

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

May 26, 2010

Vice-Chairman Domenic Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Commissioner Schatz
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Chairman Pruett

Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Chairman Pruett.

II. PUBLIC HEARINGS

A. Proposed DRAFT 2020 Plan of Conservation and Development Draft #3, March 24, 2010 – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from May 12, 2010.

Written communications pertinent to the proposed Plan of Conservation and Development will be received and interested persons may appear and be heard. Copies of the proposed Plan are on file in the office of the Town Planner, Lucy Robbins Welles Library (Adult Reference Desk) and Town Clerk's office for public inspections. The Draft Plan can also be viewed at www.newingtonct.gov Town Department, Town Planner, Links, Draft 202 Plan of Conservation and Development.

Vice-Chairman Pane: We've had this public hearing open now for about seven months, it's been a long time. I've got some comments after watching the Council meeting last night and I'm going to go to my comments and then I'm going to give the Commissioners an opportunity to speak and then we are going to go into public participation.

It's apparent that the Councilors who participated and attended our public hearings that have been going on for seven months had a better understanding than the Councilors who never participated until the eleventh hour. I think that the Town Planner did a poor job communicating the Commission's feelings on this plan, due to an appearance that he is being

pulled in many directions, and he wears too many different hats. Of course, this isn't his fault but it's just the way that it has been. The Councilors should leave the specific language of this plan up to the TPZ. I feel that Councilors don't have the full and complete knowledge and understanding of the 1995-2005 Plan of Conservation and Development and knowledge of our zoning regulations, and where the TPZ was fifteen years ago, and where it would like to be in the future. For instance, the TPZ has been lowering the density of housing levels since 1991, and I don't think the Council really knew that.

Commissioners of the TPZ have to be very careful about talking about particular developer's land when discussing a town wide plan of development because it could be considered possible pre-judgment of a development, which is against the law. I have heard talk at the Council's meetings about two parcels of land and how they can make some deals for open space. That kind of talk is wrong. It deprives the citizens of this community of honest government. Open space should be acquired through our zoning regulations when a development comes before us, unless the town is going to buy the entire developer's parcel of land.

Quality of life in Newington is one of the most important reasons why many residents move to town, and protecting that quality of life is extremely important. Extensive public hearings have been open for a very long time. The overriding issues expressed by all of the residents were the preservation of the small town charm and the character that is here now without high density housing and with increased open space. These were the three major concerns of the public. That is one reason that the TPZ strengthened the language in the new Plan of Development. Later on, I have comments for the memorandum dated May 3, 2010 to go into the specifics of the language that the Council was going to change, or they had concerns on. So I will hold my comments on those, and I'll entertain any Commissioners if they have any comments.

Commissioner Hall: One of your comments early on was that we have been lowering the housing development density since 19 whatever. Can you be a little more specific about that please?

Vice-Chairman Pane: Yes. In 1991 we lowered our housing densities in our PD Zones, in the Town Center from 1500 square feet to 4500 square feet. This was done in 1991 and the Town Planning and Zoning has gradually been reducing these densities and that is the, that's been the will of the Commission for years, is trying to lower the densities because the town is almost fully developed. That I received from our 1995-2005 Plan of Development. Any other questions?

Commissioner Schatz: I don't have a question, but on the original, what got me fired on density housing, it said originally density housing could go in on any transit route. We're not talking about the busway now, we're talking about New Britain Avenue, Main Street, Cedar Street, any transit route, density housing could go, didn't say would, but said it was a possibility, so I was dead set against that personally. Density housing I'm not in favor of.

Vice-Chairman Pane: You are dead set against the high density housing? Okay, and what about the transit areas now?

Commissioner Schatz: Well, the way that it was sharpened up, let's put it that way, is that, that really doesn't exist.

Vice-Chairman Pane: We left a little bit of flexibility around the transit systems.

Commissioner Schatz: It would probably be judged on every application that would come in.

Vice-Chairman Pane: Correct, correct. Any application that comes before us, we would judge on its own merits and the surrounding area, along with our regulations, absolutely. Any other questions?

Commissioner Aieta: Mr. Chairman, if I might just give some input so if the Council reads our minutes they would have an understanding of density and how it is determined. Density housing, and this is all in the 1995-2005 Plan, and it gives you an idea of what the density levels are. Low density is a 20,000 square foot lot, which is an R-20 zone, which means that you could have two houses per acre. An acre is basically 40,000 square feet. Medium density is 9,000 to 12,000 square foot lots, you would be able to get like four, three or four. High density is 6,000 to 8,000 square foot lots and very high density is a 4500 square foot lot, which would mean on an acre of land you are talking between nine or ten units per acre. That would be very high density and this is all spelled out in the Plan of Development from 1995-2005, page 35 gives you the definitions of what densities are because there has been a lot of question as to what is high density, that's what high density is, eight to ten units per acre is very high density.

Vice-Chairman Pane: Thank you Commissioner. Anything else?

Commissioner Anest: I have a question. Are we going to have further discussion at the end of the meeting?

Vice-Chairman Pane: We probably will discuss it again at the end of the meeting, I would get as much information out now and that way the public has a chance to comment on it, and then we can go over additional points later on in the meeting too. So if you have comments on anything, your concerns for anything, please mention it.

Commissioner Anest: I concur with a lot of what you said, I was at the Town Council meeting last evening, and I feel that they don't have an understanding of what we have gone through for the last seven months, with the public hearings. They haven't been in attendance at our meetings to hear what the public has conveyed to us. There has been no one who has expressed interest in high density housing. Everybody has come out opposed to high density housing, they are in favor of open space and preserving open space, and I would like to commend, there are some Councilors in the audience tonight and I commend them for being here to listen to our ideas and what we need to say. I feel that the Council is trying to hold our hand. They are trying to tie up what we have done by putting a resolution in front of us. They didn't vote on it, but they are tying our hands. They don't know, I mean, we're here, we're appointed as members of the TPZ. We have done the research, and you are right, they've just, within the last couple of weeks, they think they are the know for all, and they are not and I think all of us should take a hard look at the resolution that we have before us, and I think it should be discussed by us. I think maybe as a group, we can send something back to the Council, but I for one would like to emphasize to the Council that they need to send the recommendations or possibly the minutes from their previous meeting, and not a firm resolution saying it shall be done this way.

Vice-Chairman Pane: Thank you Carol, I agree. At this point, if the Town Planner could take a note, make a note that I would like to have our verbatim minutes sent to the Council after the meeting, and I would like to also not have the misunderstanding from the Councilors. There have been many Councilors who have been at our meetings, and do understand things. There are just a few out there that are bringing these resolutions and these points up that I believe weren't at our meeting. So, I don't want the Councilors to think that, there were quite a few of them that participated and came to our meetings.

Commissioner Anest: It was brought up at the Council meeting last evening that they would like forwarded to us the minutes from I believe it was two weeks ago, the verbatim minutes.

Ed Meehan: Their meeting.

Commissioner Anest: So if you can make sure that all the Commissioners on TPZ get copies of those as well. Was it two weeks ago?

Commissioner Aieta: And also last night, Carol.

Commissioner Anest: And also last night. I know they're not ready.....

Ed Meehan: That would be the May 11th meeting.

Commissioner Anest: Yeah, I think it's important that we all get the minutes.

Commissioner Casasanta: Actually, I do think the Council gets it. The Plan as it's currently written is short sighted. It's good for about ten months, but not for ten years. Looking over this draft of this resolution, I think the changes that are here, they actually make sense, and I would like for us to adopt them this evening, if anything.

Commissioner Aieta: Mr. Chairman, if I might, talk about specifics in the resolution, then I would at least give my comments on the area that I put the language in, and that was on page 9, and that was the condition of (inaudible) housing in Newington. The language that I put in was specific, and I chose the words in that draft, I chose them very carefully. When I said that we wanted to discourage, that is exactly what I meant we should be discouraging high density housing and I chose those words specifically. I didn't say that we should not, I said that we should discourage, try to, shall discourage. The language that they want to change it to takes that whole, that paragraph that I put in and it changes it to the point where the changes are specific to two pieces of property. If I'm wrong, I would like to have someone correct me. Any change from Industrial, Commercial and Business zoned land to residential will be considered based on the sites, compatibility to adjacent land uses, and location characteristics such as proximity to the Town Center, and future transit service areas. That's specific to two pieces of property. The location characteristics and adjacent land uses you could apply to the Mar-Cap property, the parcel that is behind it and owned by Balf, is a residentially zoned land. So that makes that piece attractive, plus the proximity to the Town Center, that also applies to that piece, and the future transit service areas applies to the Hayes piece and the National Welding piece. So these changes that are coming forward and at least this part, and I'll get to the other portions later, but at least this portion of it is specific to two pieces of property. I don't want the Plan of Development that we are making a ten year plan based on two pieces of property. That's what it sounds like. Show me another piece of property that this applies to, I can't think of any.

Commissioner Casasanta: That's just an example.

Commissioner Aieta: Well if there is, then show me. This is not just an example, this is pointing you in the direction that the Mar-Cap property has adjacent that is residential so that would lend itself to a zone change and also the proximity to the center. It's obvious that the future transit service areas is the Hayes piece. It's so obvious that it is ridiculous.

Vice-Chairman: All right. Thank you very much Commissioner Aieta: We went over this in depth many meetings ago, and I didn't hear any of your concerns earlier Mike. The town is ninety-two percent developed, now is not the time to go changing zones around. Everybody

has a right to come back in and ask for a zone change. We're not saying that they don't have a right to come in and ask for a zone change, we're just discouraging it. Another reason why we were discouraging the zone change is, it's not a good thing to change commercially zoned land to residential because you lose a lot on our grand list, that's just a common knowledge practice, that we don't want to lose a lot of our grand list, so that was another concern. We talked about it, and I thought that we all agreed that that was some good language and yet, if somebody felt if they still had the special piece of property where they wanted to come and change it, they could come in and they could present their case to us, and we would look at it. As long as we are talking about that, I know that the Councilors are concerned about the National Welding property now that the Town of Newington owns it. I know that. I think we can change a little bit of the language there and make that one property, since the Town owns it, a little bit easier to develop for the future. Maybe we can, instead of Industrial, maybe we can encourage a change to a planned development zone, which will allow a mixed use of things, but I don't think we should incorporate other developer's property in with the National Welding site just to give away the whole candy store because we want to get the National Welding site developed. Let's face it, the National Welding site is a mess! You know, we are not going to be able to, let's hope we just get out of it with some money back. We're never going to turn this into a big economic turn. It's impossible. It's unfortunate that the Town waited so long to acquire the property, or take the property. I would advise the Town and the Council to look closely at properties that are over four years old with owed taxes because then you end up with problems like this. From what I understand from Chairman Pruet that there are some properties out there that are on a long list that haven't been collected for taxes and you start running into year six, seven, eight, nine, you are going to have problems collecting the property taxes. So, I think the town should take a harder action on collecting property taxes so we don't run into the same problem as the National Welding site. Now we're still talking about that number nine, page nine. Any other comments?

Commissioner Casasanta: I just wanted to say, if that language I didn't read into it that way at all, but if Domenic did, that means others could as well, so if that is the concern, the sentence could end at the location characteristics and get rid of the proximity to the town center and future transit service. I mean, that's.....

Vice-Chairman Pane: We could certainly, the point I think here is, that I think this Commission can come up with some language that we're all satisfied with, to help the National Welding site, and to help the community, but I don't think that the Council should be coming up with this language. They should give us their concerns, and let us draft up the language, because I think we are a little bit more familiar with the old plan, plus the new plan, plus our regulations and things like that. Any other comments?

Commissioner Lenares: I think everyone made some pretty clear and accurate points, and I think you made some of the best points tonight Dom, when you said that maybe we could change some of that language to make it more adhesive to a better plan and that may be something that this Commission may want to do, maybe not. I'm not sure, but the thing is, my comments are going to be a little vague and I understand that that could pose a problem for somebody and it is somewhat a backpedaling type of standpoint. My comments are, if this is a plan for conservation and development for the next ten years, which everyone of you that spoke tonight has made terrific points about, and they are valid, some of them I agree with, some of them I don't agree with, but they are valid points, and if they are your opinion, I respect that. But, if this plan is a plan, and it is so specific that it could bog us into a corner I have a problem with that, but if this plan is something where it allows this board, in the future for the next ten years to have that little bit of leeway, to hold each petitioner, applicant, on it's own merits, as you said, and I couldn't agree with you more, then I'm not sure if it should be

so specific. Some of the language that Commissioner Aieta used I agree with a hundred percent and it's my heartfelt opinion to include that in the language, but I don't know if it would be detrimental to the plan, or to this Commission in the future. What I'm saying is, I agree with a lot of what everybody is saying, and I hope that everyone doesn't think that I'm a little bit vague in my opinions, but I just don't want to put this Commission into a bad position in the future. I'm not really concerned about the next year, because this is not the 2010-2011 Plan, but it's, like you said, the 2010-2020 Plan, so if this Plan is just a plan, my question to the Commissioners would be should it be so specific, or should it allow us to have a little bit more leeway? I can't answer that question. It has to be a consensus of this board moving forward with the plan. I can venture my own opinion, everyone else can venture their own opinion, but it has to be a consensus that we have to be comfortable moving forward with.

Vice-Chairman Pane: I thought we had that, that's why we drafted up this draft. I think that it should be a little bit more specific, and the reasons why I feel that, is number one, the Town is just about fully developed. So you can only do so much. The 1995-2005 Plan had just about everything that our proposed new plan has, except we are just tightening things up and strengthening things a little bit more. But we've been encouraging open space for over ten years, we've been lowering our densities, so, and the topper was the outcry from the community. This Plan of Development, the old plan, the new Plan of Development is not the Town Council's plan of development, and it's not the Town Planning and Zoning's plan of development, it's the community's Plan of Development. It's for the community of this Town. There was an outcry from them for three major things and I think that has to take a large consideration. We have to consider that very deeply. These people came out to us, we left the public hearings open, we didn't stifle anybody during the public hearings, we let them speak, we let them rebut, this is overwhelmingly, I've never heard of any public hearing like this ever being left open for seven months, okay, this is just unbelievable. But we did it, and it was a good thing for the community to do, and we got all the answers and we got input from them and now we have to really consider that, heavily I think, on our plan. Because after all, we serve the community, so if there are any other questions on that number two, I'd like to roll right through these other points.

As far as, I'd like to talk about the notice, the notice. Everybody was very concerned about the notice that we put in for the Tax Department. We did this because a lot of people from the public didn't really realize what was going on, that we were going to talk about this Plan of Development. So I came up with the idea of putting it into a mailer, just a notice, and mailing it out. We don't have to mail this out for nine years. We don't have to worry about this. The reason I put it in with the Tax Department because we could save on the postage, but if the Council is really upset about us putting it into that, this Commission could just make it a TPZ requirement and the Town Planning and Zoning will ask for a budget and we'll budget it, and in nine years we'll have the Planner institute it, and mail out a notice to everybody that, hey, it's been nine years and now we're going to talk about the Plan of Development again. I think that notice to the public is extremely important. It could either be done through the tax department once in ten years from now, or the Town Planning and Zoning could do it.

Commissioner Aieta: It was obvious from the comments from the public that they were not aware, through the normal course of notification that is stated in Item 1 in the draft resolution. The people were not aware, for whatever reason. They didn't read the paper, they didn't go on the web site, they didn't go to the library, but a lot of people felt that we were doing this in the dark, that this plan was done at night by the TPZ in the dark, and no one knew about it. That's the feeling that those people had when they came to the public hearing. "We didn't know about this." "You already have a draft, you're already ready to vote on it, we didn't even know about it?" We said, well, there was all of this notification, they said, well, that ain't enough. That's what they are saying. It's not enough, and Domenic reacted to that by saying, well, let's do this. But if that is a problem with the Council, we as a Commission could

institute, ask for a budget of so much, so many dollars a year, seven, eight hundred dollars a year and in nine years we would have enough money for a town wide post card mailing, so the people can't say we did it in the dark.

Commissioner Anest: I know that some of the Councilors were concerned that everybody doesn't own real estate but you have to remember that people get tax bills in July for their motor vehicles and most people have motor vehicles, so a high percentage of people would get a little notice. It's not all our recommendations, it's just a notice. And it sounds like, you know, we're not going to send out twenty pages to people. It's a little postcard inside the tax bill.

Vice-Chairman Pane: There was also some confusion, they thought that, well what happens in a year if it gets modified. This Plan of Development is not going to get modified. The likelihood of somebody going to open this back up is extremely rare. In fifteen years, nobody has looked at the 1995 and nobody has petitioned the town to open it up and readjust something, in fifteen years. Nobody has petitioned it. So the Councilors were concerned about, well, what happens if we have to adjust it in a year, and we're not going to be able to plan for this, we will be able to plan for this, because we have nine and a half years to plan for it. Any other comments on this?

Commissioner Lenares: I'd have to go and first say I think this notion of putting this reminder notification in the tax mailer that goes to the residents was your idea Mr. Pane, and I don't see the harm in doing it. I mean, whether you like it, don't like it, I don't care what side of the fence you are on, what is the harm in it? I mean, you're not sending, like Carol says, twenty pages. Most people might not even read the notification that comes in their envelope, they might just throw it in the garbage. I mean, I don't know how much, I don't want to use the word junk mail, but mail that I get that I don't read. It's not a harmful piece of literature that you are getting in the mail. If someone reads it and they want to act on it, and they want to come to the meeting and partake in what is going on, good for them. If they don't God bless them. It's not a harmful thing, I don't think it would be a huge cost to the town, whether it would come from a proposed TPZ budget, town budget, I don't know whose budget but I don't think it's a harmful thing what you suggested. It could only be a positive to inform people, as Frank said, yeah, there is some stuff on the Internet, in the mailers, in the paper, and people still won't know, because some people, I hate to say it, honestly just don't have the time to care about that stuff. Maybe if they saw it in the mailer, maybe they would. I just, for the record, I just have to say, I'd be remiss if I didn't say, it's not a negative thing. Whether it be a slight cost to the town or not, it could only be a positive and I don't think it's a bad idea to do and like you said, yeah, you do have nine years to prepare for it and hopefully perfect the system in nine years and maybe it could be a huge positive instead of just a slight positive, so I commend you for that. Anybody that is against that, I really have to question where they are coming from, because it can only be a positive thing to notify the people of what is going on, and if they choose not to partake in it, that's not our fault, that is their prerogative.

Commissioner Casasanta: As far as mailing it, to the households separately, I think it's a better idea only for the simple reason, I have no objection to mailing to the households, I have no problem with that what so ever. My only concern with the annual tax bill was the timing of it only for the simple reason that if we were to do this, if we wanted to do this in February or we wanted to do it in October, if we wanted to have the first public hearing by doing it in the July mailer, with the tax bill, it kind of like.....

Vice-Chairman Pane: Well, if we mail it, we'll have more control over it, so Michael that is a good point.

Commissioner Casasanta: That was my only issue with it being in the tax bill. I didn't have an issue mailing it to the households.

Commissioner Aieta: I would like to ask Carol a question. Carol, what does it cost to do a town wide mailing, you should have an idea, we just went through an election. I forget.

Commissioner Anest: If you did a post card, I mean I don't know if the town has bulk.....

Ed Meehan: Yes.

Commissioner Anest: All you need is a 3 x 5, 5 x 7, post card, so how many households?

Ed Meehan: Forty thousand people get tax bills, probably about 12,000 households.

Vice-Chairman Pane: So 12,000 times seventeen cents, you've got 1700, you've got maybe \$2,000 worth of postage and then you have maybe some printing, so you have four thousand dollars, maybe five thousand dollars, maybe we can budget two or three hundred dollars a year for the next nine years, I mean, it's not a large amount to make sure that the public knows what is going on, ten years from now. We're not talking about a large expense.

Commissioner Hall: Much better to do it through the TPZ because if the tax department sends it out, the tax department is going to start getting questions and why burden them with questions that they can't answer and just have to refer to TPZ anyway.

Vice-Chairman Pane: Good point, Cathy.

Now, according to that memorandum dated May 3, 2010 we talked about number two and we talked about number three. Number four was, they were talking about page 39, number 15, I don't think this is an issue, but they were concerned about something that we have had in our Plan of Development in '95-2005; review land uses permitted along the Berlin Turnpike, eliminating uses which are not compatible with retail business growth, sector growth, for example, discouraging entertainment uses, trucking, construction yards, auto related uses, self storage facilities. The Council was a little, they didn't understand entertainment uses. That wasn't the adult entertainment, that was, we have a separate section for adult entertainment, and this was basically, has been in our Plan of Development for about ten years, and it's in our zoning regulations, it's to clean up the Berlin Turnpike. The last ten to fifteen years the TPZ has been trying to eliminate some of the hotels and some of the, too many gas stations, and things like that, and present a better shopping strip on the Berlin Turnpike, and I think the Council understands that, now they do, I believe. Do any of the Commissioners have any questions on that point?

Commissioner Camerota: I have a comment. I took it the exact same way that you did Domenic, I thought that had been in our Plan for a while and kind of a good thing, I think I commented before of what the Commission has done, in making the Berlin Turnpike look better than it has in the last fifteen, twenty years. I thought that came right out of the last plan, I think I double checked it, and it did.

Commissioner Aieta: Mr. Chairman, just a point to emphasize on that. We have entertainment outlets on the Berlin Turnpike, we have like Laser Quest, bowling and other things, we're not saying that we are against entertainment on the Berlin Turnpike, but there are certain types of entertainment, I don't know if this Commission would look kindly on penny arcades or some kind of a video, just strictly a video, a store front with just video machines, or whatever.....

Vice-Chairman Pane: Usually the video is an accessory of some other use.

Commissioner Aieta: Billiard parlors was one of the other things that we shied away from in the past. So that language is not (inaudible) and stop people with legitimate accessory entertainment uses with restaurants and bars and stuff, so I don't see where it has harmed. It's been in the plan for the last fifteen years, that language has been there.

Vice-Chairman Pane: Any other comments or questions? All right, the last one would be, they had concerns on page one of the higher density developments. We talked about that just a little while ago, with transit areas, Bob talked about it. Any of the other Commissioners have any comments concerning their comments on the high density developments. I think this is going to be very helpful for the Council and let's go into the public hearing, and then later on if we get any questions from either the Councilors that are here, or the public, maybe we could try to answer them tonight for them. I'd really like to get this taken care of as soon as possible. Hopefully the Council will send back their recommendations to us in a memorandum as soon as possible. So we are going to go to the public hearing now. If there is anyone wishing to speak, you can come up and speak and believe me, you will have more than fifteen seconds to abut anything, or any of your comments. What was done last night was appalling, and Myra, if you would like to, you can come to the podium.

Myra Cohen, 42 Jeffrey Lane: I'm not here as a member of the Council, I'm here as someone who has been living in Newington for fifty-four years. First I would call, maybe housekeeping issues, two housekeeping issues. On page eleven, on the top of your plan, under Land Use in Newington, you talk about dedicated open space, managed open space, vacant undeveloped land that is developable and land that is not developable and I think that could be a little confusing as to what the public looks at as open space. In the center of the page where you have all the items listed under land use, it's the third item, open space, I would suggest maybe open space with a committed use in that section, and at the bottom of the page, in the little square where it says developed less committed, and the last item which says approximately 53 percent, which is 685 acres, I would put minus 433 acres which has limitations, limitations of wetlands and flood hazard and minus that out so that you end up with the, right under that, with the 252 vacant developable land, so that over to the right, where you have the percentages, where developed less committed, would be 92 percent, then I would put five percent for the land that has limitations and three percent for the land that is actually vacant and developable. I think maybe that makes it clearer, so you would have 92 percent, five percent and all that is left to look at is three percent, and I think maybe that would make it a little bit clearer.

Now my other issue is on page 49, where we talk about number 11, sidewalk routes should be for use of both pedestrians and bicyclists. Bicycle riders are supposed to be in the road, to the right of the road where vehicles go, and follow all the rules and regulations of vehicle traffic, whether it is stopping, turning, signaling, whatever, they go in the same direction as cars. Pedestrians, if they are sharing the road with vehicles who are going to be facing traffic. Now this particular item doesn't talk about two separate dedicated lanes, one for pedestrians, and one for bicycles. They are talking about a shared route for bicycles. I don't think that is workable, I'm not even sure that's legal. I cannot see bicycles and pedestrians going on the sidewalk together when the bikes go zipping along, in the same direction. I don't think it is workable. I personally had an experience on Reservoir Road, when I could walk, when a bicycle went right by me, it cleared me, but just by zipping by made me trip and fall, so I don't think that is legal.

As far as when you were discussing tonight, the resolution, we did not, the Council did not discuss it, as a resolution. It was not introduced as a resolution, I don't know where it came from, it came in our packet, I don't know who put that together, the Town Manager, whoever.

It was maybe based on what was considered during a previous discussion but it did not come from the Council itself.

There has to be a balance between residential and commercial developments. Home owners, even without children in our school system still require services that cost more than their property taxes. Garbage pick-up, leaf pick-up, fire, police protection, snow removal, road repairs, town building maintenance, we need commercial development to pay for our residents. Commercial development is needed to pay for these services. There is hardly any land left to develop. Efforts should be on business, filling vacancies and redevelopment where needed and saving open space. Comments have been made about lack of flexibility in this plan. Only the command shall means something has to be done. May means that it is permitted to be done, if so desired. There is a difference between shall prohibit and may prohibit. Consider, suggest, recommend, encourage, discourage, allows different levels of flexibility. This plan allows flexibility where desired. In terms like, no higher than three stories, no high density housing, or prohibiting certain businesses on the Berlin Turnpike take away flexibility. That is what they are intended to do. That is what the people who live here are asking for. You asked them, and they told you. You were asked how we want our town to look in the future, and we are telling you, Newington is not a city, we want to continue to be a small town and look like a small town, and we are already over developed. Increase our tax base by redeveloping where businesses have vacated. Other towns are saving their open space while open space is there to be saved. Where ever we approve development, we are reducing our options. The goal should be wherever possible to preserve vacant developable land as open space. While we want to increase our grand list, open space remains a priority to be considered. There will always be up and down swings in the economy, but land, once developed, will be gone forever. You have worked hard in producing a good document, stay with it, and thank you.

Vice-Chairman Pane: Thank you Myra. I commend you, you have a full understanding of a lot of this stuff and I commend your comments. They are very good comments. You're right, the redevelopment of older sites is going to be a major thing for us in the future, since a lot of the land is already developed, redevelopment of older commercial, industrial sites is going to add to our grand list. Anybody else from the public wishing to speak.

Bernadette Conway, 177 Hartford Avenue: I've been here many times and I've sat through many of your meetings, and I want to tell you again how much I appreciate all the work, and the time and the effort that you have put into it. Having been here for a lot of it, I really understand, and I was here to listen to your discussions. Coming up with the wording, like you said, there is a reason behind it. When this resolution came about last night, I was at the Town Council meeting to support this revised plan, and the resolution, I don't like what it says. I'm here to reiterate that I am here to support the plan, as revised. I don't understand, my understanding, having sat through many of your meetings is this wording, especially regarding the high density housing and the zone changes, it will protect you, if anything. It doesn't tie your hands, it still leaves flexibility. I don't see it as taking away any options for you. I see it as something that protects you. It protects our town. Once the open space is gone, once things are developed, it's too late. Everything at this point really needs to be looked at, we don't want to leave every thing open enough where just anything can come in and I want that specific language in there. I agree one hundred percent with it. Again, when you talk about the public, that's me. I was one of the ones who has been here and came out and I'm someone who pays attention. Reading the paper, trying to see what is going on, and I didn't know anything about this town plan. I don't know why, maybe it just didn't catch my attention, but it wasn't until the Cedar Mountain issue came up that I noticed the town plan,

and that is suddenly when this really became an issue, so I appreciate the fact that you are going to let people know ahead of time, because it was being worked on, and I'm not saying, I don't think anybody would say, oh, you are being secretive about it. I never felt that way, but being someone who does pay attention, it slipped by my attention, so I think that special notification is warranted. Again, I just wanted to reiterate how grateful I am to you listening to the public and again I support the plan, as revised. Thank you.

Vice-Chairman Pane: Thank you very much.

Tom Bowen, 22 Woods Way: Good evening, Commissioners. I was sitting home this afternoon thinking whether I was going to come to the meeting, or not. I was out late last night watching the National Football team playing at Rentschler, I was out late, it was hot, I had been busy all day, I was thinking, man, my house is pretty cool and I have to come to this meeting. I had heard about the resolution and read the resolution that was offered to the Town Council last night, and I said, I better go down and voice my opinion. Much to my surprise and great pleasure I agree with a lot of the comments that acting Chairman Pane and the rest of the Commissioners have brought up that I too agree that the Council seems disconnected with what the public had to say to you for seven months. They were very clear in what they asked for, no ambiguity at all, they came straight out and asked for it, and I agree with again Commissioner Pane, this is not a TPZ document, this is not a Council document, this is a document for the people. Some of the concerns that were mentioned were, it is somewhat more restrictive when it comes to the type of development that you can have in town. Well, why is that a bad thing? What happened was the Commissioners listened to what the public wanted and they said, look, we want you to be tougher on development. We want less residential, more commercial, we don't want you changing zones, and the reason that I think that this is not a one year document but a ten year document is because future Commissions will not have heard what the public had to say. They will not have had the opportunity to get that feedback that you people have gotten, so what you are doing, what you are building into your document is exactly what the residents have told you, which is exactly what you said you were going to do and exactly what you did. One concern that I did have this evening, and I won't mention which Commissioner it was, but there was a Commissioner who was saying, well, the resolution said this, but if we changed a few lines then it would be acceptable. Well, there is supposed to be a separation between the Council and TPZ, and for a Commissioner here to suggest that they could change a resolution from the Council, for me it causes concern that we're losing, that the lines are starting to blur. So again, I think you guys have done a terrific job, you've listened to the people, I do hope that you do keep this open a little bit longer because I, there is going to be a fourth draft and I would love the opportunity to take a look at the fourth draft.

Vice-Chairman Pane: We will leave this public hearing open until we receive comments from the Council and once we have received all of the comments from the Council, then we will probably close it. Then we will deliberate, we are going to discuss all of the comments that come in front of us from the Council, and depending on what they send us, we're going to discuss those, we will have one last public hearing on it, and then we will probably close that public hearing and then we will probably come to some deliberation and we will discuss everything and finalize the document.

Tom Bowen: The last comment that I would like to make is I stood before you several months ago and I said I thought that there was way too much emphasis on development and clearly not enough development on conservation. I think what has happened, you know before the document should have been written, development and conservation. I think right now they are about equal, I would like to see a little bit more emphasis on conservation because as someone mentioned, once the land is developed, you can't go back, and then

just the last one, I have mentioned this many times, I'm very concerned about traffic. I think traffic is alluded to in this document, I believe that you can have a whole chapter just on exactly what we are going to do about current traffic concerns and future traffic concerns, so if this body could at least think about that, and I'm not sure what can be done, but if we just sit back and allow it to happen, I think that will be the biggest detriment to this town that will come out of future development. So again, thank you for allowing me to speak for this long. It's refreshing, you people have done a wonderful job and keep up the good work. Thank you.

Vice-Chairman Pane: Tom, thank you very much for your comments. Anybody else wishing to speak?

Kris Nasinnyk, 50 Theodore Street: I'm kind of here under both hats, both as a Town Councilor and as a member of the public. I was very interested in your discussion tonight because it did help to answer some of the questions, particularly about what is high density housing, what is that, and it's actually defined in the other plan, but it really hasn't been defined, and I'm just wondering if those definitions will carry through from one plan to another if they still hold true. I think that would go quite a ways to be able to identify to the Councilors what it is we are talking about because it almost seems like a conception that the senior housing in the New Meadow area was actually considered high density housing and Mr. Meehan certainly corrected that. I learned an awful lot in this process and I think maybe one of the reasons, to defend what the Council has been doing, this is the first time because of statute, this is the first time that you had to present this type of document to the Council and I think that the Council not having any history, we rely on our historian Myra Cohen for, how do we do this, this was the first time that the Council had to review this draft so we were taking this charge not lightly either and looking at, and trying to do the right thing. Personally, from my standpoint, I wouldn't do the job that this Commission does and so, not understanding some of the things I wanted to make sure that there was going to be some flexibility so you would entertain it, wouldn't slam the door, wouldn't be (inaudible), that you would entertain the ideas, but then, when the day is done, you would do the thing that would be right for the Town of Newington and for the residents and I think that you have accomplished that. Whether wordsmithing or this, that, or the other thing, I personally would like to leave the wording up to you. It seems to me like you have taken our comments that have been presented maybe formally, maybe informally but please, they are lengthy, they are single spaced, they are tedious, but please read the minutes of the Town Council minutes of two weeks ago, and from last night also so that you can get a flavor that, different Councilors have different ideas on what the words mean and what the intent is, and where we are going with this. I like the idea that this is a ten year plan. I would also like to say that this is not a one year plan for the development that is being considered right here and now. It is a ten year plan, maybe the economy isn't that great now, but that doesn't mean that things are not necessarily going to change in the future, so again, I wanted to be able to bring forward something to you from at least my single perspective on the Council that some of the things that were brought up and say, well, this is what the Council thinks, well those are what members of the Council thought but you know, there are a variety of opinions out there and believe our hearts are all in the right place, we want the right thing to be done, we just have different ways of going about it, but I am commending you for all your hard work and your dedication to the process.

Vice-Chairman Pane: Thank you very much Councilor and absolutely we plan on reading all the minutes from the Council meetings and taking everything into consideration.

Scott McBride: Thank you, Mr. Chairman. Pretty much I would echo pretty much everything that has been said here today. I commend you for keeping this process open as long as you

have, it's been incredibly fruitful. I assure you that even on top of all of the participation that you have seen here, these meetings have generated quite the talk around town in restaurants, coffee shops and businesses, wherever. When I had a brief, very brief actually, job in radio there was a saying that two percent of your audience was active, so if we have ten people here tonight, so you have even more people watching at home, so, I think people are paying attention. I would also like to commend NCTV for their job, they do a fantastic job broadcasting all of these meetings.

The one concern that I do have, and I don't know if this is the proper place to get an answer, if not, then I apologize, but I do have a concern that if the zone change is allowed in particular locations where in the past a zone change has been denied, does it open the town to potential law suits?

Vice-Chairman Pane: I think everything would be on its own merits. Any property, if a particular property came in for a zone change, we would take that particular property on its merits, the surrounding area, what they were going to put there and how it applied to our regulations and everything and it would sit on its own, so I don't think it would jeopardize the Town of Newington because somebody else would come in, and we would look at all that.

Commissioner Aieta: Mr. Chairman, if I might try to answer him. If a particular piece had come in over a period of time with a bunch of different types of proposals for it as obviously some parcels have over the past ten, fifteen years, there have been several proposals on some parcels, and it's been denied, the uses. It doesn't necessarily mean that a use could come in that was denied before. Every application and every site plan and everything have some differences to it that would make it attractive or not attractive to this Commission and comply with our regulations. I don't see where we would be, they would have to be exactly the same application and you denied it once, and it is exactly the same, wording, everything, exactly the same, and you approve it. I think then you would get into problems, but everyone of these applications that come in are so different, site plans are different, differences in the make-up of it so I don't think we would be have a problem. I would let the Planner respond on that.

Ed Meehan: The only thing I would add is that a zone change, whether it's a zoning map change or a regulation change is a policy legislative decision that this Commission makes, so it is judged on its merits, based on location, based on whether it touches base with your long range plan and based on the comprehensive plan, which is the fabric of the zoning regulations, the zoning map, the regulations per se as far as use and density. I think Mr. Aieta is right, if it was the exact same petition as far as an area and accompanying that petition was a site plan that maybe mirrored something that a previous Commission saw ten, fifteen years ago, the Commission that is sitting now making that decision would have to be very careful to make a distinction and articulate on the record the reasons for the zone change, make a difference between the current and the past because you want to be consistent and fair to the property owners. As a legislative decision, this Commission has quite a bit of latitude, (inaudible) in administrative decision which is your site plans.

Vice-Chairman Pane: Does that help?

Scott McBride: That was very helpful, thank you very much. Just in parting, I just want to agree, well, I'm not going to go over it again but everything that Mr. Bowen said and Councilor Cohen said I completely agree with, especially in dealing with the growing problem, not just within our town, not just within our state but across the nation of commercial vacancies and the blight that they cause. I know that our hands are sort of tied for various reasons but in the future, whether it is this committee or the Economic Development or another committee here in town, I would like to see perhaps some new ideas and we can

address those and perhaps encourage people to redevelop those buildings as opposed to taking up some open space just to build a business or a service that would require a similar size building. That goes along with what was said about trying to preserve what little open space we have. Regardless of where it is, whether it is on a beautiful scenic mountain or under a bridge I think that the point of this is the town is close to being completely overdeveloped, and as was said, once something is developed, there is no reverse on it, so again, I think you guys have done a fantastic job. I don't know for a fact, and Councilor Cohen is a great person to ask on this, I imagine, I can't imagine another process being kept open this long and involved with so much public opinion and been so open to the public so I commend you for your decision to keep it open this long, and I thank you all for your hard work.

Vice-Chairman Pane: Scott, thank you very much, you had excellent comments and to address a couple of them, in our plan, in the new plan, we did talk in several areas about redevelopment, reuse of other older sites, commercial sites and putting a better use in them.

Ed Meehan: Well, the theme that Mr. McBride mentioned was already in the plan was the redevelopment and reuse of sites that may have aged, obsolete and take advantage of the infrastructure that is there now. That will take the pressure off of vacant property.

Vice-Chairman Pane: And the other issue that he talked about, on blighted properties we have strengthened the language I believe in our Plan of Development.....

Ed Meehan: Property maintenance code.

Vice-Chairman Pane: Property maintenance code and we are working on that and we have some language in the Plan of Development to strengthen that, and then once we finish our Plan of Development, we will probably open up our regulations and make a few adjustments on our regulations to tighten up that blight and I believe our Town Attorney is also working on some language, some new language, so hopefully we can address that issue for years to come, to clean up the community.

Anybody else wishing to speak on the 2020 Plan of Development? Anyone else?
Commissioners comments?

Commissioner Hall: I just want to remind us all that we really only have two more meetings before state statute requires that we have this done, so whether or not we have to have a special meeting because the time line that you were just giving was more than two meetings worth. Getting it back from the Council, discussing it with the Council, leaving it open.....

Vice-Chairman Pane: Hopefully we will get all of the information back from the Council after their next meeting, just before our next meeting, and then we will have to, if we have to have a special meeting, we might have to call one.

Commissioner Aieta: Mr Planner, if you could explain what would happen if we don't meet the deadlines and conversations that you had with the Council last night, the grant money that we could lose, and your willingness to go and talk to CCROG or whoever holds the purse strings there, to give us some more time because we are not going to be able to do all that we are talking about with the next month. It's impossible. Not when we don't have a clear understanding of where the Council is coming from, and we don't have closure with the Council.

Ed Meehan: There are two issues going on here, there is one from the Office of Policy and Management through a contract with Newington, \$20,000.00 to accelerate the completion of

this plan. Newington was one of fifteen or twenty communities in the state that was awarded \$20,000.00 each to update their plans and we are under obligation to have it completed by June 30th, the end of the fiscal year. I think we can demonstrate to OPM, Office of Policy and Management, I think we can show a very good effort, a strong communication with boards and commissions and residents, so I'm not too concerned about OPM coming back and saying, we want the money back. We have pretty much expended all of it anyway. So, it is what it is. That's one level. I think they would understand the situation there. The second one is the statutory requirement. The regulations for community Plan of Conservation and Development have a clause that on July 1st 2010, municipalities that haven't updated their ten year plan are required to submit a letter with every grant application to OPM, Department of Transportation, DEP, Department of Economic and Community Development explaining why the ten year plan hasn't been adopted. So that letter is something that could be done. That letter needs to be put in by the chief elected official which is the Mayor in Newington's case or, and/or the Town Manager. At this point I don't know if we are going to be applying for any grants right after July 1st. We have one large grant pending, a million three for National Wetlands and brownfields, but it affects discretionary grants that may be coming up for fiscal year 2010-2011, so, I wouldn't let that be a burden to you. If you have to take a little more time, I would continue on the course that you are doing, if you need a special meeting, that is up to the Commission members, but you could do a vote to adopt the plan and set the effective date the same night, and then we have time at staff level to do the final layout, the editing, and we have up to a couple of months to do that before we need to submit it to OPM, the Office of Policy and Management, and then put it up on our web page. So I think the important thing is, keep doing what you are doing, as long as everyone feels comfortable with it.

Vice-Chairman Pane: I think once we get the input back from the Council that we can move forward from there.

Commissioner Hall: In other words, are you saying it is possible to adopt it as of the 30th of June and then have modifications or amendments or whatever to change it after that time?

Ed Meehan: No, you would adopt it and set the effective date with the language you want, then at staff level we would do the final layouts, bring you back the final layout. Obviously you want pictures, some comments that Mrs. Cohen made on organization, before we print it or before we do any electronic copies. That's more fine tuning the documents.

Commissioner Hall: More cosmetic.

Ed Meehan: Right, we have sixty days to do that. So the important thing is I think to get the document after the Town Council input into the shape that you want. It's going to be a ten year document, let's do it once and get it right.

Commissioner Hall: I have one more thing, along with that, we were talking tonight about the density of housing. Just as a point of reference, could we have available at our next meeting some of the streets that are actually in the zones because I think people might be surprised that an R-6 or an R-7 may exist already. Certainly R-12's do. So give an example of the type of streets that already exist under those zoning restrictions, so that they don't make it seem as if you know, it's a really scary thing. If we already have some housing that is in this, considered high density, at least it gives it a face. They might not be so afraid of it at that, because some of the PD's are six and seven thousand, ten thousand.

Ed Meehan: Anything that was built in the '70's and early '80's, garden apartment zone district, the end of Willard Avenue, Kitts Lane, the Woodsedge, Glen Oaks, those are six

thousand square feet per unit. That was changed after the last plan, now it is eight thousand square feet per unit of usable land. That was never in the regulations before so now we have backed out wetlands and flood plain, even makes it a little bit lower density, but I can do some examples of neighborhoods and zone densities to help you.

Commissioner Hall: To give people an idea, because I think when we throw these out, most people don't understand what we are talking about. They just hear these numbers and it makes it seem that it is a bad thing, well, they may find out that they actually live in one of these zones, so it may not be so scary after all, but just so we can have an idea as to what is what.

Commissioner Aieta: I think the public is pretty aware of what high density housing is, apartments, apartment units, condos, it's pretty obvious that the Town of Newington has done our share as far as condos and apartments, we have a pretty good mix in this town, more than most. You look at towns like Berlin, I don't think they have a condo, they have restricted condos for years. I don't even know if they have opened it up at this point in time. So I think the Town of Newington has a great mix of housing and the people are saying, okay, we've got it, we've got a little bit left, let's look at it in a different light and that is what I think we are doing with this document.

Vice-Chairman Pane: Thank you very much. We also Frank, you talked about, you mentioned page 35 of the old Plan of Development which talks about the density levels. Maybe we might want to put that chart into the new Plan of Development so that it's clear.

Ed Meehan: That's a good point. The reason it was put in, that's in the land use section, future land use, the policy direction of the Commission at the time, prior to this being written was to have a basis for re-zoning down. So planned development was the underpinning to that, to reduce the ten stories, to reduce the density from 2500 square feet to 4500 square feet and within six months of this plan being adopted, the '95 Plan, several zoning changes were made.

Vice-Chairman Pane: It was ten stories in the town center down to four stories.....

Ed Meehan: Three.

Vice-Chairman Pane: Down to three stories, and there were a few other changes, absolutely.

Ed Meehan: There was a significant court case on a ten story building where's Shaw's used to be, now Stop and Shop, that was a court case, a dragged out battle and that was over a ten story building.

Vice-Chairman Pane: This was very helpful, to have the Councilors here, and I hope that we were able to answer and clear some things up and we'll make sure that you get your minutes and we'll make sure that we read all of your minutes so that if there is anything else, we can comment on it. If there is nothing else, we'll move on.

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

None.

IV. MINUTES

Commissioner Camerota moved to accept the minutes of the May 12, 2010 regular Meeting. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS

None

VI. NEW BUSINESS

- a. **PETITION 11-10 – 3465 Berlin Turnpike, Sam’s Club applicant, Newington – Berlin Retail LLC request for Site Modification to conduct outside seasonal garden sales area, Kevin Lawrence Sam’s Club, 3465 Berlin Turnpike, Newington, CT 06111 contact. PD Zone District.**

Vice-Chairman Pane: Is the applicant here? Could you come forward to the podium please?

Matthew Schweitzer: I am here to put in for a permit for the outside garden sales. Basically where this is located, if you come out of the entrance of the store and go to your right, there is another door that leads out to the parking lot. Right in those parking spaces there is where this is, takes up about ten parking spaces that we have. On the site plan it shows that there are two handicapped spaces, however, those spaces are not handicapped. This is going to be temporary. This will be gone by the middle of June, June 18th, June 16th, we are going to try to get these plants out by the end of the month, doing some sales.

Vice-Chairman Pane: Okay, Town Planner?

Ed Meehan: This is before you because outside sales such as this have been regulated by the Commission in the past. It does take up parking spaces at a retail establishment and the business was cited by the Zoning Officer and upon receipt of that they said they would come in and get into compliance. So the gentleman from Sam’s filed this plan, and that is why he is here tonight.

Vice-Chairman Pane: Thank you. I’ve been over there, I’ve looked at it, you’re not taking up more than ten spaces and there appears to be plenty of other parking spaces there for customers. I know that would be a major concern of the applicant and I don’t see that it is very intrusive, and this is temporary in nature.

Ed Meehan: It doesn’t affect any travel ways or egress from the building.

Commissioner Aieta: Mr. Chairman, after listening to this discussion and the comments by the applicant, I think we should move this tonight so that he can get on with his sale and move the merchandise out and be back to the way it was before, so I suggest we move this to Old Business, put together a resolution and a motion and pass it tonight so that they can go on with their business.

Vice-Chairman Pane: Thank you. Any other comments? Thank you very much, we are going to move this to Old Business.

Commissioner Casasanta moved PETITION 11-10 to Old Business. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

VII. OLD BUSINESS

- A. PETITION 08-10 – 44 Pane Road, Michael A. Gronski applicant, 54 Pane Road, LLC owner requests amendment of Special Exception Petition 7-98 February 25, 1998, conditions of approval, PD Zone District. Public hearing closed May 12, 2010. Sixty five day decision period ends July 16, 2010.**

Vice-Chairman Pane: We'll go to the Town Planner for a staff report on this.

Ed Meehan This is an auto related use item, and we discussed during the public hearing that this particular use is a legal non-conforming use, that it was a pre-existing approved motor vehicle operation, goes back to '98. The site has been looked at. I would recommend to the Commission that you consider adding to the draft motion the idea of a stockade fence along the easterly property line, which is not covered by this motion. The applicant has been doing quite a bit of clean-up down there, removing a lot of poison ivy and overgrown trees and in order to secure the site and screen the vehicles a six foot fence would be recommended. The motion is suggested for, as the applicant explained at the public hearing specific uses for a particular business and the idea would be, if the business changes, another use could come in, offering the same services, but if it is a different type motor vehicle use it would come back to this Commission so you have some sort of checks and balances in the future.

Vice-Chairman Pane: I want to just state for the record that I went over there before the meeting and the applicant has done an excellent job starting to clean things up and he did mention to me that he had every intention of putting up a fence, part way down to the meter box and then cutting over so if Michelle could read the suggested motion, I would appreciate it.

Commissioner Camerota moved that PETITION 08-10 – 44 Pane Road, Michael A. Gronski applicant, 54 Pane Road, LLC owner requests amendment of Special Exception Petition 7-98 February 25, 1998, conditions of approval, PD Zone District be approved as follows:

PETITION 7-98 approved February 25, 1998 is rescinded and the following new conditions for auto related uses at this property shall be applicable to the occupancy of this property by A+ Motors:

1. Auto related uses are permitted at this property as a pre-existing legal non-conforming use.
2. Approval is granted to A+ Motors to use this property for:
 - a. Livery business
 - b. Repair and maintenance of A+ Motor's vehicles.
 - c. Sale of used vehicles with the limitation that not more than three (3) vehicles be displayed in the front parking area.
3. The driveway along the easterly boundary shall not be used to park vehicles or access the property.

4. A six foot stockade fence shall be added along the east property boundary from the middle of this building to the northeast corner of the property.

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

Vice-Chairman Pane: We have another suggested draft motion, Sunrise Estates subdivision, Ed, do you want to, do you have anything on that.

Ed Meehan: This is coming close to the end of the five year period. The Town Engineer and myself have been out with the owner/contractor. The major work has been done. The Town Engineer's punch list actually brings the suggested reduction down from \$77,000 to just over \$19,000 to hold, but as required by the subdivision regulations we do still want a one year maintenance bond upon the receipt of the warrantee deed and acceptance of the road, so the motion as written suggests reducing it from \$77,200 to \$39,375 and that way, this bond surety is in a passbook, is that it will be done just once. The money would be reduced down to the suggested maintenance bond and then the maintenance bond would be held for another year until the Town Engineer goes back out and inspects. There is one caveat here. There is a third party involved, payment to the developer of Walgreens which we have been asked to pay out of this bond amount, and the developer, Griswoldville Associates is in agreement with that, so that is why that is mentioned in the bond.

Vice-Chairman Pane: Ed, the final course there has gone through one winter though, hasn't it?

Ed Meehan: Yes.

Vice-Chairman Pane: So....

Ed Meehan: With a couple of patches, yeah.

Vice-Chairman Pane: The road has been done a long time and it has gone through a winter, and usually the reason for the one year maintenance bond is to at least get through one winter cycle.

Ed Meehan: To see if there are any sink holes or....

Vice-Chairman Pane: Do you feel still that we need to hold it for still a one year, the full one year even though.....

Ed Meehan: That is in your regulations, the Commission.....

Vice-Chairman Pane: Just because he didn't get the paperwork in on time, is that.....

Ed Meehan: That's part of it. There haven't been any utility trenches that I recall recently that would go through the forthcoming winter, but there is still some work being done now with the sidewalks and the driveway crossings. The Town Engineer went right by the book, that's why the maintenance bond is so high, a five percent maintenance bond. That could be adjusted. That is something that we can work with the developer on.

Vice-Chairman Pane: What could be adjusted?

Ed Meehan: The five percent maintenance bond, the \$39,000, that could be reduced a little bit with the Commission's approval. The one year, I think for the sidewalk that has been put in recently, would be prudent, get through the winter with some of these sidewalks.

Vice-Chairman Pane: I'm wondering, if the other Commissioner's don't have a problem, reducing it, just hold \$30,000 instead of \$39,375.00?

Commissioner Hall: It's down to \$37,000.

Commissioner Aieta: It's \$37,825.00.

Vice-Chairman Pane: Oh, I'm sorry, \$37,000 so bring that down to \$30,000.

Ed Meehan: As you said, the road has gone through the winter, there were some small fixes to curbing, there was sidewalk repair up on the top, that is the recent work, and the rest of it is basically landscaping.

Vice-Chairman Pane: Okay. I would propose whoever reads the motion if they would entertain it. I walked up there, and I think the \$30,000 is going to be more than enough to cover the work up there.

Commissioner Hall: Are there tree issues on that street?

Ed Meehan: No, that's sort of an interesting story. The developer did, made an effort to get the trees in a couple of weeks ago now I think, and a couple of our phones started ringing off the hook. One or two property owners removed the trees after they were put in, and I think at least one was pro-active and put his own trees in rather than Griswoldville Associates getting to his lot first, but from my viewpoint the tree effort as been satisfied.

Sunrise Estates Subdivision Waverly Drive – Bond Reduction

Commissioner Aieta moved that the subdivision bond for Sunrise Estates be reduced from \$77,200 to \$39,375 per the Town Engineer's site inspection May 25, 2010 and the requirement for retaining a 5% one year maintenance bond.

From the reduced amount of \$30,000, \$1,684.75 shall be paid to TJJJ Mr. Victor Basile, for Griswoldville Associates remaining cost share of traffic signal installation at Waverly Drive and Griswoldville Avenue.

Commissioner Aieta: Is that the right place to put the \$30,000?

Vice-Chairman Pane: No, the \$77, 200 to \$31,684.75. Delete the percentage, and then, from the reduced amount of \$31,684.75, \$1,684.75 shall be paid.

Commissioner Hall: Leaving a balance of \$30,000.00.

Commissioner Aieta: I approve those changes and comments to my motion.

Vice-Chairman Pane: I don't think we need to re-read that. Everybody is in agreement basically that we are going to reduce it down to \$31,684.75 and out of that \$1,684.75 is going to be paid to Victor Basile, and then the contractor is going to get the rest of the work done.

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

**Bond Release
JS Culver Street LLC**

Commissioner Casasanta moved that the bond amount of \$10,000.00 be released to JS Culver LLC for the completion of subdivision improvements, lots #1 and #2. The Town Engineer shall notify the Town Manager of the bond release when he is satisfied that the minor loam and seeding along the sidewalk is adequate and stabilized.

The motion was seconded by Commissioner Schatz.

Commissioner Hall: They just put in the driveway aprons. If there is any kind of sinking or complaint are they going to have recourse, or if we take this ten grand away do they have no recourse at that point?

Ed Meehan: The Town Engineer and his staff inspected the driveways when they went in, they were processed stone and everything and when he reported to me, his concern is that some of the area on the edges of the driveway back of the curb need to be loamed and seeded, so I don't feel that he thinks that the driveways are going to be an issue as far as falling apart.

Commissioner Hall: Well, it's just the apron that has been done, the driveways haven't been done.

Ed Meehan: Yeah, they are just obligated to do the aprons since it is on the town right of way.

Vice-Chairman Pane: Any other comments or questions?

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

Vice-Chairman Pane: We moved Petition 11-10 to Old Business and we already voted on that, so now we're working on a, well give Ed a minute on that.

**3465 Berlin Turnpike
Sam's Club Outside Seasonal Sales**

Commissioner Anest moved that PETITION 11-10 Sam's Club be approved for seasonal sale of landscape products. The sale area will use approximately ten parking spaces. The approval is granted for the period through June 30, 2010 and may be renewed upon a letter of request to the Commission for the year of 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 9, 2010 and June 23, 2010.)

- A. Proposed 2020 Plan of Conservation and Development Draft #3, March 24, 2010
Chapter 126 Section 8-23, Continued from May 26, 2010.

- B. PETITION 13-10 – Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant, represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington, CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency, required.
- C. PETITION 14-10 – Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center. Schedule for June 23, 2010.
- D. PETITION 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2,500 sq. ft. bank. Schedule for June 23, 2010.

Vice-Chairman Pane: Does anybody have any questions concerning our Petitions for Scheduling?

Ed Meehan: Mr. Chairman, I have a couple to add that came in yesterday. Cavos Restaurant, Berlin Turnpike, has submitted a revised site plan and request for full liquor. They have a presently a beer and wine license. The site plan modification is to add a stairwell for proper access to the second floor, and to relocate their outside patio seating. That could be added to your agenda whenever you want to schedule it. Liquor does require a public hearing.

Commissioner Aieta: We have a lot already scheduled. What do you feel would be the proper time to put it on?

Commissioner Camerota: That’s mainly for the 23rd.

Ed Meehan: You have nothing really on the 9th right now, I mean, you have your Plan certainly, hopefully you will have your comments back by then.

Vice-Chairman Pane: Put that on for the 9th?

Ed Meehan: Cavos is easier compared to what else is here.

Vice-Chairman Pane: Let’s add Cavos for the 9th. We have another one, you said.

Ed Meehan: Cavos was the two, one for liquor, one for the site plan modification.

Vice-Chairman Pane: Okay, so those are the two. We’ll add that on the 9th. Anything else?

Ed Meehan: The Plan of Conservation and Development.

Commissioner Camerota: What about PETITION 13-10?

Ed Meehan: Waiting, it's got to come back from CCROG and Central Connecticut RPA.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

X. REMARKS BY COMMISSIONERS

DRAFT 2020 Plan of Conservation and Development (POCD)

Vice-Chairman Pane: If any of the Commissioners have anything else they would like to add?

Commissioner Schatz: I have a questions, through you, to the Town Planner. Has this kind of thing come down before?

Ed Meehan: No, as Councilor Nassinnyk said, this is the first time that this referral from the TPZ to the legislative body, the Town Council has come up in Newington. It's new to all communities, and it is really causing quite a bit of stir, talking to other Town Planners. Not so much trying to get the language straight, the way that the statutes are written, it's not clear what triggers the majority vote, the 5-2 vote. Is it a recommendation back, is it a hard resolution back, it makes it kind of vague. So there is no real guidance.

XI. STAFF REPORT

- A. Sunrise Estates Subdivision Waverly Drive Bond Reduction
- B. Culver Street JS Culver Street, LLC Subdivision Bond Release

Discussed under Old Business

XII. ADJOURNMENT

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

Respectfully submitted,

Norine Addis,
Recording Secretary

