

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

February 10, 2016

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

Chairman Frank Aieta
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner John Bottalico-A
Commissioner Michael Camillo-A
Commissioner Paul Giangrave-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner Chris Miner

Staff Present

Craig Minor Town Planner
Michael D'Amato, Zoning Enforcement Officer

Commissioner Camillo was seated for Commissioner Andrzejewski and Commissioner Bottalico was seated for Commissioner Miner.

III. APPROVAL OF AGENDA

Craig Minor: We have one item to be deleted and one to move. Under New Business, Item A, Petition 03-16, TPZ approval for outside fireworks tent sale: the applicants are in Pennsylvania, and they have a New England rep, but he is in New Hampshire tonight, so they asked if they could postpone this to the next meeting. Under New Business, Item E: that's the zoning text amendment, and I put that under "New Business" but it should have been under "Petitions for Scheduling". That's all.

Commissioner Sobieski moved to make the changes to the agenda. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

IV. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: You have the January enforcement report in front of you. Are there any questions, or is there anything that should be here?

Chairman Aieta: The only item that I'd like to discuss is the Taco Truck on the Berlin Turnpike. It's been over a month and they're still there. Have you had any communications with the owner of the property and the concessionaire?

Mike D'Amato: Yes. I sent a notice out either before or after your last meeting, and I subsequently spoke to the operator. Long story short: you are going to see an application at the next meeting. There was a discrepancy as far as his understanding about food trucks and what type of approval they were required to have. He went to the Police Department and got a vendor's permit from them, and also got his Health District permit, so he was under the impression that he was okay. So after explaining the process to him, and the fact that he is on private property and therefore needs more than what he has, he has decided to apply for TPZ approval.

Chairman Aieta: Just so you understand, any truck on public property has to be permitted through the Police Department and there are locations that we have set aside for them. We don't have locations for private property, so I believe he could come in under that section.

Commissioner Serra: I do have a couple of questions on that. One: the package store and the Taco Truck are two businesses operating on one property. How many parking spaces is he taking up? Is there enough parking for the package store? Is he interfering with that?

Mike D'Amato: We have gone over this with him. He knows that he has to show that there is enough parking. He has come up with an arrangement with the property owner, the liquor store, and he knows that he needs to show you all of this as part of his application. I don't want to speak on his behalf but...

Chairman Aieta: He has an application?

Mike D'Amato: He has submitted an application.

Chairman Aieta: Is he still operating the truck.

Mike D'Amato: He is.

Chairman Aieta: Well, you should tell him that he should stop until he comes in and gets approval.

Mike D'Amato: Okay.

Chairman Aieta: Right now he is operating illegally.

Mike D'Amato: He may elect to operate at the approved locations under the Town ordinance in the public area in the meantime, so I will talk to him about that tomorrow. You should see this at your next meeting in two weeks.

Commissioner Sobieski: Mike, you might want to take a look at that at night. He's got a flashing Taco sign that is really bright, and it is distracting to traffic going southbound.

Mike D'Amato: He should not have it any more because when I saw it I called him...

Commissioner Sobieski: It was there last Thursday when I went by.

Mike D'Amato: There was a flag and the flashing sign, which should be removed, because I did talk to him about that.

Commissioner Camillo: When they got the original approval, it was for the son in the summer and only for that short period of time... That was the approval that we gave him, and not for anything else, just the hot dog stand.

Commissioner Sobieski: I concur with Commissioner Camillo. That was supposed to be a way to have his son raise money to go to college.

Chairman Aieta: Yes, it was not for a truck, it was just for...

Commissioner Sobieski: Right, it was not for a truck; it has expanded into that.

Chairman Aieta: Is this something that is going to be on the agenda?

Craig Minor: Yes. It will be a petition the same way the original one was, for zoning approval for the food truck. It's the same category of the zoning regulations that you approve or deny tent sales. It's the "outside sale of products" regulation.

Chairman Aieta: Any other Commissioner remarks on this issue?

Mike D'Amato: The only other thing I want to point out is that the person who came before you to receive permission to operate a hot dog cart is not the person operating this truck. This is a different person. He's a Newington resident, has been for a long time, so it's not the guy who asked for permission.

Chairman Aieta: How does that work? Does the property owner have to be here?

Craig Minor: No, you routinely allow an applicant to make the presentation, because the owner, the landlord is usually some corporation somewhere detached from the activity. When Lancaster comes before you for their fireworks sales permit next month, the owner of T-Bowl won't be here; Lancaster will have a letter from the owner giving them permission to come before you to ask for a permit. It will be the gentleman who is operating the Taco Truck that will come before you because he is the applicant.

Commissioner Serra: I know we talked about bringing up the permit issue during Commissioner's Comments, but since we are on this subject, would this be a good time?

Craig Minor: Sure.

Commissioner Serra: This was kicked off because of the "Tequila Taco" truck and things like that. I inquired about the vendor permit, and it was just given by the Police Department. In talking with some other people, I got this [distributed papers] from the Berlin Police Department. It's their application. There is a cover that tells you what is required to sell items within the Town of Berlin, sales tax number, food items, health department approval, and the application is to be made out in full, prior to submitting to the Police Department for approval.

On the second page is all the corporation's or person's information. What I like about this application, and I would like us to consider, is on the bottom of the form are three departmental approvals that are needed before somebody gets a permit. The first one would be the Health Inspector, then the Zoning Enforcement Officer, then the Chief of Police or his designee. So in a case like the Taco Truck where the Police Department gave him a permit, we don't have a checks and balances system, so the ZEO doesn't know what is going on with the Health Department. With this, everybody has to sign off on it, so everybody knows who is getting a permit and pretty much where they are going. This might be something that we want to adapt, or at least discuss,

rather than just let the Police Department say, "here you go", and we find ourselves in the quandary we're in right now with this.

Chairman Aieta: Any comments on it?

Commissioner Pane: Mr. Chairman, if I remember correctly, food vendors used to come in front of this board and would inform us about their location and tell us that they spoke to the Police Department, but they still would get permission from this Board. That's how I recall all of them being handled.

Mike D'Amato: By way of background, I have since talked with the Police Department Records Division, and they understand that any food truck applicant should come to see me first, so without addressing it with a new form, in the meantime, they know that an applicant should talk to me first. Also, there was a food truck permitted at the ice skating rink. That came before the Commission informally - there was no application, there was no vote, it was just sort of a consensus. I don't know when the last time was that a food truck on private property was permitted. What happened here is, he called the Town and talked to someone and said I'm looking to get permission to operate a food truck and they said, you have to talk to the Police Department. Nobody thought to make the distinction between Town streets and private property. I think that is where everybody got confused, because they had never seen a food truck on private property. We have the minutes in my office, but because there was no "approval" I felt that they should come before you formally. That's what we have done for fireworks, so that is why he is applying under Section 3.2.3.

Commissioner Serra: With this form, they would have to come before us for their approval. What I like about this form is that no matter who they call, there are three different departments they have to go to. They're going to get the right answer. If something slips through the cracks somewhere, there are checks and balance. That's what I like about this form.

Chairman Aieta: It should state the section of the Zoning Regulations that they have to come to this board under, besides getting approval from the other departments. Town Planner, any comments?

Craig Minor: Mike, I know that you have talked to the Newington Police Department about the vendor permit process. Do they have a form similar to this?

Mike D'Amato: They don't. I talked with the staff and they issue a really, really low number of vendor permits. She said they haven't had any applications recently, so it's not something that they do all of the time. I said, "Can we come up with a solution, either a work flow that we all can understand or do you want me to send you an overview of what I am looking?" She said, "no, it's not a problem, we will adjust it; everybody in the office will know that when someone comes in for a vendor's permit, before we issue it they need to talk to you first. The only thing I need to figure out is where in the Town ordinances is the requirement for them to receive police approval, and to give me the authority to sign off on these.

Chairman Aieta: The distinction is on public roads and I believe that there are only four or five streets in Town where they are allowed. We have determined that in some of the areas it could be a hazard.

Mike D'Amato: I have that map. I can get it to you if you are interested in seeing where they are. That was done in the eighties I believe.

Chairman Aieta: I like this form. I think it's something we should modify a little bit and start using so when they come in, we give them the application form and they know that part of the

procedure is that they have to come to the TPZ to get approval. There are a couple of schools of thought on food trucks. The people who own restaurants don't look very highly upon them, because the restaurant has a physical location and spends a lot of money on the building and all of the things that go along with that. The other thing is you could get a rash of people coming in for different properties; if they see this one you could see more and more get approved, and I don't know if that is the direction that the Town of Newington wants to go. It's something that this Commission is going to have to deal with.

Craig Minor: They are becoming very popular. Towns in the mid-west and out west have designated evenings when food trucks are invited to come in, like a dozen of them; it's festive and interesting.

Commissioner Sobieski: I'd like to see this in some kind of order. Planning and Zoning first, then the Health Inspector, Zoning Enforcement Officer, and Police Department. So somebody doesn't start with the Police Department, jump here, jump there. I like the form. I think it's a good idea.

Chairman Aieta: How do we initiate this into our system?

Craig Minor: Currently the system is that if a food vendor wants to put his truck in one of those approved locations, he goes to the Police Department and the Health Department; he doesn't come before P&Z because there is nothing in the regulations, there is no section for something within the right of way to come before you, which is consistent with everything else that you do. You regulate things on private property, you don't regulate things in the street. Having said that, we don't have a clear process for people who want to put a food truck on private property. The one time you did, for the fellow with the hot dog cart, we used the regulation that we use to approve tent sales: outdoor sale of goods and materials for a limited time period. If we get any more in the future, that would be the mechanism I recommend for the Commission to approve or deny them. They also need to get a vendor's permit from the Police Department, so I think the problem was that this particular person didn't know that he needed Zoning approval, and unfortunately the Police Department didn't know to tell him. But I think that has been rectified. You [looking at the ZEO] talked to the Police, and they now understand that anyone who wants to apply for a vendor's permit on private property needs to get Planning and Zoning approval first.

Mike D'Amato: I talked with the officer who ultimately signed the application. It may be a year or two before we see another application, but if one does come through, it will come to me in some manner so we can determine whether it needs Zoning approval or if they are okay because they are operating in the approved locations.

Craig Minor: Did you say that the Police Department in Newington does have a vendor's permit application form, and you just don't have it with you?

Mike D'Amato: Yes. If you go to their web site where it explains who issues vendor's permits, it directs you to the Records Division in Newington PD and yes, they do have an application, and they have to fill out an application separately from the Health Department. So Jovan upstairs [CCHD] would license each individual operator who is going to be cooking.

Craig Minor: The problem is that each channel is its own silo. Maybe we should talk to the Police Department and ask them to add to their existing form a zoning check off. So that the Zoning Department would be aware when someone applies for a vendor's permit on private property, and would be able to tell the applicant that he has to come before Planning and Zoning. Whereas, if it was a vendor's permit at one of those five locations, they don't need to come before P & Z.

Mike D'Amato: Pretty much like staff review when there is wetlands on the property; if there is no wetlands they just write, "Not applicable". It would be easy for me to write "not applicable" beneath my signature. My guess would be that their form is pretty similar to this, so we can look into that, and I can provide an update to you guys either next meeting or get it to you.

Commissioner Serra: Along the lines of what the Zoning Enforcement Officer just suggested, can we hold onto this form until our next meeting? Let's get the form that we are using, compare them side by side, and maybe what we need to do is to add to our current one, or between the two, come up with one that works. I do like the checks and balances of having everybody signing off on the form.

Chairman Aieta: Can you just leave that as an open item, or put it on as an item that we are going to track? Any other Commissioner Comments or questions for the Zoning Officer?

Commissioner Pane: Through the Chair: several meetings ago we talked about having the ZEO go out once a week or so and check the turnpike and all of the necessary areas, near the West Hartford boundary, and look for banners and things, on a consistent basis so that it was uniform. I was just wondering if that was being done.

Mike D'Amato: Generally speaking I try not to be predictable with my enforcement sweeps when I am out looking for things, because if people know that I'm looking at Saturday's. I am out three to four days of the week. I've done inspections on weekends, two of the last four weekends. I try to be out mornings, afternoons, evenings, and weekends, to get them all. If there are certain ones that you have seen, I can address them now...

Commissioner Pane: I took a drive for an hour and I went Kelsey, Pane Road, and the Berlin Turnpike. I found nineteen spots, different banners and other things. As a matter of fact, right across from the taco truck there is a banner.

Mike D'Amato: If you give me some addresses I can...

Commissioner Pane: Right across the street from the taco truck was a Bedding Barn banner.

Craig Minor: Could you give those addresses to Mike so that he can follow up on that?

Commissioner Pane: I can do that.

Mike D'Amato: Businesses get a certain amount of temporary signage per year and it's now 2016, so we have issued a lot of permits. There are a few outstanding violations each of which I have either spoken to by phone or a notice has gone out. I have tried to really get up on it, so people understand that, yes it is a new year, and yes you are allowed certain signs based on the regs, but if you get me the addresses I can check to see whether we have sent them an enforcement action or if they have a permit.

Commissioner Pane: I will do that, thank you very much. One questions about Ashley: did they come in for a permit for the flags?

Mike D'Amato: They came in for a permit for the flags, but they have too many flags, so they have a permit, but they don't have a permit for ten. You can have two.

Commissioner Pane: Have you reviewed the location of them?

Mike D'Amato: We don't review the location of the temporary signs.

Commissioner Pane: You don't review the location of where they are going to put the signs?

Mike D'Amato: The temporary sign reg states that they can't be located within the street right of way, or obstruct sight lines.

Commissioner Pane: Those are two feet off the road, right in the state right of way, right underneath the electrical wires and they are very close to the highway.

Mike D'Amato: I sent them a notice, and I also spoke to the store manager on the phone this morning, so I don't know if they are still up right this minute.

Chairman Aieta: We realize that they just opened and we want them to have some identification that it is a grand opening, but within reason.

Mike D'Amato: I went over it with the sign contractor and we went over it with the owner, but a lot of times that telephone call doesn't work out so well, and the signs get put up, so I try to reach out to explain to them what they are allowed for signage. We understand that they are trying to promote their business, but there are some issues with the signs that they have up, quantity and location. But they did pull a permit.

Commissioner Sobieski: At the Firestone store on the Berlin Turnpike, southbound, I see there is a sign on a telephone pole that says "entrance". It's blue with white lettering and nailed to a telephone pole.

Chairman Aieta: Any other Commissioner remarks? Any other comments for the ZEO?
Thank you.

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

None.

VI. REMARKS BY COMMISSIONERS

Commissioner Serra: Just one quick remark regarding the taco truck. I just want it understood, I'm not against the taco truck or any other food vendor. I just want them in the right location where they are not creating a problem, where the parking is open. I don't want anyone thinking, and I'm sure the rest of the Commissioners feel the same way, we're not picking on an individual. We want to make sure it's at the right location with the right permits so it's safe. That's what we are here for.

Chairman Aieta: We want to be consistent with our 2020 Plan. Some of these things pop up and we could make a good case that they are beyond what we should allow. That's something that you would have to determine as Commissioners as they come in.

VII. PUBLIC HEARING

- A. Petition 02-16: Special Permit (Section 6.2.2.C) Church Bulletin Board) at 580 Church Street, Southern New England Conference Association of Seventh Day Adventists, owner applicant; Jeff Linthwaite, P.O. Box 1169, S. Lancaster MA, contact.

Chairman Aieta: I will not be sitting in on this due to a conflict of interest - I'm an abutting property owner. But I will not give up my right as a property owner and a resident of Newington

by leaving the room. I would like to hear what is being presented. I ran this by the Town Attorney and he told me that that is appropriate. He also told me that he felt that with a conflict of interest you could even go to the point of discussing it and not voting on it would be an appropriate action. I will not do that, but I would like to hear what is being proposed on a piece of property that is abutting to me. I'll turn it over to the Vice-Chairman.

Vice-Chairman Pane: If the applicant could come forward?

Jeff Linthwaite: Good evening.

Vice-Chairman Pane: If you could give us a brief description of what you would like to do, I'd appreciate it.

Jeff Linthwaite: Sure. The application is for a church bulletin board on the property. We have a rendering of the sign that we would like to erect there. The sign indicates the location, and then in smaller print the phone number and the times of services. Something that is removable if the phone number changes and the dates and times change. The rest of the sign would state the name, "Three Angels", and would have the international logo of the Seventh Day Adventist Church, and the words "Seventh Day Adventist Church". The colors would be gold and green with a white background. The sign meets the requirements for size. I don't know if you went by the property, but the sign that we put out as part of the application process is essentially the location of the sign. The map shows a telephone pole at the street, and opposite that telephone pole, up against the stone retaining wall, is the location of the sign. At this time we are not proposing any lighting. I have read your regulations on sign lighting and we understand that internally illuminated signs are a no-no, and that would never be our intention. We would possibly in the future like external lighting, from the ground or a fixture mounted on the sign, but the congregation has not yet come to a consensus on how that would happen, and there is no power currently at that location. We're trying to save pennies and dimes so we are not looking to install lighting now. We want to get the sign up, get our c.o. and be ready to go.

Vice-Chairman Pane: Thank you very much. Does the Town Planner have anything?

Craig Minor: Just a quick question on the lighting issue, just to put that to bed: so you are not going to light it now, you don't plan to light it in the future, at least not at this time, and there will be no power to the sign today. If you decide in the future that you do want to light it with flood lights, from the bottom, and you bring in electricity from the building, will you need a building permit for that?

Jeff Linthwaite: Good question. I would have to ask.

Craig Minor: I think you would, so what I will do is to make sure that the Building Inspector knows that if you do apply for an electrical permit, that he runs it by the ZEO first to make sure that we are all on the same page as far as what kind of lighting you are doing. You don't want to install lighting that will run afoul of our zoning regs.

Vice-Chairman Pane: Any Commissioners have any questions?

Commissioner Serra: In your letter it is stated that if at some date in the future you add LED lighting, you will be very careful not to effect traffic on Pane Road. You do know that we do not allow LED lighting, right?

Jeff Linthwaite: You don't allow LED lighting, or internal lighting?

Craig Minor: Both.

Jeff Linthwaite: So a halogen bulb is okay, but an LED bulb is not okay?

Craig Minor: I don't think it's the LED per se, it's where the image keeps changing because it's computer-generated.

Jeff Linthwaite: No, for this application I'm talking just a fixture with a LED bulb that you screw in.

Craig Minor: Oh, that kind, that's fine.

Vice-Chairman Pane: The energy efficient, low energy LED bulb should be no problem.

Jeff Linthwaite: Thirty thousand hours compared to a halogen bulb

Vice-Chairman Pane: And I think the Commission would probably like to see it ground-mounted. That would be less obtrusive to the people driving by it.

Jeff Linthwaite: I'm interested that you would mention that, because one thought was that if there was a fixture mounted on the top of the sign or at the base of the sign, an LED bulb that shone up on the face of the sign, that the sign would be lit and the (inaudible) would be visible. My concern is that a ground-mounted fixture two or three or four feet away, shining on the sign face, the stream of light would be more visible than from a fixture that was mounted six inches or ten inches at the same elevation of the sign. I'm open to either one. The building committee has not decided yet. Ground-mounted can get buried in the snow, kids can kick them over, leaves and the grass mowing, the weed whackers, but if it was mounted on the sign, there is less danger. But I'm not sure what the board will want.

Vice-Chairman Pane: Maybe when the congregation is ready for that, you could informally run it by the Commission.

Jeff Linthwaite: And I would have to see the Building Inspector and the Electrical Inspector.

Vice-Chairman Pane: Correct. If there are no other questions from the Commissioners, this is a public hearing and we are going to go to the public. Anyone wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application please come forward. Does the applicant have anything else?

Jeff Linthwaite: I'm good.

Vice-Chairman Pane: This is pretty simple I think. It's a very nice looking sign. I think that the congregation has picked a good location where I don't think it's going to be detrimental to the neighborhood. Can I get a motion to close the public hearing?

Commissioner Serra moved to close the public hearing. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with five voting YEA.

Vice-Chairman Pane: Can I have a motion to move this to Old Business?

Commissioner Sobieski moved to move Petition 02-15 to Old Business. The motion was seconded by Commissioner Serra. .

Craig Minor: For tonight, or next meeting?

Vice-Chairman Pane: For tonight.

The vote was unanimously in favor of the motion, with five voting YEA.

VIII. APPROVAL OF MINUTES

A. Regular Meeting January 27, 2016

Commissioner Sobieski moved to accept the minutes of the regular meeting of January 27, 2016. The motion was seconded by Commissioner Strong. The vote was in favor of the motion, with five voting YEA and one abstention (Bottalico)

IX. NEW BUSINESS

A. **Petition 03-16: TPZ Approval (Section 3.23.1 Accessory Outside Use) for fireworks tent sale at 56 Costello Road (T-Bowl Lanes) Keystone Novelties Distributors LLC, applicant CMB Inc., owner, Chris Cook, 201 Seymour Street, Lancaster PA, contact.**

Rescheduled.

B. **Petition 04-16: Sec. 8-24 Referral of Proposed Sewer Easement at 90 Welles Drive North, Newington Town Council, applicant.**

Craig Minor: This is a very large project that the MDC is doing in the Town of Newington. I'm sure you have heard about it. It's off Willard and Cedar, however, the aspect of the project that is before you tonight is very small and relatively simple. There is a small piece of land where MDC needs to install a portion of pipe that's on Town property. The Town is prepared to grant an easement for construction and to permit the pipe, but because this is an easement on Town-owned land, the granting of it needs your recommendation. In your agenda package is a memo from the MDC to the Town explaining the project; is a memo from the Town Engineer to the former Town Manager explaining the project; and a map showing the area which is just across the street from Town Hall where the sewer pipe and temporary construction easement would be. I recommend approval.

Chairman Aieta: Any Commissioner comments?

Commissioner Sobieski: Mr. Planner, I strongly suggest that any top soil moved be left on the site and replaced when it is finished. It should not be trucked off of any Town property anywhere from now on. Obviously we know of the Young Farm, so it should be added to that agreement that any top soil, as determined by the Engineering Department, be stockpiled on the site, and upon completion of this project put back in after the fill has been put back.

Chairman Aieta: This is not a staging area for their equipment and pipe and stuff. This is an easement to construct the sanitary sewer.

Craig Minor: Correct.

Chairman Aieta: Is there a location for a staging area for this project?

Craig Minor: I'm sure there will be, but we don't know where it is yet.

Chairman Aieta: The council liaisons are shaking their heads, saying that there is not. Any other Commissioner remarks on it?

Commissioner Bottalico: I think it's very important, the staging area. I don't want to see what happened at Deming Farm. Does the Town Attorney have to get involved in it?

Chairman Aieta: I think it goes back to the Council and the Council has the final say as to what happens. Without a staging area, they would be staging their equipment in the roadway. I'll ask Stan if he can enlighten us as to how they would do a project like this.

Commissioner Sobieski: I haven't seen the plans so I won't get into that, but their equipment has to be staged somewhere not on a highway. It has to be out of the travel way. Where it is will probably be Town or State property, if the State owns any property in that area of town. But wherever the State wants the staging area set, the same criteria should apply - all topsoil should be moved, have the temporary material that they need to do the staging, and the top soil not be removed from the area, but put back in after things are put back into place.

Commissioner Pane: It could be on private property. Do you want the same standards for private property or just Town-owned land?

Commissioner Sobieski: I'm concerned with Town-owned land, but if it is on private property the private property owner should be made aware that, obviously you don't want to have substandard topsoil brought in when you had great top soil hauled out. You being a landscaper, you know that great top soil is at a premium price.

Chairman Aieta: Any additional remarks on this item?

Commissioner Pane: Does this have to be approved tonight?

Craig Minor: No, not at all.

Commissioner Pane: We have the next meeting to finalize it?

Craig Minor: Right, and in fact your practice is not to approve things the same night, and time is not of the essence. I did not have a draft motion prepared for you because I felt you would want to discuss it tonight and vote next meeting.

Commissioner Sobieski: Maybe by that time the liaison to the MDC could find out where the staging area is going to be and what impact it is going to have on the immediate neighborhood.

Chairman Aieta: Councilor Anest, do you want to come up and just enlighten us? You are giving us some signals but we better have it on the record.

Councilor Carol Anest: At the MDC meeting on Monday evening we asked about the staging area. What we were told is that the project goes out to bid, and it is up to the contractor to decide where he wants to put the staging area. He will negotiate either with the Town or the private property owner as to cost and whatever the agreement is going to be. So it's premature to think about where the staging area is going to be. We do know that they have approached one property owner to alleviate impact at the major intersection by cutting across a piece of his property, and he said no. But that is for the project. But we also heard that there might be somebody interested in allowing their property be used as a staging area. But we're not sure right now, because it is a little premature.

Chairman Aieta: We would probably want to make part of our 8-24 recommendation to the Council that if the staging area is on Town property, we would want it to come to this Commission for review before it's approved. That is something that we should consider. I know that we don't have authority over the other aspects of the project, but we're hearing that they are going to do

the project in the off hours, ten to five, and while we don't have any jurisdiction over that, I think it would be something that we might want to put into our report - that we would have the Council really look strongly at that, because it is going to be quite an inconvenience for the people who live in the area, if it is going to be done in the part of the year where it is going to be warm weather. People might have their windows open. It's going to be a tremendous amount of noise...

Commissioner Pane: I'm sorry to interrupt you, I was just going to mention, someone also talked about turning off the backup alarms, but federal OSHA regulations, I don't think that they can turn them off, and at night is when you really need them because of the darkness. I think it's really going to be very impacting at this point, if this project is at night for the residents. They are painting a picture that is, that it's not going to be, or they are going to try to quiet it down, but there's really no way that you can quiet this kind of construction down. I would agree with you Mr. Chairman, I would advise the Council to look at it very seriously because I can envision a lot of complaints coming in. The other thing is, the private property that they were negotiating with on the corner of Willard and Cedar that would have eliminated three weeks of construction time - maybe a second negotiation with the private owner would be advisable. I think some of that might have been at night, so if they are able to negotiate with the private owner a little bit better than that could possibly save some time and some night work. Thank you.

Councilor Anest: The private owner has the corner lot, and he was against losing some of his property. For those who don't know, they will have to get a waiver from the noise ordinance to work at night, so we will be asking some serious questions. At the meeting Monday night we did ask how much does the sound travel beyond the scope of the project at night, because in the dead of night, sound can really travel.

Chairman Aieta: The location of this project is not the best, either. It's a residential area, and I know if I lived in the area I wouldn't be too happy having construction every night from ten at night until five in the morning for over a month, month and a half of work.

Commissioner Sobieski: I understand that they are going to open Alumni Road at night to alleviate congestion at the interchange. My strong suggestion to the Town Council is that they tell MDC to put signs up that Alumni is only open from a certain time to a certain time.

Councilor Anest: We also asked them if they could get DOT approval to open up Alumni during the day, just to alleviate traffic at that intersection on the south side of the road, and traffic that needs to go north bound. They can come off of Cedar, so we asked them to leave the project open. I mean, we don't understand why they didn't. We did ask them so we're asking to alleviate traffic but there will be I think five officers that will be stationed throughout the whole project and there definitely will be signage, especially when they do work on Willard Avenue.

Commissioner Sobieski: They should be aware of the fact that when there is no traffic, work will go faster.

Councilor Anest: Right.

Chairman Aieta: On this issue of moving it to Old Business...

Commissioner Pane: For the next meeting?

Chairman Aieta: Yes.

Commissioner Sobieski made a motion to move Petition 04-16 to Old Business with the changes that we put in.

The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion.

Chairman Aieta: We will move it to Old Business and we will try to get some information about what we talked about tonight, and then we'll move it back to the Council. We might be overstepping our bounds as what is required from an 8-24 when we talk about night time work, but I think it is something that the Council should be very seriously looking at, because it is going to be quite an inconvenience for a lot of people who live in that area.

C. Petition 05-16: Zoning Text Amendment (New Section 3.19A: TOD Overlay District) TPZ, applicant/contact.

Craig Minor: The draft amendment that was reviewed at the last meeting did not have all of the definitions in it, and we discussed having different boundaries, so the version in your agenda package contains more information. For example, in the original draft I had the word "biotechnology" in brackets, which was a cue to myself to expand on that. It now reads, "Biotechnology, aerospace engineering, information technology, and other advanced technologies." That would be the type of activity that would be encouraged in the TOD zone. There are two terms that needed to be defined, which I have subsequently done. The first is the phrase, "mixed use development": "Mixed use development shall be development on a single parcel or adjacent parcels with shared parking that could be two or more of the following types of uses; retail, including dining and entertainment, office, industrial including research and light manufacturing and residential." What this means is that an application which claims to be mixed use development must, and I spent a lot of time trying to figure out how to say this, have one of each of those four things. You can't have two offices, or two residentials - you have to have one of two of those four things. Hopefully developers will realize that's what we mean. If I get an applicant who tries to circumvent this, I'll tell him no, what we want are at least one of two of those four things.

Commissioner Pane: So they would be required to have retail, office, industrial and residential?

Craig Minor: No, any two of those.

Commissioner Pane: Okay, because you said "one of each". A combination of any two of those?

Craig Minor: Yes, exactly. That is what we mean, and if I get an applicant that misunderstands, I will clarify that for him. The other term that I clarified was "dining and entertainment cluster". "Shall be development on a single parcel or adjacent parcels with shared parking that contains two or more restaurants, bars, theaters or entertainment venues." In this case, a cluster could have two restaurants, or two bars, or two theaters. I didn't feel that we needed one different of each; as long as there was more than one, it would be considered a cluster. Previously we talked about the boundary being everything within a half mile, but at the last meeting the Commissioners came up with some specific locations: bounded on the north by Holly Drive, and Ella Grasso, on the east by the Amtrak railroad tracks, on the south, a distance of approximately 2,000 feet from Cedar Street, and on the west by Route 9. This draft regulation has been filed with the Town Clerk and it has been sent to CRCOG, so if the Commission wants to have the hearing on March 9th, we can.

Chairman Aieta: Commissioner Comments? Do you want to have it on the agenda March 9th?

Commissioner Panc: I think so. I think we've gone pretty far on this, and we got it just right hopefully, so it would be nice to hear some comments from the public in case we want to adjust something. I recommend putting it on for March 9th.

Chairman Aieta: As part of our process, we will be sending letters to the property owners telling them of the changes.

Craig Minor: That's not a requirement, but we can certainly do it. We notify abutters when there is a zone change, we're required to, but I think you want a more outreach than just that. Sure, we can do that.

Chairman Aieta: I think that would help, particularly for the vacant pieces, so the property owners know that they have an opportunity to come in and discuss something that affects them personally on their property. I think this is a good regulation, an overlay zone; it gives the public an opportunity to comment on each application as they come in because of the special exception where we can control what happens in these areas.

D. Petition 06-16: Zoning Text Amendment (All Sections); TPZ, applicant/contact.

Craig Minor: Now we are moving on to the Sections 4-6. They were in your agenda package under a separate staple because it got too thick to be together. It was in the envelope, but separate.

Chairman Aieta: I think it is important that we get through this. We keep putting it off and we never get to a conclusion because there are other things that come before us. Let's try to get through this. We'll do it the same way we did it the last meeting. We'll have the Planner go through it, show us what areas need to be taken out, or added, and try to get through pretty quickly. We did pretty well last week, took maybe a half hour, a little less than a half an hour to get through.

Craig Minor: So starting on the first page: paragraph 4.3.2 which currently is "construction yards", we are changing that to read "storage and display in yards", which is what this section is really about anyway and we changed the word "permitted" to "approved" by the Commission. That is the only change on that page. On the second page, in the height section, there is a paragraph that talks about "in Business, Industrial and Development zones", certain things are allowed, but it is not clear what a development zone is. So, I'm adding the phrase, "planned development and commercial development zones", to make it clear exactly what zones we are talking about. That's the only thing on that page.

Chairman Aieta: Under the height modifications it says, "Public and semipublic buildings will be permitted up to sixty feet or four stories". That's in the PD Zone and Commercial zones, am I correct?

Craig Minor: Yes.

Chairman Aieta: And does not pertain to the residential zones, the residential zones have a different table and a different set of regulations.

Craig Minor: No, I think.....

Chairman Aieta: For heights.

Craig Minor: I think a building that is "public", whatever that means, or semi-public, whatever that means, can be as high as sixty feet or four stories.

Chairman Aieta: But then when you go, this is pertaining to the business and industrial zone.

Craig Minor: No, this is everywhere.

Chairman Aieta: Then we have a conflict in the tables. If you go to Table A, refers to heights in the residential zone, from R-20 all the way down to townhouses. It's two and a half stories and 35 feet.

Craig Minor: Right, those are private, private buildings, private houses, private patio houses, private duplexes, private Town houses, but a public, or semi-public can be taller.

Chairman Aieta: Okay. Table B is, that's where we get into the PD Zone and the other zones that allow up to four stories.

Craig Minor: Right.

Chairman Aieta: Just for my own clarification, I want to be able to determine what the heights are in the different zones. Thank you.

Craig Minor: Page 3, under 4.4.7, Cedar Mountain Ridge Line development. That paragraph currently doesn't have a heading, so we are creating a heading for it, and I'm deleting the five words, Cedar Mountain ridgeline setback area because that phrase is not defined anywhere in the zoning regulations, but the phrase, ridgeline setback area is defined, so I thought it would be better to use a term that is defined, so that people know what we are talking about with this regulation, and that is the only change on that page. No change on page four, on page five, the table, the footnote currently says, accessory buildings in residential zones, A, shall not exceed 15 feet maximum height. I think the word maximum is redundant. The phrase should simply read, shall not exceed 15 feet height. So taking out unnecessary words, and further on in that sentence there is a phrase that says, shall be at least five feet minimum distance, well there is no need to have the words minimum distance. Shall be at least five feet from, and then I'm adding the word, any, lot line. Just to clarify that this applies everywhere on that parcel, on any parcel, and that is the only change for that table. Then similarly on the next table on page 6, accessory buildings in non-residential zones, and now we are talking about business zones, accessory buildings in non-residential zones, A, shall not exceed fifteen feet height except parking garages, and I added the phrase, "shall not exceed" which goes on to say how high they can be, but I wanted to add that phrase, shall not exceed, again to make it clear what this regulation is all about.

Chairman Aieta: But you did not put an amount.....

Craig Minor: It's whatever is currently in the regulations, okay, we were going to come up with a number because there currently is no number, which we haven't done yet. So....

Chairman Aieta: How do we determine that?

Craig Minor: That's complicated. Let's not make that change for now until we know what number we want, until we want to know what amount we want to put in there.

Chairman Aieta: Maybe you should then take out the part of the area garages.

Craig Minor: Currently that is in there now, but without saying how much it can exceed by, so you are saying, let's remove that completely?

Chairman Aieta: If someone came in with a parking garage, which is not out of the realm of possibility considering the changes that we are making at the Fenn Road area.

Craig Minor: Right now the regulations say an accessory building in a non-residential zone shall not exceed fifteen feet maximum height except parking garages. Well, how high can a parking garage be? Doesn't say.

Chairman Aieta: Sixty feet, well, sixty feet would be the height of a non-residential....

Craig Minor: A public or a semi-public building can be as high as sixty feet. But what if it is not a semi-public or private building, how high can it be? We don't say, that's the problem. The regs don't say. Started to, started to come up with a number, but then we didn't. So let's leave this for another time.

Chairman Aieta: Okay, just make sure that we get back to it though, that we don't proceed without making a determination.

Craig Minor: Right. So, my question right now is, shall I take out of the current regulations the phrase, except parking garages, which is open ended and kind of dangerous. The maximum height for a garage, I want to give that some thought, do some research.

Chairman Aieta: You almost want the applicant to come in and say, this is what we're proposing to do and this is the height of the garage.

Craig Minor: We would want a maximum height, which is what we started to say. We've always said that the maximum height should be whatever, except for garages, but we didn't say how high a garage could be. It's always been open ended.

Commissioner Pane: Wouldn't a garage be combined with another use of a building probably, not necessarily, but most likely? The ones that you are probably referencing would probably be a couple of floors of parking garage and then additional building above, of some sort of use?

Craig Minor: No, the context says accessory building. In other words a building that is separate, different from the primary building, from the office building, or the factory, or the shopping center or whatever. Let's come back to that.

Chairman Aieta: Let's do some research on that and see if we can come up with a number that makes sense, has some basis of fact.

Craig Minor: Now we are moving on the Section 5, which is General Regulations. No change on the first page, on the second page, getting away from the phrase special exception and limiting it, just calling it a special permit.

Commissioner Pane: Any special reason?

Craig Minor: Yes. I've had a lot of people call me to complain that we are giving special exceptions, why are we making a special exception for those people, well, special exceptions and special permits are exactly the same thing, but the perception on granting a special exception sounds like we are waiving the rules for somebody. So let's use the phrase, special permit which doesn't have that connotation.

Page 3, just eliminating the phrase special exception. On paragraph 5.2.8, talks about the permit being certified, by the Commission which really doesn't make sense, so we're changing that to "should be signed by the Chairman" of the Commission, which is what we do.

Chairman Aieta: Going back, on page 2 you made a change from "shall" to "may".

Craig Minor: Oh yes, thank you. We discussed that quite a bit. Currently under your regulations, when someone applies for a special exception which is an activity, it's a very I think, an action, they have to submit a site plan that complies with all your site plan regulations. Not just a picture of what it is going to look like, but a site plan that addresses all of the six or seven or eight pages or requirements. In many cases, the Commission doesn't need to see a full blown site plan, to know whether to approve the accessory apartment. You just need to know that it is not going to exceed the regulations, so it makes sense for the Commission to be able to require them when you need it, and not make everybody hire a surveyor to prepare a site plan, just to apply for a special exception.

Chairman Aieta: Okay, that makes sense.

Craig Minor: Page 3 again, just get rid of the phrase special exception. Now, page 4,5,6, these are the sections of the regs that talk about the details of what needs to go in the site plan, and it's redundant because there are other places later on in the regulations where these same things are required, so to make it simpler and not be too confusing for the applicant, for clarifying what needs to go on a site plan being submitted for your approval. The lines that you see lined out such as lines indicating proposed drainage system with direction arrows, I'm suggesting that we delete it from here because it's somewhere else in the regulations.

Chairman Aieta: Where is the Inland Wetland and Watercourses showing 50 foot setback area and 100 foot upland review area, where is that, what other section has that?

Craig Minor: It's towards the back, Section 7.4.B, page 102, there are another four or five pages that talk about information that needs to be on the regulations, and.....

Chairman Aieta: Does it particularly apply to site plans?

Craig Minor: Yes, it's the site plan check list. I'm not finding it. I thought it was under Section 7.4.15, Cultural features including inland wetlands, flood plains and slopes. If I can't find that, I'll put that back in.

Chairman Aieta: There's not that many things that you are taking out. I know it's redundant, but under this section, if I was looking, I wouldn't go to the check list. I would go to the actual procedures of the regulations to determine what was on the site plan. Maybe we should leave it all in there and just err on the side of having too much information than not enough.

Craig Minor: Okay.

Chairman Aieta: So why don't we just leave this whole section, put it back in and then leave it, it's only a couple of areas.

Craig Minor: Here it is, under number five, erosion control plan, adding the 100 foot upland review area boundaries should also be shown. So, under number four, topographic and utility map currently it just requires that the plan shall be the existing sanitary sewers, I'm adding the phrase, and direction of flow, because I deleted that from page four. That was one of those things that would make more sense in a different place. Item five, under erosion control plan, identification of wetlands soils, that's where it was. I knew it was in there somewhere else. Page seven, no changes. Page eight, under 5.3.9, paragraph A, what I'm doing is, I'm suggesting that we take this long, rather dense paragraph and break it down into numbered bullets. It's the same words, just broken down into bullets for ease of use. Currently, and this has been a frustration for the staff, currently under our regulations, if someone is proposing to change the use of the property, unless they are also doing one of these things in paragraph A, it doesn't require a new site plan. The triggers listed in paragraph A are really not the triggers that usually happen. Such

as the first one, if it, the change of use increases the required amount of parking, well, if it requires additional parking, and there isn't enough parking on site, then the staff would deny it. So, that's a strange requirement. The second one, "changes to loading or access", that rarely happens. We have a lot of changes in use that don't end up requiring that they change the loading dock or the service entrance. Alters the site's landscaping areas or green space or landscaping or the buffer requirement, they would have to come in, but unless they are altering the landscape area, they don't need to get site plan approval, which is kind of strange, so we are reworking it to say, if it alters the parking lot in any way, if it alters the parking lot, or increases the amount of buffer required, then it needs to come in for site plan approval.

Chairman Aieta: Okay, you stiffened it up a little.

Craig Minor: Yes.

Number nine, Section 5.4, Public Hearing, adding at the end the phrase, oh, the sign, the red sign notifying people driving by that there is a public hearing for the site, that sign shall remain up until the petition is acted upon by the Commission. So it is clear to people not to take the sign down just because the hearing is over. The sign stays up until the action is voted on the application.

Chairman Aieta: We are on to Section 6.

Craig Minor: Now, Section 6.1, off site parking and loading regulations, no changes were proposed. Section 6.2, Lots of changes were proposed, so we are going to deal with the sign regulations separately. I think that is what the Commission wanted to do. Section 6.3 Flood Plains, no changes. Section 6.4, Removal of Earth Products, the current regulation is difficult to understand and apparently doesn't even capture the kinds of earth removal activities that the Commission should have the opportunity to comment on. So that is what these changes do, they make clear, and the regulation is also not clear as to what is as of right and what has to come before you for a special permit. This amendment will make it clear what kinds of earth removal are as of right, which is basements for structures, for houses, but if someone wants to remove soil, sand, gravel for any purpose that is not incidental for building a house, that has to come before you for a special permit. Section 6.5, Filling of Land, again, the same thing. The current regulation is not clear what is as of right, and what has to come before you for a special permit, so this makes it clear what things a homeowner can do, without having to come before you, and what things somebody who is filling their land on a larger scale needs to come before you for.

Chairman Aieta: You took out the 6.5.2 and just re-wrote it as of right.

Craig Minor: Right, and then added a special permit section. Section 6.7 is the section where we talk about interior lots, and we are going to talk about that separately next week, but no changes have been proposed for that. The open space subdivision section, no changes were proposed, and the reserved section, no changes were proposed. Section 6.10, Green space, Landscaping and Buffer requirements, I just made changes to the wording so it was clearer. I'll let you folks read it, and if you have any questions, I'll try to answer them.

Chairman Aieta: Section 6.10.4 you took out the waiving of the 35 front yard on the Berlin Turnpike.

Craig Minor: Yes, and replaced it with a simple No accessory structures, above ground utilities or pavement shall be placed in the front yard setback area.

Chairman Aieta: You are talking about the 35 foot, like on the Brown piece, the 35 foot down to five feet. We're saying that this old regulation allows them to do that, and the judge in the McKenzie case decided that you couldn't do that.

Craig Minor: We can't waive our regulations.

Commissioner Pane: So we're not waiving the 35 feet, we're still stating that the 35 foot green space is being enforced.

Craig Minor: Yes, that's what that new sentence at the end says. The front yard setback area is that 35 feet.

Commissioner Pane: Should it say, the 35 foot setback.....

Chairman Aieta: Can we put that in there?

Craig Minor: Sure. Under 6.10.5, Buffers, changed a few words to make it read better and deleted the waiver paragraph, paragraph C. 6.11 we are not making any changes to at this point.

Commissioner Pane: There was something in our 2020 Plan that talks about increasing the buffers in certain areas, I'm wondering if we should, I would have to review it, I don't remember exactly what it says, but I'm wondering if maybe that would be a perfect place to adopt some of the things from the 2020 Plan on protecting the residential properties from commercial use, increasing the buffer when necessary.

Craig Minor: Okay, I'll make a note that we be sure to talk about that during the public hearing on this, and at that time we can make changes. "Accessory apartments", that's the last, I'm changing the last paragraph, the last paragraph I simply split off the last sentence of a rather long paragraph and made it its own paragraph. The part about request for renewing accessory apartments, or to transfer to another property owner shall require the approval of a new special exception. I thought that was a pretty important fact and it is currently kind of hidden at the end of a long paragraph. I'm just making it its own paragraph.

Chairman Aieta: So you want to change that to a special permit instead of a special exception?

Craig Minor: Yes.

Chairman Aieta: At this point do you want to talk about the rear lots. I had a discussion with the Planner to talk about the rear lot regulation. In 2008, or 2007 they made drastic changes to the zoning regulations, by eliminating the auto related uses, the rear lots, accessory apartments, and some have since been put back into the regulations. I've gotten calls from people that have excessive depth lots that feel that they have been unjustly discriminated against because for all of the years that we have had zoning regulations, until this wholesale destruction of the zoning regulations in 2008 where they just arbitrarily threw out sections of the regulations where they had applications come in and they didn't know how to handle those applications, so they took the section of the regulation that pertained right out of the regulations. From the time that we have had zoning, rear lots have been a thing that was allowed in the Town of Newington under certain conditions. It had to meet certain requirements, and up until that time people were able to take advantage of the regulations, and be able to provide a rear lot on their piece of property. People who don't have that luxury are saying well how come they took it out. It was always allowed and now we're the last people in the Town that have rear lots and we're not able to use them, so I thought this was an opportunity to look at the regulations to revisit the rear lot regulations and see if it's something that we want to put back into the regulations. Now I'll have the Planner give us his thoughts on it.

Craig Minor: Many towns do allow rear lots, when I was in Cromwell they were allowed by special permit, so it was not something that a person had the right to, they had to convince the Commission that there was some benefit to the town, more than just to the property owner. I

haven't gone back to look at the old regulations to see what your rear lot, interior lot regulation was, but I can certainly do that, and take a look at it, and present it to you at your meeting, at your next meeting if you would like to revisit it.

Chairman Aieta: Any Commissioner remarks?

Commissioner Sobieski: Mr. Planner, is it possible to get a map of the areas from the GIS Department?

Craig Minor: Well, we are between GIS specialists at the moment, but that is exactly something that a GIS person can do is generate a map of all parcels that are big enough to be divided into a front lot and a rear lot but are currently undeveloped or under developed. That's possible.

Chairman Aieta: Some of the areas that have the possibility of rear lots are off of Maple Hill Avenue, the north end of Church Street, and there are other areas in Town where there are exceptionally deep lots. You have to remember, you have to have the frontage to be able to provide a right of way to the piece in the back without adversely affecting the main building on the lot, the front lot, so it's not something that everybody can just come in and say, I want a house behind my house. They have to be able to assess the land in order to do that. I think, we're at a point where we are ninety percent something built in the Town of Newington. Lots of rear lots are premium lots. You see the ones, there are some on Church Street that you can't even see, you can't even see the houses, but they are massive beautiful houses. Some beautiful houses that have been built on these rear lots. I know of several that have been built, and they are usually very private, very well maintained, very expensive houses. So you can increase the grand list without us doing that much other than allow people to have the opportunity to present it.

Craig Minor: One of the ways that Cromwell made sure that they were upscale lots is that the rear lot in Cromwell needs to be double the minimum lot size for that zone, which is arbitrary on the part of Cromwell, but that is one way to ensure that these are big lots with nice houses on them.

Chairman Aieta: Just something that we should take a look at what we have, what we took out of the regulations, and take a look of this and see if this is something that should go back in. I've gotten calls from people who have mentioned it to me, and I have gotten calls over the years, where people have said, well, you took that out, and I really never developed my property and now I'm at the point where I want to do something with my property, and I'm too little, too late.

Craig Minor: I'll have that for you at the next meeting.

- E. **Petition 07-16: Zoning Text Amendment (Section 3.15; 3.17; 6.11: Auto Related Uses) Modern Tire Recapping Company Inc., applicant, Timothy J. Hollister, One Constitution Plaza, Hartford, CT contact.**

Moved to Public Hearing

- F. **Petition 08-16: Site Plan Approval at 712 Cedar Street ("Starbucks"), Fenn Road Associates LLC, owner/applicant, Attorney Mark Shipman, 433 S. Main Street Suite 319 West Hartford CT contact.**

Craig Minor: This application and plans came in literally as I was preparing the agenda, so, I have only glanced at the plans. This is something that the older Commissioners are familiar with. This is the restaurant that was approved by this Commission back in 2008 as part of a hotel/bank complex on...well, 712 Cedar Street is an L-shaped lot that has frontage on Cedar but also frontage on Fenn Road. It wraps around the gas station. Back in 2008 the Commission

approved a hotel, a fast food restaurant and a bank. The owner of the property, Mr. Hayes, is finally ready to go forward with the restaurant. It will be a Starbucks, and he wants to put it in a slightly different location from what was originally approved which requires TPZ approval as a "site plan modification". The problem is he never submitted mylars of the plans that were approved back in 2008. When I pointed that out to him, he submitted them, but none of the changes that the Commission called for the night that they voted to approve it were ever made to the plans, and as everyone knows, since then there have been many changes in that neighborhood; Myra Cohen Way is now there, for example. It would have taken his consulting engineers so much time to revise the approved plan to address the conditions of approval and the current conditions out there that it is simpler to apply for a fresh site plan approval of just the Starbucks. I should have a staff report for you at the next meeting and we can go from there.

Chairman Aieta: So it will stay on the agenda under New Business?

Craig Minor: Yes.

Chairman Aieta: We thought it was important to at least get it on the agenda so we could move it forward. It's pretty much a modification of something that was already approved.

Commissioner Sobieski: Mr. Planner, does he still plan on going forward with a Chipotle or is that still up in the air?

Craig Minor: No, this would be instead of the Chipotle.

Commissioner Sobieski: I thought there was going to be two, I thought the Starbucks and Chipotle.

Craig Minor: If so, he hasn't told me. The plan just shows the Starbucks. There is plenty of room on the parcel for several more buildings, so it certainly is possible that that is what he intends to do, but I don't know that.

Chairman Aieta: So this will stay on the agenda for the next meeting.

X. OLD BUSINESS

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.

Chairman Aieta: This is old Business that we carried forward from the last meeting. We had discussions on it. We had three or four public hearings, I think there were three public hearings on it, we've discussed it at the last meeting, and hopefully it will lead us to a motion tonight.

Commissioner Sobieski: My issue is this is a residential area, and putting a commercial business in a residential area...it's obviously not a church function, it's something totally different, and I don't want to see the residential area destroyed. That's my opinion.

Commissioner Serra: I concur with Commissioner Sobieski. My sole reason for the vote that I am going to place (which would be a no), is it is a business in a residential area and I just don't feel that it should be there. It's not something that is run by the church itself, it is something that somebody is coming in, running a business out of the church. A business in a residential zone, I am not in favor of.

Chairman Aieta: Commissioner Camillo is sitting in and has been here for most of the testimony and I know he's read the minutes, and Commissioner Bottalico is sitting in for Commissioner Miner. Do you feel familiar with the application enough to make a determination?

Commissioner Bottalico: Yes. I was here for the presentation, and I have been keeping up with the minutes, and I feel that same way that Stanley and Bob feel. It's a residential neighborhood and this is a for profit activity, and I'm voting no on that also.

Chairman Aieta: Anyone else? Commissioner Pane, I know that you have different feelings, do you want to state where you are? I know that you put testimony on the record last meeting of your feelings, but do you want to reiterate them?

Commissioner Pane: Thank you Mr. Chairman. I stated the reasons that I felt last meeting. I think that the other Commissioners have valid points as far as it being for profit, and if the church were running it. I'm going to stick with the way that I am going to vote. I will vote for, but I respect your opinions. I think that those two points, being a non-profit and if the church were running it, maybe the church will come back and change those two things, and maybe that will change your opinion, and maybe not. I'm good.

Commissioner Strong: I agree with the majority.

Chairman Aieta: We have a motion prepared. I'll have the Planner pass them out. I feel that I should put on the record that we have done our due diligence on this. We held it open for quite some time, looked at it, and every one of the Commissioners who is voting on this has determined that they have separated the two issues that are currently facing the temple. One is the day care and one is their excessive use of the property. You separated those, and we are only looking at the adult day care special exception. There is a draft motion on the table and I'll open it up for someone to proceed with the motion. Commissioner Serra, if you would proceed in reading the motion.

Commissioner Serra moved to deny 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.

FINDINGS:

Section 5.2.6 requires the Commission to consider the following criteria and record its findings in the record.

1. The need for the proposed use in the proposed location. The applicants claimed that there is a need in Newington for the proposed activity, but did not submit any documentation. The TPZ is therefore unable to determine whether there is a need for the proposed activity.
2. The existing and probable future character of the neighborhood in which the use is located. The proposed activity will not be operated by the congregation that owns the building, but rather by an independent commercial entity. The commercial character of the proposed activity is therefore like to detract from the residential character of the neighborhood.
3. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity. No impact.

4. Traffic circulation with the site, amount, location and access to parking and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. No impact.
5. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01) No impact.
6. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties. No impact.
7. Safeguards to protect adjacent property and the neighborhood in general from detriment including but not limited to proper buffering. No impact.

Chairman Aieta: The motion was been made and we have put the findings on the record. There are areas that we considered that will not have an impact, but the character of the neighborhood which concerns this Commission will definitely be impacted, so there is a motion on the floor.

The motion was seconded by Commissioner Sobieski.

Chairman Aieta: Any further discussion by the Commissioners? We will have a roll call vote, and the Chairman will vote last.

Commissioner Pane: No.

Commissioner Serra: No.

Chairman Aieta: Let me explain something so that everyone understands, the people watching at home. The motion was made to deny, so a "Yes" vote is a vote to deny the application. When you have a "no" vote, you are voting against the denial and you are voting for approval of the application. So if you want this project to be denied, you would vote "yes" on the motion.

Commissioner Serra: Let me correct that by saying "Yes".

Commissioner Sobieski: Yes

Commissioner Strong: Yes

Commissioner Bottalico: Yes

Commissioner Camillo: Yes

Chairman Aieta: Yes.

Chairman Aieta: The vote is 6-1 to deny Petition 41-15.

- B. Petition 02-16: Special Permit (Section 6.2.2.C) Church Bulletin Board) at 580 Church Street, Southern New England Conference Association of Seventh Day Adventists, owner-applicant; Jeff Linthwaite, P.O. Box 1169, S. Lancaster MA, contact.

Chairman Aieta: I am a neighbor to this project so Commissioner Pane will chair this portion of the meeting. I'm sitting in back on this and not participating.

Commissioner Pane moved to approve Petition 02-16 Special Permit Section 6.2.2.C Church Bulletin Board at 580 Church Street, Southern New England Conference Association of Seventh Day Adventists owner/applicant Jeff Linthwaite P.O. Box 1169 S. Lancaster MA, contact, be approved with the following findings and conditions:

The location was an acceptable location, and wasn't deterring any residential property in the area.

The condition is that there will be no lighting on the sign, and if lighting is to be proposed at a later date, that they will come back to this board informally to discuss the lighting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with five voting YEA.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

Chairman Aieta: We have Petition 07-16, Zoning Text Amendment Section 3.15, 3.17, 6.11 Auto Related Uses, Inc., Modern Tire Recapping Company, Inc., applicant, Attorney Timothy J. Hollister, One Constitution Plaza, Hartford CT, applicant. I'll have the Planner give us a quick overview as to what this is, and if there are any questions by the Commissioners we will take them up, and then we will schedule it.

Commissioner Pane: Mr. Chairman, I'm going to recuse myself because at one time I was part of this case. I no longer am, but to avoid the appearance of impropriety, I will recuse myself. But I am going to reserve my right to sit in the back of the room and listen. Thank you.

Craig Minor: This amendment is being proposed by the attorney representing Firestone's neighbors, the Bielitzes. There is litigation between the Bielitzes and Firestone over a number of issues. The Town, now let me see if I've got this straight - the Town of Newington is a party to the law suit, but only peripherally; you know how lawsuits are - everybody gets dragged into them. One way to resolve this lawsuit between Firestone and it's neighbors is to amend the zoning regulations that pertain to the type of business that Firestone is. So the attorney for the neighbors has submitted a text amendment to revise Section 6.11. They paid the application fee, so other than this back story, it's a straight forward text amendment application. You have received it, you will schedule it for a public hearing, and the applicants will come before you and explain why they think the Town should adopt these amendments. I'll probably suggest some changes to it, and then the Commission will vote on whether to approve it or not. So in that sense, it's just like any other text amendment that comes before you. You are required to file a copy of any text amendment with CRCOG at least thirty days before the hearing, so the earliest that we can have the hearing is March 23rd, but I don't see any reason not to schedule the hearing for that date. I would just like to add that our attorney is aware of this application.

Chairman Aieta: This is something that this Commission was going to take up ourselves, the auto regulations, and make changes, because it is not functional at this time. They actually brought this to the forefront and did some of the work for us, and give us some basis to proceed with making these changes to the auto regulations. As the Planner stated we will probably be tweaking it to our satisfaction, making some changes, but what this will do, the basis of what was presented by Attorney Hollister pretty much brings everybody back into a state of conformity, so there will be no more non-conforming auto-related business in town. So, their complaint that they are unable to expand or get mortgages or bank loans would be alleviated. This is something we were going to do anyway. It just moves it to the forefront. The Planner will have I'm sure, from his, from the past regulations that we put in, and the work that we did in the past, there are some areas that we are going to tweak to make better for people in the Town of Newington. We will hear it on March 23rd. Any Commissioner remarks on this? You are all set that we move this forward and put it on for a public hearing?

Commissioner Sobieski: There is a sentence in the cover letter that says, "Firestone facilities does not have valid zoning approval and it must obtain it to continue operating". How does this affect it?

Craig Minor: Well, that's incorrect. That is their attorney saying that, and that is not correct. They absolutely have a valid permit and they are operating legally today.

Commissioner Sobieski: Correct. What I'm concerned about it is, we are a party to this litigation, so I would like to hear from the Town Attorney to find out exactly what we have to do on this, if anything.

Chairman Aieta: The Town Attorney would be reviewing whatever we bring forward anyway, right?

Craig Minor: Not normally, but since you raised a point, I suggest that the land use attorney who has been representing TPZ in the whole Firestone case, Jonathan Chapel, come to your next meeting and explain the background to this, advise you, and then take a look at it before you approve anything.

Commissioner Sobieski: I understand that it this is presented by their attorney, not ours, so I want to make sure that we are on solid ground here. I don't want to have a secondary law suit and have this going on for eons.

Chairman Aieta: I'm hoping this is something that will settle the lawsuits and put everybody back into conformance and satisfy Firestone and satisfy the neighbors that have the problem with Firestone's noise, and Firestone can continue to operate. They have a permit from us, we approved that application.

Commissioner Sobieski: If I remember correctly, they were supposed to have sound tests done. Have those been done, does anybody know?

Craig Minor: I know that was part of the lawsuit, and I know sound tests were done, but it's a lawsuit - everything leads to another demand.

Commissioner Sobieski: Correct, I understand, but I'm just wondering if the sound tests have been done.

Craig Minor: I can find out.

Commissioner Sobieski: Please.

Chairman Aieta: You realize that the attorney who is proposing this is the attorney for the plaintiff, the people who are.....

Commissioner Sobieski: Yes, I understand, I just want to make sure we are on solid ground before we do anything that might be wrong.

Chairman Aieta: I think that it was in his cover letter that he brought forward his opinions, not part of the amendments to the regulations. So, we will proceed from there.

Commissioner Bottalico: I've heard a lot about this in the last couple of years and I would like to have our attorney come and explain everything. If we do make some changes, are we still liable for a lawsuit? I would just like to get the full information, because this Colleen is suing, and she is a resident. Are we going to solve the problem? That's what I want to know.

Chairman Aieta: Her attorney is the one proposing this amendment, so I'm assuming that he is doing it on behalf of her.

Commissioner Bottalico: I just want to be clear that we're off the hook if we do this.

Chairman Aieta: I think that this is going in the right direction, that we can finally put this to bed, the Firestone, the neighbors, our regulations, the other businesses in Town that feel that they have been slighted by being non-conforming. I think it does something for everybody. I'd like to get this behind us and have a regulation that is functional so that the staff, when people come in, they can talk to them intelligently about how they can come to this Commission for auto-related uses. This is something that has to get done. Either we are going to do it under this procedure, or we are going to do it ourselves under our own procedure. This is a fine basis to proceed. We'll see what they bring in, and trust me, we're going to make sure that all the t's are crossed and all the i's are dotted, and that we are on solid ground legally. We'll have our lawyer look at it.

XII. TOWN PLANNER REPORT

A. Town Planner Report for February 10, 2016

Craig Minor: If the Commission doesn't mind, I will just read my report:

"Item 1. Zoning Enforcement Issues Raised at Previous TPZ Meetings

A. Vallabhdham Hindu Temple

I have advised congregation president Roger DeSai that the TPZ would like him or a delegate to come before TPZ prior to the next major event to discuss crowd control, off-site parking, police coverage, etc. The next such holiday is "Holi" in late March. This is a festival holiday and traditionally involves bonfires and the tossing of colored powder into the air, so I specifically recommended he address these customs in his presentation."

He called me when emailed him about this, to say that he will be out of Town that day, but someone from the congregation will come before you, I can't say at your next meeting, but soon, to discuss the next major holiday that they will be celebrating.

Chairman Aieta: That's in March, right?

Craig Minor: Yes, late March.

Chairman Aieta: Late March, okay, so we will have a meeting before that.

Craig Minor: Possibly two, the second in February, the first in March.

Chairman Aieta: This was a "third page" event. This is where they have up to 1,000 participants, and we have a lot of questions, so the sooner and better.

Commissioner Pane: It may take more than one meeting, so if they wait until the first meeting in March, we might be forced to do something, to act on it because their event is coming.

Chairman Aieta: I know that there is going to have to be some research on their part to provide the Commission some of the information we talked about. If they proposed off-site parking, we'll want letters from the property owners, the Town of Newington at the schools that they have permission. They are going to have to prove to us that they have insurance with a hold harmless clause for the Town of Newington, if they are using the school property. If they are using private property, we want to make sure that the property owners gave them permission; we would like to see that in some kind of a document. They better get in here pretty quick.

Craig Minor: I'll emphasize that with them. I have advised their attorney of the changes to the "Memorandum of Understanding" that were discussed by TPZ at the last meeting. He said he would discuss them with his clients.

2. **Town Center Streetscape Phase VI**

"The three project options were displayed and discussed at a public information meeting on February 3, 2016. The options will be presented to the Town Council later this month, and the Council will make the decision as to which one to construct. The options are available for public viewing on the Town website under "News & Announcements."

3. **Solar Panels at Corbin Russwin in Berlin**

"Earlier this week I met with a representative of Entersolar, the solar panel vendor that is installing the solar panels on grounds of the Corbin Russwin plant on Episcopal Road in Berlin. We met on site, and I showed him the area that we would like to be screened with arborvitae. He said that he would have to talk to the owners (Corbin Russwin) but that he did not think it would be a problem. He did say that the owners might prefer to have the row of arborvitae on the north side of the east-west driveway, rather than between the driveway and the panels, because they might interfere with the row of mature trees along the south side of the driveway."

Craig Minor: That is my report for this meeting.

Chairman Aieta: On the streetscape: will that come before this Commission in any way, shape, or form?

Craig Minor: Yes. When I prepared this memo I left it vague as to how the decision about the design would be made, but the committee that is overseeing the project will present the three options to the Council with a recommendation. Once the decision is made as to which option we are going to go with, I'll have the Council refer it to you as an 8-24. At that point this Commission will have an opportunity to comment on it.

Chairman Aieta: That seems backwards to me. I would think if you want input from the Commission, maybe you would like to hear from the Commission which option they thought was appropriate, but if they choose to make that decision, that's fine. I'm sure we all have an opinion. They should be aware that some of the options there may have ramifications down the line if they choose the wrong option.

Craig Minor: They all have pros and cons.

Chairman Aieta: Okay, any comments on the Planner's report?

Commissioner Serra: Just one on the temple. Regarding the agreement, that you had brought up, with the residents, do we have any idea if or when that agreement might be signed by both parties? And if that agreement is signed, and they do agree, when would that fence be going up?

Craig Minor: I can call our attorney and ask him.

Chairman Aieta: We'll stay on top of that, it's something that has to come before this Commission.

Commissioner Serra: I was just wondering because with the large event, and obviously they can't break ground now and start digging holes, but if there is going to be a large event at the end

of March, this is the type of event that the residents were talking about where people were going into their yards, so I just wanted to get a time frame on this fence.

XIII. COMMUNICATIONS

None

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

Carol Anest, 30 Stoddard Avenue: I'm a member of the Newington Town Council. I just want to bring up that there is a bill proposed, LCO 514, "An Act Establishing a Transit Corridor Development Assistance Authority". The legislators came before us last evening, and we asked them to keep us apprised of when the public hearing is, so we can get as many people there as we can to speak against this bill. This is basically what was presented last year, tweaked a little bit, but it still gives a lot of the authority to this quasi-public agency. I just wanted to let you know that we are staying on top of it, and we should work together with our legislators to come up with a resolution like we did last year. I wanted to bring this to your attention so that you could take a look at it, I think maybe Craig has a copy of it. It's a nineteen page thing; the last one was 54 pages.

Chairman Aieta: I had a feeling that they were going to bring it back in some form. I think they will probably continue to do it until we fall asleep and they pass it through.

Carol Anest: Right.

Chairman Aieta: So we have to remain vigilant and make sure we are on top of it. I don't know how you do that with the number of bills that are going through the legislature, that we stay on top of everything that affects the Town of Newington. It's a monumental task.

Carol Anest: I think any bill that goes before Planning and Development, there are certain topics that we really need to be our own advocate for. We're going to try to stay on top of it as much as we can.

Chairman Aieta: That why it's import we proceed with our TOD overlay zones, that we have something in place so that they don't try to supersede us and get something else there. We're doing our job of making sure that we know what the Town of Newington wants.

John Bachand, 56 Maple Hill Avenue: I just would like to say, if you are going to go forward with these zoning text amendments, we're in the dark over here, we can't follow along. I realize it's a lot of stuff to print, but maybe if you put it in the agenda packet so we could look at it on our devices at least and follow along. 712 Cedar Street: the fact that the plans were never filed for seven years, or whatever; it seems odd to me that there is no requirement, no filing deadline like there is for subdivision plans. I don't know if that is standard procedure.

Craig Minor: Yes.

John Bachand: For all towns?

Craig Minor: Yes.

John Bachand: Well, when you have a chance, maybe you could explain a little further, but you could have a fifty million dollar project like Amara drag on for years and years and the standards change. Like you said, it was a little modification, but it would cost him a fortune to meet today's

standards, I believe that is how you put it, to move the store around. Obviously it's a standard thing that all towns do, but I just don't get it - a little four house subdivision has to be filed within 90 days. There's a lot of room there for error when those plans are never seen again by the engineers for so many years and then all of a sudden they came back, oh yeah, this was approved, eight years ago. I think there is room for mistakes and problems there. You mentioned the Memorandum of Understanding: I was just curious if that is something that has to be signed. Are we obligated to sign it? Because it sounds like it is an endorsement by the Town of what they do, and I know it's, just like it says, an understanding, but it almost sounds like the Town is signing off on it.

Chairman Aieta: Just to answer that quickly, it's an understanding between the Town and the temple, not between this zoning board and the temple. We have no part in it, and we did not sign anything. They still have the obligation to provide information to us, and go under our regulations. So, we're not signing anything. If the Town Manager and the Town Council choose to be party to this understanding, that's up to them, but we're not signing it.

John Bachand: Thank you for reminding me, because you did say that at the last meeting. But it still sounds like an endorsement. If a neighbor comes up with another complaint, the temple is going to say, "We have this understanding, the Town has signed this agreement with us". That's just my take on it. The last thing, I wasn't here for the first part of the meeting so I don't know if it was addressed, but did the Planner had a chance to look into that construction sequence at the top of Cedar Street, the Shoppes? Thank you.

Craig Minor: Mr. Bachand brought to our attention a couple of weeks ago that when the developer built the retaining wall on East Cedar Street at, let's call it the Amara site, he also built a driveway and some parking spaces. This was a concern because the Shoppes at East Cedar in 2009 was a very complicated site plan approval. It involved litigation, and the final resolution which all parties agreed to was that the project would be built in phases. Phase One would be the gas station/convenience store and little strip mall building; Phase Two would be the bank and the restaurant; Phase Three would be the hotel. Mr. Bachand noticed that when they built the retaining wall last month and the driveway around the retaining wall, they also built about a dozen parking spaces adjacent to the retaining wall which are for the hotel. So, yes, technically the developer has gone out of order - he constructed some of the parking for the hotel now rather than in due course. I talked to the town staff, and he needed to put in those parking spaces before his wetlands permit expires. Yes, in hindsight he should have come before you and say, "Look, TPZ, I have a problem here - I'm not supposed to build the hotel until the third phase, but I need to build these parking spaces now before my wetlands permit expires." He didn't; he built the spaces now. He also needed to put in some pavement there to act as a, to lock in the retaining wall. If the Commission wants to make an issue of this, that's up to the Commission. I can give you a more detailed report next week with maps and dates, but in a nutshell, that's the issue that Mr. Bachand is referring to.

Commissioner Sobieski: Is Amara going up there, or is the hotel going up there, with stores?

Craig Minor: At the moment we don't know which option the property owner will go with. I know he would like to go with Amara because that's the higher rent paying tenant, but until the Amara developer gets his financing and his State approvals, he can't go forward. If he doesn't get his approvals, then the property owner will default back to the plans that were approved in 2008, the gas station, the hotel and the restaurants.

Commissioner Pane: Or something new could come up because it's hard out there, it's hard for a developer to find something for his property, so time will tell.

Chairman Aieta: As far as the sequence of construction, they are not, in my opinion, proceeding with the building of the hotel, so they are not out of sequence. But if they proceed with the Hunter Development, they will have to start in sequence, the gas station, and follow the sequence. Just because they put in some paving and some parking spaces and some work that fell into another area because of their wetlands permit, I don't see that as going out of sequence in the construction of the actual building. Are they out of sequence? Yes as far as construction methods, but in practicality they are not starting the hotel first. Should they have come to us? Yes. Is it something that we should pursue at this point? At this point it is done, and I don't see what we gain by stopping them at this point. Do you see anything that we gain from that?

Craig Minor: No.

Chairman Aieta: Anyone on the Commission have any thoughts on that particular item?

Commissioner Camillo: When they have their hearing in March with the DOT for the curb cuts, will we know what they are going for?

Craig Minor: I don't know.

Commissioner Camillo: That's when their hearing is scheduled, the end of March. Would we be notified about that?

Craig Minor: TPZ wouldn't be, but the Town Engineer might.

Chairman Aieta: Do you want to alert the Town Engineer that we want to be kept abreast of what ever is going on at that property? If we could get a heads up on whatever way they are going on it.

Craig Minor: What's the date of that?

Commissioner Camillo: I think it's the 28th.

Craig Minor: March 28th, okay.

Chairman Aieta: Any other public participation?

Rose Lyons, 46 Elton Drive: I don't know if I can speak on this or not, about regulations for food trucks.

Chairman Aieta: You can talk about it.

Rose Lyons: I was here when you went through the regulations and people had issues with the food truck on Pane Road and Constance Leigh. I'm just curious what the five locations are that they are allowed on. Ignorance of the law is no excuse; if the man didn't know that we had specific areas, and he is still operating, he is operating outside of what he should be doing, and I'm a little disturbed about that. In any case, I would like to know where those five areas are if I can. This 8-24 referral always gets my head spinning, and tonight it is spinning even more. I appreciate the clarification about the three options being given to the Town Council regarding Phase VI on Constance Leigh Drive, but I don't recall the other phases coming to this Commission for an 8-24 referral.

Chairman Aieta: Past administrations did not always forward things to this Commission. It's up to the Council to be diligent in following the statute. They are supposed to refer to this Commission anything other than routine maintenance. Buying land, making improvements on

Town land; almost everything that they do should come to this Commission, other than road maintenance. That's the way that I read it. It's up to the Council to determine what should come to us for review. We're not looking to overstep our boundaries into the authority of the Town Council, that's furthest from what we want to do. We just want to be a tool that they can use so that they have some expertise. We have expertise in zoning and the regulations and we want to assist them and give them the right answers or at least some information so they can make a decision based on facts.

Rose Lyons: Okay, so something like lighting.....

Chairman Aieta: That should come to this Commission for an 8-24 referral.

Rose Lyons: Okay, well I guess I'll leave it to the Town Council to figure out. Like I say, it's very confusing

Chairman Aieta: There was a lot that never came to the Commission. I know that this Council is aware of it. We have liaisons from the Council, they come to all of these meetings, they keep us informed, and Carol sat on this Commission for a number of years so she knows what should and should not come to this Commission. I'm sure she will tell them when an item should come to the zoning board.

Rose Lyons: I have full confidence. As far as the Senate bill that is pending, and the Legislature, we were told last night by Representative Guerrero that e-mails were sent out to people about the last one. I talked to him in the hallway after he had made his presentation, and it's fine to send out e-mails, but you may be sending them to people who are in favor of the bill. I hate to bring up old wounds, but we weren't advised of it the last time. It was either, well, we didn't think there was any reason to, or they just didn't do it. I understand that there are a lot of bills, but I assume that at CRCOG they are going to bring it up at some point, so everybody keep an eye on it this time. Please, talk in the microphones, because we can't hear you Commissioner Camillo. And he's got his back to us to make it even worse. Thank you.

John Bachand, 56 Maple Hill Avenue: Regarding the project up on the hill: it certainly wasn't my intent to stop the project. I thought, and I explained this to the Planner, that it would open a dialogue, because everyone seems to be asking, what is going on? So I thought maybe at least it would do that.

Chairman Aieta: I think it did do that, so as soon as we know, we'll let you know, but we're in the same situation that you are, not knowing what is going there. They have two approvals. We don't know which one they are going with.

Chairman Aieta: Any other public participation?

Deborah Brodacki Magnum: I have a question. I was listening to the information about the temple, and I heard something about the neighbors having to sign something? I don't know anything about that.

Chairman Aieta: No, it's a memorandum of understanding between the temple and the Town of Newington, which would be the Town Manager's office. It has nothing to do with you as a neighbor signing off any of your rights. It has no implications for this Commission, or relaxing our regulations that pertain to the temple or any other property in the Town of Newington. We don't sign off our regulations. You should be concerned that the Town has a memorandum with the temple, you should know what that says, but aren't party to it.

Deborah Brodacki Magnum: Is this something that will be discussed at the next meeting?

Chairman Aieta: They have to come in because they are having an event at the end of March that is going to be one of the larger, 1000 people events, and we want to make sure that our recommendations are followed, and that they can actually accommodate those kinds of numbers.

Deborah Brodacki Magnum: Okay, thank you very much.

XV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: It might be a good idea to have that list of holidays available to the public at the next meeting if we are going to discuss that, so they can know.

Chairman Aieta: Yes. We could make that part of our discussion.

Commissioner Sobieski: Will we have a draft of the memorandum?

Chairman Aieta: Oh, the memorandum.

Commissioner Sobieski: The memorandum, if I'm not mistaken also had the dates, am I correct.

Craig Minor: Yes. It might not be signed by then.

Commissioner Sobieski: Right, so I'm saying either a draft or the actual if it's signed.

XVI. CLOSING REMARKS BY THE CHAIRMAN

None

XVII. ADJOURN

Commissioner Bottalico moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary