

NEWINGTON TOWN PLAN AND ZONING COMMISSION

May 14, 2014

Regular Meeting

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski

Commissioner Brian Andrzejewski-A

Commissioners Absent

Commissioner Carol Anest

Staff Present

Craig Minor, Town Planner

Commission Andrzejewski was seated for Commission Anest.

II. APPROVAL OF AGENDA

No changes

III. PUBLIC HEARINGS

None

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

Chairman Hall: Anyone wishing to speak please come forward, state your name and address for the record.

Gary Bolles, 28 Burdon Lane, Newington: These comments were read last Wednesday by myself to the Development Commission and I now want to read them to you as a matter of record. "A proposal to build 400 housing units near Newington Junction, CT Fastrack Station should be scrapped. Last Thursday's, May 1st non-publicized meeting which very few people knew about told of this plan for the housing units which is totally ludicrous. First, there is simply not enough room to build a structure that would contain some 400 units, unless the plan is to build a New York style skyscraper. This would be totally against the Town's Planning and Zoning Commission 2020 Plan. Do we really want a New York skyline that would totally ruin our quaint Newington Junction? Absolutely not! I believe the current

zoning laws, I think they do, only allow six story structures in Newington. Keep in mind that more housing costs this town more money than the revenue that they would bring in. What we really need is totally commercial development around our two busway sites that will produce tax revenue and require minimal town services. A remark at the meeting that young people are moving out of Newington because they can't take the bus anywhere is totally false. Young people drive their cars and they are not about to give them up. Our TP & Z has always supported transit oriented commercial development, not residential. Let's not kid ourselves, the State is pushing for residential construction at the busway sites because it will bring riders to the busway. Here in Newington we have enough housing. You should be wise to pay close attention to what town residents and town board members are communicating to you regarding a big no to any residential development." Then I continued it last night with the Town Council by reading the following statement which I hope I have time for, it's not too long, "After my presentation the Development Director felt it important to pre-empt his report to explain a few things about the meeting of May 1, 2014. Mainly he seemed to infer the presentation at the meeting by the State of Connecticut was botched in many ways. He also explained that it was not 491 housing units that were being planned, but rather 1,000 on one hundred acres, which I find, and should be totally unacceptable to the officials and residents of Newington. Exactly where the 100 acres of free space could be is beyond me, unless it is further down the tracks. Most of the area around the busway station except the Newington Junction is zoned I believe commercial. The TP and Z wants transit oriented development so I don't think they will be receptive to a zone change to residential, at least I hope you won't be. I also told the Town Council I hope they won't have their arm twisted by another town body to do something. You are your own independent Commission, and you can do as you wish, and the people who live in the surrounding area of Newington Junction would be extremely wise to speak up now, not later when all of the collateral damage is done to say a big no to the massive residential construction that would simply ruin their surroundings. Thank you.

Chairman Hall: Thank you Gary. Anyone else from the public wishing to speak?

Rose Lyons, 46 Elton Drive: It's been a while since I have been here, I feel like I'm neglecting you but the budget and the town hall renovations were enough for me to handle over the last few months. I did feel as though I'd like to comment, say a few things about the Newington Junction committee meeting that was held on May 1st. I was made aware of the meeting only because I was at a town council meeting, and one of the councilors went and told the reporter behind me that they were having a meeting, and they would like to have him be there, and I asked whether or not the public was invited, and I got the feeling that the public was not invited, but if they showed up, they would not be asked to leave. The meeting turned into something that I don't think it was supposed to be. At least that is the feeling that I got as the night went on. It seemed as though it was supposed to be a meeting with the Newington Junction Committee, members of the TPZ, members of Economic Development, and members of the Town Council. What it turned into was a question and answer period between the committee, councilors, members of the public, and I recall Councilor Borjeson back in February mentioned that there would be a charrette, which most of us did not know what a charrette was, so I went and looked it up, and it was a meeting of the people in the vicinity of where they were looking into the development. It seems to me, in my opinion, that things were done a little bit backwards, and it probably should have been explained to the people in attendance that night exactly what was going on. I believe that it was said at that meeting, that even the Committee members had not seen this proposal. It's not a done deal, that's what I took away from it, but there is so much different information being spread out in different meetings, that what I said last night to the Town Council I will also say here. I think it's about time that a different committees speak with different commissions, for instance Economic Development. I think Gary can attest to the fact that we heard another scenario at

that meeting last week. I think it's only fair to the residents that it be explained to them how this all got started, where you intend to go with it, and it's not written in stone what these people came up with on May 1st is what is going to happen in that area. I just think that the whole meeting left a sour taste in everybody's mouth. Not only the Committee members but, I shouldn't speak for the Committee members but I know the people from the public walked away thinking, what the heck are they thinking? What the heck are we supposed to think? At last night's Town Council meeting the Chairman of that Committee said that he thought that people maybe just didn't understand or didn't want to understand. I think the people are trying to understand but the information isn't being put out there the way that it should be, and that's all I have to say. Thank you very much.

Chairman Hall: Thank you. Anyone else from the public wishing to speak?

John Bachand, 56 Maple Hill Avenue: I just want talk about the busway and all of the development around it. Also, I'm against it, and I just think that you know, we were, say deceived, or misled when we were told that the busway was supposed to be a way to alleviate traffic on 84, and it's pretty obvious now that we've built bus stations with no parking that that really wasn't the plan. I know some buses are supposed to jump on in New Britain and use that as a corridor but I just think that this was a social engineering experiment from the beginning and you know, they fooled us once, however that saying goes that George Bush messed up himself, but you know, let's not let them fool us again. I'm just against it, and for all the reasons, the better reasons that everyone gave, I can't articulate them all right now that well, but I just think that I think we were deceived from the beginning on this busway and I think the direction that it is going in now, just to justify it, seems terrible. I had another issue you know, my ongoing thing with drainage on my property, but I'm going to skip that for now to dedicate that time to what I just said.

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

Jeff Zelek, 55 Welles Drive North: I attended some of the CTFastrack presentations. The firm that came down from Boston did a very nice job and one of the things that they explained was you will see this development along the busway and I believe that's going to happen, and it's going to be a good thing, but I think what we need to do is make sure that that development is balanced. I hadn't heard any focus placed on light industry. So I think that that corridor is ideally suited for light industry, especially Cedar Street. It's availing itself to truck traffic right off of the highway system. I think that employees could leverage the bus system to get to small factories, so as part of the Economic Development, please don't put the focus too much on housing or coffee shops or gas station. Make sure that you are putting a good mix, the types of development that you are doing and please really consider light industry because I do think that that busway is ideally suited for that purpose. Thank you.

Chairman Hall: Anyone else wishing to speak?

V. REMARKS BY COMMISSIONERS

None

VI. MINUTES

A. April 23, 2014

Commissioner Sobieski moved to accept the minutes of the April 23, 2014 regular meeting. The motion was seconded by Commissioner Leggo. The vote was unanimously in favor of the motion, with six voting YEA.

VII. NEW BUSINESS**A. Petition 18-14: Site Plan Approval (Commercial Building) at 2272 Berlin Turnpike. Parth Patel, applicant, Seva Sadan LLC, owner, Parth Patel, 58 Meadow Lane, Berlin, contact.**

Alan Bongiovanni: Thank you Madam Chair, members of the Commission, Staff, for the record, my name is Alan Bongiovanni, I'm a licensed land surveyor in the State of Connecticut representing Dr. Parth Patel in this application before you this evening for a proposed office building on the Berlin Turnpike on a lot known as 2272 Berlin Turnpike. It's about 500 feet north of Prospect Street, it's on the easterly side of the Berlin Turnpike. It's about two and a quarter acres in the B-BT zone. The property immediately to the south is a property that has been there for many, many years, the Hartford Animal Hospital, to the north is Sunbelt Rentals, and this is a somewhat overgrown, second growth, the site was cleared perhaps twenty years ago, and it's grown back in a wild state since that time that it was cleared. Then to the east is the back or the side of the Tennis Center. Our proposal is to construct a two story, 18,900 square foot office building in the central part of the site having access at the southerly end of the site, a single entrance and exit driveway into the property and parking in front of the building and then a grade coming down as the land drops towards the east, so parking along the side and parking in the rear of the building, so the main entrances at the front, the back and the side, so there are several ways to get into the building. The property is serviced by MDC sewer and water, they are both in the frontage of the property. They are actually outside of the highway, outside of the paved highway, they are in the grass shoulder. The only cut that would be into the Berlin Turnpike would be for the gas service in this location, this would just be in the shoulder. The property does slope from the Berlin Turnpike easterly towards the back of the property and from Prospect Street it rises a little bit and then slopes again towards the north, northeast corner of the property. The property from there drains easterly, eventually working it's way towards the wetland corridor in Wethersfield. The property does enjoy rights to drain across the neighboring property. We have designed an underground detention system for this site, so it will accommodate any increase in runoff from our proposed impervious areas that we are creating, and that design was done by our engineer, Close, Jensen and Miller. It will attenuate all storms from the two to the hundred year storm, reducing every storm event from the less than the pre-development conditions. After it is built, the runoff will be less than it is today. The property, the site plan, the design that we have done, very intricate, the detail and the attention that had to be paid to the detail was very, very difficult to make the grade work. There is a significant, it may not seem that way, but there is a significant change in elevation from the south to the north along the Berlin Turnpike, as well as from the Berlin Turnpike, dropping to the east. We have chosen the location of the building so that one, we can maintain some visibility. As you approach the site from the south in the northbound lane, we wanted to keep the building as close to the highway as possible so that you would have some visibility, but still provide some parking in front, because Dr. Patel's main business is a walk-in medical center. If you don't have parking and have places for people to park immediately when they see the building, they aren't going to go there, so that was a prime concern for the placement of the building, and the parking for the site. The only waiver of the town

regulations that we are requesting here is the parking setback. I've submitted a letter to Chairman Hall dated yesterday explaining our request for a waiver. It's a reduction in the thirty-five foot front yard landscaping requirement, not buffer, but landscaping requirement. In Section 6.10.4 the Commission has the right to waive in part or whole that 35 foot setback. We are asking for a reduction to 15.7 feet from the 35 and that would be in this north corner. It still will leave about 62 feet of green space before you get to the Berlin Turnpike. In the letter I talk about the drop in topography, the farther you push this building back, the farther down the hill it gets, the less visibility you will have when you look straight on the building, and the less chance people approaching the site are going to see it and have time to stop. We believe the farther back this building is, the less likely this will be successfully marketed and the long term viability probably won't be that promising if you can't see the building before you get to it to stop and visit it.

I prepared a graphic along those lines showing the building in yellow, our proposed parking and this is the highway line, this yellow line. The gray is the pavement, I apologize for the quality, this is the best I can get off line. But what it does show is our proposal in relation to the highway line, and the fact that the property at the corner is over the highway line for parking, the Hartford Veterinary Hospital is over the line, the Sunbelt Rental is within a couple of feet on the northern end of the highway line, all the parking in front of what is now, was Bernie's is now the Salvation Army is within that 35 foot green space, Bedding Barn is over the highway line, the former Dave's Bagels, is over the highway line, the former Zach's Gym is now a day care facility, over the highway line, and the computer building, the most northerly property is over the highway line, so we're not asking for something that doesn't already exist today, we would be approaching what they have. We are still going to provide more green space than all of the neighboring properties up here, so we don't see this as a detriment to the existing conditions, they've far exceeded what we could ever go for on this proposal.

We've received comments from staff regarding planting conditions, engineering comments, we've met with staff, I think we have addressed all of the comments. I did have a supplementary letter from the Town Planner which I will touch on in a minute, and then we have comments from the Town Engineer which I had a brief conversation, he hasn't finished his review, but I believe if there is anything left over it will be technical in nature. One of the things that, since this application was filed, or right before this application was filed while we were working on the plans, the Town's new Low Impact Development regulations. What we have done, and staff hasn't had a chance to review them yet, we've created some rain gardens in the parking area so that, as much as practical, we can take that water, pre-treat it, slow it down, before it leaves the site or before it goes into the detention system. We have our underground detention system which is a series of large corrugated metal pipes, perforated pipe with a stone bedding and any water that the soil will absorb based on its existing characteristics would also work towards the low impact design. This is not the most conducive soil conditions for that end. I talked with Dr. Clarence Welte and he is providing me a letter for staff. He's worked on all of the neighboring properties. We either have hardpanned silty soils, or rock, so there is not going to be a lot of permeability to the soils, but to the extent that there is some, we are taking advantage of all those opportunities. The rain gardens as proposed are kind of a neat feature. They're not just a feel good measure, they actually work. What we are doing is we're taking the islands, where appropriate, we're removing sections of curb, then having surface water go into those islands creating a depression. Around the perimeter to attenuate any velocity of the runoff we are using river jacks, round river stones, four to eight inches in size so that they won't be moved out of the way if there is a lot of flow, and then planting the inside with a sedge grass, there are five, six, seven hundred plugs per rain garden so that it grows densely. It's an attractive looking grass, it's more like the ornamentals, but has a function... Nutrient removal, the depressions will slow the water down, we have under drains underneath them so that they won't get ponding or a mosquito condition but they should function as designed.

The parking for this site, again these plans for the most part were created right before the implementation of your low impact regulations. With the new regulations there are reduced parking requirements. We had designed this for six and a half spaces per thousand square feet assuming a mix, fifty percent medical, fifty percent general office space. Your current regulations, instead of seven per thousand for medical, they are six per thousand, for general office, instead of six per thousand they are five per thousand, so if we made the assumption today that we went one hundred percent medical, we have the required parking for that. Our proposal was to ask for ten deferred spaces, the Planner recommends that they are not needed and we would agree, they probably aren't needed, so those probably wouldn't come into play, but what we have in the main portion of the site should satisfy the regulations. Our landscape architect Tom Linden I think did a nice job planting the site, seasonal color, shade trees for the parking areas, ground cover and the like, we have adequate detail on the plan for snow storage areas, in the islands around and the perimeter parking areas. Along with our request for the waiver of parking, one of the things that we can do to help encourage the Commission to approve it is increase the green space in the parking area. We're required to have a minimum of ten percent, we're at about 14.1 percent for the parking area, so it is a forty percent increase over what is required. Hopefully you will see that as a benefit in granting our waiver. Beyond that, I'd love to answer any questions. I'm going to give our architect, Suda an opportunity to talk about the architecture, and then we'll open up for questions.

Sudhakar Nagardeolekar: Good evening, my name is Sudhakar Nagardeolekar, and I am the architect working on account. The building as described is about 18,000 square feet, two stories high, a single story in the front, and as it goes down, it ends up being a two story. Material that we are planning to use right now, unfortunately what happens is that every printer does a little different shades, I can't help it, I apologize for that. But it is designed for the medical facility and office building. We have an elevator, we have stairs, and the construction is going to be structural steel with a drivet on the outside and then insulated glass windows. I do have the samples of it, once I get through I can show some of them. The bottom sections of the building around in here, we have decided to put some stone work to give a little color and little uplift, but it's basically a drivet building, structural steel, two story. HVAC units are on the rooftop. I know you might be asking us of the visibility of them, but we have done a little section showing the view, this is the Berlin Turnpike where this thing is, a person with a five foot eyesight, when you look at the outside, you can hardly see what is going to be on the rooftop. This is basically the outer finish of the building which is again a drivet product. These would be the insulated glass. They would be fitted into the framing. If you do have any questions, I'd be happy to answer them.

Chairman Hall: At this time, do any of the Commissioners have anything that they want to ask the architect?

Commissioner Andrzejewski: Both the windows and the framing have already been spec'd?

Sudhakar Nagardeolekar: Yes.

Commissioner Serra: I see some signage on the building. Is that the only signage that is going to be there?

Alan Bongiovanni: There will probably be a free standing sign. That's something that generally, I would come in after the fact. We did show a location, but we're not asking for the free standing sign.....

Commissioner Serra: Oh, I understand, I was just asking about what I see on the building now.

Sudhakar Nagardeolekar: I think we just wanted to indicate that this is the band where we intend to put the signage. What the signage is going to be because of the tenants that are going to be there, we don't know. We probably will be coming back to you again, and once we start the sign it is our hope that it will be as we have it shown or as we designed, not having different lettering or something like that unless a tenant is such that we have to abide by their standards.

Commissioner Serra: Thank you.

Commissioner Leggo: My question was on the three different sides where the parking is, there would be actual public entrances on all three sides of the building?

Sudhakar Nagardeolekar: Oh yes, yes.

Alan Bongiovanni: In the rear, the south side, and then the front, and there is a central corridor, there is an elevator, so you have handicapped parking on the lower level and the upper level and access between the two floors.

Sudhakar Nagardeolekar: It's also because the parking is all around and you don't want people coming out of there and going all the way up to the front there.

Alan Bongiovanni: I apologize, I didn't say much about it, there is currently access to the side lot, there is currently access on Prospect Street. We intent to utilize it, that driveway. There could be a lot of clientele, the doctor has many people from Wethersfield who visit him currently and that's just an easy way for them to get in and out of the property without having to go on the Berlin Turnpike.

Commissioner Aieta: You checked the sight lines, because it is on the hill?

Alan Bongiovanni: More than adequate sight lines, we're actually, we're on a constant grade, you have to go a thousand feet up to get to the high point.

Commissioner Sobieski: The impact of the drainage on that wetlands back there, that feeds into a small brook if my memory serves me correctly, then goes underneath Cedar Street and drains behind Goff Road, what impact will that have after a heavy rainstorm.

Alan Bongiovanni: We shouldn't have any impact, we've actually, from the two, five, ten, twenty-five, fifty and one hundred year storm events, we are reducing the flow in every category. The actual numbers when you get up to the hundred, the big, big storm, leaving this site now is about 7.6 cubic feet per second, we're going to be under five, 4.85 so we have a fifty percent reduction at that point. Prior to going into the storm, or the detention system, we have a hydrodynamic separator so that it's going to remove eighty percent of the total suspended solids, pollutants, flowables and such. It has to be maintained on a regular basis, so we are doing the best management practice, we're employing the best management practices so that we can have the water as clean as possible leaving the site.

Commissioner Sobieski: The other question I have is, you are going to use metal pipes, wouldn't plastic be better?

Alan Bongiovanni: We.....

Commissioner Sobieski: Metal has a tendency to rust out.

Alan Bongiovanni: This is a corrugated metal pipe that galvanized. It's been my experience working on projects that it has at least the same life expectancy as the plastic pipes do. It is something that our engineer has specified, Close Jensen and Miller is a firm that has been around many more years than I have and it's common practice to use on state, local, federal and private projects. It's a good proven product with a good track record.

Commissioner Sobieski: I realize that it is, I know there are a lot of them getting close to failure right now that the State is going to have to replace and towns are going to have to replace, that's why I'm asking.

Alan Bongiovanni: Again, it's something that the engineer has specified, we can review that, we can specify that as this, or equal and the contractor could submit something different that we could review, approve, and then have the town review as well.

Commissioner Aieta: I like the idea of having a building there, I like what the architect has done with the elevations, and the materials that he is using, I know that you know what you are doing as far as laying out the parking and the drainage. The only question we have, how do we get around this request for the thirty-five foot setback? There is a lawsuit that was generated because of the actions of this Commission and the judge ruled that we do not have the luxury of waiving our own regulations, now I don't know how that affects this particular section of the regulations, but it's out there. I don't see problems with the parking being in that area because you do have the sixty feet, but you know that the sixty feet is not all of your property, most of it is the state's property.

Alan Bongiovanni: Correct

Commissioner Aieta: So you are using the state's green space to make up the difference. How do we get around, we need an opinion from somebody, a legal opinion, as to how we get around the problem of us waiving our regulations. It's a court case that was litigated, the judge came down with a ruling and one of the rulings was that that was part of the ruling. Now we haven't done anything as a Commission to re-look at the auto related use that this pertained to, but there are other sections in the regulations that this would affect, and this is one of them.

Alan Bongiovanni: I would encourage, and I'm not familiar with that court case, I know the court case happened, I don't know the actual decision, I would encourage the Commission to get an opinion from the Town Attorney. I believe in my experience that if it's written in the regulations that the Commission when they crafted their regulations, gives it the right to waive certain components, then that is legal. When a Commission waives a regulation that they specifically haven't spelled out, they have the right to do it, I think that is where the crux is, I think maybe, I'm not familiar with it, that may be where it is.

Commissioner Aieta: That would make the most sense, what you just said, but that's not the way the ruling came down. We had in the regulations in the auto related use that we did not want the garage doors in the auto related uses facing the Berlin Turnpike, and that was one of the things that was in our regulations that said we could waive, and the judge said, you can't waive. So, it's specific to the extent of the law that came out of this court case so, I don't want to act in the manner that is contrary to the actions of this particular case. I need an answer, I need an answer from somebody who is more in tune as to how this affects us than who is sitting here.

Alan Bongiovanni: Well, then we will wait for word from the Town Attorney and then we will address.....

Commissioner Aieta: What you brought up as far as the what is from Prospect Street north on that side of the street, and on the other side of the Berlin Turnpike, most of the people are using the state right of way, at least you are not doing that, you are not in their right of way. Most of the businesses there are parking on the state property.

Alan Bongiovanni: I think some of them actually pay rent to the state because they are parking on state property.

Commissioner Aieta: I can see the problems with pushing that building back because I'm familiar with that property, with that area, it does slope down, it slopes down dramatically, the more you go back, the worse the conditions are.

Alan Bongiovanni: If you go back twenty feet to make the thirty five foot requirement, not only would the building be about four foot more below the road, you're making it that much more difficult as you approach to actually see the facility. Even signage, if we put it up all the way where it could be, they are going to have to be within a hundred, two hundred feet away from the property to actually see it, so it's critical that we have the building positioned where it is and you know, we toyed with the idea, well, we won't put parking in front. Well, that kind of defeats the purpose of being an urgent care where somebody, they don't want to drive by and go, well, there is no place to park, I'm just going to go to the next place. We want to accommodate Dr. Patel's clientele.

Commissioner Aieta: I hope we can come up with a way to accommodate the plan that you submitted, but it has to be done within the regulations, it has to be done the right way.

Alan Bongiovanni: Understood.

Chairman Hall: I have a couple of questions. I am assuming that the medical will be in the front of the building.

Alan Bongiovanni: Dr. Patel would be one of the front spaces. The whole building may be related medical services but yes, he is going to be one of the front tenants.

Chairman Hall: That's what I figured. Now I have a question concerning that we are right on the Wethersfield border.

Alan Bongiovanni: Well, the Wethersfield border is really right over here.

Chairman Hall: Would the run off going into the wetlands, isn't that Wethersfield?

Alan Bongiovanni: Eventually. We go into a pipe system and our drainage, the reason that we show all of this, our drainage system connects into an existing system that is here that eventually overland goes into their wetlands. Our engineer did meet with them, and submitted a copy of the drainage computations I believe but they didn't have an issue with it. We're not creating anything different, we're, the water flows there today, it will flow there in the future, we're not within the regulated area.

Chairman Hall: But you have spoken with them? That was my question, if you had to get any kind of approval from Wethersfield before this can happen? No, okay.

Commissioner Aieta: Just one little thing to add, to try to help the situation. If we can't get the right answer here, you have the ability to take, the ZBA has the ability to waive portions of our regulations under certain conditions. That might be an avenue for you to take because there is some hardship because of the lay of the land there. Keep that in the back of your mind.

Alan Bongiovanni: Thank you.

Commissioner Aieta: We will try to get an answer. The Town Planner will help us with that.

Chairman Hall: Seeing none, we thank you for your presentation.

Alan Bongiovanni: Thank you.

- B. Petition 22-14: TPZ Approval (Section 3.23.1 Accessory Outside Use) for Fireworks Tent Sale at 2985 Berlin Turnpike ("Turnpike Plaza.) TNT Fireworks applicant, Brixmore Property Group, owner, Brian Kearney, 93 Chambrook Road, Stratford CT, contact.**

Applicant not present

VIII. OLD BUSINESS

- A. Petition 07-14: Special Exception (Section 3.2.9: Child Care) at 795 North Mountain Road Nguyebn Holding LLC, owner/applicant, Hai Xavier Nguyen, 795 North Mountain Road, Newington CT, contact.**

Chairman Hall: This is the petition that we have heard for several meetings.

Craig Minor: I drafted a report that is on the table in front of you.

Chairman Hall: Would you read this out loud?

Craig Minor: Yes, I'll do that. I'll skip the introduction. "Staff Comments: There are three steps, or "tests" to a TPZ decision on a special exception petition. If all of these steps are not taken the TPZ's decision could be overturned. Usually these tests are addressed automatically during the approval process, or are taken care of by the staff so you aren't even aware of them, but this bears discussing prior to the TPZ voting on this application.

1. The first test to determine whether a TPZ approval/denial was appropriate is whether the proposed use is allowed under the zoning regulations. In the case of this petition the answer is "yes". Section 3.2.9 states that day care is allowed in any zone by special exception.
2. The second test is whether the standards of the zoning regulations have been satisfied. This is simple when the standards are objective (such as a minimum amount of parking, or a minimum distance from a school or playground. It's more complicated when the standards are subjective, as with the following:

1. Section 3.2.9 (Group Day Care Homes and Child Care Centers)

- A. "The lot shall have adequate size and frontage for the safe pick-up and drop off of users and sufficient on site parking for staff and visitors."

2. Section 5.2 (Procedures and Standards for all Special Exceptions)

6B. "The existing and probable future character of the neighborhood in which the use is located."

6D. "Traffic circulation within the site, amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are affected."

The metal plating company next door, and the narrow driveway on the east side of the building might be deemed as areas of "non-compliance" with one or more of the above standards.

3. The third test is whether the conditions are present to protect the public health, safety, convenience and property values. A special exception cannot be granted if it adversely affects public health, safety, and property values, but it can be granted with conditions to bring it into compliance with that standard. In the case of this petition, some of the safety concerns raised by the TPZ during the public hearing could be addressed as a condition of approval such as the proposed bollards around the fence-in play area.

The deadline for making a decision on this petition is 65 days from April 9, so TPZ is not required to vote on it until the June 11th meeting.

Chairman Hall: Thank you Craig. Okay, as I said before, we have discussed this for several meetings. There have been some opinions expressed during those meeting, but I think it is important that we spend this evening's meeting as well going over what we have discussed in the past, what we believe is the positive with this petition, what we believe is the negative with this petition. They have come before us with a proposal for an existing building to house a day care center and some of the issues that we raised had to do with traffic, parking, playground, safety of the children, coming and going, snow storage, that was another one that was an issue for us, the surrounding area, so let's put all of our thoughts on the table tonight so that we can all pretty much feel comfortable that when this comes to a vote, we know which direction we are going in. Who would like to start?

Commissioner Leggo: I'll start. First on the good side, I feel that they are making every attempt, I mean a day care is a great facility, they are making every attempt to do everything that we asked, within their power. My biggest concern, and I've voiced it a couple of times, is that narrow space between the wall and the building itself and that traffic, the traffic pattern and what could happen in there, it's a concern on mine, it bothers me.

Commissioner Serra: Well, I'm just going to piggyback on what Ken said, I agree, the parking situation, that narrow driveway, the traffic flow, the amount of traffic that is going to be in and out of there, I just don't think it's conducive, I really don't. I think we're looking for a problem there. Safety for the kids, you know, they are going to have two spots in front where they are going to be dropping off, they are going to have traffic going in and out, and I agree, Mr. Nguyen has done everything that we have asked, but I'm not comfortable, I really believe there is a safety issue there.

Commissioner Sobieski: I agree with everything that has been said, but I also think we ought to fence that area in because kids can take off and go flying out there without a fence around it.

Chairman Hall: Now which part?

Commissioner Sobieski: The back.

Chairman Hall: Where the playground is?

Commissioner Sobieski: Right.

Chairman Hall: I think he was going to have it fenced.

Commissioner Sobieski: Bollards protect the vehicle from hitting the fence, but I still want to make sure that any child, any time, can get into an area in back with the traffic going around. I don't see, my own opinion, that you are going to have good traffic flow around that building. You are going to have congestion, people have to stop, somehow there is going to have to be a stop sign installed, or some type of mirror device to see what is coming up that narrow alleyway. You have two cars all of a sudden coming, one is going to have to back up one way, and then if he does decide to fill the rest of the building, will he have enough parking spaces. That is another concern of mine. Also again, snow storage, there is no way he is going to store the snow unless he takes the back parking and then he is going to reduce the number of parking spaces, or he's got to truck it out. I know he has gone over backwards to try to appease or comply with everything that we asked, but still have some very serious concerns about that.

Commissioner Camillo: I agree with all of you, and more of a safety, the area, and I know that he tried to answer all of our questions, and change things, I just don't think it's a good place for a daycare.

Commissioner Andrzejewski: I'm going with what everybody said in terms of safety, he had proposed the bollards, and if I'm not mistaken it was three or four, I've never wished for this to happen, but for whatever reason, if a car should lose control, veer off into that area, those bollards are not going to stop it, and for the safety of the children, I don't think it's a good decision to have this facility there.

Commissioner Aieta: I think that the area itself does not lend itself to being an area where children should be. An Industrial zone, a heavy industrial area, the location of the building in relation to other buildings next door, the uses next door, the driveway being a safety concern, the snow removal, there are too many negatives. I know he had the best interests, and wanted to do whatever he could to make this work, but fundamentally, it does not work because of where it is, how it is situated, how the building is placed on the lot, the driveway, it doesn't work. It's an industrial area, it should stay some type of business or some type of commercial use or industrial use, but to have children there, I can't be in favor of that.

Chairman Hall: Okay, and I'll just add my thoughts that my concern from the very beginning when I drove over to the building was there is a very, very narrow entryway. There is a stone wall, upon which are pine trees on a bank so that the sight lines right there and you really can't move anything. You can't widen that driveway because you have the building on one side, and you have the stone wall with a bank of trees next to it. It's a fairly long driveway from the beginning to the end of the building, with just building and wall, and you have to come in the front part of the building and drop off, and as you pull into the parking space, you have that long driveway behind you, again with the stone wall, so if someone is backing up to get out, and head back down, if you have somebody coming from the back parking lot, it's going to be almost to the point where you are pulling out, and they are coming before they even see you, so again, you would have to have some kind of extreme mirror situation, and would people, in a hurry in the morning to drop their kids off in order to get to work, are they really going to be paying attention to things like that, or are they going to be more concerned

with all right, I've got a parking space, I've got to get my child in, I'm going to come back out, and I'm going to be exiting to get myself to work. I just see that that would be a very difficult situation, and that's on a clear day. When I went there was really no snow. You have a snow storm involved, and you have a slippery driveway, you have a slippery parking area, backing up, maneuvering, that is biggest concern, is getting the kids in and out in a safe manner, and once you fill the building with other tenants, you are going to have people who are not in the mindset of day care, going to the back to park their car to go to their building, and then when they leave, they too are going to have their own job on their mind, not necessarily the day care, so the compatibility of mixing day care with other types of businesses could also create a hazard, and if we see that at this point, at the beginning, I would hate to sit here, approve it and then find out that this did happen, because I think we are seeing something that is a possible that makes us very uncomfortable.

Commissioner Aieta: Is that driveway actually able to handle two way traffic?

Craig Minor: Well, I measured it, and it's 11 ½ feet wide, so maybe two skinny cars could slowly squeeze, but I wouldn't want to be driving one of them.

Commissioner Aieta: When I looked at it visually, I didn't think that it was possible, I didn't know the dimensions.

Chairman Hall: I just don't see a way of expanding that with the bank, the wall,

Commissioner Aieta: We'd have to know where the property line is too, some of that might be on the other people's property.

Craig Minor: Well, the property line is where the wall is, actually a few feet further to the west, but still, I mean east, but still, the expense of moving that stone wall east a couple of feet, that's not realistic.

Commissioner Aieta: The building is not set up, not conducive to have a lot of people coming in, I mean, particularly children, I mean, it's not set up for that type of a use.

Commissioner Serra: I drove by the building also, and what you said Cathy, even if there was a mirror system, in the winter time, in a snow storm, that mirror is going to be useless. You're not going to see anything, and I just have to say, I agree, I think we are looking for trouble. It's not a good safety option at all.

Chairman Hall: Anyone else have anything to add before we conclude this discussion? All right, then again, our next meeting, the 28th, we'll feel comfortable on bringing this to a conclusion, so we will vote on this on the 28th, give it some more thought over the next two weeks.

Commissioner Aieta: I'm glad that you took the time to actually do this tonight on this application. We don't usually do this which is a good thing that we did. I think it's the right way to handle this type of a situation, to discuss it and everybody has their input. I think you did the right thing.

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

Chairman Hall: We have the staff report for the free standing sign.

Craig Minor: And a draft suggested motion.

Chairman Hall: Bob, would you read, it's dated May 9th, and it's the description, like to replace, and then the staff comments? It's right after, they are all labeled page one, so I can't help you. It's the one that is stapled, along with your agenda.

Staff Comments – Petition 17-14, Special Exception 6.2.4 Free standing business sign, 2530 Berlin Turnpike-Carefree Building, American Sign Inc., applicant, Tony LaFo contact.
Description of Petition 17-14: Staff Comments: I believe all of the staff's and the TPZ's concerns were addressed at the last meeting. (See attached draft motion.)

Chairman Hall: All right, let's go over some of those issues again, as to, we put it to the side because we weren't sure where the sign originally was, and apparently that has been taken care of, correct?

Craig Minor: Well, they agreed to remove the portion of the sign that was encroaching.

Chairman Hall: Exactly, so that issue was taken care of, and I think that was our main concern on that one, because we didn't want to approve something that was illegal, so they have taken care of that part, so at the end, we will vote on this. Any other discussion on that?

Commissioner Aieta: I think they met the requirements that we were talking about, they have agreed to remove the planter and the whole sign does not hang over into the right of way. It's all contained on their property. So I think they met the conditions that we were most concerned about, having the sign in the state right of way.

Chairman Hall: Okay, and then the last one is Petition 21-14

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

Chairman Hall: We're familiar with this, this is not the first year that they have petitioned for this, and they have come before us after a three year extension for their approval and there didn't seem to be any complaints from anyone. The police report was fine, it's a great draw, people come in from all over to enjoy this. I do believe they have a rain date as well, two rain dates, so if the first ones, they really think about everything that they need to do and it's been well run in the past.

Commissioner Aieta: Is it your intention to hold these over for another meeting?

Chairman Hall: No. We will go back and do the other one and then do this one. I just want any discussion that we have, get that out of the way.

Commissioner Serra: Cathy, just one thing on that particular, since I'm fairly new here and I'm not sure, I was involved with the car club that does this show, I was involved with this show, so just to let you know, so I don't know if I should abstain, or.....

Chairman Hall: Yeah, you probably can, I think we are going to have enough, and in that way there won't be any question.

Commissioner Camillo: I'll abstain too.

Chairman Hall: Let's go back to the draft motion for 17-14, the Carefree Building.

Commissioner Serra moved to approve, with conditions, Petition 17-14: Special Exception Section 6.2.4 Free Standing Sign) at 2530 Berlin Turnpike ("Carefree Buildings") American Sign Inc., applicant, Margus Properties LLC, owner, Tony LaFo, American Sign, 614 Ferry Street, New Haven CT, contact.

CONDITIONS:

1. Any portion of the existing planter that is within the Berlin Turnpike right-of-way shall be removed.
2. The applicant shall submit an "as-built" survey of the sign and planter to the Zoning Enforcement Officer within 30 days of the sign installation.

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

Commissioner Andrzejewski moved to approve, with conditions, Petition 21-14: Special Exception: (Section 3.2.8; Charitable/Civic Event) on Market Square (Classic Car Show) Newington Chamber of Commerce, applicant; Bob Newbold, 50 Centerwood Road, Newington, CT, contact.

CONDITIONS:

1. The Newington Chamber of commerce shall be responsible for notifying businesses and property owners abutting Market Square of this event and the need to reschedule their business and remove vehicles from Market Square the afternoon of the car show.
2. The Newington Chamber of Commerce shall coordinate with the Police Department the hiring of officers to assist with traffic control.
3. Food vendors shall contact the Central Connecticut Health District and obtain any required permits.
4. This approval shall be valid up to and including 2016. The applicant shall obtain all other necessary approvals and shall notify the Town Planner of future occurrences of this activity not less than 60 days prior to such events.

The motion was seconded by Commissioner Sobieski. The vote was in favor of the motion with four voting YEA and two abstentions. (Camillo, Serra)

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING:

- A. Petition 23-14: Special Exception (Section 6.2.4 Free standing Sign) at 2551 Berlin Turnpike (Cody Plaza) Bianca Signs Inc., applicant; 2551 Berlin Turnpike LLC, owner, Paul Bianca, Bianca American Signs Inc., 99 Newington Avenue, New Britain, CT contact.

- B. Petition 25-14: Zone Change (Industrial to PD) at 16 Fenn Road. Fenn Road Associates LLC, owner/applicant; Richard P. Hayes Jr. 1471 Pleasant Valley Road, Manchester CT, contact.
- C. Petition 26-14: Special Exception (Section 3.19.4: Fueling Station) at 16 Fenn Road. Fenn Road Associates LLC, owner/applicant, Richard P. Hayes Jr. 1471 Pleasant Valley Road, Manchester, CT, contact.
- D. Petition 30-14: Special Exception (Section 3.15.4: Drive through Restaurant) at 3120 Berlin Turnpike (Panera) Norr Achitects, applicant, Newington VF LLC owner, Bryan Slonski, 325 N. LaSalle Street, Suit 500, Chicago, IL, contact.

Craig Minor: On the first one, Petition 23-14 for a free standing sign at 2551 Berlin Turnpike, Cody Plaza, Bianca Signs Inc., applicant 2551 Berlin Turnpike LLC, owner, Paul Bianca Bianca American Signs, contact. This, as you saw in the agenda packet, they want to replace the existing sign cabinet, face, whatever it is called, the pedestal will remain, it's just the business portion of it.

Commissioner Aieta: Are they making it a different size?

Craig Minor: Yes. I'll have the ZEO check to make sure that the size complies with what they are allowed for that location. So I recommend that the hearing be scheduled for your next meeting which is May 28th.

Commissioner Aieta: Make sure that they put the sign up.

Craig Minor: Yes.

Petition 25-14: Zone Change (industrial to Planned Development) at 16 Fenn Road, Fenn Road Associates LLC, owner/applicant; Richard P. Hayes, Jr. 1471 Pleasant Valley Road, Manchester, contact. This is the same zone change that was requested previously. The applicant in this case, I'm sorry, the applicant is the same, it's the same as before. I did not get an explanation as to why they withdrew it in the first place, it's exactly the same, well the content is the same as the previous one. So, I guess we are starting all over again. Now because it's for a zone change that is within 500 feet of a neighboring town, we have to notify the Regional Planning Agency not less than 30 days before the hearing, so that means that the earliest that the hearing can be would be your June 11 meeting, I'm sorry, I said June 11, I meant after your first meeting in June, the second meeting in June.

Chairman Hall: That would be the 25th.

Craig Minor: Okay, so then June 25th would be the date that you would need to have the hearing. I recommend that you schedule the hearing for June 25th.

Chairman Hall: Okay, does everybody understand that with that thirty day notice, that's why we have to push it up. Everybody good with that?

Craig Minor: Okay, Petition 26-14: Special Exception, for a fueling station at 16 Fenn Road, Fenn Road Associates owner/applicant, Richard P. Hayes, Jr. 1471 Pleasant Valley Road, Manchester, CT, contact. Now this is again, the content, the substance of this application is the same as the one that was presented to you before. What's different though, is that the previous time Stop and Shop was the applicant. This time it's Mr. Hayes, on behalf of the

owners, and I checked the zoning regulations, it doesn't, the zoning regulations don't say that the applicant has to be the shopping center. The regulations say that the beneficiary of the permit has to be Stop and Shop, so, there's no procedural problem with Mr. Hayes being the applicant as long as it is for the benefit of Stop and Shop.

Chairman Hall: So then it will be up to him to explain that he is applying for it, but it is for the benefit of.....

Craig Minor: And will be operated by Stop and Shop, correct.

Commissioner Aieta: That's critical, because we don't want him to bring in another outside vendor.

Chairman Hall: That was the whole intent

Commissioner Aieta: He has to meet what we put in the regulations.

Craig Minor: Correct.

Chairman Hall: So it is up to him to prove what he is doing.

Craig Minor: Right, and I mentioned to him when he asked me why is the hearing for the zone change so late, I explained to him, and I suggested to him, let's have the hearing for the special permit at the same time, and he didn't he object to that, so I recommend that the hearing for the special exception also be on June 25th.

Chairman Hall: Everyone is agreement on that? It doesn't make sense, otherwise. Cart before the horse.

Commissioner Aieta: Before we move on this, are they, has anything changed as far as the plans that he submitted or any of the access or the egress?

Craig Minor: He did not submit any new plans for either the zone change or the site plan for the fueling station.

Commissioner Aieta: So they are going with what they originally showed us?

Craig Minor: Correct.

Chairman Hall: All right, we'll see, on the 25th.

Craig Minor: Petition 30-14, Special exception for a drive though restaurant at 3120 Berlin Turnpike, Panera, Norr Architects, applicant, Newington VF, LLC owner, Bryan Slomski 325 N. LaSalle Street, Suite 500 Chicago, IL, contact. This is the existing Panera on the Berlin Turnpike, they want to add a drive though around it.

Commissioner Aieta: Where would the window be?

Craig Minor: The window would be on the side facing the Berlin Turnpike. It took them a while to be able to design it in compliance with the 35 foot green space rule which Dr. Patel's building asked you for a waiver from, they are not asking for a waiver. They are complying with it, but it does make it tight.

Commissioner Sobieski: It would be very similar to the one in Wethersfield?

Craig Minor: The drive through? I don't know.

Commissioner Aieta: They have one in Wethersfield? Right on the Silas Deane?

Commissioner Sobieski: It's in that shopping plaza on the Silas Deane.

Craig Minor: I have the site plans for this if anyone wants to look at them before the meeting.

Commissioner Serra: They actually have a door on that side of the Berlin Turnpike where people go in and out.

Chairman Hall: Right, and tables.

Craig Minor: I think they are losing, I mean, I've been to the restaurant but not since this application, so I haven't looked for this, but I believe they are losing some of their outdoor seating to be able to do this.

Chairman Hall: They would have to.

Commissioner Serra: They would also lose that door.

Craig Minor: They are definitely losing a portion of the building to be able to stay inside that 35 foot setback. That's how much they want the drive-through.

Chairman Hall: There's no reason not to have this on the 28th, correct? Everybody in agreement with that, the 28th of May. So if anybody wants to take a look ahead of time, contact Craig and he'll have everything for you. So, other things may come in, but this is what you have so far.

Craig Minor: Yes.

X. TOWN PLANNER REPORT

A. Town Planner Report for May 14, 2014.

Craig Minor: Zoning Enforcement issues raised at previous TPZ meetings, none; however, I do want to report, although Carol is not here, that there is a hair salon advertising on the Berlin Turnpike, Clippers, the Zoning Enforcement Officer has been after them to remove those non-complying temporary signs, they have not complied with the first letter that the ZEO sent them, so he today sent them a notice of violation, which means if they don't comply within three days fines will begin to accrue.

Commissioner Aieta: They do a big job on the weekends putting the signs up advertising four dollar hair cuts, and they are all the way up and down both sides of the highway.

Craig Minor: Well, they keep doing it, they will be looking at a \$100.00 per day fine. Old Performance Bonds held by the Town; I put in front of you my updated report. Since the last time I spoke to you about this, I've done a couple of things, well, let me remind you, Fountain Point, number six, the committee, TPZ is going out to the site prior to your next

meeting, you are going to be meeting out there at 6:30 to tour the site with the owner, and he said he will be there to explain why he feels that he needs this relief.

Commissioner Leggo: Can I just ask a question about that? The visit that we are going on, can we just clarify what we're going to be actually looking at and doing there, because I mean, I thought about it afterwards, I mean, I can't honestly look at a tree and say, that's a nice tree, or that's, that doesn't look like a nice tree to me. I can't look at the soil and say, that's good soil or not good soil.

Craig Minor: Well, what I will do is make sure that you have a copy of the original site plan showing where the trees are supposed to be, and what he will do is, he will explain to you why there's a row of dead crab grass instead of trees, and he knows what he needs to do is to be able persuade you, as lay people why he can't, why the arborvitae that he has planted there in the past haven't survived. He knows the burden is on him, to explain to you, to your satisfaction why those trees can't keep growing there.

Commissioner Leggo: I mean, should we, or do we need to have somebody there that could actually.....

Chairman Hall: Verify?

Commissioner Leggo: Yeah.

Craig Minor: Well what we will do is, I'll take notes as to what his claim is, I'll ask the Town Engineer to confirm it, I'll reach out to other resources that we have, but I think this is the first step in the process, is for him to explain to you, in his own words, what he thinks the problem is.

Commissioner Leggo: Okay.

Chairman Hall: Is 6:30 enough time, or are we going to move this meeting to 7:30?

Craig Minor: We're moving this to 7:30. I think we already decided that.

Chairman Hall: I wasn't sure if we had gone back to 6:00 and keep it at 7:00, or if we were going to do 6:30 to 7:30.

Commissioner Sobieski: Craig, I have a question. Do we know the dates of when he tried to replant these?

Craig Minor: He has told me, but that's the kind of question that you will ask him, and he will have a satisfactory answer to.

Commissioner Leggo: Cathy, in the minutes from the last meeting, we did say that we are moving the start of this meeting back to 7:30 p.m.

Chairman Hall: Just make sure that there is enough notice so the public isn't sitting here at 7:00 o'clock, wondering where we are.

Craig Minor: Right. All right, moving on to 18, Zag Machine, I did send a letter to the owner at his shop in New Britain, it was just a couple of days ago, so I haven't heard back from him yet, but I will follow up on that with him. It's hard to tell, but the items that are in bold, are the new ones. All right, number 29, Target, that's the situation where they posted a \$10,000.00

bond to insure that the mature sycamore survive, and it has, but when I reported this to you last year, I was asked to see if they would be willing to replace some of the dead white pines however. So I called their office the other day, spoke to an assistant manager, he was not authorized to say anything to me, and he told me to call back on Thursday and speak to the real manager. So I will do that tomorrow.

Chairman Hall: Those are probably the ones on Richard Street.

Craig Minor: Right, and that's it, nothing else new since last time. Newington Junction TOD planning; well as the TPZ knows, there was a meeting of the planning committee on May 1st. It was a meeting of the committee for the committee but because this is a public building, all meetings are open to the public, but it wasn't intended for the public. It would have been structured very differently if it had been intended for the public. It was supposed to be for the consultants to make their presentation to the committee with your board, the Town Council and the Economic Development Commission in the audience, but that was what it was intended to be, but it kind of evolved beyond that which is why there may be some confusion. I think with any large project, and a decade from now when we look back and we look at what zone changes this Commission ended up doing in the Newington Junction neighborhood, it will be considered a big project. Any time there is a big project it's always, there is no one right way to begin something like that. When you look back on it, there are lots of wrong ways, to have done it, but do you begin by having a big public meeting, invite everybody, get their opinions first without giving them something to react to, or do you first gather all of your information and then ask the public to react to what you have gathered. That's what the committee was trying to do in this case, they were trying to gather information first, quietly, and then present it to the public in a series of workshops to be held in the near future, so again, that's why I think there might have been some confusion as to what is happening here. There is no plan to do anything. What the consultants presented was simply a series of options, not even of options, of possibilities of things that could happen if the Commission wants to allow it, if the market would support it, if the owners of the property want to do it. So there is no plan at this point. I thought it was also interesting that some people are very opposed to any residential and some people are opposed to anything but residential. But that is all going to come out during the charrettes, during the public hearings and the responsibility of this wise body will be to decide what is right, what is best for the community.

Commissioner Aieta: Did these consultants, were they given the opportunity to read our master plan of development? Apparently they haven't, if they did, they wouldn't have presented.....

Craig Minor: Well, I would say yes and no, not to say I'm dismissing our Plan of Development, they didn't need to because that wasn't what they were hired to do. They were hired to see what could be done there, not necessarily what the community wants to happen there, but.....

Commissioner Aieta: That doesn't even make sense, that they would propose things that the community did not want.

Craig Minor: It's like if you hire an engineer to design a parking lot, he will design a parking lot, now whether society wants a parking lot there or not isn't what the engineer was hired to do, he was hired to design a parking lot, so that is what they were hired to do, they were hired to identify options and flesh them out, that's all.

Commissioner Serra: One of the things that I just wanted to say Craig, I was here for that meeting, and I was sitting back there and one of the members of the public asked how come there were no other suggestions, because everything was leaning towards residential. And the answer that was given was, because that is the direction that the steering committee put them in.

Commissioner Aieta: They misunderstood.....

Commissioner Serra: But I'm saying, that's what was said, I was here. I think you are right, it was a bad perception on everybody's part and the way it was put to the public and to everybody else is that that's what they wanted to do. I understand that it was just suggestions, it was just things that we could do, I understand that, but it was the perception and the way it was presented that that's the problem that I had with it.

Commissioner Sobieski: I was at that meeting also and a couple of things that struck me as odd, you know, they were talking about a thousand car parking garage. Well, those roads aren't going to handle what we have, a thousand car parking garage at the present time. They came in with a whole bunch of different suggestions or proposals, I think what should have happened, and I've attended a lot of planning meetings during my career, is that there should have been some parameters set. This town, I don't think would like to see a ten story building. I think what we need to do if this continues, as the next step, they need to be given a set of parameters, number one, two, I think we have to give some consideration to the traffic impact in the areas. You have residential half way down Francis Avenue as an example, residential on the tail end of Day Street, I think there are eight houses, you've got residential on Willard Avenue. There was one proposal of putting Shephard Road across the top of the railroad tracks and busway, as an access. Well, you are going to have traffic come down there, now if I'm working in that building, and I want to the center of Newington, I'm certainly not going to go out Shephard Road and down Williard Avenue and fight that traffic, I can go down Francis Avenue, hit Main Street and get to the center of town. So I think that the traffic issue has to play into this. I think there has to be some serious consideration of it and there has to be some serious consideration of what will happen to the existing neighborhoods. Another issue that was brought up was Chapman Street. I think that has to be addressed. That to me is a dangerous intersection at best. You know there have been a lot of accidents there that have happened over the years, some reported, some not. Plus there is a sight line problem going over that bridge. I think all of these play into it. I would like to have seen some numbers, not necessarily hard and fast numbers, but some ball park figures as to what they anticipate and you know, I think the general public is going to have a lot of input into this. Those are my comments.

Chairman Hall: Can I say something on that? Having sat through the initial meetings, because I'm on that committee, the misconceptions on May 1st were just off the charts. The whole purpose of that meeting on May 1st was to have the consultants who had worked on this project for several months to come back to us and show us what they put together. Our charge to them was, here is the space that includes Newington Junction, the area that could be developed, you, Boston consultants, what could possibly happen in this area. Pretty much gave them carte blanche because we wanted to know what the options were. What they came back with were options based on their historic development in Boston and other different cities that, how that could come into a space of this size. Had nothing to do with specifics of, okay, you Newington, this is what we think is the best thing for you, it had nothing to do with that. It was simply several overlays really. They had commercial, they had residential, they had retail, it was wide ranging, and it was not designed to be, okay, I'm the consultant, this is what you are going to do in Newington. It evolved that way because the

public grabbed onto the coattails of this and interpreted it as something that it wasn't. So we've got to be very careful about that, and it is true that any meeting that takes place in this building, any time of day, is open to the public, and you can't put a notice in the newspaper everyday of everything that is going on in town hall, and public, come on in, but any meeting is open to the public, just as this is, the Town Council, the subcommittee meetings, anything. So we're not trying to keep the public out, but we are trying to create something to present to the public so that it doesn't blow up before it even gets started because everybody is going to have an opinion, and we want everybody's opinion, but it's going to be in those charrettes, and a charrette is kind of a designed word that floats around for the past couple of years, which is nothing more than a brain storming session. That people come together and bring their views, have input so that eventually a plan, a program evolves from it. Doesn't happen in a day, doesn't happen in a week, doesn't happen in a month. How long as this busway been on the books? Thirteen, eighteen, twenty-two years? It doesn't happen overnight, nor will the development. But it's going to be the development that the people want, it's not going to be shoved upon the Town of Newington. Everyone will have a chance to have some input. It is very, very very much in it's infancy now, and to think that this is the end, we're not even close. As a matter of fact, most of us sitting around this table will be well into retirement before it happens, but we're at least going to try to get the ball rolling. So, that's all I have to say about it.

Craig Minor: Revisions to sign regulations; this is still evolving, and the committee will have their next meeting on May 28th. Status of Modern Tire appeal; nothing new since my last report. Then, something new in this report, recommended amendment to the subdivision regulations; At the TPZ meeting last month the Commission approved a restrictive covenant in lieu of a bond, and as I said in my report, that's allowed by state law, but our subdivision regulations don't specifically refer to it, so I think just to be clear I'd like to revise the subdivision regulations to include that as one of the options that are available to the Commission and to an applicant in a subdivision, so if the Commission has no objection, I'll draft an amendment, I'll bring it to you at your next meeting, and then when you feel it's ready, then we will do the public hearing and the usual process to get it adopted, but I would just feel better if that tool was actually in our tool kit, and not just in my back pocket. That's all I have.

Chairman Hall: Okay, thank you.

XI. COMMUNICATIONS

None

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

Jeff Zelek, 55 Welles Drive North; Just want to make a comment about an observation, you had an architect in front of you this evening, and I think you missed a little bit of an opportunity there. I think you may want to ask that architect what other projects have you done? We'd like to see some samples of what you have done, and offer some suggestions of what we would like to see changed or tweaked on the project. Secondly, with regards to the CTFastrack, the consultants working on that for the state have a vision for that, and I very much like what I heard this evening from the chair and some of the other Commissioners that this thing is not going to get forced upon us. It's going to be what we want it to be. We do have a 2020 Plan and that should be your go to for any type of development in this town whether it's the busway or anything else. Thirdly, I'd like to know why we have setbacks and buffers as part of our regulations. It's my

understanding that there is a benefit to those, they protect the public, they have value, I think you should think why you have those in the regulations and maybe not be so quick to appease applicants that are asking to waive them. They are there for a reason, so please go back and read why you have them and what the benefits are and what the downfall might be without them, so just take a little bit of pause instead of (inaudible) Thank you.

Chairman Hall: Thank you Jeff, anyone else from the public wishing to speak?

John Bachand, 56 Maple Hill Avenue: Back to the busway and the Newington Junction, the question was asked, which was a good question, did that consulting firm read your own plan, and whether they did or they didn't, it seems like they wasted that grant money if they included recommendations that went against that plan, so that's the first point, and the second point is, I think we need parking in that Newington Junction as well as the station on Fenn Road. If you want people to use the bus, and that was supposed to be the intention, you need to be able to come and park their cars and get on the bus. That may not be practical if you drive two miles to take a bus two miles, I don't know what you are saving there, but something to consider is that, it's not Amtrack, but the railroad is considering reopening a stop there, right at Newington Junction so that is something that you definitely need parking for, so and I think that would be great, it's supposed to be New Haven to Springfield kind of a fastrack or light rail system and I think it's a great idea and they were talking about having a stop at Newington Junction. In that case, you definitely would need parking, so both places I think need parking, and Newington has the most parking, even though it's very limited, if you look at these other stations, New Britain and Hartford, there's no parking what so ever. They had to bus them in for the ground breaking ceremony in Hartford. They didn't have any room there to park. I think we are kind of being coerced or coaxed into this transit oriented development plan that they have. Our Governor even came out in the paper was all for it, and promoting it himself just a couple of weeks ago.

Chairman Hall: Because they got some federal money.

John Bachand: I remember when I happened to be at the meeting when they talked about that grant money being available and some people were concerned and we were told, and you reaffirmed that, don't worry, we don't have to follow their plan, but it just doesn't make sense if they made a plan that goes against our own 2020 Plan that I don't know that much about, but apparently doesn't include what they had recommended so seems like a waste of money there, but parking is a problem. Thank you.

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

XIII. REMARKS BY COMMISSIONERS

Commissioner Aieta: Just for the record, the last speaker brought up about the architect, and the people who come here. I've been on this Commission for a while, been involved in local issues for a number of years, this particular architect and most of the architects that come before us, I'm very familiar with this architect and the projects that he has done and that is why when I looked at the drawing that he presented I know the finishes, I know his work, I've seen his buildings, so I am familiar with what he does and I have confidence in what he does. He was a principle in a major architectural firm, Russell and Dawson, before he semi-retired and went on his own, does a little bit here and there.

Commissioner Leggo: I just wanted to make mention that it was kind of comforting to see the public come up and speak, I know the last bunch of meetings we were hoping to get public

here and get their opinions and comments on this, so I think it was very nice that we did have people come.

Chairman Hall: It does help make our job more directed, otherwise we sit here and think, okay, what are they all going to think about this, but we make our decisions based on the information we get, so I agree.

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: Again, the more information we get, the better off we are, and with any plan that comes before us, it is our job to refer to the 2020 Plan. It is not our job to direct those who bring the plans, bring it on, I mean, the more ideas we have the better off we are, but then it is our job to take whatever that plan is and then mold it to fit what we need, and part of that obviously is referring to the 2020 Plan, historic information from past projects that have taken place, otherwise we wouldn't have much of a job, would we if we just took what everybody brought before us and said, yep, that's good. So our job is to cull, to add, to subtract, to review, that's why we sit here every other Wednesday. If anyone else has anything to say, but otherwise I would say, thank you for coming tonight, thank you to the public and hope to see you and other people at the next meeting.

XV. ADJOURN

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

Respectfully submitted,



Norine Addis,
Recording Secretary