

NEWINGTON TOWN PLAN AND ZONING COMMISSION

May 9, 2012

Regular Meeting

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

I. ROLL CALL

Commissioners Present

Commissioner Carol Anest
Commissioner Michelle Camerota
Commissioner Cathleen Hall
Commissioner David Lenares
Chairman David Pruet
Commissioner Stanley Sobieski
Commissioner Dana Woods
Commissioner Frank Aieta
Commissioner Michael Camillo

Commissioners Absent

Staff Present

Craig Minor, Town Planner

II. PUBLIC HEARINGS

None.

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

Marc Maniatis, 245 Sterling Drive, The Woodlands of Newington: I wanted to first thank the Commission for all of the work that they have done on behalf of our Association. Several members have come out at times to look at some work that Pulte has done, and we appreciate the support that you have given us and the ability for us to work with the builder and get some issues resolved. Tonight I just wanted to get a couple of items on the record that Pulte is still working on with us and has agreed to do for us. I wanted to also bring the new Town Planner up to date on some items in the event that he is not aware of this. Last year Pulte did some work at 94 Barkledge and 178 Barkledge, specifically some grading and some replanting. Some swales were installed and some planting was done. The grass seed didn't take, they are aware of that, and they have agreed to come back and reseed that. So I just wanted to make sure that that was on the record. They have agreed with us but in the event that they opt not to I wanted to make sure that there was a record that they had agreed to do that. In addition they did some work behind 263 Sterling Drive. We asked them to put in a drain due to some very wet land. They did put in a drain, they did an okay job. It needs to be backfilled. The drain unfortunately sits on top of the ground instead of maybe being sunken in where water could get into it. Mr. Meehan did see that, and prior to his retirement and he was aware of it, so we are working with Pulte to get them to have the drain more into the ground and have the land slope so that water will go into the drain, which is the objective of it, so we will continue to work on that with them. Behind 275 Sterling Drive it was

recommended that they put in a swale. There is a very large rock behind that building and it was propelling water towards the buildings, again, Mr. Meehan suggested that a swale be put in, the swale has been put in and it is doing its job however they did not plant any grass in there so we're asking them to plant grass and I just again wanted to make sure that this was on the record. Finally, 196 Barkledge Drive has had a problem with their lawn from the beginning and we haven't had satisfaction with Pulte, they are starting to come around. We're only asking them to fix a small piece of grass right in front of this unit, maybe just tilling the soil and replanting it, again, I just wanted to have these items on the record so as we continue to work with them they are aware that you are now aware of this and again, thank you very much for letting us be here, more importantly for the support that you have given us over the last few years as the builder has started to move on. Thank you very much for your time.

Chairman Pruet: Thank you Marc. Anyone else from the public wishing to speak at this time? I hope you all enjoy our new equipment here, courtesy of the Town Manager and the budget and hopefully when we get more hi-tech and get hooked up, and well be able to use this. I guess it's going to be some kind of presentation, Power Point, so we're getting hi-tech now.

MINUTES

April 25, 2012 – Regular Meeting

Commissioner Sobieski moved to accept the minutes of the April 25, 2012 Regular Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YES.

IV. TOWN PLANNER REPORTS

Comments on Pending Petitions

Craig Minor: There are a number of items on the agenda that I have information for you. The first item is the New Business Application, 01-12, this is for the salon school at 262 Brockett Street. The outstanding issue is the parking and I was there last week during the day and I observed and it is tight for parking. There is no question about that. Now during the public hearing it was discussed, the possibility of the applicant getting a letter from Puerto Vallarta giving permission to allow them to have their employees park there, they have not provided that letter so that apparently is not an option, but the other option that was brought up during the meeting, in fact the applicant even offered to do this, is not rent the remaining vacant space in the building, but rather occupy it with their own salon. I think if they do that, and they also said they were only talking about adding two stools, to the salon, that would probably result in a sufficient amount of parking, so I would suggest tonight when ever the Chairman wants me to distribute it, a draft motion to approve with the stipulation that the applicant not rent that vacant space to an additional party but rather occupy it for themselves. The next item I'll talk to is the auto use amendment which was discussed at the last meeting. I made some changes as was discussed, I have a revised draft, when we get to that point in the agenda, I'll distribute it. I wasn't comfortable with the way the provision for altering the distance requirements were dealt with in the various places in the regulations, so I adjusted the wording of that, so we can talk about that when we get to that point in the agenda. As the Commissioners know, the approach that I'm taking is to take the existing auto uses category which contains a lot of auto related uses, and split it into two different categories. One category of uses would be allowed in the B-BT, PD zone and the other category of uses

would not be allowed, mainly car dealerships and gas stations, but again, we can discuss that in more detail when we get there.

We have a new application that was just received. The MDC is asking for a Special Exception to relocate a generator, a pump station generator that was previously approved by the Commission, but they would like to move it basically across the driveway from it was originally approved and I have copies of the site plan. I'll distribute copies of the site plan, it's ready for a hearing, the applicants are prepared to go forward, so if the Commission wishes to schedule for their next meeting we could do that. The applicants are here if you have any logistical questions.

The ZEO is not here but I would like to address a couple of issues that came up at the last meeting involving a couple of uses in Newington. A-Plus Auto, there was a concern expressed that they are not in compliance with their permit, Art went out and inspected the site and spoke to the owner and yes, in fact there are too many cars there. He spoke to the owners and he got them to agree to cut back to the four cars on site that they were approved for, and they agreed to do that.

The other item that came up is the question as to whether an industrial building that had been a manufacturer of some sort, the manufacturer has moved out and now there is a laundry in there. Art also investigated that, and what he determined is that the laundry business that either has gone in or is going in, I'm not sure, I think you could consider it a wholesale laundry. They will be cleaning clothes or laundering for businesses in large quantities, not drive up, not average string of people having their laundry done, but for businesses, and in that sense, it is an industrial related use and it's in an industrial zone so Art was satisfied that it is a permitted use and it doesn't need any further review. There was a question of them having enlarged the loading dock, but that didn't trigger the requirement for site plan approval, it was within the, it would not require site plan approval from the Commission, so unless the Commission has any questions, we can get to that later on tonight if the Commission wants me to follow up on that, and that's all I have for my report but of course I can go into more detail on the items.

Chairman Pruet: Any questions on Craig's report as of now? We can go into some of this later.

Craig Minor: Thank you.

V. NEW BUSINESS

- A. Petition 01-12 – 262 Brockett Street, Gianni DiDomenico, Sculptures Salon, 262 Brockett Street, Newington, CT 06111, applicant, JGF Holding Company LLC, 17 Farmington Avenue, Plainville, CT 06062 owner, request for Special Exception Section 3.2.6 school for cosmetology training in the B-BT Berlin Turnpike Business Zone District.**

Chairman Pruet: Sir, would you like to speak? Come up to the podium please and state your name and address for the record?

John G. Fainano, 798 Southington Road Berlin, Connecticut: My only question is, if Gianni gets approved to expand over, and decides not to go forward, can I rent that space out to somebody else?

Chairman Pruet: We'll refer that question to our Town Planner.

Craig Minor: If I understand the question correctly, if the applicant chooses not to exercise the Special Permit that he has been asking for, then he would not be prevented from expanding into the vacant space.

John Fainano: Then a new tenant comes in, they could come before the board, is that right?

Craig Minor: Well, if they are a use that requires board approval, yes.

John Fainano: That's my only question.

Chairman Pruet: Okay, we have a draft suggested motion, any Commissioner comments on this. As you see, if you get a chance to read this, basically it's self explanatory that the applicant will be allowed to expand the salon, the existing vacancy as he so stated in his previous explanation of the petition to allow for the school. This works in everybody's favor because there will probably be less of a restriction on the parking spaces.

Commissioner Lenares: Just so I understand the gentleman that just spoke, for some reason, if he decides not to go through with the school, he would be able to rent out this building without any restrictions, assuming that.....

Chairman Pruet: Correct.

Commissioner Lenares: Okay, just as a business question, it wouldn't make any sense that he wouldn't be allowed to rent that space out, for this purpose we are assuming that the school will go through.

Chairman Pruet: Any further comments on this?

Commissioner Hall: I'm assuming that if he has a different use for that, and it also requires extra parking, wouldn't they have to come to get approval for that, I mean, this is the whole problem with that site, parking, and whether it is going to be parking for the salon or parking for a gym, say a gym decides to go in there, you are going to have customers coming in and out and parking, so again, how do we prevent it from overflowing.

Chairman Pruet: I believe under Special Exception we'd, have to have, because, for a gym....

Craig Minor: No, no, because if he comes up with a tenant that is a permitted use, I'm making this up, a bookstore, I don't know if a bookstore is a permitted use, he would not have to come before you, he would just open a bookstore. It's only if he wants to bring in tenants that require a special exception from you folks, such as a restaurant or a school would he have to come back before you, and at that point you could impose conditions on him.

Chairman Pruet: And from what I understand, the existing parking is appropriate. Anybody else?

Commissioner Aieta: Fortunately the space that is left to rent is only 872 square feet so it's going to be, whatever goes in there other than him moving in as a hair salon, or a cosmetology school, at one student at a time, an 872 square feet would be a pretty small space that he has left, but as it stands now they are at the peak of their parking.

Commissioner Lenares: If I remember correctly, it's only one student at a time that he asked for, were there two students?

Chairman Pruet: I think he said he could go with one or two.

Craig Minor: I think he said that he wanted to bring in no more than two additional stools, but would have no more than one student at a time. That was my understanding.

Commissioner Lenares: I'm reading that here under Findings, and I just don't want that to be, if he said two, and we have one.....

Commissioner Hall: I know that the first time he came before us he said two, but then the second time, he said one.

Craig Minor: At one time, yes.

Chairman Pruet: Why don't we amend this to say two, no more than two. I'll take a motion to move this over to Old Business so we can vote on this tonight.

A motion to move Petition 01-12 to Old Business was made by Commissioner Sobieski. The motion was seconded by Commissioner Woods. The vote was unanimously in favor of the motion, with six voting YES.

VI. OLD BUSINESS

Commissioner Anest moved that Petition 01-12 – 262 Brockett Street, Gianni DiDomenico, Sculptures Salon, 262 Brockett Street Newington, CT 06111 applicant, JGF Holding Company LLC, 17 Farmington Avenue, Plainville, CT 06062 owner, request for Special Exception Section 3.2.6 school for cosmetology training, B-BT Berlin Turnpike Business Zone District, be approved for the use of 872 SF as a “cosmetology school” with conditions.

FINDINGS:

- In accordance with Section 5.2.3 a public hearing was conducted, and the issue of unsafe on-street parking on Brockett Street by customers and employees of the property was raised by a member of the public.
- Brockett Street has subsequently been posted “No Parking.”
- The applicant has said that there will be no more than two students at a time.
- The specific criteria listed in Section 5.2.6 were considered.

CONDITIONS:

- The applicant will expand the salon into the existing vacant space and not rent it to a new tenant.

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

A. Petition 08-12: Zoning Regulations Amendment for Auto-Related Uses in the B-BT and PD Zones. Newington Town Plan and Zoning Commission, applicant.

- 1. Add Section 3.15.8 to allow automotive uses by Special Exception**
 - a. in the Business Berlin Turnpike Zone (B-BT) and**
 - b. by extension, in the Planned Development District (PD).**
- 2. Amend Section 6.11 Sale, Rental, Service or Storage of Motor Vehicles.**

Chairman Pruet: Okay Craig, any further comments on this that you might, before we open this up for discussion?

Craig Minor: I think, let me get the page, what I've done is, I've created two different categories, one called auto related uses, which include but not limited to dealers and repairs as well as car washes, car/truck rentals, and other uses as may be determined by the Commission and then the other category called motor vehicle service uses which includes things like lubricating motor vehicles, changing oil, changing tires and tubes, balancing wheels, drive up and so forth, and the sale of gasoline and other products under the provision of Section 14-319 of the statutes. Now if the Commission does not want to include gas stations then what I could do is move gas stations out of the motor vehicle and service uses and put it up into the auto related uses, because it is only the uses in the second category that are going to be allowed by Special Exception in the BT zone.

Commissioner Aieta: Just an aside, the auto related uses, those are the ones that will not be allowed?

Craig Minor: Correct.

Commissioner Aieta: And what were those again?

Craig Minor: New car dealers, used car dealers, and what are called general repairs as opposed to limited repairs which are the kind of uses that involve minor repairs to your car.

Commissioner Aieta: Okay, right now in that zone, the car washes are not allowed in that Berlin Turnpike zone either.

Craig Minor: And they would continue to not be allowed, because car washes would be an auto related use and auto related uses would not be allowed.

Commissioner Aieta: Okay.

Craig Minor: One of the other things that the Commission wanted was to increase the separating distance from fifty to one hundred feet where it abuts a residential zone, so this amendment does that, but it goes on to say that the Commission reserves the right to alter this requirement when in it's opinion, the density of the residential zone and the natural, topographical or man made utilities on the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double, or decreased by less than half of the requirement herein, and any such action shall require a two thirds vote of the Commission.

The other issue that the Commission was concerned about was the garage doors facing the street, so I'm proposing Section 6.11.7, overhead service doors shall not be permitted on the public street side of an auto-related use or a motor vehicle service use. The Commission reserves the right to alter this for a corner lot, or when in its opinion, the natural

topographical or man made utilities of the site clearly indicate that the requirement is inappropriate and this action shall require a two thirds vote of the Commission. I don't think I made any changes to (inaudible.)

Chairman Pruet: Okay, questions, I'm going to go around the room and ask everybody, but are there any questions right now to what Craig just elaborated on?

Commissioner Anest: The first sentence, the Commission may grant a special exception for the sale, rental, service or storage of motor vehicles.....

Craig Minor: Where are you reading?

Commissioner Anest: Section 6.11, the very first sentence, the Commission may grant special exception for the sale, rental, service or storage of motor vehicles subject to the following conditions and the provisions of Section 5.2. I thought we weren't going to grant special conditions. It gives you, if you just read that first line, it gives you the wrong impression.

Craig Minor: I know, but the reason that I left that word in there is because you do still allow the use in the Industrial zone. So although it giveth up there, it taketh away further down.

Commissioner Anest: Is there anyway that you can clarify it? Just like (inaudible)

Craig Minor: I can work on it. I think what is going to make it very, very tricky is preserving the right for people to sell, grant or service motor vehicles in the Industrial zone and maybe, I don't think you want to preserve that right, but I can certainly give it a shot to re-word this to get the person who stops reading after a couple of sentences.

Commissioner Anest: I mean, if they want something on the Berlin Turnpike and they see this, oh, I can put something.....

Craig Minor: They are going to keep reading. Or their attorney is going to keep reading even if they do not the first time.

Chairman Pruet: It does explain further that they can't, as you read down, any other comments on this, on the first sentence that could explain?

Commissioner Aieta: Unfortunately our regulations, we don't have redundant language in each of the sections, so what they do is, they put it in once and it's a carry over from Industrial Zone, to PD Zone to Business and it's a carry over, and then you get the exceptions into the language of the specific one that you are looking at. If you didn't have it there you wouldn't be able to, you wouldn't have it in the Industrial Zone unless you went back and revised the regulation for the Industrial Zone to include it. So they are putting it in once, and it's carrying over, so if you had a higher zone, those uses can be used in the lower category zones, so you have to have it someplace so that it can be carried over into the different zones and the Industrial zone is the least, the less desirable zone in the town.

Commissioner Anest: Maybe I'm missing something but where does it say that it is only permitted in certain areas?

Craig Minor: Well, because it doesn't say that you can have an auto related use anywhere in here and people who work with regulations know that, especially with a regulation that goes this strongly into detail, no where does it say an auto related use is allowed, wait, let me back

up. This describes what auto related uses are and what motor vehicle service uses are, when you go to the section in the zoning regulations that talks about what is allowed in different zones, you'll see that auto related uses is not anywhere except for the Industrial zone.

Chairman Pruet: Anybody else? As promised, I would like everyone's opinion on that, your comments, particularly on the gas stations.

Commissioner Camerota: I think this takes into account all of our comments. I wasn't keen on having dealerships on the Berlin Turnpike, and I think also that we should leave ourselves the possibility of being flexible if we wanted to, and not being (inaudible) so we could really consider, if it made sense for a particular property we have flexibility in the regulations so I like that, and I think this also addresses a lot of the things that we were concerned about with (inaudible) in allowing businesses to compromise, keeping the Berlin Turnpike the way that we like it and also being business friendly.

Chairman Pruet: A lawyerly and scholarly response.

Commissioner Anest: I'm fine with it, I would just like to see the initial revision, I think it's very, very confusing and you just get somebody who doesn't come in with an attorney, we need to explain, otherwise I'm happy. I was another proponent of absolutely no new car dealerships, I think this (inaudible.) I don't have a problem with it.

Commissioner Lenares: After reading this and seeing what we did, compared to where we came from, I think it's a tremendous effort, and Michelle said it best I think, that there was compromise on what we decided to run with and what the Planner has incorporated based on our comments. I would be one that would be in favor of the whole ball of wax, and I know that I am in the minority on that stand, but having to compromise and getting what you can get to allow yourself to do more business which in turn would be better business, I think you have to settle for what's here. I would be in favor of the gas stations, I wouldn't be against having used car lots, although I understand and totally respect all the Commissioners comments because they make so much sense, because you don't want to have that type of turnpike, I don't want to say....I know you don't want that look on the turnpike because it is such a special strip here that we have in our town. I would be in favor of everything, but to compromise and settle for where we are, I think these are tremendous strides that we have made, because we are allowing the town, first and foremost to do more business with different ones, and I think it's a great accomplishment.

Commissioner Hall: I think we have covered as many bases as we have thought of at this point. I just hope there isn't something that isn't going to slip under the radar. That's always my fear. The one acre certainly helps and I think we have tried to think of what the design might be, especially with those doors. You have given an out that if we feel that it is not reasonable to hide the doors from the front and it is going to look all right, I think one of the big places that is there right now, Modern Tire at the south end of the turnpike, just before you get to Berlin, those doors are all lined up, but they have made that place look attractive, so I don't think that just because doors are around the side or in back, if they don't take care of the rest of the property, that is not going to solve the problem, so we have given ourselves some outs to think about all these projects when they come before us, and I do like that. I agree that that beginning part, 6.11, if you just read it, it sounds as if we, by special exception would grant sale, rental, service or storage of motor vehicles, so that definitely has to be changed. There is no question about that at all, and I just looked it up in 3.17.8 I believe, that's a long way from 6.11, so we have a hard time negotiating our zoning laws, so

somebody coming in with a project certainly is not going to take the time to read all of our laws, that's just the way that it is. They're just not going to do it.

Chairman Pruet: We'll give some homework to the Town Planner to look at.

Commissioner Hall: We have gone around and around in a circle on this, and I've been involved with this since they took it out and put it back in and took it out again, so what we have right now is I think the best we can do at the moment. I'm not in favor of any more gas stations at this point. I think there are many other uses that we can encourage without having it be another gas station.

Craig Minor: Excuse me, could I remind everyone to speak into the microphones, maybe pull it closer to you because I'm not sure this is getting picked up. We can all hear you but unless the tape recorder hears you, there is no record for the clerk.

Commissioner Woods: I am in agreement with Commissioner Lenares in that I would like to see it opened up a little bit further but I think taking the way that everybody feels we have come to a good compromise and I don't see any (inaudible) and we've gotten to the point that we need to be.

Chairman Pruet: How do you feel about the gas station amendment?

Commissioner Woods: I would be pro gas.

Commissioner Sobieski: After reading this, I think you've done a great job, obviously you have made some improvements on this and I think it's good for where we are right now. As long as we don't get ourselves into a corner that we can't get into at some later date, and I don't want to see the turnpike turn into a used car lot. I think this covers it and I think it's a fantastic piece of work the way it was done and with just a few minor adjustments it should be ready to go. As far as the gas stations go, most of those are owed by wholesale companies anyway, I don't think there is any room left on the turnpike to have a gas station.

Chairman Pruet: So you are not in favor.....

Commissioner Sobieski: I'm indifferent at this point in time.

Chairman Pruet: Mike, your thoughts on this please?

Commissioner Carrillo: I've got to stay out of this, I'm in the business.

Chairman Pruet: Okay, I understand.

Commissioner Aieta: I'd like to make sure that when we bring this to public hearing that we get some publicity, and I don't know how, maybe through the newspaper, maybe we could get one of the reporters to alert the public so that the people who have auto related uses in the town can come in and voice their opinion as to the changes that we are making to the regulations. I'd like to hold my comments until I hear from the public as to, you know, the people who are in the business, what they really want as far as the changes that we have made. I've been on record right along, I've spoken about where I am with my feelings on this. I think it's important that the public has some input and I hope that it gets out to the public that we are looking at this change.

Chairman Pruet: Okay, so you are going to hold your remarks. Just to paraphrase, we have one, two, three that favor gas stations, two no, and two indifferent, so we can go forward, again, this is just a zone amendment that we are going to kick over to CCROG, it's going to come back to us and then it goes to public hearing, so this is not etched in concrete, it's going to be debated further, so I would say go forward with the proposal, and if you could get back to us through e-mails, Craig on that opening sentence, because you want to get that letter over to CCROG.

Craig Minor: Well I think, I'm going to send this to CCROG, I'll move gas stations from the not allowed to the, I'll make gas allowed. But as far as reworking that first sentence, I'm going to work on that, but I'm not going to hold up sending the substantive regulations to CCROG because they are going to comment on the substantive, not the wording in the first sentence. I will continue working on that.

Chairman Pruet: Okay, good and in the meantime if you come up with an idea you can e-mail it out to the Commissioners so we can take a look at it, that would be great.

Craig Minor: Okay.

Chairman Pruet: I want to again commend you on yeoman's work on that, I like the two pronged approach, you did a nice job on it, and we have been discussing this I think since last September, so we've come to closure on our part for our input, now we will see what the public has to say.

B. Public comment on possible zone amendment.

Chairman Pruet: Public comment on what we have discussed so far?. Anyone from the public wishing to discuss on this zone amendment application or modification? We have plenty of time in the future to discuss that.

Referral to Capitol Region Council of Governments and Central Connecticut Regional Planning Agency for advisory comments initiated.

C. Commission discussion of Article 6.1.J (Modification of Specific Parking Requirements.)

Chairman Pruet: I think Frank, you wanted to have a discussion on that.

Commissioner Aieta: We made some changes under one of our applicant's that came in and we changed for a furniture store, we changed it from actually seven, depending on the square footage of the unit, either seven or six parking spaces per thousand, we changed it to two. I think that we should allow other people that are in the business to fall under that same regulation and that would be under 6.1.1.C, the parking standards and under, I believe we would have to put in another subsection for furniture stores and come up with a standard that would be specific for furniture stores, and I open it up for discussion.

Craig Minor: I thought your point, when you made it before was well taken, and I actually broached it with the owner, Mr. Brown himself in conversation and he made an interesting observation. He said that frankly not too many landlords who currently have furniture store tenants would take advantage of it, because if they did and used that suddenly freed up space to put in a pad site, restaurant or bank, and then they lost that furniture tenant, now they have a building that they can't rent because now there is not enough parking, so in his opinion, not too many landlords would take advantage of having that flexibility shall we say.

So maybe in this case it would be best to leave the regulation as it is now, rather than specifically giving furniture stores the right to have two spaces per thousand. Let them come in on a case by case basis as they did last month and ask for it.

Commissioner Hall: There is also the converse of it. We're thinking Basset Furniture, we're thinking Raymour and Flannigan where we have acres of parking and some people taking advantage of it when there are sales. I would like to have you all look at the intersection of Richard Street and the Berlin Turnpike where there is another furniture store that no matter what time of day or night you go by there, people are there, and that's Bob's, so that is a different type of furniture store that if it came into the bigger spot, you could have an issue, so we have to be careful both ways on this as to how we do it because again, we could shoot ourselves in the foot by being too specific on one of them if we get a different type of furniture. What if we had a Bob's Pit say, that he wanted to put in a big space, where he consolidated, he has a lot of stores now, it's not just a one shot deal, Massachusetts, Rhode Island, Connecticut and they have the furniture liquidator or whatever in there, it's still a furniture store. You're not going to survive with one and a half to two spaces.

Commissioner Aieta: That particular operation, Bob's, that was a wayside furniture at one point, and when Bob's came in it was a non-conforming use, and we brought them more into conformity by increasing their parking, as much as we possibly could.

Commissioner Hall: But it is a furniture store, and that's what we are saying.....

Commissioner Aieta: What about the owners of furniture stores that own their own property? It's up to the Commissioners, I particularly was looking at Raymour and Flannigan. That site, could support another pad site, easily.

Commissioner Hall: But as I said, we have to be careful. We're not too blanket.....

Commissioner Lenares: Unfortunately I see both sides of the fence. I understand what Frank is saying, if you want to optimize the Raymour and Flannigan site and put a restaurant in the middle then you can reduce them, but I think the Planner's comments about taking it case by case, that would give us the lenience to examine each position as it came forward, let's say if we talked about the Bob's piece, that wouldn't be obviously a good site, but let's say a Raymour and Flannigan would be, that would give us the leniency and the power to look at something on a case by case basis and make the adjustment then. Not that's not a bad option.

Commissioner Hall: We need that flexibility.

Commissioner Lenares: That's a pretty good option to have as a Commission I would say. We did do that for Basset, reduce their parking, if we do it across the board, it might not be like Cathy just said, the blanket effect, it might not be, but to have that option I think is better.

Commissioner Anest: Dave just said what I was going to say, I agree with that. (inaudible) I think we should leave it as it is. If Raymour and Flannigan leaves and we changed the parking what could happen?

Commissioner Woods: I'm in agreement as well, I think that is why we are here, to kind of look at everything one at a time.

Commissioner Sobieski: I agree, each place has to be looked at. In some places you can probably add an area and traffic wouldn't be a problem, but in an area such as Bob's, that

intersection is pretty much non-functionable as it is right now, so, again, as Frank said, it was Wayside Furniture way back when I was a kid, so you know, things change but as we move forward, an individual furniture store comes in, we have to look at each site. Each site is germane to its own.

Commissioner Camerota: I don't have anything additional other than I think we could leave it the way that it is and give them the option that if they want the change, they can come to us and they will know that they will have a problem if it turns back over.

Chairman Pruet: Okay, I think the consensus is to leave it as it is, and we will have the authority to deal with each case on its own merit.

VII. **PETITIONS FOR SCHEDULING** (TPZ May 23, 2012 and June 13, 2012)

- A. Petition 07-12: Site Plan Approval and Special Exception (Section 3.2.2: Public Utility Installation) for a Pump Station at 70 Eighth Street; Metropolitan District Commission, 50 Murphy Road, Hartford, CT owner and applicant: Steve Hallowell, Wright-Pierce, 169 Main Street, Middletown, CT contact.

Craig Minor: I think this Commission is probably familiar with this. I think this came in a couple of years ago, a half dozen of these pump stations and at this one in particular they decided that they wanted to have it on the other side of the driveway. It almost didn't even come here because it really is a pretty insignificant change, but it could impact a home owner on the other side of the driveway who yesterday knew that it was going to be on the other side of the driveway, now it's going to be right next to his property, so this gives the public the opportunity to ask questions, to comment on this. It's not very controversial, but this gives the public a chance to be involved in the discussion.

Chairman Pruet: We have members of the MDC here tonight, they aren't going to be speaking, but if any of the Commissioners have a technical question for them, we have this opportunity to present your concerns. We will address this under Public Hearing at our next meeting.

Commissioner Hall: When they come back with the stats, are they going to have anything as far as noise levels, I know that is always a concern, especially when it's right next to housing, and as I remember this before, even where it was before, it was pretty close to a house and I remember that there is a driveway, there is an anchor fence, and then there is a substation or whatever, a pumping station, and there was a house not too far, so I would like to know noise levels if they can, and then any heat that is generated by it. I know that sounds kind of weird, but some of these things, there are some emanations and that can be a concern too if you are living right next to it.

Chairman Pruet: Do you have a quick comment on that, not a presentation but just a response to her concern.

Eric Pizzoferrato: To the Commissioners first question about the noise level, we did our best to split the difference on the property there and there is also the technology for the generators. The generators that we are installing have sixty DB, decibel rating, so it's pretty quiet, the hearing element, there is a cooling system on there that doesn't generate a lot of heat and it isn't designed to run all of the time, if it does run, (inaudible)

Chairman Pruet: Are there any other questions for.....

Commissioner Woods: Is this like one of those generators that cycle on and off say every couple of weeks like a home generator would because they have to be self-running so that every two weeks it cycles on and then turns off.

Eric Pizzoferrato: It runs twenty minutes a week during business hours, just for upkeep and maintenance. We do have comprehensive testing twice a year when we do pressure monitoring for a load, but that is to make sure the generator and the pumps (inaudible) so that is basically what we do. We don't want to run the generator unnecessarily but obviously we want to keep pumping the sanitary sewer in the case of a power failure.

Commissioner Woods: Is it natural gas or diesel?

Eric Pizzoferrato: We are specing diesel.

Commissioner Sobieski: Are you going to do any kind of screen plantings?

Eric Pizzoferrato: There will be some screen plantings there. We generally spec arborvitae, however if the neighbors approach us and wish something different, we try to comply with their request.

Commissioner Sobieski: How high would be your antennas?

Eric Pizzoferrato: How high is the antenna?

Commissioner Sobieski: Right

Eric Pizzoferrato: It would be at the height of the utility box. (Inaudible.) It's usually two feet above the box, it's a small antenna that relays all the information on the vitals of the pump station to our (inaudible.)

Chairman Pruet: You mentioned residential input, will you be discussing this with the neighborhood prior to this or during, the input on landscaping, do you go out and talk to these neighborhoods.

Eric Pizzoferrato: If that is the desire of the Commission we can make an effort to do so.

Chairman Pruet: I think that would be appropriate.

Eric Pizzoferrato: Sure, we can talk with them.

Craig Minor: Mr. Chairman, do you mean before the hearing or after the hearing?

Chairman Pruet: Well, I think prior, it would.....

Eric Pizzoferrato: We can reach out to the neighbors, if they want to come and talk at the hearing.....

Chairman Pruet: Sure, some ideas on landscaping, whatever, especially the immediate neighbors.

Eric Pizzoferrato: We will entertain any reasonable request.

Chairman Pruet: Looking forward to your application.

Craig Minor: So the application will be scheduled for the next meeting?

Chairman Pruet: I think that's the consensus, yes. They are ready to go and we are ready to listen to them.

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

Rose Lyons, 46 Elton Drive: Nice microphones but you need to speak out, especially Commissioner Anest, you speak softly. Recorders, I'm really trying to go digital recorders. The Charter Revision, they don't have their minutes from the last meeting verbatim because there was a malfunction of the recorder, so I don't know what the problem is in getting the recorders. Thank you.

IX. COMMUNICATIONS

- A. Fall 2011 Newsletter of the Connecticut Federation of Planning and Zoning Agencies
- B. Winter 2012 Newsletter of the Connecticut Federation of Planning and Zoning Agencies.

Craig Minor: These are on the agenda, not for action, just for your information. We belong to this organization, we pay dues, so we might as well get the benefits of it by reviewing these newsletters.

X. REMARKS BY COMMISSIONERS

Commissioner Aieta: I just want to go over the two items that the Planner brought up at the beginning of the meeting. The one on Pane Road, A Plus Auto, or A Plus Motors, there's still, there were seven cars out there today. They are only allowed four, and one of the other items that was part of the conditions was that they not use the easterly driveway for access in and out of there, it's supposed to be closed gate. Also, their employees are parking on property owned by somebody else and if they are going to do that, they should have a letter from that property owner saying that he allows them to park there.

On the laundry, the pad site that they are putting in the back is specifically for some kind of storage and we don't allow any storage in the industrial park. So I don't think the enforcement officer got the complete picture when he went out there.

Chairman Pruet: Anyone else?

Commissioner Anest: I was at an Economic Development meeting and they brought up signs, I was hoping they could get our regulations where they would know, they didn't realize that they could apply for (inaudible) and maybe even if they can get an update of anything that we do to our regs just so they know.

Chairman Pruet: Also as an addendum to that, notify the Chamber of Commerce because they have a news letter, monthly meetings, so maybe they could get that too, so it would be a two pronged approach.

Commissioner Anest: I had said previously when Ed was here that the Chamber should get a copy of our regs so when they go to do their welcome packet for a business, or the sign regulations in there, or whatever else is pertinent to a new business, they would have it.

XI. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: I have a few things to say. I met with the Town Attorney who reviewed my letter of January 17th, after we put together our suggestions for the blight ordinance and also I met yesterday with the subcommittee that was formed on the blight ordinance review. The TPZ comments were really appreciated by the committee and I will go over the ones that were recommended such as the addition of the shutters, that was incorporated, the land within a thousand feet of a boundary of a blighted property was added to that, materials to be stored orderly and not visible from the public street was added. Items not found to be pertinent were, grass should remain at one foot, not six inches, some examples given to me were a lot of public businesses set their mowers at four or five inches, that was one, then six inches would be almost impossible to enforce, there would just be too many and they feel that if something is going towards a foot, they could act on it as a more reasonable and more manageable concern. Talked about the public property, they don't wish that to apply. It was explained that a new ordinance had to be mentioned in that blight ordinance. For example, if it didn't state public property was immune, then the ordinance wouldn't reflect that, so it would be harder to enforce. Also too, there is going to be an increase of foreclosed properties and it's going to be hard to manage. Again, this is not my input, this is the input from the staff, the attorney and members of the blight subcommittee. The Council did assure me that every effort would be made to keep our public buildings in compliance. The restrictions on the Zoning Enforcement Officer they would like to, they are not going to eliminate him, they need his knowledge of the enforcement rules, they don't want to restrict that and they need the flexibility to further enforce. Also they said that it wouldn't be given to him personally, but probably would be included with anybody else being named to enforce our regulations, it could be the Building Inspector, it could be a Health Inspector or it could be him too, so they want the flexibility to use him in conjunction with enforcing. Waste disposable carts, they thought it was a great idea, but unfortunately it's not under a blight ordinance, it's under a health and sanitary issue and they said they would look at that and incorporate that in the appropriate regulation as it moves forward. The ordinance will be coming up for review for public hearing, I forget what the date was, either the first or second Council meeting in June and it will be up for public participation and input at that time. That's all I have on that. What I have too, is that Commissioner Aieta stated at a couple of meetings ago, that he was concerned about draft motion procedures and he felt that they were illegal and that he might be placed in a position of a possible civil violation. I asked the Town Attorney to give me his opinion, and I got it, as such, I'll try to read it, it come in with small print. "Dave, you have asked for an informal writing as to an issue that has recently been raised by a Commission member as to whether pre-meeting preparation of motions by staff constitutes predetermination by an agency. It is in this instance the TPZ. The short answer is it does not. Preparation by the staff and the zoning commission of a proposed motion on a pending application does not amount to pre-interpretation by the agency members, Connecticut practice series, Connecticut Land Use Practice, third edition, section etc., etc., etc. was a case in Glastonbury. A proposed motion prepared by staff by itself is not indicative of predetermination on the board's position. Much more would be required to show predetermination. Please note that staff preparation of motions can be valuable to ensure that the motion is complete and meets legal requirements however any motion to prepare is merely an administration aid by the use or rejection or revision by the agency. Multiple motions can be prepared on any matter, including motions to approve, as well as motions to deny. It is up to the agency to finalize any motion after the matter is heard according to proper procedure." That's our opinion from the Town Attorney.

Commissioner Aieta: If I might Mr. Chairman, just a couple of comments on what he said, that's all well and good but he did not specifically, the specifics of this case was that we had the thing before the public hearing, and I don't think he addressed that. I'm not saying that

draft motions by the staff is illegal. I think the way that it was presented before we even heard the public hearing, and I have discussed this with several attorneys and they said that it's his opinion, but there are other opinions out there that says that you shouldn't have a motion before you even heard the evidence from the public or the applicant. That is pretty evident. I'm not going to press the issue, you do whatever you want. The Commission could act the way that they want and proceed the way that they want. I'm just saying I don't think that it's the right way to proceed because it's, it gives the impression that it has already been looked at and, the Commissioners never even heard the case, we didn't hear the case, we didn't hear the public, we didn't hear the applicant, and we already had a motion with conditions. It strikes me as, you don't have to be an attorney, he wasn't given all of the facts. I think if he was told the way that that came down, you would have a different opinion, but let it go the way that it is.

Chairman Pruet: Okay, just a comment on that too, the system does work because I was under the impression and so was Glenn at the time, that site revision was presented for the Town Planner and the Engineer to review, and he apologized that night, and that wasn't the case. However, having said that, the system does work because we pulled that off the table and we discussed that at a further meeting and it was not voted on that night, so the system does work and that's how it is on that petition.
Any other remarks?

XII. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8:05 P.M.

Respectfully submitted,

Norine Addis,
Recording Secretary