

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 27, 2013

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Carol Anest
Vice-Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner David Lenares
Chairman David Pruet
Commissioner Stanley Sobieski
Commissioner Frank Aieta-A
Commissioner Audra Ekstrom-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

II. APPROVAL OF AGENDA

Chairman Pruet: Mr. Minor, any changes to our agenda.

Craig Minor: Yes Mr. Chairman, I recommend that you delete New Business, A, Petition 11-13, Site Plan Modification at 43 Mountain Road for the MDC. The applicant needs to work on the plans some more, they are meeting with the Town Engineer and me next week.

Chairman Pruet: Okay, very good. Thank you.

III. PUBLIC HEARING

- A. Petition 10-13 Special Exception (Section 6.2.4 Freestanding Business Sign) at 505 Willard Avenue. Hartford Hospital Eye Surgery Center, applicant; Newington Realty LLC, owner, Darcy Roy/National Sign, 7 Burning Tree Lane, Wallingford, CT, contact.**

Chairman Pruet: Is the petitioner here? If you could just step forward and have a seat there and just state your name and address for the record.

Joanne Pelletier, National Sign: Darcy Roy had an emergency tonight, so I will be presenting this tonight. Hartford Hospital Eye Surgery Center wishes to replace the main sign on Willard Avenue. We are also proposing to replace the current directory sign that is on the

building. That we are going to modernize and just add the additional tenants that have moved into this location since this sign has been put up. There is a new sign being proposed. The new sign being proposed is at the new drive entrance that was put in a couple of years ago from Alumni Road. The new driveway was put in to facilitate access to the third building which is part of a conglomerate of three buildings, and our client is in the rear building which is known as Building Number Three. Their entrance faces the parking lot at the back of the building. It does not face any of the streets that are currently there. So the intent of the new sign is to be a directory to direct traffic that comes from Alumni Road. Currently on Willard Avenue there is 250 linear feet of street frontage and on Alumni Road there is 680 linear feet of street frontage. What we are proposing to do is again on the existing (inaudible) at the back of the building for patients that are trying to find the Eye Surgery Center when they are using the entrance from Alumni Road, now they can't find it because there is no sign at all at that entrance. We also did a survey of all signs at this location, for the entire building, every tenant, every wall sign that they had, which are basically a collage of small, little placard signs, varying in size from 11 x 17, I believe the largest is 17 x 30. The general aggregate of all the wall signs is under forty square feet. So we are not looking to add a lot more square footage to the signs.

Chairman Pruet: Anything else? Mr. Minor, comments from staff on this petition?

Craig Minor: First of all, it does meet the minimum regulations. The report that I gave the Commission in the agenda package doesn't reflect exactly what the applicants wanted. I misunderstood how they wanted to change it when we realized at the last minute that they technically, not technically, but legally can't have two free standing signs, but they could have one free standing sign and a directory sign up near, on Alumni Road. The definition of directory sign doesn't say where it has to be, just off site, but I don't think it literally means off site because then it would be a billboard and we don't allow billboards so I'm not sure what off site really means, but the regulations, and they don't have a limit on how many directory signs someone could have, all subject to TPZ approval, it's all by Special Exception so it's all at your discretion, but there is nothing in the regs that says they can't have a free standing sign on Willard, a directory sign on Alumni road and then another directory sign in front of the building which would label number three.

Chairman Pruet: Commissioner comments on the petition?

Commissioner Aieta: This is a public hearing?

Chairman Pruet: Yes.

Commissioner Aieta: Did you ask for public comments?

Chairman Pruet: Yeah, I will. I just wanted to get Commissioner comments right now before we turned to the public.

Commissioner Aieta: I have some questions for the Planner. So, in the regulations, this will fit if we call them directory signs? What exactly do the regulations say, and what section? You said something about not having more than two.....

Craig Minor: Actually no, it's page 72, it's just four sentences, so I'll read it.
Section 6.2.5: Directory Signs. In any non residential zone off-site directory signs may be permitted by the Commission by Special Exception subject to the following conditions:

- A. The sign may not exceed twelve feet in height or be greater than one hundred square feet in area on one side, or two hundred square feet on both sides.
- B. The sign shall not be located in the street right of way of any street. Written authorization for a sign location must be presented if the applicant is other than the owner of the proposed sign.
- C. A plan of the sign shall be presented showing size, layout, materials and lighting. Such design specifications shall be appropriate to the location and general neighborhood.

Commissioner Aieta: Thank you.

Chairman Pruet: Any further Commissioner comments, concerns on this? Okay this is a public hearing. If you would have a seat I'm going to call upon the public for comments. Anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? Anybody from the public have any concerns about this petition?

Commissioner Hall: I just have a question. I want to assume and therefore verify that there is no lighting.

Joanne Pelletier: There is, the front one that we are replacing, that is an illuminated sign, and the new sign is illuminated. The two directories that we are proposing, we have no illumination involved.

Commissioner Hall: And what is the illumination on the Willard Avenue?

Joanne Pelletier: It is internal illumination. The face of the sign is aluminum and we cut out the letters, they letters are then backed by Plexiglas/vinyl, so only the letters light. Presently the entire sign is illuminated, now we are only going to have the letters lighting, so there will be less lighting.

Commissioner Hall: And will that be all night?

Joanne Pelletier: Yes.

Chairman Pruet: Anyone else have a question?

Chairman Aieta: What is, across the street, is there a residence across the street from this? Is it a house or apartments?

Commissioner Hall: It's a house, single family.

Joanne Pelletier: That is one of the reasons that we had considered less illumination.

Commissioner Aieta: The sign now, is it.....

Joanne Pelletier: It's fully illuminated.

Commissioner Aieta: All night long?

Joanne Pelletier: All night long. The entire face is illuminated, so now we felt that if we had an aluminum sign with just the letters lighting, that it would be less, and would still be effective as a sign.

Commissioner Anest: Is there a reason why it needs to be lit all night?

Joanne Pelletier: It doesn't have to be, I mean, I would have to check with the clients. Currently the sign is operated off of a time clock, so the time clock turns it on, and the time clock turns it off. And usually it's dawn to dusk, that's usually how it works.

Commissioner Hall: But it can be programmed?

Joanne Pelletier: It can be programmed, yes.

Commissioner Aieta: But you just said it was on twenty-four hours a day.

Joanne Pelletier: No, not twenty-four hours, dawn to dusk.

Commissioner Aieta: But before that, I was under the impression.....

Craig Minor: Dusk to dawn.

Joanne Pelletier: Yes, dusk to dawn.

Chairman Pruet: So it wouldn't be all night long.

Commissioner Anest: Yes, all night long.

Chairman Pruet: Okay, got it.

Commissioner Anest: What are the hours of the center?

Joanne Pelletier: I can only speak in terms of our clients, which is the eye surgery center. It is Monday through Friday, and they are typically open eight to five, and there are extended hours, if I remember correctly Thursday evening, and Saturday morning. I can double check that.

Commissioner Anest: So nothing like ten o'clock at night.

Joanne Pelletier: Oh, no, no.

Craig Minor: I'm sorry, would you clarify, it's the sign that says Hartford Hospital Eye Surgery Center that would be illuminated.

Joanne Pelletier: That's correct.

Craig Minor: Well, sign number one would be illuminated.

Joanne Pelletier: Sign number one would be illuminated, sign number two and sign number three are not.

Craig Minor: Okay, thank you.

Chairman Pruet: Any other comments or questions? Thank you.

Joanne Pelletier: You're welcome.

Chairman Pruet: What is the pleasure of the Commission on this petition? Close it, move it?

Commissioner Aieta: I think we should close it and move it to the next meeting.

Chairman Pruet: We can close it to the public and bring it to the next meeting.

Commissioner Aieta: We were concerned about the lighting, we can discuss it at the next meeting.

Chairman Pruet: We're not going to take further action on this tonight, we're going to keep it open for our next meeting, but we're closing it for public participation. Thank you.

B. Petition 13-13 Special Exception (Section 3.2.8 Charitable Event) at 1989 Main Street (Churchill Park) Peter J. Lavery Memorial Scholarship Fund Inc., applicant; Town of Newington, owner, Pamela Lavery, 126 Wilks Pond Road, Berlin CT, contact.

Chairman Pruet: Would you come forward, welcome, state your name and address for the record.

Gerald Lavery, 20 Boulevard, Newington: What this is, is the major fund raising for the scholarship fund, and we also had a five K run, and last year we did use the park. It's the major fund raiser, they give away sixteen one thousand dollar scholarships a year, mostly to Newington and Berlin high school students.

Chairman Pruet: And it's a motorcycle.....

Gerald Lavery: It's a motor cycle run, we average about a thousand motor cycles, \$20.00 per motorcycle, and we use the entire parking lot, we end up cooking there, and it's pretty much a four or five hour thing. We do take out insurance on the park.

Chairman Pruet: Okay, Mr. Minor, any comments?

Craig Minor: No, I believe this is the fifth year it's been.....

Gerald Lavery: Ninth year.

Craig Minor: Oh, ninth year and my understanding is that there haven't been any problems in the past. They do have an application working it's way through the mill for the use of the park, and I don't know what the status of it is, what the status is at the moment, whether it has gone through the building official, to the Parks and Rec Department, to the Police Chief, it will go to Public Health, and it will go to the Fire Marshal and then to the Town Manager and then the Zoning Enforcement Officer, so it still has to go through all of that process as well.

Chairman Pruet: Okay, any questions from the Commissioners on this?

Craig Minor: I'm sorry, it's not that the applicant has to hand carry it from desk to desk. As each person signs off on it, they sent it on.

Chairman Hall: This is I think the same run that used to be down where now the Bassett and Chipolte, you gathered there, and then used the park for the after?

Gerald Lavery: No, we didn't use the park at all.

Commissioner Hall: I thought so, so last year was the first year you used Churchill Park.

Gerald Lavery: Right, because they sold the property down there.

Commissioner Hall: But I thought you ended up at Churchill at one point.

Gerald Lavery: That was last year.

Commissioner Hall: Only last year. Okay.

Chairman Pruet: Any more questions? Okay Gerry, since this is a public hearing we're just going to call upon the public now. Anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? I think the consensus for this is to close it and move on it this evening. Thank you.

Gerald Lavery: Thank you.

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

None.

V. **REMARKS BY COMMISSIONERS**

None.

VI. **MINUTES**

March 13, 2013

Chairman Pruet: Just for the record I have reviewed the minutes myself and went over them with the Vice-Chair and I feel comfortable in voting on them tonight.

Commissioner Camerota moved to accept the minutes of the March 13, 2013 regular meeting. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

VII. **NEW BUSINESS**

- A. **Petition 11-13 Site Plan Modification at 43 Mountain Road. The Metropolitan District, owner, Beth Nesteriak PE, applicant; Darlene Buttrick, 53 Southampton road, Westfield, MA, contact**

Deleted from the Agenda

- B. **Petition 12-13 Site Plan Modification at 129 Patricia M. Genova Drive. Hartford, Hospital owner, Clinical Laboratory Partners, applicant; James Hughes, 135 Highland Street, Wethersfield CT, contact.**

Chairman Pruet: Is the petitioner here? Please have a seat and just give us your name and address for the record and explain the petition.

Armando D'Antonio: James Hughes couldn't be here tonight, and my name is Armando D'Antonio from Close, Jensen & Miller, 1137 Silas Deane Highway, Wethersfield, CT Basically what is proposed here is to replace the existing generator at the address with an upgraded generator. Because of the size of the new generator will have to be placed in a new location. It will be vented by an electrical transformer and an electrical trench. It will be screened with arborvitae and protected by bollards.

Chairman Pruet: Sounds pretty cut and dried. Mr. Minor, any comments from staff?

Craig Minor: The Town Engineer had some comments and these were just sent yesterday to Close, Jensen & Miller so you may have them, but these are just items that the Town Engineer would like to have on the plans. These are not items that he thought would cause the project to be held up, but he did ask that they be on the plans, and you do have his letter in front of you, ladies and gentlemen, but I'll read it.

"Dear Mr. Miller: This office has reviewed the plans entitled "Proposed Generator for Clinical Lab Partners East Cedar Street, Scale 1"=20', Date: 3/15/13. The following are comments as they pertain to the drawing areas:

- 1) Scale bar, 1"=10' and scale noted in title block 1"=20' do not match.
- 2) Show existing and proposed contours/grading where proposed pad will be located.
- 3) Locate drainage line crossing the road northeasterly of generator pad.
- 4) Show sanitary lines entering and exiting existing manhole.
- 5) Add a key map."

Chairman Pruet: Any questions from the Commissioners on this? Concerns? What is the pleasure of the Commission on this? It seems pretty standard. Would you like to move it forward to Old Business tonight? Okay, that seems to be the consensus. We're going to move this forward sir and then vote on it.

VIII. OLD BUSINESS

Petition #13-13

**Special Exception (Section 3.2.8: Charitable and Civic Event)
1989 Main Street (Churchill Park)
Peter J. Lavery Memorial Scholarship Fund, Inc., applicant**

Commissioner Hall moved to approve Petition #13-13: Special Exception (Section 3.2.8: Charitable Event) at 1989 Main Street ("Churchill Park"). Peter J. Lavery Memorial Scholarship Fund Inc, applicant; Town of Newington, owner, Pamela Lavery, 126 Wilks Pond Road, Berlin CT, contact.

Conditions:

None.

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

- A. Petition 08-13: Special Exception (Section 6.2.4: Freestanding Business Sign) at 1095 Main Street, New Center Corp., owner, Sign Pro Inc., applicant; Kyle Niles 168 Stanley Street, New Britain, CT, contact.**

Commissioner Camillo moved to approve, with one condition, Petition #08-13: Special Exception (Section 6.2.4: Freestanding Business Sign) at 1095 Main Street ("Farmington

Bank"). New Center Corp., owner, Sign Pro Inc., applicant; Kyle Niles 168 Stanley Street, New Britain, CT contact.

The condition is:

1. The sign may be installed at either the north end or the sound end of the traffic island between the building and Main Street.

The motion was seconded by Commissioner Sobieski.

Commissioner Anest: Can we make it a little bit more clear on the conditions? I don't think it's clear enough.....

Craig Minor: That's right, and I thought there would be discussion of my report before we jumped right into the motion, but it's been a year and I'm still learning the system, that you jump right to the motion of approval before you had a chance to discuss the memo that I wrote. So, let's back up.

Chairman Pruet: Why don't you discuss that?

Craig Minor: Okay, and it was in your packet, so I know you all read it. I did bring to the bank's attention that there is this issue with the driveway, and then I had the opportunity at the ribbon cutting last week to actually meet with one of the Vice-Presidents, and he went out in front and agreed with me, yes, there is a problem. He's concerned though that if they do make the change that he might lose a parking space, might lose two parking spaces. I said it's possible that you might lose one, I don't think it's two, but we don't know. We don't know until someone actually draws it so I then, and he agreed that this was worth looking into, I then re-contacted their architect who had kind of blown me off initially and pointed out to him that if the Executive VP had said this was worth it, so please have their consulting engineer, Thomas Bolsack do a sketch showing the reverse angle and see if it works or not. That was last week, I have not heard back from the engineer, but during the discussion that I had with Mr. Burns, Ken Burns, I pointed out to him your point from last week which is that if the sign gets approved tonight and is installed at the southern end of the island, and then later on they do reverse the direction, then the sign would be at the exit rather than the entrance and wouldn't it make more sense to wait until they know which way they are going to go. He didn't disagree, he just didn't want to come back to this Commission again to get permission to put it at the north end if that's where they end up wanting it, so he asked, could the approval be written in such a way that it could be flexible, to give them the ability to put it one place or the other depending on how the traffic ends up, and I said yes, that seems reasonable, so that is how I drafted the motion.

Commissioner Hall: Then that's what it should say.

Commissioner Anest: Then they can go either way, the reason is why they wanted.....

Commissioner Hall: Depending on the flow of traffic or something to that effect.

Chairman Pruet: Depending on the traffic modification, or something like that.

Craig Minor: Okay, does somebody want to dictate and I'll write?

Commissioner Aieta: Just for clarification, they are going to come back, and redesign the entrance?

Craig Minor: We've asked them to consider it. They haven't agreed to, they have agreed to look into it.

Commissioner Aieta: Then why don't we hold off approving the sign until they tell us what they are going to do?

Commissioner Anest: They can't put it up.

Commissioner Aieta: I would hold them off. If you are running out of time, then deny it without prejudice so that they can come back, but you are leaving too much up for conjecture here, I mean, it's, I think they have to tell us what they are going to do. If they are going to make any changes to the parking area and entrance and exits and then we would approve the sign. I think we are putting the sign, it's too loose.

Craig Minor: Well, I think if they are willing, at their expense to install it today and then having to, at their expense having to move it two months from now, that's their decision.

Commissioner Anest: Can we approve it, and as part of the condition, not having it installed until they come back to us. I would hate to deny with without prejudice and then have them.....

Commissioner Lenares: You can't hold up the sign. I said it last meeting, and I'll say it again, you can't hold Farmington Bank up if the owner of the property doesn't want to change the flow of traffic. If the flow of traffic is bad, it's bad on him, you can't hold his tenant up. You could put a condition where the sign has to be towards the entrance of the parking lot, rather than the exit, because if they switch, they will have to have the sign where the entrance is, you could do it that way. You can't hold them up from putting up a sign. It's not fair to Farmington Bank.

Chairman Pruet: What about maybe a time frame on that too, they would have to make a decision on the traffic flow within a time period? Two weeks, three weeks, four weeks.

Craig Minor: Well, I think one or the other would be good. Approve it with the stipulation that the sign must be at which ever end the access is.....

Commissioner Lenares: The condition is that the sign has to be closest to the entrance of the parking lot, you don't want it at the exit because it's going to be in the way. I don't care about the flow of traffic. If that's the way they want it, then that's the way they want it. I agree, it should be changed, but we can't make them.

Craig Minor: Okay, then the condition, the sign shall be installed at the entrance to the site, regardless of,

Commissioner Camerota: My concern is if they put it up now and they need a new location, they will think they don't have to move it.

Commissioner Lenares: Well, it has to be in the entrance.

Craig Minor: That's why we need to write this carefully so that they know that, which of course is going to make it harder for them to agree to change the direction, because then they are going to also reroute that sign, which, it would be better if they would hold off.

Commissioner Anest: I know, that's what I'm thinking.

Craig Minor: But I think all we can do is ask them to, and hope that they would be willing to hold off until the issue is put to bed as to whether it makes sense to change the direction, I mean, whether it's feasible, it does make sense, but whether it's feasible to change the direction.

Commissioner Camerota: Can we do that?

Craig Minor: Yes, you can include like a finding that it is the preference of the Commission that the direction of the flow be changed.

Commissioner Lenares: It's not the flow of traffic, it's going to be a sight line problem if you have it where the exit is. We've already approved it, so if they don't chose to change the flow, it's on them.

Commissioner Anest: Right, but if they spend the money to put in the sign.....

Commissioner Aieta: Then they won't make the change.

Commissioner Lenares: Can't have it all.

Commissioner Aieta: Well, I think the consensus is that we want it all David.

Commissioner Lenares: My opinion is that you can't tell them to change the flow of traffic. If they chose not to, the sign has to go in the entrance, I don't care where the flow is, north or south side, doesn't matter to me, the sign has to go at the entrance of that property, not the exit. If it's at the exit, it's going to be a sight line problem. So, I don't know how you write that but.....

Craig Minor: Well, I think I've got that, the condition is that the sign shall be installed at the entrance to the site, whichever end of the island that might be. Actually, more than installed, shall be, shall be at the entrance, that way that, more or less clear, a year from now, if they do want to change the entrance they'll have to change the sign.

Commissioner Camerota: I would put right in there, in the event the entrance changes, the sign shall be moved.

Commissioner Aieta: There you go.

Chairman Pruet: Maybe with the approval of the building official too? Just in case, it's got to be approved by the Building Inspector.

Craig Minor: You can put that.

Chairman Pruet: So it's not a foot this way or that way, so make sure that it gets the stamp of approval for safety.

Craig Minor: Okay, so what I have, the condition is, the sign shall be installed at the entrance to the site, whichever end of the island that might be. In the event the entrance changes, the sign shall be moved. All in one condition, and then the second condition, the location shall be approved by the Building Official.

Chairman Pruet: So we can amend that in the form of a motion as presented by Mr. Miner?

Commissioner Sobieski moved the motion and Commissioner Camillo was the second. The vote was unanimously in favor of the motion.

Chairman Pruet: If you notice, I'm adjusting the petitions so we can discuss all of the petitions for Firestone in a row. The next petition is Petition 09-13, and we'll have Mr. Minor comment on that during discussion.

B. Petition 09-13: Special Exception (Section 6.2.4 Freestanding Business Sign) at 2909 Berlin Turnpike ("Bonefish Grill") Bonefish Grill, applicant; Wex-Tuck Realty II LLC, owner, Darcy Roy/National sign, 7 Burning Tree Lane, Wallingford, CT, contact.

Commissioner Sobieski moved to approve Petition 09-13: Special Exception (Section 6.2.4 Freestanding Business Sign) at 2903 Berlin Turnpike ("Bonefish Grill") Bonefish Grill, applicant; Wex-Tuck Realty II LLC, owner, Darcy Roy/National sign, 7 Burning Tree Lane, Wallingford CT, contact.

Conditions: None

The motion was seconded by Commissioner Camillo.

Chairman Pruet: Discussion, Mr. Minor?

Craig Minor: This one I really didn't have any comments on. It's pretty straight forward.

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

Craig Minor: Did you want to do the Clinical Laboratory one also?

Chairman Pruet: I think we're going to leave that, discussed to leave that open.

Craig Minor: Oh, okay.

C. Petition 38-12: Special Exception (Section 3.15.8: Motor Vehicle Service Use) at 2903 Berlin Turnpike. Wex-Tuck Realty LLC, owner; Bismarck Real Estate Partners Inc., applicant; Jason Mikrut P.E., 54 Tuttle Place, Middletown, CT, contact person.

Chairman Pruet: Mr. Minor, all yours.

Craig Minor: Okay, I've been working the past couple of days preparing a memo for you, I just delivered it tonight, it's three pages and this is relating to the Special Exception application. I think it's important to act on the Special Exception application first, and then the site plan, because once the Special Exception issues are resolved, then the site plan pretty much just falls into line. In my memo, and I can read it if the Chairman wants.

Chairman Pruet: Okay.

Craig Minor: "Staff Comments:

1. Section 5.2.6 ("Procedures and Standards for All Special Exceptions or Special Permits")

Section 5.2.6 states that the TPZ

“...shall consider the following criteria as well as any specific standards pertaining to the requested special exception or special permit and record its findings in the record of the meeting.” The first one is,

- A. “The need for the proposed use in the proposed location.”

Finding: The TPZ recognized the need for additional motor vehicle service uses at suitable locations in Newington when it amended Section 6.11 of the zoning regulations in August 2012. This was one of the locations that the Commission had in mind when it amended the regulations.

- B. “The existing and probably future character of the neighborhood in which the use is located.”

Finding: The site of the proposed activity is on the Berlin Turnpike, which is a well-established commercial district. The property is zoned Planned Development (mixed commercial) and is located 119’ from the nearest residential zone, and separated from that zone by undeveloped PD land. The neighborhood to the west of the intervening PD land is zoned Planned Residential (high density residential.)

- C. “The size, type and location of main and accessory buildings in relation to one another and in relation to other structures in the vicinity.”

Finding: the proposed building is in harmony with the restaurant building now under construction and the existing medical office building on the adjacent parcel, as evidenced by the architectural renderings submitted with the site plan application and in connection with the overhead service doors issue.

- D. “Traffic circulation within the site; amount, location and access to parking and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are affected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.”

Finding: Traffic circulation is designed to go around and through the proposed building, which is typical for motor vehicle service establishments and will be sufficient. The amount and location of parking is sufficient. Access to the site will be via the adjacent “Bonefish Grill” parking lot which was initially a concern, but it has been addressed by the addition of appropriate pavement markings, and I have this in brackets because we have not fully discussed this, [and by the stipulation that truck deliveries must take place before noon, so as to not conflict with “Bonefish Grill” customers]. The Newington Local Traffic Authority (Police Chief Richard Mulhall) has indicated that he does not see any issue with traffic flow or parking.

- E. “Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage.” (Effective 12-01-01)

Finding: The site is served by The Metropolitan District. The Town Engineer has reviewed the plans and is satisfied that the Town's stormwater management requirements have been met.

- F. "Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties."

Finding: Given the site's location on the Berlin Turnpike and the fact that free standing business signs are subject to the special exception approval process, the signage will have no impact on adjacent properties.

- G. "Safeguards to protect adjacent property, and the neighborhood in general, from detriments including but not limited to proper buffering."

Finding: The adjacent property to the south is zoned commercial so no safeguards are needed. There is an established residential neighborhood less than 200' to the west, so noise buffering and visual buffering were issues that came up during the public hearing. The Town Engineer has reviews the plans and is satisfied that the rear of the building will be sufficiently screened from view by the residents on Main Street and Hopkins Drive. The potential noise issue has been addressed by requiring, as a Condition of Approval, the overhead service doors on the west side of the building remain closed at all times except when a vehicle is entering or leaving the building. Obviously I'm predicting the future when I said that, Condition of Approval because we haven't decided that yet.

2. Section 6.11 ("Sale, Rental, Service or Storage of Motor Vehicles.")

Section 6.11 contains over a dozen specific requirements for motor vehicles service uses. Most of these requirements pertain to construction materials or location, such as "fuel dispensers shall be at least 30 feet from any street right-of-way line" and "The façade of the building shall be a combination of brick, split face block or dryvit." The site plan and the architectural rendering that were submitted in connection with this application comply with all the requirements of Section 6.11 – with the exception of 6.11.7.

Section 6.11.7 states that overhead service doors are not permitted "on the public street side" of a motor vehicle service use. This requirement may be waived by a 2/3 vote of the TPZ when "the natural, topographical, or manmade utilities of the site clearly indicate that the requirement is inappropriate."

The applicants have submitted a profile drawing of the street, the landscaped berm with fencing and specimen trees and shrubs, and the building. This drawing shows that, due to the height (topography) of the landscaped berm, the service bays will not be visible from the Berlin Turnpike.

In a related matter, the residents at 2110 Main Street raised a concern over possible noise. This noise could be abated by keeping the service bay doors on the wet side of the building closed as much as possible.

I therefore recommend a waiver be granted for the overhead service doors on the east side of the building, but with the condition that the overhead service doors on the west side of the building are kept closed except for when a vehicle is entering or leaving the building.

A lot of assumptions there on my part, so.....

Chairman Pruet: This is now open for discussion Commissioners, for further clarification or for what we would deem be appropriate on this petition. I'll open it up for any comments, concerns.

Commissioner Hall: My concerns were two, one the service door on the Berlin Turnpike side, I requested that they look into doors that really didn't look like doors, that looked more like siding. I think the last presentation they seemed to make a good effort to do that. They might tweak a little bit more on the color or whatever, to make it even look more blended, which is fine, and the second, which is the biggest, and that is we have to protect as much as we can the residents on Main Street, and I think a lot of what is in this seems to do that. We need buffering, we need as much noise abatement as possible, we just have to be as concerned as we can be to the fact that there are residences within a certain distance from the commercial zone, keeping in mind that it is a commercial zone and this use is applicable to a commercial zone, so it's the best we can do to try to keep the two apart, both of which are where they should be in their own zones. We have the residential, they are acting as residents, and we have the commercial, and this building is acting as a commercial. Do the best we can. Those are my two, the doors and the noise, or the vehicles of whatever.

Commissioner Camerota: I agree with both of Cathy's points. I think we need to protect the residents, having a buffer and then closing the doors are both good ideas and I think my third concern was the trucks coming in for delivery. I don't know what Bonefish's hours typically are, but I remember Outback wasn't open for lunch, and now they are, and so I see it coming down the road, so I think that it should be that deliveries should only be made between seven and eleven. That will allow time for employees to arrive after eleven, before the customers arrive.

Chairman Pruet: Any further comments? Frank, then Stan.

Commissioner Aieta: Mr. Chairman, we, I'd like to have an understanding of what you are considering a buffer. In our regulations, it specifically states what a buffer is, and I don't think this property has demonstrated that they put in a buffer that meets our regulations. A buffer between a residence zone and a commercial use, even though there is a piece of property between this parcel and the residence zone, and it's non-developed, the buffer that is required between the residence zone is twenty-five feet and is planted. I don't know what, they have used every inch of this site for the building and parking, and driveway and I don't know that the buffer that they are proposing is adequate. I mean, they are talking about some kind of a wall with a fence on top, I mean, a treed buffer, a twenty-five foot treed buffer, not only is a visual buffer, but a noise buffer. I don't know if this buffer that they are proposing is adequate enough to protect the residents.

Chairman Pruet: Comments on that?

Craig Minor: I know that we are calling it a buffer, as kind of a shorthand, but the word buffer is not really in the regulation. The regulation just says.....

Commissioner Aieta: Which regulation?

Craig Minor: 6.11.7, that's the regulation that they are looking for a waiver from, it just says, the Commission reserves the right to alter this requirement, that there be no overhead service doors, when in its opinion the natural, topographic or manmade utilities on the site clearly indicate that the requirement is inappropriate. It may be waived by a 2/3 vote of the Commission, so it doesn't talk about a buffer. It's.....

Commissioner Aieta: But that's a carry over from other sections of the regulations that require a buffer between a commercial zone and a residential zone, even though there is a piece of land between them, it's a vacant piece of land, and we are not adequately protecting the residents from visual and noise, for the residents on Main Street, and the residents to the west. There are sections that pertain to buffering between commercial and residence zones.

Commissioner Anest: When we discuss the site plan, can't we talk about the plantings and the bufferings, based on the plan.

Commissioner Aieta: Yeah, that's the point I'm making.

Commissioner Anest: But we're not even talking about the site plan now. That's totally, we haven't even talked about the site plan, so we really need to talk about the site plan as well after we talk about this, and go over.....

Commissioner Aieta: This is the major approval, without this approval, the site plan is moot, I mean.....

Commissioner Anest: But we haven't addressed the buffer.

Commissioner Aieta: That would require, if you put in the buffer that is required, the building would have to be moved, and there would have to be a redesign of the site.

Commissioner Sobieski: I didn't see any, I assume that the office of Firestone will be air conditioned, I didn't see any space for the air conditioning unit, and the other thing too, I think that eleven o'clock is cutting it too close for deliveries, too near the lunch hour. I'd like to see that put into the regulations as ten-thirty, ten o'clock. Some of these places aren't going to open exactly at 11:30.

Chairman Pruet: Good point.

Commissioner Sobieski: And then the other option too, I'd like to see the doors on Main Street side kept closed except when they are going in and out, but on the turnpike side they can stay open for air.

Chairman Pruet: Okay, additional comments on this. We will also be looking at this under site plan. We'll keep this open, we have plenty to discuss on this.

D. Petition 39-12 Site Plan Approval (Firestone Complete Auto Care) at 2903 Berlin Turnpike. Wex-Tuck Realty LLC, owner, Bismarck Real Estate Partners, Inc., applicant; Jason Mikrut P.E. 54 Tuttle Place, Middletown, CT contact person.

Chairman Pruet: Craig?

Craig Minor: Okay, I have a memo.

Staff comments:

1. The site plans and architectural renderings submitted by the applicants comply with all of the requirements of Section 5.3 ("Procedures and Requirements for Site Plans"), Section 6.1 ("Off-Street Parking and Loading Requirements") and Section 6.10 "(Green Space, Landscaping and Buffer Requirements.*)" The plans and renderings also comply with all

of the requirements of Section 6.11 ("Sale, Rental, Service or Storage of Motor Vehicles") except for Section 6.11.7 (overhead service doors), which I will address below.

2. Section 6.11.7 states that overhead service doors "shall not be permitted on the public street side of an auto related use or motor vehicle use." The regulation goes on to say that the requirement may be waived by a 2/3 vote of the TPZ.

"when in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that the requirement is inappropriate."

The applicants have submitted a profile drawing of the Berlin Turnpike, a landscaped berm with fencing and specimen trees and shrubs, and the building. This drawing shows that due to the height (topography) of the landscaped berm, the service bays will not be visible from the Berlin Turnpike. In a related matter, the residents at 2110 Main Street raised a concern with possible noise. This noise could be abated by keeping the service bay doors on the west side of the building closed as much as possible. I have recommended the waiver be granted as part of the special exception approval process.

3. The applicants have agreed to revise the plans to show a partial turning lane on the east side of Main Street, with the understanding that if the Office of the State Traffic Administration (formerly the STC) prohibits this, it would not invalidate the rest of their site plan approval.
4. The applicant's have agreed to revise the plans to show pavement markings at the "Bonefish Grill" parking lot to address the staffs' concern with possible conflicts between "Bonefish Grill" customers and customers entering and leaving the Firestone site.

Now after I finished this morning, on a whim, I went on line to the Bonefish Grill website and there's a spot on the website where you can click to get the different menu's, so I clicked it, and I got their disco lunch menu, and their breakfast buffet menu, so there are some Bonefish Grills somewhere that are serving breakfast and lunch, or at least buffet and lunch, so I certainly think that it would be appropriate as a condition of approval make sure that the Firestone truck deliveries are at a time that is well before whatever time the Bonefish Grill lunch would start.

Chairman Pruet: Comments from the Commissioners?

Commissioner Anest: Craig, do you have the site plan here?

Craig Minor: No, but let me get it.

Commissioner Aieta: Not the little one by three postcard, can we get the full size?

Craig Minor: Yeah, I have a couple, I'll be right back.

Chairman Pruet: Let's take a short recess.

Commissioner Anest: The Firestone truck, why does it have to back in. Why can't it come in, from the Berlin Turnpike, go in the west entrance, to deliver and then come out and then go out.

Craig Minor: I don't know.

Commissioner Camillo: It won't make the turn, there's not enough room.

Craig Minor: But it says, mountable concrete curb, so it's intended for a truck to run over that island.

Commissioner Aieta: Which one is that?

Craig Minor: The one that says, mountable concrete....

Commissioner Sobieski: The tear drop one right here as you come in off the turnpike. The in and out.

Commissioner Aieta: Can a truck negotiate coming off the Berlin Turnpike without backing in?

Commissioner Anest: If you put a cobblestone there, a truck could go over it, it wouldn't ruin the tires.

Craig Minor: That is effectively what they have done. They've made a device that cars know they should stay to one side of, but if a truck with a turning radius can't, can't keep within the travel way, he would be able to go up and over it without damaging anything.

Commissioner Aieta: Which one are you talking about?

Chairman Pruet: The one coming in from the Berlin Turnpike.

Craig Minor: I'm sorry, you have the wrong plan, you have an old set of plans.

Chairman Pruet: The question as proposed by Carol, if the truck is coming in from Main Street,.....

Commissioner Anest: No, the Berlin Turnpike.

Chairman Pruet: The Berlin Turnpike.

Commissioner Aieta: What are you saying Carol, just so I understand it?

Commissioner Anest: Come in from the Berlin Turnpike, past the building, take a right behind the building, on the Main Street side of the building, and then go around that way and then come out on the Berlin Turnpike side.

Commissioner Aieta: I don't know, what is this thing sticking out on the back of the building? I don't know if you could make the swing between that and the thing where the dumpster is, and then you have the bump out for the two parking spaces. I don't know, we don't have a template, you have to remember, these come in with fifty-two foot tractor trailers, that's big truck.

Commissioner Camillo: That's just the trailer. It will be about seventy-four feet.

Chairman Pruet: I thought they were going to come in from Main Street.

Craig Minor: Well, I'll confirm that. That's what I thought too, and your point, why do they have to, that's a good question.

Craig Minor: I can go back and look through the minutes and see if they addressed that in their presentation.

Commissioner Sobieski: I thought they said that they were going to come in Main Street, pull in, and then back in on the west side of the building, near the islands there where the stop bar is. You'd have to negotiate around the islands to back this thing in.

Commissioner Aieta: This is forty feet, this truck is that long, it's that long, it's seventy something feet long. Look at the scale, it shows you forty feet, on the bottom of the page, now visualize another thirty feet. There's no way you could negotiate that without going across a parking space.

Chairman Pruet: Okay, we are going to have to research this.

Craig Minor: Okay.

Chairman Pruet: Okay, we'll research the issue on the truck, and see what, what other concerns we have.

Commissioner Aieta: Mr. Chairman, if I might?

Craig Minor: There is no buffer, there is no buffer requirement. It's in the middle of a business zone so there is no buffer. There is landscaping, but there's no.....

Commissioner Anest: Where is the landscaping?

Craig Minor: That would be sheet.....

Commissioner Aieta: Why do you feel that there is no buffer required between this and the residential zone?

Craig Minor: Because there.....

Commissioner Aieta: Because there is a piece of land between them?

Craig Minor: Because it is in the middle of a business zone. We only buffer between different zones.

Commissioner Aieta: Is that stated in the regulation, that we take that into consideration, the distance.....

Craig Minor: Yes, the rule always is that a parcel that abuts, I'm paraphrasing here, but, the rule is a parcel that abuts the property of a different zone has to do certain things, like the driveway has to be a certain distance away, or there has to be so much landscaping, but we don't normally, I'll go to the regs, we don't normally, we don't buffer like uses within the same type of zone, and in this case, there is a parcel within the middle of, I'm exaggerating, in the middle of a business zone, so there is nothing to be buffered. The fact that there are home owners on the other side of that business zone, I understand that you are being concerned about, and you are right to be concerned about it, we all are, but technically there is no requirement for Firestone to put any buffering around them, because they don't abut a residential zone.

Commissioner Aieta: But there is a difference between the property line between this and it was 119 feet to the house?

Craig Minor: No, to the zone. To the zone boundary.

Commissioner Aieta: So from his property to the zone boundary is 119 feet. Okay, if you look at the map as to how this is, the piece of property that is behind the Firestone, it's very unlikely that anybody is going to develop that.

Commissioner Hall: What are you looking for?

Craig Minor: The sheet which is about two thirds of the way in which shows the relationship of the Firestone parcel to the property on Main Street. Okay, there we go, SLP-1. They gave several different versions, but the last page shows the view from Main Street.

Chairman Pruet: Craig, didn't they address landscaping in the rear too, I thought I saw.....

Commissioner Aieta: That's over here.

Craig Minor: Sheet L-1 is the landscaping plan, and it doesn't really show anything.

Chairman Pruet: Carol, David, this is the landscaping plan, the buffer too on that side which should help the residential property over there.

Commissioner Anest: Right, and then we are trying to determine, from the back of the building it's like 250, and I'm just trying to think of what they are going to see, and then the doors are about 275 feet away, give or take.....

Commissioner Aieta: Which house?

Commissioner Hall: The one which is closest, not the state house. The closest occupied house.

Commissioner Anest: So you're talking about 250 feet, 118 to the front of the property. I'm thinking the intercoms.....

Commissioner Aieta: But in that regulation, we made it 300 feet.

Commissioner Anest: I understand, but I'm just saying how we are measuring the distance. I'm trying to visualize from the building itself, to the house, what they will see.

Chairman Pruet: Okay, did you finish.....

Craig Minor: Yes, I finished reading my memo.

Chairman Pruet: This might be a good time to put this out to the public, that our intentions are to notify the Department of Transportation of our interest in changing the zoning requirements of that present property which is that state building which is presently Planned Development, we're going to discuss with them, put them on notice, that we would like to propose a change in the residential zoning, so they are going to be officially notified, they have been officially notified because that property, they are taking offers on it. It closes I think April 17th, so they are officially being informed of our intention to open a public hearing to change that zone. So I would just like this on the record?

Chairman Pruet: So we are going to get the issue of the radius clarified, what else would you like to discuss on this?

Commissioner Camillo: Talk about the plans for the building?

Craig Minor: You mean the elevations?

Commissioner Camillo: The building on that site, one door in, one door out. It would fit better on that piece of property.

Commissioner Aieta: Say that again, Michael.

Commissioner Camillo: Have one door coming in, in the middle of the building, and the bays would be off to the side of this. On the side of the building you could put glass block at the top so that you would have the light. With one door, entering and exiting, it's a lot safer, and not using the outside (inaudible) it's a lot cleaner. It's a thought.

Commissioner Aieta: You are saying, from the driveway coming off the Berlin Turnpike you would make an entrance into the building, the one that is facing the Bonfish, and it would run all the way through, so you would have a door on the south side and a door on the north side. Those would be the only two external doors.

Commissioner Camillo: Correct.

Commissioner Aieta: Those would be the only two external doors. An entrance and an exit, and then they would pull off to the side to the bays for changing and then would back up and go out.

Commissioner Camillo: Right.

Commissioner Aieta: That is a very interesting concept.

Commissioner Camillo: It works. Noise wise, you wouldn't have any noise, the door (inaudible) would be all in the bays.

Commissioner Aieta: And then that would also be, they had concerns about air conditioning in their shop. That would also cut down, if you put the condition that the doors have to be closed, then they are going to have to air condition it, and other shops are air conditioned. The one at Wal-Mart is an air conditioned shop, I checked.

Commissioner Camillo: You would have the exit, you would also have a storage area, because the ceiling is so high, you only need a fourteen foot ceiling, you could have your storage above that.

Chairman Pruet: Anyone else? It's a concept that we could present to the petitioner because of the concerns of the doors and the delivery.

Commissioner Anest: If the building is still the same size, you are still going to have the same radius.

Commissioner Camillo: They could use a forty-eight foot trailer, single axle.

Commissioner Aieta: Well, they are going to have to figure it out.

Chairman Pruet: Any comments about what Mike put on the table?

Commissioner Camillo: Also, a large fire truck couldn't make it around the back. The largest one we have couldn't make it.

Craig Minor: Really, well, it would have been helpful if the Fire Marshal had told me that. That's why I gave him the plans, so he could tell me that.

Commissioner Lenares: Have we heard from him?

Craig Minor: The Fire Marshal? I don't believe so. Well, I can't make him respond.

Commissioner Anest: Well, I think it's very important, like the issue with the tractor trailers, I think it's important for the liability of the town, to make sure that a fire truck can maneuver around the building, so if there was a fire at the back of the building, how are they going to get to it?

Commissioner Aieta: If you can't make the radius with the truck, you are never going to make it with the fire truck.

Commissioner Anest: I think we should have something in writing.....

Craig Minor: From our Fire Department, because I know that the engineers did use the template that represent our fire trucks, but I had that from the applicant's engineer. I don't have it from the town's fire department.

Commissioner Anest: I just get concerned when our own departments don't sign off.

Craig Minor: I know that the Fire Marshall gets the plans from the Building Inspector, when they come in for a building permit, but I know at that point the Fire Marshal would certainly put a stop to the construction if it didn't satisfy him, but it's better to do that before that.

Chairman Pruet: You definitely have to get his say on this.

Commissioner Aieta: And the other thing is, the Chief should give us a written report. It shouldn't be a verbal, we didn't get really.....

Craig Minor: We did get an e-mail.

Commissioner Aieta: You got an e-mail that basically said what, I looked at it and didn't see any problems? When we look at it we see traffic problems with the whole site, and he made comments when the Bonefish came in that there was safety problems on Main Street, and then all of a sudden we add another building and they all went away?

Craig Minor: Well, I'll talk to the Fire Marshal again.

Commissioner Anest: Something for the files.

Commissioner Leggo: Just a comment on the building possibly having the two entrances, I think you are actually opening yourself up to where that building could be positioned differently at that point. When you don't have the garage doors on both sides, the building could actually be shifted so that maybe that entrance could be a lot wider on one side. You are really not even saying that you have to have traffic on both sides of the building. If you

are entering at the one, and coming out the one, you could have a lot wider parking lot on one side, and you have a lot easier access for a tractor trailer to get in there.

Commissioner Aieta: They might say that this is their standard building, but I happen to know that the Firestone has, they don't have a template building. Each one of their buildings are different.

Chairman Pruet: I think the one in Glastonbury is similar to this one, and I think the one in Cromwell is different.

Commissioner Sobieski: One quick question, back to the Fire Department, the ones that are already built, like Glastonbury and Cromwell, because obviously they have big equipment like we have, what happens if they have cars in there and the fire breaks out in the middle of the day, it would be worse.

Commissioner Anest: But they might have larger lots than we have.

Chairman Pruet: We definitely need the input of the Fire Marshal on this.

Commissioner Aieta: Mr. Chairman, Stanley brought up about the condensing unit for the air conditioning, do we know where that is located?

That's the fan unit, but you have to have a condensing unit, it's probably on the ground. It's C-4. I'm assuming it's on the west side of the building, next to the sales area. There's two, there is like a block.

On page L1, planting plan, they actually spell, say condensers, and they point to that box that we.....

Craig Minor: It's on L-1?

Commissioner Aieta: L-1, Planting Plan.

Commissioner Aieta: On that plan also it tells you that the inventory is at the back of the building.

Chairman Pruet: Okay, we have some questions and concerns on this, and no sense in discussing the petition for the DMV because that is not really.....other comments and concerns while we have it open here? Just to wrap it up, summarize, we discussed the....

Amy Souchuns: I just wanted to bring up this item, in listening to the discussion and the questions that were raised about the applicant's petition. As you are aware, the public hearing is closed, I just wanted to make it clear that we are not able to provide any additional comment on what we discussed. Thank you very much.

Chairman Pruet: You're welcome. Now, where was I, oh, summarizing that we discussed concerns, the doors, the buffering, the noise, closing the doors, Mike brought up the possibility of the modification of the building itself, other concern was the delivery truck, comments from the Fire Marshal on the overall traffic issue, so we have homework to do on this.

- E. Petition 40-12: DMV Location Approval (Firestone Complete Auto Care) at 2903 Berlin Turnpike. Wex-Tuck Realty LLC, owner; Bismarck Real Estate Partners Inc., applicant; Jason Mikrut P.E. 54 Tuttle Place, Middletown, CT, contact person.**

To be discussed at a future meeting.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING: (April 10 and April 24)

None

X. TOWN PLANNER REPORT

Staff Report

Craig Minor: The first item, façade changes at CVS Main Street. The ZEO did send out a letter to CVS giving them I believe fifteen days to respond. I got a call from someone, I believe it was their attorney, he left a message on my answering machine and I haven't talked to him yet, and his message didn't make a lot of sense because he said something about, that they had sign approval which didn't make sense because it is not a sign issue at all, so I'm still waiting to talk to him to find out what exactly he is referring to.

Moving on, the Farmington Bank issue we talked about.

The pick up truck cabs in front of 135 Fenn Road, I brought it to Art last month, I haven't talked to him since then, I'm sorry.

Old Bonds, since last meeting, I haven't done anything more since the last meeting on that item.

Modern Tire, nothing to report.

Newington Walk, Toll Brothers has appealed the denial, so we will see what happens with that.

Newington Junction, I haven't received anything from the consultants yet. I did talk to the person at CCROG who is overseeing the project and she did say she would find out when the consultants would get back to us with some of the information that they were gathering for us. Low Impact Development Regulations, the committee chose the consultant to work with us, I met with them, the consultants, to go over the scope of services, we had a proposed scope of services and the LID committee will be meeting tomorrow to review the scope, make sure it's in line with how they envisioned the project to unfold, and we'll move forward from there. As you all know, the grocery store at Lowry Place did sell, it was actually a grocery store chain that bought it, that's the best we could hope for, we weren't expecting that to happen so that's good. I met yesterday with Vincent Sabatini a local attorney who represents the buyers of the grocery store and we discussed their plans for the property. We also discussed the fact that there is still, as some of the Commissioners may remember, a pad site for a bank that was approved, that approval is still good. It's good through roughly June 27th, plus or minus a few days. So I made sure that Attorney Sabatini is aware that this is something of value that his clients might want to do something to make sure that they reserve it. In other words, come back and ask for an extension to it. He said he was pretty sure they would be doing that in the next couple of weeks.

Commissioner Aieta: Do they have to come to this Commission for any reason with what they are talking about, putting a grocery store in an existing grocery store? Do they have to come or not?

Craig Minor: That's a good question. What I was told is that they want to clean it up a little bit but basically move in with the grocery store as is, without doing any major façade work,

and I'm pretty sure they can do that without getting TPZ approval for now. Any major improvement to the façade which I'm sure they are intend to do, that will have to come back to you because it is in the downtown zone.

Commissioner Aieta: I would hope that this Commission would accommodate them as best as possible as we finally got someone to be there, and I'm sure that we will try to work with them as best as we can.

Chairman Pruet: Any further questions?

Commissioner Hall: It's not a question but there was an article in the paper this morning that stated that a history, the name of the owners, and that they were going to knock down the existing food store, build a new one, and that they were aware that they would have to go before the local TPZ in order to do that. It was in the paper this morning.

Craig Minor: Was that the Hartford Courant?

Commissioner Hall: It was probably the Herald, because there was a picture of it, and about a four column article. I know I'm the only one in Newington that reads the Herald but that's.....a very good article, and they are just going to rehab the rest and try to maintain the tenants they have.....

Commissioner Anest: They originally said that they were just going to rehab the inside of the store, and do the rest later.

Chairman Pruet: What Andy told me that their intent is to remodel that existing 33,000 feet, they want to be in operation by the end of August.

Commissioner Hall: Yes, and that's what the article said. The end of August.

Chairman Pruet: I don't think they are going to be able to tear it down and rebuilt it by the end of August.

Commissioner Hall: Think about it seriously though, it's walls and interior fittings. A grocery store is the easiest thing to build because there is not a lot of internal with a grocery store, so they could.

Chairman Pruet: Any other questions for Craig on his report?

XI. COMMUNICATIONS

None

XII. PUBLIC PARTICIPATION for items not listed on the Agenda; each speaker limited to two minutes.)

Domenic Pane, 638 Church Street, Newington: I wasn't going to speak tonight, but after watching the way that this meeting was conducted, with the whispering going on with Cathy Hall, David and Carol Anest, and the whispering going on over on this side, and the Chairman talking to the Planner, there was no way that you could get anything on the record in a reasonable manner. The public just got a disservice because we don't even know what everybody just said. Very disorganized. That's not the way you are supposed operate a public hearing, not a public hearing, a meeting, I apologize, and to be honest with you, this

kind of conversation should have taken place a meeting ago before you closed the hearing, so you could have gotten more information, but the whispering going on, how is the public supposed to know what is going on? When all three sides of the table are talking. Very disorganized. I'm shocked.

Chairman Pruet: Okay. Anyone else from the public?

XIII. REMARKS BY COMMISSIONERS

Commissioner Aieta: I have to disagree with you Domenic because this meeting is for the Commission to discuss the plans. If they couldn't hear out there, then I apologize. This meeting, the public hearing is closed, this is the meeting where this Commission debates and looks at options and problems, and I don't want to get into a discussion with you, so I think you are out of line in saying that. I think this Commission has done it in the past, where this Commission has always discussed once the public hearing is over, this Commission has the option to discuss it, and we were discussing it at the table. If you couldn't hear, I'm sorry, I thought I was trying to speak into the microphone.

Domenic Pane: Mr. Chairman, just to clarify something. Just to clarify. I have no objection on discussing the item as you are supposed to, but the way the meeting was conducted, there was discussion going on, on this side of the table, discussion going on over here, and there was a separate discussion going on there in the front, and that is what I meant by being very disorganized. You do have the right to talk, and discuss it, but you have to do it in an orderly fashion.

Chairman Pruet: Well, I disagree with you. Anyone else from the public? And if you recall, we suspended the meeting temporarily while Mr. Minor got the rest of the plans.

Commissioner Hall: I think anyone who has sat through any of these meetings knows that we don't do anything in secret. We had three sets of plans, we had three groups of people discussing, among ourselves, what we found on the plans, anything we thought the public needed to know, we spoke right into this microphone. Do they want to hear, oh, what page is lighting on, what page is....that's what we were discussing, that's what our whispers were, and you know what, we're here to do the best we can, for the Town, for the presenter, for everybody else, so if you don't like the way we do it, we're sorry, but we're not trying to hide anything.

Chairman Pruet: Any additional comments from the Commissioners?

Commissioner Aieta: I have something. On the Brown property, it looks like they are getting ready to open some of the businesses down there, the Starbucks and the Chipolte. We have a situation where we approved three buildings on the site, and one, where they were planning on the third building, there is a vacant area that is not paved, and it's just dirt, it's at a different grade level, and some of that might have been parking area too, I'm not sure, but I'm hoping when they come for a c.o. that they address how they are going to prepare that area so it's not left in the condition that it is today. I mean, I was hoping that we would get all three buildings at once, because that is what we approved, but it doesn't look like they are going to do the third building, and if that's the case, they have to prepare that vacant area where the dirt is. Either they have to pave it, they have to do something with it because we don't know how long it is going to stay in that condition.

Chairman Pruet: I can comment on that. He signed an agreement with a new, it's going to be a credit union there. They will announce in two weeks, but it's a done deal. They are

going to begin work on that immediately. They put a fence around the site to protect it until they get going and they want to, Chipolte wants to open up in approximately six weeks, Bassett Furniture, the beginning of May, and the grinder store, DiBella's, in approximately four to six weeks, so they are actively going after that, and I'm pleased to hear that he's got the other interest, signed, sealed and delivered and ready to go.

Commissioner Camerota: The Credit Union is going to be in the third building all by itself? It's going to be the only tenant?

Chairman Pruet: No, there's room for one more.

Craig Minor: And the developer did sign a bond agreement with the town, and he will be posting a \$237,000 letter of credit tomorrow.

Chairman Pruet: Okay, additional comments by Commissioners?

Commissioner Lenares: Just a comment, either Mr. Chairman or Planner, any additional sites in town, any bites on the Applebee's site or whatever, and I don't know if you can say thing or not, but people have been asking me.

Craig Minor: Right. I'll tell you what I can tell you, which is everything that I know. It is not going to be a restaurant, but Mr. Brecker is not able to tell me who, but it's not a restaurant.

Chairman Pruet: Within two weeks, he said he would be able to say.

Commissioner Aieta: Would that require them to come before the Commission?

Craig Minor: Depends on what the use is, because there are some uses that don't require TPZ approval. Restaurants do, and that seems to be all that we have gotten since I came here, so I used to that, but some don't and some do, it would depend on what type of business it is.

Chairman Pruet: Any other comments?

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pruet: My remarks, I echo what Cathy Hall said, this Commission is made up of volunteers, people who want to do the best that they can for the Town of Newington, for the residents who live here. I think we have gone out of our way to address that. It was nice to see the public get involved with this, to give us more input on how we should proceed, and that's how we proceeded. We want to protect the public, we want to do what is best for the Town of Newington, and that's all I have to say.

XV. ADJOURNMENT

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

