

Newington Town Plan and Zoning Commission

March 10, 2010

Regular Meeting

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

**I. ROLL CALL**

Commissioners Present

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

Commissioners Absent

Commissioner Carragher

Staff Present

Ed Meehan, Town Planner

**II. PUBLIC HEARINGS**

**A. Proposed DRAFT 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from February 24, 2010.**

Chairman Pruet: Is there anybody from the public wishing to speak on, for, or about the plan? Please step forward and address the microphone.

Bernadette Conway, 177 Hartford Avenue: I just mostly want to thank all the Commissioners and our Town Planner for taking all the extra time, putting in all the extra hours that you put in to really consider everything that the residents have said in all of the hearings that we had prior to this. It's a real testament to all of you that you really listened to us and you really are taking the time, and I've been at all the meetings and I hear what you are saying and appreciate that you heard what we said. I just wanted to point out a few things. I guess the National Welding site is a tough one to grasp, get around. I'm not sure what the right wording will be for that, but it sounds like what it is in there, what the current wording is will cover whatever comes before you so I support what is in there and it is up to you, I have a lot of faith in your judgment and what you have been doing and it will be on whatever the merits of what is brought before you. I can only speak for myself. I know a lot of the other residents, we all really appreciate the high density housing being taken out of there, you did hear us loud and clear and I know most residents of the town, even if they don't show up to all of the meetings, they have the same feelings. You are keeping it the small town feel, whether we are a medium size town, small, medium small, as residents, we feel as if it is a small town

and that is the way that we prefer to keep it. I guess that is it for now, you will be having more public hearings, but mainly wanted to thank all of you for all of your hard work and effort.

Chairman Pruet: Thank you Mrs. Conway for your kind remarks. Anyone else from the public wishing to speak?

Attorney Shipman: I wasn't going to say anything this week, but just in light of what I overheard with the discussions and fooling around with my pen, I think you people are beating yourself up for nothing. I think you are trying to write a zoning ordinance as I said last time, I don't think you have to mention density, I don't think you have to mention the kind of uses, I think you could say something like, encourage uses which are, after identifying the transit areas, encourage uses which are in harmony with the small town character of the community and are specific to a particular transit area. I mean, something like that lets you have whatever you want. You don't have to have density, now somebody has to go to come before you and bring you a transit oriented development zone, and then you can beat those people up about how much density you want and where you should put it, and whether it's mixed use or anything else, but if you put it in here you rob yourself of the ability to look out eight, ten, seven, six years and see, you know, what a parcel needs. Maybe there will be no busway, maybe you will have commuter rail and be in a different place and you will want to look at it. Don't beat yourself up over trying to be specific, be very vague and that leaves you with all of the ability to draft a zone which will be an overlay zone, which you can only put where you want to put it, and you can specifically identify what you can have within the zone. That's all.

Chairman Pruet: Thank you for your remarks. Anybody else from the public wishing to speak?

Judy Igelski, 23 Old Musket Drive: I'm here tonight on behalf of the Board of Trustees of the Lucy Robbins Welles Library. There are a couple of things in the Plan that have concerns for us. On page 28, letter C under number four, it says to evaluate opening Mill Street to Cedar Street once the library parking and access is consolidated on the east side of Mill Street. We have concerns, we have found that it has been much safer since Mill Street has been closed, and we would much prefer that it stay that way. Our patrons have appreciated Mill Street being closed, and even after we develop the campus for the library expansion in the years to come, and we have a nice government center, town hall, library, senior center, with a walk light crossing Cedar Street, etc., people will still cross Mill Street to go from town hall to the library or from the library back to town hall, which ever way they have to go to follow their errands. So we are again requesting you, because we already sent something to you to please take out letter C. I think too that keeping Mill Street closed keeps the small town flavor. As an individual, although I am speaking on behalf of the Board of Trustees, as an individual I remember when Mill Street was open and there were a couple of times that I was almost hit by a car trying to cross to go to the library, and also turning in from Cedar Street I would deliberately slow down because I know that children and adults were crossing and there were a couple of incidents through the years that I was almost rear ended, because the second car coming behind me didn't slow down. Fortunately, nothing happened.

One page 42, Government Center, number four, it mentions design parking layout to ensure adequate buffer along the back yards of the adjacent Hart Lane residences. We are taking care of that in our feasibility study and you don't need to be that specific in your general plan. That will be addressed by our Board.

One page 42, number two, seek to expand the library to meet community needs. Well, such an expansion is now being preceded by a formal study that is in place, it is in progress for the years 2009-2010 and for the following year, 2010-2011. A design phase will be our next step

in the process and encouragingly, we have been invited to meet with the Town Council to present the conceptual design at the conclusion of the study that is now being conducted. In keeping in line with the campus idea, working with the town hall and the library, I'd like to mention that CCSU closed one of the major roads. I went to CCSU before it was an university and crossing the street from the student center to go to one of the classrooms, that road was very busy, but they have since closed that to make it a cul-de-sac. Well we now have a quote, cul-de-sac between town hall and the library and that does help to keep the small town flavor. So in closing, I urge you to take out that section about re-opening Mill Street and also the one about the Hart Lane residences, we will protect them with a good buffer, that is a guarantee. If you have any questions of the Library Board please feel free to attend a meeting, we meet on the second Monday of each month. If you have any questions of our director I know that she would do any research that you request and give you the information that you need to follow through with that. I also thank you Commissioners for taking the time to go literally line by line through this Plan. Newington is very special to me and to our family and also the Board of Trustees and our residents. Thank you for that.

