

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

April 8, 2015

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:30 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

Commissioners Present

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

Commissioners Absent

Staff Present

- Craig Minor, Town Planner

III. APPROVAL OF AGENDA

Craig Minor: I recommend we delete Petition 10-15 for a free standing sign at 2897 Berlin Turnpike for the Firestone Complete Auto Care. We did not send written notice of the hearing to the abutting property owners as required by statute, so the hearing will have to be postponed to the following meeting. I called the applicant about that, they understand, and they will be here in two weeks.

Chairman Hall: And that will be April 22nd.

Craig Minor: And I'd like to recommend adding one item under Public Hearings Scheduling. I received just yesterday an application for a restaurant at 454 New Britain Avenue, and restaurants are by special permit. I recommend it be added to XI A.

IV. ZONING ENFORCEMENT OFFICER REPORT

Chairman Hall: We'll start with the Zoning Enforcement Officer's Report this evening. A new thing that we have instituted is that the Zoning Enforcement Officer will attend one of our meetings each month, usually the first, and this is the first meeting for April

Mike D'Amato: You all have my report and if you have any questions I'd be happy to answer them. I was thinking on my way here, one thing that I wanted to bring to your attention, I do do a little bit more here than just check for violations. I did want to fill you in on something that does pertain to you. I am working on handouts that can go on line and that we can provide to citizens that are easy to understand, for things that I get calls on all of the time. How many commercial

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BY *Tanya D. Lane*
TOWN CLERK

vehicles are allowed and how we allot for that, accessory structures, recreational vehicles, temporary signs, etc. I'm creating easy-to-read language, diagrams, and putting them on line so that folks can learn what we require. Other than that, you have the report here. There have been a few others since that report has come out, we are working on them. I haven't had any that I haven't received some kind of notification on, so they are all more or less conforming.

Commissioner Aieta: The gas station on the corner of Cedar and Fenn with the digital sign?

Mike D'Amato: That's actually the station on Fenn Road.

Chairman Hall: Near Eagle Drive.

Mike D'Amato: I don't know what it used to be but it's now a Shell Station. I did hear from him... you see there was a second notice sent. It's a free-standing sign, so I'm thinking that you saw it.

Commissioner Aieta: It's a digital sign and that is not allowed. The only zone they are allowed in is the B-BT Zone, the Berlin Turnpike.

Mike D'Amato: They are not allowed in the business-town center zone, but I don't think that they are disallowed in other zones. The 476 Fenn Road Shell station, it is allowable in that zone. The only question is whether the dimensions comply, but the sign is allowed in that zone.

Commissioner Anest: When we had this discussion a couple of years ago, we only wanted those signs in the Berlin Turnpike, B-BT Zone. We didn't want them anywhere else.

Chairman Hall: It looks like PD, right there on the corner [pointing to zoning map]. See that on the corner? And then we just changed the one north of that. No, you are too far, back there, the light blue.

Commissioner Sobieski: What is the average time between the time that you send a violation out and the time that they come back to you?

Mike D'Amato: I have three notices of violation that I have sent out since I have been here that are not resolved, and the only reason they are not resolved is because of the snow, and they just couldn't do what they need to do. I don't have any notices of violation that are not working toward compliance. Some resolve in three days, some take a little bit longer; everybody is working so far, and all but three have been ultimately closed. Some may be given 72 hours if it is very simple, but I try to be reasonable and accommodating. I know I can't ask you to find a place to put a 35 foot camper in three days, so I have to work with them finding out what they want to do.

Chairman Hall: Any further questions? All right, thank you and we will look forward to seeing you the first meeting in May. Thank you again for taking the time tonight.

V. OLD BUSINESS

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

Craig Minor: There were a couple of issues that were resolved at the last meeting, but the Commission wanted time to think about the petition, so I have prepared a couple of memos since then and completed another today. I think for the benefit of the public I'll just read the memo.

"Staff Comments:

1. Constance Leigh Drive

A question came up during the public hearing as to how the existing seven-story elderly apartment building at 65 Constance Leigh Drive came into existence.

The Market Square elderly housing apartment building was built in 1979. Prior to its construction the zoning regulations allowed seven-story apartment buildings in several zones in town, at a density of up to 43.6 units per acre. In 1975 the landowner at 65 Constance Leigh Drive applied for a text amendment creating a "High Rise Elderly Housing" category, with the density increased to 60 units per acre. The text amendment was approved by TPZ on November 25, 1975 and the site plan approved later that year. That amendment required that the developer be a non-profit, not for profit development.

2. Different Allowable Densities for Apartments vs Beds.

In the days since I wrote my previous staff report, I have had the opportunity to speak with two town planners whose towns specifically allow CCRC's with different densities for apartment versus beds. In both cases they told me that they have never had a CCRC with apartments and beds in the same building, so they frankly couldn't tell me how they would handle such an application.

One of these planners had an interesting observation. In his opinion "density" is the wrong metric to be concerned about at a CCRC. As opposed to apartment buildings or nursing homes where the vast majority of floor area is consumed by living space, CCRC's have a lot of floor area devoted to amenities, fitness center, theater, dining areas, personal service shops, lounges, medical treatment rooms, recreation areas, etc. He made the analogy of public schools. They used to be just classrooms, but nowadays they include classrooms, gyms, media centers, cafeterias, staff lounges, etc. He felt that the form of the building and how it fits on the site and into the neighborhood is more important than "density."

I think this makes sense. I therefore do not recommend any change to the density formula, and have no objection to the requested increase to 30 units/acre."

I included a draft motion in the agenda package, but at the request of Commission Anest, I made a change to it, which you received tonight. The change is simply to insert the phrase, "long term care facilities," along with the continuing care retirement communities. You can see that the phrasing that the applicant requested about allowing the height in "business or commercial" is stricken out and the phrase "B-BT Berlin Turnpike" is added. So those are the changes that staff has made to the application at your request.

Commissioner Aieta: So you should change the heading, "special exception permitted in all zones", because now it is not permitted in all zones, it's only permitted in the B-BT Berlin Turnpike Zone.

Craig Minor: That's easily said, and your point is very clear, but to do that, we would have to create a new regulation group...I see your point. Go ahead on the other issues and let me work on this.

I guess we could, under Section 3.15 "Special Exceptions permitted in the B-BT Zone", add item 3.15.10 which would be everything here, then we would have to change 3.2 because we are adding the phrase "assisted living facilities at the continuing care retirement communities" to 3.2.5. I see your point Commissioner Aieta, but I think it would be cleanest and pretty clear to leave it in 3.2.5.

Commissioner Aieta: Because some of these are allowed in the PD Zone, right?

Craig Minor: Correct, in all zones, correct.

Commissioner Anest: If you left it in all zones, and then got rid of the thirty patient, and put that under 3.15, so in the B-BT zone you could go as high as 75 feet and whatever the bed count is that we use, in that category, but in the rest of the zones, it would just be, I mean, I don't know, would that make it more clear?

Craig Minor: Yes, that could work, and if following the rest of the special exception that you are going to have on this thing, if there are other changes I will make them and then have in front of you exactly what will be, but I will wait until you have discussions before making the changes.

Commissioner Anest: The density. I'd like to hear what other people think..... (inaudible)

Commissioner Claffey: Is there a difference between the language of a patient bed and a living room bed?

Chairman Hall: Anthony, sorry, I shouldn't have called on you.

Commissioner Claffey: Oh right, sorry.

Commissioner Sobieski: What is the different between the living area and the bed area? That's what I'm confused on. How many beds are going to be in one room?

Commissioner Aieta: I think there is, looking at the floor plan, two bedroom units, one bedroom units.....

Chairman Hall: This is just about the text amendment, and we can't look at any type of a plan, so let's just talk in general terms.

Commissioner Sobieski: Let's just say they have ten bedrooms with ten parking spaces, and all of a sudden they decide to take those out and put in two bedroom units, would that change the density?

Craig Minor: If they took out an apartment and replaced it with two nursing beds, it would increase their density and they wouldn't be allowed to do that.

Commissioner Sobieski: How would you monitor that?

Craig Minor: You can't, the same as we can't monitor ninety-nine percent of things. No, I take that back - they would probably have to get a building permit to do that.

Chairman Hall: If they were changing the structure, but if they simply have the same structure and modify the interior, they wouldn't have to take a building permit for that.

Craig Minor: Wiring,

Chairman Hall: No, they aren't going to touch anything else but let's say it goes from two to four because you did something, a bunk bed type, you wouldn't have to potentially get a building permit for that.

Craig Minor: Visualizing the apartments: there is a living area, there's a little sink, microwave, and to convert that into a two or four bed skilled nursing unit would take a lot of remodeling. I

don't think that could be done without at least getting building permits to change the wiring.

Chairman Hall: I think the concern would be, all of a sudden you think you have a facility with apartment for forty people, and all of a sudden you find.....

Commissioner Sobieski: That's my concern, so you can subdivide rooms, so that's my questions, what enforcement do we have to say they have X number of beds, and that's it. If the town can't monitor that.....

Craig Minor: No, I think it can with the building permits process, any change would have to get a building permit.

Commissioner Aieta: Okay, now we get back to what do we do to define density? We're talking about the number of people on the site, residents that live there?

Craig Minor: No, the regulations currently in fact, read bed or living unit.

Commissioner Aieta: So it has nothing to do with the number of people that you put in (inaudible).

Craig Minor: Correct.

Commissioner Aieta: So that's defined by how many bedrooms.

Craig Minor: Again, our regulations have always read, one acre of site shall be required for each twenty patient bed or living units, so it's always said that.

Commissioner Aieta: But a living unit could have more than one bed.

Craig Minor: They will, in fact, there will probably be a few two bedroom apartments. There will be at least a couple of two bedroom units.

Commissioner Aieta: So you wouldn't take the potential number of people living in the building, and divide it by eight acres.

Craig Minor: Correct.

Chairman Hall: Anybody else?

Commissioner Anest: I know in long term care facilities, this is a different business, CCRC's are a different type of care, living where there are units not beds, but is there a way to distinguish if we are talking about long term care facilities or assisted living, is there a way to break that apart and distinguish between beds and living units? I think that is a concern that we're kind of confused about, but I think if we can distinguish that, maybe it would be clear.

Craig Minor: We use a different formula for parking for a CCRC apartment than a bed. A bed only generates the need for one third of a space per bed, whereas an apartment requires half a space per bed.

Commissioner Leggo: The light just came on, because I was trying to figure exactly that. I got it now. That's what I was looking for, in this kind of development, in general, if you have a pool, to me that has to be more living area, it's just my opinion, you can't do the bed thing because it is, how many units are you going to have there with people in them, because you could do two bedrooms, and by changing the doors, you could make that two living areas, instead of one.

Craig Minor: Right, but if they tried to do that, that would increase the density and if it went over 30 per acre, we would issue a cease and desist.

Commissioner Leggo: If it's a CCRC and it has the 30 living units.....

Craig Minor: Either apartments or beds.

Commissioner Leggo: No, no, not beds.

Craig Minor: Apartments, all apartments.

Commissioner Leggo: They are allowed thirty?

Craig Minor: Yes.

Commissioner Leggo: The beds are, they are allowed 30 living rooms?

Craig Minor: Correct.

Commissioner Leggo: To me that seems a lot that you should have one or the other. You can play a lot, there's a lot of folks (inaudible), that you should have one or the other.

Commissioner Aieta: But the problem is, you have both, you have the long term care, you have apartments, this is a hybrid, so you have to look at both because the nursing portion, you have to look at beds for them, and then the apartment portion, you have to look at the rooms.

Commissioner Camillo: Inaudible

Commissioner Anest: Is there a way we can say, X number of nursing beds and X number of apartments?

Craig Minor: Yes, but we still get back to the problem of determining density in a single building... if it's an apartment and there are two beds in each apartment, that's still one unit; apartments are one unit whether they are studio apartments or two bedroom apartments.

Commissioner Anest: Right, that's why maybe I'm looking at it.....

Commissioner Aieta: If we change it to 30, how is it going to apply that to another petition?

Craig Minor: For example, not to get site specific, but if you look at the spread sheet that was on the table when you sat down, I did the analysis for the Amara project on Russell and using the information that their attorney gave me, I know exactly how many studio apartments, how many one bedroom apartments, how many memory beds, and they have 8.94 acres so in their case it comes to 29.08 units per acre.

Commissioner Serra: It's half up and half down. We were talking about at one point in our regs review about reducing density, we have separate regulations in the town. Now we are looking at increasing density and changing everything. I just want to make sure that we looking at everything here, I mean, what's best for the town, what's best for residents. It's a great project, I would love to see it here, but I want to see it here under the right terms and the right conditions. I mean, at one time we were talking about reducing density, now we're increasing density.

Chairman Hall: I haven't spoken much, but once in a while feel the need to do so. If you look at other towns, they may have congregate living facilities, whether it be nursing homes, or you can call it a CCRC, although they are saying that it is a new concept, I don't think it's really all that

new; there are others in other towns. Think of Covenant Village in Cromwell, where they have apartments, and they have assisted living in another section, and then they have the nursing home. If you drive around it, you don't see a lot of traffic, you don't see a lot of density, and you simply see living units spread over acreage. Whether it goes out or up, the type of living units that they are talking about, there's not a lot of commotion with the elderly usually. It will be self-contained. I know that we spent a lot of time thinking about density, but this is a self-contained project and if the numbers, figure out the number of parking, the number of cars and the rest of it, go into any other town and see, you will drive right by without even noticing because it is self-contained, by and large. If we can think of, what is it that we are looking for, I think to an extent a lot of times, that these restrictions that are before us tonight fit all of the different areas. It's not as if we are moving in seven hundred twenty year olds, by and large this is not going to be anything except older, sedentary, quieter.

Commissioner Anest: I'm more comfortable that we are keeping it in the B-BT Zone; I think we have more control over it in the B-BT Zone. Since it is a special exception they will have to demonstrate to the Commission it is feasible for the location. I still have reservations about the height, I have reservations about the living units, but the more I'm looking at it, I think it will be a positive for the Town. I'm more comfortable leaving it, and knowing that it is not going to be sprawled, but keep it at five stories, and I'm more concerned about the beds, I think 30 is kind of high, considering what I know is in surrounding towns, and their bed density.

Commissioner Sobieski: I think it is a good project, I still have concerns about height. I definitely have concerns about the beds, I don't know, I'm not comfortable right now with having the town (inaudible). It seems a good fit up there, but again, the height may be a problem.

Commissioner Aieta: I think because of the mixed use of the building, (inaudible). It will be contained in one building.

Chairman Hall: Anyone else have any comments before we put it to a vote?

Commissioner Leggo: That density of 30 can be applied to one type of facility and this is a combination of units; can someone apply for just one type of facility?

Craig Minor: Yes, but they would still have to comply with our setback requirement, our green space, requirement, the parking requirement, etc.

Commissioner Leggo: And it's by special exception.

Craig Minor: Yes, by special exception.

Commissioner Serra: As I said in my earlier statement, I do have some concerns about the density. Commissioner Anest brought up I think a good point - we have 20, they are looking for 30; maybe a fair compromise, I think that would work for all of us, or most of us.

Commissioner Sobieski: I'm in favor of that.

Commissioner Leggo: I agree with everyone.

Chairman Hall: We need to move it.

Commissioner Anest moved to approve Petition 07-15. The motion was seconded by Commissioner Camillo.

Commissioner Anest: If the motion fails, can it be amended?

Craig Minor: If a motion fails, under Roberts Rules, you can move to reconsider, but I've never heard of that happening at a land use board.

Chairman Hall: Any further discussion?

Craig Minor: There is a draft motion which mentions findings and modifications. It's dated April 8th, I think the findings are still fine, but when we get to the modifications, we'll have to rethink them.

Petition 07-15

Text Amendments (Section 3.2.5; Hospitals, Sanatoria, Rest Homes, Senior Independent Living Facilities, Convalescent or Nursing Homes and Section 9.2; Definitions.)

HDC ONE LLC, applicant;

Kari Olson, Murtha Cullina, 185 Asylum Street, Hartford, CT, contact.

Commissioner Anest moved to approve, with modifications, Petition 07-15: Test Amendments (Section 3.2.5; Hospitals, Sanatoria, Rest Homes, Senior Independent Living Facilities, Convalescent or Nursing Homes and Section 9.2 Definitions). HDC ONE LLC, applicant, Kari Olson, Murtha Cullina, 185 Asylum Street, Hartford CT, contact. Effective upon publication."

Findings:

1. The current zoning regulations lack any mention of "continuing care retirement communities."
2. The maximum height requirement proposed by the applicants as modified by the Commission would be limited to projects in the B-BT (Business Berlin Turnpike) Zone only, and not any residential zones.
3. The amendment is consistent with the Plan of Conservation and Development.
4. This amendment has been referred to the Capital Region Council of Governments, and was deemed to present "no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Modifications

1. The greater height will be allowable in the B-BT (Business Berlin Turnpike) zone only.
2. The phrase "long term care facility" is also added to Section 3.2.5.

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

VI. PUBLIC HEARINGS

A. Petition 08-15: Special Exception (Section 3.2.5: Continuing Care Retirement Community) at 751 Russell Road. HDC ONE.LLC, owner, Amara Community Living LLC, applicant, Kari Olson, Esq. City Place I, 185 Asylum Street, Hartford, CT, contact.

Kari Olson: Good evening, I'd like to introduce myself. I'm Kari Olson and I didn't have the pleasure of being with you the last time, my colleague Joe Schwartz filled in for me. We are here on the Special Exception, also on the site plan approval. I understand that the Commission only

wants to hear the special exception, so we'll go through the special criteria if that is your preference.

As a matter of housekeeping, I want to incorporate into the record of both the special permit and site plan approval the same packet of materials that you had for the text amendment; it will save some trees, because there is a lot of information in there that is relevant.

This packet of material will fill in some gaps that were identified by the Town Planner as he reviewed the application. The supplement has copies of the application. Tab B is a memorandum from me to all of you, specifically addressing the special criteria under the special permit application, and Tab C is the draft easement agreement, drafting a legal document establishing the right of access of Jensen Machine, which is right next door. That draft easement is in your packet and of course will be executed. Tab D is the letter from Attorney Nicholas Hardy who represented the applicant before the Conservation Commission to address the previous wetlands permit. With that, before I get to the criteria, we'll have our engineer, Russell Cyr go through how we met the criteria for the special permit.

Russell Cyr: My name is Russell Cyr and I'm a licensed professional engineer in the State of Connecticut.

Chairman Hall: Would you please speak into the microphone? You can take a seat and speak into it, or lift it out.

Russell Cyr: This is a 5,000 foot (inaudible) site that is located on East Cedar Street, on a ramp from Route 5, just shy of nine acres, 8.94 acres in the Berlin Turnpike zone. The site slopes from the upper left hand corner at an elevation of 296 to the lower right hand corner, elevation 248, and drains toward Russell Road and East Cedar Street. The site work has begun on this site for the project that was approved in 2007. The site has been (inaudible). This project complies with all of the zoning regulations in regards to setback, and parking. There is more parking spaces, parking lots scattered throughout the site, there are 142 spaces required, and we are providing 152. Five handicapped spaces are required per ADA, we have provided ten. The main entrance is at the lower left of the building, access is from, main access is from East Cedar Street. The first parking lot and the excess parking would be at the top of the site. The second lot is off of East Cedar Street and access is provided by a driveway around the site to another parking lot in that area, and employee parking.

Chairman Hall: This is the special exception, and I think you are talking about the site.

Russell Cyr: Well, I guess I will wrap it up.

Kari Olson: I think the problem is that to meet some of your criteria we do have to discuss some of the characteristics of the site.

Chairman Hall: I agree, but this part refers to the special exception. When we get to the site plan, you will have the opportunity to cover the entire set up and design, we expect that, but right now the petition is for the special exception for a continuing care unit.

Kari Olson: Okay. I have with me Patricia LeGault, the principal of Amara Community Living, and she can explain the concept of what it is.

Patricia LeGault: Good evening, thanks for having me. My name is Patti LeGault, I'm the owner of Amara Community Living, and as you know, we are proposing a continuing care retirement community at 175 Russell Road. A continuing care retirement community is a community that allows seniors to age in place so they can come in and as they move through the rest of their life, to the end of their life, to age in place. I'm a registered nurse with over 25 years and I have held

various positions in health care over the years. My husband is an MBA and is working on a different side of this. We are planning to build a (inaudible) facility. We were both born and raised in Connecticut, and we plan to (inaudible). Connecticut is our home and we plan to stay. What I have learned through my career is that while there are some really great facilities out there, there is not one facility that provides all of the amenities and complete and continuing care and what we are proposing will do just that. We are going to take care of the elderly population, and this will also allow us to provide over 400 jobs for the community, and be one of the largest tax payers in the town. We've been before this Commission as well as other authorities having jurisdiction. We've listened and heard your recommendations, and we have modified our plans to accommodate those. Newington is a wonderful town, we want to become part of this community. We want to give the aging population in Newington quality care. We plan to open a lot of the amenities of our CCRC to the residents of Newington: the fitness center, the pool, the amphitheater; we will open that for students to perform plays, practice, arts, that kind of thing. We really want to embrace this town, and become a provider of services to all.

This project we feel will benefit the Town of Newington's aging population much more than the currently approved project: a gas station, a hotel and a strip mall. We are excited about providing care to the older population.

Kari Olson: It might be helpful to have our architect go through the landscaping and the layout.

Chairman Hall: I don't think that is germane to the special exception for continuing care.

Kari Olson: Why don't I go through the criteria, and when we get to that, I can always have him present....as I said, I did provide you with a very brief memorandum goes through all of your special criteria under Section 5 of your special permit regulations.

One of the first criteria is whether there is a need for the proposed use. I believe, and my colleague went through some of this, when we were discussing the text amendment the last time when we were all here in front of you, and just to reiterate and for the record, 18 percent of your population is over the age of 65. In addition to that, 30 percent of your population is in the age group where they have one or more elderly parents. When we compare that to the number of assisted living/nursing home beds that are available in Newington, the fact that there is a need for this type of facility is very apparent. Again, based on census information, there are about 350 bed/living units in the town compared to over 5,500 Newington residents that are seniors. Again, it doesn't account for the middle-aged population with elderly parents who want to keep them close and are looking for an opportunity to have their parents near them. So again, the fact that there is a need is pretty clear. There was a survey that was done, residential satisfaction in Newington and again we presented that with the text amendment, and senior housing opportunities in Newington were of paramount concern for the residents here in town.

So now the question is, is this the right location? I think we would be hard pressed to find a more appropriate location for this type of CCRC in Newington. Its proximity to the Berlin Turnpike, and to other commercial properties in the natural topography that offers it from the residential community makes it an ideal location for a taller building. It also places this property less than a mile from town, from the senior center, it's immediately across the street from Newington's Health center which has the mediplex and healthtrax immediately across the street from there. East access to public transportation, transporting seniors, the Berlin bus line, again, right next door, the bus transportation route, and because of its location, again, it provides an exceptional transition from your business zone to your residential zone. I think Craig will confirm that this is really ideal planning. When you are going from a commercial zone to a residential zone, these types of mixed use developments make that transition very smooth. So, again it's hard to imagine a better location for Newington.

While most decisions that you make, you don't have a crystal ball, when an applicant comes before you and you are being asked to consider whether it is an appropriate use, you don't know if it is a perfect fit or not. Under the circumstances here you really are in an enviable position because you know what the options are for this site. It's already been submitted for a hotel, a gas station and a retail strip mall. Now before you is that other option, so if you were to (inaudible) because you get to balance what has already been approved on the site versus what we are proposing today, and I would submit to you that when you review that balancing act that's it is going to weigh in favor of the CCRC.

One of the reasons that must be considered is the economic benefits to the town. It is not likely to bring the same kind of benefits to your grand list as providing senior housing, so when you talk about comparing it to the neighborhood and what affect it is going to be on the neighborhood in the future, again, we feel that this is an excellent opportunity for you to make this better choice for Newington that is more consistent with your Plan of Conservation and Development.

Size of the building: I think you have already had a lot of discussion on that. I heard a lot of people talking about the size of the building, and whether it should be allowed. If you agree that this is the appropriate height and use, especially with (inaudible). Again, we turn to the natural topography of the site where there is sort of a natural buffer from other residential zones, and when we get to it, you will also see that there is a very positive landscaping plan that further buffers this property from abutting properties. In this zone, buildings of 45 feet are already allowed by right, and there's a couple of reasons for the additional height. One: for this type of community which will have senior citizens and elderly patients, having a smaller footprint puts every living unit that much closer and accessible to elevators or other means of access to the other facilities. But the other thing is, this looks more like a residence than a commercial building. The height is needed so they can properly gable the roof and make it look more residential than a flat top commercial building or hotel. So those are a couple of reasons why the height was requested.

Traffic concerns: there is a report which I believe is Tab 11 in the initial material that we provided to you during the text amendment, from the traffic engineer who is here tonight. So I would like to turn the microphone over to Stephen Ullman.

Stephen Ullman: Good evening, I'm a professional engineer with Benesch Engineering. You have to look at the traffic impact from the proposed CCRC on the highway. The CCRC actually has (inaudible) and based on owner occupied units for the CCRC trip generation is calculated by living units and/or beds. The CCRC, we anticipate the average daily traffic will be 1150, 45 vehicles in the morning peak hour, that's 29 in and 16 out, and 47 vehicles in the pm peak hour, 18 in and 29 existing. This is, in comparison to the approved development, an 82 percent reduction in traffic on the average daily trip.

With less than 50 trips being added to the traffic during peak hours, the offsite improvements previously required for the retail development are not required. The widening of the ramps from Route 5; the signals absolutely would not be warranted; we met with the town's security officer, Lt. Morgan, and he is satisfied. His biggest concern was how close we were to Healthtrax. We're as far away from that as we can get. If you look at the site plan, we are at the western most end of the site; we can't move it any further. That satisfied him.

Commissioner Sobieski: Have you looked at the (inaudible) on Route 175? Do you know what that is?

Stephen Ullman: What we have is (inaudible) All of the factors that we are considering do not warrant doing the improvements.

Commissioner Sobieski: I'm concerned about the elderly people that will be driving there. If the left lane is stopping to turn in, you have to cross both lanes to enter the driveway.

Commissioner Serra: My concern is the same as Commissioner Sobieski's. I have driven that road, I live in town, during rush hour, both am and pm, it's bumper to bumper, you have people taking a left after Russell Road, you have people taking a left up onto the Berlin Turnpike, you have people taking a right up onto the Berlin Turnpike, now you are going to have these people turning in. You say most of the residents don't drive, but it is going to be open, as stated, to other residents in town to use the facilities, so you are going to have more than just your residents turning in and out of there. I'm just concerned with the traffic there, as is Commissioner Sobieski.

Commissioner Anest: I agree with that. (inaudible)

Stephen Ullman: The 47 and 49 are rush hour trips.

Commissioner Anest: I understand that. I don't know what the hours of your facility workers are going to be, if there are going to be three shifts.

Patricia LeGault: There will probably be twelve-hour shifts but they won't be interfering with peak hours.

Commissioner Anest: Because I know, if I don't leave work at a certain time, I'm stuck.

Stephen Ullman: If there is a left-turn lane, it won't help you to make a left turn at all. All it will do is free up the left lane, and typically we look at that as a lane for stopped vehicles. On this road, coming up the hill, with the sight distance, that is the criteria that we use.

Commissioner Leggo: No disrespect to anyone who has stated this problem up there, but I'm going to give you my thoughts. I travel that way each and every day. It is a nightmare without anything there. I don't care if you are adding one, two, three or four vehicles, it's a problem right now. You put any kind of entrance or exit onto Cedar Street, any kind, for any reason, I mean, we are adding to a problem that already exists. There has got to be another option, having more entry in.

Commissioner Camillo: There are a lot of accidents up there, I know, I'm the guy that tows them. (inaudible) So something has to be done up there, bringing a lane over to your side so people going left can shift, just drop it in a little bit.

Commissioner Sobieski: There have been some pretty serious accidents up there, people seriously injured. We're looking at this, we drive it every day. I've driven when the traffic was at a stop because of the backup to get on the highway, so something has to be looked at, seriously. Maybe what you should do is have a light up there. I'm not sure. Obviously Russell Road would be (inaudible). At 8:00 or 7:30 in the morning, it's backed up all the way down the hill. So, my concern here is the safety of the drivers, and that is (inaudible.)

Commissioner Camillo: Where is the driveway, exactly?

Stephen Ullman: It is almost directly opposite Redan Upholsters.

Chairman Hall: I want to thank you for your information and next will be the public.

Kari Olson: Yes, but I did want to make a comment. I want to reiterate that what we are proposing here is much less for the traffic than what is already permitted for the site. I just wanted to bring that into perspective there.

Public water and sewer are available for the site. Storm water is going to be managed in accordance with the storm water management plan.

Chairman Hall: I'm sure when we do the site plan, all of this will be discussed again, water, sewer, everything.

Kari Olson: Okay, then again, I just want to be sure that the record is clear. Adequate buffering to protect adjacent properties: again, we'll talk to you about our landscaping plan that you will be seeing shortly, and the natural buffer, the way that this property sits, it's downhill from most of the residential properties in town. As you can see from the building map, we are directly abutting commercial properties, industrial properties and public land. It's below the Berlin Turnpike so you have Cedar Mountain as sort of a buffer for the residential zones. Our position is that there is adequate buffering. I know that I spoke with the Town Planner, Mr. Minor if he was satisfied with the way it was (inaudible). And then the last criteria would be the signage. We have not proposed any at this point. We are sort of waiting to come back to you with an application for signage. So, from our perspective it meets all of the special criteria for a special permit and we would appreciate your approval.

Chairman Hall: Does anyone have questions for Kari Olson?

Commissioner Serra: Not so much a question, but a comment. I just want to say, for the record, we would have had this traffic concern whether it was the previous project or this one. It's not that we are picking on Amara, we like the project, we want to see this project, but we want it safe for our residents. So, I just wanted to state for the record that this would have been a concern regardless of what went up there.

Kari Olson: And I completely understand and can appreciate if that is one of your paramount concerns. We did meet with Lt. Morgan, and he was okay with what was being done from a traffic standpoint, but we hear you, we hear you loud and clear. There may be some kind of an alternative that we can come up with that would satisfy you, but without talking to my client I can't say, maybe right turn in – right turn out only, on the entrance on Cedar Street. After meeting with Lt. Morgan, we didn't expect it to be a concern.

Chairman Hall: Okay, thank you. This is a public hearing, so we will be hearing from the public on the special exception. That is what we are talking about right now. The special exception for the Continuing Care Retirement Community.

Commissioner Leggo: So we're not looking at locations of anything?

Chairman Hall: This is the new concept that we just added with our text amendment. Since we added it we want to know what this is, so Attorney Olson just explained what was more specific and specific to the site. Anyone from the public wishing to speak in favor of the special exception? Come forward, state your name and address for the record.

Michelle Griffith, 233 Culver Street: Within the last year both of my parents, in their 80's, very healthy, suddenly needed care. I was retired, but I moved down to care for my parents for five months. As I listened I realized that this would have been a wonderful opportunity for my parents. I could have taken both my parents here, cared for them, not had to leave my job, and how wonderful it would have been to have the medical care options.

Bob Newbold, 50 Centerwood Road: Good evening. A longtime resident. I just think this is a beautiful project, and I think it will be a nice gateway for the town, coming off of the Berlin Turnpike. I heard a lot of concerns, but as I said, a beautiful building, a good use of the land. My dad spent his final days at the Gables in Farmington, but there was no critical care aspect of it, he had to have 24/7 care. I heard concerns about the structure. I think the height has been a

concern. I don't quite understand why that is an issue, (inaudible) I think less traffic there than with the hotel, gas station; traffic is admittedly terrible up there. I've almost been hit there myself, so, I understand the problems. I think Newington is famous for putting left turn only, right turn only and nobody pays any attention to it, at McDonalds, the station on Fenn Road, so anything that goes up there is additional traffic and short of having some real traffic calming, people just drive like it is the highway, so there are legitimate concerns for whatever goes there. I guess the bottom line, I would just like to say, it looks like a good project, it's a growth industry, and there are parents in need of these facilities. I know that the fear that I had with my dad was that he was going to have to go from the Gables so it would be an advantage to know that you could just slide right into the next level. I think it's a great concept. I would like to commend the attorney on her presentation. I think she did a great job.

Chairman Hall: Thank you Bob. Anyone else?

Peter Arbour, 123 Tremont St: I think the structure of the free-standing unit (inaudible). It will be the best use of the property, because of its location near the Berlin Turnpike. (inaudible.) This will be the first major development of this magnitude (tape failure.)

Speaking in Support:

Jan Krispan, 93 Tremont St.
Ken S. Onge 36 Crestview Drive
John Webb, 689 Churchill Drive

Speaking in Opposition:

Jeff Zelek, 55 Welles Drive No.
Kathy Braga, Main Street
Roy Zartarian, 25 Stuart Street
Gail Budrejko, 21 Isabelle Terr.

John Bachand, 56 Maple Hill Avenue: First of all, the tax revenue increase over present day is \$25 per person. Just keep that in mind, put that in perspective. I would just say the woman from Middlewoods might be our greatest asset or insight because who else has more experience than she? Again, I'm not saying that I'm all against it, there's just a lot of things we are going to have to fix before it's safe. There is some kind of an ambiguous thing about density, and I can't image a fire department going up there with no clue about how many people are in that building, if there was ever a disaster. I looked at the plans in Craig's office and it shows the bare minimum for a fire truck to turn around and we're talking about parking, and if you have one car parked out of that spot, or double parked because they are employees and they are parking behind each other, that blocks that access and that truck can't turn. So this other thing is, \$2500 per week, or \$6,000 per month. That's not for Newington.

Chairman Hall: We didn't hear that tonight, so let's stick to what we heard tonight.

John Bachand: The concept is great, but I just think that it doesn't fit that. Looking at that tax revenue, the danger of the negatives take away from that, and it is a good concept, I'll say that, but put it somewhere else.

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

Michael Fox, 1991 Main Street: With all that has been said tonight about how much tax revenue this would generate, and some people sound like it is too good to be true. I found out that if it sounds too good to be true, it usually is. However, that having been said, I think it's a good

project, and the location isn't bad. The only thing I want to say is, as I said, the tax revenue, for one thing (inaudible.)

Rose Lyons, 46 Elton Drive: The first thing is whether there is a need for this type of facility in Newington. The Applicant addressing the fact that in a survey that was taken, 18 percent of the population of the Town of Newington was over 65. Well, I'm part of that age group. If the survey they are referring to is the Housing Needs Survey that was done by the town, I'd like to know, because I too was at the presentation at the senior center and asked the question why we needed this in Connecticut. Based on the studies of the surrounding towns, so they seem to be pushing this as something that will benefit Newington seniors. I can't see it that way. As far as the location, for 57 or 59 years that I have been here in Newington, I've gone up and down that mountain I don't know how many times. I went up before it was straightened out and come down it and I'll tell you right now, if you put another entrance on Cedar Street, Connecticut Fastrack is beginning to look really good, or New Britain Avenue into Hartford. As Mr. Arbour brought up, the State of Connecticut controls that road, and can someone get an opinion on whether or not there is a problem with the traffic? I'd like to see that in writing somewhere. It's not just cars, it's deer and animals, and whatever and it's a dangerous area.

At the last public hearing the applicant made a presentation, the public had an opportunity to speak, and the applicant had an opportunity to rebut. I don't remember the public having an opportunity to rebut. And you could add, for the public if you are not for or against, just to have the opportunity to speak.

Chairman Hall: That's what we have been doing, that's why you are sitting here.

Rose Lyons: I understand that, but I'm a regular.

Chairman Hall: I do it every time.

Rose Lyons: Yes, I know but there are people who don't come all the time. I got up half way through the last time and I wasn't sure what to do.

Chairman Hall: Anyone else? The petitioner has the right to answer any questions that you heard or that people had.

Kari Olson: I will be brief. I think for me, what was most disconcerting were statements made by Ms. Braga, based on the meeting at the senior center. I will only say that there were many mis-statements of fact. There will be no grandchildren living in this facility. There will be no (inaudible) for seniors, I don't know where they got that idea. The other thing I would like to say is that absolutely no monetary ranges were discussed at that meeting, nor have any been proposed. The level of care provided to each senior is so individualized we couldn't give you an estimate right now if we wanted to. Really and truly, there is no range that would be accurate at this juncture. I would just ask that you take a lot of what Ms. Braga said in context, in the context that she works for a residential living facility.

As we indicated before there are great benefits to having smaller footprints for the convenience of the residents. But another thing that is very important is that the greater the number of units, the more affordable the project becomes. That is important because for this to be feasible, there needs to be enough units to make it affordable for everyone. We want to make sure that you are aware of that.

There was a statement regarding the footprint of the building. The footprint of this building is 59,226 square feet as opposed to the 90,000 square feet of footprint that was proposed for the retail/gas station and hotel.

There was a safety concern, specifically in regards to fire in a building of this size. We met with the Fire Marshal; will you tell the Commission?

Kevin Michnevitz: Yes, we met with the Fire Chief, Fire Marshal and the Building Inspector to go through all of the fire ratings. We met with the Fire Marshal, Fire Chief and building officials a few weeks back to go over the safety measures in the building. This is probably the most safe building from the protection of the construction, a defend in place building in the sense that there is higher fire ratings for the protection of the structure, egress corridors on stairwells, fire prevention methods to fire alarm systems, fire proof cabinets, and standpipes. This is well above what is required by code, but to provide that level of safety for the type of residents here, is necessary to have.

Stephen Ullman: I'd like to address the driveways. We had a chance to discuss (inaudible) we hope that we have a solution to your concerns about the driveways. We most certainly can go with right in/right out of the site. I know that people are going to snicker about that because of (inaudible) or signs that you already have, so we will try a right in/right out and it has to be what kind of vehicle. For trucks and such it has to be a very large radius, and in some regards a right in/right out (inaudible). In some driveways, if they are coming out left, they are kind of cocked to the right, looking over their shoulder, and I think we could very effectively have a right in/right in only, and it may be (inaudible). We could have an island, something that an ambulance could mount, but high enough that cars could not take that turn. (Inaudible) I believe we can construct one that will service the site.

Commissioner Sobieski: Have you referred this to the STC?

Stephen Ullman: A couple of years ago, the STC was abandoned. There is no longer a State Traffic Commission, it has been replaced by the Office of the State Traffic Administration. It was the Governor getting rid of six commissions, the people who reviewed it now are the ones who say yes or no. So what was the STC is now the OSTA.

Chairman Hall: Okay, thank you. Any further.....

Kari Olson: The last thing I wanted to speak to are the issues that have transpired with the Conservation Commission about the special permit. Attorney Nick Harding, who represented the applicant before the Conservation Commission, is here. There is a letter in the packet of material that I gave you tonight which explains why the existing wetlands permits are effective for this site for the regulated activity being proposed, and if you have specific questions on that, Attorney Harding is here.

Chairman Hall: During the site plan application questions might arise at that point.

Kari Olson: Okay, thank you very much.

Chairman Hall: The public has the right to rebut these issues, specifically what has just been said.

John Bachand, 56 Maple Hill Avenue: I just got a little lesson here. I'm very concerned about this mis-representation, the difference between the total square footage. She misrepresented the number. The total square footage of the plan that was approved was 96,000 square feet. The footprint was 35,000 square feet. Footprint and square footage are the same if you have something already built, you had a four story hotel, that's why the footprint and the square footage were 35,000 square feet. Now it's at 60,000. The total square footage went from 96,000 to (inaudible) square feet, you do the math.

As far as safety for the fire trucks, the Fire Chief signed off on it because he saw the plans, the parking spaces and saw the nice, neat turnaround, but if you look at it closely, see how close it actually came to the line of the parking. If one person parked out of spot there, out of position, the truck would not be able to get around. It's very tight. Second is the right in/right out, which is a logical idea, but I'm concerned with having the driveway forward of that building. Typically having a driveway that close to an intersection. Again, the square footage is a serious thing because you have a person here who represents that, if she is making a mistake on that, I'm just concerned about (inaudible) Thank you.

Chairman Hall: Thank you John. Anyone else?

Kathy Braga, Main Street: I don't oppose this project because it might be competitive. I don't feel it is competitive because it offers something very different from what I offer. If I thought it offered something that seniors would benefit from, I actually would be in favor of it. I am concerned that their attorney made several misrepresentations during their presentation to this town. They essentially told everybody at that meeting what they wanted to hear, and now they are coming back and saying, none of what we said there is really factual. They stated that they couldn't give a price range because it's so individualized, but then they said that they are going to increase the number of apartments/bed size in order to make it more affordable. So they must have an idea of what each bed, each apartment is going to cost if they think that doubling that is going to make it more affordable. They clearly stated prices in that meeting at the senior center, and it was not an affordable option. I also ask where they got their numbers on the average age that they are using to begin with, 82 to 83. I have been in this field for twelve years, and I can tell you, yes, fifteen years ago to go into assisted living it was 84, now it's 94. Someone who is 94 is not going to go to Starbuck's. The acute levels of assisted living have changed over the last decade and I'm just not so such that this project has taken into consideration that change and the financial burden that this project mean. There is no Title Nineteen. There is no Medicaid. Without that, they cannot age in place. They would have to leave and go find a nursing home. (inaudible). I'm not opposed because I'm not a competitor, but I'm not sure it is the right thing for the seniors and the families in our town.

Chairman Hall: Thank you.

Rose Lyons, 46 Elton Drive: I too was at that presentation at the senior center, and I heard basically what the lady before me said she heard. I think by going to all of the different meetings I pick up more information, but then I get more confused because I know, (inaudible) and the thing that really bothers me is whether this is a facility that Newington needs, because if people are going to be 82 or 83 and they aren't driving, the senior housing that just went up recently, two years ago, the Samaritan building at New Meadow, they didn't allow for enough parking for people.

Craig Minor: Attorney Olson, could we go back to the second criteria? You covered most of it, but you didn't quite cover everything. So, 5.2.6 B: "the Commission needs to consider the existing and probable future character of the neighborhood and then Item G, based on safeguards to protect the neighborhood in general from detriment including but not limited to proper buffering". You didn't speak to what happens right now to property values in the neighborhood.

Kari Olson: Okay. Taking G first, my presentation dealt with the notion that this Commission is uniquely situated to know exactly what the character of this neighborhood is going to be. Again, I feel you are in an enviable position because you know what is going to be installed so you of all people can decide for yourself, as to which you think is the better development for your town, so that was my speech, if you will, relative to potential (inaudible). I don't know if you have something specific in mind that you want me to address, but I feel that the character of the neighborhood, given the fact that you have the health center across the street, given the fact that

this would be an excellent transitional use between the B-BT zone with heavy commercial uses and the residential properties that are located over the mountain and in your town. It's an excellent project, an excellent transitional development for this area.

Craig Minor: Thank you.

Kari Olson: Let me say, to protect adjacent properties...

Craig Minor: (inaudible) "but not limited to proper buffering", so what are some other safeguards that we should consider?

Kari Olson: Well, the Jensen property, if I'm reading your zoning map correctly is a very small square of Industrial property. I don't believe that will be impacted by this CCRC in any way shape or form. Currently the access to that property goes across the property that is owned by the applicant and a formal easement which is even wider than what currently exists is being proposed. We know that there will be no negative impact on that building, that the access will remain status quo. You just heard all of the steps that we went through with respect to the agencies of the town, with respect to making sure that this project will not negatively impact traffic, fire safety, all of those other parameters that the Commission could be concerned with. I'm hearing everybody talk about the traffic. I completely understand what their concerns are, and we have offered a right in/right out solution, which seems to be of the most concern. Every single contact from DOT, and we do not have the ability ultimately to decide what happens on that road. We talked about property values. If you look at the adjacent properties, we're talking about a motel, we're talking about a health care center, we're talking about commercial properties that currently permit things like conference centers, and the industrial property that is immediately to the north. So you are talking about a use that is consistent with the adjacent properties but will enhance overall property values in town, because it provides a service that the residents that live here. I talk about those in the 45-54 year range who right now might have to care for a loved one who needed assistance for this type of facility, and now we will have one in town. To me this is a win-win situation for the town. This is a unique animal. Someone spoke about a CCRC, but those are campus style. They are not in this type of an all units in one building with all of the amenities in one place, age in place that this CCRC is. It gives people the security of not having to move at all.

I don't know if you have ever dealt with somebody who needs memory care, but the slightest disruption to their routine can have significantly negative impacts on their ability to cope. So the idea is somewhat unique for this state. I know there are facilities in other states, but in my opinion, this is your opportunity Newington to really, you are in an exciting position, you are going to have the first one of these in the area. And if it's not here, it's going to be in some other town. This meets the regulations that you adopted tonight, and I believe that Mr. Minor will confirm that these kinds of mixed-use developments are perfect transitional uses from commercial to residential.

Chairman Hall: Thank you. Any questions from the Commissioners at this point?

Commissioner Leggo: I just wanted to confirm three things and ask one that we didn't get an answer from the applicant. The one we didn't get an answer for is the out-of-pocket cost if there is not Medicaid.

Patricia LeGault: We will be subsidizing about fifteen apartments to tenants. We will be subsidizing privately. We also have an admissions payment and I can't get into financial values because we don't have that in a nutshell, but I can tell you that (inaudible)

Commissioner Leggo: The other one was, we heard both sides of all ages about seniors only.

Patricia LeGault: It is seniors only and we will have to be licensed by the Department of Health, so I wouldn't be able to have anyone else there. The Department of Public Health will regulate us (inaudible). I think perhaps when we were saying that some programs would be generational, we welcome your grandchildren to come and visit you, we welcome schools to come to the amphitheater, but when we said it was a generational that is what we meant.

Chairman Hall: Anyone else have any questions and anything that was unanswered?

Commissioner Anest: (Inaudible)

Kari Olson: The number that we submitted, for example, your overall population was taken from the Census of 2010. The number of existing beds was taken from the booklet that we handed out when we presented the text amendment to you. We have excerpts from Newington Housing and Development, Newington Census excerpts, Tab 9, that is where we arrived at the statistics that we provided in the information to you, and there was the Newington Housing Assessment Report excerpts which is Tab 10. This is the assessment of residential satisfaction of (inaudible) in town. We provided some excerpts from that. I think that's about it.

Mr. LeGault: (Inaudible)

Commissioner Serra: One thing that I wanted to mention, the Housing Assessment Report, I was on that committee, and we had many meetings with Professor Mitrano, and one point he made to us in those meetings was residents didn't want apartments, they wanted housing, and they wanted houses with master bedrooms on the first floor. They still wanted to have their gardens, they still wanted to have their houses, but they wanted smaller lots, and they wanted the freedom of having their own home. So, I don't know what numbers or what someone has misinterpreted, but that came directly from him at one of the meetings.

Kari Olson: Obviously I wasn't there, I can't speak to that; I can only speak to the documents that were provided to me. But I have to say, if that's what they are looking for, if they are looking for more of a campus style of a CCRC, then that obviously wouldn't be the place for them, but we have also reached out to people in the community center, the senior center and there are a number of seniors who were very much interested in this type of a structure.

Commissioner Serra: I also want to say as part of this Housing Study, this did not reach all of the seniors, it was done off of a mailing list. We have heard some feedback, I have talked to people since then, and again, I'm not knocking anything, but I want to make sure that the facts that are out there are correct, saying that it was part of the study, and over the time that we spent on this, we got a lot of feedback. The consensus was the elderly, and I realize a lot of people spoke tonight, but I think we have a fair amount, from the housing study and people who were here to make sure that we got that correct, and as I said, a good number of people wanted to keep their houses. They didn't want a campus style, they didn't want a facility yet and these are baby boomers, people who were older. They wanted their little piece of the pie, they wanted a small ranch, extra bedrooms where their grandchildren could come in and stay over. What I just want to make sure is understood, I know what we were told directly from the professor, so I just want to make sure that those people are represented.

Kari Olson: And I think that is very much appropriate because again this is not one size fits all for all seniors in Newington, but the idea that I got, and you guys are the experts, this is your plan, these are your regulations, but what I got from your Plan of Conservation and Development and from the survey is that the community wants options, and there aren't a lot of options here. Maybe this isn't going to be the right fit for every senior in Newington, but it is an option, so I appreciate where you are coming from.

Chairman Hall: Anyone else? We've heard from the Commissioners, we've heard from the public, and we've heard from the presenter. What is your pleasure?

Commissioner Leggo moved to close the hearing and move it to the next meeting. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Hall: This will be moved to Old Business on the 22nd of April. Thank you.

VII. PUBLIC PARTICIPATION (for items not listed on the agenda; speakers limited to 2 minutes.)

Chairman Hall: It is almost twenty after ten. I'm going to have Commissioner Camillo set the timer because when we say two minutes, we are serious about two minutes. I've been fairly liberal tonight because it is important to be heard, this is a very important project that we are dealing with. Come forward, state your name and address and you will be limited to two minutes.

John Webb, 689 Churchill Drive: I wanted to address you about housing. I've been working in a retirement community for almost 25 years and they do want to live in a house, they don't want grab bars in their showers, they don't want grab bars in the (inaudible), and they don't have any kind of a bar to grab onto in the hallways, because they don't want to see it. They're needs can change like that. Your wants are not the same as your capabilities. I can remember what they did and they are lovely apartments complexes, they had to put wooden railings with like a little finger grab, so that's what I want to throw out there, because everyone wants that garden, and they do have apartments where you can go out and enjoy them.

VIII. REMARKS BY COMMISSIONERS

None

IX. MINUTES

A. Special Meeting March 25, 2015

B. Regular Meeting March 25, 2015

Chairman Hall: You just received these minutes tonight, and haven't had a chance to read them, so we will put off the vote until the next meeting.

Commissioner Anest suggested that the Commission consider Petition 12-15 at the present time, rather than at the end of New Business.

X. NEW BUSINESS

A. Petition 12-15: Site Plan Modification (Parking area) at 2272 Berlin Turnpike, Seva Sadan LLC, owner/applicant, Alan Bongiovanni, 170 Pane Road, Newington, CT, contact.

Tape Failure.

Alan Bongiovanni presented the revised parking layout that has been approved by ZBA.

Commissioner Aieta asked what the ZBA had used for a reason to issue the approval. Alan Bongiovanni indicated that it was the steep slope on the property; the drop-off of the land was the hardship.

Commissioner Aieta moved to approve the revised site plan for 2272 Berlin Turnpike. The motion was seconded by Commissioner Leggo. The vote was unanimously in favor of the motion, with six voting YEA.

B. Discuss Possible Moratorium on Higher Density Residential Development in the CTfastrak Station Neighborhoods.

Tabled.

C. Petition 06-15: 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.

Neil Snow represented Keystone Novelties in their request for a firework tent at 56 Costello Road. He said the applicant has used the same site in the past, and there has never been a problem with the site, or the use of signs advertising the fireworks. The Commission reminded the applicant that no signs should be posted along the Berlin Turnpike or on any surrounding streets. The application was moved to Old Business for the April 22, 2015 meeting.

D. Petition 09-15: Site Plan Approval (Continuing Care Retirement Community) at 751 Russell Road. HDC ONE LLX, owner, Amara Community Living LLC, applicant, Kari Olson, Esq. City Place 1 185 Asylum Street, Hartford, CT, contact.

Stephen Ullman: The parking was calculated on the (inaudible), so we need a half a space for units, and there is 175 (inaudible) and that gave you, and you need one space for (inaudible) beds, and there are 35 beds, plus one for every two employees. There are fifty.

Commissioner Aieta: Is that a representation of the number of employees per shift?

Stephen Ullman: Fifty per shift is an estimated of the employees.

We have storm water management designed to meet your storm water regs. [pointing to the site plan] What it consists of, runoff is in five subsurface (inaudible). They will be connected to the existing storm sewer system in the adjacent roadways. There will be zero additional run-off from the site. We have a rain garden, below that a courtyard that will provide on the left of the entrance drive, (inaudible). We also have an underground storm water system. The parking lot is (inaudible). The utilities are mostly from 175. We have the driveway, and the mechanical room will be located at the end of the driveway. As you can see, the site is heavily landscaped. We have trees that will be the border, and in that large oval area near the rain garden, local wild flowers.

Nick Michnevitz, MBH Architecture: I just want to add a couple of things. I'm a registered architect in the State of Connecticut. The whole idea of the landscaping as well as the building is so it is sort of a home design. So through the area, the species of plants are drought resistant, and most of the area will not require a lot of water to exist. There will be plants and grasses in the green area. The roof garden that we have will, the water that permeates that surface we can use in an internal system, and the landscape will eventually be replenished the interior and exterior of the water features. It won't be in the engineering calculations, but it will be the runoff that will aid in the water usage for the water features.

Stephen Ullman: (Inaudible)

Commissioner Sobieski: On your runoff, has the DOT approved that?

Stephen Ullman: No. (inaudible)

Commissioner Serra: In the parking lots, what do you propose for snow removal? If we have a year like this, where parking is a little tight as is...

Stephen Ullman: On the revised plan we have snow storage sites on the grass area, the big grass area, off to the side of the driveway; wherever there is an area. (inaudible)
The retaining wall is 5.75 feet on the left side. (inaudible)

Commissioner Anest: (Inaudible.) Would they have an off-site parking area when they have events or the amphitheater? People can't park on Cedar Street.

Commissioner Aleta: There is no parking on Cedar Street, and they are not going to be able to park on Russell Road, so if they are underparked for their facility, they won't be able to have those events, and they will only be hurting themselves. If you spend this type of money on this facility, you better have enough parking or else it's not going to work.

Stephen Ullman: Based on the (inaudible) of the facilities, peak hour traffic would have 29 entering the site and 16 exiting, and during the PM, there would be 18 entering and 29 leaving. The peak hours are between 7:00 and 9:00 in the morning. We have already agreed to have the plans revised to Newington's approval to have a right in/right out only.
(Inaudible)

Commissioner Anest: I'm concerned because you are going to have people who want to get to the Berlin Turnpike.

Stephen Ullman: They would have to go to the center of town and then return or get to the Berlin Turnpike by another route.

Commissioner Anest: If someone comes off the Berlin Turnpike at 4:30 in the afternoon, and they see that they can enter the facility and then do a cut through and then out.....

Commissioner Leggo: Just to maybe bring the attention to our concern with this right in/right out, right across the street getting on to the Berlin Turnpike, that is a right in/right out, and it is probably as much left and left as it is right and right. They tried to do everything that they could.

Stephen Ullman: Our right in/right out will be just a little tighter.

Commissioner Leggo: Is there a reason the main entrance can't be on Russell Road?

Stephen Ullman: That is staff parking. I don't worry about Cedar Street, I worry about the ramps going down there.

Commissioner Serra: Let me ask a question. Is there any way that the Russell Road entrance, could there be an island or something, so that one side of that would be one way out to Russell Road? You know, split the driveway so that half of it is one way out; they can come down Russell Road, take a left or right. Coming from where the staff entrance is, coming in and out, if you split that driveway so you make it one way out, now they can take a right, go down to Cedar Street, and make their left or their right.

Chairman Hall: No, you can't go left.

Commissioner Serra: Oh, that's right.

Commissioner Sobieski: The easement to Jensen, which is where it is right now, is narrow. Are they going to be able to get trucks in there?

Stephen Ullman: The existing driveway, (inaudible)

Nick Michnevitz: It is also a rainwater garden which at certain periods of time will provide a little bit of run-off; the vegetation, the wild flowers, along the perimeter of that will absorb. The way that the building is, the common amenities and the fitness center, adult day care is to the right, all open out to the rain garden. I prefer to call it an "(inaudible)" garden and it will cater to a variety of different emotional outcomes from memory care to just residents, so a variety of vegetation and flowers sort of touch on the emotions. Occasionally we will introduce some of the residents who want to explore music, all within the landscaping. Wind chimes and that sort of thing. It's a very holistic approach, and will carry that as well into the roof garden that is up on the fifth floor, as well as into some of the interior common spaces. Within this rendering you can see some of the retaining walls that we have. They are all of natural stone, and it is sort of set down into the appropriate landscape. You are not, nowhere in the facility are you going to be looking at a straight high wall of concrete block. It's very sensitive to the sight and the visibility and sight lines from Cedar Street.

Now one of the things that I wanted to make sure was that the residents of this Community didn't have just a rectangular box. We wanted to create movement and different materials for different shadow lines, to create depth of the building, so it sort of disappears and that brings a lot of character, a lot of fun, and obviously a lot of great aesthetic quality as well. There are the intricate features, exterior planters along the balconies, and again, applying the holistic approach, we were going to have raised gardens on the site where residents could go and plant, so we had several ideas to get them involved, in both the prettiness of the setting and so there isn't outside third parties and maintenance staff. Obviously they will be there, but it becomes more like home. They can be involved in a lot of the vegetation, and we have lots of balconies that they can be involved with. These false chimneys, they also serve as exhaust shafts for the kitchen. Those will all be shielded so you are not going to see those large mechanical units on the roof. Everything is shadowed, screened. One thing that is kind of unique about this is that there are a lot of amenities, on a large scale. We as a firm work with CCRC's that are trying to make everything as close to home as possible. There are two pieces of signage, one that will say, Welcome to Newington, and slightly higher, above that is the Amara sign. We would have the American Flag and the State of Connecticut flag, and obviously some of the veterans, as you know, are very involved with raising of the flag.

Around the back, you spoke about the mechanicals, we have a patio with a garden which is specifically for memory care. The key for those types of residents is, as you know, they wander, and you have to keep them away from the traffic, so this is fenced in and landscaped. Of course other residents can use it, but that is particularly safe for the memory care residents.

The building, the center courtyard is designed with walking paths, water features that cascade. This will be therma-block. Some other paved areas will turn off to barbeques, and that kind of stuff; that's what the main courtyard does. The three-sided courtyard here to the east has balconies, and the gray sort of appears down a little bit. We have excessive plants, stairs with raised platforms so residents who are physically challenged can go out there, and it also serves as an outdoor amphitheater. We have a little covered bridge, and on the other side of that, at times of the year, we can use as the outdoor amphitheater and for community use.

We have other features, you know, having been involved and having years of experience in designing health care facilities for the elderly. It's in the detail. It's in the little things. So as we developed the landscaping and patio and trails, we wanted to make sure that we have resting zones, and every fifty to seventy-five feet there are benches for seating. A lot of facilities will typically have paved walks, and every three or four hundred feet there is a bench, and what we have observed over the years is that the residents slowly decide not to go walking because there aren't enough resting zones, so that will built into the landscaping. Again, it's sort of a trial and

error by the way health care has changed, and assisted living has changed, modeling it on the way that the next generation is looking at things. Again, it's all in the detail.

Commissioner Aieta: Address the setbacks, the thirty-five foot setbacks from the property line.

Nick Michnevitz: This is the outline of the property here [pointing to the display] and the dashed line here are the setbacks, so the east side is about 10 feet in from the setbacks.

Russ Cyr: The front setback is 35 feet and we have provided 52. The side I think is ten feet, and we have provided 303 and in the rear, 15 feet are required and we have 98.

Commissioner Aieta: Question to the Planner, this doesn't require a green space, does it?

Craig Minor: It does require green space.

Commissioner Aieta: But on the Berlin Turnpike it has to be 35 feet. Doesn't it apply to this zone?

Craig Minor: Correct, it doesn't apply to this property because this property is not on the Berlin Turnpike.

Nick Michnevitz: On the mechanical, we have a couple of generators back here, but the generators will be in a fully closed system to basically eliminate all of the noise level. We have tested them over a period of time and have done everything in our power to capsule those and reduce the noise level. Any other questions on the landscaping plan?

I will briefly go through the floor plans here. Again this is a holistic design. It's also market-driven given that we are showing a variety of amenities here. A lot of these units and the locations of the units are varied depending upon the market. We might decide that it would be better to have all of the one-bedded rooms on one floor, depending on what the market would justify. In the basement level, the pool and the fitness center, the amphitheater, spas and yoga rooms and all of those that are overlooking the rain sensory gardens. These are all very small spaces where they are ala carte amenities, if you want to buy into those, but again, they are small. They are not Olympic-size pools where you are going to have 150 members at one time. Again, the density, keeping things smaller becomes more functional and economical.

The senior day care is up here and to the right. Its own separate drop off entry point is here, and we designed the center in a way that they can join in and utilize the fitness center, the pool, the yoga. The remaining spaces, all of the details and engineering will take six months to design; now this is staff use and storage and so forth.

In the main lobby, living room is a sort of two story atrium, and a facility with a water feature and that center courtyard that we spoke about that has a paved area, pergola, some outdoor grills and that kind of stuff. We have some sky lights that provide natural light into the backside, the wellness area; it's all about getting natural light and air into the facility. I have a list of amenities, formal dining, pub rooms, private dining rooms, Victorian key rooms, cigar club (cigars will have to be smoked in the outside roof garden), bistro, kitchen, and our first series of studio apartments that are scattered around on the first floor.

Second floor: one bedrooms, studios, and this area for now that we are showing where possibly skilled nursing, memory support type of environments could reside. They could be on any floor, but this gives you a sense of some of the support spaces that are going to be needed for skilled nursing which would be different and independent of the rest.

One of the first safety concerns of the building official and Fire Marshal who wanted to know what we had in terms of separating both independent assisted living from skilled nursing. Obviously in skilled nursing the residents are not evacuating on their own, some of the independents maybe, but most likely not. So, the skilled nursing and the independent areas are separated by fire-rated walls depending on the nature of those services.

Third Floor: some apartments scattered around, a Victorian lounge, Fifties-style restaurant, Irish Pub, car club; again they are all small spaces, they aren't very large spaces where you would typically find two or three thousand square feet, those really don't exist here.

The fourth floor: this is where you start to see some of the two bedrooms. This is mainly your independent floor, separated from the assisted living and the memory care. Again, the ratio of one or two will depend on the market and the location of those as well.

The fifth floor is really just a partial floor frankly. Viewed from Cedar Street this is all roof line and the floor is to the back, and that is only about a third of the square footage overall. This is some of our sub-acute where we have units, versus beds. We have bed locations but it is also designed for what we call "small house" concept. We are trying to deinstitutionalize those type of licensed skill nursing and creating more of a home-like environment, and as this project develops you will probably see more about how we create the small house concept. We are creating a home-like environment as opposed to the institutional-looking facilities.

One of the other last amenities that we kept referring to is the roof garden that will have a little pavilion and out here where the pergola is. This is all part of an integrated medicine program that ties into the holistic design concept of this building, to provide a variety of different methods to heal a resident both emotionally and physically. This roof garden will provide that for the residents. These days, especially in the medical field, you are taking the traditional and that one type of medicine actually works for all, the holistic type of healing where we provide a variety of different methods that each resident can actually explore and try for healing. Does anyone have any questions?

Commissioner Claffey: I have a question on your lighting. You have 145 exterior lights. I guess the town hasn't seen something like this, that's a lot of lights on the outside of the building and I didn't know how with the height difference will react with the traffic flow, if that was taken into account. I mean, you come up on the mountain, and you've got this bright light.

Nick Michnevitz: I know you feel concerned about the quantity. These are all LED fixtures, not the halogen type, and they will last longer, the bulbs won't go out, a lot more energy efficient. All the F fixtures provide enough lumens to illuminate the drive and parking at a coach standard. All the H fixtures that you see here - really low lumens bollards, just a small lighting path, so you're not, from Cedar Street, going to be seeing a million different lights. It's a covered lens that shrouds down and illuminates the footprint and they are all cut-off fixtures. The idea is to reduce the amount of light that permeates out into the other landscaping or the adjacent properties, so you would probably see more H fixtures than you see anywhere else, along the walking paths. We didn't want to provide eight-foot high poles along those paths, we wanted to provide a low lumen low profile.

Commissioner Claffey: So they are resort style, not hotel style?

Nick Michnevitz: Correct. That's correct.

Commissioner Claffey: Usually if they are hotel style they are mounted high to protect the parking lots, and that's what I'm getting at. We don't have this glaring orb in the middle of Cedar Mountain. It would look like a Wal-Mart for instance.

Nick Michnevitz: Right.

Commissioner Claffey: We're not used to seeing something massive, and I use massive in a light term. This is a lot of lights, but to differentiate between pathway lights and security lights I guess I would say, safety, people walking and stuff like that.

Nick Michnevitz: The thing about this site is that you don't get a lot of residents who are walking.

Commissioner Leggo: Looking at the site plans, C-1 and the employee parking lot I believe you call it, we've got two generators on one side and two chillers on the other side? I see the bollards around each one of them. What's the clearance there, because that is the loading dock area. The clearance there and the clearance for a truck to be able to back in?

Russell Cyr: The width between those bollards is the same as what is provided in the parking stalls, 24 feet.

Commissioner Leggo: And there is adequate area for a truck to turn around to back in?

Russell Cyr: We have the loading area that we find that the turning area, we have a truck come in, back in, and then leave.

Chairman Hall: I don't know if you are going to be talking about it or somebody else, but the wetland situation came up earlier and we didn't address that. Supposedly that is all taken care of, so we would like to hear about that.

Kari Olson: Are you done, Nick?

Nick Michnevitz: Yes.

Kari Olson: If there are no further questions of him, yes, I'll have the attorney come up.

Commissioner Claffey: Is this property LEED? You talk about sustainability, is this LEED certified?

Nick Michnevitz: No, this will not be certified. It will be as close as we can without getting there. Believe it or not, the industry is changing a bit, where there are less and less projects going for LEED certification because of the cost. The upfront cost to get certification, to get that one more piece of tile that has a recycling content; there's more and more buildings that are 95 percent without the certification.

Commissioner Claffey: You're not doing National Rebuilding Standard or anything like that?

Nick Michnevitz: Some of it is to that standard, like the case work that we have inside here will be from natural materials. We are going to fill most of the check boxes but we aren't going for any kind of certification.

Nicholas Harding: Would you be good enough to put up the original site plan showing the Inland Wetlands Setback lines? My name is Nicholas Harding, I'm an attorney with Reid and Reige in Hartford, and I appeared in this conference room before the Inland Wetland Commission back in January when the applicant was thinking about an alternative design from the one that has been presented to you tonight. That alternative design had some changes from the original Wetlands approval that was secured back in 2007. This design tonight and the upland review area with respect to the inland wetlands area is exactly the same footprint that was approved by the Inland Wetlands Commission back in 2007.

Nick, could you outline the hundred foot distance to the wetlands, the fifty foot and the hundred foot? [Pointing to the display]

Nick Michnevitz: The fifty foot, the hundred foot, everything within the 100 foot regulated area, and actually we maintained some that went slightly beyond that because that was how the original parking and road system was designed. We maintained that per the original application, unaltered.

Attorney Harding: What we had presented in January was different from what you see. If I remember correctly the building was set back a little bit further and it encroached into the upland review area, and when we appeared before the Commission to present that idea, it appeared to us that the Commission was not in favor of any new activity in the upland review area. So the challenge was made to the design team to come up with a design that required no new activity in the upland review area. This is the design that ended up being developed, and it allowed us to utilize the existing Inland Wetlands permit. In your materials tonight is a short memo that I prepared that the Town Planner had asked for, for the Town Attorney who expected compliance with Connecticut General Statute 8-3g. It is our position that this is completely allowable. It's been approved by the Appellate Court, and the case is from 1982 and as late as 2011 for an applicant not to have to go back and get approved what is already approved. We are using what is already an approved permit.

Commissioner Aieta: To the Town Planner, has the Town Attorney looked at this? Do we have an opinion from the town?

Craig Minor: He has not seen it.

Attorney Harding: He was presented with it today. I got the request to respond to that question late last night and I developed the answer to that question today. I know that I discussed the concept with him several months ago.

Commissioner Anest: I have a question, and I'm green when it comes to this. This was approved back in 2007, correct?

Attorney Harding: The hotel and gas station was approved back in 2007. Your question is going to be, why did that expire?

Commissioner Anest: No. Can the wetland buffers change, can they shift? You have your wetlands and then you have your fifty feet and your one hundred feet, but over time do the wetlands shift making the fifty foot and hundred foot be located in different areas?

Attorney Harding: My understanding is that they have not shifted on this site. We had a soil scientist look at these properties when we were discussing changes back in January, and he was convinced that there had been no change in the hundred and fifty foot buffers.

Commissioner Serra: I understand what you are saying, but in 8-24g there, and I'm not going to read the whole thing, but one of the paragraphs is, "the decision of the zoning commission shall not be rendered on the site plan application until the Inland Wetlands Agency has submitted report with its final decision". This is site plan approval, so according to this we need an Inland Wetlands decision.

Attorney Harding: That's right, and the Appellate Court says if you have an existing permit, you have an existing permit. You don't need to have that report, and we're acting pursuant to an existing inland wetlands permit. I think your Town Attorney will advise you about that.

Commissioner Serra: I would like to hear from the attorney before we go on. I for one would like to see Wetlands take a look at this.

Commissioner Sobieski: I would like that opinion in writing please, not something that is hearsay, I want it in writing.

Commissioner Aieta: The problem that we face is that it's pretty much up to the Conservation Commission to determine whether you have to go to them. We can't say you don't have to go, it's not in our purview. We have strict separation between their board and our board. So we are caught in a situation where we are hearing from the Wetlands people that this has to come to them, and we're put in a position where we can't make that determination. It's up to them to determine whether you have to go or not. We're in a bad spot.

Attorney Harding: I don't think you are. The applicant is pursuing an existing inland wetlands permit, with respect to improvements on the property that are going on inside the upland review area. Those are already permitted by your Conservation Commission, pursuant to a valid existing permit. The changes that have occurred in the site plan are all outside the inland wetlands upland review area. I think that what you need to do is to consult with the Town Attorney, and see if the Town Attorney agrees with my opinion about whether there needs to be any other action, because after all, what we would be asking the Inland Wetlands Commission to do is to rubber stamp an existing permit.

Commissioner Anest: I have a question. From the wetlands there's a dotted line that kind of goes, and just stops. Can you explain?

Attorney Harding: That is a manmade trench that was put in, I can't remember the year, but the soil scientist discovered it by looking at aerial photographs. That was placed by the farmer that used to use that field because the wetlands would hamper his ability to harvest or have cattle in the upland review area. It would get too wet, so he dug a manmade trench that would drain the water over toward the Berlin Turnpike. That's what that feature is, and getting rid of that feature was part of the 2007 approval.

Commissioner Aieta: It's obvious that we have to get an opinion from our Town Attorney.

Kari Olson: I want to put a copy of the effective permit into the record here, just to give you some comfort level that you have that permit as part of the record. We can certainly do that, I think that would be advisable. If you do not have further questions, I think that concludes our site plan presentation.

Chairman Hall: Any questions? Now's your chance. Thank you very much for your presentation.

Commissioner Leggo: Just a comment. I would love to see any possibility of the project enter and exit on Russell Road. I would love to see if there is any possibility of making that happen.

Commissioner Sobieski: This has an address of Russell Road, not Cedar Street. Shouldn't the 35 foot buffer apply to Russell Road and not Cedar Street?

Craig Minor: It's a corner lot, and they are providing the full setbacks on both sides.

Commissioner Sobieski: I thought the 35 foot setback was granted down the middle of Russell road.

Russell Cyr: The 35 foot setback is at both Cedar Street and Russell Road.

Commissioner Aieta: In these setbacks, Mr. Planner - can they park in a setback?

Craig Minor: Yes. Anything but buildings.

Commissioner Aieta: Anything but buildings in a setback.

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

Craig Minor: I have nothing new and this and frankly I didn't have much last time. I have been focusing on the other aspect of this project. So nothing new unless the applicants want to speak to it.

Chairman Hall: Do the applicants want to speak to the extension of the site plan approval or deal with it on the 22nd?

Kari Olson: We did file that request with the Commission for the reason that we thought it was worthwhile to be able to explore alternative options for the site. We do have, as you know, permits that are going to expire next spring, and in order for that build out to occur, we really need to get a decision as to whether the CCRC was going to be built here, to give us additional time to actually comply with the existing permits in the event that the CCRC was not of interest to the Commission. We are up against some tight time constraints, which is why we were requesting that the text amendment be approved as quickly as possible, and again, extending the deadline was just to alleviate some of the pressure on the applicant in regards to financing, etc., and it would allow us the time for you to make a decision here, otherwise for financial reasons, financial backing we really have to get some very tight deadlines.

Chairman Hall: But if we leave it until the 22nd, would that be acceptable instead of trying to cram it through tonight? That way we will deal with it with clearer heads.

Kari Olson: I understand, it's almost the witching hour.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

Chairman Hall: Petitions for public hearing: we have the DeNovellis, and we will probably have more by the 22nd.

Commissioner Aieta: What is the address of that DeNovellis permit application?

Craig Minor: 464 New Britain Avenue. I know it's in the B Zone; I'm pretty sure it's one of those lots there [pointed to zoning map].

Commissioner Aieta: Is it a new building?

Craig Minor: I don't believe so.

Commissioner Serra: I think it's the old Newington Hardware.

Chairman Hall: So it's in.....we'll have to drive by and find it.

Craig Minor: When you see the sign out, you'll know. It came in yesterday and I told him, yes we will put it on the agenda because it is just for scheduling.

XII. TOWN PLANNER REPORT

None

XIII. COMMUNICATIONS

None

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

Jeff Zelek, 55 Welles Drive N.: Can I just get a clarification on setbacks? Mr. Bongiovanni was told that you can't have parking spaces in the green space.

Commissioner Aieta: That's only on the Berlin Turnpike itself. Land adjacent to the Turnpike itself, that's the only place that you can't. We're looking for a boulevard-type look for the last forty years on the Berlin Turnpike and we didn't want any build out in the 35 feet of green space. This is not on the Berlin Turnpike.

Jeff Zelek: Some clarification: anywhere else except the Berlin Turnpike, applicants are allowed to pave within that 35 foot setback?

Chairman Hall: Yes.

Jeff Zelek: Thank you.

John Bachand: I just want to say, first of all I enjoyed going on that bus ride, and I hope I didn't intrude on you.

Chairman Hall: It was a public meeting.

John Bachand: So, I didn't hear, when is the public hearing on this site plan approval?

Commissioner Aieta: We don't do public hearings on site plan approval.

John Bachand: I heard, when I was trying to address the parking issue, save it for the site plan, save it for the site plan.

Chairman Hall: Yes, because we were talking about the concept of the continuing care retirement community. That had nothing to do with it. Just the idea of adding that.

John Bachand: Well, they brought up parking and I had a lot to say about that, so I'll just say, I'll just use a hypothetical. If the Planning and Zoning Commission changed the zone and allowed a higher density, but didn't account for extra parking, that's a mistake from the beginning I'm afraid. That's why we are seeing all this where theoretically you could have an applicant keep saying that they meet the zone requirements when it can't fit.

Also, as far as, hypothetically, if you have an applicant come here and tell you that their attorney is telling the Planning Commission that they are going to determine if they go to Wetlands or not, just based on certain case laws that's, a wetland application is pursuant to a threat to the wetlands and so if you change the dynamics of what is going on that property there is a bigger threat to the wetlands. Has to be looked at separately. It's absolutely a different threat, you never allow encroachment into the buffer, move a building closer and then allow the same encroachment into the buffer.

Chairman Hall: Two minutes, thank you.

John Bachand: Thank you.

Chairman Hall: Anyone else wishing to speak?

XV. REMARKS BY COMMISSIONERS

None

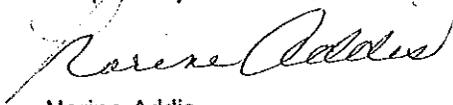
XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: Yes, closing and over, thank you for tonight.

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Leggo. The meeting was adjourned at 12:03 a.m.

Respectfully submitted,



Norine Addis,
Recording Secretary

