

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

March 11, 2015

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

Chairman Hall: We're going to start with something a little different this time. We noticed that other Commissions and the Council start with a Pledge of Allegiance, and we wondered why we didn't, and one of our Commission members, and I've noticed it. So we will be starting with the Pledge of Allegiance, if you will all stand.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Commissioner Brian Andrzejewski - A

III. APPROVAL OF AGENDA

Craig Minor: No changes

IV. PUBLIC HEARING

- A. Petition 05-15: Special Exception (Section 6.2.4: Free Standing Sign) at 3300 Berlin Turnpike ("AutoZone") ARNCO Sign Company Inc., applicant, AutoZone, Inc., owner, Marc Cohen 1133 So. Broad Street, Wallingford, CT, contact.

Chairman Hall: If the petitioner is here, come forward and state your name and address for the record.

Erik Merliss: Good Evening, ARNCO Sign Company, 1133 S. Broad Street Wallingford.

Chairman Hall: Before you start can you explain when and if the public notice sign was placed on the property?

Erik Merliss: Yes, it was definitely placed on the property, over a week ago, but a snow plow drove by and hit it, but it was put out there, we did take care of that. It definitely was there.

Chairman Hall: I thought I saw it.

Erik Merliss: We are here for the ground sign. AutoZone did remove one sign from the building to meet the standards. Any questions?

Commissioner Aieta: Where on the site is this located? We didn't have this as part of our package.

Erik Merliss: On the plot plan here, it's showing it right there, that is the parking lot. What I have is showing the thirty-five foot green space, and the placement of the sign after several meetings with Craig Minor.

Chairman Hall: Any other questions?

Commissioner Sobieski: This is on your property, not on the state right-of-way, correct?

Erik Merliss: Correct.

Commissioner Sobieski: I see a property line right here, but I don't see a state right of way.

Craig Minor: It's the same thing, the state right of way and the property line is the same thing.

Commissioner Sobieski: Oh, I'm sorry.

Chairman Hall: This is a public hearing, so we are going to open it to the public. Anyone from the public wishing to speak in favor of this application? Anyone wishing to speak against this petition? Anyone just wishing to speak?

Jeff Zelek, 45 Welles Drive N: I just want to commend the Commission for paying attention and making sure that the sign was posted.

Chairman Hall: Thank you Jeff. What is the pleasure of the Commission?

Commissioner Aieta moved that the petition should be moved to Old Business to be voted on at the next meeting. Commissioner Leggo seconded the motion, and the vote was unanimously in favor of the motion.

V. PUBLIC PARTICIPATION (for items not listed on the Agenda, speakers limited to 2 minutes.)

Bernadette Conway, 144 Hartford Avenue: Pardon my confusion if I speak on something tonight that I shouldn't be speaking about. There are several items I am concerned about, one of them being the moratorium, and I am in full support of that, and I would hope the Commissioners will take that under consideration before making any kind of a decision. There are so many things that could go wrong, in the construction, or even in making changes to the 2020 Plan, and there were hours of work that went into that, as you well know, and I would hate to see Special Exceptions made at all. I think that what the Plan says is the way we should go. Thank you.

Chairman Hall: Just for your confusion Bernadette, if you see an item on the agenda, that is what you don't speak on. Other things that come before us that maybe we will deal with in the future, or even things that we have done in the past, but if it is on the current agenda, you can't speak on it.

John Bachand, 56 Maple Hill Avenue: By now I'm sure you have heard about Toll Brothers withdrawing from Cedar Mountain, and tonight I just wanted to talk about open space. I spoke twice to the Town Council last night and told them that I was going to focus my efforts on quality of life, and mostly about things on Cedar Mountain, and if you look into the audience tonight, you will recognize the faces of the original people who were involved with Save Cedar Mountain and I

think there were some on this Commission too, and I don't think anyone ever dreamed that we got to where we got. I laid out a little plan, if you picture the mountain, all the way from Cedar Street to Balf Quarry, from Russell Road to Mountain Road, right now we have the very good possibility of acquiring the mountain. I'm going to hand out something here that shows what I am talking about. I don't know if everyone is aware that the state is recommending turning over Cedar Mountain to the Town of Newington. How well that is known, it came out last year from the Office of Policy and Management, that they are actually recommending.....

Craig Minor: Are you recycling paper?

John Bachand: No, that side is interesting, it's actually Toll Brothers withdrawal, so there are actually two pieces of the puzzle. You are all familiar with Marcap, and the fantastic job that people did to save the mountain, that's the one closest to Cedar Street, but the biggest swath of the mountain is actually owned by Balf, 73 acres, that's what we heard that the Mayor is trying to advocate for, and Mr. Brecher, our new advocate for open space, so yes, one is the legal document of Toll withdrawing their suit, and the other is the third piece of the puzzle which is down closer to Balf Quarry, where the state is actually recommending turning over a piece, I estimate about 25 acres, that could be flexible, that is pretty positive. That gives us a continuous piece of land that I don't think anyone ever imaged, and these people behind me, the people who started it, and others I mean, it's just amazing, it's a gigantic piece of property. We have this little town, with this little mountain with no one living on it too, so I'm going to be promoting preserving this mountain. We don't have that much control over Cedar Crest right now; who knows where that is going to go, and no one seems to know, and we don't have control over that part of it, the hospital itself, so I will come here on a regular basis, the same thing that I told the Town Council and will be promoting this as best I can.

Rose Lyons, 46 Elton Drive: I probably should move up to the front, I know the last time I was here I was in the front, and it was hard to hear. The Commissioners should use their microphones. I haven't been to the TPZ meetings on a regular basis, I've been at other, Conservation Commission, Town Hall Renovation, Economic Development, I have been watching, reading articles and attending informational presentations regarding the items that are on the agenda tonight. I understand that I can't speak on these items, unless there is a public hearing, so I urge that you schedule a public hearing for the residents to voice their opinions.

I also have been asking for the last eight months for a status on the Newington Junction Study Committee, and the Chair of the Committee has had little or nothing to say on the matter. The last update I heard was from the Town Planner who indicated that the committee had referred the matter to the Town Attorney for his input if they could or would or should proceed, and tonight I don't recall hearing any updates on that.

I've said this before, and I'll say it again, I feel the decisions made by the TPZ have an impact on the quality of life in Newington. I applaud what you do, and the dedication that you have shown over the years listening to the public, and I hope that you will stop, look, and listen before making any decisions that will affect this community for years to come.

In closing, I would again urge both the Democratic and Republican liaisons to these meetings show up at the meeting, or watch them on NCTV. In all of the years that I have been listening to the liaisons give a report, I have yet to hear anyone report on TPZ, Conservation Commission, or the Economic Development Commission, and I wonder, why not? I have seen Commissions appear before them, I have seen the Economic Development Director appear before them. There are a lot of things that have been happening in this town over the last few years that I think the Council should be bringing to the table when the public is watching or listening. Quite honestly I can't believe everything that I read in the newspaper, it's the reporter's opinion or his take on what he has been told. Thank you.

Jeff Zelek, 45 Welles Drive N.: As of July 9, 2014 you introduced a motion to deny without prejudice Petition 27-14, fueling station on Fenn Road because the application did not include (inaudible).

Holly Harlow: It's been a while since I was at your meeting, I needed time after the Cedar Mountain project, it was exhausting. I haven't looked at an agenda for a while. I also wanted to comment that there are agenda items that I can't speak to. I wanted to encourage you to go slow, be picky. Our regulations and our 2020 Plan are all aimed at quality of life, and I would caution development.

VI. REMARKS BY COMMISSIONERS

None

VII. MINUTES

A. Special Meeting February 25, 2015

Commissioner Sobieski moved to approve the minutes of the February 25, 2015 special meeting. The motion was seconded by Commissioner Leggo. The vote was unanimously in favor of the motion, with six voting YEA.

B. Regular Meeting February 25, 2015

Commissioner Sobieski moved to approve the minutes of the February 25, 2015 Regular Meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion with six voting YEA.

VIII. NEW BUSINESS

A. Possible Moratorium on Higher Density Residential Development in the CTfastrak Station Neighborhoods.

Craig Minor: At the last meeting the Commission asked me to research a couple of items. One was the process of hiring a planning consultant, so I prepared a memo which the Commission has.

The first item was hiring a planning consultant, and I did go into some detail and I can go over that if the Commission wants, and the second item was what type of zoning regulations you want to come up with. I prepared a draft moratorium, but I see that it is not in the package. At some point if the Commission wants, I can send you that.

Commissioner Anest: I just want to bring to the Commission's attention something that happened at the capitol on Friday, and I have copies of Government Bill 68-51, and I'm kind of disappointed, I'm really disappointed that this was not brought to our attention prior to us catching it on CTN. It's an act establishing the Connecticut Transit Development Corridor Authority and I have copies of the house bill for everybody, and I have a copy of the fact sheet that was also distributed to the legislators and there are some things that I want to highlight, because I think it is very important that we know this, before we go forth with the moratorium. They are proposing a transit corridor that encompasses a one-half mile radius around, or as they put it, around a transit station which means any passenger railroad station or bus rapid transit station that is operational, or for which the department has initiated planning or that is included in the state-wide transportation investment program. It is going to be made up of eleven members, four appointed by the Governor, one appointed jointly by the Speaker of the House and Senate President pro tem, one appointed jointly by the minority leader of the House and Senate, and the Secretary of the Office of Police and Management will be part of it. The chief elected officials of the municipalities in

which development project occur are ex-officio, non-voting members of the board. I don't know how far this legislation is going to go, it's right now in committee. I have heard that there are a number of people who are in favor of this. This is going to be very detrimental to Newington. People moved to this town because of the community and characteristics of this community, and if the state is going to come in, and have authority, one-half mile radius around two of our transit stations, and we will have no say.

What it does say is, that "the purposes of the Authority shall be to stimulate new investment and economic and transit-oriented development within Connecticut Transit Corridor Development Authority development districts; stimulate tourism, art, culture, history, education and entertainment in such development districts through cooperation and coordination with the municipalities wherein each such development district is located, regional organizations and the Department of Economic and Community Development; manage facilities related to authority development project through contractual agreement or other legal instrument; upon request from the legislative body of a municipality wherein a development district is located, work with such municipality to assist in the development and redevelopment efforts to stimulate the economy of the region; and upon request of the Secretary of the Office of Policy and Management, enter into an agreement for funding to facilitate development or redevelopment within a development district." It also gives the authority the right to acquire by gift, purchase, condemnation, lease or transfer, lands or right in land and to see and lease or sublease, as lessor or lessee or sublessor or sublessee, any portion of its real property rights, including air space above, and enter into related common area maintenance, easement, access, support and similar agreements. It will also in consultation with the chief elected official of the municipality in which an authority development project is located, to condemn properties that may be necessary or desirable to effectuate the purposes of the authority, i.e. they can take the property by eminent domain.

I would like to have a discussion. This is really troubling to me that it was not brought to us.

Commissioner Sobieski: This is exactly what I was asking Mr. Brecher last week. The state is going to be able to go in and designate, if this bill is passed, a half mile around, and develop that area and take property by eminent domain. Again, this is a town and not a city. We're not sure what we want to put up there, and now the state is going to come in, this is a backdoor approach to eminent domain. I'm surprised our representative and our State Senator along with town officials, didn't, this to me is just another way of forcing stuff down our throat whether we want it or not. This is the same thing that they did in New London, and people were in an uproar about it, and now they are going to try, a half mile, they can extend it to a mile if they want. This is not a good bill. I'm sure the other surrounding towns like West Hartford don't want it either. I'm not sure about New Britain because I understand that there is a lot of residential properties that the busway goes through. That's my thought on that.

Commissioner Anest: I do want to say that it is not only the busway, but it's transit, so it is the train station, so it's the corridor from New Haven all the way up to Windsor, because it is projected that there are going to be stops. And they can come and present to us, but we have no authority over this.

Commissioner Leggo: I pretty much wanted to say the same thing. I'm upset, I'm amazed and upset that we are finding out about this the way that we are. If the powers that be knew about this, that saw it, discussed it, if they are paying attention to what we are talking about, they should have come to us. They should have gotten some kind of information to us so we could have included that in our discussion. We're very far along in our discussions right now to have this all of a sudden appear.

Chairman Hall: And I don't think it happened over night.

Commissioner Anest: It was part of, if you look at the map, it was the implementation of the Governor's budget recommendation. Craig, did you know anything about this?

Craig Minor: I knew about it.

Commissioner Aieta: Be nice if we knew about it.

Chairman Hall: How much did you know about it?

Craig Minor: That the Governor proposed a bill. I glanced at it.

Commissioner Aieta: Looking at the bill, and looking at the people who are introducing this bill, this is a done deal. Senator Looney, the president pro tem, the speaker pro tem; this is the leadership of the two bodies of the Senate and the House. I don't see any role for the Town Plan and Zoning Commission in any of this that was just passed out, so when we start talking about moratoriums, when we start talking about TOD, I'll have a lot to say of our involvement in that.

Chairman Hall: Anything else? Thank you Carol for finding this.

Commissioner Anest: Well, I think if others aren't going to do this for us, we need to take an active role in looking at legislation that is going to affect this town. This is something that can be very detrimental to this town. Extremely detrimental.

Commissioner Aieta: I have a couple of comments I'd like to make. Instead of hiring a planning consultant after seeing this, and thinking about it since the last meeting, the parcels of land that surround these two areas, Willard Avenue and Cedar Street, the bus stations, and the underlying zones are pretty much established, most of the land is built on, and in the area of Day Street, most of it is already zoned Industrial, Commercial and the 2020 Plan makes recommendations that we not change zones for the purpose of residential, that we should keep our industrial and Commercial zones the way that they are. In light of that, I don't feel that we should hire a consultant to come in and try to push this down our throats, high density housing, I think, apparently, if this goes through, it will be planned and laid out for us, basically, I don't see a role for Planning and Zoning.

Commissioner Anest: Maybe we should consider what is a half-mile out. I don't know, but I will pay close attention, and will keep the Commission up to date and keep the public up to date on what is happening. We need to do our own due diligence.

Commissioner Aieta: We were given a map by the Town Planner of these two areas. I wish the public could see them. It shows a half-mile radius and a one mile radius superimposed on the two stations. If you take the Willard Avenue one, it's probably, a half mile is probably one of the densest areas I've seen. The Fenn Road one is not that dense as far as housing, it's wetlands and commercial types zones and industrial zones, but the Willard Avenue has a slew of houses. What are they envisioning? Buy a slew of houses and remake a half mile radius of the station, or forcing down the throats of the residents there a development that they don't want to see?

Commissioner Sobieski: Craig, anything that comes out of there that has anything to do with the transit stations whether it's this, but if you knew about this, we should have been informed. I don't think it's a good idea to have this, discussing a moratorium, and then have this come out.

Craig Minor: The reason that I did know about it is because I'm on the legislative committee of the Connecticut Chapter of the APA, and I get copies of any bill that the chairman of our committee thinks affects planning and zoning. That is how I got a copy of it.

Commissioner Anest: But this is huge. You don't think this is huge?

Craig Minor: No.

Chairman Hall: You don't think this is huge? Why not?

Craig Minor: That's a good question, so let me prepare a thoughtful answer for you for your next meeting.

Commissioner Anest: This thing might never come to fruition, but you know what, I think we need to be aware that there is a possibility, and if it is killed this year, it might come back next year.

Craig Minor: I just don't see it the way that you do, but I will prepare a response for you.

Commissioner Anest: Maybe because I live within the radius of this, but a lot of people do.

Chairman Hall: There is a web site that states all of these that come forward, just give us the site.

Commissioner Aieta: There is no way that this can fail, it's proposed by the Governor, and it's supported by the leadership of the House and the Senate. How is this going to fail?

Commissioner Serra: Look at the Conservation Commission. They beat Toll Brothers, great job, now it's the time for us, with the public watching, to contact our town leaders, contact our state leaders, and let them know how you feel. Let them know it's something that you don't want. It can't hurt. I agree, the odds are going to be tough, but with enough phone calls, enough public support, this can be beat.

Chairman Hall: Anybody else have any comments? A little bit of a monkey wrench here. Back to our discussion about the moratorium.

Craig Minor: They have nothing to do with each other.

Commissioner Aieta: How can you sit there and say that?

Craig Minor: Because only you can adopt zoning regulations for your town. No other commission can do that, and nothing has changed from yesterday. If you feel that you need to get a handle on high density housing in the CTfastrack area, you need to continue to work on that.

Commissioner Sobieski: Craig, I have to side with Frank. No matter what we do, if this passes, the state is going to tell us what to do.

Craig Minor: No, I don't agree with that.

Commissioner Aieta: From what she just read, it was pretty clear from the descriptions of the excerpts of the bill that she read.

Commissioner Claffey: I'm not taking sides here, but do you actually think that the State of Connecticut is going to take a half mile slice, and I'm exaggerating here, and bulldoze...

Commissioner Aieta: We aren't saying that, but they might come in and zone...

Commissioner Claffey: I would be more concerned with the Fenn Road area than the two or three thousand houses that circumference the Day and Francis Street area. I use that term very loosely, bulldoze, but you have to think, if you are a half mile...

Commissioner Sobieski: The issue that I have is, are they going to be able take by eminent domain?

Craig Minor: Of course they can. They always could.

Commissioner Sobieski: Only for the public good, and if they pass this law, it will be for the public good. Under the existing laws right now, the State can't come in and take my house for eminent domain, unless it's for the good of the public, so what I'm saying is by passing this bill the State is going to be able to come in and take huge swaths on both sides if they so desire.

Craig Minor: They could anyway.

Commissioner Sobieski: It had to be for the good of the public, I could be wrong, but this is not for the good of the people, this is not for the betterment of the people. This is saying that the State can come in here and do what they want to do, if they decide, the same as with this busway, they just rammed it though. Why should we even bother to think about getting a consultant because we could say, okay this is what the consultant thinks we should do, and the State could say no, we're going to do this, so they are usurping our power basically.

Craig Minor: They can't do that. They can't change your zoning. They never have, and they never will.

Commissioner Sobieski: If it's residential Craig, they could put high density housing.

Craig Minor: I glanced at this when it arrived in my office a week or so ago. I don't see it as you folks do, but I will look at it again, and will come back with a report for you.

Commissioner Serra: Can we have the Town Attorney look at this?

Craig Minor: Sure.

Chairman Hall: I think we could send him a copy and see if he would review it. Again, this is proposed legislation. Let's find out when this is going to be discussed, and there may be this same kind of reaction at their public hearing. If there is a groundswell they may decide, wait a minute, there's opposition to this, people don't want it, and why do I want to have my name attached to a bill like that when there is so much dissent among the public.

Commissioner Anest: The public hearing was Friday and there was only one person there.

Chairman Hall: That won't be the last of it?

Commissioner Anest: I don't know.

Chairman Hall: Once it gets out there I can't imagine that we would be any different than any other town as an initial reaction, and then as time goes on, and you find out how it fleshes out, and if it does go forward or not.

Commissioner Aieta: Carol, what is their charge, what is their goal?

Commissioner Anest: You can read it on the fact sheet. A lot of it is adding language of the Connecticut Transit Authority to include, to be included with the airport authority, and that type of thing, and basically their charge is to establish...

Commissioner Aieta: Such an authority can focus on economic and transit-oriented development to concentrate housing, parking, cultural and commercial development near transit stops, and the first item is housing.

Craig Minor: The State has already told us, on some of the things that I have referenced, that low density housing would not make sense for the Newington Junction area. This new Commission was created as a state-wide initiative. It doesn't mean that everything that they could do or would do would be in Newington.

Commissioner Anest: Or they could do.

Craig Minor: But we already know that low density housing, the report that came out of CRCOG...

Chairman Hall: The saving grace may be, where does the State think they are going to get the money to do any of this?

Commissioner Aieta: They will be able to issue bonds.

Craig Minor: But, it will have eminent domain powers within its designated development area, in consultation with the chief elected official of the host municipality. Your mayor.

Commissioner Anest: The chief elected official, it doesn't matter if it's now or ten years from now, he may want it. It doesn't matter what TPZ or the public wants, it doesn't matter what we say.

Chairman Hall: Again, if what you said earlier, and what I've said myself a couple of times this year, is we have to be more vigilant, more aware and if we think there is something that we need to take action on, we'll take action, and again, thank you for doing this. What we have now is the possible moratorium which we had been talking about up to this point.

Commissioner Aieta: I'd like to go ahead with the moratorium, but I don't think we need to hire a consultant at this point.

Commissioner Serra: I agree. Let's move forward with the moratorium, but as far as the consultant, we can put that off until we need one.

Commissioner Sobieski: I'd like to move forward with the moratorium, but let's see what the State is going to do before we hire the consultant.

Chairman Hall: For the moratorium, we're interested in doing both Newington Junction and the National Welding site. I know the main concern in town seems to be the Newington Junction site. That is the section that appears to have more impact on the residents. The National Welding site does not have a lot of residential around it, it's Industrial, Commercial, even University. Is that a section that we might want to hear possibilities about, and reserve Newington Junction to be sure that we know what we want to have there?

Commissioner Sobieski: Under the moratorium, can we split it into two sections?

Chairman Hall: I would think so.

Craig Minor: Yes.

Commissioner Sobieski: Let's have one from West Hartford southerly to the Newington Junction, be one section, and then from somewhere around where the wetlands end, to the Fenn Road area. You're not going to be able to build on wetlands no matter what the State says. Then we should split it into two.

Craig Minor: I'm not clear about the two areas that you are talking about.

Commissioner Sobieski: Well, Newington Junction, a section between the Newington/West Hartford line, south and west to Newington Junction where the track splits off. That's one area. I'm saying the other area, on the other side, where the wetlands end on the Fenn Road area, that's the second portion, if we can do that.

Craig Minor: I can do whatever you want, and I definitely see the logic of not including the Fenn/Cedar Street site in the moratorium, but I'm not sure I understand what you are saying. I don't understand why you are splitting the Newington Junction area into two.

Commissioner Sobieski: No, I said from the West Hartford town line, south and westerly to where the line, I'm saying right where the railroad line used to split, the CTfastrack going out to Waterbury, and the other is the Springfield line, that could be one section. I'm saying from the West Hartford Line, south and east to where it splits.

Commissioner Anest: We're doing a half mile radius, why not just do that? We have a mile and a half mile on our maps.

Craig Minor: Why not just a half mile around the station?

Commissioner Sobieski: Okay.

Chairman Hall: And then my question again is, do we want to concentrate on Newington Junction in the moratorium? And maybe not have a moratorium on the National Welding site?

Commissioner Serra: Then my question is, if we split the moratorium, one for the National Welding site, and one for the TOD, this moratorium is going to be for up to twelve months, so they can be, at any time we can end the moratorium, so if you split it in two, the second one for the National Welding site, if something comes in on that, we can always lift that part of that.

Chairman Hall: At Newington Junction, there are so many elements that we really have to look at. It's a totally different area from National Welding. If something comes in even though there is a moratorium, if a developer or somebody shows interest, we can still listen. There's nothing that says that if somebody wants to present something that they can't, right?

Craig Minor: It all depends on how you write the moratorium. Typically you write a moratorium to prevent even that from happening, so that you are not bothered during the twelve months. You want to keep people from distracting you until you come up with an amendment. That is typically how moratoriums work. No submissions, no nothing while you are focusing on this issue. But, where you started with, can you lift the moratorium prior to twelve months? Yes, that's the draft that I wrote. You can do that.

Commissioner Serra: If it's not split, and we lift it, then we lift it for the whole thing.

Craig Minor: Not necessarily, I can write it to give you whatever flexibility you want.

Chairman Hall: I'd like to see it in two pieces.

Commissioner Serra: I'd like to see it in two different pieces so if we had to lift one before the other we could.

Craig Minor: Okay.

Commissioner Serra: They would run concurrently with each other?

Chairman Hall: Yes, we would start them together but then if we felt we needed to modify one sooner than the other, then.

Commissioner Anest: For the Newington Junction, could we say that we don't want any applications...

Craig Minor: That's what a moratorium is.

Commissioner Anest: But then say we would entertain...I'm thinking, we're doing this, but if something comes forward, I don't know, at this point I would just say, a moratorium on both pieces, and leave it at that, a one mile radius, that's how upset I am with what is going on, and we weren't even told about it.

Chairman Hall: We also can't assume that that is going to happen in twelve months either. I don't want to find ourselves stymied by something that the State might or might not do.

Commissioner Anest: And the State is October 1st if it gets out of committee and gets going, but, and if it does, whatever we do anyway...

Craig Minor: If this agency is created and if someone comes to the State and says, "I have this great project which involves taking a lot of land in Newington", and the agency gets behind it and gives it their support, after consulting with the chief elected official, I don't see how they can change zoning. What you do, of course, is take your zoning regulations seriously, and do a moratorium to give you time to revise the regs to what you want them to be.

Commissioner Anest: Right, if they come in with a project they don't have to, they can do what they want. They can come in and just override. Yes or No? Worst case scenario?

Craig Minor: I don't think this gives the State any condemnation powers that they don't already have. They are just organizing them differently, they are putting them under a different umbrella. Again, I will read it again more carefully, and I thought, this is nothing new. I will go back and read it again.

Commissioner Claffey: Getting back to the moratorium. I like how you can split it. I would not want the Commission to put in avenues, well, if we like this, we'll change, and tell the developers, well, we are getting our ducks in a row here, if we pick and choose and we have someone come before us, and tell us something, we're going to confuse everybody. Put it in, but don't give any options to get out. The one option, get out earlier. I'm saying, don't let a group come in while you're talking.

Commissioner Aieta: On the Fenn Road area, if you took the half mile radius that is shown on the map, this is what you have. You have a big swatch of wetlands, you have the parcel on the corner of Cedar and Fenn Road, the gas station on the corner which is the Business Zone, and then you have the parcel that surrounds that and where the shopping center is, which is PD Zone and then you have the busway in the center of that. North of that, you have all Industrial Zone, and south of Cedar Street you have wetlands and Industrial Zone. The National Welding site is now currently zoned Industrial zone.

Chairman Hall: That's why I'm thinking, do we even need a moratorium for that?

Commissioner Aieta: I don't think we need one for that.

Chairman Hall: I mean, that piece...

Commissioner Aieta: I mean, to put housing, they would have to come in and ask to change the zone.

Chairman Hall: This way we can put our time and energy in on Newington Junction which I think, A. the public is more concerned about, and B. needs more of our time and attention.

Commissioner Aieta: Someone could come in and ask to change zones, and would have to have a site plan to go along with it. That's why I don't want to take out the site plan review with the zone change. I can envision a developer wanting to come in on the National Welding site, as it

gets closer to being capped, I wouldn't want to stymie that, all the work that the town did getting money, all the years that we had an eyesore, I think we should let whoever is interested in purchasing it propose something to the TPZ and if they want a zone change, if they also wanted to change the zone from I to PD zone to allow them to do different things that are not allowed in the I. I'm looking at the map and I'm saying, what are we going to accomplish? I originally thought we should have a moratorium on both of them, but I'm looking at the map and saying, there's nothing here. It's all wetlands and Industrial and two little pieces of PD.

Commissioner Claffey: Frank, maybe a moratorium would give you time to decide what you might want to change that zone to.

Commissioner Aieta: If someone wanted to come in on any of these Industrial zones, the National Welding site, it's zoned Industrial, I don't envision that as staying as Industrial, I see someone coming in and trying to change that to a PD Zone.

Commissioner Claffey: What else would they be able to change it to? Anything in our Regs?

Commissioner Aieta: Anything higher than an Industrial Zone which is the lowest zone. You can come in and ask for anything. Then you would look at all the things that surround it, and everything that is around it is PD zone, so to try to change that to something other than a PD Zone would be spot zoning, in my opinion. It's almost pre-determined that that piece of property will be changed to a PD Zone, and they would do some kind of development, other than Industrial.

Commissioner Claffey: That's an assumption, and that is why I asked the Planner what else could a developer come here with that might hurt us if we didn't have a moratorium in place.

Craig Minor: First of all, nobody can come in and make you do approve a zone change. Unlike a site plan or a special exception, which if they meet the regs you have to approve, a zone change is very discretionary; you absolutely can say no to a zone change. And what can a person ask for? He can ask for any change from any zone to any zone. If he asks for a change from Industrial to Residential, he's going to run into a buzz saw because your Plan of Development says that you are going to discourage that. So the possibility of being successful is very slim, but he can always ask.

Commissioner Claffey: Well, to me it seems like we've done a 180. A couple of weeks ago, we wanted a moratorium, now we want two moratoriums, for two separate areas of town, and it seems that its getting more and more involved. Maybe we sit and think about it. I hear a lot of emotions running.

Chairman Hall: Right, and I don't think we should make our decisions based on an "if" and at the moment it is an "if" and hopefully it will remain an "if". I think a lot of things are going to happen before this becomes a reality. There are a lot of things that about that I can't even imagine that when people hear about this.....but we can't let that stymie us. We have to deal with what we have on the table. Right now there is a discussion that is headed in the direction of a moratorium for Newington Junction, and leaving Fenn Road area alone at the moment because it seems as if that will solve itself, when and if, and there's that word again, if a developer comes and presents something to us. Therefore we should spend more time and energy on the spot that we think is the one that we really need to regulate, and let the other one evolve by itself. That to me is what I think is on the table at the moment. If I'm wrong, please correct me. I get yes, yes, yes. Is that were we are at this point?

Commissioner Aieta: We should be more pro-active and look at these zones and see what we could put there, and possibly change, and the only thing we could do is change some of this to PD Zones. I would rather have the person who is developing these pieces of property come in

and say, "I would like to change these pieces of property from an Industrial Zone to a PD Zone, and this is what I want to put on there", and show us a site plan to accompany the zone change.

Chairman Hall: Right, I don't think we were talking at all about changing the zones.