Chairman Pruet: Thank you. Further involvement from the public on this issue.

Richard Hayes, 1481 Pleasant Valley Road, Manchester: For the past twenty years I have had the privilege of doing several projects with my partners in this community and during that time we have shared a couple of laughs and maybe a couple of disagreements along the way, but we have always been able to find some common ground and I think that is the important thing here tonight. In '91 we built the Stop and Shop that is up at the top of that map that you can only see half of currently. In 2004 we bought this parcel here, excuse me, 2006 we bought this parcel here, the remainder of the Koczera land. This, as you well know, is the busway and of course the National Welding site that has been the topic this evening. We, I have been fortunate to sit on a land use commission for the past thirteen years in my community and gone through the Plan of Development as far as updating it one time, which was more than I probably wanted to, and the fact of the matter is, I know it's a chore and I know that there are a lot of difficult decisions to make but the fact is I had a difficult time when I was doing this in our town, taking a ten thousand foot view of things versus a one thousand foot view. I kept losing focus. I'm afraid that that's what may be happening here. Normally when you write a Plan of Development, at least the ones that I've been involved in on both sides of the table, participating from an applicant's stand point and then obviously from a Commissioner's stand point, you try to take a more global look and be as, maybe not as specific as you would be in the zoning regulations, that's for sure. The fact is that somehow things seemed to be sailing along very smoothly until last fall, and I was following the Plan of Development through that process, thought the Commission was doing a great job, still think they are doing a great job, but the fact of the matter is, somehow last fall, there was one application that seemed to turn this community upside down. The problem that I have is that I am fearful that the tail is now wagging the dog. I can appreciate all of the citizen concerns in this town but at the same time, I'm smart enough to understand that you know, you have to have some planning background and it's the planner's job to make the decisions for the community the best way that they see fit. I don't think you can let one application dictate what is, what the outcome of a community should be from a development standpoint for the next ten years. That's my fear. If you eliminate high density housing everywhere in town, I'm afraid you may regret the consequences of that decision sometime in the future. You know, I listened intently earlier this evening about the development potential for the National Welding site. There are, somebody mentioned, and I don't remember who, but someone on the Commission mentioned well, maybe it would be a good site for retail, and maybe it would, but in order to bring that four acres up the twenty feet that is required to get it level with the piece in front of it that we currently own would take about 170,000 cubic yards of fill and at ten dollars a yard, that's you know, approximately a million seven. I don't think you can justify

that kind of a land cost for a retail development in any community let alone, in this community or any other community in Hartford county in order to develop, to get a sensible project that would work out as far as the financial end of the project is concerned because it's a big investment. I mean, that's over four hundred and twenty five thousand dollars an acre just in land cost for fill, let alone, and that is assuming that you got the land for zero. I would tell you, I would submit to you certainly that an office building would be a great use here and there is only one thing. I haven't seen a multi-story office building built in Hartford county since 1986, and that's my fear and I don't think you can do anything here unless it is a multi-story office building. Is residential a viable component? Everybody's hung up on this and I think it is, but the fact of the matter is, you have to get more density than ten units per acre and that is what the current regulations allow, and that's not going to work, and that is what the current regulations allow if you zoned it PD like the other parcels. We were successful in obtaining a PD zone for both the Stop and Shop and the this vacant six acre Koczera parcel back in 2008, so I would assume that that parcel behind us would go PD at some point in the future. I think Mr. Shipman did a better job of explaining to you the overall, a better job explaining to you the advantages of putting an overlay zone in here that would give you some more flexibility. I want to see, I think you need flexibility at this corner for a variety of reasons, traffic obviously was a big concern. Somebody on the Commission said well, residential components are significantly less traffic intensive than any type of commercial and I'm not telling you that there won't be commercial down here because there will be, but the traffic is here and what you are going to get is a lot of pass-by traffic that is going to visit these different land uses and will wind up here in the future. I appreciate your time. Thank you.

Chairman Pruet: Thank you Mr. Hayes. Further remarks from the public?

**B. PETITION 2-2010 – 105 Cedarwood Lane Francis C. Callahan applicant, Francis C and Cynthia Callahan owner, represented by Alan Bongiovanni: BGI Land Surveyors, 170 Pane Road Newington, CT 06111 request for re-subdivision, R-20 Zone District.**

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut with an office at 170 Pane Road. I'm representing Francis and Cynthia Callahan in this application for a re-subdivision. The subject property is now known as lot number 5 of the subdivision of the Callahan property, or 105 Cedarwood Lane. The property is in a R-20 zone, that calls for half acre zoning of lots and what the Callahans are attempting to do is to divide lot number five into two parcels or create an additional lot for a family member. Zoning requirements call for a minimum of one hundred foot in width, we exceed that at the building line, the lot in actuality would be about 30,000 square feet in area, so it exceeds the zoning requirements. In order to accomplish this, this lot needs to have frontage on a public road. Currently, Cedarwood Lane ends at the property line of the Callahan property. There is an easement and a temporary turn around in that location. What we are proposing to do is remove the temporary turn around, put a standard residential cul-de-sac per your subdivision regulations in, and in doing that, creating frontage for the new lot, but also taking a rear lot, that is no longer permitted in the regulations and giving that the required frontage, so we are correcting, if you will, an evil on existing 105 Cedarwood Lane, and then as a matter of right, creating an additional lot. This is a public hearing because as a matter of law, a lot in a subdivision, when it gets re-divided, is called a re-subdivision and the statute calls for a public hearing, but we're not doing anything other than what is allowed under the residential zoning in an R-20 Zone. The engineering staff has reviewed what we are proposing here and I believe Ed, the Town Engineer is concurrent with the design that we have, MDC sewer and water is available to the proposed house, as well as serving the existing house and I think it's simple. If you have any questions, I'd be happy to answer them.

