

NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 13, 2011

Regular Meeting

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

I. ROLL CALL

Commissioners Present

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

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

Chairman Pruet: I'd like to congratulate Commissioner Lenares for being elevated from an alternate to a regular. The Commissioner has done an outstanding job, and continue what you are doing. Congratulations, Commissioner.

I have two important announcements to read. This is from Attorney Thomas Regan representing the Marcap piece. "Dear Honorable Commission Members, on behalf of Toll Brothers, Incorporated we are asking that the above referenced application, which is the Petition 09-11, request for zone map changes, we hereby respectfully withdraw the application at this time. Thank you for your consideration of this matter. If you have any questions, please do not hesitate to contact me. Very truly yours, Thomas Regan. So the Marcap piece has been withdrawn and is off the table.

The second announcement that I have is that the Toll Brothers have asked to table the two petitions tonight in order to allow more time to work on plan revisions that the town had requested for them to present and also to complete an environmental review team field inspection. We will have their input and rebuttal back on the next meeting on July 27th.

II. PUBLIC HEARINGS

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

Chairman Pruet: Is the petitioner here? Would you come forward sir and please give your name and address for the record.

Jeremy Waycock, Arnco Signs, 48 Park Street, Wallingford, Connecticut: Here on behalf of Holiday Inn, seeking approval for their pylon sign out in front of their property. The ground sign currently meets all zoning regulations. The base is fifty square feet, no more than eighteen foot overall height. The colors are green, blue, and white. It's an internally lit sign with florescent lighting. The sign is being placed between the State of Connecticut set back and the required building set back lines. Both are actually indicated on the site plans that were provided. The actual placement of it is still up in the air a little bit, hoping to be determined by Art Hanke and the Holiday Inn, but it would meet all codes.

Chairman Pruet: Thank you.

Jeremy Waycock: Thank you very much.

Chairman Pruet: Ed, staff comments?

Ed Meehan: Thank you Mr. Chairman. A brief staff report is on the Commissioner's table. It is a sign that does comply with your zoning regulations, both in area and in height and also the applicant provided us with a full master plan sign schedule for the wall sign and directional signage. So in all cases, this square footage complies with the regulations. The placement of the pylon, it's been acknowledged that it won't be out in the state right of way. Placement will be determined based on the underground utility locations and (inaudible.)

Chairman Pruet: Thank you. Commissioner comments on the sign? Seems to be pretty basic, cut and dried according to our town planner. Is it the consensus of the Commission to move this over to Old Business tonight? Since this is a public hearing, we are going to call upon the public, is there anyone from the public wishing to speak for this petition? Anybody wishing to speak against this petition? Commissioner comments?

Commissioner Hall: Just one question. The pylon sign, and then they also have the sign for the front door. In combination, that is not more than they are allowed?

Ed Meehan: That's correct. The total they can put on this site is twice the length of the building, which is 73 square feet times two, that totals 147. The total sign comes in at 137.

Commissioner Hall: Thank you.

Chairman Pruet: Further Commissioner comments or concerns? Okay, is it the consensus that we can move this forward? Is there agreement on that? Okay, we are going to move this forward to Old Business and we will vote on this tonight, sir.

B. Petition 18-11 – 18 Cedar Street Hayes Properties LLC owner, Newington Center Spirit Shop LLC applicant, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road Manchester, CT request for Special Permit Section 6.6 Liquor sale and waiver of separation from church Section 6.6.3 B-TC Zone District.

Attorney Mark Shipman: For the record, my name is Mark Shipman, from Shipman, Senski and Marks and I represent the applicant in this matter. I don't believe that this is a particularly difficult matter. It's in the appropriate zone, it's in the town business center, it's a permitted use. The only issue is that we require a waiver of the 500 foot requirement from a church. With respect to that, Mr. Hayes spoke with the pastor of the Congregational Church who indicated while he wasn't going to come and support the application, he had no objection which is consistent with, four and a half years ago when the pizza place that is in the same

complex came before the Commission and needed a restaurant liquor permit and there was no objection at that time. I do want for the record however, to go through 6.6.4 which is the requirements and standards that you must determine before you can issue the waiver. A is that it will not create an undue concentration of liquor outlets in the area. There is one other liquor outlet in the center, however, we are well beyond the one hundred foot distance and that by itself is a presumption of the fact that we are not clustering. It's also in essence a different street. While they are both in the town business center, the intersection of Cedar and Main is a fairly substantial separator. With respect to B, will be in harmony with the general purpose of the zoning plan for the area, I would quote to you from your town Plan of Conservation and Development, which you recently adopted, the general goal of the town center to encourage development business and mixed use in the town center in a manner which is pedestrian friendly, compatible with the center's compact size, and sensitive to the adjacent residential neighborhoods. This is a use that basically has less hours than a restaurant, it's not open on a Sunday when church is in session, and it has, which I will get into with the traffic portion, but it's self contained in that it's within a complex that is within a parking area. The community character general goals indicate a variety of mixed land uses near the intersection of Main and Cedar Street which strengthen town businesses. Now, this site was the Grove Hill Clinic and for three years the landlord has been trying to find another medical facility that would occupy the premises. This has been vacant for three years, and in three years he has been unable to, despite the help of some town representatives, get any of the other hospital entities to indicate that they would be willing to take the space. This use is approximately sixty percent of the space. It's 5200 square feet, it still leaves a 3,000 square foot plus vacant space. With respect to C, it will not result in proximity to schools, churches, etc., that's what we are requesting the waiver for and D will not create traffic hazards. This little shopping plaza has a right in and right out on Main Street which is already regulated and it has a full exit and entrance on Cedar Street so it really is traffic friendly. It has substantial parking, people would not be parking on the street in order to access this. The hours are as I say, relatively limited. The traffic for a package store is not heavy, much lighter than the restaurant use that fronts on Main Street, this fronts on Cedar Street where its neighbor is the cemetery and the Rite Aid, so it's not going to impair the residential area. There is a permit available and we are seeking that permit. I didn't take the twenty minutes, if you have any questions, I'll be happy to answer them.

Chairman Pruet: Ed, comments from staff?

Ed Meehan: I have a staff report that went out with the agenda for Commission members and has been shared with the applicant. The critical issue here is the request for waiver because of the presence of the church across the street. As far as other liquor uses of a similar class, within one hundred feet, there are no other package stores in the center. As we mentioned there is a restaurant permit on Main Street, and I believe a restaurant permit at Vito's, or on Cedar Street but as far as similar class, there is no other package store in the town center. The only thing I would note is the way that the shopping center is set up, the access to the retail package store would be I believe would be from the interior parking lot....

Attorney Shipman: That's correct.

Ed Meehan: So there won't be any visibility across the street from the church, and as mentioned the parking there serves multiple tenants and by all indications is more than adequate.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: Are you addressing signage tonight?

Attorney Shipman: Not at this time, I don't believe we would do anything more than the building sign that would be permitted by virtue of the square footage of the building. There is no, at least to the best of my knowledge, there is no plan for any other signage other than that.

Chairman Pruet: Further comments? Okay, this is a public hearing, is there anybody from the public wishing to speak in favor of this petition? Anybody wishing to speak against the petition?

Ceil Deschler, Newington : I didn't catch the name of the proprietor who will be the owner of this store. Is that known?

Chairman Pruet: Yes, Hayes Properties, LLC, Newington Center Spirit Shop....

Attorney Shipman: And the applicant, just to answer the question, who has signed the application for the liquor permit is Richard Hayes.

Chairman Pruet: Anyone else from the public wishing to speak against this petition?

Rose Lyons, 46 Elton Drive: I'm not speaking in opposition or in favor, I just have a comment to make. I've driven on Cedar Street and taking a left onto Main Street toward my home four times a day for twenty years, I have found that even though there is a sign that indicates no left turn into that parking area, especially since the Starbucks has been there, is a problem. I've called the police department and I asked that a no left hand turn sign be put in and they said they couldn't do it, they said that they didn't have time to monitor the area, and then I believe it was Officer Webster that had the sign put up. Whether the sign is there or not, I find there's a lot of dangerous turns being made into that parking lot, going north on Main Street, taking a left into Starbucks. People are trying to get through the courtesy light, take a left onto Main Street and, myself included going maybe a little bit too fast, to get past that green light and then you come to a dead stop right at Starbucks, where they should not be going in. The no left turn sign is on the right hand side of the road, there's nothing really to indicate as you are going in that you are not supposed to go in until somebody starts beeping the horn at you, or you start hearing the screeching of brakes behind you, so if something can be done to insure that those signs are adhered to and that people are not going in that way, it's just a comment, just an observation that I have made. Thank you.

Chairman Pruet: Okay Mrs. Lyons, thank you. Any further public participation on this petition?

Attorney Shipman: Can I just respond.

Chairman Pruet: Absolutely.

Attorney Shipman: Starbucks and the pizza restaurant front on Main Street and the access there is a right in and right out that should only be taken. This facility is 18 Cedar Street, and the most logical and likely entrance and exit is from the Cedar Street side into the parking lot. I don't think it will exaggerate or acerbate any of the traffic there at all. It's not an early opening or a late closing operation.

Chairman Pruet: Thank you. Okay, what's the preference of the Commission on this application? We can close it and move it forward and handle it tonight, under tonight's business. Okay, if that is the consensus. Okay, we are going to be voting on that tonight.

- C. **Petition 12-11** – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District. Continued from June 22, 2011.
- D. **Petition 13-11** – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Continued from June 22, 2011.

Chairman Pruet: For the people who came in late, I'll just re-announce the fact that the Marcap petition to change the commercial development zone to a residential zone has been withdrawn, and also the Toll Brothers petition on the subdivision has been tabled until the next meeting so that they can have more information to present to the Commission at that time.

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

Lauren Peters, 314 Cedar Street: I guess I'm unclear, can I talk about any subject that I want to?

Chairman Pruet: If it is not on the agenda, yes.

Lauren Peters: I am very concerned about having anything built on Newington mountain. I consider that a natural resource and it's part of what makes Newington, Newington. I don't think this would improve the town, I think it would create a lot of headaches, I think it would take away homes for many animals, possible hiking trails that people use all of the time, I am really truly upset that this town is thinking of demolishing that mountain. I don't really understand, I hear that you are moving it possibly from commercial to residential. Why is it commercial? That is a natural resource. I don't understand how that would improve, you know, tax base or no tax base, sure you might have a bigger tax base, but then you are going to have to have more schools, you are going to have to pave more roads, you are going to have to have more police and more ambulance. So, you know, I know, increase the tax base and create more services and take away homes for animals and a natural resource, something that is of beauty in the Town of Newington. When people think of Newington, they don't think of that itty-bitty waterfall that's on all the pictures, they think of Newington mountain. I think the whole idea of building anything there is just horrendous.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak. State your name and address please.

Cecil Deshler: I live on the 7th floor of the high rise apartments on Constance Leigh Drive which is at the foot of East Cedar Street. Each time that I look out of my living room and bedroom window facing Hartford Hospital meadows and mountainside, I am treated to the beauty of the miniature fox, but it is during the fall season when nature spreads her magnificent coat that the viewer is treated to the glorious gifts of nature. What a frightening thought that a few years ago our town officials were approached by a contractor who wanted to build a commercial park on this beautiful piece of land. How fortunate we are that an

astute and dedicated town official gave a resounding no to their request. How grateful Newington is to be able to continue to enjoy this beautiful oasis in the middle of our town. Again we are being asked to give up the precious part of our natural environment. Building more homes on Cedar Mountain only adds to our financial difficult and educational responsibilities. What is to become of the natural habitat of our wildlife community and the precious trails that we are able to walk and view this magnificent vista. Several days ago, as I looked out of my window, I thought what I saw was a big brown dog, no, it was not a dog, it was a deer. Did he cross East Cedar street where cars and noisy motorcycles constantly test the speed limit and the skills and patience of our neighbors. Would carnage have occurred because one vehicle after another was incapable of stopping? Is this the future that we can see for Newington? We must not, we can not and we should not be willing to give up what is Newington's memory. Hopefully, with your help, we can continue to enjoy what Newington claims and enjoys as her heritage. Please say no again.

Chairman Pruet: Further comments from the public, limited to two minutes.

Valerie Leone, 78 Connecticut Avenue: I'm here to speak about the business that has been tabled, I urge all Commission members to do all that is within their power and scope to stop this development from happening. It has been brought to my personal attention and the attention of a total of, and this is the figure as of June 22nd, 2343 other concerned individuals that a specie known as the peregrine falcon, considered threatened by the Connecticut Environmental Protection Agency has successfully found a nesting spot to raise a family on Cedar Mountain. This threatened bird would not see the benefits from the destruction from its newfound habitat, nor would any other bird, mammal, large or small, amphibian, reptile, insect or plant that happens to reside on the Marcap/Balf property. The attitude expressed by these applicants, in my opinion after attending many of these meetings has been at the very least smug and disrespectful to the people of Newington and surrounding areas. They laugh and heckle us when we express our concerns to you about a multiple of issues, including pesticides, wild life, wetlands, traffic and a multitude of others that we bring to light. I will leave you with my artistic contribution because it is my forte, although I did graduate with a degree in economics, I do appreciate poetry. I entitled this poem aptly, Cedar Mountain. This place is already an atoll for brothers who like all these others want nature to stay true. And for those of you who don't know what an atoll is, it is a type of island. Thank you very much.

Chairman Pruet: Additional comments from the public?

Karen Gogen, 314 Cedar Street: I agree with the other that have spoken already, opposed to the idea of developing Cedar Mountain as well. Also I would like to have you consider possibly rebuilding the areas that are across from Market Square, the old grocery store and utilizing that, and saving money and increasing taxes that way.

Chairman Pruet: Additional comments?

Emily Watson, We are from Girl Scout troop 1047 and have been in this group for seven years now and we have gone there to hike quite a few times and personally added people to our group that wanted to join us on a hike there as well. I have gone to Cedar Mountain to hike with the Girl Scouts and wish to spend time there with them again some day. I have many memories and have learned a lot on our hikes there and hope to do it again, and hope to learn more about nature and the living things in our community that live there still. If you demolish this, it will not only take away the animal's homes but the plants and all of the memories that people have. Thank you.

Rose Lyons, 46 Elton Drive: I came in late to the meeting, but I heard on my way in and I think Commissioner Pruettt for reiterating what had happened about the withdrawal of one petition and the tabling of the others. I also want to thank you for your leniency in listening to what people have to say about Cedar Mountain, since this public participation is for items not on the agenda, or did you not say that?

Chairman Pruettt: That was said.

Rose Lyons: Okay, I just wanted to be sure. I'm not going to talk anything about the petitions, but I would like to say that at the last meeting I stood here and said that this was one of the most informed group of people that I have seen come before the Commission in the four or five years since I have been attending meetings. There were comments made however after I left the podium about the Commissioners not making any comments and then people got up and rudely left and did not wait until the agenda item for the Commissioner's comments. I would hope that people that are coming up would understand that there is really not much that you can say until you are ready to reach a decision, at least that is my understanding of it, and then let's not attack the people who have nothing to do with this. People should have thought about this ten or fifteen years ago, as what we were going to do with the mountain. People just grew up believing that the town owned the mountain, they believed that it would always be as it is. Unfortunately, those who came before you made those zone changes. It's not town property, and there's probably not a lot that you can do about the residential area, I understand that Toll Brothers/Marcap has withdrawn their application, so we are back to where we were a couple of years ago but I just feel as though people are getting the wrong idea of what you are doing right now, and that they probably should have a little bit more patience and truly just wait and see how it all plays out, and don't get so defensive. I'm with you all the way for Cedar Mountain, but there are a lot of things that these Commissioners have to take into consideration before they make their decision, so bear with them. Thank you.

Chairman Pruettt: Thank you Mrs. Lyons. Additional comments from the public?

Bernard Cohen, 98 Whitewood Road, Newington: Right at the base of Cedar Mountain. I'm one house away from the base of Cedar Mountain, living there for forty-seven years, we're Newingtonites. Our three children went to school here, they all graduated from Newington High School and they all went to college, all three of them, and they know Newington, and they know Newington Cedar Mountain. I have a question, similar to that lady that just spoke, is there anything that convinces you, anything that we could tell you, or any information not to have Toll Brothers build there. What is the answer to that question? That's my question, you can't answer now, that's understandable. We can keep on having meetings and keep on talking and we don't know if we are getting anywhere. I give you plenty of reasons and so did the over three hundred people at the previous meeting here gave you reasons not to develop Cedar Mountain. I'll just go over a few of them quickly, I won't go into detail, because you have heard them all before. There will be additional traffic, strain on town facilities, including schools, strain on all town services such as police, fire, water, trash pickup. Increased pollution including environmental, light and noise pollution, loss of quality of life, of our neighborhoods, destruction of open space, natural beauty and wild life. Those are the reasons you can tell Toll Brothers, no thank you. Thank you.

Chairman Pruettt: Thank you. Anyone else from the public?

IV. MINUTES

June 22, 2011 – Regular Meeting

Commissioner Camerota moved to accept the minutes of the July 22, 2011 regular meeting. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I've got a couple items you can either do now or under staff regarding a request to do a drive-in movie theater. Do you want me to explain that now?

Chairman Pruet: Sure.

Ed Meehan: Newington Arena, which is the skating center on Alumni Road has come up with a novel idea to try to host a couple nights of drive-in movies in their parking lot, and they want to work with a company called Funflicks, for outdoor movies. They would rent the screen and provide movies to the public. They are thinking of using some of the funds, the net proceeds to support local charities and they are asking the Commission for your consideration to permit this on August 20th and 27th. It was done recently at Papa's Dodge in New Britain and it was a success there. The parking lot could possibly hold up to 150 to 200 cars, so they want to bring back the drive-in movies to Newington.

Chairman Pruet: And overall, do you have any concerns as to traffic or any other.....

Ed Meehan: I don't have concerns about this particular event. I'm not sure how well they are going to publicize it, what the turnout will be. The intersection of Alumni/Cedar as the public and the Commission knows is not a traffic controlled interchange so it is always, you've got to be careful when you pull out of there, but routinely the town experiences much larger events with sporting facilities at the recreation complex with football going on, so I think this should work okay.

Chairman Pruet: Any Commissioner comments to add on this report? Okay, we'll continue to discuss it Ed, thank you. Any other reports?

Ed Meehan: No, that's it.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

- A. **Petition 09-11 – Toll Brothers, Inc. 53 Church Hill Road Newtown, CT 06460 applicant, Marcap LLC owner request Zone Map Amendment from CD Commercial Development District) to R-12 (Residential Use District for a 28.5 acre parcel adjacent to East Cedar Street Assessor Map 11-335.00A. Public hearing closed June 22, 2011. Sixty-five day appeal period ends August 26, 2011.**

Chairman Pruet: Petition 09-11 has been withdrawn.

Petition 18-11
18 Cedar Street
Special Permit Liquor Use Package Store
Waiver of distance from Church requested

Commissioner Anest moved that Petition 18-11 – 18 Cedar Street Hayes Properties LLC owner, Newington Center Spirit Shop LLC applicant, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road Manchester, CT request for Special Permit Section 6.6 Liquor sale and waiver of separation from church Section 6.6.3 B-TC Zone District be approved, the Commission finding that the 500 foot waiver separation is acceptable for this location because the new package store use will not cause concentration of liquor uses in the area; a retail package store use is consistent with business zoning in the Town Center; and the proximity to the Church will not adversely impact the area.

In addition, the Commission notes the proposed package store's entrance will be on the interior of the retail plaza parking lot and will not be visible from the Church.

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

Petition 16-11
2553 Berlin Turnpike
Special Exception – Sign

Commissioner Hall moved that Petition 16-11 – 2553 Berlin Turnpike, Holiday Inn Express site Newington Hotel Partners, LLC owner, Arnco Sign Company Inc. 1133 Broad Street Wallingford, CT 06492, attention Marc Cohen request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District be approved, the Commission finding that the design of the sign complies with the Zoning Regulations.

The location of the pylon sign behind the Berlin Turnpike right of way shall be shown on the project site plan prior to issuance of the Zoning Permit.

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

VIII. **PETITIONS FOR SCHEDULING** (TPZ July 27, 2011 and August 10, 2011.)

- A. Petition 22-11 – 2451 Berlin Turnpike, Kaye Properties LLC owner, Plaza Wine & Liquor DBA Shivam Enterprises, attention Falgun Bhatt 85 East Robbins Avenue, Newington, CT 06111 applicant, request for Special Permit Section 6.6 Liquor Sales B-BT Zone District. Schedule for July 27, 2011.
- B. Petition 23-11 – 388 Stamm Road, Rizzo Albert, Jr. Family LP owner, Artex Signs 27 Britton Drive Bloomfield, CT 06002 applicant, attention Anita Gold request for Special Exception Ground Sign Section 6.2.4 Schedule for public hearing August 10, 2011.

Ed Meehan: Two requests coming up for July 27th if the Commission wishes to schedule these. Petition 22-11 – 2451 Berlin Turnpike a special permit for liquor sales. That's the commercial plaza just south of Citgo Station, south bound lane of the Berlin Turnpike, and the

second item is for a ground sign over on Stamm Road at the Rizzo Company. That is all we have right now.

Chairman Pruet: Petition 22-11, how does that coincide with the availability of the liquor permits?

Ed Meehan: At this time, based on the new population numbers, there is one permit available from the State Liquor Commission. That's the permit that you just heard, but at town level, we go by our regulations with regards, they can come before you, they pay the fee, they can petition you, and they can be approved at a local level but not be awarded a permit from the State because there is not one available.

Chairman Pruet: Thank you. Any further questions from Ed on the petitions?

IX. REMARKS BY COMMISSIONERS

Commissioner Pane: Mr. Chairman, I have a couple of things that I would like to bring to the Commission's attention. One would be the fireworks display that came in and talked to us and got approval, and the other would be the vendor at the skating center. The fireworks place, as you are well aware we approved the locations and I think we were pretty clear about signage and then they ignored it, and then the Chairman went down and took a look at it and had our building enforcement officer go down, and he took care of things, and then they ignored him, and put the signs back out again, so I wanted to bring that to your attention and see what the Commission would like to do about that. The other thing, at the skating center, the vendor that we approved totally ignored the location that we approved.

Chairman Pruet: Ed, do you have any comments on the two.....

Ed Meehan: Yeah, I appreciate both of those. Commissioner Pane is right about the fireworks signage. I think in the future, if they come back next year the Commission has the right not to approve that particular vendor. They were certainly given, requested before awarding, not to go overboard, they both agreed, I don't know which one it was, maybe both of them...

Commissioner Pane: It was TNT.

Ed Meehan: You know, this is the third time that they have been in town, they know how they are expected to operate. The Commission does not have to approve this. The food vendor with his trolley food cart, his proposal to locate it was really, wasn't really real, I mean, his hand drawn sketch, when it turned out where he wanted to put it, first it was a fire lane issue and also exit sidewalks out of the skating center, he was I believe also, in the town right of way. He was too close to the road, so he was directed to move it back onto the skating center property, and to relocate his picnic tables. So as of this morning Mr. Hanke tells me he has moved back and relocated his picnic tables. To put it where he wanted to, where he presented it, right up close to the building, cooking and fire lane and the exit way probably would not have been acceptable to the fire marshal.

Commissioner Pane: So is he in the same location....

Ed Meehan: He's in the corner of the island coming in, but he has moved it back away from the curb.

Commissioner Pane: That's no where near where we said, where we approved....there is a grassy area after the entrance way next to the building, that's where I thought he was going.

Ed Meehan: That's the area, I believe where the sidewalk comes out.....

Commissioner Pane: No, there's a sidewalk and then there are some plantings and then there is a grassy area.

Ed Meehan: Up against the building.

Commissioner Pane: Against the building.

Ed Meehan: That was the problem, putting a cooking facility up against the building. I'll check into it further but I think that was the issue.

Chairman Pruet: I would definitely put a tickler on that fireworks for next time. I don't see how we can approve that, someone that just flagrantly, after being warned, and then being sent out there too by our zoning officer, said they would take care of the problem, temporary took care of it, and then ignored him again. I don't think that is a very good vendor that we want in town. Any other comments from the Commissioners?

X. STAFF REPORT

None

XI. PUBLIC PARTICIPATION

(For items not listed on agenda.)

None

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: I bid you all adieu. I have to admit that I was very impressed by the number of people who spoke on petitions and it goes to show that your input is respected, we listened, we make our decisions according to rules and regulations, nothing is behind closed doors, we follow the rules with respect to the public.

XIII. ADJOURNMENT

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary