioner Sobieski: The facilities here, I'm looking at the ladies room, there are three stalls there, men's room has two, and I believe there are three urinals. Is that correct?

Dr. Patel: For every 25 members you need one handicapped toilet. So, there are three handicapped toilets, and the three urinals, so every 25 members you need one handicapped and one regular toilet. We have 5,300 square feet, so if we go forty square feet per member, still we, would limit to 75.

Commissioner Sobieski: So basically what you are telling me is that even though these shaded in areas here are going to be used, like the dining room, the activity room, the quiet room, and the nurses quarters, they are actually going to have use of this entire property, is that what you are saying?

Dr. Patel: Yes.

Chairman Aieta: Looking at the plan, you should check the codes, because I don't think it meets the ADA codes. Check the one that is near the electrical area - I don't believe that you have a five foot radius in that room. Not with the way that the door is swinging. Just check that because there are specific codes for ADA. Any other Commissioners?

Commissioner Serra: I know you said you are going to have one staff to seven clients. What type of staff is that? What type of training of medical staff do you have to have? Registered nurses, LPN's, doctors?

Dr. Patel: For every thirty members there will be one nurse. For every seven members there needs to be one aide to help people get to the bathroom, or transfer patient, or walking along with them, so if they need help with the feeding, they can do that. Nurses are monitoring. If they need medication, they give them.

Commissioner Serra: There will be a nurse, R.N., LPN, there at all times?

Dr. Patel: Yes, all of the time. No doctor.

Commissioner Serra: Four or five vans bringing people in and out, they will be parked there during the day, after people are picked up. If somebody wants to bring their parent or whatever in by their own vehicle, are they going to be allowed to do that? Is it strictly by van?

Dr. Patel: Strictly by van. Because participation in the program includes their transportation. Nursing service, dietician service, nutrition service, and transportation back home.

Commissioner Serra: What if that person has a doctor's appointment? Are you going to take him?

Dr. Patel: Right. We will provide transportation to the doctor's.

Commissioner Serra: Just a couple more. I'm not trying to put you on the hot seat here, but you know, we are here to protect the residents as well as make sure it's a good fit for the community, so that's what we are trying to do here. I have a question on the kitchen. You are going to occupy this facility five days a week, correct?

Dr. Patel: Yes, five days a week.

Commissioner Serra: Is this kitchen strictly for the adult day care, or on weekends when the temple goes in, are they also going to be utilizing this kitchen?

Dr. Patel: We are going to have an outside caterer, and the catering service will bring to the kitchen here.

Commissioner Serra: Will this kitchen also be used for the temple when it's not being used for day care?

Dr. Patel: There are two different kitchens.

Commissioner Serra: That's what I'm trying to get at.

Dr. Patel: Yes.

Commissioner Serra: Okay, so that kitchen is a dedicated kitchen for the day care.

Dr. Patel: Yes.

Commissioner Serra: And then my last question, which you already covered, I just want to go over it, you said all activities will be inside, so there will be no outside activities, nobody walking the grounds, none of that?

Dr. Patel: No. Same as a nursing home. They do most of their activities inside the nursing home, like they play Bingo or they have sometime at Christmas time have things are going on, so many activities, sometimes including family members. They have the Christmas party along with their family members. So it is going to be inside.

Commissioner Serra: That's it for me, thank you.

Chairman Aieta: Any other Commissioners?

Commissioner Pane: I have a question for the attorney. The license that you are required to get from the State of Connecticut - how long is that for?

Dr. Patel: Once this is approved we will apply for a certificate from the Day Care Association. They will come with a check list, do you have a handicapped bathroom, all safety issues, they go through one by one, and once they see everything that you are doing, then they will give you the certificate. Then you apply to Social Service of the State of Connecticut. Every two years. And any time, physically you have to be prepared for an inspection, they can walk in any time.

Attorney Doyle: They have to be prepared for inspections all of the time, and if it's the result of complaints made to the Department of Public Health, that can result in another inspection.

Commissioner Pane: I appreciate that, because our approval would be for a two year period, and I believe that we would review it after two years. The next question that I have for you, the areas that are shaded here [pointing to floor plan on the monitor], could you please explain to the Commissioners whether or not the temple uses any of that space on the off hours when the day care is not in operation?

Dr. Patel: Yes. After the day care operation hours, the temple will be using these areas here for their activities. Most of that would be in the evening or the weekend. So there is more than just the day care use. All of the day care stuff will be stored in one area. The nurses' room will be highly secured. That will not be available to the temple, because there would be health information there.

Attorney Doyle: Commissioner Pane, as you are aware, this is a religious institution that right now is being renovated, but there is a temple in there, a shrine, like any other religious institution where people go for prayers. It's a Hindu temple of course, and in off hours, evening, weekends, people go there to pray.

Chairman Aieta: Any other comments from the Commissioners before we open it up to the public for their comments? Thank you very much.

This portion of the hearing we open up to the public. We would like to hear from people who wish to speak in favor of this application. You are limited to two minutes per person. If you get up and someone else has already said what you want to say, you can just say that you agree with the former speaker, or something like that. We have a lot of people here tonight, so I'm going to try to keep it to the two minutes. People can now speak in favor of this application. Come up and give your name and street address so that the secretary can record it in the minutes.

Pastor Julie Brennan, Our Savior Lutheran Church, 1655 Main St. Newington: I'm speaking in favor of the application for special exception for the temple to provide adult day care. I'm here with five members of the Newington Interfaith Clergy. Reverend Ron Cox from the United Methodist Congregation and Father Gary Bock from Holy Spirit Roman Catholic Church, both of them on Church Street would also like to have been here, but both are conducting funerals today and could not be present. We speak in favor of this because we view this as a ministry. We've spoken to the leaders of the temple. Several of us have visited the temple and seen the site, we understand that this is a way for them to serve the community and that is something that all of our faith traditions share in common. That is what we are about as a clergy association in this town, so we really feel that this would be an asset to the entire town and the people that would be served. Thank you.

Chairman Aieta: Thank you. Anyone else in favor of this application?

Todd Gladstone, 45 Hickory Hill Lane: I am a forty plus year resident of Newington and for almost forty years, 26 Church Street was my family's spiritual home. Several years ago our congregation merged with a congregation in Bloomfield, so we have to go out of town now. I am here to talk in support of the proposed adult day care program at the Hindu temple. I believe personally that it is a great idea, and it's timely because the population, especially in Newington, is increasing in age, so you are having increased incidents of dementia and Alzheimer's. This idea of adult day care will increase the quality of life for families who have individuals who need this type of facility. I also want you to note when we were in the building, we had a certified pre-school program run by the church co-op in the late 1990's. The co-op fell apart so we discontinued it.

Chairman Aieta: Thank you very much.

Donna Guerrette, 32 Church St.: I literally live next door to the temple. I spoke to Roger before I came up here. My first question was, is the day care facility extended to all of Newington residents, and I was told yes. Any parent, anyone that qualifies can apply, so you don't have to be an Indian to attend, so I commend them for that. I think having an adult facility is incredible. I have to commend the temple for giving the flu shots, giving free health care seminars, so I have to commend them. I have been assured that the day care facility will be indoors only. That would obviously need to be abided by. That is all that I have to say. Obviously I think it's pretty good that they have extended it to non-denominational members. So thank you.

Chairman Aieta: Thank you. Anyone else in favor?

Len Baxter, 45 Main Street, Newington. I'm a member of the Interfaith Clergy Council and appreciate being here and sharing briefly with you. I was concerned to hear in your opening remarks Mr. Chairman that this is a business in a residential neighborhood. I think it's really a matter of language, but I think you could consider this a professionally administered ministry of the temple. I'm seeing heads nod. I speak from being in the ministry for over forty years and familiar with a lot of churches. One that I served housed a children's day care. Lots of churches do that. Some might have members of the church helping or to carry out this service. They might hire some or all professional staff. That still could be, that makes sense. These people are doing this responsibly, and if I understand the Hindu tradition, health care is a big thing. I think to call this a ministry which I would consider all services of a religious institution, this falls into that category. That's what they are about, that's what they want to do. It's their calling I think like you said, to offer this to the community. Thank you.

Chairman Aieta: Anyone else like to speak in favor of this application?

Michael Aparro: I live in Wethersfield at 82 Tinsmith Crossing, right across the street from Cedarcrest Hospital where I used to be the chaplain until it closed. I'm also the President of the Newington Interfaith Clergy Association because of my position at the hospital. I was reluctant to come up because everything that I planned to say has already been said, but I did talk to several people, including Mr. Minor and the Director of the Senior Center and confirmed the perceptions that have already been expressed here about the fact that the elderly population is increasing. There is one other adult day care facility in Newington on Willard Avenue. I'm not clear whether this particular operation is going to be for-profit or not. It is. I attended the health fair in June, and I have the same reaction that the neighbor did, I commend them for reaching out to the community. I think it is a part of their ministry. My impression at that time was that there were a lot of professional members of the congregation, a lot of health practitioners, and I suspect they may have already guided the operation up to this point, you know, in terms of making decisions to go professionally and to hire professional people to express that ministry, so I'm very impressed with them. My impression also is that this is not going to be confined to the residents of Newington, although I suspect that there are plenty of people in Newington that could utilize it. But if there is room, it's my presumption that it will be open to other members of the public. That is all I have to say. Thank you very much.

Chairman Aieta: Anyone else in favor, who would like to speak?

Candice Socha, 38 Church Street: I can't speak well in large groups like this, but what I'd like to say is, my aunt is like 80 years old and she can benefit from something like this. We've searched places, and you know, they are dirty or they're not nice, and something like this with their staff and how they are going to have the rides especially. I'm actually interested in getting my aunt to go there. The neighborhood is so nice, I just, I approve of it. I don't see anything wrong with it at all.

Chairman Aieta: Thank you. Anyone else?

(Inaudible) Good evening, I'm a practicing cardiologist, I practice in western Massachusetts and I am a member of the temple. I think as a practicing physician and providing services in the past, this is a way of reaching out to the community to provide services. I see in my practice every day, quality of life is very important as you get older, and sometimes there is not a lot of social support for members in the community, so I'm in support of this. I think the temple is doing this appropriately, through professional means, rather than just putting a program together. I think it is very commendable for the temple to do that. Thank you.

Chairman Aieta: Thank you very much. Anyone else?

Aruria Pandya, 26 Old Hatchery Lane: Good evening. I would like to say, having a day care center in the town is a blessing because I remember when my mother and father were sick, and they needed a lot of help, I needed something like a day care center. We took care of them, my wife and one child, we ran around and managed it, but I think if there was something like this, it would have been better. This is not just for the community, it's for the entire town. For anyone who needs the help, and I wish you guys would approve it. Thank you.

Chairman Aieta: Anyone else like to speak in favor of this application? Seeing none, we will go to the other side, the people who wish to speak in opposition to this application. You are limited to three minutes per person. Come forward and state your name and address please.

Deborah Brodacki Magnum, 10 Church Street: I am the resident most impacted because of my location. I have the temple on two sides of my property. I have some questions and some concerns. I noticed when people were talking that the hours of operation, they seem to keep shifting slightly. I have a question on that. I also noticed with my own family, who have had dementia that they can be extremely physically fit. They would escape, and they could be found a good distance away, particularly since she could outrun most of the nursing staff. She was that physically fit. I also have a concern about this being an out of state business, making communications much harder than if it was local. Someone said that there used to be a day care, but the day care was run by members of the congregation, not an outside company. Also some of the clergy members here are in favor, and I heard one of the Council members make a comment about the zoning and things like that, so I'm wondering if any of the other churches in town that are for this are zoned commercial; this would be a non-issue if they are zoned appropriately. I have a concern that there is only one driveway in and out of this property. Another concern I have is the possibly of this becoming a shopping plaza situation; could it be a pharmacy, medical offices, medical supply stores, all related to health care? That would make a difference. There would be a lot more traffic coming in and out. Also, being that there are going to be people here, probably napping, they are going to need linens for cots, possibly towels, tablecloths, what have you, linens, so this could mean extra commercial vehicles coming and going. Laundry service, food trucks, trash trucks, possibly ambulances for people who may have an issue getting hurt.

Talking about the flu clinic and the health fair, those are one day events, not every day. They were great things, in fact I was invited and I did attend one. It was very nice, very well run, but it was a one day event, one day per year, not every day. I'm also wondering about the hours - are the hours set, or is it just a lead in where the hours can get extended? A little earlier in the morning, a little later in the evening, and then it ends up being all day. I have a concern about how the building is going to be used for both. What happens if one of these patients, who is physically fit, is unobserved, leaves the premises, and they go on someone else's property and fall and get hurt. Who would be responsible? If there are other churches in the area not that far away, would they be liable if people get hurt on their property? Elderly people are unstable on their feet at times. I think I'm afraid that this is a lead-in for other commercial businesses to become part of this under that same umbrella. Thank you very much for your time.

Donna Guerrette: Actually you...

Chairman Aieta: You can't respond from the audience when people are speaking. This is like a court of law. You wouldn't do it in the court house, we're not going to accept it here. No more outbreaks, please. Anyone else in opposition?

David Brodacki Magnum: I'm here in support of my wife. All I want to say is, how can I put this, I think the last incident that occurred at the temple clearly demonstrated to the police

department, the fire department, and the Council the level of abuse that Deborah and I have suffered for the past five years. The noise, lighting, crowds, traffic; our quality of life has been decimated. We have complained and complained and complained. We started initially complaining to the temple. In fact the last person I spoke to many years ago, his name is Raj, and we would make our complaints known, and nothing was even done about them. When it was a synagogue, we could go over, talk to the Rabbi, they wished us Merry Christmas, and if there was an issue, it was solved. After five years, we are still making the same complaints that we made five years ago, and we have to take the brunt of the noise. We have to take the brunt of the lights, we have to take the brunt of the crowds, and we have to take the brunt of the traffic. Our bedroom used to be on the southeast corner, because we like to have the sun come up, but we've had to move our bedroom to the northwest corner to make sure that there are walls between us to separate the lights and noise. There have been times, at one o'clock in the morning, on the northwest side of the house and I can hear people yelling to each other across the parking lot. I think we have suffered enough. I'm trembling! I'm afraid the addition of adult day care will simply compound all the issues we have been complaining about for years. I mean, our quality of life has disappeared. Thank you.

Chairman Aieta: Anyone else in opposition?

Bruce Smedick, 343 New Britain Avenue, Newington: I moved to Newington a year ago from West Hartford, and I spent a lot of money on a piece of property. This property is almost the entire length of the parking lot, and ironically I just got a notice from the Town raising my taxes, but a business is a business is a business. This is a residential zone, and I did not move to Newington to be next to a business. The problem I have is if you allow these people to come in as a business, what else is going to change in the area? Does that mean that if I wanted to have a business, I could? The lights are on 24 hours a day, when I go out at night time to walk my dog. They also have a large 25 foot container in the back of the property. It's just sitting there. I don't know if they have a permit for that or if they got permission to put that in the back of their property. I don't know what the rules are pertaining to that. If this is a day care center, does that mean they are going to have to have a generator installed? If they lose power and have medical equipment that needs to run? There is a lot more that comes into play here, to use it as a business. Again, I didn't move to Newington to be next to a business. If I had wanted to do that, I would have stayed in West Hartford. That's all I have to say, thank you.

Chairman Aieta: Anyone else in opposition?

Andrzej Januszczuk: Hello. I live at 27 Old Hatchery Lane, and my backyard is directly to their back yard. I think a day care center is a good idea, I'm not against that. Everybody says it is needed, and I agree. The problem is, I have had to deal with them for years when I had a problem, and now I will have additional problems, and I don't know how I would get in contact with them. I paid over (inaudible) for my property, property value goes up, I did that almost twenty years ago and it was a nice piece of property. Now you guys want to convert this to business, whatever, and who is going to reduce my property taxes because my quality of life is going down, and I lost my peace because I am right behind. After the last meeting for a whole week I was dealing with fireworks constantly, fumes going into my house. I know they tried to separate between congregation and this permit, but there is going to be more traffic and more problems that I have to deal with and I don't know how to contact them. I have tried for five years now to be a good neighbor. I have tried to do my best, English is my second language, but I've just had enough if you are going to switch this to a business area which is what this is going to be. I would like to know also how they are going to make money, how the temple is going to get paid, if it is going to be strictly volunteer. The people, how are they going to get paid? I didn't get any answer for this, how they are going to pay,

who is going benefit from this. I hope the elderly will pay for example, but my concern is the location because I'm right behind them and I have to deal with the smell. Right now they are going to bring more garbage and things in their driveway and the wind blows and I have to deal with cleaning and everything, which is going to happen. The catering, they run containers with the generators and everything, two, three o'clock I hear generators. I am not talking about the idea of having older people, the service is great. I'm not against that, but the location. A couple of years ago when the synagogue was there, I didn't even know I had any neighbors. And if I had a problem I could talk to them, resolve it right away. Now, I don't know who to talk with. I have to deal with everything else and now my life, as Deborah was saying, went down so much, and my taxes go up. What am I paying for? And now you are telling me that you are going to bring another business, other people from who knows where, from New Hampshire, whatever. Maybe they are great people, I don't know who they are, but I can't deal with the people who are there now, you know what I mean? So now, now if I have a problem who am I going to go to? To the lawyer who can't control those other people, I'm confused and that's it, that's what I want to say.

Chairman Aieta: Thank you very much. Any one else in opposition?

Audience: May I just speak?

Chairman Aieta: No you may not. Anyone else in opposition? Hearing none, we'll go to the rebuttal by the applicant, maybe.....

Rose Lyons: Do we get a chance to speak if we are not opposed but not in favor?

Chairman Aieta: I know in the past we used to do that, but I'm looking at the procedures of a public hearing and there is no provision for people just to speak. It's either in favor or against. If you don't know if you are in favor or against, you can get up at either point and say, I don't have an opinion. If you would like to get up under this portion and speak, please do that, but we read the procedures into the minutes and we would be going against our procedures. If there is a court case, I don't know what kind of ramifications there could be because we didn't follow our procedures. So, please come up and just explain what your concerns are.

Rose Lyons, 46 Elton Drive: I'm neither in favor nor opposed to it. I live on the other side of town, on the north side of town, but I do have a couple of questions. I'm not clear if the temple is hiring New Life Adult Day Care to run a business within their religious facility, or if New Life is renting space from the temple. I'm not clear if this is a for-profit or not for-profit. I'm not sure, and maybe I should be sure because I have been at both hearings, if the synagogue had a special exception. I guess when they bought the property that special exception went along with the buying of the property. Is this a special exception within a special exception? And if the temple were to sell, would that special exception within the special exception travel with the temple?

As far as the adult day care, there is one on Willard Avenue, but I believe that is in a commercial area. I don't know how strict the regulations are for an adult day care as far as the health department goes, but is there is going to be intermingling of the temple people and the clients? I just wonder about that. Was any study done when Amara came here? They said they had done a study on the need; is there a requirement with the health department to prove that there is a need for this type of care? I have no objection to the type of care that they want to provide. It's the area that it's in, and I think it just opens up doors where other churches could do the same thing. Is this tax exempt or is this a money maker? I'm just not clear on all of the things that are going on and what the repercussions could be down the road should the temple decide to sell or should New Life decide to get out. Thank you.

Chairman Aieta: Thank you Rose. John?

John Bachand, 56 Maple Hill Avenue: I wish you would bring back that third speaking time, because I'm not for or against because I don't have the answers that I need yet. First of all, I've heard from both sides and I hope it's established this evening or keep the hearing open, but is this a business or is it a ministry and a public service? If it's a ministry or a public service it's free of charge for these elders and I think that would be an extension of the existing use. If it's \$200 per day, that comes to four million dollars a year for seventy-five beds. It's a part time nursing facility, it's a part time nursing home basically so then there has to be a property tax levied or some type of a pro-rated tax I would think, because every other nursing home in town pays taxes. So again, I hope that question is answered tonight because we were hearing both sides and it seems to be a polar opposite.

If it is a business and it is determined that it is not appropriate in this location, or in the spirit of what a non-profit or a religious is, then I hope that our Economic Development Director can find them a spot because it sounds like a fantastic business. We want to promote business and so let's find them another place to do it. If it's a ministry or a public service as we heard also mentioned then I think it would be hard to deny them. The question that someone brought up about the generator, just made me think, let's say you do approve it, but the state says they need X, Y, and Z that considerably changes the conditions of the site, whatever it might be, I wonder how that would work. You approve it and then all of a sudden the State says they have to make this a considerably different looking facility than it is right now. Thank you.

Chairman Aieta: Thank you John. Just to answer your question, if we were to bring the third option back, it would require the Commission amend the procedures of a public hearing, because the way it stands now, there are no provisions for doing that. Anyone else in opposition?

[To the applicant] You have five minutes for rebuttal. I hope you can answer some of the questions, I hope you were writing them down, that the public had.

Attorney Doyle: I did try to write down some of them. I guess I will repeat them and we will both try to answer them. Hours of operation - what are the hours of operation?

Dr. Patel: Six hours per day, that's the program duration. That will be 8:00 to 2:00 but sometimes, like the lunch hour, if the staff comes to do the preparation and it takes it little longer. Second question - the doors will be locked, so no one will be able to walk out. This is not going to be like a shopping mall where people can walk in and leave by themselves. This is a liability, we don't want anyone going into someone's garden and falling, the property owner does not have to worry about that. There is a lot of insurance and everything, so it is going to be secured and locked. It will be opened by a buzzer, and if somebody wants to come inside, they will have to sign in. Like other health care, like a hospital or something, you cannot just walk in.

Attorney Doyle: From a legal perspective, if someone did escape or get out of there, the liability would really be on the applicant, it wouldn't be on any homeowner, because they have a duty to their clients to care for them, and that is their responsibility. That would lead to a complaint and the DPH would probably investigate it, and that is a clear liability, so that is why they want to have a secure facility. Another question about other churches doing it - that's not before the Commission today. It is possible that someone else could apply for a special permit, but today we have an application before you. There was also, is this another step towards a shopping plaza, a pharmacy - there is a clear difference between operating a CVS or a business on this premises versus, I always portray this as a ministry trying to help

people, so clearly there is no intention to create a pharmacy or anything like that. This is a ministry for adult day care.

Dr. Patel: This is just for a day care, there is no intent for a pharmacy, there is not going to be any beds here, there is not going to be laundry. They are coming in their clothes, they are not going to stay overnight these people. By 2:00 or 2:30 they will be going home.

Attorney Doyle: A person stated that an applicant has to demonstrate a community need to operate this with the Department of Public Health.

Dr. Patel: I can show from the Connecticut Day Care Association the number. They can prove that there is a positive need for this program. Typical nursing home day care if like \$400, \$500, so it is not like we are going to charge everybody. They are not members.

Attorney Doyle: The question was raised by several people, is this a ministry or business - as I said earlier, the temple is the landlord. The temple board has made the decision that they should try to assist with adult day care. However, after investigating it, they found that it was really beyond their capabilities to operate, therefore they brought in the applicant to operate it. Now, the program cannot be free. How can it, with a one nurse to seven ratio; you need insurance, the expenses are significant. The people will be charged, but people are basically getting respite care for six hours per day, plus transportation. I think it would be an expensive burden for any church to try to front all that. So, it is run by the applicant, and he will take in income to pay the expenses, yes.

Chairman Aieta: So is it a for-profit or non-profit program?

Dr. Patel: This is a Medicaid program.

Chairman Aieta: Is it a for profit or non-profit? Are you listed as a for profit or non-profit, your entity out of New Hampshire?

Dr. Patel: My entity is for profit in New Hampshire.

Chairman Aieta: Will this facility be for profit? Because that makes a difference in the classification. We heard from the ministers that this was an outreach or extension of their ministry, but it doesn't sound like that if this is a for profit business.

Dr. Patel: Most of the income will be spent for the day care. There are so many little things, it sounds very easy, but it's not very easy. We are the applicant, (inaudible).

Attorney Doyle: Mr. Chairman, we tried to answer you questions, I'm not sure I got all of them but at this point we will rest our presentation.

Chairman Aieta: Are there any other questions that the public has that should be answered?

Dr. Patel: I remember a few members and neighbors spoke about the outside activities, so we have some information about the other day care here which is very successful. There are so many activities that happen with day care, so there is a phone number, any time, any concern you can feel free to call us, and before that I said to Mr. Minor, I asked him any neighbor who has a question, we can answer that. So it's not just my company, I gave my cell phone number for that.

Chairman Aieta: Okay. Thank you. Anything else? We have rebuttal by the opposition limited to five minutes. If someone who is in opposition would like to rebut the applicant, come forward and try to hold this to five minutes.

John Bachand, 56 Maple Hill Avenue: I'm not really in opposition, but I would just like to get the answer to that question about profit. I think it's really simple if you do the math; just ask how much they are charging for each person, what is the expense, and what's left over determines if there is a profit. Thank you.

Chairman Aieta: Do you want to answer that?

Dr. Patel: There is a charge, but if people have insurance, when they get the health care service they don't pay directly. This is kind of the same kind of service, but it is funded by the social service. So people are not paying, this is in the State of Connecticut, which is the social service department. This program is funded by the social service, so there is no need to burden any members, and all of the money which we are getting is used for the same services, because it is free in every state when you get the money from (inaudible) and you provide a report from the State back. You show how you used this money, how you spent it; you need to give those answers.

Commissioner Strong: Does that mean that all of the people who go there have Medicaid? It's through the State of Connecticut, so the State pays for all these expenses for each individual who goes there?

Dr. Patel: Yes. It is a Medicaid-funded program.

Commissioner Strong: Say I have my own insurance, I don't have Medicaid; will my insurance company pay for that? How would that go?

Dr. Patel: Everybody over sixty-five, they get Medicare.....

Commissioner Strong: Not all of us.

Dr. Patel: Well, Medicare, or with a lower income, they get the state services for the Medicaid. Medicaid is a federally-funded program. Many times we see that, some people did not work, so they get so much of the benefit, but some people, they work, and even if they go into a nursing home, initially they have to pay according to what they have, and then they get Medicaid. This is a Medicaid-funded program. Many times Medicaid patients, they don't have to spend; anything happens, they call 911. They go to the emergency room, just for a sore throat. That is a huge burden, but they don't have to pay. That is why states are starting these kind of programs; to keep health care costs down and they can spend a longer time in their home.

Chairman Aieta: Okay, thank you.

Attorney Doyle: To conclude, this is a corporation, but as described in the receiving statement, regarding the government aid, it's not really a big profit entity. To answer your question, the New Hampshire corporation is for profit, but I'm not sure anyone would invest in this type of business when you have the high expenses and insurance and liability. But to answer your question, it is for profit, but the true spirit of it is a ministry. The question of how would it be brought into Connecticut, because you have to create a separate non-profit corporation, or have the New Hampshire corporation come in as a "doing business as." But that really hasn't been finalized yet. We could create another non-profit corporation, but the

bottom line is, the answer to your question is, it's for profit. I'm not sure it makes much with the high expenses. Thank you.

Chairman Aieta: We're still on the rebuttal portion. Would anyone else like to get up and continue with the rebuttal? We still have a couple of minutes left.

Rose Lyons, 46 Elton Drive: I apologize if the answer to this question has already been given, but do you have to be on Medicaid to enter this program? I have a sister-in-law that is on pending Title 19, and we are having difficulty trying to place her. I myself have insurance that I don't think would cover me should I have to have use of a facility like this. I'm just a little unclear as to who is eligible for admission into this program.

Dr. Patel: If you have so much income that you cannot qualify for Medicaid, but your family wants to put you in the day care, they go to the day care and they pay. When they go to a nursing home, \$300 to \$400 per day. Here they can pay \$60 to \$70 per day, so they can pay like a walk-in if they don't have Medicaid; they can pay from their pocket. They are paying for the services that they are getting. They are going to get the transport service, they are going to get the nutritional service, nursing service, activity service, social service, for that they can pay from the pocket.

Chairman Aieta: I'll open this up to the Commission for any comments or questions and I will leave it up to the Commission as to how they would like to proceed with this application. Any comments?

Commissioner Sobieski: I'm still a little concerned about the trash issue. It's overflowing at the present time, when the temple is using it, and now we're going to be putting a day care in, so I'd like to see some type of agreement that the trash is picked up at least twice a week. You are going to have a lot of trash coming out of the food service on a daily basis, and if I recall correctly from the overhead slide that we had a couple of months ago, the dumpster is located in back where there is a tent now. The tents would definitely have to come down, which should be part of this agreement, whatever we proceed with.

Commissioner Serra: Piggybacking on what Commissioner Sobieski said, some of the things that we have been hearing, there is going to be more trash pickup, commercial vehicles going in and out because there is going to be catering service and other things that the applicant mentioned, so this is going to create more noise. I'm thinking, to help the residents as well as the facility, maybe we need a fence, some kind of stockade fence, vinyl fence around the property line. Across the back, down the side, towards Church Street, to give them some privacy, give them something to combat that noise.

Chairman Aieta: Depending on how the Commission acts, that could be a condition of approval. At this point I'd like to know what you would like to do. Would you like to continue this public hearing, or do you want to close the public hearing and move it to Old Business? What is your pleasure, what would you like?

Commissioner Serra: I'd like to keep the public Hearing open for one more meeting.

Commissioner Pane: That's fine.

Commissioner Sobieski: I'm in agreement with that. We should get some answers to some of the questions that we had tonight.

Commissioner Pane: Do we have enough time?

Craig Minor: Yes.

Chairman Aieta: That concludes this application; we will leave the public hearing open to January 9th, 2016.

Craig Minor: I'm sorry, we do need the applicant's permission to keep the public hearing open for one more meeting. Do we have your permission?

Attorney Doyle: Yes.

Craig Minor: Thank you.

Chairman Aieta: Do you need that in writing?

Craig Minor: If you could send me an e-mail, that would be nice, but they are on record as agreeing to it.

Chairman Aieta: All right, very good.

B. Petition 43-15: Special Permit (Section 3.12.1: Restaurant at 103 Lowrey Place, Lowrey Place Realty LLC, owner, Stoc LLC, applicant, Ian Thompson, 579 New Britain Avenue, Newington, CT, owner.

Chairman Aieta: The applicants are here. State your name and address; we have the application so just give us a review of what you want to do.

Matt Crowley, 53 Park Ave, Windsor, CT owner of Goldburgers on 1096 Main Street; Tim Meratto, 1093 Lake Road, Hamden, CT chef at Goldburgers; Ian Thompson, 579 New Britain Avenue, Newington: We are looking for a special permit to open a restaurant that serves beer and wine in the Northwood Plaza, the Best Market Plaza, in the space closest to the post office. We're hoping to bring a little life back to the center.

Chairman Aieta: We have the application. Do you want to add to that?

Matt Crowley: Yes, we have some layouts, as well as our menu, if you would like to take a look at what we are trying to do.

Chairman Aieta: Mr. Planner, do you have any information?

Craig Minor: The applicant mentioned "beer and wine". At this time they are not applying for a liquor permit; I think you decided that strategically it made sense for you to take care of the restaurant first, and then come back next month for the liquor.

Matt Crowley: It's the chicken and the egg. We don't have a signed lease yet, but we've been in many meetings with the owners of the plaza. They are going to be investors, and are willing to back us. So a lot of what we are doing is contingent on getting the CAD drawings done and pricing out the work, so we can work out that lease agreement with the plaza.

Chairman Aieta: Was this a restaurant before?

Matt Crowley: I believe it's the original floor space of A.C.Peterson split up. Currently it is the vacant unit in the corner that abuts the post office, and Empire Pizza.

Chairman Aieta: So you would have to go in and do a complete renovation?

Matt Crowley: Yes, we're knocking down the wall; everything is going to be gutted and done right.

Chairman Aieta: Commissioner comments?

Commissioner Serra: Is Empire Pizza going?

Matt Crowley: Yes, we're absorbing...

Commissioner Serra: That answers one of my questions, and I understand that we are not hearing that now, but because of Best Market, because of the package store, the Office Café, and if Empire is going to be gone we don't have to worry about a liquor permit in proximity of four places with a liquor permit. The reason that I'll bring that up for Mr. Minor is I know from what they've said they want a restaurant liquor permit but that is also going help, so it's kind of going hand in hand, and I think we ought to know what the regs are here.

Tim Meratto: We were told during our initial meetings with Mike D'Amato and Andrew Brecher that the existing permits that are in place right now, first of all, the Office Café does not serve food, and there's different types of liquor permits. We have a grocery store, we have a liquor store, and we have a bar that doesn't serve food. I was also told that the distance from schools, all that stuff was checked and we are zoned to get that. That was why we called the meeting. Our lawyer and the property owner made sure that we got that out of the way.

Commissioner Serra: That's why I'm looking at Mr. Minor here.

Craig Minor: I'm looking at the regulations, on page 87. There are four different classes of liquor permit that TPZ issues. There is "restaurant", there is "club", there is "store", and there is "bar". You could have one of each of these right next to each other; you just can't have two of the same type within 500 feet of each other. There is no restaurant with liquor within 500 feet of where they are going.

Commissioner Serra: He answered that question right away when he said Empire Pizza would be gone because that would have been my concern, having Empire Pizza in that same location. So, with that said, I'm fine.

Chairman Aieta: I'll turn it back to the Commission, any other questions? You do not have a lease so you are not under any time constraints.

Matt Crowley: Oh, we're under time constraints; we're doing it as quickly as we can. It's been an honor to own a business, and you know, Goldburger's has grown. I opened it with a bunch of high school kids, and I was a trained chef for ten years, I got into the game late, and went on to do my own thing, probably before I should have, but I learned as I was going. People trust me, people come in for the specials, and then Tim came in four years ago and has taken it to the next level. We've outgrown our space. Goldburgers is going to stay there. I don't mind competing against myself. I love the town of Newington. The more places to eat, the better.

Chairman Aieta: I'm asking the Commission how it would like to proceed. If you don't have a lease yet, what would be the hardship of waiting until January 9th for a decision?

Tim Meratto: I want to try to get this lease signed before the New Year. That's our time plan. I suppose the hardship, that would be a first world problem. I guess to have to wait, but like Matt said, I'd like to get this going. We've been working with the architects, our kitchen

designers, meeting with the property owners, and we're trying to get everything out of the way before we sign a lease.

Chairman Aieta: Do any of the Commissioners have a problem with moving this to Old Business and acting on it tonight? I don't want a new Commission to start off with the precedent of closing a public hearing and acting on it the same night, but if you feel that everything is under control, every thing proper, we got all the answers to all the questions...

Craig Minor: Usually the amount of parking for a new restaurant is an issue, but because of the size of this building, parking is not an issue here.

Commissioner Pane: Mr. Chairman, I'd like to move that we close the hearing for Petition 43-15 and move it to Old Business.

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

Chairman Aieta: We will put this on the agenda under Old Business and act on it tonight. Oh, sorry, this is a public hearing. This is my first meeting as a Chairman, someone should have hit me. Anyone want to speak in favor of this application?

Commissioner Pane: I rescind my motion, Mr. Chairman.

Commissioner Serra: I rescind my second.

Rose Lyons, 46 Elton Drive: I want to say I'm in favor of this. I'm glad to see one of the Crowleys joining these gentlemen in putting a restaurant in what used to be a very thriving area, which hasn't been thriving lately for a long time. That's it, thank you Mr. Chairman.

Chairman Aieta: Anyone else?

Carol Anest, 30 Harding Avenue: I am definitely in favor of this application. I'm very excited about bringing life back to the plaza. This goes along with what we all want for development and hopefully it will spur the rest of the shopping plaza to have tenants. Thank you.

John Bachand, 56 Maple Hill Avenue: I certainly see nothing negative about it. I would just like to say a lot of people criticize Best Market, but I think they really went out on a limb when they came to town and bought that whole plaza, instead of just looking for a place to lease. They made quite a commitment to the town, so I just wanted to mention that too.

Chairman Aieta: Anyone else? Anyone in opposition?

Commissioner Pane: Mr. Chairman, I make a motion that we close the hearing on Petition 43-15 and move it to Old Business

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

VII. REMARKS BY COMMISSIONERS

Commissioner Serra: There is one thing that I do want to bring up, if this is the appropriate time. We were talking earlier about temporary signs and the problem we are having with them all over town. For those of you for whom this is your first meeting tonight, we have been discussing this right along. Our Council liaison is here tonight, talking to the Council,

going to the Council. Our ZEO is all over town, he's got a lot of things to do, and what some of us thought we could do, obviously with permission of the Council, members of this Commission be somehow appointed by the Council to assist where we go out and remove these signs ourselves. I know Chairman Aieta, when he was Commissioner Aieta, we discussed this, along with several other members, and several members were in favor of this. So I just want to put that out there and see how everybody else feels about it. If we are in agreement, can we get this presented to the Council to get this going?

Commissioner Pane: I think that's a pretty good idea. I think maybe we should put it on the agenda for our next meeting so that we can talk about it in a little more depth, and get some sort of plan that can be presented to the Council.

Chairman Aieta: I know that the new Town Attorney, when he was the Town Attorney before, was working on a system of citations and tickets. When I talked to Attorney Ancona he told me that he was at the point where he was almost done with that. It was never presented because he lost his position as Town Attorney. I think we have to get a legal opinion from him as to how we would proceed and how it would work before we proceed. I think we should put it on the agenda for further discussion. If we have to get a legal opinion, the liaison for the Council is here. I know that when she was a Commissioner we had discussions about this and she was in favor of this also because of the problems with enforcing the sign regulations.

Commissioner Sobieski: That's why I asked Mr. D'Amato about the updated list of what signs have permits and what didn't. This way, if the sign has a permit and someone went by and saw it, we wouldn't be saying hey, it's got to come down. We'd know, and I think that is a big issue that needs to be addressed, has to be straightened out so we know what has permits, what signs are allowed, what signs are not allowed, and what signs are illegal out there. That to me is something that needs to be started and kept going, whether it be on a bi-weekly or bi-monthly basis, or whatever, and it could be e-mailed to all the Commissioners, but we need to know what is out there because I see signs flying up all over the place on weekends. It looks like a used car lot out there.

Chairman Aieta: We have it under New Business, "Discussion of Zoning Regulations". We've batted this around. Carol and I were on the sign subcommittee for a year. It's such a complex issue, there are so many different ways to go with this that we just said, bring it to the whole Commission because we couldn't come to a conclusion. Just like on any given day where we have heard Commissioners and myself say that we want to eliminate temporary signs. The ZEO has come up with a way to make them standardized with permits stuck to them. There's all kinds of different things, and the whole sign regulation is going to have to be taken up as a separate issue. It's so complex.

Commissioner Serra: We didn't come up with a time frame, but we said maybe two weeks or something like that, for the Chamber, a civic organization, someone who is putting on an event, there would have to be designated areas, town greens, whatever we came up with, for civic groups to put their signs up to advertise their activities. That's part of what we discussed. We can eliminate that portion, we can tweak it, but I just wanted to get that on the record also.

Commissioner Bottalico: I have a question. If I understood you right, you want the Council to appoint some Commissioners to go out and remove these signs, right? Is that correct?

Commissioner Serra: Either some commissioners or all commissioners, however they want to do it.

Commissioner Bottalico: Now here is the problem that I have. I asked the ZEO tonight about unregistered vehicles where the Town couldn't go in and just take them; aren't we really doing the same thing? Taking things off of private property?