Chairman Pruet: Ed, your staff comments?

Ed Meehan: Yes, staff has met with the applicant's professionals in advance of the hearing. We are satisfied with the design of the cul-de-sac, which is an improvement now at the end of Cedarwood, both for the neighbors as well as the applicant, you know, we have fire engines we have waste pickup trucks that go up there and so forth, so this is important. Town Engineer Ferraro has a couple of minor comments on some of the grading that he needs to talk to Alan about, the rise that goes into the road that goes over toward where the towers are, there's a couple foot difference in that area that has to be adjusted. I think, they are creating a conforming lot for that area, so it meets the zoning regulations. The only question that I think that the Commission needs to talk about with the applicant here is the location of the house as far as any clear cutting on the westerly side. This property is within the Cedar Mountain ridge line area, I believe, I'm pretty sure from our historical maps and the maps we use when we brought the Cedar Mountain ridge line to public hearing, that the slope to the west, down back to Forest Drive down below there, is over fifty percent. Where your finger was, is that a rock outface.....

Alan Bongiovanni: That's ledge outcropping there and that is the extent of that area. There is no intention to cut anything from the top of the plateau or the top of the slope down towards the west. It is to leave that in its natural state. The area that we are proposing to work is already at a flat grade and we are only looking to clear what is necessary to build the house. We looked at bringing it closer to the road, but they didn't want to obscure the view, the family members are both going to live in these houses, and they didn't want to ruin an existing site by blocking it where it is. We were careful to stay far enough away from the top of slope so that they have an adequate rear yard.

Ed Meehan: Okay, is it a flat area?

Alan Bongiovanni: Absolutely.

Ed Meehan: So vegetation will remain.

Alan Bongiovanni: Yes, and there is the tree line. We're proposing that, right at the silt fence they have probably a good thirty-five to forty feet before you get to the rock outcrop and it starts to slope down.

Ed Meehan: Because the existing house, even if you look from the end of Ivy Lane, you go other viewpoints in town, the existing house which is on the right there, is fairly well screened, it could be just the profile of the house also, as opposed to the other house that is south here, which appears to be quite a ways out on the edge of the ridge.

Alan Bongiovanni: You are talking about like the Leckowicz's house. That was purposely designed to be put as close as possible to the ridge, and that slope is so severe that even if there were trees it would stick out like a sore thumb.

Ed Meehan: Well, I bring this up because of the strong discussions that are going on in the community now about Cedar Mountain ridge line protection and I think if you follow the plan that you are suggesting here with keeping the house in its location and having some vegetation on the westerly side, it's not going to be jumping out overlooking the town center.

Alan Bongiovanni: It wasn't the intention to put it on a precipice.

Francis Callahan: You look at my present house now, I haven't taken any trees down.

Ed Meehan: That's what I was remarking.

Francis Callahan: So I mean I will be doing the same thing with this one that I did with the last one, and my brother, the same thing, he hasn't taken any trees down. We're not going to do what Leckowicz did.

Ed Meehan: That's a good point.

Chairman Pruet: Okay. Commissioner comments on the petition? Okay, thank you gentlemen. This is a public hearing. Do we have members of the public wishing to speak for this petition? They can step forward. Seeing none, any members of the public wishing to speak against it?

Commissioner Aieta: There is a letter here in favor of this applicant that should be put into the record.

Chairman Pruet: Anyone speaking against it? Okay, there is a letter from Dr. Leckowicz, a neighbor from 135 Cedarwood Lane. I'll read this for the record. "Dear Mr. Meehan: In that we will be out of town March 10<sup>th</sup>, we are writing to you to say we approve of the subdivision at 105 Cedarwood Lane of Francis Callahan. Sincerely, Walter and Maryann Leckowicz." That will be made part of the record.

Commissioner Pane: I recommend that we close this.

Commissioner Anest: I second.

Chairman Pruet: Okay, we'll close it, put it into Old Business for next meeting. Thank you very much.

**C. PETITION 1-2010 - 187 Stamm Road, Raymond F. Forgione owner, Arthur Vendola, P.E. 323 West Main Street, P.O. Box 3100 New Britain, CT 06050 request for Special Permit Section 6.3.6 Flood Hazard area, to add 5, 250 sq. ft. to building. I Zone District. Inland Wetlands Agency Report required. Continued from February 24, 2010.**

Chairman Pruet: If the petitioner could state your name and address for the record?

Arthur Vendola: My name is Arthur Vendola, I'm a consulting engineer and my office is 323 West Main Street in New Britain. I submitted a revised plan before, and the only difference between that one and the original plan last week is there will be an elevator and the subsection of the elevator will go down into the ground and occupy more flood water. So I revised my cross section. Originally we were going to provide another about sixty three, sixty four cubic feet of excavation to replace flood water that was displaced. Now with the other nine foot by twelve foot elevator shaft and it's going to have another 274 cubic feet so it's about 336.49 cubic feet of flood water and we're providing seven foot by twenty-four by two foot deep excavation, providing 337 cubic feet, so we are replacing the displaced one hundred year flood water, and that is the only difference.

Chairman Pruet: Okay. Is this plan before Conservation Commission?

Ed Meehan: Yes, it's before Conservation for next Tuesday night.

Chairman Pruet: Okay, Ed, further comments from staff?

Ed Meehan: No, just we asked the professional engineer to come back tonight because of the changes in the plan and to get into the record the new calculations for the displacement of flood waters. The property owner is going to great lengths to make this compatible and safe with the design here, by putting this on piers and now we learn an elevator will be in the building. So, we needed to have that on the record, and the Town Engineer is working with Mr. Vendola to review the calculations. As you mentioned, we are waiting, Inland Wetlands report because of the water course in the back here. This actual improvement is not going on raw land, it's going over where the existing parking area is, so it's minimum impact as far as Inland Wetlands, but the Conservation Commission Wetlands Commission will report to you their finding, and once you get their report, you can then act on it.

Chairman Pruet: Very good. Commissioner comments on the petition?

Commissioner Hall: With this proposed addition, it takes up a lot of the black top in the back and right now they have cars parked there, couple of trucks and whatever. There's enough space left over to accommodate everything that is currently back there somewhere else on the property?

Arthur Vendola: Yes there is.

Ed Meehan: That is what they tell us, as far as their employment requirements and the maneuverability of equipment to get back in there.

Commissioner Hall: Because the day that I was over there, there was quite a bit in the back and there was parking in the front, and if they had to take everything that was in the back and put it elsewhere, because most of this essentially is a driveway.

Commissioner Aieta: They are showing parking spaces in the driveway.

Commissioner Hall: Oh, I know, like parallel parking.

Commissioner Aieta: It looks tight between the building and the parking area.

Ed Meehan: Well the parallel parking is for their employees, but the question is, their truck deliveries, I don't know if you know how they are going to bring in materials, receiving or shipping, or how they coordinate that. We do not allow on street parking in our industrial areas, so the applicant has to feel comfortable that his largest shift pursuant to the zoning regulations, can be accommodated at this site.

Chairman Pruet: What I recommend is that the owner get together with the staff and go over the parking needs, shipping needs, etc., and we are going to leave it open for the Conservation report. This is a public hearing, anybody from the public wishing to speak for this petition? Anyone wishing to speak against this petition? We're going to leave this open due to the Conservation concerns and we will entertain it again at the next meeting.

**D. PETITION 3-2010 – 225 Richard Street H.O. Penn Machinery Company applicant, C.E. Thomas Cleveland owner, Daniel Carson, H.O. Penn 225 Richard Street Newington, CT 06111 request for Special Permit Section 6.11 New Dealers license for equipment sales existing Used Dealers license effective to 11-30-2011, PD Zone District.**

Chairman Pruet: The petitioner is a member of the Board of Education and he is going to be down here at eight o'clock, I gave him a revision of the schedule, so he will address us when he comes down at eight o'clock, so we are going to hold this in abeyance until the petitioner comes.

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

None.

IV. **MINUTES**

February 24, 2010 - Special Meeting  
February 24, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the Special Meeting of February 24, 2010. The motion was seconded by Commissioner Anest. The vote was six in favor of the motion, with one abstention (Casasanta.)

Commissioner Camerota moved to accept the minutes of the Regular Meeting of February 24, 2010. The motion was seconded by Commissioner Schatz. The vote was six in favor of the motion, with one abstention (Casasanta.)

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: I will just repeat what I mentioned at your special meeting, we did put an application in for National Welding, 690 Cedar Street on the Connecticut Brownfield Program. It will probably take a couple of months before the Department of Economic and Community Development responds with their decision. Also, there has been slow but steady progress with the New Samaritan project for the 32 affordable age restricted homes across the street at Cedar Meadow Phase Two. They are waiting to get loan closing from the Department of Economic and Community Development. They have a commitment from HUD for almost a 5.1 million dollar project and we are ready to move forward. The Building Department has approved the building permit. They haven't issued the building permit yet, nor have we conveyed the land until they have their loan closing, so hopefully we will have that done by late April and we will see some progress over there.

VI. **NEW BUSINESS**

None.

VII. **OLD BUSINESS**

- A. **PETITION 35-09 – 2600 Berlin Turnpike, Mauro Agency, Ted Mauro owner, Camille Criscitello, 2600 Berlin Turnpike, Connections Dating, Newington, CT 06111 applicant, request for Special Exception Section 6.4.4 Free Standing Sign, B-BT Zone District. Denied February 24, 2010, Request for Reconsideration.**

Commissioner Casasant moved that Petition 35-09 - 2600 Berlin Turnpike, Mauro Agency, Ted Mauro owner, Camille Criscitello, 2600 Berlin Turnpike, Connections Dating, Newington, CT 06111 applicant, request for Special Exception Section 6.4.4 Free Standing Sign, B-BT Zone District be approved with the following findings and conditions:

Findings

1. The proposed addition of the "Connections Dating" sign panel to the existing pylon will use all the total allowable sign square foot for the two buildings at 2590-2600 Berlin Turnpike.
2. Presently one (1) tenant space at 2590 Berlin Turnpike is unoccupied and not assigned pylon or wall signage.
3. The property owner, Ted Mauro, has agreed to make signage available to the future tenant of 2590 Berlin Turnpike by either:
  - a. Reducing the size of the pylon by one panel, 1.5' by 10' or
  - b. Reducing existing wall signage by 15 square feet.

Conditions

1. The proposed "Connections Dating" pylon sign panel shall be reduced by one (1) square foot to comply with the Zoning Regulations maximum allowable signage for this property.
2. The property owner has agreed to the provision of future signage for 2590 Berlin Turnpike tenant space.
3. Issuance of zoning and building permits.

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

**VIII. PETITIONS FOR SCHEDULING** (TPZ March 24, 2010 and April 14, 2010.)

Ed Meehan: In addition to the public hearing that you have left open, there is a new public hearing petition for Global Granite, it's a business on the Berlin Turnpike. They are coming in and asking for a special exception at your next meeting for a place of recreation and assembly. They have a tenant they want to move in there, so I have the application ready to advertise and suggest that you place it on your agenda.

Chairman Pruet: Nothing else?

Ed Meehan: That's it. Pretty light.

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

None.

**X. REMARKS BY COMMISSIONERS**

Draft 2020 Plan of Conservation and Development (POCD)

Commissioner Anest: I'd just like to thank you, the graffiti that was on that portable storage thing is gone. Thank you for that.

Chairman Pruet: I'd like to state that I am very pleased with the involvement of this Commission. The extra effort put in with our special meetings, we had four of them, plus there was homework involved and I just want to personally thank each and every one of you for the work that you have put into this and looking forward to working with it to come to a final product which we are very close to doing.

## **XI. STAFF REPORT**

Ed Meehan: I don't really have anything for you right now. We're in a lull. Usually at this time of year we are busy wrapping up projects for the construction season, but we are slow. Unless, do you want to share anything from the Open Space Committee? We have two members here.

Commissioner Anest: Well, we just are waiting to hear back from two of the property owners, Balf/Tilcon and Marcap. Richard Johnston from the Humane Society is meeting with their Board of Directors to discuss it, and they are going to be getting back to us. That is basically where we are right now. We will define what properties out there we can utilize as open space.

Commissioner Lenares: A lot of discussion about creating, starting, developing a Land Trust Commission. The Committee is looking at if they want to, the pros and cons of creating such a trust to acquire, protect, further allocate open space in the future. Not really sure whether that is going to go through or not, because it has to be more of an independent thing, rather than a town supported thing, so kind of just weighing a lot of options right now on that side.

Chairman Pruet: How often are you meeting?

Commissioner Anest: Twice a month.

Ed Meehan: The only thing that I would add that might be of interest to the Commission is that the Open Space Committee is using some of the baseline information which this Commission prepared as far as your planned development on vacant land and usable vacant land, trying to give the committee what the build out might in some of those areas, and also, as you might know, the Department of Mental Health and Addictive Services announced the closing of Cedarcrest effective July 1. The committee has discussed that and at their request I've prepared a questionnaire survey to go back up to the legislative office with the possibility of expressing the town's interest in that piece. Not the whole piece because it is seventy-one acres, but the committee was very interested in the sensitive westerly slopes which is about forty acres of that parcel which, you know, put it out there now and ask and see what the possibility is.

Commissioner Anest: I want to add to that, there is a public hearing on March 17<sup>th</sup>, for that at the capital. Sandy Nafis has been the one that has been working with us to push that along.

Ed Meehan: So we will prepare the maps for that and it would remain permanent protected public open space.

Chairman Pruet: Good.

Commissioner Aieta: Because the agenda for the next meeting is so light, I would like to put on the agenda the opportunity for the Commission to discuss zoning enforcement as a line item on the agenda so we get to it.

Chairman Pruet: Before I temporarily suspend it so we could entertain a petition from, and I will read the Petition in case anyone wishes to stay for it for H.O. Penn at 225 Richard Street concerning a motor vehicle license, so we are going to adjourn the meeting shortly. I'm going back to this plan now, if anyone else wishes to speak on it, on the 2020 Plan.

Commissioner Pane: Mr. Chairman, I have three things that I'm not sure where they would go and whether or not the Commission would like to put them into the Plan of Development or not. One would be the signage, and the uniformity of signage, how it relates to private property and how it relates to town property and who is in charge of signage and so that we don't have additional problems down the road. Whether or not this Commission would entertain putting anything in the town Plan of Development to talk about the uniformity of signage, consistency, you know, things like that, I'd like to see something in there. The other area that I would like to see something in the Town Plan of Development would be about the, there are certain roads in town that are not safe. They are not as safe as other roads, and there is not much that you can do to them except keep up with the signage. We used to have an area in our other Plan of Development that talked about those roads and they would list them and say, at least mention to keep safety up on those areas, like Church Street, the S-Curve on Pane Road, there's a few other ones, probably about four or five other ones that are tricky areas in that the safety things for signage and stuff should be kept up and maybe something should be in our town Plan of Development, similar to our '95 Plan. The other area, subject, that I would like to see in our Plan of Development would be the reviewing of the potential vending on the streets. The existing vending requirements or regulations or whatever you would like to call them, are over twenty years old. We've had some problems and I think maybe this Commission should have somewhere in there that maybe that should be re-looked at again for public safety and for road safety, maybe the Commission should re-look at that and it should be brought back up in our Zoning Regulations to make sure that it meets today's safety standards compared to twenty years ago. So those are the three areas that I had comments on, Mr. Chairman. Thank you.

Chairman Pruet: Okay, for the next meeting, if you want to put them in writing and give them to Ed to mail out, we can discuss them again because it is still open, so if you put your thoughts in writing it would be appreciated and we can discuss it more in depth. Further discussion on the Plan?

Commissioner Schatz: On that high density, like Attorney Shipman said, if it was left out altogether, would it have a bad effect on us? I'm thinking about Ed's grant, which if it went through is a very large one, and we have all the pieces of the puzzle, the gateway, it's there, the three items that Ed mentioned, which is positive, and I don't like high density, but if that whole subject was left out, would it improve what we are doing. Just a question. I usually don't agree with attorneys, but he did make a point.

Chairman Pruet: I couldn't write down, I'll rely on the minutes being kept on what his remarks were and I will review them later.

Commissioner Schatz: It's just a question.

Commissioner Aieta: One of the things that he talked about was an overlay zone for this specific site. We talked about that for other areas of the plan, up near Cedar Ridge, we discussed that and we talked about whether we wanted to create new zones for specific pieces of property, and that is basically what he is asking for, to consider that piece of property so special that we would create a special zone for it. That's basically the bottom line that they are asking for and we talked about it up on Cedar Mountain. We had it in the plan where we were going to make a special zone up there, an overlay zone for that specific piece

and we talked about it and we said no we weren't going to do that, so basically it's up to this Commission if you want to consider making a zone specific for one specific piece of property. You have to remember, you talk about this high density housing, there is no place in Newington that is available for this, for high density housing, unless you create it by changing some existing piece of property, either residential, that is a higher zoned residential to a higher density, or change commercial or industrial or retail properties from that use to a residential use. You have to keep that in mind, there is no place for high density housing unless you create places for it.

Ed Meehan: Those are concepts that I think Mr. Shipman was talking about was the model overlay zones that were suggested in some of the stationary planning studies that go back a couple of years. The overlay concept as far as transit oriented development is so geographically tied down to a busway location that when you actually put your standards in your zoning regulations and someone comes in, they are going to be limited to the quarter mile or so around the busway station and so they can't make the argument to the Commission, well, it belongs over on the east side of East Cedar Street or it belongs down on the Berlin Turnpike because one of the criteria is going to be some sort of mass transit and the nice thing about that is, I think, is first you don't put it into your regulations until the busway becomes a reality, and second you don't give it away until someone comes in with a project. I think that was what Attorney Shipman was saying, give yourself flexibility and determine a project based on its merits. So again, he was arguing for flexibility. The overlay zone might be a way to handle the two transit areas in Newington at the time they become a reality and by reality, I mean that they are actually building them, which may not happen for three years, two years.

Chairman Pruet: So are you saying that an overlay zone could be set up upon presentation from a developer if.....

Ed Meehan: I would leave it up to the private developer, the private side to come in with what they are proposing for a development, whether it's an overlay zone or a more traditional map change and just keep in your plan the general language about some sort of transit related uses and not set anything that is going to prevent something or box you as far as having the latitude later on. I don't think the Commission needs to be pro-active in initiating the zone change, I think you are better off reacting to it.

Chairman Pruet: Right, I agree.

Ed Meehan: In that way, then you retain your policy control, your legislative control to make a decision.

Commissioner Anest: The language that he set forth, encourage use that is in harmony with the small town, and I missed like the rest of it, would something like that, take out the high density language like that, that we want to keep it small town, or.....

Commissioner Aieta: What does that mean in relationship to housing and high density and residential uses on that specific site? I mean, what does that mean? I mean the Commission is going to have to face it at some point, if a developer came in and said that they wanted to have a PD zone on that specific site, they wanted to, now I'm not talking the Welding Site, I'm talking his specific piece, he could come in under a PD Zone for some type of housing use on his piece, under a PD zone, right?

Ed Meehan: Yes, right now.....

Commissioner Aieta: He's limited to ten units per acre.

Ed Meehan: He could petition for a special exception for a mixed use.

Commissioner Aieta: With all of the talk that we had tonight about the cost of the Welding site, it doesn't, at ten units an acre, it doesn't sound like you could do too much as far as housing on that site, if it's a PD zone. That was the point that I was trying to make if they wanted a petition to change to a PD zone, we could do that, but then the conditions of the site preclude it from being used as housing because we need to have fifty units per acre to make it work with the cost that we are talking about.

Chairman Pruet: I see Mr. Carson here, so I'm going to shift back to Public Hearing to allow Mr. Carson, a member of our Board of Education to present his petition. For the record, I'm going to read the Petition over again, so it is clear.

**A. PETITION 3-2010 – 225 Richard Street H.O. Penn Machinery Company applicant, C.E. Thomas Cleveland owner, Daniel Carson, H.O. Penn 225 Richard Street Newington, CT 06111 request for Special Permit Section 6.11 New Dealers license for equipment sales existing Used Dealers license effective to 11-30-2011, PD Zone District.**

Daniel Carson, 223 Little Brook Drive: This request is kind of simple. Somehow over the past couple of years we, as long as we have been in this town, fifty plus years, we are the Caterpillar Dealer for the State of Connecticut. Newington is our only store, 66,000 square feet. Our primary product that we distribute is Cat Construction Equipment, however, along those lines we have an opportunity to sell the trailers. You are traveling down the highway a lot of times, you will see a bulldozer or an excavator being hauled behind a semi-trailer or a truck, a skid steer for example, a cat skid steer, we sell those trailers as well. Well, it appears that we were a bit remiss in that the only license that we had to conduct that business was a used license. Obviously we sell new trailers and would like to opportunity to bump up our license a bit and quite frankly hopefully set the stage as Caterpillar will be forthcoming with a series of large truck equipment that will be used on the road, so you will potentially see, albeit approved by the appropriate parties a line of Caterpillar trucks as well on Richard Street.

Chairman Pruet: Staff comments Ed?

Ed Meehan: We tried to track down some of the history on H.O.Penn. They started on Day Street, I guess. Moved down to Richard Street some time in the late 1968-69 and then did a bigger expansion in the mid-seventies, late seventies. They have carried at those sites, both Day Street and Richard Street a DMV license, Used Car Dealer license. Their staff provided us with a copy of it. The reason that we asked for that is because about a year and a half ago, two years ago, the Commission took out of the regulations, auto related uses by special exception, special permit. So anyone existing at that time is legal non-conforming, and we just regulate the location. Communities over 20,000 population have the right through the Zoning Commission to regulate the location. Years ago, it used to be done by the Zoning Board of Appeals. So that is why this is back before the Commission tonight. It's pre-existing, legal non-conforming use because they have a license at 225 Richard Street and they actually are asking for a new dealer's license which, our questions would be, where are the trailers going to be located, are they going to be displayed out front, how are they going to be stored on the site, and the relevance of those questions are because a new dealer's license, or any kind of a dealer's license is pretty open ended in Connecticut and you do have, although this is a Planned Development Zone, and the south side of Richard Street is used by H.O.Penn and the neighbors to the east which used to be Caval, we have residential

uses across the street. You have Pfister Drive and you have Southfield Apartments and so forth, so those are my issues, not issues, questions. Are the trailers going to be displayed out front? You mentioned also another line of vehicles, what is the arrangement for presenting those to your clients. I know for years, the used trailers, you wouldn't even know what was going on down there as far as the used trailers, from what we can tell at a staff level, maybe the new dealer's license will open up some things that the Commission needs to look at because of the residential area across the street. That is the only issue that I see with this site.

Daniel Carson: Let me see if I can answer to the satisfaction of the Commissioner's here. We are in the business of large Caterpillar products, this is a minor product for us and would not be displayed either in the front, the grassy area in front of our facility at 225 Richard Street. They are located way in the back of the property, it's not visible from the street, not even visible from the customer or employee parking lot. It's just the nature, because you stack these trailers, often so that you basically have to put them out of the way. They're not an item that comes and goes day in and day out so again I wouldn't anticipate more than ten to twelve units. Again, typically the longest one may be forty foot in length, but typically ten to twelve feet, they're rather small in nature and serve the smaller contractor. The only display I think, if you are familiar with where the Caterpillar location is, I do stick a loader out there from time to time, but even that, we're sensitive to, and try to be good neighbors for the apartment/condominium complex across the street as well as the homes. We do not work nights and any activities that, vibrations of large equipment, testing, what have you, hydraulic hammers, we try to keep that to a minimum and in the far back of the property. I probably missed, one of your questions is, what is the.....

Ed Meehan: You mentioned the possible line of other trucks.

Daniel Carson: Yes, we'll probably a year and a half to two years out, I just wanted to get it out there, that Caterpillar will be entertaining, will be producing its own line of trucks, much like the Mack truck, the Navistar truck, that you are familiar with. I'm not sure that we will use the 225 Richard Street as the location to do that as we will have other options throughout the Hartford County area. I did want to let you know it's a possibility and we are looking at what we may have to do internally to get ready for that. About two years out I think.

Chairman Pruet: All set, anything else?

Ed Meehan: No, that was the issue that we had.

Commissioner Aieta: On the plan that you presented does not show any areas designated as a display area for this stuff, so we are considering that you are not displaying it out in front on Richard Street, anything. It's not designated as a display area, so we are going to hold you to not displaying anything out on the street.

Daniel Carson: No, you can hold me to it, and this guy knows where I live. Basically you are going to be back out here, this area here is where we store that type of stuff.

Ed Meehan: The Commission, the aerial photo might be better. This is Richard Street, here is the plant, this is the storage area, this is probably employee, customer parking.

Daniel Carson: Right, and down here is the area that we typically store the trailers, so you can see it's some distance, not visible from the road, this tails off a little bit.

Commissioner Pane: Are they the small Bobcat trailers?

Daniel Carson: Not Bobcats, Caterpillar.

Commissioner Pane: Right, but I'm just saying for size, the smaller trailers.

Daniel Carson: Those are your ten to twelve foot and that's primarily what we are talking about.

Commissioner Pane: So they are the small ones. You sell the newer, larger twenty ton trailers now?

Daniel Carson: Yes.

Commissioner Pane: So you are just talking about the smaller ones?

Commissioner Hall: I go by that place every day, sometimes twice a day, and there is a berm out in front. You can hardly see the building at some point, so I don't think we really have to worry about, and I know that throughout the years, they have been very good about keeping everything in the back. You really would not know what that was if you were just passing by.

Chairman Pruet: It's a nice, clean piece of property. Further comments from the Commissioners?

Commissioner Schatz: We are not creating a junk yard, right?

Daniel Carson: Oh no, sir.

Chairman Pruet: This is new.

Commissioner Schatz: Yeah, but.....

Daniel Carson: It's a fair question because we do take in trade-ins on new equipment but the relationships that we have with Caterpillar, we provide machines into the industrial and scrap industry so they come and grab every piece of scrap and iron that I've got and.....

Commissioner Schatz: I just wanted to be sure that was on the record for the simple reason that as Ed said, that kind of license is kind of open ended, and at that time, our hands are tied.

Chairman Pruet: Further comments from the Commissioner?

Commissioner Lenares: Just a real simple question, if you were driving by it every day with your enhanced new permits that you are applying for, you probably couldn't even tell that there were any changes going on, right?

Daniel Carson: You would know no difference.

Chairman Pruet: Okay, if you would have a seat, Dan.....

Daniel Carson: And I appreciate your indulgence and understanding.

Chairman Pruet: We appreciate your volunteerism on the Board of Education. This is a public hearing. Anybody from the public wishing to speak for this petition? Anybody wishing

to speak against this Petition. Seeing none, what is the pleasure of keeping this open or closed?

Commission: Close.

Chairman Pruet: Okay, we will close this petition and will bring it up for a vote at the next meeting. Thank you.

Okay, we are back to Remarks by Commissioners.

Commissioner Pane: Mr. Chairman, I asked Ed Meehan to look into, since this subject came up last meeting, there's a company on the Berlin Turnpike, Lowe's, which sells small trailers and they don't have a DMV license. I was wondering if staff could give us a report on this.

Ed Meehan: Yes. Here is what we found. Lowe's trailers are basically sized, from what we understand, for about 3,000 pounds. And they do fall, and they are selling trailers, but they don't require a motor vehicle license because they are not repairing trailers, they are not trading trailers. If you buy one of their little trailers there, they give you a receipt and you have to go to DMV, get your license plates, come back and put them on the trailer. They are not going to provide you with the DMV paperwork there, so that is something unique to places like Lowes, Home Depot does it. I know that I have done business with some boat places that have similar things that I buy at retail and I have to go to the local DMV to get my trailer registered, go back, put the plates on it and drive away at that point. So that is the difference between the operation that Lowe's does and a place like H.O. Penn that takes trailers in on trades and they repair them, service them, and that's why they need a DMV license, that's why H.O. Penn needs a DMV license.

Commissioner Aieta: And you got this directly from the Motor Vehicle Department?

Ed Meehan: We got this from the definitions of the state statutes and a discussion with a DMV inspector.

Commissioner Pane: So what did he say, the trailers are so small, they are under 3,000 pounds?

Ed Meehan: That is one of the areas that he mentioned, but they are not taking trailers in on trade, they are not repairing them, they are not servicing them, it is purely a retail operation between the buyer of the trailer and Lowes.

Commissioner Pane: Well that's, how could that, if you had a retail operation with cars it requires a DMV license.

Commissioner Camerota: Isn't that because you are going to the DMV, you are doing the registration.....

Commissioner Pane: No, well, you still have to have a registration for trailers, and some of those trailers are over 3,000 pounds.

Ed Meehan: Well, I'm just reporting what they tell us.

Commissioner Pane: I'm telling you there's thirty trailers sitting in parking spaces that are supposed to be for the customers and now a store that came into town, that is supposed to be selling lumber and hardware is going into the trailer business and they've got thirty parking

spaces with trailers, some over 3,000 pounds, in my opinion, it might need a DMV license and if not a DMV license it is certainly obstructive for parking.

Ed Meehan: I guess there are two issues here, one, do they need a DMV license and what DMV tells us is that they don't need a DMV license.

Commissioner Pane: What is the requirement, 3,000 pounds, over 3,000 pounds?

Ed Meehan: It's the servicing of the trailer, taking them in on trade and putting plates on them there.

Commissioner Pane: They are not putting plates on them, so you are saying that DMV says if you put the plate on yourself then you don't need a license? So that means that like a liquor store, if they wanted to sell these things, they could have four, five of them or a Chinese food place wanted to get into the trailer business they could have ten stacked over there on the turnpike too.

Ed Meehan: Well, I'm just reporting what we were told, and it is not unique to the Newington Lowe's. It's fairly typical of most Lowe's and Home Depots and other types of operations. They claim it's a retail exchange between the customer and the store, and it may be a loop hole in the DMV definitions or how they operate it, but that's what they tell us.

Chairman Pruet: Ed, you don't see a problem with the parking? They seem to have sufficient parking over there.

Ed Meehan: Well, I'm going to take a look at the parking because I want to go back through the records. We have gone back and forth with Lowe's over the placement of some of their little sheds and I recall after I talked to Domenic, and I couldn't find it in the files, that their outside storage was supposed to be limited to two areas. One on the westerly side of the garden center where there is a concrete area.....

Commissioner Pane: Those are prime parking spots, that's not a good place either.

Ed Meehan: Well, that's not a parking area, that's not stripped.

Commissioner Pane: Well, it used to be when it was first brought in, the store brought in on the west side, I remember, I was on the Commission.

Ed Meehan: What I recall is that they came back and got permission for displays in that area, and then the second is right up against the easterly side of the building where the customer's go under the canopy to pick up the larger stuff.

Chairman Pruet: Okay, if you could check that out and see if they are in compliance.

Commissioner Hall: There is a new fence that bloomed on the corner of Griswoldville and Waverly Drive, very recently and it looks as if it is in front of the corner of the house. I think when we redid this fence, it's a corner lot by the way, when we redid this fence issue, didn't it have to start at the corner of the house and go back?

Ed Meehan: Yes, there's a new standard in the regulations as far as sight lines, and the height of the fence in the front yard, that would have two front yards, that corner lot.

Commissioner Hall: Right, so if you could just check that out because it may be an optical illusion but it looks as if they brought it out too far, and again, I don't know if they had to get a permit for it, or what but it just appeared. It's a white vinyl, solid white vinyl fence.

Ed Meehan: That's the green house on the corner?

Commissioner Hall: No, it's gray. It's at the traffic light.

Ed Meehan: Oh down low, okay.

Commissioner Schatz: Just a general informational which everybody should know, and Domenic would know, is that the Town of Newington charges taxes for inventory, so if you have some expensive trailers out there, the town is making taxes on them. So if you chase them away.....

Chairman Pruet: What I would like to do is, if anyone wishes to further add to our 2020 Plan please get them in, if you could get them in to Ed, he will get them out to us for review for our next meeting. I don't think we will need, unless the Commission would like to meet again an hour early, but I would like to get this thing wrapped up pretty much, and so we can pretty much close it and see what further comments from the Town Council on this. So having said that, if you could do that, I would appreciate it.  
Any other comments?

## **XII. ADJOURNMENT**

Commissioner Casasanta moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary