

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

March 23, 2016

Chairman Frank Aieta 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, Connecticut.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Chris Miner
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner John Bottalico-A
Commissioner Michael Camillo-A
Commissioner Paul Giangrave-A

Commissioners Absent

Commissioner Brian Andrzejewski

Staff Present

Craig Minor Town Planner

Commissioner Bottalico was seated for Commissioner Andrzejewski.

III. APPROVAL OF AGENDA

Craig Minor: I recommend removing one item: Approval of Minutes for March 9th. I have not finished editing them yet.

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

Don Wasik, Somers, CT: I drove down tonight because I want to make you aware of a dangerous condition that exists. At the McDonald's restaurant on the corner of the Berlin Turnpike and Robbins Avenue, there is a concrete slab right in the middle of that busy driveway. I had occasion on this past September 24th to go there to get something to eat. I drove down from the Bowl-o-Rama, turned right, and you know it's two lanes in each direction so you can pass that driveway. I turned into the right hand lane and when I straightened out, I looked in the sideview mirror to the left and looked over my shoulder, to make sure that no one was coming so I could safely go to the left lane. I was about half way there, it's only about 33 yards from where the driveway begins. There was a car at the stop sign that was past the stop sign, I have pictures showing many other cars do that, by the edge of the right hand lane on Robbins. Because of that, I could not see the slab behind that car. Now I focused to the left, driveway, traffic, car coming out, and oncoming traffic. When I determined that it was safe to go past that car at the stop sign I started by turn. Now, I'm sure you are also aware, the terrain in that area goes down from north to south. Robbins, like most roads is curved for drainage purposes,

so I was at the highest point when I started to make my turn. The driveway goes down until it reaches the right hand side of Robbins. That's the lowest point, I was at the highest point so that when I started to make my turn I couldn't see the slab again. Fortunately I wasn't going that fast. I started my turn, and wham, loud noise and big jolt, and I braked, and I just sat there wondering what the heck happened. I talked to the manager that night, to say, tell your superiors to get that thing out of there before somebody gets killed. I found out the next day that there is a sign that says, No Left Turn. That sign is opposite the driveway, on the right, and your focus is all to the left, it's above eye level, and in front of that sign you have two other traffic signs, speed limit, merging lanes, and there is a property for sale sign, and then two telephone poles. If you wanted to see that sign, you couldn't see it if you were looking for it. The most you might see is the outer edges of the sign. Sargent Steiner who I talked to a couple of weeks after the accident, he said that the signs were insufficient. They send officers over there every once in a while and they ticket people for making an illegal left turn, and he said that everybody says the same thing, what sign? As far as the sign is concerned, I also talked to Michael D'Amato, Assistant Planner, and I saw a picture that he has showing another sign that no longer exists, on the left side of the road, beyond the driveway, I don't know how much good that would do, but at least it is on the left hand side and if no cars are blocking your view, you can see it. He surmises that DOT realizes that the sign that they put up isn't very good, so they put this up, and somebody knocked it down, and they haven't put it up again. In addition to that, while I was waiting for the tow truck, I young lad pulled up near me, and I thought he was with the person I called for the tow truck, turns out he wasn't, but I told him what had happened, and he said he worked at McDonald's and that happens all of the time, and it's worse in the wintertime. So, that slab has to go. I guess nine or ten years ago the Commission approved it, not realizing what would happen, but I'm recommending that the Commission meet with the DOT and put the sign where it belongs. I think the sign belongs on the post that holds the stop sign for people coming out of that driveway. That is where your focus is, you are looking to the left, and you will see that sign. Then you will know. That slab is damaged, not only in the front where I hit it, but it looks like people making a right turn, I think that may happen in the wintertime, I'm not sure, but I'm concerned, I'm really concerned that somebody with a bad heart, really bad heart, experiences what I experienced, you could have a fatality. The District Manager from McDonald's, they don't seem to care. So, I recommend that you get together with the DOT, they would have to approve that sign on the stop sign I guess and McDonald's would have to take that out before somebody gets killed. There are no real entrance signs on the Berlin Turnpike itself. Maybe 30 feet in there is a small sign this wide, and it says Welcome. If there had been an entrance sign that I could see, and after the accident I went by there to look for that driveway, no driveway exists. I drove right by it, I couldn't see it. It's only about 20, 30 feet from Robbins Avenue, and you are by it. I saw the Do Not Enter signs for the other driveway. I'm sure McDonald's would like a bigger sign, maybe that could be a trade off, I don't know, but I'm concerned that somebody, a non-resident like me or a new resident to the town, doesn't know about it, will suffer the same fate that I did, and I hope that you will consider that so no one else has to suffer what I went through. It's not going to bother me any more, because I know about the slab.

Chairman Aieta: We will let the other people talk, under Public Participation, and under Commissioner Remarks we will have a brief discussion about how we are going to handle it.

Don Wasik: Thank you very much.

Chairman Aieta: Thank you. Anyone else from the public wishing to speak? Come forward, state your name and address please.

Rose Lyons, 46 Elton Drive: All I have to say is that I feel for that man because not only is that sign placed where you can't see it, McDonald's has a sign that says "Entrance" right at that driveway. I've been telling people about it, other people have been telling people about it, I don't know that you are the ones that we should be complaining to, or I should be coming to, but as you are coming from the Berlin Turnpike, on the right hand side, it is the sign that says, No Left Turn, and then as you approach the driveway, there is the sign that says entrance into McDonalds.

Chairman Aieta: Okay, thank you.

John Bachand, 56 Maple Hill Avenue: Regarding the sign situation, I know that it's a huge pet peeve of a lot of people, but I think it would be pretty simple to put that sign back on the left side of the road. Anyway, on the agenda, I read that the Alumni Road committee is looking for support, and I just wanted to tell you, I fully support that. I think it's great that Commissioner Sobieski is leading that, with the help of Commissioner Pane. I think it's important. I will just remind you that the State was ready to pull the trigger on that, twelve or thirteen years ago, and the only reason they didn't was because of the fact that they had to take two houses, which was pretty serious. I understand this project doesn't call for that. It's still a huge undertaking, so I'm offering to do whatever I can do to help it. If you need people to knock on doors or whatever, to get the word out there, I'll be willing to do it. My daughter works at the Skating Center and I fear every time that she comes out of there and takes a left. We know about it, but imagine people coming from other towns, for a sporting event there and are not really aware how dangerous that could be, to pull out of Alumni Road, so I fully support that.

I support most of what you do on this Commission. I support the TOD overlay zone. After reconsidering it, I support the rear lot regulation that you are considering. I hope you will consider what I have been talking about the last few meetings, the backyard chicken issue. This week a resident actually got a citation for having chickens from the Zoning Enforcement Officer. I'm going to hand out Wethersfield's regulation on the matter. I think it's perfect myself, and you know, Wethersfield is not known for being lax in their zoning regulations, and these are not archaic, colonial regs either. I talked to them today, and these were recently adopted and apparently everyone is very comfortable with them, and they work very well. I wanted to put it out there, and I am speaking for myself and my sister, to say that she is interested too. She would like to have a few chickens. So, I don't know, do I petition, or get a few more people to say that they are interested? I'll let you ponder the rest of that when you get a chance. Thank you.

Chairman Aieta: Thank you. Anyone else wishing to speak?

Suzanne Massa, 57 Vivian Street: I am the person who got the citation for having the chickens. So, I come here to find out the rules. Connecticut State law that says six or less chickens are considered pets. I raised them for six months in my home before I put them out into a coop. The coop is locked, lined on the bottom, wired on the top, it is safe and secure. I asked my surrounding neighbors before I attempted to get these chickens if it was okay, and they said, we might want to get some too. My neighbor to the right said, I'll build it for you, and I was, like, lovely. I have had these chickens now for six months at my house. I had a heart attack last June, and I have been home, and I have found that they are relaxing to me, they are calming. I cannot go at one hundred miles per hour any longer, it is something I can do at my pace, gardening, canning, I'm at home, so this is something that I enjoy. I'm not selling eggs, I'm not farming the whole town, I'm on my property. I have kept it clean. Somebody said, "I don't want to smell chicken manure," and I said, whoa, I understand that it is the responsibility of the owner. I use pine shavings, I do use (inaudible) earth that I put down for it, and I use it in my garden, so it goes from there to my garden, and it is roto-tilled in. I raised them when I was in high school when I lived in Suffield, and I came to Newington twenty years ago, and my husband said, we'll raise our kids in my home town. And I said, "Near the Berlin Turnpike? Are you crazy?" Well, I found Vivian Street and we are one lot away from wetlands so I have all the nature. I have deer, raccoons, and okay, I can do this. So, I think it's part of being able to do that. I went to Eddy Farms, I talked to other people in town. When I posted it under "What's Happening in Newington", I got a lot of feedback. "We would love to, we would love to, we would love to". The thought that you need five acres, I don't know a lot of people in Newington that have five acres. So, I'm not sure how to do this. Is it, like John said, is it a petition, is it a review, is it a review looking at surrounding towns? So I guess I'm looking for a little insight, a little feedback. Thank you.

Chairman Aieta: If there is anyone else wishing to speak, come forward, state your name please, and your address.

Kathy Dionne, 219 Meadow Street: I'm here to support Suzanne and the backyard chicken movement. After reading some of the regs and looking at other towns, I found that Newington, although it is a progressive town, with your biomedical academy, your aerospace and engineering school, some of the regulations, to me, are a bit antiquated. I'm hoping that you will consider changing the regulations so that people who do have pets can keep them. Thank you.

Chairman Aieta: Anyone else?

Joanne Vanderburgh, 47 Vivian Street: I live next door to Suzanne. Like Kathy said, is there something that we can do, or sign, to explore changing the regulations? When we bought our house, I think it was 1988, the people who were there prior had a chicken coop. They had rabbits, they had beehives, and I would be in favor of changing the regulations to allow chickens.

Chairman Aieta: We will discuss this under Remarks by Commissioners, but I have a question. Do you have a rooster too?

Suzanne Massa: I do not. As a matter of fact I did rescue two of them, and within twenty four hours I found a home for them because I know that they are not allowed. I do not have roosters, I only have six hens and they do not wake up until eight o'clock in the morning when I let them out of their enclosed structure. Then they are back into their coop, and they don't make a lot of noise, back in at dusk. Chickens go in and roost at dusk.

Chairman Aieta: Obviously someone made a complaint because the Zoning Enforcement Officer is not driving around your neighborhood looking to see if you have chickens or not. He would only react to a complaint.

Suzanne Massa: That complaint was made by a neighbor who has had problems on our street that has broken the law several times, and I have called and reported them for different things that have happened on my street, so I think that is the reason.

V. REMARKS BY COMMISSIONERS

Commissioner Sobieski: If I remember correctly, at McDonald's, that tear drop island was put in specifically to prevent left turn in from Robbins Avenue. It is a hazard, trying to cross two traffic lanes. The sign issue, if there is an issue there, should be raised by the Town Engineer and the Town Planner to the Department of Transportation. It is under their control, not under ours. As far as the gentleman said about a bigger sign on the Berlin Turnpike, again, that's the DOT's requirement, because that sign is in their right of way. I feel for that gentleman, but that tear drop island was put in there to prohibit the left hand turn. It's a safety issue. If Sergeant Steiner says there have been accidents up there, apparently there needs to be more delineation in that area.

Commissioner Pane: As for McDonald's, I can understand why the tear drop is in there, but maybe some communications with McDonald's to improve the signage will help the situation. As for the chicken regulations, we're in the middle of reviewing our zoning regulations and modifying them, so I think it wouldn't be a bad time to look at it in our upcoming meetings. I'll read the Wethersfield regulation.

Chairman Aieta: Mr. Planner, what section of the regulations would that fall under?

Craig Minor: I don't know. If the Commission wants me to, I can give it some thought and come back with a recommendation.

Chairman Aieta: Give it some thought and we will discuss it. Any other Commissioner remarks? Mr. Planner, will you make some notes on the McDonald's problem, and try to contact the appropriate people to take a look at that. The Department of Transportation and the Police Department could maybe put a sign on the island, I don't know, that says, No Left Turns. Maybe we could do something on the island itself so that the people could see it better.

Commissioner Sobieski: I think the island is painted white, which doesn't help the situation. You might want to paint it yellow. Again, you have to remember if anything is going on the island, and you have the signage, somebody is certainly going to hit it, so, obviously if it was delineated by a different color maybe.

Chairman Aieta: Maybe we could put those rubber....

Commissioner Sobieski: The rubber pylons?

Chairman Aieta: There has to be something we could do to alert the people that there are no left turns.

Commissioner Sobieski: Again, it would be between the Department of Transportation and McDonalds. We have very little control over the driveway itself, I wasn't on the board at that time, maybe Commissioner Pane remembers why it was put in there. I'm sure it was for a safety issue.

Commissioner Pane: Absolutely.

Chairman Aieta: Mr. Planner, isn't McDonalds coming in for other reasons, you could bring it up at that point when they do come in, so make sure that we don't forget this item. You have some work to do on your end.

Craig Minor: Okay.

VI. PUBLIC HEARING

A. Petition 05-16: Zoning Map Amendment and Zoning Text Amendment (New Section 3.19.A: TOD Overlay District.) TPZ applicant/contact. Continued from March 9, 2016.

Chairman Aieta: We'll turn this over to the Town Planner since this is a TPZ application.

Craig Minor: This is a continuation of the hearing that began at the last meeting. One of the reasons that the hearing was continued was because CRCOG has suggested some changes be made to the proposal, so if the Commissioners would flip to the third page of the draft regulation, which begins with Item 2: "The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations". The draft now reads as follows:

"The site plan shall address the following:

- A. The layout of streets, alleys, lots, building sites, and other elements of development shall be designed to maximize safe and convenient vehicular, bicycle, and pedestrian access to the CTfastrak station and, where appropriate, provide the views and community amenities that help define the CTfastrak station as the focal point of the District.
- B. Vehicular, bicycle and pedestrian circulation systems shall be designed to allow vehicular, bicycle, and pedestrian cross-access to existing or allowable development on adjoining lots.

- C. Driveway curb cuts are allowed only if vehicular access cannot be provided via a cross access easement. Driveway curb cuts shall be no wider than 24 feet and shall be located at least 50 feet from a street intersection and at least 100 feet from another driveway, curb cut on the same block face.
- D. Buildings shall be configured in relation to the site's other buildings so that building walls frame and enclose one or more of the following, if applicable:
 - 1. The corners of street intersections or entry points into the development;
 - 2. A "main street" pedestrian and/or vehicle access corridor within the development site;
 - 3. Parking areas, public spaces, or other site amenities on at least three sides; or
 - 4. A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.
- E. Architectural elevations submitted in accordance with Section 5.3.4. B shall be prepared as follows:
 - 1. Where the street level façade of a building faces the CTfastrak station or a public gathering space, no less than 35% of the façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise."

This additional language came from the model TOD zoning regulations that CRCOG prepared and distributed to the towns about a year ago.

I made a few other changes just to clarify a few points which I can go over if anyone has a question about them. Then, just one last thing to add, at the last meeting Commissioner Sobieski asked me to provide a map showing the wetlands and flood plain in the proposed TOD overlay district - that is the colored map on the table in front of you. Obviously the red line shows the proposed boundaries of the district.

Chairman Aieta: I'll open this up for Commission discussion. Do the Commissioners have any comments on the proposed additions from...this is from CRCOG, right?

Craig Minor: Yes.

Chairman Aieta: These are pretty generic additions. Sometimes these generic type things don't apply to every specific application. This Fenn Road district is unique, in that it has no residential community that would be walking around in it. It would mostly be vehicle traffic. One of the problems that we see with this particular CTfastrak station is that there is not enough parking right now for people who want to use the station. As far as pedestrian access to it, that is something that is not going to be generated at this particular site, so a lot of this is boiler plate that might not apply to this particular area, the Fenn Road area.

Craig Minor: I would like to correct something that I said at the last meeting. I was asked why the proposed boundary did not include the old Crest Pontiac site, and my answer was, because that is more than a half mile away, but it's not. It's within a half mile, and I'm about to display a map so people can see what I am saying. That green circle represents a half mile radius from the CTfastrak station, so yes, the old Crest Pontiac site is within a half mile. But we don't want to encourage people to walk along Cedar Street and over the bridge, because of the lack of sidewalks on the bridge.

Commissioner Pane: I agree with you Mr. Chairman, a lot of these items may apply to our other CTfastrak station but not at the Fenn Road one. I believe that some of the roads there would be extremely dangerous for bicycles, so I have to wonder if we really need this in our Fenn Road TOD regulation. Maybe save it for our other TOD station.

Chairman Aieta: Maybe the Planner can do some surgery on this and take some of the language out that pertains to things that are not applicable to this area. The curb cut regulations and the street layouts and buildings, there is some good stuff in here that I think we should have as part of our regulations.

Craig Minor: Does the Chairman or the Vice-Chairman have some thoughts as to which specific sections are not appropriate for the Cedar Street station area?

Chairman Aieta: Well, B would be, the "bicycle circulation systems..."

Craig Minor: Okay, I'll look at that.

Chairman Aieta: Stanley, do you see anything else in there?

Commissioner Sobieski: Not with this particular one, no, but I think you are going to have the same issues at the other station, and you are going to have to look at widening roads in that area. The existing roads, the Planner and I went through this last year, won't handle bicycle traffic in that area. You are looking at taking property...

Craig Minor: No, these regs would apply to a developer who comes in with a proposal.

Commissioner Sobieski: I'm just saying, part of this is CRCOG wanting to push bicycle issues that we will address when we get to that, but everybody on this Commission has to be cognizant of the fact that most town roads are not wide enough to put in bicycle lanes. Bicycle lanes are one thing, and I agree with Commissioner Pane. And as a matter of fact, something came up today with the Alumni Road issue, that putting sidewalks along Cedar Street is dangerous at best, even with a 3 foot forgiveness area, the speeds are just too high out there. I didn't see anything else here.

Commissioner Pane: I would go along with having proper pedestrian circulation around CTfastrak when there are different buildings, and having sidewalks to the station, but I mean, everything is pretty much right in that area. The way that we have designated the lines there, but I wouldn't encourage bicycling on Fenn Road or Cedar Street. Also, I don't know if we want to be so stringent on the 35% minimum windows on a building façade. Maybe we could have a little bit of leeway there. We want it to look nice, but we don't want to put too many constraints on the developer. Thank you.

Commissioner Sobieski: I agree with Commissioner Pane not to put any constraints on the developer in this particular area. We want to give them as much leeway as possible. I don't want to hem ourselves into only 35%, maybe it's going to be 40%, maybe 25%.

Chairman Aieta: Any other Commissioner remarks? I will open it up to the public. People who wish to speak in favor of this application, come forward, state your name, and address.

John Bachand, 56 Maple Hill Avenue: I support this, I support the work that you did on it. I didn't read all of the CRCOG recommendations, but I'm not sure where you guys are going with the bicycle and pedestrian issue on Fenn Road and Cedar Street. They are going to go on there anyway. If you see there's a little goat path there now, and it's extremely dangerous. A person has already been hit on Fenn Road, just north of Myra Cohen Way. There are no sidewalks. You have Starbucks now going in there; this is going to be a kid magnet. You've got hundreds of dorm units up on Ella Grasso Boulevard now, with the building up there, you are going to have people walking down here. I think

something safe has to be done. There has to be sidewalks put in. I don't know who foots the bill, but I think it's pretty irresponsible of the state to put in a magnet to attract people who don't have cars, and then not put the access into it. There is only one part of Fenn Road that does have sidewalks coming from the main campus over at Central, but north of Myra Cohen there are no sidewalks there at all, and a person was hit right near the intersection of the gas station there, across from Ella Grasso, last fall I believe. Once Starbucks opens you are going to have a lot of foot traffic going there, even though there is a drive-through and they are looking for the drive-through people, and Cedar Street. You say it is too dangerous to have a sidewalk - it's pretty dangerous without a sidewalk. Right now there is a three foot path, sandy, messy, I call it a goat path. I ride my bike down there. Maybe a simple guard rail could be put up there and still have it an area for people to walk along to get to the Busway. There aren't a lot of pedestrians on Cedar Street, but over on Fenn Road there are going to be more and more, with the college right there. As far as what I raised before, with the half mile and Crest Pontiac, and the old Budney Machine, I'm not sure what the advantage is, but I'll defer to whatever you decide is the best. Thank you.

Chairman Aieta: Anyone else from the public wishing to speak in favor of this application? Seeing none, anyone opposed to this application? Are there any comments from the Commissioners?

Commissioner Pane: Those are great points from John, and I'm going to go over there and take a look at the sidewalk situation, so maybe I can have some better input for next meeting.

Chairman Aieta: The problem is, who is responsible for paying for it? The State of Connecticut puts in a bus station that won't succeed because they don't have enough parking for people that are going to drive there; they don't have a neighborhood that is going to walk there. People would walk there from Central, but there are no sidewalks, and who is going to pay for it? I don't want to see the Town of Newington have to step up to the plate and start putting sidewalks on Fenn Road and Cedar Street. How are we supposed to ask the developer, we're trying to give him incentives to come in and develop that area, how much could we put on him to provide sidewalks in their development? They didn't think this thing out at all, particularly for the Fenn Road station. Maybe they did in Hartford, and West Hartford and New Britain, but they didn't think about how this station was going to function with only 35 or 40 parking spaces.

Commissioner Sobieski: The State has not turned over Myra Cohen Way over to us yet, so there might be some negotiation room for a sidewalk at least in front of Starbucks. You can't force the State to put sidewalks in, unless there is a project. As for putting sidewalks on a State highway, the Town is going to have the responsibility of paying for it. And you need a snow shelf wherever you put that sidewalk.

Chairman Aieta: Mr. Planner, any remarks on what we just brought up?

Craig Minor: The suggestion is to keep the hearing open, and for me to incorporate the suggestions that we heard tonight. If anyone from the public wishes to come and give us input on this next time, they will have the opportunity.

VII. APPROVAL OF MINUTES

A. Regular Meeting of February 24, 2016

Commissioner Sobieski moved to accept the minutes of the regular meeting of February 24, 2016. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. NEW BUSINESS**A. Alumni Road Traffic Light Committee**

Craig Minor: That should be "traffic signal", not "traffic light".

Commissioner Sobieski: We had a meeting today with the Police Department, Lt. Morgan, Chief Schroeder, Town Engineer Chris Greenlaw, Town Planner, Mr. Minor, Acting Town Manager and Commissioner Pane and myself. We put forward the plan. There were some modifications suggested, seemed very reasonable. The issue here again, the biggest issue is, we are not taking anybody's property, reducing the lot size or anything like that. Again, this is a safety issue and that is all that it is. There are some other by-products of this that are going to help the town, but it is a safety issue. Commissioner Pane will go into our next move after this, but it was a very positive response from all the people that were there today.

Commissioner Pane: Yes, it was a very positive response. We made a couple of minor changes on it. Our next step is reaching out to residents in the area, reaching out to you John, and several other people in the area. We are going to try to gather up about a dozen people and have an informal meeting and show them the plan, and pick their brains, and see if there is any other safety items that can be brought to light on this, so we feel more comfortable before we bring it to a public hearing and present it to the TPZ. So that is where we are right now, as Stanley said, we've had two meetings with staff, and we have had numerous meetings with some residents in the area and everything so far has seemed very positive, and we'll see how it goes.

Chairman Aieta: Any Commissioner remarks, comments, input to the two Commissioners that are on the subcommittee? Seeing none, we will keep this on the agenda and will continue to monitor and have them report back every meeting until we get their input.

B. Food Truck Approval Process

Craig Minor: During the last couple of meetings the Commission has discussed the lack of direct coordination between the Police Department, which issues vendor's permits for food trucks and other vendors in town, and the Planning and Zoning Commission, which regulates land use in Newington. And although the Police Department issues vendor's permits to food vendors, there is no direct communication between the Police Department and the Health Department - the applicant is kind of on his own to know that he needs approval from both agencies. So our original idea of having them work together better would in fact be inventing a system that doesn't exist. But to give Zoning the opportunity to weigh in on the issuance of vendor's permits, I asked Chief Clark to add, at the bottom of their existing application form, a spot for the Zoning Enforcement Officer to indicate approval or not. What this would do is, if it's an application for a food truck at one of the seven pre-approved locations, the ZEO would check "yes" because TPZ has no direct role in the approval of food trucks in the street. But if it's an application for a hot dog cart on private property, or a taco truck on the Berlin Turnpike, the ZEO would check "no", because we don't allow them and it would end there. Actually the Assistant Town Planner and I were talking about this today, and what would he do if a church has an event, a fair or a bazaar, with food vendors. We agreed that if it was a bazaar that got a special permit from TPZ, he would check "yes". But if it's an event that has not gotten approval from TPZ, well, this is a way to catch that and have that church or civic group come in to get their event special permit, and during the event approval process, the involvement of food trucks would come up. Then Mike will know that it is okay from the Planning and Zoning Commission. Now I know that the Commission had talked about asking food truck vendors to informally come before you, and we can still ask them to do that, but I don't think there is any way to mandate it. The Commission regulates the world of Newington up to the edge of the street, but anything in the street, the Police Department regulates, so I'm not sure, you don't really have jurisdiction over them.

Chairman Aieta: I think we would want this to happen just the way that you stated it, but we would like the Zoning Enforcement Officer to alert us as to who was coming in and what street they are on, so when we drive around and see him we don't think that someone is doing something illegal.

Craig Minor: Let's back up for a moment. He's going to check "deny" to anybody who wants to put a hot dog cart at a gas station parking lot, and where I thought you were going with this, was when Mike checks "yes" for a food truck at one of the pre-approved locations, for him to tell you about it at the next meeting.

Chairman Aieta: Yes, that's what I'm asking.

Commissioner Serra: I was just looking over these forms, the one that I originally brought in that we were considering, and the new one that the Planner came up with.

Craig Minor: No, this is the form that the Police Department already uses. I just asked the Chief to add a spot for the Zoning Enforcement Officer's checkoff and signature at the bottom of the form, which the Chief did.

Commissioner Serra: I don't know if you need it or not, I just wanted to put it out there, on the Berlin form that I brought in, it asks for the crew, who they are, name, date of birth, address, all of that. On the Newington form, we do not have that. So, if a vendor comes in and it's that person who is running it, he comes in, we sign off, and he gets the permit. If he has somebody else running that truck, or that cart, we don't know who that person is. We know nothing about them. I think it would be nice to know who is running these carts. Is this a person who has several of these carts? Actually we don't have that issue here, but I know that in some towns, we have somebody that might own four or five different carts and they just put people out there running them. I think we should have a space where, if they are not going to run them, we know who is. I think that is a safety issue, it's knowing who is there.

Craig Minor: I can forward the Berlin form to Chief Clark, with your suggestion that he incorporate some of that information onto his form.

Commissioner Serra: I'm not saying that he has to use the whole form, but I think there are some things on here that he could use.

Commissioner Pane: I think Bob has a great point there. I don't have that form in front of me, but maybe for the next meeting we could spend a few minutes looking at the Berlin form, and see what kind of things that we want added so that we don't overload Chief Clark with a massive amount of stuff on that one sheet. Maybe we could look at it and say, is there room for these following items? Also, I just passed out a sheet that I downloaded it from Central Connecticut Health District website. As you can see, it clearly states that in Newington, vending is allowed at pre-approved sites in the public right of way. A Police Department permit is required to park in approved sites. Additional information can be obtained by calling the Newington Police Department or Newington Planning and Zoning. I think there is a nice method here, and if something changes, or we could contact the Central Connecticut Health District if you want to make a change to this, but I think they have this pretty much covered. I also underlined a very important area, the food service vehicle must be moved on a daily basis. If the operation is not moved every day, it is considered permanent and must comply with the requirements for employee toilet and hand washing facilities that are connected to a conventional water supply and sewer disposal system. So, that explains why they have to be moved every day. But it clearly states here that they are not allowed on private property. They are only allowed in the public right of way. Thank you.

Chairman Aieta: Okay, we will leave this on the agenda and at the next meeting we will take the Berlin form, put that in the package for us, and then we will try to come up with some additional stuff and then we can send it to the Police Department.

C. Interior Lots

Craig Minor: At the last couple of meetings the Commissioners discussed reinstating the ability for homeowners with large lots to subdivide and create an interior lot, or rear lot. Newington used to have such a regulation, but it was deleted in 2007. So at the request of the Commission I drafted a regulation that would allow it again. My first thought was to just reproduce the original one that was deleted back in 2007, but when I read it I found it very difficult to follow. So I went to one that I was familiar with, the one that Cromwell uses. Cromwell is different from Newington, but in many ways it is similar so I thought it was a good place to start. I took the Cromwell rear lot regulation, interior lot regulation, and I put it into the format of Newington's zoning regulations. It's on the screen here. I'm not going to read it tonight, but what it does is allow anyone with an oversize lot to subdivide their property into additional lots. A rear lot, or interior lot, has to have one and a half times the normal amount of area so people can't split their lot into a lot of small lots; they have to be larger. One concern that the Commission had was the driveway length, and the role of the Fire Department in fighting fires that might occur in a house on an interior lot. I discussed this at length with Fire Marshal Schroeder, we went back and forth and we came up with a regulation which says that an interior lot whose driveway is more than 2,000, and I'll come back to that number in a minute, more than 2,000 feet must be reviewed by the Fire Marshal. I stopped short of putting the burden on him to approve it, but to at least review it and comment on it. So the regulation that I suggested to the Chief, and he liked, was that if any driveway is more than a certain distance, the subdivision application will have to have been reviewed by the Fire Marshal and his comments be included in the application. That would give him the opportunity to think about whether it was a safe proposal or not. So, whenever the Commission is ready, we can put this out for a public hearing.

Chairman Aieta: I read the old interior lot regulations, and I agree with the Planner, they are very hard to understand and very hard to apply. I don't know how they ever allowed it with the language that is in there, it's almost impossible to make a determination of what they are trying to say. I think that he did a great job in streamlining this, making it readable, and making it something that is functional. Did any of you get an opportunity to look at this, do you have any comments on it?

Commissioner Miner: My only comment when I was reading it was the 2,000 feet. That is a long, long, long, long way.

Chairman Aieta: Do you have a recommendation?

Commissioner Miner: Going off the top of my head, Newington's apparatus is about 1,100 on the truck, in addition to that they have a 300 tack line. I don't know if you have any GIS maps for hydrant locations, but if you get beyond that, you create an issue of having to put another piece of apparatus into the middle to pump up to the next, or go adjoining additional lines. I know of some that are probably in the five to eight hundred foot range, and that would be challenging. I don't know if I want to put an inordinate number to it, but I think that number should be a lot less, at least for review and comments.

Commissioner Camillo: When you have a house like that, you should have a big reservoir under the driveway. A one hundred thousand gallon tank or something like that. I've seen that a lot out in Avon and Farmington because they can't get to a hydrant, but there is the water there.

Chairman Aieta: Farmington might be a different situation. They might not be as well watered as the Town of Newington. I mean, we have a tremendous hydrant system in the Town of Newington, as

part of the MDC District. I don't know if Farmington is, but I would be willing to entertain knocking that 2,000 down to 1,500 or whatever.

Commissioner Pane: I was thinking 500 feet, because.....

Commissioner Miner: You still have the distance to the hydrant; the hydrant might be up the street.

Chairman Aieta: Okay, let's clarify this. From the main road, the driveway should only be 500 feet?

Commissioner Miner: For review, I think that would be realistic.

Commissioner Pane: We know that there is one driveway on Maple Hill that is 440 feet, and I think that's the longest one that there is. That's why we brought that 500 feet, and anything over 500 feet would require additional review by the Chief.

Chairman Aieta: Okay, that's fine. We're not saying that if it was 600 feet that we would not approve it, we're saying we would look at it. I think that a lot of this can be handled too if the person that wanted the rear lot meets the requirements of the driveway. You have to have a driveway that is suitable for firetrucks to get in and out.

Commissioner Miner: That's the other delineation, there are new codes that came out in the last two years.

Chairman Aieta: We talked to the Fire Marshal, and I'm assuming that he put that in. Mr. Planner?

Craig Minor: Yes, let me go to that.

Chairman Aieta: Mr. Miner mentioned last meeting that there were new codes and I'm sure that he had that part of the regulations also. Do you remember what the items actually are?

Commissioner Miner: I'm looking at a couple of them. One issue that comes across right away is with an unconstructed width of not less than 20 feet. The argument is that that would not necessarily be a pavement that can support the weight of the apparatus. Similar to Bel-Air Manor, where they have the grid pavers in the grass area, something like that. A heavy base that can support the weight.

Chairman Aieta: What is the right of way, is it twenty feet?

Commissioner Miner: In the current state regs, yes, 20 feet.

Chairman Aieta: What is it in this regulation?

Commissioner Pane: Twenty feet. So we are looking for that right of way to be substantially constructed so a truck can...

Commissioner Miner: It can support the weight.

Chairman Aieta: We're not necessarily telling them that they have to pave twenty feet, but that they would have to have a base that can support the weight of that truck.

Commissioner Miner: Correct, and they also need a clearance of thirteen feet six.

Commissioner Pane: That's not in here. That should probably be put in the regulation.

Craig Minor: The draft says that the pavement width shall be not less than ten feet.

Commissioner Miner: According to the new standards, the supported weight of the apparatus needs to be twenty feet in width, so if you have something that is engineered to accept sixty thousand pounds then you are fine.

Craig Minor: For every driveway, or just long driveways?

Commissioner Miner: According to this reg, it was anything that was in relationship to that, to allow you access to...

Craig Minor: Does my driveway have to meet that?

Commissioner Miner: No.

Craig Minor: So just long driveways, okay.

Chairman Aieta: You are telling me that they actually have a regulation that applies to rear lots? I find that hard to believe.

Commissioner Miner: This is a regulation that refers to accessibility.

Commissioner Bottalico: I have a question. How about the outrigger on the truck? How far do those outriggers go out?

Commissioner Miner: The new truck, I think is a little bit wider, maybe four to six feet in width would be the farthest.

Commissioner Bottalico: Beyond the truck?

Commissioner Miner: Yes.

Commissioner Bottalico: Both sides? What's the width of the truck?

Commissioner Miner: Probably somewhere.....

Commissioner Bottalico: What I'm saying is, if you are talking ten feet of driveway, those outriggers will go out into the grass, and they are not going to hold the truck.

Chairman Aieta: When I talked to the Fire Marshal his idea was that they not drive the apparatus up into the site. His way to fight fires is to park the truck on the street, and run hose from the hydrant to the truck.

Commissioner Bottalico: You're talking a ladder truck now. You are not going to fight it from the street.

Commissioner Miner: That's where it gets a little bit gray, and that was the Berlin situation that was brought up last month. They had a similar situation where they had to drive all the way in, a long driveway, and they ended up with a piece of apparatus in the lawn that sank.

Chairman Aieta: So we should change that to twelve feet of pavement width, and four feet on each side capable to support the weight of the truck.

Commissioner Miner: He's right about the twenty feet, because the truck width is eight feet, and if you add four to each side, that's sixteen, it's right around that area. Twenty feet would really...

Commissioner Bottalico: Getting back to that, as far as the outriggers and everything, I don't think you would need the whole driveway, it's all about how close to the house the truck can get. That would be my concern. If you are 200 feet from the street, the truck is not going to park out there, it's going to go up next to the house.

Commissioner Miner: And I believe, just give me a minute, you guys can keep on with the conversation, I believe there is a number in here to allow access within 50 feet of the structure. You don't have to have pavement for twenty feet; you can have stone four or five feet out on either side that doesn't have to be paved, it will support the truck.

Chairman Aieta: So maybe we should keep it at ten. What's a normal driveway width?

Commissioner Miner: Ten or twelve I think.

Craig Minor: That is why we are suggesting a minimum of ten feet, paved.

Chairman Aieta: Why don't we keep it at twelve, and we will have the balance as a...

Commissioner Miner: If you open a car door, you are looking at about fifteen feet wide. The other definition that was in there is gradient access to consider. The change in elevation from the road to the driveway, they've got it in here as "shall not exceed one foot drop to twenty feet.

Craig Minor: That's not very steep

Chairman Aieta: We allow driveways of up to ten percent grade.

Commissioner Pane: Maybe this is why the Fire Chief said run hose all the way up to...

Chairman Aieta: We don't want to put in a regulation that no one can meet.

Commissioner Miner: The only new thing in the new standard that is actually a positive is that if a structure, a single family or two family new construction, is built with a sprinkler system, that negates a lot of this.

Craig Minor: Mr. Chairman, here is the proposed regulation that I worked on with the Fire Marshal today and he replied "yes", this is what he wanted:

"Any driveway longer than 2000 feet" [I will change that to 500 feet] "shall be reviewed by the Newington Fire Marshal. The Fire Marshal's comments shall be submitted with the application. Access to any new structure shall meet all the requirements of the Connecticut Fire Prevention Code: NFPA-1 Chapter 18 Fire Department Access; Sections 18.1 and 18.2."

Chairman Aieta: I want to make sure that we have a regulation that the people are going to be able to use. What is the next step Mr. Planner?

Craig Minor: Let me bring a revised draft to the next meeting, and if that passes muster, we will go to a public hearing after that.

D. Petition 07-16: Zoning Text Amendment (Section 3.15;3.17; 6.11: Auto-Related Uses.) Modern Tire Recapping Company inc., applicant, Attorney Timothy J. Hollister, One Constitution Plaza, Hartford CT., contact.

Craig Minor: The Attorney is not present. This is presented for your acknowledgement, and the hearing should be scheduled for the next available meeting. This application that Attorney Timothy Hollister submitted last month pretty much re-instates the old auto-related zoning regulations. But my sense, in having listened to the Commission for the past three years, is that the Commission feels strongly about preserving the visual integrity of the Berlin Turnpike, and that there are some uses that you are reluctant to return, namely used car dealerships and car rental agencies. So I suggested to Attorney Hollister that he revise it to separate out used car dealerships and car rental agencies; to allow them in Industrial zones but not allow them on the Berlin Turnpike. That is what the revised amendment in your agenda package is. We had a meeting with the Town Attorney, Attorney Hollister and his client the other day, and actually his client had some of his own last minute suggestions to tweak it also, so it is slightly different from what was originally submitted. This is the version that will go to the public hearing. If the Commissioners haven't already looked at it, you might want to before the next meeting because it is slightly different from what Attorney Hollister originally submitted a couple of weeks ago.

Chairman Aieta: Before we get into this, we have two Commissioners, Commissioner Camillo who has an auto-related business, and Commissioner Pane who has property that he rents to auto-related businesses. I knew this was coming, so I went to the Town Attorney for his opinion on what their role can be in looking at these regulations. I was told that they could participate in the discussion, and make comments, but he suggested that they not be allowed to vote, to avoid the perception of a conflict of interest. So at this point I would have Commissioner Giangrave sit in for Commissioner Pane. Commissioner Camillo is not sitting tonight. Commissioner Bottalico is sitting for Commissioner Andrzejewski. I felt that I wanted the input from these two gentlemen because they are in the business and I thought that their input would help us get to a better regulation. This thing has been kicking around for years. We have made changes to it, we've had court cases, we have had people come in, we've had so many problems with this, and we're trying to make this a regulation where everybody can have participation as far as the public and the auto related uses, so everybody has an opportunity to help us come to a workable regulation. We don't want to adopt something where we are going to have problems later, so I thought that their input, because they are in the business, was important. I believe, with the Town Attorney's opinion, he told me that I was on solid ground as far as procedures and I wanted the Commission to know that, to have it on the record and so the public understands why these two Commissioners are participating only up to the point of the vote. Any comments from the Planner? Any comments from Commissioners? Mr. Giangrave will be sitting in for Commissioner Pane when we take the vote. Now we can proceed with talking about this regulation that is before us. How far do you want to go with this?

Craig Minor: No more than we have already gone so far. I just presented this to the Commission for their awareness, and of course we will have the public hearing at the next meeting with the applicant here to explain it.

Chairman Aieta: Okay, some of the distance requirements to residential areas, entrances and access to schools, religious uses, and the display of sales and the storage of motor vehicles, and the Town of Newington's noise ordinance. I understand this is his application, but I think that some of these, in my opinion, I think the requirements are not stringent enough. I think we have a regulation right now and you touched upon it earlier, that if you go into a drive through, that that speaker has to be 300 feet away from a residence zone. That is part of our regulations. What do you think is worse, that speaker or having an auto related use next to your house? Which distance requirement do you think should be more stringent, or at least the same? We have a use where they say 200 feet to a residence zone. I think we set the standard already of 300 feet being a distance to regulate a speaker box, and if that's the case, then I think an auto-related use has activities that are probably

louder and more disruptive than a speaker box, where someone orders a coffee. So that is something that we should look at and think about. I'll open it up to the Commissioners, it is on page 2, 6.11.3; 6.11.5; 6.11.7, those are the distance requirements.

Commissioner Bottalico: I'm just thinking, if the speaker at McDonald's is 300 feet, the noise level of a speaker versus an air gun is quite different. So I think that the 200 feet is too short. It should be 300 feet or more, I would think, as far as the noise level.

Commissioner Miner: I think the bigger issue is not some arbitrary distance, but the decibel level. I have gone to some speakers where I can barely hear the person inside, and I have had other speakers where they have blown me across the truck because they are so loud.

Chairman Aieta: Part of this proposal, if you read it, or part of the staff comments that the Planner was basically saying, was that the noise ordinance is something that is very hard to enforce. I'll turn it over to him to talk about it.

Craig Minor: This agency doesn't enforce the noise ordinance. I think anticipated noise levels is a legitimate issue for this Commission to take into consideration when approving or denying a special permit, but once you have approved a business, at that point it's the Police Department's job. They have the training and the equipment to enforce the town's noise ordinance.

Commissioner Miner: To the Planner, an issue that I have had in other towns is being able to differentiate what the noise level emitted is, to the person who is being affected, i.e a neighbor or a tenant.

Craig Minor: Yes, noise a very difficult thing to regulate, which is why I am glad that we don't have to worry about that. The Police Department has to worry about it.

Chairman Aieta: So that is where we come to setting distance requirements that are realistic, and that is the extent of our control over the noise ordinance. Is that a fair statement?

Commissioner Pane: Back in 2007 is when they took the auto regulations out of our regulations, in 2007. The Commission then, their biggest concern was how close they were to the neighborhood business areas, the center of town, and the small business neighborhoods like New Britain Avenue, and Maple Hill Avenue there. That's why they just took the regulations out completely and unfortunately what that did was to make all the existing auto related businesses nonconforming. That was the big problem, so I think that is something that we have to overcome, getting the proper distance that works. Their other concern back in 2007 was the appearance of the auto related uses on the Berlin Turnpike. They didn't want them on the turnpike, and as a matter of fact, I think our 2020 Plan states that they shouldn't be on the Berlin Turnpike, so those were the two biggest concerns in 2007 which caused this problem, and then when the businesses realized that, a number of years later, it has taken a long time to get this corrected. So I think our biggest hurdle is finding the proper distances. I also recall one of the developments that came in over at the Wal-Mart, they have a tire store there, and because they were close to the residential neighborhood there, the town Planning and Zoning put a couple of requirements on it. They put on a requirement that they had to have an air conditioned space and garage doors had to remain closed during operation. So I think with certain conditions like that, we can be, that would help with the distance requirements.

Chairman Aieta: Do you think that 300 feet is unreasonable?

Commissioner Pane: I don't think 300 feet is unreasonable.

Commissioner Camillo: Not at all. They don't use those air guns anymore, so you don't have the noise that you used to have years ago. That has changed, it is a lot quieter.

Commissioner Sobieski: If I'm not mistaken, we did tell Firestone that the bay doors on the residential side had to remain closed. If they were open, all operations inside had to cease until the vehicle was pulled in or out and the doors closed again, so that should have alleviated a lot of the noise issues. I asked our attorney last time, has there been a noise reading taken, has there been anything done to check what the noise level is there? The ambient noise from the traffic is one thing, but the noise coming out of the Firestone, or any close business, should be next to nothing.

Chairman Aieta: Any other comments from the Commissioners?

Craig Minor: Okay, I'll share that information with Attorney Hollister so he is aware of the Commission's feelings. He might address that during his presentation, and if the consensus is to change the minimum distance to 300', then that can be discussed during the public hearing.

IX. OLD BUSINESS

A. Petition 09-16: Special Exception (Section 3.2.8 Charitable and Civic Event) for the annual "Farmers Market" at the Municipal Parking Lot. Town of Newington, owner, Val Ginn, 56 Farmingdale Road, Wethersfield CT, applicant/contact.

Commissioner Pane moved to approve, with conditions Petition 09-16: Special Exception (Section 3.2.8 Charitable and Civic Event) for the annual "Farmers Market" at the Municipal Parking Lot. Town of Newington owner, Val Ginn, 56 Farmingdale Road, Wethersfield CT applicant, contact.

Conditions:

1. This approval is granted for a three year period to May 1, 2019 with the requirement that future event dates and compliance with the Town Ordinance be coordinated with the Town Planner's office.

The motion was seconded by Commissioner Strong.

Craig Minor: I just want to remind the Commission that the applicant did ask that the permit be for five years.

Chairman Aieta: Mr. Planner, this has been going on for at least nine or ten years, and we have no problems there. Do you see a problem with allowing her five years, do you want it for four years, or do you want to leave it at three?

Craig Minor: It wasn't that much of a burden for Ms. Ginn to come before you this year, since it is on automatic pilot at this point. I think three years is a reasonable number.

Commissioner Serra: I agree completely but I just wanted to say when Ms. Ginn was in, she was looking for the weekend only, they are no longer going to do Thursday. I just want it reflected that I remember her saying that.

Chairman Aieta: Do you want to make that part of the motion?

Commissioner Serra: It doesn't matter to me, I just wanted to be clear on what we were doing. I have no problem, it was something that she said, I just wanted to make it part of the record, that's all.

Chairman Aieta: I have no problem if they wanted to open, unless the Commissioners have a problem with it. I think it's a public service, people use it. I have gone there and bought vegetables and stuff, I found it was good. It was in the center of town, brings people in. The vote was unanimously in favor of the motion, with six voting YEA.

B. Petition 12-16: Special Exception (Section 3.2.8: Charitable and Civic Event) for the Charter Oak Firebirds' "Classic Car" event at 3120 Berlin Turnpike (Panera Bread.) Charter Oak Firebirds, applicant; Newington VF LLC, owner; John Lyon, 174 Coe Avenue, East Haven CT, contact.

Commissioner Miner moved to approve, with conditions, Petition 12-16: Special Exception (Section 3.2.8: Charitable and Civic Event) for the Charter Oak Firebirds' "Classic Car event at 3120 Berlin Turnpike (Panera Bread) Charter Oak Firebirds, applicant, Newington VF LLC, owner, John Lyon, 174 Coe Avenue, East Haven CT, contact.

Conditions:

1. The dates of the event shall be as indicated in the letter dated February 12, 2016 that was submitted with the application.
2. The applicant shall install and maintain yellow plastic barricade tape on stakes to keep all participants, spectators and vehicles on the property.

The motion was seconded by Commissioner Bottalico.

Chairman Aieta: We have had problems with them in the past, they straightened out their problems, they moved their operation back away from the turnpike, put in areas to keep people away from the turnpike into the grassed area. I think they are doing a good job and I don't see why we shouldn't approve this.

The vote was unanimously in favor of the motion, with six voting YEA.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

A. Town Planner Report for March 23, 2016

Craig Minor: "Zoning Enforcement Issues Raised at Previous TPZ Meetings": none. "Streetscape Program Phase VI on Constance Leigh Drive": nothing new to report. "LID Moratorium": As the Commission knows, the Town of Newington adopted "Low Impact Development" regulations a number of years ago, which basically are enhanced the storm water management regulations - more environmental friendly. The Town adopted these regs about a year and a half ago, and then realized pretty quickly that they were quite burdensome for homeowners who simply wanted to build a patio, or a garage. So the Commission put a freeze on the portion of the regs that apply to homeowners who just wanted to do small project. This was to give the staff time to get familiar with the regulations, and to assess how burdensome the regs are for homeowners. The idea was that if the staff decided that the moratorium should be made permanent, to draft amendments to the regulations to do that. That is in fact what we are recommending. We are recommending that the moratorium be made permanent. The Town Engineer and I have talked about it and we are going to recommend going beyond that - we are working on an amendment that would make all single family residential development exempt, not just additions and accessory buildings. So, if you have a vacant lot and you want to build a house on it, you won't have to comply with the LID regulations. I am going to recommend that LID rules remain in place for new residential subdivisions of ten, fifteen lots without putting a large burden on the individual lots, but I'm still playing around with that idea. We are definitely going to come back to you at the next meeting, or the meeting after, with a recommendation

to amend the LID regs to eliminate any responsibility for individual single family homes to comply with the LID regulations.

Chairman Aieta: I would put a number on the number of lots. I think that is a good idea. I remember when this came in, I was adamantly opposed to asking the residents to have to suffer through this, and now we find out that it's not a good idea because of the soil situation that we have in town. Where do we go from here?

Craig Minor: I'll come back with a draft, either at the next meeting or the meeting after that.

Commissioner Pane: I would like to just state that I commend the Town Planner and the Town Engineer. I believe that what they are doing is really going to take care of a problem that we have which is very burdensome on the town staff and also a hardship for some of the residential houses there. The soils, as you know, like the Chairman stated, are not suited for draining well. It's a lot of clay. So I encourage both the Town Planner and the Town Engineer to come up with something that eliminates this for all residential, new and old, and I would also encourage them to try to make it possibly a little bit more user-friendly for developers so that it is not too burdensome on them either. We don't want it to be a burden on the developer, but I'm sure there will be a few things that a developer can do. They have engineers on staff, for a project compared to a residential house, building a single family home, they won't have an engineer on staff. Thank you.

Chairman Aieta: On commercial, I think that we have to get a regulation where our Town Engineer is not designing systems for people. The regulation has to be adjusted so that people have an idea of what they are supposed to do. I think the way that it is now, they are coming in with so many questions that it's almost like the Town Engineer is designing their systems for them, and I don't think that we want that. I know that the Town Manager is not happy with the amount of time that the engineer is spending on this particular issue. If you can get with him, and try to straighten these regulations out so that he is not the engineer for every developer that comes in. We're getting into the busy season now for the town engineer and he is spending too much time on this issue.

Craig Minor: A couple of items came up in the last week or so, that I would like the Commission's guidance on, which are the two memos on the table as you sat down. The first one is the graduation banners issue, and let me go to the memo I sent you.

Chairman Aieta: It was on the table when you came in, it was a memo from the Town Planner. You should all have it and a copy of a news release from the Superintendent of schools.

Craig Minor: This is the press release that the Board of Ed put out last year, written by the Superintendent, Dr. Collins himself. The press release reads:

"Newington Public Schools strongly embrace the school spirit as witnessed by the numerous graduation banners throughout town. We encourage this wonderful tradition to continue. The following guidelines shall be observed out of respect for all community members. Banners can be put up beginning the second week of May and must be removed by July 1. Please help us continue this wonderful tradition by observing these guidelines. Thank you for your support."

So I was about to contact Dr. Collins to ask him to redo the press release, but I thought I would bring it to you folks first to ask you whether this is what you want, or whether you want me to make the changes to this year's press release.

Commissioner Serra: A couple of things on this. I have no problem with the banners, I think we should celebrate school spirit, I think it is a great thing. However, the size of these banners, people using full size bedsheets, they are getting very creative which is great. The problem is, when you use

these bedsheets and you hang them on fences, when it rains they get wet and they start to tear, they fall down or are blocking other banners. In some areas they're on the road. So instead of looking nice and showing school spirit, it really starts to look bad. It comes to a point where it's terrible looking. I don't know if we can do this, but maybe there should be a limit to the size of the banner. And you can get more banners up there. We had banners on the bridge on Willard Avenue, they shouldn't be there, but they are hanging them there. They fall down and they end up in the street. I know Commissioner Sobieski is going to say they shouldn't be there anyway, and he's one hundred percent correct. So I think maybe if we limit the size of the banner that is going to allow more folks to get more banners up. Let's keep them off the Willard Avenue bridge, and if you put a banner up, maintain it. If you see it's getting ratty, if you see it's falling apart, put a new one up or take it down. We want these banners, but we want them to look nice. We don't want it to look like a bunch of rags hanging off a fence.

Commissioner Sobieski: The other thing that I have noticed is that people don't bother taking them down. So the town employees have to take the time to take them down. I don't know if there is something we can do about that or not. I agree with Commissioner Serra, they do have to be smaller.

Craig Minor: Okay, I'll pass this along to Dr. Collins and ask that he incorporate them into this year's press release.

Chairman Aieta: Do you think the second week of May to July 1st, it's like six weeks that they are up. Do you think that's too long of a time, should we cut that back?

Commissioner Serra: Until like one week after graduation, two weeks, I don't know.

Chairman Aieta: Now you are talking eight weeks and that is why you're getting the problems, because they are there for so long. Eventually they are going to tear.

Commissioner Sobieski: You might want to suggest that a picture accompany each one so Dr. Collins will know whose banner it is; have a picture taken and submit it to the school.

Commissioner Bottalico: I don't understand this July 1st because Park and Rec employees are the ones that have to take them down, so I don't know why they went to July 1st. Their big complaint is that they have to take them down.

Chairman Aieta: That's too much time, six weeks to have them up there. Three weeks, or something less than six weeks, a month maybe.

Commissioner Bottalico: Maybe the Town Planner should talk to Mr. DeMaio and ask him when he feels they should be taken down because his people have to do it.

Chairman Aieta: Any other Commissioner remarks on this? If you are going to talk to the Superintendent and you are going to say, make it smaller, you have to give him some kind of information. This is the maximum size, this is the amount of time that they can stay up, we recommend that the parents take them down after a certain time, and then if they're not, I guess the town staff is going to have to take them down.

Commissioner Serra: And that is part of the reason why I brought this up. We just don't want these huge things, and as I said, if we reduce the size of them, we can get more up.

Chairman Aieta: Give the Planner an idea of the size. Is it half the size of the sheet, it is a 4 x 4, 4 x 8?

Commissioner Strong: It would have to be, because you have to tie it up. You have to tie them up there so that they stay. A twin sheet would be the size of a single bed.

Commissioner Bottalico: If you notice, some of them are more professional now, they're getting them done by a professional sign maker.

Commissioner Serra: That is great, because those are smaller.

Commissioner Serra: I just wanted to say that Commissioner Bottalico is right, some of these are made by professional sign companies. They are not as creative, but they look better, they last longer, and we don't have to pull them off the fencing. I mean some people want to be creative, they want to do their own, that's fine, but I'm asking what is a size that everybody can live with?

Commissioner Pane: I think Judy's idea of a twin is good, but I don't know that everyone is going to comply with that. The other thing, I think it's more important to control the time, because I think that when they are up for a long extended time, that's when they start to fall and create a mess. The Commissioner suggested two weeks before graduation to two weeks after graduation. That should be more than sufficient.

Chairman Aieta: And do you want to do something about the size of it?

Commissioner Bottalico: Four by eight, something like that?

Commissioner Pane: If you just say "twin", I think all of the mothers know what that is.

Chairman Aieta: We have to give them some guidance if we are going to ask them, go to the parents and put a press release out that has some information.

Commissioner Bottalico: You can't control that. Size, you are not going to control.

Commissioner Pane: That would be difficult to enforce.

Chairman Aieta: Well, we can suggest it and we can control the amount of time, and I think we are right on with two weeks before and two weeks after.

Commissioner Serra: If we tell them 4 x 8, who's going to go out and measure, but it does give them something to go by.

Commissioner Miner: I would say, as a way to allow more kids' names at the usual hotspots, to please limit signs to this size, rather than dictating it to them.

Chairman Aieta: Mr. Planner, you have enough information.

Craig Minor: Yes. Some of the Commissioners who have been here for a while remember that CRCOG applied for a large grant last year to do a number of things. One was to create a connection between the CTfastrack multipurpose trail at Newington Junction with the CTfastrack station in Elmwood. CRCOG is thinking of reapplying, so they asked me for feedback on it. CRCOG wants to continue the trail which currently stops here [graphic displayed on the monitor]. They are looking at three possibilities: one is to enhance West Hill and then up West Hartford Street; the second is to go east along Francis and then north along Main Street, and the third possibility is Willard Avenue, but that is not preferred. Last year Commissioner Sobieski suggested a fourth possibility, to just stay in the existing right of way. I don't think that has enough width, but that is a possibility. Anyway, here are the three possibilities. At the moment CRCOG does not know which is best, so if they get the grant they will conduct meetings with the Newington and West Hartford residents to see which of

these three scenarios works best. Right now they just want to know if there is still support for the grant application. The Town did support it last year, but that was a different Town Plan and Zoning Commission, and a different Town Council.

Commissioner Sobieski: I took Mr. Minor and Deputy Mayor Castelle for a drive along each of those roads. Each one of them has an issue. The Willard Avenue issue, it's not wide enough, we'd have to spend substantial monies, the state would, on taking property to widen it for a bus lane, rather bike land, which is going to be four feet on either side. The West Hill/West Hartford, down New Britain Avenue which is part of Route 71, and then off to 529 and back up to New Park Avenue would require the closing of traffic lanes which are both highly traveled roads in that area. Francis Avenue is only a 28 foot wide road, 26, 28 foot wide road, you would have to take property there, Main Street again, you would end up taking property. So in any event, you are going to impact residents no matter which way we go. My concern here is that with any bike lane, we have to, bikes have to be sharing the roadway with vehicles which means there is no forgiveness if a vehicle wanders into bicycle lane and hits somebody. I had suggested also that CRCOG and I had also suggested to the Town Planner that they contact the DOT accident section to find out what the ratio of accidents were in bicycle lanes throughout the state. In an area very similar to this, I believe it is 162, the shore lane where they did put bike lanes in, there have been several close calls, several bicyclists have been hit, so I don't want to see again people getting hurt out there. You know, it's nice to put lines and plans on maps and say, this is what it is going to be without driving that area and see what it is going to cost, the impact and what it is going to cost the residents, so it's not fair to the residents, so I would again before CRCOG supports anything they come out and they look at the areas, along with the Town Planner and I'll gladly go with them if they want. There are too many variables here, and the speeds along Willard Avenue, speeds along Main Street, are very fast, so I believe nobody is doing the speed limit out there, as Commissioner Pane and I discussed nobody is doing any speed limits out here, and enforcement is impossible. You would need at least a ten to twelve person unit to enforce it. So I don't want to create a situation where somebody is going to get killed. If they saw fit to the bikeway from New Britain and Chapman Street, which is where they had some problems, people parking on the street, and just deciding to walk to the bikeway on the town road, I don't want to see this enlarged any more. That's my opinion.

Chairman Aieta: Any other Commissioner remarks?

Commissioner Pane: I agree with the Commissioner. I also have noticed in New Britain where they have put a massive amount of bicycle lanes all over the place in the city, I don't see anybody using that at all, and it just seems like a really big waste. I'd like to make sure that we have a way for pedestrians to get to the CTFastrak area or our second Fastrak, Francis Avenue/Willard Avenue there. As far as bicycling, I just don't know how much use we will get from it, whether or not the existing sidewalks would be modified to handle both and keep the bicyclists off of the road, I think we need to look into it closely.

Commissioner Sobieski: Jus to expound on what Commissioner Pane talked about, what New Britain did on Columbus Blvd actually they took a travel lane away from traffic. They stripped it a certain way and put the bike lanes in. This was CRCOG's push to get this done in that area. The other way it shows up and disappears and reappears, it's not continuous flow. Looking at, and we did look at Hartford, Hartford has a couple bike lanes there, one along Park Avenue there, where it is only a foot and a half wide. You have vehicles parking at the curb, push out the bicyclist, he's gone. You have bike lanes that go no where on Asylum Street, so there is really no connectivity anywhere. That is the biggest issue here, I mean, I understand where they want to put a bicycle area, walk friendly area, and again, this is a town, not a city, and you know, they are trying to force things to fit here and there, to make it work. It's kind of an ill planned area, through that area, they rushed to put that in, as we alluded earlier, there is no parking in all of these places, no way for people to get across the street other than walk phases. There used to be a tunnel under Willard Avenue that the state decided to close up after asking the Town if they wanted it, nobody wanted it, so they closed that up. I'm sure

you remember that, where the old North school was. So, all of this here is again, we're just doing whatever pops into somebody's mind. This to me, needs to have more thought on it. I'm sure that they could put a three foot right of way in there if they wanted to from Amtrak, and move that busway.

Commissioner Serra: What I wanted to say, Commissioner Sobieski and Commissioner Pane did cover, but I am on the road all day long. New Britain, all over the place and again, as the Commissioners have said, what they are trying to do, is modify something that wasn't designed to be. I can tell you what is happening in New Britain because that's where I work, and I'm on the road, is they eventually take away turn lanes so what is happening now is that you have all the traffic stacked up in one lane, taking rights, where previously they could take a right on red, try to go straight, try to get into the left turn lane, and now they are blocking intersections because nobody wants to stop at a red light, and the traffic coming the other way can't get through. It's creating a major problem. On John Downey Drive, if anyone has been there lately, heading into Newington, they have a bicycle lane. When you have to get into the left lane to take a left, there's about a twelve or fifteen, maybe 24th area where you have to get over, because the bike lane comes all of the way down, there is very little area to move over. If you have more than three cars trying to take a left, you are not getting into that lane, then the bicycle lane disappears. So, and bicyclists are bicyclist, but we have to keep this safe, and we have to make sure that it is going to work. I'm sorry, I just trying to put ten pound of you know what into a five pound sack isn't going to work.

Chairman Aieta: I have to say it again, the whole system in the Town of Newington was so poorly conceived, it's not functional, they had an idea, but it wasn't well thought out, it wasn't planned right, I mean, where we have the stations now, they don't have sidewalks, we are trying to do patchwork pedestrian walks and trying to do bicycle lanes, there is no parking at the thing, you see the buses, there is no one on the buses. This is a lame dog that the state got into because the Federal government threw a bunch of money at them, and they grabbed it like a bunch of children. We have a situation here this thing is never going to be productive, it's a black hole where every year there is a deficit, and money just goes in and never comes out. We will be paying for that, every year, maintenance and, it runs at a deficit, it doesn't even come close to making money or doing anything, and we as a town are suffering with the consequences of this busway that doesn't even serve enough people to warrant it being there.

Commissioner Sobieski: You forgot the most important part, this went from 7.9 million to 17.9 a million to run a year.

Craig Minor: That's it.

Commissioner Sobieski: Do you want the CRCOG report now or later?

Craig Minor: Under Remarks by Commissioners maybe?

Chairman Aieta: Yes.

XII. COMMUNICATIONS

A. CRCOG Zoning Amendment Reports to Berlin, New Britain, and West Hartford TPZ.

Chairman Aieta: The Planner has presented you with a packet of Zoning Amendments from surrounding towns, I don't think that we have to read them. It's just for your information, read it, and if there is something in there that you would like to bring up under Communications, or talk about, it's just for your general information, what is going on around us in the other towns.

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

John Bachand, 56 Maple Hill Avenue: You may be tired of seeing me, but I have a lot of faith in what was discussed tonight, so the first thing, back to that back yard chicken, or whatever you want to refer to it as, I hope when you do get a chance you will look at that thing that I gave you from Wethersfield. I call it non-domestic animals, but technically I think that is not accurate, it should be non-household animals. They are domesticated animals we are talking about. I'm not just interested in chickens, as you know I was interested primarily originally in that private stable regulation or possibility, but unfortunately the way that our private stable reg is written, it's impossible and can't be met, so if you will look at that, I think theirs are great, and coming from a town that is very liberal with their zoning, if you ever heard from people who have to deal with Wethersfield. The Chairman asked what section that would fall under and the problem is that we don't have a section.

Chairman Aieta: We would have to follow some section of the regulations, there is no regulation and that is why it is prohibited because it is no regulation.

John Bachand: They are calling this a faming operation, and I would call it non-domesticated household animals, you could have rabbits, snakes, all kind of other things, although they keep those in the house maybe. One other quick thing, on the rear lot issue, you talked a lot about the driveways and it sounds like it is going down the road where the cost would get to be so prohibitive that it will do away with having rear lots. I would like to suggest that, beyond the point where the driveway drains into the street, let's say the topography comes up, or slopes away from the street, why would it have to be paved at all as long as it could support the truck. They have all these different types of gravel, as long as it meets the standard of holding up whatever weight it would have to hold, wouldn't have to be paved at all. I understand if it is slopping into the street, you don't want dirt and gravel running out into the road, but where it's not the case, it kind of promotes that whole LID idea, putting water back into the ground instead of having a lot more impervious surface. I like the idea of having the sprinklers, I don't know what they cost to sprinkle a house, but I just think that that driveway could get quite expensive. Regarding the bike paths, routes north of Newington Junction, I have two trains of thought on that. One is I'm all for promoting biking. I think New Britain did a great job when I see those paths, I think that is a good idea, it really defines where bikes should be. I'm not clear on the law, if you are not allowed to drive in there, of course if there was a bike there you wouldn't drive there, but I'm not sure if it was prohibited to drive in that, across that while line, that solid white line. I like the idea, but the idea of going from Newington Junction to New Park Avenue station, seems like a moot point. If you are at CTfastrak, all the buses take bikes anyway, so you could just put your bike on there and be at the station pretty quickly to begin with. You could waive the fee if you wanted to encourage biking, you could waive the fee for anyone bringing their bike on. I think the buses only hold 2 or 3 bikes at a time, but what is the destination to New Park Avenue. Once you are there, you really can't go much further than there because New Park Avenue isn't very conducive to cycling itself. It's not very safe, so I wish they did do the route, as Commissioner Sobieski mentioned, all the way to Hartford, that would have been great. You could ride the bike all the way to Bushnell Park. I just don't think it's there, especially with this new rail line coming down, there is no room for the maintenance vehicles to go anywhere. Thank you.

Rose Lyons, 46 Elton Drive: After Mr. Wasik spoke to you about his incident at McDonalds I went out to the parking lot and I tried to get him to come back in because you did say that you were going to discuss under Commissioner's Remarks and he didn't realize that. I'm just wondering, and I didn't hear all of your comments, because I was outside, is there any chance that someone from the town could get in touch with McDonalds and asking them to cover the entrance.

Chairman Aieta: We are going to do that, but you were not here. The Planner is going to run with it and come up with some suggestions, talk to the DOT.

Rose Lyons: Not so much DOT since the sign is actually on the property of McDonalds, the sign that says, Enter.

Chairman Aieta: They are coming in with another application, so when they come in for that application we will talk about the sign, and that is coming up relatively soon. So within the next month, they will be in here anyway.

Rose Lyons: And the other thing, as far as the TIGER grant, I agree with the Commissioners. I travel down and around that area quite often, and I use the side roads and it is tough right now, and I think they should have addressed the sidewalks before they address even the busway. Way back when and I think Councilor Budrejko could tell you, because she has been at many of the meetings, that the position is that DOT doesn't build sidewalks, which is fine, but I've seen them at meetings with the legislators just laughing at the ones from New Britain, and then here and there when they ask, what are you going to do to make it safe for people to walk or bike to the busway, and basically he's putting it back on the table for the Town. I can tell you where you can get the money, but we're not going to do it. As you can tell, I'm not happy with the busway. Especially since I made a wrong turn a couple of weeks ago, going to a wake, and I ended up on the busway, and then had this guy telling me, you're lucky that the State Police didn't stop you, because you would have had a \$250.00 dollar fine. I felt like saying, if you knew me, this would be the last place in the world that I want to be on purpose. Just tell me how to get out of here. Thank you.

Chairman Aieta: Any other public participation?

XIV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I attended the CRCOG on March 17th, in West Hartford. Several issues came up. The Town of Simsbury is dealing with the same thing that we are, with in-law apartments. They don't want to put them in the residential areas. CRCOG's position is, they should be allowed to increase the population. My point to CRCOG is that both Newington and Simsbury don't want to do this, we don't need to turn single family homes into multi-family homes. It can start off as an in-law apartment, and then all of sudden something happens, houses get switched over, changed, a new owner, suddenly they find a way to rent it. So, CRCOG has one thought, we have another thought, I made my point perfectly clear. The other issue that is of concern to me is that Hartford gets four votes on CRCOG, one from each one of the Commissions. They supported Senate Bill 19, which apparently came out of a legislative committee for the full vote on the general assembly. That's not good for the Town of Newington or any town that has a bus line or rail line in it. The Commission would be heavily stacked by the Governor and by the legislature, allowing one person from each town on it. Again, what they fail to realize is that Connecticut has home rule, which allows the towns to decide what they want. So, I think that Bill #19 should have people calling their representatives and senators, because this could affect the center of town because there is a bus way there. If you go with what we are dealing with right now, if it's a half mile around that busway all the way. Some councilors, and Mr. Borjeson testified that he didn't see a problem with it. The Commissioner from South Windsor said (inaudible), so any questions?

Commissioner Bottalico: Thank you Mr. Chairman. I was thinking about this back lot situation and the fire trucks and all that. I've got a situation on Valley View, there are two back lots, one of them did have a fire, and they could not get the ladder truck in the driveway because they couldn't swing it. So it's a good thing that the Fire Marshal will have to look at each one of these. There is an incident, that they had to work from the street.

Commissioner Pane: I would like to ask the Commissioners their opinion on a violation. On the Berlin Turnpike, we have a breakfast place which is using a vehicle as a device to install extra signage on it, which I interpret as a billboard. They are putting that on both sides of the highway, on the weekends. My interpretation of it is, they are using these two vehicles as a device to install extra

signage, and that extra signage is acting like a billboard. Billboards are not allowed in our regulations, and I would like to, if you guys agree, to have the Zoning Enforcement Officer let them know that billboards are not allowed in the Town of Newington and they are using those vehicles as billboards on the weekend, and they can't do that.

Chairman Aieta: What they are doing is, they have one on their property, and then one across the street on another piece of property that is not even theirs. Both trucks are signed "Sloppy Waffle", they have two trucks with signs on them, and on weekends they pull it out into the state right of way, next to their property. Now they go across the street to Turnpike Motors, and are parking one there. I don't know if Turnpike Motors even knows that they are doing it. We have enough of a problem with them doing it on their own property, but now they are doing it on somebody else's property. We have to get a handle on this.

Commissioner Sobieski: Didn't we address this last year? I thought we addressed this with the Sloppy Waffle, that they were not going to do this any more. We had a sign issue out front, the size of the sign, and then they went to the truck, and we told them, no more. Maybe I'm wrong, but we need to tie this up, because now this business has an upper hand over the other ones. If we allow Sloppy Waffle to do this, then every business on the turnpike can do it, and then it would look like, no offense Craig, Route 6 in Bristol. Or, Route 1 in Bridgeport, same way.

Commissioner Serra: I agree with Commissioner Pane. I was just looking at some minutes before the meeting tonight, some previous minutes, and we had a vehicle doing the same thing, it was one of those billboard vehicles that drive around, and they just decided to park it and we were able to get that removed for the same reasons. So, I agree with Commissioner Pane, once they start parking that thing, it is a billboard, and it has to be removed, so you have my vote.

Chairman Aieta: For the Planner, get the ZEO to go first to Turnpike Motors and ask them if he gave them permission to park the truck with the signs on it there on the weekends. We'll find out if he did or not. I don't believe that Turnpike Motors would allow it. Let's start there.

Commissioner Pane: I was just going to quote, regulation 6.2.1, A. It says, no billboards are permitted and are non-conforming uses that shall be removed and not replaced. So my opinion is that they are using the vehicle as a billboard and they purposely put it out in these two locations, so for that reason the Zoning Enforcement Officer should tell them that you are using those vehicles as billboards. They need to be removed, or you will get fined.

Chairman Aieta: Do we have a consensus from the Commission? Then the Planner will talk to the ZEO and tell him that the Commission's opinion is to proceed this way.

Commissioner Miner: If a specific truck is parked on your property in the same location, almost into the state right of way, and they move that vehicle to the rear, bring it back, back and forth, if that is a registered motor vehicle, how does that fall into play?

Commissioner Pane: I take it that they are undermining the regulations, and they are actually strictly using that vehicle, now for business purpose, but they are using it strictly for signage. Even though it is a registered vehicle, they are moving it every week end, for the strict purpose of advertising that business with massive signs.

Commissioner Camillo: If they are putting the billboard on that vehicle, they are increasing the value, so for tax purposes they have a fifty thousand vehicle instead of a five thousand dollar one. Do it another way. They are going to pay a couple of thousand dollars per year for the taxes on it.

Commissioner Pane: For purposes of the past, and now, remove it from the property. We are starting to get a handle on some of the violations on the Berlin Turnpike, and it's spring now, and

there are some violations out there. There is just a handful, but I noticed this one and they have been doing it for the last few weekends. He used to just do it on his own property, but now he's going across the street and doing it, so he feels like he is untouchable there. I think it is undermining our regulations and if we don't get control of it, it's just going to get worse for the other businesses. It's not fair to the other businesses because they look at that, and before we know it, we're going to have a few other people who say, hey, I'm going to do that. That is the reason that I am bringing it up, and try to nip it in the bud before it gets worse out there.

Commissioner Bottalico: Getting back to the tax issue, I don't think we have any say in that anyway. It's all set by the State as far as the assessment of the truck.

Commissioner Giangrave: Is the truck used for catering now, or is it just for signage?

Chairman Aieta: They don't do any catering, I don't believe, so it is strictly for signage. What Commissioner Pane is asking is that we make a policy decision to interpret the regulations, that is our job as the Commission, to say that these signs are actually billboards. We will have it in the record as to our interpretation of our regulations, and we will instruct the Planner to have the ZEO start enforcing the regulations that way. We'll see if we get court cases. I think that is going to be the ultimate decision as to whether we are on solid grounds or not. I mean, we keep beating this and kicking it down the road, we've been doing it for years. Make it in the form of a motion, so it will be on the record and the ZEO will have to start enforcing the regulations based on that.

Commissioner Pane moved that TPZ interprets the billboard regulation Section 6.2.1.A to include vehicles with signage being used as a billboard.

Craig Minor: Let me read it back. "We interpret the billboard regulation Section 6.2.1.A to include vehicles with massive signage with the pure intent of circumventing the regulation to be a billboard, which is prohibited."

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

Chairman Aieta: Let's start enforcing it based on that interpretation by this Commission and see where it lands us. Any other Commissioner remarks?

Commissioner Camillo: Back to those banners - first of the month of June, or the week after?

Craig Minor: One week before graduation and the week after graduation I can grasp, but....

Commissioner Camillo: The first of June, and then a week after graduation.

Chairman Aieta: When is graduation?

Craig Minor: It usually moves, right? So coming up with a policy of two weeks before whenever it is, and two weeks after whenever it is, won't have to change year to year.

Chairman Aieta: I think that is more manageable. It gives them a month.

Commissioner Camillo: As for the raised island at the McDonalds on East Robbins: the reason that was made the way that it is is for delivery trucks to get in. They couldn't put a curb there because they couldn't make the turn. It's so tractor trailers that deliver to McDonald's can get in there. So changing it may cause another problem.

Chairman Aieta: Any other remarks?

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Strong. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Norine Addis".

Norine Addis,
Recording Secretary