

NEWINGTON TOWN PLAN AND ZONING COMMISSION

June 9, 2010

Regular Meeting

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

I. **ROLL CALL**

Commissioners Present

Commissioner Anest
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Schatz
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Commissioner Camerota

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Camerota

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 26, 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 2020 Plan of Conservation and Development.

Chairman Pruet: Last night I had the privilege of speaking before the Town Council along with Vice-Chairman Pane and also attended by many members of the Zoning Commission. I would like to read my remarks that I read to the Council for some of you that didn't see last night's meeting, and make it for the record.

"I would like to thank the Council for honoring my second request to be placed on your agenda and discuss with you the ten year Town Plan of Conservation and Development. The

first request was when I appeared with our Town Planner to present our 3rd draft in a power point presentation on Marcy 23rd.

My reason for being here tonight is to convey to you the sentiments and communication that took place at the TPZ meeting held on May 26th. Although I had a rare absence due to a previous commitment, I had NCTV provide me a CD of the meeting (and I wish to thank Mr. Carragher and Mr. Rosenkrantz for doing so.) I reviewed it many times, as well as the meeting minutes, so I feel comfortable in conveying the contents of that meeting.

The meeting itself was very successful, for it stimulated a lot of discussion and it provided very useful information for the three councilors who were in attendance and spoke. The input and exchange of information from the TPZ commissioners was extremely beneficial in our attempts to come to closure on the Plan, which has been open for the past seven months.

The three major concerns of the plan were re-emphasized by the majority of the commissioners and public, and they are:

1. Protect our limited open remaining space of a town that's 92 percent developed.
2. Continue the previous ten year Plan of not having high density housing
3. Protect Newington's unique stature as a town with a small-town character, and as a medium density, single family owner-occupied community.

The review of minutes of the previous two council meetings, and consensus from the TPZ Commissioners, is that a majority wish to see areas of concern addressed in an informal manner, rather than placing the TPZ in a position to entertain a formal resolution...the rationale being that the Commission is made up of qualified members with knowledge and experience in land use planning...and that the plan was conducted in an open forum where numerous residents had the opportunity to voice their opinions which resulted in very useful additions to the Plan. The combined input and exchange of ideas was extremely beneficial in our attempts to come to closure on this endeavor. The sentiment is further echoed by Councilors Banach, Nasinnyk, Cohen, McBride, and Klett, that if the Plan should be revised, it should be done in an informal statement to the TPZ for their review.

We heard the words "flexibility" or lack of it, mentioned by several councilors. This Plan is flexible in the area that best protects the public interest by stating in the vision statement on page 2 of draft #3, "Newington will continue to recognize that quality of life in this community is influenced and enhanced by the non-residential land uses that support the town's grand list. These uses are essential to a vibrant and economically successful community; changes in zoning districts will be evaluated based on characteristics of the surrounding areas." This statement is a core belief of the TPZ that any development coming before the TPZ will be given a fair and objective review and will ensure that the town will be served by the best project being considered. This is followed up in the vision statement that Newington "will encourage new development and reuse of older sites in harmony with surrounding areas."

Having considered the Council's comments, the commissioners' opinions and views of the public, I would like to present my opinion to you. If you agree, or if we can come to a decision on what I am going to present, I will then convey this to the TPZ Commission at the next meeting, which is scheduled for tomorrow night, thus my comments to the Council tonight.

1. The TPZ would like to take part in notifying the residents when the next plan of development will be scheduled for public hearing. The TPZ will be requesting that an annual budget be authorized to cover the approximate cost of \$4500 for a postcard mailing to an estimated 12,000 households, spread over the next nine to ten years.

This would respond to the many residents who were not made aware of this issue through the existing methods of communications used. Revise Page four to read "In efforts to keep the public informed, the Town Planning & Zoning Commission will use data from the tax office to send notification that the Plan of Conservation and Development will soon begin public hearings." This notice will be sent out at least 15 days prior to the commencement of such hearings.

2. Page 9 "Conditions and Trends – Housing in Newington." During the past seven months, this topic received much attention from the public, and most recently from the three councilors who attended the TPZ meeting on May 26th. That attention is that high density housing is not something that should be promoted in our plan and for our community. I am in complete agreement with Councilor Cohen's comment that "shall discourage" is not the same as "shall not" and that "should stay as currently zoned" is not the same as "must stay as currently zoned." The supporting comments made by Councilors Banach, Nasinnyk, Cohen, McBride and Klett reflect the sentiment that zones should not allow higher density housing. It is felt that the majority of Commissioners agree with the existing language in Draft 3 stating that the changes remain as written.
3. Page 37, Strategy No. 6 – It is in full agreement with the entire Town Council, TPZ and members of the public that the National Welding property be given priority for reuse and redevelopment. It's important and paramount to get this property developed and back on the grand list.

I believe the following language will be an appropriate statement to promote this site: The rezoning of the National Welding property should be considered to be changed to the Planned Development District. This unique property is at the gateway location adjacent to the proposed Hartford-New Britain busway. The reuse and redevelopment of this property will be taken into consideration based on the merits of economic development that is compatible with the surrounding area."

4. Mrs. Cohen's astute remarks on syntax and grammar are gratefully recognized and appreciated, and will be revised into the final draft. Also, her comments on page eleven on the land use table will be revised for better clarity. Her recommendations on page 49, strategy 11, regarding the use of sidewalks by both bikes and pedestrians, will be further discussed to ensure greater public safety.

Ladies and Gentlemen, that completes by remarks to you on the 2010 Plan. I have also paraphrased my suggestions for you in writing and will pass them out to you. This is what I passed out. Dom, if you would pass them out for me?

If you agree with these suggestions, I would be pleased to present them to the TPZ at tomorrow nights' meeting and recommend their acceptance.

In closing, I would like to state that all comments from all councilors were received by me in a spirit of what is best for Newington and I wish to personally thank you for taking the time in presenting your views to our residents. I commend you for your volunteer service to our town.

I felt it was important to reiterate what transpired at the previous meetings and for the past seven months and therefore I read that tonight. My written suggestions, which were almost identical to the resolutions that were submitted by the Town Manager, on behalf of the Mayor, were almost identical except for one resolution and that was number two, with the exception

of the shall discourage remark. The resolution to was amend page 9 of the Plan to replace the phrase, "shall discourage any changes," to "may discourage any changes." The four items/resolutions, only one was passed last night, in the form of an official resolution and that one pertains to the editorial changes proposed by Councilor Cohen.

At this time I would like to hear from the public, it's an open forum, it's a public meeting, and anyone wishing to speak on this plan, for, against, or on would be more than welcome to hear their remarks.

Myra Cohen: I just want to thank the Commissioners for keeping your hearing open for so long so the public could have on-going input, but especially for waiting for the Town Council to come back with our response. We appreciate that it is right up to your deadline, but I certainly appreciate your diligence and the time you put into it, your sincerity, your concern for the town, thank you very much. It's very much appreciated.

Chairman Pruet: Thank you Mrs. Cohen for your kind remarks. Further discussion from the public?

Kris Nasinnyk, 50 Theodore Street: In the interest of clarity for those members who were not at the town council meeting last night, only one of the resolutions passed as Chairman Pruet said, and that was the grammatical or the punctuation changes that Myra Cohen had submitted plus some of the suggestions that were made. I do want to thank the Commission for really taking to heart and the Plan, by leaving it open and by having these discussions, it only is a better plan when you have more involvement, more ideas presented to you and response to them, so I do think that this was a great thing, but I also want to let you know, from my personal standpoint, that while limited resolutions were read into the record, this was about the notification being put into the tax bill, and then after some discussion by the Council it was actually rescinded, the resolution was rescinded because nine and a half years, who knows what is going to happen as far as the method of getting that information out to the public, so that resolution was taken back. That was actually never voted on. The other two resolutions were voted down, and one of them even being that one about the, that was recommended I think pretty much word for word by you Chairman Pruet and the reason being is that we just didn't want to feel that the Council would have to dictate to this Commission the wording or the specifics on what it is that you do, because in our opinion, even if the resolution did not pass, as it didn't that night, you still have the authority, you still have the ability to go on and make your adjustments, your changes as you see fit, and we feel that this is the body that should be doing that. Having come to these meetings, I also felt that it was important to keep the "shall" and that was just the way that the majority of the people in attendance at that meeting last night felt as well, so I do want, I guess maybe that in the interest of the public, for those who weren't there at the meeting, that not passing those resolutions didn't necessarily mean that it wasn't supportive of what you are doing, in a way, it was more supportive because it was giving you more ability to do what you had to do without the onus of having it be as a resolution from the Council, so once again very much for keeping this open and good luck on trying to make it to the June 30th deadline. Thank you.

Chairman Pruet: Thank you very much. Further comments from the public? Mrs. Conway, good evening.

Bernadette Conway, 177 Hartford Avenue: I'm sure you are all getting sick of me at this point, but before you close the public hearing on the Town Plan, I'm begging your patience with me one last time. As you all know, I got involved in the town plan because of Cedar Mountain. I've been attending your meetings since the fall and most of the hearings over the past seven months, and I've learned that this town plan is about a lot more than Cedar

Mountain. I don't think anybody had any idea before this town plan went under review just how developed our Newington is. Seeing it in print, ninety-two percent developed was shocking to everyone who read it, and I would guess some of you Commissioners as well. While this plan is protective of what open space we have left, it does not tie the Commission's hands. I am confident with the extensive time and effort you put into the wording that every application that comes before the TPZ will be studied very carefully to make sure that it's right for our town. We are fortunate to have people such as yourselves serving our community. Never once did I feel you took lightly your charge, with the future of our town, and I always felt that the public's concerns were respected and considered and I thank each and every one of you for that. Thank you for your time and effort.

Chairman Pruet: Thank you very much, Mrs. Conway.
Additional remarks from the public?

Gail Bedrako, 21 Isabelle Terrace: I would personally like to thank you for the hard work on the 2020 plan, for soliciting input from all segments of the community and for listening. The revised document is a good one and it will serve as a guide and vision as how we want Newington to grow and develop over the next ten years and beyond. I'm not certain where this particular concern of mine belongs but it's been bothering me for a while, particularly after listening to discussions on the plan, where some seem to have a grow or die mantra, that our future prosperity is dependent solely on development and population increase, and this is what should inform local development decisions. It's impossible to grow forever. Newington has very little land left and is already approaching its capacity for development. Soon we will have to start building up instead of out. I think it's about time to start thinking seriously about limits on development in order to protect the quality of life that we have. When development exceeds a communities' capacity to expand it brings traffic congestion, pollution, loss of open spaces, drains on public services and the loss of its character which is something that we treasure enough to put in the 2020 vision statement, where we say we must maintain Newington as a small New England suburban community, a medium density, single family owner occupied community with safe neighborhoods and excellent community services. At some point in the not too distant future discussions have to address what is the optimal size of Newington. Progress that results in over development and over population is not progress. Haphazard growth approved simply to sustain the economic base is irresponsible. It lowers the quality of life and often an end result is increased taxes in order to sustain demand for new or increased services. Preserving our town from over development or the wrong type of development and creating a future where we can prosper without having to opt for the grow or die mantra is the kind of creative leadership and vision we need that I believe this Commission provides. Thank you.

Chairman Pruet: Thank you very much for your remarks. Any further comments from the public. Thank you very much. I'll now entertain Commissioner comments on the plan.

Commissioner Lenares: After listening to the Council comments that came from last night as well as the residents that came and spoke during this seven month process that we have had, do you think it would be possible maybe to expedite the process a little bit and close the public participation part of the plan and get this thing final and get it into some sort of development stage to become final?

Chairman Pruet: I think that would be appropriate.

Commissioner Lenares: I would like to entertain a motion to close the public participation process for this plan.

Commissioner Pane: Second.

Chairman Pruet: Okay, we have a motion and a second from our Vice-Chairman Pane. Comments on the motion?

Commissioner Pane: Mr. Chairman, I would just like to state that I think that we gave ample time for the public and for the Council and I'm glad that we did. It was the right thing to do for the community and all of the comments that came in were very helpful. I think it's time to close it.

Chairman Pruet: Any additional comments?

Commissioner Lenares: Just as a further comment, I mean, the public had extensive amount of time to make comments and those comments that the public had made are the reason for the structure of this plan. So don't think that just by closing this is kind of a way to get this thing off our table, but it's because of the public, councilors, commissioners here that this plan is constructed. Whether it's perfect or not, it's pretty good. It aids a lot of the concerns where the public had reached out to this Commission and it's a pretty good document to move forward with.

Chairman Pruet: Thank you. I agree with you and I so stated in my opening comments in the Plan which will be finally drafted.

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

B. PETITION 16-10 2414 Berlin Turnpike, Cavos Restaurant, JCJ Associates owner, Filip Milios applicant 19 Southwood Road, Newington CT 06111 request for amendment of Special Permit 37-07 Restaurant Beer and Wine to Restaurant Full Liquor Permit.

Chairman Pruet: Mr. Milios, if you're here would you please come forward and state your name and address for the record?

Filip Milios, Cavos Restaurant, 2414 Berlin Turnpike in Newington, my residence also is here in Newington, 19 Southwood Road: Good evening. I'd like to have the opportunity to serve alcoholic beverages besides beer and wine. There are a lot of requests from our customers, yes we are serving the famous wine, Vatina, however, the ouzo is listed under hard alcohol and we need a permit to be able to serve a scotch and water before dinner like everyone wants to enjoy upon request. I'll answer any questions that you may have.

Chairman Pruet: Thank you. Staff comments, Ed?

Ed Meehan: Just for the background the, Cavos restaurant was granted a liquor permit limited to beer and wine initially back in August 2007 for the inside service of that, and then later they came back and they expanded to the outside patio and then also, as you may remember, covered the patio to provide for inside seating and the liquor permit for beer and wine has traveled with it. So this would be a full restaurant permit that the proprietor is asking for tonight.

Chairman Pruet: Commissioner comments? Okay, this is a public hearing, we're going to have the public come up and speak. Is there anyone from the public wishing to speak for this petition? Is there anyone wishing to speak against this?

Commissioner Pane: Mr. Chairman, I make a motion that we close PETITION 16-10 and move it to Old Business.

The motion was seconded by Commissioner Schatz.

Chairman Pruet: Discussion on the motion?

Commissioner Aieta: To go from a beer and wine permit to a full liquor permit on a restaurant of this type is not a big matter. I don't even know why these things come before the Commission, but in this instance I think that it's, there has never been a problem there, and as you all know this restaurant was voted as the Best New Restaurant in the State of Connecticut by the Advocate, so I think it has been good for the Town of Newington and a full liquor permit I think is a good thing.

Chairman Pruet: I wholeheartedly agree.

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

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

None.

IV. **MINUTES**

May 26, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the May 26, 2010 Regular Meeting. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: I have nothing for you this evening. But, I was going to do this at the end of the meeting, but I'll do it now, to remind you about the Chamber car show tomorrow. It should be a good evening, weather permitting, in the town center, Market Square.

VI. **NEW BUSINESS**

A. **PETITION 17-10 2414 Berlin Turnpike, Cavos Restaurant, JCJ Associates owner, Filip Milios applicant 19 Southwood Road, Newington CT 06111 request for site plan modification and relocation of outside seasonal patio dining area, B-BT Zone District.**

Chairman Pruet: We have a petition on the floor. Any staff comments on that?

Ed Meehan: This is again an expansion of the property. As was mentioned, the popularity of the restaurant is an opportunity for the building to be used on the second floor. It will require a stairwell access pursuant to fire and building codes and basically that is what the site plan is, bumping out for a stairwell on the south side of the building. Also, Mr. Milios is asking for a 600, approximately 600 square foot open air outside patio on the south side of the building. What the additional square footage does to this property, it would increase the waiver granted by the Commission originally, back in 2007. At the time that the Commission approved the

restaurant for 400 square feet inside on the first floor and about 340 square foot patio outside. The patio was subsequently covered as total inside seating, and with this increase, if it's approved, we're looking at about 850 square feet of covered seating year round and the 600 square foot patio. So the waiver of parking would go up slightly from about fifteen spaces to twenty-nine spaces. The initial waiver was based on the fact that this is a multi-tenant plaza and one of the tenants has very little traffic generation, that's the, I call it the shell modular homes, to the south, and then we have Pronto Printers, A & P liquor store and Vacuum Village. So it was thoroughly looked at when this came in, in 2007 and the peak hours of the restaurant use and the hours of operation of the other tenants in the plaza don't conflict, so in all occasions that I have been there, looking at the parking, both recently and back in 2007, there has never been a problem with not enough parking. So that, as far as the site plan, that is something that the Commission should consider, is a continuation of that waiver to grant a waiver up to twenty-nine spaces. That in a nutshell is pretty much what is going on. The footprint of the building itself is fairly constrained. It's not going to change a lot, just to gain access to the second floor.

Chairman Pruet: So in your opinion then, parking is not an issue.

Ed Meehan: In my opinion, the parking works in this plaza because of the different times of day, and the different types of tenants which call on the parking demand.

Commissioner Aieta: On the parking, this is an instance that I would like to talk about because of the petition that came in recently for a pizza parlor, a pizza take out on New Britain Avenue, where this Commission denied that, based on parking. This is an instance where you have a plaza that is pretty much, because of the uses, lends itself to have more parking than is necessary for the uses that are there, so to increase it from fifteen to, to double the waiver, it's not a big deal here because if you go to that location which most of us drive by every day, you would see that it is never at full capacity where it is busting at the seams. Another thing I would like to bring up is where this patio is proposed to go, there are two billboards that will be coming down. This Commission for the last thirty, forty years has been trying to get rid of all of the billboards on the Berlin Turnpike, so to have a patio there, instead of those billboards is big improvement for that whole plaza.

Chairman Pruet: Thank you. Further comments? Okay, what is the pleasure of the Commission on this petition?

Ed Meehan: It's under New Business so you can move it on or leave it under New Business.

Chairman Pruet: We're going to close that petition.

B. PETITION 21-10 – 172 Kitts Lane Bob's Stores, TLG Newington LLC 501 Washington Avenue, Pleasantville, NY 10570 owner, Jessamyn Davila, Bob's Stores, 172 Kitts Lane Newington, CT applicant request for site plan modification for tent sale, June 23, to July 5, 2010, B-BT Zone District.

Chairman Pruet: Do we have staff comments on that Ed, on the Bob's stores?

Ed Meehan: There should be a representative from Bob's here to basically present his application. It's a temporary tent sale and because these types of tents require both building and Fire Marshal approval you need to get a zoning permit first and that starts with your table here.

Chairman Pruet: Okay, the applicant, if you could step forward please to the podium and state your name and address for the record.

Brian Weeger: I am the store manager, I represent Bob's Stores in Newington, Connecticut. I reside in Wallingford, 23 Tamerack Swamp Road and I'm the store manager here on site since we opened the building. We are here, we have an application on file for a permit to conduct a tent sale from June 25 through July 5th. The tent might be set up on the 23rd, that's why we have that in there and hopefully we can get that approved.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Aieta: What type of merchandise are you proposing to sell?

Brian Weeger: It's basically going to be basically the clothing type of apparel that we sell day in and day out. There will be some specific items brought in that are exclusive in this event, there will not be anything out of the ordinary from what we have sold in the past. Light merchandise. The tent dimensions are on the site plan that we submitted, the tent is twenty by forty. There will also be a storage container on site that is twelve by forty for putting the merchandise in for the evenings, securing it at night. If there are any questions that I can answer?

Chairman Pruet: Comments?

Ed Meehan: The only thing I would add that you see on the site plan, there are no travel ways being blocked, there are no handicapped spaces being taken and the proposed location is up close to the store where there is good lighting from the front of the store. There is no electrical service there.

Commissioner Aieta: One other thing I would like to bring up. This is another situation where that plaza is over, too much parking for the plaza. I've never seen that place a quarter or even a third, you know, it's never been full. So it's not taking up any parking places so parking and traffic is not a situation for that plaza.

Chairman Pruet: Okay thank you. Commissioner comments, further?

Commissioner Hall: If they want to start on the 23rd, when is our next meeting? Isn't it the 23rd?

Chairman Pruet: Yeah, I think we can move that to Old Business tonight.

Commissioner Hall: I think we should.

Ed Meehan: I would recommend, there are suggested motions in your packet.

Commissioner Pane: Mr. Chairman, I make a motion that we move PETITION 21-10 to Old Business.

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

C. PETITION 22-10 – 2929 Berlin Turnpike former Citi Bank parking lot Wex Tuck Realty, LLC owner BJ Alan Company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification tent sale June 11, to July 9, 2010, PD Zone District.

Chairman Pruet: Is the petitioner here? If you could just come forward please, state your name and address for the record?

Carolyn Foster, 43 Hallmark Hill Drive, Wallingford Connecticut: I am the regional manager in Connecticut for BJ Alan Company/Phantom Fireworks. We are requesting to be able to apply for a permit to be able to set up a tent for the sale of Connecticut legal sparklers and fountains, from the 25th of June through the 4th of July. Our tent size would be a thirty by thirty, and we are looking also to put a twenty foot storage container on the site to house the product while it is not out for retail sales.

Chairman Pruet: Thank you. Staff comments?

Ed Meehan: There is a sketch of the layout of the property, some photos. Again, this is a vacant site, commercial site, former CitiBank formerly known as Krispy Kreme. There is quite a bit of parking at this location, there's also a driveway accessible to Main Street so there is good traffic circulation. The tent and the setup is required to have building department and Fire Marshal approval and inspection by the Fire Marshal in conjunction with the fire works sale. This is why it is on your table tonight.

Chairman Pruet: Very good. Questions from Commissioners, concerns?

Commissioner Hall: Our petition said June 11th to July 9th and she just said June 25th to the 9th, so which is it, the 11th or the 25th?

Carolyn Foster: The dates that I see on this petition are actually the dates that we have taken the lease out for, we're leasing the property for that amount of time, but the retail sales will not be until the 25th. Set-up will probably be two or three days before that, so on the 21st probably.

Chairman Pruet: Any other comments from the Commissioners?

Commissioner Aieta: On this petition, and the next petition that comes up, it's for the same petitioner. It has to be addressed, the signage and what they did. They came in last year, we permitted them to use the Circuit City site, they promised us that they weren't going to have banners and signs up and down the highway and the first day that they opened, they had the banners and the signs up and one of the Commissioners, Michele was adamant about trying to keep it reasonable without all of this stuff up and down the highway. So we need to get a commitment from you that it is not going to happen this year, that happened last year.

Carolyn Foster: Okay, I just want to say that, that wasn't us, it was TNT and so I will make sure that that doesn't happen. This is BJ Allen/Phantom Fireworks.

Commissioner Aieta: We are not looking to have signs up and down the highway saying that a mile up is the thing, and a quarter mile up, we don't want to see that.

Carolyn Foster: No, I'm putting a sign on the tent.

Ed Meehan: I think the applicant knows she can get a temporary sign permit for up to twenty days for on-site signage, not starting down at the Berlin town line and.....

Chairman Pruet: Further comments or concerns? Okay.

Commissioner Pane: Mr. Chairman, I'd like to make a motion that we move PETITION 22-10 to Old Business.

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

D. PETITION 23-10 – 3384 Berlin Turnpike T-Bowl Lanes parking CMB Inc., owner BJ Alan Company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification tent sale June 21, to July 8, 2010, PD Zone District.

Carolyn Foster, 42 Hallmark Hill Drive, Wallingford, Connecticut: I'm the regional manager for BJ Alan/Phantom Fireworks in Connecticut and I'm asking for permission for a permit to erect a thirty by thirty tent and a twenty foot storage container on this property for the sale of Connecticut legal sparklers and fountains. This will be sales again of June 27th, through July 4th, the dates on this petition are the leasing dates that we are taking the property out for. The tent and storage container will go up some time around the 21st. to the 24th.

Chairman Pruet: Ed, any comments on this one?

Ed Meehan: No, this is a tent and storage container outside the travel ways. It will take some parking spaces up during the interim periods but this site has good access in the northbound lane. At staff level we are always cautious about people coming in and out of Costello Road so hopefully while this is being operated there, most of your customers will not take the left turn or not take the chance of pulling out because that can be a tough location for any people even familiar with it to get in and out of. So, good signage, on site signage and that type of safety is important at that location.

Chairman Pruet: Very well said. Commissioner comments?

Commissioner Casasanta: Just more of a curiosity more than anything. The two locations are kind of close to each other, is that by design, or is that, it seems to me that they would conflict with each other, but then again, I don't know your business so.....

Carolyn Foster: The market strategy is that because it is a divided road, that we want to capture northbound traffic and also southbound traffic and that's why they are, we're putting them on either side of the turnpike. There is not a lot of turnaround able to be done so.....

Chairman Pruet: Okay, any other comments?

Commissioner Pane: Mr Chairman, it looks like on the map here, Exhibit A on the plot plan, the thirty by forty tent is in the travel way of the parking area, so I don't know whether or not that is a good location for it.

Ed Meehan: It will preempt some parking spaces, but I would recommend that it be slid back....

Commissioner Pane: That's in the.....

Ed Meehan: That's in the travel way, right behind the right of way, or behind the landscaped area. That could go in.....

Commissioner Pane: Should be in with the parking spaces, shouldn't it?

Ed Meehan: Yeah, in where the island are, it could be moved in. I don't think you will lose any visibility by doing that, but.....

Chairman Pruet: Do you understand our concern?

Carolyn Foster: I do.

Commissioner Anest: I have a question. One says thirty by forty, and then on the next page, the aerial photo says thirty by thirty, what's the size of the tent?

Ed Meehan: There is also a document in there from the tent company, the tents at each site are different, maybe they got transposed, but there is a lease from the tent company in one of these documents.

Commissioner Anest: Yeah, one says thirty by thirty and one says thirty by forty.

Carolyn Foster: I believe it was probably an error on my part, it's a thirty by thirty tent.

Ed Meehan: A thirty by thirty tent will fit into the double parking bay which is thirty six feet wide, so if you push that in, it won't take up any of the travel ways.

Commissioner Pane: Mr. Chairman, I'd like to make a motion that we move PETITION 23-10 to Old Business.

The motion was seconded by Commissioner Anest.

Commissioner Aieta: Mr. Chairman, at the next meeting, we have some items that I think are going to take up a lot of time, and I would like to see us move all of the business that we heard tonight to Old Business and move them off of our agenda so that when we get into the meeting of the 23rd, we'll have the Main Street piece and also the driving range and I think that's going to take some time, so I would like to, I think it would be a good idea to move these along, get them off of our agenda. I don't see anything that we heard tonight that needed a lot more discussion.

Chairman Pruet: Well, I believe the petitions that we heard will be under Old Business.

Commissioner Pane: We have one more, Mr. Chairman, PETITION 17-10, so I'd like to entertain a motion to move PETITION 17-10 to Old Business.

The motion was seconded by Commissioner Anest.

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

VII. OLD BUSINESS

**Proposed 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. For Commission discussion and action may be taken to adopt
and set effective date.**

Commissioner Pane moved that Proposed 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, Public Hearing closed June 9, 2010 be approved with the following modifications:

1. The Town Council Resolution approved June 8, 2010 is acknowledged and the recommendation to “make editorial changes as prepared by Councilor Cohen throughout the Plan, a list of which is attached” will be incorporated into the final Plan.
2. Councilor Cohen’s reference to sidewalk safety (page 49) will be addressed by revision of Strategy #11 to read:

“Sidewalk routes should be for use by pedestrians and bicyclists in a manner that promotes safety and complies with traffic regulations.”
3. (Page 4) delete bolded proposed wording and insert:

“To keep the public informed, the Commission will consider using data from the tax office, as well as other media methods, to announce proposed amendments to the Plan of Conservation and Development. Such notice shall be available at least 15 days prior to commencement of the Commission’s public hearing.”
4. (Page 37) Strategy #6 delete and insert:

“The rezoning of the National Welding property should be considered to be changed to the Planned Development District. This unique property is at the gateway location adjacent to the proposed Hartford-New Britain busway. The reuse and redevelopment of this property will be taken into consideration based on the merits of economic development that is compatible with the surrounding area.”

The effective date of the 2020 Plan of Conservation and Development shall be June 30, 2010.

The Town Planner is directed to publish notice of the adopted 2020 Plan of Conservation and Development as required by Section 8-23 of the Connecticut General Statutes.

Prior to the printing of the adopted Plan, Town website posting or issuance of CD files, the final layout will be submitted to the Commission for its review and approval.

The motion was seconded by Commissioner Anest.

Chairman Pruet: Discussion on the motion?

Commissioner Aieta: The only thing that I see, under two it says, sidewalk routes shall be used by pedestrians and bicyclists in a manner that promotes safety and complies with traffic

regulations. I think the point that Councilor Cohen was saying was that was that the sidewalks are for pedestrians and maybe the bicyclists normally ride in the street. Are we promoting, are we saying that our sidewalks should be used as for bicyclists?

Chairman Pruet: No.

Commissioner Aieta: Then that language doesn't make any sense. Sidewalks shall be used by pedestrians and bicyclists, in the manner that, well, we're saying that the sidewalks should be used by people on bikes.

Chairman Pruet: No, both. You go down Main Street, you will kids riding their bicycles on the sidewalks and there are no statutory regulations preventing them from doing that, but they can use it in a safe and appropriate manner.

Commissioner Aieta: Ed, do you have anything to add because I'm not quite seeing the thing, I'm saying, I heard what she said when she came in with her comments and I thought they were good comments that you know, elderly walking on sidewalks and if we are looking for bike paths and that type of stuff throughout town, then you get into the conflict between pedestrians and the bicycling people.

Ed Meehan: This particular strategy was in the Transportation component and when this was initially written it was, I think the intent of the Commission to try to reflect on the trail system, the combination of walking pathway system that was conceptually shown on the open space map, and the idea was to try to get across in the Plan that part of that system, the town wide open space trail system, there were areas where, like in the town center and some of our neighborhoods where you have sidewalks that could compliment that, be part of it, and that's why it used to read both, the original draft said both pedestrians and bicyclists and so, I understand what you are saying, we are substituting both for and, but we are adding the caveat which complies with safety regulations. You could, if you want to make this exclusive, it's obvious that sidewalks are used for pedestrians. I mean, that's exclusive use of those features in town. I don't know, I have a hard time trying to say that, do you put age restrictions in here, I mean, you can't do that, it's not practical. So, I think from a practical matter, just recognize that there are going to be some bicyclists that use the sidewalk, and they should use it in a safe way. There are some streets in town we don't, I don't know how you regulate this.

Commissioner Anest: Why don't we just take it out? Why do we even need number eleven in there?

Commissioner Pane: I think it's good to mention promote safety.

Commissioner Anest: Okay.

Chairman Pruet: Further discussion?

Commissioner Casasanta: I've made by concerns regarding the Plan known before and I'm not going to reiterate them now, but I believe that my concerns that I had mentioned previously were also expressed by the Town Planner in his comments to the Town Council back at the May 11th meeting and I will not be voting in favor of this plan this evening.

Chairman Pruet: Okay, thank you. Further comments?

After a roll call vote, the motion was approved with a vote of five YEA and 1 NAY(Casasanta).

Petition 21-10
172 Kitts Lane
Bob's Stores Tent Sale

Commissioner Lenares moved that PETITION 21-10 – 172 Kitts Lane Bob's Stores, TLG Newington LLC 501 Washing Avenue, Pleasantville, NY 10570 owner, Jessamyn Davila, Bob's Stores 172 Kitts Lane Newington, CT applicant request for site plan modification for tent sale, June 23 to July 5, 2010, B-BT Zone District be approved for the temporary placement of one 20' by 40' tent occupying approximately 10 parking spaces and a 12' x 40' storage container occupying approximately five parking spaces as shown to the Commission at it's June 9, 2010 meeting.

Prior to the use of the tent, Bob's Stores shall obtain approvals from the Newington Building Department and Fire Marshal.

The motion was seconded by Commissioner Casasanta.

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

PETITION 22-10
2929 Berlin Turnpike
Former Citi Bank Property
Phantom Fireworks

Commissioner Hall moved that PETITION 22-10 – 2929 Berlin Turnpike former Citi Bank parking lot Wex Tuck Realty, LLC owner, BJ Alan company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification tent sale, June 11 to July 9, 2010, PD Zone District be approved for the temporary placement of one 30' x 30' tent and one 20' storage container in the parking area adjacent to the Berlin Turnpike as shown to the Commission at its June 9, 2010 meeting.

Prior to the use of the tent, Phantom Fireworks shall obtain approvals from the Newington Building Department and Fire Marshal.

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

PETITION 23-10
2284 Berlin Turnpike
T-Bowl Property
Phantom Fireworks

Commissioner Casasanta moved that PETITION 23-10 3384 Berlin Turnpike T-Bowl Lanes parking CMB Inc., owner BJ Alan company/Phantom Fireworks attention Carolyn Foster 43 Hallmark Hill Drive, Wallingford, CT 06492 applicant request for site plan modification tent sale, June 21 to July 8, 2010, PD Zone District be approved for the temporary placement of one 30' x 30' tent and one 20' storage container in the parking area adjacent to the Berlin Turnpike as shown to the Commission at its June 9, 2010 meeting.

Prior to the use of the tent, Phantom Fireworks shall obtain approvals from the Newington Building Department and Fire Marshal.

The motion was seconded by Commissioner Anest.

Commissioner Aieta: Mr. Chairman, you have to clarify, because what is shown and what you discussed, as far as the location of the tent, is not consistent, so amend the motion to have the tent in the parking area, not what is shown on the plan, because the plan shows it in the travel lane.

Chairman Pruet: So we will make an amendment to the motion, as presented by Commissioner Aieta.

Commissioner Pane: Second.

Chairman Pruet: We have an amendment presented by Commissioner Aieta, seconded by Commissioner Pane. Any further discussion?

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

PETITION 16-10
2414 Berlin Turnpike
Cavos Restaurant – Full Liquor Permit

Commissioner Pane moved that PETITION 16-10 be approved for a full restaurant liquor permit. This Special Exception approval amends PETITION 37-07, granted August 22, 2007 which was limited to beer and wine sales.

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

PETITION 17-10
2414 Berlin Turnpike
Cavos Restaurant – Site Plan Modification and Waiver of Parking

Commissioner Anest moved that the site plan modification to add stairwell access to second floor restaurant space and add new 600 square foot patio area be approved.

This site plan modification includes the grant of parking waiver of 19 spaces the Commission finding that this multi-tenant plaza has adequate parking and the mix of tenant business hours does not conflict with the restaurant's peak time periods.

The motion was seconded by Commissioner Lenares.

Commissioner Pane: Mr. Chairman, I think that we need somewhere in there that the billboards on the property will be eliminated with the granting of this petition.

Commissioner Aieta: Is it on the site plan, Ed?

Chairman Pruet: While he is looking that up, we can add that as an amendment.

The amendment was seconded by Commissioner Casasanta.

Commissioner Anest: Is it nineteen spaces or twenty-nine spaces.

Ed Meehan: It's a total of twenty-nine, it's nineteen.

Commissioner Aieta: He has fifteen and we're allowing him to go another nineteen, so that is correct.

Ed Meehan: There is a note over here on the side, "existing sign to be removed" It looks like it is pointed toward the bill board that is between the two buildings.

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

VIII. **PETITIONS FOR SCHEDULING** (TPZ June 23, 2010 and July 14, 2010)

- A. 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 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. Schedule public hearing for July 14, 2010.
- B. 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.
- C. 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.
- D. PETITION 18-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road Newington, CT applicant request for re-subdivision, PD Zone District. Schedule for June 23, 2010.
- E. PETITION 19-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 units PD Zone District. Schedule for June 23, 2010.
- F. PETITION 20-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD zone District. Inland Wetlands Agency Report Required. Schedule for June 23, 2010.
- G. PETITION 24-10 2231 Berlin Turnpike, McBride Properties owner, Lyle Niles Sign Pro Inc., 1685 Stanley Street New Britain, CT applicant request for Special Exception Section 6.2.4 ground sign, B-BT District. Schedule for July 14, 2010.

Ed Meehan: You cleared the decks here very well, so I have some things to share with you. Petition 13-10 requested amendment of the Zoning Regulations for Auto-Related use. That was received back in May, so the sixty-five day public hearing period ends July 17, so the latest that you can let that go is July 14th. You could move that to your 23rd meeting if you so choose, and the reason that I say that is that we did get both regional planning agency advisory comments in now. We were waiting for those the last time this was posted. Another option, these are companion Petitions, 14-10 and 15-10. That was received for processing on May 12th, and you have sixty-five days to schedule the public hearing for the zone map change so could go out to the first meeting in July for that one. Then, to give you background on Deming Street, Petitions 18-10, 19-10 and 20-10, those are all companion petitions starting with the re-subdivision. The receipt date is tonight, June 9th, and the sixty-five day period ends August 13th, so you have almost two months to schedule that. The same with Petition 24-10, it's being received tonight, you could schedule that out to August 13th if you so choose, and a petition came in today, not listed on the agenda for 2525 Berlin Turnpike. That's Doogie's Restaurant. They are asking for a special exception, they are partnering with the Meriden Humane Society and they would like to run a special event for a fund raiser. So you have sixty-five days for that. It's up to you. I don't know that you will get a lot of public for the auto related uses, it's more of a generic change, but we know from our experience with Main Street, there was good neighborhood participation on that, so you may want to balance that out, and I would expect on Deming Street, when the notice goes out Barn Hill and Lamplighter neighbors will want to know what is going on with that one. I wouldn't recommend that you put Barn Hill/Deming Street on with Main Street obviously.

Commissioner Aieta: Mr. Chairman, Petition 24-10, the sign, you set that up for August.....

Ed Meehan: No, I'm saying you can if you want to.....

Commissioner Aieta: Give us a little background on that, I'd like to move that up if possible, if it's just a sign.

Ed Meehan: They are asking for modification of what is there now, to increase it.

Commissioner Aieta: And what is there now is a directory sign.

Ed Meehan: No, it's a ground sign. A V-shaped ground sign that goes back to prior tenants. They are re-fabricating and changing the design.

Commissioner Aieta: Do they have a new tenant, is that why they are doing this?

Ed Meehan: I'm not sure why they are doing this. They have sufficient sign square footage to reface a larger sign.

Commissioner Aieta: This is a public hearing too?

Ed Meehan: Yes, because we are amending a special exception.

Commissioner Aieta: I'd like to move that closer, maybe to the 23rd. Move some of the other stuff around, that could be something that we could take care of. I can see where they are trying to lease that piece of property. I know it's kind of on and off where they had tenants in and out, something that we could do to get some of that space leased up, we could move the sign up.

Chairman Pruet: How about if we place Petition 13-10 and 24-10 on the next meeting, the 23rd, would that be doable, and how about for the meeting after that, July 14th, Petition 14-10 and 15-10, that sound like something.....

Commissioner Pane: I would recommend that you put the 14-10 and 15-10 on the next meeting too, otherwise you are going to be pushing out the Deming Street even farther. It's only four items on the agenda, A,B,C,and G.

Commissioner Aieta: We did pretty good tonight.

Commissioner Pane: Well, the Town Planner said he didn't want to have the center of Newington and the Deming Street at the same public hearing, so if we have A, B, C, and G for the June 23rd, then we will be able to clear for the Deming Street.

Chairman Pruet: Is that the consensus of the Commission? Okay, we'll schedule A, B, C, and G for the 23rd and we'll put Petitions 18, 19, and 20 in for July 14th.

Commissioner Aieta: Then you will have on the same with the 14th, you've have the auto related special exception.

Ed Meehan: I thought you were going to do the auto related on the 23rd.

Chairman Pruet: On the 23rd, yeah.

Commissioner Anest: When is Doogie's having their.....

Ed Meehan: They are waiting for, they will schedule it when.....

Chairman Pruet: We can slip that in.

IX. **PUBLIC PARTICIPATION**

None.

X. **REMARKS BY COMMISSIONERS**

None.

XI. **STAFF REPORT**

None

XII. **ADJOURNMENT**

Commissioner Pane moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary