

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

February 9, 2010

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

### I. ROLL CALL

#### Commissioners Present

Commissioner Anest  
Commissioner Hall  
Commissioner Pane  
Chairman Pruet  
Commissioner Lenares  
Commissioner Turco

#### Commissioners Absent

Commissioner Camerota  
Commissioner Casasanta  
Commissioner Schatz  
Commissioner Aieta

#### Staff Present

Ed Meehan, Town Planner

Commissioner Turco was seated for Commissioner Casasanta and Commissioner Lenares was seated for Commissioner Camerota.

Chairman Pruet: Our first order of business will be to conduct public hearings and our first public hearing is Petition 40-10. What I am going to do is to read each, there are nine sections here that pertain to our Plan of Development and after I read each one if anybody from the public wishes to come forward and speak on that, for or against it, whatever comment that is how we are going to conduct that.

### 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: Our first order of business will be Section 1.1.8 Purpose and Intent amend references to our 2010-2020 Plan of Development. Our first subsection is the density, it's Section 3.7.1 (C), Density, protection of slopes in excess of fifteen (15) percent gradient. Ed, if you could just give us a brief comment on that.

Ed Meehan: This is a proposed standard, it would be consistent with standards that the Planning and Zoning Commission now have in the town sub-division regulations. This is a standard which would be inserted into the design guidelines in several sections of the Zoning Regulations so that as a project comes in, on these steeper slopes the developer is alerted in advance that these are areas, sensitive areas that through the town Plan of Conservation and Development and the Zoning Regulations it is the intent of the Newington Planning and Zoning Commission to protect from excessive development. So that is an important standard. We now protect other environmental resources, for example, wetlands, inland wetlands and obviously flood plains under the Natural Flood Insurance Program. So we would add this to that list. There are normally geological conditions associated with the steeper slopes such as exposed bedrock or shallow bedrock which we will talk about as you go down the list here, Mr. Chairman, but that is the intent. The further intent here is where there are expanses of this fifteen percent slope on parcels. That area would be deducted from the acreage which would count towards density. Again we do this for wetlands and flood plain areas, for example, if you had a ten acre parcel and three acres were in wetlands or flood plain that three acres would not be counted towards the overall project density. That is another intent of this standard as far as steep slopes.

Chairman Pruet: Very good. Anyone from the public wish to comment on that?

#### **Section 5.3.4 Content of Site Plan – Rock Faces and Bedrock Outcroppings**

Ed Meehan: Again these are geological features, earth features that are associated with steeper slopes, more difficult land to develop. We talked about these concerns in the planning commission work on the Plan of Conservation and Development and we heard from residents who were concerned that the remaining parcels that we do have left in Newington are fragile and you have concerns about their development and impact on the area, so this is another feature of site plan review which the Commission is proposing to put in the site plan regulations.

#### **Section 6.4.3 Removal of Earth Products – Rock Faces and Bedrock Outcroppings**

Ed Meehan: This section of the regulations permits the removal of earth products by special permit. This is where someone would come in and basically do a minor gravel pit or quarry, a small site. This is being proposed to tighten up so that the Commission has information on both before and after topographic features. There is a requirement here for a wider buffer to adjacent properties. The present setback now is twenty-five feet, these regulations propose to double that to fifty feet. Then post development or post earth removal, these regulations

would put in place new standards for coverage and site stabilization and terracing of steep slopes.

Chairman Pruet: Very good. Thank you. Anybody have a concern or question on that, from the public?

**Section 6.10.5 Buffers adjacent to town owned open space.**

Ed Meehan: This again was referenced in the Plan of Conservation and Development. We heard also again from people who were participating in that process about the protection of greenway corridors in Newington. There are four that have been established by this Commission and the Town Council and they are recognized by DEP as part of the Connecticut Greenway Trail System. They are Piper Brook, Rock Hole Brook, Twenty Rod Road and Old Highway, over Cedar Mountain. The proposal here is that along those greenways rather than the normal twenty-five foot buffer which is typical in the site plan review process for commercial properties up against residential properties, where there is a greenway or a town piece of open space, dedicated open space, the buffer from the adjacent development would be set at fifty feet, and then there is a provision in the language that the Commission by a two-thirds vote can waiver that on a case by case basis for some unusual situation, would give the Commission latitude to look at that, work with the property owner or the developer, and make adjustments as you see fit.

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

Ed Meehan: This is just a technical change, it corrects a reference in the regulations that is a little outdated. Some of the land surveyors who do business in town that we work with have suggested this as well as the engineering staff. I think there was one above that, Mr. Chairman.

**Section 7.2.1 Plot plan design measures to control soil erosion.**

Ed Meehan: This is being proposed and put forward because in the subdivision and zoning regulations now we have erosion control requirements and erosion mitigation standards for commercial sites and subdivisions, multi lot subdivisions, but we don't have anything in the regulations for individual lots, which happen on a case by case basis. You know that Newington is pretty much built out, as far as vacant land, we do see small isolated lots that come through the Building Department for development and they tend to be problematical because they could have drainage problems, slope problems, they could end up having erosion problems, and this is a measure that would give the town staff on a check list basis the right to say that this particular site has to set up a silt fence or hay bales or some sort of erosion control measures during the construction process to protect nearby property.

**Section 7.4.8 Grading – Rock removal limitations.**

Ed Meehan: Again, this is tied in to the strategy from the Plan, the goal of protecting sensitive rock areas, bedrock outcroppings, and the type of grading information that the Commission would expect in any site development application.

**Section 7.4.15 Cultural Features identification of exposed bedrock.**

Ed Meehan: This section would be modified to require in the site plan submission to the Commission along with the cultural features of wetlands and flood plains, identification of bedrock and steep slopes. More of a housekeeping change.

Chairman Pruet: Again, just to paraphrase to the public, these nine measures are for your benefit to tighten up our zoning regulations to protect conservation. So this is an open public hearing. Anybody wish to make a comment, speak on or for on any of these nine items, they can come forward and state their name. Any further Commissioner comments on this petition? I think we, yes Ed?

Ed Meehan: I don't know if you are going to close the hearing Mr. Chairman, but I do want to put into the record as required by the state statutes the Commission referred these zone amendments, proposed zone amendments, both to the Capital Region Council of Governments and the Central Connecticut Regional Planning Agency, back in early January for inter-town advisory comment. I'll just paraphrase, we did get responses from both agencies and both agencies reported that the proposed changes are not in conflict with the regional plan or policy or the plans in zoning of the neighboring communities and that is both from the Capital Region Council of Governments and Central Connecticut RPA.

Chairman Pruet: Okay, very good. Can I entertain a motion to close this as a public hearing?

Commissioner Pane: Mr. Chairman, I think we should leave this open for another meeting. We just got the language tonight, and I think it would be best to leave this open for the public for another meeting, at least two public hearings.

Chairman Pruet: Any other Commissioner comments?

Commissioner Lenares: Do you have to leave it open?

Chairman Pruet: No.

Commissioner Lenares: We kind of beat it up a little bit, I know that there are some Commissioners missing, but I mean, these are the nine items that we kind of looked at, I don't know, if we had a big outcry from the public saying that some of the stuff that we looked at wasn't, you know, but no one spoke. I don't think these are the hot topics that we are concerned about, but it's up to you guys.

Commissioner Anest: These are basically no brainers to comply with our 2020 Plan. At this point I think we should just move forward and close the petition, I mean, close the public hearing on this.

Chairman Pruet: Anyone else have any thoughts on the matter?

Commissioner Pane: I'd like to just say, we just got the literature tonight on the wording and I don't feel comfortable on voting on it tonight.

Chairman Pruet: Even though we have been discussing it.

Commissioner Pane: Yeah, I know we have discussed it, I'd like to review it, I don't understand why we are in a hurry for it, I'd like to read the language over, we have two

Commissioners that are out, and it's always best to leave it open for the public in case some of the public couldn't come here for one more meeting. I don't understand what the rush is, but if you want close it, you can propose that, but that's the reason that I would like to leave it open. I think it's best for the public in case some of the public couldn't come here. We didn't really get much word out to the public on what was going on. I'd like to read some of the language and go over it myself. Thank you Mr. Chairman.

Commissioner Lenares: Maybe you have a point, I mean, we have some Commissioners that are not here tonight, some full time Commissioners, Michelle, Bob, Mike, Frank is not here. I thought the nine things that we discussed were maybe a little easier than some of the other stuff that maybe we can discuss a little more in detail when they are here, not a bad idea, either way.

Chairman Pruet: Cathy, any thoughts?

Commissioner Hall: No, but I just, am I the only one that got this through my e-mail, early?

Chairman Pruet: No.

Commissioner Hall: Okay, because I did have a chance to review it, but more time if it is not going to affect anything, why not?

Chairman Pruet: Okay, if that's the consensus, we'll continue this and leave it open.

**B. PETITION 04-11 – 2175 Berlin Turnpike JHS LLC owner Mill Pond Church, Inc., 705 North Mountain Road Newington, CT 06111 Senior Pastor Joel Rissinger applicant, request for Special Exception Section 3.2.1 Place of Worship, B-BT Business Berlin Turnpike Zone District.**

Chairman Pruet: Good evening Councilor, Pastor, would you come forward, state your name and address for the record please?

Joel Rissinger: I live at 479 New Britain Avenue here in Newington.

Attorney Kelly: Good evening Mr. Chairman, Commissioners, Mr. Mehan, John Kelly, Nassau, Goodwin and Kelly, 66 Cedar Street here in Newington. Just as a way of starting our presentation the application indicates property at 2175 Berlin Turnpike which may be more commonly known as the building that houses the Kidco. My client, Mill Pond Church, Inc., would like to occupy some of the space in that building, that is available. I don't believe there are any tenants moving out or anything I think it is just currently available space. It's approximately 3000 square feet and the building is in the Berlin Turnpike zone and your regulations of course being on the Berlin Turnpike and in your regulations by special exception this Commission permits houses of worship which is what this would be. They would be having their worship services on Sunday, they would be doing their youth activities and church meetings during the week. Obviously the worship services would have the most attendance and that would be on Sunday. There is also, not only meeting space as the plan indicates, but office space. During the week the occupancy as far as the office hours, the Pastor has an assistant. Sometimes he is there too, but as you can appreciate, he has to administer elsewhere, not only where they worship. In your regulations, Section 3.2.1 permits houses of worship to be located in any zone, and of course the BT zone would permit that. The pastor tells me that there are seventy-five parking spaces and in terms of your parking standards in Section 6 of your regulations, with 133 occupants projected, possibly up to 153 occupants, the seventy-five parking spaces are more than adequate because as you

know, your standards go from either one to two, two occupants for one parking space, or as much as one to three depending on the Fire Marshal's rating which we don't have at this point, but either way, we're well within the parking concerns. Also I would advise the Commission again the other tenants in this particular property tend to have more use of the property on the days other than Sunday and the applicant would be having their services as indicated earlier on Sunday, so there really wouldn't be any other use of those parking spaces. Pastor, go ahead and talk about some of the other uses of the property during the week and on Sunday.

Pastor Joel Rissinger: Mr. Chairman, Commissioners, thank you for taking the time to let us come in and present. We've been here before and appreciate being back again to share with you. We think we've found something that will be affordable and also meet the regulations that we know you have, and that has been a challenge, trying to mix the two together with something that we can afford to work with. This doesn't require any major renovation which is a huge thing for us in terms of expense, and also in terms of zoning regulations because we don't have to make all the changes to the property. As a matter of fact, we could use it as is. The changes that we are making internally are pretty much cosmetic changes, don't even think they will require permits from what I understand from the contractor so that is good. We would be using the building for office use during the week, Monday through Friday, nine to five. Maximum, there are three of us that would be in there at any given time during those hours. Wednesday night we have a youth program probably thirty to forty are involved in that but it doesn't start until seven p.m. Kidco closes by five, so there wouldn't be a conflict with parking during those hours. Then as John mentioned, Sunday morning that's the big one, because that is when I tell the best jokes, so clearly that is when the crowd shows up, but we are running about 90 to 100 people on Sunday morning, so again in terms of parking and space we're more than adequate.

Attorney Kelly: And it's 90 people with families, so it's not all those that are driving.

Pastor Rissinger: Right, that is inclusive of children.

Chairman Pruet: Very good, excellent. Ed, any staff comments, concerns?

Ed Meehan: No, I don't have any concerns on this location. I have for the Commission members the handout that the applicant submitted which shows the potential occupant load based on the desired floor plan. As Attorney Kelly mentioned possible occupants up to 153 persons. Based on the zoning regulation standards at one space for three people, that would be about fifty, fifty-one spaces. I then got the site plan for this property that goes back several years ago. At the time it was set up as office space with a mixed use office space and then Kidco moved in, and went to plan review at that time because it was considered obviously a day care but also a place of assembly, and you can see from the handout I'm giving you, just the parking on the north side of this building and around the back, this is the space that Mill Pond Church is looking at, there's spaces in the front, and along the north side and in the back, there's about 88 spaces here. So there is more than enough parking for this use. I believe you could have access off of the back, to that parking, and then the classroom and the other stage area up in front. It's all handicapped accessible already. So from a parking use point of view, it's a much better fit than the other applications we've seen in the past.

The other question that I was going to ask and it's been addressed was how this was coordinated with other tenants. Kidco is a very popular and busy day care center. I understand from what you said that your scheduling is different, so that's good and that's pretty much it.

Chairman Pruet: Okay, Commissioner comments?

Commissioner Pane: Mr. Chairman, I think this is a nice location for the church. I'm familiar with the location, I think they have found a nice site for their church.

Chairman Pruet: I agree, and I think it's nice for you that everything is in place and you don't have to endure any expense like you did in the other locations and that's very good. You meet the parking, everything is all set for you. I wish you good luck. Now this is a public hearing and anybody from the public wishing to come forward and speak in favor of this petition. Anybody wishing to speak against this petition?

Jeremy Almarod, 181 Miami Avenue: I'm in great favor of this so it's a great location. I've been involved in both of the previous places that we were looking at, and this one, I think is going to suit us very well and I'm very much in favor of it and I appreciate you guys taking the time to hear us tonight.

Chairman Pruet: Anybody else from the public wishing to speak? Please come forward, state your name and address for the record.

Ms. Duzik, 135 Harding Avenue: I am so delighted and so happy to be here and that you guys have agreed for us to finally have a home in Newington. For so long we have been searching and doors for whatever reason closed, but it's a good thing that doors do open and I'm very glad and I want to thank you on behalf of all of us that are here as well, and I am truly in favor of our new home. Thank you.

Chairman Pruet: Thank you. Anybody else from the public?

Rose Lyons, 46 Elton Drive: I've sat here and watched the agony that you went through with several other applications that you had here. I'm happy for you Pastor and your parishioners that you have a home to worship in. It must be very difficult to be tramping from here to there and every where. I don't think you remember, but a few years back there was some work done on the path at the end of my street, and you and your youth group came and some of your parishioners showed up and you helped us, and I'm glad that they are going to be able to help you tonight. Thank you once again for what you did.

Chairman Pruet: Thank you Mrs. Lyons. Anybody else from the public wishing to speak. Consensus of the Commission I think is to close this and move....

Commissioner Pane: Mr. Chairman, I would like to make a motion to close Petition 04-11 and move it to Old Business.

Chairman Pruet: Is there a second.

The motion was seconded by Commissioner Lenares.

Chairman Pruet: Ed, would you have time to draft a motion?

Ed Meehan: If it's the will of the Commission, I'll have something ready for you.

Chairman Pruet: Okay, as long as it's not, normally we don't do this, we don't want to inconvenience our staff here and draw something in haste that might come back and be adversely affected on the motion. If I have the assurance of our Town Planner he can do that, that's fine, we'll be happy to assist you.

Commissioner Hall: I have a question. Do we have to do anything about the other petition that we approved for this, I mean, we have things that we approved, never went forward. Does it just die of its own violation, or do we have to do something to.....

Ed Meehan: I looked that up and the approval for Day Street had a one year limit on it, and the church came back and it was extended. In fact it is over, but you make a good point, as part of this motion, that I will propose to you, you should have mentioned that that petition number, which I have here, is null and void.

Commissioner Hall: Okay.

Ed Meehan: And then the other petition that they submitted for Pane Road, they never came in, so it is really Day Street.

Commissioner Hall: Okay, thank you.

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

None

IV. **MINUTES**

January 26, 2011 Regular Meeting

Commissioner Anest moved to accept the minutes of the January 26, 2011 Regular Meeting. The motion was seconded by Commissioner Hall. The vote was unanimously in favor of the motion, with six voting YES.

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW 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.**

Ozzie Torres: Mr. Chairman, Members of the Commission, my name is Ozzie Torres, I'm a professional engineer registered here in the State of Connecticut with offices in Hartford. I'm here representing Dan Pizzoferrato who is the owner of Renew Asphalt Maintenance Company and who is seeking re-approval of a site plan that was approved previously but the permit ran out before it was constructed so he has come back to basically do the same thing that was planned. The parcel is lot one on Alumni Road next door to the Connecticut Skating Center if you are familiar with that. The parcel is 1.3 acres in size and presently is a vacant lot with some construction rubble that has been left on there by the previous owner. It will all be removed and cleared accordingly. The parcel gently slopes from the rear, out to the road, Alumni Road at a two percent slope, two and a half percent. As I said, it was approved previously and what we are proposing now again is a smaller building, a slightly smaller building. It will be 45 x 90 feet. It's located in pretty much the same position as the approved plan prior to this. The parking layout is pretty much the same again, the same idea.

Required are six spaces and we're showing six parking spaces, one handicapped which is a van space, and then four additional parking spaces with a fenced-in area. Two spaces existed here. The original plan called for the entire rear portion of the parcel to be in millings and what Dan is proposing here is a fifty foot strip of two inch stone area for storing some of his equipment, a flat bed truck and temporarily putting some of it top soil and other rubble material that he has picked up on the site which is to be moved back out when it is taken out to Tilcon for their reuse. Most of the rubble is typically asphalt. The, that's in this fifty foot strip area here. The rest is a grass area which is just for recreation of the employees. That's all. There are no plans for any other use for that what so ever. In this fifty foot area he does plan to have, like I said, a couple of bins for top soil and temporary movement of top soil in and out and those bins will be constructed on concrete blocks, the large three by three concrete blocks to hold it in.

Now the whole rear area of the parcel, up to twenty feet of the front of the building will be an eight foot fence and the fence will have, this fence portion here will have slats in it so it won't be viewed from the front of the parcel as you are going by. Now we have gone through the standard plans for site plan, we have our typical erosion control plan, pretty elaborate plan actually which covers all of the erosion control measures as outlined in the State Erosion Control 2002 manual, so we followed all that and we also have all of the utilities coming in from Alumni Road. We have provided for the industrial site, again, similar to the original site plan. We have sanitary, water, storm, gas, electricity and communications. The storm system again is connected in the same manner that it was originally, by the original plan, going up and connecting to the existing storm system in Alumni Road, that was approved, and we were following exactly the same pattern. We also provided the Town Engineering Department with drainage calculations and water quality calculations. We were asked to provide a water quality unit, hydrodynamic separator so that we would comply with the 2004 DEP water quality manual and we have done so.

Now, our plans also include landscaping, and this landscaping plan is very similar if not identical to the original plan, except just adding two rows of arborvitae along the back, he has extended them on the side so that the whole rear portion of the parcel will be enclosed with dark American arborvitae. Also, all of the landscaping that was shown on the front portion would be there. The nature of the business is maintenance of pavement areas. They go in and maintain pavement areas. Sometimes do a little bit of new paving, but mostly maintain paving and landscaping so Mr. Pizzoferrato is going to make sure that the landscaping done in the front of the building and around it will look really nice so his customers, it's a selling point for his business, so you know it's going to be very very nice.

The lighting of the building is typically wall packs. It's a small building, so there will be two wall packs one for the rear area for the movement of the vehicles, one for the front and one for the rear.

Finally we will talk about the building. The building is a custom made pre-fabricated metal building with the height being 14'8 and about 16 ½ feet at the highest peak. The front portion of the building, the first twenty feet will be the office area with bathroom and kitchenette and the rear portion from that twenty feet back will be all for storage of equipment. There will be no equipment stored outside, it will all be inside, lawn mowing equipment, his trucks, trailers, whatever he has will be inside. Only that one flat bed trailer he uses to move around some heavy equipment, that will be put back here when he is not using it on the road. That is what mostly that stone area is for. The color of the building, it's saddle tan and I have brochures here that we can pass, you can see the color is saddle tan and then the rustic red for the trim. All the trim around the building, around the windows, the canopy awnings over the door, and the doors will be those colors. The lower portion of the building will be, first of all, it's a concrete wall, not block, as shown here, it's actually a poured concrete, solid and then there will be a veneer on the front of that which is a real stone veneer, not plastic, not wood, but actual stone veneer. We have material here that I would like to pass around. If you look at

the Mojave and the (inaudible) stone, one of these two. Again, it's real stone, one of those two textures he's deciding on which one would go better. It's not going to be cinder block and it's not going to be white, it's just plain concrete. It will be this stone finish on the face. I think, this is a better view. We tried to attempt to do that, but it's going to look a lot better than that.

So I think that I have covered all of the main issues, and I'm ready to answer questions if you have them.

Chairman Pruet: There will be no retail operation here, is that correct?

Ozzie Torres: That's correct. This is only for his company.

Chairman Pruet: Ed?

Ed Meehan: Just to give you a quick summary, I met with the applicant a couple of times and with Ozzie and the Town Engineering staff on this. This plan is pretty much identical to what was approved back in 2004 I believe it was when Double C Construction, Chris Chuley had a four thousand square foot building approved on this site. As the applicant's engineer said, the layout of the building, the front parking, the landscaping, and the side yard area is pretty much the same. What I heard tonight, and in talking with Mr. Pizzoferrato today about the outside storage in the millings area, I think we need to see where those mafia block containers are going to be so that we know how big and what the limit of outside storage is going to be. That would be done as a site plan modification as this moves forward. The engineering staff sent you their comments, so I know Ozzie's got them. Just a couple things I should say about those. One is that if this goes forward, we will need a private drainage easement in the snow shelf along Alumni Road. They are proposing to bring the storm water from the site, roof leaders and surface flow into a storm water structure at the northwest corner of the property and then run it up westerly on Alumni Road adjacent to the Skating Center into an existing public system, so that would require an easement for a private storm line. It is shown on your drainage plans. That line there that Ozzie is pointing out. That would require an easement from the Town Council with the endorsement of this Commission through an 8-24 Referral. That is one thing that we need to keep in mind as this goes forward. The other thing that is different on this plan from the prior that was mentioned is that the back third of this site under this site plan is proposed to be basically lawn area, not storage. The prior plan that Double C had submitted had some outside yard storage in that area which was a difficult problem over the last two years because, although the site never got developed it was mentioned there is a lot of miscellaneous material brought into this site. That needs to be cleaned up. The other engineering comments are technical in nature that the project engineer can address to the satisfaction of the Town Engineer. As far as the building elevations, we talked about this very early on in our staff meetings. This is I guess a pre-built kit building, I would have preferred to see a little bit more block or stone on the front but as I understand it this type of building because of its nature, and correct me if I'm wrong, the way that the windows are structurally set up and come, you can't bring the block up any higher. Is that correct?

Ozzie Torres: That's correct.

Ed Meehan: Okay. I just wanted to let the Commission know about that. That's pretty much it. The landscaping plan I think is adequate. It's similar to what the Commission approved before. The cul-de-sac which is shown on this plan is across the street from this lot would hopefully be eventually removed and the gate removed if we can get Maple Hill, Alumni and Cedar realigned. That's the key to making this area work better as a through street and then

have access for the business park off of Cedar Street. So those lines will go away, hopefully in the future.

Chairman Pruet: Thank you. Commissioner comments?  
I believe due to the needing of the 8-24 referral we are going to keep this open.

Ed Meehan: That would be subsequent to your action on the site plan. In other words, you would approve this, if you see fit, with the requirement that before the plans are signed, or whatever they take it to the Town Council and it will be back on your desk as a referral from the Council.

Chairman Pruet: Oh, okay.

Commissioner Pane: Ed, is there a special reason why they are running it in the right of way instead of just in the road.

Ed Meehan: Well, we don't want to cut up the whole length of the road. Another option that I think the Town Engineer talked to is instead of going parallel to the road, it's across the road at this point and run it up the north side, but it would still be in the right of way. But the issue here, and we have to look into this Domenic, what's underground in way of utilities. There may be electrical lines underground that would just warrant going across the street. So we need to look at that further. I haven't had a chance to do that yet.

Ozzie Torres: Again, we just followed what was approved on the other one assuming that all those issues were (inaudible) on this side of the road.

Ed Meehan: Yeah, we don't think they were. We think there is underground electrical over on that side to the Skating Center.

Ozzie Torres: There is probably electrical underground but again, typically that is encased in concrete and there would be a matter of whether or not we would bump into it, so yeah, that would be something we would find out during construction, or before, through a test pit.

Ed Meehan: Yeah, we need to, we don't really like to cut up the street, it's fairly new.

Commissioner Pane: Yeah, but there are no catch basins on that strip so it would only be a benefit to the town to have a couple of catch basins in the road.

Ed Meehan: You're right, we could, if we go across the street, north to south we could put catch basins on either side there. That is something that our Town Engineer wants to talk to you about.

Ozzie Torres: Okay, but again, that was never mentioned to us before, we would have looked at that. Again, when we met with you and spoke to the Engineering Department they never mentioned that idea, but we'll look into it.

Commissioner Pane: The only other comment Mr. Chairman is that I agree with the Town Planner. I think that if possible I would like to see a modification to the front with some more stone work. Maybe they need to customize the windows into the stone work and then go metal above or something, if they could look into that because I agree with the Town Planner that if possible I'd like to see some more of the stone go up higher. Thank you.

Chairman Pruet: Any other Commissioner comments? Okay, what is the pleasure of the Commission on this petition? We can move it to Old Business. We have some conditions coming up for it.

Ed Meehan: Mr. Torres, Tony Ferraro would like to talk with him about this drainage issue. That's the big issue.

**VII. OLD BUSINESS**

- A. PETITION 41-10 – 184 Fenn Road My Storage Space, Storage I (CT) LLC owner, Sign Pro Inc. 168 Stanley Street, New Britain, CT 06051, attention Kyle Niles, applicant request for Special Exception Section 6.2.4 pylon business sign, I Zone District. Public Hearing closed January 26, 2011, sixty-five day decision period ends April 1, 2011.**

Commissioner Pane moved that Petition 41-10 - 184 Fenn Road My Storage Space, Storage I (CT) LLC owner, Sign Pro Inc. 168 Stanley Street, New Britain, CT 06051, attention Kyle Niles, applicant request for Special Exception Section 6.2.4 pylon business sign, I Zone District be approved based on the following conditions:

- (1) Plan prepared by Elro Signs, design No. 63713, revised dated 10/7/10 showing an 18 foot high non-illuminated double sided 6 foot by 10 foot side face.
- (2) The removal of existing wall signs, minimum area not less than 104 square feet to comply with total sign area permitted for this building of not more than 210 square feet.
- (3) The placement around the base of the pylon sign of a curbed landscape area, approximately 475 square feet, to protect the sign from vehicles and reduce the site's bituminous pavement.  
A sketch of this landscape area shall be submitted with the application for the sign's zoning/building permit and approved by the Town Planner prior to issuance of the permit.

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

- B. PETITION 02-11 – 3117 Berlin Turnpike Jo-Ann's Plaza, Ceres Newington Associates, LLC 55 Watermill Lane Suite 100 Great Neck, NY 11021 owner, Benayad Enterprises 2, LLC applicant, contact Nordine Benayad 18 Victory Court New Britain, CT 06051, request for restaurant use, 1,250 square feet, Section 3.19.1 Special Exception, PD Zone District. Public Hearing closed January 26, 2011, sixty-five day decision period ends April 1, 2011.**

Commissioner Turco moved that Petition 02-11 - 3117 Berlin Turnpike Jo-Ann's Plaza, Ceres Newington Associates, LLC 55 Watermill Lane Suite 100 Great Neck, NY 11021 owner, Benayad Enterprises 2, LLC applicant, contact Nordine Benayad 18 Victory Court New Britain, CT 06051, request for restaurant use, 1,250 square feet, gross floor area Section 3.19.1 Special Exception, PD Zone District be approved for a public use area of 390 square feet with three (3) tables and maximum seating for 12 customers. This layout is based on floor plan submitted to the Commission for "Slide of Heaven" prepared by Restaurant Equipment Paradise, scale ¼" = 1', dated 12-3-2010.

Approval is granted for use of 3117 Berlin Turnpike by the applicant and this Special Exception is not transferable without the prior approval of the Commission.

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

**PETITION 40-11**  
**2175 Berlin Turnpike**  
**Mill Pond Church**

Chairman Pruettt: If we could have a motion to add this into our Old Business. The motion was made by Commissioner Anest and seconded by Commissioner Pane. The vote was unanimously in favor of the motion.

Commissioner Anest moved that Petition 40-11 – Mill Pond Church Special Exception for place of worship at 2175 Berlin Turnpike be approved based on the following:

1. Petition 34-09 Special Exception approved January 27, 2010 for Mill Pond Church occupancy at 240 Day Street is null and void.
2. Occupancy is approved for approximately 3000 square feet, approximately 153 persons as illustrated on the floor plan sketch layout SK-1, dated January 18, 2011 prepared by David Elias.
3. This Special Exception approval is for a place of worship as a principal use and not for uses such as a residential shelter or food kitchen purposes.
4. This Special Exception shall be valid for one (1) year from this approval date. If the Church's Certificate of Occupancy is not issued with this one (1) year time limit this Special Exception shall be terminated.
5. This Special Exception is issued to Mill Pond Church is not transferable without prior approval of the Commission.

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

Chairman Pruettt: Congratulations Pastor and Councilor. I just want to state for the record that normally we don't do that because it is a strain, as I said before, errors could be made and we want to be sure that we go forward in a positive manner. I wish you the best, and congratulations.

**C. Discussion of possible DRAFT Zone Amendments for consideration,  
continued from January 26, 2011 Regular Meeting.**

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 of 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.**
4. **Section 6.2.4 (D) Reader Board Signage**
5. **Section 9 Definitions: Sign, Mechanical and Digital**

Chairman Pruettt: Okay, we're on Section C, Discussion of possible DRAFT Zone Amendments for consideration, continued from January 26, 2011 Regular Meeting. Number one, Section 3.15.4, Drive Through Restaurants, to permit by Special Exception in the Business Berlin Turnpike Zone (B-BT and Planned Development Zone (PD)). I know that Carol and Cathy in the past wanted to have more information on that, I think we discussed

that too. Ed, if you can just elaborate on what is available out there it would be very informative.

Ed Meehan: Okay, I did sort of a quick windshield survey of sites that I thought might be available and I wrote it down....off the top of my head I can say, I did this by driving the route. These are vacant sites, or vacant buildings that may be available now in the Berlin Turnpike Zone or the PD Zone. Starting from the north end of the Berlin Turnpike driving south the first site that looks like it might be a potential site would be the Hunter Development site which was approved two or three years ago for a mixed use commercial site, so that would be one site. A little bit further south there's really nothing in the southbound lane vacant land until you get to the former Krispy Kreme site, the building itself plus that site had a pad building with it. That might be again, an opportunity. I pulled out the site plan from Krispy Kreme when it was active. We are proposing a new standard on distance to residential from the menu board of at least 300 feet and scaling that off, from where the menu board was at Krispy Kreme to the nearest residential home on Main Street is over 375 feet. So the re-occupancy of that building for some sort of a drive through could be a probability, or could be a possibility because it meets that distance standard. The next site down is over next to Bertucci's. They have a site plan with a pad site approved many years ago and the driveway into Bertucci's is more than 150 feet from the intersection of Louis Street and Main Street, so that meets that 150 foot separation distance. As you continue down the Berlin Turnpike in the southbound lane, there really isn't any other property available. All of the frontage property is developed. In the northbound lane, going north, one of the probabilities might be Applebees, a vacant restaurant, the re-use of it. The layout internally within the parking lot would accommodate certainly queue lines, it's got good driveway access from both Deming Street and out to the Berlin Turnpike, it meets the separation standards that are being suggested. That's pretty much it in the northbound lane, going up to Wethersfield. The other PD Zone, there is a PD Zone over near Christian Lane and Kelsey, pretty much all built out. The vacant building there is Jiffy-Lube, might be a possibility. Not a great, in my opinion location for a food service but it has the driveway layout and the circulation that accommodated that type of use that may be converted to a drive through.

Chairman Pruet: What about residential? Isn't that close to.....

Ed Meehan: There are a couple of residential, but in between there is a water course and the high tension wires and I scaled that off, it's about 375, 380 feet to the nearest residential. Again, it depends on the site plan and the placement of the menu order board. The other PD Zone on Cedar Street, Cedar and Fenn, the property at that corner, the north side is in the PD Zone, Hayes-Kaufmann property. That could accommodate a drive through restaurant. There is one that is approved there, has not been exercised yet. That was for a drive through Starbucks, so that would meet your criteria I believe. The other site on Cedar Street, further east as you go back towards the town center is the vacant land that resulted from the proposed realignment of Maple Hill. It's almost opposite the Citgo station. There is almost a five acre piece in there between the new homes on Maple Hill and the former Atlantic Machine building. Traffic wise, not a great location. May not meet the 150 foot separation from a corner so unless you had a site plan, you couldn't really say that's a possible site. The other PD Zone in town is up on Mountain Road, Hartford, not really, no vacancies there. The probability of a property owner and developer tearing a building down and putting something up is, you know, again depends on the market. It's not the first time that has happened on the Berlin Turnpike because of the high traffic count. The economics would dictate that. You saw what McDonalds did. They spent a lot of money on that site. They acquired the adjacent property, actually two properties, a Donut Shop and another smaller piece to make their drainage work, so if the volume of business is there, it could happen, but that, in a nutshell is what is left. We don't permit it in the business town center zone, we're not talking

about neighborhood business zones so it's pretty limited. You can't do it in the Industrial Zone, which is the north end of Fenn Road.

Chairman Pruet: Very good. Questions for Ed on that? Commissioner comments on the drive throughs?

Commissioner Lenares: I don't see a big problem with it. I mean, we have them as part of our town. My main concern would be obviously like you had mentioned, the residential. I mean, if there are houses near some of these spots you don't want to have a drive through directly next to a house. I could see where that might get to be a little hairy, but as long as they meet the requirements and the set-backs and the, from the residential housing, I'm for it.

Chairman Pruet: Good. Any other comments or concerns about it?

Commissioner Turco: Just a question for background. At one time they were allowed and then, now they are outright banned?

Chairman Pruet: Yeah, approximately two years ago.

Commissioner Turco: And this would allow them only to be approved by a Special Exception?

Chairman Pruet: In those zones, yes. Planned Development and Berlin Turnpike.

Commissioner Turco: Thank you.

Commissioner Anest: I just want to say, with the Special Exception we have a little bit more control over it so if this way, if we don't like something coming in, we can kind of (inaudible) so it won't be there. I don't have a problem with them going back in. I think with our economic climate that we have we need to be business friendly right now, we need to get more development on the Berlin Turnpike and I agree with Dave.

Chairman Pruet: Any other comments? Okay, would you like to move this forward to a public hearing? Can I hear a consensus for that?

Commissioner Anest: I'll repeat what I said two weeks ago, I think we should move it to public hearing and see what the public, I know that they can comment on these, during this part of our meeting, however nothing has been advertised, so I think we need to do some advertising and I would love to get some public comments on this.

Commissioner Hall: You definitely need to bring it before the public because this was pretty well discussed the last time, when it went out so I think that it needs to come to the light of day and again, I'll say what I said the last time, nobody knows what is going on at these meetings, again, with the TV, Michael is taping, but who is seeing? There is nothing in the papers, there's, we just need to get the word out on something that is important, and any of the stuff that we have, that is going into our Plan or anything else. Nine of us are making a decision for the whole town, I'd like to hear from the people.

Chairman Pruet: So the consensus is to move this forward? Okay. Very good. Number two, Section 5.1.5 Non-conforming Building or Structure Reconstruction, delete prohibition of non-conforming replacement when alteration is less than 50 percent of the fair market value. This was I think a very progressive, I forgot who brought this up to our attention, it could have been Domenic or Bob, but this makes a lot of sense and it protects

the people with the non-conforming buildings right now if something should happen, a fire, a this or that, it goes them the position to go forward with their business rather than ruling it a closed business and they move out. Comments on this?

Commissioner Lenares: I'm just going to reiterate something that I have been saying for a long time and Carol just touched upon it. This is one of the examples that we would be changing to be pro-business, to be for the businesses, to protect them, to show them that they have the town's support. I mean, can you imagine if one of those buildings, God forbid burned down, and then they wouldn't be allowed to rebuild, and they had been in business for twenty-five, thirty years? That is just one of the examples of being pro-business. That is something that I fully support.

Chairman Pruet: Good point. I agree.

Commissioner Pane: I agree with the Commissioner except that we have to be careful with the language on that because there's a reason why this non-conformity is in there and that is that they cannot enlarge their existing footprint and so the language is very important because the whole reason for the non-conformity is these are businesses do not conform with the zoning regulations so yes, we want them to continue with their business, if there is a fire and they get knocked out, but we want to make sure that the footprint is exactly what they were allowed before.

Chairman Pruet: Isn't that stipulated in another regulation, Ed, if I'm not mistaken?

Ed Meehan: That's a good point. It's in the same section of 5.1.2 and 5.1.3 where they can replace the non-conforming, you can't make it more non-conforming, you can't increase it, the footprint. I've taken care of it in a couple of other sections here.

Chairman Pruet: Good. Okay, that's a good point Domenic and that is protected. Any further comments from the Commissioners? Consensus to move this forward to public hearing? Okay.

Number 3, Section 6.2 (E) Temporary Signs, increase days for special advertising sale events. Again, we have been talking about this since October, just to paraphrase Ed, if I'm not mistaken, it's to give latitude to a business, more opportunity to come in, purchase a permit and advertise their business for Special Events, new businesses coming in and it elongates the period by how many days?

Ed Meehan: That's correct. Right now it's limited to a maximum of twenty days per year, not more than ten consecutive days, and the proposal is to extend it to twenty-five calendar days per year. You can do it for a straight twenty-five calendar days, you can use five, there is no limit on how many days you can display special event signage and then there is another effort to be business friendly of inviting new businesses or businesses that are in Newington relocating or expanding an additional twenty days of promotional advertising. So those are the two new standards and then we tried to tighten up a little bit and get some clarity to controlling some of the things that we don't want which are the flashing lighted signs, digital signs, the roll out signs, some of the cold air inflatable signs that can be a public safety hazard, are mentioned in this section as to how they would be controlled.

Chairman Pruet: Commissioner comments on this?

Commissioner Lenares: I'm not going to say it all over again, but Norine, can you replay what I just said? It's just being pro-business and I know it's hard as we talked about in the past to govern, did the guy put out his sign today, did he not put out his sign today? We hope

that these business owners in town would obey what we granted in terms of how many days because it is hard to govern. I give the Commissioners credit for saying it is almost impossible to govern that, but we would hope that they would obey the days that we give them, and just to be pro-business again to help these businesses succeed. I mean, I have a business in town, other people have a business in town, I'd like to advertise as much as I could, but you know, we don't do too much in terms of signs, but for the new businesses that come in, their promotions and stuff I think it's great. It's being pro-business.

Chairman Pruett: I agree with you too. It's something maybe the Chamber of Commerce or the Rotary Club can mention to possible new business candidates. Ed as the Town Planner can use that as an incentive, hey, this is what we can do for you.

Commissioner Anest: I was just going to say, is there a way that this could get out, if it is passed that something could be sent out to the businesses to let them know what the new regulations are?

Ed Meehan: We can use the Chamber of Commerce, we can use the new Downtown Business Association, Rotary, a lot of businessmen attend their monthly meeting.

Commissioner Anest: I think if they know what the regulations are they would be more apt to follow them because probably half of them don't what it is.

Chairman Pruett: Right, what they can or cannot do.

Commissioner Anest: Right, and they are just randomly putting signs out but we have discussed this, we have gone back and forth with different amounts of days, and back I believe it was November, October we came to a consensus of what we thought would be fair and equitable for the business owners and for the town, and this is what we came up with and now I think this should go out to public hearing at this point.

Commissioner Lenares: How else can we get that out there to these businesses? Like you said, Downtown Business I mean, there are certain businesses that are not in the Downtown. Maybe, I would say some, or hopefully most are in the Chamber, but if there are some that aren't? What is they are new businesses that haven't been, I don't know, I don't have the answer but maybe.....

Commissioner Anest: Welcome Wagon.

Chairman Pruett: There is a welcome wagon for the Chamber because they have packets and this could be in there.

Commissioner Lenares: But there are some people who are not even in the Chamber, they don't even know about the Chamber, I don't know. We can work it out, I guess.

Chairman Pruett: So is it the consensus of the Commission to move this forward to public hearing? Okay.

Number 4. Section 6.2.4 (D) Reader Board Signage. Basically we have discussed this and we have three options Ed?

Ed Meehan: Correct.

Chairman Pruett: If you could paraphrase them for me, because I'm losing my voice?

Ed Meehan: I suggest the changes are more complicated than they need to be but I guess, to be concise, the options would be first, if you want to put reader board signs in I offer you a definition of what a reader board is, and that would be a definition that permits reader board. If the will of the Commission is not to permit reader board signs, there is a new definition suggested for mechanical and digital signs that clearly says that mechanical and digital signs include the reader board and therefore it is not permitted. Then there are three options for reader boards. One option is pretty much as we see now in town. We do have maybe half a dozen reader boards and the example would be the one that we have, McDonald's has a reader board underneath it's golden arches. Friendly's has a reader board, Arby's has a reader board, Kitchen Express.

Commissioner Hall: St. Mary's school.

Ed Meehan: St. Marys has a reader board, the pizza place on Cedar Street, Tom's I took a look at them, and there are more than I thought. But those reader boards are internally lit, they are like a box sign, internally lit, and the letters are moved around and changed manually. Somebody has to go up on a ladder, move them around, change them manually. That's one definition, and that is one way to permit reader boards. Another way is to permit without any internal illumination and that would mean that we would have six or seven that may not be in compliance but that is a more restrictive way of doing it. The third way would be to permit reader boards through electronic control. Computer control, digital control, remote control, the source of the business, out to the sign. That opens up a new world for us. That opens up the sign that can have letters, different sizes, different intensity, different motion. They can have computer graphics running in back of the language or the message of the sign that can change every thirty seconds, every thirty days, whatever the Commission feels is the standard. That's the other end of the spectrum. So you have the more structured minimal offering of maybe internally lit, manual change to the other end of the spectrum of electronic, digital sign advertising only products on that site. You can't have products for some place else in town. The other thing suggested in here is to treat a reader board, no matter what its technology as subordinate to the principal sign. So it would be like an accessory to the principal sign. So you can't have a business name, a one by ten foot business name of XYZ Corporation and then underneath it have a ten by six reader board sign that is moving. The suggestion here is that the reader board sign face can't be more than twenty-five percent of the total sign area, which limits the message size, limits the reader board and I just came up with that, because if you look at Friendly's or McDonald's or the other ones that I mentioned, they are very small. I think St. Mary's is the only stand alone reader board sign that we have. I guess the Congregational Church has a reader board now that I think of it because they have their service hours out front on Main Street, so there are different types. The other thing would be to try to control the frequency, the intensity that you would have through a special exception process the options that the Commission can look at the surrounding area, where the sign is located, if it's a traffic hazard, if it is moving, flashing, gyrating, or whatever it is going to do, is it a nuisance to the neighbors, can the time of day be controlled on it, shut it off at night, or sunset, all things you can probably put into some of your findings and standards if you went to electronic reader boards. I think the first decision out of the box is do you want them or you don't want them. To what extent do you want them?

Chairman Pruettt: That's what it comes down to. Okay, discussion?

Commissioner Anest: Say we were in favor of moving into the twenty-first century, we could really tighten up if we want the reader boards, I mean we could really like make it so it was exactly what we want on those reader boards.

Ed Meehan: Yeah, I think this language if you went with electronic digital controlled reader board gives you those options. I'm really hard pressed to put everything in writing, to legislate something that I can't imagine, but it gives you some of those rights here, to look at a sign in a particular situation when it comes before you and I've seen some pretty remarkable flashing signs. I'm not sure the Commission, from what I know of the Commission members would want that.

Commissioner Anest: Can we stipulate which zones that we would allow them in?

Ed Meehan: Yes, I think you should do that. I think you need to limit it to your basic commercial zone, Berlin Turnpike and Planned Development. Not in the town center, not in the neighborhood business.

Chairman Pruet: Additional comments? Okay, it comes down to, like Ed said, do we want go with this type of sign, or we don't want to go with this type of sign. Any input on that, do we want to pursue it up the ladder for public hearing, or it dies here. What are your thoughts on that?

Commissioner Lenares: I don't have a problem with that type of sign. We have them already, to what extent we allow them, that's for us to work on. I would say, it's pro business.

Chairman Pruet: Anybody else?

Commissioner Anest: I'm in favor of it and I'd like to pursue it more and discuss some regulations that would add to our regs.

Chairman Pruet: Cathy, any thoughts from you on this?

Commissioner Hall: Only if it is very, very regulated. Again, we've had a couple that have come before us that are still in residential areas, one of the ones that is here is in a residential area. I don't think they belong there. I can see businesses because the old signs that you see just look old, there is no question about it, but technology will continue to change. What ever we rate now I don't think is going to carry us into the future necessarily, it's going to be whatever technology is available now that we can see and regulate so I think we have to be careful about that. How we write it as to how it is interpreted as time goes on. It's a slippery slope, but again, it's what is happening. We can't expect businesses to rely on old technology if they are trying to improve their business and trying to move their business forward. This is something that is available. I think all of us have come down I believe it is 91 South from Hartford just past the Colt Building, just before you take that little exit that comes down into 5 and 15, I mean there is a board there that will catch you off guard. It's like a thunder storm, it's just incredible. It's fabulous, it's a beautiful, beautiful sign, looks like TV, but it is extremely distracting. So, I'm willing to discuss it, but I think we have to be careful and I don't want it unilateral, I just don't want it anywhere. I want it in certain areas only.

Chairman Pruet: I agree. Is there a way that we can further pronounce the restrictions on it for zones, etc., etc., I know we have it in other regulations, but emphasize the fact that it would be.... what I'm looking for is more control from the Commission to vote it up or vote it down on a petition coming through.

Ed Meehan: Yeah, you can.....

Chairman Pruet: I mean, I'm looking for more meat to satisfy what our intent is as a Commission.

Ed Meehan: You can certainly limit it to zones, and the draft language here says reader boards are prohibited in the business town center district and you could further restrict it to say it's prohibited in the B neighborhood business areas and limit it to the Berlin Turnpike and the Planned Development Zone. But we, some of the Planned Development Zones I think this is what Commissioner Hall is mentioning, border residential areas. So you may have a street that separates for quite a bit of frontage the PD Zone and you could have a residential zone across the street. Like down on Kelsey Street, you've got PD and you've got some residential, down on Willard you've got the same thing. That's where I think the Commission needs some discretion and latitude in your regulations to maybe look at the sign that is coming forward to that PD Zone and have some language in your regulations to give you the right to apply conditions that will protect the people across the street or up the street, through time of day and brightness and size, how often it is going to change, all those things that are distracting and as Cathy said, that sign, you come across the Charter Oak Bridge and it's one of the first things you see. Schaller Car Dealership, coming down Route 9, is at eye level with the elevated bridge, I don't know how that is there, it's got to be a traffic hazard to people. It's huge. Those are the things in my opinion that don't belong in Newington, anywhere.

Chairman Pruet: So you feel that we could refine this and put some stronger language into..

Ed Meehan: Well yeah, to the point where it is only limited to certain zones, beyond the town center zone, I think we need to put those in there so it is clear.

Chairman Pruet: More clear, that's what I'm looking for.

Commissioner Hall: The other thing we have to concern ourselves with, let's say three or four of the shops at Jo-Ann's Plaza wanted to do them, we have to think about that. If we have the density in the strip, and all of a sudden four or five of them.....

Commissioner Pane: Vegas strip.

Commissioner Hall: Exactly.

Commissioner Pane: That's what it will be. The Berlin Turnpike Vegas strip.

Commissioner Hall: We have to be careful about that too. It's something to think about. Again, as far as allowing them, does it open the door to a whole bunch. It may, unless we can.....

Ed Meehan: We have standards now that you can only have one pylon sign per site, unless it's a large corner site and meets certain dimensional requirements, also if it is 400 feet from the corner, but the technology is such that a lot of the existing pylon signs could be retrofitted and converted into a combination pylon and reader board sign.

Commissioner Hall: Right, and they all get in on that and have one sign that would change maybe from the different businesses or something. But you can't have, if there are ten shops, you can't have ten of these signs.

Ed Meehan: No, it's got to be one for the whole plaza, and they can take turns advertising on it. It's between them and their lease holder but I tried to visualize how a large business that hadn't used up all of their square footage as far as sign allocation, and we have quite a few, that still because of the size of the building could add more signage and could take advantage of it. An example is Lowes. Lowe's is a, that blue sign out there is probably

twenty feet wide by six feet high. If they had extra signage, I don't know why they wouldn't try to put a reader board sign, electronic reader board under Lowes, advertising their garden sale, advertising what ever they have on special and that would be something that a business may want to take advantage of. If it meets that criteria of twenty-five percent or ten percent or whatever you want, it's limited, maybe that's a good thing, I don't know.

Chairman Pruet: But like Cathy said, we can restrict that like you said on the pylon, control the pylon not spread out along the.....

Ed Meehan: Yeah, you wouldn't have multiple signs. That is a violation of....

Commissioner Pane: Every property could have one though.

Ed Meehan: Pardon?

Commissioner Pane: Every property could have one.

Ed Meehan: Yeah, that's the point I want to make, every business with an existing pylon or ground sign could say, we are going to retrofit this, or we're going to take it down and come back and have a combination traditional pylon with a reader board element, up and down the turnpike. Everybody could, nothing to stop them other than making sure that they meet the regulations.

Commissioner Pane: I'd like to just say that I agree with Cathy's concerns. The biggest concern that I have is you cannot regulate the quality of these. The quality of these signs are different and the other thing that I would like to say is, I'm against them because of our 2020 Plan. If I didn't hear it once, I heard it a hundred times, we are trying to keep our small town charm, and this is not small town charm. I think that the sign over at McDonalds is a nice sign. It gives McDonalds, is able to advertise with some sort of changeable letters and I think it's reasonable and I don't think it's distracting. I think these types of signs can be extremely distracting. We won't be able to control the quality of them and it could lead to a massive amount of them. It would be a Vegas style that, maybe it's just me that doesn't like to see that type of lighting but those are my concerns. Also, if you, if this is brought forward, I would like to see some research on surrounding towns and whether or not they allow them, because I've done some research, and even though a few of the surrounding towns have some, one or two, they do not allow them, so I would like to see that research done, brought back to the Commission with further discussion with a full Commission before we move this forward. Thank you.

Chairman Pruet: Any other comments?

Commissioner Hall: Two towns in particular that I would like to have some data on, Southington, that's Route 10, their density is huge; and Avon, 44.

Chairman Pruet: Okay.

Commissioner Anest: You know, speaking about driving down the Berlin Turnpike and Vegas style, if it's allowed only on the actual sign, the pedestal signs, and we say it can't be flashing, blinking, it can just be like a reader board, stationary, I mean, I don't foresee a Vegas strip going on. If one sign is allowed on a piece of property, I mean, I'm trying to visualize it, but we can really tighten this up, we can really make it so it is what we want and talking about the small town village, we have no control over the Berlin Turnpike. The Berlin Turnpike as far as I'm concerned is not part of our small town village. I'm thinking of the

quaint little Newington center area as the village and I wouldn't want to see reader boards there by any means, or in any residential or any of the zones that abut the residential area. I'm talking more on the Berlin Turnpike.

Chairman Pruet: Okay, anybody else? The request for information we'll get that. We can do one of two things, we can push this forward, include it for public hearing, we can hold it to get more information and continue to discuss it. I need your input on how you want to proceed with this.

Commissioner Hall: I'm not ready to move it forward yet. Again, we have kind of a skeleton crew again, I think it's probably this winter because we seem to be down a couple of members each meeting, but I really think it's important that we all get in on this and get some more information and I don't see that there is any rush to get this going. The other things that we have talked about you know, I think we are ready for those but this, I'd rather wait at least a little while.

Commissioner Pane: Mr. Chairman, I'd like to see another meeting to talk about all these things. I, you talk about moving things to a public hearing what are you referring to?

Chairman Pruet: The items that we have been discussing.

Commissioner Pane: When were you thinking about moving them to a public hearing?

Chairman Pruet: As soon as we can post it, the next meeting.

Commissioner Pane: I'm in disagreement with that, and I think that this Commission needs another discussion with a full Commission on, especially this item, and even some of the other items, just to make sure. These are the items, one through five here, and I think when we have a full Commission we could talk about these again and give Ed all the information that we want for any research so that the full Commission has everything that they need and we can discuss it and then we can do one more public hearing. I don't want to do a public hearing for two of these and then have to go back again for another public hearing. Thank you.

Chairman Pruet: We have already discussed one, two, and three, in depth discussion and each consensus, with no negative input, proceed to go for a public hearing.

Commissioner Pane: I have concerns with the drive throughs Mr. Chairman on Section one.

Chairman Pruet: Well, I didn't hear your input.

Commissioner Pane: Well, I'm telling you now.

Chairman Pruet: On Section four we do have concerns and I think we should hold that in abeyance and not bring it forward to a public hearing until we have more information. Anybody else? Number five, Section 9 Definitions: Signs, Mechanical and Digital. Discussion on that, Ed can you just paraphrase it for us?

Ed Meehan: Yeah, I think the reason that I put these in here now is that although the sign regulations in Section 6 say flashing, rotating, gyrating signs are prohibited except for time and temperature, we don't really have a definition of what we mean by mechanical or digital signs. So that's why this has been drafted, so the Commission can go back and point to this and what it basically says is a mechanical or digital sign, a sign which uses electrical power

for intermittent illumination by mechanical or digital controls that produces an illusion of movement such as, but not limited to flashing, running, rotating, scrolling, alternating, periodic changes of advertisement, video graphics, changes in color and brightness. This definition shall include internally illuminated reader board signage that is mechanically or digitally controlled. All such signs are prohibited except time and/or temperature signs. That would be the definition that you would use if you wanted to prohibit reader board electronic signs.

The other definition is similar in expression as far as trying to describe the movement and the color and the brightness of the sign but it says, All such signs are prohibited except time and/or temperature signs. This definition shall not include internally illuminated reader board signage that is mechanically or digitally controlled. So in that definition if the will of the Commission is to permit electronically controlled digital signs, this is the definition you would use. Is that clear? You have to have definitions with any of these because you know, I think we are going to be in a difficult position explaining what we mean, or pointing to an application and saying, it doesn't meet your standards, unless you try to define this. These definitions are definitely open ended because the technology is changing so much out there, but I think it's simple whether you want them electrified or not electrified. I can't get any more simple than that, and then whatever they do with that computer aided graphics and electronics is where I think the Commission has to have the latitude to say, this is not what we want, if you permit. Not what you want because it doesn't meet your standards for safety, or impact on the neighbors, or surrounding area, something like that, because these graphics, they're unlimited.

Commissioner Pane: They're like TV's. Big TV's.

Ed Meehan: Yeah, they can be great, it's all in the manner.....

Chairman Pruet: Commissioner comments on this?

Commissioner Pane: This pretty much goes along with the other one, so I think we could hold off on it. It pretty much goes along with the other discussion that we had previously.

Commissioner Lenares: I think they are kind of similar too, but my question was, could you put the same restrictions Ed, that we talked about with protecting the residential zone and stuff like that and maybe having these types of sign be specific to certain zones versus others? Does that fall into that again?

Ed Meehan: Yeah, this is more the definitional criteria. Whereas this would be in your....

Commissioner Lenares: But the other ones were reader boards and this is, I understand that they are kind of similar but the reader board whether it be internally lit or not internally lit versus having a digital, flashing, potentially sign that we have been talking about forever. Same type of thing?

Ed Meehan: Yeah, it would be the same.

Chairman Pruet: It would be governed under the same stipulations and regulations.

Commissioner Anest: I think that this should be tabled too.

Chairman Pruet: I do too. I agree, I would like further input on that, and further research. I think we are in consensus on that.

**D. Public comments related to above possible zone amendments.**

Rose Lyons, 46 Elton Drive: I have to be honest, I haven't read the changes that you have made, but I'm hoping that along with making these changes to the ordinance that you provide some sort of enforcement of the ordinances. You see on the weekends quite often signs are up and then by Monday morning down. I know it is a hard thing when you have a Monday through Friday zoning enforcement officer but it starts looking a little bit sleazy on the weekends. Nothing against the Extravaganza or anything else like that, but a big banner went across Main Street. I don't know, do those signs have to be approved by this Commission or not. Coors Light, Welcome to Newington. I don't think that is kind of what we want to say, you knew more about Coors Light than you did the Extravaganza. As for the signs that are the digital and the mechanical, yeah, there is a lot to be said, there is a lot to be discussed there are so many variations and things that can happen. When the one went up at the high school for the first few months, it was like mind boggling when you sat there at the light and tried to read what was going on, I think they have it under control now, but it's much better than looking at sandwich boards, but in the right place they're fine. It's not always the right place where they seem to want to put these signs up so I think you should think carefully. I know you must have gone through these regulations over and over again and thank you for what you have done and taken the time to open it up to the public and we appreciate your efforts. Thank you.

Chairman Pruet: We appreciate your comments too, thank you.

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

Ed Meehan: I don't have anything right now. I understand we are moving forward with the hearing on the Plan of Development, proposed amendments and do you want me to advertise the first three items?

Chairman Pruet: Yes. One, two and three.

Ed Meehan: That will be on the call for your next meeting.

**IX. REMARKS BY COMMISSIONERS**

Chairman Pruet: I have one. Is there any Commissioner interested in serving, representing the TPZ on the four remaining meetings of the Capital Regional Council of Governments. If anybody is interested, let me or Ed know. They meet five times a year, there are four left, the next one is in mid-March, so anybody interested, please let us know.

**X. STAFF REPORT**

Ed Meehan: I talked to the, I believe it is going to be the new tenant for Pub 99, this afternoon, talked actually about signage, advertising their grand opening. There is a lot of work going on.

Commissioner Lenares: Do you have a name, Ed?

Ed Meehan: I think he called it Fat and Happy. I wished him luck, and told him about our promotional signage and he's working away up there.

Chairman Pruet: Any other businesses Ed that have looked into Newington at all?

Ed Meehan: There are a few that are just looking around. I'm hesitant to mention them because they are very early in their search for sites. The bigger projects that the Commission has approved over the last three years, the hotels at either end of Cedar Street are on hold because of the economic conditions. Work goes on on the Holiday Inn Express. They are still working on it, not close to getting their Certificate of Occupancy. We are getting more inquiries than we got last quarter, things are starting to open up a little bit.

Chairman Pruet: Good, that's a good sign. Anybody have concerns or questions for Ed?

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

Nick Grondin 30 Harding Avenue: I just want to bring attention to what Mrs. Lyons said about the large extravaganza sign that was in the center this summer. As someone who is young and growing up, when you say small town I don't think a large banner up for months at a time advertising for an alcoholic beverage company is small town. When I see those signs I think big cities and college campus, so I know that this probably should have been talked about earlier when you gave consideration to temporary signs. I worked in the center a lot this summer and it was distracting when driving there as well. Thank you.

Chairman Pruet: Thank you Nick. Well noted. Anybody else from the public.

**CLOSING REMARKS BY CHAIRMAN**

Chairman Pruet: I'd like to thank our Vice-Chairman Michelle for hosting last months meeting, I appreciate that. I want to thank everybody for the cards and phone calls. I'm on my second new knee so I'm like the bionic man now, except I can't go through any airports. I light them up like a Christmas tree

**XII. ADJOURNMENT**

Commissioner Hall moved the adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary