

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

December 8, 2010

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest  
Commissioner Camerota  
Commissioner Casasanta  
Commissioner Hall  
Commissioner Pane  
Chairman Pruet  
Commissioner Schatz  
Commissioner Aieta  
Commissioner Lenares

Commissioners Absent

Commissioner Carragher

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. **Petition 39-10 – 85 Market Square Roma Properties 75 Market Square Newington owner, Benjamin Petitpus applicant request for Special Exception Section 3.12.1 (A) and 3.11.1 place of recreation/health club, 1010 square feet, B-TC Zone District.**

Chairman Pruet: Would you come to the microphone and state your name and address for the record, please?

Benjamin Petitpus: My name is Benjamin Petitpus and I live at 130 Butternut Lane in Kensington. What I am looking to do is to open up a personal training studio, both one on one personal training, and semi-private training programs. I want to help people to lose weight and get into shape, and that is pretty much the main scope of business.

Chairman Pruet: Okay. What are your hours of operation?

Benjamin Petitpus: Six a.m. to nine p.m. and mostly by appointment.

Chairman Pruet: How many days a week?

Benjamin Petitpus: Right now, Monday through Friday.

Chairman Pruet: Okay. Any questions from the staff, Ed?

Ed Meehan: I just would point out Commission members have a sketch of the proposed floor plan. This is at 85 Market Square. It used to be a furniture, I think it was a re-sale furniture occupant there before, it's near Newington Pizza on the south side of Market Square.

Commissioner Anest: Wasn't it A & D? Wasn't it A & D Solutions?

Ed Meehan: This is on the west side?

Commissioner Hall: He would buy the furniture and re-sell it.

Ed Meehan: Right.

Commissioner Anest: Okay.

Ed Meehan: The gross floor area is about 11,000 square feet, 1100 excuse me, and so the as you can see by the proposed floor plan, the activity space within that 1100 square feet is about 800, 820 square feet. So it is a small space, looks as if there are about eight to ten work stations or activity areas. It's pretty similar to what occupancy you get at seven spaces per thousand for retail use so I looked at this, and the parking for all of the stores and tenant use on the south side of Market Square historically has shared the municipal parking lot. That's how this would operate. The proprietor and the people who come and stay here for a work out and train would be requested to use the municipal parking lot. It's permitted by Special Exception as a place of recreation such as health clubs under Section 3.11 in the zoning regulations.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Aieta: Is there a sign being proposed at this time with the application?

Benjamin Petitpus: If I was to have a sign, it would be right above the window. I haven't looked into that yet but.....

Commissioner Aieta: You know, a sign for your business, you're saying it is part of this application?

Ed Meehan: No. He would be entitled to a wall sign, attached to the building, and that's treated as an administrative permit from the Zoning Officer and Building Department, so he wouldn't have to come back to the Commission.

Chairman Pruet: Any other questions for the applicant? Okay, you can have a seat. It's a public hearing, we're going to call upon the public. Anybody from the public wishing to speak in favor of this petition? Anybody wishing to speak against this petition? Okay, seeing none, I think we'll close this and move it. That's the consensus? Okay, we will close this and move it forward.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

**IV. MINUTES**

November 22, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the November 22, 2010 Regular Meeting. The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion with seven voting YES.

**V. COMMUNICATIONS AND REPORTS**

None.

**VI. NEW BUSINESS**

- A. Petition 35-10 - 49 Fenn Road A Walk-In Medical Center, LLC applicant 365 Willard Avenue, Newington, Estate of Jeanette E. Koczera owner, contact Joseph Perugini, P.E. Weston and Sampson, 273 Dividend Road, Rocky Hill, CT request for Site Plan approval 1,800 square feet medical office, I Zone. Continued from November 22, 2010. Sixty-five (65) day decision period ends January 26, 2011.**

Attorney Giffith: Good evening. My name is David Griffith and I represent the Walk-in Medical Center LLC owned by Dr. Stuart Calle. Dr. Calle is with us this evening, as he was at the last meeting. We are continuing our presentation from the last meeting and since that time we have revised plans based on both comments from staff and some input from the Commission at the last meeting. I, first of all, I have spoken to Mr. Meehan, the Town Planner, and I just want to make sure, is there something that you need me to give to the Commission, an extension.....

Ed Meehan: Yes David, we are going to need an extension of the sixty-five days. The Commission members are just getting some of this information tonight, so if you would grant the Commission an extension, I would recommend to the end of January. The agenda says January 26<sup>th</sup>, but that's a typo. It's, I just checked that, the sixty-five days end December 26<sup>th</sup>, so the Commission doesn't meet again until January 12<sup>th</sup>, after the new year begins, so the applicant would give the Commission an extension to the end of the month, that would give the Commission two meetings to work on this.

David Griffith: So when you are talking about the end of the month, you are talking about the end of January.

Ed Meehan: Yes.

David Griffith: We're fine with that.

Ed Meehan: Thank you.

David Griffith: As a follow-up we have submitted a revised plan which is before the Commission tonight. With me tonight is Joe Perugini. Last time as the Commission remembers, Alan Nafis was here. Joe has worked very closely with Alan in terms of the site plan and is very knowledgeable about what is going to be done to design the retaining wall, and questions that you might have. So he is going to be talking to you about how it is going to be built, and other, and any other issues that are of an engineering type. Mr. Hurd the architect is also here tonight, there have been some changes in the design of the building

and he will continue to address any questions in regards to the building design itself and the suitability to the site. I'm going to ask first of all Mr. Perugini to address construction issues and other issues in connection with the building.

Joe Perugini: Good evening Members of the Commission. For the record, my name is Joe Perugini. I'm a professional engineer with Weston and Sampson. I'm going to go through the site revisions that took place since the last meeting. Many of them are based on our meeting with the Town Planner and the Town Engineer. We had a meeting yesterday and those revisions are reflected in the plan that is before you. I'll go through them briefly. Since you last saw the plan there was an issue with the northwest corner of the wall. This corner here did not comply with the required setbacks from the property line to the rear wall. In order to comply with that, we have taken the site and slid it to the south. In order to do that, the building overhang was reduced by twelve inches and the compact parking was converted to standard parking. Compact parking which is sixteen feet requires three feet of overhang, standard parking, eighteen feet so we ended up saving a foot there. With that change we were able to comply with the five foot setback requirement. The other change is that the curb island for the right turn in, right turn out was changed to a concrete island surface. That was just for ease of maintenance. Also, because of the lack of area for snow storage landscaping in this area was reduced a bit and slid to the north in order to provide a little more area for snow storage. There was a Do Not Enter sign there that was slid back also. The applicant has acknowledged the potential for there to be an issue with snow storage if there were a large storm, and he may have to have snow trucked off site if that were the case. Also, there were two site lights, one here and one here, the base was located behind the wall, and at the height that they were shown, they did not comply with the maximum height requirement so the light posts were reduced in order not to exceed the seventeen foot maximum height requirement. Also, with regards to the retaining wall, the Town Engineer asked that we show sheet piling and where it would be located. On the plan, it pretty much follows the property line from here and then down the property line. That is coordinated with the detail that we have shown on our plan. Also the wall detail, I know there was a little confusion at the last meeting about the height of the wall. That detail was clarified to indicate a wall height, a maximum wall height of 13.5 feet. It does vary in height. At this point it tapers up to about 12 feet, and then at it's maximum of 13.5 feet, and then it will slowly taper down to about 8 feet and then it will taper down to about 2 feet here. Another concern that was raised at the last meeting was the aesthetics of the concrete wall, and the owner, we have researched what is available for façades and the applicant, we have presented to him what is available. There are stamped concrete form liners, in which the concrete can be stained to look like stone, there is also a stone façade and that is what he has chosen to present. This is the style that was most appealing. That is a concrete wall with a thin stone façade applied to it. Looks wise, it is what we would be looking to for this concrete wall. Another question that the Town Planner wanted me to explain is how the site would be constructed. I have a sequence of construction that I'll try to be brief, but I will go through what would be involved in the construction of this site.

The contractor would begin by marking out the limits of construction. He would then install all of the sediment erosion control measures, silt fence, hay bales, his anti-tracking pads in the driveway areas that would keep sediment from tracking onto Fenn Road. He would then proceed with clearing the site as needed to keep with the grading limits. He would then proceed with removal of trees and stumps. Stumps would be removed off site, then the top soil would be stripped from the site and stockpiled in the area, to be reused later. Then according to the plan, the sheet piling would then be driven in, and once the sheet piling is in place, the next step would be to excavate and construct the foundation to the building. That would have to take place prior to the construction of the wall because that is the lowest point on the site. Once the foundation is constructed, it would then be backfilled and the construction would proceed to excavation for the forming of the wall. Once the wall is poured

and cured, they would install an underdrain behind the wall, backfill the underdrain, bring it up to the height of the wall. A chain link fence would be installed along the top of the fence due to the height, the regulations require a fence along a wall of that height. Behind the wall, the area will be graded with a swale in either direction, so run off coming down into the site will be directed around to the proposed catch basin. The area will then, the area behind the wall will then be loamed and seeded for turf establishment. Then the next construction will be the installation of utilities. That will involve the installation of the septic system, the storm water, the underground detention system, catch basins, yard drains and the utilities and as you can see, several of these utilities need to be taken from Fenn Road. Any work that gets done in Fenn Road will require an encroachment permit from the State, District One. District One will have, will regulate the construction activity entering and exiting the (inaudible) Fenn Road. They have standards for traffic patterns and what would be required to do this work. If a police officer is required, then the contractor would have to provide one. Once the utilities are in place, connected to the building the site will, the remainder of the site will be graded to sub-grade. The process aggregate base of the pavement will then be placed and compacted, the first course of pavement will be installed, then there will be curbing, sidewalks, and other site features. Once the final grading takes place, the rest of the site will be fine graded and seeded for establishment of turf. The final features, once the site has established the lawn, the sediment control measures will be removed. I'll now turn things over to the architect, Robert Hurd who will talk about the revisions to the building.

Robert Hurd: Thank you Joe. I'm Robert Hurd, I am an architect practicing out of offices at 56 Arbor Street in Hartford. As we noted last month, the building has a simple symmetrical façade, and we treated it with a frieze, and the frieze has dental moldings and we added an architraves molding on the lower third of the frieze in order to make it a little more historically accurate. We've made a few changes to the inside of the building as we have refined our plans for the Doctor's use of the building and in doing that, we have added a door here at the north end off of the parking lot which will be used in the event of someone being brought to this clinic in an ambulance. It's not going to be used by patrons on a regular basis, the main entry will be used that way. This will be a glass door, and in doing that we have eliminated one of the two windows that showed on the north side of the building at the last meeting. We've added a light fixture similar to those on the back of the building at that location so it will illuminate the door at times like this. The Doctor mentioned at the last meeting he's generally open between the hours of eight a.m. and eight p.m., so in the winter months and late fall, early spring, it will be dark during a portion of the operating hours. Otherwise, we have added a, I'll call it a mock chimney. We may relocate that more to the center which is going to serve as a vent for our heating appliances. We are going to use high efficiency gas furnaces and we don't need a real chimney for those but we don't want to direct vent them out of the sides of the building, and we don't really have a place to put those along the back here because we have a walkway to the exit door, and we are also using that area for storage of the trash containers. Other than that, we haven't made any significant changes to the exterior. Of course we've added the door here and eliminated a couple of doors on the back. I believe you have copies of these. The generator for some of the changes on the outside is simply the inside use of the building. There was a question at the last meeting about how the symmetrical entrance façade relates to the one third, two thirds use, and this shows how it is. We have the common stairs to the basement, this is the tenant space, this is Dr. Calle's space, three exam rooms, a room for x-ray, office and administration, handicapped lavatory, triage and some of his other activities such as the ekg machine, sterilization, and all of that stuff are in that area at the back of the offices, a small waiting room, doesn't have a lot of backup the way that some doctor's offices operate. People come in, they are treated pretty quickly and they are not waiting around a long time, so a small waiting room, and a receptionist in the northeast corner. With the rental space, this is one suggested layout. There is room for an office, an office conference room, a handicapped

lavatory and a reception office area. It won't be a high volume operation area at approximately 550 square feet of usable floor area. If there are questions I will be happy to try to answer them. We'll be doing a sign application once the thing is in construction that will seek permission for a sign. If there are no questions, I'll turn it back to David.

David Griffith: Are there any questions from the Commission members?

Chairman Pruet: I have a question. On the fence, he mentioned on the portion here, the composite that you are going to be using, you are going to put a fence on top of that too, did I hear you say that?

Joe Perugini: Yes, the stone facing will be applied to the face of the concrete wall, the six foot chain link fence will be sleeved to the top of the concrete wall.

Chairman Pruet: It will be six feet high?

Joe Perugini: Yes, and that is per building code.

Chairman Pruet: Ed, any staff comments?

Ed Meehan: Well, this application has been going through a lot of revisions at the staff level with the Town Engineering Department and me looking at it. It's a tough site. Commission members now may be familiar with where it is, based on the last presentation. It's a small area and the configuration of the property, it's not a perfect rectangle makes it a difficult site to lay a building out. Added to that is the limitation for sanitary sewer, they have to have an on-site system here. So I appreciate that Mr. Perugini explained how it is going to be constructed because we had talked about that a couple of times in our staff meeting. Basically, they are going to have to create a hole with the retaining wall, and put this building inside it, relative street level, Fenn Road street level. The plan that he is presenting tonight meets all of the zoning standards for side yard setbacks, parking, placement of the wall now is complying with the zoning regulations. It meets all of your design standards. Having said that though, this is still a tough site. We've been told that site borings have been taken and they have a good comfort level that they are not going to hit ledge when they're sheet piling this wall, and they're not going to hit ledge when they install a septic system. So, that's important to know, because any real variation on a site this tight could affect the location of the wall, and it would have, we think a multiplier effect with the parking design and the building setback. You can see from the plans they had to cut back on the overhand to make this building fit within the building envelope, so I can tell you at staff level, this meets your design criteria. The issue of the septic system will have to be perc tests when they get to that grade level with the Central Connecticut Health District to show that they have proper percolation for the use here. As far as permitting for the Fenn Road curb cut, that will go before District One and I wouldn't be surprised if District One traffic engineers don't consult with the engineers at the State Traffic Commission because of this difficult roadway. This particular location has a high frequency of left turn accidents into the gas station across the street. So I know that the State is going to look at that. At one time they were talking about a median in this section of Fenn Road, so right in, right out is appropriate for this property. The other issue here will be, as the engineer mentioned, safety and traffic control when the roadway is cut for utility. Again, that would be the Department of Transportation call, and also during site excavation, with 115 trips off this site, with tri-axle size vehicles to remove the overburden, the excess material. So it's a difficult site. Our Town Engineer feels that it can be done. The sequence of construction that was laid out is important, particularly the stabilization of the back wall and the north wall with sheet piling before you actually get into a poured in place wall. So that's where we are right now.

Chairman Pruet: Okay, commissioner comments, concerns, questions?

Commissioner Hall: On the plan and certainly up there as well, there is a bituminous driveway pretty much opposite this, now that's not Holly Drive, right?

Ed Meehan: That's the driveway, there are two driveways across the street into the Mobil Station, and there is a driveway close by into the fence company, used to be Grody Chevrolet, and then you have a building where the UTC building is, and then you have Holly Drive. Holly Drive is maybe about 250 feet away.

Commissioner Hall: So this bituminous drive is part of the gas station.

Ed Meehan: The fence company.

Commissioner Hall: Just beyond the gas station. So it is on the north side of the gas station.

Joe Perugini: Yes. From the proposed driveway, Ella Grasso, Holly Drive 300, 330 feet.

Commissioner Hall: Now currently there is a guard rail on the side of, the same side as where this building is going to be. On one of these, it looks as if this property is just north of the end of that guard rail?

Joe Perugini: Yes, here is the end of that guard rail, right here.

Commissioner Hall: All right. And then the property goes up from there?

Joe Perugini: Yes.

Commissioner Hall: So they will have to dig out in order to put the foundation pretty much at street level and that is why you have to have that, well, with the fence about nineteen feet of wall and the fence behind it.

Joe Perugini: Well, it's, what you will see will be at it's maximum, 13, 13 ½ feet. You would have another three and a half or four feet below grade.

Commissioner Hall: I understand that, but by the time that you get the fence on top of it, it will be pretty tall.

Joe Perugini: Dr. Calle is looking at options for fence, so it is not as visible. Maybe going with a colored fence, so he is very interested in the looks of the property and doing something about that.

Robert Hurd: And the cornice line of the building is about eleven and a half feet above grade, so where the wall is behind the building, it's the same height as the building.

Commissioner Hall: The wall is, right?

Robert Hurd: The cornice line being the bottom of the roof, so this is 11.3, 11.4, and the wall is somewhere, 12 to 13 feet behind it.

Chairman Pruet: Anything else? Any other questions? Cathy, you have more?

Commissioner Hall: I'm just concerned about that right in, right out, I mean, it sounds good in theory, but that is a very, very, busy spot and now we are talking ambulances bringing people in to the north side, you going to tell me they are going to go up and around and back? I mean, if it's right in and right out only, and they happen to be coming from Cedar Street.....

Chairman Pruet: Again, as Ed said, the State is going to take a hard look at that.

Ed Meehan: They may try to change the radius of, on this plan as far as the right in, right out. If they do, and they substantially affect parking design, or layout, we, the Commission needs to see that again. There is a utility pole, I think in the middle of that island. So, that could be affected. This site has a lot of moving parts to it, to say the least.

Commissioner Hall: Or like a size nine shoe in a size seven box.

Chairman Pruet: Any other commissioner comments or concerns?

Commissioner Pane: Could the applicant explain what kind of landscaping is being proposed in front of the wall, or on top of the wall, along the backside.

Joe Perugini: We are not proposing any landscaping. There is a swale that will be cut around the back and we hadn't proposed anything to impede the flow of storm water that will, there is a knoll here, a hill, and there will be run off coming down at the wall, so we need to direct it down and away.

Chairman Pruet: It would just be grass?

Joe Perugini: It would just be grass here.

Ed Meehan: Just to follow up on Domenic's question, this way, I think you brought up at the last meeting, we talked about it yesterday, more of a textured type wall. There is no real way to hide this wall.

Commissioner Pane: Well, I thought some landscaping might soften it a little bit. The texture is nice on the wall, but I think that some landscaping is going to be needed. The landscaping on the top might actually help too because it will soak up some of the water so, I mean, you've got a fence in, you've got a wall, that's kind of massive that has to be softened up a little bit.

Joe Perugini: We also have to insure that enough sight distance is maintained, especially with cars exiting that as they are pulling out to Fenn Road to the stop bar that they have sufficient clearance so anything in this area.....

Commissioner Hall: Weren't you talking about the back?

Commissioner Pane: Yes, Commissioner, I was talking about the back of the wall, the back corner.

Joe Perugini: You mean in front of the wall?

Commissioner Pane: Yes. Where is the leech field going to be placed, and is it one leech field, or two leech fields or.....

Joe Perugini: It's a two trench system with two sets of chambers. It's concrete galleries, four by four by eight and they are designed for HS-20 loading. So they will be sufficiently reinforced to be below pavement. Again, there is not a lot of room, but we're able to predict, according to the soil, according to the test of the borings, they went deeper than our tests, and the soil is consistent, and the soil was reviewed by local sanitarian and suitable for a septic system. As with any septic system we have to propose a reserve. At the applicant's request the size of the system is at a maximum just for avoiding any future issues so we did over design it a bit as far as capacity. The septic tank is also oversized.

Chairman Pruet: Any other comments from the Commissioners?

Commissioner Pane: Mr. Chairman, I have a question for staff. Ed, under our 2020 Plan it talks about the utility infrastructure and it talks about sanitary systems and it basically, one of the strategies is to encourage people to hook up to the MDC lines and I wanted to find out from you whether or not, how you feel about that.

Ed Meehan: That is the goal of plan. There are very few areas in Newington that don't have access to MDC sanitary services right now. This is one of those odd spots. The nearest sewer system is down behind the former Grody Chevrolet and Stop and Shop, a trunk sewer that runs north and south, parallel to the former railroad tracks. The probability of, even long range, bringing sanitary sewers over here is pretty slim, because there are no other users on this side of Fenn Road. The applicant is showing a possible lateral location in the event sewers become available on Fenn Road, which is a wise idea to put it underground now, but I don't see where MDC would find it cost effective to bring sewers down Fenn Road.

Commissioner Pane: And there is nothing on Holly?

Ed Meehan: Holly flows east, easterly toward the back of the town garage and down to this trunk sewer. The standards in the zoning regulations is 200 foot radius, and this is beyond that 200 foot service area.

Commissioner Pane: Thank you very much.

Commissioner Anest: I just have a question. You were talking about the darkness on the north side of the building. Are there any building lights on the front, each side of the front door?

Robert Hurd: We are going to do ground mounted floor lights. We haven't researched them fully, but as I understand Dr. Calle's desire, it's going to be something that is completely below ground, so it's not going to be knocked around during efforts to clear snow and things like that. It will be shielded but the light will essentially light the face of the brick wall on the face of the building in this area, and this area, and will spill to the door.

Commissioner Anest: And the walkway?

Robert Hurd: Yes.

Chairman Pruet: Further questions?

Commissioner Schatz: I have one. Picking up on what Commissioner Pane said, these tanks you are going to put in, these septic tanks, how many gallons are they?

Joe Perugini: When we do the calculations we come up with what is required, and for such a small use I think the number was four or five hundred gallons, but you have to put in a minimum one thousand gallon. That's the regulation, and we are proposing.....

Commissioner Schatz: So you are going to have two tanks of one thousand?

Joe Perugini: I'm sorry, one tank that is going to distribute to two leeching series of concrete galleys. So it's one tank.

Commissioner Schatz: And you had a reserve you said.

Joe Perugini: And, yes, that will capture the solids, and then the liquid waste would then go into the primary and if for some reason the primaries fail, we are showing an area for reserve. So if they go down we can then tie in, just run a line over and tie into the reserve area.

Commissioner Schatz: That tank is going to be big enough?

Joe Perugini: Oh, it's more than enough.

Commissioner Schatz: Really!

Joe Perugini: Yeah, we do a calculation for the use. There's no shower, it's not a residential use. So when we do the calculation, it is far below the minimum, you have to put in a minimum one thousand gallon, we are proposing fifteen hundred gallon.

Commissioner Schatz: Why I questioned that is that I counted how many toilets you had on the plan, and I think there is what, three? Three toilets, right?

Joe Perugini: Yes.

Commissioner Schatz: And in my building I have two toilets and two sinks, on 2500 gallons.

Ed Meehan: They have to meet the Connecticut Public Health Code for minimum tank size, and then the size of the galleys, they size those based on percolation rate. So when they get to that property level where they are going to be, they'll probably have to do soil testing again and do another perc test. Another thing I want to mention, and I think this is important is that this use is being presented to you with a floor plan that has an 1800 square foot building, 1200 foot for medical use. That is the maximum they can do on this site for medical use right now. If they want to keep their 600 general office use. That meets the parking requirement. If they increase the medical side then they could go over the parking count. So, that is something to keep in mind.

Chairman Pruet: Okay. Any other questions? We are going to keep this open. Thank you gentlemen.

## **VII. OLD BUSINESS**

- A. Petition 36-10 – 375 East Cedar Street Healthtrax, MPT of Newington LLC owner, Laurentano Sign Group, attention Robert Kuszpa, 1 Tremco Drive Terryville, CT 06798 applicant, request for Special Exception Section 6.2.4 pylon sign, B-BT Berlin Business Turnpike District. Public Hearing closed November 22, 2010. Sixty-five (65) day decision period ends January 26, 2011.**

Commissioner Anest moved that Petition 36-10 - 375 East Cedar Street Healthtrax, MPT of Newington LLC owner, Laurentano Sign Group, attention Robert Kuszpa, 1 Tremco Drive Terryville, CT 06798 applicant, request for Special Exception Section 6.2.4 pylon sign, B-BT Berlin Business Turnpike District be approved, the Commission finding that the sign design and placement comply with the zoning standards.

This pylon sign is approved for a total height of 18 feet and a total sign display area both sides, at 174 square feet as shown on plans prepared by Laurentano Sign Group dated 10-27-2010, presented at public hearing November 22, 2010.

The placement of this pylon sign shall be as shown on the location map, dated 11-15-2010, sign footing set approximately 20 feet back from the edge of East Cedar Street curb.

Prior to the placement of the new pylon sign, the applicant shall obtain Building Permit approval.

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

- B. Petition 37-10 – 55 East Cedar Street Wayne Francis owner, Sisters of Mercy of America applicant, represented by Wayne Francis, P.O. Box 4572 Hartford, CT 06147 request for Special Exception Section 6.2.4 ground sign, B-TC Business Town Center Zone District. Public Hearing closed November 22, 2010. Sixty-five (65) day decision period ends January 26, 2011.**

Commissioner Casasanta moved that Petition 37-10 - 55 East Cedar Street Wayne Francis owner, Sisters of Mercy of America applicant, represented by Wayne Francis, P.O. Box 4572 Hartford, CT 06147 request for Special Exception Section 6.2.4 ground sign, B-TC Business Town Center Zone District be approved for a single sided sign per dimensions submitted by the BGI Group 11-22-10, showing a sign area of 8.25 square feet and height at 3.75 feet.

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

- C. Petition 38-10 – 1616 Willard Avenue Stonehedge Landscaping Co., Inc., applicant attention Mr. Donald Woods, Jr. SLCO Properties, LLC owner, request for Special Exception Section 6.2.4 ground sign, PD Planned Development District. Public Hearing closed November 22, 2010. Sixty five (65) day decision period ends January 26, 2011.**

Chairman Pruet: Our next motion, we are going to discuss this. We have two draft suggested motions. It's 1616 Willard Avenue, the Stonehedge Landscaping sign. Let's open it up for discussion. Ed, do you have any comments we can present at this time?

Ed Meehan: I think a discussion is appropriate Mr. Chairman. This certainly needs the Commission's thoughtful discussion and interpretation of your regulations as far as the language that refers to "flashing, rotating, alternating signs" I believe it is in Section 6.2.4 (e) because whatever you decide tonight, or whenever you decide this, could be a precedent for other businesses coming forth and looking to do similar type of reader boards that are internally controlled with electronics, so I think a good discussion is appropriate.

Chairman Pruet: Okay, I'm just going to for the sake of conversation, I'm going to read the provision under the 6.2.(e). "No flashing, running or rotating signs shall be permitted except signs telling the time and the temperature by means of white intermittent lighting provided the largest dimension of such a sign does not exceed six square feet. No banners, pennants, or streamers shall be permitted except as permitted under Section 6.2.1 (f)."

Okay, open it up for Commissioner comments on the sign.

Commissioner Hall: Well, first of all, based on that, 6.2.1 (e) it looks as if they are looking for something that would be bigger than that, at 17.5, so that would be an issue right away that I have a problem with. Also, if you remember, back in the spring and early summer there was a petition, not even a petition, but there was a sign that was proposed, albeit on town property but that I went before the Town Council specifically because we felt at the time, and we were a board united on that, that that type of a sign was against our zoning regulations. So, I just don't see what the difference is with that type of sign, and the one that is being proposed now. Somebody would have to explain to me what the difference is because as far as I can see, they are very similar and I fought for it back then.

Chairman Pruet: Okay, I'll open discussion on that. I think from reading this, we interpret our own regulations with that six foot square feet. I think it's pertinent to a temperature sign, am I mistaken on that Ed? Is that what it pertains to for the temperature and flashing type of sign like a bank

Ed Meehan: If it's a time and temperature sign, it can't be larger than six square feet.

Chairman Pruet: Okay. And that other sign at the high school Cathy, was on town property and it doesn't flash but it.....

Commissioner Hall: Changes.

Chairman Pruet: Changes, versus this sign, what he is promoting, Mr. Woods, is a fixed sign that is not going to be changed daily or this or that, and not flashing or rotating, or whatever.

Commissioner Hall: I tend to disagree with that, because I will quote from the last meeting, "sometimes we wouldn't change it for a week or more, but I would not want to limit it to that. I would want to be able to change it at least once a day if so needed." The sign doesn't flash, it doesn't rotate, but he's looking for a single message, but he would be looking to change it, at least once a day.

Chairman Pruet: Maybe once a day.

Commissioner Hall: That is changing.

Chairman Pruet: Yes. Again, I think that is different than the high school changing it every ten or fifteen minutes. Once a day is not comparable to the high school.

Commissioner Anest: First, I just want to state for the record that I feel that I do not have a conflict on this application. I'm not going to benefit personally or financially and whatever business owner would bring forth an application like this I'd be making the same comments, and considering all of the Commissioner comments the same way, and my vote would be the same way. I just want to say that for the record.

Also, I want to say, to me looking at this sign, and this would go for anybody, it appears to almost be like a back lit sign and if he is saying that he wants to change it, is there a way that he could change it after business hours. Could he program it so that the next morning the

new message would pop up? It wouldn't change during the day. Could he program it after hours?

Chairman Pruet: From what he said, yes.

Commissioner Anest: So it's not going to be changing during the day. It's just like you know, you drive down Main Street and you have all these neon "Open" signs, flashing in the windows. I noticed that yesterday. They have, everybody has their sale signs in their windows of what they are doing. I look at this sign as a sign that is back lit like you know, all the other signs that we have going down Willard Avenue and Fenn Road, and even the gas stations that change, are constantly changing their gas prices, and some of them do digitally change.

Commissioner Aieta: Not in the Town of Newington.

Commissioner Anest: Not in the Town of Newington, but they do light up, they are back lit signs and that's what this is basically, to me, a back lit sign. If it's going to be stationary, saying "geraniums \$5.99" and this is going to be from the operating hours, I don't have a problem with it. It's back lit. It's just like if he had a back lit sign. That's how I take it.

Commissioner Casasanta: In looking at this, I guess a couple of things. Number one, looking at, and as you said Mr. Chairman, it's up to interpretation, but in looking at the 6.2.(e), it says "by means of white intermittent lighting provided that the largest dimension of such signs does not exceed six square feet," and I think the sign proposed is amber, the reader board is definitely larger than six square feet and getting back to the whole discussion regarding the sign that was, that came before us that the Board of Education was looking for our approval on, we did disagree, or we did come to the agreement rather that that type of a sign, that we wouldn't permit that type of a sign, even though the Town Manager thought differently. Be that as it may, I don't think anything has changed in the past eighteen months to make this Commission reverse its position on the position that we took at the high school and I remember clearly that the position of the Board of Education when they came before us at that time was that the sign wasn't going to change during the course of the day, that it was going to be the same thing throughout the day and that it was only going to change in the evening, they would program it in the evening, after hours, so that whatever was on the board stayed on the board during the hours of operation, and we know how that happens, so personally, my personal opinion is, I don't believe that this sign conforms to our current regulations.

Chairman Pruet: Okay. Further comments?

Commissioner Camerota: I have a couple of things. I, when I read this .2.1 (e), I read this requirement of the white intermittent lighting and the dimensions to really refer to the exception to the no flashing, running, and rotating signs for signs that are time and temperature. In other words, signs that we may permit that would be changing periodically. Otherwise I view the sign that is proposed on the petition to really be a sign that is just lighted. We don't prevent people who have a stationary sign full of hooks and keep changing what the sale is from changing that as often as they want. That said, and I don't remember the Board of Education saying that they weren't going to change it all the time, I don't remember that part of it, but we didn't actually approve any petition for them and we would have the authority with our approval to say when it could be changed, so we could dictate that it will only be changed once, no more than once a day and the changes would occur after business hours. So to me, I think it is within our regulations or in a fair reading of the regulations.

Chairman Pruet: Thank you. Further Commissioner comments?

Commissioner Aieta: We have interpreted this regulation in the past, over the last thirty years that this regulation is meant for digital signs. Unfortunately the language here doesn't say that, but you have to remember that our regulations are permissive regulations, if it is stated in the regulation it's permitted, if it's not, it's not allowed. The only exception to this type of a sign is a time and temperature sign and this does not meet those requirements unfortunately. If it changes, if it's a rotating sign, it could be changed digitally, then it is a rotating sign. Once a day, once a month, once a year, it's still a rotating sign. And the difference between a sign that you have to change the letters from, the letters manually, the letters are not internally or externally lit. The letters are classic letters that are solid letters, so it's not the letters that are being lit, it's the background of the sign, and this particular application and the location that it is in, a residential neighborhood, I don't think it's appropriate number one, and number two, if you allow this applicant to have it, then you allow it any place in the Town of Newington, Berlin Turnpike, neighborhood Business Zones, you basically open it up for everybody, and I think you would be remiss if you allow this because then you are changing the regulations. You're allowing something that is definitely against the regulations, it's been interpreted that way for the last thirty years, there's comments and stuff on the record over the last thirty years from the Town Planner and other people that specifically states that this sign is not allowed. So I don't know how, unfortunately this application was done a disservice by coming in with this application, he should have been told at the staff level that the regulations the way that they are written and interpretation over the years, that these types of signs are not allowed. I know that the applicants, someone wants to come in, they are allowed to come in, they are permitted to come in if they pay their fee, but I think this applicant spent a lot of money and a lot of time to present this, when clearly it is not in tune with the regulations. It's not allowed. It's cut and dried, it's not allowed. If you allow it, you are going against your own regulations.

Chairman Pruet: Further comments?

Commissioner Schatz: Yeah, I have one, you know, for the last, I'll go longer than Frank, last forty-five years it used to really sort of irk me that if it wasn't in the book, it couldn't be done. If that be the case on some of this stuff, then we would have maybe horses out there in the parking lot and ride them in. I think every application has to be looked at, Stonehedge is a top notch business in town. I think in the Town Hall here somewhere we've got a few cases of (inaudible) that say we are open for business. It's like saying, we don't want that because it doesn't fit into Newington. Well, I've seen them in different towns, and they're blinking and rotating and so on. This doesn't say that. And knowing the operation up there on Willard Avenue which is a topnotch operation, what's here would be abided by. Whether it opens Pandora's box for other people, but then we would judge them when they come in.

Chairman Pruet: Anybody else have a comment on this?

Commissioner Hall: There is no question that Stonehedge is a topnotch operation, but that should have nothing to do with whether or not we allow them to have a sign. The petition should stand on it's own, whether it is John Gray or Donald Woods, and let's not get caught up in the fact that this is a good business. Nobody is disputing that. What we are disputing is the fact that this sign, not too long ago was the type of sign that we as a board said we did not want. It is also not in compliance with a specific stated section in our rules. If we do approve this, we are approving it when we have reason not to. Very definite reason not to, and we have to be careful because once this sign goes in, this will not be the last sign that comes before us, and you can say, oh, we'll take it on it's individual merits, what's going to be different from another company that comes with something very similar to this. If we have

already said yes, even though it's against our regulations, we're going to have a heck of a hard time saying no again.

Chairman Pruet: I'm not going to put words in Bob's mouth, but I think what I got out of it was that you look at a petition and interpretation of the rules. He sees it as not being a violation of what is under Section (e) in here. Any other comments on this?

Commissioner Pane: I have to agree with Cathy and some of the other Commissioners. Section 6.2.1 (e) is basically strictly for time and temperature. That is what it deals with. It doesn't mention anything else about reader signs being allowed for any other type of sign, so if it's not mentioned, it should not be allowed. There is a massive amount of stuff on the record. We all talked about this when we basically forced Cathy as the Chairman, not forced her, but we all said, we all came to the conclusion a year ago or more, we talked about this in depth, and we all came to the conclusion that this was the type of sign that was not allowed and we asked her to go to the Council and present our case. I think that what you are doing here, by approving this, when it clearly says that it's not allowed, is an injustice to our regulations. If the Commission feels strongly about approving a sign like this, you would have to do the same thing that you did on the auto related uses, you would have to present this to a public hearing and then have a public hearing on it, and then change your regulations and then vote on changing the regulations. You can not just vote on something that our regulations clearly say is not allowed. Thank you Mr. Chairman.

Chairman Pruet: Thank you. Dave, any comments from you? We've heard from everybody, your thoughts on this.

Commissioner Lenares: My thoughts are a little bit unspecific. I understand how someone could interpret Section (e) different ways. If you interpret it as it relates only to time and temperature, I could see how you state that, if you interpret it as it does not say that these types of signs are not allowed, I can understand that as well. I've heard the comment that says if you allow this type of sign to this particular applicant then this won't be the last. That could be true. I just don't know, and this is my opinion, how much of a bad thing that is. I've seen them in other towns. They are not offensive. I don't agree with the flashing, the running, because that could be a little dangerous on the roadways, I like the ones at the gas stations that I see in other towns. I just don't know if it's the worse thing that could happen as an end result if these signs were allowed. I'm not sure which way to go in terms of allowing it, not allowing it, like Dom says, if you have to go to a public hearing to change the regulation, I'm not sure if that's the way to do it, I think it probably should be. But over all, the end result, if you have this applicant, granted it's a petition, and other business owners come in, I'm just not sure how bad that would be for the town. So you have digital signs, I guess, if you can control them, not that the enforcement officer needs more stuff to enforce, but the end result, I don't know how catastrophic it would be.

Chairman Pruet: Thank you. Can I get the thoughts of the Planner on this too?

Ed Meehan: I think Domenic.....

Commissioner Pane: I had a couple of other things. This Commission should be consistent with its regulations. We talked about this when they came in for the high school. There are plenty of things on the record from some people who have spoken tonight in favor of this, there are comments on the record from the same people okay, about this type of signage not being allowed. Commissioner Aieta is correct. If you go back in the minutes, years, and I've done some research, there's many occasions where previous Commissioners, previous Chairman have always kept this Section 6.2.1 for time and temperature. Now if the

Commission feels that they want to change with the times and they might want to change this, if you don't open this up to a public hearing, you're doing an injustice to this Commission. Open it up for a public hearing, he should withdraw his application, just like the auto related, let's be consistent. We made the auto related guy withdraw and then this Commission talked about it, and said okay, let's bring this baby to a public hearing. Now if the Commission feels that maybe the town would want to have these, or you feel that you want to have these, or you want to change our regulations, then the applicant should withdraw his petition, we should talk about it and present it as a public hearing like we are doing with some of the other things like drive throughs and signs and the other things, and that should be the correct procedure. If you approve this, knowing that these regulations clearly state that it is not allowed, and the reason that you know that is clearly not allowed is from back history of minutes, and if you do that, then somebody else could do the same principles on another subject in the regulations. Thank you Mr. Chairman.

Ed Meehan: What I was going to say is that it seems to be the consensus of the Commission members as you speak and I listen is a clear understanding is that the only thing that is permitted that may rotate or flash or change quite frequently is a time and temperature sign, with the dimensions cited, which probably changes every minute. It gets the question, and this is an interpretative question, not just of the regulations but an interpretation of what has been presented to you in the way of this reader board. Is this reader board, in the Commission's opinion, is it flashing, rotating, running, scrolling, with the characteristics of, similar to a time and temperature sign. Or, is the frequency of this reader board, even though it's not back lit, I think it was Commissioner Aieta who pointed out very articulately, we have reader boards, but they are back lit and the letters are block letters. They are taken down manually. In this case the letters are controlled electronically and I think the issue is the frequency of the changing of the message. If this message was changed every half hour I think even every other day, I would say it's an alternating sign, and it would fall into the general classification that is prohibited. If it is a more restrictive type change of announcement, message board, it may not be any different than what you see on Arby's or Friendly's or McDonalds, where they change, I don't know, once a month, or you know, when they have a sale of, when they sell lattes, or when St. Mary's changes from Bingo to Christmas sale. It's a difference in technology. If the Commission is not comfortable with interpreting this, the way to do this is through a legislative process as Domenic is saying, put something together in language that you can bring to public hearing, and clarify what you mean. If you interpret this reader board to be not a flashing, rotating, running sign, then I'm sure you are going to have other businesses that will want to do this. Then, as Commissioner Schatz is saying, on a one to one basis, case by case, you are going to need to I think interpret that, and then apply a condition, consistently. If it's out on the Berlin Turnpike different character of land use, different traffic patterns, we may look at it, being a little bit more liberal. Maybe it changes more often. If it's a situation as Stonehedge is, we have residential, you know, that may not be a good thing to change frequently, but then they get you into the consistency trap. How you can be consistent. Still be in the same zone, but not be consistent, and that is an issue, but I think the interpretive thing is, is this reader board a flashing sign? You know, because it changes, the applicant says once a day. I think the Commission could put conditions on this saying the nature of the area with residential across the street shouldn't change more than once a month, once a week, once every ten days, and then it's not only how the sign changes, it's the brightness of the sign, the intensity of it, I mean, the letters, the sign may never flash, but the colors could change. Red, white, red, white, I mean, that's another type of sign. The innovation and technology with computer science now is unimaginable. So, I think you sort of have to guard against that, but I would say, the interpretation is that this is not a time and temperature sign, obviously, so it doesn't fit into that category, but it is in a gray area. Is it a flashing sign?

Commissioner Aieta: It's a rotating sign.

Commissioner Pane: It's a rotating sign, it rotates every, whether it is every five minutes or every twenty-four hours....

Ed Meehan: Or every two weeks.

Commissioner Pane: It's basically an electronic sign and the only electronic signs that are allowed by our regulations are for time and temperature. Now I'm not saying that is a good thing or a bad thing, but that's what our regulations say, the only electronic type of signs that are allowed are for time and temperature. Now if the Commission feels that they want to change with the times, or whatever, then do it the right way, by Public Hearing.

Commissioner Camerota: It seems to me that we have a disagreement on whether or not this sign falls within the regulations. I think some of us think that it is not considered a flashing, running or rotating sign. The test is whether it is electronic or not.

Commissioner Pane: It's electronic, where does it say that you are allowed to have an electronic sign anywhere else....

Commissioner Camerota: Well, that's an interpretation of the regulation which was interpreted to allow a sign at Walgreens although we.....

Commissioner Pane: We made a mistake at Walgreens if you want to go back in the history of it, read the minutes thoroughly, they made a mistake.

Commissioner Camerota: Well, you are talking about consistency, I think we should be clear that a sign, such as what is proposed and that does flash, was actually approved, or talk about the high school sign, and as the record says, I actually didn't vote, I didn't agree with the decision, so I am being consistent. I think our problem is that we disagree on whether we are even within this regulation and that, I would love to change this regulation, and I would not be opposed to going that route and doing this the legislative way, particularly if we have such a diversion of whether or not it even is within this regulation, and that may actually make it easier going forward in the future to address applications that are sure to come in if we approve this sign.

Chairman Pruet: I see a lot of heads going like that, I think that would be the fair, appropriate and professional way to do it, is to open it up to Public Hearing like we did before, your point is very well taken. I would rather discuss it further, make it a public thing, and if we have to change it, change it so we do err, I would like to err on a precise regulation rather than something might be inconsistent with our past history. That's my opinion.

Commissioner Schatz: Give it some thought when we talked about the high school sign, some of us said, gee, that's not a bad idea, gets rid of the clutter that is out there. You know, if you drive around town, you have a dentist on Willard Avenue that will blind you with his sign, which is legal according to what we do. We've had a public hearing on this, and I didn't see thirty-five people in here beating us up, so if you want to change the regulations, then it is up to the group to do that, but I would just as soon call the question. Vote it up or down.

Commissioner Hall: The only thing that I want to say is that we have fought this fight for years, we will continue to fight this fight for years to come. We really should not be caught up in interpretation. That is a slippery slope for all of us. If there are nine of us here, we have nine interpretations, what way do you go? I think the best thing is to tighten it up, work

something out that we can all agree on, we will move forward, because in the long run, it will protect us. When other things come before us, we will have something to fall back on.

Chairman Pruet: Looking at the nodding of the heads, I think that is appropriate.

Commissioner Casasanta: Just to add my two cents, I agree with Domenic's recommendation in terms of asking the applicant to withdraw his application at this time, and then bringing this whole issue up again for a public hearing. If we are going to do it, let's have it in the regulation that permits it, and then we don't have this difference of opinion, this difference of interpretation going back and forth for every time this type of a sign is being presented. We have it in the regulations and we make the regulation nice and clear. So that we will know exactly what will be permitted and what will not be permitted and try to leave as many variations of gray out of it as possible.

Chairman Pruet: If I can go around the room and get a consensus of going forward in that format. Michelle, what is your.....

Commissioner Camerota: I think that would be the best way to go so we can kind of, a lot of these things that are on the application we can address, the flashing, the brightness, the changing, all that.

Chairman Pruet: Bob, well I think I got your opinion. Carol?

Commissioner Anest: Well I agree, I definitely think the regulations need to be tightened up.

Chairman Pruet: Cathy, Michael, I think Domenic agrees with that, Frank, Dave, okay, I think we can pursue in that vein.

Commissioner Schatz: What would the time frame on this be?

Chairman Pruet: Well, depending on the flow of the application, it's still open, until when?

Ed Meehan: You have sixty-five days from the last meeting on the 22<sup>nd</sup>. January, you've got time.

Chairman Pruet: Okay, I think we will proceed in that direction. Very good and lively discussion on the subject. We will entertain a motion at this time to postpone this.

Commissioner Hall moved to postpone Petition 38-10. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion with seven voting YES.

**D. A Discussion of possible Zone Amendments for consideration, continued from November 22, 2010 Regular Meeting.**

<u>Section 1</u>	Purpose and Intent
<u>Section 5.1</u>	Non-Conforming Lots
<u>Section 5.3</u>	Content of Site Plan – Rock Faces and Bedrock Outcroppings
<u>Section 6.5</u>	Removal of Earth Products – Rock Faces and Bedrock outcroppings
<u>Section 7.4.8</u>	Grading Removal of Bedrock
<u>Section 7.4.15</u>	Cultural Features – add natural exposed bedrock and bedrock outcroppings.

Chairman Pruet: This was handed out last time, is there any discussion on the zone amendments on Section 1 through Section 7.4 on our ten year plan? Any further comments from staff Ed, on that?

Ed Meehan: Well, if the Commission is of agreement that these can be brought forward to public hearing, at this point they don't have to be referred because they aren't going to affect any zone uses with 500 feet of a neighboring town, and I could add them to the public hearing call for your January 12<sup>th</sup> meeting, so you will have a full packet of everything that we talked about this past fall going to public hearing on January 12<sup>th</sup> if you want to do that. It makes sense to me to get everything out before the public on this.

Chairman Pruet: Feelings on that?

Commissioner Aieta: I think we should move it with the rest of the things, but I'm not sure that January 12<sup>th</sup> is the right date that we should be talking about any of these things without further discussion on the signs and the drive through. I don't think that we came to a consensus as to what we want there.

Commissioner Pane: Especially since we have another thing that we want to add now possibly and there are also a couple of additional strategies that I have found in the 2020 Plan and I think we should do everything all at once.

Chairman Pruet: Okay, do you want to bring them up now, your strategies?

Commissioner Pane: I haven't completed them yet, but I did find a few other things.

Ed Meehan: Well we have already sent up to, not that you have to live by it, we have already referred to CRCOG, Capital Regional Conference of Governments, the zone changes for drive thoughts, temporary signs, the environmental criteria of fifteen percent slopes, some of the other natural resource material from your plan.

Commissioner Aieta: So does that tie us into having to approve all of these?

Ed Meehan: No, you don't have to approve any of them, but it is just a procedural thing of bringing it to public hearing.

Commissioner Pane: Do we have to, can we get a couple of extra work sessions in before we actually bring it to public hearing, even though you have submitted it to CCROG, that doesn't mean that we have to hold a public meeting right on the 12<sup>th</sup>. We could have a couple of work sessions and get a few things ironed out maybe.

Ed Meehan: Because the Commission is your own applicant on this, there is no sixty-five day time limit. It's, the procedure is just to get the CCRPG and Central Connecticut RPA referrals out of the way, get their comments, and when we do have a public hearing we do read those into the record, but it's up to you how you want to schedule it.

Chairman Pruet: Okay, so the question is, do we schedule it for public hearing or schedule it for continuation of business?

Commissioner Hall: If we had the 12<sup>th</sup> as discussion time, because it doesn't seem to be a really heavy night, just have everything in the packet so we come prepared to discuss on the 12<sup>th</sup>, and then hopefully move it to the 26<sup>th</sup> at that point, if we can spend an hour and a half or two hours discussing. We got a lot done tonight.

Chairman Pruet: Sounds good to me.

Ed Meehan: Do you want me to work on signage? This Section 6, flashing, rotating signs.

Commissioner Hall: With it fresh in our mind, I think that would be a good thing to take up next time.

Commissioner Anest: The 6.2.8 for temporary signage, it's the same.

Ed Meehan: It's all the same section of the regulations. Temporary signs are different than what we are talking about.

Chairman Pruet: I think that will be the best way to do that, for discussion and at that time we will decide whether to put it up for public hearing at the following meeting in January.

Commissioner Pane: Mr. Chairman, could we have the Town Planner when he works on Section 6.2. (e), could he propose two different methods, one method with the regulations approving that type, and one with clarifying it so that the Commission can make a decision and maybe you might want to put both of those things out at a public hearing so that we can hear from the public before any of us make a decision on it. Thank you Mr. Chairman.

Ed Meehan: I'll give you as many options as I can think of plus definitions. I think this section cries out for definitions of what we are talking about here.

Chairman Pruet: Good. Public comments related to possible zone amendment? Anybody from the public wishing to speak on these possible zone amendments?

**VIII. PETITIONS FOR SCHEDULING (TPZ January 12, 2011 and January 26, 2011.)**

**A. Petition 40-10 Newington Town Plan and Zoning Commission request for public hearing to consider Zone Regulation Amendments:**

Section 3.15.4 Drive Through Restaurants permitted by Special Exception in the Business Berlin Turnpike (B-BT and Planned Development District (PD).

Section 6.2 (e) Temporary Signs advertising sales events.

Amendments to implement recommended 2020 Plan of Conservation and Development strategies:

Erosion control single lots.

Restrict development on slopes in excess of 15% gradient.

Increase landscape buffers adjacent to greenways and Town open space.

Schedule for Public Hearing January 12, 2011. Referral to Capital Region Council of Governments and Central Connecticut Regional Planning Agency for advisory comments.

Ed Meehan: Well, this went out with the agenda. We talked about scheduling for the 12<sup>th</sup>, we'll defer that, for Petition 40-10. That will be deferred. The other petition that came in after the agenda went out is for a pylon sign over on Fenn Road at the self-storage facility. It's a straight forward sign. I'll get that ready for you for public hearing on the 12<sup>th</sup>, and that's it right now.

Chairman Pruettt: Seems like a light agenda.

**IX. REMARKS BY COMMISSIONERS**

None

**X. STAFF REPORT**

Ed Meehan: Just briefly, a lot of discussion and contact the last couple of weeks relative to the VA Victory Gardens project. I don't know if Commission members personally got a letter about that development and the concerns of some people relative to occupancy to it. I was the contact listed in the flyer and the letter and I talked to a lot of people, and some people came in, so I shared the information with them. I think once some of the residents understood the goal of the project their concerns were a little bit lessened, I hope. There was not an appeal. The site plan was not appealed so at this point, it's up to the applicant to carry the ball forward from there.

Also a lot of residents have been contacting me, and you may have seen signs on Cedar Street about save Cedar Mountain. There is some preliminary activity on the part of Toll Brothers doing some soil testing up there. People have observed their backhoe on the site. I'm not sure where they are in their development process or application process but that's what we discovered this past week going on up there. Those are the two things that I wanted to report to you.

Chairman Pruettt: Okay. Any questions for Ed on the staff report, any concerns?

**XI. PUBLIC PARTICIPATION**

(For items not listed on agenda)

Rose Lyons, 46 Elton Drive: I just also wanted to comment about the Victory Gardens project. I was here when you approved the site plan, I was also going back and forth between the Board of Education meeting when they were presenting to the Board of Education. I was present when they presented to the Town Council, and I had made the suggestion that perhaps it might have been a good idea if a public hearing had been held. Although I realize that that was not necessary I think that the Town Planner, Mr. Meehan could have been saved a lot of aggravation I'm sure. There were many, many phone calls from people with questions who received, I received two letters and then there were signs posted at the end of the streets, at Dowd, at Sunset, at Wilbur and although like I say, it wasn't necessary for the Federal Government to come forward and do the presentations they did to three different bodies, they did it, however the public did not have time to get their questions answered. I was at the American Legion the night that one of the letters in particular was sent out, and it became a very hostile meeting. It shouldn't be like that. It should not be like that, there should be some transparency here and I think the residents deserve to be informed and I think that it was just like deja vu, for me, when Cedar Mountain came to light, and we had this big whole to do about it, so I know what you could do, the Federal Government did what they could do, but I think that maybe the three bodies involved that we had at the presentation could have brought it to a town hall meeting, or something like that and informed the public, and like I say, avoided a lot of aggravation for Mr. Meehan. Thank you.

Chairman Pruettt: Thank you for your comments? Any further public participation?

Commissioner Aieta: Could I just comment to that, please?

Chairman Pruet: Sure.

Commissioner Aieta: Rose, I understand what you are saying, but I think the venue for that type of public participation was at the Council level, because we are restricted by regulations and statutes. That's where it should have been, and it should have been discussed with the public at the Council level and that did not happen.

Chairman Pruet: Anyone else from the public wishing to speak?

**XII. CLOSING REMARKS BY CHAIRMAN**

Chairman Pruet: I just want to thank everyone for your vote of confidence for electing me chairman again for this term. I would like to thank Domenic for serving as vice-chairman this past year, and I would like to wish everybody, public and Commissioners a Merry Christmas, Happy Hanukah, and Happy Holidays and looking forward to seeing everybody in January. Thank you.

**XIII. ADJOURNMENT**

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Norine Addis  
Recording Secretary