Craig Minor: I think what we ought to think about is changing the regulations of what is allowed in those zones to take advantage of the fact that there is going to be a transit node there as of March 28th. It changes the game, and you want to be in control of that new game. If you just wait for the developers to tell you what they want to do, which you could always say no to, but wouldn't it be better to be pro-active and craft new regulations that address the issues that you are concerned about with CTfastrack, and also acknowledge the benefits of having a high volume of passengers passing through there? You come up with regulations that take advantage of that.

Commissioner Aieta: They are already there. The regulations are already in place. We haven't gotten to that as far as our discussions on the regulations that have taken place, but I'm looking forward to getting to the PD Zone because that's where I think most of this Industrial land, if someone was interested in developing, would be changed to PD Zone because a PD Zone allows a multitude of different types of activities.

Craig Minor: True.

Chairman Hall: Well, let's see after March 28th how many people and how many buses come together. We'll see. It will either be, I told you so, or be pleasantly surprised.

Commissioner Serra: I don't think you will get an answer to that until about a year. I think with the newness of it, people will be trying it out.

Chairman Hall: But at least we'll get an idea, if people are parking in those spaces, or bicycling to the station and hopping on. It's going to be free for the first couple of weeks, so it will be full. We're getting no where fast, so let's see if we can come to some kind of conclusion so that we can give the Planner a job.

Commissioner Aieta: Well, I gave you my opinion after looking at the map. I'd rather concentrate all my efforts on the Willard Avenue piece, because that is the piece that affects more residents. Cedar Street affects no residents. The Willard Avenue piece affects a great number of people and the value of their property and their quality of life.

Commissioner Anest: If we do it as two separate moratoria, if we look at Fenn Road quickly first, as we're going through our regulations, and look at the PD Zone, we could then release that one, and concentrate on Newington Junction. I mean, that could be a compromise if people are concerned about what is going to go near the Fenn Road station.

Commissioner Leggo: That's kind of where I was going. We went over this at the last meeting and it seemed like we all wanted the moratorium, it seemed like we were favoring the moratorium. I think we need to have that moratorium on everything, and then have that option.

Chairman Hall: Do you want a blanket...

Commissioner Leggo: No, I want the two separate ones, but I want the full moratorium, and if we get through one quicker than the other, fine.

Chairman Hall: As long as we start with Fenn Road, get that off so we can kind of concentrate on the other.

Commissioner Leggo: But at least we have that in case something comes up, and we find stuff and we can do what we need to do.

Craig Minor: I'm not too sure what that last part meant, because if there is a moratorium, nobody can propose anything for the National Welding site.

Commissioner Leggo: No, while we are going through the regs. While we are looking through the PD section and everything else. As soon as we take a good look at it, that area, Fenn Road, we release that one.

Craig Minor: Okay.

Commissioner Serra: I think that is a good compromise and I think that will work.

Chairman Hall: Split it into two, focus on Fenn Road first, hopefully get that done fairly quickly. Because again, looking at what we've got there, there's not a heck of a lot there. Release it as soon as we can. I think PD is definitely, next month we will have that, so again, by the time we get this moratorium working we may have it. It could be a moot point.

Commissioner Serra: Would that entail hiring a consultant just for that area?

Chairman Hall: No. Again, we are going to have to decide if we want the consultant, to spend the time or the money.

Craig Minor: I wasn't going to do it tonight, but I will in the future press very hard to hire a consultant to help you with the Newington Junction area, but I would agree that we probably know enough about what we want for the Cedar Street area to write the regs without a consultant. I now know enough to prepare.

Chairman Hall: So at the next meeting we will have Craig have everything put in place for us so we can take some action.

Commissioner Anest: Are you going to have the Town Attorney review the language?

Craig Minor: I wasn't going to, but if you want me to I will.

Commissioner Sobieski: Maybe we should have Craig do a map for us.

Chairman Hall: No, this is a really good map. I think, does everyone feel that way?

Craig Minor: And as we go forward, I can amend it to show schools and churches, or whatever else you want on the map.

B. Petition 09-15: Site Plan Approval (Continuing Care Retirement Community at 751 Russell Road, HDC ONE LLC, owner, Amara Community Living LLC, applicant, Kari Olson, Esq. City Place 1, 185 Asylum Street, Hartford, CT, contact.

Chairman Hall: Petition 09-15, is the applicant here?

Craig Minor: I don't know what they look like, so I don't know.

Chairman Hall: We considered taking this off the agenda because the text amendment is coming up next meeting, and to have a site plan approval given to us before we even know about the text amendment seems to be putting the cart before the horse. However, if the applicant is here and wants to give us a brief overview, just so that we know what you are talking about, we'll be okay with that. Just understand, we cannot respond, we are not even going to ask any questions, it

would just be that you would give a presentation if you so desire tonight on this, knowing that we can't do anything about it until the text amendment has been presented.

Commissioner Aieta: Is there anyone here from the Amara piece? Is the attorney here?

Chairman Hall: Is anyone here from Amara? That takes care of that.

IX. OLD BUSINESS

- A. Petition 04-15: Special Exception (Section 3.11.6: Restaurant at 337 Willard Avenue. Romraj LLC, owner; Dale Hume, applicant, Adrian Myles, 115 Fuller Drive, West Hartford, CT, contact.

Craig Minor: I distributed a draft motion with the condition that the landlord be required to supply at least two, you might want more, trash receptacles on the site.

Commissioner Camillo moved to approve with conditions Petition 04-15: Special Exception (Section 3.11.6 Restaurant) at 337 Willard Avenue, Romraj LLC, owner, Dale Hume, applicant, Adrian Myles, 115 Fuller Drive West Hartford, CT, contact.

CONDITIONS:

1. The property owner shall provide and maintain two trash receptacles near the building, one on the east side of the building in front of the 7-11 store, and the second one on the south side of the building in front of the proposed restaurant.

The motion was seconded by Commissioner Leggo.

Commissioner Anest: There is already a trash receptacle in front of the 7-11 store so I would recommend maybe two on the side, because there is a pizza shop and a liquor store, and you always find the little liquor bottles outside.

Commissioner Aieta: I'm just curious - we're putting conditions on this applicant that relate to the property owner; how does this applicant, if he wants to rent a part of the building for a take out restaurant, go to the owner and say, "I have to have these receptacles"?

Craig Minor: The restaurant owner has to because if he doesn't, we'll shut him down because he will be in violation of his permit.

Commissioner Aieta: You are asking him to put to put the waste receptacles for the 7-11 store?

Craig Minor: The landlord, yes.

Commissioner Aieta: I can see asking him to put a waste receptacle outside of his establishment, but for him to be, the onus on him, if the property owner says, well, I don't want to do that.

Craig Minor: Then the property owner just lost that tenant, and I don't think he would want to lose a tenant over the cost of an additional trash receptacle. If you are right, I'm willing to take that gamble, to protect the neighborhood. The blight regulations that Newington has don't extend downward to be able to force a landlord to empty his trash receptacle in a timely manner. Theoretically they do, but I doubt very much that the Town is going to use its resources to fight that blight battle when we have much larger blight battles that we are fighting. So here's a way to solve the problem. Put the burden on the landlord via the special permit to provide a sufficient number of trash receptacles.

Commissioner Anest: I agree with Frank; I wouldn't want to take the chance that the landlord might not do that.

Craig Minor: So what's the downside to that?

Commissioner Anest: That the restaurant can't open.

Craig Minor: Right, and the next tenant is going to be told the same thing by us.

Commissioner Anest: But not if it's not a restaurant. Maybe could we have the tenant...?

Commissioner Aieta: He knew about it, and if he has no problem supplying...

Commissioner Sobieski: If there is a problem here, shouldn't we be notifying the Health Department to start enforcing it? That would be my thought, because the Health Department can go in there and order them to clean it up.

Commissioner Leggo: My initial feeling is that we should have a condition in there that concerns right in front of his restaurant. That's his responsibility, even if it says the owner. He knows, going around the corner, going around the building, checking garbage cans, he knows he might lose if the owner doesn't cooperate.

Craig Minor: The applicant did respond when I told him what I was going to suggest, and he said, "I assure you that we will keep the property clean and well maintained. As a public health inspector for the City of Waterbury, and a culinary graduate from the best culinary school in the world, I take pride in what we do".

Commissioner Aieta: Could you come up for a second? Do you have a problem providing two waste receptacles, one in front of your store, and one in front of 7-11? Would that be a problem?

Adrian Myles: If the property owner doesn't want to do it, I think our primary responsibility is for our store. If you look at the property, there is a pizza shop, a liquor shop, our location, the hot dog place and the 7-11 store. I think us being responsible for our store is more appropriate than being responsible for a 7-11 24 hour store.

Craig Minor: But that didn't answer the question. Are you willing to put a trash receptacle in front of your restaurant?

Adrian Myles: Absolutely.

Craig Minor: All right, then let's modify the condition.

Commissioner Camillo: "The property owner shall provide and maintain one trash receptacle near the building on the south side of the building in front of the restaurant."

Craig Minor: The tenant.

Commissioner Camillo: One more time; CONDITIONS: "The tenant shall provide and maintain one trash receptacle on the south side of the building in front of his proposed restaurant."

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 08-15: Special Exception (Section 3.2.5: Continuing Care Retirement Community) at 751 Russell Road, HDC, ONE LLC, owner, Amara Community Living LLC, applicant, Kari Olson, Esq, CityPlace I, 185 Asylum Street, Hartford CT, contact.

Craig Minor: We have received one application for a special exception since the last meeting. This is the Amara Continuing Care Retirement Community application for a special exception which requires a public hearing. At the moment the project as they envision it, as they submitted it does not meet the regulations. Holding a public hearing on a project that doesn't meet your regulations doesn't make any sense. So, I recommend scheduling the hearing for April. I initially suggested the second meeting in April, but I'm going to tonight suggest that we schedule the hearing for April 8th, and if, if the stars line up and the Commission is able to approve the amendment on April 8th, then have the hearing on the special exception on the 8th. If that doesn't turn out to be the case, then we will have the hearing at the following meeting on the 22nd. This sets the table for the Commission to be flexible, to be responsive, if you are in a position on April 8th to be responsive, to make a decision in a timely manner, so I recommend that the hearing be scheduled for April 8th.

Chairman Hall: April 8th, that's pretty much, well the text amendment is scheduled for the next...

Craig Minor: The text amendment is scheduled for the 25th.

Commissioner Aieta: And at the next meeting we would have to act on the text amendment.

Craig Minor: Hopefully you will be able to.

Commissioner Aieta: And then we would have to take up this.

Craig Minor: If on April 8th you are prepared to approve the amendment, what I'm suggesting is that I prepare the agenda in a slightly different order. Do "Old Business" (action on the amendment) first, and then, a few minutes later, hold the Public Hearing on the Special Exception. I'm suggesting you do that because if it turns out that the amendment is denied, then you just cancel the hearing that was scheduled for five minutes later that night, because it's moot.

Commissioner Aieta: I don't want to get into the nuts and bolts of the application, or the amendment, but I see problems with what they are asking for in the amendment because I think they are in the wrong place in the regulations. I'll leave it at that.

Commissioner Anest: Does this have to go to Conservation?

Craig Minor: I've asked the Town Attorney for an opinion on that.

Commissioner Sobieski: Craig, it's in the I zone, so it's allowable.

Craig Minor: The text amendment to Section 3.2.5 applies to pretty much all zones, but I don't know if it applies to the Industrial Zone.

Commissioner Sobieski: According to the map here, if I look at this, it's colored green....

Commissioner Aieta: It's in the B-BT zone, but the amendment is asking us to change, make changes to all of our zones.

Craig Minor: To an activity that is allowed in all zones.

Commissioner Aieta: And there are other requirements that they are asking for.

Craig Minor: Yes. "Special Exceptions Permitted in All Zones". Hospitals, sanatoria, rest homes, senior living facilities and now, Continuing Care, if you approve it, are all allowed by special exceptions in all zones.

Commissioner Sobieski: My concern on this Craig, is that somebody could start buying up houses, knocking them down, and then building in a residential zone.

Craig Minor: That speaks to the amendment itself, so you might want to hold those comments until the hearing on the amendment.

Commissioner Aieta: I think we are trying to do too much, too fast and things are going to fall through the cracks here. I think we need to take it in some kind of a sequence that makes sense, that there is some logic in how we do it. They are asking for an amendment to the zoning regulations, and I'm not sure that is what they should be asking for. After we hear it, I don't know how you could start all of these other, the site plan, and the special exception, if we don't even know if what they are bringing in is the right place in the zoning regulations and what they are asking for is what they should be asking for.

Craig Minor: They have applied, and now, as it always is, your challenge is to make a decision that is in the best interest of the Town. That might not be the approach that the applicant is expecting, but it is the way that you want to take it. Now that the applicant unfortunately has submitted all three applications, we have to deal with that, but I don't see a problem with taking the text amendment first, having a hearing on it, voting on the text amendment, and then later that night, for the first time, having a presentation on the site plan and the special exception. I think having hearings on the site plan before the text amendment is adopted would definitely be putting the cart before the horse.

Commissioner Aieta: If we found that what they are asking for is not where they should be, then we could cancel it, we could choose not to hear the site plan and the special exception?

Craig Minor: If you end up denying the amendment because you don't think five stories is appropriate in Newington...

Commissioner Aieta: That's not even the point. I don't think that's the right place...

Craig Minor: If I may suggest, don't think of it that way. Approve or deny the amendment based on whether this is a good thing for Newington, not because of where you know that they want to build this. You really need to pretend you don't know that. You need to keep an open mind, to adopt or deny an amendment that is good for Newington, town wide. Make modifications to the amendment so it is in the best interest of Newington, and then, after you have made that decision, then look at the plans.

Commissioner Leggo: The way that you are setting this up, what happens if we can't come to an agreement...?

Craig Minor: It blows the schedule.

Commissioner Sobieski: Craig, is it possible to get a copy of what the original site plan allowed?

Craig Minor: Sure.

Commissioner Leggo: I don't think we should have it all on the same night.

Craig Minor: When you say "not all in the same night", do you mean, not act on the text amendment?

Commissioner Leggo: Well, to act on the text amendment, if we get to it is fine, but to have that hearing there, I'm thinking of it three ways. Discussing it on March 25th, and then voting on it on April 8th.

Chairman Hall: We weren't going to do it the same night anyway. It would be the next meeting, and then at that next meeting, hopefully we can come to a consensus, and then hear the second proposal.

Craig Minor: If you get that far, if you don't deny the amendment earlier that evening.

Commissioner Anest: So, we're going to do the amendment, then possibly vote on it on the 8th, and then also on the 8th, what are we going to do?

Craig Minor: The public hearing for the special exception and site plan.

Commissioner Anest: Okay, question. We are combining them, and I don't think we should be combining them. I think we should just hear the special exception and keep the site plan as a separate application. What happens is, you have the public here for both the site plan and the special exception, and you are going to get more input. We have run into problems previously when we have done both. I think it should be two separate applications.

Craig Minor: I see your point, but I think the reality is that you can't separate the two. When the applicant makes the presentation on the special exception, how can they describe what they want to do without pointing to the site plan?

Commissioner Leggo: But on one hand, you are telling us to make believe that we don't know that.

Craig Minor: No, at that point, you have already acted on the amendment, and you have already approved it. At that point you have approved it, and now you are looking at their site plan and hearing their presentation on their special exception, later on April 8th.

Commissioner Aieta: If the amendment, the way that they presented it is denied, then what happens to the other two? They become moot?

Craig Minor: Yes.

XI. TOWN PLANNER REPORT

A. Town Planner Report for March 11, 2015

Craig Minor: Again, not too much to report. I actually did prepare some additional information for you on physical activities in your Plan of Development, but I did not bring them, so I will give them to you at your next meeting. That is all I have, but the Zoning Enforcement Officer has been waiting very patiently here. He is here to go over his monthly report which was on the table when you arrived, and to discuss something that they did in Somers which he thinks would be helpful here in Newington.

B. ZEO Report for February 2015

Mike D'Amato: You have the report, and it's the same format every month, so if you have any specific questions we can go over it. We can go onto the next piece. At the back of the packet, and I did some modifications on it, but basically it's an application for a non-commercial

temporary sign. We talked about this at the last meeting when we had an issue with the mattress fund-raising signs. We all know that there is no mechanism for a civic, non-profit organization to put up signs in town. If a theater group wants to advertise in town, and they don't have a store on Cedar Street or Main Street, they can't advertise. That's how we got this reg in Somers, because we had groups that wanted to advertise. So this is the application. I did change some of it so that it pertains to Newington and not to Somers, but you will see at the bottom, this application has the specific regulation as it relates to this application, and the time frames and the sizes are something for you to look at. I'm giving this to you now for when you get to the section of the regs that pertain to signs, because unless it's an event run by the town, there's no mechanism. This is one way to do it. I didn't have any issues with the way that it works in Somers. The applicant, when they bring the permit to me, they sign it and they say, that they have permission from every property owner; it's not in the line of sight; it's not in the right of way. Obviously if you create a problem with your first permit and you try to get another one, it's not going to happen. The way that this is set up, rather than having signs stuck in every snow bank, turn area, right of way, whatever, they are on peoples' property, so we have one person who we can contact or deal with if there is a problem.

Commissioner Aieta: They won't be on public property?

Mike D'Amato: No.

Commissioner Aieta: They would all be on privately held property with permission.

Mike D'Amato: Right. We did have some organizations that said, we have three events a year, we use the same signs for every event, and we use the same locations. So they gave me a list of all the properties, phone numbers, e-mail, the owners, so if I had a problem with one sign, I could just call and tell them to take care of it. It worked pretty well, and we had it in place for a little over a year. There is a little more accountability, because the person who has the sign wants it to be there, and we can actually put a name to a face as to how the sign got there, instead of someone going out at eleven o'clock at night and sticking them somewhere and hoping it stays.

Commissioner Anest: It says "directional signs"; does that mean like arrows?

Mike D'Amato: Yes, that is just a difference in terms based on what they call directional signs. Basically you would change that because you talk about directory signs which they did not talk about in Somers, so that is just a difference. The sign would read something like, "Newington Theater Club Annual Play, this day", you would specify the size, the number of days, the total number of signs, all the different pieces of it.

Commissioner Anest: I'm asking what is the definition of a directional sign compared to an off premise temporary sign. I look at a directional sign as, say, arrows directing you to the event.

Mike D'Amato: We had a large number of farms in town doing Christmas trees, so it would just say, "tree farm there".

Commissioner Anest: So why would you need directional signs thirty days before an event?

Mike D'Amato: It would, if they were doing a Christmas tree thing, or blueberries or a seasonal event, and I'm not saying just adopt this, this is just how it came from where it started. I didn't want to change anything before I gave it to you, because it's not up to me to change. So this is sort of just the jumping off point.

Commissioner Aieta: We did look at temporary signs, and we did look at a bunch of stuff, but we couldn't come to any conclusion. It was bigger than the two of us.

Mike D'Amato: Just for an example, the Chamber of Commerce signs that are up are a violation, so does the Commission, via me, want to notify the Chamber of Commerce for a beneficial town event? No, but the answer is not "yes", it has to be "no", so this gives you control over types of signs like that. A business sign, for profit, generating money that goes into someone's pocket is not qualified. It's not a way for someone to just go and stick a sign up. It's for a non-profit.

Commissioner Sobieski: How are you going to handle state highways because you are not going to be able to put them in the state right of way?

Mike D'Amato: Right, and one of these sections specifies that they understand that. Right here it says, "behind the property line or a minimum of ten feet from a road, whichever is further". It's got to be on private property. We didn't have a highway in Somers, the highway is different, so having it on the property line means it's not in the right of way. So, when you put a sign here, you know, and if it is in the right of way, then it falls under the regulations just like anything else.

Commissioner Sobieski: Over the weekend I saw signs from Big Lots all over the place.

Mike D'Amato: Big Lots is a company, so we wouldn't even discuss this with them. Anything for a community, a fund raising, educational, civic event, a non-commercial event. Any questions on the zoning report?

Chairman Hall: Thank you, and thank you for staying. I think we could move you up on the agenda.

Mike D'Amato: I can't show up an hour late, because you might go through it.

Chairman Hall: We'll move you up next time.

Commissioner Aieta: I think we could take his report when he comes, right at the beginning.

Craig Minor: In Cromwell, the ZEO comes once a month, and he makes his report right after public comments, so if the public came to speak about something for the ZEO, he would hear it.

Commissioner Aieta: Maybe right after Remarks by Commissioners, the first Remarks by Commissioners. Then if we had something we want to tell him.....

Chairman Hall: So that will become the new number seven. Michael will become the new number seven.

XII. COMMUNICATIONS

None

XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to two minutes.)

Holly Harlow, 11 Edmond St: I want to bring up H.B. 6851. That really concerns me, if what Mr. Minor says is correct, that the State would have purview to take things by eminent domain, something that concerns me is that the State has this power, but then now comes a bill and a law, and I think this is something that the TPZ is intimately involved in. If we can't find, we can't stop development that happens in our town, is what we want, and it seems to me that the busway was argued, way back when, assured that the development that happens in our town is what we want, and bloody hell, if we don't have any control over that, then we have nothing. All that work, all the meetings, as to how the town should be, to protect us, it's gone. Unfortunately, it's a political thing, and you, the Commission, are our conduit, but there has to be something that has to be done on our behalf. Then our delegation owes us some kind of explanation, because this is not

what we signed up for, they owe us, regardless of what party you happen to fall in, and this is the only place that can put pressure on our delegation. If it were long enough ago, we could have had a public hearing, we could have written letters, and (inaudible.) We all have an interest in this, and this busway is just to get population out of Hartford. I never bought into that myself, it's sounding more and more like there is an underlying agenda and our delegation owes us an explanation. Our state representative who was speaking out during the election, a little representation would be good, so whatever you feel is necessary, thank you.

Andy Brecher, Economic Development Director: Good evening. I hadn't planned to speak tonight, hence the casual attire, but I was not aware that Carol was going to bring up bill 6851, and like all of you, I was made aware of this about ten days ago. I would like to draw your attention to line 139 because that is the key. What I'm hoping to do is to make it possible for all of you to sleep tonight...

Craig Minor: They are not lined.

Andy Brecher: Okay, Carol read this, but I don't know if people saw the significance of it. This is patterned after the Capitol Regional Development Authority, and most of the language was stolen from that legislation. It is for communities that don't have their own development authorities. Torrington, Waterbury, communities in the Naugatuck Valley have their own development authority, Newington doesn't have one, and many other towns don't have one at all. When I saw this, I didn't, I read the whole bill, but I wasn't really concerned about it because Newington is already covered by the Capital Region Development Authority which has all of these powers. All of these powers already exist with the quasi-public state agency and we are one of eight towns that CRDA services. The key language is, "upon request from the legislative body of the municipality". We found this when we asked the Capital Region Development Authority to help us with the National Welding site. That required that the Mayor and I go to the board of CRDA, make a presentation requesting their assistance, crafting a contract, bringing it to our Town Council for discussion, review and eventually make a motion to direct the Town Manager to sign that contract. So, all of these powers are powers that this new authority would have, if we give those powers to them. If we ask them to do something, and I'm not saying just us, this would apply to all of the shoreline communities that have rail, the Danbury line, the Waterbury line, and everybody from New Haven and Springfield, Enfield who have a track or a busway going through them. So in fact, this is nothing new, except Newington potentially has another source of money if we ever had a project that we wanted to use from this new transit authority because they can get even more money. So, it's nothing that doesn't already exist. If you were concerned that a development authority of the State were going to come in, grab land, trump zoning, do whatever they wanted to do in Newington, well, that's been around for several years, and that hasn't happened. This won't do it either. As Craig Minor pointed out, this cannot trump local zoning. Now, if you are prompted to read CRDA's legislation, you will find some sections that are not here. CRDA has super powers when it comes to a defined downtown district in the City of Hartford, wherein they can trump local zoning. CRDA can do anything development-wise that it can justify within a select downtown area in the City of Hartford, but not in the seven surrounding communities. That does not exist in this legislation, it has no super powers. If you were concerned about them coming in, taking land, doing what they want, telling us what to do; none of that is in there, and nothing happens without the town asking for it, so hopefully that will put your mind at ease a little bit. I do urge you to read the whole thing so you will understand it, but it shouldn't be something that we need to fear. Thank you.

Jeff Zelek: Regarding H.B. 6851, initially there was a lot of fear, now maybe some reason, I don't know what to think, so as a member of the public what I would like to is for you to put this on the agenda for the next meeting. Take it home, read it, come back with your questions, and after you have had an opportunity to read it, maybe deal directly with the Governor, since he is the one that (inaudible) perhaps with a consultation with the chief elected official, perhaps (inaudible), but I'm asking again, please put this on your agenda, take a look at it, (inaudible)

John Bachand: 56 Maple Hill Avenue: Again, there are a couple of people in this room that have been drinking the regional Kool-aid for a long time. We've been warned about it, we're told not to worry about it, but every time something comes out it's another arrow in their quiver. Basically they are putting us on notice, this is what we are going to do. I hope Mr. Brecher is correct in his interpretation of it, but I found this from a legislator, Gail Lavielle, the legislature's planning committee, on the Governor's bill last month that stripped Connecticut towns and cities of local planning and zoning decision-making authority and transferred to the Board of (inaudible). Maybe that is for the other towns, and doesn't apply to us, but when I hear regional, I just want to, like an old timer, put my hands over my butt and just run away. Everything it seems that comes out of regional is not conducive to what most in this town thinks is good for this town. I like that term, we're a town, not a city. I appreciate that, and that should be our motto, really. I don't agree with Craig that we wouldn't (inaudible). It made me a little nervous when you guys were debating not putting the moratorium on the other station. I think we definitely need that. The senior care, is that a hearing where the public can speak?

Chairman Hall: It's coming in as a public hearing.

John Bachand: Then the public can speak. You anticipate it will only last a couple of meetings.

Chairman Hall: I don't know, we haven't heard it yet.

John Bachand: So basically I was shocked at H.B. 6851, and you are losing your authority and it doesn't seem to matter if we want to promote housing or not, and you were assured over and over that that wouldn't happen. Just one more thing. I'd like to get back to Cedar Mountain. I alluded to it, but I wanted to thank Carol because she was involved, I wasn't involved at that time, I kind of came in at the end, but from what I hear, Carol was pretty instrumental in that also. That's going to be my drive, I don't want to see people on Cedar Mountain, and so I will be speaking against that at that public hearing for the amendments, putting some 300 odd people on that mountain. There were three separate battles that went on up there to keep people off that mountain, and I'm telling you, we have a golden opportunity to have this giant piece of property in town that has no one living on it. What they are proposing I think is far worse for the environment, I know that it's far better for the bottom line on tax revenue, it's about double what the current proposal is going to bring in, but as far as environment or quality of life, I would like to see that not happen.

Rose Lyons, 46 Elton Drive: I want to thank Holly for the details on the agenda, I know that Chairman Zelek has been trying to get that for me. The map that you were looking at tonight around the CTfastrack, I just wondering if it is on the web site, or if it is available. H.B. 6851, Mr. Brecher, and whoever knew about that from this town, it might be nothing, whether or not it is a non-issue, it should have been brought forward by who ever knew about it in town, whoever in the legislature knew about it, and we might not be facing anything different, but given the fact that we have been told over and over again, don't worry, the state can't do anything. They can't do anything that they couldn't do before, well, I'd just like to know, what can they do, and what can't they do? I think it should be discussed. I think Mr. Zelek asking you to put it on the agenda, I think is something to put the fears away. Get it on the table, make it transparent, and I thank Carol for bringing it to us. I know I sat and listened to Dannel Malloy trying to get the Democratic committee to support him in his run for Governor, assuring us that he was (inaudible), so this bill, supported by the Governor, I don't trust him.

XIV. REMARKS BY COMMISSIONERS

Commissioner Anest: If this truly is a "nothing" then I apologize for getting everyone up in arms, however, as Rose said, when something like this is out there on the radar, it needs to be brought to us. I don't care how minor it is, or how major it is, we need to see every piece of legislation, even if it touches one corner of the town, we need to know. I'm still not convinced that they can't override us, because I'm reading Representative Levielle's remarks and it's how you interpret the

remarks, so this needs to stay on the radar, and maybe during the Planner's report every two weeks.

Commissioner Sobieski: Just to echo Carol's remarks, I think that anything that has to do with this town, or the neighboring towns, I think we should know about. Usually what happens in one of the neighboring towns will spill into this town. So, you know, I'm very upset, you knew about this Craig and so did Andy, and nobody else did. So, anything that comes out anywhere that deals with land, this Commission should know about.

Craig Minor: There are probably hundreds of bills right now that might affect land use somehow in a town. Everything from requiring the Commission to publish notices in the paper, which is the law and always has been, to allowing them to publish them on the website. Do you want to see that bill? That affects the Planning and Zoning Commission.

Commissioner Sobieski: No, I'm saying generally land use, again, you have to use a little bit of discretion, whether they publish in the paper or on the web is not a concern of ours, but this type of bill is.

Craig Minor: Okay.

Commissioner Anest: And I think because we have been so vocal on the two train stations, that's why it has hit us even harder than normal.

Commissioner Serra: I want to thank Carol for bringing this to our attention tonight, and I also want to thank Mr. Brecher for his explanation on this bill, although I'm sure you can understand why we feel a little skeptical. I think we should keep an eye on this, we'll keep our ears open, and it doesn't hurt to follow up, with your elected officials. I also want to thank again Chairman Zelek and his Commission on his great work on saving Cedar Mountain. Thank you.

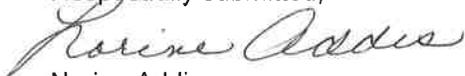
XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Serra moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 9:12 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary