

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

April 23, 2014

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Brian Andrzejewski-A

Commissioners Absent

Commissioner Michael Camillo
Commissioner Stanley Sobieski

Staff Present

Craig Minor, Town Planner

Commissioner Andrzejewski was seated for Commissioner Carillo

II. APPROVAL OF AGENDA

Chairman Hall: Any changes this evening?

Craig Minor: No.

Chairman Hall: Anything from the floor, nothing, so the agenda stands as printed.

III. PUBLIC HEARINGS

- A. **Petition 17-14: Special Exception (Section 6.2.4: Free-Standing Sign) at 2530 Berlin Turnpike (Carefree Buildings) American Sign Inc., applicant, Margas Properties LLC owner, Tony LaFo, American Sign, 614 Ferry Street, New Haven, CT, contact**

Chairman Hall: Is the petitioner present? If you would come before the Commission and state your name and address for the record please?

Tony LaFo, American Sign, 614 Ferry Street, New Haven.

Chairman Hall: What do you wish to present to us this evening?

Tony LaFo: We're just trying to replace the existing pylon sign, the sign that is out front. Actually we are trying to replace it with a slightly smaller structure that does, as I understand conform to your town regulations. I think everything else that we submitted was acceptable.

Chairman Hall: Craig?

Craig Minor: As the Commission may recall, the only issue when we scheduled the hearing was the fact that the planting bed that the existing sign sits on encroaches slightly into the highway right of way, so I asked Mr. LaFo to contact DOT to get either permission from DOT for this, or move it, and just today, just a few minutes ago, actually, Mr. LaFo was able to forward to me an e-mail that was sent to the building owner from Mr. Joseph Paternostro of DOT, and I'll read it to you, it's just a couple of sentences. " Todd, the Department's survey office was able to stake out the state's property line in reference to your existing sign located at 2530 Berlin Turnpike in Newington and found that only the planter built around the sign is encroaching on state property. As long as the planter is removed and the new sign is installed behind the survey markers the state will have no objection to the new sign. If you, or the Town of Newington have any questions, I can be reached at (860) 258-4508." If the Commissioners want to look at the illustration in the packet, there is a photograph of the existing sign, and you can see the planter around it, so I guess the DOT is saying if the property owner brings in the retaining wall if you will, on the right, if they bring it in a few inches, that will get it off the state right of way and that would resolve that issue, so if and when the Commission is prepared to act on this application, I would suggest that that be a condition of approval. That's the only comment that I have, the application meets the requirements.

Chairman Hall: Comments or questions from the Commissioners? Seeing none, this is a public hearing, so we have to hear from the public if there is any comment. Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak in opposition? Anyone wishing just to speak? Seeing none, pleasure of the Commission? Close it, keep it open?

Commissioner Anest: Just a question, I'm just curious. What color is the lettering going to be?

Tony LaFo: I believe it is a white background with red and blue lettering.

Craig Minor: Yes, red letters, against a white background.

Chairman Hall: So no blue?

Craig Minor: Well, okay, "Carefree and small buildings" will be in red, and "since 1979, built to last a lifetime, www.carefreebuildings.com" in blue.

Chairman Hall: Okay.

Commissioner Aieta: When you eliminate the bed underneath, and you put up this new sign, will the sign, the actual sign part, is that overhanging the state property line?

Tony LaFo: It will not.

Commissioner Aieta: It will not, so everything about the sign will be on their own property?

Tony LaFo: Correct.

Commissioner Aieta: And you are going to eliminate that boxed area, the landscaped area underneath?

Tony LaFo: Correct.

Commissioner Aieta: Okay.

Chairman Hall: Again, what is the pleasure of the Commission?

Commissioner Aieta: Close this and act upon it at the next meeting.

Chairman Hall: Close this and act at the next meeting. Okay, thank you very much for explaining that this evening.

B. Petition 21-14: Special Exception (Section 3.2.8 Charitable Civic Event) on Market Square (Classic Car Show) Newington Chamber of Commerce, applicant, Bob Newbold, 50 Centerwood Road, Newington, CT, contact

Chairman Hall: Mr. Newbold, would you like to come forward, state your name and address for the record and tell us what you would like to do?

Bob Newbold: Once again for the eighth time the Chamber would like to have their cruising Newington Classic Car Show on Market Square. It's June 12th, with a rain date of either the 19th or 26th, and we will follow the same format that we have followed in the past.

Chairman Hall: Questions from the Commissioners?

Commissioner Aieta: So nothing has changed since last year, from previous years.

Bob Newbold: Nope.

Chairman Hall: And you have seen this grow over the years, haven't you Bob, from the first year, fledgling, and people found it to be very interesting.

Bob Newbold: Yes, and the biggest challenge is having it on the first night, without a rain delay, but it's a great event, and I think the town really enjoys it, appreciates it. Just a good night to be out, walk around the center and you know, we've got some new things this year, not with the car show, but we had the Best Market open, and we look forward to maybe even a bigger show this year.

Chairman Hall: Do you take applications for this, or is it sort of a come as you are, do you have any advance knowledge of approximately how many come each time, or do they just drive in.

Bob Newbold: It's been in the vicinity of 200 cars, and there is no like, prior notice, people show up. They are asked for a donation, and that donation, the car group uses for their charities.

Chairman Hall: Other questions before we go to the public? This is a public hearing, so anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak in opposition? Anyone wishing to speak? Seeing none.....

Commissioner Aieta: Move it to Old Business and act on it at the next meeting.

Commissioner Anest: Can we vote on it this evening, so they can start doing their official advertising.....

Craig Minor: You can, I don't have a draft motion, but.....

Chairman Hall: It's going to be June 12th, I think our next, a month would be enough notice for you to put things together?

Bob Newbold: Yes, I mean, we're kind of getting it out there anyway. I don't anticipate any problem.

Chairman Hall: Also, I would like to request a three year so that it would be reviewed at the end of each year just to make sure that there aren't any issues, but you wouldn't have to come back before us every year for that three year period.

Bob Newbold: This is my first year as a co-chair, so I appreciate that opportunity.

Chairman Hall: No problem, any other comments or questions? Seeing none, thank you and we will vote on this at the next meeting. I believe that is the 14th of May because of the way that the calendar runs.

Bob Newbold: And, am I excused?

Chairman Hall: You are, but if you would like to stay and listen to the rest of it, that's fine too.

Bob Newbold: Let's see, Yankees, Red Sox, versus TPZ. I can text you guys and let you know the score. Thank you very much.

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

Bill Prentice, 65 Maple Hill Avenue: It's about the meeting minutes, it does have something to do with it, but, there's a development going in across the street that my sister-in-law owns, and until six days ago, I never heard it called tree preservation easement, it's always been a conservation easement. There are documents on file with the town, two documents, calling it a conservation easement, so I'm a little concerned that all of a sudden it's a tree preservation, I'm not understanding that because for seven years, when Ed Meehan was here, Craig knows about it, there are documents on file, so I'm a little concerned that all of a sudden we're using different wording here, "tree preservation." The statement was, you can't clear cut, and for people who aren't educated, clear cut means taking anything down to two inches up to chest high, that's clear cutting.

Chairman Hall: We are going to be talking about that later in the meeting, but your point of semantics, we will note.

Bill Prentice: Okay.

Chairman Hall: Anyone else from the public wishing to speak? Items not listed on the agenda.

V. REMARKS BY COMMISSIONERS

Commissioner Anest: Did you hear back from the Chief of Police regarding Plaza Azteca?

Craig Minor: Yes, and he had Lt. Jamison call me, and there were some issues last year, so this year they are requiring that there be two special duty officers on duty during the event, and I put that into the approval letter, that per the Chief's requirement, that there be two off duty policemen on duty during the event.

Commissioner Anest: Thank you.

Commissioner Aieta: Did we approve that for an extended period of time?

Craig Minor: You talked about it, but you decided not to.

Commissioner Aieta: Because that is the kind of information that we need before we make a motion to extend these out. I was in favor of extending it out, but if the Chief of Police has a problem and he is asking for extra duty police to be on site, it raises a red flag with me, that maybe they should be here every year.

Chairman Hall: It was subject to the police report wasn't it? Everything, his whole approval was subject to finding out from the police chief that there were no issues.

Craig Minor: Right, Commissioner Camillo said, let's do it for three years and then Chairman Hall said, let's do it conditional on the police report.

Commissioner Anest: The motion does say review on March 1st of each year with a satisfactory police report.

Craig Minor: Okay, and you're reading where?

Commissioner Anest: I'm reading the actual motion.

Craig Minor: Okay, what page is that in the minutes?

Commissioner Anest: Twenty-three.

Craig Minor: Okay, I thought it was changed, but I'll make sure that the permit that they have reflects the three years.

Chairman Hall: No, let's talk about that now. Since we did get the police report that was not a hundred percent favorable, let's talk about that now as a Commission. We had said that if it was a good police report that we would be comfortable with the three years, we're getting a report that there were some issues, what do you want to do about that?

Commissioner Anest: What did you actually send out to him.

Craig Minor: I sent him an e-mail, asking if there were any concerns with last year.....

Commissioner Anest: No, no, what did you send to the petitioner?

Craig Minor: The permit, and I don't have it with me, but at some point in the evening I can go to the office and get it and bring it back and show you, but my recollection is, is that the

consensus was that you did not want it to be for three years, so I'm pretty sure that's what I typed up, but I'll find out.

Chairman Hall: Let's find out before we leave here tonight.

Commissioner Aieta: Well, that brings up, we're still under Remarks by Commissioners?

Chairman Hall: Yes.

Commissioner Aieta: Well that brings up something that we should consider, that we don't close them and act on them, close things until we have the police reports from now on, it puts us in a position where we have a motion, and then we have a report after the fact.....

Chairman Hall: But it was subject to.

Commissioner Aieta: Yeah, but still, it's good procedure, we should be getting this information up front with the petition when it comes before us, so you're going to have to get that information before you put it on the agenda, or, it's got to be a complete application.

Commissioner Anest: Well the motion did say receiving the report from the Chief of Police about last year before the final approval.

Commissioner Aieta: I understand that, but we probably should have the police report with all of the rest of the application.

Craig Minor: What I interpreted what the Commission said that night was that it was approved, but that whatever the Chief had to say about last year's event, I should factor that into the permit with that being a condition, but the Chairman's point is well taken. Since I didn't get a clean bill of health from the Chief, in hindsight, I probably should have brought it back to you and let you interpret what the Chief was saying was something that let you to believe a three year permit would be good or an every year permit would be good.

Chairman Hall: And hopefully the letter that you sent didn't say the three, then we're fine, if not, we may have to amend that.

Craig Minor: Right, and I'll go back and get it at some point tonight.

Chairman Hall: Any other remarks, you will have another chance before the end of the meeting, but, everybody good now?

VI. MINUTES

A. April 9, 2014

Commissioner Leggo moved to accept the minutes of the April 9, 2014 regular meeting. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with five voting YES.

VII. NEW BUSINESS

Chairman Hall: I will recuse myself from this, Carol, if you would handle this part of the meeting?

A. Restrictive Covenant for "Harvest Ridge" (Shady Hill Lane), Bradford Allen, owner/applicant/contact.

Vice-Chairman Anest: Mr. Allen, would you come forward? Will you state your name and address for the record, please?

Bradford Allen, 175 Lamintation Drive, Berlin.

Vice-Chairman Anest: Once again, can you state why you're here?

Bradford Allen: I was here two weeks ago, before the Commission, and we left one thing outstanding. I worked with Craig to get the restrictive covenant drafted and I guess Craig in the meantime has met with the Town Attorney, produced it here, I've reviewed it and have spoken back with Craig, and I'm comfortable with what is in here. The purpose of this again is to restrict any sale of any of the lots until the substantial amount of work with the utilities in place.

Vice-Chairman Anest: Craig, do you have a comment?

Craig Minor: Only that, to follow up on what Mr. Allen said, once the work is substantially done, at that point Mr. Allen will bond the remaining work and you'll issue a letter rescinding the restrictive covenant which will then get filed on the land records also, so if there is an attorney doing research will know at that point that these lots now are available for sale.

Commissioner Aieta: Is that spelled out in this restrictive covenant?

Craig Minor: About how the release works, that there will be a letter filed by the town releasing it? Let's see.....it's not normally in this document, and I say normally because other towns have used this format, but I don't think there is any harm in including a paragraph that explains what, how the covenant will be release, hopefully within a few months. We could probably add a paragraph to that effect if the Commission would like.

Vice-Chairman Anest: Usually you don't include those, when they satisfy the restriction, then a release is filed in the land records.

Craig Minor: Correct, they don't.

Vice-Chairman Anest: Now, any mortgages will not be subordinate to this.....

Bradford Allen: Well, there aren't any.....

Vice-Chairman Anest: No, but if you did have to take out a mortgage, would you ask for a subordination or anything, or no?

Bradford Allen: No.

Commissioner Leggo: Craig, does the last paragraph on page one state what we were asking about?

Craig Minor: This covenant shall run with the land and shall be binding on all persons claiming title to said premises, is that what you mean?

Commissioner Leggo: Now therefore.....

Craig Minor: The whole paragraph?

Commissioner Leggo: Approval by the town Planning and Zoning Commission. What they were asking about, right there, about approval, prior to submission, approved by the town Planning and Zoning Commission? Is that answering that question, or no?

Craig Minor: You mean Commissioner Aieta's question?

Commissioner Leggo: Yeah.

Commissioner Aieta: This is a, some information from Carol, she does this on a daily basis, this is a covenant that is pretty standard, I'm content with that. I'm just curious as to where you got this from?

Craig Minor: Right, I got it from a colleague in the Town of Canterbury who got it from the Town Attorney for Canterbury who's name is Mark Branse, he's a land use attorney in Connecticut.

Commissioner Aieta: And did you run it by our Town Attorney?

Craig Minor: Yes.

Commissioner Aieta: And he has no problems?

Craig Minor: Right.

Commissioner Aieta: Thank you.

Vice-Chairman Anest: Any other comments from any of the Commissioners. Seeing none, what is

Commissioner Aieta: Move this to Old Business.

Craig Minor: I have a draft motion for you to act on now if you want.

Commissioner Leggo: Move it to Old Business and act on it tonight.

Vice-Chairman Anest: We are going to move this to Old Business and act on it tonight, you should be all set. Thank you very much.

B. Tree Preservation Easement at 29 Packard's Way, Steven Petrucci, owner/applicant.

Craig Minor: Do you want Mr. Petrucci to come forward or do you want me to speak to it? He's here tonight.

Chairman Hall: Well, let's have him come forward and then we'll have you speak to it and have him add anything that needs to be added.

Steve Petrucci, 41 Lexington Place South, Berlin, CT: I'm here on behalf of the Packard's Way subdivision, specifically 29 Packard's Way. As part of a certificate of occupancy, I have agreed to take down four trees that would be in the way of the existing house that would be going up, and in exchange I will be putting up eleven to thirteen eastern white pines on the

back western side of the lot that was clearcut a number of year ago by the person that lives at 77 Vincent Drive.

Chairman Hall: Okay, Craig?

Craig Minor: Let me address the question that came up before. I was just using preservation and conservation interchangeably, there was no intent, using one word instead of the other, so, like I said, no intent, no hidden message there.

I think this is a good way to resolve Mr. Petrucci's desire to use his property and still address the goal of the Commission which was to provide a buffer between the houses on Vincent Drive and the new houses on Packard's Way. I did send a copy of this to Mrs. Wolf a week ago, and I didn't get a chance to call her, but she would have gotten the letter within a day or so, and she hasn't called raising any concerns, and she knew that this idea was in the works, so I think it's reasonable to believe that the neighbor doesn't have an objection to this, and I think it's a reasonable accommodation.

Chairman Hall: Questions, comments from the Commissioners?

Commissioner Aieta: Just so I have an understanding of what happened here, you are telling me that the property owner on Vincent Drive clear cut this lot on this property.

Craig Minor: Right, yes. Many years ago.

Commissioner Aieta: That's interesting, but you also have to clear some more to put the house in, right?

Steven Petrucci: No. There's actually a building lot area and then there is the conservation, which is 71 deep by 140.

Chairman Hall: So he is just trying to take some of those trees down near the back, and those trees were cut before Packard's Way was approved, wasn't it?

Steven Petrucci: Correct.

Chairman Hall: This was property that through the years people were doing things, and there was really no oversight at the time. It wasn't until Packard's Way came in that things were noticed, and then more rules and regulations were put into place, to accommodate the subdivision, so here we are years later trying to make up for things that happened in the past.

Commissioner Andrzejewski: Do we know what kind of trees were cut down?

Chairman Hall: It was probably second growth variety, maybe a maple, ash, that kind of thing. It was not pine trees, per se, because most of the trees back there are deciduous, leaf bearing, and it could have been anything that was cut back.

Commissioner Andrzejewski: My point in asking is I remember Craig telling us that he had done some research on the growth rate of these pines that he wanted to put in, that if they match or exceed the growth rate of the existing trees, I really don't see a problem.

Chairman Hall: And I would say the white pines are going to far exceed the deciduous, so....

Commissioner Aieta: The white pines are standard, that's a standard that we have used over the years, fast growth, buffer kind of trees.

Chairman Hall: Any other questions, So, at this point, anything that you want to add Mr. Petrucci?

Steven Petrucci: Not at this time.

Chairman Hall: Pleasure of the Commission?

Craig Minor: I have a draft motion.

Commissioner Aieta: If there is a draft motion, let's move this to Old Business and act on it.

Chairman Hall: Two new business items will be moved to Old Business for tonight.

VIII. OLD BUSINESS

A. Petition 47-13: Zoning Regulations Text Amendment (New Section 6.16: Medical Marijuana) Town Plan and Zoning Commission, applicant.

Chairman Hall: This is something that we have been working on for months at this point. We did close it at our last meeting and this evening we are here to decide what we are going to do with this. The public hearings are over, what little input we had, what little input we had around the table, has brought us to Petition 47-13. Questions and comments before we get to the draft motion?

Commissioner Aieta: I would like to propose after reading what happened in Wethersfield, they put a moratorium on this same regulation, I would like to have us consider that same action. The State of Connecticut has issued permits for the production and for the distribution and there are no more at this time being issued, so the urgency of passing this regulation is not there. What this would do, by putting a moratorium on for a year would give us an opportunity to see how those permits that were issued for distribution and production facilities in other parts of the state, how they are working. Why I am asking this, I've read the, Craig gave us a, the state regulations, and in those regulations, it did not have any, did not mention anything about air quality, or how they ventilated the production facility, there was nothing in there, and I contend that there is still an issue how, in light of us changing from 1,000 feet to 100 feet for a production facility, how that would affect the people who live closest to the areas, the industrial areas that are now within 100 feet of a residential zone. I'm just throwing that out to see if we can discuss it, there's no applications that are pending, we shouldn't be the guinea pigs for jumping on this when there is nothing pending, and we have the opportunity to see what the ones that were approved, how they actually work after a year, because they will be up and running, I'm assuming, within a year and we could actually do field trips and we could get the information from the state, and we could, if someone does come in, we have the opportunity to move this back on the table. The work is already done, and act on it at that time. It's a thought, I mean, I read that Wethersfield had concerns about it, and their thinking was, well, nothing is pending, the permits are already out, and they went and gave it a one year moratorium.

Commissioner Anest: I kind of disagree. I would like to see it in our regulations right now. We always have the option to come back and to revise our regulations with public hearings, and I think we have spent a tremendous amount of time discussing this, our time, staff time, the public has been, it's been in the newspaper many times, we've had very few people come and give comments, and I don't think anybody is going to come to us within a year, so like I said, we still have time if we wanted to revise them, we can revise them, but I think we need to be a little bit proactive and not wait until the eleventh hour when somebody comes before

us with an application, and now we have to, once again, hold another public hearing and go through the whole drill again. I think that would be very counterproductive on our part.

Commissioner Aieta: Being proactive for a distribution center for marijuana, I think you should be more proactive for the residents that have to live next door to it. I mean, we're talking about, what turns me off on this is the 100 foot requirement to a residence zone. I don't think that that's adequate. I don't think we are doing our due diligence and acting in a right manner for the people who have to live next door to it. As far as us, as a Commission that we have at this time the ability to determine which residents are affected if we go with 100 foot buffer, and we could have had the opportunity to notify those people, so you know that on zoning issues like this, people read in the paper, they have no idea of what you are talking about, they don't even know what zone they are living in, they don't know that the piece of property across the street might be in an Industrial zone or a PD Zone, the lay person has no conception of that. But when we put in a medical distribution center across the street from a residence zone, you are going to see how fast these people are going to take notice. I think 100 feet is too close, I don't think that it, as a Commission that we are looking at the residents, the health, safety and welfare, the property values of the people who would have to live next door to it, I don't think we have taken that into consideration, and I can't vote for it with the 100 foot requirement.

Commissioner Serra: I understand Commissioner Aieta's concerns, but I also have to agree with Vice-Chairman Anest, this has been in the papers, it has been on the maps, we're on television, people have been invited to come down to speak, have been invited to write letters, we're not getting the feedback. I'm sure there is a concern, but I don't think it is as great as Mr. Aieta thinks. We're talking Industrial zones, we're not talking residential areas, and again with the time and effort that everybody has put into this, I agree with our Vice-Chair that we should move this forward, and that's where I am on this.

Commissioner Leggo: Everything that we have written down and discussed, it seems like there is one hang up, and we have addressed that over the meetings too. That's why I felt a lot more comfortable with it, not just with the buffer but also that it is in an Industrial Zone and we put a size on the building. I mean, there are three different criteria that have to be met before that can take place, so I think we definitely put a limit on where it can be, that's it not really, it's not going to end up right across the street from somebody's house. I mean, 100 foot is not a lot, but 100 foot is not a little either.

Chairman Hall: It's my understanding that this is by Special Exception anyway, so if a petition does come before us we still have the opportunity to do more due diligence at that point to see if that particular petition fits that particular site in our minds. If we get to the point where we think whoa, this 100 is really pretty darn close to a house that we didn't think of, or whatever, you still have the right to visit it at that point. Many towns right out of the gate went to moratoriums. They did not even consider it. We have spent ten months considering it, talking about it, getting to the point where we're trying to do the best we can. I don't want to be sitting here with a petitioner in front of us and at that point have to play catch-up. So at least if we have a regulation, and it is by Special Exception, we still have that next layer to get through before it is approved. It isn't as if they come and they have four items, and they check all four boxes on those four items that it is automatically approved. We still have the right to say no, but at least we would have something in the regulations. Wethersfield, part of their problem was they didn't get the license because they didn't have the regulation. That was specifically stated, that the guy had everything in line, he was ready to go, but because there was no regulation for Wethersfield, the State said, forget it, we're not going to waste one of these licenses on you, because you don't even know if you can fit it into your town or not. So that's what happened with Wethersfield.

Commissioner Leggo: This would be like any other, anything that came up too, if something developed, if some new information came, something changed, I mean, we have that opportunity to act on it.

Chairman Hall: To revisit it.

Commissioner Leggo: If we got some report like the things Frank was talking about.

Chairman Hall: Right.

Commissioner Aieta: Just one last thing, this started out with a 1000 foot buffer to a residential zone, we've reduced it by ninety percent, down to 100 feet. That's quite a reduction, ninety percent, number one. Number two, how does, it's still in there that a house of worship, a daycare, certain things are 1000 feet, or is that reduced to 100 feet also?

Craig Minor: Well it hasn't been changed.

Commissioner Aieta: So it's still 1000 feet for a house of worship, and a day care center, school? Is the production, those requirements on production also stay on or is it just.....

Craig Minor: No dispensary facility shall be allowed within a 1000 feet of a church, temple, or place, no production facility shall be allowed within 100 feet of a church, temple or other place used primarily for worship, so your concern is correct, it could be allowed within 100 feet at the Commission's discretion.

Commissioner Anest: And can I check, the 25,000 square foot size building site, is in there also.

Craig Minor: Right, that was the hold up from the last time.

Commissioner Anest: Right, because we didn't get a copy and I just wanted to be sure.

Craig Minor: Yes, Section 6.16.5, minimum floor area required, A. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

Chairman Hall: And when we looked at the map and tried to pinpoint areas that would qualify, there were very few, very few. Earlier we were discussing the fact that this was by Special Exception so that we still have another layer if a proposal comes before us we still have the right to do more due diligence to figure if that is going to work or not. So at this point, it is on Old Business.....

Commissioner Leggo: I feel we should vote on it tonight. Act on it tonight.

Commissioner Serra: I agree.

Chairman Hall: Is it the consensus of the Commission that we should move forward to a vote?

Commissioner Leggo moved to approve Petition 47-13: Zoning Text Amendment (New Section 6.16; Medical Marijuana Dispensary and Production) Town Plan and Zoning Commission, applicant. Effective upon publication.

FINDINGS:

1. Public Act 12-55 ("An Act Concerning the Palliative Use of Marijuana") was signed into law by Governor Dannel Malloy on May 31, 2012. The law directs the Department of Consumer Protection to license the production of "medical marijuana" by a limited number of producers, and to license the dispensing of medical marijuana by an unspecified number of specially licensed pharmacists to patients (or their care givers) who are registered with the Department of Consumer Protection.
2. The production and dispensing of medical marijuana at locations in relative proximity to residential areas or to parks, schools, and places of worship warrant zoning considerations that are different from zoning considerations for other retail or production activities.
3. This amendment is consistent with the Plan of Conservation and Development.
4. This amendment was referred to the Capital Region Council of Governments and the Central Connecticut Regional Planning Agency, and found to be "not in conflict" with either regional plan.
5. The proposed amendment has been reviewed by the Town Attorney. The revised proposed amendment dated 3/26/2014 contains his recommendations.

The motion was seconded by Commissioner Anest.

Commissioner Aieta: Just for the record, I will not be voting for this, I'll be voting against it and the reason for it is that I don't believe that we have adequately protected the residents that live within 100 feet of that Industrial Zone. I believe the health, safety, and welfare and the property values of those residents will be adversely affected.

The vote was in favor of the motion, with four voting YES and one Nay (Aieta)

B. Petition 07-14: Special Exception (Section 3.2.9: Child Caare) at 791 North Mountain Road, Nguyen Holding LLC, owner/applicant, Hai Xavier Nguyen, 795 North Mountain Road, Newington, CT, owner. Continued from March 26, 2014.

Chairman Hall: Comments? Craig, do you have anything?

Craig Minor: Well, I have my report in your agenda package.

Chairman Hall: Now the last time we were talking about play area, snow removal, parent parking, handicapped parking, which are all addressed here. The fence, let's go through this because there are a couple of things we should look at.

The parking, you find that the regulations do not specify a minimum required amount of parking, but that you have put in that we should be conservative with one space for five children?

Craig Minor: Correct.

Chairman Hall: And the applicants have said that there will be a maximum of forty and four employees, so the day care would need twelve spaces, using that formula for children plus

staff and there are forty-four parking spaces for the entire operation, because there may be other tenants as well right?

Craig Minor: Yes.

Chairman Hall: Parent parking, all right, this is new, I mean, we talked about it, but now it's actually running, nine existing parking spaces in the front, and five of those would be marked as ten minute only and that would be for parents for dropping off. Handicapped would be left up to the building official, fence, proposed play area, the plans should contain a note stating chain link fence not less than four feet tall, the bollards or a guard rail, and I think we would agree to that, because it says, if the Commission wants, they would be at the two corners and the third in the center of the long side, I don't know, is that going to be enough to stop a car if you have them at the corners and the center, it can still go in between. I don't like that.

Commissioner Leggo: I would think you would need one more in between those.

Chairman Hall: I would think so, probably every what, two to three feet? Okay, at least, because how wide is a car?

Commissioner Serra: Depends on the car. You could put a smart car right through them.

Craig Minor: Then maybe a guard rail.

Commissioner Serra: The guard rail would make more sense.

Chairman Hall: I think so, but bollards in front of the mechanicals out there, because when I was out there I think there was a gas meter and an electrical, it looked like a compressor type thing, not a compressor but.....

Commissioner Leggo: Generator?

Chairman Hall: I think bollards would be required there. And then snow storage, I know this was a biggie the last time with most of us. Plan shows an area in front of the building labeled snow removal, this is not a suitable area. The best place is on the west side of the building, but that is where the door to the play area is, which the Commission has asked to be fenced. Northeast corner of the parking lot is probably the second best area for snow storage. So that would be up against the fence in the back, up in this area. Here's the building, it would be up in the corner. I still have a concern with the snow storage that if we have a winter as we had this past winter, no corner of any parking lot is going to be able to handle it. So I think you need to put something in there that if the snow is excessive, and again, that's a nebulous term, how do you quantitative it, that they have to take it off site, that's all there is to it, I mean, they can't be pushing it into corners and that driveway and everything else because it's not going to work. This year we had snow from essentially Thanksgiving until Easter. There's just not enough room for it.

Commissioner Leggo: I agree with you, I mean, when you are starting to lose the parking spaces that are required, I mean, they are going to have to remove the snow. Whether it's off site, whatever they have to do with it, they have to remove the snow.

Commissioner Aieta: All of these things, you can massage this as much as you want, but the actual question is for the Commission, is this the proper area to have a day care center. It's in an Industrial zone, right next door is a facility that does chrome plating, and plating, there's a deficiency in the site in trying to negate those with different solutions, but the real question,

is this the right area to have a day care center for kids that are going to be outside in an Industrial type zone. The other question is, I don't know if you looked at, there is a liquor, an alcohol dispensing facility within five hundred feet which is the German Club. Now, normally it's, don't put a liquor store next to the day care, but in this case, the liquor establishment, the alcohol dispensing facility is already there, so is it reciprocal to not putting the day care close to the, I don't know the answer to that question, but it is within the five hundred feet radius, the German Club to this facility. You have the deficiencies, the width of the driveway, is a major issue I think, I mean, you can't get two cars going side by side going into the site.....

Chairman Hall: Right, and there is no way to pull off either.

Commissioner Aieta: And the snow removal, you are going to lose parking places because it is too cost restrictive to start pulling snow off of the site and taking it off site. Everybody says they are going to do it, and they never do it. It's just cost prohibitive. These are the types of things that you have to ask yourself as a Commission, is this really the right place to have a day care center, in an Industrial area? That's the real issue here.

Chairman Hall: Comments?

Commissioner Anest: Frank makes some very valid points. I'm concerned about the parking, and looking at, these plans aren't, I mean, there are only eight parking spots in the front, and you are recommending nine.

Craig Minor: No, I'm saying that there are nine there now, and that five, and I picked five arbitrarily to be honest with you, five be designated for parking for parents only.

Commissioner Aieta: The parking space that is off his property, you can't count that.

Chairman Hall: The one where the D is, that goes down a hill.

Commissioner Anest: That's not a parking space.

Craig Minor: No, the one behind, oh, okay, I'm looking at where the sidewalk is, eight, just eight spaces. I'm saying that five of them should be reserved for parents for drop off and pick-up.

Commissioner Anest: I'm concerned, I didn't even think of the German Club having it reversed, can you check to see what the distance is?

Craig Minor: Well, I can find out for you but there's no requirement that.....

Commissioner Aieta: If the German Club was not there, and this was here already, the German Club would not be able to be there, so is it reciprocal that the German Club is already there, that the day care center cannot be.....

Craig Minor: Are you certain that the German Club, if the German Club weren't there and they came in tomorrow and.....

Commissioner Aieta: Hypothetically, the day care center is there, was already there, and the German Club came in for a liquor permit, we'd say no, because you are too close to a day care facility, so is it reciprocal on the other end.....

Craig Minor: I don't know, I'm not sure that is correct. If it were a package store or a bar that would be one thing.

Commissioner Aieta: It is a bar.

Craig Minor: It's a members only bar, right?

Commissioner Anest: No, you can go in and sign in as a guest.

Craig Minor: Okay, well that's what I'm saying, I don't know enough about the German Club to say whether that would be a problem or not.

Commissioner Serra: The question that I have on that issue, and Frank, you brought up some great points, and I do agree with a lot of what you said, but with the German Club, are they open the same hours as the day care, obviously on Saturday they have a private party, they have something going they would be, but during the week, what are their hours, when do they open as opposed to the day care. Does it make a difference if they are not open while the day care is in business? I just think, while we are looking at everything else, that is something that we need to look into and see if that comes into play.

Commissioner Leggo: I hate to sound like everybody else, but I agree, there are some issues here. I have had a bad feeling about the width of that driveway, the building to the stone wall, I know there's no answer, and Craig comments that there doesn't seem to be a remedy I know that, but still, it's scary to me that there is going to be a day care there and that's a narrow passage through there, and the way the traffic is being routed, it just doesn't seem to fit.

Commissioner Serra: I agree, I don't like the traffic flow at all.

Chairman Hall: It would be one thing if these were adults that we were talking about, adults have a little bit more recognition of traffic issues, and safety. It just takes two seconds for a parent or guardian to be distracted and a child can take off very, very quickly. That is the only way in and out. There is no other way to do it. If you are going to be picking up a child, that's where you are going to be doing it, right there. That's an issue. Again, taking them out to the back to the playground. I know that they have made accommodations for that, but again, kids tend to get loose pretty quickly, and again, it's right into a parking facility.

Craig Minor: The regulations don't say anything about day care for an alcohol facility. Can't be within five hundred feet of a college, school, church or hospital, but it doesn't say day care.

Commissioner Aieta: Day care could fall under schools.

Craig Minor: The regs can mean whatever you want them to, if that is what you want to do, but it doesn't say daycare.

Commissioner Aieta: Maybe that's a moot question, but the other items I brought up I think are very legitimate. Do you really think this is the right area, think about the other day care centers that you have in town, the facilities that they are on, their proximity to, I mean, you have a multi-use building, you're in an Industrial zone and have a manufacturing facility to the east, it's an Industrial complex and you are putting a day care with pre-school kids there, and you are letting them outside to play in the parking lot. Think about that.

Craig Minor: Well, could I ask why the regulations allow it? In the Industrial Zone? I know it's by special permit so that you can consider the specifics as you are tonight, but the points that you raised would apply in any parcel in an Industrial zone in Newington.

Commissioner Aieta: I don't know why it's in the Industrial Zone.

Commissioner Anest: There probably would be some locations that would be prevalent, if you have a big manufacturing company and you wanted to have day care for your employees, that's where it would come into play.

Commissioner Aieta: The Department of Transportation is in a PD Zone and they have a day care facility. Kidco is in a

Chairman Hall: B BT I think it's BBT.

Commissioner Serra: What about Big Sky? They have one in there.

Commissioner Aieta: Then right across the street from Kidco there's another one. I'm not sure of the name.....

Chairman Hall: SuperClub.

Commissioner Aieta: These are all stand alone facilities, there's not other things going on on the site and it's pretty restrictive.

Craig Minor: One of the reasons that town's allow day care facilities in Industrial Zone's because it's obviously not a good fit, is to provide the parents who work in the Industrial zone a way to have day care near them. Not necessarily the same place where they work, but nearby.

Chairman Hall: Right.

Craig Minor: And then they choose. They choose whether to bring their child there or not.

Chairman Hall: If it fits. I think we are finding too many issues that make us uncomfortable. I think if, and again, the Commission is going to decide but if something were to happen, and I think we might be sitting here saying, why didn't we? Why didn't we think of this, that and the other? So, I need some direction.

Craig Minor: May I suggest that you not table, because there is no motion on the floor, but move on and I will have a motion for you at your next meeting.

Chairman Hall: A motion yes or no.

Craig Minor: I will have two motions for you next meeting.

Chairman Hall: All right, we will end the conversation at this point, and plus, I'd like the other two to be back, I think we should have every body on board for the next meeting.

Commissioner Anest: I won't be here.

Chairman Hall: All right, everybody but Carol, show up!

C. Petition 14-14: TPZ Approval (Section 3.23.1 Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl Lanes) Keystone Novelties Distributors LLC, applicant, CMB Inc., owner, Chris Cook, 201 Seymour Street, Lancaster PA contact.

Commissioner Aieta moved to approve, with conditions, Petition 14-14: TPZ Approval of (Section 3.23.1 Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl Lanes) Keystone Novelties, LLC applicant, CMB Inc., owner, Chris Cook, 201 Seymour Street, Lancaster, PA contact.

Conditions:

1. Prior to use of the tent, the applicant shall obtain approvals from the Newington Fire Marshal and Building Department.
2. The applicant shall not place any temporary signs on the ground in front of the property.

The motion was seconded by Commissioner Leggo.

Chairman Hall: I would also like to see for number two, not just in front of the property, but anywhere up and down the Berlin Turnpike because they just don't do it in front of their own property.

Commissioner Aieta: Add that to my motion as Condition Number 3.

Commissioner Leggo: Second on the amendment.

Commissioner Anest: Can we just say the applicant cannot place any temporary signs anywhere, because they will put signs on side streets, not only on the Berlin Turnpike, I mean, I don't know if there is a broader word that we can use,

Commissioner Aieta: Just say no temporary signs are allowed.

Chairman Hall: Anywhere in town.

Craig Minor: Anywhere.

Chairman Hall: If they want to do it in Berlin.....

Craig Minor: Anywhere in town. So that would be the modified number two.

Chairman Hall: Does the maker accept the modification?

Commissioner Aieta: Yes.

Chairman Hall: And the seconder?

Commissioner Leggo: Absolutely.

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

D. Petition 19-14: Site Plan Modification (Tent Sale) at 3440 Berlin Turnpike (P.C. Richard & Sons, A.J. Richard and Son, Inc. owner/applicant, Tom Stagis, 358 Jude Lane, Southington, CT, contact

Commissioner Serra moved to approve Petition 19-14: TPZ approval (Section 3.23.1: Accessory Outside Use) for Tent Sale at 3440 Berlin Turnpike (P.C. Richard & Sons, A.J. Richard and Son, Inc. owner/applicant, Tom Stagis 358 Jude Lane, Southington CT, contact.

Conditions:

1. The Fire Marshal's approval of the tent location is needed.

The motion was seconded by Commissioner Leggo.

Commissioner Anest: I would like to see the same thing about the temporary signs. I think that should be a standard.

Chairman Hall: Correct.

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

Chairman Hall: Carol if you would take over for the Harvest Ridge vote. I'll move to the back of the room again

Restrictive Covenant
Harvest Ridge Subdivision on Shady Hill Lane
Bradford Allen, applicant

Commissioner Andrzejewski moved to approve the filing of a Restrictive Covenant for "Harvest Ridge" Bradford Allen, applicant.

FINDINGS:

1. The residential subdivision known as "Harvest Ridge" was approved by TPZ on March 12, 2008 with the requirement that a performance bond in an amount to be determined by the Town Engineer be posted by the developer prior to the start of construction.
2. The Town Engineer has determined the performance bond amount to be \$347,131.74.
3. The developer has asked for permission to execute a "restrictive covenant" in lieu of posting a performance bond. The covenant will state that the developer agrees to complete the subdivision before selling any lots or to file a performance bond for any remaining work. Upon the TPZ's satisfaction that the subdivision is complete (or a performance bond has been posted,) the TPZ shall release the developer from that covenant.
4. The Town Attorney has reviewed the format of the proposed covenant and finds it acceptable.

CONDITIONS:

None.

The motion was seconded by Commissioner Aieta.

Commissioner Aieta: Just for the record, I think that the town is well protected with this, it just gives us another way to bond, or make sure that the work gets done, and if it helps the developer in some way, without hurting the town or moving our position off legally, then I think it's a good thing.

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

Tree Conservation Area
29 Packard's Way
Steven Petruzzi, owner/applicant

Commissioner Leggo moved to approve, with conditions, the owner's request to remove four trees in the Conservation Area at 29 Packard's Way.

FINDINGS:

1. A Conservation Area was established as a condition of approval of the Packard's Way subdivision in 2007 to provide a visual screen between the new houses on Packard's Way and the existing houses on Vincent Drive.
2. The owner of the lot at 29 Packard's Way would like to remove four trees that are either dying or are very close to the proposed house.
3. The owner has agreed to plant two rows of pine trees along the eastern property boundary to provide a dense visual screen between his property and the houses on Vincent Drive.

CONDITIONS:

1. The row of trees shall be shown on a plot plan prepared by a surveyor.
2. If the Conservation area trees are removed before the row of pine trees is planted, the owner will either bond the pine trees or execute an agreement to not request a Certificate of Occupancy until the trees are planted.

The motion was seconded by Commissioner Serra.

Chairman Hall: Discussion? For number three, because he specifically stated he was going to plant between eleven and either twelve or thirteen trees, I would like to have that number in there so that we don't come back years from now and have two rows, but there are only three trees in each row. So, he specifically said that is what he was going to do, so I would like to have that in there.

Commissioner Leggo: I would gladly add that amendment to the motion.

Commissioner Serra: I will re-second.

The vote was unanimously in favor of the motion, as amended with five voting YES.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

Chairman Hall: I'm sure something will come in before our meeting.

Commissioner Aieta: Madam Chairman, just a question, there's nothing for that meeting? What else do we have for that meeting, perhaps we can.....

Craig Minor: Well we have received a site plan application for a new commercial building on the Berlin Turnpike which I was going to put on the agenda and present to you at the next meeting.

Commissioner Aieta: So there is stuff on the agenda, it's not that we are going to sit here without.....

X. TOWN PLANNER REPORT

A. Town Planner Report for April 23, 2014

Craig Minor: It's self explanatory. I don't have anything to add to it, although I will talk about Old Performance Bonds in a moment, but if anybody has any questions on any of the items that I have reported on?

Commissioner Aieta: On the TOD planning, you're on that committee?

Chairman Hall: Yes.

Commissioner Aieta: Do you have something, can you tell us anything as, for this Commission or do we have to go to this?

Chairman Hall: Well, we were waiting for their final report, and this is their presentation.

Commissioner Aieta: So this is their final report to you.

Chairman Hall: Right, so that is the night that we will get the presentation.

Commissioner Aieta: So this is the first time that you are getting the final report.

Chairman Hall: Correct.

Craig Minor: All the members of TPZ have been invited, the Town Council members have been invited and the Economic Development members have been invited.

Chairman Hall: But to answer your question, yes, once it has been presented to us, then we will be making a report to you, however, it will not be the full report that the people give us that night. It will be a condensed version, so if you want to get the whole story, then it's probably a good idea to try to make it on the 1st, and they are pretty good. They are efficient and concise so I don't see it being a very long meeting unless there are a lot of questions. It will be informative.

Commissioner Aieta: When is it? I think you sent something.....

Chairman Hall: It's a Thursday.

Craig Minor: It will be in this room at 7:00 o'clock.

Chairman Hall: But to answer your question, yes, we will still be making a report to you. And the sign regulation hasn't met since the last meeting, have you?
Any questions of Craig?

Craig Minor: Let me get to the development bonds then because it's spring, so I dusted it off and looked through it and followed up on a number of items starting with the, number 2, the Niro Landscaping Building at 46 Commerce Court. Back in December the owner had informed me that the property was in receivership but I hadn't gotten anything since that, so I sent him a letter asking him to tell me what the status is, is it bankruptcy, is it not, but also who is the receiver so I can contact that person about trying to move forward with these deficiencies.

Item 6, Fountain Point, this is the item that I brought to you back in December where the developer had said that he has been planting the arborvitae but they keep dying so he wants the Commission to consider giving him some relief from having to replant them for a second time, and the Commission's feeling back in December was, well, let's come back and look at this in the spring. So, what would you like to do, do you want to schedule a field trip?

Commissioner Aieta: Isn't this the one where you said they put them in and just left them, they never watered them, they never cared for them?

Chairman Hall: Well, we don't know if they watered them, but they put them in and they died, and he has done it twice, he put them in and they died again, so the question was, are they watering them, we didn't say if they were or not.

Commissioner Aieta: We don't know if the condition of the soil is conducive to planting, maybe we should look at it.

Craig Minor: This would be his opportunity because of course he will be there to tell you what he knows about the soil characteristics.

May 14 is going to be a short agenda, I'm just thinking, what if we start the meeting an hour late, and meet out there at 7:00 and then come back here to begin your official meeting.

Commissioner Anest: Can we not do it that night, I'm not going to be here. I mean, it's been going on this long.....

Craig Minor: Right. There's no rush, no rush at all.

Commissioner Aieta: Then the following meeting.

Chairman Hall: The 28th.

Commissioner Aieta: The 28th, why don't we do it on that night, and then hopefully everybody will be here, and do the same thing, and maybe we can go see some other stuff if there are any other items.

Chairman Hall: Maybe we could start at 6:30 instead of 7:00 because I think if we start at 7:00 by the time that we start this meeting, if the public, is going to come, although our public has been falling off, then they don't want to get here at 8:00 or 8:30, so would everybody be able to make a 6:30 at the site, and then maybe get back here by 7:30 at the latest.

Craig Minor: Okay, I'll make a note of that then.

Global Granite, I haven't done anything since last September, and yes, \$37,000 is a lot of money for them not to be returning my calls, but I will pursue that one some more.

L.A. Fitness, I just wrote a letter to the property management firm in Texas reminding them that the work was not done and they need to finish it, that they are five years overdue in finishing it.

Commissioner Aieta: Let's talk about ZAG Machine on Progress Circle. It looks like it is an abandoned building.

Craig Minor: Yes it does.

Commissioner Aieta: I don't believe that the insides are finished, I think part of the building still has a gravel floor in it, it's being used as a storage facility for whatever it is, looks like used machinery that, from his other business. The property is in disrepair, I'm surprised it's not on the blight list. There are special requirements for people who are in the town owned industrial park. They have their own set of regulations that go beyond the strictness of our regulations as a zoning board. There are the Industrial Park regulations that require certain things beyond what we require. This is way beyond anything, I don't know, maybe this is something that the Development Commission should be looking at to look at their regulations and their, the covenants that they have on the property, and how they protect the rest of the Industrial Park from stuff like this, abandoned buildings in disrepair, because I know they are more restrictive than we are.

Craig Minor: Right.

Commissioner Aieta: So maybe this is something that you could relay back to the Development Commission or to Andy, and say, what's going on there?

Craig Minor: I can do that. Okay, the next item is #30, the home at 148 Maple Hill Avenue, this is the rear lot that was approved a number of years ago, and the developer built the house, and he posted a \$5,000 bond because when he finished there was still some minor site issues which were still open as of the end of last year, but my understanding is that now it's spring and the contractor has done the grading things that the ZEO asked him to do, so the ZEO has inspected the site, but he has not yet given me an actual written recommendation to release the bond, but I'll probably have that for you next meeting. Then Rockledge Drive, this is the subdivision where the developer didn't plant the trees, and has happily forfeited his \$10,000 bond but we can only use it for trees in that subdivision. So I sent letters to all of the homeowners back in December. Three of them have responded saying yes, they would like to have street trees, so I'll sit down and come up with a plan to get competitive bids to purchase trees and install them and guarantee them and work out an agreement with the owners so that it's understood that these are trees that are being given to them but they are going to have to maintain them.

Commissioner Aieta: How many homes in that subdivision?

Craig Minor: Oh, about fifteen, twenty.

Chairman Hall: I would say.

Commissioner Aieta: Would that \$10,000 give everyone a tree?

Craig Minor: No, but it will certainly give three. Only three of them wanted them, so that is six trees, so I mean, even if I find, I don't want to spend the money for the sake of spending it, but actually, well, the last time that I priced trees was a number of years ago, and installed it was six to seven hundred dollars apiece for a nice street tree, a good size caliper, two and a half to three inches, so actually \$10,000.00, there might not be much left over after I purchase six trees.

Commissioner Aieta: Maybe some other home owners might want.....

Craig Minor: It's possible when they see their neighbors getting some, and they reconsider, that's possible. Okay, I'll keep working on that. That's all I have, no, I went back to the office to get the permit that I sent for Cinco de Mayo and it is, it doesn't say anything about three years so that means it is for one year, and I included condition number two; the applicant shall hire off duty police officer(s) in parenthesis, as required by the Chief of Police, because Captain Jamison told me that they are going to require them to hire two off duty police officers during the event.

Chairman Hall: So make sure that he knows that.

Commissioner Aieta: So we don't have anything in here saying that it's a three year permit, so next year he will have to come back again, and then hopefully we will get our police report before, so we will know before we vote on it.

XI. COMMUNICATIONS

None

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

Donna DiMauro, developer and owner of the lots on Packards Way: There are two lots as you know that have a conservation easement. One when approved there was a Certificate of Action that Ed Meehan wrote specifically addressing what couldn't, what could or could not be done in that easement, which was that there could be no clear cutting of any trees, or excavating, and those trees, we updated that with an updated, a new proposal by my lawyer and Craig Minor did together and it was filed with the Town in February which said also that there was no clear cutting in that area, so I'm a little bit confused because I have always been, it's always been clear to me what that meant, there is no clear cutting. I had many conversations with Ed Meehan when this was being approved as to what I couldn't or could do in that area, and his response was, there is no clear cutting. He told me specifically I could put a picnic trees, I could cut trees, and have a grassy area, have a garden, so that was always my understanding, but now, that this has come up with Mr. Petruzzi, where he is trying to take down four trees that are in his way, or dead, that what applies to my lot, adjacent. I need some clarification as to what the Commission feels that I can or cannot do in that Conservation area, in spite of what is in the documented, three different documents stating what the Conservation agreement is.

Commissioner Aieta: What's the point, what are you trying to.....

Donna DiMauro: Well, are the same restrictions going to be imposed on me if I want to cut down a dead tree on my lot which is adjacent to Mr. Petruzzi's. Why, I don't understand why I would even have to come to the Commission since it says, there is no clear cutting, and obviously there is no clear cutting intended so why is.....

Commissioner Aieta: Well the definition of clear cutting is pretty well documented, so I would assume that if there was a dead tree, if there was a dead tree on your property then you would have the right to remove that one dead tree. Even if it was in, especially if it was a hazard of falling on your house, or falling on part of your property that you are using, I don't think that is the definition of clear cutting.

Chairman Hall: At this point, Donna, if you would please write a letter to Craig and he will present it to us, and we will put it on our agenda for the next time, and then at that point we will discuss it, and then we will come up with some kind of an answer in writing, to get back to you, because this was one situation. Other situations may arise, but it's not our place tonight to be able to solve that kind of a problem, so if you do that before the 14th of May, then we can get it on our agenda.

Donna DiMauro: Okay, I will do that. Thank you.

Chairman Hall: Thank you. Any other public participation?

XIII. REMARKS BY COMMISSIONERS

Commissioner Anest: Craig, can we follow up on the sign committee. I think we need to move this along. There's many things, especially on the Berlin Turnpike, Great Clips, they are on both sides of the turnpike.....

Craig Minor: I did ask the ZEO to follow up on that.

Commissioner Anest: There is a big banner on up there, there's a wind thing, there's little lawn signs. On weekends they are on the Walmart side of the Berlin Turnpike.

Craig Minor: I hadn't called for another meeting of the committee because I was researching another way to have signage downtown. Do you want to me, well not the 14th, you won't be available, let's make it the 28th and whatever information I have I will bring it with me.

Commissioner Anest: All right, because I think Andy has something.

Craig Minor: Well I gave him what I had.

Commissioner Anest: Okay, if we can get, we're dwelling on this too long.

Craig Minor: We could also revisit the issues that you brought up and then revisit the downtown signage issues that Andy had asked that we look into.

Commissioner Anest: Thank you.

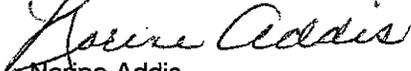
XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: Again, thank you for all of your input this evening. On the 14th, may or may not be a short meeting, who knows, but put it on your calendar for the 28th, that we will be having a field trip, that it will be a little bit earlier and probably a little extended that night, so just be aware of that.

XV. ADJOURN

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Aieta. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Nonne Addis,
Recording Secretary