NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

March 25, 2015

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

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

Commissioners Present
Commissioner Frank Aieta
Commissioner Carol Anest
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Brian Andrzejewski-A
Commissioner Anthony Claffey-A

Commissioners Absent
Staff Present

Craig Minor, Town Planner

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TOWN CLERK

III. APPROVAL OF AGENDA

Craig Minor: No changes

IV. PUBLIC HEARING

A. Petition 07-15: Text Amendment (Section 3.2.5: Hospitals, Sanatoria, Rest Homes, Senior Independent Living Facilities, Convalescent or Nursing Homes and Section 9.2; Definitions HCS ONE LLC, applicant; Kari Olson, Murtha Cullina, 185 Asylum Street, Hartford CT, contact.

Joseph Schwartz: Good evening everybody, my name is Joseph Schwartz, I'm a land use attorney for Murtha Cullina. I'm covering for Kari Olsen tonight, who is also with my firm. I'm here tonight representing both HCS ONE and Amara Community Living in conjunction with their application for a text amendment specifically to Sections 9.2 and 3.2.5 of your regulations. It's also important for this Commission to recognize that there is a site plan and a special exception application that also is pending before this Commission to construct a continuing care retirement community which I will refer to as a CCRC tonight. The location of them is at the corner of East Cedar Street and Russell in a B-BT Zone. That site currently has all the necessary permits for a hotel, gas station, a retail strip mall. The proposed CCRC it would be in lieu of those uses. Those applications, the special exceptions and site plan are scheduled for a hearing on April 8th. The subject of tonight's hearing is just the text amendment application which I referenced.

I have with me here tonight a few people that I just want to introduce. Patti LeGalt from Amara is going to briefly explain what a CCRC is after I speak, and specifically the CCRC that we are proposing along with the special exception. I also have Russ Cyr with me, he's the engineer on the project. He's going to go over briefly what the project entails just to give the Commission a flavor as to why we are seeking this text amendment. We also have Nick Michnevitz, he's the architect on the project, he's going to briefly discuss the aesthetics, the quality of materials of the project and what really makes this a beautiful state of the art facility.
In short, what a CCRC really is is a comprehensive all-inclusive facility that allows members of it to age in peace and also in one place. It has all the housing, health care, amenities, etc., contained in one site under one roof. Everything from independent living units, to skilled nursing homes. I believe a packet was distributed to the Commission last week and I don't know if you want to take that out. I will be referencing that through the presentation.

Chairman Hall: Excuse me, I do have a question as to where the public hearing sign was posted.

Joseph Schwartz: I believe on the corner.

Chairman Hall: The corner of Russell Road and Cedar Street?

Craig Minor: It shouldn't have been posted because this is a text amendment that is town-wide. I heard that the sign had gone up and I was about to call the applicant and tell him to take it down, but then I thought if I tell him to take it down after a lot of people saw it, that would just cause more confusion, so I just let it ride. But there is no need for the sign to be up at this point.

Chairman Hall: No sign for the public hearing?

Craig Minor: It's a public hearing for a text amendment that is town-wide. There is no specific site for a text amendment.

Chairman Hall: That was a question that had come up. Thank you for answering that.

Joseph Schwartz: If you would all turn to Tab One, we are seeking to amend Section 9.2 to include the definition of the CCRC in your regs, and then also going to Section 3.2.5 to allow a CCRC in a zone by special exception. Just taking a step back, the Commission should be aware that in order to approve this text amendment you need to make two findings on the record tonight. One is that the amendment is consistent with your current zoning regulations, and two, that it's consistent with your town's Plan of Conservation and Development. Going to the first point, you should be aware that currently Section 3.2.5 partly allows the types of uses that make up the components of a CCRC. For instance you already permit by special permit a hospital, senior independent living facility, retail stores and professional offices, and the end result of this text amendment would just clearly define what a CCRC is and make it clear that you can have all of those components together on one site.

The text amendment is also seeking to increase the height of the types of facilities that are allowed under 3.2.5, increasing it to five stories and seventy-five feet, but only in business and commercial zones. That's a very important point. Currently under your regulations the height requirements are three stories, thirty-five feet in residential zones. We're not seeking a change there. We are only seeking a change for the height in commercial and business zones to seventy-five feet and five stories. Just a few things to note on that point, one is the Town currently under zoning regulations permits hotels as of right of forty-five feet, and from a land use perspective, there's not a big difference between a hotel and a CCRC. Two is the initial height is necessary here to segregate the different levels of care and amenities that are being offered here while still preserving the kind of single whole unit facility. Three is, the height of the facility is not seventy-five feet all around. It's only going to be seventy-five feet in certain places, and one of the reasons for this is so that we can have the pitched roof. We found that it is important to our

residents to have a pitched roof which gives a sense of a residence or a house as opposed to a flat roof which gives them a sense that they are living in more of a commercial facility.

Lastly, and maybe the most importantly, the reason that we are seeking to build vertically rather than horizontally is that the site has already been approved for a hotel by the Inland Wetlands Commission, and we're looking to stay within that footprint that has already been approved, so as a result we are looking to build up as opposed to going outside of that footprint. So that's for the height, and in addition to that, we are also seeking to increase the density for the types of facilities that are allowed by 3.2.5. Currently you permit twenty patient beds or living units per acre. We are seeking to increase that to thirty units, and that level is already consistent with your regulations. Like I said, currently you allow twenty units per acre, for assisted living facilities, and nursing homes, but those types of facilities are a little different from CCRC's. Those tend to be more stand along units, condo, spread out, like a campus, whereas a CCRC is more of, looks like elderly apartments, and in fact, under your regs, you already allow sixty units per acre for "residential buildings for the elderly." So, what we thought would be a fair compromise is to take the least number of units per acre that you allow in any zone, which would be one unit per acre in a residential zone, and take that versus the sixty units per acre that you allow for elderly housing and you kind of split the baby and you take thirty units per acre for this type of facility. That would be a logical conclusion and would be consistent with your regulations and is the type of density increase that we are seeking here.

I do want to touch upon, briefly, a memo that was distributed to this Commission from the Town Planner. Craig Minor researched how CCRC's are regulated in other towns, and I think it's important to note a few things when going over this memo. First is the majority of the regulations for the towns that he researched for regulated CCRC's in either residential zones or what are called floating zones. As a result, the density and the height was lower than what we are proposing. Here we're not looking to change the three stories and thirty-five feet that is permitted in a residential zone, we are only looking to change the density and height in a commercial zone, and a majority of those regulations cited weren't in commercial zones.
Secondly, while other communities might have had the foresight to include a definition of a CCRC in the regulations, and to regulate them, those were adopted years ago, and don't really regulate the kind of new era of CCRC's that are being constructed in the present and will be constructed in the future. This new kind of construction is (inaudible) that Amara is proposing, and has a similar type of height and density that we are proposing.
Last, in this Commission, I'm sure you are aware of it, every community is different, every community has different needs, and chooses to regulate it's community differently, so comparing one town to another is sometimes like comparing apples and oranges.
So for all of those reasons I think that this Commission should find that the proposed text amendment is consistent with your current zoning regulations. So that is the first part.
The second finding that the Commission needs to make tonight, is that this text amendment is consistent with your town's Plan of Conservation and Development. If you turn to page two, or tab two rather, of the packet we provide a detailed memo as to why it is consistent. I'm not going to go through all of it, but I just want to touch on a few points. One is that part of the residential development plan which is part of the Plan of Conservation and Development, it requires the town pay special needs to Newington's growing elderly population. According to a 2010 census report which is Tab 9, more than eighteen percent of Newington's population is 65 or older, which is about fifty-five hundred residents. So building this type of facility would serve their needs, and would be consistent with your town plan.
Second point to the future land use plan of the town, which is again part of the town's Plan of Conservation and Development, the B-BT zone, which is where we propose to construct this CCRC still lies in the area where commercial enterprises are being promoted, and it is also going to provide a nice buffer between the commercial zone and the neighboring residential zones.

Finally, the text amendment also fosters several state growth principals which are inherent in your town's plan. Some of those include recognizing the housing needs of aging population and

concentrating the development around transit sites, and for all of those reasons we think that this Commission should make a finding that the text amendment is consistent with your town's Plan of Conservation and Development.

Just a few other points, before I conclude, it shouldn't be lost on this Commission, and I'm sure it never is, that the purpose of the zoning regulations is to really foster the general health and welfare of the community and according to a recent study, which I have attached to Tab 10, 65 percent of Newington's seniors expressed an interest in having senior housing available in the area. This CCRC would not only give them that option but it would also give younger families the option of having their parents or grandparents nearby, in the same community which I'm sure a number of them would value, and it would also be attractive to certain families that want to keep their close relatives near them and are looking for a community to settle down in.

Also, when this project is completed, it's estimated to cost roughly 66 million dollars, and in the end, once it is complete and once it is being taxed, it should generate about 1.7 million dollars per year to the town, which would make it instantly one of the top, if not the top tax payers in town.

Lastly, I want to make one other note, when I think of increased density one of the things that I think of is traffic or increased congestion. We had a traffic report done, it's Tab 11, which essentially states that the type of traffic that would be generated from the proposed CCRC would be less than the type of traffic or congestion that would be estimated for the hotel and retail shops at the site already permitted, and that is with the increased density of 30 units per acre.

So for all of these reasons we think the Commission should approve the text amendment application tonight so that we can move forward with the site plan and the special exception application on April 8th, and commence construction as soon as possible. As the Commission I am sure, it's no surprise that there are significant time constraints being put on us by both the owner of the property and the people who are financing the project. So thank you very much for your time tonight. I'd just like to let Patti say a few words about what CCRC's are, what the CCRC is going to look like, and then very briefly from both Russ and Nick who are the engineer and architect on the project, to give the Commission a feel for what the CCRC is going to look like, but the real presentation on the site plan is going to be on April 8th. Thank you very much.

Patti LeGalt: I just first want to thank you for allowing us to come forward tonight and present our plans to you. A CCRC allows seniors to live in, underneath one roof. They can have the housing or health care amenities and our facility, as you can see, will be a state of the art facility unlike any other in the State of Connecticut, so we will be the first in the State of Connecticut, and in fact, probably there is only one other facility similar in the country which is in Florida. We have done extensive research into CCRC's to determine what exactly amenities we wanted to offer. We will be allowing our, we will have a spa at our facility which will allow hair, nails, make-up, all that kind of thing, we will have a pool, a fitness center, a wellness center, a boutique, an amphitheater, and all of these things will allow the seniors to reside under that roof, and not leave. Certainly they are allowed to leave if they would like, but they can just reside there. Their families can come and see them, and they will have the ability to visit with them, and we will have intergenerational programs in the amphitheater. There will be medical offices located within the CCRC where their physicians will be allowed to come in and treat them, as well as specialists. We will have medical staff, nursing staff available to them twenty-four hours a day.

One of the reasons, I know there are a lot of legal reasons for the height, but one of the reasons that we would like it to be vertical rather than horizontal is because it allows those members with limited mobility easier access to all of the events that we will be offering. We will have water fountains and different gardens and things, that will be very pleasing to the eye and will be very (inaudible) within the CCRC.

I'm a registered nurse, I've been a registered nurse for twenty-five years and my entire career has been devoted to senior living. I've always thought that there was a better way to do it, and I think we have come up with it, and we would be honored to be able to do it in Newington. And with that, I think we can turn it over to Russ and Nick.

Russell Cyr: My name is Russell Cyr and I'm a licensed professional engineer registered in Connecticut, with the firm of (Inaudible)-Benesch of Glastonbury. You have a full site plan in your application packet, but I just want to give you a beautified 5,000 foot bird's eye view to show you what it looks like. This is the site, just one structure is located within the required setbacks of the zone. It has access from Route 175 Cedar Street, we have Jensen Machine on the north, we have the Connecticut Humane Society and the south is the Town of Newington open space. The parcel is just shy of nine acres, 8.94 acres and the topography is such that the high point is in the upper northwest corner and that point is about fifty feet higher than the lowest point in the southeast corner and under the existing conditions it generally drains toward Russell Road to the east, and toward Route 175 to the south, and is picked up by the road drainage. There is a wetland at the northwest corner that has been undisturbed. The prior project that was mentioned that construction had been started for the entire site, it's fully cleared, not all the grading has been done, but the work that has been proposed within the buffer zone for the prior project, the work that is proposed here is exactly the same, driveways, parking lots, retaining walls, everything is exactly the same. So, this project requires 142 parking spaces, we are providing 152, they are scattered around into four different parking lots. The main parking lot to get to the entrance has access from Route 175, you turn in, and there is parking to the north, and the site slopes down to the east, there is a turnaround, you can access the lower level. There is secondary access from Russell road at the northeast corner, and there is employee parking to the north, and this is the loading dock where supplies will be delivered, HVAC units, transformers and so forth. The geometry of the driveway is such that an emergency vehicle can make a full transit through the driveway, and turn around and get out without any problem. To the grade change there will be required retaining walls, reinforced concrete with a stone facing, all along this lower parking area, and it will be extensively landscaped as you can see with a variety of different trees and shrubs.

Nick Michnevitz: My name is Nick Michnevitz, I'm a principle with MBH Architects licensed in the State of Connecticut. I just want to review with you the materials and the aesthetic styles of this building. When we started a rendering for this building, we looked at a lot of at least the vernacular of the Town of Newington, to make sure that we introduced materials that.....

Chairman Hall: Excuse me, but I think this is going to be better served the next time around. If you just want to tell us that this is a five story building with a portico, or whatever, but we really need to save a lot of this for the next time. Tonight is the text amendment.

Joseph Schwartz: That concludes our presentation. Just a quick point I wanted to make also, is that this facility is estimated to create roughly 412 jobs in the community, anywhere from maintenance workers to professional health care workers, that's just something else that we wanted the Commission to be aware of. That concludes our presentation, I'd be happy to answer any questions that the Commissioners might have.

Chairman Hall: Do the Commissioners have any questions before we go to the public? Is everyone all set? This is a public hearing. We will be asking for input from the public. Thank you very much. Now this is the text amendment, that's all it is this evening, so as the public comes forward, your comments are to be directly to the text amendment changes only. Anyone from the public wishing to speak in favor of this petition? Come forward, state your name and address for the record.

John Webb, 689 Churchill Drive: Good evening. You know, I remember, I think there is a senior housing development in the center of town, and isn't it seven stories high? If I remember when I was growing up we invested in fire equipment to keep that building safe, and that's why I think we

should change this. We have the equipment, had to build a building to house that hook and ladder equipment, and I think it's time to get into the 21st century. Thank you very much.

Chairman Hall: Anyone else wishing to speak in favor of this petition? Anyone wishing to speak in opposition to this petition?

John Bachand, 56 Maple Hill Avenue: I love it when the lawyers come here and tell you what your rules are. I don't know if they realize, but it doesn't make them come off very well. Anyway, I'm glad you shut that presentation down, because I was a little confused here, so I think I should be allowed to address what they addressed in their presentation.

Chairman Hall: Text amendment, John.

John Bachand: Well, the thing is, from what I understand, you guys haven't even seen the plans yet, so I have and...

Chairman Hall: That is for another meeting. We are here to discuss the text amendment, Section 9.2 , 3.2.5, the height and the area.

John Bachand: But I'm just saying, there are some things that they planted this evening asking...

Chairman Hall: They will be back on the 8th, you can do it at that time.

John Bachand: What's that?

Chairman Hall: They will be back on the 8th, when they are going to present that, and you can do it at that time. Just on the text amendment.

John Bachand: But I'm saying that they made a presentation, but I don't want to argue with you, I'm just saying that...

Chairman Hall: You have two minutes.

John Bachand: I'm opposed to the project, I'm opposed to the text amendment. I don't see how you can have this argument about the text amendment without thinking about what the project is, because you know what is coming next, but anyway, I'm opposed to any residential housing on Cedar Mountain. I'm a contractor myself, I'm not an environmentalist, I am concerned with the Mountain for environmental reasons. I have no animosity towards these people, towards the developer, it's a noble thing, they want to bring business to our town, they should be commended for that. The basis for my objection is solely based on, this Town fought and we all patted ourselves on the back, all these Commissions fought to keep residential housing off of Cedar Mountain, and this puts 230 or 300 people....

Chairman Hall: Time.

John Bachand: I mean, how many beds can you put in a unit? So, that's my primary reason and again, I'm not, I think this would be a great project to put down near the busway. I'm not saying that the project is a bad thing; put it somewhere where they have transit.

Chairman Hall: The text amendment is for any zone in town, and that is what we are dealing with, not where we are putting this, so you are just about out of time, want to wrap up please?

John Bachand: Just saying, I don't think you are under any obligation to help this project along. I read the minutes from back in '06, and this was a pretty contentious hearing and the adversaries

brought it to court, they basically forced this Commission to its knees to approve their, not only their project, but all of their conditions. Thank you.

Chairman Hall: Thank you, John. Anyone else wish to speak in opposition to the text amendment?

Roy Zartarian, 25 Stuart St: Good evening, this is my first appearance before this Commission and I hope I do not run astray of the rules so the Chair will not rap me across the knuckles. The change in the height requirements, the height rules, they knew what the rules stated when they came in, and from the comments from the attorney and others, there is a lot of arrogance in that they are expecting you to just buckle under and change it to suit them. That's all I have to say. Thank you.

Chairman Hall: Anyone else wishing to speak in opposition?

Holly Harlow, 11 Edmund St: I am speaking in opposition to the text amendment because when the regulation is amended it isn't going to affect just whatever this eventually proposed development is, it will affect anything in a B-BT Zone, anything that applies to 3.2.5. So while we are looking at this building, obviously the text amendment will impact the whole town. If there are five stories, then there will be five stories to comment, I do not support that. Thank you.

Chairman Hall: Thank you, Holly. Anyone else wishing to speak in opposition?

Audience: I would like to speak just to the question.

Chairman Hall: Sure. Gail was on her way up, but Cathy, we will do you right after that, okay?

Gail Budrejko, 21 Isabelle Terr: Correct me if I'm speaking out of turn, but the first thing is the five stories. Again, I would just like to know if it is going to be visible from the center of town, or the western part of town. We are preserving the ridge line, also means preserving Cedar Mountain, and that is a very important issue. Second of all in terms of this facility, I would like to know, because it does seem to offer everything, everything, everything from a mini-mall to Starbucks, to a day care to a spa, whatever, the actual experience they have had in managing a facility such as this because that would be important in changing the text to support a facility such as this, and the third thing, the marketing. Certainly in offering all this it seems as this is going to be very high end, now, personally if I had that money and I was going to move, I would look at facilities such as Duncaster, or the Reservoir. I wouldn't pay my money to look out the window every morning and see the traffic on 175, or have in my backyard Hooters, Adult entertainment on the Berlin Turnpike. So I would like to know what marketing was done to support this, and also, we were told that this was going to be for seniors, however, given the cost that all of these services and amenities are going to incur, I really question how many seniors are able to take advantage of this. Our seniors are moving to affordable housing, and I don't think this is going to be that. I would like to have them outline what their marketing plan is and how this is going to affect Newington seniors based on our economic picture. So, in conclusion, I'm not necessarily opposed, but I just don't want the mountain torn up for something that hasn't really been well thought out, well marketed and in several years could be bankrupt, not maintained, or have (inaudible). Thank you.

Chairman Hall: Thank you Gail.

Kathleen Clark, 50 Grandview Drive: I'm a member of the Conservation Commission, but I'm speaking as a private citizen and I do not want to say that I am in opposition or support of this. I just have a question for the applicant. It's very similar to what Gail just brought up and the applicant stated that their proposed amendment was consistent with regulations of the Plan of Conservation and Development, as pertains to seniors specifically, and my question again, is,

what is the cost of the units, whether it is to buy or to rent, and again, would that be affordable for the average income, fixed income for a senior, which I'm rapidly approaching, and in towns in which similar facilities exist, how many units are in general occupied by residents of that town? Those are my questions for the applicant, thank you.

Chairman Hall: Anyone else wishing to speak in opposition?

Rose Lyons, 46 Elton Drive: Not speaking in opposition, I had the opportunity to see these plans at the Senior Center. Being a resident of Newington for 57 years now, I am struggling to keep my home that I have lived in for over 50 years. Seeing the presentation that I saw, I know that I can't afford that area, but there are people who can, and I understand that. As far as the text amendment, I'm not quite sure without seeing the actual plan whether it is going to affect whether or not I would be in favor, but given the fact that they said that they are one of a kind, in this area, maybe I misunderstood, but I thought he said that Mr. Minor had done some research about the regulations on similar facilities, I'm just wondering what regulations, what towns these were in. Thank you.

Chairman Hall: Anyone else wishing to speak in opposition? Seeing none, the last category is anyone wishing just to speak to the project. Not for, not against, maybe you have some questions, maybe you need some clarification. Anyone just wishing to speak.

Jeff Zelek, 55 Welles Drive No: Just a basic math question. I believe the current text says a minimum of three stories which won't exceed thirty-five feet in height, the current proposed text amendment is requesting five stories, but seventy-five feet, so if I double thirty-five, at three stories, that gives me 70 feet and six stories. However, this text amendment is for five stories and 75 feet. So what is the height of a story, and why is there such a discrepancy between what we have and what is being proposed? Thank you.

John Webb, 689 Churchill Drive: Hi again. Years ago, I used to work in manufacturing here in Connecticut, and it dried up a little bit, and the last 24 years I have been working at a retirement community that touches all bases of care, and it supported me a living, a pension, and I'm going to be able to retire in a few years. This facility is going to have nurses, it's going to have R.N.'s, LPN's, CNA's, it's going to have maintenance people, that's actually how I got hired originally, 24 years ago was in the maintenance department at the facility where I still work today. It's been supporting a lot of people. I don't think we need another gas station, there seems to be plenty, and I think it would be a bonus for the town, unless someone is going to come across with money to buy this space, if you want to make it open space, find the money, otherwise what other project are you going to have there. I don't believe a hotel or a gas station, or whatever, this is actually going to create jobs. Thank you for your time.

Chairman Hall: Anyone else wishing to speak?

John Bachand, 56 Maple Hill Avenue: I'd just like to, he's concerned about jobs and things that are not necessarily related to the text amendment, but I would like to ask that question. Where are 400 people going to park in that area? It seems outrageous that that number was used. Also, just a question about the way that we are doing this. I know it's a complex issue when you have three different issues about this property, for the next meeting, so I'm just concerned if you disapprove the text amendment, it's just not words on paper, it's actually going to move the next stage forward, so I'm just concerned, I'm not for or against this at this point, speaking right now, it's just a question, if it is approved, now or tonight or whenever, that seems to place a burden on the Commission to then approve the next project and with this property ending up in court, I would think that might be a mitigating reason that they would have to actually come out, be ahead right from the start, if the Court chose to deny it afterwards, so I know it's a complicated situation and I don't envy you for what you have to do. Thank you.

Chairman Hall: Thank you John. Anyone else wishing to speak on the text amendment?

Luke Jensen: My father is the owner of Jensen Machine to the north, and I am comfortable with the text amendment. What is critical to us is that we maintain the right-of-way for our driveway, for our business. As far as the alternate use, we like the idea.

Chairman Hall: Thank you very much. Anyone else wishing to speak?

Jeff Zelek: Not for or against, but if you are approving a building that is 75 feet tall, what is your current setback between residential and commercial? If you had a story and a half cape, with 35 feet, are you going to put a 75 foot building 35 feet from a residential property? So, if you are considering adding height to your regulations, consider possibly increasing the set back distance from other properties.

Chairman Hall: Anyone else wishing to speak? Craig, do you have anything to add at this point.

Craig Minor: I have some documents that should be discussed, how consistent this was with other towns, and so what I did was, I found towns in the greater Hartford area that specifically allowed continuing care retirement communities and the range of services that are provided. The towns' regulations that I looked at allow CCRC's that provide some additional services; apparently this applicant will provide a wider ranger of services but still the basic use is the same as other towns that have CCRC regulations. The height that they are requesting is higher than other towns that I found. Canton allows sixty feet high, but that is the highest other town that I found. Other towns allow up to four stories, I didn't find any that went higher than that, but that's just background information. As the applicant said, Newington is Newington. You decide what is best for Newington.

Chairman Hall: How about if we just read the names of the towns that you researched, you do have them listed. There was a question that alluded to that.

Craig Minor: Yes. I looked at Canton, Manchester, Bloomfield, Simsbury, Wallingford, although I really wasn't able to decipher Wallingford's regulations, and I spoke with staff and I still wasn't sure exactly what they require, Cheshire, West Hartford, also wasn't clear to me exactly what they required although I do know that there are some CCRC's in West Hartford, Cromwell, and Southbury. Just for the record, a copy of the amendment was submitted to the local council of governments and the response was that they found "no apparent conflict with regional planning policies or the concerns of neighboring towns". I just wanted to get that on the record.

Chairman Hall: There is something that I want to make clear, because I'm not sure in the conversation and the question that it was with the public. This height, "no principal building shall exceed the height of three stories or 35 feet in a residential zone, or five stories and 75 feet in a business or commercial zone", so don't think you are going to have a 75 foot structure in a residential zone, because that is not what we are talking about. The residential is still three stories and 35 feet. It is only the business and commercial that they are proposing the five stories. Discussion among Commissioners?

Commissioner Leggo: I heard a lot of information, and it's good to see the residents and everybody coming up to speak their mind and give their opinion. A couple of questions that come to mind immediately and maybe some of the more senior members of the Commission can help me with, right off the bat was mentioned the taller building that we have right now. Maybe I can get a little knowledge about how that all happened, and, also, the other thing is we heard a lot of information, people who were actually against it, but they were for it. So, I'm kind of, my comment is that we heard a lot of pros, cons, and everything in between right now. People liked it, but they didn't like where it was, people didn't like it at all no matter where it was, people who

thought it was a great idea, so we're all over the board right now. I'm interested in maybe a little history if somebody can help me out.

Chairman Hall: I think you are referring to Market Square Apartments. My understanding, and again, please help me because I wasn't on the Commission at the time, but because it was funded by I believe it was HUD, that we didn't have any regulations and so therefore it morphed into a seven story building. There was something about the fact that it did not have anything to do with Newington zoning at the time. Now this was probably 25 years ago.

Commissioner Aieta: It was longer than that.

Chairman Hall: Was it even longer?

Commissioner Leggo: I mean, it's definitely one of a kind.

Chairman Hall: Right, and it has been cited several times when people bring up arguments about this, that and the other and the apartment does come up again, but I know that there was controversy at the time, again, I was not involved in TPZ, I'm not even sure I was even, yeah I was in town 25, 30 years ago, but.....

Commissioner Aieta: It's longer than that, maybe 40, 45 years ago.

Chairman Hall: Yes, that's what I'm thinking that it was in the '70's, because I was gone for a period of time in the 70's. It had something to do with, therefore the town couldn't dictate, so research it, Mr. Planner.

Craig Minor: I will do that.

Chairman Hall: I know somebody in town does have the answer because it has come up several times. Anybody else have any questions or comments?

Commissioner Aieta: I need to understand what happened with the wetlands and how....

Chairman Hall: No, we'll do that at the next meeting. That will be part of that. This is strictly text amendment. Adding, first of all the concept of a continuing care retirement community. We don't have anything that labels that as such in our regulations. So, that is the first thing. We would add that. They gave a little description, a retirement community with accommodations for independent, assisted, nursing home care all located on the same lot that is what a CCRC would entail. Then also 3.2.5 adds the wording, continuing care retirement community as well as hospitals, sanatoria, rest homes, which we already have, so we are just adding a few words. Subsection D is the height, and it goes from three in the residential to five in the business and commercial, I thought it was enlightening when they told us about the pitched roof, and I think essentially that that pitched roof is what is going to add that fifty story. The seventy-five feet, that's the height, the seventy-five feet will encompass that pitched roof, so the stories themselves, consider that pitch at 15 perhaps, so we're really at 60 for the visual instead of the 75.

Commissioner Claffey: To talk about the height, I've built, when I was not in this community, and not even around here, comparable to look like that, and it was purely for residential, no medical. But when I look at that rendering, I see this as five story, but I also see three and a half, four stories, head because as you walk around, we are only seeing the five stories, we are not seeing the other side and that may be only four stories. When you put one of these buildings together, or apartment style you are trying to make it compact for the residents. In my case, we weren't looking at age, we were just trying to compact it to see if we could get another building on that piece of land, so I think you have to look at the whole picture, we as a group, that it looks a little different, a. than we are used to, as I said, people who were up in arms when Blue Back came in,

in West Hartford, and you look at some of those buildings, and even now they are, they look like an eyesore because they are so tall in comparison to what is around them, but here, there is really nothing else around it but land and some commercial buildings. So I think we are looking at the worst side of it for the height issue, but I agree with you about the roof, I never thought about a pitched roof, but never thought that there was a science behind it, but if you even lowered that roof line, you wouldn't come but a few feet under, so it really doesn't depend on the roof line.

Chairman Hall: We have to be careful that we are talking about this for any zone, so don't get too hung up on this picture that is on the wall here. In commercial and business zones.

Commissioner Claffey: But that's the picture.

Chairman Hall: Right, but at the same time, we have to take the context of the text amendment because that is what we are dealing with, yes, everybody knows that there is a project behind this, but right now that is not what we are dealing with, so don't think that this is the only thing that could ever be built because once we change the text amendment, we are talking about business and commercial zones, something else could come, maybe a medical facility, maybe an apartment.

Commissioner Claffey: But you also have to think that this is the first and only thing that we have ever looked at.

Chairman Hall: Correct.

Commissioner Claffey: So you have to use this, use it as a guide.

Chairman Hall: As to what could happen, but don't marry the two at this point.

Commissioner Sobieski: I'm still concerned with the height and I'm trying not to use this as an example, but as Anthony alluded to, at least one story is all right, but there are concerns that people would look out and look at a set of roofs. Also, I see there appears to be a cupola on the top, again, is that within the 75 foot limit, or is that above that? That could be an elevator housing, I'm not sure, we will get into that, and it looks to be on the other side, this chimney sticking up, so the question is, is that the 75 feet that we are looking at or is the peak of the roof the 75.

Craig Minor: Let me answer that quickly. According to your regulations things like chimneys and elevator structures do not count towards height. They are invisible as far as determining the height of the building is concerned.

Chairman Hall: So it would be strictly roof line.

Commissioner Sobieski: Is there any way, and I know this is really pushing the hearing, of putting like a test balloon up to show 75 feet to see how much of an impact it would have on the residents?

Chairman Hall: That was my thought too. I can't envision what it would be. I don't think that would be that difficult as to get something that would show us what the 75 foot elevation would be. I've seen it, I've seen it on other projects.

Commissioner Sobieski: I have too, but I just didn't know if we could do it on this or not.

Chairman Hall: I don't see why not. If that is the big concern and if people can't make up their mind because they can't envision it, you might have to give them a visual.

Commissioner Sobieski: That's all I'm saying, because I don't want to be held to this sketch here, I'd like to see how high 75 feet is.

Commissioner Anest: I just want to say, we've been going through our zoning regulations, and we have talked about not increasing any heights of any buildings, during our preliminary discussions. We've been talking about this for well over two months. So I have a concern about that because we had an extensive conversation about that, as well as, we talked about reducing the density from twenty units per acre down, so right now I'm in a quandary because I've been so vocal about increasing height, increasing the density, and now you are coming before us with five stories, in commercial and business zone, and increasing the beds. I have a big concern about that, so I think we need time to absorb all of this, and I know I don't look at that, I look at other projects that are in the state, heights, that I can kind of visualize it. So those are my concerns, and I am concerned about the height, and I understand the topography of the land, it wouldn't be five stories on one side, and whatever, but I can't even look at this picture, I have to think about any piece of property that is in these two zones. Anybody can come before us, and the property in the zone could be perfectly flat so it would be five stores and 75 feet no matter where. So that is my concern right now, and I just need some time to really absorb it, and I hope you understand that because we had been talking about this, even before we knew your project was coming before us.

Commissioner Leggo: Just a quick clarification on the amendment. It states business and commercial zones, so we are talking about three zones that are labeled business, correct? We're talking anything that says "business"; there's a business zone, but then there is a Business Berlin Turnpike zone, Business Town Center, we have three altogether.

Commissioner Aieta: The PD Zone would fall into that too.

Chairman Hall: Yes, PD does too.

Craig Minor: And Public Land. I would consider Public Land a commercial zone, because we have businesses that are there.

Chairman Hall: Anything that doesn't have an R in front of it, let's put it that way.

Commissioner Leggo: We are talking Industrial Zone too? We're just throwing all of that in. So we're talking more than just one zone.

Commissioner Aieta: In light of that, we are opening up to all the business zones in the Town of Newington which would encompass a great deal of the town. I would suggest you have to take every piece by itself. On this particular piece of property five stories to me is not that obtrusive, because of the topography of the land and the way that the building is settled on the land and the slopes in the back, the five stories might work on this piece, but I have problems with it being opened up for the rest of the town. So my suggestion to the Commission would be that height would be done by special exception. The density, if you have problems with density that could be done by special exception. You have more of a input and more control over other sites that might come in, that would, that don't look like this, that are flat pieces of land that might be surrounded by smaller structures, where they could shadow the other structures. I think that to get around it, we should look to have that increased power or at least that increased protection that a special exception for heights and density would give.

Chairman Hall: What would that do as far as you can see for an issue with that, if any?

Craig Minor: I'm optimistic that we could come up with something that would take the approach that you are thinking of. The tricky thing is, as a Commission you probably have the feeling that special exceptions are at your discretion, and as a rule, that is probably a good way of thinking of

that, as opposed to as of right use. But a special exception, even thought it is somewhat at your discretion, if an application meets all of the requirements including subjective ones, such as consistent with the character of the neighborhood, you have to approve it. Even though it is subjective, you still have to approve it. Like with a restaurant, consistent with the character of the neighborhood. So although 3.2.5 (nursing homes, hospitals, sanatoria) are by special exception, if it meets your subjective criteria you have to. That's what I was leading up to. I could probably work with the applicants and come up with a regulation that separates the height issue, comes up with unique requirements that need to be satisfied, to make you comfortable with the additional height, but it needs to have more verbiage than we have now. I think it can be done, but it's going to take a little more work, and probably consulting with the Town Attorney to make sure it does what you want but is also clear, so that they have a chance of getting approval.

Commissioner Anest: I have a question. In order to get your thirty units per acre, is that the reason that you are going to five stories?

Commissioner Claffey: A question for the Planner: when the text amendment came before you, did it change the height, I mean, other than them coming and saying we want to change the height, there is no other, that was all there was, there was no other reasoning behind it?

Chairman Hall: Well, they wanted to keep it all together, rather than going out, keep it together.

Commissioner Claffey: This goes back to the many times that I've asked you this question, on the topographical, how the height is calculated? I've head things like if it is flat, and 75 feet, or the gradient; is there other stipulations to the text amendment that give the 75 feet at one corner of the building, and not the other? I want to be very plain on that.

Craig Minor: The definition of height of building in our regulations, like in most regulations, is rather complicated because there are nowadays plenty of buildings like this that are not all of the same height, from one side to the next. In the regulations, I'm going to read it. "Height of building is defined as the vertical distance measured for the average level of the finished grade at the four corners of the building to the highest point of the roof for a flat roof, the deck line for mansard roofs, and to the mean height" and then the word level in parenthesis, "between eaves and ridge for gabled, hip or gambrel roofs". So for this building, the height of this wall is the average of from here [pointing to architectural rendering of proposed Amara CCRC building] to the average of the gable roof. If they were to come in tomorrow for a building permit and I had my assistant measure the building, I'd wouldn't want to do it, it would be an incredibly complicated blended rate of all these sides, all the way around the building. I'm sure the applicants have done their homework, I'm sure they have gone through all that math, and they have determined, by our definition, that this is more than the 35 feet that our regs allow, and that is why they are asking for an amendment. I don't know if that answers your question.

Commissioner Claffey: Could that corner be higher than 75 feet based on the calculation of grade plain?

Craig Minor: No, because this face measures to the average of the pitched roof. From that point to here could be no more than 75 feet.

Commissioner Claffey: But, from the apex of the roof, could be over 75 feet?

Craig Minor: Yes, that would still meet our definition of 75 feet.

Commissioner Claffey: That's why I revert back to my earlier point. Don't look at this text amendment as this picture, is that, oh my gosh, and you are going to have the pleasure of doing that, and it could be over the regulations. That's my point, and some could be under the regulation. So with a blending, the practice of blending of things where you have a section of

building that is way under the 75 feet, but due to how you calculate the height, the height of the building is specific to the piece of land that it sits on. It could be over the height, and it could be under the height at the same.

Commissioner Leggo: That is dependent on the piece of land that it is on.

Commissioner Claffey: In my background you could be 85 feet on a plan in downtown Newington, I could be 75 feet and still be five stories, and I could be 90 feet, 85 feet and still be five stories. I think we just can't look at everything as flat, we have to look at that there is not much flat land in Newington left for a text amendment like this.

Commissioner Aieta: The problem is we have different sites and this amendment affects all of the piece of property other than this, so you have to look at it, you have to have blinders on as this is specific to this piece, but it affect other pieces in the town, so in my opinion the only way to protect that is to get the height requirements abolished. You take each individual piece that comes in, and you evaluate it based on the building on the piece of property. This building here is a four story building in some spots, a five story in other spots, I don't know what the back looks like, it might only be three. This is a picture of a piece of property because of the topography of the piece, and it might work on this piece of property, but another piece of property on the turnpike or another zone, it might not work.

Commissioner Leggo: Going down the line with the amendment, to me that doesn't seem to be an issue at all, the height thing. I agree with the Commissioner that we need to have more control, I mean, it's got to be by, you can't just flatly be this height, and this stories, and the last part. I mean, you could still get what you want if we had more room to go sideways.

Chairman Hall: Anyone have anything else before we have the applicant come back up for his comments? Come forward.

Joseph Schwartz: Thank you again, I just want to take a few of the questions and points raised by the Commission and take them one by one. One of the questions was about the height and not being able to get a good feel as to high 75 feet might look like. There was a question of possibly raising a balloon to that height, just so you are aware, there are at least three buildings in town that at 75 feet or higher. One of them was mentioned tonight already, the Market Square Apartments, the two others are the Hartford Hospital in the town center, and also the DOT building. They are both higher than 75 feet, and that might give you some context so it wouldn't be necessary to raise a balloon or take any more time to think about that issue, as to how high 75 feet might be.

Second has to do with the text amendment and the way that it is written, and it is under your special exception rules right now. Currently, as the regulation is written facilities under 3.2.5, nursing homes, professional office buildings, are only allowed by special exception and I agree with Craig's definition, except for the last point. The purpose of a special exception is to give this Commission complete discretion to say if X,Y, and Z are there and, and it meets the character of the neighborhood, then you can permit it. So each time one of these facilities under 3.2.5 comes before this Commission by a special permit application, you can consider all of the things that need to happen and, and, you can consider whether it meets the character of the neighborhood. I've seen several cases which have held, which the courts have held that you as the Commission are the best body to determine whether a facility meets the character of your neighborhood, so I know that you are looking at this just facility and you are worried about, if we pass this amendment that means that we are going to have to allow every facility. The best part about it is as it is written today, as we proposed it to you, you'll have the right to consider every single facility that comes before this Commission whether it fits the character of the neighborhood. And, if you don't, regardless of whether it meets certain height or density or area requirements, you can deny

the application. You have that power. A court has said you have broad discretion in that capacity.

As for the third issue, the question was raised whether we need five stories so we can have 30 units per acre. The answer to that is, yes. The way that we are financing this project, the only way it will work is if you can have 30 units per acre, so we do need the five stories.
One of the questions raised was this looks like a very beautiful facility, but a very costly facility and whether members of Newington can afford this facility. The reason why some other facilities in some affluent towns might have less density or less height is because it is likely that the rent per month is a lot more than it would be for this facility, and the way that the financing works for this property is in order to have a lower cost per unit, we need to have more units for the financing to work for this project.

Then the fourth issue, taking more time to consider this, unfortunately, in all candor, my clients don't have any more time to deliberate over this issue. They are getting tremendous pressure from both the owner of the project and the banks that are financing this project, as to whether they can build this CCRC or whether they have to start putting the shovel in the ground and build a hotel. It's one of the other to them. They are hoping that they can bring this beautiful state of the art facility to your community, but if not, if they don't get a decision tonight, unfortunately they are going to have to strongly consider starting work on the hotel.

Patti LeGalt: If I could just say one thing about that, it's not necessarily that we would build the hotel, Amara and Hunter Development are not joined. Hunter Development who is the current owner will not allow us any more time, so if this is not approved, Hunter Development will go forward with building the hotel, the restaurant and the gas station. The site has already been approved for it, so I just want to make that clear.

Joseph Schwartz: I'm sorry for any confusion, like I said, the owner is one of the parties putting pressure on them, either allow them to construct this CCRC or he is going to have to put his own shovel in the ground with a different group that would be constructing the gas station and hotel that is already permitted on the property. I'll be happy to answer any additional questions that any Commission member might have.

Commissioner Sobieski: The DOT building is State owned, we don't have any control over what they put in there. Just so you understand.

Joseph Schwartz: That's correct but I thought it would just give the Commission members an idea of what 75 feet or higher looks like.

Commissioner Sobieski: That's on a flat piece of property and again, there are gradients here and here, and how would that roof line affect people who live on the other end of town would want to see the mountain and not a roof?

Commissioner Aieta: I heard what you said about the special exception, and I think that you skewed it a little bit. If you have in that section that it can go to 75 feet, then we would be hard pressed to say on another piece of property, well, you can't go up to 75 feet. How would we do that?

Joseph Schwartz: Well, I would respond to that if you would allow any 75 foot building to be in a particular zone, it would be a permitted right. The distinction between permitted as of right, and a special exception is exactly why we put it under special exceptions, so that this commission can consider any facility that wants to go into these zones, and then this Commission has the right to consider it, and whether it fits in the character of the neighborhood. Just because it's 75 feet or under doesn't automatically mean that it would meet the characteristics, even if meets the area's density, etc., in one part of a commercial zone or a business zone where it doesn't fit that

character of the neighborhood, and this Commission is in the best position to make that call, then you can deny the application on that ground, and courts, there have been several cases where courts have said, the Commissions are in the best position to make that decision, and courts aren't going to interfere with whether the Commission will believe certain construction will meet the character of the town.

Commissioner Anest: Why are they proposing this for business and commercial zones, and not just one?

Joseph Schwartz: Well, we thought it would give the Commission discretion as to whether they would want these types of facilities in both business and commercial zones. Like I said, just because the height requirement and density requirement are increasing certainly does not mean that any applicant can come in here and automatically get such a facility as of right. It still needs to be approved by Special Exception. So that would just give this Commission broader discretion to do what it wants to do.

Craig Minor: Can I just throw something out? The Commission has been charged to approve, deny, or approve with modifications, so if you like ninety percent of the amendment, but there is ten percent that you want to change, the Commission can do that.

Commissioner Aieta: If you didn't want to have it in the PD Zone or either of the commercial zones and you wanted to restrict it, you could do it just in the Berlin Turnpike Business Zone which is the portion land from basically Wethersfield to McDonald's, and that is the piece of property that this falls into. When I looked at the map I was surprised that it fell into a Berlin Turnpike Business Zone. I thought it was in a different zone. I thought it was residential or PD Zone, and when I saw it was a part of that Berlin Turnpike Business Zone I was a little surprised. It's not really on the Berlin Turnpike.

Commissioner Anest: I would feel more comfortable with only allowing it in the PD Zone. I'm still thinking about the five stories right now, and the 75 feet, but I would like to see it narrowed down.

Commissioner Aieta: Why don't you show us on the map where the outline of this zone is?

Craig Minor: The B-BT Zone [pointing to the Zoning Map] is this stretch of green here, from the north from the CCRC right down to Ann Street, and a little bit lower along the Berlin Turnpike, and obviously only along the Berlin Turnpike, it's not anywhere else in town. From that point south on the Berlin Turnpike is PD Zone, but there are a couple of other pockets of PD Zones elsewhere in Newington.

Chairman Hall: So essentially it's the green.

Commissioner Aieta: And this will take it out of the central business district and the neighborhood business areas and the industrial zones? So it would basically limit it.

Craig Minor: In my memo I mentioned that there are two existing nursing homes/assisted living facilities that theoretically could benefit from this. One of them is in the PD Zone, and the other is in the PL Zone, so actually if you amended the reg to only allow the higher height and density in the B-BT zone, there are no existing facilities that this would benefit.

Chairman Hall: Okay, so we have had the presentations, we have had the questions, the applicant has answered any of the questions that we have had, and we now have to decide what we are going to be doing with this, this evening. Our options are to move it forward this evening.....

Craig Minor: First you would want to close the hearing.

Chairman Hall: Right. But that would be, if we want to close it, we have these options. Closing it and either moving it forward for this evening, or the next; leaving it open, I think we have heard from the public. Well, let's talk about Carol's idea for a minute. Does anybody have an issue with a Continuing Care Retirement Community? Does anybody have any problem with their number of units? I mean, they have to do what they have to do with their units in order to make it work. I mean, thirty built up is not that overpowering, but thirty spread out might be.

Commission Leggo: One of the residents brought up the issue of the sight line, other views from the mountain. If all you are going to see is that roof line, the project itself I have no problem with. I am struggling still with the height.

Commissioner Andrzejewski: In terms of the height, that is also determining the number of units that the applicant needs to accommodate this facility or to achieve the finances that they need, to also achieve adequate pricing for the seniors that will be renting or buying these units. So I think the better question to be to ask, if we do sacrifice the height in order to maintain a certain aspect or a certain aesthetic look that is fit for our town, are we comfortable about upping the price. I'm not really speaking for anybody, but would we be comfortable with a higher price or a higher cost of living for the residents in this facility?

Commissioner Anest: At this point, I don't think we can compare that, we're not considering cost as a factor. We're considering what's right and what's not. I understand what you are saying. Do I want to see a five story building? Do I want to see, if they go to four stories and less than 30 units, the living spaces might be a lot smaller to accommodate that, and that is what I'm grappling with right now. I'm having a hard decision if we should even go that way, and I think there is still some doubt in our minds and I understand you are getting pressure from your property owner and from your bank, but I think most banks realize that there is a process going on, that they will accept, and I think if Hunter understands that we are, I mean, it's been how long right now, another two weeks, if he's worried about his site plan approval, there may be something we can do. But I think trying to put pressure on us right now, I mean, we're hearing all of this, there is a lot of information, and this is a huge decision that could really change the character of Newington. We are charged with making sure that the land use and the character of this town and what it is going to be ten, fifteen, twenty, and for future generations.

Joseph Schwartz: You should take that very seriously but we're here tonight, the public is here tonight, let me alleviate any doubts, any questions that you might have regarding this facility. I know a lot of people are caught up with the aesthetics and the way it might look, in a certain area, but in addition to just aesthetics, the purpose of your zoning regulations as you well know, are to be concerned with the general welfare of the community. This beautiful facility is going to bring a tremendous tax revenue to the town, it's going to bring jobs to the town, and the town has the need and the demand for this type of facility. There's a report, I think it's about Tab 10 that says some where around 80 percent of seniors, 65 percent of seniors want this type of facility in their town. So it's not just the aesthetics of the roof line that you should be considering, it's everything. The entire general welfare of this town, and any doubt, any questions, that you have, we're here tonight to answer them, so give us an opportunity.

Commissioner Anest: I'm not even considering your building. I'm not taking that into consideration because you could come to us two weeks from now and say, we're going to change what we want to build there. We want to change the look of the building. So we need to concentrate on the text amendment, and there shouldn't even be anything to show us, you know what I'm saying? It's a separate feature.

Joseph Schwartz: I can appreciate that, but the text amendment is going to allow this type of facility and similar types of facilities in a community that would generate similar under 3.2.5, that comes in under a special exception. You have to consider this facility, and any facility that wants

to come in and decide whether it fits the character of your neighborhood. So I understand you are just considering the text amendment tonight, but it really is a pretext for the site plan, special exception that we will be submitting in a couple of weeks, and so in order to allow that, the opportunity for that, you need to adopt this text amendment.

Commissioner Leggo: I appreciate that, and we're trying to take a look at, and I'm really trying to take a look at exactly what's written down in front of us and like I said earlier, with all of the input we got, and all the different directions tonight, there is one thing that at the very end of your presentation that really was not a good thing. After everything was said and done, right away you said, "and this has to happen." I feel like, that is like someone is on top of me, pushing down, saying, you better answer.

Joseph Schwartz: Well unfortunately it's not us putting the pressure.....

Commissioner Leggo: I understand that,

Joseph Schwartz: We're getting the pressure from the owner and it's we don't want the town to lose out on this great opportunity, and so that's why I wanted to make you aware of the time.

Commissioner Leggo: I appreciate that, but it's not where the pressure is coming, it's who the pressure is being applied to, and we have to do the best we can to take in all of this information and make the best decision for Newington.

Joseph Schwartz; I completely understand that, I just wanted to make that point so this town doesn't lose out on the opportunity and then a few weeks later say, "we didn't know that there were these time constraints, and maybe we would have acted sooner".

Commissioner Serra: I just want to say Ken that I do agree with you, I do agree one hundred percent. A lot of things have been said around the table, but I also feel that this is a rush to judgment for us. You have to understand, we're looking out for us, for our future generations, we cannot be rushed to judgment and I understand your predicament, I really do. This just came to us tonight, you have a handful of residents here, I'm sure there are plenty more watching who would like some say, but even with that aside, this is a lot to take in, in one night. We need time to look at this, and any project worth doing is worth doing well, and the owner of the land, the developer, I think should understand that we need this time. You have to remember when this project is done, Amara will leave here, the engineer, the architect, they're gone, they're out of Newington, and they don't care anymore. We do, we live here. That's what we want to make sure that we do the right thing for this community.

Commissioner Sobieski: I agree with both Ken and Bob, we just don't want to rush this. We want to take our time and get it right. We don't want it piece meal and make this thing look like a hodge-podge. I'm sure two weeks is not that vital to the owner.

Commissioner Serra: You have to understand, we're not saying no, we just need more time to understand all this, to look at all this, but we're not saying no, we're just saying, give us another two weeks to look at this.

Chairman Hall: What we haven't discussed is if we want to limit it to the B-BT. What we haven't discussed is whether we want to limit it to the B-BT. Right now it's business and commercial, that was brought up earlier. Is there any support for that idea of restricting it to the B-BT?

Commissioner Serra: I would be fine with that, yes.

Chairman Hall: Does that make it a little bit more palatable, or does it not matter. Business, commercial is everything but residential, B-BT is green.

Commissioner Sobieski: I would like to limit it to the B-BT right now.

Chairman Hall: Do we have a consensus on this? That seems to be a little bit.....

Craig Minor: I just want to remind you, before you close the hearing, once the hearing is closed the alternates who have been participating up to now will not be able to participate any longer because at that point, technically, you are like the public, and at that point only the Commission can discuss it. So if you have any more questions or comments, now is the time to make them before the hearing gets closed.

Commissioner Claffey: I just don't want to see the text amendment (inaudible) I support it just being in the B-BT zone because I think that would help in the future in designating, just like the gas station with their digital signs, for a specific area only, I would just like to understand the height, that's the big issue.

Chairman Hall: It's about the topography, and again, we have no way of knowing just sitting here where this piece is, is on the low side. Then progressively it gets higher until you get to the peak, and then it drops off. What you are going to be able to see is when you get over on Fenn Road and Fennwood Apartments, you go up there, you'll be able to see. The general lay of the land, because we are lower than that piece, then you would have to look over it. We could always see the top of Cedarcrest, and that was farther down, and it always stood out, and nobody says anything about that.

Commissioner Claffey: What you have to remember per their presentation is you have, from what he says, a fifty foot difference between said intersection at the corner of Russell and Cedar and the top of the units, so within that, you have fifty feet difference. In a topographical approach you're, the top of that property might even be taller than that building. So for people who have an issue with the 75 feet, your land, this said land and the text amendment might be taller than that building when you look at that. We may be worrying about a building that, that land is taller than the building, on said property.

Chairman Hall: Right. As we said, we can't establish that from here, but it's something to think about, and almost everybody in this room has been up there. You know what it looks like up there.

Commissioner Anest: But we can't, the thing is, we can't consider this singular, and everybody keeps referencing this and we really have to keep it as a separate issue. There are other pieces that might be the opposite.

Chairman Hall: And that is where we come in with the special exception, and is it proper for that spot? We still have ways of judging whether or not we think another project in another spot is going to be suitable.

Commissioner Aieta: Let's not kid ourselves, okay? The changes to the B-BT Zone, specifically making the amendment to this specific piece of property because there is nothing else there, I don't even think there is another piece that's five acres.....

Chairman Hall: Oh yeah, across the street. There are other pieces that can be built up, or down, as the case may be, because one of them is down. At this point, we have to decide, we have talked about it, we've had a chance for discussion, had questions answered, I think it's time now to decide whether we are going to close it, we're going to leave it open, and if we close it, are we going to move it to tonight, or are we going to close it and move it to April. If we leave it open, obviously it's open for the next meeting, again, we have people coming forward and speaking, just ask yourself right now, what more do you think we are going to hear, what is going to be

different than what we are going to hear, what other information could we get, we have had a great deal of information here tonight, is there something else that you think we could get that would be valuable. In closing it, the decision is do we deal with it tonight, or do we deal with it April 8th. I'll entertain thoughts, and then I'll entertain a motion.

Commissioner Camillo: I think we should close it and vote on it tonight. I also think we might be closing the door on the future and progress and we do have that option to vote on where ever else there is. But I think we should vote on it tonight.

Chairman Hall: And leave it essentially as it is then?

Commissioner Camillo: Exactly.

Chairman Hall: And leave it in the business and commercial zones. Any other thoughts?

Commissioner Anest: I would like to close this, and I think we really need to think about what we're doing. I'm sorry, but that is how I feel. I don't want to be pushed into a vote and then regret it. You need to understand, we need to do what is right for the town, and I know you want to do what is right for the community and I know your project is laudable, it's like a Duncaster, it's like a Seabury, but we have to make sure this is what we want, that the five stories is what we want, that the 30 beds per acre is what we want, and I really, after your presentation I really need, I personally need time to think about this and make sure we are doing the right thing for this town and not rush into a vote. That's how I feel.

Chairman Hall: Other thoughts, we have two opposite.

Craig Minor: You can close the hearing and then have a discussion as to whether to decide tonight or next week. You don't have to close and vote tonight, and you can close tonight and either vote tonight or next week. You have several options, and closing it tonight sends a message to the applicant that at least the decision will be made based on their presentation tonight, and that it is not going to continue to be kicked down the street indefinitely. I can't speak for them, but I will anyway: I think closing the hearing gives them some comfort that they will get a quick decision, whereas if you keep the hearing open, there is no reason to think that they will get a prompt decision.

Commissioner Leggo: I think everybody has already voiced their opinion to close it.

Chairman Hall: I will entertain a motion.

Commissioner Leggo moved to close the public hearing. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Hall: We have moved, closed the hearing. The next part of it will be, do you want to vote on it tonight, do you want to vote on it April 8th?

Craig Minor: It's on the agenda for possible action, so when you get to it in a few minutes, discuss whether you want to act tonight or not. You can talk about it and decide you may want to wait another two weeks.

Chairman Hall: That would give you another twenty, twenty-five minutes to think about it. At least we have closed it. We've gotten that far, so we will do the rest of the agenda until we get to that part, and then we will have to make a decision as to whether it's going to be tonight, or April 8th. Thank you for your presentation.

V. **PUBLIC PARTICIPATION FOR ITEMS NOT LISTED ON THE AGENDA** (speakers limited to two minutes.)

John Bachand, 56 Maple Hill Ave: I wish you had left it open, there's no need to rush, you could have done the same thing next week. Anyway, I definitely have more questions. First of all, I want to thank the Planner and if you think that you give him a lot of work to do, I give him a lot too. I'm probably a pain in the neck, but he gets me the answers. I wanted to just mention, I heard some about, well anyway, I've been going to meeting of this Commission, Conservation and Town Council every week, for the last month or so, and my agenda is to save Cedar Mountain. My ultimate goal is to make one continuous piece of Cedar Mountain open and resident free and owned by the Town of Newington. The State of Connecticut is recommending giving the property at Cedarcrest, I have a feeling that they are going to mothball that completely because they cannot find anyone to fill it right now, so they are leaving a possible glimmer of hope that we may get that piece of property. It's not cost effective to renovate that or to put a tenant in there. The idea of a balloon, I thought that was brilliant, I can just tell you, get the Verizon calculator, just type in your height, and at 80 feet, that's eleven miles, and that's on level ground, so if you put a building up on a hill, but you've got the mountain here so, we could calculate that, but on the other side for sure, Wethersfield is going to see that all the way from the cove.

Chairman Hall: You two minutes are up.

John Bachand: Can I ask for a little more time.

Chairman Hall: It's actually two and a half now.

John Bachand: I just wanted to thank you for your idea of having the pledge, I think that's a great idea. I'm not a big flag waver myself, but I think it's important and I get a good feeling when I do it and I think it shows our pledge not just to our patriotism, but to our sovereignty or to our autonomy if you will, and that subject has come up plenty of times in the last few weeks.

Chairman Hall: Thank you John.

John Bachand: This is what I gave out to the Town Council last night, it's nothing that needs to be acted on right now, but I just wanted you to be aware and you might ask Craig to come in and talk about it. It's a little bit of a controversial subject, so I'm not even going to talk about it right now.

Chairman Hall: John, you are up to four minutes, so please, other people I'm sure wish to speak. Anyone else wishing to speak on items not listed on the agenda.

Roy Zartarian, 25 Stuart Street: I, like Mr. Bachand regarding Cedar Mountain, I too w ould like to see one continuous piece of land. I really wanted to come up here to express appreciation, especially to Commissioner Anest, and the rest of the Commissioners as well for raising the issue of House Bill 6851. If you watched the Council meeting last night, you will know that it was a hot time in the old town, old town hall last night, and so thank you for bringing that up.

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

Gary Bolles, 28 Burdon Lane: Good evening ladies and gentlemen. I too want to give my heartfelt thanks to Vice-Chair Carol Anest for raising the issue on House Bill 6851. I do find troubling, and I think you will all agree that none of you knew about this. I understand since the Town Planner did know about it, and one other gentleman knew about it, and I don't know if he is still a gentleman was Councilor Borjeson and he took the heat last night because as you all know, he spoke on March 6th, before the Planning and Development Commission in Hartford. On March

12th, when Councilor Klett tried to raise an issue about sending a letter to the Governor, I sent my own, fostering opposition to this House Bill, Mr. Borjeson said, well, you can't do that. Yet, six days earlier he spoke before the Planning and Development Commission and it's like, it's just very hypocritical as far as I'm concerned. Now I want to know if somebody got to the bottom of why you folks didn't know, and I'm on your side, and I don't think even some of the people on the Conservation Commission knew. There is too much secrecy in this town and it's not good, and it's unfair to you good people believe me. Thank you.

Chairman Hall: Thank you Gary. Anyone else wishing to speak?

Holly Harlow: I want to say a couple of things about 6851 as well. I think last meeting you were interested to know about what anybody else, whether Mr. Minor knew something, and I'm wondering what the latest development is. There was an article in the Hartford Courant yesterday morning about possible amendment to the bill, and when I spoke at the last meeting, that's what I was concerned about, the State of Connecticut as Mr. Minor pointed out has always had the right to take land by eminent domain. My concern with 6851 is that the same verbiage that described how it was taken, and the amendment to do that, and what the statute says is the use of any site near highway maintenance and that also applies to area around a transit location improvements, any storage area or garage purposes by condemnation shall conform to any zoning ordinance or development plan in respect to the area in which such site is located, provided the Commission may be granted any variance or special exception as may be made pursuant to the zoning board regulations of the town in which any such site is to be acquired. In my limited understanding of the statute, whatever wants to be done is (inaudible) to zoning, but if there is a special exception you have to let the special exception go. That 6851 was after that verbiage was proposed and I hope that the amendments proposed are actually going to go through. I don't know if anyone here knows who presented the amendments, if the leadership, which is the leaders in the General Assembly are the sponsors of this bill, and they're the ones that will be presenting the amendments or making changes, so if anybody knows if our representative has been instrumental or is attempting to have conversations about those amendments, that might be interesting for us to hear. Anyone in the room, look up the sponsors of this bill, and write letters to them, it's much more effective than writing to the Governor. If you know people who are their constituents, it's even a bigger deal.

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

Rose Lyons, 46 Elton Drive: Please stop me if I'm going in the wrong direction here, I just take exception to the applicant using the housing needs study in saying that 65 percent of the senior in this town are looking for housing like this. That housing study, I have lived in town for 67 years, I have never received it, and I know other people who didn't receive it. I know people who received it for kids who were in college, and I really think it is a skewed statistic. Thank you. Sometimes we can't hear what the alternates are saying, I don't know if their microphones are working. Thank you.

Wayne Alexander, 28 Burdon Lane: Good evening, I would like to begin by thanking Carol Anest, thank you very much for bringing 6851 to the public attention. While you were expressing those concerns, you know, there was one person in the town who really could have told you about 6851, but you know what, he was in favor of it. Most of the town was not in favor of it. So, what we have here is we have a person that I took to task last night, and I said, I told them right out, I said, you know, you represented yourself at the March 12th hearing and you said directly, right there in front of God and everybody, you said, you know what I'm doing, I was at a meeting at the state capitol. You were at a meeting, no, you were testifying before a committee and when I told him that he was lying by omission, that's the kind of people who are not keeping you informed. The question I really have for you sir, as the Town Planner, would be you know, did you ever talk with Mr. Borjeson about what he knew, or what he didn't know? See that is the crux of the matter, maybe there has to be a liaison, there has to be some kind of communication, does

anybody know what's happening right now, and can we have constant bulletins, can we have this because his conduct was reprehensible. He wags the finger at his opposition party, and he tells them, you can't write a letter to the Governor opposing this, and yet, six days before he was up there and doing what. And that's all, I just wanted to bring that to your attention, and again, I congratulate you for making everybody aware. We've got to be aware, we have to be vigilant, that's how we keep our freedom. Thank you.

Gail Budrejko, 21 Isabelle Terr: I wasn't going to say anything about this, but other people are talking about 6851 I know that people have been sending around letters and saying, look at the amendments, not to worry, we are listening but still, if you look at the changes, the Chief Elected Officer of the Town still has only one vote and when you look at the composition of the rest of the committee, it's a majority of political appointees so you know that one vote means nothing. Second, as our CCROG representative said so clearly to the press, that words may have changed just to mollify us, but the intent has not changed and will not change, still engineered and directed development along the busway and other have said, well the State has always had eminent domain, but by clarifying it into a law like this and into legislature, somehow it's gong to make it seem more right, and even easier to get through without public protest, or public awareness. So I'm just asking, please read the bill very carefully yourself, please don't rely on memo's coming from elected or paid officials in this town, trying to tell you what these changes have or have not said. Please read it yourself, read it very carefully, for the words that are there, and the words that are not there, because believe me, I don't think the fact that zoning was not mentioned in the first draft was a mistake, it was a deliberate omission. At least be aware of the language. Thank you.

Chairman Hall: Thank you Gail. Anyone else?

Jeff Zelek, 55 Welles Drive No: I would just like to thank the Commission for their behavior this evening, I could sense that some of you were very uncomfortable with the pressure that was being put on you. Sometimes that is a social engineering technique to manipulate your behavior and I think some of you detected it this evening. I also want you to take as much time as you need to make the right decision for this town, the task before you is very important and shouldn't be made with any haste. Take your time, study the wording, do what you need, and do it right. Thank you.

Chairman Hall: Thank you Jeff. Anyone else?

VI. REMARKS BY COMMISSIONERS

None

VII. MINUTES

A. Special Meeting March 11, 2015

Commissioner Sobieski moved to accept the minutes of the March 11, 2015 Special Meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

B. Regular Meeting March 11, 2015

Commissioner Sobieski moved to accept the minute of the March 11, 2015 Regular Meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. NEW BUSINESS

A. Possible moratorium on Higher Density Residential Development in the CTFastrak Station Neighborhoods.

Craig Minor: I brought this back for discussion tonight, because when I sat down to work on the draft, as I was asked to at the last meeting, as I read the minutes I lost sight of what it is in the regulations that you want to change, and what is happening in the future, namely the CTfastrack, that you were concerned good or bad that warrant some amendment to the regulations. So, that is why I brought it back so you can tell me what is, to be blunt, tell me what is broke, so that I can then propose a fix. What, specifically, is or isn't there that you feel should or shouldn't be there. We were talking about that first, and then we somehow got distracted, we got off topic of what exactly we wanted to change.

Let me offer a solution, as suggested a couple of meetings ago, which is let's talk about adopting TOD regulations for the two transit neighborhoods, to a greater or lesser extent. TOD regulations that speak only to residences. If you want to just talk about adopting TOD regulations that acknowledge the benefits as well as the drawbacks to have those transit nodes, that's the starting point. That's good, that gives you something to work with, but if we did do that, I would still strongly recommend hiring a consultant to help us. When you are sick, you know you feel sick, but you're not a doctor, you don't know what is wrong. A doctor will tell you here's what's wrong, and here are your options. You the patient make the decision whether you have surgery, or medicine, or just wait and see for a couple of months. The patient makes the decision based on options presented by the doctor, by the expert, and I'm suggesting that Newington do that.

Commissioner Sobieski: Craig, I thought we were more concerned with Newington Junction. That's the area that I seem to remember, we were going to split it into two, and then we kind of said, we would focus on Newington Junction because there are well over 300 residential properties that are involved in this. The other one, I don't know, the only residential property on Fenn Road in the Newington section was the little end of Maple Hill Avenue and Cedar, Old Farms Drive at Cedar, those were the only residential areas at that point that were involved.

Craig Minor: Okay, but you still haven't told me what the "it" is, that you want.

Commissioner Sobieski: We wanted to take our time with the residential section of Newington Junction.....

Craig Minor: Take your time to do what?

Commissioner Sobieski: To figure out what we need in there if we wanted to do anything at all. That's why we proposed the moratorium.

Commissioner Anest: I think what we want to do, if I remember going back, the reason that we wanted the moratorium on high density housing is because we didn't want a developer to come in and try to go through text amendments, whatever, under pressure. We want to be able to take time to look at the area, to see what the best fit is for the two transit nodes. That is one of the reasons that we split it in half. We wanted to focus on Fenn Road first because it's not as highly populated, and I think that would be easier for us to determine what we want there, and by doing the moratorium on high density, we're not going to have somebody come in and say, this is what we're presenting to you, and then we are going to be like, ugh, I don't think we want this. We need time to really focus and see what we want for those two areas. While I'm talking about this, I was concerned that I read on CTfastrack that there is a proposed thirty-seven, thirty-five million dollar project for National Welding? It's on the CTfastrack web site. I don't know who put it there, nobody knows about it, Economic Development Commission doesn't know about it, nobody knows about it, I don't know how it got there, but that's what I'm talking about. Now we are

reading about stuff on a web site saying what is going on in our town, and we don't even know about it, so I think we really need to take control over what is going on, particularly around the two transit nodes, especially with HB6851 with specific avenues coming to have development, we need time, I mean, this should stay right now in our hands so we can better define what we want to see, what uses are good for the two transit nodes.

Craig Minor: Good, and back to my point about having a planning consultant come in to help you with that, the consultant will give you options that you would not, I wouldn't know about.

Commissioner Serra: I think we decided that we would look at these moratoriums and as we started going through looking at possibilities, then we would bring in a consultant at that point where we need him.

Craig Minor: The moratorium language needs to say something about what it is that you are going to be doing during the period of the moratorium, what the problem is that you have identified, and why you want to buy time to address the problem that you have identified. The problem that you have identified is your concern that developers will take advantage of the increased accessibility to Newington Junction, and that based on that newly created access will propose a high density residential development per your regulations but out of keeping with what you feel the junction can support. Okay. And the same for the Cedar Street station, but much less so I would think.

Commissioner Sobieski: I think we said that this would be a working moratorium.

Craig Minor: Well, there is no such thing as a working moratorium.

Commissioner Anest: And we can terminate it when ever we feel, can we do Fenn Road first.

Commissioner Serra: That's why we split them.

Commissioner Anest: And the other thing is, and I saw your Facebook page, I don't think there is any of us, that said (inaudible)

Craig Minor: I'm not sure which Facebook page you are referring to.....
Commissioner Anest: The Connecticut Chapter of American Planning, none of us have said any concerns about (inaudible) We are concerned about high density, high density low income, high density high income, $1,000 condos, $1,000,000 condos. So when I saw that post and we do our due diligence.....

Craig Minor: Low income housing, I said low income?

Commissioner Anest: You know, seeing the post on CTfastrack and then seeing that post, I'm like, you know.....I can't believe no one commented on it.

Commissioner Serra: They will now.

Commissioner Claffey: We did discuss low income as pertains to high density a few weeks ago, we did, because we wanted to define low income so as not to have that stigma of low income to affordable housing and how affordable housing and how developers get money to do these, but usually it has to be a high density project so that they can get more units.

Commissioner Anest: But there is a difference between affordable housing, and low income.

Commissioner Leggo: It's all in the minutes.

Craig Minor: And that is a distinction that is lost by a lot of people. A lot of people.

Chairman Hall: Do you have enough information to work on this?

Craig Minor: Yes, I think so.

Commissioner Aieta: I'd like to see at the next meeting that we have the ability to vote on this. I think we know where the Commission is going. We want these moratoriums, so that we can start working, so let's get it out here, put the moratorium on, when we put that on, that's when we start working on the TOD. Start with the Fenn Road area so we don't hold up anything that is happening at the National Welding site. Then we will go on to the one that is the real problem, the real problem for the people who live in that area, which is the Newington Junction portion. That is the portion that I have the most concerns with as far as affecting the residents of the Town of Newington.

Commissioner Anest: And that is what I wanted the Town Attorney to do, not the HB6851 because if you read the minutes we asked him to review the language of the moratorium. I don't want him to spend his time reviewing HB 6851. The Town would go broke if we had to pay him to do that.

Craig Minor: Okay.

Commissioner Anest: So the moratorium was what we wanted, not the bill.

Chairman Hall: Okay, we are all set on the moratorium.

B. Petition 11-15: Extension to Site Plan Approval (Section 5.3.8: Time Limit) and Special Exception for Hunter Development at 751 Russell Road. HDC: ONE LLC, owner/applicant: Kari Olson, Murtha Cullina LLP, 185 Asylum Street, Hartford CT, contact.

Craig Minor: This petition is to extend the expiration date of the Hunter Development project, both the site plan and the special exceptions for the gas station and I think for the restaurant, pretty much everything that they asked for. "The Shoppes at East Cedar". They are asking for, I believe it is a twelve month extension. I haven't begun to research that, and obviously I need to give you a copy of the plans, and the permit, so I will have more detail at your next meeting.

Commissioner Camillo: When does this expire?

Craig Minor: Well, we're not sure, because the date of approval is complicated. The Commission voted to approve the plans with modifications in November of 2006. The applicant didn't like the modifications which disallowed the gas station, so the applicant appealed. As you well know, it took a few months to come to a compromise, which was in May of 2007. So does the nine years start in November when you approved it, or does it begin in May when the differences were worked out and we had an agreed upon decision? There are two schools of thought as to which date the nine years starts at, so I'm not sure what the expiration date is. But it's either November of this year, 2015 or May of 2016, but in either case the owner feels that it is not a lot of time to finish the project.

Commissioner Aieta: It has to be completed by that time?

Craig Minor: Well, that's the other thing.....

Commissioner Aieta: Or does it have to be started. I thought the way it read was that it had to be started by that time, and then the clock starts ticking for another extended period.....

Craig Minor: No, it's not that simple. It expires in nine years. Depending on how far they are into the project when the nine years runs out, and the town decides to order them to stop work because the nine years has run out, and they are five percent complete, or ninety-five percent complete, whatever, obviously they will litigate and then a judge will decide whether they have gone too far for you to then pull the plug on it. I can't give you an answer as to how much they have to do. It is the judge who decides that.

Chairman Hall: So they are looking for a May 17, 2017 extension.

Craig Minor: They have asked that the permit be extended to that date. Their representative is here. Do you want him to answer the questions that I couldn't?

Chairman Hall: Well, that's fine if you need more information, I thought the letter was pretty clear.

Joseph Schwartz: Good evening again, I'll speak briefly on the extension. We are seeking an extension. It is our opinion it will be until May of 2017. We believe the current permit expires in May of 2016, and that would be for the "substantial completion" of the project. Craig stated that substantial completion is not a finite term, but we'll use that.

IX. OLD BUSINESS

A. Petition 07-15: Text Amendment (Section 3.2.5: Hospitals, Sanatoria, Rest Homes, Senior Independent Living Facilities, Convalescent or Nursing Homes and Section 9.2 Definitions) Michael Frisbie, applicant.

Chairman Hall: Here we were a short period ago. Is there discussion on this? Do you wish to entertain it?

Commissioner Aieta: I'd like to move it to the next meeting. (Inaudible) I mean, if this means killing the project, I would vote on it tonight, but I don't like being pressured to the point where we have to make a decision when there are Commissioners who are not comfortable in making a decision, and if the majority of them feel that way, then I won't get in their way of putting it off until next week. I have the feeling that, my opinion is, I would rather see this type of development than the gas station, a strip mall, and a hotel at least three stories high, sitting on the upper portion of the property, the site. That's my opinion. I think this is a better development, it offers more to the Town of Newington, it give us the ability to employ people, it gives us less traffic, it's a higher and better use of the land, I mean, it's a no brainer, myself, I heard enough tonight to make a decision on it, but if we have to wait until next meeting, and we feel it doesn't jeopardize the project, then I'll go along with the majority. The people out there, I hear what you are saying, I know the passion for the mountain, I know it, I believe it, but I don't believe that you are going to get this piece of property as open space. It's privately owned, zoned piece of property. Do you think that the Town of Newington is going to buy this, or get the money to buy this, I think it's a pipe dream. This piece of property, John, you are shaking you head, but your passion for the mountain is not reasonable because this is a privately held piece of property, something is going to get built on there, and we should as a town be looking for what is the highest, best use is for that piece of property. I would hate to lose this, and find out a year or two years from now that we are looking at a gas station there, and that's my only point, but I'll live with the majority of the board.

Chairman Hall: The only thing I would request, if you are not going to vote on it tonight, is that you have in mind exactly what it is that you are looking for. We have a lot of information presented to us tonight, what more is it that you want? Find that out before the next meeting.

Joseph Schwartz: I'm sorry, you don't mean that there should be more research do you?

Chairman Hall: Oh no, no, no, but in their heads, they are saying they need more time, they need more I guess to digest it, so to speak. Just make sure you know what it is that is bothering you so that you get that resolved.

Commissioner Anest: I'm very concerned about the height. I think it's a great project and I need time to make sure that no matter where a CCRC goes, that if somebody comes before us, it's going to be the right fit for the right zone and the right fit for the height, the bed size, and I mean, this could change the character of our town, and we need to make sure that this is the right thing to do. That's, right now, that's what I'm dealing with. I don't like feeling pressured, and I feel like I'm being pressured and I don't want to vote tonight and go home and go, you know what, and think of something, I'm sorry, I've given it twenty-five minutes or whatever, and I kind of know where I'm going, but based upon the letter on the extension, it doesn't appear that the owner of the property is going to kibosh it, I mean, what was written in there, to give more time, considering the pending application, for the text amendment. So, that's why I'm kind of confused now, is the owner of the property really going to say, no, I'm confused, I really am, just help me guys.

Commissioner Leggo: I'm struggling with the fact right now that we are trying to look at this text amendment and not as a particular project. Again, maybe the way that it was presented and I mean, all due respect to everybody, in the past, issues like this have come up, and right away the comments from fellow commissioners and the public have been, oh you are only considering this for this particular area, for this particular project. We had said, as a group, that we did not want to do this. Right now, I'm trying to, the time I need is to make sure that the text amendment is the right thing and not the project is the right thing. I like the project but we have to make sure what we are putting down, what we are going to amend, that's what I need in my mind.

Commissioner Sobieski: Again, I agree with Ken and Carol, I like the project, I think it's a good idea, I just don't like the idea of being forced tonight. There was plenty of time for this thing to get introduced, and as has been brought up, if we don't pass this text amendment tonight, the project would be pulled, yet we just looked at extending the site approval, so it makes no sense to me. I'm not only confused, I definitely (inaudible).

Commissioner Serra: I'm in a quandary with this also, I understand Mike's point, we definitely don't want to chase business away, I understand that one hundred percent, but at the same time, we still need to do what is right for the town, and I don't see waiting another two weeks is really going to hurt us, in light of the extension that was requested tonight. I do approve of the project, I think it's a great thing for the town, we just have to make sure that it is done the right way. I'm torn between both sides of this, also but I think personally, I would like to wait the two weeks.

Commissioner Camillo: The extension is for the original site plan, not this. So we could be back to square one.

Chairman Hall: And that, everybody has to remember, has been approved. We know what we are going to get from that.

Commissioner Camillo: With that, the traffic, the amount of accidents that are there now, we could alleviate some of that.

Chairman Hall: That's what the extension is for, time for that other project.

Commissioner Camillo: Right, and we don't have anyone else in the town that wants to spend 66 million dollars on a project. I really think we should vote on this tonight, and not delay.

Chairman Hall: I'll take a consensus by just yes, no, how many want to vote on it tonight.

Commissioner Aieta: That's not a fair question. I have to go along with, I have to respect the opinions of the others.....

Chairman Hall: I'm trying to get a direct.....

Commissioner Aieta: You already have almost a vote here by what was said, so just move it to the next meeting, and that will be it. I don't want to say yes or no, because I have to respect the opinions of my other Commissioners. It's obvious that they have concerns, if they have those concerns, I would like to think that when I have concerns they would respect my opinions and let me have more time to think about it, so I have to go along with them.

Commissioner Anest: I have said that height was a concern, my other concern is (inaudible) so maybe we can compromise, I mean, I don't want to lose the project, I really don't. But I definitely don't want to see it (inaudible). So I could probably live if it was in the B-BT zone with the five stories, but I don't know if I could live with it everywhere.

Commissioner Aieta: That was basically already put on the table, to try to move it to the point where we have an option to move this thing tonight, but I don't know what other information you are going to, what other, what you are going to get by waiting the two weeks, I mean, I don't know what you have to do in your mind to.....

Commissioner Anest: I have to justify five stories. I have to, in my mind, think of the five stories in our little village that we called it, in our POCD, you have this five story building. I'm not even taking into consideration Market Square Apartments, because we had nothing to do with that, that was built in 1979. If it's not going to be the glorified five story coming in, or possibly having one of the existing long term facilities adding on to their building, you know.

Commissioner Leggo: So you are saying, make it B-BT, special exception. That's what this is, for just that area.

Chairman Hall: That's how we left it before we moved to vote.

Commissioner Leggo: We never did say that was what we.....

Chairman Hall: In conversation.

Commissioner Anest: I mean, I have really been pondering for the last, how long, I haven't paid attention to anything else, I have really been trying to adjust to all this.

Commissioner Aieta: You have a consensus to vote on this at the next meeting.

Chairman Hall: All right, let's put it on for a vote at the next meeting.

Commissioner Sobieski: I'd like to make a motion that we only allow it in the B-BT zone.

Craig Minor: Approved in the B-BT Zone?

The motion was seconded by Commissioner Anest.

Commissioner Camillo: I don't think you should.

Chairman Hall: You think it should be in all zones?

Commissioner Camillo: It should be in all zones, it's going to be a special exception, and you get to see it and vote on it, and either it fits or it doesn't, and you have to look at the big picture, what is coming down the road. Where are we going to be in another ten years?

Chairman Hall: Even five. Moved and seconded that it be kept in the B-BT zone. The vote was in favor of the motion, with five voting YEA, and one NAY (Camillo).
So bring it back next time as B-BT.

Craig Minor: I'm sorry, I thought you approved it?

Chairman Hall: And we are going to vote on the whole thing. He just moved that we include that, the B-BT and not all zones. So when we bring it back on the 8th, have it written that way.

Craig Minor: Okay.

Commissioner Anest: We were just voting on just having it in the B-BT and then vote on it.....

Chairman Hall: Have that element put in for the final vote on April 8th. So bring that back for the next time and we will vote on April 8th. Everybody on the same page?

Commissioner Anest: I hope that you can give the property owner and the bank that we are really moving along, that we closed the public hearing, that we are moving along, and we are not going to hold you up any further than two weeks, I just want to say we are trying.

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

Commissioner Leggo moved to approve Petition 05-15: Special Exception (Section 6.2.4: Freestanding Business Sign) at 3300 Berlin Turnpike (AutoZone) Amco Sign Company, applicant, AutoZone Inc. owner Marc Cohen, 1133 So. Broad Street, Wallingford, CT Contact

CONDITIONS:

None

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 10-15: Special Exception (Section 6.2.4: Free Standing Sign) at 2897 Berlin Turnpike (Firestone Complete Auto Care) National Sign Corporation applicant, SB Newington 433 LLC, owner, Darcie Roy, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact

Chairman Hall: Another sign.

Craig Minor: Yes, for Firestone, and I recommend that the hearing be scheduled for your next meeting, April 8th.

Commissioner Aieta: Can I ask a question? Is there still a lawsuit pending on that particular piece of property?

Craig Minor: Yes.

Commissioner Aieta: Then how can we hear a special exception for a sign that is being contested in the courts?

Craig Minor: Because you have to. The question came up before on how you can do anything with an appeal pending. Because what happens in the rest of the world doesn't intrude on our universe here. You approve or deny an application on the merits, not on what is happening elsewhere in the world.

Commissioner Aieta: I disagree, so you can put it on, but I won't be voting. (Inaudible)

XI. TOWN PLANNER REPORT

A. Town Planner Report for March 23, 2015

Craig Minor: Nothing much in my written report, but I do want to talk about HB6851. As requested at the last meeting I prepared a memo explaining the status as of today on the bill. It has been amended by OPM and I have given you a copy of a letter that was sent from OPM. The memo from OPM is to "interested persons", so this is the Under-Secretary of Legislative Affairs at OPM which is his way of telling to whom it may concern, that OPM has submitted to the leadership of the Planning and Zoning Committee language changes that are intended to clarify the intent of HB6851, an Act Establishing the Connecticut Transit Corridor Development Authority, and I'll read it for the benefit of people watching: "The major changes are, number one, the host town and the TCDA will have to enter into a memorandum of agreement to delineate the parameters of the district so if a town didn't want development projects within its boundaries, it needn't sign an agreement. Number two, the host town's chief elected official remains an ex officio member of the board for matters pertaining to the development in his community, and would get a vote. Number three, the executive director of the host regional planning organization, RPO, would be a non-voting, ex-officio member. Number four, TCDA condemnation authority has been removed from the bill. Number five, language has been added that clarifies that municipal zoning, subdivision or wetland regulations apply for developments on private or municipal land just as currently. Number six, TCDA will be required to consider written statements submitted by the host RPO. Number seven, the delete language requiring communities to cooperate with TCDA. That will be handled by any memorandum of understanding or agreement MOA. These changes clarify what has always been the intent of the TCDA proposal, to work in concert with the host community. Please contact me, Garrett Eucalitto, Under Secretary of Transportation Policy or Alexander Dow, Policy and Communications Associate, if you have any questions or would like to discuss the bill more." This memo was written by Gian-Carl Casa, the Under Secretary for Legislative Affairs. I went to the website this afternoon and I didn't see anything posted for the scheduling of a vote, or another hearing or anything. I heard talk that it is going to be voted on this week, but there is nothing on the website.

Commissioner Anest: They have to vote by March 30th.

Commissioner Sobieski: Has the radius of a half-mile been reduced, or is that still in effect?

Craig Minor: That hasn't changed. What I mean is, the bill hasn't changed as far as how big these districts will be. That's whatever it has always been in the bill. I think it's a half-mile.

Commissioner Anest: It changed from a half mile to a quarter.

Craig Minor: It changed? Who changed it?

Commissioner Anest: This is an update, it might have been, this is the second update.

Craig Minor: I've never seen anything other than one version. I've seen organizations' suggestions, but.....

Commissioner Anest: I knew it was going to get changed again, so I didn't note.....

Craig Minor: So you think OPM is going to reduce the size of the districts?

Commissioner Anest: "The resolution is subject to local zoning and", and then they crossed off "no more than one quarter mile radius", and then they added in, "within a one quarter mile radius of any transit station". They deleted" within a one half mile radius of any transit". This was, I had I think on the 18th. March 18th.

Chairman Hall: That was a week ago today.

Commissioner Anest: There was the original, and then there was the first amendment....

Craig Minor: After the hearing on the 6th?

Commissioner Anest: Yes.

Craig Minor: Really!? Because that is not on their website.

Commissioner Anest: Because it changed from four appointed by the Governor to two, and it changed to appointed by the Connecticut Council of Municipalities.

Craig Minor: And you got that from the website?

Commissioner Anest: I don't remember where I got this from. But they did have some changes, because they added in local zoning.....

Craig Minor: Could you send me a copy of that?

Commissioner Anest: Yes.

Commissioner Sobieski: You and I know from being around these bills for years that, what is suggested and what finally comes out of the Glass Palace up there, or the Puzzle Palace as it's called is not going to be what these are. I'd like to see the bill before it goes before public hearing. Is there any way we can get a copy of that?

Craig Minor: Normally, yes.

Commissioner Sobieski: I just don't like this patch, no offense to anybody, but I just don't like the patch job they keep sending out to everybody. So I would like to see the bill as it is put together, as they are going to vote on it.

Craig Minor: As soon as it is available I'll give it to you. I'll see if it is on the web site, which is usually pretty prompt.

Commissioner Sobieski: What they send out to you, what the Puzzle Palace up there puts in, is totally different, that's all I'm saying.

Commissioner Anest: And when it gets to the floor it can be totally different too.

Commissioner Sobieski: Correct, but at least I would like to see the most recent copy.

Commissioner Anest: Maybe us as a board would like to send a letter to our senator and our state representative asking them, if this does make it out of committee, that we strongly urge them to vote against this bill and state our reasons why this bill should be vetoed on the floor, and sent back and maybe let the towns handle it on their own. If towns aren't doing what they should be doing, then maybe this might be brought forward. I just wanted to see how anybody feels about that.

Commissioner Sobieski: If that is in the form of a motion, then I will second it Carol.

Commissioner Anest: We can get a bunch of us together to write something and then present it at our April 8th meeting.

Commissioner Aieta: Well, when do they vote?

Commissioner Anest: It would have to come out of committee by March 30th. That's Monday. So if it does come out of committee, then we need to urge our senator and our representative depending on what comes out, and I'm sure it is not going to be much different than what we have seen, to urge them to vote against it, and give us the time to do it.

Commissioner Sobieski: I agree with you Carol, I don't like the idea of people in Hartford telling us what we have to do. This is a town, not a city as I have said before, and the residents of Newington have a right to decide what they want. Not the State of Connecticut coming in and telling us what we want. That's my opinion.

Commissioner Anest: They really aren't coming in to tell us what to do, or what not to do, with clarifying the intent that they are not trumping zoning because I have spoken to professional attorneys and they have purposely don't step in when they can define it the way that they want to define it, and use it to their advantage. I'm not one hundred percent satisfied, I still think that if we want something we should be able to go to the CRDA because there is always that vehicle, why should there be two vehicles, and now there is two avenues for them to come and tell us what we should be doing. That kind of scares me, it's bad enough that there is one out there, now we have two vehicles, two avenues.

Commissioner Leggo: I think we should send our message.

Chairman Hall: Let's see what happens after Monday, if it even gets out of committee.

Commissioner Anest: So if it does, we'll know and maybe a couple of us can get together and put something together and present it to you on April 8th.

XII. COMMUNICATIONS

None.

XIII. PUBLIC PARTICIPATION

John Bachand, 56 Maple Hill Avenue: I want to just go through these things real quick. First of all, where that language came from, I saw the e-mail chain and it came right from you Craig, went from Terry to Mr. Brecher to Salomone, so I saw it, I have a copy of it. I was absolutely, 100 percent not having any misconceptions that we were going to buy that piece of property. I am immersed in this, and you can ask Craig, I probably know more about the details of this than anyone. I immersed myself, like I said, so I am under no misconception. I am really disappointed that you sent them home happy, it's just, the only good part of it is that it comes out to $50.00 per person in this town. My taxes go up, well you know what they go up, about three or four hundred every year, so that million and a half dollars is $50.00 per person. Again, my goal is to keep

people off of the mountain. There is property sitting right next door, we haven't even finished paying for it, two and a half million dollar open space and you have a 75 foot metropolis over there, and so many misrepresentations in their presentation, they were giving the presentation, they said that the footprint didn't change, it changed tremendous amount, but again, I will get into that when that open meeting starts. I didn't even get a chance to thank Carol, I had all these things on the list, I want to thank her because there was another senator who did a lot of work on it, but I think your work actually made more outreach than anyone, but I'm saying if we get any changes it should be credited to you. Again, Commissioner Aieta, when I was shaking my head, sometimes you know, you shake you head, it could mean yes or no, I was trying, I wish I could shout out, sometimes I want to shout out from here. That's another thing I have on my list, the two minute rule. I mean, can we increase that to five minutes, ten minutes? You hear a lot of stuff from other people.

Chairman Hall: You have two chances so that gives you four minutes.

John Bachand: Sometimes you credit us with helping the process, which I think sometimes we might do. Another thing, you keep talking about the moratorium, and you keep putting more emphasis on the junction, but there is more open space around, if you bring that half mile out here, you are talking about the machine shops on Cedar Street, the old Crest Pontiac, you've got places all around. I think there is actually more space there, yes the junction has Day Street, I still don't think they are planning to take houses really, you know and all of that, but the available space, I think that Fenn Road is equally important, and that project that you said you saw on the site, it could be that thing that has been around for a while, Durham's, the other side of Cedar Street behind the old sand blasting place, and I still think Amara would be better off there, but about bringing in a consultant, and this is part of that thing that I just handed out to you, it's kind of borderline, some people think it is a conspiracy theory, but it's really serious, any consultant that you bring in is going to be weaned on that theory that it is all about regionalism, everything is about regionalism. There is a bill out now on regional tax, literally a regional tax to help pay for the cities and it talks about this urban growth boundaries, and everything and we are caught between two cities that they are trying to manage, and it really is a concern we should pay close attention to and get the attention of the Town Council. I'm going to try to articulate that, just basically breaking the ice and try to get a little bit of dialogue.

Chairman Hall: Thank you John. Anyone else wishing to speak?

Jeff Zelek, 55 Welles Drive No: I just want to comment the Commission for their time and tabling their decision on the text amendment. I think you guys made the right decision. I think you are all going to get a good night's sleep. In the morning you are going to wake up with no regrets about anything you did here. So, one thing I do want you to consider, while you are sleeping on this, again are setbacks. You are increasing building height, what is the impact on properties with a building of that height. What is the current setback for that zone that you are going to be building in, and are there residential developments abutting those zones that might be impacted in the future? It may not be this particular site, but in the future, so again, thank you, and have a good night's sleep.

Chairman Hall: Thank you Jeff. Anyone else wishing to speak?

Rose Lyons, 46 Elton Drive: I would like to thank you for taking your time and sitting back and thinking about your (inaudible.) I was here earlier when you were having your regulations meeting, I guess, you were going to start at 6:00, and I heard the discussion about going on the train, or on the CTfastrack, there is going to be a trail pretty soon, but in any case, bring it to the public's attention that you are going to be going on the 8th and I was going to see that you are leaving from the Cedar Street station rather than New Britain because every time I go into New Britain I get lost coming back, but I'd like to book a trip with you. I went upstairs and got this out of the closet, it's a tag sale item, and I will have it filled and ready to go, Thank you very much.

XIV. REMARKS BY COMMISSIONERS

Commissioner Anest: I just have one quick one. It was one-quarter mile in the e-mail that they sent out on the 18th.

Craig Minor: Okay.

Commissioner Leggo: Three of us, actually four of us here tonight attended that seminar at Wesleyan on Saturday. Being the first one I ever went to, it was very much worthwhile. Picked up a lot of great knowledge.

Commissioner Anest: I want to make a quick comment, it only comes every two years, so those of you who are new that are on this Commission, and I think it would be very beneficial. I learned a lot of stuff, I've been to it before, and it just refreshed a lot of things. But during the conflicts and the ethics portion, one of the quotes was about addressing the attorneys and addressing your Commissioner, and for the record, you don't want to say, John, or Billy Bob, you want to say, and this is out of the book, Craig, what do we have on this, but when addressing audience say, Mr. Minor has assembled certain documents for the Commission, and we had a chuckle, because Craig was referenced at the seminar.

Chairman Hall: So tell me, do you want me to address you all as Commissioner, or do you want me to call you by your name?

Commissioner Anest: They are saying if a judge listens to testimony, they don't want to hear, "Gerald, Mike, Frank", they want to hear "Commissioner".

Craig Minor: I think the point was, if you are addressing the applicant and you call him "Billy", but then you talk to people who are opposed to it and address them differently it sends the message that you are close with the applicant. Commissioner Sobieski, do you have something to say?

Commissioner Sobieski: Craig, do you....

Craig Minor: "Mr. Minor", please.

Commissioner Sobieski: Mr. Minor, is there any bill on the horizon that deals with high density housing that you know of.

Craig Minor: Nothing that deals with density, but I'll go back and make sure.

Chairman Hall: Commissioner Serra?

Commissioner Serra: Bob is fine. I just want to thank the public for coming out tonight, and for those who are watching, we had some rough stuff tonight, there was some turmoil, I know within myself, trying to make the right decisions, this is probably the toughest night that I have had being here as still being new to this, but working together as a Commission I know that we will come out with the right plans, the right ideas, and the right items for this town and for the residents, so I just want to thank everybody that came out and that are watching, and I want to thank all of you for helping me along with this process.

Chairman Hall: Anyone else wishing to speak?

Commissioner Claffey: I actually like the way we changed the way that we talked to each other. I think it's a little bit more professional.

Chairman Hall: Calling each other Commissioner?

Commissioner Claffey: "Commissioner" or, because all the places I've been and sat in meetings like this, maybe "Mr. Minor". It just brings everybody up, that it is an authoritative board. We do have some tasks to do, some hard things, like Bob said tonight, and it puts a little weight on what we do. Not "Billy Bob", or "Joseph", you could have five Joseph's out in the audience, and you're trying to decipher who said something in a court case. I think it just gives a little weight to what we do.

Commissioner Camillo: Mr. Minor, can you talk about (inaudible)

Craig Minor: You can ask me a question later.

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: I think we have been a little bit lulled by the fact that we haven't had a lot of controversial items. This is kind of like old times, but we are not used to it, so again I want to thank you all for putting in the time and the effort and the thought because that is what it is all about, taking the time to consider, to think, to look at all sides of every issue, hope that we don't miss anything, and that is what everybody here is doing, and you are sincere about it and you are dedicated to it and I certainly appreciate it, and I know that the Town, in the long run, will benefit from that.

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Norine Addis

Norine Addis,
Recording Secretary