

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 24, 2010

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

I. ROLL CALL

Commissioners Present

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

Commissioners Absent

Commissioner Pane

Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Commissioner Pane.

II. PUBLIC HEARINGS

- A. Proposed DRAFT 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from March 10, 2010.**

Chairman Pruet: Is there anyone from the public wishing to speak on, for, or against the Plan?

- B. PETITION 4-2010 – 3320 Berlin Turnpike Global Granite GGM Properties, LLC owner Rocco Christiana 3320 Berlin Turnpike, Newington, CT 06111 applicant, request for Special Exception Section 3.19.1 Place of Recreation Dance Studio, PD Zone District.**

Chairman Pruet: Is the petitioner here? If you could come forward please to the microphone and state your name and address for the record.

Rocco Christiana, Global Granite Marble and GGM Properties, 3320 Berlin Turnpike: Basically the matter is, we have about a 15,000 square foot facility, 3400 square feet of it is for our showroom which has already been developed. The back fabrication of the new building which is about 11,500 square feet, 5500 square feet is designated for our granite

fabrication shop, so we basically take up sixty-three percent of the property. We have three rental units, of two, two and two. Kim, from Backstage Academy of Dance is interested in leasing two of the units for her private dance lessons and children's dance lessons, ballet and tap and things like that. Most of her classes are from the 4:30 on period and during the day, we are open from nine to five. We have minimal traffic, you know we have been there about a year and a half, we probably get one car per hour on average, because we are just basically a showroom and most builders send their people there, we show them stone, we sell it and away they go. The fabrication shop, we have a couple of fabricators out back, there is plenty of parking for them, but basically the whole front is available. She has two units that she is taking, about 3780 square feet and she is going to have people that are basically going to come, they drop off and they go. There is no waiting room, there is no waiting around, there is no watching the children, there are no windows. During the day, from ten in the morning to approximately four thirty, it is one on one lessons, private. There are two separate studios, she does have a certain amount of employees, one or two, so, she has also been in town already for seven years, right around the corner on Pane road. She has had no problems with parking, overlapping into other parking lots around the building, as a matter of fact, from what she tells me, other parking lots are sending their cars into her parking lot and there are still no issues with too many parking spaces being taken up. So, at five o'clock when we close up and leave for the day, she is on until 10:30 at night with the whole entire property, so there is plenty of room, plenty of parking, plenty of lighting, plenty of access off of Costello and off of the Berlin Turnpike so it's easy in and easy out. A lot of her clients are from near-by towns, several near-by towns, so they will drop and go and hopefully use some of the businesses in Newington.

Chairman Pruet: Ed, staff comments?

Ed Meehan: Okay, I'll be very brief, this is a place of assembly and recreation as Rocco explained so it does require a Special Exception. The essential thing that the Commission looks at when they have a use like this is public safety, access, good lighting and parking and this is a new site. It was completely renovated by the applicant about three years ago I think he started, and the buildings are very attractive compared to what it was before. If you remember, this was ABCO's pipe yard, and this was a service garage and so forth. So it has been completely renovated. The improvements provide for thirty-two parking spaces and the multiple uses that are anticipated was retail showroom, office space and some warehouse. Given the nature of this use and the experience that we have seen down on Pane Road where you have multiple tenants at the current Pane Road location which I think has less parking, and more tenants, I would agree with the conclusion that the applicant has said, that there probably won't be a parking issue.

The only question that I have, Rocco, they all have a copy of your site plan, is, you mentioned units B and C. Are those the two middle?

Rocco Christiana: Yes, we have the 5500 square feet end towards the bowling alley, that's our unit, and then the two units next to our fabrication shop are the two units, the one that is at the very end that is closest to the Express Kitchen building is the only one that is still vacant.

Ed Meehan: Okay, so that is called A, then B and C.

Rocco Christiana: A, B, C and D.

Ed Meehan: The warehouse is D.

Rocco Christiana: Correct.

Ed Meehan: So you can see from that location, there is sidewalk access and parking either at the showroom area or across the way from that so I think, knowing the nature of the business that is there now, I don't believe there is impromptu drop in, maybe you wish there was, but

Rocco Christiana: Well you know, any traffic will be helpful for any business in there, and again also I don't think it's noted anywhere, there is an easement for 3310 Berlin Turnpike and there is an additional fifteen or twelve parking spaces there, that we can access. It's in our deed and easement from when we bought the building we have that, so if there was ever any kind of overflow there are several parking spaces down there where it has been unrented for a long, long time and it just burnt down so....

Ed Meehan: Those are in addition to the thirty-two that I mentioned, so for the record, this use would be in my opinion compatible with the surrounding area and could be accommodated with the on-site improvements in parking and sidewalks and lighting.

Chairman Pruet: How many customers do you anticipate?

Kim: You mean in and out during a day?

Chairman Pruet: Yes.

Kim: Our classes are really small, that's pretty much the pull for our studio, so we usually have eight to nine kids in a class.

Chairman Pruet: Okay. Commissioner comments?

Commissioner Aieta: Question for the Planner. The Special Exception, does that go with the property or if she moves out does the Special Exception expire or does it go with the property.

Ed Meehan: Special Exceptions like variances are normally tied to the address or the property but what the Commission has been doing with some of these, they tie it to the particular applicant so if a subsequent applicant came in and rented the same space they would still have to come back to the Commission.

Chairman Pruet: Further comments from the Commissioners? Please have a seat, it's open to the public. We are going to call on the public to see if there is any concern. Thank you. This is a public hearing. Is there anyone from the public wishing to speak for this petition? Anyone from the public wishing to speak against this petition? I think we can close this out.

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

Rose Lyons, 46 Elton Drive: I don't know what is on the agenda. I was just in CVS and decided to take a ride by and just say thank you for taking the time to go over the 2020 Plan and listening to what the public had to say a few months back and not just going forward with it. I know that you are probably hashed it and re-hashed it numerous times but having been before a lot of Boards and Commissions trying to get some work done in my area of town, on

the pathway between the senior housing and Elton Drive and Sunset I know that there is a lot of confusion as to who owns that area down in there and it's frustrating at times to try to determine who is responsible for what. I think with your 2020 Plan, maybe it will give

somebody some foresight into what has to be done in this town and I just think that we need to maintain our area, protect it, preserve it, in order to go forward and I wanted to thank you for your efforts.

Chairman Pruet: Thank you very much Mrs. Lyons for your nice comments.
Further comments from the public?

IV. MINUTES

March 10, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the March 10, 2010 Regular Meeting. The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

- A. PETITION 2-2010 – 105 Cedarwood Lane Francis C. Callahan applicant, Francis C and Cynthia Callahan owner, represented by Alan Bongiovanni: BGI Land Surveyors, 170 Pane Road Newington, CT 06111 request for re-subdivision, R-20 Zone District. Public Hearing closed March 10, 2010. Sixty-five day decision period ends May 14, 2010.**

Commissioner Schatz moved that PETITION 2-2010 – 105 Cedarwood Lane Francis C. Callahan applicant, Francis C and Cynthia Callahan owner, represented by Alan Bongiovanni: BGI Land Surveyors, 170 Pane Road Newington, CT 06111 request for re-subdivision, R-20 Zone District, be approved with the following modifications:

1. Grading elevations shall be changed as recommended by the Town Engineer to blend cul-de-sac with adjacent stone private drive.
2. The plot plan for the proposed house shall verify that no clear cutting of westerly lot side will be done and identify remaining trees to be preserved.
3. Prior to the issuance of a Building Permit for the proposed house, all cul-de-sac improvement work shall be completed to the satisfaction of the Town Engineer, and the right of way deeded to the Town. In lieu of cul-de-sac work completion, the owner may post bond surety as determined by the Town Engineer. The cul-de-sac improvements will be treated as a new roadway, Subdivision Regulations, Section 7.7 Acceptance of Streets and Maintenance Bond.

The motion was seconded by Commissioner Camerota.

The vote was unanimously in favor of the motion, with seven voting YES.

B. PETITION 1-2010 - 187 Stamm Road, Raymond F. Forgione owner, Arthur Vendola, P.E. 323 West Main Street, P.O. Box 3100 New Britain, CT 06050 request for Special Permit Section 6.3.6 Flood Hazard area, to add 5, 250 sq. ft. to building. I Zone District. Inland Wetlands Agency Report required. Continued from March 10, 2010. Sixty-five day decision period ends May 14, 2010.

Commissioner Casasanta moved that PETITION 1-2010 - 187 Stamm Road, Raymond F. Forgione owner, Arthur Vendola, P.E. 323 West Main Street, P.O. Box 3100 New Britain, CT 06050-3100 applicant request for Special Permit Section 6.3.6 Flood Hazard area, to add 5, 250 sq. ft. to building I Zone District, be approved based on the revised Site Plan entitled "B & F Design, 187 Stamm Road dated 3-5-2010, scale 1" =20' prepared by A.N. Vendola, Inc., P.E. & L.S.

1. It is a condition of this Special Permit that the 100 year flood elevation shall be met by the construction of the new addition's floor (underside) set not lower than 66.67 N.A.V.D. 88 and the finished floor set not lower than 67.67 N.A.V.D. 88.
2. Prior to the chairman signing the site plan mylar, note #4 shall be corrected to reflect parking for 26 vehicles for the company's largest shift.
3. The Inland Wetlands Agency's March 17, 2010 permit is acknowledged and made a part of the Commission's approval.

The motion was seconded by Commissioner Anest.

Commissioner Aieta: I have a question if the driveway to the back to the loading dock is adequate because of the parking along the side to get an eighteen wheeler back there. It seems kind of tight to me between the building and where the proposed parking is. I don't know, is it big enough?

Ed Meehan: I talked to the project engineer after the last meeting, talked to him actually a couple of days ago, and the operation of this business aren't going to have these large trucks going back in there. I was told that once the additional space is constructed the largest truck that will come will be one that will bring in the new machinery and place it in this area and then that will be it. There won't be any fifty-five footers backing in off of Stamm Road. The travel way next to the parallel parking is about eighteen feet wide so it's much wider than a regular eleven foot, twelve foot street lane so it should be adequate. The parking, parallel parking is never optimum but it does suffice as far as the count for the largest shift. This site is pretty much built out so.....

Commissioner Aieta: And what is the use again, is it a machine shop?

Ed Meehan: Yes, it's a machine shop and this is going to.....

Commissioner Aieta: There is no way, you would have to back in, if they were getting deliveries with a tractor trailer they would have to back it in because there is no way for that to turn around in the back, there's not enough room.

Ed Meehan: I've seen guys do difficult backings, but that is a tough one because you have sixteen cars along there.

Commissioner Aieta: They are not going to be able to have those kinds of deliveries. If they say it works, fine with me.

Commissioner Hall: In number one, what does N.A.V.D. stand for?

Ed Meehan: National Vertical Datum. It's the datum that is used in the flood insurance rate maps.

Commissioner Hall. Okay. Thank you.

The vote was unanimously in favor of the motion, with seven voting YES.

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

Commissioner Hall moved that PETITION 3-2010 – 225 Richard Street H.O. Penn Machinery Company applicant, C.E. Thomas Cleveland owner, Daniel Carson, H.O. Penn 225 Richard Street, Newington, CT 06111 request for Special Permit Section 6.11 New Dealers license for equipment sales existing Used Dealers license effective to 11-30-2011, PD Zone District be approved with the following conditions:

1. Approval is granted for a New Dealers license.
2. No display of used or new vehicles or trailers is permitted within the front parking lot or lawn area along Richard Street.

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

VIII. **PETITIONS FOR SCHEDULING** (TPZ April 14, 2010 and April 28, 2010.)

Ed Meehan: There are a couple that have come in that are not reflected on your agenda. Both of them would be for restaurant uses for small businesses, they want to open up down on New Britain Avenue. They can be scheduled, because we have an extra week in March this year, they can be scheduled and meet the public hearing requirements for your meeting April 14th.

Commissioner Aieta: Can you just give us a description of the property and where it is?

Ed Meehan: One is a pizza restaurant in the building Mr. Rotundo constructed a couple of years ago, used to be, on the east side of Public Market.

Commissioner Aieta: East side.

Ed Meehan: Yes. The other one is a re-use of a former restaurant location on the, I'll use the Public Market as a landmark, on the west side, used to be Rice, there is another restaurant interested in reoccupying that space and, this goes back to the question that you asked earlier. The Commission was limited to that prior restaurant use, for a new restaurant to come in, they have to come back before you. It's not automatic. They are both small

plazas, the majority of the operation they tell us will be take out. They will want a couple of tables and chairs inside.

Commissioner Aieta: What kind of a restaurant is that, the rice place?

Ed Meehan: I believe it is a Chinese restaurant. I dealt with the property owner, not the tenant.

Commissioner Aieta: We just had them come in before, the hairdressing salon, and we talked about the parking and it's a tight site there, something that we would have to watch. They couldn't have more than a couple of tables in there.

Ed Meehan: I think it's only eight hundred, nine hundred square feet, with a couple hundred feet of public area. So, I can put those down for public hearing?

Chairman Pruet: Sure.

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

None.

X. REMARKS BY COMMISSIONERS
DRAFT 2020 Plan of Conservation and Development (POCD)

Chairman Pruet: We can discuss the Draft Plan. I would like to open it up and I have a few other remarks too, but let's talk about the Plan first. I think we have spent a lot of time on this and we've really dissected everything which is good. The Plan is still open and all these new proposals and considerations are welcome. One thing I would like to see is, on page 39, in your town plan, on page 38, under the Newington Junction area, there was a lot of concern, people in that area concerned about high density housing, reviewing my notes, I'd like to add in there too an addition to that, without the use of high density housing. I'd like to open that up for consideration and input from my fellow Commissioners and see what their thoughts are on that.

Commissioner Aieta: That's on page 38, thirteen?

Chairman Pruet: Page 38, thirteen, Newington Junction area, to add the phrase without the use of high density housing.

Commissioner Aieta: It's consistent for what we thought throughout the whole plan and this is an area where, that's surrounded by housing now.

Commissioner Camerota: My thought is that if we're going to leave, if it's going to stay, I think it's in six on the page before, because they are both those transit orientated areas that it should also be in this one so it doesn't look like we are favoring, in one but not another or we're saying no to one but saying it's okay in another, just for consistency purposes.

Commissioner Anest: I agree with both that we need to be consistent throughout the whole plan and by bringing those two together we are being consistent it that.

Commissioner Aieta: We through with that?

Chairman Pruet: Yeah, unless anyone else wants to talk about it.

Commissioner Aieta: I talked to Domenic, he called me and he wanted just to, he had a couple of items and I talked him out of two of them. He has a concern about the vending licenses in the town and he would like it in the Plan for review of the vending ordinance that is twenty something years old. Last time that it was reviewed by this Commission was in 1992, and he would like that in someplace in the transportation area because it is on a public road and it's, you know the problems that we have.

Chairman Pruet: Did he have any suggested language, Frank?

Commissioner Aieta: Basically I would leave that up to Ed to put it, basically to review the, right now, is it an ordinance?

Ed Meehan: No.

Commissioner Aieta: What is it?

Ed Meehan: It was an administrative directive I guess you would say, set by the Town Manager and the Chief of Police at the time. We didn't have any.....

Commissioner Aieta: But the sites came before this Commission and we approved the sites.

Ed Meehan: I don't remember how they got approved.

Commissioner Aieta: I believe that is how they.....

Ed Meehan: Because there are like seven or eight sites.

Commissioner Aieta: And out of those seven or eight sites right now there is probably only two that are acceptable, I mean, we have a site that is on Fenn Road, we designated a spot that is no longer there, it's private property, they put in a Laundromat there. That was a site. The one we know about on Maselli Road. There is one on Pascone Place, in the front of the DOT, that would have to be in the parking lot of the DOT, it would not be in the public.....

Ed Meehan: All of these are supposed to be in the public way. They are not supposed to be on private property. That's why it is not under the zoning regulations purview because they are on the public street right of way which is under the purview of the police and public safety. So if they are on private property they are not supposed.....

Commissioner Aieta: You don't feel that we have any input as to that location?

Ed Meehan: Not from a zoning, regulatory point of view. We could probably have input as the role of being involved with traffic and roadway use and you know, those areas were looked at with the idea of not creating unfair competition for legitimate businesses that are going through building codes and paying taxes and they've got a guy doing the same thing out on the street for a food vending permit, so those are all, I think legitimate areas that fall into the purview of this Commission. I'm not sure, I can try to come up with some language, it really would fall, I believe, if you are looking for an ordinance, to the Town Council to regulate use of the public street.

Chairman Pruet: Maybe when Domenic comes back I'll get a hold of him and we can get some more information and have Ed work on some.....

Commissioner Aieta: You know where he is coming from, it's because of the thing on Maselli Road. There was almost an accident there last week where they had to call the police. I mean, this monstrosity that they have, this ordinance was made for hot dog carts. This guy has a van, like a bus. It's in the roadway, people are standing on the white line in the middle of the road, there's cones in the way, you know. You've written about this, you know.

Ed Meehan: I've sent a memo, and I've talked to the officers.....

Commissioner Aieta: And we're getting no where with the Chief of Police. We're getting stonewalled. The police that came out there, the three officers that came out, Morgan, Darby and Dave Guffrey that came out, they all agree that it's a safety problem and nothing is being done, nothing is happening, and it's getting stifled by the Chief. So it's going to go further than the Zoning Board, I can tell you that because it's a real big problem. Until someone gets, there's an accident there, the Town is going to be liable, because they allow this to exist and it's apparent, it's so apparent that it is a traffic hazard.

Chairman Pruet: Did they cite any regulations, Frank, to you?

Commissioner Aieta: The three police officers that investigated and came out and told right to our face, they said that this is a traffic hazard, it should not be there. It was alright when this road was a cul-de-sac and it was not used but now that it is opened up to Sam's, L.A.Fitness and Stew Leonards, with the increase in the traffic, it's a problem.

Ed Meehan: It's identified on the location map as temporary, to be evaluated.

Commissioner Aieta: Evaluated, and it never got evaluated and the Chief approved this vending license there. I don't think he did his due diligence and I'll say it on the record, he didn't do his due diligence to investigate exactly the size of this thing, the location, how the operation was going to work.

Ed Meehan: I think the appropriate body would be through a town ordinance which then gives the authority to, as you do with any town ordinance, whether it's parking during snow events or anything else, gives the authority to police officers to investigate and ticket.

Chairman Pruet: I would like to add to this too, I spoke to, on two occasions, to our Town Attorney and he is working on just this same situation of putting together ordinances that would be given to the police to issue summons or infractions which will amount to a court date. So this is something that is going to help clean up a lot of stuff out there that we have problems with, so I asked him if he would put it on the front burner, he said he will. It's got to go through the Town Council, we would get a copy of it too, to get our input on it too so that we can maybe have a two pronged approach here and clean this thing up.

Commissioner Aieta: How would that work Dave? Do you have any idea?

Chairman Pruet: Yes. I know how it works in West Hartford. For example, you have an ordinance of a junk yard car, in the yard. Basically right now if it's not registered you can have it in the yard. If you clean up the ordinance, you would make that an infraction, with a fine, say fifty, seventy-five dollars. It would help with the blight or something, but you have to put the word in there, it becomes part of the town ordinance, the officer has the authority to ticket or give a warning. If it's not cleaned up, then they get a ticket and a court date. So it's a two pronged thing, you get the revenue and if they don't abide by it, they are given a date where they have to go to court. The Town Attorney would be there, or Prosecutor there to

represent the Town. So it's very effective and it puts some bite into the things that have been problematic for this town.

Commissioner Aieta: If we could use that would be used by the Zoning Enforcement Officer.....

Ed Meehan: It would be an ordinance.

Commissioner Aieta: So what about signage and things like that? Would that fall under that also?

Ed Meehan: That is zoning, if it's on private property and someone is not following the sign regulations in the zoning, that's a zoning situation. What the Chairman is talking about is called a property maintenance ordinance which goes much beyond our blighted ordinance. Blighted ordinance which was adopted many years ago is specifically for vacant buildings and so some of the buildings are being occupied, both commercial and residential, but they are in very bad disrepair, and the yards or the grounds around them are in bad disrepair. You know, there's litter, there's trash, there's things that do not fall under the purview of zoning, which has to do with a structure, or a placement of a structure and it's pretty frustrating because you cite somebody under zoning for a junk car, the citation ordinance that was adopted and modeled on Connecticut statutes, gives the guy seventy-two hours to get rid of his junk car. So he may do it, and he may move it to another part of the yard. Some prior town attorney said, if he moves it, whether it's a junk car or a sign, it could be a second violation, you would have to cite him again. So the purpose of a blighted property ordinance and the Chairman mentioned West Hartford and the Central Connecticut Health District has had some input into this, in some other communities, goes after the tall grass, the guy that has a yard full of debris. It may not be a public nuisance in that it is a health hazard, but it's causing concern as far as beauty in the eye of the beholder, so to speak. Or a guy who has all kinds of stuff stockpiled in his yard, just doesn't throw anything out. That's not a zoning violation, but it could be under this ordinance.

Commissioner Hall: With regard to the matter that we were speaking of before, with the vendors, I think that is something that we should take up around the table. I don't know that it necessarily belongs in the long plan vision, I think it is something very specific that we should be working on and not putting in the report as something to do over the next ten years, so I don't know exactly where it would even fit in here, as being part of our vision. I think that is something very concrete and very definite that we should work on now as a body. Not as something that we put in the report to get to at some point. Just as this ordinance you're talking about, I've got to tell you, we've been talking about this since 1997. A couple of years ago there was a member of this Commission that brought it up exactly that way, told us how we could do it, died on the table.

Chairman Pruet: Well, it's being resurrected now.

Commissioner Hall: If it's something you want to do, let's bring it back and do it.

Chairman Pruet: It's got CPR in it now, so we're going to run with it.

Commissioner Aieta: Mr. Chairman, I agree with what Cathy said. We don't have to put it in the Plan if we could take it up at some point as an agenda item to discuss, I think that would suffice with Commissioner Pane and myself. It has to be discussed I think, because some of the areas, forget about Maselli Road and look at the other areas, there are some that we list on this list that the Chief of Police has that don't work now. They don't work. Now you are

cutting down the number of sites from seven or eight to maybe two or three sites that really work for a vendor.

Chairman Pruet: Good point, we'll address that.

I just want to bring you up to date on Three Angels Church. Ed and I and the Town Attorney were at the, Judge Levine's office two weeks ago and along with representatives of Three Angels Church, their attorney and I guess their foreman and a member of the Church, and they discussed the items for several hours and the Judge asked the Church to come back tomorrow to bring their planning board, their engineer, and the other people who were in attendance to discuss this further. Looks like the Judge has our attention in the fact that we gave the Church some latitude here to make some adjustments, and I'll keep you apprised when Ben Ancona gives me a report on that. It's alive, it's still going forward, and I see a light at the end of the tunnel and I don't think it's a train coming at us, I think it's some kind of closure, hopefully to everybody's pleasure. That's all I have to say on remarks. Anyone else wish to talk on the Plan, or anything else?

Ed Meehan: Can I just say something? Do you want to take a minute to report this revised schedule based on Council review?

Chairman Pruet: Yes. As soon as we, as I said, this is an open item, and the plans are to present this, I spoke to the Mayor and he asked me, I asked him what his pleasure was, when we could roll this out to him and right now they are kind of up to their eyeballs in the budget, so he asked if it could be presented on April 27th, Ed and I plan on going there and rolling this out to them. Prior to us, in a power point presentation, all of the Councilors will be getting a copy of what we had to date. Again, it's an open item. Once the Town Council has an opportunity to look at it, ask questions and then discuss it, and then they will vote on it, hopefully at their next meeting, or very soon thereafter. In the mean time, we can roll it out to the public in that same format, using the Council chambers. So I feel that once we present it to the public, to the Town Council I think we are ready to roll it out to the public. We'll have that on the web site, Ed?

Ed Meehan: Yes.

Chairman Pruet: We'll have copies at the library, copies at the Town Clerk's office and copies here to for people who don't have access to the web site. Then our drop dead date is June.....

Ed Meehan: June 30th to have it adopted and effective. It doesn't mean that it has to be all put back together with the nice pictures and everything but we need to tell OPM that the Commission has acted and then we can start working at a little slower pace collecting pictures and layout. Potentially as the Chairman is saying, this keeps the public hearing process open through possibly the second meeting in May, depending on how Council acts with their budget and if they want additional time, they should have additional time, but the public and anybody else will have access to this for probably another month and a half, two months.

Chairman Pruet: So I think we have been very considerate of the public's needs which, that's what we are here for, to get their input and that's what we are going to do. Anyone have any suggestions on that, or information they want to share, or comments?

Commissioner Schatz: In here, is there anything that says that we might be looking at bike trails and walking trails?

Chairman Pruet: Yes, absolutely. It's in there.

Commissioner Aieta: So you think we could vote on this when Dave?

Chairman Pruet: As soon as the Council gives their opinion and their input, they'll kick it back to us, we have the final say. So they vote on it, and they approve it as is, or if they have a consideration, bring it back here, we'll discuss that consideration, and I think probably like Ed said, the second meeting in May we should have this thing wrapped up, signed, sealed and delivered and ready to close it and kick it up the ladder.

Ed Meehan: You should keep your hearings open to receive the Council's comments within the body of the public hearing so that you can discuss them and residents can discuss those hearing comments before you move to close them both.

Chairman Pruet: I think it gives them ample time up until May to do that. I think more than ample.

Commissioner Anest: I don't know if I missed this, but when would the public hearing be for us?

Ed Meehan: I would recommend that you keep it on your agenda every night.....

Commissioner Anest: I mean the formal, when we do it in the Council chambers, are you anticipating a date for that?

Ed Meehan: I think we would do that once we get Council comments back.

Commissioner Anest: After the Council has had a chance for their input then.....

Chairman Pruet: Well, present it to the Council, and then we can still present it to the public and they can take their time and do what they have to do.

Commissioner Aieta: They should be made aware of the drop dead date so that they don't hold it for months and months.

Chairman Pruet: I spoke to the Mayor, I told him about the dates and he is well aware of it, and I asked him to turn it around as soon as he could. That's why he asked me to present it after the budget.

Commissioner Camerota: Would it make sense to present it as part of our April 20th meeting, the day after, presenting it to the public in the Council chambers?

Chairman Pruet: Yeah, that's what I'm thinking, we have a meeting I think the 28th?

Ed Meehan: We can give Council a presentation on the 27th of April and, general public presentation on the 28th, keep your public hearing open, maybe the Council won't be ready to report to you right away, it may take a meeting or two, so depending on that two week period, it could get bumped to your last meeting in May, or your first meeting in June.

Chairman Pruet: And if this schedule looks good, I'll notify Mrs. Conway so she can notify the people and it will be announced too on public TV and would a hearing notice be appropriate on that too?

Ed Meehan: Yeah, I think that we're starting the whole process over, or continuing the process.

Chairman Pruet: So we are going to market it very good, for the public's opinion. That sound okay for everybody? Anything else, Commissioner Comments?

Commissioner Anest: I have a question, and I know that it comes up with the Zoning Enforcement Officer, but there are still a lot of sandwich board signs that are on the Berlin Turnpike and O'Neil Plaza there is a hair salon sign that is attached to a Do Not Enter sign. I think, we've been talking about starting something that maybe we can bring this to the attention of the Zoning Enforcement Officer's attention, and kind of help him out, but it shouldn't be there, it shouldn't be attached to a town sign and it's sitting there, and there's a lot of other signs that are out there. My other question is, and I know that it pertains to the Berlin Turnpike, but the sandwich board signs, does that also pertain to the town center district?

Ed Meehan: It pertains throughout the town. A business can get a twenty day per calendar year promotional.

Commissioner Anest: But what about these businesses, do they have to select the twenty days?

Ed Meehan: Yeah, when they come in for their permit, they give us the dates.

Commissioner Anest: Okay, so there are signs that are sitting in the town center that have been there for months.

Ed Meehan: They put them in and take them out. There are a couple of businesses in the center that are not cooperative with the request to take their signs down. They are not A-frame signs, they are the ones with the prongs on them. We pick them up and we take them to the highway landfill, and they come right back out again.

Commissioner Anest: Is there something, maybe an ordinance or something?

Ed Meehan: It's a matter of just driving around and throwing them in the trunk of the car and taking them. It's a waste of time, and I'll say this publicly to cite people over these little rinky-dink signs because by the time you do a citation ordinance, that gives them seventy-two hours of freedom and I think what the practice has been, particularly repeat offenders, if they are doing like a couple of businesses that just plastered the town center around Starbucks and the Congregational Church with promotional openings, and there are yellow and black signs everywhere. Or, Single Dating is another one, they are a frequent flyer on the Berlin Turnpike. We just drive up the turnpike and throw them in the back of the car. The only ones we don't touch, and maybe this is not fair, we don't touch the blood drive signs, the public service signs.

Commissioner Anest: The Home Show.

Ed Meehan: The Home Show.....

Commissioner Anest: Yeah, but they don't need ten of them right in a row.

Ed Meehan: You can talk to any people in the business community or people who put these signs out, or make these signs, it would be appreciated. There are still a lot of signs laying down on the ground, from previous events that have not been picked up.

Commissioner Anest: There is a sign from the Irish Festival from last August that is still in our town.

Ed Meehan: That is how we handle it, if we come up the turnpike, and we also get some cooperation from the District One Department of Transportation, not on the little signs, but the bigger ones in their right of way. It's really their right of way, and there are a couple of businesses that have the banner flag signs, and depending on the wind, they could blow out to the edge of the road. Those are the ones the State will grab or ask us to take.

Commissioner Anest: How about like banner signs across buildings?

Ed Meehan: Only with, as part of the twenty day permit they can do it, as part of a grand opening. After that, they are cited. You mentioned one location, I think it's on here a couple of times, O'Neil Plaza where there are banners and flags or signs.

Commissioner Anest: Right at the entrance going into O'Neil Plaza, I think it's Envisions, whatever that salon is, it's attached to a Do Not Enter signs.

Ed Meehan: Oh, it's not a banner.

Commissioner Anest: No, it's a sign, attached to another sign.

Ed Meehan: Okay, well, we'll try to chase those down.

Commissioner Anest: I know that people are just trying to get extra signage.....

Chairman Pruet: Are there any fines involved in this, Ed?

Ed Meehan: There is a fine of \$150.00 per violation.

Chairman Pruet: Now what kind of teeth.....

Ed Meehan: I've got an example of one here, under the, there are two ways of citing a zoning violation. I guess we are into the Staff Report. There are two ways of doing this under the town authority. One is called a cease and desist which is set forth in the statutes. It's kind of cumbersome, it basically takes you right to Superior Court, if you can get a judge to see the public safety issue. A property owner can also appeal that citation, excuse me, the cease and desist to the Zoning Board of Appeals, appeal the Zoning Enforcement Officer. It's a very lengthy process. In lieu of that, the Town Council, maybe ten years ago now, passed the Zoning Citation Ordinance. By ordinance and many of Connecticut communities are doing this, there is a set time frame, where the Zoning Enforcement Officer observes the violation or is requested to check a violation to see if it is legitimate. He gives the property owner a written notice and seventy-two hours to correct the violation. Actually most times, a lot of people will call and not realize, we didn't know that we had a violation. So if they take it out in seventy-two hours, there is no fine. In other cases, they don't do anything and so then we are required to send them a notice and it's a ten day notice, and they have ten days. Beyond that, then we can issue a fine. The fine is imposed at that point is \$150.00 per day. All along this process the property owner can appeal to a local hearing officer and claim that the zoning violation is in error, or he has corrected it. And really, that hasn't been done very

often. I can probably think about a handful that has happened, and the hearing officer can rule for or against the Zoning Enforcement Officer and beyond that, if the hearing officer rules in favor of the town, the violator can still take it to Superior Court. So that is when it usually ends up as a judgment.

Commissioner Anest: Now like what happens if they comply, take the sign down and then a week later, put the sign back up?

Ed Meehan: Happens all of the time. It's a second violation. Signs and vehicles are the two most frequent things that you will see on here. The other issue that we had for a while were commercial vehicles that are painted like signs and if they are not in a parking space, a legitimate parking space, they are considered additional signage. There were a couple of businesses that were parking them on entrances, coming into Newington, at the top of Cedar Street or at the other end of Cedar Street to get visibility, and we cited those, and those businesses have come around a little bit. They are putting them now in legitimate parking places in front of their businesses.

Chairman Pruet: I'd like to follow up on that too. I know that if a person does not pay their parking tickets, it's, tax office gets it and they put a lien onto their tax bill. Now, if somebody doesn't pay these fines, is that the same process for the taxpayer?

Ed Meehan: My understanding is that the Town Attorney would have to go into court and get a judgment.

Chairman Pruet: Now, is this maybe something that we can work on, on an ordinance to beef up this?

Ed Meehan: Well, a lot of the things that we talked about earlier in the meeting are not really zoning violations, are just really nuisance and haphazard maintenance of property so through that ordinance, if the police ticketed and they didn't pay the ticket, they probably could put a lien on the property. But, you know how that works, you don't get the lien until they sell the property, and liens pile up.

Chairman Pruet: But still it's nice, it's a nice bite.....

Commissioner Anest: People don't like their property encumbered like that also.

Chairman Pruet: Exactly. Once you start seeing liens against your property, it gets their attention. So that's something we could look at too for enforcement.

Ed Meehan: Well, we can't do it under the statutes, we can't under the zoning statute, whether it is cease and desist or zoning citation, we can't attach a lien. We can collect a fine, but we have to go into court to get the fine, a judgment.

Chairman Pruet: But a written ordinance.....

Ed Meehan: Oh, you could do it by ordinance, not a regulation.

Chairman Pruet: That's what I'm leaning toward. I'd like to have Ben work on that with this Commission to put teeth in that and get it passed and clean up.....

Commissioner Hall: The Council is the one that sets that. We can recommend.

Chairman Pruet: That's what I'm trying to do. To put some teeth into your department and to clean up this perpetual problem.

Commissioner Anest: Yeah, because like those sandwich signs, wouldn't that be considered additional signage?

Ed Meehan: Yes.

Commissioner Anest: That would come under.....

Ed Meehan: That's why you see a lot of these, mostly, not all of them, most are sign violations or cars parked in somebody's front yard. We have a zoning standard, you are not supposed to have cars parked unless it's on a paved surface or processed stone surface, and a lot of times there are four or five cars in the household, they can't park them on the paved surface in the front yard. Or they are parked over the right of way, along the edge of the road. That's a police enforcement issue, a ticketing issue, but if they are in the front yard and the yard is getting all ruddy and muddy, we can cite them under zoning. There's a couple here, I talked to the Chairman about, there is one particular auto use in town that, I think we are up to, as far as citations over \$1150.00 of citations and.....

Commissioner Anest: Is that Francis Avenue?

Ed Meehan: Yes. We've been working with the Department of Motor Vehicles and DEP about that location because of the concern for the watercourse nearby and possibly pollution run-off from that. That is an example of one that was out of bounds early on, got in compliance, came before a hearing officer, the hearing officer upheld the town, the fines were paid and then within a year, not even a year, I don't know if it was a economic situation, or what, it's not in compliance in our opinion at all, and it's not what the Commission intended when they approved that Special Permit. So we're taking it to the next level, with the licensing agency which is DMV. We don't feel that it's meeting the auto dealer licensing requirements. We're citing it as a junk yard, so that is where we are with that one. There's a couple of other ones. I know that there is a situation just around the corner on Day Street where there are piles of contaminated soil under tarps, in the parking lot. That was when Mill Pond Church was before you and that is not necessarily a zoning violation but it does fall under DEP and the District Department of Health. That's a location where this nuisance ordinance, or the property maintenance ordinance would be ideal, because people go by and they see the tarps, and next thing you know, there are a couple of couches and chairs out there. It's not a zoning violation, it's a litter violation if you can catch them, or it's a property nuisance violation, and you know, I don't want to start putting our laundry out, but we have the exact same problem in our brand new dumpster in the municipal parking lot. We increased the size, to accommodate hopefully additional businesses using that centralized dumpster and all of a sudden, it's a town wide dumpster. We did have problems once in a while when a tenant was moving out, we would get extra type of bulky waste, but our Parks and Rec crews and highway, weekly will take pallets of material out of there. We are going to set up a camera. A live camera and we will do the same thing that we do in other locations in town and track it that way. It may cost us a couple of grand, but we'll track it that way.

Chairman Pruet: You could put up a notice there too that this site is being monitored.

Ed Meehan: You would think this is the simplest thing, but if you go down the end of Costello Road, the end of Alumni Road, the end of Holmes Road.....

Commissioner Hall: In back of our building.

Ed Meehan: Yes, in back of Lowry Place.

Commissioner Hall: It's unbelievable the things back there.

Ed Meehan: There are probably a dozen places, I don't know all of them as well as highway and Parks, that the town gets complaints, they send out a crew and pick it up. We end up paying for it because it gets into our containers at the highway garage. But, that is not zoning, that is health district and just property maintenance.

The items on this list are really legitimate zoning complaints, the guy who gets a roll up storage container and you give him the benefit of the doubt that they are moving, that they have a legitimate building permit for the house or the business, but it's there for four or five months. The neighbors are getting a little tired of looking at the PODS in the front yard across the street. That is a zoning violation.

Commissioner Anest: How long can PODS stay?

Ed Meehan: Well, we usually give them about a month, that may be too generous, but if you have a legitimate building permit, you are doing renovations and you have, your contractor has a container, once the job gets certified and inspected you are supposed to have all of that off of your site. I think the biggest issues really are signs, motor vehicles, and these containers, and the storage of recreational equipment that sometimes is quite large. You see a lot of this at the end of summer, in the fall things start appearing on lots, we have small lots in Newington and the camper comes rolling in and the cigarette boats parked on the guy's yard. We don't have lots in the area to do this stuff. The complaints are not that frequent if someone has actually gone out and built a building without permits or violated the side yard or done things like that. We get complaints and we have one significant complaint that we are being, are working with the Police Department right now, up on Dowd Street with a guy who we feel is doing a commercial business in a residential zone. We've some photographs and some, good neighbor participation who call us when that happens, but we are also working with Newington Police on that one for other reasons. It's almost like, if the Health District has a problem with it, we have a problem with it with zoning. Sometimes the PD knows about it too.

Commissioner Aieta: On the summary of the Enforcement Report, now, are most of these generated through complaints, ninety percent of them by complaints?

Ed Meehan: No, I wouldn't think that there are that many, a lot of this is observing, you know, staff going around town, other businesses complain, calling about another business, they have a sign, why can't I have a sign type of thing, but a lot of it is just building department or zoning officer out and they say, hey, this is the situation, check it out. We do get complaints from a neighbor, we write it up but we don't, we're not required, nor do we put the neighbor's name down, so, someone comes in and says, who's complaining, we don't tell the alleged violator that someone is complaining. That wouldn't work out well if that happened. So, I wouldn't say ninety percent are by neighbor complaint. I don't know what the break down is, but it's not that high.

Commissioner Aieta: I had the thought of having a sub-committee of this Commission helping with the enforcement, come back with a list of violations that we see, and bring it back to this Commission to get, to bring to the attention of the enforcement officer. There's a lot of, just driving around you can see a lot of violations that have been there for quite some time, that apparently no one has been complaining but they are obvious violations.

Ed Meehan: Well, I have a E-Mail, I have a phone, if you see something, call me. I don't think you need to have a committee and wait every two weeks, the faster we get notified of it, the faster we can get someone out to take a look at it.

Commissioner Aieta: Can we get the enforcement officer in here once a month to go over the list of stuff that we generate so that we can see the action on it?

Ed Meehan: I would prefer that it be done quarterly and that you filter the complaints to me directly or by e-mail or phone to the Chairman, and track it that way for a while, rather than have someone sitting here every month.

Commissioner Aieta: Well, we could put him on at the beginning, the beginning of the agenda, put this on as a line item on the agenda to talk about it once a month, or once, if you wanted to do it less frequently than once a month, it's obvious that the Commissioners see violations that are not, which leads me to believe that they only get acted upon if someone complains.

Chairman Pruet: I spoke to Ed about that and we decided that we would bring in the zoning officer on a quarterly basis, feed them the information, and that is a start. We'll monitor it that way. Also, the ordinance that Ben Ancona is working on, to bring it up there too, get some information from this Committee, present it to the Town Council and get some more teeth for these things. So I think we are on our way to clean up some of these, especially the repetitive violators that just don't seem to care about the town, and the appearance, and I think we are committed to clean that up and do something about it.

Ed Meehan: Well I certainly welcome, if you see something that pops up or you have gone by it two or three days or two or three weeks in a row and it is still there, let us know. Whether it is in your neighborhood or commercial area that you do business with.....

Commissioner Schatz: Is that the Commissioner's job, to be a busybody? I mean, I see things myself, but then the neighbor takes care of it, it's done.

Chairman Pruet: Well, it's not a problem then if he takes care of it.

Commissioner Schatz: No, I mean, you are a Commissioner on a board, and I'm going to travel around town to find violations?

Commissioner Aieta: If you choose to do that, then do it, if you don't choose to it, then don't. But in my travels around town I see violations and I see them for months and months and years and years and years. Same people, same violations, I could give you four or five instances right off the top of my head. There's one on Church Street where a guy is running a, some kind of a business out of it, he has a dumpster that has been there for over three years, he has a commercial vehicle parked on his front lawn, well, it's there all the time, this guy has a forty yard dumpster in his front yard. It's been there for three or four years.

Chairman Pruet: Okay, we've got the commitment from Ed here that we can e-mail him, call him, send him a smoke signal, whatever works. Any more questions on the zoning enforcement report? Any more concerns? I think we made some progress on that, thanks Ed for that report. Any other staff report?

Ed Meehan: There is going to be, down in the south end of town, Church and Kelsey, the intersection reconstruction is going to start probably, depending upon, Connecticut Natural Gas is doing work there, they have to get it out of the way first, that project has been in the

works since last fall. That is going to be tying up some traffic there, but that will be dealt with traffic control from Newington Police and then we found out today that south of Newington on Episcopal Road I guess Berlin is going to be doing some major work down there too. That is a busy area, Church and Pane and Kelsey, that's going to be a busy area for a while.

Commissioner Aieta: Is the engineering department satisfied that once they do the road construction no one is going to come the week after and cut it up and put in a lateral?

Ed Meehan: Well that is why they stopped going out last fall because of the issues with the gas company down there.

Commissioner Aieta: Now that the gas pipe is coming up the street there should be some due diligence to find out if anybody is going to hook up.

Ed Meehan: The laterals is the next part.

Commissioner Aieta: It would be a shame to reconstruct it and then have a week later come and dig it up.

Commissioner Hall: But that is what they do, Frank.

Commissioner Aieta: It shouldn't be like that, but you're right, that's what they do, but it shouldn't be like that because once you destroy the integrity of the road when you cut into it like that. You see where all the problems with pot holes is because of patches.

Chairman Pruet: Any activity from Mr. Frisbee at all?

Ed Meehan: Nothing. Maybe you remember back in the winter there was an article in the local weekly news that they were going to do something in March, and no building permits, no plans have come forward for that project.

Chairman Pruet: Is there anything new on the open space commission?

Ed Meehan: I can tell you that the Chairman and two committee members had just a general presentation to Council on the desire to go forward with an open space grant, and to get an appraisal process started on what we thought might be a strategy, and then it was discussed later in executive session, so I couldn't get too much into that as far as the strategy, but the committee has been busy and have identified their priorities up on the ridge line.

Commissioner Anest: And two of our members testified Friday at the capital regarding the forty acres that we could possibly obtain from the State, part of Cedar Ridge.

Chairman Pruet: And that was with Sandy?

Commissioner Anest: With Sandy and Paul, yes.

Chairman Pruet: Very good.

Commissioner Aieta: Is that going to cost the town anything?

Commissioner Anest: We're not sure yet, maybe administrative fees but we're not sure.

Commissioner Aieta: You're talking about the unused land behind Cedarcrest?

Commissioner Anest: The forty acres.....

Commissioner Aieta: The land now that is designated as unusable or, because of the topography, isn't it?

Ed Meehan: It's in the public land zone, but from a physical point of view, it's limited because of slopes, some of the slopes are in excess of forty percent. There is some frontage on Mountain Road that could be used but it goes in a little way and then shoots up fast. There are I think two group homes on Mountain Road that had to be carved out of this forty acres. That section of Mountain Road is not in good condition, so you don't want to encourage traffic down there. But that still leaves, what, twenty-seven acres up on Russell Road for some sort of continued use by the state or re-use, and that is where your infrastructure is. All your services are up there, so it protects the majority of the property.

Chairman Pruet: Any nibbles of interest at all?

Ed Meehan: Well, I keep hearing things about some of the vacant restaurants. 99 and Applebees, but nothing tangible.

Commissioner Camerota: Northwood Plaza?

Ed Meehan: Nothing.

Chairman Pruet: Seeing that I co-mingled Remarks by Commissioners with Staff Report, any further remarks by Commissioners?

Commissioner Anest: The mail boxes at the post office, are they staying where they are? In Northwood Plaza, where those mail boxes are.

Ed Meehan: We tried to get those moved, I've tried and I know that people in this room has tried and I actually talked to the manager there, Tricia, I believe, a couple of times and got somewhat of a run around. I wanted those moved thirty to sixty feet further in on the sidewalk, away from the driveway entrance, and they just are not cooperating. It's a matter of unbolting them and putting them down and screwing them into the ground.

Commissioner Anest: Because where they are is just an accident waiting, but something should be done, because once an accident happens, then they'll move on it.

Ed Meehan: The post office has been asked, the property owners, when they were sort of still in business at Northwood Plaza were asked to cooperate, I know that the Town Manager has addressed it, I don't know how you get them to move it.

Chairman Pruet: Well, I think I might have a solution. We'll go right to the top.....

Ed Meehan: You can go to Hartford.

Chairman Pruet: No, we are going to by-pass Hartford, we'll go right to the regional safety office. I'll work with you on that.
Any other questions, comments?

XI. STAFF REPORT

Combined with Remarks by Commissioners.

XII. ADJOURNMENT

Commissioner Casasanta moved to adjourn the meeting. The motion was seconded by Commissioner Schatz. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary