

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 9, 2011

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

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Lenares
Commissioner Turco

Commissioners Absent

Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Turco was seated for Commissioner Schatz.

II. PUBLIC HEARINGS

A. PETITION 06-11 – Newington Town Plan and Zoning Commission as applicant proposes amendments to the Zoning Regulations for the following, continued from February 23, 2011.

Chairman Pruet: What I am going to do is that I am going to read each item section one at a time, we will have comments from our Town Planner, then from the public, then from our Commissioners.

1. Section 3.15.4 Drive Through Restaurant, to permit by Special Exception in the Business Berlin Turnpike Zone (B-BT and Planned Development Zone (PD).

Chairman Pruet: Ed, if you could just paraphrase or elaborate on this?

Ed Meehan: Thank you Mr. Chairman. These proposed amendments are essentially to reinstate Section 3.15.4 Drive through Restaurants by Special Exception in the Berlin Turnpike Business Zone and the Planned Development District. These restaurants were removed from the regulations in 2007 by the Planning and Zoning Commission. The proposal before the public tonight essentially is the same that was in the regulations in 2007 except for Item D which the Commission is proposing to modify to clarify and increase the distance of a drive though restaurant structure and their menu board at least 300 feet from

adjacent residential structures. A, B, C, and D had been in the regulations and those sections have to do with traffic impact, traffic analysis as far as the length of stacking for the drive through window, the roadway capacity analysis, separation from corner intersections, option to the Commission to require the combining of driveway and access management or internal connections for traffic safety and the requirement that a drive through window only be located on one side of the building and that the location and position of the drive through be safe to pedestrians and traffic using the site.

Chairman Pruet: Thank you Ed. At this time we will entertain comments from the public. Anyone wishing to speak in favor of this petition? Please come forward, state your name and address for the record.

Jay Botalico, 37 Valley View Drive: I'm here tonight to support the drive through restaurants. I think in these economic times we definitely could use them. I heard an excuse at the last TPZ meeting that I just don't buy about we want to upgrade the restaurants because McDonalds and the rest of them, you can't tell me that they are upgraded restaurants so that's what I'm here for. Thank you.

Chairman Pruet: Thank you. Further participation?

Louise Ricard, 108 Little Brook Drive, Newington: I'm here to support the proposed change. I don't see any reason to not consider drive through restaurants on the Berlin Turnpike. I live near the Berlin Turnpike and I think the town Planning and Zoning should consider any such application. Thank you.

Chairman Pruet: Further participation?

Fred Callahan, 99 Cedarwood Lane: I'm here also to support the measure for drive throughs on the Berlin Turnpike. Many years ago, more than I want to remember I was standing before this board when, forty years ago, McDonalds was going to go for a drive through window. The town was in an uproar over that. That was the first one I believe and we supported it then, and it's still on the board. I can't believe it. My argument is, put it on the board, put it in the regulations, just regulate it, that's all and forty years later we're still fighting over whether to have drive in windows or not, it seems ridiculous, so I'm in favor of it.

Chairman Pruet: Thank you sir. Further public participation?

James Brown: I own property at 3573 Berlin Turnpike in Newington. I don't have to tell anybody sitting in this room that businesses could basically use some help on the Berlin Turnpike. You've got a lot of dark buildings, and you've empty lots that could be generating revenue for the town, especially in these hard economic times. In so far as drive in restaurants in particular are concerned, I took the time the other day to drive down the turnpike. I know that one thing that I heard was liter. You've got Wendy's, you've got McDonalds, you've got the coffee shops, there was no liter. I mean, these people have a substantial investment in these properties. They want to be good neighbors. Any businessman in town does. I simply don't see the problem with it. You're limiting a certain amount of growth on the Berlin Turnpike at a time when it really needs it. Diversity is what makes it work. I've talked to other businessmen in town, and they are in favor of it. Every business that brings a person onto the Berlin Turnpike, the turnpike in essence is an engine. That engine is fueled by people. People spend money on the Berlin Turnpike. What helps one helps another. I mean, it's a symbiotic relationship, we all feed off each other so to speak, so any additional business that is well run and any of these drive throughs are corporate entities. They want to be good neighbors, in fact, they have to be good neighbors,

because if they want to open up in an adjacent town, the first thing they do is look at other venues they have throughout the state or in other parts of the country. So you are virtually guaranteed a high degree of control over these things. I don't see anything wrong, I don't think we should close McDonalds, the coffee shops, Wendy's, I don't see any problems involved with them, and I don't know why further development shouldn't proceed. I think Ed will back me up on this, we don't have to worry about a preponderance of them because the regulations that you have in place and the regulations that the franchisees would have to deal with, you're not talking about a large number of venues, and I think it would benefit the entire turnpike. Thank you.

Chairman Pruet: Thank you. Further participation?

Barbara De Maio, 37 Sunnybrook Drive: When I think of Newington I think of our downtown area, that quaint area. We aren't talking about putting drive throughs in that area. Talking about allowing more drive through businesses on a very busy turnpike. Lots of commuters, people that want to stop and pick up something on their way to some place. It's a multi business use area already, why would we want to exclude any other businesses? We're very lucky to have a good stretch, a good part of that turnpike, and if we exclude businesses from coming what's to stop them from going to the Wethersfield end of it, Berlin end of it, or any other town. I think we are making a great mistake. Maybe, I heard that people are saying, well, it's trashy, well, if you are talking about liter, I agree with the other gentleman, I see far less liter on the road, I think people have become a lot more conscious of their environment, and again, if you are talking about liter, you've got big stores like Lowes, Stew Leonards, Walmart, you don't see the bags from those stores out on the road like you used to, people I think are a lot more aware. If you are wanting to hold out for an upscale restaurant I guess my question is, have there been upscale restaurants beating down our door to come here, and we've been saying no? We just can't afford to be that picky in these economic times. We do have a few nice upscales, but if nobody is asking to come, then why should we exclude other restaurants? Then, if you are going to talk about upscale restaurants, you're going to hold out for them, what is the criteria for upscale? Who is going to determine that? If you are going to say, okay, we want a Morton's at that level, and Morton's isn't coming, and where do you draw the line? What will be the threshold for the upscale that we so apparently desire? Let's say a Starbucks wanted to come in on the turnpike. Now that's kind of an upscale coffee type place, and they wanted to have drive through access, why would we want to exclude them? I for one would welcome another type of coffee stop on the road, something other than the ones that we normally see every day. Then I think we also should consider the disabled people. A lot of them love to be able to just drive through, pick up a meal and go, it's easier for them. With a Veterans Hospital right here in town, you have people coming from all different towns, all parts of the state, coming to the Berlin Turnpike to get to the Veterans Hospital. They want to stop and pick up something, easier for them. Maybe when this decision was made, I don't know how many years to put the moratorium, maybe at that time we could afford the luxury of saying, well, let's try to get a little more upscale. We can't afford that luxury now. We need that money. We need that revenue. Shouldn't go to other towns. Thank you.

Chairman Pruet: Further comments from the public.

Lynn Connery, 225 Robbins Avenue: I can't say it too much more eloquently than the people previously, but I support the amendment for the drive through restaurants because I just do not see this as a problem. People brought up the liter thing, I'll tell you where there is liter, it's around walk-ups. I live next to Quick Stop and people who walk up to buy their stuff, eat it and throw their garbage. I don't think it's in the drive throughs. I did the same thing, I drove the Berlin Turnpike, both ways and looked around and the ones that are the drive through are

the, have the best landscaping it seems, they look nice, and they are keeping up their property, so I support it.

Chairman Pruet: Thank you. Further public participation?

Jonathon Williams: I have property at 3311 Berlin Turnpike and also 45 Costello Road, both commercial properties. I'm in favor of removing the present moratorium on drive throughs. I think that one thing that hasn't been discussed is the additional employment opportunities that may come to fruition if more establishments could be opened up. These people, people need jobs and I think this might benefit people in this area. Thank you.

Chairman Pruet: Thank you. Further public participation?

Rose Lyons, 46 Elton Drive: I have attended several of the TPZ meetings where you Commissioners have discussed this issue that is before you tonight. The public had the opportunity at those meetings to speak, and I don't recall anyone speaking in opposition to reinstating the drive throughs. I may be mistaken because I haven't attended all of them through the whole thing, but any case I am supporting allowing the drive throughs once again on the Berlin Turnpike. I did come here tonight to hear if anybody was in opposition so that they could maybe give me some valid reason why I should change my mind, and I'm going to wait and hear if there is anyone here that has any good ideas as to why they should be allowed. As far as the liter I must also have to agree with people before me. I am more concerned about the liter in the downtown two million dollar parking lot than I am about the liter on the Berlin Turnpike. I drove through there the other day. There's beer cans, bottles, and I understand that there is a lot of trash being thrown into the dumpster areas that doesn't belong there, by not only the business people but people who own apartments in the area dumping furniture and so forth and so on after their tenants leave, so I think if we can control it through the TPZ, we should go forward and once again reinstate the drive through with supervision from the TPZ. I trust that you Commissioners will take the interest of the Newington residents to heart and do what is right for Newington. Thank you.

Chairman Pruet: Thank you. Further public participation?

James Brown: I would like another word if it's all right?

Chairman Pruet: Sure. Just for the record, give your name and address again.

James Brown: I own property at 3573 Berlin Turnpike. Something that I wasn't aware of that there was some thought that additional drive throughs would preclude upscale restaurants. To me it doesn't make any sense. The marketplace drives what is on the turnpike. If there is a need for something, business will fill it. You can't force feed it. I really, I can't draw a parallel between the two, it just doesn't make sense. We've got one high end restaurant on the Berlin Turnpike, I do believe McDonalds is in relatively close proximity to it. I don't think it made a difference to Ruth Chris one way or the other whether there was a McDonald's on the turnpike. They thought they saw a need, they thought they could fill it, and they have. One doesn't seem to affect the other in any way whatsoever, in fact, if anything, I might eat at McDonalds one day, I might drink a coffee at Dunkin Donuts another and my wife might talk me into eating at Ruth Chris on another. One has nothing to do with the other. It's, so to me that doesn't make any sense. I don't see where drive throughs in any way preclude bringing any upscale restaurants onto the turnpike. Thank you for your patience.

Chairman Pruet: Thank you Mr. Brown. Additional public comments? I do have a letter that will be read into the record from Stew Leonard's, 3475 Berlin Turnpike, Newington.

"To the Newington Town Planning and Zoning Commission. To Whom it may Concern, concerning the following, Petition 06-11 Newington Town Planning and Zoning Commission as applicant proposes amendments to the Zoning Regulations to the following, continued from February 23, 2011; (1) Section 3.15.4 Drive Through Restaurant, to permit by Special Exception in the Business Berlin Turnpike Zone and Planned Development Zone. For the record, let it be known that Stew Leonard's has no objections to the above mentioned changes in the Berlin Turnpike zone." Sincerely, Douglas Hempsted, Vice-President Stew Leonard's.

Okay, seeing no further public, Commissioner comments on this petition. I know that we have discussed it since October, had two public hearings, any further Commissioner comments? Is it the wish of the Commission to move this to Old Business.

Commissioner Anest moved that Petition 06-11, (1) Section 3.15.4 Drive Through Restaurants be moved to Old Business. The motion was seconded by Commissioner Camerota.

Chairman Pruet: Any discussion on the motion?

Commissioner Pane: Thank you Mr. Chairman. The way that you have written up some of these regulations to control the drive through deal with the standard drive through, but as you are familiar with, there are some new style restaurants that are coming out that are bringing back old style scenarios, which is where they go to the cars, car-hops style. What do we have in the regulations here, I don't see anything in here to protect the properties and for safety, traffic safety concerning that issue?

Ed Meehan: I think Section A would be the operative section which the Commission would look to for access on the site, access within the site, as far as circulation lanes as well as probably the one that limits the drive through to one side so that the Commission would again look at the circulation within the site, pedestrian safety for people leaving their vehicles, walking into the restaurant, those would be the two sections I think that the Commission could use in reviewing the site and apply the standards and conditions that you felt was necessary to make the site safe.

Commissioner Pane: Well, it's a little unclear then, what if a company wanted to have two drive through windows and they had a car hop section, and would you allow the car hop section, would you not, would you allow only one drive through window, would you let them have two drive through windows, and what kind of traffic concerns, you know, that's going to have an impact on that if they had all three, two drive through window lanes and a whole area that was car hop style. Would you allow, would you not allow it?

Ed Meehan: I think under Item C, you can only have one drive through window. You can't have dual drive through windows on either side, and there are some franchises, you're right, they specialize in that, and that says drive through windows shall only be located on one side of the proposed restaurant building and shall be positioned to minimize conflicts with doorways and pedestrians. The initial preamble to this section talks about service to customers from drive through service, walk up window, with service to customers in their vehicles, so you could have a car hop service under this type of standard where an employee would go out to the car and provide the food. So I think those are the two areas that you were asking about.

Commissioner Pane: Okay. Thank you.

Chairman Pruet: I think we have control of the safety conditions of the cars, etc. Any further Commissioner comments?

Commissioner Hall: I think C wouldn't disallow two drive throughs on one side. So instead of having, well like a T shaped, where you have them on either side, you have the restaurant preparation side and then a long canopy with two drive throughs. There would be nothing to keep that from happening, right?

Chairman Pruet: On one side of the building?

Ed Meehan: You would want to keep the traffic to one side in a circular movement. You have a pre-order window and a pick up window. Some of them have three of them now, you have the menu board where you order to the menu board, you have the cash window, you have a pick-up window.

Commissioner Anest: I'm just jumping in, saying now a lot of them already have the two windows.

Chairman Pruet: Further comments?

Commissioner Pane: Thank you Mr. Chairman. Just for some of the public that is here, I, you know I think when some of the Commission members were talking about, they weren't necessarily talking about upscale, but they were talking about, by not having this in the regulations it brought restaurants like Applebees, Hops, Outback to us, it brought restaurants like that and I don't know that I would consider those upscale. They are medium restaurants, and we didn't necessarily control them, they are all real good businesses. We've got a new one coming in where 99 was, and some of the previous Chairman and Commission members, matter of fact Mr. Chairman, you were sitting on this board when they took the regulations out with Chairman Camelli, and the reason was that they wanted to get a better, they felt that there were plenty of drive through on the turnpike now, or back then and that's why, they've been in and out of the regulations, massive amount of times. I think when we talked about upscale we meant just any other food places. As you know, when you were on that Commission back with Camelli that was the reason that you guys took those out was so that you wouldn't have an abundance of drive throughs, to try to clean up the turnpike as it was described by many Chairmen, Joe Klett, Commissioner Camelli, it was to change things. It wasn't to eliminate any existing drive throughs, it was to say, well, those drive throughs are here but gee, there's plenty of them now, let's try to get some other types of food places in here and that's why we got Applebees, Outback, and several other ones, so I just wanted to explain that. Thank you Mr. Chairman.

Chairman Pruet: Yes, in four year too, there was an opportunity for these medium size restaurants, upscale restaurants to come back in. I don't see them coming back in, beating down the door.

Commissioner Pane: Well, everything is just about taken. There's only two empty places on the Berlin Turnpike as far as food places and that's the old Krispy Kreme and the Applebees and those are under leases that are so expensive that the landlords aren't going to really accept anybody else coming in there. They are being paid anyway, just so you realize that and everybody realizes, people are getting paid for those, and I drove up and down the Berlin Turnpike and there's really not that many vacancies as far as stores. There's a few little places, but not a tremendous amount of vacancies.

Chairman Pruet: Yeah, that's correct and also there could be vacancies with re-evaluations of property too. Also too, you spoke of previous Chairmen, previous Chairman haven't called the Commission, myself, Mr. Meehan, or wrote a letter in, so if they had a concern they could be coming in here or notify us too, and from what the Commissioners told me too, they really don't like their name being dropped in a public hearing. That's what both of them told me, so...

Commissioner Pane: Well, it's nice that they said that, but I don't have any problems mentioning anybody that I read about in the minutes Mr. Chairman. Thank you.

Chairman Pruet: Any other Commissioner comments?

Commissioner Casasanta: First I want to thank the members of the public that came out and spoke this evening. They made their points extremely eloquently and their points are very valid. But at the same token, I'm listening to my fellow Commissioners here and quite honestly I am still very torn on this particular issue, and I personally need some more additional time to think about this, to think this through and I would like, I would prefer not to vote on it this evening, and maybe wait until the next meeting. Put it into Old Business for the next meeting and act upon it then, just to give me a little bit more time to think about this.

Chairman Pruet: Okay, any other comments from the Commissioners?

Commissioner Anest: No disrespect to you Mike, but we have been discussing this since September, October. We've had a lot of time to go over, to rehash it, we've had a lot of different ideas, we've had a lot of different draft motions, I mean, it's been on the agenda every meeting. I think we have really beat this to death. We've all made our opinions, they are in the minutes, what we have stated is in the minutes, and I think it's time that we put this to bed and just move forward and vote on it.

Chairman Pruet: Thank you.

Commissioner Camerota: I agree with Carol that we have discussed this for several meetings, everyone has had input on the changes. Some things were added to the Special Exception, it is a Special Exception and we've given the public a lot of time to comment. They were invited to come when we were going through the process of reviewing the regulations, and we've had two public hearings. I don't see what is to be gained by waiting to vote on it at this point.

Commissioner Aieta: I just want to ask Ed a question. Is there a petition, or someone come in requesting, that we don't know about, that is waiting for this to happen?

Ed Meehan: No, there are no petitions.

Commissioner Aieta: Then what would be the harm of waiting another week, two weeks, to let him have some time to rethink his position or look at whatever he is looking at. There's no pressing, coming in, there is nothing pressing on the agenda, people breaking the door down to get a drive through. So another two weeks is not going to change anything or hurt anything. If he needs more time, then give him the time.

Chairman Pruet: I think at the last meeting I think he requested one additional meeting, and I think Cathy did too, and we granted that.....

Commissioner Casasanta: Well, we requested the additional meeting for the public hearing so the public would have another opportunity to speak.

Chairman Pruet: Also too, when this goes into a public hearing there is further dialogue on this too, I mean, after this vote.

Commissioner Hall: There is?

Commissioner Pane: The public hearing is going on right now.

Chairman Pruet: No, after we discuss it here, it comes to closure after we discuss it amongst ourselves.

Commissioner Hall: It's usual protocol that we have a public hearing and then we vote on it at the next meeting. I mean, we have to have a two thirds vote to add it to tonight which is unusual, I mean, that means that it is not the standard procedure so I just think something this significant because there is definite sides on this, why don't we just follow our regular protocol, which is, we had the public hearing tonight, we move it to Old Business next time.

Chairman Pruet: No pressing matter tonight, no problem with that. Would that be the consensus then to go forward?

Commission: Yes.

Chairman Pruet: Okay, we will put this on the agenda for the next meeting.

Commissioner Anest withdrew her motion, and Commissioner Camerota withdrew the second.

Commissioner Pane: Mr. Chairman, we're going to close this petition for a public hearing now?

Chairman Pruet: Yes, Section one.

Commissioner Pane: Thank you.

2. Section 5.1.5 Non-conforming Building or Structure Reconstruction, delete prohibition of non-conforming replacement when alteration is less than 50 percent of fair market value.

Chairman Pruet: Ed, just to paraphrase that one?

Ed Meehan: Thank you Mr. Chairman. Quickly, this is a provision to I guess put us on a level playing field with our neighboring communities and take out the restrictive language that if your structure is damaged in excess of fifty percent of fair market value you can replace it in like condition. We discussed this last fall, we also discussed it when another petition was being discussed quite thoroughly about auto related uses, so this comes from that conversation. Also, what is added here for the Commission's consideration is, the language was expanded a little bit. At the public hearing at your last meeting Commission members felt that six months might be a little bit restrictive given insurance requirements and financing, so the new language increasing that for up to additional six months may be granted, for extenuating circumstances, and also to further clarify that work has to be done within one year of issuance of building permit and the restoration, repair, replacement must be the same

dimension, floor area, cubic volume density and footprint on the property existing prior to destruction. So that sort of tightens this up a little bit but also gives property owners a little bit more, maybe more practical time to get their project together.

Chairman Pruet: Okay, thank you. Anyone from the public wishing to speak on this, for it or against it?

James Brown, property on 3573 Berlin Turnpike: In so far as the additional six months are concerned, anybody that's had to deal with an insurance company, it's a pretty tight time frame. I don't see the problem with allowing somebody a little extra time in order to get their ducks in order so to speak, I think it's more than reasonable and doesn't put an undue burden on the property owner. That's my opinion, thank you. And while I'm at it, I'd like to take this opportunity to thank you for giving people the opportunity to re-address certain things. Often times we tend to look ahead, and we don't take the time to look back. Economics kind of change, things change, things that may have seemed viable years ago don't necessarily work well today. It bodes well for you that you take the time to look back and amend things that you think will in the end help business. Thank you.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak on this? Commissioner comments?

Commissioner Hall: I like the way that this is written, and thank you Ed for putting that together because that really puts together all of the things that we talked about last time, and it is, I mean, sometimes even a year is not enough for some of these poor people to get their buildings back and running, so.....

Chairman Pruet: Any other Commissioner comments? Okay, what is the preference of the Commission on this? To move it to Old Business or discuss it further.

Commissioner Hall: I think we need to be consistent. If we're not going to vote on one, then we shouldn't vote on any.

Chairman Pruet: I agree. Okay, I think that's the consensus.

3. Section 6.2 (E) Temporary Signs, increase days for special advertising sale events.

Chairman Pruet: Ed, can you give us an overview.

Ed Meehan: This refers to the effort by the Commission to streamline the language for temporary business signs, it's now somewhat restrictive the Commission felt. They are increasing it to up to twenty-five days per year, no time limits as to the consecutive number of days a business can put their special signs out. Also in this we are talking about better clarification of both ground signs as well as banner signs on a building which was unclear in the prior regulations. The one thing that was changed since the initial public hearing, the issue of cold air inflatables. A prior draft talked about two per site, this has been brought back to one inflatable per site, not more than eighteen feet high. Of course the other controls here are no temporary flashing, rotating, digital signs. No roll out electric signs at curb side because of public safety, and sight line concerns, so we generally, this is an attempt to make it easier to get advertising of a reasonable nature for businesses.

Chairman Pruet: Thank you.

Commissioner Pane: Ed, I think you made a mistake on this. What the Commission talked about last time was not having more than two temporary signs on the property, and we said only one, and it was always not more than one ground mounted cold air sign. Temporary signs may be pennants, banners, streamers, attached to the building promoting the sales events, and ground signs, not to exceed two, and we as a Commission said, we don't want more than one temporary ground sign.

Ed Meehan: I thought it was not more than one ground mounted cold air inflatable sign.

Commissioner Pane: I thought we were talking about not more than one sign, one temporary sign on the property. So why do they need two temporary signs on the property?

Ed Meehan: Well, you could have two stationary signs.....

Commissioner Pane: Yeah, well they are going to have one that's going to have probably printing on both sides.

Ed Meehan: The notes that I have from the last meeting was crossed out, two inflatables.

Commissioner Pane: Well, I'll have to check the minutes.

Chairman Pruet: I'm pretty sure that is what was discussed. Anybody else? This is a public hearing, anyone from the public wishing to discuss this?

Jay Botalico, 37 Valley View Drive: When I was on the Council last time, we went up and down the Berlin Turnpike with one of the Commissioners and I'll tell you right now, this zoning officer cannot control what we have right now. He cannot control so as far as the signs go, it's fine with me, but I'll tell you right now, you're not going to have any control in this town with the zoning officer. Thank you.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak? For or against this. To be consistent, I think we should move this forward to our next meeting.

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

Rose Lyons, 46 Elton Drive: Although I believe that the drive through issue has been discussed ad nauseum, and I appreciate the fact that you are going to follow your normal procedures and that you didn't move it to Old Business. Over the past three years I have attended several Town Council meetings where in my opinion issues have been moved forward without a two thirds majority vote, and for no good reason. To take some time to think about it even though in my opinion, everybody has expressed their feelings and I can just see sitting here over the last few meetings who is on what side and who isn't, but, in any case, I think following the rules is something that this particular Commission does do, and I think that the public appreciates that and gives me a good feeling that you're not just rushing into it, and you are trying to work together once again like I said, for the betterment of the town and the residents of Newington. Thank you once again.

Chairman Pruet: Thank you. Further public participation?

IV. MINUTES

Commissioner Casasanta moved to accept the minutes of the February 23, 2011 Regular Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

None.

VII. OLD BUSINESS

A. Discussion of Possible Zone Amendments Newington Town Plan and Zoning Commission, continued from February 23, 2001.

- 1. Section 9 Definitions: Sign, Mechanical and Digital**
- 2. Section 6.2.4 (D) Reader Board Signage**

Chairman Pruet: Ed, you put us together a different draft motion here, if you could elaborate on that for us?

Ed Meehan: The sense that I had from listening to the Commission members at your last meeting was to streamline this and to limit the variety of choices that were in previous drafts somewhat confusing and taking that lead from the Commission I proposed this effort to talk about first getting into your regulation a definition of mechanical and digital signage which we don't have right now. We say it is prohibited but we don't really elaborate as to what might be examples of that. So that is Section 9, the draft there, and the Commission further asked to follow sort of the structure of the regulations that have always been carried forth in our zoning, that is list the things that you don't want so it's clear that everything is prohibited except and the three exceptions are time and temperature, internally illuminated reader board signage, and the gasoline price signs. The last two being new, time and temperature is already in the regulations. Then, following that is a Section E, which would be a new subsection of the pylon sign standards and it lists the criteria as to size, the graphics, how they would be measured, and the frequency of changing, an example on the reader board signs, and this is put forth for your discussion, it's a first draft, but we talked about it the last time.

Chairman Pruet: We'll go with Commissioner comments first before we go to the public so that the public has a better understanding on this. Commissioner comments on this?

Commissioner Aieta: On this last Section 3, under Reader Board signs, you have to have more clarification on periodic changes, I don't know what that means. You have a, you came up with a size, where did you come up with the size of twenty square feet? A twenty square foot sign on each side, you could have a sign that is five feet by four feet, that's a huge sign. How did you come up with twenty square feet?

Ed Meehan: Or, the thought here is that the reader board has to be subordinate to the main pylon, so if you had a say, a sixty square foot pylon, stationary fixed internal lit pylon and you wanted to put a reader board sign underneath that, and you had enough signage left over in

your calculations to add a reader board, it couldn't be more than twenty percent of that sixty square feet. Or, if you had a large pylon, the twenty percent.....

Commissioner Aieta: That's twelve square feet.

Ed Meehan: Right, so.....

Commissioner Aieta: So how did you come up with you can have up to twenty square feet?

Ed Meehan: It says, or not to exceed, whichever is smaller, so a big sign, a large sign, again, I'll give you an example of Lowes, which may be eight feet by fifteen feet, rather than giving them twenty percent of that, which would be a very large reader board, I'm limiting it to a fixed subordinate smaller sign.

Commissioner Aieta: Then we have to take some time and look at that.

Ed Meehan: Do you understand that? I'm forcing the reader board sign to be smaller obviously than.....

Commissioner Pane: Then it's going to be huge as a reader board. We shouldn't even be calling this a reader board because what is going to happen is they are going to run these things. If you force somebody down to a sign that is just enough for a little bit of wording then what do you think they are going to do with it?

Ed Meehan: They are going to use it as a digital sign, that's what a mechanical sign is.

Commissioner Pane: A digital sign that reads, that reads, that runs.

Ed Meehan: Yes, but it can't change more than once every seventy-two hours.

Commissioner Pane: Well that's not going to happen. As the Councilor already stated, our enforcement problem is.....

Ed Meehan: That's something that this board needs to decide, if you don't think it's going to happen, then don't put it into the regulations because, how do you measure, seventy-two hours is a time of measurement. We would have to go out there like on Monday morning, and go back, it's reading Coke, six for a dollar, we'd have to go back and make sure that three days later, it's still saying Coke, six for a dollar.

Commissioner Aieta: Can I finish?

Chairman Pruet: Please.

Commissioner Aieta: Okay. In the last part, you said reader board signs are prohibited from the BP, the Business Center District, the Business District and Industrial. You're saying that it is allowed in the Residence zone? You're excluding, you're saying it's not, it's prohibited in these zones, what about residence zones?

Ed Meehan: There are other parts of the regulations that don't permit any type of commercial signage.

Commissioner Aieta: Okay, but if you are going to put it in here, you should, if you are listing what is prohibited, we should have it in this section too, so that people are reading just this

section. They don't go and take the book and read it cover to cover, like we do. People that are going to come in and ask for these type of signs, if you are going to go with this, should at least make it consistent so they.....

Ed Meehan: You can't do a commercial sign in a residential zone.

Commissioner Aieta: I understand that, but you should put that in here. If you are going to say it's prohibited in a certain zone, then say it's in the other zones.

Chairman Pruet: That's a good point. Just to clarify it so there are no future problems.

Commissioner Casasanta: I just have a question on, we were talking about the frequency of advertising changes, color changes, and brightness of illumination shall be determined by the Commission. I understand that you are trying to create flexibility, and believe me, I don't disagree with that, my only question is, if leaving it up to us to determine that for one, and we make a different determination for somebody else, could that get us into potential legal issues?

Ed Meehan: It could, but this flexibility is if you had a sign near a residential area. You may want to have some flexibility in.....

Commissioner Casasanta: Oh no, I believe we need flexibility, that's not the argument.

Ed Meehan: But zoning is supposed to be standard throughout the district, and, the word is basically, uniform, so it's a level playing field. Special exceptions you have a little bit of a leg up in applying conditions in certain situations based on traffic, or geography of the area, this is a very hard regulation to legislate. There are so many nuances in this type of signage that I don't think any of us can anticipate. We're dancing around the issue here. The issue is not whether it's seventy-two hours, or near a residential zone, it's whether you want it or not. That's the issue.

Commissioner Pane: Absolutely. I agree with you, and if you don't mind Mr. Chairman, I agree with the Town Planner, I think this Commission has got to come to whether they want them, or they don't want them. I'm not in favor of these. I think Commissioner Lenares brought up an excellent point last meeting, he said that these things are very expensive, but they also have cheaper ones. If somebody puts a cheaper one in, you can't read these things and they are going to be a real distraction out there. There's not one town in the area that allows this. There's a few towns in the area that have them for their own notifications and they have a nice quality unit just for town notifications. We have one of those. I think that allowing this, we would have to over regulate this massively. It becomes a massive zoning enforcement problem as you can tell with the one that we have at Walgreens. We can't control that one. We can't control some of the other signage that is going on. So I think though, we should write it up like Commissioner Aieta suggested last meeting, maybe allowing the gas stations as Carol suggested, and I would be open to maybe something else if somebody else had one other idea, but I'm against the reader board. Thank you Mr. Chairman.

Commissioner Camerota: I think we should move towards reader boards, it's just keeping up with the times, I think we should focus on the issue of the enforcement since that is not just an issue with reader boards, it's an issue with all signs, so I think that's where our focus should be. I respect any one's opinion who doesn't think we should have the reader boards and then I just wanted to make a comment kind of on the definition. If we are going to keep it this way, even if we are going to take out the reader boards, instead of having the prohibition

in there, I think it should say that the definitions of it include those things. Does that make sense? Because the prohibition is in both the definition which I don't think is where it belongs, and then in Section E, 6.2.E. So instead of saying, all such signs are prohibited except, I think it should say this does not include. Then my only other comment is that I think it has to be made clear that you know, after the gasoline price signs, it says that comply with the standards set forth in Section 6.2.1.E, apply to one, two and three, or only one and three are going to be left in there. That it applies to all three of those things.

Ed Meehan: The gas price signs, I talked with the Chairman about this, I don't want to leave the impression that a gas price sign could continually change and rotate. I don't want to misinterpret, you put the sign up there, \$3.85 per gallon, it doesn't mean it is flashing \$3.85 per gallon.

Commissioner Anest: No, in three hours it might change to \$3.86 per gallon.

Ed Meehan: Right. If the price changes, then the graphic can change. We have to get some....

Chairman Pruet: Okay, further comments?

Commissioner Pane: I just want to make it clear for the public and the Commissioners, we allow reader board signs now in our regulations, we have it at McDonalds, Friendly's, those are great looking signs, there's no problems with them. There are a few people who have them, that they haven't maintained them, and, but that's an enforcement, and that's just a maintenance and a blight issue. The signs at McDonald's and Friendly's and there are a few other places on the turnpike, there's one over at St. Mary's school, the bowling alley has one, those are nice signs, and there is nothing wrong with those signs. So we allow that for businesses now, and I think what we should do is to leave it the way that it is. Thank you.

Chairman Pruet: Okay. Anybody else wish to comment? Again, it comes down to what we have said in previous meetings, do we want to go with this type of sign, mechanical and digital, or we don't want to go with it. We still have to define what it is, and what it can't be, so I need some direction from the Commission on, to get off the subject, we want to go forward, and fine tune this, we want to continue to add this in our regulations, or delete it from our regulations, or just go with what we have, and fine tune it.

Commissioner Aieta: Just to come back to where I was two weeks ago, I'll reinstate my position on this. I'm against making any changes to the regulations. The only thing I would like to do is to define what we have now to prohibit them all together. No addition for the gas one, or the reader board, just leave it the way that it is. Define, make the definitions so people can't misinterpret our regulations and come in and think that they can have them because we only have had one person come in, that I know of, asking for this, was a couple of weeks ago, and like I said, that person might not even be able to have it because of the restrictions of the residence zone.

Chairman Pruet: You're saying, the gas one too?

Commissioner Aieta: The gas one too, I mean, define it and prohibit them. I don't see, you went to every town around us, what do the Town Planners from the other towns say, are they saying, well, we prohibit them because we have a problem regulating them? Did you have any conversations with any of the Town Planners?

Ed Meehan: I haven't talked to the Town Planners, but you are right, all of our neighboring towns and the couple of towns that the Commission asked me to research don't allow.....

Commissioner Aieta: Don't allow, and there has to be a good reason why all these towns don't allow them. There has to be a reason, and you can't say that all of these towns are against businesses, that we are doing it just because it is pro-business. I'm pro-business but I think that these hurt the businesses on the turnpike. I think it's a safety problem, I think that you will have an overabundance of these signs as time goes on. They'll keep adding, you keep adding them and adding them and adding them, you'll have every business and then what happens is it becomes a distraction for the driving public because it is going to be rampant, it's going to be one after the other, people rubbernecking trying to read the sign as they are going sixty miles an hour. I mean, I have a problem with it.

Ed Meehan: The gasoline signs, I went out and looked at two facilities on the turnpike, Citgo and Hess, and both of those have internal box signs, they don't show the prices, they have pre-priced menus.....

Commissioner Aieta: How big are those?

Ed Meehan: The lettering is, the numbers are eighteen inches, a foot and a half high. The total box sign with the three prices is almost six feet.

Commissioner Aieta: Six square feet.

Ed Meehan: Six square feet, yeah. Maybe more, maybe it's like three by five, fifteen square feet, so they are large, and they are certainly visible. The Valero down in Berlin, they usually just advertise one price grade and that is about a two foot electronic letter. That's usually their low....

Commissioner Aieta: If you want to see that sign you can go to, Wethersfield has one, and you can go to Berlin, at the Stop and Shop, they have that sign. And you said Berlin prohibited them, but they have them, that particular type of sign.

Ed Meehan: I don't think they stated, I don't know how they interpreted them, I'm guessing that the gas pricing signs are not considered a digital flashing, rotating sign, because they only change when the price changes.

Commissioner Anest: I have a question, and this goes way back, when the Hartford Drive-In was there, and it had the reel that was moving around, how was that regulated?

Ed Meehan: It was probably.....

Commissioner Aieta: Pre-zoning probably.

Ed Meehan: I don't know that it was pre-zoning because we adopted zoning in 1929 but it was probably pre-control of the signage which maybe came in, in the mid-seventies. It pre-dated that. It was grandfathered.

Chairman Pruetz: Again, it comes down to the pleasure of the Commission. Do we want to refine what a sign, mechanical and digital, I think we want to do that, or do we want to move forward and put this in our regulations? I need some kind of feedback, we can go around the room, and if we want to go forward with this, or not, I think in my opinion, it's a simple yes or no. Rather than make it a formal vote, let's see what we want to do with it.

Commissioner Camerota: I'm a yes on allowing mechanical and digital. I may have some more tweaks on the requirements.

Commissioner Anest: I'm a yes, but I think we have to fine tune 6.2.1.E.

Commissioner Hall: I agree that we need to define, I'm in agreement with one and two, I'm not in agreement with three. I have no problems with one and two. What I see here and again, it may be that no other town is willing to jump off the cliff at this point, this isn't to say that at some time in the future this won't become something that everybody is familiar with. I think at this point nobody wants to be the first town to do it, and find out if it gets out of hand and I don't really want to be the first to try it either, but with the gas, I see no problem with that.

Chairman Pruet: Basically then....

Commissioner Hall: One and two.

Chairman Pruet: Three is your....

Commissioner Hall: Definition, and then we have 6.2.1.E, one and two.

Commissioner Casasanta: I agree with Cathy, I don't have a problem with time, well, obviously time and temperature is already there, I don't have a problem with the gas price sign. The reader board, the problem that I have with the reader board is the enforceability of it and I just think, if we had such a difficult time enforcing the Walgreens I can just imagine what the poor guy is going to go through trying to enforce other signs as well, so from an enforceability issue I'm opposed to the reader board part of the draft.

Commissioner Pane: I'm in agreement with Commissioner Casasanta and Commissioner Hall for the same reasons that they mentioned, plus for the reason that I believe this type of signage will not be a very pleasant thing for the Berlin Turnpike. We have, over the years this Commission has tried to eliminate blighted signs, including bill boards and if you allow this for somebody else on the turnpike it could open up something for the bill boards so for those reasons, I'm against moving it forward. Plus, it's been, in the records, according to our minutes and I don't enjoy putting words in our Town Planner's mouth or anything, but according to our minutes in the past our Town Planner hasn't been in favor of this type of signage and this entire Commission in the past has not been in favor of this. We gave direction, the entire Commission gave direction to our previous Chairman to go to the Council on this type of signage. Even though maybe a Commissioner or two did not, thought that they might be good signs, the entire Commission went to fight to prohibit this type of signage, so for that reason too.

Chairman Pruet: What about on the gas portion of it?

Commissioner Pane: I could live with the gas portion. I'd like to limit the size, but I could live with the gas portion.

Commissioner Turco: The definition part and one and two and the gas portion seem pretty straight forward, I can understand that, three seems to be where we are having the problems. I just want to ask Ed, if he wouldn't mind, I know that none of the surrounding towns have this type of language or permit this, but I would assume that there is some town within the state that does have these types of signs, and does have some regulations, is that a possibility?

Ed Meehan: There probably are some places where those signs are permitted, talking to our enforcement officer, there may be over in Bristol on Route 6, out that way. The City of Hartford, Domenic mentioned bill boards, obviously you come off of Route 91, over the Charter Oak, those are signs, and City of New Britain has Schaller with a large sign on Route 9. I don't think I would call those reader boards, but there are communities in the state that do have them.

Commissioner Turco: That's what I wanted to suggest, since we are having some problems with the language maybe there are some towns that have some regulations already that we can replicate and use to make our language work, so that everyone would be agreeable. So I don't know if that is possible.

Ed Meehan: I could do a list-serve to the Planners Association.

Commissioner Turco: So that we can come up with something that we feel works in Newington.

Chairman Pruet: Okay, so you are looking for more clarification, more information.

Commissioner Turco: The concept I am very much supportive of, but it seems like the language perhaps needs to be tweaked a little bit more.

Chairman Pruet: Again, this is an informal consensus, Frank?

Commissioner Aieta: You already heard what I have to say, I'm against them.

Chairman Pruet: What about on the gas portion?

Commissioner Aieta: I'm against that too.

Commissioner Lenares: The time and temperature, that's already allowed, obviously I'm for that, I really like the gas part of it, I think it's kind of a neat thing that you see in other towns and I would be definitely for that one. The internally lit reader boards I am in favor of, I think it's pro-business and I really think that if you don't allow them I don't think we would be labeled as not being pro-business. I don't think that's a huge factor whether this board is going to be deemed pro-business or not pro-business. I am for them but if the Commission decides not to I don't think that you should feel bad about it, that we're not being for the businesses, but I personally am for them. I like them. How you regulate them, different story, I guess you would have to deal with that, the second part of the situation, but yeah, I'd be for all three.

Chairman Pruet: Okay, I feel, I don't have a problem. We already have internally lit reader board signs, I don't see any problem because we are protecting the safety of the committee by not having it rotating, spinning, glaring, or however you want to do it, except for the time and temperature, so I think we are protecting the public on that end. We almost come down as an even split on this, with Gary looking for more information on it. So, I think we are just going to table this and for further discussion when we get some more information and we'll keep this an on-going thing. I can't see that we can move further on this tonight, we'll just be spinning our wheels, so I think it would be best to continue this further but table it for now.

Commissioner Hall: I have a question on 3 of page 3 which is part of the, the one that starts with proposed zone regulations, the first one, General A. No billboards are permitted and are non-conforming uses that shall be removed and not replaced. Does that mean that the ones

that are on the Berlin Turnpike were supposed to be gone as of December 1st, 2001. Or only when they fall down?

Commissioner Aieta: When they fall down, they can't put them back up.

Commissioner Pane: Or when they develop the property. If the property gets developed.....

Commissioner Aieta: Good example, when Corvo came in, he said he was going to take down the billboards and we were very happy to hear that, so he took them down, he can't put them back up, even if he doesn't put his patio in there.

Commissioner Hall: Right, I understand, but correct me if I'm wrong, if you read this, it says no billboards are permitted and are non-conforming uses that shall be removed. There should be something in there that, you know, when they fall, or whatever, because right now it sounds like we have to go and knock them all down.

Ed Meehan: We actually had a court case on that. There were three billboards on the parcel south of Walgreens and there are two there now, one was removed because the developer had to remove the one at the northerly end. Both of the ones at the southerly end were in disrepair, but they had not quite fallen down, and they started to dismantle them, this goes back many years, and the building department refused to issue a building permit and we were appealed and basically the end of the court case, it was a settlement was we had to permit them to be rebuilt as they were, they were treated as a non-conforming use. Of course they rebuilt them with pressure treated wood, all of the modern things that they did not have forty-six years ago, but there is an agreement with the property owner or the owner that has the option on the rest of that piece, that those billboards will come down. They have to be on the upland part of that site. The only other billboard on the turnpike is next to Safety Shoe and Modern Tire.

Chairman Pruet: Okay. Even though it's not on your agenda, it's an oversight in the printing, the public discussion, as we have done in the past on this, is there anyone from the public wishing to discuss this matter, on the mechanical signage and the reader board signage?

VIII. **PETITIONS FOR SCHEDULING** (TPZ March 23, 2011 and April 13, 2011.)

Ed Meehan: One petition which came in after the agenda went out is a petition for a pylon sign replacement at 3311 Berlin Turnpike, Acorn, they're taking the old sign out and bringing a new sign in, they need a special exception. That could be scheduled for March 23rd, they're ready to go forward. That's all I have right now.

IX. **REMARKS BY COMMISSIONERS**

Commissioner Anest: I just want to go back, check the Connecticut Post Road in Milford, that area, check there because I know that I have seen, they don't flash, rotate, but they are internally lit reader boards, but they aren't the ones that you change, the letters. I've been at a stop light, I don't see it changing.

Ed Meehan: That's Orange, New Milford?

Commissioner Anest: Milford. Check down there.

Commissioner Hall: They probably have special regulations just for down there.

Commissioner Anest: It's about the same as the Berlin Turnpike.

Chairman Pruet: Anyone else?

Commissioner Pane: Ed, a couple of meetings ago we asked, well I asked whether or not we could have the Town Attorney come in, is that going to be on the schedule or.....

Ed Meehan: I did communicate with the Town Attorney, and he didn't give me any dates as to when he would be available to do that, but he's aware of it.

Chairman Pruet: Just so you know, we are meeting with the Town Attorney Tuesday on the, what we discussed before, the zoning regulations and enforcement, so we are getting that to a head to move that forward so we are going to get that back on track. He does have something on the blighted ordinance that I'm looking forward to putting some more teeth into the zoning, so that's on the agenda for next week. Any other further Commissioner comments?

X. STAFF REPORT

Ed Meehan: At the last meeting the Commission asked about an effort to do a weekend inspection, a zoning effort on the turnpike and other business zones. I discussed that with the Zoning Officer and also with the Town Manager and we'd like to pursue a trial basis with maybe one, two Saturdays a month, or a Sunday and have the officer come in, see what is going on out there. He can certainly talk to businesses. Hopefully we can time this so that if he knocks on the door and gives them a verbal warning, that maybe we can, if it's appropriate and you adopt the new sign regulations, can also inform them of the benefits of the new sign standards so it's a pro-active approach. We'll see what comes out of this meeting this week with the Town Attorney. If we move forward with the zoning ticketing ordinance which would be in the form of an ordinance, may take a while to put that in place because that would have to go through the Town Council. The tickets are much quicker than the citation process. Citation process puts everything on hold for seventy-two hours where the ticketing effort from what I know from other towns that have used this, if we can implement it, is an immediate fine. There is always an appeal process for anything like that, but at least there is not a seventy-two hour wait period, so we'll see what happens with that effort. I will get together with the Town Manager. It's a personnel assignment issue so he needs to make the decision on how he is going to handle that.

I have one other staff memo on the table, this goes back to last summer, quick memo, if you recall the Commission approved the condominium development on Deming Street called Morningside. It's a sixty unit condo. The approval was in the name of Mr. Alan Bongiovanni and/or Landworks, LLC. Bongiovanni brought it through TPZ and Inland Wetlands and both Conservation and TPZ both have this requirement, the permit is not transferable without prior approval of the Commission. Mr. Bongiovanni couldn't be here tonight but I talked to him earlier this week. They are putting all their final paperwork together to close on the property and they are creating a new entity called Morningside Newington LLC and he is asking if the paperwork on that can follow, to be changed to Morningside Newington LLC. I couldn't do that unilaterally without bringing it back to you because it is part of a motion.

Commissioner Hall: Is it the same people?

Ed Meehan: Same principals, Ron Genesco, Landworks is Ron Genesco and Chris Nelson and Alan is the land surveyor. So the principals haven't changed.

Commissioner Hall: As long as they haven't changed.

Ed Meehan: They haven't changed, but I didn't want to write a letter, you know, they are going to go through all their due diligence, and I want you to know about it.

Commissioner Camerota: There would be the same thing, it's not transferable out of the Morningside Newington LLC without our permission, right?

Ed Meehan: If you want to put that in your direction to me. In the end, they have to follow the plan that the Commission acted upon, which is the site plan and the requirements of the site plan. If they want to change that, they've got to come back. I think this is more for their financing and their condominium documents.

Chairman Pruet: Okay, I see no problem with that, we've gotten a clarification from them, same principals, same position.

Ed Meehan: Is that the sense of the Commission?

Commission: Yes.

Commissioner Casasanta: Do we want to add that stipulation, that's it's not transferable to somebody else.

Commissioner Camerota: Without our approval.

Commissioner Casasanta: Do you want to add that part?

Ed Meehan: It's up to you.

Commissioner Camerota: I would like that.

Ed Meehan: Basically coming back and touching base with you again. The bottom line is they can't say they are going to build sixty-five condominium units or anything like that.....

Commissioner Hall: Or all town houses.

Ed Meehan: But they do have a variance request before ZBA, not our bailiwick, but they are asking for a variance for the back yard set back lines on a couple of the units, so that goes before ZBA the third Thursday of the month.

I'll put that together, thank you Michelle, I will put that in there.

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

Rose Lyons, 46 Elton Drive: I'm glad to hear that you are going to be meeting with the Town Attorney about the blight ordinances and zoning enforcement. I know that I've talked to a lot of people around town that are concerned with the deterioration of the properties, especially in my neighborhood. We have one gentleman who is running a business, I believe, out of his house and I know the Zoning Enforcement Officer has tried several times to get him to comply with his requests, it keeps getting even worse. I know that my sister-in-law lives over on Chapman Street and the corner of Summit and Chapman there's areas, there is a house there that has been an issue for a number of years. I know in these meetings and Town Council meetings there's not a lot, there's no dialogue, you don't get any answers, but I, asking for myself and some people that have talked to me about these issues, when we start discussing the blight ordinances and zoning enforcement, I would hope that there's some sort

of public hearing such as you have done about the drive though. I think, I might be the only one here, but I do encourage the people who say something to me about it, to come out and say it to you. I don't want it always to be Rose Lyons complaining about this, complaining about that, but a lot of people are sitting out there and watching, complaining from their couches and not getting up and speaking out, and I would encourage them to do so. Thank you.

Chairman Pruet: Thank you.

Commissioner Pane: Mr. Chairman, Rose, could you give us the two locations that you are complaining about? Through the Town Planner, is the Zoning Enforcement Officer working on those places?

Ed Meehan: Yes. One of the files is with the Town Attorney for Summit and Chapman, the other on Dowd, and that is being worked on now.

Commissioner Pane: That's also with the Attorney?

Ed Meehan: Yes. The ordinance, the blight ordinance and the ticketing ordinance go to the Town Council.

Commissioner Pane: So they would have the public hearing on it.

Ed Meehan: That's right, that's the starting point. As the Chairman said, we've been trying to get the ticketing ordinance going for a while.

Chairman Pruet: Anyone else from the public wishing to speak.

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: We're moving, this whole place is going to be under construction, and we are going to be having our future meetings in the auditorium. Correct?

Ed Meehan: Correct.

Chairman Pruet: There is also a provision, we could meet in the B and C room over here, but we'd have to change the TPZ meetings to the second and fourth Thursday of the month. So that is something that we can discuss, if you would like to pursue that, or continue on Wednesday nights in the auditorium until about when, August?

Ed Meehan: Yes, the second and fourth Thursday wouldn't be necessary until after Town Council finishes its budget work. Actually, the room wouldn't be available until the Council finishes its budget work, by the end of April. Council chambers, we talked about moving these desks down in front of the rostrum. They don't fit.

Commissioner Hall: How about on the stage?

Ed Meehan: You are going to have trouble with your microphone system and lighting. I think we are stuck with the rostrum, at least during April, and as the Chairman is saying, then maybe in May when budget is adopted, we can move into B and C on Thursday nights, and it would be advertised as special meetings, because we won't be back in this room until mid-summer.

Commissioner Hall: This room, so they are going to leave this room?

Ed Meehan: Yes, this will stay a conference room.

Commissioner Casasanta: I thought we were going to be out of here.

Commissioner Hall: I thought so too.

Ed Meehan: We want, this is conducive to the public, it's accessible, it has a bathroom down the hall, parking is always going to be an issue here, we're working on that. Town Engineer has been working on a plan to improve the parking across from the library a little bit, so this room will be back for your use, and Conservation mid-summer. That's the plan. As of Monday, Building, Planning and Engineering go down to the former Police Station. We have temporary quarters there and then they are going to have a new space available for those departments, again, July/August. They have to build vaults, all our land use records have to be in vaults, so that's a big construction project.

Commissioner Pane: You've got a vault right here and you're going to waste money and build a whole other vault?

Commissioner Hall: It's not their choice.

Chairman Pruettt: So would you like to change the dates to utilize the B and C room, or continue on our same format and use the auditorium, starting in April.

Commissioner Anest: Is there a way to move those, so we can like.....

Commissioner Hall: No, they're stable, that's the problem.

Ed Meehan: Oh, the rostrums? They're all wired in, they have lights, desk lights and microphones, and I went down there, there's a step on the rostrum, and then there's another step down to the floor, so it could be a tripping hazard. We'll make an effort to bring down some easels and display boards.

Chairman Pruettt: Any feelings on that? Continue the format? Bite the bullet, go to the auditorium?

Commissioner Hall: I think we are going to have to, I think if we start monkeying around with the night, I mean, people have other things to do, and the public is used to it.

Commissioner Casasanta: Especially if we only have to do it for a few months, hopefully.

Commissioner Anest: We might have some big hearings coming up too.

Commissioner Hall: Maybe about eight meetings. We could be there even if we don't want to be there.

Chairman Pruettt: That's the last comment I have too, we have to be very careful about what we say on, we have a petition coming up, we all know about it, we've got to be very careful about statements that we make that can be perceived as a legal issue or pre-judgmental issue, so please refrain from making comments about pending petitions coming in.

Commissioner Pane: Mr. Chairman, is there a petition coming in?

Chairman Pruet: From what was brought about from the Town Council, that they are coming.....

Commissioner Pane: No, but nothing has been presented to our Town Planner yet?

Ed Meehan: No, no petition yet.

Chairman Pruet: But we know it's coming. And I think the public knows it is coming.

Commissioner Pane: Well, some day maybe it will come.

XIII. **ADJOURNMENT**

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Hall. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary