

TOWN PLAN AND ZONING COMMISSION

Regular Meeting

June 24, 2015

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:02 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Chairman Hall: Before we take the roll call, I would like to welcome Brian as a permanent member of the town Planning and Zoning. Welcome! And we're actually going to hear him talk now, which is going to be exciting.

Commissioners Present

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

Commissioners Absent

Staff Present

Craig Minor, Town Planner

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

John Bachand, 56 Maple Hill Avenue: I'd like to welcome the new Commissioner. A couple of things: first of all, I had a notification from the Town Planner regarding the Certificate of Action and the paper work that I have been talking about for three years, that he put into the land records. He sent me a copy that that actually got done. So, I appreciate that, and it's been a long time coming, but I just hope that the plans that were supposed to go with that were also put in there, because there were notes on both of those documents, and the Certificate of Action, and specific language that offered some protection to me as a property owner, going forward in the future. The second thing is I don't see a second opportunity for public participation, is there not a second public participation tonight?

Craig Minor: Frankly, I just forgot to put it on, but the Commission can add it. It's a regular meeting, so you can add the second public participation if you want to.

Chairman Hall: We'll have it for six, and then we will have Closing Remarks for seven.

John Bachand: Just in case there was something that I wanted to comment on. Also, when will TOD talk would be open to the public? I think we talked about that, I think you indicated that it would be at some point public participation, if I'm not mistaken.

Chairman Hall: I'm sure you will have several cracks at it.

John Bachand: I think that's it for now. Thank you.

IV. NEW BUSINESS

A. TOD (Transit Orientated Development) Regulations for CTfastrack Neighborhoods.)

Craig Minor: There are several items that the Commission needs to talk about tonight, in no particular order. The first item is High Density Housing prohibited during the moratorium. I suggested that we put this on the agenda because as everybody has probably heard, there is talk of the Town selling the National Welding site to a for-profit student housing developer. What I need to know, so I can inform the public, is whether private student housing is what you meant to include under the moratorium, or if you didn't think about it, now you are thinking about it, if you want to put a freeze on it for a year. It would have to go through a zone change first because that is not allowed in the Industrial Zone, and then a special permit and a public hearing, so even if you decide that it's not subject to the moratorium, that doesn't mean it would sail through. It would still go through a very intense multi-approval process.

Commissioner Aieta: If a zone change was approved, what section of the regulations would they come in under?

Craig Minor: I don't know. They might need a text amendment, because I don't think we have anything in the regulations that currently allow this. Not to mention the final approval, which is the 8-24 referral process.

Commissioner Aieta: Student housing is basically an apartment building; it's just a different name.

Commissioner Sobieski: Mr. Planner, student housing would be just for students at Central, right? Would that be correct, or students in general?

Craig Minor: You are putting, and I don't blame you, much too fine a point to it to something that at this point is just a concept, and I'm not in a position to speak for the developers. I don't know the details of their model, so I couldn't answer that question.

Commissioner Sobieski: Let's assume that it got approved, the student housing, and let's say all of a sudden they decide that, well, we're not making any money here, we want to turn it into apartments.

Craig Minor: I think the way it would work is, first the proponents would have to come before you with an application for a text amendment to the regulations. They would have to come up with proposed regulations, like Amara did, and these regs would have to pass muster with you. Probably one of the conditions, or stipulations, in these regs would be that it must remain for-profit and could not become government owned.

Commissioner Sobieski: Well, that's leads me to one other fine point. If I own an apartment building that is for-profit, and I own student housing, for profit, what's the difference?

Craig Minor: I can't speak for these people, because I'm not in that business, but I will speculate that the difference would be that's their market, and the buildings would be designed to be for students. Students have different expectations. What he or she is looking for or willing to tolerate

in terms of amenities are probably very different from the amenities that an adult who is looking for an apartment would want. It's a different creature.

Commissioner Sobieski: Well, what's the difference, if they are both for profit?

Craig Minor: Oh, the difference would be in the regulations. The regulations would say what the difference is. If a developer wants to build for-profit student housing, his proposal would have to comply with the regulation which presumably you adopted the month before.

Chairman Hall: I would like some conversation as to whether we thought this was something that was included in the moratorium, or not. My understanding is this is not something that we were listing that we put into our moratorium. This is something different. This would be something that we would have the developer present to us and then we go through the process and decide whether or not that is something that we would be interested in having in that spot. Also, as far as student housing versus apartment buildings, I've seen these all over the country, and student housing has regulations. They usually have rules and regs for the students, and they also have people who oversee them. You don't have that in an apartment. You have a super, but this is totally different, it is something that the developer would explain to us, and then we decide if we want it or not. But this discussion right now is on whether this is something that we thought was going to be in the moratorium, or no, it's not what we meant by the moratorium. And 365 days, it will take at least that for any project that comes before us, but the question is, is this something that we thought was in or out.

Commissioner Anest: To be honest, I didn't even consider it because when we were looking at what housing was going to be included in the moratorium, we basically relied on what is zoned for those areas around the busway. I don't think that entered anybody's mind because number one, we don't have a regulation for it, and number two, we never even expected anything like this to come before us. So, I think we need to consider that. Also, I can tell you, they have tons of regulations and most of them you can't even sublease to anybody unless they are a student at that particular college. They do have a pool, they do have a rec center, and they are basically self-contained. I've seen the regulations, and the book is like this thick of what they have to abide by, what they have to do, so, I don't really have a problem with it because I know we have to go through all the different steps, and it could be denied just based on the wording of the text amendment, or it could be denied on the special exception.

Chairman Hall: Or we could like it.

Commissioner Anest: Or we could like it. I don't think it's that detrimental to this Commission not to say, no they are not included.

Chairman Hall: Other comments.

Commissioner Claffey: I've seen these, and they look like apartments, so there is a concern there. But they have a resident assistant who is hired by the company so it is very, as Commissioner Anest said, very well regulated. They do resemble apartments but they don't, they look a lot better than some.

Commissioner Anest: I have only seen them down south, but they have balconies. They are really nice, they look like condos, and they don't look like apartments.

Commissioner Sobieski: I think it may be a good fit. Let's see how it works, and I'd like to try it. Get some proposals in and see what they look like.

Chairman Hall: So I think the consensus is, and again, I'd like to hear from everybody, the consensus is, this is not something that we intended to be subject to the moratorium.

Craig Minor: The next item to discuss is a review of some of the existing literature on TOD, specifically "Model Regulations: Mixed Use Transit Orientated Development District" and "Transit Orientated Development Toolkit for CT"). This will be a long education process for all of us. I'm looking forward to turning it over to the consultant to walk you through it and to answer your questions about TOD in general and specifically to Newington. Like with any model regulations, there are things in here that won't apply to Newington, in fact there is a lot of stuff that doesn't apply to Newington, but there is much that would. I don't think the Commission wants to get into any of the details right now; I just felt it was important for the Commissioners to start immersing themselves in the context, to get familiar with the terms and the issues.

Chairman Hall: And obviously this is not a new concept. One of them was marked 2014, and I believe the other one is even older than that. They have been around for a while, these publications are not brand new. They did not just come across our desk at this point in time. Does anyone have any general question at this point before we move on to something else?

Craig Minor: The third thing I want to discuss is the process to hire a planning consultant to assist the TPZ with developing TOD regulations. I've prepared a memo for the Commission to walk you through what I see as the process of hiring a consult. I think what I will do, for the benefit of the audience, is to read it, and then stop after each point so if the Commissioners have any questions we can discuss them. I will begin by reading the memo:

Craig Minor: "It is my understanding that the members of the TPZ would like to retain a planning consultant to assist them in developing "Transit-Oriented Development" (TOD)" zoning regulations for the two CTfastrak neighborhoods. This memo will outline my recommended consultant selection process.

1. The first step in the process is to secure the funding. My understanding is that the Town Council has said that it would support the hiring of a planning consultant to assist the TPZ in this endeavor, but that needs to be clarified, and to what dollar amount."

Commissioner Anest: Can that be put on their agenda for the next meeting, so that they can start discussing it and the amount of money?

Craig Minor: What I would like to do is to talk to other town planners and get a sense from them as to how much we should budget for this project. I have been doing this a long time, and I've worked with a lot of consultants, and the answer almost always, well, how much do you have? The fact is, you get what you pay for. You don't want to overspend, but on the other hand, you want to budget enough to do what you need to do, so as I said, I'll talk to some other town planners and some consultants, and see how much we should budget for what Newington wants to do.

Commissioner Camillo: Are there any grants to help with that, like from CRCOG?

Craig Minor: Well, if I was CRCOG I would say, it's right here.

Commissioner Sobieski: I thought I heard a number bandied around by the Town Council, the amount of \$20,000. Maybe you might want to consider doing them one at one time, so if the \$20,000 is already authorized which I believe Mr. Brecher had said that several meeting ago.....

Chairman Hall: I don't know that that was set in stone anywhere.

Commissioner Sobieski: I thought he said, that time he came down...well, that's what I'm asking.

Craig Minor: It's a possibility. I do see that the two regs would be very different, so it wouldn't be ridiculous to focus on one zone first, and do the other one later. They are very different. I'm not recommending it, but I can see that might work.

Commissioner Camillo: We should talk about Fenn Road. Should we spend time there, or wait to see if they are going to approach us? Does it look like that project would be coming down the line soon?

Craig Minor: Well, that's a good point, and it speaks to what Stan said, that maybe we should review the regulations for both zones at the same time, because there is a project possibly on the horizon for the Fenn Road station area.

Commissioner Anest: Well, we said during our discussions that we want to focus on Fenn Road first because that would be the easier area to define. That way we would have more time to focus on Newington Junction because this is going to really change the characteristics of that neighborhood, so I think we really need to focus on that and not think, oh my God we still have Fenn Road to worry about.

Craig Minor:

"2. The next step is to develop a "Request for Qualifications" (RFQ). An RFQ describes in detail the overall project, the professional services to be provided (known as the "deliverables."), the level of experience that the successful applicant should possess, and a response deadline. The RFQ would be drafted by the Town Planner, and approved by either the full TPZ or a subcommittee of TPZ. I recommend a subcommittee, for reasons that will be described below. The final RFQ would be reviewed by the Director of Administrative Services to ensure compliance with the Town's purchasing procedures."

3. The RFQ would then be published in appropriate major Connecticut newspapers, trade magazines, and online. The Town Planner will also send the RFQ to planning consultants who are known to have experience with TOD regulations. There is nothing in the RFQ as to fees, but the budgeted amount is public information and an experienced consultant would probably make it their business to find out what the budget is before deciding to respond to the RFQ."

4. Once the response deadline has passed, the Town Planner and the subcommittee will meet to evaluate all of the Qualifications received. If a large number of responses are received, the subcommittee will develop a "short list" of three or more respondents. If only a few responses are received, the subcommittee will dismiss the ones that are clearly not qualified and prepare a list of the remaining respondents."

5. The short-listed respondents will be notified that the TPZ would like to interview them. They will be directed to bring to the interview a sealed envelope containing their fee proposal."

6. At a special meeting called for this purpose, the full TPZ would then interview each of the short-listed respondents. I will discuss the interview process in detail in a future memo, but suffice it to say that one of the purposes of the interview is to get a sense of the "personality " of each respondent, that they "get" Newington and Newington's unique situation with regard to CTfastrak, and that they will work well with TPZ."

7. At a subsequent special meeting in executive session, the full TPZ will then discuss the results of the interviews and rank each of the respondents."

8. The fee proposal envelope of the top-ranked respondent (only) is then opened, and the Town Planner is directed to conduct fee negotiations with the top candidate. If negotiations are successful, a contract is signed between the Town and the Top Candidate. If not, the Town Planner will conduct fee negotiations with the second place candidate and so forth until a consultant is hired."

Chairman Hall: This is of interest. I have sat in on several of these and that's new. It's not the process that I have been involved with.

Craig Minor: We're in the middle of that process right now for an engineering consultant to do the engineering for Phase VI of the Market Square streetscape project. We interviewed three engineering firms and had a top candidate. We opened up the envelope with their fee proposal and we had some issues with it, so we are in the process of coming to a meeting of the minds over their fee. That's where we are there.

Commissioner Sobieski: If the consultant already knows how much money we have budgeted, let's just use the amount of \$30,000. He knows we budgeted \$30,000, he's going to come in at \$29,500.00. At that point there, is that still a clear cut process? In other words, he already knows he can go to this point here. There is no cost plus on this?

Craig Minor: There will still be "cost plus" for change orders, because we don't know what they are going to find once they start digging underground. But, our project is pretty cut and dried. We'll negotiate with him on how many meetings we expect to have, how many draft proposals we expect, how many public hearings we expect him to come to, what is he going to have to do to prepare for those public meetings; all of that will be in the proposal broken down into six, seven, eight items which add up to \$30,000. We'll discuss, I and the others (I'm not going to negotiate all by myself, I'll have other people with me on the town's side) their fee proposal, and we'll suggest that maybe they put too much into this item, and not enough into that item.

Commissioner Sobieski: I guess what I'm referring to is if we have several meetings more than we had planned for. That would be a cost plus item?

Craig Minor: Yes, so if the Commission decides we need more meetings than we expected and we're going to ask the consultant come to more meetings, you'll know what it will cost to do that because you will have his hourly fee. You will know before you commit to doing that, before you ask him to those extra meetings.

Commissioner Sobieski: But that is also having to ask the Town Council for more money, and at any point the Town Council could say no.

Craig Minor: Yes, it would mean having to go back to the Town Council for additional appropriations. All right, so what I will do is start working on the RFQ, and I will consult with other towns about the process, and then whatever I have by the next meeting I will bring to you in the form of a status report.

Chairman Hall: And speaking of, that would be July 8th. I believe that will be our next meeting.

V. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 24-15: Special Exception (Section 3.11.6: Restaurant) at 3375 Berlin Turnpike (Raymour & Flanigan) WNT VIII LLC, applicant, Furniture Executives No. 4 LP owner, Michael Hamlin, 287 Chesterwood Terrace, Southington, CT, contact.

Craig Minor: Although it doesn't say so in the application, this is for a Wood N Tap. The "WNT" is Wood N Tap. They are looking to rent space in the Raymour & Flanigan building.

Commissioner Aieta: Is it in the building, or a free standing?

Craig Minor: No, it will be in the building. I didn't bring them but I have floor plans. It will be in the area where the Sleep Center is now, and there may or may not be a patio in front. There is some question about the patio. A patio would require site plan approval, whereas if they just move in, all they need a special permit from you, which is what the hearing is for.

Commissioner Aieta: I thought it was going to be a pad site.

Craig Minor: No.

Commissioner Sobieski: Is this replacing a store or a restaurant that is in there now?

Craig Minor: The "Sleep Center" which is mattresses.

Chairman Hall: On the south side.

Commissioner Sobieski: It's pretty tight for parking at the present time.

Craig Minor: No, parking is not an issue.

Commissioner Sobieski: Down near Sam's Club?

Craig Minor: No, at Raymour & Flanigan.

Commissioner Claffey: There are about 12 Sleepy's, way too many Sleepy's

Craig Minor: Unlike every other restaurant that has come before you, for parking is not an issue here, because the building is more than 40,000 square feet and under your regs, "big boxes" provide a flat rate amount of parking. So however much parking is there now, per your regs, is enough. Okay for July 8th?

Chairman Hall: That's fine. Do you want to do anything with the Communication?

Craig Minor: Mr. Hayes letter was part and parcel of Item #1.

VI. **PUBLIC PARTICIPATION** (for items not listed on the agenda, speakers limited to two minutes.

John Bachand, 56 Maple Hill Avenue: Can I say anything about what you were discussing earlier about student housing since it's not an agenda item? Can I just give an opinion?

Chairman Hall: Well, that was item one, "High Density Housing".

John Bachand: I thought you just agreed it wasn't part of the moratorium.

Chairman Hall: That isn't the point: the item was on the agenda. But give us your opinion.

John Bachand: I would say that it's a great idea if it could be really regulated as student housing with rules and regulations, privately run, so if it was the University running it I would say they

would have regulations. I just want to make sure that you had that really written down and understood, because it is just an apartment building and I think it answers, gets the tax revenue without the services, because I don't think students should be having children in schools, so I'm just saying, it is a form of high density housing but one that could be accepted in that regard, but I'm just saying that they normally have regulations and I would make sure that there is some way to enforce that.

John Bachand: If the Planner could give us an update on Packard's Way in general, just maybe could answer the question that I had about, or the request that I had about adding those plans to the filing.

Craig Minor: Well, not at this time, but I can talk to you tomorrow.

John Bachand: Last week I brought up chickens, and everyone laughed about it, but there is something in the news about West Hartford. A guy has chickens in a pretty busy neighborhood, and people have been talking about it in town, so I wondered if it had been considered. Thank you.

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

Terry Borjeson, 45 Glenview Drive: You were talking about the Central project; I have a little information.

Chairman Hall: But that was on the agenda, therefore...

Terry Borjeson: I just want to clarify because I have some knowledge of this. Mansfield Depot has done a lot of housing for students, specially built and all very well regulated. So for instance, if they have a three bedroom apartment, each bedroom has its own bath, and they are charging about \$1,000 per month, per bedroom. So for a three bedroom apartment they are getting about \$3,000. Highly regulated. So in terms of Central, you are aware of Central and the surrounding off campus housing is terrible. It's in bad sections, and there's really a need to do something like this, so I strongly suggest that you look at that. It's an option that makes sense for everybody and keeps the tax base up and keeps services down. Thank you.

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

VII. REMARKS BY COMMISSIONERS

Commissioner Anest: The Caribbean Restaurant is open.

Craig Minor: It is? I didn't know that. Okay.

Commissioner Anest: The sign is up, and.....

Chairman Hall: So they must have ironed out their differences.

Commissioner Claffey: I have something for our Planner to talk with our Zoning Enforcement Officer about. I've noticed, and I thought of it because of the Caribbean restaurant where the towns' folk were complaining, a lot of garbage and trash. Is there a letter that we could send to business owners that look pretty run down?. Not the building itself, just the trash that is maybe in front of Joey Garlic's. The smell that these things are giving off from the grease traps that are leaking or overflowing in the parking lots or dumpsters. I don't know if there is a way that we could get on these places, but it looks pretty trashy around town, in some of these big box store parking lots.

Craig Minor: We do have a blight ordinance, but I don't think this would be under blight. What I can do is pass your concern along to the EDC and the Chamber of Commerce and ask them to police their members.

Commissioner Claffey: So our blight ordinance doesn't oversee business parking lots?

Craig Minor: You said "trash."

Commissioner Claffey: Well, it's in their parking lots.

Craig Minor: There would have to be a lot of trash for it to rise to the level of meeting the definition of blight.

Commissioner Claffey: That's what I'm getting at with garbage. We told a business owner to put a garbage can in front of his store, so we are holding him to one standard, but other businesses in town, we're not going to?

Craig Minor: That's correct.

Commissioner Sobieski: Commissioner Claffey, if I remember correctly McDonald's goes out at six in the morning and picks up the trash in front of their restaurant on the Berlin Turnpike. I know they have been doing it for a number of years. It might be an idea of maybe just sending a letter to them, just to get them to have somebody out there to clean up.

Commissioner Claffey: CITGO next to McDonalds does it, CITGO cleans up themselves, but some of these other ones, if you try to walk in the parking lot of Stop and Shop, all you do is walk, kick trash and that's from their business, it's not from the Berlin Turnpike blowing up into their yard. I'm just saying, it's starting to look a little run down around town. We keep saying that we have a blight ordinance, and we regulate where you put a dumpster on a pad, but we don't, I mean, if we need to make regulation changes to incorporate some form of blight, in the zoning regs, that might be where it needs to go.

Commissioner Aieta: Most of the enforcement on blight is generated by complaints. There is not someone driving around looking for it. I can give you examples of grass being three feet tall, and it will stay that way until someone complains. It's complaint driven. If you have a specific area, I think you have to bring that specific area to the Zoning Enforcement Officer and he will bring it to the Town Manager's office, the person who enforces the regulations.

VIII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary

