

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

April 13, 2016

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

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

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

Commissioners Absent

Commissioner John Bottalico - A  
Commissioner Michael Camillo - A  
Commissioner Brian Andrzejewski

Alternate Commission Giangrave was seated for Commissioner Andrzejewski.

Staff Present

Craig Minor Town Planner

**III. APPROVAL OF AGENDA**

The agenda was approved by consent.

**IV. ZONING ENFORCEMENT OFFICER REPORT**

ZEO Mike D'Amato presented his monthly report, and asked if there were any questions or items that the Commissioners wanted to bring to his attention.

Commissioner Pane: Did you get a chance to contact The Sloppy Waffle about their billboard trucks?

Mike D'Amato: We sent them letters informing them of the violation. The last time I checked, the trucks were not there.

Commissioner Pane: And it looks like they have expanded their floor area inside the building.

Chairman Aieta: They definitely did. That will require more parking spaces.

Commissioner Pane: And TGI Friday looks like it has a billboard truck too.

Commissioner Serra: The package store on the Berlin Turnpike where we approved a hot dog cart last year has a car for sale in the parking lot. Is that allowed?

Chairman Aieta: There are flags at Reno Plaza.

Mike D'Amato: I will look into all of that. Speaking of temporary sign violations: a few months ago I suggested we amend the temp sign regulations in the Town Center to allow A-frame type signs on the sidewalk, during business hours only. All of the buildings in this area are built right up to the property line so there is no "front yard" for signage like there is elsewhere in town. To prevent undue clutter each building would be allowed only one sign, so the tenants would have to work out who gets to put out their sign that week.

Commissioner Sobieski: Main Street is a State road, so what would happen if they had sandwich boards there?

Mike D'Amato: I think the sidewalk is owned and maintained by the Town, so if they were on the sidewalk, that probably would be okay,

Chairman Aieta: We will take this under advisement when we start looking at the whole sign regulation, probably within a month.

Mike D'Amato: Great, thank you.

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

Carol Anest, 30 Harding Avenue: I'm a member of the Town Council. Just a couple of things. I know that the Town Planner sent you an update on the Transit Corridor Development Assistance Authority. I received a phone call from Representative Tony Guerrero this morning letting me know that there was an amendment passed through the committee that exempts Newington and West Hartford, so we don't have to partake if we don't want to. I haven't seen the actual amendment, it hasn't been published yet, but there is an amendment out there. The other thing, I know it's on the agenda, the chickens issue goes back to 1978. I came across this old Town Crier article that says, "Case of the Newington Chickens Goes to Court". So, this is not a new thing that is coming before TPZ, or ZBA.

Chairman Aieta: Anyone else from the public wish to come forward?

John Bachand, 56 Maple Hill Avenue: I'm not sure where Council Anest is on the chicken thing, I know that I have been supporting it, and I know I get into trouble when I talk about chickens or goats, and that is fine. I sent something to you Mr. Chairman, I don't know if you had a chance to look at it, in regards to the what Berlin is doing, not only chickens, but...

Commissioner Serra: Point of Order: this is on the agenda, so we shouldn't be discussing it.

Chairman Aieta: It is on the agenda but it's not a public hearing, so I think we can let him address it.

John Bachand: Berlin and Wethersfield actually have very similar guidelines. They have a simple table, you can have one goat or one lamb. I'm encouraged that you are at least willing to consider backyard chickens. I don't think everyone is going to run out and get chickens, I'm sure not everyone is going to run out and get goats and sheep, and whatever else would be allowed, so I hope that you look at what I sent you. Like I said, it's two towns that are our closest geographical neighbors. It's not like Wethersfield is more (inaudible) than we are, so I hope you consider it. On the rear lot situation I hope you keep it open for another meeting at least, because there is a lot of information in there, and I'd like to look it over again a little closer. I think that I touched on this last week. If the

driveway does not drain into the street, and we're requiring a driveway base to support a fire truck, could we go with non-pavement, as long as it's not draining into the road? My friend lives up in Vermont, and there are very few building codes, I mean, you can build your house out of hay bales, but they do have strict codes for septic and driveways - the last twenty feet has to be level with the road so that you are not eroding the road. Let's not make it prohibitive, 200 foot or longer driveway, and it's compatible with low impact development, You are talking twenty feet wide; I think that could go down to fifteen, but you probably had your reasons for that. Thank you.

Rose Lyons, 46 Elton Drive: I'm glad to hear that you are planning to have a hearing on the sign regulations. I know in the center of town that would probably like to have those sandwich board signs, but I also remember that the reason that those sidewalks were made wider was to be more pedestrian friendly. I just think they are hazardous, but I'll give my opinion on that at another time, and as far as the center of town, the island, in front of the businesses there, those signs would be kind of distracting. As far as the chickens, the backyard chickens, while I have empathy, I have no intention of putting any chickens in my backyard, and I would like to know if there is going to be a public hearing on this, because I think that people should have input. I know other towns have chickens in their backyards, but there's, I don't know if there are any working farms in Newington other than the Eddy Farm, so I'm just curious as to where you are going with this. Thank you.

Chairman Aieta: Anyone else from the public?

Suzanne Massa, 57 Vivian Street: In regards to the chickens, I wanted to say that it was in the Hartford Courant on April 5<sup>th</sup> in regards to how they are changing their laws to allow backyard chickens. It is printed here. I did go to Berlin and got a 29 page report on it, and I will give it to you guys in regards to how they are changing, and what they are doing, because I know that we had talked about, if we were to change it, what would it look like? I know that John had given you the Wethersfield paperwork, last meeting, and this is the 29 pages and this is the article in support of it, I would like to leave that with you, as well as a neighbor's support letter in regards to that. I will leave that here. I would like to know, I, within five days, I do have that letter stating that I have 30 days to remove the chickens and I wanted to know how we would handle it, and if there was going to be a vote on the issue, and what I needed to do in the meantime, so if we could discuss that some more, or how that is handled, I would appreciate that.

Chairman Aieta: Would you please give that information to the town planner?  
We'll address your concerns under Commissioner Remarks.

Joanne Massa: Thank you.

Chairman Aieta: Anyone else from the public?

## **VI. REMARKS BY COMMISSIONERS**

Commissioner Sobieski: I was a little upset to see that Newington had agreed to participate in the TIGER grant. It was my understanding at the last meeting that we were not interested in that. I contacted the Connecticut Department of Transportation who has control over Willard Avenue, New Britain Avenue, and I asked if the roadway (inaudible.). I gave each Commissioner from, starting with where this is going to go, the roadway width that is there presently. There is a Connecticut State law that says, you have to keep three feet away from a bike lane, or from a bicyclist. None of the roads that CRCOG wishes to put these bike lanes on meets that criteria without taking personal property. Now we have already gone through this with Cedar Street at Maple Hill Avenue. People do not want property taken. People do not want to have bike lanes forced down their throats, especially the way that this is going. I contacted the CRCOG representative, Jennifer Carrier, and I explained it to her, and I went down and I gave her the same letter that I gave this Commission. We have a situation here, where Hartford and New Britain put in bike ways, and we have a bike way that ends at

Newington Junction. We have no way of getting those people anywhere from that point without sending them down public roads. The issue is again, the roads are too narrow, and when they start taking property, but the bigger issue is that that three foot forgiveness area between where that bike is and the side mirror of your vehicle. Now that is a state law, and that was cast because bicycles wanted some protection. The road that she should take a look at is what they did in West Hartford on the Boulevard, and you will see that they turned a four lane road into two lanes, one in each direction, put a bike lane in, parking, and then has a sign up there, and I sent a picture to the Town Planner to send to each member of the Commission that that white line, from that white line to where you are as a vehicle, you have to be three feet away in the travel lane, so we are looking to take some sizable pieces of property here and there, and here again, this is something that the town doesn't want. I know there are a lot of people that want bicycles here and there but when this busway was put through, it was ill conceived, rushed through, no thought given to this, and then what happens is, we have a bike lane that starts here and ends somewhere over here, well, let's just push it through any old way. Either it goes along the existing bike lane, as far as I'm concerned, they can stop and put the bicycles on and give them a fifty cent ride from there to Flatbush Avenue. It's costing the general public, the State of Connecticut tax payers, 17.9 million dollars to run this thing, now I don't think that residents of this town, or any other town that is involved, should pay the price because of an ill conceived and ill gotten plan. That's my opinion, and I did follow through with a letter and I did not send this letter through until I checked with Chairman Aieta because I was very concerned about this. It's my understanding we did not want to push this TIGER grant. Thank you.

Chairman Aieta: Any other Commissioners on this particular subject?

Commissioner Serra: After reading the letter that Commissioner Sobieski put together and seeing the picture, and looking at some of this myself, I have to agree with Commissioner Sobieski one hundred percent on this issue. It's not a good fit for the town, it's you know, we just went through a whole big thing and we saw with the CTfastrak and taking property and all this other stuff, and now we're talking about possibly, and I'm not saying anybody is, so I don't want anybody jumping the gun here, but possibly taking property to put in a bike lane. This absolutely does not make sense, I'm on the road all day, I drive all day long, I've seen what they did in New Britain, I've seen what they did in West Hartford, and with respect to bicyclists, I mean, they need their space, I understand that, but this is also a safety concern for them. If it's not the right fit, it's putting them in danger also, so with that said, I have to agree with Commissioner Sobieski one hundred percent.

Commissioner Pane: I agree with my fellow Commissioners. I also, I read the minutes of our last meeting, and I couldn't find where we actually agreed where it was a good thing. I think unfortunately our Town Planner might have made a mistake and misinterpreted possibly that we were for it, because I couldn't see it in the minutes. So, I think maybe if this Commission is not in favor of that, then maybe a letter should be sent to CRCOG making a correction.

Chairman Aieta: Let me ask the Planner what his interpretation of that was, because I thought it was clear that after the discussion we had that the Commissioners did not want the bike lane.

Commissioner Strong: I agree also, especially where they want to come off Chapman Street with a bike route and West Hill, Chapman Street, Willard Avenue, I live in that area. It's bad enough driving out of there, getting out of Chapman Street onto West Hill, never mind having a bike lane.

Craig Minor: If you would take a two minute recess, so I can pull up the reply that I sent to Ms. Carrier with what I thought I heard from the Commission.

Chairman Aieta: While you are doing that, we will proceed with Remarks by Commissioners. Any other remarks by Commissioners?

Commissioner Sobieski: The population of the State of Connecticut is getting older, so as the older drivers try to bypass these bicycles that are on the road right now, they are crossing the double barrier line, which is illegal. The other issue too is that we have this issue with speeding, state wide. Not just in Newington. If you are having a bicyclist going down, you are having somebody flying down forty-five, fifty miles per hour next to them, plus, most of these roads that were picked out, whether it be Willard Avenue, in West Hartford, New Park Avenue, you have heavy trucking going on there, and let me tell you something, if a bicyclist thinks he is going to beat that heavy truck, he is absolutely wrong.

Commissioner Pane: Mr. Chairman, under Chickens, I think that we should proceed with that very slowly and possibly similar to the sign regulations, take it up separately so that we cover everything on that, and hold a separate public hearing on that. As far as the one resident that is in the middle of the violation on that, I think that she should talk to the Planner and Mike D'Amato, the Zoning Enforcement Officer and maybe have that put on hold until we take care of this, if that is possible.

Chairman Aieta: Mike, why don't you come up for a second, so we can, maybe we can iron this out. Can you suspend your action so that she can keep them, and then when we come to a conclusion, if we come to a conclusion that we are not going to allow the chickens, then she would have to remove them, but if we have some kind of ordinance, she would have to go along with the new regulations? I don't think it would be such a hardship for us to allow her to keep them another month or so, or even a couple of months, until we come to a conclusion. To make her remove the chickens and the coop and everything else now and then find out in a couple of months that we are going to allow, then she would have to bring it back, I think it would be a hardship on her, and I don't think that is what this Commission is trying to accomplish.

Mike D'Amato: Yes, they are your regs, so we can do that, it's not a problem.

Chairman Aieta: Okay, does anyone on the Commission have a problem with that?

Commissioner Serra: Not a problem with that because I think it's a great idea, but I just want to put a disclaimer out there because you know, somebody watching, it does not mean you can go out and get chickens until our decision is made, this is only for that one particular case, correct Mr. Chairman?

Chairman Aieta: That is exactly what we're discussing, and what the consensus of this Commission is. This should not be interpreted as approval from this Commission that we are going to have the chicken ordinance in the Town of Newington. There is a lot of information that this Commission has gotten over the last couple of weeks, with this particular issue that takes some time to sift through it. I mean, there are other towns with various regulations on chickens, and goats and horses and all kinds of barnyard animals, I mean, that is not what we were talking about, we were talking specifically about chickens. There are regulations in our regulations right now about farms, certain sizes and what is allowed in farming areas, and as someone said earlier, we don't have many farms left, in the town, probably only one, so if someone has five acres of land and they want to come in and talk about farming that five acres, then that would be a different situation. But to open up each individual lot, because of the zoning in the Town of Newington, some of the sizes of the lots we're wrestling with even the chicken ordinance, the encroachment on your neighbors with the chickens, so it's not a done deal yet, but we are going to do our due diligence, but we are not going to be pressed to make a decision on this within a couple of days just to alleviate a situation. This alleviates a situation with this particular owner, let us do our due diligence and let us come up with a good regulation, or we decide that we are not going to do it.

Craig Minor: Okay, I found the e-mail I sent. I'll read it for the benefit of anyone who can't see it. This is an e-mail that I sent to Jennifer Carrier, the Planner at CROG in charge of transportation.

"Jennifer:

Sorry for not getting back to by Friday morning, but I needed to check with the Acting Town Manager and with TPZ first. Yes, Newington still supports this grant application.

Some TPZ members still question the capacity to put bike lanes on any of the streets shown as alternatives without any takings, and some questioned the need to make CTfastrak stations more accessible to bikes. They do want to see better pedestrian access to CTfastrak. I was told to tell you to look into the data on bicycle-car conflicts when sharing the road."

So, from what I am hearing tonight, I will send a revised e-mail to Jen. This could all be moot, because I spoke to her earlier this week, and CROCG is not even sure that they are going to re-apply for the grant, and if they do, there is a good possibility that some towns will be deleted from it, such as Newington. I'll send a revised e-mail to Jen tomorrow, and I will also ask her if Newington is still on the list of items that they want the grant for. I'll take care of that tomorrow.

Chairman Aieta: Commissioner Sobieski, does this help you with your concerns?

Commissioner Sobieski: Yes it does, but this comes up year after year. I think this Commission, and past Commissions, have said we don't want it. If this TIGER grant has anything else to do with sidewalks, that's different, but this was presented to us as a bike lane, and that was my issue.

Craig Minor: Well, bikes are half of the issue, but it wouldn't be exclusively for bikes. It could also be sidewalks. It could be whatever the community decided was needed.

Commissioner Sobieski: They could use this for putting in new sidewalks or repairing old sidewalks.

Craig Minor: It would be to study the whole thing. In some places, in West Hartford for example, a bike lane might be more sensible, whereas in Newington, a sidewalk might make more sense. It hasn't been decided.

Commissioner Sobieski: I fully understand that, what I'm saying is that I don't want any more discussion to the neighbors. The neighbors have paid enough between this busway and the traffic that this town has, and I'm concerned about the quality of life, and that is what concerns me here. I don't want to see any more damage done to these residential areas. Thank you.

Chairman Aieta: Okay, any more Commissioner's Remarks on any other items that you may want to bring up?

Commissioner Serra: Chairman Aieta, if I could just go back to chickens for a moment...

Chairman Aieta: That is on the agenda, so do you want to hold it until then?

Commissioner Serra: Yes, that's fine.

## **VII. PUBLIC HEARING**

### **A. Petition 05-16: Zoning Map Amendment and Zoning Text Amendment (New Section 3.19.A: TOD Overlay District.) TPZ applicant/contact. Continued from March 23, 2016.**

Chairman Aieta: This is a public hearing presented by this Commission. The Town Planner will represent the Commission.

Craig Minor: The change since the previous meeting was to make some changes as requested by the Commission. References to bicycles have been deleted, and the requirement for a minimum of 35% transparent façade was reduced to 25%.

Chairman Aieta: Any Commissioner remarks on the changes that the Planner just read into the record?

Commissioner Pane: I think that it is looking pretty good right now. Thank you.

Chairman Aieta: We are pretty set on the designation of the borders of the area. Now, this overlay zone is only for the Fenn Road area. We are going to do a separate overlay zone for the Francis Avenue area. The situations are so drastically different. Any other Commissioner remarks? We will open it up to the public. Anyone wishing to speak in favor of this application, come forward and state your name.

John Bachand, 56 Maple Hill Avenue: I am generally in favor of it. A big part of the call for a moratorium was that people were concerned about higher density. Could you explain, does this address that at all? Thank you.

Chairman Aieta: Anyone else from the public?

Gary Bolles, 28 Burdon Lane, Newington: As I understand it this is our last chance to speak on what we would like to see around the CTfastrak on Fenn Road. I would like to see maybe 10% low density housing and 90% retail. I think that most of us agree that 90% retail will bring people to Newington and will up our tax base. It will bring people to Newington to shop, and hopefully these businesses will be successful, and will be able to pay their taxes, and everything should be okay. Thank you.

Chairman Aieta: Anyone else to speak in favor?

Neil Brian, 237 Brockett Street, Newington: For the record, I am a member of the Newington Democratic Town Committee but tonight I am speaking on behalf of myself. First I wish to commend the TPZ and the Town Planner, Craig Minor, for their efforts in developing the proposed regulations, designed to encourage transit oriented development, or TOD, adjacent to the Fenn Road bus station. I know a large segment of the town's residents were and probably still are opposed to the busway, or CTfastrak, but it is here, it's a reality, and it's not going away. The sky has not fallen, the sun is still rising in the east, and Newington has not ceased to exist. As most people seem to think, real TOD is not high density housing; real TOD is a combination of office space, retail space, and industrial development. If pursued and developed properly TOD can add to your tax base, it will increase development that will allow people to shop, dine, etc., all activities that will increase the town's economy. There is an opportunity to do something positive here. I hope this Commission takes the proposed regulations and responsibility to heart, and works to make TOD a success. Thanks for your time.

Chairman Aieta: Anyone else in favor of this petition? Is there anyone in opposition to this application? Anyone in opposition?

Rod Mortensen, 53 Meadowview Court: I apologize because I did not come to previous hearings, but I was unable to for a variety of reasons. I think this is one segment of one of the most important things that is going to determine Newington's future, now and forever. I was not in favor of the busway for a whole bunch of reasons. I thought a lot of the facts were bogus. We still don't know how much it costs to run, how many people are riding; people say we have a million people riding the bus, well, yeah, if you get on in New Britain and ride through the stations, that's one ride for each one. It's also counting the people who already rode the bus. But the busway is here, so my concern as a

former Mayor, town resident, hopefully my kids, grandkids, what is Newington going to look like 25 years from now? Instead of going backwards, we should be going forward, and how are we going backwards? We are going to reduce the amount of green space, reduce the amount of parking. The fallacy of TOD is the latest buzzword in the last few years, and the fallacy of all of it, isn't what we were led to believe, and I sat from way back on the Council and going forward, building the busway was going to alleviate traffic on I-84. It's now changing to, well, if we take 200 cars off of I-84, it will increase the traffic on 84 by ten percent. This is from Mr. Saunders, who is head of the project. We know that is not true, and those figures are absolutely false, and the idea that you are going to work, play, grow old, eat along the busway is also false. You live along the busway, you don't need a car. Totally false. How many people who live in apartments in this city still have a car? The vast majority. The busway won't take you to your mother's house, it won't take you to Lowe's, it's not going to take you to McDonald's, it may not take you to everywhere you need to go, it's not going to take you on vacation, it's not going to take you to the beach, so therefore, what do you need? You need a car. We were also sold a bill of goods when they built it and they said, sixteen thousand people are going to ride, well, where is the parking for all of these? Well, people aren't going to come and park here, they are going to be kiss and drop offs. Quote from Mr. Saunders. Now, I'm not a traffic engineer, but I know that when somebody comes and brings somebody in the morning to get on the bus, goes home, comes back again in the afternoon to pick them up, you have created four more trips. Another bogus. So, this idea of what I see happening now and I know it's going to continue to happen is that the State of Connecticut to make this work, CRCOG and the State and going to pour millions of dollars into, in all different ways to make it successful. I said from the beginning that Newington is the only town on the busway that is going to be affected adversely. Newington, since its inception has been a suburban town, a quiet suburban town, with the City of Hartford and the City of New Britain on the ends, and it has stayed that way. If the busway creates this higher density, more people coming to our area, to Newington, do we need more people on Cedar Street, on Fenn Road, on the Berlin Turnpike? To get to these things along the busway, to get to the busway, and even what you discussed before, about the bikeways, people need cars and transportation to do it. I'm a mass transit advocate in the right place at the right time and for the right bang for the buck, so by lowering standards, so did we have an R-20 zone in Newington, thirty, forty, fifty years ago, no, we had all small lots, and we have expanded it. We have expanded open space, we just went through acquiring Eddy Farm, Cedar Mountain and on Church St. We don't want to make things more dense, we want to spread it out. Someone said, well, now the busway is here, we have to live with it. Let me just tell me that, if you asked somebody back when millions of dollars were spent by the State of Connecticut, were spent on the people mover at Bradley, would they have even said, oh no, you are going to throw all the money away, go to the trolley museum and see, laying in the weeds, all of the monorail system. If anybody ever said that the State of Connecticut is going to spend millions of dollars on I-291, rip up the landscape, take people's homes, take businesses, and not build it, and guess what, there is no I-291. When you talk about that 17.5 million, it's tip of the ice burg of running this busway. Let me pose a question to you to think about. What if, what if the busway fails? What would Newington be stuck with? What if the State of Connecticut could not afford to subsidize what is going to come down with the busway. What is Newington stuck with? Is West Hartford hurt? No. Is Hartford, no. New Britain, no. Newington, and again, to get to the stations, to get anywhere, you have to travel down all these feeder roads that come into it, and the people who live here, the poor people who live on Cedar Street already before the busway was even brought in, just suffer massively. So, I don't think it's a good idea, just to summarize it, to reduce the parking entity, landscaping, for what, to get a few more tax dollars on something that is a little more congested? We're not going to see it, probably will be our kids and grandchildren, but hopefully Newington looks basically, acts basically, has a population basically that it has now, hopefully thirty, forty, fifty years from now. We have a very short sightedness in government, so look here, how can we get some more tax dollars and we are sucking wind. We're going to suck more and more. Instead of looking down here and saying, let me talk to my dad, and what did Newington look like back in the forties, what does it look like in the 2000, what is it going to look like in 2050, and it's your responsibility because you are going to make the regulations for it, and I'm not trying to be a Debbie Downer. It's here, I'm just saying, don't let it adversely affect us any more. Thank you.

Chairman Aieta: I don't want to get into a debate or a back and forth, but you are preaching to the choir when you are talking about the busway to this Commission, because nobody sitting here was in favor or is in favor of it. Unfortunately, the realities are that it is here, and there are properties around it that are vacant, particularly Fenn Road, that are zoned PD, Industrial, Commercial, Residential, and what we have done is put an overlay zone onto it to encourage the right kind of development. You will notice that these are all by special permit, so everything will have to come before this Commission for a special permit, and if it's not the right type of development, this Commission will not approve it. So we have a handle on what is going on in this area. We are trying to encourage economic development in these areas. That whole area is underdeveloped. There's vacant land there right now and this is a vehicle to go forward with this area. We've looked at it very carefully, and as I said, we have the controls. We are giving the developers and the land owners the opportunity to come to this Commission with their ideas and what their vision is for that area, and we will have the final say as to what goes on a piece of property.

Rose Lyons, 46 Elton Drive, Newington: I was interested in former Mayor Mortensen coming out and speaking tonight, and I appreciate your answer, Chairman Aieta. Mayor Mortensen knows first hand what can happen with grand ideas that flop. Thank you.

Chairman Aieta: Anyone else opposed to this amendment to provide a TOD overlay zone?

Suzanne Massa, 57 Vivian Street: I have to tell you, I kind of enjoy being part of the town, and being part of this. This I oppose greatly. I am on Fenn and Willard every day because I have in-laws that are unhealthy, and I travel all of the time, and there are times you could not pay me to travel down those streets because I am in that traffic every day. I have been hit coming out of Mobil in that area, I've seen ten accidents in that same spot happen in that area. I grew up in Suffield, and when my husband said he wanted to move here, twenty years ago I said, are you out of your mind, that's the Berlin Turnpike, you have to be crazy, and I have to tell you, we have made it our home, I've enjoyed it greatly and I live on Vivian Street, and it's been fabulous, so the open space, I love to see it. I would love to see things happen and not change so much, and reduce the traffic that we have, and to be the town that we are. So I oppose it greatly as well.

Chairman Aieta: Just so we understand, what are you opposing?

Suzanne Massa: You are talking about creating more buildings in that space.

Chairman Aieta: It's going to come anyway because the parcels are vacant. The people who own these parcels are going to build on them. What this regulation will do is put restrictive requirements on that development, so that they have to come to this Commission to get a special permit to do it. Those properties are going to be built on, so this gives the Commission and this community the opportunity to have hearings as to what should and shouldn't go there. This is actually more regulation on the people who own the property than what is there currently. Tomorrow morning, they could go and build. You talk about open space - you don't think that the Town of Newington...

Suzanne Massa: I appreciate that this is going to be something that we are going to be able to participate in. So, if it is going to be under those regulations, I would like to see that. That we do it responsibly. Thank you.

Chairman Aieta: Anyone else in opposition to this application? Seeing none, we have Commissioner Remarks.

Commissioner Sobieski: After listening to the general public here, I'd like to make sure that this overlay zone we're going to put in here, we're not going to take individual lots or individual applications like we do right now and say, okay this is all right, and another one comes in and, this business is okay because it fits the number of parking areas. I would like to see, in this particular

overlay zone, all of the businesses, whether they apply for parking, drainage, and everything else fits, so we take this in as a whole piece of the pie, i.e. the Bonefish/Firestone issue, when the restaurant went in it was okay, and all of a sudden we find out that have local staff working, there isn't enough parking, they go on the other side now, I don't want to see that happening here. I don't want to curtail development, but what I would like to see done, after Starbucks goes in, I would like to see what the traffic volumes are. We want to make it so it is workable, we don't want to create a traffic debacle up there that is going to be impossible to move.

Chairman Aieta: I think what you are asking for is a master plan. The problem with that concept is that there are several different landowners and different property owners, so to get a master plan across property lines is almost impossible. We have to take them individually as they come in. We could take your advice and look at what the traffic generation will be, but at what point do we say we have too much traffic and the last four pieces can't be developed?

Commissioner Sobieski: That's not what I was alluding to. What I am alluding to is the fact that we have a restaurant going in there at the present time, Starbucks. We know that there are three other parcels that Mr. Hayes has that he wants to develop. So we know that we are going to have a lot of traffic. We've already got 34,500 cars per day on Cedar Street. That road is pretty much at capacity, this is what we have to look at, and that is all I'm concerned with. I can understand where these people are coming from and I'm concerned with the traffic lines up there. I don't want to say you can't develop, but we have to be very particular about how we are going to work the traffic patterns there.

Chairman Aieta: That is covered under this language because each parcel is a special permit. The requirements for them to meet are at a higher standard than they are anywhere.

Commissioner Pane: I agree with you, Mr. Chairman. Because each one has to come under special exception we have a greater chance to look at it, and scrutinize the plan. Also, on page 1, under B, "such development shall be in accordance with the 2020 Plan of Conservation and Development's general goal of locating developments in places and at densities which support the desired overall character of Newington, including smaller mixed land use uses adjacent to the transit station. Page 24 of the 2020 Plan of Conservation and Development". So if you go to the Plan of Development it says "locate development in places and densities such support the desired overall character, smaller mixed land uses", so I think we have taken into account the 2020 Plan; we've taken into account that people in Newington want the quality of life to remain somewhat the same, small town character. I think that we are achieving that along with having these properties as special exceptions where they have to come in and get a Special Exception. Thank you.

Chairman Aieta: Unfortunately Mr. Mortensen left, because I think that he missed the point. We're not talking about whether we want the busway or not. The busway is here. We're talking about the development of land that already exists. If we don't put this regulation in these parcels are going to be developed under the current zone that they are now, which is a PD zone, which covers a multitude of different development. What we are doing with this regulation is putting more restrictions on the property owner because every one of those parcels, from this point forward, would have to come to this Commission for a special permit. In the past, they wouldn't even have to come, they could just go and pull a building permit. So all of these residents of the Town of Newington will have a shot at every one of these parcels, and have their input at a public hearing because under the Special Permit regulations, they would have to come in for a special permit, so this is actually more regulation on those property owners. What we feel is that we are going to get a better product in the overlay zone because they have to come to this Commission, and we get to look at the overall broader picture.

Rod Mortensen: I'll ask a question quickly. I was speaking to that part of the TOD overlay regulation that would reduce the amount of parking required, reduce the setback, reduce the green space. Is that correct?

Chairman Aieta: I'll let the Planner explain why we included these incentives into the regulations.

Craig Minor: That is correct, what you just said. But, those would only be granted as incentives to encourage the kind of development that the Commission wants to see. What this rule would do is, for example, is enable the Commission to waive some of the landscaping requirements and allow the building to be slightly bigger. It's not as if the landscaping would have been open space; it would be a flower bed or some trees, in return for taxable building area. As for the setbacks, it makes sense for these buildings to be closer to the street, and closer to the side in this type of area; that is why reduced setbacks are being offered as an incentive.

Rod Mortensen: Thank you for explaining that, but I do not agree with those conditions. I think the idea of giving someone the incentive to do that, I just don't believe in it, and it goes against what Newington has tried to do over the years. The intent of this because someone is looking for tax dollars to develop along the busway, so I don't, just like the busway, I cannot agree. Thank you for trying to explain.

Chairman Aieta: Any other Commissioner remarks?

Commissioner Pane: How much time do we have? Do we have to close it or can we keep it open?

Craig Minor: It's your application, so you can keep it open as long as you want.

Chairman Aieta: Do you have any particular reason to keep it open? Is there more information that we have to gather before we close it?

Commissioner Pane: No, Mr. Chairman.

Chairman Aieta: Then I suggest we close the hearing and move this forward for action.

Commissioner Pane moved to close Petition 05-16, Zoning Map Amendment and Zoning Text Amendment 3.19.A (TOD Overlay District), TPZ applicant/contact and move it to Old Business for the next meeting.

Chairman Aieta: Does everyone understand the motion? Any Commissioner remarks, questions?

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

Craig Minor: This will be on the next agenda for debate and action. I'm going to take what Commissioner Sobieski said in mind, and I might suggest that we require a more robust traffic study with these applications. I intentionally initially kept that requirement light, but hearing Commissioner Sobieski, I may turn it up a little bit and present it to you next week.

## **VIII. APPROVAL OF MINUTES**

### **A. Regular Meeting on March 9, 2016**

Commissioner Sobieski moved to approve the minutes of the regular meeting of March 9, 2016. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with six voting YEA.

B. Regular Meeting on March 23, 2016

Commissioner Sobieski moved to approve the minutes of the regular meeting of March 23, 2016. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

**IX. NEW BUSINESS**

**A. Petition 13-16: Site Plan Modification at 3575A Berlin Turnpike (Starbucks); Brown Development, owner, SD Properties, applicant, James Brown 59 Cove Road, Lyme, CT contact.**

Chairman Aieta: Mr. Brown, would you explain what you are trying to do.

James Brown, 59 Cove Road, Lyme, CT: Good evening. The problem we have with Starbucks is that they are doing a good business with two lanes designed to handle the drive-through. They aren't long enough, so basically what you've got.....

Chairman Aieta: Why don't you come up and show us on this, so the public will have an opportunity to see it?

James Brown: What is happening right now is that you have people coming in from this direction, this direction, and this direction. They are actually starting to back out into here, and they are blocking the drives here, so we came up with, we will have a dedicated line for their drive through, and then we will have a by-pass lane. So you won't be able to come in this way. It will alleviate this mess that we have here now. This really only happens between the hours of seven and nine o'clock when most people are coming to get their coffee. I talked to Chris Schroeder, he's come out and looked at the site, and he has no problems with it whatsoever. All of the tenants have been notified by our attorney and it just seems like a more workable way. We'll add about five cars to the queue line which should alleviate the problem.

Chairman Aieta: Could I ask who developed this plan?

James Brown: My site engineer.

Chairman Aieta: Site engineer - you had professionals come up with the solution to the problem?

James Brown: Right. I'm not a site engineer.

Chairman Aieta: I was just curious about how you approached the problem.

James Brown: That was it, and it's one of the busier Starbucks, and this seemed like a way to relieve the problem.

Chairman Aieta: So basically the only change is to that little island and then some striping.

James Brown: We are not going to lose any parking, we are not going to lose any green space. We're going to add this concrete island, we'll add signage to help people get around it, and that's really it, it's a fairly small change. It seems to be very workable. Does anyone have any questions for me?

Chairman Aieta: Commissioners, have any questions for the applicant? This is a site plan for site modification, not a public hearing.

Commissioner Pane: Just for the record, I went down there and watched the area early in the morning and I did note that there is quite a bit of a problem there, so I have been there and it does look like this would take care of the problem. I noted it on a couple of different occasions, and it can get pretty nasty there with people backing up, and I think that this is definitely going to resolve the problems there, and it will make the whole area a lot safer for the vehicles.

Commissioner Giangrave: I agree with Domenic. I frequent that location often, and it is an issue as it is right now, and I agree with that change, because the probability of an accident could happen almost daily.

Chairman Aieta: What is the pleasure of the Commission? It's a simple site plan modification. I don't want to hold this up, if there are no problems with it, lets move it forward so he can get started on this.

Commissioner Pane: I move that we move Petition 13-16 to Old Business, to be voted on tonight.

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

Chairman Aieta: Okay, so we will move this off the table and move it to Old Business for tonight.

#### **B. Alumni Road Traffic Signal Committee**

Chairman Aieta: We have two Commissioners that are on this subcommittee, Commissioner Sobieski and Commissioner Pane. Do you want to make a report to the Commission up to this point?

Commissioner Pane: Certainly Mr. Chairman. We have a list of more than just a few people probably about a dozen people. We're going to be inviting them soon to an informal meeting, that would be our next step, and the only thing that we have to do now is check with the Town Engineer to make sure he has all the proper mapping ready for us, and then we are going to be setting that meeting up. If everything goes good with that meeting then I anticipate that we will be bringing the proposal to this board for you to look at it very soon.

Chairman Aieta: Mr. Sobieski, anything to add?

Commissioner Sobieski: No, Commissioner Pane is making the arrangements with people and I would like to get this on the fast track as soon as possible. Every day we are on borrowed time so to speak, before someone gets seriously hurt out there.

Chairman Aieta: Then we would probably be looking at putting this on probably in May.

#### **C. Food Truck Approval Process**

Chairman Aieta: I'll turn this over to Commissioner Serra so we can go over the process that we are following from the information that we got from the Town of Berlin.

Commissioner Serra: We have been trying to come up with a new application process for the food trucks and vendors. I did bring in an application that the Town of Berlin uses and we passed around, everybody seemed to like it. I know the Planner has gone to the Police Department a couple of times I believe, and come back with a modified version of the Berlin application, I'm sorry, the Newington application process. After looking at both of them, I again have to say, I'm in favor of leaving the Berlin application as is. We need to make site modifications to that one, that's fine. This permit will serve multiple purposes, not only for vendors, but we can use this for a lot of other things. What I like about this permit is that it also gives you, if somebody has a food truck or some type of mobile business it allows access for the employees. It gives us an idea of who is working in our town, there's

people this time of year out there going door to door selling windows, selling siding, they are supposed to be getting permits, and this would be perfect for them also. So I think, I would like to see the Berlin application used as a whole rather than to keep trying to modify our application, and basically trying to put a square peg into a round hole. I think it will work much better, I think their application just works well.

Commissioner Sobieski: I am also in favor of the Berlin permit, I like it better, gives a little more detail. What I'm really concerned and Commissioner Serra touched on it, somebody can get a permit, selling windows, whatever, and he's got people working for him, our process that we have doesn't account for that. Berlin does, and I kind of like that. I want to make sure our residents are protected as much as possible.

Chairman Aieta: I think that our, the one that we submitted to the Police Department, or at least the one that they are using in the Town of Newington is an application for a vendor's license. I think it's more geared toward a food truck, that's what it is geared to. The Berlin one is specifically for solicitation and covers more than just the vendors, the hot dog vendors.

Commissioner Sobieski: I'm concerned because we have a variation of people going out, I mean, people going around passing out flyers for lawn service, knock on your door, do you want windows, you know, I don't know if they have a license or not. They should be having a license. So maybe what we need to do is just add the vendor part of it to the Berlin part. I want it in depth as much as possible. I'm that contractor and I'm hiring five people to go out and sell windows that day, I want to make sure, we need to give the residents protection, that's what I'm concerned with.

Commissioner Serra: On the Berlin permit, there are approvals on there that you need from the Health Inspector, the Zoning Enforcement Officer, the Chief of Police or Designee, and we would put the TPZ on there, so you also have a cross check now between agencies. The way it is now, the Police Department gives the permit, and they are free to go to whatever. We have specific areas that food vendors can go to, we can add that to this so we know where they are, so this, I think that this, and when I say this, I'm referring to the Berlin application, gives us a better check and balance also between departments, between agencies, however you want to refer to it. I just think it's a better overall process for the Town. We know who is in town, we know what they are doing, we know where they are doing it, and they have the vehicle information on it, permanent address, temporary address, and it even asks, have you ever been convicted of any crime. This really covers the Town and the residents I think in a better manor than the one that we have that we are trying to modify.

Chairman Aieta: It's obvious that the one from Berlin is more comprehensive than the one that we have from Newington.

Commissioner Pane: Is it possible that the Police Department has a separate one for solicitors and this is just for the vendors? I mean, that's possible.

Craig Minor: I'll find out.

Chairman Aieta: I think what Commissioner Serra is suggesting is that we follow this application process that Berlin uses and we just use that type of a format, because everything is on there. Then you cover multiple forms and we're back to just one form, and we cover the food vendors and solicitors. We cover everything.

Commissioner Serra: It's going to save you work, it's going to save you on, who is keeping this form, who is keeping that form, and everything is in one place on one form. I think the only change I would make on the Berlin form is to add a place for TPZ approval.

Chairman Aieta: How would that work Mr. Planner?

Craig Minor: This is the form that the Police Department uses to do what the Police Department does. We don't have any role in vendor's permits because we don't allow vendors. I'm unclear as to what role you want to play in the development of this form, when you don't have any role in vendors, other than to deny them if they are a hot dog cart.

Commissioner Serra: Well, we just went through this with the Taco Tequila truck. I hate to keep bring that up, but ...

Craig Minor: We fixed that by having Chief Clark add the Zoning Enforcement Officer sign off on the bottom so he could check deny to the next taco truck that tries to come in.

Commissioner Serra; But this one, when they come in, because one of the things that we were going to add was the location of where they were going to be, so now we know ahead of time, so before they get to that process...

Craig Minor: When you say we, you mean, which of the seven locations, because that is the only place...

Commissioner Serra: But the Police Department, or whoever is going to issue this permit will be able to tell them, this is where you are allowed to go, where you are going to go, we have it on the form, we know where they are. We know if they have other people working for them.

Craig Minor: Well, okay, again you say we, but it's really the Police Department, it's not...

Commissioner Serra: When I say we, I mean, we as a town.

Craig Minor: Then what the Commission wants to do is to suggest to the Chief that he enhance his form. You could do that. What I'm saying, is that I don't see any role for Planning and Zoning in that, other than to act as the objective of giving him your thoughts on how to improve his form.

Commissioner Miner: I believe the question that we had with the Taco Truck was the location request was not on the form at the time, nor was there a ZEO approval on there at the time. I think adding those two basically achieves the same goal, by the location and whether or not the Zoning Officer approved it by its location.

Commissioner Serra: I'm looking at the form that we are currently using. One of the questions on the form is, ex-servicemen, yes or no. I don't understand why that is on there.

Craig Minor: Okay, there are two issues here. There is the issue of more information, which is a great idea, I would say that's the Chief's call, whether he wants more information or not. The other issue is the Zoning involvement and we have the zoning involvement, we have the ZEO signoff on the bottom.

Commissioner Serra: Let me ask this question, has Chief Clark or his designee seen the Berlin form?

Craig Minor: I don't know.

Commissioner Serra: Can we ask him to take a look at that form and maybe he can, at some point it's going to come down to what he wants, so maybe what we want to do, we can kick this ball around all day long and not get anywhere, what we need to do is have him take a look at the Berlin form, have him take a look at our current form, and see if he can, if he wants to use one or the other. Maybe incorporate the two of them and come up with something else that works better, or just go with

the Berlin form. It has to come down to his decision, so why don't we let him see this form and see what he thinks.

Chairman Aieta: I think you are right. Why don't you take the Berlin form, and the form that we are using and bring them to the attention of the Chief and ask him, say that the Zoning Board as a whole would like you to consider the Berlin form, and what is your opinion on it, would you consider using it, and then we will proceed from there. We will keep this item on the Agenda under New Business so we don't lose track of it, everybody okay with that?

#### **D. Interior Lot Zoning Regulations**

Chairman Aieta: I'll turn this over to the Town Planner. He has a memo on it. Why don't you just go over this quickly and then we will see where we are going with this.

Craig Minor: I presented a draft at the last meeting, the Commission reviewed it, and based on your comments I made some changes. The first thing I did was take out the Cromwell regulations that were in there just FYI. I changed the maximum driveway length from 2,000 feet down to 500 feet. The driveway pavement width is still ten feet wide as originally presented, but the driveway base is widened to 20 feet per the discussion that we had last time. Then I clarified that an interior lot must be at least one and a half times the minimum lot size for that zone.

Chairman Aieta: I think the original 2008 regulation was one and a half times.

Craig Minor: Okay, that brings us back to what we had before.

Commissioner Sobieski: Mr. Planner, when you say the base, the size of the driveway, what you are referring to?

Craig Minor: The gravel, if you will. The hard surface that could support the weight of an emergency vehicle.

Commissioner Sobieski: That would be bituminous.

Craig Minor: No, that's the point. The bituminous portion would be at least ten feet wide, but there would be an additional five feet of crushed gravel on each side, resulting in a base that would be substantial enough to support the outriggers, or the wheels of a wide...

Commissioner Sobieski: So you are saying, beyond the normal driveway area, you have five feet on either side that will support the outriggers of the truck.

Craig Minor: Or at least the wheels.

Chairman Aieta: It would make it prohibitive for people if they had a seven hundred foot long driveway, if had to be paved.

Commissioner Sobieski: No, because base, I'm thinking of the driveway itself, I wasn't thinking...

Craig Minor: Exactly, extended another five feet on each side.

Commissioner Sobieski: Could you use pavers, or put grass or whatever you wanted on top of it?

Craig Miner: You could.

Commissioner Sobieski: But it would have to be strong enough to support the outriggers of the apparatus?

Craig Minor: Right.

Chairman Aieta: Any other Commissioner remarks?

Commissioner Miner: The vertical clearance was something that was brought up in the state and federal code regs, which was number one, and number two, was the driveway grade going from the road to the egress of the property.

Chairman Aieta: Why don't you explain that?

Commissioner Miner: Overhead vertical clearance: if the driveway is going through any type of a walkway, have trees overhead, anything, there needs to be a maintained clearance.

Craig Minor: Wires?

Commissioner Miner: Anything. The other item was the approach angle.

Chairman Aieta: In our zoning regulations, the maximum grade is ten percent. So I think that would cover it.

Commissioner Miner: The code says a maximum of five percent.

Craig Minor: So the grade cannot be steeper than five percent for the first so many feet?

Commissioner Miner: "The angle of approach for a fire department access road shall not exceed one foot drop per twenty feet. The design limitations of the fire department shall be subject to the approval of the"...

Craig Minor: "The approach" - does that mean the street?

Commissioner Miner: Generally, yes.

Craig Minor: But the streets are what they are. If someone on Maple Ave applies for a rear lot permit, and Maple is more than five percent, does that mean that lot would not comply with the federal fire regulations?

Commissioner Miner: Yes, by grade. Again, these are regs that are relatively new.

Craig Minor: Take a look at the draft regulation Paragraph I, second sentence: "Access arrangements shall meet all of the requirements of Connecticut Prevention Code NFP-1 Chapter 18, Sections 18-1..." So that is already in there.

Chairman Aieta: That is kind of ambiguous; we don't know if they are talking about the roadway or the driveway. If you look at grades or driveways in the Town of Newington, I can think of several that are more than five percent. Five percent is not very much of a grade. I think my driveway, getting from, it's a raised ranch so that the garage is under the house, so I think my driveway is probably more than, probably is ten percent.

Commissioner Miner: I think I covers it, where the Fire Marshal is going to review all of that. I do like something added, where all of the vertical clearance has to have at least 13'6. I think that is very good.

Commissioner Serra: Just a thought/comment, maybe something to think about, as far as the vertical grade, if we have power lines running overhead and we have a storm, whatever, if those lines come down, now you have to wait, if they are live, we have a problem getting apparatus in there. How much of a problem would we cause if we said an interior lot has to have underground wires. Now we eliminate the vertical problem, we eliminate that whole issue.

Chairman Aieta: I think that is a self-satisfying requirement because rear lots would have to be a re-subdivision of, if someone came in, the re-subdivision regulations require underground wiring.

Craig Minor: Yes, but I think Commissioner Serra's point is well taken. If we require the developer of the rear lot to bury the wires in the street to the left and right, now we are back to his neighbor to the left and right, and he obviously can't.....

Chairman Aieta: Well, he is talking about the wires that would run from the street to the house, aren't you? We're not talking about rerouting wires in the street.

Commissioner Miner: I think Mr. Chairman that I covers all of that regardless, because the reference is going back to the same code.

Craig Minor: All right, so we don't really need to make any changes because everything we have talked about is already in 18.1 or 18.2.

Chairman Aieta: Thanks for bringing that up, we over write some of this stuff to the point where it makes it hard to read the regulation, and harder to interpret it.

Craig Minor: Well, I was thinking the vertical clearance issue, if the rule is that there has to be at least 13 feet of clearance, I'm thinking of a wire, and the fellow who owns the property looks up and sees that it is only twelve feet, then he knows he has a problem right there. So maybe it wouldn't be a bad idea to give the would-be applicant a heads up.

Commissioner Pane: It's not just wires, it's trees, or anything. So if you want to put that in there.....

Craig Minor: I think it might be, I think I can squeeze it in there.

Commissioner Sobieski: Can I make a suggestion that it be fourteen feet even instead of 13'6"?

Chairman Aieta: If you want to make it consistent with NFPA-1, then you would be changing....one thing would say one and the other.....

Craig Minor: Maybe I will just say something to the effect of, the vertical clearance as required and, at least that would give the person a heads up, and to think maybe I should know what the vertical clearance thing is all about. I'll work on it.

Chairman Aieta: Are you going to make any changes?

Craig Minor: Well, yes, but I was going to suggest, if it is ready enough to set the table on it, at the next available meeting which isn't going to be until the second meeting in May.

Chairman Aieta: Okay, why don't you do that? If that is the pleasure of the Commission so that we can move this off the table? Okay, go ahead.

### **E. Backyard Chickens Zoning Regulations**

Chairman Aieta: We have covered some of this already, but I'll open this up for discussion from the Commissioners. I think we should at least start a discussion tonight, and then have an opportunity to read some of the information that was passed out tonight, particularly what Bob Serra has brought to us, plus the information that a member of the public brought forward from Wethersfield and the Berlin regulations for our review, so we have some reading to do, but we can start talking about it now for a couple of minutes. This will be a process to get through this chicken regulation because it is more than just that. Some of the regulations from the other towns cover more than just chickens, they cover a multitude of farm animals.

Commissioner Serra: I did some research, I've been looking into this also, and there is a web site called One Acre Farm.com, and I looked up the pros and cons of backyard chickens. I do want to give this a fair shake, I don't want to bias anybody, originally I was going to read some of this into the record, but I did pass some of this out tonight, and I do want to look at this as a whole, I want to keep an honest and fair opinion on this whole thing, so what I think I'm going to do, rather than read any of this tonight, is let the Commissioners take a look at it, and if any of the folks at home or in the audience want to, there are plenty of sites you can look at, but again, the one I did the research on was One Acre Farm.com, pros and cons of backyard chickens. There is some great information both ways, for the pros and cons, and I really think I would like to see everyone get their own opinion on this, rather than have me bias anybody with what may or may not be in here, or sway anybody the other way, I think everybody needs to take a look at this and get their own opinion on this, so I'm going to leave this with the Commissioners as I handed it out, and I'll save my opinions for the next meeting.

Commissioner Sobieski: Some residents that I know of have come up and mentioned this. They are concerned about the wild life that these chickens attract such as coyotes, bobcats, which we have in town, foxes, and fisher cats, and that is the big concern because three of those animals will attack small children and smaller pets, so whichever way we go with this, I just wanted everyone to be cognizant of that fact. I mean, we're not talking, Newington is pretty well built up, we're not talking like Berlin. There was an incident in Wethersfield not too long ago where a young girl was walking along the pathway of one of the farms and there was a coyote there. Again, I don't want to sway one way or the other, but several people have come up that were concerned about it.

Commissioner Miner: It seems like increasingly now, people are going back to growing your own vegetables, your own poultry, that type of thing. It's a question of does it fit. What size property and how many chickens. I would like to look at everything a little bit more.

Commissioner Pane: I don't have anything to add right now. There has been a lot of information submitted. I'd like to read it all, and maybe I will have some comments for the next meeting.

Chairman Aieta: We have some information to go through and try to digest. You have to remember the demographics and all of the particular things that are different in the Town of Newington. We have a lot of areas in town where pre-zoning, the lots are fifty foot, 55 x 100, 50 x 150. They are smaller lots, you know the areas that I am talking about, in the center of town, in the north part of town. Pre-war construction. When zoning came into Newington, we increased the size of lots, went to R-12 which is 12,000 square feet, which would give an 80 foot frontage by 150, and then we got into R-20 which is 20,000 square feet which is 100 foot frontage by 200. There are areas in town, I say newer, but mostly in the seventies and eighties, where we have a subdivision with R-20 lots, so you have to keep in mind the size of the lots, as to whether you would allow them in certain zones, or certain areas. Some of these other towns actually have lot sizes and what is permitted on different size lots. We will leave this on the Agenda so we can keep discussing it.

## F. Low Impact Development Zoning Regulations

Craig Minor: This Commission decided about a year ago to put a moratorium on imposing the LID regulations on homeowners, for a number of reasons. The moratorium has now expired, and I think the consensus on the Commission is that this moratorium should be made permanent. So I drafted a regulation that would eliminate LID for any residential lot that existed prior to April 1, 2016. Why did I do that? Because when I drafted it, I wanted to give existing lots a pass, but I felt that any lot created after today ought to comply with the LID standards. But I discussed this with the Town Engineer, and he pointed out that the regulation is extremely difficult to manage. It's going to be just as hard for the buyer of a new lot to explain to his contractor what LID is, and enforcing it in the future will be very difficult. LID plans very often are dependent on the neighbor, and if the neighbor doesn't complete his, or doesn't maintain it, it impact other LID techniques. So I'm going to suggest that we make the moratorium permanent for all residential lots and not complicate it by saying some lots are exempt and some lots are not. Keep it simple.

Chairman Aieta: I think that's good. Certain people coming in after a certain date, just because they didn't develop their property, should not be held to a higher standard. If we are going to eliminate it in a residential zone, we should eliminate it all together.

Craig Minor: The other change that I have proposed, for new construction of commercial and multi-family, is to raise the threshold to be subject to 1200 square feet of new impervious, because now LID kicks in for any new impervious. Even if the developer has a professional engineer on staff, it's still a significant complication, so I'm suggesting that we put a threshold, or a minimum amount of additional impervious surface area before new development, or retrofitted development, needs to comply with LID.

Commissioner Pane: I agree with the Town Planner on increasing it to 1,200 square feet for new construction. Although I do have a problem with imposing that on redevelopment because I think it could be a hardship on some people who might be restoring. And the properties have already been pretty much designed, and I think that could be a problem. I don't know how the other Commissioners feel. I think maybe we should make this for new construction only, but I leave that to see what other Commissioners think. Thank you.

Chairman Aieta: Any other Commissioner wishing to comment on that particular item, on the reconstruction?

Craig Minor: Let me advocate, for the moment, for LID at all redevelopment. When I was in Cromwell the local Stop and Shop, only a few years old, was demolished and rebuilt on almost exactly the same footprint. I'm sure it made sense business-wise for the store owner, but if he is going to go through all that expense anyway, why not make him spend a few pennies to retrofit with some LID? That is what I had in the back of my mind when I recommended that.

Commissioner Pane: I agree with you there, if it was a total redevelopment of a property, but I'm afraid that if somebody decided just to repave or they landscaped and repaved, then it becomes a hardship on them, but I agree with you on the fact that if somebody decides to take their entire property and redesign it, knock ninety percent of the building down and redo it, then I agree with you that they should comply with some sort of LID.

Chairman Aieta: How do you put that in.....?

Craig Minor: I'll come up with some compromise language.

Commissioner Miner: The only thing I might add Commissioner Pane is if they are looking to redevelop something in excess of what they currently have, that to me should be the threshold to

making them be LID compliant. But if they are going to remain the same size, or smaller, then I think it should be exempt from redevelopment.

Chairman Aieta: Is that what you had in mind?

Craig Minor: No, because if the new Stop and Shop is exactly the same size as the old one, we've lost the opportunity to get at least some LID. The applicant would probably decide to keep the building the same size, and avoid having to do any LID.

Commissioner Miner: My experience with the redevelopment that I have seen, and I do quite a bit of shopping centers, is that they will do it as a modification, leaving one part standing, or they will go ahead and do a complete teardown. If they are doing a complete teardown, then if it's one percent greater, then they should comply, but if you are going to stay the same, I don't know too many property owners that would do a complete renovation and stay the same size.

Chairman Aieta: Well, come up with some language that we could look at, and we could debate it.

Craig Minor: Okay, I'll bring that back to you next time.

## **X. OLD BUSINESS**

Chairman Aieta: We have a petition that we moved from New Business to Old Business, the application for the Starbucks drive through. Is everyone satisfied with the explanation of what is trying to be accomplished?

Commissioner Sobieski: I have a question for the Town Planner. Did you receive a report from the Fire Marshal on review of this?

Craig Minor: I have e-mails from the Fire Marshal, Police Department and the Town Engineer. Fire Marshal, short and sweet: "Site plan reviewed; no problem". From the Town Engineer, Chris Greenlaw: "The improvement will alleviate the congestion at the northern edge of the exit. The island modification is viewed as an improvement to the traffic plan. The proposed one way traffic island with and signage are functional controls consistent with the traffic moving on site". Then from Lt. Morgan: "Craig, I reviewed the application for the reconfiguration of the Starbucks drive through 3575 Berlin Turnpike, I have no concerns with the Plan."

Commissioner Pane moved Petition 13-16 Site Plan Modification at 3575A Berlin Turnpike, "Starbucks" Brown Development, owner SD Properties applicant; James Brown, 59 Cove Road, Lyme, Ct contact be approved with the following findings:

1. The plans presented to us on April 13, 2016 correct several safety concerns at the Starbucks Drive Through.
2. The Fire marshal has reviewed the plans and finds no problems with the new layout.
3. The Town Engineer has reviewed the plans and recommends approval.
4. The Police Department has reviewed the plans and has no problems.

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

**XI. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Petition 14-16: Special Exception Section 3.15.3: (Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant"). Hector Angel, owner, Manual Rubio, applicant/contact.

Chairman Aieta: Normally we just schedule these items, but I have discussed this with the Town Planner and we feel that we should have a discussion on this because of the actions that this Commission took revoking the permit that they had for this particular function. I'll open it up for the Commission.

Commissioner Pane: Can we talk about it now if it is going to a public hearing?

Craig Minor: Yes, so if there is information that you want the applicant to produce at the hearing, tell him to incorporate that now, and I'll make sure that he knows to do that.

Commissioner Pane: That's scheduled for April 22?

Chairman Aieta: The event that they are talking about is on May 5<sup>th</sup>. It should have been here a long time before this, because we'll have only one meeting to hear it, and we're going to have to approve or deny it at the next meeting.

Commissioner Serra: There is a question that I would like answered by them when they come in. In the letter from Chief Clark to them, one of the last paragraph says, "the officers assigned to the event are there to maintain the peace, and are not there to check patron identification or control the pedestrian traffic, such as preventing persons from crossing the Berlin Turnpike from parking lots on the opposite side of the roadway". I would like to know what their plan is for that, because that was a major issue last time, people parking on the other side of the Berlin Turnpike and crossing over. They need to have a plan on how they are going to prevent that, how they are going to control that.

Chairman Aieta: I would have thought that the police department would have some role in that traffic, and they are saying in this letter, no, we're not going to do anything. Why are they having the police there, just to maintain law and order?

Commissioner Serra: According to the letter, they are just there to maintain the peace.

Chairman Aieta: It would seem that part of their responsibility would be regulating the traffic.

Commissioner Serra: You can't have civilians out there doing it.

Commissioner Sobieski: I'm very concerned with people crossing the turnpike. We've had several deaths up there. Last year people were crossing that turnpike while cars were going at a high rate of speed. I'd like to see, or suggest that we talk directly to the Chief and make this a condition that people don't cross that turnpike, whether they need an extra patrol car on that side or whatever. I'm concerned that in a 50 mile per hour zone through that area, you have no way of outrunning a vehicle.

Commissioner Serra: And especially when the event is over, crossing back over. You are going to be a little happier than when they arrived.

Commissioner Pane: I have concerns about why we are even going to listen to this. The applicant didn't really provide us with an appropriate amount of time before this event.

Chairman Aieta: There are a couple of new members, so I'll give you some background, and the action we took last year to repeal their permit. They had a three year permit and this would have been the last year. I'll let the Town Planner give you some background for people who don't understand, or the public, so they have an idea of what the situation was.

Craig Minor: As the Chairman said, a permit was issued to the owner of Plaza Azteca for a Cinco de Mayo event several years ago, for three years. That was I think the second time it had been issued. The first one was for one year only but then the next time he asked for three years and the Commission agreed to it. But there were so many people at the last event it was just incredible. The Fire Department was called out, the Police Department was called out, and from the photographs we saw of the event afterwards, it was just a mob scene. The Commission was very concerned about it, and decided that it was serious enough to warrant considering revoking the third year of the permit. So the applicant was asked to come to what is called a "show cause" hearing, which is what you do if you are thinking of revoking someone's permit. It's a serious step. You need due process, you need to give the individual the opportunity to tell his side of the story and present his case. So the Commission conducted the hearing, the applicant was here, I think it went over several meetings. The applicant addressed some of the Commission's concerns, but not to the Commission's complete satisfaction, so the Commission ended up revoking the third year of the permit. But when they did that, they told him that...and there may be a difference of opinion of what I am about to tell you, so I'm not speaking for everybody, but the consensus was that if he wants to conduct another event in 2016, he can apply and go through the public hearing process and hopefully satisfy the Commission. Of course there were no guarantees that it would be approved, but that he could reapply. That's what he is doing tonight.

Commissioner Serra: I didn't get too much into that because I didn't want to prejudice anyone again, however I believe the night of the last event the Fire Marshal actually shut the event down. It was to that point. I hate to see him lose business, but if we don't let them know that we are not going to tolerate what happened last year, where is our credibility? At the same point, I wasn't going to get this deep into it, but since we have, I personally feel...

Craig Minor: Maybe this is the point where we stop, and raise those concerns at the hearing, which I think you need to do. I think you need to give him his day in court, so to speak. Give him the opportunity and then approve or deny based on the answers that he gives you to your questions.

Commissioner Miner: Correct me if I'm wrong, I'm just going through some old notes. He was here back in either November or December.

Craig Minor: I suggest that we keep the conversation focused on what information you want me to tell him to bring to the hearing next week.

Commissioner Miner: At that time he was asked to provide us with the operating agreements for his other locations, in Manchester and elsewhere.

Craig Minor: I will tell him that you want that information.

Commissioner Miner: Just to see how they are operating those facilities.

Chairman Aieta: Anything else?

Commissioner Miner: Yes, the traffic concern, going from one side of the turnpike to the other, that's definitely a problem.

Commissioner Sobieski: I think he also has a location in Wallingford on Route 5, you might want to look at that too.

Craig Minor: I will tell him to be prepared to discuss those other venues.

Chairman Aieta: We talked about this earlier, Craig and I, and I think it's important to have this on the record. We would like him to tell this Commission how he plans on limiting the amount of people who come to the event. It was such a successful event that he over sold it. There were 4,000 people there, those were the numbers that we heard, so maybe it should have a cap of 2,000 people. I think, with the traffic and everything else, I think we have to have him tell us how he plans on limiting the number of people who are going to come to the event. The building has an occupancy of only three or four hundred people.

Craig Minor: There is a statement from the Fire Marshal as to how many people he is going to allow in the building.

Commissioner Serra: I'm looking at that now. The total occupancy is 1250. One hundred in the bar area, 200 in the dining room, outdoor assembly area, 950. Where's all the parking?

Craig Minor: That would be the upper limit. You can certainly approve it with ratcheting it down considerably.

Chairman Aieta: We've given him the opportunity to come back to this Commission, but there are a lot of questions that we have that will allow us to go forward. I think he has to be able to come to us and explain how he is going to limit the number of people who come to the site. If 2000 show up, what is he going to do with the other 800 people when the 1200 people are standing shoulder to shoulder inside the restaurant and outside in the designated area, with a band and a kid playground and all of the rest of the stuff he has set up there. I don't see how it works, and what does he tell the 800, how does he control the 800 or 900 or whatever number of people that come and think that they are going to get into this event. He promoted it to such an extent that it became bigger than his venue. We will move forward and put this on the agenda for a hearing, but there is a lot of information that he has to provide, and we are in a bad position where we have to act on it here and act on it the same night because of the time period. It's the last meeting before his event, and unfortunately I think Commissioner Pane is right, we almost shouldn't hear this because he should have been in here two months ago. He knew this was coming up, there is always the 5<sup>th</sup> of May.

Commissioner Serra: I also would like to know, since this is so close, I'm sure he has already done some type of advertising. I would like to know what he is doing now, as far as, he knew it was just going to be within his limits, if he wasn't getting this approval, what kind of advertising is he doing now. How much is he doing as far as, is he doing like he did last year. That's going to make a difference on how many people he is going to attract. Or, is he just keeping it within the confines of the building? Signs inside the building, or is he out selling tickets like he did last year.

Chairman Aieta: Okay, he has paid his application fee. Are you satisfied that he has provided everything except what we discussed tonight?

Craig Minor: Well, that is subjective. It's up to the Commission to determine if he has given you enough information, so if there is anything else that you can think of now, let me know. That's the best we can do because we don't have any more time. Normally at a public hearing if you need more information, you just ask for it and they bring it in at the next meeting. We don't have that luxury this time.

Chairman Aieta: Well, if he doesn't come with enough information and enough answers to satisfy the Commission, then it is going to be a long hard road for him to get to the point of approval.

Craig Minor: Let me just remind the Commission that we have two other items for public hearings that night. We have finally, the Zoning Amendment for Chapters 1-4, the first chunk, and we have the Auto-Related Zoning Text Amendment.

Chairman Aieta: What else is on the agenda for that night?

Craig Minor: Those two, and now this one.

Chairman Aieta: We don't have any Old Business?

Craig Minor: You closed the TOD regulation tonight. So it would be the three new public hearings: Cinco de Mayo, the Zoning Regulations tune up, and the Auto-Related Zoning Text Amendment.

Chairman Aieta: And then under New Business, we will have the couple of items that we had tonight.

## **XII. TOWN PLANNER REPORT**

### **A. Town Planner Report for April 13, 2016**

Craig Minor: Among CRCOG's duties is bicycle and pedestrian trail planning, so they prepared, back in 2008, an "On-road Bicycle Network" map. That was years ago, so they are revising it. They sent it to all of their member towns for comment. I don't bike myself so I don't know whether these streets are good or not, so I reached out to a couple of bicycle folks that I know in Newington and they had some good suggestions, which I passed along to CRCOG.

Chairman Aieta: This is just a designation, this is not stripping or doing anything to the street, taking lanes away, or anything like that, right? I know that the Newington Bike Store has groups of people that they take on excursions through the Town of Newington into Berlin and wherever. I know they go down Church Street, en masse at different times during the warmer weather, and Church Street is not stripped or designated lane, they just get in with the traffic and stay on the shoulder of the road, and they proceed, so it's not where we are going to take travel lanes or stripe anything, this is just to say, this is the route they normally take.

Craig Minor: The last item, I just wanted to bring you up to date on the streetscape project on Constance Leigh Drive. Since it is a "substantial improvement" to a town facility it needs to receive an 8-24 approval. I sent a memo to the Town Council advising them to refer the project to you folks for a recommendation. They did that at their last meeting but it was too late to get it on your agenda for tonight, so it will be on your agenda next week. I don't expect any problem with it and I hope you don't recommend any changes because it is pretty much already designed.

Commissioner Pane: You will have a presentation for us?

Craig Minor: Yes. That's all I have.

## **XIII. COMMUNICATIONS**

### **A. CRCOG Zoning Amendment Reports to Berlin, Hartford, and West Hartford TPZ.**

Chairman Aieta: The Planner has been providing us with CRCOG zoning reports from surrounding towns, pretty much just informational.

XIV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; speakers limited to 2 minutes.)

John Bachand, 56 Maple Hill: I just wanted to thank former Mayor Mortensen for as you said, preaching to the choir, that's why we gave him an ovation back here, wasn't really sure where he was going, but I will just tell you one little anecdotal evidence. Sunday when they had that big Husky Parade up in Hartford, I thought, oh, perfect opportunity, I figured the busway would be packed, and I specifically went there to take a peak, right at the time, the bus was only half full. I was surprised, I thought for sure it would be as full as a regular work day. Back to the interior lot idea, we were tossing around the discussion of the grade, and to leave it up to the Fire Marshal to make a construction decision like that seems a little bit odd. I'm not completely clear on what you were doing with that, but you know, we have roads that are ten percent all around town. Then when you spoke about the angle of approach, I was thinking maybe they are just referring to the apron and the sidewalk or something, you know, when you first pull off the street...

Chairman Aieta: I think that the Fire Code that you are referring to is open for interpretation, I mean what Commissioner Miner read, we could interpret a couple of different ways.

John Bachand: Yes, that's what I'm concerned about, so to have to leave that on the shoulder of the Fire Marshal.....

Chairman Aieta: I think the current Fire Marshal has proven himself to be attuned to what is going on in town, so I don't know what will happen in the future with someone different, but I have faith in the current Fire Marshal that he will know what is required and what is not.

John Bachand: So would the whole application actually pivot on that Fire Marshal's decision?

Craig Minor: No, only driveways that are more than 500 feet long.

John Bachand: Oh, over 500 feet. Under 500 feet, they would not.

Craig Minor: I would probably send it to him as a courtesy, but the regulation doesn't require it.

John Bachand: I think Commissioner Sobieski raised the question, what is the access. I understood it to be, and I think it is the whole base has to be able to support the apparatus, so that is why I went back to the pavement issue, why do we need pavement in the part of the rear lot where it is, as long as the base is going to support the apparatus, why have the extra expensive of pavement, which is actually counterintuitive to low impact development, you are just creating an impervious surface and more runoff. Just something to think about. Another thing that Commissioner Sobieski mentioned and it was related to that restaurant, people on the Berlin Turnpike in general, it is so dangerous, especially around the Grantmoor, there is a big incentive there for crossing back and forth on the street. They are in between the guard rails, I witnessed it the other day. It's kind of a pet peeve of mine, I think we need crosswalks to make it safe. I think there are some push buttons at certain intersections, but it is become really dangerous. The other day I saw two or three people, occasionally you will see somebody with kids, and it does bother me. The LID discussion, I live next to Packard's Way, and I have been talking to a couple of my neighbors, I'm just curious because they are kind of on the fence or they are unclear on what they have to do. There are a couple of building permits that are I guess not completely finalized. There are a couple of houses that aren't built yet, and there is one that is built and they are saying, they are unclear on what they have to do, or they are getting mixed messages on that low impact development. I wish I could offer them some explanation, but I don't even completely get it as to how it applies to them. That is new construction, it is a new subdivision.

Chairman Aieta: I would refer them to the Town Engineer or the Town Planner. We are lessening the extent of that, so I think if you refer them to the Planner, he knows exactly what to tell them.

John Bachand: If you remember that project that had that extensive under road system that was supposed to handle every drop of water from every roof leader and everything else. I guess that is about it. Thank you.

Chairman Aieta: Anyone else from the public?

Rose Lyons, 46 Elton Drive: The Mayor is watching, and he couldn't hear me before, can you hear me now? I'm going to bring this to the Town Council and I have brought it to the Town Council. This grant that keeps getting handed out, the TIGER grant, I keep hearing, day after day, what tough financial shape we are in, and I don't know if this is a state grant, a federal grant or whatever it is, but I thank you for discussing it at this table. Too any times I have seen in the past for instance, the municipal parking lot, we got a million dollar grant from Governor Rell, and it cost the Town of Newington another million dollars practically to finish up the project, and it goes on and on and on and on. I remember former Mayor Mortensen asking, begging the Town Council not to take the five hundred thousand grant for Church field. We took that, and it cost us another \$750,000. I would rather see it discussed at a table, among the people who are having some input that they can give to those who are applying for the grant. I still don't know how those grants get applied for. Somebody finds out about them and decides to go ahead with them, but fortunately here you are discussing it before it's being applied for, but all too often I hear, well, we got this grant. Well, take it, and if we don't take it somebody else is going to take it, and then it costs us money, so, thank you for discussing it here tonight.

Chairman Aieta: That's a good point, because most of the grants that we get from the State or wherever, it always covers just a portion of it, and it ends up where the town is kicking in extra money, and we don't look at it from the beginning that, well, we're getting this amount of money, but almost every one of the grants that I have seen the Town take, there was additional amount that the Town had to put in for what we thought was going to be a freebie, and it's never a freebie. Anyone from the public wish to speak?

#### **XV. REMARKS BY COMMISSIONERS**

Commissioner Sobieski: Just to answer Mr. Bachand's question, there is a crosswalk phase I believe at 287 and 15, Main Street, and Willard Avenue. There are no crosswalk lights up there, but the lights are in sequence so the people can cross. It was put in specifically for the bus route that was put in up there, but again, it's not a good idea to have people randomly crossing up there. Thank you.

#### **XVI. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Aieta: I thought the meeting went very well tonight, we covered a lot of ground, I think that the public sometimes doesn't have the complete picture of what this Commission is trying to do. I don't know how we disseminate that information in a better way, particularly on the Fenn Road issue, we presented it, and kept it open for a number of meetings. The Planner explained it in the simplest terms that he could come up with so that the public could understand what we were trying to accomplish and I think the emotions get out of hand because of the perception and the feelings of the people in the Town of Newington. I don't know of too many people that are overly excited about the busway going through the Town of Newington. When the former Mayor Rod Mortensen said, what is going to happen if it defaults, well, it is going to turn into what was proposed in the '80's, the 70's, it's going to turn into a I-291. It's going to be the route that the State never built. This is what it is going to end up being. It's going to be a by-pass that is going to by-pass around the City of Hartford. If it defaults, that is probably what is going to happen. It will turn into a roadway for cars, but I don't see that happening. It depends on the situation that the State finds itself in. The budgetary problem that

the State is facing now, it's scary for the people in town, particularly in the Town of Newington when they go out on a limb and do a project like this that only serves a small amount of people. It's a black hole every year, we just keep pouring money into it.

**XVII. ADJOURN**

Commissioner Miner moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at

Respectfully submitted,

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

Norine Addis,  
Recording Secretary