

NEWINGTON TOWN PLAN AND ZONING COMMISSION

May 25, 2011

Regular Meeting

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

**I. ROLL CALL**

Commissioners Present

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

Commissioners Absent

Commissioner Casasanta  
Commissioner Schatz  
Commissioner Aieta

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Schatz and Commissioner Turco was seated for Commissioner Cassasanta.

Chairman Pruet: Before I call for the first petition, I would like to state that due to the large number of people tonight, we will be enforcing the two minute rule for the public and also twenty minutes for the petitioners. Also the petition will be left open for a minimum of three meetings, a minimum, so if you don't have an opportunity to speak tonight or if you feel that you don't want to speak tonight, there will be plenty of time available to do so at future meetings. Also too, if you wish to come up to speak, we have a sign in sheet if you would sign that, and then also state your name and address for the record.

**II. PUBLIC HEARINGS**

- A. **Petition 09-11** – Toll Brothers, Inc. 53 Church Hill Road Newtown, CT 06460 applicant, Marcap LLC owner request Zone Map Amendment from CD Commercial Development District) to R-12 (Residential Use District for a 28.5 acre parcel adjacent to East Cedar Street Assessor Map 11-335.00A.

Chairman Pruet: If the petitioner is here would you state your name and address for the record please.

Tom Regan: For the record, my name is Tom Regan and I'm an attorney with the law firm of Brown, Rudnik, LLP, City Place I, Hartford, CT. and I'm here tonight on behalf of the petitioner Toll Brothers.

Chairman Pruetz: Thank you.

Tom Regan: The application before you is for a zone map amendment to change the property, the Marcap property, located on East Cedar Street from PD to R-12. As I'm sure everybody in this room remembers we were here about a year and a half ago on a similar application and at the time the Commission was still working on its Plan of Conservation and Development so at that time we withdrew the application pending the completion of the Plan of Development. That project is completed, we reviewed the Plan of Development, we've gone back and looked at our proposed use for the property and we're back in for the zone change because we believe that is the best use of the property to preserve the greatest amount of open space and still productively use the property as it is privately owned. The application before you, the draft application before you that we have submitted and the concept plan that we have submitted has changed dramatically from the concept plan that we submitted in our first go-around. You will remember in our first go-around we were proposing about 113 units in the concept plan if the zone change were amended. We have significantly reduced the size of the proposed development that we would do on the property if the zone change were granted to 75 units. We've increased the amount of open space on the property to ten acres, a full ten acres which represents about a (inaudible) increase from our previous concept plan, so we have dropped down the size of our proposed project, we've increased the size of the open space to preserve as much of the property and the most valuable portion of the properties as possible, and we're here tonight requesting that zone change. I'd like at this point to bring up Ray Bradwell, our engineer from BL Company. Ray is going to walk through the engineering portion of the application.

Ray Bradwell: Thank you Tom. Once again, my name is Ray Bradwell, I'm a senior project manager with BL Companies in Meriden, CT at 355 Research Parkway. I'm just going to briefly take you through the presentation here. I have a Power Point slide, as requested by the Commission and I'll take it from slide to slide to start. Basically the site is located on East Cedar Street, located right here, north of East Cedar Street and west of Russell Road. Russell Road runs north and south, East Cedar Street runs east/west. The site is approximately 28 acres in a kind of an oblong shaped piece of land. There is a portion of the site that has already been impacted by clearing, trails, bike paths, kind of an open party area you could say, and then there is an undeveloped portion of this site to the west. You can see the abutting properties here, located here the Balf property, Tilcon property located to the north and the Humane Society located to the east, a commercial property located to the east and some commercial property across Cedar Street and parking lot for this facility located to the west and another State of Connecticut facility here. MDC has a water tank that is probably a good recognizable point when you look at the site you can see that MDC water tank located right here as you are driving through Newington heading eastbound on East Cedar Street. You can use that as a landmark that pretty much everybody can see on the site. The proposal here today is to change the zone to an R-12 zone and construct 75 units, town house units. You can see that the proposal is much more compact than it was before and our old proposal had a driveway that connected to East Cedar Street. The best optimum safety now is to connect to Russell Road. The old development was 113 units, and it went out into this red area, you can see that whole, all these red units are further to the west than our development we proposed previously, so we since went back to the drawing board after reviewing it last time, pushed this to the east and provided more open space. As Tom mentioned, we have ten plus acres of open space, located here and located here. It's a concept plan right now, we have some storm water management areas located here, here, and here, and the houses will be located roughly in the center of the site. What is good about a residential development on a parcel of land is we can terrace the development with the land versus a large box, a Wal-Mart or K-Mart or Lowe's, whatever, those large commercial pads are essentially flat. So if you put a large commercial pad as we go down a little further, a

large commercial pad here you would basically have a large parking lot, a big box and basically sink the whole site so that you can connect to a commercial kind of strip which is easier. The residential development shown here allows you to go with the terrain. Undulate with the terrain, a driveway up Old Highway, a cul-de-sac and then these driveways around these units can kind of slope up gradually with the terrain or down gradually with the terrain, slope up gradually with the terrain, slope down gradually with the terrain, and we are also proposing an emergency driveway out to East Cedar Street for emergencies if emergency vehicles were needed on the site and this public access was closed for some reason. This is a residential development in an R-12 zone changing from a commercial zone and we'd like to become stewards of the land, using the land as best as possible versus commercial development. Talking about commercial development, we looked through the regulations and a while an office building would be feasible for that site, a medical office building, a four story building located here, and here and a single story building located here and here, once again, that would be (inaudible) development. This is a large swath of parking, and then we have our main driveway running down to East Cedar Street. We're talking large cuts and large fills to fit this development in, and you can see this development we are proposing here, underneath, just about a 75 lot unit, showing right here, this development encroaches much farther to the west. You can see, once again, multi-stories, commercial property, about 1200 parking spaces on this property whereas 75 homes have much fewer parking spaces. We're just going to run through a simple comparison of commercial developments and what it would look like as far as the significance of the issues from back in 2006. The prior application, and this application relatively have the same approximately impervious areas, although this development has 75 units, the impervious areas went down. Once again, excavation, minimize excavations with a residential zone on a piece of land like this, by contour road and building within the terrain, you can use super roads for a subdivision per the zoning regulations in a residential type of development in lieu of six percent grade, maximum with a commercial zone. And talking about parking spaces here too, a 113 unit development had 265 parking spaces. The plan that we are proposing now, the 75 units, 201 parking spaces, and that medical office building I showed, 1200 parking spaces so there is a decrease of parking spaces on the site. Storm water management, obviously a concern for large parking fields, you can see the volumes of storm water for a large parking lot is nearly one and a half times that of residential development. Excavation, that large commercial excavation will require almost 500,000 yards of rock excavation, it's nearly a forty foot cut. If you can think about a landmark in Newington where you can see a forty foot cut, if you are looking at Dunkin Donuts on the Berlin Turnpike, that's about a 70 foot cut, say 60 or 70 foot cut, so we are talking about a forty, fifty foot cut just to get this large commercial development on the site. A large commercial development, we weren't providing any open space, now we're proposing about ten acres of open space. This is open space. The traffic, to touch on traffic very briefly here, peak trips per hours, analyzing how traffic comes off the site onto the street, this residential development with 75 units, very low peak hour, gets fifty or sixty peak hour trips for the a.m. and p.m. when you compare that to a large commercial development, you're talking nearly 380 and 450 so there are significant traffic impacts with neighboring streets, Russell, East Cedar.

These are some photo plans, the Hartford Drive-In, most people will recognize that site, we did a photo simulation back when we first started the project, with respect to the site, and this is our artist's artistic rendering and this is what it looks like today and it's a pretty good perspective in respect to the plan and what is out there today. I have a couple more of these to kind of give you a feel for what we have done in the past. This is the Hartford Drive-In site, the Hartford Drive-In sign, you can see the residential development just behind the trees here and you can see the residential development just barely behind the trees from this side. The artists' renderings are very good in telling a picture, and then this is the East Cedar Street view. This is a photo looking up East Cedar Street, eastbound, and then this is our photo simulation after we brought in the 75 unit development on East Cedar. It's tucked in behind

the rock primarily, they are set off the face of the rock and you can more or less see the tops of those units. Then, this is the photo blend looking west on East Cedar Street. This is the westbound view that you are seeing today, and this is the view that you will see in the future if the zone change is approved by the Planning and Zoning. The houses are set back from the face, they are screened by existing trees and they would be screened by some (inaudible.) I have one other page, this is our prospective, I just want to highlight, this is our site to the north, we will be talking about that at a later, a later application with this Commission and with the public here. You can see how the two sites kind of connect, through the greenway, Old Highway, going around that way, a seventy-five lot development located here, then the zone change piece of property, emergency driveway down to East Cedar Street, typical unit size, and then we have standard for a trail network on both of the properties. We have a large property, and we also have a trail network that is on, that we talked about tonight. We're looking to preserve most of those networks, the networks that are in the development we are going to end up getting rid of, but those around the development will be all preserved. These are the networks that are all around the development that will be preserved. Networks around this wetland area will be all preserved, and the trails to the north along East Cedar, Cedar Mountain will all be preserved.

I'd like to bring up Dick Harold from (inaudible) to discuss the Plan of Conservation and Development and go into it further, in depth.

Dick Harold: Thank you Ray. I'm going to talk probably a little bit more generally than has been presented by Ray, so I'm going to try to go through my material fairly quickly. My role tonight is to discuss the relationship between the application and the Plan of Conservation and Development. As Tom said previously when we came in the Plan was under preparation and since then has been approved and is in effect. I'm going to hit upon a couple of things that I think most people in the room are concerned with, or interested in, is the relationship of this site plan and concept plan and zone change to the open space issue as well as protection of surrounding area in terms of traffic and other issues that Ray has already gone through. I think what is important also is that when we were here last, we discussed the need to look at this picture in a broader sense, and tonight we are able to speak in that broader sense by including the piece to the north of the property that was the subject of the last application and I think what is important is that this ties in, not only to these sites and the surrounding area, but ties in to a long term plan for a greenway that runs, not only through Newington but regionally beyond and in fact beyond the limits of the State of Connecticut, so there is an important policy to be addressed in that regard, so therefore when you look at these plans we have about forty-eight acres of open space combined, and you combine that with the existing open space of the Balf Park, it brings it up to about fifty-three acres. To give you a sense of what that means within the town, that would increase the amount of dedicated open space in town by some six percent. I think it's important to mention the word dedicated open space, in that again what is currently and many times considered open space, is not dedicated open space, so this would be an official implementation of open space policy that is a centerpiece of the Plan of Conservation and Development. The other thing that I think is important is that within the Plan this parcel is specifically discussed and those of you who have read the Plan on the Commission are very aware of this, that there are opportunity sites listed and both of these sites are listed as opportunity sites and the site to the south that we are dealing with during this hearing, it's mentioned that that site, that the current zoning should be zoning that would be kept in place and the Planner, Ed Meehan, in his staff report, points out that there are certain criteria listed in the Plan that would be met by this, and what is interesting is that the criteria that is listed for keeping the zone the same in fact the proposed zone change meets those criteria with greater extent than the current zoning and there are four criteria listed. The first is to control the height, placement and appearance of structures to preserve the open space quality of the Cedar Mountain Ridge Line. As Ray described, these plans will do that better, and particularly on the Mapcap site, the residential

would be much more favorable in that regard than what is permitted under current zoning. Storm water management is the other criteria, again, as Ray has described, that residential development storm water management would be much more positive not only on the site, but adjacent sites. The other criteria is traffic. Again, this proposal would have significantly less traffic than would be generated by the current zoning designation and also public water service is a criteria and again this site would have public water service. Now in conclusion the consistency of this proposal or plan does in fact not only generally by achieving a significant open space area, being part of a regional open space network, also that preserves clearly the ridge line of Cedar Mountain, that all of these are met very clearly in this proposal, and secondly, what's important is the impact on surrounding areas I described earlier will also have a positive result. I'm not going to recite things that are in our total report, but one thing that relates to off-site is the proximity of this development to your town center and in the Plan, the Town Center Plan, emphasis various types of retail and services and additional residential at this site would be very significant in terms of additional consumers and dollars spent in that area, unlike if the site was developed for a CD allowed use, so that again is another off-site benefit of this Plan. Thank you.

Tom Regan: Okay, that concludes our formal presentation. I do want to reiterate one point that you heard from Mr. Gradwell and Mr. Harold talk about. The trail network that exists on this property, on both properties, I want to point out, and make this clear. These are both private properties. They are not publicly owned, there may be trail access on the map, but they are under private ownership. The approval of the plan before you now would create fifty acres of property dedicated to the Town of Newington in perpetuity. They would then become public land, public open space, and they would be free to be used by citizens. But in their current state now, those trails exist on private property and were the property owners willing and if they wanted to and if they were to fence in those properties, that would cut off that access. As Mr. Harold and Mr. Gradwell pointed out, we are trying to take what is private property and make the best portions of that public property and public open space for use by the citizens of Newington for perpetuity. That is the driving concept behind the open space portion of this plan, and with that, I'll conclude our remarks on the presentation.

Chairman Pruet: Thank you, and thank you for completing within the allotted time. I have a question, if you could just elaborate? I see the trails, there are hash marks, but what are the solid lines and what are the darker green hash marks.

Ray Gradwell: The darker green is the greenway that runs up the highway, and right now it runs all the way down the highway. We are proposing to relocate that around the development to the north as it goes today. The red lines on here, the dash lines, those are the existing trail network to the top of Cedar Ridge. The solid red lines are the proposed trails, once again, we are trying to connect the parking, the public parking system that will be at the end of the cul-de-sac at the trail head to the trail system within the site.

Chairman Pruet: Thank you. Okay, Ed, any comments from the staff?

Ed Meehan: Thank you Mr. Chairman. I want to enter into the record my staff report for Petition 09-11. I'll be brief, this is a policy decision on the Commission's part. It's a decision that the Commission needs to look at in light of the 2020 Plan which you spent most of last year working on. Staff report contains references to the Plan as far as Cedar Mountain Greenway, protection of ridge lines, steep slopes over fifteen percent, greenway and the connection to the town center which was mentioned and in particular the issue of what happens with the intersection of Russell Road and East Cedar Street. The Commission, as you go forward and talk about this, after the close of your public hearing, I would recommend that you look at this piece in relationship to the surrounding area, to the Hunter Development

next door, the ten acre piece, what may happen north on the Balf piece, subsequent to your public hearing on that matter, the whole Russell Road issue with the open land at Cedarcrest Hospital. A few years ago the Town of Wethersfield and Newington with the Capital Region Council of Governments spent a lot of time on traffic, and how to develop traffic safety, on accidents and commercial development at the same time at the intersection of East Cedar and Russell Road, and the Town of Wethersfield and Newington have supported the idea of the relocation of Russell further west to go through the site that we are talking about now, the twenty-eight acre site, back to Old Highway and then Russell Road would be terminated and as residents and Commission members know, to get up the ramp now, you are going against oncoming traffic, and the situation now is not good. Additional development will acerbate that I believe and it doesn't make good planning sense to have traffic going up Russell Road to this development. I would recommend strongly that the adjacent development, which is known as the Hunter Development Shoppes at East Cedar Street be considered as a way to gain access to this twenty-eight acre piece, whether it is left for commercial, or rezoned for residential. There is a State Traffic Commission certificate issued for the Hunter Development, it makes references to sharing the approved traffic signal and providing curb cuts, and the long range, the reconstruction of the ramp system. Our neighbors in Wethersfield have mentioned this in their reports to the Commission, we'll talk about that later, and the applicant is aware of it because the prior plan, the conceptual plan for this project did show a road out to East Cedar Street which could be combined with Hunter Development, so while we are talking about a conceptual plan, post zone change decision, I want to put that into the record. As far as the policies in your Plan, the Commission was very diligent about working on that, I think there are guidelines in the Plan for both the protection of natural resources, storm water management, trail systems and greenways for the Commission to make a decision on this project. Thank you.

Chairman Pruet: Thank you Ed. Commissioner comments? Any Commissioner have a comment at this time? Okay, I'm going to open it up to the public. This is a public hearing. We have a sign-in sheet, but when you get to the podium, if you could again state your name and address for the record and limit your remarks to two minutes. At this time, we will hear from the public.

Ettore Wamies, 18 Deepwood Drive; I wish to express my opposition to Petition 09-11, 12-11 and 13-11. As a lifelong resident of Newington, I have come to respect the town would do the right thing to preserve the Town's character and general feeling, and that feeling is of an honest, middle class town where it's citizens can raise a family and get a solid respectful education in our schools by caring teachers and administrators, enjoy our summers in our parks and ball fields and enjoy our town, essentially live our lives. Lately though, our town has begun to lose that. Our streets such as Main, Cedar and Willard have become a real problem with traffic congestion and our schools are facing challenges with funding and resources. The Cedar Mountain parcel of land is open space, regardless of what the owners will have you believe. It represents one of the last vestiges of what Connecticut and Newington in particular was. It's unique in the area. Even the Town of Newington's web site has indicated value for its citizens with features such as Ancient Highway, and amazing vistas. The town's web site states the Old Cedar Mountain highway trails is part of the Cedar Mountain/Balf Park ridge line vista trail. Seems like Balf has had its full of trap rock to sell and now wants to insure that the rest of the property remains out of reach for the rest of Newington. The current owner of the commercial property has purchased the land with a full understanding that the land was zoned commercial. Marcap owns income generated rental properties in Newington. If Marcap's representative could build a warehouse, or as he stated at the Conservation Commission meeting a prison, Marcap would have. The simple lesson here is that Marcap failed to understand what they purchased and thus did not have all investments pan out as indicated. I wish them luck in finding commercial tenants. If Cedar

Mountain is developed, it is gone forever. In its place will be more nondescript housing, and with more people, add additional strain to the rest of the taxpayers. The Town sees fit to spend considerable millions of tax payer dollars on municipal parking lots and artificial turf fields. It's difficult for me to imagine the short sightedness of letting the last sizable piece of open space in this town become just another development, as it were, the last development.

Rick Spring, 47 Deepwood Drive: I would like to thank the Commission for letting me speak this evening. Years back the TPZ Commission drafted what is known as the 2020 Plan of Conservation and Development. One of the vision statements in the final plan states that Newington will protect its environmental resources, particularly wetlands and Cedar Mountain. Identifying additional open space will be a priority as well as the stewardship of the community plan resources. Page 20 of that same plan titled Natural Resources states, ensure environmental significant areas are preserved in their natural condition and provide limited passive recreation for educational uses. Cedar Mountain is the most environmentally significant area in Newington. It's my belief that we are at a critical crossroad in the evolution of our town. It is this Commission's responsibility to abide by the 2020 Plan set forth. By no means should we make a zoning change to financially benefit any individual or corporation at the expense of taxpayers. I believe the potential tax revenue from such a development will not cover the town's expense to expand its infrastructure. We know from past experience with the Eddy Farm that this is true. Our taxes will increase, leaving the Marcap property zoned commercial only makes sense from an economic standpoint of view. In fact, town services that a residential development has versus commercial development needs to be carefully evaluated. I for one would prefer an increase in property taxes for the preservation of open space and not a (inaudible) for more residential zoning. Let's face it, with the preservation of open space, we will not see increased traffic flow in this highly congested town, student/teacher ratios rise to what we have not seen in years, the destructive of valuable wetlands, the displacement of the current residents of Cedar Mountain, which, by the way is an abundant population of wildlife. Thank you.

Mary Plaskonka, 60 Tinsmith Crossing, Wethersfield: Good evening, I live at 60 Tinsmith Crossing, less than a half a mile from the proposed development. I'm here to speak against all of these proposals that are on the table. I am very concerned about the development. I have seen Toll Brothers develop the property that was the former drive-in theater. When you drive by you see these ugly....that was developed and it surely is an eyesore from the highway. This is what is being proposed right now for Cedar Mountain, so that we can have the same kind of an eyesore. That ridge line is going to be eliminated even under your pictorial drawings, it will be reduced. This mountain should be preserved for our future generations. Thank you.

Jacqueline Gimelewicz, 40 School House Crossing, Wethersfield: I live at the Crossings. Years ago my husband and I lived at Balf, the house, the corner of Russell Road and Jordan Lane extension, and we had lost our water because of their blasting. They had to dig twice to get us water, and then a month after that, Balf told us that we were going to have to move because they know, they know that we probably would have lost water again. We have had cracked foundations which we were complaining about, and cracked walls, and who is going to pay for all of the damage? Because these people have a lot of money, and they probably will discourage us from filing any kind of lawsuits, and all the wild life is going to be gone, and it's a shame and all it is, it's all because of the money.

Martin Dabrowski, 37 Sunset Road, Newington: I would like to begin by acknowledging the demanding job that our public servants do. You have a tough job balancing the rights of the individual property owner with those of the community as a whole. How do you preserve the quality of life for a community versus the rights of the landowner. I would hope in evaluating

this proposal that you would see the negative impact that this proposed development would have on our town. By increasing the costs of our schools and town services, the increase of traffic and congestion, by the loss of our open space and destruction of animal habitat and a wetland, by the creation of pesticide leakage into the remaining open space not developed and not least the damaging consequences of blasting to nearby home owners. Clearly the scale tips on the side of preserving the quality of life of our town and our neighbors in Wethersfield and thereby I ask you to work to prevent any development. I agree with Councilman Banach that it's time to research a fair purchase price, perhaps the Town of Wethersfield could contribute to the cost if their residents are directly affected. We need to stop this. Thank you.

Ken Kelly, 365 East Cedar Street, Newington: I've been there for thirty years or so and have been watching the, I have a good view of what is going on in that area, who goes in and out, and the problems that they have had there. Stolen cars, cars on fire, people coming out all bloody because they are hurt, and I think if this is developed it will put a more, make a much safer environment for people to go and use the facilities. Spend some money and develop it, put some houses up there, whatever, but if you bring children up there, walk dogs, but I wouldn't go up there and just the people from out of town coming there, dropping off packages and then a little while later another car comes in and picks it up, you know what a big drug problem we have on the Berlin Turnpike here and I see this all day long going on. Since it has been barricaded, I haven't seen this problem. I would like to see this opened up and I would like to see people use this land. I think this way here, everybody is happy, everybody can bring a family there, and it's safe, to bring a family there, and to walk there, because right now, I wouldn't bring my family there.

Cain Bussolini, 365 E. Cedar Street, Newington: Business owner, eight years, similar situation to Ken Kelly. I've seen a lot of what goes on in there. Unlike him, I have ventured back there. I have seen the burned mattresses, the garbage, it's a typical situation of everybody becomes concerned with something after somebody else takes interest in it. I wouldn't be here talking like this if there were actually people up there paying attention, cleaning, actually treating it like the preserved land that everybody wants it to be. I feel that the land is being mistreated. I feel that the land is mistreated as it is currently, I think this gives the opportunity for it to be beautified and having an absolute.... but realistically, I think this is the best option. I'm for it, and that's it.

Rose Lyons, 46 Elton Drive, Newington: I'm speaking tonight on behalf of a gentleman who is not able to be here. His name is Brendon Mahoney and he is at 160 Fairfield Avenue, Apt. 2 in Hartford, CT. "Members of the Planning and Zoning Commission: I write to you today to express my opposition to residential development on Cedar Mountain. For decades, residents of the south Hartford area as well as Wethersfield and Newington have been blessed with several hundred acres of woodlands on Cedar Mountain. This area is one of the few large forests remaining in close proximity to the core of capital region and benefits the area's residents immeasurably. I understand Newington's desire to increase its grand list, but there is no reason to destroy forests when there are redevelopment opportunities right down town. West Hartford's Blue Back Square for example redeveloped the town center and increased the tax base without negatively impacting the town's balance of open space. Developing Cedar Mountain is akin to West Hartford having left the old car dealership in the center vacant and building houses in Westmore Park. As an avid mountain biker and hiker I know that my opinion on this matter is somewhat self serving, but I know that many others directly benefit from recreating on Cedar Mountain or indirectly benefit from having the exhaust from the Berlin Turnpike cleansed by the trees and the forest. A few years ago the City of Hartford turned down a proposal to develop a 200 acre equestrian facility in the middle of Keeney Park. Hartford made the right decision in preserving its northern forest. I hope

that Newington makes the right decision and preserves Cedar Mountain. I understand that Newington officials will take the opinion of non-residents without much weight, but I hope that my writing will impress upon you that the destruction of Cedar Mountain would have a regional impact. Thank you.”

Allyson Clark, Newington: Good evening, I'm a Cedar Mountain supporter and I would just like to comment on what Toll Brothers said about us not, about the public not having the right to be on the mountain. Toll Brothers property comes down either side from the mountain to the Old Highway. The Old Highway has been used by the public since the colonial era. Residents came over the Old Highway from Wethersfield when it used to be all Wethersfield and it was the only passage over Cedar Mountain. According to the town land records the Old Highway is owned by the town, so as far as the residents go, I'd say, let's all go take a hike. The 2020 Plan of Conservation and Development should be used by the Town Planning and Zoning Commission when they make a decision on zoning amendments. This town is 92 percent developed and emphasis should be placed on protecting existing open space and creating additional protected open space, that's quoting your plan. If I were to quote everything in the plan that had anything to do with Cedar Mountain we'd be here all night. The first sentence however, bears repeating, somebody else mentioned it, the vision statement that Newington will protect its environmental resources and particularly the wetlands and Cedar Mountain. Before you vote on this change, this zone change and/or the subdivision approval, ask yourself, according to your 2020 Plan is this the best thing for the town, and I think you'll agree, the answer is no. If you vote no, I promise you will feel good at the end of the day. I'm an employee of the Department of Environmental Protection, I take pride in knowing that I'm preserving open space every day, I think you will feel the same way, I promise you if you go with your heart and vote no. Listen to your Plan, vote no. Before you go forward, do your due diligence, please address the traffic issue, do a traffic study, I mentioned this last week at the Conservation Commission, both my daughter and my sister have had traffic accidents at that intersection, so that is something very near and dear to my heart, I don't think you should go forward without looking at that. Thank you.

Craig Nelson, 179 Dix Avenue, Newington: Good evening, town people. I'm here to express my opposition to all of the petitions that Toll Brothers is proposing. I've been a life long resident of this town for over forty years, Cedar Mountain means a lot to me and my family and I am here to bring to the attention of the town people and board that the Department of Labor shut downs, that Toll Brothers has been caught at, by paying cash to subcontractors illegally, which, they are not paying workers comp.....

Chairman Pruet: Sir, if you could just, what we are here for are the zone changes, if you could make the comments towards that, not Toll Brothers and their practices. Thank you.

Craig Nelson: When can I present this to the board?

Chairman Pruet: We're here just for the zone changes.

Craig Nelson: Would you like a copy of the illegal practices from the Department of Labor?

Chairman Pruet: No.

Craig Nelson: No? Why would you not want to see this? I have Department of Labor shutdown proof of their tactics. They are dirty, they're going to bring more dirty here, pay people illegally, it's all here, Department of Labor. Somebody has to do it. You're looking at me as if I'm an illegal alien. I'm a town resident. I pay taxes, I've been here all my life. I want the Town to know what dirty people they are because they have billions and we don't

doesn't mean they can come in and squish Cedar Mountain. It's means a lot to me, it means a lot to everybody else here. I'm not exactly politically correct, I don't know when I'm supposed to present this to you, but I'm doing it now whether you like it or not. Thank you.

Chairman Pruet: I'd like to remind people, yes you have a right to speak, that's your right, but I'm also conducting a meeting here with rules and regulations and we are conducting a petition on a zone change. I understand your feelings for Toll Brothers or anyone else, but this is not the format to state that. We are concerned with the commercial development, and the change, and please make your comments relative to that. Thank you. Next speaker?

Ellen Thibeault, 101 Hartford Avenue, Newington: Hi, I'm here to oppose the Toll Brothers petition and I would like to request that the TPZ review their 2020 Plan. In the 2020 Plan Cedar Mountain is listed as an asset and on page 18, under Open Space emphasis is on preserving Cedar Mountain as open space, and then again on page 20 under Community Assets, strategy number one, is Cedar Mountain should be preserved from development, and we seem to be going in a totally different direction than what is actually listed in that 2020 Plan. I would also, I have a question for the presenter, if you could bring the presentation back up so that I could point something out on the map to you, I have a question. Can I do that? It's regarding the trails.

Chairman Pruet: I'll allow that.

Ellen Thibeault: Okay, it says over there that the dotted lines are the existing trails and the trail that is running south to north, kind of the western edge of the property, along the ridge line is a dotted line, and you indicated that the new trails would be solid red line, so is that dotted red line still going to be an acceptable trail? It will be, okay. Thank you. Now the last thing that I wanted to address is the greenway trail that is noted, existing trails. In the 2020 Plan page 18, number 11, it says establish a buffer setback standard for preservation of the contours adjacent to the Old Highway, greenway. On that map it shows that the greenway they want to relocate, pave over our existing greenway. So that is counter productive to the 2020 Plan. Thank you.

Ada Flynn, 68 E Cedar Street, Newington: Good evening. I live at 68 East Cedar Street and I have been there for over forty-five years. When we bought our home on East Cedar Street it was a two lane road. My house was built before zoning restrictions. They widened the highway, traffic is encroaching on my yard, I cannot even open my windows because the noise of the traffic, and the dirt is so bad, and now you would like to put more traffic on the highway. I cannot get out of my driveway in the morning. I cannot back into it when I come home from work because there's too much traffic behind me, and I can't back out in the morning, even though I'm only two houses away from the traffic light I have to go around the block to get up on the highway. I don't need any more traffic in front of my house.

David Tatum, 29 Camp Avenue, Newington: Thank you. I'm also a member of the town's (inaudible) Commission and I'm here speaking for myself. I'd like to speak against the proposed zone change petition in front of you. I agree with most of the speakers that it would be short sighted to allow this land to be developed and I do implore you to do whatever it takes to save this land as is, as noted in the 2020 Plan. I also take issue with the statement that the petitioners made earlier that this proposal would allow the land to be more productively used. I think we have a different definition of what a useful use of the land would be. The mountain doesn't need to be productive, it needs to be valuable and for a town that is as thoroughly developed as Newington, open space is more valuable than any development would be. Please carefully consider the impacts on traffic, the environment and all services. The impact on traffic will be significant. We also need to keep in mind the new

location of the State of Connecticut Informational Technology Office planned for Russell Road and is only going to add to the problem. Schools require renovations, expansions, yet to be seen of course, teachers hired, all the other costs that are associated with increasing the student population. We all know that our school budget is very tight and raising any part of it would be very difficult. The right of the property owners and the right to use the land as they see fit needs to be balanced with what is best for the community. What is best for Toll Brothers is not what is good for this town.

Marilyn Miller, 2 Buck Street, Newington: I'm opposed to this petition, Petition 09-11, if it's like 9/11. I think we need to acquire, all this talk about all the details. I think we should stop with the details and figure out a way that we can buy it back from Mr. Cohen. Mr. Cohen bought it from CCMC and the architect of that sale is no longer in this country. He's living in Canada. We need to look at the price, when it was zoned commercial. I don't know what the appraisal was at that time, but we need to offer him whatever the appraisal for commercial was at that time, offer him the price, and call it a day. I don't see how this petition, these people got this far. This should not have, our Town Planner, our paid town officials should not have, they saw this last year, they should not have even allowed this even to get this far. We should not even consider this residential, it's commercial, it should be appraised commercial, we need to buy it back. We need to have a mining ordinance because they are going to make money if for God's sake they take the land away from us, this is like having somebody cut a tree, then, we have to pay them to cut the tree, and then they sell the wood. The other thing is the market. You guys made a bad deal and I don't think I should pay for an outsider bad deal. I think Marcap and Toll Brothers, they are outsiders, and they need to go to Nevada. There's plenty of open space there.

Bernard Cohen, 98 Whitewood Drive, Newington: The house is on Mountain Road, after it, the mountain starts. A resident of 47 years, same house, same location. I spoke here last year, and I gave seven good reasons why we should not have Toll Brothers come to Newington. And they didn't come. I didn't do it myself, but there were seven good reasons, I won't repeat them, but tonight, there are a 125 reasons. There's not one good reason why the Toll Brothers should build on Cedar Mountain. Not one good reason. We have plenty of them for not building there. It should be obvious. There is nobody here who wants it. Nobody in Newington wants it. The reasons why will continue now.

Walter Dunnells, Zion Street, Hartford: Good evening. Obviously this goes beyond just the interest in Newington. It's a state and federal issue. People are tired of sprawl, tired of losing the last of our open space and pristine places and I'm so proud of the people of Newington here packed into this hall, and these are the leaders right here. These are the leaders. I keep hearing the term conservation development, it sounds like an oxymoron to me. I had the privilege of discovering this beautiful valley on Bear Mountain, and it's an enchanted place. Whoever has not been there, please go, and just knowing that it is surrounded by civilization and you have this wonderful spot that is pristine and beautiful and it's a good place to renew yourself, it's close by, and I don't understand why I just keep hearing commercial zoning and residential zoning, what about zoning for park land and open space and develop it as a park. I think as I said that people are afraid of losing our last beautiful places and we have to change that, have a moratorium, there are so many derelict shopping centers sitting around that could be developed. Rather than cutting down another tree, let's use these brown spaces instead of pristine areas. Thank you.

Erika Cuevas, 8 Rosewood Drive, Newington: First of all, I want to dedicate my speech to my school, E Green elementary. I've been there since kindergarten and (inaudible.) I want to say the whole I've been here, well, almost the whole time I've been wondering, what are they going to do and what are we going to do to stop Toll Brothers. Because if we don't do

anything, and just talk about it, nothing is going to happen, so we have to take our talking into action. Even in my school, I took all of my friends, and we made a poster, Save Cedar Mountain, and even at my house, I stuck a Save Cedar Mountain poster in my mom's car. Let's make sure Cedar Mountain is there forever.

Cory Starter: Presentation of poster

Sandra Gomes, 26 Coburn Circle, Newington: Good evening. I'm here today to beg you not to allow Toll Brothers to build on our beautiful Cedar Mountain. I teach second grade and last week I read to them an awesome book that you might be familiar with, called the The Lorax by Dr. Seuss. It's the story of a beautiful land that was ruined by one greedy character who chopped down all the truffula trees and killed off all the animals to build a factory despite the Lorax's warning. At the end of the book the character realizes that he made a mistake by being so greedy and not caring about the environment. After reading the story I taught my class a quick lesson about text connections, and I told them how this book reminded me about what was happening where I live. I told them about how Toll Brothers wanted to build on Cedar Mountain where there is a lot of wild life such as bobcats and beautiful trees. One of my students said, you have to stop them, and all of the other students were really upset and asked tons of questions. A little boy raised his hand and said, you should read them The Lorax book. You should read it to those guys who want to build on the mountain. I promised that I would try, I'll spare you the read aloud, but I do want to remind you that all of our decisions have trickle affects. The cons of building on this mountain outweigh the pros. It is so easy to cut down a tree, but it takes decades for one to grow back. I want to leave you with a visual Lorax. This is what Cedar Mountain looks like now, and this is what it is going to look like when Toll Brothers is done. There are also many empty lots where land has already been ruined, yet we continue to build like what happened across from Stop and Shop on Fenn Road. I beg you not to allow the zone change so I can go back to my class with good news.

Jacqui Manning, Tinsmith Crossing, Wethersfield: Good evening, I'm a resident of Tinsmith Crossing which is across from this development. We have real concerns, we have cracks in our foundations, so we have concerns that the blasting is going to affect us. We have serious traffic concerns as well as drainage concerns. Changing this from commercial to residential, as you know, residential homes will leave a much harsher imprint on, they will impact town services more, and while that's not my concern in Wethersfield, it does matter. I know that your job here tonight is for the commercial zoning, whether or not to change it. With the residential zoning I think what the gentleman earlier was trying to say about Toll Brothers business practices is, if you go on line and you read, the Boston Globe had a four part investigation series, about what Toll Brothers has done in respect to the condos and the houses that they have already built. Using shoddy materials, not only that but saying that they were going to preserve certain spaces and it didn't turn out that way, and their deception of home buyers, and there is a long line of lawsuits that follow Toll Brothers where ever they go, especially when it comes to the (applause, inaudible). I think that this gentleman was reiterating that this is private land, and that is understood, that they do have the right to build on that, how much, and what they can actually do to that land is within your control. And I say that it was zoned to be commercial and that to build a commercial building there will be far less of an impact on the land, and if that is how they chose to develop the land, that's how they bought it, because it is commercially zone, but if you allow the residential development to go up, I think, do your due diligence before you do that, and research the Town of Canton, Massachusetts, Franklin, Massachusetts and see what has gone on there with town officials and see what has gone on there with the Toll Brothers project. I think that you will be surprised and I think that you'll realize that you will have far more to lose by changing to residential than just leaving it commercial. Thank you for your time.

Conrad Cormier, 5 Sawmill Crossing, Wethersfield: I want to apologize to everybody. Last week I told them that I had a bigger television than what they were showing, so thank you again for that screen. My wife and I walk our dog on the mountain, and we like the (inaudible) of doing it. The back of my yard is all woods, and we see different animals going by, we, believe it or not, we saw a coyote, I mean, many coyotes, but we saw a bobcat. Three years ago! Now, I'd like to ask the owners, what are they going to do with all of the animals out there. Are they going to march them to the Humane Society? I want them to tell us what they are going to do with all the animals. Thank you very much.

Ryan Jordan, 22 Burwood Road, Wethersfield: I grew up on 22 Sawmill Crossing, Wethersfield. I used to drive by Cedar Mountain every day, and I would walk up there when I was younger and it's very upsetting to see that this development might be possible. It's bullshit. I'm sorry! It's very, very, very upsetting. To see that a town with ninety-two percent development would even consider cutting down another tree. It's unbelievable. Your people clearly do not want this development. They are residents of Newington and Wethersfield. They are the reasons why the Town Council exists. These are the people who live here. Their opinions should matter more than anybody else, and they if they don't want you to build, there is no reason for you to build. There is no reason for (inaudible, applause).

Jeff Downer, 27 Sawmill Crossing, Wethersfield: If you could put that graphic back up? I want to start by saying, I took a, I trespassed on your property, and I came upon the ridge and there was a healthy, probably ninety pound coyote standing there broadside, staring at me. I looked at him in the eye, he looked at me in the eye, and he said, I belong here, not you. I'm going to use, the top property is north, the bottom property is south in my explanation, very simple. The bottom property, Stanley, Marcap, commercially zoned, if that remains commercially zoned Toll Brothers, north property, has not a chance of selling a home next to a commercially zoned property. I know those in Wethersfield, and I know Newington residents, we will make this clear, to any purchasers, or potential purchasers, if Marcap property goes residential, you can say good-bye to the mountain. I was here a year ago, what are we doing here with drawings and plans? Nobody wants this here. I'm going to finish by saying this, some day, somebody's grandkids going to say, look what my daddy built, or look what my granddaddy developed, and you know what the other kid is going to say, you're the one.

Edward Douzhansky, 102 Cottonwood Rd., Newington: Hello, I have no prepared speech tonight, so I'm afraid I'm going to have to speak from the heart here. I love this town very much, I really do, and I think it's good to see all of these people coming here, whether they are confused, whether they support or oppose this decision, I think this is very healthy for our community, and I'm happy to see all of these people here speaking their mind. This mountain can't go, I don't know what to say, if I could just, you have heard these people say it before, if I could just have a visual, if I may, please, everyone here that would like to oppose this zoning decision, please raise their hands, make yourself seen. That's what I thought. People of this town, I think personally that there is a time for compromise, there's always a time for compromise, but there is also a time for people just to say no, and I think this is one of those times.

Kelly Mowchan, 5 Deepwood Drive, Newington: I live right at the base of this mountain. I don't have a lot to say, everybody here pretty much has taken the words out of my mouth. I want to thank everyone for coming out, this is a great show of support here. I just want to make it evident, I'm against all of the development. I know 2300 people on my Facebook are against the development and would like to see the entire area deemed open space, whether somebody would donate it, and I would like the Council, I would ask you, to do what is right for the town, what is in the best interest of the citizens, what is in the best interest of the

community in the long run. Clearly it is obvious by the amount of people here, what the citizens want and I would ask you that you support us and do what is right for the town. Again, I just want to thank everybody for being here, I encourage everybody to come to the meetings, keep up with everything that there is to know about this, and really stay on top of it. We need to voice our opinions, and make sure that this development stops. Thank you everybody.

Myra Cohen, 42 Jeffrey Lane, Newington: I'm a member of the Town Council, but I'm here speaking for myself. I think that it is quite obvious that there is a large public sentiment for saving the entire mountain as nature meant for it to be saved. We know, or I know that it is private property, the big problem is figuring out how to save this, not should we save it. I do want to point out, and I think the public has made it quite clear that it should be saved. I do want to point out that I thought it would be appropriate what could happen with commercial development and the trails. This is not before you now, that is not part of the zone change, or the question for you, what could happen if you did not have the zone change. We do not have a commercial project before you now. I do want to clarify in my own mind, I believe, I would hope that you would recognize the reasons to not provide the zone change, but if you ever, well I hope you couldn't, or wouldn't, but if you ever did, I believe that it is a stand alone petition, and not connected at this point with the development proposal. If a zone change went through, the proposal for development is not necessarily what is looked at now as the concept. It's not necessarily what you would be seeing. It could be, it could be changed a little bit, it could be changed major, they could decide, the proposed developer could decide that this is not the right time, and would go away, after you have already done the zone change, somebody could come in with an altogether different proposal. So I just want to make it clear, I believe that the zone change is a stand alone. Once it's done, it's a separate issue of what comes before you then. Thank you.

Jim Beade, 28 Trolley Crossing, Wethersfield: I would like to say to you guys, this should be an easy decision. We are telling you guys that we don't want it, so this should be an easy decision, okay? Bear the balance, the balance of open land and the balance of neighborhoods, homes, we don't have that balance. If you take this away, you're tipping the scale to the losing point for everyone. We're hear to tell you, it should be easy for you guys to make your decision. Everybody here says no, you guys should say no. We the people are the voice, this is what we want, this is what we hope you guys do. Thank you.

Scott McBride, 211 Beacon St. Newington: I'm also a member of the Town Council. I'm not sure what else there is to say that already hasn't been said. I think people have put their passion and their heart and a lot of energy into something that obviously they care deeply for. I love this town, I'm a lifelong resident, and I can actually pinpoint one of the things that I love most about the town, and that's our parks, the park and rec department, and they essentially to me, in my opinion, they are the glue of this community, and you can see that right here. Newington has a very, very strong sense of community. We are a small town, but get us fired up, give us a reason to come out, and they do.

Audience: Backed by Wethersfield.

Scott McBride: Backed by the people in Wethersfield that everyday, except for Thanksgiving, we are (inaudible, applause) But by your own statement in the 2020 Plan obviously you have a sense of the need for preservation in town of open space and the benefit that it brings. As we have said here, there are a lot of concerns as to what development means, especially to the school system, and the schools are directly impacted by this. I don't think, one that that I heard mentioned only once, and that was very astutely by Councilor Cohen was that once you allow a zone change, all bets are off the table. They can do whatever they want to do.

Again, I think that point needs to be stressed because there is going to be considerable stress to the town and its resources and especially the schools if this goes through. I know you all have a job to do, I respect you greatly for what you do, but you, like us, are no more than an extension of the town and the citizens of this town. You are appointed, or elected, none the less, I think it is very clear what the wishes of the town are, and I would ask that you respectfully follow them. Thank you for your time.

Cory Sharkin, a past resident of Tinsmith Crossing: I have a dear friend that lives there now. I have marveled at the beauty of Cedar Mountain, whether driving on the Berlin Turnpike, Russell, or Mountain Road, the actual mountain is a breath of fresh air, a natural landmark which, thanks to our human greed and need for more, more, more, especially in terms of development, is surrounded by more than enough substantial building. I have walked along many of the paths on the undeveloped part of Cedar Mountain, and have fully enjoyed the experience. Some of the land that has been made available for building, typically Cedarcrest, the hospital at the end of Russell Road is no longer primarily used, and is just wasted space. Though it is pleasant to the eye, most importantly, this mountain is home to a plethora of wild life, which with development would be extremely affected. Regardless of how much the development will, as needed, go with the land, grading of the land will still be required for building, no matter how minimal it is, the natural environment will be altered in a way which there is no coming back from. Not only the natural environment of the surrounding area in Newington/Wethersfield will be affected, but all local neighborhoods. Construction and traffic just to name a couple will create upheaval across the area. Toll Brothers is the negative participant in Central Connecticut's drive for necessary clean (inaudible, applause.) Thank you.

Rose Lyons, 46 Elton Drive: I would like to ask that I speak on behalf of myself this time. Is that acceptable. Thank you very much. A couple of years ago before the Cedar Mountain program came into existence and everybody got involved, I got to meet Mr. Cohen and over the years he's brought cookies to meetings and shared with me, and I've brought cookies to meetings and shared with him. Tonight, I shared some water with him, and he asked me, what's in there, truth serum, and I said, no but I've been sitting back there drinking my water thinking about what can we do about saving the mountain. Mr. Cohen, you've shared with me the many wonderful things that you and your wife have done for the Connecticut Children's Medical Center. I think you are a very wealthy man, I don't know your personal worth. We're a middle class town. We don't have a lot of money, most of us, I think it would be a nice idea to stop all of this by you donating the land to the Town of Newington. By selling it back to us for what you paid for it. Thank you for your contribution to the state.

Kevin Somni, 21 Neil Drive, Newington: I had no intention of speaking when I came here tonight, I just wanted to listen. I'm opposed to developing Cedar Mountain, but what I've gathered here, and no one said is, Toll Brothers is a business. Businessmen speculate. They bought commercial property, now they want to change the zone and make it residential. I'm sorry, it's wrong, all you people on the board, the Town Council, I've lived here since 1986, I've never missed a primary, an election, I vote in everything, I participate, I think, look around here, you see people, they're passionate, they're opposed. The Hartford Courant, if they are here, maybe back about a week or so, if you are talking about wildlife, there was an article on the ravens coming back to Connecticut, and there was a beautiful little spread that they did about them nesting on Cedar Mountain, so people spoke about the wild life, look back to that, the Hartford Courant, help us if you can. Thank you.

Jennie Morganthal, 17 Harris Drive, Newington: I'm a resident of Newington, and I'm an architect. My job is to design new homes. Like the Toll Brothers, my livelihood depends on people who want to build new homes. As a design professional even I can see this proposed

development is both irresponsible to the community and poor design. I've worked with a lot of developers in my time, so I have been on the other side of it, and I can tell you, they will say anything they can to appease the community and make you think that they care. Don't be fooled. They don't. In the end, they are a business, and they are trying to make money. That's the bottom line. If this land is rezoned, they will be able to do whatever they want with it. You as a community will not be able to stop them. Conventional zoning does establish certain standards but typically does little to protect open space or to conserve the natural character of the mountain. As an architect, I am well aware of how hard it is to build in Newington. There simply isn't any land left in town if you want to build a new home. Newington is getting more populated by the year, building this many more homes, whether it be houses or condos will only add to this over population. Just because there happens to be usable space on Cedar Mountain doesn't mean that we should build. Because of Newington's density, there is very little open green space at all. In my opinion from the basic design standpoint it is crucial for a town to have a certain percentage of community space, such as Cedar Mountain in order for it to be a successful town. Developing Cedar Mountain from a business opportunity standpoint probably makes sense, but more than that, it is important and responsible to view the design decision as a whole. Does this make sense for Newington? In my humble opinion, as a local architect who loves this town, I don't think it does. Thank you very much.

Michael J Fox, 1901 Main Street, Newington: Residing in town for the last thirty-seven years, I happen to love this town, I've been here for more than half my life. I don't want to give you any impressions about my age. I grew up in Brooklyn New York, as if you couldn't tell. Basically the only wild life that I saw, we saw in the neighborhood, were when we were watching Mom and Perkins on TV and I don't know how many of you remember that. But, for most summers, I was able to vacation in the Catskills, some people call it the borscht belt, the Jewish Alps, but that's where we spent our summers. Behind our place we had acres of blueberry fields, pine forest, waterfalls, a little garden, and a little one horse fire department. So I learned what it was like to live in the country for a while, and I grew up, went into the service, and when I got back from Vietnam, I made it a habit to keep going up there, even though we didn't own the property any more. The property is right near Woodstock, and again there were so many wooded areas, so much wild life, the last time I was up there, it was all gone. I will go there again before the next meeting and take some pictures. I have some before photographs, but I never did have my own mountain as we do here. I would hate to see Cedar Mountain become what the Catskill Mountains have become, as so, I'm not going to repeat what they said about zone changes and about special exceptions and remember for two weeks from now when we are back. Thank you for this opportunity.

Gail Bedrako: I'm speaking against all of these petitions. How many times do the residents of Newington have to stand here before you until our voices are heard. We've said in the past, loud and clear, no to development on Cedar Mountain, and no to further encroachment on our dwindling open space. Newington has a shameful percent of open space left, eight percent compared to neighboring towns of let's say Wethersfield, 23 percent, West Hartford, 27 percent, Rocky Hill, 16 percent and even New Britain, of 13 percent. Priorities should be preservation of what we have left, rather than continued civilization of our dwindling open space. What we need is leadership, vision, and political will to make balanced development decisions that reflect social, environmental and community impacts as well as the fiscal. This project is not in the best interest of Newington. From an environmental perspective, it will be harmful to adjacent neighborhoods, buildings and paved surfaces on top of the mountain will prevent infiltration of water into the soil. This will increase storm water runoff and its associated contaminants such as lawn fertilizers, pesticides, car wash residue and driveway sand and salt. These pollutants will run off into neighborhoods at the base of the mountain and will seep into the ground water creating environmental risks. In addition, wild life will be

displaced by this development and will become a nuisance and possible (inaudible) to the very same neighborhood. Traffic between the turnpike, town center and Route 9 is already unacceptable. A few hundred more cars will make it intolerable. The proposed solution of a traffic light just won't cut it. Further more, no one has addressed the issue of pass through traffic in those very same beleaguered neighborhoods at the base of the mountain. Brentwood, Hawley and Ellsworth Streets are currently used and abused as short cuts to avoid gridlock in the center of town. The residents of this new development will certainly join the flow of cars passing through the small residential neighborhood and will increase traffic and associated safety concerns. It said that these developments will build the tax base and increase revenues. But there are costs however with residential developments, and increased needs and certainly a demand for services such as road maintenance, police and fire, animal control, recreation, social services and schools just to name a few. In the long run, the costs exceed revenue generated. Cedar Mountain is a tiny refuge in the midst of Greater Hartford's urban sprawl. The woodlands of Cedar Mountain are unique to Newington and enhance the overall residential appeal and property value in our town. Cedar Mountain is part of our history, our culture, and our community identity. If this project goes through, we might, might, get a short lived boost to the tax base, but we destroy forever an irreplaceable community attribute. I ask that you think long term and make decisions in the best interest of Newington. Please don't let decisions be influenced by external pressures, and veiled threats from developers or by the not so hidden agenda of a few businessmen with excessive interest in seeing this project move forward. Thank you.

Valerie Leone, 78 Connecticut Avenue, Newington: A recent college grad, looking to participate in a government thing, I have voted in every election that I was able to. My family has three generations here. My mom went to the same high school that I went to, my three brothers born on Commonwealth Avenue, and the mountain is something that has always been very important to my family. It's a mountain for all seasons. We go there in the winter with certain things, carrots and lettuce, it's always an annual event. We go there in the summertime to hike up to the ridge line. I have brought my dog, and all kinds of friends and family to appreciate the beauty of this scene, as it is, with nothing added to it. My family has a tree actually on the property that we have carved our initials in, and we thought it would be there forever. I'm very sorry if I have been trespassing all these years. The reason that Newington came to exist was in a sense, because of Cedar Mountain. The land here before anything, back in colonial times was a lot of farm land. The farmers would have to take their wagons and go all the way over Cedar Mountain to the church. But then when the church came to Newington, they no longer had to make this big hike into Wethersfield, so this land would have been Wethersfield had it not been developed. This town is at 92 percent developed, if this development goes through, then it will be pushed to 96 which means as far as development, we are only behind Hartford, our capital, and Manchester. That means we beat out New Haven, New London, Willimantic, West Hartford, New Britain, the list could go on and on. We're not the only ones facing this kind of encroachment as far as developing. Haddam is having problems where they are trying to sell riverfront property for some stores; portions of Stanley Quarter Park in New Britain are going to be taken for a Costco; and Meriden they have town houses that are being built on the ridge line. Is Newington truly just going to be another domino, because if you ask me, I'm going to say no. Thank you very much.

Mitzi (inaudible): I came from Poland and I could have lived anywhere, but I chose Newington and Wethersfield because of the beauty, the mountain. If I want busy, cars, I can go to New York City, but I chose Newington because of the beauty, quiet, like my Poland. Just leave it please.

Robert Kelley, 23 Raymond St., Newington: I have two things I want to say. I just recently moved back to Newington to be near my one year old nephew. It just pains me to see that this is even under consideration. Cedar Mountain is some place that in a few years I want to be able to take my nephew and bring him around and say, this is the town that I grew up in, this is the town that you are growing up in. I don't want to be told that I'm on private property. I understand private property there and if the fact of public property, some don't know that, and if you put houses, or the commercial project, or I guess just leave the presentation up here, because you don't seem very excited about it. We don't want that there. We want to be able to take our nephews and our children and our grandchildren up there and turn around and say, this is your town. This is something to be proud of, it's not something to throw away for some tax revenue when we don't even know if we are going to end up paying more money in schools and everything else than we are going to get in taxes from them. These folks may make a lot of money, but they aren't going to be here, fifty years like the rest of us, and we are going to have to deal with the decision we make. Thank you.

Chairman Pruet: Is there anyone else wishing to speak. Okay, I'll give you a chance to rebut.

Gennaro Martorelli: I'd like to speak, I'm not going to rebut. I am the Mar in Marcap and my address, by business address is the Gallery of Design at 241 Main Street in Middletown Connecticut and I live in Meriden, Connecticut. I appreciate and commend the honesty of the opposition that comes forward and says, we don't want any development on Cedar Mountain. My partner Stanley, Joe and myself appreciate honesty and that is how we like to conduct our business. For those of you who feel that we are here tonight because commercial development is unacceptable to us, you're wrong. The reality is that our opportunity to purchase this property came about when the Planning Commission denied a use to modify the residence zone for an office building. Those applicants had a contract to purchase the property from the hospital for considerably more money than we paid. We had the opportunity, right then and there to have a contract with this particular developer and tell him to (inaudible) We met with your Town Planner and we asked your Town Planner why the Commission denied the development and we came away with an impression, and that impression was that commercial development is too intense for this particular property. So we allowed the appeal before the court to elapse. Now, we could have pursued that, and Hunter Development which did pursue their appeal, they were successful. Had we pursued that, this property would be under development right now. It would have been approved at the very least for commercial development. But we took the high road. We went to the Town, we asked the Planner, what do you want to see here? He indicated that there was a strong sentiment to have the property be used for open space. We perceived that politically and it was made very clear to us that despite the fact that we have two council people here tonight that are in favor of open space, there was no political dissemination to purchase this property for open space. We have the where with all to develop this property commercially and certainly if the zone change is denied, we will pursue that. We want to be open and honest with you. Now, we're looking for the same honesty from this Commission as we have had from the opposition that says we want this property for open space. So, if this Commission, I mean, the zone change is very simple, anybody who knows, has expertise in real estate development knows and understands that a residential development has a lower traffic impact than a commercial development. Anybody with that expertise knows and understands that the topography of the land will be impacted less with this type of development. That any impact on environmental resources will be reduced by this zone change. So if you are looking to minimize the impact on Cedar Mountain, the zone change when you cut through all the emotion, makes all the sense in the world. If we don't want any development, then really it's up to the Commission to say, no, we're denying the zone change not because this is less of an impact on Cedar Mountain, because we don't want any

development there. In that case, it will certainly give rise to the Town purchasing this property. But if you are being honest, and you are saying, what would be the benefit to the town from a zone change, and having all of these acres of open space donated to the town, without any cost, and you decide that development should occur on this property, then the zone change makes sense. I went on line today, Google maps, and took a picture.....

Audience: How much time does he have?

Chairman Pruet: He's under rebuttal, he has five minutes.

Gennaro Martonelli: One applicant spoke twice, Joe and I get your time....I'll take Joe's time so I can speak twice. As you can see from Google map, there is a good portion of this property that has very few trees, there's no overgrowth on this portion of the property that is proposing to be developed. So there will be no major diminishing of trees on this property. Every development certainly has an impact on wildlife. A residential development has the least impact. After the house is up, and the trees are up if there is a tremendous amount of open space left over, we don't see a big impact here. The wetlands have a minimal and if there were to be an impact, we have to go through the wetlands commission.

Chairman Pruet: Would you summarize your rebuttal?

Gennaro Martonelli: I will summarize by simply saying that again we are looking for honesty and integrity from this Commission and that is, if you are going to deny this zone change then put the real reasons on the record, and the real reason should be, because you want this land to be open space.

Chairman Pruet: Any further comments? That was the five minute rebuttal, anybody wish to rebut that, you also have five minutes.

Maureen Klett, 104 Harold Drive, Newington: I'm also a town council member. I would just like to make the comment that I do not support the development of Cedar Mountain, that comes as no surprise since I have taken that position for a while and I think that all the flowering words are nice but this is all about money for these people, it isn't about money for those of us who have lived here and I think it's very ironic that Toll Brothers, the address that they use for their application is Newtown, Connecticut and if anybody, the irony to me is, if anybody is familiar with the nice little community of Newtown you know that there is lots of open space in Newtown, and unfortunately they want to take away the last of our open space here, so I hope, I pray that it doesn't happen. I hope that some how we can find a way to hold onto Cedar Mountain as other speakers have said, it goes back to the history of this town. I don't know this, how Hartford Hospital even ended up selling this piece of property to people who were associated with a Board of Directors of the Children's Medical Center but however they decided that that would be an appropriate thing to do I think it's up to us now to make sure that the mountain remains the mountain.

Chairman Pruet: I have a letter to be read into the record from a citizen. " I am writing in opposition to Petitions 09-11, 12-11 and 13-11. Not only will they impact the character of the town, but they will also do away with the land that will never be recoverable. Once it is gone forever there will only about seven percent of undeveloped land left in Newington. The main thing that I would suggest to the Commission is that your denial, should you deny the petitions, you put in (inaudible) reasons for the denials. Also, your discussions on these matters, you have to state for the record your reasons for approval or denial. This is very critical if petitions are appealed. In citing the Plan of Development and what the Commission envisions there, is important. Also the Commission should respond to the criteria of special

permits and exceptions. Without going into much detail, the following points should be considered, compatibility with surrounding areas, suitability of the land for building, environmental issues, economic issues, and quality of life issues. All of these points, I am sure there are others, should be in your Certificate of Action, as well as your discussion and your meetings. Thank you for your consideration, Vincent Camelli, 287 Cedarwood Lane. Now, if you would like to rebut.

Stanley Cohen: Mr. Pruet, Members of the Board, Mr. Meehan, fellow tax payers of the Town of Newington, I have owned property in Newington probably longer than anyone any of....

Audience: Who are you?

Stanley Cohen: My name is Stanley Cohen, 1 North.....Avon.

Commissioner Pane: Please, let him speak. He listened to everybody, I'm sorry to interrupt you, but let's let him speak, everybody calm down here.

Stanley Cohen: Thank you. First of all, I really resent the fact of the slander that has been leveled against Toll Brothers. They are a first class operation. To make those unfounded allegations lays the person out who made them to a law suit from Toll Brothers for slander. And you had better be right about what you said because Toll Brothers has been a first class operation as far as I'm concerned. Greg Kamazeski, who is here from Toll Brothers, they have kept up, they've honored, everything that they have said they have honored, and they will do that in Newington. They did it on the ridge, at the drive-in, there is not one person who has complained to the town about that project. Unfortunately while the townspeople have gotten used to using our land, many of you admitted it, saying that they trespassed on our property, Joe and I and Gerry have agreed to give you amnesty this one time, starting tomorrow, you cannot go on the property, please, okay? But the law is what is going to control this. You can't say to the town, we don't want it there so don't do it. How many people live in houses where people came up before the Zoning Board and said, I don't want that property developed, yet you are living in those houses because the Zoning Board acted as they are supposed to act, as a buffer between the town, between the citizens of the town and the property owner. And they said to those people who were objecting, who were saying, we don't want our open space developed, you are living in those houses because the board acted in a legal manner, and that is what they are supposed to do. They are a buffer between the town, between the town people and the property owner. If we wanted to put 5000 units up there, okay, they have the right to say no, but they cannot say, you can't build on it because the town people don't want it. It's zoned for commercial building, and we can build a commercial building on it. Someday something is going to happen with that property. It's zoned, but look what you are getting. Did you read the editorial in the Newington Life. You are getting what you want, you're getting fifty acres of open space which will increase the percentage of open space that you have now. You're getting trails, you're getting a parking lot, you're getting the right to use the property legally, which you don't have now.

Chairman Pruet: Please, quiet.

Stanley Cohen: We're just asking to be treated fairly. As Gerry said, at least be honest with us. Tell us, we don't want to give you zoning for residences because the people don't want it, but that's not a legal reason. Also, when someone gets up here and tells the town board here, I'm going to just say it, I never did have my own mountain, as we have here. It's not your own mountain. We're paying the taxes on it, okay? We want to get a fair return for our money. Toll Brothers has gone way out of their way by saying let's give them fifty acres, let's

give them a parking lot, let's give them a path, what more do you want. You're getting everything that you want.

Chairman Pruet: Please, don't interrupt people. I'll conduct the meeting, please.

Stanley Cohen: That's all right Mr. Pruet, thank you very much.

Chairman Pruet: Thank you. That concludes Petition 09-11.

Tom Ryan: Mr. Chairman, can you not conclude it, but continue it, please. Can you not conclude, but continue the previous hearing. You said, conclude the hearing, I think you meant.....

Chairman Pruet: No, no, I meant conclude Petition 09-11. Now we are on Petition 12-11.

Ed Meehan: But the hearing is still open Mr. Chairman?

Chairman Pruet: Oh yes.

**B. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District. Public Hearing set for May 25, 2011.**

**C. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Public Hearing set for May 25, 2011.**

Tom Regan: Thank you Mr. Chairman. For the record, my name is Tom Regan, I'm an attorney with the law firm of Brown, Rudnik, LLP, City Place I, Hartford, Connecticut. I'm here tonight on behalf of the petitioner, Toll Brothers. We're here for this application, this application is an open space subdivision application for the property as it's described, north of Old Highway and west of Russell Road. The property itself is a 73.7 acre site, currently owned by the Balf Company, Tilcon. Toll Brothers has a contract on the property and we are here tonight for an application. This property is zoned R-20. We're here tonight for what is known as an open space subdivision. An open space subdivision is a vehicle used in order to better develop the property in accordance with the property's current zoning but develop it in a way that better uses the property and preserves the (inaudible). That's the point here tonight. This property is residential property, it's developable as right as residential property. The plan that we are going to show tonight and Mr. Gradwell will come up in a minute and walk through the plan. The purpose of this plan is to develop the property in a way that will fit with the current zoning, the as of right zoning, but do it in a way that preserves open space. Specifically what we are proposing a 71 unit subdivision on the property, when the property will generate per Mr. Meehan's own comments, 90 units as a straight subdivision. We are proposing 71 units. Of that property we are proposing 38 acres of open space as part of that development, almost fifty percent of the property, I should say, over fifty percent of the property will be open space. That is the application that we are here for tonight and I would like to bring up Mr. Gradwell who will walk through the application.

Ray Gradwell: Thanks, Attorney Regan. Once again, my name is Ray Gradwell. I'm a senior project manager with the BL Company in Meriden, Connecticut at 355 Research Parkway. As Attorney Regan has stated we are here on behalf on Toll Brothers for an open space subdivision. The project is in the R-20 zone and we're looking to use the R-12 lot standards. As we all know, the site is located north of Old Highway, west of Russell Road, east of Mountain, and south of the property to the north. The property is about 72.7 acres, It includes Cedar Mountain trap rock ridge line, it includes wetlands that run north, south to the west, in the red, it includes wetlands in the center, it includes a small wetland pond on the site. Again, 73.7 acres. It is in the R-20 zone. What we are proposing here is to get 71 lots, a significant portion of the property will be dedicated to open space, 38 acres and I can outline that to you. All of this area, open space. It includes Cedar Mountain trap rock ridge line. It will include the Old Highway, the greenway. The project will have 71 lots, one lot for MDC for their pump station. We have a residential road, road A comes up to the site to a cul-de-sac, road B,C,D, to the site and to the cul-de-sacs with the residential lots around those. The lots are sized minimum 12,000 square feet per the R-12 regulation. All of the homes meet the requirements. All of the lots meet the requirements. Also the greenway buffer along Old Highway all homes and driveways are outside of that greenway buffer that exists for Old Highway, although we propose to relocate that greenway buffer to the north where it should go rather than Old Highway. Right on this plan we have shown all of our (inaudible), three off of Russell Road, one, two, three and two in the middle of the site. This is a residential subdivision and the roads are graded in a manner to conform with the land. We are grading up, through the center of the site, to a high point, and then grading back down to the land, to a low point, adjacent to this storm water management area. We are grading up to the site from a low point located at a low point that exists today and then grading up and then back down to a low point at this cul-de-sac adjacent to this storm water management area. The driveway is located right here, more or less the center of the site, we are providing adequate sight lines both northbound and southbound along Russell Road. The wetlands, or actually the drainage will mimic today with a large wetland in the middle of the site, storm water drainage will for the most part drain through separators, the best management practices that are allowed by the State of Connecticut and published in the State of Connecticut in the Storm Water Quality Manual so we will have catch basin inlets on the roads, deep sumps and hooded outlets and along with that we will have a (inaudible) separator that will collect sediments, oils, before they discharge to our storm water management area located here, here, here, here, here. We have five storm water management areas, to mimic the natural conditions of the storm water the way that it is today. A large area here will drain to, that overflows to a wetlands than flows to the west. This whole area 38 acres, plus or minus, open space. Not going to be developed on. So we give it back to the Town to use for recreation. You talk about opening up land in a manner of safe and (inaudible) to look at sediment and we filed a sediment and erosion plan per the regulations at the meeting with staff. We are showing clearing right here with a silt fence around those limits. We are installing temporary traps in the areas where we are having storm water management, one, two, three, four, five, also some intermediate temporary sediment traps, located here, here and a temporary stockpiler is located here, here, here, here. Access to the site, making cuts, making fills in a manner that would allow us to develop the site in a conscientious manner. The second phase of the site would build out the homes and build out the rest and finish off the storm water management areas that are draining to the west and the south. Utilities, the site is served by all utilities. MDC has a power here, to run a water booster pump station that will connect to the existing sixteen inch water main in Old Highway that goes to Russell Road, will be connecting to that, will boost the water pressure up to an acceptable pressure for the homes at the high point of the site located here. MDC will cut the sewer to the site, MDC sewer maintains throughout the roads and it will collect sewage and go down Old Highway to a main extension in Russell Road. It will extend the sewer main up Russell Road from this location to about the mid point of the

Connecticut Humane Society, that's where it stops, it will come to the site here, will extend to the site here. Served by public water, public sewer, served by the electric company, CL&P will provide transformers and underground electric throughout the project roads. Getting to a site lighting plan, we have prepared a site lighting plan per the regulations as required. There will be an ornamental type lighting fixture, a more traditional type architectural fixture will be provided by CL&P and our lighting plan shows a minimal spill of lighting that is off the box and off the (inaudible). All our lighting will be within the regulations for the site. We were asked to look at what we would do with the typical residential R-20 subdivision. This is a plan that we came up with, with the traditional residence size lots, R-20, twenty thousand square feet, and we were able to achieve about 79 lots considering that some of those lots would be, some big lots in the middle, so this is an alternative, 79 lots. These are some of the looks that we are proposing, all traditional New England architecture. All traditional type features. The roads are laid out in a manner with a sixty foot right of way, and that is per the requirements of the Zoning Regulations. We have sidewalks throughout the site, showing driveways located adjacent to these homes, within the site, (inaudible) So in conclusion this is a plan, a 73 acre site, located on Russell Road that provides 38 acres of open space, which includes the Cedar Mountain Ridge line. That concludes our presentation.

Chairman Pruet: Ed, staff concern or comments?

Ed Meehan: Thank you Mr. Chairman. I'd like to enter my staff report into the record, it's covering both petitions, I believe we are going to combine and hearing on the subdivision and the open space special permit for Petition 12-11 and 13-11. My staff report is of a technical nature. These proposed lots are permitted by right in the zone R-20 which is residential, twenty thousand square foot lots, this is more of an administrative decision. The Commission is looking at standards and zoning regulations for lot size, setbacks, and our standards in the subdivision regulations for public improvements such as drainage, roadways, open space, erosion control measures. I won't go into the complete details of the report. The applicant has it. I've got about fifteen recommendations which I would request the applicant to consider and the Commission to discuss. The most significant ones are the ones that have to do with the suitability of the land. The subdivision regulations and the Town Plan of Conservation and Development speak to the issue of not using land over fifteen percent slope, and the map to my left is part of the record of my report. You can see from that map that there is a substantial percentage of this property, probably closer to thirty-eight percent is slopes over fifteen to twenty-five percent. As was pointed out by the project engineer, the westerly ridgeline of this property, Cedar Mountain ridge line is closer to forty-five or fifty percent slope. There are areas of proposed lots and road grades would have to be re-contoured to meet our ten percent road grade or to make lots usable because lots are on property over fifteen percent slopes. That means removing trees, changing grade, re-contouring the property. I would like the opportunity with the continuation of the public hearing to provide more specific details on these lots, working with the Town Engineer, but there will be substantial road cuts and deep cuts for utilities to remove the rock on this property, to achieve what you see before you. That's a concern of staff. The location of the proposed pump station, Lot 71, right in the middle of the proposed open space. Staff opinion, not appropriate. That's at the juncture of the trail system that leads to the ridge, also it's in the middle of the greenway that goes east/west on Old Highway. There should be another location for that pump station. That's an 18,000 square foot parcel with fences, concrete structure, doesn't belong in the middle of an open space area. The greenway, which was mentioned in the Plan of Conservation and Development, a fifty foot buffer, the buffer can only be waived by a two-thirds vote of the Commission. I don't see how the applicant can meet that standard with the plan that was presented. I see lots, side yards, some lots are encroaching on the fifty foot standard. That is something that needs to be discussed. Opportunities for trail connections, from the end of cul-de-sacs, so the public has access to a

proposed trail system is missing in this plan. So it's a technical design issue which I think deserves a lot of discussion and more time. Substantively it's a fifteen percent slope issue that is an issue with this property. Also the issue of building under an R-20 development. Mathematically, yeah, maybe mathematically doing the geometry you divided the area by 20,000 square foot lot size you could get a lot yield of 70-90 lots. But practically speaking, working with the land the proper way, I don't think their R-20 plan makes any sense. I just saw it for a flash, but the road layout, the location of the lots around inland wetlands is not something that is an R-20 subdivision, I believe, that this Commission would approve. So I think we need to look, there are opportunities for open space subdivision, there is the opportunity to set aside almost forty acres of open space, but the plan as presented I think misses the mark as far as road layout, future connections, and misses the mark as far as utility, the location of the pump station, the protection of the Cedar Mountain greenway, the Old Highway greenway, the trail connections, the public access. One of the suggestions that I made in the staff report is narrow the road right of way from sixty to fifty feet. This is a single family subdivision, it's not a high traffic generation, we don't need a sixty foot right of way. Fifty foot right of way, you could pick up ten more feet dedicated to open space or make the lots larger, calm the traffic down in the development. Again, I would say as a footnote traffic coming out of this location is going to have to go through the Russell Road/East Cedar Street ramp system. I will point that out. All these projects aggregate on each other. They are part of the puzzle. When Hunter Development was approved, with the Marcap piece, you have to put the pieces together and if you miss the opportunity to do something about the ramp system we're going to be worse off than we are now as far as traffic. So I encourage you to keep the hearing open. My staff report is available in the public hearing record, and with the Commission's permission, we will put them up on line.

Chairman Pruet: Thank you Ed. These were some very pertinent and important recommendations to the petitioner. I hope they take that and revamp their position. At this time, Commissioner comments?

Tom Regan: Mr. Chairman, just a note, we didn't get any staff comments until late last night, so we'll be prepared to respond at the next meeting.

Chairman Pruet: Very good, thank you. Okay, this is a public hearing, anyone from the public wishing to speak in favor of this petition may come forward and state your name and address for the record. Anyone wishing to speak against this petition may come forward and state your name and address for the record.

Pam Gibel, 20 Edmond St., Newington: I've been there thirty-two years, and I'm sure that you gentlemen are wonderful gentlemen and very gracious business people and do what you do for the benefit of all. I'd like to thank the board very much for being here and all that you do. You don't have an easy job. Looking at the audience right now, you can see that this is truly a working class town. I'm sure a lot of people who have left have left because they get up at five in the morning, or four in the morning to fight the traffic. All of the comments that you have heard so far to date I think are fine, but I think the town people would prefer it not to be developed. I understand that it is already zoned for residential, if I'm not mistaken, but I think the underlying purpose is to preserve the mountain as much as possible. The thing is, I think what you guys are all here for a zoning, and that is what you do. I have never heard anyone look seriously at zoning for preservation of the mountain. I've heard about development, I've heard about residential, but nothing has ever seriously been looked at in terms of purchasing at fair price, which would be the original purchase price. I think you have heard tonight that the town people are willing and open to looking at that, so I would hope that you would take all of the comments that you have heard to date, although a lot of folks have had to leave because they get up early, very seriously, and I don't believe you're a

buffer, I believe that you are elected by your town to represent the vote of the people who reside in the town, so I think, I would hope, that you take that very seriously. Thank you.

Rick Spring, 47 Deepwood Drive: I look at open space subdivisions, I believe that they provide bigger benefits for the developer. They are allowed to squeeze more homes on a parcel of land that has some developmental limitations such as wetlands, steep slopes, and this belief is reinforced by the fact that Toll Brothers has to fill in a wetland to squeeze two more homes in there. I think that is just absurd. It increases their profit margin, based on the fact of more homes in a small footprint requires less grading and so forth. I personally would like to see a break down of the amount of land being donated that is unbuildable, made public. There is a calculation that you use by the EPA that can determine the proper open space requirement, and I'd like to have those numbers so I can run this through and calculate those figures. I ask, who maintains the open space? Is the town responsible for mowing and landscaping? If so, it's an additional expense that the town will incur. Against the (inaudible) of special exceptions made for an area that is currently zoned R-20 with 20,000 square foot lots, that's the way it should stay. I've heard the potential revenue from permits, applications and other items for this development will be good for the town's economy. That may be true for the short term, you need to consider what is needed most in the long term. At the Conservation Commission public hearing there was a statement that Newington was the third most developed town behind Hartford and Manchester and quite frankly I find that embarrassing to say the least. We have enough progress. As a town, we need to step back and re-evaluate what the residents of this town really want. I ask you, and other Commissioners, are you listening to us? Thank you.

Doreen Garcia, Wethersfield: I just want to say that I have had the opportunity many times of walking, on your property and I just want to say thank you. I've really enjoyed it many times and there's that feeling that I get from walking in nature that is just unequal to anything else out there. Before I came to this program tonight, I was across the way at the Newington library and there was a film that was being shown that was called Mother Nature's Child and the theme of the movie was all about how important the environment is for children's development. It's also incredibly important for our emotional development. We need to keep Cedar Mountain as open space. We need it, we need it, there's nothing else that we need more than ever, right now, to keep the mountain and to leave it open for the children, for the elderly, for everybody, I just can't imagine it being developed. We all need it for our emotional development. We need to get away from the cars and the noise, we need to get away from that, and I beg you, I beg you, please donate it as open space. If it was mine, I would do it, I would do it, please do it.

Kathleen Clark, 50 Grandview Drive: I have lived in Newington since 1956. My statement is just the proposed, if the development were to go through, some of the wetlands, it's right behind all of these properties that I assume will be fertilizing and using chemicals on their lawns and I can't imagine that what is now called the wetlands will be remaining wetlands for very long. Thanks.

Janet Sherkoff, 88 School Housing Crossing, Wethersfield: I didn't plan to speak tonight, and I have listened to everyone, what everybody has to say, I understand that you have a horrible position and a decision that you have to make. I'm coming from the point of view, the only thing that I would honestly ask you folks to do is not even necessarily during the rush hour, but if you ever have any time to sit on Russell Road okay, now granted we come up Russell Road, and see what it is like to get onto Cedar Street. See how many people even though it is posted, take a left hand turn and it happens almost every single day, can cause an accident, and this is with the volume that you have now. You can't get through if you are a resident, as we are trying to come from Cedar onto Russell and you know how they have it.

You can't get through, people are like dying to get off the highway to take a right onto Cedar or those people illegally taking the left. They don't let you through at certain times. You have cars everywhere. Economics, environment and everything makes sense. We have talked about the traffic, the only thing I can ask you folks to do is if you ever have fifteen minutes please come so you can watch, I don't know what is going on at the corner with that building they took down, park your car, get yourself an ice water, sit back and just watch for fifteen minutes and you can understand exactly what we go through. When you add more traffic be it commercial, be it residential things you are going to be able to stop, things you are not going to be able to stop, please just consider what the volume of traffic alone will do to that area. Thank you.

Stanley Sobieski, 26 Deepwood Drive, Newington: I'm in opposition to all of the petitions by Toll Brothers for three simple reasons. Number one, Russell Road as it is right now, is under the custody control of the State of Connecticut Department of Transportation is a low volume road. You start putting a lot more traffic on there, what's going to happen is, they are going to widen that road, you are going to have problems with the interchange because the state hasn't figured out what to do in twenty years down there. At one time they were going to re-route, come up Old Highway and close off that ramp, I'm sorry, close off the road and leave that ramp solely there. You have accidents galore over there, the police are constantly up there between Wethersfield and Newington, so let's add more traffic up there. Let's get somebody killed up there, maybe then everybody will be happy. Second question that I have, the drainage up there, they are going to put up all these houses, they are going to sedimentation ponds, where is that going to go from the sedimentation ponds, go back out into our neighborhoods? People who live on Isabelle Terrace right now get flooded. You've got fifty inch storm sewer pipes down there that have been there since the area has been developed. You're going to do that, you might as well put in thirty-six inch drain pipes and let's drain all the way down to Dowd Street. Maybe we can flood that area some more. And the final thing is, what are we going to do with the animals up there? Wildlife has been taken over up there. Let's push them into the backyards so somebody goes out, has a dog in the backyard, gets attacked by a wildlife animal. A coyote or something! They have a right to be on that mountain, even though it is private property. I mean, obviously God or nature doesn't tell them where to go. I'm asking you again, please let's not develop any more up there. This town has been overly developed as it is. I've been here for sixty-one years. I saw Moylan Farm go, Stoddard's farm is gone, all these farm areas are gone, we've put houses up there. You've got probably over a hundred houses for sale in this town right now, again, please do not do any more development up there. Thank you.

Steve Jordan, Wethersfield: A few observations, I am in opposition to the three requests before the Commission. I want to thank the Commission for staying late and listening to some of us out-of-towners who have concerns about Cedar Mountain. One observation, much has been made by the developers about the percentage of the land and the total acreage of the land that is being donated for open space. As I reviewed the site plans that they were presenting, much of that is wetlands anyway and is undevelopable so it's really not that big of a deal to declare it open space. For fourteen years I lived in The Crossings, Saw Mill Crossing, and typically from the blasting of normal operations at Balf Quarry, our sheet rock wall completely split from the roof down to the slab. I can only imagine what effect that blasting will have that much closer to the residential area. Being an old hippy, I just would like to remind some folks about an old Joni Mitchell song, about paving paradise and putting up a parking lot and one of the closing lines of the song is, we don't know what we've got till it's gone. And once it's gone, it's gone.

Peter Gillespie: Good evening Mr. Chairman, and Commissioners. My name is Peter Gillespie and I'm the planning and economic development director from the Town of

Wethersfield. I'm not here to speak in support or against the project I'm just here to pass on some comments, concerns and observations from our Planning and Zoning Commission. Firstly, I just want to make you aware that we were surprised at and disappointed that for a project of this nature and it's location on the town line that no town staff nor any of our Commissions were contacted by the development team for this project, so we have not had much of an opportunity to put together a very technical, specific questions, comments and concerns and we want to make you aware of that. I get the impression that you will most likely keep this hearing open, I would encourage you to do that. I would like our Town Engineer and some of our town staff to be given the opportunity to meet with the developer and his design team to go over our concerns. I did submit for the record a letter today, I did not hear if it was in fact entered into the record, so I wanted to make sure that you all receive a copy of that. They spell out our preliminary concerns that we would like to see addressed in the next iteration of the plans. I won't bore you with the details but there are a series of fifteen comments, questions and concerns that we would like to be brought to your attention that ultimately either be factored into the plans or attached to any possible approvals so that the concerns of the Town of Wethersfield and some of our residents are addressed in the plan and the application. And with that I will end my comments but offer our continuing involvement in the project. Thank you.

Holly Harlow, 11 Edmund Street: Yesterday I returned to Connecticut from a trip to Seattle Washington and somewhere around ten thousand feet in the air I looked out the window and there was this breath taking view of Mt. Ranier rising up from a perfect blanket of clouds. I know that we don't have a natural masterpiece of the stature of Mt. Ranier, but we have Cedar Mountain. No one owns Mt. Ranier, it's been a national park since 1899 and I think probably the basic reason why we are here tonight is that the land we are talking about is owned by someone other than the people and I just want to object to our natural piece of art being owned by any one individual or corporation for their economic benefit over the benefit of others. Save the Mountain!

Jacqui Manning, Tinsmith Crossing, Wethersfield: Hi, I just wanted to reiterate the concern about the blasting and the foundation cracks that we already have in our home from the quarry, I'm real concerned about that but at the Conservation Commission meeting here last week someone brought up a concern that blasting in that area could cause a fissure and dry up the wetlands and I'm not technical so I don't know exactly what that is, but I know that there was some concern that the wetlands could get soaked up and that there should have been some pre-blasting inspection in the area to, so if someone is more articulate on that matter, I'd appreciate if you would address that. Thanks.

Brian Skibo, 63 Stoddard Avenue, Newington: Good evening. Everyone is talking tonight and took everything that I wanted to say. There were a lot of people here, but they had to go to get up early in the morning, so I would like to say that everybody here has one thing in mind and that is to save Cedar Mountain and your job up here, to me, is quite easy. Just hear what everybody had to say here tonight, and you can see what we all have, we want to save the mountain, so your job is not that bad. Pretty easy I think. Speaking of accidents, I think it was about 2:30, 3:00, right in front of, what an accident huh, beautiful huh, you like that car that was, looked like I don't know what. So, anyway I just would like to say everybody else said pretty much what I wanted to say tonight, and I think we can all agree here on what is going to happen. If this goes through, we really aren't going to be too happy here in the community, both Wethersfield, Newington and other towns, and other people I spoke to in other towns, not just Wethersfield, Newington, Avon, Glastonbury, Farmington, and these people I spoke to, Simsbury even, have the same views that we all do, we want to save Cedar Mountain and they don't even live in this town.

Myra Cohen, 42 Jeffrey Lane: A member of the town council but speaking for myself, a couple of questions, I heard the size of the proposed lots but I have not yet heard the size of the footprint of the houses that are proposed. There was also mentioned about underground electricity, which will since it will be put underground will cause additional blasting or digging which I think you are going to have enough there without that additional, or reason to blast. I'm not sure if I missed this, but I only saw one exit out, on Russell Road. Is there another exit to the project? I thank Ed Meehan for looking into it and coming up with the short comings of the project so I assume that what we are looking at tonight is not the project we will be looking at again, and hopefully, I pray that there will be enough changes made to comply with what is needed to comply with the developer. I hope enough changes are required for this developer to make this completely unattractive to this developer so he will go away because (inaudible, applause)

David Tatem, 29 Camp Avenue, Newington: I just want to speak once again briefly in opposition to this petition. It's all been said already, I just want to go on the record, a couple of quick little points. The contouring that Mr. Meehan had mentioned, the blasting, the concerns with the wetlands, the houses, things like that that need to be carefully studied. I am very concerned about the wetlands, wetlands surrounded by well manicured lawns is not going to be able to serve the function that a wetlands would normally serve. It's going to be contaminated regardless of buffers and etc, I sure there will be plenty of fertilizers and pesticides and all that stuff that we need to pay attention to, especially with the grading of the lots, sort of flowing right into the wetlands. It's going to be difficult to keep them functioning. Traffic, it's going to be a huge issue if you add all these up. What's it going to be? You can't look at any one of these developments in and upon its own. We need to look at them as a combined unit. I know the purpose of the TPZ, it's not the way it supposed to work, but we need to keep that in mind. And of course, the impact on our schools, can't be overstated. I'm very concerned about that. I know these are details, we need to pay attention to them, do our due diligence work, but I think what we really need to do is to find a way to stop the development permanently all together so we are not back here in a year or two, even if we are able to stop this one from developing. It's not that simple, there are plenty of hurdles and legal challenges, and I just ask the committee to do what you can to make that happen and preserve it. So let us decide, clearly the will of the people is speaking, so please, deny this petition. Thank you.

Chairman Pruet: Any additional remarks from the public?

Tom Shields, 56 Wilson Avenue, Newington: I'm Chairman of the Newington Economic Development Commission. Basically I stand here in opposition to the entire plan, based on the fact that there is commercial property up there, we are very limited in commercial use in this town, and I would hope that you don't change the zone. Thank you.

Alyson Clarke, 420 Cypress Road: A couple more things, I got a little mixed up, not knowing I had to talk about things at two different times so with regards to the development I think you are starting to get it, you preserved the Eddy Farm and the Deming-Young farm and I hope that you are leaning towards going that way a little bit more. I feel for Mr. Cohen and as a DEP person, I know that he is a businessman, he needs to make money. I know that the town wants to buy this property, have voted to do it in the past, I think if we have a willing buyer and a willing seller we can make this happen and a lot of people want this to happen, so please listen to the town residents, we all want this to happen. Thank you.

Chairman Pruet: Further remarks from the public?

Tom Regan: If I may Mr. Chairman, I just want to clarify for the record, in regard to this record because the first hearing, we're sitting, as Ed correctly pointed out in his staff comments, in the first application, you are sitting in a legislative capacity but here you are not, you are sitting in an administrative capacity. This is not a zone change application, this is not an application that has anything to do with Mr. Cohen's property. It's a totally separate piece of property that is zoned residential, we have a subdivision application and it's an administrative capacity for the zoning regulations, so I just want to make sure that the record is clear and that comments with regard to the second application go to an open space subdivision application and special exception application, not to the zone change for Mr. Cohen's property. I want to make sure for procedural purposes for myself that that record is clear and the comments clear. I know the Commission understands the difference, the comments got a little mixed and this is a bit of a procedural, strange procedural situation. I just want to make sure for clarity sake that the comments on the second application go to special exception, the open space subdivision being reviewed in an administrative capacity not to the zone change which was the subject of another hearing where you are sitting in the legislative capacity, so I just wanted to make that clear on the record. With regard to the comments we've received both from Mr. Meehan and Mr. Gillespie, if Peter is still here, on behalf of the applicant, I apologize that he wasn't contacted earlier, he did get the plans at the same time as the Town of Newington got them, but we will address both Mr. Gillespie's concerns and comment to his letter as well as Mr. Meehan's staff comments at the next hearing. As I said, we just received those last night and today, we'll do that and will come back prepared to address those. With that, unless any of my team has any further comments, we are prepared to continue the hearing until the next meeting.

Ed Meehan: Mr. Chairman, I'd like to just comment on, just for the record, to make sure that we have everything properly in place, the plans that were mentioned for the Balf property, the 70 plus acre subdivision, were referred to the Town of Newington on April 26 pursuant to statute for town review.....

Tom Regan: Town of Wethersfield

Ed Meehan: Town of Wethersfield, excuse me. They had those plans. The plans were also referred to the Capital Region Council of Governments on April 21<sup>st</sup>, and their staff reports as well as Wethersfield's staff reports are on the Commissioner's table tonight and they will be part of the record, so I just wanted to be sure that everybody knows that.

Chairman Pruet: Thank you Ed. We'll move onto Petition 13-11.

Ed Meehan: Excuse me, they were combined.

Tom Regan: They were combined and the applicant has no objection to those being combined.

Chairman Pruet: Sorry, my mistake.

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

Steve Jordan, Wethersfield: Just a question, those staff reports from the Town of Wethersfield and the Capital Region Council of Governments are those going to be read into the record?

Newington TPZ Commission

May 25, 2011

Page 30

Ed Meehan: I have copies if you would like them. They will be part of the record, I don't know, it's up to the Chair, but they are lengthy, but there are copies available for the public if you would like one.

Steve Jordan: Thank you.

Chairman Pruet: Further remarks from the public for items not listed on the agenda?

#### **IV. MINUTES**

May 11, 2011 – Regular Meeting

Commissioner Anest moved to accept the minutes of the May 11, 2011 Regular Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion with seven voting YES.

#### **V. COMMUNICATIONS AND REPORTS**

None

#### **VI. NEW BUSINESS**

None

#### **VII. OLD BUSINESS**

- A. PETITION 10-11 – 151 Rockwell Road Curley Properties LLC owner and applicant request site plan modification to add 9,375 square feet for warehouse space use, contact Alan Bongiovanni BGI Land Surveyors 170 Pane Road Newington, PD Zone District. (Note: Approval by Newington Development Commission granted May 4, 2011) Sixty-five day decision period ends June 17, 2011.)**

Commissioner Lenares moved that Petition 10-11 151 Rockwell Road Curley Properties LLC owner and applicant request site plan modification to add 9,375 square feet for warehouse space use, contact Alan Bongiovanni BGI Land Surveyors 170 Pane Road Newington, PD Zone District, be approved based on "Site Plan for Proposed Addition" dated March 11, 2011, Scale 1"=20' Sheets 1 to 6, prepared by BGI Land Surveyors" showing a new 9,375 square foot warehouse area and the construction of 24 new parking spaces.

The Commission finds that this site plan modification complies with the zoning standards for the PD zone district.

The Commission acknowledges the Newington Economic Development Commission's May 4, 2011 approval finding this business expansion complies with the Newington Industrial Park development covenants.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

- B. PETITION 14-11 – Newington Town Plan and Zoning Commission, applicant 131 Cedar Street, Newington Connecticut request for zone regulation amendments Section 6.2.1 (E) digital time and temperature, and fuel product display signs and Section 9 Definition : Sign, Mechanical and Digital Public hearing closed May 11, 2011. Sixty-five day decision period ends July 22, 2011.**

Commissioner Anest moved that Petition 14-11 - Newington Town Plan and Zoning Commission, applicant 131 Cedar Street, Newington Connecticut request for zone regulation amendments Section 6.2.1 (E) digital time and temperature, and fuel product display signs and Section 9 Definition : Sign, Mechanical and Digital, be approved the Commission finding that these amendments clarify the design standards for this type of signage and the permitted locations for fuel product price signs.

The effective date of these amendments shall be June 8, 2011.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

**VIII. PETITIONS FOR SCHEDULING (TPZ June 8, 2011 and June 22, 2011.)**

- A. Petition 16-11 – 2553 Berlin Turnpike, Holiday Inn Express site, Newington Hotel Partners, LLC owner, Arnco Sign Company, Inc. 1133Broad Street Wallingford, CT 06492, attention Marc Cohen request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District. Schedule for Public Hearing June 22, 2011.

Ed Meehan: There is the continuation of the public hearings from tonight, three public hearings and the petition for Holiday Inn, Petition 16-11, the applicant doesn't have any problem with holding that off until June 22<sup>nd</sup>. I also received a petition, Petition 17-11 a request for a liquor permit at 18 Cedar Street, that's the former Grove Hill Clinic office space. The applicant wants to divide that and have a liquor/wine store in there. They are asking to be heard as soon as possible.

Chairman Pruet: We could schedule that also for the 22<sup>nd</sup>.

**IX. REMARKS BY COMMISSIONERS**

Commissioner Lenares: Just real quick, I want to thank Ed for the job that he has done with the petitions that are in front of us. Giving us the staff comments that we can go through to prep us to give us as much information as possible. For anyone who is left here, or anyone who is going to read the minutes, Ed and staff do a great job of trying to give us as much information as they could to make our decisions easier and I would like to thank Ed and the staff for a job well done.

Ed Meehan: Thank you.

Chairman Pruet: I echo the sentiments and I have paid diligence to Ed before and thank you for recognizing that Commissioner Lenares.

**X. STAFF REPORT**

Ed Meehan: No comments, but I would like to give a nod to Norine who has to transcribe these minutes, one of our longer meetings, three hour public hearing, and thanks for reading the names. I could not have gotten most of those names.

Chairman Pruet: Good job Norine

Norine Addis: Thank you.

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

None

**XII. CLOSING REMARKS BY CHAIRMAN**

Chairman Pruet: I'd like to thank the public tonight, one I appreciate the fact that they kept their comments within the limitations, and also the petitioner for keeping their presentation within the twenty minute guidelines. I think it went over very well. I'd also like to thank the public for their remarks and for sharing their thoughts and ideas with the town. It was very helpful to this Commission, it is very much appreciated, and we're looking forward to further remarks, comments, at the next meeting which would be June 8<sup>th</sup>.

**XIII. ADJOURNMENT**

Commissioner Anest moved to adjourned the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary