

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Special Meeting

February 25, 2015

Chairman Cathleen Hall called the special meeting of the Newington Town Plan and Zoning Commission to order at 6:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Commissioner Michael Camillo (6:05)
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Brian Andrzejewski - A
Commissioner Anthony Claffey - A

Commissioners Absent

None.

II. REVIEW OF ZONING REGULATIONS

A. Section 3 (Zone Use Regulations) continued

Chairman Hall: Continuing our review of the Zoning Regulations, we are up to Section 3, Subsection 3.7.3: Single Family Entry Level Housing.

1. Subsection 3.7.3 (Single Family Entry Level Housing)

Craig Minor: I suggested a couple of tweaks to it in the first paragraph, adding the phrase "a range of", and changing "regulation" to "creation", because that's what this regulation is all about, creating single family entry level housing. Under paragraph B I changed the phrase "moderately priced housing" to "affordable housing", because I think that is what we are really talking about, and let's not be coy about it, but you're the ones who have to adopt the regulations. So, do you want to stop and talk about that for a minute, or do you want me to keep going?

Commissioner Aieta: Explain the phrase you want.

Craig Minor: Well, "moderate priced housing", I'm not sure what that means, whereas there is a definition of "affordable housing". It is housing that doesn't cost more than roughly one third of the income of someone making the average income for the region, so there is an actual numerical mathematical definition of affordable housing but there isn't for moderately priced housing. Now when this gets to a public hearing this phrase will probably be discussed in more detail, I'm sure.

Commissioner Sobieski: Craig, a question: what's the average income?

Commissioner Aieta: \$45,000.

Craig Minor: I think the individual median income might be \$45,000 but the average household is closer to \$70,000.00.

Commissioner Aieta: That's not low income housing.

Craig Minor: Of course not.

Chairman Hall: That's the problem, people equate the word "affordable" with "low income", and they are not the same.

Commissioner Leggo: To me, "moderately" means middle of the road, that's how I take it, because I was going to say, "moderately priced affordable housing", I mean, that's the whole thing to me.

Commissioner Anest: That's what it is now.

Commissioner Leggo: No, it just says, "moderately priced", it doesn't say affordable.

Commissioner Anest: No, number two.

Commissioner Leggo: I'm saying, leave "moderately priced" and put "affordable" in there with it.

Commissioner Anest: It says, "supply moderately priced affordable housing...".

Craig Minor: You're saying, use both phrases at the same time.

Commissioner Anest: It is, number two, it is.

Commissioner Aieta: What zones are these in? Where would we put these?

Commissioner Leggo: Okay, number three is where it's not. So we should make number three match number two.

Commissioner Anest: Correct, I concur with that.

Craig Minor: These are in the R-12 and R-7 zones, by special permit.

Commissioner Aieta: Is there a minimum lot size?

Chairman Hall: The word itself is subjective; moderate in Newington is going to be far different from moderate in Greenwich.

Commissioner Aieta: So if they are in R-12 zones, it's 12,000 square feet, 80 foot frontage, 150 foot deep; you can't build a moderate house on a piece of property in Newington that costs \$100,000 for a lot.

Craig Minor: Ten acres is the minimum size for a single family entry level housing development, and the minimum lot size is 6,000 square feet.

Commissioner Aieta: Do we have any ten acre parcels in the R-12 zone that are not developed?

Craig Minor: I don't know.

Commissioner Anest: You have to remember that a developer could buy a bunch of lots.

Commissioner Aieta: But if there is something already built on it, then it doesn't become affordable. Land costs are what drives the price of a house, isn't it?

Chairman Hall: Oh yes, it's the base, a minimum of \$150.00 per square foot on top of that. Minimal.

Commissioner Aieta: I don't know if this is just semantics here, because I don't think anyone could amass a ten acre parcel.

Commissioner Anest: Then let's leave it at "moderate affordable housing".

Commissioner Leggo: Let's make number two and three match each other.

Craig Minor: So what do you want?

Chairman Hall": Have two and three read the same, with moderately priced affordable.

Craig Minor: Okay. In Paragraph C, I deleted the phrase "and may vary the Subdivision regs and zoning regs standards" because we now know that we can't do that. Also in paragraph C, I'm suggesting that we change it from "in modifying these standards" to "in approving an application" because we're not modifying the standards, we're approving an application, so that would make more sense. I'm suggesting that we delete "Modification of the Zoning Regs and Subdivision Regs shall only apply to the following specific standards" because I didn't see the need for that sentence. We can't modify the zoning regs anyway, so that sentence really doesn't make any sense. The first one, number one "Permitted uses –single family houses subject to the following design standards" also makes no sense to me, because it's supposed to be the first in a list of standards, because remember, this whole Paragraph C is "Standards for Use, Design and Development", so I'm suggesting that we delete the first one and start with number two, "Each single family house shall be on a separate subdivided lot and be intended for private ownership of house and lot." Deleting number three because again, you can't do that. Number four I didn't do anything with; five I didn't do anything with; six, okay, seven.....

Commissioner Aieta: Go back to six. What zone is this?

Craig Minor: We're still in zones R-12 and R-7.

Commissioner Aieta: Then you have to make a clarification. An R-12 lot is 12,000 square feet, an R-7 is 12,000, is it? Or 7,000 square feet?

Craig Minor: A conventional R-12 or R-7 lot has to be at least 7,000 or 12,000 square feet, but a "single family entry level house" lot can be as small as 6,000. That's the whole point of this regulation - it creates the opportunity for smaller lots.

Commissioner Aieta: Now we're down to fifty foot lots, right? The old single family, well, we have them in the northern part of the town.

Chairman Hall: It's kind of like the RD, which I didn't think we had any more.

Craig Minor: Right, but remember, this is "single family entry level housing". This is starter housing. This is somebody's first home, this is their entry into home ownership.

Chairman Hall: They are all over town. They're already here.

Craig Minor: I'm just saying, that's what this regulation is for.

Commissioner Leggo: In number six, you are getting rid of the word "net".

Craig Minor: Yes, because there is no point in having the word "net" in there.

Commissioner Claffey: I think I brought this up last time. If you delete the beginning of that modification section, on page 20, where you are talking about specified standards which are one through nine, etc., if you delete that wording, it will technically delete anything under it.

Craig Minor: The first couple of paragraphs set up what this paragraph is really all about, which is a list of standards.

Commissioner Claffey: No, it's specific: "Modification of the zoning regulations, subdivision regs shall only apply to the following specified standards." If you delete that sentence, you will delete anything below it, because it's the way, C, you bump in, there's your standards, and underneath it is any other substantive information.

Craig Minor: I'm not seeing it that way. This list of nine things are the standards.

Commissioner Anest: Wait a minute, I think what it is, is you want to keep "single family houses subject to the following design standards", and not put a number one. Get rid of the number one, and then number two becomes number one.

Commissioner Claffey: Keep the header, because you still have the standards. You delete that whole sentence, it actually, the way this is set up, it's going to delete everything below it.

Commissioner Serra: If you keep that as a header, though, you're covered. Take the number off, and use it as a header.

Commissioner Claffey: You still have standards, meaning two is going to stay, four is going to stay, five, six, the modifications, but what are they? Have we defined it in the previous...

Commissioner Leggo: We're not coming out and saying what one through whatever is.

Craig Minor: Yes we are. They are the standards.

Commissioner Leggo: Where does it say that?

Craig Minor: Paragraph C., the title of this whole section.

Chairman Hall: "Standards for Use, Design and Development"; "each single family home shall be.....All roads are proposed to become.....parcel shall not contain....average lot size shall not be less...". Those are the standards.

Commissioner Claffey: C says you have standards, and then the modification says that you have specified standards, which means you have two sets of standards.

Craig Minor: Okay, I think I see your point, but what is the first set of standards?

Commissioner Claffey: I'm just saying what the title is, "Standards for Use, Design, and Development", it talks about the two paragraphs where it says the Commission and the second paragraph in modifying and changing, and then you are talking about specified standards which are one through nine.

Commissioner Leggo: But that is going to be gone now, so now there are no specified standards, it's all standards, that's it. Get rid of that header and its standards, period.

Commissioner Anest: "Permitted Uses Single Family houses subject to the following design standards": and then you start number one; "each single family house shall be on a separate subdivided lot...".

Commissioner Claffey: So your specified standards per your current regulations are now becoming your regular standards. So currently we have two standards, Regular standards...

Commissioner Leggo: The way it's phrased it sounds like there is two, but there never was two. Okay, I see what he is saying now. Because in C, in the heading where it says there are standards, and then that old subheading there; what are the standards that this modifies?

Craig Minor: The answer to that is the conventional R-12 and R-7 subdivision regulations.

Chairman Hall: But this is a special exception for higher density.

Craig Minor: For single family entry level housing.

Commissioner Claffey: So these are specialized.....

Chairman Hall: For special exception.

Craig Minor: For single family entry level housing. These are the standards for a single family housing development, as opposed to the standards for a conventional subdivision.

Commissioner Leggo: Does there need to be something in there saying, I'm not sure of the correct wording, "in addition to..."?

Chairman Hall: No, because these are called "single family entry level housing". The other, on an R-12 could be a \$400,000 house. That's not going to be single family entry level.

Commissioner Leggo: But we have to meet those standards with these additions, right?

Craig Minor: No.

Chairman Hall: This would be, we have a couple of examples of this, supposedly at the time that they were built. They are on smaller lots. The houses weren't necessarily smaller, but they tended to be less expensive than the ones on the bigger lots. We have a couple of those already, but I didn't ever refer to it as "single family entry level" houses.

Commissioner Anest: I'm going to throw this out. Do we have to keep everything here? If we feel we don't want this anymore? I mean, we have houses that go for \$30,000 and we have houses that go for \$800,000.

Chairman Hall: I haven't found one of those yet.

Commissioner Anest: But we have something for everybody; we have apartments, we have condos, we have PUD's, and in the north end we have the 7,000 square foot lots.

Commissioner Claffey: If you took it out, would it hinder people who bought houses for next to nothing, like a two bedroom house that someone bought, and they are just going to renovate the inside. It might behoove the person to tear the house down and just rebuild it.

Commissioner Aieta: But we are talking about ten acres of land.

Commissioner Claffey: But let's say, like you said, they swap in, and.....

Commissioner Anest: Oh, they're not going to do that.

Commissioner Claffey: Crazier things have happened.

Commissioner Anest: I'm thinking of redeveloped land. Nobody is going to come in and buy twenty-five houses. It's something to think about.

Commissioner Claffey: Well, if you get rid of it, does it work the other way, if someone does redevelop the lots, and we don't have the regulations?

Chairman Hall: I think as long as they reconstruct it to the footprint and the current zoning laws, it would be fine.

Commissioner Claffey: No, if a developer comes in and buys a big chunk and redevelops a piece of land, then, if we don't have a special use.....

Craig Minor: Right, then they wouldn't be able to.

Commissioner Aieta: I don't see where you could put together ten acres of land in Newington. The only way you could try to do that is to try to take a piece of Industrial land and, but then if you refer to our 2020 Plan, we say that we don't want to change any of our Industrial or commercial land, we would discourage it, to change it from Industrial/Commercial to Residential, part of our 2020 Plan.

Commissioner Leggo: So you are saying 3.7.3...

Commissioner Anest: I mean, it's something to think about. You don't have to make a decision now, knowing that you have to go through public hearing, and you can always change your mind if it turns out that there is a purpose to keeping it.

Craig Minor: So do you want to tentatively delete it? I mean, is that your plan at this point?

Commissioner Anest: This is the housing that is off of Main Street, across from Churchill? Would that be it? Hopkins Village?

Craig Minor: I don't think it's Hopkins Village, because at Hopkins Village you have to get permission from the Affordable Housing Committee,

Commissioner Anest: Under D, "the developer shall enter into a contract with the Newington Affordable Housing Monitoring Agency."

Craig Minor: Then it would be Hopkins Village.

Commissioner Anest: It's a special exception under "Conditions".

Craig Minor: If Hopkins Village is a single family entry level project.....

Chairman Hall: It was.

Craig Minor: Well, if it was, and you delete the regulation, now you have made non-conforming that whole subdivision, and might call into question whether the resale restrictions still apply. That's interesting.

Chairman Hall: This was probably created for that project which was also HUD backed. That's how that started.

Commissioner Anest: It doesn't say when it was added.

Craig Minor: No, but I've been going through folders of text amendments over the years, and I found about a decade ago some developer from Berlin came to you and asked you to add R-20 to the list of zones where a "single family entry level" project could take place, and you told him no, that you didn't want to open it up beyond the R-12 and R-7 zones. That was about ten years ago or so.

Commissioner Anest: Some of these came in on 12-01-01.

Craig Minor: Those are the revisions to something that was older than that, so these regulations could have been around for quite a while.

Chairman Hall: Because that is only the entry level affordable housing.

Commissioner Anest: That's the only entry level affordable housing where the monitoring agency has to sign off on this.

Chairman Hall: I think that is what this refers to.

Commissioner Sobieski: What about the drive off of New Britain Avenue?

Chairman Hall: Harris? No, those are patio homes, they would be more in line with (inaudible.)

Craig Minor: Those are market rate?

Commissioner Anest: Yes, and they are small, and they don't have anything to do with the Monitoring Agency.

Commissioner Aieta: Rather than create a non-conforming situation, I'd rather just leave it in there.

Chairman Hall: Right.

Commissioner Aieta: Make the little changes, but we can't start doing that. We did that before and it didn't work. I would just leave it in there and make the modifications. I don't think it will ever be used.

Chairman Hall: And I think we should leave the word "regulation" in there versus "creation." Because I think our attitude is we really don't want to create any new ones, but if this refers to Hopkins Village, then we need to leave the word "regulation" in there.

Craig Minor: Because we are still regulating.

Chairman Hall: Correct.

Craig Minor: Paragraph seven, again I just took out that business about the TPZ being able to reduce even further. Number nine, I changed it from "side yards may be reduced to", to simply

"the side yards shall be" because "may be reduced to" almost implies that this is a moving target, well no, it's not a moving target, the regulations for this type of activity are less than they are for a conventional subdivision, but let's just say what they are.

Commissioner Claffey: That comment you made when you reduced the distance between houses - you may bump the price up because of the firewall separation.

Craig Minor: No, I'm not changing anything. I'm just re-stating what is already here. The regulation currently is ten feet.

Commissioner Aieta: But then you are saying the distance between houses is a minimum of fifteen feet.

Craig Minor: Right.

Commissioner Claffey: That's a seven and a half foot split between property lines.

Craig Minor: That's right, that's what it currently is. Right now, with the minimum spacing between houses at not less than fifteen feet, that means seven and a half.....

Commissioner Aieta: I think that is the same requirement for an R-12 zone.

Commissioner Anest: No, an R-12 is ten, minimum side yard.

Commissioner Aieta: An R-12 is ten on each side?

Craig Minor: Yes.

Commissioner Anest: "Patio" is exactly what the single family entry is, five and ten, no closer than fifteen. So entry level is almost a patio home?

Chairman Hall: Right.

Craig Minor: Yes.

Commissioner Claffey: And nine still says minimum rear yard shall contain not less than 30 feet of usable area as defined in Subsection 6 above. How is "usable area" defined?

Craig Minor: Usable area is anything that is not wetland, anything that is not flood hazard, and is more gentle than fifteen percent.

Commissioner Claffey: It says "buildable area" and "usable area" are two different things.

Craig Minor: They are, but usable area.....

Commissioner Claffey: You're not defining usable area.

Craig Minor: In number six we are talking about the size of the lot, the lot has to be 6000 square feet, and not less than 5500 square feet of net buildable area. I see your point, "buildable area" versus "usable area". Commissioner Claffey is making a good point, that there is a difference between "buildable area" and land that the developer can get credit for in calculating the lot size.

Commissioner Leggo: Maybe right after buildable, put usable, may be usable, the wording that you are just making that usable.

Craig Minor: We just need to re-phrase it.

Commissioner Leggo: Just throw the word usable in there somewhere.

Craig Minor: Or not. If we don't think this is every going to get used, then maybe there is no point in changing wording that has been there for twenty odd years, and is never going to get used anyway, probably.

Commissioner Leggo: We should probably put those words in there. It makes nine make a lot more sense.

Commissioner Sobieski: You could have a building lot with a little bit of wetlands that is not buildable, but yet it's usable.

Craig Minor: But remember, the whole context of this is someone coming in with a ten acre subdivision of dozens and dozens of these little lots.

Commissioner Sobieski: Right, but I'm saying, there could be a lot with some wetlands on it, that you know is a building lot, but it's not useful.....

Craig Minor: Nope, it's not a building lot until you say it is and if he comes in with a subdivision plan, all of the lots have to comply with these regulations.

Commissioner Claffey: Not if he is going to take all the lots and become one.

Craig Minor: Well, that's not a subdivision then.

Commissioner Claffey: Well, he would have to come in and change all of the lot lines.....

Craig Minor: No, not change lot lines, he's creating lot lines. He's coming in with a ten acre.

Commissioner Claffey: That's what I'm saying, he or she, they are coming in here to rezone those twenty lots.....

Craig Minor: He's not rezoning it, he's subdividing it.

Commissioner Claffey: Subdividing it, but you are getting rid of original lot lines.

Craig Minor: No, there are no lot lines, it's now a ten acre vacant lot.

Chairman Hall: It's vacant land.

Commissioner Claffey: But he's basing the amount...before he comes to you he is going to need this information to see if it even is feasible.

Craig Minor: Right.

Commissioner Anest: Can I ask, why did you cross off "rear yard setbacks shall not be less than thirty feet".

Craig Minor: I replaced it.

Commissioner Anest: I think we should leave that whole language in there.

Craig Minor: I'm inclined to agree with you. I replaced it with what I thought would make more sense.

Commissioner Anest: Right, but I think you should just leave it.

Craig Minor: I think so too. Once I start trying to fix this, then I own it, and it's just bad from the beginning.

Commissioner Aieta: That's why I said, just clean it up a little bit, don't go crazy, take out the stuff that you know we can't do, and just leave the rest.

Craig Minor: All right. Then number eleven: I took out the waiver. I didn't change the housing monitoring agency section.

2. Subsection 3.8 (Conversion of Rental Apartments to Condominiums or Town Houses.)

Craig Minor: I remember that this was a huge issue back in the '80's.

Chairman Hall: Yes, because half of the apartment complexes in town were converted to condos.

Craig Minor: This was true all over the state, the country.

Commissioner Aieta: Are they still doing that?

Chairman Hall: No, because there's no federal money. That's the only reason they did it in the '80's, was because they got paid to do it.

Commissioner Aieta: So just leave it.

3. Subsection 3.9 (Uses Permitted in R-D Residential Designed Zones.)

Craig Minor: [pointing to the Zone Map] The light blue here, not to be confused with the light blue over here which represents the Business Zone.

Chairman Hall: I bet the only one is that one in the south, because that was a special designation.

Craig Minor: I would just leave that alone.

Commissioner Claffey: Those are all condos, right? Oh no, at the stop sign, take a left and those are all houses there.

4. Subsection 3.10 (Uses Permitted in B Business Zones.)

Craig Minor: I'm suggesting that we take out "3.10.2 Procedure" because very often we have a new tenant who moves into an existing building, and it's a different use, but he's not changing the building, so why would we want to make the landlord or the new tenant give us a site plan and make him go through site plan approval? That doesn't make any sense.

Commissioner Aieta: Change of use, it's a change of use. Our regulations require that.

Craig Minor: But there is no reason for that.

Commissioner Aieta: I don't know about that. I've seen some change of uses that I wouldn't have approved that got approved through the Building Department because we didn't see them.

Craig Minor: Oh, they would still need to a zoning permit.

Commissioner Aieta: But that doesn't come before this Commission, that's administrative. Some goofy stuff happens in there, that's why that is in there. "Change of use" traditionally came before this Commission. If it's a simple thing, we say fine, go ahead and do it, but if it's off the wall, like could have been the situation with the guy with the comic book store over on New Britain Avenue, that could have turned into something that should have come to us for review, and then we possible could have it worked out all right.

Craig Minor: Okay, but when they come before you for your approval, you are approving the new use, or denying it, because it doesn't meet the regulations. But why do they need to hire an engineer to put together a brand new site plan?

Commissioner Aieta: No, they need to bring in a site plan, if they have a site plan they can bring that it.

Craig Minor: But if it doesn't meet your regulations, per Section 5.3, then they would have to hire Alan Bongiovanni to come up with a new site plan, and maybe even make improvements, because the parking lot doesn't meet your regs because the parking spaces are six inches too short.

Commissioner Aieta: There's another reason we want a site plan. If it's a change of use and the new use has a higher requirement for parking, we want to see it. We want to see if they have enough parking.

Commissioner Claffey: It's just like the workout guy over on Ann Street.

Commissioner Aieta: I think this whole section has to stay in. Now that the town is built to the point where it is, we want to have control over what goes in. Not to the point where we are going to be dictators, but to keep it where we don't run into problems. We have had some problems in the past when stuff didn't come to this Commission, and then we found out later and then we have the problem where we can't fix it because somebody said something and we're caught in a spot. We take ownership of it, in the end, so we might as well be the ones that say up front whether we want it or not. Then we will really take ownership, not after someone made a mistake.

Craig Minor: Okay.

Commissioner Aieta: I think it's got to stay in.

Craig Minor: Buffer area: I just took out the waiver language.

5. Subsection 3.11 (Special Exceptions Permitted in B Business Zones.)

Craig Minor: In the last section there are a lot of strikethroughs. That's because a year or so ago you updated the "fueling station" regulations which show up in two different places in the zoning regs. I didn't realize that at the time and I only changed it in one place, so now I'm changing it in the other place also.

Commissioner Aieta: This is important here, this is how that auto regulation got screwed up. In 2007 the Commissioners who sat on here wanted to take out auto-related uses in the B Zone and the Town Center Zone. They didn't want gas stations in the center of town, and they didn't want

them in the neighborhoods. When they did that, they went to such an extreme that they took it out of the whole town. That's what started the problem with the auto-related uses. This is what happened, and that's why we had the problems we have today, and that was in 2007 and then, when did it come back, Cathy?

Chairman Hall: Maybe 2011?

Commissioner Aieta: In 2011 it came back, and we made the change and then it came back again, and we changed it again. From 2007, they abolished it, it got changed in 2011 and we changed it again when you came.

Craig Minor: In 2012.

Commissioner Aieta: And it's still not, people think it's still not right.

Chairman Hall: So, 3.11.7 will contain the new A-R because you got rid of the old A-Q.

Commissioner Aieta: You're going to put fueling station for shopping centers under auto-related uses?

Craig Minor: No. Remember, fueling station in a shopping center has always been a separate section of the zoning regs. The problem is, it's actually in two places, and when you folks amended it last year through the request of the owner of the shopping center, we made the change in one of the two sections, but just administratively I forgot to make the change to the other place in the regs where fueling stations are allowed. So this is just correcting something that was done, or not done, a year ago.

Commissioner Aieta: So 3.11.7 now is going to be.....

Chairman Hall: The second A through R. And that is the same as further in the regulations.

Commissioner Claffey: Under R: it seems very loose to me, and it leaves a lot of interpretation that could come back to haunt us as a board.

Craig Minor: But that is the regulation.

Commissioner Claffey: I understand that, but the board should also consider things like they have to come with a traffic pattern impact, and this and that. Let's use, for my own discussion, Best Market. Let's say it fits all the requirements, and they want to put a fueling station in that big lot and be you know, Best Market Fueling, or Stew Leonard's. Wouldn't they have to come, why would you want to leave it open? This to me is like an opinion section. Like, oh, we don't want to approve it because of this, but they met A-X. I know it's not in this town, but it's right on the border of, the Stop and Shop on Newington Road, where they have a fueling station out in front of it, and this is what I have in my head, it comes to me, that's the only one around here that I know.

Commissioner Aieta: There's one in Berlin.

Commissioner Claffey: The Sam's Club?

Commissioner Anest: No, the Stop and Shop in Berlin. A lot of Stop and Shops have them now.

Commissioner Claffey: I know, and that's what I see, and as I read through the regulation I have that in my head, of like the little building, canopy, how it looks,

Craig Minor: That's what this is.

Chairman Hall: So what's your question?

Commissioner Claffey: R is very open to me. Legally it would hurt you if someone wanted to come and fight the regulation, "the Commission should also consider".

Commissioner Anest: Didn't the Town Attorney review this?

Craig Minor: Probably.

Commissioner Anest: I'm pretty sure we had him look at this and I don't believe that he had any issues.

Craig Minor: I don't know that he would have said, "this is too vague", because that's your judgment as to whether it's vague or not. He might say, "difficult to enforce".

Commissioner Serra: Maybe we should ask him to take another look at that section.

Commissioner Anest: Can you ask him to take another look at that.

Commissioner Aieta: We've got some stuff here that's important.

Craig Minor: Okay.

Commissioner Aieta: Whether it would have a favorable impact on local street traffic, whether there would be a cut through; there's some stuff in there that we want.

Commissioner Claffey: I know, but are we going to try to determine if the corporation that wants to put the fueling station in, is going to be competitive against the guy down the street?

Commissioner Camillo: You don't want a vacant gas station a couple of years from now, a building just sitting there. You've got to think about that too. Is it good for the area?

Commissioner Claffey: I'm in favor of the section, I just think that some of the words need to be...

Commissioner Aieta: You've got to look at the history of where this came from. This regulation was drafted by their attorney, a very good attorney. That was for the applicant who wanted to put, that Stop and Shop wanted to put the thing in. He drafted this regulation so that it would fit his piece of property, that's where this came from. This didn't come from us. We massaged it a little bit, not very much, it was pretty much what he wrote that was what we approved. Am I correct?

Craig Minor: Right.

Commissioner Aieta: So, these are the words, I believe we sent it to the Town Attorney for his review.

Commissioner Anest: I'm pretty sure we did.

Commissioner Aieta: But you've got to remember, the attorney who wrote the regulation was also the Town Attorney several times for the Town of Newington and he wrote a lot of the regulations that are in this book. So, he customized it to fit this specific piece of property to satisfy all of this stuff. You know, you saw what happened, they came in, and they couldn't even meet their own regulation that they wrote.

Commissioner Leggo: So that, not to repeat what we were saying, but that's still 3.15.9, A-R?

Chairman Hall: Yes, 3.15.9 is that one, and it's also.....

Craig Minor: Special exceptions allowed in the BT Berlin Turnpike Zone.

Commissioner Anest: So you are only updating 3.11?

Commissioner Serra: They are just going to mirror each other?

Craig Minor: Correct. That's it.

Commissioner Claffey: To be technical, B and P conflict. B says, "the fueling station must be on the shopping center premises or it must be on property that abuts and is adjacent to the shopping center", and P talks about egress and ingress that says "all egress and ingress shall be from within the shopping center", but you just had a term that says they can be adjacent to the shopping center.

Chairman Hall: There is a specific piece of property that fits that criteria.

Commissioner Claffey: I'm just saying, they contradict each other.

Commissioner Anest: No, adjacent is next door, so you have to enter through the shopping plaza to get to the adjacent property.

Commissioner Leggo: You can't have an entrance or exit onto a town street.

Commissioner Aieta: This is customized zoning, we are getting into a lot of that.

Craig Minor: Designer zoning.

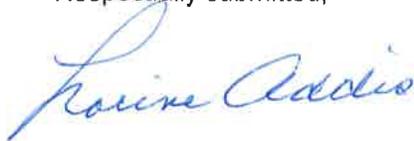
Commissioner Aieta: We're going to customize everything that comes in.

Chairman Hall: Any further questions at this point?

III. ADJOURN

Commissioner Serra moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 6:51 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary