

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

February 23, 2011

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

I. ROLL CALL

Commissioners Present

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

Commissioners Absent

Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Schatz.

Chairman Pruet: Before we go into our business, we have Glenn Chandler from Planametrics for a presentation. Glenn, if you can step forward, nice to see you.

Glenn Chandler: Nice to be here again, thank you very much. As you know, I had the pleasure of working with the Commission, with staff on the Plan of Conservation and Development and typically as part of our work for our records we create a hard bound copy. We made an extra one for the town. This is for the Commission, or for the library or whatever you would like to do with it, but the hard bound copy, and part of our reason for coming back to do this is also to encourage the Commission to move on from simple adoption to implementation of the Plan. Creation of the Plan is really sort of the first step, it's where a lot of the heavy thinking goes in, in terms of types of the things that the Town should be working on, but this document really doesn't mean anything, it becomes a hard bound document on a shelf if we don't move forward to implementation. So with that, I encourage you to move on. I enjoyed working with you, thank you very much, and I'll give this to you and good luck and Godspeed.

Chairman Pruet: Thank you. Thank you very much, Glenn.

II. PUBLIC HEARINGS

A. PETITION 40-10 – Newington Town Plan and Zoning Commission as applicant proposed amendments to the Zoning Regulations for the following:

Amendments to implement strategies recommended in the 2020 Plan of Conservation and Development.

- 1. Section 1.1.8 Purpose and Intent – Amend to references 2010-2020 POCD**
- 2. Section 3.7.1 (C) Density-protection of slopes in excess of fifteen (15%) percent gradient.**
- 3. Section 5.3.4 Content of Site Plan – Rock Faces and Bedrock Outcroppings**
- 4. Section 6.4.3 Removal of Earth Products – Rock Faces and Bedrock Outcroppings**
- 5. Section 6.10.5 Buffers adjacent to town owned open space.**
- 6. Section 7.2.1 Plot plan design measures to control soil erosion.**
- 7. Section 7.4.7 Elevations, Grades, Contours to use North American Vertical Datum NAVD88.**
- 8. Section 7.4.8 Grading – Rock removal limitations.**
- 9. Section 7.4.15 Cultural Features identification of exposed bedrock.**

Chairman Pruet: The first order of business tonight will be our public hearings and we have A. PETITION 40-10. These are proposed amendments to our Plan of Conservation and Development to give priority to our natural resources and open space strategies for protection of steep slopes over fifteen percent of grade, increase the buffers adjacent to greenway corridors, and erosion control measures for single lot development. I will read each of the nine items first, then I'll call upon our Town Planner to add a comment, then we will discuss it publicly, and we will proceed in that mode.

- 1. Section 1.1.8 Purpose and Intent – Amend to reference 2010-2020 POCD.**

This is basically to amend our 2010-2020 Plan of Development.

- 2. Section 3.7.1 (C) Density – protection of slopes in excess of fifteen (15%) percent gradient.**

Ed, anything that I overlooked, or do you want to comment.

Ed Meehan: No, Mr. Chairman, we discussed this at the prior meeting, this public hearing carried over from February 9th. The protection of slopes standard is a desire of the Commission, again comes directly from the Plan of Conservation and Development to protect these sensitive areas that tend to be more difficult to build on. They certainly exceed our subdivision town standards which have a maximum slope or grade of ten percent, so these tend to be areas that are easily erodible and areas that deserve protection.

Chairman Pruet: Very good. Anyone from the public wishing to speak for or against, or any comments on this portion of our amendment. Any Commissioner comments on this? Okay, is it the pleasure of the Commission to move this for closure and move it to Old Business?

Commissioner Pane: I have a few comments Mr. Chairman. Under Section 3.7.1 Density, where we talk about slopes in excess of fifteen percent, I wanted to ask Ed, Section 3.7.1 in our Zoning Regulations refers to R-12 and R-7. Does this protect every zone, or is it only for that R-12, R-7?

Ed Meehan: This is going to be useful only when someone is in the R-12 or the R-7 zone district. If they came in for, if you see at the beginning of that section of reducing it to 8,000 square feet?

Commissioner Pane: At least 8,000 square feet of land is required?

Ed Meehan: Yeah, and this Section, 3.7, Domenic is where someone can in the R-12 Zone petition for smaller lot sizes for multi unit housing, or patio housing, so when that occurs, this standard would come into play. It's also going to be reflected in other parts of your regulations, under Section 5.3.4, Content of Site Plans, which would cover any sort of a site plan development.

Commissioner Pane: My concern was that it covered every zone because in our 2020 Plan we talked about protecting in general the fifteen percent slopes so my concern would be to make sure that it covers the R-20 Zone, it covers every zone, the CD zone, it covers every zone and I want to know whether or not what we have here is going to do that?

Ed Meehan: Yes, to answer your question, the fifteen percent standard will cover every zone as far as site plan content. More specifically, and more restrictive, for town house developments, multi-family we're not going to count that as part of your density calculations. So like we take out wetlands and flood plains, in this situation we would also deduct, net out those three environmental characteristics.

Commissioner Pane: In the other zones you would.....

Ed Meehan: You would not, because you aren't calculating density but you would use that slope limitation to guide a development away from the steeper areas through the site plan review process.

Commissioner Pane: Okay, and I have a couple of other questions. Where we talk about it Section 6.10.5 Buffers, we talk about increasing the buffer from twenty-five feet to fifty feet when it abuts open space or a greenway. My concern would be, in the 2020 Plan we talked about it protecting residents, residential zones from commercial zones so are we covering more than just the town owned land.

Ed Meehan: Not with this standard. This is just where we have existing open space, where a development may come in where the Commission.....

Commissioner Pane: I know in the 2020 Plan we talked about extra protection for residential properties, R-20, R-12 and stuff, so I would like to bring that up as a concern.

Ed Meehan: To do that, this language doesn't satisfy that desire. There are other sections of the regulations that would have to be amended, particularly each zone, if you look at how the regulations are structured, talks about a twenty-five foot buffer, except auto related uses is a fifty foot buffer, so that would be where you may want to consider putting that standard that you are talking about. So if you had like a commercial use going in, say on Willard Avenue which also has a fair amount of residential, if you wanted to increase it from twenty-five to fifty

feet, you'd put it in the Planned Development Zone which covers Willard Avenue and other parts of town. It's going to get pretty restrictive doing that.

Commissioner Pane: For new development it says here, for new development so that would be the trigger point. For new development, you would try to increase your buffers.

Ed Meehan: This is new development abutting a piece of town owned property.

Commissioner Pane: Yeah, and I'm just saying, what if it wasn't an abutting town owned property? What if it was abutting a residential zone? Why wouldn't you want the buffer to be increased then?

Ed Meehan: Well, you could do that, but that wouldn't be covered under this proposed amendment. It would have to be a new amendment.

Commissioner Pane: Okay. I don't know how the Commission feels about that, but I thought that protecting the other zones would be important too. There is also, under Section 7.4.7, where we talked about existing contours in excess of fifteen percent gradient shall be identified and shaded, the areas to meet this criteria. What about the outcroppings? Shouldn't they locate the outcroppings for us on the maps too? At the same time, so that we know where those are? And my second question to that would be we talk about allowing possibly developers to cut into these by two thirds vote, do we want to maybe give them permission to cut into some of the outcroppings, but not the fifteen percent slope? We want to protect those fifteen percent slopes and I think on C, we are giving them a possible out on it.

Ed Meehan: I'm not sure, well again, it's going to be at the Commission's discretion at the site plan review because it says shall not result in the removal of natural soil, rock faces and bedrock outcroppings. Except the Commission may, so you know may.....

Commissioner Pane: Right, I'm wondering whether or not we should say they may allow some of the outcroppings to be disturbed, but do we really want the fifteen percent slopes disturbed because we know those fifteen percent slopes are in a high, are the ridge line and we said in our 2020 Plan we wanted to protect the ridge line, so don't we want to make it so they can't cut into the ridge line, but they can cut into some of the outcroppings.

Ed Meehan: I think we may have that covered by the elimination of the ridge line through the site plan review process. This would all have to read in context instead of jumping around here.

Commissioner Pane: Those were some of my concerns, and there was one other thing that we, and this might be covered somewhere else. We talk about putting our fifteen percent slopes and we talk about our outcroppings, putting them on a map, so that when the developer comes in we know where they are. What about the small wetlands, outlet wetland areas and stuff like that, is that already covered in our.....

Ed Meehan: Right.

Commissioner Pane: It is?

Ed Meehan: It's covered through the Conservation Wetland agency, they have a wetland map, and when a developer comes in he has to show by soil types the regulated wetlands.

Commissioner Pane: Would that be covered in the map that is coming to us too?

Ed Meehan: Yes. By statute, they either have to go simultaneously, or go first to the Conservation Commission for the wetlands review.

Commissioner Pane: Thank you very much.

Chairman Pruet: Okay, we are on Section 3.7.1 (C) – Density. Any other Commissioner comments on that? We will take each one, one at a time. Is it your pleasure to close this and move it onto Old Business, this section? Section 1.1.8 also, which is just basically the reference for the Plan.

Commission: Yes.

Chairman Pruet: Section 5.3.4 – Content of Site Plan – Rock Faces and Bedrock Outcroppings. Ed, would you just elaborate on that?

Ed Meehan: Yes, just to elaborate a little more, Section 5.3 of the Zoning Regulations is the Section where all of the site plan content is required to be shown and that is everything from environmental information, natural resources right up to drainage and utility control. So this is new in the regulations. Let me just mention, any site plan coming forward would have to start showing this area by shading the area that meets that criteria. It's baseline information that the Commission can use or staff can use, or the Town Engineer can use in reviewing the site plan.

Chairman Pruet: Okay. Anybody from the public wishing to comment on that? Commissioner comments or concerns on this section? Is it your pleasure to close this and move it forward to Old Business?

Commission: Yes.

Chairman Pruet: Okay. Number four, Section 6.4.3 Removal of Earth Products – Rock Faces and Bedrock Outcroppings, Ed?

Ed Meehan: Section 6.4.3 is the Earth Removal Standard. This is by Special Permit. It requires a petition and public hearing before the Commission to do sand and gravel pits, excavation of rock. We haven't specifically mentioned rock faces or exposed bedrock outcroppings prior to this proposed amendment and I think the experience that the Commission saw over at the site next to the former Hartford Drive-In between Wendy's and Newington Ridge, led us to believe that we have to do better in tightening up how rock outcroppings and rock faces are caused through basically blasting and sheer cutting, so that is what this section is attempting to do and also in the section, a little bit further down, we're increasing the distance from a property line. It's now, you can't remove up to twenty feet away, we're recommending in this regulation that it be increased to fifty feet from the property line. The Commission reserved the right to modify that, so we are move than doubling that standard.

Chairman Pruet: Okay, thank you. Anybody from the public wishing to comment on that? Commissioner comments on this portion? Is it the pleasure of the Commission to close this and move it onto Old Business?

Commission: Yes.

Chairman Pruet: **Section 6.10.5 Buffers adjacent to Town owned open space**, Ed?

Ed Meehan: Well, we just had a little conversation about that, as Mr. Pane pointed out, the application of this new standard could come into play if the Commission wished when a development occurring near a town owned property, whether it is a municipal building, a school yard, existing open space, and it's a commercial development, the Commission can impose this standard. Again, it's an added measure of trying to add to open space, create a quiet zone around existing town property.

Chairman Pruet: Anyone from the public wishing to speak on this? Commissioner comments on this section? Is it the consensus of the Commission to close this and move it to Old Business?

Commission: Yes.

Commissioner Pane: Mr. Chairman, I just want to mention one more time that I think if you read back in our 2020 Plan one of the high priorities was to protect residential zones, so I throw it out to the Commission, we should be protecting the residential zones, and the way that this is written is not protecting residential zones, it's only protecting town owned property, so I throw it out to the Commission, I think we should think about this. Thank you.

Chairman Pruet: Don't we have provisions to protect the residential, isn't there.....

Ed Meehan: Well, there are standards in the commercial zoning areas for a twenty-five foot buffer which the Commission can waive by a two thirds vote down to twelve and a half feet.

Chairman Pruet: Like we did with the bank.

Ed Meehan: The bank, mitigating circumstances, the natural terrain, the existing vegetation, fencing and so forth, but this is a whole new standard. This doubles that, so if, the Commission could consider that, again it's been discussed, that is the project going forward, it wouldn't have any retroactive use to you. It could be pretty restrictive on a site, fifty feet on a site is a big chunk of land, but it gives you the latitude and this Section 6.10 also gives you the latitude by a two thirds vote to modify it and work with the site development plan to try to make it accommodate both the residential areas as well as the commercial development. It's something to think about, but you probably would have to bring a new language back to public hearing on that, if you wanted to do that.

Chairman Pruet: Any other comments on this from the Commissioners? What would you like to do with this, modify it, move it forward, delete it?

Commissioner Pane: Well, I think that Ed just said if we were, we would have to bring something new up to address that, is that correct Ed?

Ed Meehan: Yes.

Commissioner Pane: So we should move this forward then, and if the Commission at a later date feels that it's important then we can make something new up.

Chairman Pruet: Okay, that sounds reasonable and protective of the town. Again, is it the consensus of the Commission to close this and move it forward?

Commission: Yes.

Chairman Pruet: Okay, **Section 7.2.1 Plot plan design measures to control soil erosion**

Ed Meehan: That Section, 7.2.1 is something that we at staff level have been wanting to have in the regulations. This section of the regulations is the information that we get on a standard plot plan, a single lot development when they come in. It's not something that the Commission would see through site plan review or special exception but we want to be able to point to the zoning regulations when we have an individual lot being developed, whether it is a residential lot or a single commercial lot, and require the placement of erosion control measures. It's important, we feel because a lot of the development we see is single lots, particularly in some of the residential areas where there may be a legal non-conforming lot, and we start putting development on that, and you haven't got proper erosion control measures and drainage measures, then you could impact the adjacent property, so this is to try to get a safe guard in place to have this available for the enforcement official to put into practice.

Chairman Pruet: Very good. Anybody from the public wishing to speak on this? Commissioner comments on this section. Is it the will of the Commission to close this and move it onto Old Business?

Commission: Yes.

Chairman Pruet: **Section 7.4.7 Elevations, Grades, Contours to use North American Vertical Datum NAVD88.**

Ed Meehan: This is a technical change. This is the standard which surveyors use to provide the map information. We are changing the regulation language to be compliant with the practices in the field.

Chairman Pruet: Anyone from the public wishing to speak on this measure? Commissioner comments? Okay, seeing none, recommendation to close this and move it to Old Business?

Commission: Yes.

Commissioner Pane: Is that B too, that you are closing, or just A?

Ed Meehan: B is a companion part of this, B again is site plan information that we want to collect as the projects are submitted for showing the slope areas in excess of fifteen percent gradient.

Commissioner Pane: I brought up a point about the outcroppings right here under the wording that you want to change, existing contours in excess of fifteen percent gradient shall be identified by shading the area that meets this criteria. I think we should add the word, and any outcroppings, after gradient, so we know where the outcroppings are.

Chairman Pruet: What do you think Ed?

Ed Meehan: That's fine, that may also be covered under the next section, but again, this is all site plan information that the Commission gathers, more of an administrative matter, so the language suggested is appropriate here too.

Chairman Pruet: If we amend that, we have to come back.....

Ed Meehan: There's not a substantive amendment, I don't think, like a fifty foot setback which would have an impact on property. This is more collecting the information.

Chairman Pruet: Okay, I think you made a good point, so we can add that to that section. Is it the will of the Commission to move this forward?

Commission: Yes. With the modifications.

Chairman Pruet: **Section 7.4.8 Grading – Rock removal limitations.**

Ed Meehan: We talked about this also in conversations between me and Mr. Pane, but again we're asking through the site plan review process, for existing grades and elevations, to show the natural rock faces and the rock outcroppings, and then there is a criteria here where the Commission may set a standard for the slope setting, two to one slope rather than one to one slope and terracing. Again, we've talked about this because of our experience with the Dunkin Donuts site. That's an example where we had a sheer face and as far as site plan review, we tried to get them to soften that with some terracing. That's sort of what this is. It's going to require that if it's put into your regulations.

Chairman Pruet: Okay, anybody from the public wishing to speak on this section?
Commissioner comments?

Commissioner Pane: Yes, just once again, how do we protect, what type of language can we put in here to make sure that the fifteen percent slope, the ridge line is not going to get cut into. That would be a concern of mine, because that was a high priority in the 2020 Plan.

Ed Meehan: I think it's going to be protected in a couple of other areas here when you ask for that information as part of your site plan review process. On the content of site plans, the next one down, the fifteen percent gradient, where we are going to talk about showing the topo features, including flood plans and the wetlands and slopes in excess of fifteen percent.

Commissioner Pane: But Section (C) here talks about the possible cutting into these areas. Should we put a note in there maybe that the fifteen percent slope areas won't be touched, or some sort of stronger language for that, but the outcroppings could come up in several different areas of the property so it might, you might have to touch a few of those, but the fifteen percent slope, on the ridge line, I can't imagine building up on the ridge line.

Ed Meehan: It's certainly, these pieces are very irregular because of the contours and the geology of the area. I'm trying to think of the best section to make that statement.

Commissioner Pane: This is an important thing. Maybe you need to think about this and the language to make sure that we are protected on this. I'm not saying that we need to come up with this now, but I think that protecting the ridge line and some of the outcroppings is very important and we should make sure that we are covered in our regulations. Thank you Mr. Chairman.

Ed Meehan: Let me just take a minute, Section 7.4.15 is next on your list. It may not be as strong as you want. Maybe you want to say that these areas should be left in their natural condition unless waived by the Commission.

Chairman Pruet: That would be a form of protection.

Ed Meehan: You may want to reserve yourself the right to modify it. I would suggest again, like you do for buffers, by a two-thirds vote so it is on the record how the Commission treated these, because you can't legislate all of this stuff. You never know what situation is going to happen but.....

Chairman Pruet: But it's good to have a little more meat.

Ed Meehan: But you have a little bit more specific language and you do have the opportunity on a case by case basis to look at it and decide maybe this area should be modified a little bit, but over here there's a uniformity of geology that definitely needs to be protected and you don't want that to be modified, and you leave that alone.

Chairman Pruet: Maybe we could add a phrase that adds to that.

Ed Meehan: If you want to jump to the next one, the phrasing might be, I don't know how you want to deal with this first.....

Chairman Pruet: Okay, let's discuss that too, under number 9, **Section 7.4.15 Cultural Features identification of exposed bedrock**. That can tie into that too.

Ed Meehan: The language might be, this would be under D, existing contours in excess of fifteen percent gradient shall be identified by shading the area that meets the criteria. These areas, I'm just making this up, shall be left in their natural condition and not modified unless waived by a two-thirds vote of the Commission.

Chairman Pruet: That sounds like ample protection. Anybody from the public wishing to speak on that? Is it the consensus of the Commission to modify that with the language just presented by our Town Planner and to close it and move it to Old Business?

Commissioner Anest: You are talking about number nine?

Chairman Pruet: Yes, and the same with Section eight, if we could close this and move it to Old Business also? Is that the feeling of the Commission?

Commissioner Pane: I have a question for Ed. On D there, we left out any outcroppings and we talked about outcroppings in C,

Ed Meehan: We added it up above.

Commissioner Pane: We added it above.

Ed Meehan: So why don't we just be consistent and add it here?

Commissioner Pane: I don't know. I'm just bringing up the question.

Ed Meehan: Let's be consistent. So with the same language that we just talked about for number seven, 7.4.7 where we added rock outcroppings, and let's do that under nine. So it would be existing contours, in excess of fifteen percent gradient and rock outcroppings?

Commissioner Pane: Yes.

Ed Meehan: Shall be identified by shading the area that meets the criteria. These areas shall be kept in their natural condition and not modified unless waived by the Commission?

Commissioner Pane: By two-thirds vote.

Chairman Pruet: Okay, is that the consensus to amend that and move it forward?

Commission: Yes.

Chairman Pruet: Okay, that completes our Petition 40-10, one through nine.

B. PETITION 06-11 – Newington Town Plan and Zoning Commission as applicant proposes amendments to the Zoning Regulations for the following:

- 1. Section 3.15.4 Drive through Restaurant to permit by Special Exception in the Business Berlin Turnpike Zone (B-BT) and Planned Development Zone (PD).**
- 2. Section 5.1.5 Non-conforming building or structure reconstruction, delete prohibition on non-conforming replacement when alteration is less than 50 percent of fair market value.**
- 3. Section 6.2 (E) Temporary Signs, increase days for special advertising sale events.**

Chairman Pruet: What I'm going to do is to read each item, and then we will have discussions from the Town Planner and the public and the Commission and you can speak on each one. The first one would be number one, **Section 3.15.4 Drive through restaurant, to permit by Special Exception in the Business Berlin Turnpike Zone (B-BT and Planned Development Zone (PD))**. Ed, if you can just paraphrase that for us too, for the public and for the Commissioners?

Ed Meehan: This was put forth at public hearing under a different petition number than the environmental Plan of Development changes because the Commission broke these out a couple meetings back so I re-advertised under a different petition number, but they were covered in the referrals to the two regional planning agencies. I want to reflect that into the record. The Commission discussed this going back to October, the idea of reinstating drive-through restaurants came up. The Commission looked at the existing standards that we had back in 2006-2007, tightened up one of the standards which the Commission I believe felt would be both more restrictive and easier to interpret and that had to do with the distance of the residential nearby structures and the restaurant structure and the menu board. This is specifically saying that this has to be a 300 foot minimum separation distance from the menu board at the restaurant structure and the nearest residential structure. Before it was kind of vague on how you would measure that. Some interpretation might be to the nearest residential zone, which may not protect nearby residents. The other standards which have always been in the regulations up to 2007 are the traffic impact statement, queue lines for the drive through, traffic impact at nearby intersections, curb cut control, curb cut access we call it, access management on sharing driveways, distance from corner intersections, cross easements for internal site connections. We also have standards on the number of drive through windows that a drive through restaurant can have. You can only have one on one side. Some national chains actually have buildings that have drive-throughs on both sides, causing a somewhat confusing traffic patterns and it's sort of an island of cars, a moving car that patrons have to get through to get inside these restaurants. So that was in the regulations, and that is being suggested again for the amendment that you have before you tonight.

Chairman Pruet: Okay, thank you very much. We are in discussion of drive-thoughts. Anyone from the public wishing to speak for or against or on this section of the petition?

Tom Shields, 56 Wilson Avenue, Newington, CT: Basically I'm here to mention that I think it's a good idea that we introduce these drive-ins to the town based on economic concerns. As Chairman of the Economic Development Commission, the Commission doesn't desire to deter an economic development in jobs, especially in this economy, so basically we stand in favor of it. We probably have lost out on one upscale type operation, Sonic, and that's not really a hundred percent drive though. It's a drive-in and park and whatnot, but they still do have a drive though window. Basically the Commission stands behind anything that is going to create economic development in the Town of Newington.

Chairman Pruet: Thank you Mr. Shields. Further participation from the public?

Jay Botallica, 37 Valley View Drive, Newington: I'm in favor of re-instating the drive through restaurants. I understand that we lost possibly two restaurants because of this, and right now, if we are open for business I firmly believe that we ought to bring this back. Thank you.

Chairman Pruet: Thank you sir. Further comments from the public?

Rose Lyons, 46 Elton Drive: I would also like to speak in favor of reinstating the allowing of drive-throughs on the Berlin Turnpike and the other zone areas that you had suggested. As a life long resident of Newington, I've seen the good times and the bad times on the Berlin Turnpike. For many years the Berlin Turnpike was hopping, then it became almost a ghost town, and now today, once again, it's thriving. There have always been drive-through restaurants on the pike, and I see no reason why they shouldn't be allowed once again. The present owners of these businesses seem to keep their property well maintained and I would hope that any future owners would do the same. In reading the comments from your last meeting it would appear that there are potential locations for a drive though restaurant. In my opinion if you allow the option of the drive though restaurant by special exception it will make any vacant property more marketable which will add needed revenue to the town and provide much needed jobs. In watching and observing your meetings over the past two years I'm impressed with how you work in a bi-partisan manner to do what is best for Newington through discussion, dialogue and debate. I trust that you and future Commissioners will see to it that the residents are protected and that any traffic concerns that may arise will be addressed. Thank you.

Chairman Pruet: Thank you Mrs. Lyons. Further participation from the public on this petition? Commissioner comments?

Commissioner Aieta: I just want to remind the Commission and the public that the prior Commission saw in their wisdom to take this out of the regulations, particularly on the Berlin Turnpike to try to upgrade the type of restaurants that we get on the turnpike. Drive-through restaurants, some of them are very good, some of them are not, some of them produce a lot of liter, some of them are very careful of how they protect their properties, but I think the prior Commissions, talking to some of the members and some of the prior Chairmen of the Commission felt that they were trying to upgrade the type of establishments that we get on the turnpike, away from the fast food establishments, and more toward the sit down higher end restaurants. I just want to remind you that that's the reason that they originally took it out. I don't know what precipitated this coming before us. I know that we have had a couple of restaurants that have come in and specifically wanted a drive through. I know Kentucky Fried Chicken came in a couple of times, and they were denied because of the drive though,

they could not have a drive through so it didn't go through on the turnpike. I think it's important to know what the reason why the prior Commission took it out.

Chairman Pruet: Okay, additional commissioner comments?

Commissioner Pane: Thank you Mr. Chairman. I'll have to agree with the Commissioner. I feel that the past Commission, Commissioner Camelli serving as Chairman and the other Commissioners that served with him did an excellent job talking about this subject, and they basically wanted to upgrade the type of food establishments on the Berlin Turnpike and so I would disagree with putting this back into our regulations. The Berlin Turnpike as you know it has gone from gasoline alley all the way up to the golden triangle. It's the most sought after real estate property in the nation. Real estate brokers die to be between Bertucci's and Rowley Street and I don't think we are having any problems keeping the buildings full and all we are trying to say is we need to get the best type of building, best looking, and a quality establishment. I think we have plenty of drive through restaurants, drive through food establishments, and I don't think we need to load the Berlin Turnpike with every type of one that there is out there. It's nice to have a nice mix of some nice food establishments and that is what I think they were trying to establish back with they took this out. Thank you very much Mr. Chairman.

Chairman Pruet: This is an important petition coming through, I'd be interested in everyone's comments, how they feel about it. Further comments from Commissioners.

Commissioner Camerota: I think that you should consider that this is not the same regulation that was previously in the zoning regulations. We've cleaned it up a lot, taken into consideration some of the concerns that previously were brought up about drive through restaurants, and I think we also have to consider the economic times. It's going to be a while before the economy turns around and we have lost business because we don't allow drive-through restaurants. I think those were conditions that may not have been considered when this was removed. I was on the Commission at that time, but I do recall some of the comments about taking them out of the regulations.

Commissioner Anest: I just want to concur with what Michelle said and reiterate what I have said the last couple of meetings that we have had. You know, we really need to be pro-business and by leaving out the drive throughs we're not being pro-business. We don't want to move forward. There is a reason why there are new members on the Commission, so we can develop the town, and move the town forward. If we keep things out the town really can't develop where is this town going to go. I mean, you need to have all kinds of restaurants on the Berlin Turnpike and in the PD Zone, and if you have a family that is shopping, they can't afford to go to a high end restaurant, it's easier for them to give them a choice to go to these drive throughs. I don't think it is going to trash up the Berlin Turnpike. Most of the drive through restaurants take care of their property. A lot nicer than some of the other properties are taken care of. I don't foresee a lot of trash being thrown around. I really think you have to take a hard look at this and what is best for the Berlin Turnpike and what is best for the economics of this town. That's all I have to say.

Chairman Pruet: Thank you. Ed, just if you could comment too, we asked for a highlight on the areas, we discussed it at the last meeting, but maybe for the public tonight on the, we did a review of what is available to place these, if this does pass, could you just high light on that, where they could be located.

Ed Meehan: At the last meeting I gave a report to the Commission, again, this is general based on available vacant sites along the Berlin Turnpike. Southbound, Hunter Development

project at the intersection of East Cedar Street and Russell Road, the former Krispy Kreme site, both the building and there is an approved pad site that hasn't been built. Next to Bertucci's there is also a pad site on the south side of Bertucci's restaurant. Hasn't been built. Northbound on the Berlin Turnpike existing vacant restaurant, might have reuse potential for a drive through, that would be Applebee's because of it's location, internal location on a parking lot. They may be able to set up a drive-through lane that would meet the Commission's criteria for safety and access by pedestrians. Kelsey Street, the west end of Kelsey Street, that's in the PD Zone, so a building like the currently vacant Jiffy Lube could be converted to a restaurant, already have the drive through lanes set up. At the corner of Cedar and Fenn, also in Planned Development, the Hayes-Kaufmann site has a sit down, drive through restaurant approved, goes back to about 2007 just before the regulation was changed, as part of the hotel complex. This was going to be an out building with a Starbucks in it. Then another site that might have possibilities is the PD Zone near the corner of Cedar and Maple Hill, known as the Whitewood Associates site, that's about a five acre site across from the Citgo. Those are sites that are vacant or have potential for re-use. There are other properties that probably could be found attractive because of their location where there are high vehicle counts, near cross streets to neighboring Wethersfield and south to Berlin or Rocky Hill where east/west traffic is high. That's what the restaurants, particularly fast food restaurants look for, high vehicle counts and nearby intersections so that people can do turn arounds and get there.

Chairman Pruet: Thank you. Cathy, do you have any thoughts on this? I would like to hear what everybody has to say.

Commissioner Hall: When Ed listed the various sites available it made me believe that it wouldn't be out of control. If this does come back in again, there aren't that many sites left. That would be the only thing that would make me go more in line with this. As far as saying it doesn't create trash, that's not true because my neighborhood has it constantly. For some reason it seems to be at the far end of the route that they might take. There is one particular restaurant that almost everyday we get a bag, or a little fry box, or something, on the street. I pass it every single day. It does create trash, that does bother me, but I've had my eyes open for the past six months and it's one restaurant that I see all of the time and it's not the others that are out there, strangely enough. Drive throughs can be economic development, I agree. Is it the best economic development, and as far as the economy, it's not always going to be bad, it's going to come back. So a lot of the reasons that we are using to do this, I don't know, there are two sides to it. It's going to come down to do we want this regulation back in at this time, do we believe that it is something that is good for the town. That's what it is going to come down to.

Chairman Pruet: Thank you. Mike?

Commissioner Casasanta: Unfortunately I haven't been in attendance for the past few meetings, but I do appreciate the comments made by Commissioners Aieta and Pane bringing us up to speed as to what the thought process was at least of the prior Commission and I agree, it would be nicer to have Carmen Anthony's or something like that on the Berlin Turnpike, our end of the Berlin Turnpike, than some type of a fast food restaurant, but it's a balance. My biggest concern with any type of a drive-through is how it would affect the residential areas next to it, and I think we've done a good job in protecting that, so I'm willing to move forward with this.

Chairman Pruet: Thank you. Gary, comments from you as a.....

Commissioner Turco: I'm going to repeat what a few others have said, but I think that the regulations are providing a balance, to make sure that it is protecting residential communities. In difficult economic times, anything we can do to bring more businesses in, I know as you stated Commissioner Hall, it won't be bad economic times forever, but it's going to be a little while before there is going to be this onslaught of all these businesses trying to compete with each other, so anything that we can do to provide an advantage for a business and help them I think we should do, so I fully support this.

Chairman Pruet: Thank you, Dave?

Commissioner Lenares: I made my thoughts pretty clear last meeting. I for one am pro-business, I'd be in favor of this. I don't think it's a slingshot move to boost the economy like Cathy is saying, I don't think it's the cure all but I think it does help. I just think it's a good thing for the town.

Chairman Pruet: Thank you. Domenic?

Commissioner Pane: I just wanted to address a couple of issues. As far as the economic issue, as some may know, or not know, even though Krispy Kreme is vacant, and it appears that it is not doing any economic use for us, taxes are still being paid, the previous owner is still paying, so there is the appearance that it is not bringing anything in and taxes are not getting paid, or it's not doing anything, but we're not really getting any economic downfall from that property. With how much trouble that was on that site when Krispy Kreme was there, now you want to make a potential two drive throughs there with the residential that close. Mind boggling! Well, anyway the next thing I would like to talk about would be, Ed mentioned several sites that he thinks might be drive-throughs. Well, to be honest with you, any site could be modified to be a drive through. Buildings could be taken down, adjustments could be made, so don't think that it is going to be limited to the sites that he mentioned. Thank you very much Mr. Chairman.

Chairman Pruet: Okay. Further Commissioner comments? I think I will need a roll call vote to see what is the pleasure of the Commission, to close this and move it over to Old Business.

Commissioner Pane: Mr. Chairman, this is the first public hearing on the drive throughs. I think it is an important issue, I said this last meeting, I think that anything that is an important issue should be left open for two public hearings for the public. Thank you.

Chairman Pruet: Okay, further comments?

Commissioner Hall: I agree with that. I don't think three people are enough to say that, it's a verdict on this. I mean there are some differing opinions around the table again, I look for the ads or the postings, I found it because I know where to look, but I'm not sure everybody is aware, and this is a big issue. So I'd like to see it open for at least one more meeting.

Chairman Pruet: Any other comments from Commissioners on that?

Commissioner Casasanta: I'll agree to keep it open for one more meeting.

Commissioner Anest: That's fine. I know it's been talked up, people feel that the Commission will do what needs to be done and that's why people are not coming out, just talking to people, so maybe there's another way that we can advertise this but we're probably not going to get that many more people to come to a public hearing.

Chairman Pruet: Well, I always say that it is better to err on the fact that let's have another hearing on it, so I think that would be the appropriate thing to do, to continue this at our next public hearing? Is that the consensus?

Commission: Yes.

Commissioner Aieta: Just one more item, I lost my train of thought when I was talking before. Is there something precipitating why this came in, why this is before us, is there someone out there that is looking at a site, that's, is there someone knocking on the door saying we could come in if we had a drive through, is there something that I'm missing?

Chairman Pruet: No, just under public commissioner comments this was brought up to open it up for discussion.

Commissioner Aieta: I just thought maybe there was somebody out there, you know, a national firm or some thing that was looking at these sites, or looking at taking over a site, and that might make me change my mind about it, but I don't, but the way that I feel is that it was taken out for a reason, and the reasons were to upgrade it. Now that's not saying that I'm anti-business. I'm pro-business, but I think that the businesses that are out there should have the opportunity to have upgrades and for the past thirty, forty years we have tried to upgrade the Berlin Turnpike from all gas stations and motels to what we have today. We have some big box stores, we have a pretty good mix. You'll notice that the town, when you drive down the turnpike, from Wethersfield to Meriden the only part of the turnpike that has, that is really successful is the part that is in Newington. The part that is in Wethersfield is a disaster, and no one wants to be beyond Rowley Street into Berlin and into Meriden. That section of the turnpike is dead. I mean, we've done tremendous strides in upgrading our portion of the turnpike and it's been an economic engine for the town where we have gotten tremendous tax dollars because of it.

Chairman Pruet: We also have the option for two types of business to continue, an upscale restaurant or whatever could still come in, or a drive through, so there are two sides to that. I think there have been some inquiries, Ed?

Ed Meehan: I haven't had any direct inquiries from a brand name that I recognize. There have been generic questions about, after we finished the Plan of Development the Commission met, I think that this was September that we started to put all this together, and drive through was on the list as one of the top items, and I got calls asking if we were going to put it back in, but they didn't tell me who they were, or what sites they were interested in. So there are, realtors are always watching what this Commission does because it impacts a lot of valuable property on the turnpike and else where in town. I wouldn't be surprised if there was someone out there looking.

Commissioner Hall: I think you will remember this. Back when Sonic went into Wallingford, there was an article in the paper and in that article it specifically said that Sonic would love to come to Newington but they don't allow drive throughs, and that's got to be a year ago now. So that's when I started to hear talking out on the street, when that article was published and it specifically was Sonic. Since that time, Checkers also made the comment, because they were going into Manchester, I believe and the Berlin Turnpike was not available to them. The Berlin Turnpike is a site that developers are very interested in. The reason that they are not interested in the Berlin stretch is that Berlin is not interested in them, so that is the flip side. Newington is considered more available and more friendly to business. Berlin tends to have a lot more roadblocks, shall we say. Now as far as the business, remember when we are

talking about these drive throughs, most of them are corporations. Let's not call them businessmen, they are not businessmen. Businessmen are things like Mortensen's, Blue Lobster, you know, people who own their own restaurants, they're not a huge chain, they're not a gigantic corporation around the country, that's another thing. I mean, the flavor, are we looking more for the smaller owned business or are we looking for the corporations and that's what we are talking about tonight. When you open it up to the drive through, it's corporate America. It's not the businessman. It's going to be a manager, it's going to be people employed, but whoever is going to be there may be, I don't know, Arkansas, California, Illinois, whatever.

Commissioner Pane: Excellent points Cathy, excellent points. I'd like to just say, I think people are misunderstanding me. Don't get the impression that I want to see a line of Ruth Chris or Carmen Anthony's. I thought Applebee's was nice and another establishment, food establishment where Applebee's was, will eventually go in there. Will a drive through go in there, I don't know if a drive through is, kind of tight in there, I don't know if it would be the best thing, so I don't mean that we need to have all Ruth Chris and Carmen Anthony's style restaurants, I just think that we don't have to have all drive throughs, so we can have nice sit down restaurants that are economic to families that are in the area, too. Then the second thing is, I think this Commission talked about it previously, the Krispy Kreme site is already approved for a drive through, I believe.

Ed Meehan: Well, I think they may have lost that when they had the interim Citibank.

Commissioner Aieta: Citibank had a drive through.

Commissioner Anest: No they didn't. They closed the window.

Commissioner Pane: Doesn't a drive through travel with the property?

Ed Meehan: It was approved for Krispy Kreme.

Commissioner Pane: It's a special exception that doesn't travel with the property?

Ed Meehan: Well, it was limited to Krispy Kreme when the Commission approved it. I think you could, I'm not a lawyer, but I think you could make a case that.....

Commissioner Pane: A lawyer could make a case the other way too I think.

Ed Meehan: I believe the language specifically in the motion was, this is being approved for Krispy Kreme, and it had that same language about the manufacturing of donuts there, remember that whole thing, so it was a fairly tight motion.

Commissioner Pane: I thought we talked about it, I thought we said it was still a viable drive through. I'll have to recheck some of the minutes. Okay, thank you very much.

Ed Meehan: I did check the distance on the prior menu board at Krispy Kreme, to the nearest residence, they do exceed the three hundred feet, so from that standard based on the site plan that was approved, the nearest residence is more than 300 feet away, and I'm not counting Woodlands. Middlewoods rather, as a residence. It's not a single family residence.

Commissioner Camerota: I just wanted to talk to Cathy's comment about corporate America. I think we need to remember that there are some franchises that could come in and that would be more of a local business person, being a franchisee.

Commissioner Turco: Just to add to that, I mean, yes, corporate America, but it's also local people working there. Corporate America right, somewhere, some other state far away, but it's our people that live right here that are going to get those jobs. If we have all of these, you know, we have vacancies, they need to be full, it's not like every restaurant is going to be a drive through up and down the Berlin Turnpike if we approve this. It's going to be a mix, and so we use vacancies, and providing jobs, that would seem to make sense.

Chairman Pruet: Okay, the consensus is that we are going to keep this open and continue at our next meeting.

Next item is **Section 5.1.5 Non-conforming building or structure reconstruction, delete prohibition of non-conforming replacement when alteration is less than 50 percent of fair market value.**

Ed Meehan: The reason that this was put on the list was this came up sort of indirectly through the Commission's discussion on auto related uses and the concern that was expressed that existing auto related uses if they did have an unfortunate situation where they were destroyed by fire or some other causality even though they were legal, non-conforming if they exceeded fifty percent they couldn't be replaced or repaired. We spent a lot of time talking about that, and looking into it, and I did some research with the neighboring towns and how they treat the replacement and repair of non-conforming uses and also checked land use books and standards and this fifty percent standard is very restrictive. It's not one that our neighbors, Glastonbury, Rocky Hill, Wethersfield, Berlin have in their regulations. They will permit a legal non-conforming building to be replaced or repaired on the same footprint, the same dimensions, mass and bulk. Again, we looked at this as a way, not just being on an equal footing with other towns, but also treating people fairly and again, we're business friendly so that if a business did have an unfortunate situation and it was a non-conforming use, it doesn't take much to be a non-conforming use if you are an older business in town, you know, just a side yard setback or something, could be replaced and the business could re-establish itself, so the suggestion is to take this restrictive standard out.

Chairman Pruet: Just a clarification, they could not increase the existing footprint of the property that was non-conforming, right?

Ed Meehan: They would have to replace like for like.

Commissioner Pane: But this doesn't say that.

Commissioner Anest: Yes it does. It's in the motion.

Ed Meehan: It's in other part of Section 5.1, I elaborated in the draft motion.

Commissioner Pane: Mr. Chairman, this item and the other item on our agenda are new, are we going to move these forward or can we just do this for discussion this meeting and next meeting, like the previous one?

Chairman Pruet: That would be the consensus of the Commission. Any other concerns on it before I open it to the public?

Commissioner Hall: First of all, I'm happy to see this because this was definitely a buzzkill, so I'm glad to see that we took that out. I do have a concern with that last part, I know it was in the other one, but within six months of the date of the damage or destruction. We can have weather issues, and more importantly we can have insurance issues. If they have some kind of a problem with their insurance company it may take longer than that six months to be able to commence reconstruction. I would like to see if we stay within six months with the possibility of renewal for six months, or whatever, depending on circumstance. I don't want to limit them to this because.....

Commissioner Pane: Why don't we just call it nine months?

Commissioner Hall: Well, or up to a year. I'd rather see six months to kind of push it along, but if not, they can reapply for another six months. It may be beyond their control to get it started within that period of time.

Chairman Pruet: Some type of latitude for as you said, obstacles if they get in the way.

Ed Meehan: Insurance is always a big thing.

Commissioner Casasanta: Extensions for additional time may be granted.

Ed Meehan: Looking quickly, Rocky Hill has twelve months, Glastonbury six months, Wethersfield.....

Chairman Pruet: Maybe with a provision with an extension of six months according to unforeseen, or for good cause, that would be appropriate.

Ed Meehan: Add that phrase to the end?

Chairman Pruet: Yes, an additional six months granted for extenuating circumstances, make it so we can push them along.

Ed Meehan: So we'll say, with an additional six month extension as approved by the Commission.

Commissioner Hall: Up to an additional six months, again, you don't want to drag this out if you don't have to.

Chairman Pruet: Any one from the public wishing to speak for or against or wish to comment on this provision. Okay. What is the feeling of the Commission? We could close it, move it forward to Old Business or, what is the feeling of the Commission?

Commissioner Anest: We might as well continue it with the first item.

Commissioner Aieta: I have a question, Mr. Chairman. What happens if the building was burnt, and it was one hundred percent demolished. That would still be the same?

Ed Meehan: Right, if it burns to the ground.

Commissioner Aieta: So basically we are taking out the fifty percent, so if it burns to the ground they could still rebuild on the same footprint.

Ed Meehan: Same footprint. Same height, bulk area.

Chairman Pruet: A little more business friendly for the non-conforming businesses.

Commissioner Pane: The non-conforming section is a very important area. I agree with this somewhat, and I like the changes. I think it's okay, but you really have to understand, what the non-conforming section is there for. I think Ed explained it pretty good back in 2007. This is Ed talking about when the Town Planning and Zoning Commission was taking some regulations to a hearing on May 23, 2007. "I prepared a staff report which is available to anyone who would like to see it, from the public responding to four or five items that speakers put into the record at last meeting that I think deserve a response or acknowledgement because they did point out some inconsistencies or some clarifications that I think were very positive for the Commission to consider. The first item was the comment concerning sales, service, rental and repair of motor vehicles in a B district, which is a neighborhood business zone. One of the speakers raised concern about creating non-conforming uses and referenced the section of the zoning regulations that talk about you can't replace a non-conforming use if the value is less than fifty percent of the replacement cost and that refers to the non-conforming structure that is destroyed by fire or some other causality. The speaker is correct, that is the way that the regulations read and usually it is a principle of zoning that once you create a use that is non-conforming by changing your zoning regulations the intent is to amortize these uses as you go forward." I like what we did for the change, but there is still a serious problem because this Commission has made all of the auto uses that are existing in the Town of Newington non-conforming, and under our non-conforming basically, over the long haul you're trying to get rid of your non-conformings. Thank you Mr. Chairman.

Commissioner Hall: I agree with what Dom is saying as far as the commercial building, but we have about I'd say twenty-five percent of this town that is residential non-conforming. The whole north end of town, so we've got to be careful about that.

Commissioner Pane: If you read the language it doesn't really refer to non-conforming because of the land area, or frontage. This is basically, you've created all these auto uses, you've created them non-conforming by changing the zoning regulations. There's other ways of protecting the zones without doing that. You don't want to create a lot of non-conformities.

Commissioner Hall: Right, absolutely.

Commissioner Pane: So, you know, I'm just saying, what we have here for the fifty percent and making it so if it burned down it gives the business a chance to rebuild. I think that's good, don't misunderstand me, that's good. But, we still have a problem by leaving that non-conformity of auto uses the way it is. You've got all those businesses non-conforming so that means the intent is eventually to get rid of every gas station, every auto use that is in the Town of Newington and I don't think that really was the intent of the Commission previous. The Commission previous, the intent really was, take it out of the business zones, the neighborhood business zones, okay, that was their intent. Take it out of where they were next to the residential properties. So I think we have more work on this, to try to not have so many non-conforming properties, but I like what we did here, and I think we need more work on that subject. Thank you Mr. Chairman.

Chairman Pruet: Any further comments? I think the consensus is that we will keep this also open for our next meeting.

Number three, **Section 6.2 (E) Temporary Signs, increase days for special advertising sale events.**

Ed Meehan: Section 6.2 is the sign standards for the town. It controls wall signs and pylon signs, directory signs and so forth. There is also a subsection, E and F, and E, which is the introduction as part of the public hearing the proposed language is to, for temporary signs under E is to put a standard in there for business temporary ground signs, the ones that we frequently see when there is a contractor doing a job, or something else like that, and we notice that many times they are not associated with a valid building permit, or they tend to be pretty large, so this gives the Zoning Officer staff guidance on how to verify that there is a bona fide building operation going on, and provide the sign size standards. Beyond that in Section F, the intent here is to streamline and clarify the issuance of temporary sign permits by the Zoning Enforcement Officer. We had some language that limited to twenty days per year and the number of consecutive days. The Commission is proposing to strike that and say simply you get twenty-five days per calendar year for your promotional advertisement and you don't have to get a building permit, just get a zoning permit and put your temporary sign up. Also, in an effort to be pro-active in promoting new businesses and also existing businesses an additional twenty days would be offered to new business coming to Newington and an existing business that is relocating or expanding would also have the advantage of doing twenty days of additional advertisement, again by issuance of a simple zoning permit. Then, clarification of the type of temporary sign has been proposed. We're talking about the sign can't be flashing, digital, can't be a roll-out sign, can't be a rotating sign, and some control by way of standards for the, if we see these cold air inflatable signs, whatever type of creatures they are, we want some control, or we suggested some control on those, size and placement, can't be on the roof, they have to be anchored, and we're talking about a size here of these signs, again, so that we have some relative control because they tend to be hazardous with a windy condition, not properly grounded, they could be hazardous to nearby wires and pedestrians and drivers. That's about it.

Chairman Pruet: Okay, anyone from the public wishing to speak for or against?

Rose Lyons 46 Elton Drive: I was here when the gentleman from Doogies came and asked for you to change some of your rules on signage and I think it's for the best for a lot of the businesses. I did notice on the Berlin Turnpike this weekend, and I think it's been there before Wendy's has numerous signs across the whole property, advertising their specials, and even in the center island they have signs. I'm just wondering if there is any restriction to the number of signs that they can put up, and also there are people who have business establishments in town, and on weekends they are putting up signs that they have various specials going on, which is great, but I think the signs should be attractive, not some sandwich board that looks like some five year old wrote out, selling sandwiches for five dollars today, or we have breakfast down the street, on a poster board. I don't know what your regulations are going to be, I think it's for the best, you should be pro-business, people should be able to advertise, but let's keep it in keeping with the town would like to see them advertise their specials. Thank you.

Chairman Pruet: Thank you. Further comments from the public? Ed, any further comments?

Ed Meehan: Just to elaborate a little further, there is a standard for the number of signs, temporary signs, not to exceed two and ground signs, not higher than ten feet or larger than fifty square feet per side, and then it goes on and talks about the cold air inflatables. Trying to get a handle on them, it's always problematical, I mean, we have to rely on the cooperation of the businesses in this situation, and we know, Commission members know that on the Berlin Turnpike starting about three thirty on Friday afternoon things change. So it's an enforcement issue, it's also a cooperative issue, but I think the intent here was to make this

easier to administer, it would also make it easier for businesses to comply, and hopefully they will, and find that this is worth cooperating with.

Chairman Pruet: Just to let you know, that restaurant in question was cited. I saw the same thing and I evoked the zoning officer to go up and take care of it.
Any other additional comments from the public on this? Commissioner comments?

Commissioner Pane: I have some concerns with this. I think some of these ideas are good but, for instance, where it talks about not more than two ground mounted cold air inflatable signs, I don't see why we have to allow them to have two. I think maybe one might be sufficient and Mrs. Lyons brings up a good point. This Commission has talked about the enforcement in the past, and Mr. Chairman, you have acknowledged before that there is a problem on the weekends and that you were going to try to do something to solve that problem, yet we are still waiting on that, and also back in September the Commission talked about the Zoning Enforcement Officer having a hard time with being able to enforce these things, and he brought up a ticket system solution and you said back in September, that you would put that on the agenda so that we could help the enforcement officer make his job easier so that we could have some consistency on our enforcement out there. I think that it's overdue. Thank you Mr. Chairman.

Chairman Pruet: Further comments from Commissioners?

Commissioner Aieta: I think it's a good regulation, I think it helps the businesses that are coming in, it helps the new businesses, gets some advertisement, get people to know that they are there. On the other hand, we have a problem with the enforcement of what we have already. I see a problem how you are going to, I'd like to see the computer model the enforcement officer is going to have to monitor and to track the number of days that people have the temporary signs. He's not able to patrol what we have already and we're putting an additional bunch of stuff on him, which I think is good for the businesses, but I don't, we have a problem with enforcement and without the enforcement we're making this a nightmare for him. There has to be, I don't know how he is going to track whether a business has used their twenty-five days, when they started the twenty-five days, there has to be some kind of a tracking system or people are just going to go out there and put up a temporary sign and leave it there forever.

Chairman Pruet: You're right, to get that sign they have to come in and purchase a permit and it's incumbent upon the zoning officer to monitor that and make sure that they comply within the period that we are going to give them, but you're right, it's a concern, it's a zoning enforcement concern.

Ed Meehan: We talked about this in the office and what we could do with just our regular Microsoft Calendar system is, as the Chairman mentioned, someone comes in, takes out a sign for twenty-five days, you put a start date and an ending date on the application and either the planning/building department secretary will put that on her task reminder, or the zoning officer will put it on his calendar, so he comes in to work next week, Wendy's pops up, twenty-five days are up, or maybe twenty-three days as a tickler, your task list, then he puts that on his list for inspections that day. He should go out and see if the signs are up. If he goes out on the twenty-sixth day and the sign is up, then the thing to do is talk to the manager, remind him, a friendly reminder, and go back the next day. If there, start the seventy-two hour citation process.

Commissioner Aieta: It's going to be important too that when the people that are coming in, and the good businessmen and the people that are conscious of the rules and regulations

come in and they take out the permit that, there's going to be other people who don't so his enforcement is going to have to be more stringent, particularly on the Berlin Turnpike that the people who are breaking the rules have to, because it's not going to be fair to the businessman who goes, comes in, takes out the permit, and goes by the rules that we are setting up and the other guy just puts the stuff out all of the time, puts him whenever he wants. It's not going to be a fair system unless he is more stringent on making sure that the people are coming in and taking out the permits, and stopping the people who are putting them up without the proper permit.

Chairman Pruet: Point well taken. Further comments? What is the pleasure of the Commission on this? Again, we can close it, move it to Old Business, or continue the discussion at the next meeting.

Commissioner Anest: I have a question. Taking up what Dom said regarding the two inflatables and changing it to one, I agree with him on that. I mean, some of these properties frontages are not that big, and having two inflatables and traffic and everything, and even concerned there might be sight line problems with the inflatables. I would like to see that changed to one. I don't know what everybody.....

Chairman Pruet: I think that's a good idea, to amend that to one also. Is that the feeling of the Commission? Okay, let's knock that down to one for future discussion. Any further discussion.

Commissioner Casasanta: Since the other two items in this petition are being left open, might as well just leave this open too, keep the whole petition open.

Chairman Pruet: Okay, I don't have a problem with that. Okay, I think we'll do that.

Ed Meehan: Just to mention for the record, since you are going to keep this open anyway, but just in case I forget next time, both, all these three amendments, proposed amendments, the drive through, non-conforming buildings and temporary signs were referred to the Capital Region Council of Governments and the Central Connecticut Regional Planning Agency. Just for the record, both agencies reported their advisory opinions and found no inter-town conflicts.

Chairman Pruet: Okay, thank you.

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

Rose Lyons, 46 Elton Drive: Once again I'd like to commend you all for the dialogue that goes back and forth with the thoughts and the ideas and it even gives the public more insight to where you are going with these regulations I think, and me personally because there are things that I hadn't thought about that you, in your experience with Boards and Commissions that you have sat on, you know what has happened in the past and although it is in the past, doesn't mean it has to be in the future, but at least it gives us some idea of why you are thinking the way you are thinking. Last night I was at the Town Council meeting and watched what I perceived to be a well orchestrated presentation by Toll Brothers regarding their plans for Cedar Mountain. I said that I, in the past I thank you for taking the time and the effort, last year or the year before, I forget how long ago it was when Toll Brothers came before you and you extended the public hearing. I think you have been more than accommodating to the public on that issue, and I hope that those of you who didn't watch the Town Council meeting will watch it, those in the public who didn't see it, I hope that they watch it, and I hope that you

keep the public informed as well as you did the last time as to what the project plans may be for Cedar Mountain. It appears, it appeared to me that the Mayor knew what was going on, but the Town Manager was left out of the loop. As a matter of fact, I think he called the presentation unorthodox, but in any case, I would urge the public to keep their eyes open, watch what is going on, I'm sure that the Open Space Committee and Save Cedar Mountain are going to be watching, I know that you have your regulations, I know that they can do what they want to do, and I hope that everybody is looking at this with open eyes and open ears and once again, thank you for the public hearings, I think it's an important part of the process to get people in Newington involved in what is going to be happening in their town. Some of us are going to be here for the long haul, others may be leaving town and won't have to watch and see what is going on with that mountain. Keep your eyes and ears open. Thank you.

Chairman Pruet: Thank you. Further comments from the public?

Michael Fox, 1901 Main Street: I just want to expound a little bit on what Rose just said. I was glad to see you going through the regulations as thoroughly as you have been, especially the way that you have been doing it, as Rose said, the dialogue and everything has been very, very up and above board, and I'd also like to comment on the dog and pony show that we saw last night and, I don't know how far I should go with saying this, but I know, and I think most of the public know that when Toll Brothers comes before you, you are going to be as diligent as you always have been in making sure that everything is transparent and that Cedar Mountain is protected in spite of the threats that were given last night. Thank you.

Chairman Pruet: Thank you Mr. Fox. Further public participation?

IV. MINUTES

February 9, 2011 – Regular Meeting

Commissioner Anest moved to accept the minutes of the February 9, 2011 regular meeting. The motion was seconded by Commissioner Hall. The vote was in favor of the motion with five voting YES and two abstentions. (Casasanta, Camerota)

V. COMMUNICATIONS AND REPORTS

Ed Meehan: Just to follow up on prior discussions with our Newington post office, through the Chairman drafted a letter to go to the manager concerning their report from their safety office that moving the collection boxes to the nearby drive though area was going to be unsafe. The gist of the letter is that back in July when the original letter was written, we offered a couple of suggestions to the post office, the first being, just move the boxes about thirty feet along the sidewalk, south, further away from the driveway entrance, the thought being that people would have more room to maneuver, get out of their cars, go to the boxes and not back into the driveway throat. For whatever reason the safety officers didn't investigate that suggestion or missed it, and the Chairman's letter to Miss Shea is asking for her cooperation to have them take a second look at the location of these boxes and find that moving them thirty feet to the south is the simplest and the way to go. So, we'll try again.

VI. NEW BUSINESS

None.

VII. OLD BUSINESS

A. PETITION 03-11 – 308 Alumni Road Newington Business Park LLC One West Avenue Larchmont, NY 10538 owner Daniel Pizzoferrato 31 Birchlawn Terrace, Newington CT 06111 applicant, request for Site Plan approval Section 5.3 for a 4,050 square foot building, I Zone District.

Commissioner Camerota moved that Petition 03-11 – 308 Alumni Road Newington Business Park LLC One West Avenue Larchmont, NY 10538 owner Daniel Pizzoferrato 31 Birchlawn Terrace, Newington CT 06111 applicant, request for Site Plan approval Section 5.3 for a 4,050 square foot building, I Zone District be approved based on the following:

1. Project entitled "Site Improvements Newington Business Park – Lot 1" Sheets C-1 to C-4, prepared by TE Torres Engineering, Inc., Scale 1"=20' revised dated 2-16-11.
2. Town Engineer's requirement to modify stormwater drainage design to relocate hydrodynamic separator from Town right of way onto Lot 1 and to install a new catch basin and outlet stormwater through a 15" pipe along the north side of Alumni Road into an existing catch basin as shown on Sheet C-2 Grading and Utilities Plan.
3. The proposed building front elevation shall be changed to show approximately 12 feet (façade below the gable) constructed with split face block or veneer of real stone similar to the product material submitted to the Commission, February 9, 2011. Prior to the Chairman signing the site plan mylar, the building elevations showing the modification of the front façade shall be submitted to the Town Planner.
4. Prior to the issuance of the Certificate of Building Use and Occupancy, the project engineer shall certify to the Town Engineer that the stormwater system has been constructed in accordance with the approved plans.

The motion was seconded by Commissioner Pane.

Commissioner Pane: Ed, I'm glad to see that number three, you changed the façade there. That had come up at the meetings. Does that bring that above the windows now?

Ed Meehan: Yes, I spoke with the project applicant and he agrees that it will be brought up twelve feet which is the horizontal line just below the gable. So it will be almost two-thirds split face block and the balance the metal up to the ridge.

Commissioner Pane: I think that will be much nicer. Thank you.

Commissioner Camerota: I just want to state for the record that I did, I wasn't here at the last meeting, but I did read the meeting minutes and I feel that I have enough information to vote on this petition.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruet: I would entertain a motion that we accept this Petition 40-10 which is our zoning regulation amendments for the Plan of Development.

Commissioner Hall: Now these are the ones that we discussed tonight, right?

Chairman Pruet: Yes, the one through nine, the environmental concerns.

Ed Meehan: This is to add to the agenda.

The vote to add Petition 40-10 was unanimous with seven voting YES.

Petition 40-10
Zoning Regulation Amendments
Newington Town Plan and Zoning Commission applicant

Commissioner Anest moved that Petition 40-10 proposed zone amendments to implement strategies recommended in the 2020 Plan of Conservation and Development be approved for the following sections:

1. Section 1.1.8 Purpose and Intent – Amend to references 2010-2020 POCD
 2. Section 3.7.1 (C) Density-protection of slopes in excess of fifteen (15%) percent gradient.
 3. Section 5.3.4 Content of Site Plan – Rock Faces and Bedrock Outcroppings
 4. Section 6.4.3 Removal of Earth Products – Rock Faces and Bedrock Outcroppings
 5. Section 6.10.5 Buffers adjacent to town owned open space.
 6. Section 7.2.1 Plot plan design measures to control soil erosion.
 7. Section 7.4.7 Elevations, Grades, Contours to use North American Vertical Datum NAVD88.
 8. Section 7.4.8 Grading – Rock removal limitations.
 9. Section 7.4.15 Cultural Features identification of exposed bedrock.
2. The Commission finds that the adoption of these amendments is consistent with and furthers the 2020 Plan of Conservation and Development:
- A. Vision Statement – Newington will protect its environmental resources, particularly Cedar Mountain, page 2.
 - B. Conservation Strategies – protect natural resources...steep slopes over 15 percent, page 15.

Natural Resources Strategy #1 “protect steep slopes, ridgelines.”
Strategy #3 (C) Implement rules and practices that will preserve and enhance water quality – enforce soil erosion and sedimentation control measures during construction.
Open Space and Greenways Strategy #5 Emphasis should be placed on preservation of Cedar Mountain as open space...protecting slopes over 15 percent.
Strategy #11 Establish buffer setback standards for preservation of natural contours adjacent to Old Highway greenway corridor.
Community Assets Strategy Strategy #1 (b) Revise Zoning and Subdivision regulations to clearly state that steep slopes in excess of fifteen (15%) slope shall not be counted in density calculations for development purposes.

3. The effective date of these zone amendments shall be March 4, 2011.

The motion was seconded by Commissioner Camerota.

Chairman Pruet: Just for the record too, that we had some amendments that we discussed previously that they are attached to this draft suggested motion.

Commissioner Pane: Did you say that we've got all those changes in there?

Chairman Pruet: Yes, as amended on previous discussions.

Commissioner Hall: Seven and Nine.

Commissioner Pane: Very good. Thank you.

Chairman Pruet: You're welcome.

The vote was unanimously in favor of the motion, with seven voting YES.

b. Discussion of Possible Zone Amendments Newington Town Plan and Zoning Commission, continued from February 9, 2011.

- 1. Section 9 Definitions: Sign, Mechanical and Digital**
- 2. Section 6.2.4 (D) Reader Board Signage**

Chairman Pruet: Ed, you had some further information that the Commission requested from you.

Ed Meehan: Yes, a couple of things. Cathy Hall asked about what some other towns do with mechanical signs and lighted signs and I did some research through the internet specifically on Southington and some other neighbors. Quickly, the, across the board, I think it's safe to say that mechanical, digital, flashing, rotating, pulsating signs are prohibited in Southington, in Wethersfield, except they have a provision for a reader board sign. You can do a reader board sign as part of a fixed sign with the special approval of the Commission, but it says that no sign shall be used so that the message content can be periodically changed except menu board, unless specifically committed to the issuance of a special permit by the Commission. It's a little vague if the menu board can be flashing, rotating, or moving but it's in the same section where they prohibit that type of sign, so I'm not quite sure how they apply the standards in Wethersfield. Rocky Hill, no flashing, rotating, or intermittent illumination shall be permitted, nor shall any sign produce an illusion of movement, that's in Rocky Hill. Farmington, prohibits flashing signs, just a straight out prohibition, and lastly Rocky Hill, signs which revolve, rotate, flash, move in any manner, or give appearance of movement are prohibited. Signs which are internally lit, including but not limited to neon signs including signs located inside windows or which may be viewed from the window from the road, driveway or sidewalk. Those are prohibited.

Commissioner Pane: They are in the windows here, but I don't think our regulations right now state that they are allowed in the windows. For some reason, that's a whole other enforcement issue that these extra signs are going in windows, they are plastering signs all over the windows, they are taking trailers, they are bringing trailers out by the road, putting signs on the trailers, there's a lot of things going on and that's a big enforcement issue and those things aren't allowed in our regulations right now.

Chairman Pruet: Okay, if we can continue on, Ed?

Ed Meehan: So basically it's the sense of the areas that the digital, flashing, mechanical signs are not permitted.

Commissioner Anest: But internally lit signs are permitted.

Ed Meehan: Internally lit signs are, fixed internally light signs, box signs or channel letter signs on building wall faces or box signs on pylons, or channel letters on pylon are permitted, so that was the answer to your question.

Chairman Pruet: Okay, let's open it up for discussion. One **Section nine Definitions: Sign, Mechanical and Digital**. Ed, can you just paraphrase that again....

Commissioner Anest: Just, did you check Berlin?

Ed Meehan: Yes, Berlin does not permit.

Commissioner Anest: Not even gas stations?

Ed Meehan: It just talks about flashing...(inaudible) has a price change.....

Commissioner Anest: And Stop and Shop does too.

Chairman Pruet: And Rocky Hill has.....

Commissioner Aieta: That is on the Fire Department.

Chairman Pruet: No, there's another one, gas station, further down the road on Cromwell Avenue has a gas station digital sign.

Ed Meehan: On the gas station price signage, the Chairman and I were talking about it the other day, we don't have any in Newington that are electronically controlled but they are being, you see them more frequently.

Commissioner Aieta: There is one in Wethersfield on the Berlin Turnpike.

Ed Meehan: I'm not sure if you would classify those as a flashing, moving sign. They may change the prices every couple of days....but they aren't pulsating at you or scrolling across, they are fixed price signs. Our regulations, and I think other towns may be silent on that.

Chairman Pruet: So would that classified as a digital electronic sign? A gas station like they have in Wethersfield or Berlin?

Ed Meehan: I think it would be a digital electronic sign, but it may not fall into the category of moving, rotating, flashing or pulsating.

Commissioner Pane: I think it's a category of its own. I would put it in a category of its own.

Commissioner Hall: It's just numbers.

Ed Meehan: It's not even like a time and temperature sign where the temperature and time are changing every minute, I mean, gas prices aren't changing that fast. Anyway, what was prepared for discussion tonight is the issue of a definition of a sign, mechanical and digital. We have language in Section 6.2 which prohibits flashing, rotating signs. We don't have a definition for them. So, under Section 9, Roman numeral one and two are two possible definitions for signs, mechanical and digital. What I added to that, in the last sentence because we have also been discussing the reader board issue is, including the definition of a reader board in a mechanical sign and straight forward is if the Commission wants to put in electronic reader boards, I would suggest the first definition might be the language that you

would consider because this definition clearly says what a mechanical and digital sign is as far as it's movements, flashing, running and rotating. The definition goes on to say this definition shall include internally illuminated reader board signage that is mechanically or digitally controlled. All such signs are prohibited except time and temperature signs. So, if it is the will of the Commission to have a new definition for mechanical, digital signs and you want to prohibit electronically controlled reader board signs, this might be a definition for you. Under Roman number two, the same definition is offered for mechanical and digital signs except the last sentence says that reader board signage is permitted. So, it's permitted and it has to comply with the standards in Section 6.2 which are your sign standards. I've given you three choices, the first choice is, you permit a reader board sign advertisement but it cannot be internally illuminated and it can only be done by manual changes.

Commissioner Aieta: That's what we have now, Ed.

Commissioner Pane: No, it's internally lit.

Ed Meehan: Many of them are internally lit. I think all of them are internally lit. There are a couple that maybe are supposed to be internally lit but they don't work, like Kitchens Express. So that is one choice. The second choice is probably what we have now where we have maybe seven or eight reader board signs internally lit, letters are changed manually. McDonalds, Arby's, Friendly's, Tom's Pizza....

Commissioner Aieta: One of the motels has one.

Ed Meehan: Congregational Church. The last one, which is probably the most problematical is this issue of a reader board sign which is controlled mechanically through an electrical system, a computer or some other means, and it would move, you could do graphics on it, you could change the color intensity, you could change the message board, and the question here is, first the size. The suggested language here is that it can't be more than twenty percent of the pylon sign, or not larger than twenty square feet per side. So like, it could be a two by ten, or one and a half foot by twelve, whatever, and the reason that I suggested that is because in my opinion, a reader board sign should be a subordinate accessory to the main fixed sign. We've got some big pylon signs on the Berlin Turnpike. The one that comes to mind is Lowe's Home Center. If you adopted this and you didn't have a standard for the size of the reader board, Lowe's Home Center is a big building. They have a lot of surplus signage that they haven't used up yet. They could stick a whole reader board in there. They could have something going. Newington Fair, Stew Leonards and L.A. Fitness and Sam's, they're probably pretty much tapped out on their signage, but businesses like that, I'm sure they would retrofit their existing pylon to try to do something because a nice message board on that sign would be something that they would probably want to use for advertising. So, I've suggested some standards to control the size. I've also suggested some standards that, this came from the Commission actually, it cannot be used in the Business Town Center Zone, it can't be in the Neighborhood Business Zone, it can't be in the Industrial Zone, it can only be in the Berlin Turnpike zone which is the PD Zone, and the Berlin Turnpike Business Zone.

Commissioner Aieta: That's more than just the turnpike though.

Ed Meehan: Correct. That's Cedar/Fenn, west end of Kelsey Street, little area up around Mountain Road, DataMail area. So, and the other language here is, the frequency of the advertisement changes, the color of the changes, the brightness, the illumination shall be determined by the Commission based on adjacent land uses, safety and zone districts. So

as a special exception it would give, I believe discretion to the Commission saying you know, your sign has to be turned off at a certain time, or it can only change once every twenty-four hours, or seventy-two hours. You have to, I think, do this on a case by case basis and set the criteria of how that reader board is going to be operated so that it's clearly stated and it's enforceable. So there are no issues, well, you turn it off at sunset, you turn it off at ten, or the intensity. These are like computers, so the graphics on these I would think could be changed at a consul. So those are the options.

Commissioner Aieta: You don't have in there Ed, any protection to the resident zone and other zones. Some of these PD Zones abut residential zones. There has to be some type of distance requirement from a resident zone, or other zones that we are trying to protect.

Ed Meehan: There is no specific language, just a catch-all phrase, as determined by the Commission based on adjacent land use.

Commissioner Aieta: It should be stronger than that. It should be defined so that people have an understanding when they come in looking for it that that's the way we're going to go. That they know what they are getting at.

Ed Meehan: I may need some legal advice. I thought maybe there's a way of just to say you can only do this in the PD Zones on the Berlin Turnpike and the Berlin Turnpike zone itself. But there is also the principle in zoning called the uniformity rule, that if it is permitted in one part of the zone, it's supposed to be throughout the zone. So, I may just be chasing myself on that one, but I don't, I think that is the issue with the way that the PD zone sort of, in our town, merge, particularly on Willard Avenue and Kelsey Street with nearby residential zones. Berlin Turnpike zone by itself and the PD zone is pretty self-contained. It's when we get out, outside of that area.

Commissioner Anest: Where does the Berlin Turnpike zone start?

Ed Meehan: It starts at Siesta and goes all the way down south of Ann Street. Down to the new Dunkin Donuts and that military store.

Chairman Pruet: And from there it's just the plain development.

Ed Meehan: PD zone goes into Maselli, Rockwell.

Chairman Pruet: Basically, what it comes down to, and I'm trying to simplify this, is do we want this type of sign, or we don't want this type of sign. Am I over simplifying this?

Commission: No.

Chairman Pruet: I tip my hat to you Ed for all of this information, you would have made an excellent lawyer because I got, I must have read this thing thirty, forty times, I think I have it now, and it's good to hear your opinion on it. So, we're open for discussion on this.

Commissioner Aieta: I stated this, but I'll restate it for the record again. I think we should define what mechanical digital signs is, and we should prohibit them so the regulations are clear. There has to be some clarification, and why do you think that the other town don't have it in their regulations. I mean, it's not just, and then what precipitated us to get to this point? There was one person that came in, I don't see an outcry from the public, business people coming in here and saying that they want these digital signs. There was one person who came in, said he wanted a digital sign, his property is in the PD Zone that abuts a

residence zone. So if we allowed this in the regulations, he might not, he might be exempt from getting the digital sign because of the closeness, he abuts a, it's not even a distance requirement, his property abuts residence zones on three sides. So he might be, the person that precipitated us to even look at this might not even be able to get it because his property is correctly touching residential zones.

Chairman Pruet: Probably what is needed is clarification of the regulations. I mean, it can be interpreted three different ways.

Commissioner Aieta: That's what I'm saying. I'm saying that we should define it very clearly in the regulation, and prohibit the sign. Just like the other towns do. I don't see the outcry of businesses coming, if I saw ten or fifteen people coming in saying, we've got to have these signs, and the people that are on the Berlin Turnpike, I'd say, well, maybe we better look at this. I don't see that. For us to just arbitrarily start changing stuff because one guy came in, and he might not be able to get it in the final analysis, I think it's crazy. I envision on the Berlin Turnpike if we allow this, and the word gets out, I envision, you know, starting, McDonalds will have it, it will be just a, it becomes the point where if so many people have them that the effectiveness is gone and then you get the problem with the, the problem of distraction with the motorists, particularly on the Berlin Turnpike. The speeds that they are going, people trying to read these signs as they are driving by. That could be a serious, serious problem. You know, the State of Connecticut is talking about restricting, they restricted us from using the cell phones in the car, texting in the car because of distraction of the motorists, the accidents, I mean this is like, this is even worse than texting and talking on the phone in my opinion.

Chairman Pruet: Okay, thanks for your comment. Further comments from Commissioners?

Commissioner Hall: From the last time we had our meeting, I do a lot of driving around this town, daytime and night time so I made a concerted effort to think, okay, if I'm driving down here and people are having these signs, so in my mind putting signs in different areas, we could end up with something that rivals Las Vegas. I mean, it's the coming technology certainly, and if everybody wants to do it, let me tell you, we will be very, very, sorry that we allowed it to happen, because once it starts, it's going to be tough to stop it. I think we are going to end up with light pollution, I think we are going to end up with safety issues, and I think we're just opening a can of worms that we don't want to have open. So, I spent two weeks thinking about this, and I don't think it's a good thing. I don't think it's a good thing at all.

Chairman Pruet: Okay, thanks for your comments. Further Commissioner comments on this?

Commissioner Camerota: I thought a lot about this too, and I think it's come to our attention because we've had this issue twice in the past year and then with the last petition that came before us we realized that our regulations are being interpreted differently by just about every one of us.

Commissioner Aieta: Well, I agree with you and I stated that I think we've really got to define, whether we are going to prohibit them or allow them, we have to make a definition.

Commissioner Camerota: No matter what. As I drive around, we have plenty of signs that are internally lit and to me what we are talking about is whether or not we are going to allow things like the sign at the gas station, like Citgo is internally lit and they manually change the numbers. Are we going to allow that to be done in a digital manner instead of manually

done, electronically controlled? To me, I feel like the last option that Ed gave really controls this idea of concern about light pollution because certainly I wouldn't want this to look like a Vegas strip, with I think some place has like a slurppy cup that spins around, I wouldn't want that, Dairy Queen with their Blizzard cup spinning around, so I think that the idea of the electronic controlled sign is okay, but I do think there are limits and I'm in favor of allowing them to be electronic and digital, and I do like Ed's option five, and I think that we all agree that we need something that would be more clear.

Chairman Pruet: Okay, further comments?

Commissioner Anest: I agree with Michelle. I would like to see the digital signs but with control. They would have to be changed in the evening, programmed internally. There definitely has to be a time period when they can be lit, maybe at dusk, or when the business closes at eight p.m. or ten p.m. it has to be turned off, but I think this is the way that it's going, and I don't think they need to be flashing, rotating, it's just going to be a stationary sign. I know Walgreen's, that was the intention when the Commission allowed Walgreen's to put their sign up, it wasn't supposed to be changing, and I remember the discussions that we had, that it was just going to say one thing, and it was going to change every night, and that was it.

Commissioner Aieta: How do we regulate that Carol? How do we enforce that?

Commissioner Anest: Well, we would have to say, number one, how is our enforcement officer willing to help us enforce these rules. Does he have the time? Nothing against, but these manually changed signs, I think they are sloppy. The letters are different sizes, they are different colors, the letters are falling off, to me I think that is more distracting than you know, seeing the gas, or having Tom's Pizza say, UConn night. What's wrong with UConn night? Or whatever it is going to say. I personally don't think there is anything wrong with these boards as long as they are a stationary message.

Chairman Pruet: Mike, what to you think. What's your thoughts on this?

Commissioner Casasanta: I'm leaning towards, right now my thought process is leaning more towards Frank and Cathy's, although I would like to get the public's input. I'm thinking right now, we don't have them at the moment, and I like, I would like to keep it that way, but I would like to hear what the public has to say before saying definitely one way or the other.

Commissioner Turco: We did have a public hearing on this?

Chairman Pruet: No.

Commissioner Turco: Okay. I agree with some of the concerns, it could get out of control, but as Carol said, I think it's a good thing, the way to go except there just needs to be really tight language on what is permitted and what is not. So, I think it's doable. The language just has to be done right.

Commissioner Pane: Thank you Mr. Chairman. I'll agree with Cathy and Frank that this, and Mike, that this under five, the way that they have it, I think clarifying it is really important but by allowing it under section five I see some holes in the language. We would have to regulate it extensively and it leads to a massive enforcement issue. I don't think we have a handle on enforcement at all right now so I would be not in favor of this, and one of my other concerns is that under our 2020 Plan we talked about, at least a thousand times, keeping our small town charm and Carol and other Commissioners might think that the Berlin Turnpike is

not the small town charm and it only applies to the town center, but I think it just, it goes backwards with every thing that we have tried to do on the Berlin Turnpike. We've trying to eliminate big billboards over the years, now this could possibly apply to the billboards. We still have a few billboards up there so that brings up concerns. Just too many things, too many problems I can see coming up, and that's why I'm against it. Thank you.

Chairman Pruet: David, haven't heard from you. Your thoughts on this?

Commissioner Lenares: My thoughts are this, pretty simple. I think that by allowing these signs I don't think that you are going to get every business owner that has the ample space to do so, just go out and just grab these signs because they are fairly expensive, so that thought of having the turnpike be some sort of Las Vegas strip, there is the potential for it, I don't think that it would be such a bad thing, I don't think they will pop up all over the place. I like the modernized look of these signs, I like them at the gas stations. My concern would be to, obviously as Frank pointed out, to be a little conscious of where these signs go in terms of what district that they are put in, compared to what is around them, and to make sure, you are going to have to regulate them somehow, not sure how, that they are not flashing, rotating consistently throughout the day, but I am in favor of them, I like the looks, I think they're clean. I think Carol touched upon the point that the other signs are a little sloppy. I just think it cleans things up a little bit, even though it has the potential to be in a lot of spots, they are a little expensive and I don't think you will see them in a lot of spots, and I think Ed, or someone brought up last week the point that they are only allowed in one plaza, one sign per plaza, not that the plaza has five businesses and it's such a big piece of property that they are allowed five different signs, it's one per plaza. I think that is a huge point, but I am in favor of them. Thank you.

Commissioner Pane: Mr. Chairman, could I make a comment? Thank you. The quality of these signs is extremely important to determine whether or not they are readable. Dave is correct, they are very expensive signs. I think some of the big outfits, Lowes, Stew Leonards, and stuff, they won't have any problems, and I think some of those businesses will adjust their signage so that they have ample room for something like this. But then there are other businesses that aren't going to want to spend the money, and they are going to buy the cheaper version. You're going to have signs out there that are unreadable, unless you are right there and they are going to be very distracting. I think it could become a real safety issue with a lot of accidents on the highway, on the Berlin Turnpike with people trying to take their eyes off the road to read these things. I'm very concerned about that. Thank you.

Chairman Pruet: Thank you. So it comes down to if we want to go forward with digital signs or we can drop it. Am I interpreting that correctly?

Ed Meehan: That's what I heard.

Chairman Pruet: It can be dropped, or it can go forward for further discussion and a public hearing, or it could be dropped tonight if the Commission feels that digital signs should not go forward and a definition of what we're about to put into the regulations.

Commissioner Hall: I think you just covered it. That was my concern. First of all, the very first thing we have to do is to define, and then once we have defined, we decide whether we want them or not. So the big thing is, it's got to get into the regulations one way or the other as a definition. What are these signs that we are talking about and then depending on how we go around the table, then you either permit it or you don't permit it. You have to know what you are trying to permit or not.

Chairman Pruet: I don't want to put words in your mouth, but if we do vote to go forward with it we have to have those definitions and instructions in it and vote on it, up or down.

Commissioner Hall: Absolutely.

Commissioner Aieta: You have to have definitions no matter which way, it's got to be defined because we can't, I think, you know my opinion, we should define it, and prohibit it, and if we saw that maybe as a compromise, if we saw an outcry from the public wanting these particular signs, trust me, they will know, if we saw four or five people, people come in and start asking about digital signs, they want to have them, then maybe we ought to revisit it. But if no one is asking for them, why are we saying that we want them to have them.

Chairman Pruet: Well, I think some of the dialogue was that it cleans up the existing signs...

Commissioner Aieta: That's an opinion.....

Chairman Pruet: Yeah, that's what we are here for, is people's opinions.

Commissioner Anest: Well, here we go again. I think we need to be pro-active and not reactive. If we get five people coming before us that want the signs, we are just reacting to what they want. We have to be pro-active to business. That's my opinion, everybody can disagree with me, but we need to be pro-active. We need to be pro-active with all of our regulations.

Chairman Pruet: So, in order to move this forward I could ask for a vote if we want to proceed with having digital signs, we can go forward on a vote to one, accept this, or not accept this. If we don't accept it, then it dies and we have a definition of what we denied, or we vote to go forward with it, and then continue to offer solutions to redefine it further and open it up for the public.

Commissioner Pane: Do you think that maybe we could table this and talk about it next meeting and maybe in the meantime, since there are some people that want to clarify it and prohibit it, and then there is a group of people who want to allow it, I'm, there's not a clear, I guess it's not clear what you want to allow. I'd like to be able to review it and see it and then determine what kind of problems there are with it, that might come up, so I'm wondering whether or not, she mentioned, one of the Commissioners mentioned Section 5, but I don't know if that covers everything. So I think maybe the Town Planner should maybe come up with one thing that he is proposing and then something for the other side, clearly, so that we all know what we're doing, because we've got so many different options here and there's a lot of things that have to be regulated on this, distances from residential, this, that, there's all kinds of things that are involved here. I think moving forward, until we get something clear would be a mistake.

Chairman Pruet: But we also have to give direction to the Town Planner how we want to go forward too.

Commissioner Pane: That's the direction I'd like to get something in writing for us, and so we can review it, and then we can decide whether we want to go to public hearing or not.

Commissioner Anest: Is there a way that we can limit this to like prices for the gas station? I mean, just limit it to certain types of businesses that can have these signs?

Ed Meehan: Yeah, you could, I believe you could take your existing regulations that exempt time and temperature and add to that, pricing for gas stations for gasoline sales with a standard on how big it can be. You know, it can't be five feet up in the air. Maybe you want to keep it six inches, or something.

Commissioner Aieta: Is that the only place you want to see it?

Commissioner Anest: Well, that's, I would like to see them on gas stations.

Commissioner Aieta: And where else?

Commissioner Anest: I don't know, I'm still thinking about it.

Commissioner Pane: I don't have a problem with them on gas stations, I'm sorry to interrupt you.

Commissioner Anest: The other thing is, is there a way that we can limit these flashing signs in the windows under this. I mean, some businesses have three signs up, flashing, open, in one little window. Is there a way.....

Ed Meehan: To be very pragmatic about it, it's an enforcement issue. You've got Lotto signs that they turn on and off and they have open for business signs.

Commissioner Aieta: You know some of them inside the windows are running, flashing.....

Commissioner Anest: Yes, exactly.

Commissioner Aieta: They are blatantly against the regulations.

Ed Meehan: The Lotto signs you can program like you can program your Christmas tree lights and you know, we try to get a handle of those through electrical permits and the other thing is, they just plug them into an outlet.

Commissioner Anest: I mean, tonight, you look at Main Street, and that looks like a Las Vegas strip, every window has three or four open signs and they are flashing and they're...

Ed Meehan: But, to stay to the subject of this issue, do you want mechanical, digital flashing signs in the regulations, to be prohibited, clearly prohibited, or do you put them in. It's as simple as that. It's either Roman Numeral One or Roman Numeral Number Two. If you don't want them, then go with number one.

Chairman Pruet: I think we can all agree that we don't want any sign that is flashing, rotating, I think we all agree on that. It's a distraction, it's a hazard, I think we have a consensus on that. Like Ed said now, how are we going to clarify this and move this forward? That's where we're at.

Commissioner Aieta: Okay, let me just understand what you just said. You said that we all agree that we don't want a flashing, rotating, digital sign. On the other hand, what are you, you have people saying that they want some kind of a mechanical digital sign. Maybe that doesn't flash, you've got to define that. You have to define the size, you have to define what uses you want them to be on, you know, there is a whole bunch of more stuff, this is not clear enough. This does not clarify it enough. I don't want to be in here three months from now and have people come in and we don't have a regulation, that they interpreted it way the hell

different than we do. I don't want them to interpret it any different than we interpreted it. It has to be so clear that they can't interpret it a different way than we intended it to be interpreted.

Chairman Pruet: And I think that is what we are trying to accomplish, is to get that definition and make it clearer to interpret our own regulations, which is not, right now it's interpreted by each Commissioner. What I'm trying to say is, I'm not trying to make it simple, I'm just trying to say, we all don't want that, so that's a start. That's all I'm saying and I think we can agree with that. So I'm open for suggestions on how we can proceed.

Commissioner Aieta: Well, Carol brought up that she would like to see it on the gas stations, I'd like to know, maybe that is okay.

Commissioner Anest: Maybe we can come up with a compromise where we can all kind of agree and move something forward and get a public hearing going.

Commissioner Aieta: But does that precipitate that it can move on to different businesses? Now, what's the next business? I don't want to see us start off one place, and we end up somewhere else. We've got to define it, and if you define it by use, then define it by use.

Commissioner Pane: I was just going to say, I can agree with Carol on the gas stations. I can see where it is practical on the gas stations because the price of the gas is changing frequently. But I cannot see it on anything else. I think it's going to be a safety issue, I think that you will have a hard time controlling and enforcing people that they won't run them too often. We have the one that is on the turnpike now and they're not, it moves every two minutes so it's a huge, huge enforcement issue and right now our enforcement agent doesn't have the proper ticketing system to do his job correctly, so I think that anything more than the gas stations allowed would be a huge problem.

Commissioner Aieta: Ed, how many gas stations do we have on the Berlin Turnpike that are in the Town of Newington? Five?

Ed Meehan: Four in the southbound lane and.....

Commissioner Aieta: That's it, right?

Ed Meehan: Yeah, you've got Citgo, Merit, Mobil and Sam's.

Commissioner Hall: You can't even see Sam's.

Commissioner Aieta: Yeah, but Sam's, what do we do, have a sign out on the turnpike?

Ed Meehan: Would have to be out in front.

Commissioner Aieta: Rowley Street? But then they would have the problems of being next to a residential zone.

Commissioner Pane: They are a little different because they don't have public signage out by the road, it's just on the pumps alone.

Commissioner Hall: They don't need it.

Commissioner Pane: They don't need it, it's only for their members and it's only on the pumps themselves.

Ed Meehan: You have a new gas station coming in across from Yanni's, it's on the boards to get some permits.

Commissioner Aieta: But that's in the neighborhood business zone.

Ed Meehan: That's the B zone, right.

Commissioner Aieta: So we're not talking about the Sunoco across from David's or the Mobil up on, or the one up from Yanni's, or the other.....

Ed Meehan: You've got Mobil on Fenn Road, you've got, up on Willard you've got A-1, next to the car wash, but those are B zones up there. But again, this is the issue, if you permit the gas station on the Berlin Turnpike to change their pricing electronically, I tell the guy at Sunoco that he can't?

Commissioner Aieta: Well, you define it by the zone. You define it by the zone, you define it by the distance to a residence zone.

Commissioner Anest: We don't do that for the banks.

Ed Meehan: Time and temperature, no. You can treat the gas station pricing as you do, you accept time and temperature signs and you have a dimension in the regulations.

Commissioner Aieta: What size are we talking about for the gas stations? You're probably talking about two foot by two foot sign. They're very small signs.

Ed Meehan: The 3.35 would maybe be six inches high by a foot long or something. I would have to talk to some of the proprietors to find out.

Commissioner Aieta: The one on the (inaudible) that's not a bad sign.

Commissioner Anest: And it's nice and it's not bright.

Commissioner Hall: It's very thin too. Very thin.

Ed Meehan: The Citgo station on the corner of Cedar and Alumni backs up to Old Farms, the Sunoco backs up to the folks on New Britain Avenue.

Commissioner Lenares: But that's off by nine o'clock, ten o'clock anyway.

Commissioner Aieta: Then he just brought up another thing, what time of the day are we going to allow it? When are they going to shut them off?

Ed Meehan: If you want to consider gas station pricing signs, I can work....

Commissioner Aieta: You can put that in with the time and temperature. But then you still have to define the digital signs.

Commissioner Hall: There is a definition right there.

Commissioner Aieta: The one that he just came up with.

Commissioner Hall: Number one.

Commissioner Camerota: There are two. One that allows digitally controlled signs, and one that doesn't. I think that is Dave's point, that we have to kind of start with that and then move forward.

Chairman Pruet: That's what it comes down to. Does this Commission want to have, allow electronic digital signs, or they don't want to have electronic digital signs. If I'm missing something...then we can go forward to continue discuss it, modify it, change it, vote it up, vote it down, offer it to the public, I don't know how else to approach it.

Commissioner Aieta: You prohibit them with the exception of the time and temperature sign and now another subsection would be the price thing, price board for a gas station. That's how you do it. You prohibit it with this language, and you put the language that's in the existing regulations about the time and temperature and then you add the subsection, the other subsection that we are going to allow the gas station signs, and we will define the size of that one. We've got a size for the time and temperature, one foot by six inches, or whatever it says in there, and then we will define this after Ed goes and measures the one on the turnpike.

Commissioner Camerota: But that's if you don't think that we should allow any other mechanical signs.

Commissioner Aieta: Well, you've got to bring that, you know, bring that to the table and tell us what other ones you want.

Chairman Pruet: We've got to get past that, what this is all about, digital, or non-digital.

Commissioner Pane: Well, Carol was trying to come up with a compromise here.....

Commissioner Anest: What I am trying to do is to start a conversation so maybe we can all come to a compromise to work on a definition. We're like, half and half, but we have to come up with a definition. That's why I threw out the gas station trying to think, is there any other businesses that a digital sign would be beneficial to.

Chairman Pruet: Reading between what Dave said, and, you have signs like McDonald's for example, it's internally lit, but it's physically changed. I guess what I'm feeling is that what is wrong with having them be able change that without being distracting, or spinning, or whatever in our existing regulations. That's what it kind of comes down to, is that acceptable? Is that progressive? Is that going into the twenty-first century? Or isn't it? And we can regulate that. That's how I see it.

Commissioner Pane: I think it's going to be very hard to regulate that because there are going to be a lot of things that you are going to have to regulate on that.

Commissioner Aieta: And then the size of that McDonald's one, that's eight feet by eight feet, the size of that sign with the letters on it. It's huge.

Ed Meehan: But the reader board, are you talking about the reader board?

Commissioner Pane: It's good size.

Ed Meehan: It's probably three by four.

Commissioner Pane: You know, I don't have a problem with bringing this to a public hearing and getting any other.....

Commissioner Camerota: What are you going to bring though? We have to come up with something first. We have to go one way or the other, we can't bring two different, we can't have one with it, and one without.

Commissioner Aieta: No, you're right, you can't bring it to the public unless.....

Commissioner Camerota: We can change it after if the public said, no, we don't want them at all.

Chairman Pruet: We have to have a product to bring.

Commissioner Anest: Can we agree on just one of these to bring it to public hearing? Even though we may not all be in favor of one or the other and then maybe the Crier can do an article or Newington Life and try to get the public here to talk about this. I think this is really important, because we are so split on this. I mean, I'm in favor of number two, I'm just trying to compromise here to come up with something to bring to public hearing.

Commissioner Aieta: Go with number one and if you get an outcry of people saying we're against that, you will know.

Commissioner Lenares: I don't think you are going to get an outcry either way. Good or bad.

Commissioner Camerota: On the enforcement issue, I think that's our problem on any sign. So I don't think that should control what we do here. Whether we have it in or out.

Commissioner Pane: Oh, I think it absolutely has a big impact on it. I beg to differ, because until we get a ticketing system that the enforcement officer has some teeth with, why are we going to add to his problems. This could become a full time job for a whole different person to enforce this regulation with these other sign things. It could get out of hand, and we don't have the manpower in the town to do the enforcement and we don't have the skills. Back in September we talked about, the enforcement officer suggested a ticket system and that would work. He spoke about a system that was in West Hartford and he said that this would give him some teeth to take care of some of the existing problems that we have been having for a long, long time on the turnpike. But, we haven't had a chance to bring that, and get that forward.

Chairman Pruet: I'm going to remind the Town Attorney that we had requested that and I'll relight the fire to get that forward. I'm still looking for some direction on how to proceed on this.

Commissioner Anest: Why don't we take a vote?

Chairman Pruet: That's what it's going to come down to.

Commissioner Pane: Maybe the Commissioners should think about this and we could talk about it again next meeting.

Commissioner Camerota: We've had this for at least six weeks.

Commissioner Aieta: Then take a vote, what do you want to do?

Chairman Pruet: Okay, the vote can say, as a Commission we want to proceed with allowing, give me some phraseology here Ed?

Ed Meehan: I think the choice is does the Commission want to put forth to public hearing proposed suggested draft definition Roman Numeral One, which prohibits mechanical, digital signs and reader board signs that's one choice. The second choice is does the Commission want to be to public hearing a definition in draft form that would permit reader board advertisement signs but still prohibit mechanical signs, digital signs. That's Roman Numeral Two.

Chairman Pruet: Okay.

Ed Meehan: And if you go with number two, then you need to have standards that would accompany that definition and how you are going to control your proposed reader board signs. And those standards that I have suggested are size, the zone they could be in, traffic safety, area location situations.

Commissioner Hall: That's what we've got now, isn't it? Isn't that what we've got, two and three?

Ed Meehan: No, you don't have a definition.

Commissioner Hall: We don't have a definition, but that's what we allow isn't it?

Ed Meehan: You allow basically, number one.

Commissioner Turco: We don't allow reader boards?

Ed Meehan: Nope.

Commissioner Hall: Then how come we have them?

Ed Meehan: We allow it as part of the sign face. You can't have them moving or flashing....

Commissioner Hall: Right, no. I understand that, but we are permitting reader board advertising, we have reader board advertisement now don't we?

Commissioner Casasanta: But I thought number three was.....

Ed Meehan: Number three is you are going to permit reader boards, and number three is basically saying it has to be non-lighted, and it's got to be changed manually.

Commissioner Lenares: Just non-mechanical.

Chairman Pruet: So basically, it comes down to Roman Numeral One or Roman Numeral Two.

Commissioner Pane: Since it comes down to one or two, and two, if two is voted for okay, then we would have to come up with regulations on how to regulate this.

Chairman Pruet: Absolutely.

Commissioner Pane: Because it's not clear. And we don't even know if we could come up with everything to satisfy this Commission, so why can't we have that before we even take this vote. Why can't we have that language in front of us to see, hey, if we did allow this, then we would keep it from the residential zone, you couldn't have it like this, you couldn't do this, I mean to see if it is even possible. Why can't we work on that language before, why do we have to force this forward right now for a vote when we could look at the language to see if it is even possible. That it works. Some of the other Commissioners might find, after you look at this, that you are going to end up regulating this thing to death to make it work.

Chairman Pruet: Okay, that's a thought.

Commissioner Casasanta: It's a good point.

Commissioner Anest: You regulate it to death and nobody comes forward, you don't have to worry about it.

Chairman Pruet: That's an avenue that can be pursued. Basically it comes down to a decision, Roman Numeral One, and Roman Numeral Two with how we would regulate it. Ed, any thoughts on that?

Ed Meehan: That's a way to get started.

Commissioner Aieta: So put it back on the agenda for the next meeting and we will start making, doing definitions and then Carol and Michelle and anyone else in favor of it too can come up and think about what other areas they feel, what other types of businesses or something, what type of uses, that we could, other uses. Or are you just saying you want all uses?

Commissioner Camerota: No, the limitation on uses I think works even if you do the definition that you want because you already allow for time and temperature, you would be adding to it, so I don't think that necessarily depends on which one you pick. But I think your suggestion is that we discuss kind of both of them and come up with.....

Chairman Pruet: An alternative.

Commissioner Camerota: Right, so if we use One, what would we need to go with one, and if we choose Two, what do we need?

Commissioner Aieta: I see it as you go with One and prohibit them, and then in that language you say what you are going to allow and then if it's not stated, then it's not allowed. This is a permissive regulation. We only allow, what is stated is allowed, what's not stated is not allowed. So if we go with definition One, with the caveats that we allow time and temperature and then the one for the gas station, and then one for whatever else you guys are thinking about. Then you add it to the definition of the prohibited. We all are agreeing that we are against a flashing, digital type sign and we're making exceptions to that definition by allowing the time and temperature and whatever you want to allow.

Commissioner Camerota: But Two also prohibited flashing or running or rotating signs and when you go to the second portion of it, when you regulate when you are going to allow, and what is going to be electronic and mechanical.

Commissioner Casasanta: One and two both prohibit mechanical, digital signs. Just number two, allows the use of a reader board at some point whereas number one does not. I mean, that's the only real difference between one and two. They are both prohibiting the same sign.

Ed Meehan: Number one permits time and temperature but prohibits internally illuminated reader board signage that is electronically controlled.

Commissioner Casasanta: Right, except for the reader board number one and number two are the same.

Commissioner Aieta: No, because in number two you are allowing a sign which is electrical power, intermediate illuminated by mechanical, digital controls that produce an illumination of movement, but not flashing, running, rotating.

Commissioner Casasanta: Oh, okay.

Commissioner Aieta: It's allowing it, but where the definition of one, doesn't allow it at all.

Ed Meehan: I was trying to come at it the way that you just said a minute ago, you list what you don't want.

Commissioner Aieta: Yes. You say you don't want them at all, and then you give the exceptions, and that is the way that the existing regulation reads for the time and temperature and that's more clear because you might forget something, and somebody comes along five years from now with some goofy thing and says well, it's not in there, so we can do it. It's got to be the other way around. If it's not in there, they can't do it.

Ed Meehan: It's easier to know what you don't want.

Commissioner Pane: I think that's a good way to do it.

Commissioner Casasanta: I think we are clear on what we don't want, as to what we do want.

Ed Meehan: Well, usually in the regulations, that's how these are constructed. It's listed the way that you know that you don't want, except for what you want.

Commissioner Anest: That's what I mean.

Ed Meehan: And what you want in this signs are time and temperature and that is the only mechanical sign that is electronically controlled that is permitted in the regulations right now that changes. You can do an internally lighted sign, but they don't change, they are fixed. That is the standard box sign, or the standard channel letter sign, that we see everywhere in town. We have maybe two or three time and temperature signs. The bank, the dental office are two that come to mind. Now, you could take that structure and you could add, except time and temperature and gas pricing signs based on certain dimensions. You could do business zones, the PD Zones, the Berlin Turnpike zone. There is actually one in an Industrial zone if that ever re-opens, which is legal non-conforming, not to make that more complicated.

Commissioner Hall: Is that Fenn Road?

Ed Meehan: Fenn Road. That might be the way to approach it, writing what you know you want to exclude.

Chairman Pruet: That would simplify it, I'll tell you that.

Commissioner Aieta: So go with One, and put the things that you are going to allow, time and temperature and whatever

Ed Meehan: Flashing, rotating, gyrating signs are prohibited except time and temperature and gas prices.

Commissioner Anest: But gas price signs are going to be flashing, rotating, gyrating....

Chairman Pruet: No they won't.

Commissioner Anest: But you are saying, because the time and temperature flashes.

Ed Meehan: That is the exception.

Commissioner Anest: Right, but then you said, and gas.....

Commissioner Aieta: No, you put number two, and you define it.

Chairman Pruet: And then number three, this would be the allowable exception to the rule, am I correct?

Ed Meehan: If that's the wish of the Commission you can go one step further and say the third exception is.....

Commissioner Aieta: These two things, three, whatever you come up with, are the exception to the rules.

Ed Meehan: Could be a reader board, certain size, certain zones. You can work your way down.

Commissioner Aieta: You've got to define it to the point where there is no question about the size.....

Ed Meehan: You keeping tightening it up as you go down.

Chairman Pruet: I think that would be a logical and manageable way to approach this, even though we did a lot of work on this, there's too many sticking points. I think it's simplified, I think it's the proper way to go, if I can get some consensus from the Commissioners to move forward on that?

Commissioner Pane: I agree with you Mr. Chairman, and I think maybe we should give Ed some time to write something like that up, and it gives the Commissioners a chance to think about it again for a couple of weeks, and then we can talk about at the next meeting.

Commissioner Hall: Have it written up for us for the next time, have it in our packet, so when we come next time we know exactly.....

Ed Meehan: I will only give you one choice.

Chairman Pruet: I think that is the consensus and we will move forward with that.

VIII. **PETITIONS FOR SCHEDULING** (TPZ March 9, 2011 and March 23, 2011.)

Ed Meehan: I don't have anything right now, but I do want to let you know, your first meeting in March we're okay in this room, that's March 9th, then subsequent to that, because of the renovations going on at this end of the building, we're going to reschedule to the Council chambers.

Commissioner Aieta: The autatorium?

Ed Meehan: Yes. We would prefer to be in B or C, but we would conflict with the Board of Ed.

Commissioner Hall: It's just awful down there.

Chairman Pruet: It's not conducive for business.

Ed Meehan: Maybe we could take this down and put it right in front of the rostrum.

Commissioner Hall: It will fit, it will. They have enough room down there.

Ed Meehan: I'll work on that, I'll....

Commissioner Hall: Or we could be up on the stage with the tables. But not at that...

Ed Meehan: What's coming up, some residents mentioned the Council meeting last night and the presentation. I expect that you will see something in a couple of weeks from those developers.

Commissioner Aieta: I didn't know about the thing last night, until Dave happened to tell me, so I watched it on TV but I would like to get a notification on those kinds of things that, before, so I could have attended that. I would have loved to have been there to see that dog and pony show.

Commissioner Hall: You'll see it.

Ed Meehan: It's a video tape and it will be shown to you, but you've got to be careful with this because it is going to be a public hearing on the Balf piece because they talked about open space so you have to keep your public hearing hats on as far as predetermination, and if the Marcap piece comes in as a zone change, a policy decision, which is also a public hearing, so I would just encourage you not to do a lot of talking about this until you have an application before you.

Commissioner Hall: Right, we'll hear it in due time.

Chairman Pruet: You have to watch what you say, because it could be prejudicial.

Commissioner Pane: Mr. Chairman, I watched that last night. I thought it was disgusting and I haven't made any predetermination but it appears that the Mayor has predetermined it and I find it very troubling, the approach that he is taking here. Now, I find that he is on Save Cedar Mountain site, debating with people about how good it is. He's really got to be careful because he is going to put us in a very difficult predicament. It was wrong to go to Town

Council. It looked like a town Planning and Zoning meeting last night. There was a lot of false information, and that is all I have to say. Thank you.

Chairman Pruet: Anything else on Petitions for Scheduling, Ed?

Ed Meehan: No, that's it for now.

IX. REMARKS BY COMMISSIONERS

None.

X. STAFF REPORT

None

XI. PUBLIC PARTICIPATION
(For items not listed on agenda)

Rose Lyons, 46 Elton Drive: Just a thought, I know that there is a statute that you have to advertise the public hearings and unfortunately there's no reporters here to put the information into the Town Crier or Newington Life or anything else like that. I don't if anything goes out from the Town Planner's office to them to let them know that there is going to be a public hearing on certain subjects. I know I get the information through the web site, the town web site, but a lot of people don't take advantage of that, and I wouldn't know about a lot of these public hearings if I didn't do that, go to the web site and get the information. So there should be some way to put that information out there. I know that Commissioner Hall said she knew where to look for the information, where a public hearing may be, but a lot of people don't know where to look, a lot of people don't get the papers, I think it's in the New Britain Herald, I don't even know if it is in the Hartford Courant. I know that there is a certain circulation probably that they have to be printed in, but as a thought, if we can get it out to the public through the local Town Crier, Newington Life, Rare Reminder now is starting to put things in their paper about what is happening in Newington, and the other thing that I am concerned about too is the enforcement of these regulations that you are putting forth. I know that I've been working with the Zoning Enforcement Officer about property on Chapman and Summit Streets. My sister-in-law has lived on Chapman Street for almost twenty years now, and there has been an issue there for at least ten or fifteen years, that I know of, and it's only gotten worse, it hasn't gotten any better and what I'm gathering from my conversation with the Zoning Enforcement Officer is that his hands are tied. There are certain things that have to be done, and I think that the Town Council and whoever is the powers to be that has the authority to change these regulations and give him a little bit more authority in enforcing the regulations, it should be done, and it should be pushed ahead of a lot of other things that are going on. It's fine to make the rules, but to enforce them is another thing. Thank you.

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

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: I think it was a very productive meeting tonight, we got some direction, we got a lot of input, I think that is very, very useful.

XIII. ADJOURNMENT

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Lenares. The meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Norine Addis,
Recording Secretary