Commissioner Serra: It wouldn't be on private property. It would be signs along the road that are in the right-of-way. I don't believe we could go on private property. That's where the Town Attorney would have to come in and give us advice.

Commissioner Bottalico: Yes, we'd have to get a legal opinion on that. Now, take the Berlin Turnpike, could we actually take signs like the state of Connecticut was removing signs, can we do that? Or is that another legal opinion we need?

Chairman Aieta: I believe that a sign that they put in the right of way is not on their property, it's on state property that the Town has the right to remove. Now, a sign that is on private property, you would have to go through the procedure that the Zoning Enforcement Officer outlined tonight, which is citing them, but part of what Bob brought up is that there might be a ticketing system where if there is a sign on private property you could actually ticket the business.

Commissioner Bottalico: 25 feet from the center of the road is owned by the town, right? So if it's in deeper than that, like these flags that they put up...

Chairman Aieta: Most of them could be in the street right-of-way.

Commissioner Bottalico: But if it isn't, we can't go and do it. I don't think without legal...

Commissioner Sobieski: Just to enlighten you, the DOT, when they remove things within the right-of-way they just take it. They don't ask permission, they don't get a legal opinion, they just remove them, because it's a safety hazard to traffic. Someone loses control of their vehicle and they hit that, the State is going to be liable. This particular instance that Commissioner Serra and Chairman Aieta are talking about are signs within the town right-of-way. Not on private property, but within the Town right-of-way. Sleepy's, and some church had their signs up there on weekends. Most of them are removed by Monday, but sometimes they are left there. It is a distraction to drivers, especially on the Berlin Turnpike; you drive along, and then bang, you have a rear ender. So it's a safety issue that I think this Commission is concerned with. Like I said, DOT does go in there and remove them if they have the man power or if they get enough complaints. They remove all political signs from the last election and stuff like that.

Chairman Aieta: If the Commission would like, we can put it on the agenda, I don't know what else is on the agenda, for the 13th.

Craig Minor: You have one new public hearing, and you continued the adult day care, so it's average, maybe less than average actually.

Chairman Aieta: If you would like I can ask the Town Attorney to attend and advise us on what we can and cannot do. We don't want to overstep our bounds as Commissioners, but on the other hand, we have this problem and it's been going on for years and years and years. Way before Town Planner Minor was here, and the current Council, this has been a problem for years. You heard the Zoning Enforcement Officer - it takes up fifty percent of his time, chasing down temporary signs. He has fifty different things he could be doing for this Commission, for this Town, that would be better served than going around telling people to take down their signs.

Commissioner Serra: I sent him a picture of some flags that I saw, this morning actually, and I asked him tonight if he had a chance to do anything. They don't have a business name on them, so he's got to figure out which business they are for. But he said blight is taking up so much of his time he's not able to dedicate as much as he needs to for the signs, so this is just a way to help him out, to relieve some of the pressure so he can do the more important things, or equally important things. I'm just, or we, when we discussed this, looking at a way to take some of the pressure off him, clean up the town, and get the message out there that you are not going to go out and do what you want to do, that we are out there.

Chairman Aieta: Mr. Planner, if you could put that on the agenda. I will talk to the Town Attorney and see if he is available that night. Try to put this as close to the top as possible so he's not here for the whole five hours or whatever we spent on this.

Commissioner Pane: Mr. Chairman, I was wondering how the Commissioners feel about, on the agenda after the first Public Participation, if we could add Remarks by Commissioners to answer the public's questions right after that. It might be easier for the Commissioners to get the questions answered to the public before they leave. Just a suggestion.

Chairman Aieta: I think that's a good suggestion. Any comments on that?

Commissioner Serra: I do think it's a good idea. People will get the answers they want, and maybe get them out of here a little quicker and make room for folks that have questions.

Chairman Aieta: When people get up like Rose and ask questions, we want to be able to give her an answer, and I say it kiddingly, but I'm serious, she and other people come here on a regular basis, ask questions, and they never get the answer. I think that's important for us as Commissioners to be able to say to her, if we don't have the answer, that we will look it up. That's why I have the Secretary making notes on comments by the public, so we can try to give them an answer to their questions. I know it's frustrating to people who come and ask the same thing over and over and over and never get the right answer. We are trying to straighten that out, trying to do a better job. Any other Commissioner remarks?

Commissioner Pane: One thing Mr. Chairman, I was wondering for the next meeting if we could put a discussion about 8-24's on our agenda? It's an extremely important thing when the Council sends an 8-24 to us. Our job as Commissioners is to look at it to make sure that it falls within our Plan of Conservation and Development, that's it's not going to be detrimental to the neighborhood, and so on. If we could discuss it briefly at our next meeting. I want to make sure that the Town Council is sending 8-24's to the TPZ in a timely fashion before they take action on anything.

Chairman Aieta: I'm glad to see that our Council liaison, Carol, comes to these meetings. I'm hoping with Carol being a former Commissioner that she will be our conduit to the Council, and that she will know what should come to this Commission as an 8-24 review. We've talked to the majority leader and she's aware of our concerns about 8-24, but we're really putting all of the stuff on Carol to make sure that the Council sends these to the Town Planning and Zoning Commission. These are only advisory reviews. It's a review that's advisory to the Council and the statute is pretty clear as to why we are doing it. The Council doesn't have the resources or the time or the expertise to delve into a specific issue that we have; as the Town Plan and Zoning Commission we have more knowledge of this stuff. What the Council does with them is up to them. They can take our advice, they can not; it's just an arm of the Council so that they have someone doing the due diligence on some of these projects. A good example is when we had the thing right here on Garfield Street, the abandoned car impound lot. That should have come for review and they wouldn't have to put up the fence, and not have a place that is not being used because we would have told them

that was not the right place for it. We'll get into it, the statute, what our responsibilities are and what they are not.

Commissioner Serra: At one of the meetings recently, and I can't remember which one, a comment was made about having a joint meeting with the Inland Wetlands Commission. Is that something that we want to discuss doing, whether they are going to come here, are we going to go there; how that's going to work?

Craig Minor: I can tell you that the Inland Wetlands Commission is having the same discussion about having a joint meeting with you, of some sort.

Commissioner Pane: Mr. Chairman, I spoke to Jeff Zelek today, and he would love to do that. He suggested maybe one meeting with them, and then having one meeting coming to us throughout the year to talk about topics and what affects them and what affects us.

Commissioner Serra: I think that's a great idea. We do need to work hand in hand.

Commissioner Pane: I asked him to send a letter to the Chairman so that we could put something on the schedule.

Chairman Aieta: Okay, we'll wait until we have a letter from him.

VIII. APPROVAL OF MINUTES

Chairman Aieta: Can the new members vote on these, or just the people who were here? Because we won't have a full vote.

Craig Minor: But it will be a majority of those voting, and that's all you need to approve minutes.

Commissioner Pane: Mr. Chairman, I did read the minutes on both of those and I also watched the NCTV program of both those meetings, so I feel comfortable voting on them. I just wanted to say that for the record.

A. Regular Meeting October 28, 2015:

Commissioner Sobieski moved to accept the minutes of the October 28, 2015 Regular Meeting. The motion was seconded by Commissioner Serra. The vote was in favor of the motion, with five voting YEA and two abstentions. (Strong, Miner)

B. Regular Meeting November 23, 2015:

Commissioner Sobieski moved to accept the minutes of the November 23, 2015 Regular Meeting. The motion was seconded by Commissioner Serra. The vote was in favor of the motion, with five voting YEA and two abstentions. (Strong, Miner)

IX. NEW BUSINESS

A. Discuss Zoning for TOD Transit Oriented Development.

Craig Minor: At the last meeting the Commission asked that maps be prepared to show the vacant lots and the underutilized lots in the CTfastrak neighborhoods. In your agenda

package are two maps prepared by the GIS Department. I can only show one at a time on the monitor, and the one at the moment is the Fenn Road station. What the yellow line shows are vacant lots, at least according to our GIS Department, and the lots that are outlined in red are the lots that are between one and five percent utilized. In other words, these are lots where there is something going on, but it's minimal, and by that I mean it's probably so minimal that whoever owns that lot would probably tear it down if the zoning were changed to make it profitable to redevelop those lots. This is to give the Commission a sense of what land would be impacted if we changed the regs to open up business opportunities in the two neighborhoods that are the two CTfastrack neighborhoods.

Commissioner Pane: Through the Chair, if the Town Planner could, not at this meeting, maybe the next meeting, color in the areas that are unbuildable because of wetlands.

Craig Minor: Okay.

Commissioner Sobieski: Mr. Chairman, looking at the north of Newington Junction here, I see a lot of areas that are vacant that are wetlands. My understanding is that nothing can be built in them, am I correct?

Craig Minor: No. You can build in wetlands; you just need to get a permit first from the Wetlands Commission.

Commissioner Sobieski: You can build in floodplains?

Craig Minor: No, wetlands. You can build in wetlands.

Commissioner Sobieski: Well, that is basically what I was looking at, and secondly, and I know the Francis Avenue area well, is the little yellow dot right along Brook Street there, where there are two pieces where you have vacant property. Those are both wetlands, non-buildable lot. I see another one here where the American Radio Relay League is where it says vacant parcels; they have their towers in that area. So I'm a little confused here. This here should take into account, as Commissioner Pane said, it should remove all wetlands that are non-buildable and should also remove the buffer areas that are required for the radio relay league.

Craig Minor: The fall zone?

Commissioner Sobieski: Yes. The other issue I see here is, when you go underutilized, a lot of these properties are underutilized, but again, looking at the property right across the street from Cashway, where it is all red, a lot of that is wetlands. I don't understand why we are talking about areas that are floodplain and wetlands. I'm a little concerned with that because Newington does have a flood issue and flood zones are out there. I know lots of houses have to get flood insurance by the banks because of that, so I wouldn't want to give the perception that this property is vacant and we can build on it, and then all of a sudden they find out that it is wetlands and they're not going to be able to build on it, or a floodplain. That's a big concern to me, not only in this area here, but at the CTfastrack Cedar Street station, I think there are wetlands there too.

Craig Minor: Oh yes, definitely.

Commissioner Sobieski: So, I think those need to be eliminated. We had a discussion, if I'm not mistaken, when we started talking about TOD and somebody had mentioned that there are 100 acres of buildable land, well, there isn't. This has wetlands and they need to be taken out, in my opinion.

Craig Minor: I will have the GIS Department come up with a third map to show parcels that are in the flood zone and/or are wetlands.

Commissioner Sobieski: Right, and aren't buildable.

Craig Minor: I'm not going to say they're not buildable because this is America, anything is possible, but your point is well taken that the map should show wetlands and flood zone. Then people can make their own decision as to whether they are buildable or not.

Commissioner Sobieski: I guess why I'm a little confused here, if it's wetlands and I own it, and I can't put a building on it...

Craig Minor: But you could. All you have to do is convince the Wetlands Commission. You just need to get a permit from them.

Commissioner Sobieski: If it's wetlands, and it's unbuildable.

Craig Minor: It's not unbuildable; nothing is unbuildable.

Commissioner Sobieski: Wetlands are usually in a flood plain area, therefore if it's unbuildable and I couldn't put a building up... I'm not here to debate, I'm just asking a question.

Craig Minor: Well, I think you are under a misunderstanding. Just because property has wetlands soil doesn't make it unbuildable; it's not unbuildable until the Wetlands Commission denies someone a permit to use it. Even then, the applicant could come back next year with a better attorney or a better presentation and get next year's Wetlands Commission to approve it. If it is in a flood zone, some development is allowed; you just have to hire a really clever engineer to design it so that it doesn't create a net loss of flood storage capacity. The land is certainly constrained, so again, I think it's an excellent idea to show where these constraints are; I just don't want you to think that it means that land is unbuildable.

Commissioner Pane: Mr. Chairman, through you, I believe that the Town Planner is correct. It is very possible that you could have a piece of property where sixty percent of it is wetlands, and you could still build on a portion of it, and possibly fill a portion of the wetlands provided that it is not in a flood zone, so I think he is correct. But it would be very helpful to have the floodplain and the wetlands and all that listed here so that we could see what the impact is, and whether or not it is truly a desirable piece of property to build on next to the transit area. Thank you.

Craig Minor: We can do that.

Commissioner Bottalico: I'd like to ask Craig, do we have maps of who the property owners are?

Craig Minor: We have that information.

Commissioner Bottalico: I would like to see who owns this property along the CTfastrak route. I'm just curious.

Craig Minor: I can have our GIS Department produce a list...

Commissioner Bottalico: I've seen a couple of maps before where they listed every property owner along the busway, this was a couple of years ago. I was just wondering if we could get that again.

Craig Minor: So are you saying that you want a list of the property owners, the owners of the yellow properties?

Commissioner Bottalico: Yes.

Craig Minor: And the red ones also?

Commissioner Bottalico: Just the yellow ones.

Craig Minor: Okay, they can do that.

Commissioner Bottalico: Thank you.

Commissioner Pane: Mr. Chairman, since there is so much on the agenda, do you think we could keep our discussion just to Fenn Road and get that straightened out before we talk about Newington Junction? If we could concentrate on where the National Welding is, and if we could come to a conclusion on that one, and then move forward on the other stuff, I think it would be better for our Commission.

Commissioner Serra: I think Commissioner Pane's idea is going to be less confusing. Let's clear one up and then work on the other. I'm sure we are going to run into some areas where they are very light, and other areas where they are not. So I think that's a good idea to start there and use what we learn and what we know there and use that on Newington Junction.

Commissioner Pane: Mr. Chairman, I just thought that the Fenn Road site would be easier, less complex, because there is more residential at the other one, and that was the reasoning behind it. Thank you.

Chairman Aieta: To the Commission: when you envision this half mile radius of the bus station, are you looking to do an overlay zone? Are you looking to rezone these properties into a new type of a zone for transit oriented development? Or are you looking to rezone these areas to an existing zone that we have in our zoning regulations now, with some modifications? We have to get an idea of where we are going with this. We can get maps forever, but we have to have an idea of where we want to end up and what our goal is, or we'll still be doing this next year at the same time, looking at maps. We have to make a decision as to what we are going to do here. I've had some ideas that maybe since most of the land at Fenn Road is zoned PD, maybe we can take that as the basis and tweak it with special permits so that the public has input on every application that comes to this Commission, so that they have the final say. You see the amount of people that come out for a particular application. If they were really interested in what happens in this area, they would be able to have their input on every piece of property that came before the Commission because it would all be done by special permit. The parameters would be based on the PD Zone, so we're not telling the developer what they can't do. Here's the zone, you can do almost anything, bring it in, we'll take a look, let the people come out and say, no, we don't like that, or we do like it, that's a good idea. When we had the forum in the Town Council chambers, there were fifty or sixty people and everybody had an opinion. The problem is everybody had a different opinion. So these public forums are good, because we get some idea of where the people are. We know that they don't like high density housing, as a general rule, but we didn't get anything concrete. I think it's up to us to present to the public a vision of what we want to see there, or at least a zone where the developer can pick and

choose what he would like to do. We could say that we want to make this zone, the whole area is going to be the medical zone and we're going, and no one is going to come and do that. We can say what we want, but it's really up to the developer to come to us and say, I have a vision of doing this on this piece of land. It's up to us to say whether we approve of it, or the town approves, the people approve of it, or not. Doing it under special permit would give the public a tremendous amount of latitude to come to this Commission and give their input as to whether they like or dislike the application, and it doesn't tie the hands of the developer into a pigeon hole that would never be filled.

Craig Minor: That's a good idea, because as you said, the PD Zone allows lots of different types of development. I think as a starting point, that would be a good place to begin.

Chairman Aieta: I know that we talked about hiring consultants and doing the visuals and all of this stuff, but I just see that as spinning our wheels. We get more confused. It's up to this Commission to decide what we want to see there, what kind of a zone we want to see, and then let the developer come in and convince the public that their project is the best for the Town of Newington.

Commissioner Pane: Mr. Chairman, I agree with you. I think the PD Zone with special exceptions is a very good zone for a developer, and it gives us a lot of latitude on whether or not we want to allow on what we propose, and it gives a lot of input for the public, like you said. So, I would agree with you on that.

Commissioner Serra: I also agree and I think that's a lot of what we had in mind when we did the moratorium originally; it was to get the input of the people, so we have developers coming to us, and the public has input on what is going on there. I remember the meeting in this very room a year or so ago where it was very poorly presented and everybody was in an uproar. I think we are on the right track with this. The public forum, while we didn't get any solid ideas on what they do want, we definitely know what they don't want, and this gives the public more input, more involvement. I think that is what they are looking for.

Chairman Aieta: I say we proceed with the PD Zone as the base and make modifications to that. We might even want to put in examples of what we would prefer, such as, this is what we would like to see. I'm basically talking about the 2020 Plan, but I think we're fooling ourselves if we say, "we want all research and development here on Fenn Road". It's not going to happen. It's not going to happen, and we'll be stuck with those properties waiting for something to happen. The market is driven by the developer and what the developer thinks that he can profit from. That's the nature of the capitalism system, that's how it works. It's up to them, and if it's good for Newington, I don't see why we should hold it up. I think we should go forward with good solid development that is proposed by the developer and give some guidelines under that zone, a modified PD Zone.

Commissioner Serra: One of the things that was brought up at that meeting, and we've talked about it, was a possible entertainment type district, restaurants, some place for various types of music.

Commissioner Pane: That is allowed in the PD Zone by special exception.

Chairman Aieta: With this new regulation we could have a laundry list of the types of development that we would look favorably upon, say, entertainment, restaurants...

Craig Minor: And if there is something that you would really like to see, you could write some incentives into the regs. If a developer is willing to do entertainment, you could give him a density bonus, or a reduction in parking, some incentive of that sort.

Commissioner Serra: I want to be careful that we don't pull development away from the town center. We still want people going there also. I love the entertainment district idea, but at the same time we have to be cognizant of the town center and the other areas in town so we're not pulling business away from there.

Chairman Aieta: It all depends on which area we are looking at; what we do on Fenn Road is going to be altogether different from what we are looking at in Newington Junction. I'm not willing to sacrifice our neighborhoods and the residents who have been here for forty or fifty years and built this town up, and jeopardize their quality of life just because the State decided to put a busway right through the middle of our town. So there has to be some give and take here. I'm looking at this as two different animals; what we decide for Fenn Road, which might be a PD type zone, and over there might be something altogether different. I don't know, that's up to the Commission. I think we have to look at that as two different areas.

Commissioner Sobieski: Mr. Chairman, I agree with you. They are two different areas and I think we should tackle the Fenn Road area first, and I like your ideas. Thank you.

Commissioner Pane: Maybe when Mr. Minor is working on just the Fenn Road map, and he is identifying the floor zones and the owners of the property and stuff, he could also put a note on how that property is zoned right now, whether it's zoned PD or whether it's zoned Industrial or what, so when we look at the map, we could look at it comprehensively and see all the zones.

Chairman Aieta: When you take that half mile radius around the Fenn Road station, you run into some residential zones, so that might not be the radius to use; it might be some odd shaped configuration to eliminate putting a commercial type development right next to a residence zone. It might not be a perfect circle, because I don't want to...I think the mission of this Commission should be protect the neighborhoods, protecting the residents of the Town of Newington, people that have the investment in this Town. Part of that is the relationship that we have with businesses, but not at the detriment of our neighborhoods and our residents. We're looking for good businesses. We're willing to bend over backwards to get people in here, do special things for them, but on the other hand, we residents and the neighborhoods are more important than business in my estimation. I think most of you feel the same way. When you start looking at that PD Zone and putting some thoughts together, as to how we could modify it, and I like the suggestion of incentives.

B. Performance Bond Release at 580 Church Street (Three Angels Seventh Day Adventist Church.)

Chairman Aieta: On this application I will not be sitting in as Chairman. I am recusing myself because I own the property directly abutting this piece of property. Also one of my companies has a business relationship with the Church, so I will not be acting on this and I will turn it over to the Vice-Chairman.

Vice-Chairman Pane: Thank you very much. We'll go right to the Town Planner for a report on this.

Craig Minor: For the benefit of the veteran Commissioners, this is just a bond release. For the benefit of the new members, whenever a developer has not completely finished a project but he wants to get a Certificate of Occupancy, he posts a bond with TPZ to guarantee that he will finish the project. That's because once he gets his CO from the Building Inspector we have lost our leverage over him, so we hold some of his money to keep him honest. In the case of the Three Angels Church a number of years ago, they posted a cash bond. It was

the result of a series of law suits between them and their neighbors and the Commission at one point, but the bottom line is, the developer posted a bond and he has done all of the work that he was required to do under the terms of the bond agreement. It is in your agenda package, and there is an excel spread sheet that lists seven specific items. The terms of the bond agreement was that once these seven items were completed (hay bales for check dam, filter fabric fence, an anti-tracking pad, site grading, loam and seed, safety fence with a total value of \$44,000), once those seven items were installed to the Town's satisfaction, the town is compelled to release the bond. That's what I'm recommending to you tonight. Now, this is not to say by any means that the Church has completed the project. In fact, my crystal ball says they are going to come back to you in a month or so and ask for permission to apply for a certificate of occupancy from the building department, but because the site is not yet done (there is some landscaping that hasn't been finished, there is a fence around the generator pad that needs to be installed, and there is still more site work that needs to be done), they will have to present another bond to you folks. But according to the current bond agreement written back in 2008, we are compelled to release the \$44,000 because they have done all of these seven items.

Vice-Chairman Pane: Thank you very much Mr. Planner. Any questions from the Commission? I've been over there, I've seen these seven items. I think the church has taken care of everything there, and the other items that Mr. Minor was talking about is unrelated to this, and at a later date those items will be discussed.

Commissioner Bottalico: Are we willing to give them a CO now, when the building isn't finished?

Vice-Chairman Pane: We aren't talking...

Commissioner Bottalico: Do we have a bond for that?

Vice-Chairman Pane: No, but before they get a CO we will be looking at that. That will be something separate.

Commissioner Bottalico: So we don't have any money right now, right?

Vice-Chairman Pane: But they don't have a CO right now. They are still working in there, and they are proceeding pretty well. At the time that they want a CO they will come to the Planner, and the Planner and the Engineer will go over to the property, and they will inspect it, and they will determine how much money they are going to have to put up for a bond before a CO is issued.

Commissioner Bottalico: How much time do they have left on their site plan approval? Isn't it a five year period?

Vice-Chairman Pane: They usually have quite a bit of time, and it can always be renewed because they are so far along, so they will have plenty of time. Any other questions? Do we have a motion?

Craig Minor: I didn't want to be presumptuous and prepare a motion, but I can...

Vice-Chairman Pane: I'll make the motion myself. I make a motion that we return the \$44,000 cash bond to the Three Angels Church at 508 Church Street. They have complied with everything on the bond estimate.

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

C. Discuss on-going review of Zoning Regulations.

Chairman Aieta: This is another area like TOD that we have to get a handle on. We've been working on it for over a year. We have new members that we have to bring up to speed and I would ask the Planner what we have left.

Craig Minor: We're down to a few pages left.

Commissioner Pane: Why don't we have the Town Planner give us what we've got so far, so we could review it as a Commission? Hopefully he's got it so that we can see the original and...

Chairman Aieta: He does. He's done it in Word, so if he has added something it's in bold, and if he's taken something out he's scratched through it, so you can see the original regulation as it was written and the changes that we talked about and what the Planner has proposed to us. I think that's a start. I know that it's going to be a task to put that all together, but if you could do that, and get it to the Commissioners whenever, when you are finished with it, and then we'll review it and try to digest it, and then we are going to have to have a meeting because we have new members here.

Craig Minor: Now, there were a couple of items that were kind of a side bar. The auto related uses...

Chairman Aieta: Right. I think that we are going to take up the sign regulations and the auto-related uses as separate items because there is so much work that needs to be done on them. I think at this point we should go through the changes that aren't too substantial and get that done, have a public hearing on that, and later on do another public hearing for the auto-related uses and another public hearing for the signs. We have regulations that we are following now; do you see a problem with the day to day business of your office?

Craig Minor: No, not at all.

Chairman Aieta: Okay, it's pressing, but it's not pressing to the point where we're stifling people who want to come in and get things done. So at this point I say let's tackle one thing at a time: the regulations as a whole, then the auto-related uses, and then the signage as separate hearings. Let's try to get through this by the spring, March or April, and be finished by then.

Commissioner Pane: Mr. Chairman, it might be good to get a copy of the existing regulations to the new members too.

Craig Minor: Yes, I had planned on having them for you tonight, but the big printer upstairs broke down this morning, so Cindy wasn't able to make a set of the regs for you, but you will be getting the zoning regs, the subdivision regs, the Plan of Development, the by-laws, and a little booklet explaining the duties of the Planning and Zoning Commission for new Commission members at the next meeting.

Chairman Aieta: Okay, so you will mail that out when you get them.

Craig Minor: Yes.

X. OLD BUSINESS

Chairman Aieta: We have the application for the restaurant in the center of town.

Craig Minor: I did not prepare a draft motion, but I didn't hear the seeds of any Conditions of Approval in the comments that were made.

Commissioner Pane moved to approve Petition 43-15 Special Permit, Section 3.12.1 Restaurant at 103 Lowrey Place, Lowrey Place Realty LLC owner, Stoc, LLC applicant, Ian Thomas, 579 New Britain Avenue, Newington, Connecticut.

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

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 44-15: Special Permit (Section 6.6: Sale of Alcoholic Beverages at 2640 Berlin Turnpike (Aldi) Aldi Incorporated CT, owner Aldi Incorporated CT, applicant Kyle Voiland, 295 Rye Street, South Windsor, CT contact

Craig Minor: We have received an application from Aldi's to be able to sell beer. It is permitted in that zone; we just need to have a public hearing on it. I suggest that the hearing be scheduled for the next meeting on January 13th.

Chairman Aieta: Any questions? It's kind of cut and dried, it's a grocery store. I don't think there is anything close.

Craig Minor: I did check; Stop and Shop is more than 500 feet away.

XII. TOWN PLANNER REPORT

- A. Town Planner Report for December 9, 2015

Craig Minor: The only item in my report are the issues that came up during the public hearing for the adult day care. After the last meeting I did some research, and it turns out that the reason we can't find a special permit for B'nai Shalom is because there was no special permit. Back in the 1970's "religious activities" were allowed as of right in the residential zone. You didn't need to get a special permit. So there is none. I'm disappointed because my initial idea was to modify what I thought was the existing special permit to address the specific issues that come up when the Hindu folks are conducting their religious practices, i.e. come up with a plan for off-site parking, police protection, all of the issues that everybody has been talking about. But there is no special permit, and I'm sure the temple is not willing to come in and apply for a special permit today because you never know what could happen. So I met with the attorney and the applicant and I suggested that all the stakeholders, the neighbors, congregation, the TPZ, emergency services, we all get together and come up with a list of the issues and remedies to those issues. I doubt everybody is going to be completely happy; you never make everybody happy, but I think we can come up with a solution that recognizes their religious rights, because this is a religious institution, and we have to be respectful of that. If the Chairman would like, I would like to attend the neighborhood meeting that Attorney Doyle mentioned during the public hearing earlier tonight. I think it would be good for me to be there. Okay, I'll do that.

Chairman Aieta: If any of the Commissioners want to attend that, I think it would be a good idea. I'm going to try to attend it myself. I think it's a good idea to see what they come out with, if there are other issues beyond the adult day care.

Commissioner Serra: I'm going to open a can of worms because in the past when we have wanted to do things like this, the Planner has said that we all can't be there, because then it

constitutes a meeting. Do we need to go there as a Commission, as part of a meeting, or can we all go there?

Craig Minor: I think the simplest thing would be if less than a quorum go. It's the kind of meeting that a developer with an unpopular project usually does ahead of time. He invites the neighborhood, he brings refreshments, donuts, and schmoozes the neighborhood to get them comfortable with the project, and then he goes to P & Z. This is kind of after-the-fact. They asked the Town Manager for a room to do it here in Town Hall. That wasn't my idea, but that is how they are doing it. I think they should have done in off-site myself, to make it clear that it is the developer that...

Chairman Aieta: They are giving the impression that it is a sanctioned meeting of the Town of Newington, and it's not. So if we attend, we just can't do that with more than a quorum. So how many people can attend? Three?

Craig Minor: Yes, because you are a seven member board, so three would be okay.

Commissioner Sobieski: I think I would like to go.

Commissioner Serra: Then I won't go. I think it's important for the Chair to go, so I won't go.

Commissioner Sobieski: I can back out if the Vice-Chair would like to go.

Commissioner Pane: No Stanley, you go right ahead.

Chairman Aieta: Do me a favor; just send us an e-mail so we don't forget, and then we will come back and report. I'll touch base with the other members over Christmas anyway.

Commissioner Pane: I think, if you think of it, you had a problem at Azteca Restaurant almost like it on that basis where are telling the restaurant that you have to live within your means inside the building, you have to live within your means for parking, and you can't expand beyond that because it creates safety hazards. If you think of it on that basis, I think that we'll be able to present something to them. I think if they want this function to be where they can host thousands of people, that we should tell them that if that is the type of function that they want, they should have it at a place that can handle that kind of people, that many people, like at New Meadow or somewhere where they can handle the parking and the amount of people.

Commissioner Sobieski: Mr. Chairman, through you to the Town Planner, will the tent issue be addressed?

Craig Minor: Yes. That came up during the meeting with emergency services.

Commissioner Sobieski: The reason I'm asking is because the tents are sitting in parking areas, and I don't think they can get to the dumpster because of the tents. Is the Church exempt from zoning regulations? If it's not, then we need to make sure that they understand that. If you are going to put a tent up there, get a permit like everybody else, and that tent can be up there for only a short amount of time. That obviously is taking away the parking space, on top of it.

Craig Minor: There are two things to what you are saying. Yes, the tent definitely needs to have a permit from the Fire Department, to have the Fire Chief sign off, but as far as how long the tent can be there, well, that's a different thing. My guess is that the Fire Marshal and the Building Inspector don't have a problem with it being there forever because it meets their

requirements, their safety standards. But I think the Commission would have a problem with it being there forever. I believe they only want it during their major holidays, New Years, and the other holidays they have.

Chairman Aieta: Let me understand what this meeting is. This is a meeting they are putting on to get everybody together, the Police Department, Fire Department, but where is it really going to end up? It's going to end up at this Commission to make some kind of determination as to what we are going to allow there under the permit that they have. That complicates things a lot, them not having a special permit, and I don't think we can go backwards at this point and say you have to come in. I think they are there, and they came in under the same situation that the synagogue came in under.

Craig Minor: If they built that building today they would have to get a special permit from you, but because they bought the property from B'nai Shalom, and when B'nai Shalom started they didn't need a special permit, in a sense, well, I don't want to call it non-conforming because it is an allowable use if you get a special permit. I don't know what to call it. It's there, they have vested rights, so we need to come up with a compromise that respects their rights but also the neighborhood's rights.

Chairman Aieta: So after this meeting, are they going to come to this Commission? What's the procedure?

Craig Minor: I've had a lot of conversations with their attorney, he and I have been brainstorming, but I can't say what his client is willing to do. I know what the attorney thinks his client should do, but he doesn't know what his client is willing to do. I will have more information for you after the meeting next week.

Commissioner Serra: There was some question earlier as to whether it was an owner, a sublease to somebody else, or what. Can we find out how many owners there are?

Chairman Aieta: It's very difficult to pin down the relationship between the different entities. We got them to say that it is a for profit organization, they are getting monies. The people aren't paying but they really are paying because their insurance or Medicaid or somebody is paying.

Commissioner Pane: The hearing is still open, so we had better not go into that here. Let's stick to the zoning violations.

Craig Minor: That's it for my report.

XII. COMMUNICATIONS

None

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

Rose Lyons, 46 Elton Drive: For those of you who know me, and those of you who don't, answering my questions at the beginning of the meeting isn't going to make me go away. I know I can't speak to items on the agenda, but with all due respect, there are new members here, and there were new people in the audience tonight and I know it was wrong when they spoke out, but it's very confusing for someone to get a letter, I don't know what kind of letter, because I don't get them, and I hope I never do, but a little explanation in the beginning for everybody as to how the meeting is run may go a long way. It's not like there is just John and

me sitting in the audience. There was a crowd here tonight. With all due respect Mr. Chairman I would have like to have known in the beginning that you were going to follow the rules of the public hearing as far as not allowing someone who is neither for nor against to speak. So you are not going to have three different categories, I get it now.

Chairman Aieta: I don't think that I changed the rules. We're reading a procedure into the record that we are following and then under public hearings we are allowing something else to happen. I'm just looking at it from a legal standpoint that if the case went to court - you know lawyers have a way of just picking the scab until it bleeds.

Rose Lyons: I understand that, but I would have liked to have known before we got to the end there.

Chairman Aieta: To be perfectly honest, I didn't know what that woman wanted me to explain. We have to have some decorum in running this meeting.

Rose Lyons: But when you start talking about Section 8-24's and PD Zones, the people here or even the new people, I don't even know these zones, what PD stands for. It took me about two years to figure it out. As far as taking the signs up from the roads, aren't most of our main roads in Newington state roads? The question about the exception to the exception and the exception within the exception, I don't know whether you can answer that or not, but I'm curious as to what you are doing here. If you have maps, could the audience look at them also? John and I were on top of that one almost and still couldn't see it. I know that the Town Planner has been very kind to me before and provided me with them; it's nice to have them so that we can follow along and see what you are doing. Thank you.

John Bachand, 56 Maple Hill Avenue: Has there been any further consideration about speaking about items not on the agenda. Just curious if that is a law, if that is written in stone.

Chairman Aieta: You bring up the topic of what you want to talk about. When there is something that we feel is inappropriate, we'll tell you.

John Bachand: So, first item: I miss Chairman Hall, but you did a great job on your first meeting here. I don't know if you have run any meetings by yourself before but you did a great job, and you did a lot of work.

Chairman Aieta: These guys are supposed to be watching me, the Planner and Domenic and Rose, and they let me make a mistake, so not on my back, it's on theirs.

John Bachand: There was a lot of work, but it seems like you went through it pretty good. It's not early, but, at the last meeting I mentioned during the zoning change recommendations on the definition of "structure", and I said that I hope that you modified that from what was being proposed because it sounded like any two pieces of material cobbled together became a structure. A propane tank could be a structure. This is just a quote from a conversation that and Planner and I had recently, and unrelated, but kind of related, where he told me that the laws that protect people's property rights are occasionally stronger than zoning laws. I'm in agreement with that, and I think we don't want to make it so that a picnic table is going to be under the purview of the zoning enforcement officer. Maybe I'm exaggerating, but that's what it sounded like from that initial recommendation, so I hope that can be looked at. Just a quick comment about the impound lot over there. It is not the best place. If you look at it on a sunny day, you can see right through that screening there and it's not pretty. It's easy to not focus on it, but I think about it now when I go by there, and I look at it, and I see a bunch of junks in there, and I didn't think it was the best place for that. I think that the maps that we

saw for this TOD discussion is a great start. I complement the Planner for putting that GIS Department to work and it's definitely a work in progress, it needs more and there were a lot of pieces missing from the puzzle. Fenn Road for one, especially like where Crest Pontiac was, it wasn't even circled. The former Atlantic Machine, definitely under-utilized. They had my property on there which I was a little bit concerned about, and I don't want them tearing my house down in a New York second, but that raises another question. The circle actually just touches a small circle of my property, so I would ask if a parcel is just touched by that half mile radius, is the whole parcel part of it, or only the part that is in there?

Chairman Aieta: That's why I said those circles are probably not going to end up being circles, they are going to be odd shaped, because we are going to keep them away from the residence zones.

Commissioner Pane: Plus we are going to make sure that we have a really good buffer between a PD zone, or whatever zone it is going to be, and residential property. I think in the 2020 Plan it talks about protecting residential property and I'm concerned about that, so I'll be talking about that.

Chairman Aieta: It won't be a perfect circle. This is just something that was drawn on a map, so we might end up where we cut out that part that touches your property, or the piece that touches the Old Farms area. We will stay away from residential areas.

John Bachand: Again, I think it's a great work in progress with the maps and the zone and now identifying them, and all that stuff, so I think that's a good thing. The only thing that is not on there is that P&G Sand Blasting, which is a pretty good sized parcel, which is actually for sale now, that wasn't listed on there. Thank you.

XIV. REMARKS BY COMMISSIONERS

Commissioner Serra: Is there anything new on that Wethersfield development?

Craig Minor: Only that there is going to be a hearing on it.

Commissioner Serra: Maybe you could bring the new Commissioners up to speed on this real quick?

Craig Minor: There is a proposed subdivision in Wethersfield, on the Wethersfield side of Back Lane, of some vacant land that is being subdivided into 22 lots. Normally we wouldn't care about a Wethersfield subdivision, except that all of the traffic from this subdivision, anyone leaving that neighborhood, either guests or residents, who plan to head south on the Berlin Turnpike are going to use Cottonwood Road to get there. They are not going to go up to Prospect Street. They are going to go this way [pointing to map on the monitor], and right now this is a very narrow private road. There was been a gate there which has been broken for a number of years, and if the homeowners association decides that they don't like people cutting through, they could restore that gate, and the good deal that everybody has been benefiting from it going to end. So we sent a letter to the Wethersfield Planning Commission asking them to tell the developer to use roads in Wethersfield. Yes, that's going to mean getting a wetlands permit from the Wethersfield Wetlands Commission, and that is problematic, but it didn't seem reasonable for all this Wethersfield traffic to be using Newington private roads. It's on the agenda for a public hearing later this month. I'm thinking that it is next Wednesday.

Commissioner Serra: Also, there's that other subdivision there. An older one that was never developed. The same developer has taken it over.

Craig Minor: They show on this map - that's a paper street that hasn't been built yet,

Commissioner Serra: No it hasn't, but the same developer did acquire that property, I do know that, and is going to complete that development.

Craig Minor: I might have that map.

Chairman Aieta: Any other Commissioner remarks?

Commissioner Pane: Yes, real quick Mr. Chairman. Please have the Town Planner notify us when the public hearing is going to be for Wethersfield, in case any of the Commissioners want to attend.

Commissioner Serra: The last one that they had, Vice-Chairman Anest and I attended. I think it would be a good idea.

Craig Minor: I think it's next week. I'll send all of you an e-mail tonight before I go home as to when it will be.

Commissioner Pane: I just want to tell the Planner, if he wants to contact me, I have a cell phone number, instead of the home phone number. My cell phone number is 860 478-4854, and that would be for the other Commissioners too.

Craig Minor: I need to ask you folks for your e-mail addresses. We send a lot of things out by e-mail. Rather than have you all yell it out to me, if I give you my e-mail address and you reply, I will then have it. My e-mail address is CMinor@Newingtonct.gov.

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Aieta: It wasn't too bad. As the first meeting I thought it was going to be worse than what it was. It's been quite some time since I chaired a body. I was a Chairman of a political party for 15 years, so I have a little experience in running meetings, but these guys are supposed to be watching me and they didn't. We have a lot of work to do and I know that we will get through it. I just want to wish you all a Merry Christmas and a Happy New Year. I'm not politically correct in saying Happy Holidays.

XVI. ADJOURN

Commissioner Pane moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary