NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 13, 2016

Public Hearing and Regular Meeting

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present
Chairman Frank Aieta
Commissioner Chris Miner
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner John Bottalico - A
Commissioner Michael Camillo - A

Commissioners Absent
Commissioner Brian Andrzejewski
Commissioner Paul Giangrave - A

Staff Present
Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Andrzejewski.

III. APPROVAL OF AGENDA

Craig Minor: I would like to add "Approval of the Minutes of June 8, 2016," and I believe the minutes were in your envelopes. I would also like you to add "Executive Session to Discuss Pending Litigation" either before or after Public Participation.

Chairman Aieta: After. Any discussion to the changes on the agenda?

Commissioner Sobieski moved to amend the agenda. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the agenda with six voting YEA.

IV. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: Good evening. My report is a little bit different this month. You should have received via e-mail a list of permits that were issued going back two months for temporary signs. The report is a little bit lighter than other months. A lot of what has come in was blight and tall grass. A couple of things came up at the last meeting and while I was away that I want to cover. There was another vehicle on the Berlin Turnpike that was determined to be a "billboard", so I sent a notice on that. P.C. Richard's semi-trailer; there were a couple of properties on the Berlin Turnpike that had temporary signs, so I just want to verify that we did send citations to those.

Craig Minor: Mike, you talk about citations - some of the Commissioners might not realize that when a violator gets a citation notice from you, it is an order to pay a fine.

Mike D'Amato: Yes. We have a citation section of our regs which refers back to our ordinances. We can file the citation on the land records if they are not paid promptly. We look to using the citation more than we have in the past. Any second-time violator of the temporary sign regs gets a citation. I have sent a number of those out since you adopted that policy.

Commissioner Bottalico: What is the penalty if they don't pay?

Mike D'Amato: I believe the ordinance gives us the power (but in my research I have never seen it done, so it is something to look into and talk with the Town Attorney) gives the Town the power to continue to rack up the fines, so if you go $150 for the first, if it is not rectified by X number of days, the Town can continue to issue those fines. I haven't seen it go that way, but I think the ordinance is written to provide for that. The final notice that my office issues is the cease and desist. Then it gets referred to the Town Attorney.

Commissioner Bottalico: Have they been paying the fines? I see one here, violations since March.

Mike D'Amato: Generally speaking they do get paid. Not necessarily right away, but once they get filed, if they try to sell the property, and someone does a title search, they get paid then. Also, if they request a certificate of zoning compliance from me, it comes up at that time.

Commissioner Bottalico: Are you saying that there is a lien put on the property?

Mike D'Amato: It gets filed on the land records. I don't know the specifics, I don't file it myself, but most fines get paid pretty quickly after being sent.

Commissioner Bottalico: On New Britain Avenue, there is a salon using a truck as a billboard on the weekends. I've seen it. Another thing: I've had a couple of complaints about the hot dog cart on Stamm Road, he's got a 10 x 10 tent and picnic tables. It looks like a restaurant.

Commissioner Pane: Through the Chair to the Zoning Enforcement Officer: he mentioned some temporary signs that he sent notices on. I'm wondering if he went to any of these properties to talk to them first before sending the notices.

Mike D'Amato: The billboard truck on the west side of the Berlin Turnpike in the Reno Plaza, I don't remember the exact address, but was in that plaza. The temporary signs on this report, they were sent in July by the time that I got back, so they would be on the next report. There were citations sent because those particular businesses were second time violators, so we went right to the citation. We issued two or three for one business and one for another business.

Commissioner Pane: Are you talking about 3153 Berlin Turnpike, and another property?

Mike D'Amato: Yes, I believe I sent out three. I don't have the third one here, but the predominant, the citation was sent in June. Then it kind of went away, and then came back, so I'm not sure that the deal is with that. When I did my first check after coming back from vacation I saw a bunch of signs out front.

Chairman Aieta: On that particular place, did you send the notice to the property owner?

Mike D'Amato: It's on a case-by-case basis depending on the situation. In this case, the notice will go to the business at 3153 Berlin Turnpike and we cc the owner. The property owner is not going to take the sign down, so we send the letter by certified mail to the business with a copy to the owner, so he is aware that his tenant is violating a regulation.

Chairman Aieta: The problem is if you issue a citation and then file it on the land records, it's going against the owner, it's not going against the tenant. The owner should be part of the process, since he is the one that is going to end up with some type of notation on the land records. When he goes to get financing or what, he has to satisfy those conditions.

Craig Minor: Shouldn't we notify the owner also by certified mail so he definitely knows that his tenant is getting him in trouble?

Chairman Aieta: I'm just wondering, for the one with the notice on the windshield, if we should send the citation to Reno Properties.

Mike D'Amato: I found that vehicle met the criteria for a billboard, and was not registered, so there are a couple of violations right there. I can do it either way, it doesn't matter. We can cite the owner or we can cite the occupant.

Commissioner Pane: This is good to know who you gave the temporary permit to, but on 3153 Berlin Turnpike, it doesn't say who you gave the sign permit to, and I know that there are several different businesses there. Which business did you give the temporary sign permit to?

Mike D'Amato: With that property, the businesses do not have individual addresses. In our system we only have one address, which is why it shows up that way. It is an issue, because I don't have suite numbers or unit numbers for 3153 Berlin Turnpike. Not all businesses are like that but that is why this came up. My recollection is that temporary sign went to Karma's Closet in response to a notice that was sent previously.

Commissioner Pane: I thought our temporary sign regs only allowed two signs. It appears here that at 208 Kelsey three signs were issued. Am I reading the regulations wrong?

Mike D'Amato: I don't have the second part of this sheet, but 208 Kelsey, that property is multiple parcels, and so temporary signs were issued to both parcels.....

Commissioner Pane: It's one business, though. A lot of properties are two parcels.

Mike D'Amato: They are two separate addresses.

Chairman Aieta: One is at 204 and one is at 201. It's still the nursery, it's the same business.

Mike D'Amato: I don't think this is specific enough. If you want just one sign per business, that's fine.

Commissioner Pane: Well, it's not in the regulations about separate properties. The temporary sign regulation doesn't talk about multiple properties, it talks basically about someone who comes in for a temporary sign permit.

Mike D'Amato: Are you talking specifically about that property, or are you talking about, for example, 3153 Berlin Turnpike where there are multiple businesses?

Commissioner Pane: You're right, that is another place where there are multiple businesses, but that one you didn't approve; this one you did.

Mike D'Amato: If another business in that plaza came in tomorrow to take out a permit, I wouldn't say no, just because it is the same parcel. I guess whatever stand you want us to take, we can take.

Commissioner Pane: I don't understand why you let a business have more than two temporary signs when it doesn't state that in the regulations.

Mike D'Amato: I based it on the address. There were two different addresses, two separate parcels.

Commissioner Pane: They circumvented the regulations. The regulations allow two signs. It's like they figured out a method to circumvent the regulations to add additional signage. Not everybody's property has two parcels, but there are some that have multiple parcels.

Chairman Aieta: Then under 208 there are three signs. It's the same business.

Mike D'Amato: I can't tell you this for certain, but the comments shows what was applied for, and previous activity, when we approve it, the condition. I'm not able to tell you if there were three or…

Commissioner Pane: The ones that you approved, plus they have multiple small signs. Even if you were going by separate properties, you wouldn't give each property more than two.

Mike D'Amato: Correct.

Commissioner Pane: I disagree with giving more than one sign to multiple properties. If it is one business, I don't think we should…

Mike D'Amato: I don't think it goes either way, I don't think it is specific. It's not a problem to tighten it up.

Commissioner Pane: You have these dates as to when they expire. Do you go to check to see if the signs are down? Because it appears that the Global Granite sign is way overdue.

Mike D'Amato: I have an inspection report from that on my desk, so we will be sending out something on that. They were supposed to come down on Monday, July 1st. I try to keep up with it when I'm out doing my other inspections.

Chairman Aieta: For that one the time period was May 16th, to June 9th, and the sign is still there, but they have had an extra month.

Commissioner Sobieski: Do we have specific properties that continuously violate the zoning regs? The reason I'm asking is that this seems to be taking an awful lot of your time. You have to send them a violation notice, and stuff, so I'm piggybacking on what Mr. Bottalico said - if the first fine was $25, and they do it again, can you jump it to $50 next time?

Mike D'Amato: It's $150 per violation. I can't fine them double just because they violated it before. I have to fine them $150 which is in the ordinance.

Commissioner Sobieski: It seems like it takes a lot of your time. I'm not criticizing, I'm just asking. It just seems to take a lot of time to get this done.

Mike D'Amato: I agree with you. There are a lot of businesses in town that come in at the beginning of the year and take out the permit for that year. They have monthly specials, whatever it is, and it's not consecutive. I know that the Commission has talked about it, and this is part of the problem with the temporary sign regulation. The problem is, unless I have a running list of all the days and all the signs and all the permits, it's very cumbersome to figure out who has exceeded their allotment. That's just the way this was written and we have talked about it. That is something that I would highly suggest be changed, because of this problem.

Chairman Aieta: Commissioner Serra, when we had the TPZ sign subcommittee, you and I talked about eliminating temporary signs altogether. The problem is there is a handful of people who abuse it, to the point where they have ruined it for everybody else. There is no consistency and it is almost impossible to regulate in a manner where everybody is treated the same. Do you have any thoughts about that? I still feel the same way.

Commissioner Serra: We've had this conversation before, unfortunately. I hate to ruin it for the people who are obeying the process, who are doing the right thing. The problem is that there are so many who aren't, and it is taking up so much time. The Zoning Enforcement Officer is chasing his tail over and over again. I don't know what the answer is, but as of now, I still feel the same as we had talked in the past.

Commissioner Miner: I think that the greater issue is the time it takes chasing them down. If the permits are issued as you said for a block of time, that it be a consecutive block of time. You have your number for a year, and that is it. You can't take two days here, and three days there. It has to be consecutive, and when you have used them, you have used them up. The second issue would be to possibly go back to the ordinances and try to make it increasingly expensive for the parties who constantly violate it.

Commissioner Pane: If I'm not mistaken the Planner talked about a recent court case, and I was wondering if we could have the Planner send us information on any that.

Craig Minor: It was a U.S. Supreme Court decision. Mike attended a workshop on it recently, so I'll talk to Mike about putting together a handout for the Commission on it.

Chairman Aieta: The sooner the better on that, because I would like to put the sign regulations on the agenda for some type of action in September. That would be critical to what we do with the sign regulations.

Craig Minor: Very much so.

Chairman Aieta: If we could get that maybe next week, or the week after that, so we can start discussions, start looking at the sign regulations.

Commissioner Serra: I notice that most of the graduation banners are down, but there still are a few hanging around. Could we get the remaining ones taken down? Because evidently the people who put them up aren't.

Craig Minor: I'll pass that along to the Highway Department.

Chairman Aieta: Just for the record, these signs that take up so much time, it's the same problems with the same pieces of property. Job Lots this weekend had twenty-five signs on the Turnpike, and it just spreads. It's the same people. It's almost impossible to regulate in a way that it is fair to everybody.

Mike D'Amato: I think we can come up with something that will work better. I brought you something like that before, something stronger and easier to enforce, but it also requires involving the owners. I have business owners who refuse to take them down, even when I call on DOT, because on the Turnpike the number one priority is visibility and those waving signs cut the visibility.

Chairman Aieta: The zoning regulations allow one square foot of signage for every foot of building frontage, but on the Berlin Turnpike we allow two square feet for every one foot of frontage, so they get double the signage of any place else in town, and yet the Berlin Turnpike businesses are the habitual offenders. It's a blight on the Turnpike. This Commission has worked for forty, fifty years to get from gasoline alley to what we have today. We're trying to upgrade the hotels, motels. We've gotten big box stores, we've gotten shopping centers, we've done a tremendous job making our portion of the Turnpike nice. You can tell by the real estate cost and the rental cost in the Newington portion compared to the Berlin and the Wethersfield portion. We've done a good job, we don't want to regress.

Commissioner Pane: Whether we continue with the temporary signs in our regulations or remove them, it's still going to take the Zoning Enforcement Officer to, on a consistent basis, travel the roadways to inspect for problems. I personally like the idea of addressing people in a friendly manner first, tell them what they are doing wrong, instead of sending a letter, but that is just my opinion.

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

None

VI. REMARKS BY COMMISSIONERS

Commissioner Pane: Someone from the public recently talked about using social media, such as Facebook, for notifications and stuff. I'd like to hear what the other Commissioners think about a TPZ Facebook page with just our Planner being the administrator. Purely to notify people of what is coming up and things like that. If the Commission members agree, I would like to have the Town Planner ask the Town Manager if we can do that.

Commissioner Sobieski: I agree with Commissioner Pane. I think it would be a great idea to have some kind of a Facebook page, exclusively for this Commission, the agenda...

Commissioner Serra: I like the idea, but I have seen where some other Facebook pages have gone. I'd be willing to try it on a temporary basis for X amount of months, or weeks, revisit it, get a report from the Planner on how it's going, and then decide whether it should be permanent or if it is too much. I do like the idea, I just want to be careful because some of those sites, they just take off and have a life of their own.

Commissioner Pane: Well, because it is a town site, there probably wouldn't be any back and forth posting, it would just be informational.

Commissioner Pane: Obviously some are working, because the Newington Police Department has with one, Park and Rec has a page, and I know that I'm missing other ones.

Commissioner Serra: I'm not disagreeing with you at all, I'd just like to take baby steps with it, that's all.

Chairman Aieta: It would have to be for informational purposes only. I wouldn't want the Planner debating with people on the Facebook page. I'd like it just an informational page - here's our agenda, here's what is coming up, we're looking at the sign regulations, that type of stuff. But not get into having a forum.

Craig Minor: There are two different types of Facebook pages. There are Facebook "groups", which is where people debate each other on all kinds of things, usually around a theme, but pretty much anybody can chime in on anything. And then there is a Facebook "page" that a business or a band or someone with a product to sell who wants to let the public know about their product. Information on the product can be disseminated to the public, but the public can't weigh in on everything, and that is what we should have. We could start slowly, the page could only be viewed by you folks, and try that for a week or so, see how it works, and then open it up. I think we should talk to the Town Manager and make sure that this doesn't conflict with the Town's policy which they are starting to grapple with about using social media also. I'd be happy to look into that.

VII. PUBLIC HEARING

A. Petition 06-16: Zoning Text Amendment (Sections 5-9), TPZ applicant/contact. Continued from June 22, 2016.

Craig Minor: As at the last hearing a citizen pointed out that the new definition of "structure" could cause a problem if it was aggressively applied. To be honest I kind of dismissed that, but then I looked at it more carefully and I realized that the word "structure" is in Section 4.1 in a way that, if enforced literally, would be ridiculous. I suggest we take Section 4.1 which currently reads, "all uses, buildings and structures erected or altered shall conform..." and change it to, "all uses, buildings and accessory buildings erected or altered shall conform...". This way the regs are clearly talking about buildings and not birdhouses, or playscapes or mailboxes. That was the only issue remaining from this quite extensive review of the regulations that the Commission has been working on for over a year now.

Chairman Aieta: Any questions or Commissioner remarks for the Planner on this? This is a public hearing. Anyone wishing to speak in favor of this application, please come forward. Seeing none, anyone in opposition to closing the hearing? What is the pleasure of the Commission? I recommend that we put it on the agenda for action at the next meeting.

Commissioner Miner moved to close the public hearing. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Aieta: We will move that forward for action at the next meeting under Old Business.

B. Petition 19-16: Zoning Text Amendment (Section 3.49 and 6.7: Interior Lots.) Town Plan and Zoning Commission, applicant, Continued from June 22, 2016.

Craig Minor: At the last meeting a couple of comments came up from the Commission and from a citizen. The citizen wanted to know how much of the driveway would need to be paved? His point was that if it is a very long driveway, does it really all need to be paved? Sure, the first twenty or thirty feet should be paved, but does all of it need to be paved? I'm going to start from the position of yes, the whole driveway should be paved. If the Commission feels that's excessive, that only the first fifteen or twenty feet should be paved, we could change paragraph G accordingly. Presently it reads, "the driveway pavement width

shall not be less than 10 feet, and the driveway pavement length shall be not less than the length of the accessway." I put a sketch in your package to illustrate these terms. This is the accessway (the flag pole, pipe stem, pork chop, whatever you want to call it). The regulation as drafted says the driveway would have to be paved at least this far, and beyond that would be up to the homeowner. I'm just throwing it out for the Commission's consideration.

Chairman Aieta: This sketch, this is right out of our regulations, 35 foot front yard...

Craig Minor: Yes.

Chairman Aieta: Chris, regarding the driveway pavement width?

Commissioner Miner: I believe that the current fire code, don't quote me on this, says it has to be paved within X amount of feet to the structure, but if he has that in there in a different section that it must be per the Fire Marshal, then that is covered.

Commissioner Sobieski: I suggest we put the sketch in the regulation so there is no misunderstanding.

Craig Minor: Okay.

Chairman Aieta: Any other Commissioner comments? Commissioner Pane, any thoughts on the driveway pavement?

Commissioner Pane: This could be very long. I think that as long as it's paved through the 35 foot front yard, and the right of way, so that there won't be any erosion into the road, I don't see why, as long as the base is hard...

Commissioner Miner: As long as the base is able to sustain the weight.....

Commissioner Pane: The base is the most important thing. We have to have at least a 12 inch base of process for those trucks, but I think that it would be very expensive for a homeowner to put in a 300 or 400 foot paved driveway. I would commit to something far enough in so that no erosion takes place into the Town road.

Commissioner Sobieski: If you start going up hill, and you only pave a certain part and stop, the erosion is going to take loose material down into the paved area. I think you need to have some type of give and take in that area.

Commissioner Pane: That's why I'm saying that it has to be paved far enough in so that no erosion will take place.

Chairman Aieta: You have to be more specific.....

Commissioner Pane: That it would be paved far enough so that the Town Engineer will approve so that no erosion happens into the town's right of way.

Craig Minor: How about a minimum of 35 feet? And more if recommended by the Town Engineer?

Commissioner Pane: Yes, it should be reviewed by the Town Engineer, and if the Town Engineer recommends a longer distance to prevent any erosion into the right of way.

Commissioner Serra: This is a rear lot, so we are going by another house, so I think we want it paved at least past that house so you are not kicking up dirt and stone.

Chairman Aieta: I agree with you, but normally the person who owns the front house is the owner of the rear lot.

Commissioner Serra: Unless they sell that lot.

Chairman Aieta: They have control over their house, plus the parcel in the rear, so it's up to them. If they want to subdivide and get permission for a rear lot, and then sold it, they would have to live with the regulations that we put forth.

Commissioner Serra: That is why I would like to see something in there…

Chairman Aieta: Then you are talking 35 feet, and if they build with a 35 foot setback, and the house is twenty-six feet wide, then it would be 61 feet back…..

Commissioner Miner: That is not unreasonable, instead of 3,400 feet.

Commissioner Pane: It still won't solve his problem because some houses, even the front house, could be a lot further back, so, especially with these rear lot situations, I mean I know of a lot of houses that are set back a hundred feet or more, so I don't think that takes care of the problem that we were talking about. Anywhere from 35 to 50 feet would be reasonable I think as long as there is no erosion going into the street. Sometimes people like to put a decorative stone on top of the base, and that won't kick up a lot of dust.

Commissioner Serra: I would be fine with that, the 35 to 50 feet, to give the front homeowner a little protection.

Chairman Aieta: You understand my feeling, that if somebody comes in for a rear lot, they are going to be the front property owner.

Commissioner Serra: I do understand, but I'm thinking, a couple of years down the road I'm getting out of here, so I really don't care what happens to the people in the back once I leave…

Chairman Aieta: It would seem to me to be "buyer beware." When you purchase a rear lot, you should know what the regulations are. Attorneys do title searches, they should know what the zoning requirements are. I know if I was buying a piece of property I would want to know what was happening around my property, where the schools are, before I made a purchase like that.

Commissioner Miner: There are alternatives. A lot of people are now choosing concrete pavers where the grass grows up through the centers. The biggest thing is the emergency accessibility should the need arise.

Commissioner Pane: Could we figure out the language on this so we could move forward? I think we have it almost figured it out, so if we could work it out, figure the language out, and then hear from the public and then that way we don't have to keep this on the agenda for another meeting.

Craig Minor: Okay, so Paragraph G: "the driveway pavement width shall not be less than 10 feet, and the driveway pavement length shall be not less than 35 feet, or more as recommended by the Town Engineer."

Commissioner Miner: As "designated" by the Town Engineer.

Craig Minor: Well, he would tell you that he has no authority to designate, but he can recommend.

Commissioner Miner: "As recommended by the Town Engineer to mitigate any erosion." I think that is really the concern.

Commissioner Pane: Erosion into the right of way.

Commissioner Bottalico: We have a situation on Valley View Drive where there are two lots like that. Both properties are paved all the way up to the house and garage. Why would you only go half way, say 200 feet in? Why would you go a little more than 35 foot? I would assume you would want it paved right to your garage.

Commissioner Pane: This doesn't prevent them from doing that.

Commissioner Bottalico: I know, I understand that, but these two properties are over 200 feet deep and they are paved all of the way.

Commissioner Miner: I have a friend who falls into this category. When he moved in, 20 or 30 feet from the road was paved, it was gravel all the way back to about 30 feet from his house. Then he paved right in front of the house. It was pure economics. That would be the only reason.

Commissioner Bottalico: To get back to the issue of access, as we were talking last time about the aerial ladder getting into some of these spots, no way is it going to happen.

Commissioner Miner: That goes back to the issue of the driveway base. It has to be able to support the weight of a fire truck.

Chairman Aieta: We have in the regulations that the Fire Marshal gets to look at this, after a certain number of feet.

Commissioner Miner: 500 feet.

Chairman Aieta: From what I understand, most fires are fought from the street anyway.

Commissioner Bottalico: You always have to consider that you might have to get an aerial ladder in there, but like you say, the Fire Marshal will make that decision.

Craig Minor: Okay, the driveway pavement length shall be not less than 35 feet, unless more is recommended by the Town Engineer to prevent erosion from entering the street.

Chairman Aieta: Does everyone agree with that change to 3.4.9 G, the driveway pavement?

Commissioner Sobieski: What about erosion that flows onto someone else's property, would that be covered under this also?

Chairman Aieta: It's a twenty foot right of way with ten foot shoulders. If it is eroding, there is something wrong with the way that they put that in.

Commissioner Pane: I think when somebody builds a house, you are supposed to design or grade the property so that water does not flow onto somebody else's property. It all has to stay on your property, or in a swale right on the property line.

Craig Minor: The reality is when somebody comes in with a subdivision application, the engineering staff is going to review it to make sure that runoff does not get onto neighboring property.

Chairman Aieta: Are we ready to move this forward? Anyone from the public wish to speak in favor of this application? Anyone in opposition?

Commissioner Miner moved to close the public hearing. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Aieta: I notice that you had a map in the packet...

Craig Minor: Those are the lots that, if this amendment is approved, could potentially be subdivided into rear lots. That was requested at the last meeting.

C. Petition 28-16: Zoning Text Amendment (Section 3.0 High Density Residential Development Moratorium.) Town Plan and Zoning Commission, applicant.

Craig Minor: The current moratorium on multi-family developments near the CTfastrack, that moratorium expired on June 16th, and as the Commission knows, we are in the process of developing new regs for the Newington Junction area, but it will be a few weeks before we can bring it to a public hearing, but in the meantime the Commission wanted to, in a sense, re-instate the moratorium at Newington Junction, so what I did was, I took the old moratorium regulation, I amended it, because the first moratorium was written for both zones, and since this now applies to Newington Junction, I customized it a little bit to be more specific, but it's the same thing. It prohibits anyone from applying for an application to build a multi-family in the Newington Junction neighborhood, within a half mile of the CTfastrack station.

Chairman Aieta: You referred this to CRCOG?

Craig Minor: Yes I did, and, "the proposed moratorium will provide unlimited up to twelve months in which to developed zoning regulations governing the Newington Junction CTfastrak station area. We encourage the Town to use this time to develop zoning regulations which will allow the full benefits of transit-oriented development to be realized around the station area thus providing livable neighborhoods with a variety of housing choices, alternatives to automobile travel, an integrated mix of complementary land uses, and increased economic and cultural opportunities. As the Commission considers zoning regulation changes for the areas around the stations, we recommend CRCOG's recent publication, The Sustainable Land Use Code Project Model Regulations for Mixed Use Transit Oriented Development Districts as a resource. The model regulations are available on the Sustainable Knowledge Corridor website," and then it gives the website address. In accordance with our procedures this letter will constitute final CRCOG action on this referral. And yes, I actually did refer to their model regulations when I drafted the original regulation adopted for the Cedar Street station, but we did follow the regulations.

Chairman Aieta: Any Commissioner comments? Seeing none, we will go to the public. Anyone from the public wishing to speak in favor of this moratorium on high density residential housing? Anyone in opposition?

Commissioner Pane moved to close Petition 28-16. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

Craig Minor: There is no reason that you can't adopt it tonight. The hearing is closed, you can adopt this tonight.

Commissioner Pane moved to move Petition 28-16 to Old Business for action at this meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. APPROVAL OF MINUTES

A. June 8, 2016 Regular Meeting

Commissioner Sobieski moved to accept the minutes of the June 8, 2016 regular meeting. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

IX. NEW BUSINESS

A. Petition 22-16: Special Permit (Section 3.15.3: Restaurant) at 2551 Berlin Turnpike (The Sloppy Waffle.) The Sloppy Waffle, applicant, 2551 Berlin Turnpike LLC owner, Luz Ramos, 164 Eddy Lane, Newington CT, contact. Continued from June 8, 2016.

Chairman Aieta: I'll open this up for discussion from the Commissioners.

Commissioner Pane: I'm a little confused. Is this is going to the Building Department or the Fire Department, and if the Fire Marshal got a chance to view anything on this, for safety reasons? I just want to make sure that for safety reasons everything has been reviewed.

Craig Minor: Did we talk about that during the hearing? I forget if anyone had asked whether the Fire Marshal had been involved.

Commissioner Miner: I believe the original conversation was whether or not any of the departments had been through the building since the space as modified, and I don't remember the definitive answer to that, whether they were or were not.

Craig Minor: I don't know if the Fire Marshal has been in the building since they expanded.

Chairman Aieta: Just for the record, the applicant admitted in the hearing that she expanded without going to the building department or the zoning department which we are trying to rectify through the zoning process now. But because she didn't go through the proper procedure, we're caught in a situation where we have no input from the Fire Marshal, or the Building Department. There are things that didn't happen because of the way the expansion happened without going through the proper channels of the Town, and that is what is causing the problem here.

Craig Minor: I see your point, but if she had come to you with the idea of expanding into this vacant space first, at that point she wouldn't have talked to the Fire Marshal yet, or the Building Inspector yet, because she hadn't gotten your approval. Those things happen after TPZ approves it. Those things take place after the Commission finds it that it complies with your zoning regulations.

Commissioner Pane: Then it would be appropriate to have some sort of condition to that effect.

Craig Minor: Okay. Within, say, sixty days after TPZ approval, she submits a copy of her building permit or her Fire Marshal permit. That would be reasonable.

Commissioner Miner: And there are some accessibility issues in terms of parking. We're all very well aware that there is inadequate parking there. There is additional signing to be the responsibility of the applicant because it is to her benefit to correct that.

Craig Minor: When you say signing, what do you mean?

Commissioner Miner: "No Parking, Fire Lane".

Craig Minor: Okay.

Commissioner Miner: The parking count on our plans: that that should all be relative to the applicant, not the property owner, correct?

Craig Minor: I don't understand. Yes, they need to restripe the parking lot, and handicapped parking signs or No Parking Fire Zone signs have to be posted. If you want to make, as a condition of approval, all required signage be installed and the lot re, there is a principle in zoning that you must never impose a condition on an applicant that is beyond their ability to deliver. If you look at the Draft Suggested Motion you'll notice I listed some "findings". You are not approving on the condition that the landlord restripe the parking lot; you are approving it because the applicant told you that the landlord would do this.

Commissioner Pane: You could turn it around, make it a condition on the applicant to get it stripped, it will be her responsibility, and she will work out with the landlord, the logistics with the landlord, and if the landlord doesn't come through, then it's her responsibility to do.

Craig Minor: But that is the problem - you would be putting a burden on her that is beyond her ability to do.

Commissioner Pane: No, it's not beyond her ability.

Craig Minor: If the landlord says, no, I'm not going to do it...

Commissioner Pane: If the landlord wants her to expand into that space, he's not going to say no. He also has said that he would accommodate her.

Craig Minor: Right, which is why, if you do go along with this draft motion, and if he reneges, you would be within your authority to revoke her permit because it was based on the landlord saying that he would do the striping.

Commissioner Pane: Just so the applicant knows, this is for safety reasons because if I'm not mistaken, maybe Commissioner Miner understands this a little bit better than I do, but there are some, certain thresholds, if they are seating over fifty people then it's considered something else, an assembly instead of...

Commissioner Miner: Again, by different codes, and again it becomes very complex that you have different governing agencies that have different criteria for one thing, but there is a specific criteria set in the State Fire Code that says once you go over X amount of square feet of common area, and X amount of seating or X number of seating, then it changes from

a mercantile to an assembly, so once you have over 50 seats, above that it goes into an assembly and it goes into a different criteria. Again, there shouldn't be anything that is overly cumbersome to get passed.

Craig Minor: And if the Fire Marshal requires fire-rated sheet rock, so be it.

Commissioner Pane moved, provided that the Town Planner could correct some of the things on the draft motion, to move this to Old Business for action tonight.

Commissioner Pane: I was going to make a motion when the vote came up that the trucks be parked at the rear of the building. It doesn't prevent her from using them, and this is basically due to the fact that there is a shortage of parking.

Craig Minor: So using what I have provided as a template, you would, Condition Number One, the applicant will not park company vehicles on the side of the building.

Commissioner Pane: The applicant shall park the company vehicles toward the rear of the property.

Craig Minor: Well, "towards the rear" is vague, but "not in front of"...

Commissioner Pane: The applicant shall park the company vehicles off the pavement at the rear of the property.

Craig Minor: In the unpaved area? That is specific.

Chairman Aieta: There is a shortage of parking there, so it would be to her advantage to park company vehicles in back of the building. We aren't going to have them there as billboards. There are other parcels on the Berlin Turnpike and we had the Zoning Enforcement Officer here tonight talk about a specific case that is right up the street from this where he is going to start fining somebody because of the same thing that happened on this particular parcel. Parking is at such a premium here she shouldn't be using it for her vehicles, or people who work for her. It's only common sense when you run a business.

Craig Minor: So the condition is, "the applicant will park company vehicles only in the unpaved area behind the building." The second condition is, "the applicant shall submit copies of..." what, the Fire Marshal's report? We could say, "Submit a copy of the Building Permit", because the building inspector is not going to issue a permit until the Fire Marshal has approved it, so the Fire Marshal's input is in there. "The applicant will provide a copy of her approved building permit within sixty days." I don't know what their work load is...

Commissioner Miner: You have to figure on time to make corrections. Probably sixty to ninety days is fine.

Craig Minor: Okay. Condition number two: ""he applicant shall submit a copy of her approved building permit within sixty days."

Chairman Aieta: Any further questions from the Commissioners? There is a motion to move this to Old Business. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with six voting YEA.

B. Petition 29-16: Site Plan Modification at 49 Hollow Tree Lane, Hollow Tree Lane LLC owner; Steve Reilly, 49 Hollow Tree Lane, Newington CT, applicant/contact.

Steve Reilly, 40 Hollow Tree Lane, Newington: I run a construction company, and I'm looking to put two small additions onto the existing building, one 30 x 40 in the back of the building, which is in a paved area, and one office addition to the side of the building.

Chairman Aieta: Mr. Planner, give us some information…

Craig Minor: There are some drafting errors that I pointed out to the applicant which he is going to fix. The Town Engineer has concerns with the drainage design which are workable, not "deal breakers" as the Town Engineer likes to say, but he needs to see a revised plan before we can sign off on it. We met with Mr. Reilly and it is certainly doable, and I would recommend to the Commission for approval tonight.

Chairman Aieta: Is there anything other than engineering and the drainage?

Craig Minor: Some landscaping issues in front, there is a curbed island that needs to be put in a different place, but just trivial stuff.

Chairman Aieta: Are you willing to make the changes that the Engineer needs?

Steve Reilly: Yes, it's now about ninety percent done. I got their letters and I did about ninety percent of the corrections already, but I didn't have enough time to finish everything, so by next week I should be all set.

Chairman Aieta: You have the LID done?

Steve Reilly: Yes, that's pretty much per the Engineer's comments.

Chairman Aieta: You know what he is looking for on the LID?

Steve Reilly: I think so. Between me and the Engineer, we will get it right.

Commissioner Pane: Steve, are you adding new stuff in the front?

Steve Reilly: The only thing I am doing is putting on the addition off to the side for my office in the grass area, and the addition in back which is on the paved area. I'm not changing anything in the parking lot except re-routing the drainage around the addition, as you can see, from the catch basin in back to the catch basin in front.

Commissioner Pane: You are going through the front parking lot to re-route the drainage?

Steve Reilly: That's correct. But all of that is existing pavement.

Commissioner Miner: Are you putting an infiltration system in?

Steve Reilly: That was recommended, and as long as it meets the LID requirements that is how we were going to satisfy those requirements. I have a separator already on my site, but this is more for infiltration. The 20 x 20 grassed area is going to have a roof on it, so you will have a little more volume.

Chairman Aieta: This application is basically cut and dried. Two additions to an existing building. We're familiar with your operation, you have been here before.

Commissioner Pane moved to move Petition 29-16 to Old Business and approve it with conditions that he meets the Town Engineer's satisfaction and anything else that the Town Planner feels is necessary under those conditions.

Chairman Aieta: You can put together a motion so that he complies with the requirements of the Engineering Department and whatever else you recommend.

X. OLD BUSINESS

A. Petition 27-16: Special Permit (Section 6.2.4: Freestanding sign) at 109 Stamm Road. Sign Pro Inc., applicant; Lot 5 Styles Avenue LLC owner; Robert Kuszpa, Sign Pro Inc., 60 Westfield Drive, Plantsville CT, contact.

Commissioner Miner moved to approve Petition 27-16: Special Permit (Section 6.2.4: Free-standing Sign at 109 Stamm Road. Sign Pro Inc., applicant; Lot 5 Styles Avenue LLC, owner, Robert Kuszpa, Sign Pro Inc. 60 Westfield Drive, Plantsville CT, contact.

CONDITIONS:

None.

The motion was seconded by Commissioner Strong. The vote was in favor of the motion with five voting YEA and one abstention (Serra.)

B. Alumni Road Traffic Signal

Chairman Aieta: We're keeping this on the agenda until we have feedback from, I'll let the subcommittee report.

Commissioner Pane: Stan and I have been working hard on this. We just received some traffic information from the DOT that the Planner provided us. I believe he is working on getting some additional traffic information from the Newington PD, I believe the Commissioner asked the Planner.

Craig Minor: We do have it.

Commissioner Pane: Okay, so we're also trying to work on a few other things that are taking a little extra time because we want to make sure that we are not making any mistakes so that this will be acceptable to the public so that is what is taking a little extra time.

Chairman Aieta: Stanley, do you want to add anything?

Commissioner Sobieski: I think Commissioner Pane pretty much covered it. It's just that we want to cover all of the aspects.

Chairman Aieta: We will leave this on the agenda under Old Business and we will discuss it again at the next meeting, until we are able to take action.

C. Petition #22-16: Special Permit (Section 3.15.3: Restaurant) at 2551 Berlin Turnpike (The Sloppy Waffle). The Sloppy Waffle, applicant; 2551 Berlin Turnpike LLC, owner; Luz Ramos, 164 Eddy Lane, Newington CT, contact.

Craig Minor: The Commissioners have a draft motion, but I'll revise it on the fly as I read it.

FINDINGS:

1. The availability of parking is very limited during peak hours.
2. The property owner has agreed to restripe the parking lot by September 30, 2016 in accordance with the approved site plan.

CONDITIONS:

1. The applicant will park company vehicles only in the unpaved area behind the building
2. The applicant shall submit a copy of her approved building permit within sixty days.

Commissioner Pane: I'll second that.

Chairman Aieta: Any questions, comments?

Commissioner Serra: I was not here for the discussion, so I will abstain.

Chairman Aieta: Let the record show that I am seating Commissioner Bottalico for Commissioner Serra on this item. We don't really need it, but we will have seven people voting.

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

Craig Minor: Okay, 43 Hollow Tree. Just one condition: the plans shall be revised to address the Town Engineer's letter of June 22, 2016 and the Town Planner's letter of July 5, 2016.

Chairman Aieta: Any comments?

Commissioner Miner: Just what we stated before, that the mylars won't be signed until the conditions are met.

Craig Minor: After you approve something, I send a detailed letter to applicants listing all of the things they have to do, such as submit the revised mylar for the Chairman's signature.

Commissioner Pane seconded the motion, and the vote was unanimously in favor of the motion with six voting YEA.

Chairman Aieta: Just revise your plans and then you can pull your permits.

Steve Reilly: Thank you.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

Chairman Aieta: I'll turn this over to the Town Planner to give a really brief description of each one of these. If there are any questions that the Commissioners might have, they can ask them before we put it on the agenda. We are having only one meeting in August, so we want to try to accommodate these people.

A. Petition 32-16: Special Permit (Section 3.4.4: Home Occupation and Professional Office) at 51 Gilbert Road. Kristin Vacca; applicant; Frank and Kristin Vacca, owner, Frank Vacca, 51 Gilbert Road, Newington CT, contact.

Craig Minor: This is a Newington resident who is a photographer who would like to have a photo studio in her finished basement. That's Petition 32-16. I recommend the hearing be scheduled for your next meeting, July 27th.

B. Petition 33-16: Special Permit (Section 3.15.4: Drive Through Restaurant at 3120 Berlin Turnpike (Panera Bread.) Norr Architects, applicant, Newington VF LLC, owner, Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.

Craig Minor: Panera is back seeking permission for a drive-through lane at their existing restaurant. It was denied last time because the Commission was not convinced that there would not be stacking and queuing problems. The franchisee met with me, and he is confident that with the information that he got from his other stores, all in eastern Connecticut and Rhode Island, he will be able to give you data that will convince you that it will not be a problem. I recommend that you schedule this for the July 27th meeting also.

Commissioner Sobieski: If he provides you with the data, I'd like to see a similar set-up with his other stores as close as possible to Newington.

Craig Minor: I don't understand what you are asking for.

Commissioner Sobieski: I'm saying, are his other stores set up like Newington is, or are they set up as Wethersfield is set up, so that they have clear cut movement around?

Craig Minor: I would say all of them are slightly different, but I will let him know about your concern.

C. Petition 35-16: Special Permit (Section 3.2.9: Daycare) at 41 West Hartford Road (Temple Sinai) Family Tree Childcare, applicant, Temple Sinai of Newington Inc., owner; Jean Sutton, 117 McDowell Road, Middletown, CT, contact.

Craig Minor: This is a request to operate a child day care center in Temple Sinai. The applicant will be a tenant – she's not a member of the congregation. I believe there was a day care there a few years ago. I recommend also that be scheduled for the 27th.

D. Petition 37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner, Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.

Craig Minor: The WPOP radio station building on the south side of Cedar Street is in the Piper Brook flood plain. The radio station wants to bring in a pre-fab building, and because this in the flood plain, they need special permit. They have Wetlands approval. I processed

several flood plain special permit applications when I was in Cromwell, but this is the first one that I have done in Newington.

Commissioner Sobieski: Is it going to be a trailer?

Craig Minor: It will be for the storage of equipment, a transmitter. There will be somebody in there occasionally, once a week they said in their report, but there won't be a disc jockey sitting in there 24/7. It won't be a building for that kind of purpose. It's a utility building.

Commissioner Sobieski: What is happening with the old building? They are still using it I believe.

Craig Minor: They are not abandoning it. If you look at the plan, some of the utilities come through the building. I think that would hard to relocate the utilities and demolish the building. They are taking out the pad in front, which they need to do to increase the flood storage capacity, but they do not plan on demolishing the building. You can bring that up, that's a legitimate topic for you to talk about.

Commissioner Sobieski: I know when it floods, it gets pretty close to that building.

Chairman Aieta: Are you going to put this on for the 27th? We are going to have four public hearings on the same night. What do the Commissioners think of that?

Commissioner Miner: Most everything else is done now, correct?

Chairman Aieta: Yes, we moved them all to Old Business so there will be just a vote.

Craig Minor: We were going to hold the public hearing on the Newington Junction TOD, that was teed-up for your next meeting, but you don't have to.

Commissioner Miner: We can put that off until August. Let's try to close these.

Chairman Aieta: The Planner is going to ask us tonight to look at our schedule of meetings.

Craig Minor: Shall we talk about that now? For the last couple of years the Commission has met only once during August, and you are scheduled to meet on the fourth Wednesday in August. I will be on vacation the third week of August and it usually during the third week that I do the agenda for the following meeting, so I won't be able to do the agenda for that meeting. But if you meet the second week in August I will be able to do the agenda package as normal. And if you meet that week, the week of the 7th, you will be able to give a prompt response to people who had their petitions heard on July 27 rather than making them wait a month to discuss them under Old Business. I suggest that you cancel your August 24 meeting and meet on the 10th instead.

Chairman Aieta: I discussed this with the Planner and I think it makes more sense, seeing that we have all these hearings, so we would be able to, if they are not complicated, we would be able to complete them.

Craig Minor: And if they are complicated, you would have a whole month to discuss them. Thank you.

XII. TOWN PLANNER REPORT

A. Town Planner Report for July 13, 2016.

Craig Minor: The first item is the Auto-Related Uses zoning regulations, but we are going to do that in Executive Session a little bit later tonight.

The second item in my report deals with the proposed Open Space Zone regulations. There are a few changes from the draft that I presented at the last meeting. I deleted, at the Commission's direction, the minimum of five acres as an attribute of an Open Space parcel. The Commission felt that there might be parcels that would be appropriately zoned "open space" that are less than five acres, so I deleted that. I added the phrase, "at the written consent of the owner". The Commission was concerned that future Commissions might try to change someone's zoning against their will. This would make it clear that the owner would have to give their permission for their land to be changed to Open Space. Section 3.22.1: I added the phrase "including meadows" because a citizen brought to my attention that was not expressly included. Same with 3.23.4: I added "Wildlife refuge or bird sanctuary" because again a citizen pointed out that wasn't specifically in there. I did not make any other changes. That's the draft, if the Commission wishes, can set it up for a public hearing in August.

Chairman Aieta: I think we have enough on our plate for August. What is the pleasure of the Commission? Do you want to do it the first or second meeting in September?

Commissioner Pane: Once land is turned over and made Open Space…..

Craig Minor: I'm sorry, not "turned over"; we're not turning over anything. Land is still going to be part of…….

Commissioner Pane: I don't agree that it should be privately owned. I think that it should be Town-owned. I also think that once they decide to zone land as Open Space, that it can't be changed back. How do you change something to Open Space based on the owner's request, possibly for tax reasons, and then all of a sudden they want to change it back? I mean, you can't have this property going back and forth.

Craig Minor: I don't think you want to tie your hands. There may be a good reason why the owner of the same parcel two years later wants it to revert. Maybe there is a new owner, there may be some other reason, so why tie your hands? You can always say no, if they don't give you a good reason for reverting, but why make it impossible for you to approve it if you think it is a good idea? I don't know if Newington participates in the Public Act 490 program, but those who do, if they sells or develop their land after having gotten tax breaks, they have to give the money back.

Commissioner Pane: Usually it's very small pieces of property that the homeowner can't use, they are paying taxes on it, and they would rather have it as Open Space.

Chairman Aieta: But we don't want the Town to take every little scrap of land, that doesn't make any sense.

Commissioner Pane: Does this give them a method to reduce their taxes, and then revert back?

Craig Minor: Yes, because if the land today let's say is zoned PD, and tomorrow because they ask you to, it's zoned Open Space, which allows very few economic uses, they probably

would be able to ask the Tax Assessor for a reduction in their taxes, because now the land is worth much less because it can't be developed.

Commissioner Miner: But then you have dangers on the other side of the, you know what, I have a good opportunity now, so let's revert it back....

Craig Minor: Okay, but they would have to convince you to do it.

Commissioner Pane: Okay, they didn't pay taxes on it for four or five years, and then, hey, now I've got a developer that wants this and now I want to get it developed, so I want it back to PD. I have problem with issues like that.

Commissioner Bottalico: I'm also against that, Domenic, because what happens is, when I was on the Open Space Committee, we had, and even on the Town Council, where people would donate the land, and what happens is, when you take it off the tax rolls you are losing taxes. That is a lot of the reason that people are willing to give up land that's not usable, but they save the taxes.

Craig Minor: But the Town Council can say "no thanks", right?

Commissioner Bottalico: The reason they did it was because of open space. They are trying to get every parcel they possibly can for open space.

Chairman Aieta: Here's an example, right next to my house. I own a three and a half acre piece of property, and it's zoned R-12. It's not subdivided, it's one big lot. I could come in and ask for a subdivision, or I can come in and say, "I want this designated as open space, because I have no intention of having this developed." So I get this designated as open space, and then I go to the assessor, and say...

Craig Minor: But there is no such thing as "designated as open space". Do you mean, come to TPZ and ask to have your land changed to Open Space zone?

Chairman Aieta: But you are saying that I could come back and say, in four or five years, and ask to go back to R-12.

Craig Minor: Because there might be a good reason why TPZ would want it to revert. There is no reason to tie TPZ's hands.

Commissioner Pane: You would have to have something in there to cover that they would have to pay back taxes that reverted back. That's all I'm saying.

Craig Minor: Okay, that's different.

Chairman Aieta: Could we as a zoning board start talking about the inner workings of the Town, the Tax Assessor's office? We can't do that.

Craig Minor: And I would say, you shouldn't put language requiring the payment of taxes that would have been paid if the land had never been rezoned, because theoretically, during those four or five years that it was zoned Open Space and the person paid less taxes, the community benefited from that three and a half acres as meadow. It benefited, and the community paid for it by letting you pay less taxes during those years. When the time comes that the owner is ready to develop it, he will then have to start paying taxes on the PD or whatever value of the land. My point is, you can make that decision at that time. You don't have to make it now. You don't have to try to anticipate every possibility.

Commissioner Miner: We have the right to reverse it and say no?

Craig Minor: You can always deny a zone change application.

Commissioner Miner: How did this come up anyway?

Craig Minor: Mill Pond Park.

Commissioner Pane: This isn't about Mill Pond Park. What we wanted at Mill Pond Park and the other Town-owned land was to take the underlying zone away from those pieces of property. That's what we wanted.

Craig Minor: This is how you do it. That's what this does.

Commissioner Pane: This doesn't do that.

Craig Minor: Yes, it does. Because after TPZ adopts this regulation, you do a map amendment for all of the parks in town.

Commissioner Pane: But this talks about...

Craig Minor: Because this is amendment is broad enough to do as much as you want, and will certainly do the minimum that TPZ asked for a year ago which is to create an Open Space zone regulation. Once the Open Space zone is established in the regulations, you then change the zone for all the parks and ballfields in town to Open Space, because you hope that will make it harder for future Town Councils to develop it. But remember, the Town is exempt from zoning.

Chairman Aieta: Just for the record, this is how it got to this point. During that Mill Pond situation we started talking about the underlying zone, and I said in a meeting, I remember, "Well, that piece of property where they wanted to put the Community Center, Mill Pond Park, when I looked at the zoning map it was R-12 or something. It's a park, how could it be developed, if the underlying zone is R-12?" We should not have public parks with underlying zones. It should be an Open Space zone, or a park zone, or some other name. We don't want it to be developed as residential property. This is just another protection for the Town. That's what I said, and then it got a life of its own because someone else took it and now they have this Open Space Committee, and I don't know what they are doing. I've had some people say they will take any little scrap of property and make it into open space, I don't know.

Commissioner Miner: To me, the underlying situation is the park.

Chairman Aieta: It's zoned, right now, R-12.

Commissioner Miner: That shouldn't be.

Chairman Aieta: The golf course, that is zoned R-20.

Commissioner Pane: And the Young Farm is zoned R-20. I think we need to find a method that can correct that, without opening up a big can of worms.

Commissioner Miner: Something to the effect that, "Town-owned properties will be unoccupied, as open space, to be kept for recreational purposes only."

Craig Minor: You could start over and try that, but here is why I wouldn't recommend it. If the Commission creates an Open Space zone regulation, and then next month rezones all of the Town's parks and ballfields to Open Space, if the Town ever tried to sell any of that land, such as Deming Farm, or Indian Hill Country Club, the new owner wouldn't be able to do anything with it, because it's zoned Open Space. So obviously it wouldn't get sold. This is a way for the TPZ to guarantee that those parcels stay as parks.

Commissioner Sobieski: Mr. Planner, how does the Town of West Hartford handle their parks? I believe they have a special commission that oversees the parks, and therefore is out of the Town Council's control, and everything else, it's considered public open space, and that is it. That would alleviate, would it not, as a vehicle...

Craig Minor: I don't know how West Hartford does it, but I doubt there is a town in Connecticut where the Town Council is not the ultimate authority on how land gets used. On a day-to-day basis, Parks and Rec does it, but when it comes to buying and selling land, I am sure the West Hartford Town Council decides.

Commissioner Sobieski: Once it becomes part of the Town, then it's taken out of the Town. Basically I thought it was under the West Hartford Parks and Rec, whatever the name of it is.

Craig Minor: When you say, "taken out", I don't know what you mean.

Commissioner Sobieski: Well, it can no longer be moved, it's under a special commission, so therefore it's not under the Town Council, it's under a special commission that oversees all of the parks and open spaces that they have. I believe there is something like that in West Hartford, I did read that one time. If you could look into that, I'd appreciate it.

Craig Minor: Okay.

Commissioner Bottalico: What is the criteria of "open space"? I mean, you take the Deming Farm, we can't put a ball field there. You guys talk about open space and you want to make the ball fields open space. What's the criteria?

Craig Minor: There is no one criteria. The phrase "open space" means whatever the person who says it at that moment thinks it means. "Open space" means different things to different people. One person can be thinking about a football field, another person can be thinking about a bird sanctuary.

Commissioner Bottalico: Okay, the Deming-Young Farm is owned by the Town, but the Town can't put a ballfield there.

Craig Minor: That's because when the Town of Newington got the grant from DEEP to buy the property, there was an agreement nine pages long with all the "thou shalt nots" which was a condition of getting that grant. So that is a unique situation. Every situation is going to be different.

Commissioner Bottalico: There's another one, Eddy Farm.

Craig Minor: Eddy Farm is privately owned, and the Town has the conservation easement over it. Every case is different. There is no "one size fits all" definition of open space.

Commissioner Bottalico: That's really confusing.

Chairman Aieta: We've discussed this for a long time tonight. Let's put this on the agenda so that we can discuss it again, and where are we going to go from here with this draft motion.

Craig Minor: You can go to a public hearing with it, and people would come and speak for and against. It will be adopted, and at the next meeting the TPZ would do a map change to change the zone of all of the Town parks and ballfields, from R-12, R-20, whatever they are now to Open Space zone.

Chairman Aieta: Let's leave this, and put it on the agenda for discussion so we can all come to a consensus to how to proceed.

Commissioner Pane: Just put it on the agenda for discussion for the next two meetings.

Craig Minor: As of now it's just an item in my "Town Planner's Report". Do you want...

Chairman Aieta: Bring it up at the next meeting under Town Planner's report, and we should all start thinking about what you really want to do with this.

Craig Minor: The next item is a Bond Release for a house at 24 Packard's Way. As I said in my report, the homeowner wanted a CO but the site wasn't finished, so they posted a bond in the amount of $3500. The work is now done so the bond can be released. The Commission didn't order this bond, the ZEO did, but the tradition since I have been here is that TPZ releases all bonds, even bonds that the ZEO has ordered. I recommend you release of this bond, but I also recommend that you tell me what in the future if you want me to keep bringing these to you, or if we can just let the staff handle them.

Commissioner Pane: We've always approved the release of bonds.

Craig Minor: For houses?

Chairman Aieta: No, not individual houses, for subdivisions.

Commissioner Pane: This is for an individual house? I thought it was a subdivision.

Craig Minor: No, just one persons' house.

Commissioner Pane: If it's a subdivision, bring it to us, but if it's an individual house, it's not necessary.

Performance Bond
24 Packard's Way
Robert and Erika Roy, owner

Commissioner Miner moved to release the Performance Bond at 24 Packard's Way in the Amount of $3,500.

CONDITIONS:

None.

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

XIII. COMMUNICATIONS

A. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ.

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

Richard Walsh: I was representing the applicant on 35-16. I didn't have the opportunity to speak earlier and I know that this is an item on the agenda, but I didn't know if the Commission would entertain a question.

Chairman Aieta: That 35-16, we put that on for Public Hearing at the next meeting. Go ahead if you have a question that we can answer.

Richard Walsh: the question, is there going to be a July 27th, or did I hear that it would be moved.

Chairman Aieta: It will be scheduled for July27th.

Richard Walsh: I currently submitted two applications, one was the Special Permit and the other was a site plan. I didn't know if both would be incorporated into the 27th.

Craig Minor: Yes.

Chairman Aieta: We can hear them concurrently. We can hear them both to make sure.....

Craig Minor: It's just that no scheduling action was required for your site plan, but they did have to schedule the public hearing for your special permit. It's a procedural thing.

Chairman Aieta: We can hear them both. Are you under some time constraints? I hope that we answered your question.

Richard Walsh: Looking forward to the 27th. Thank you.

XV. REMARKS BY COMMISSIONERS

Commissioner Serra: I just wanted to comment that we seem to be approving things the same night now, which is not how we used do it. We used to move them to Old Business at the next meeting, and then vote. Also, I know there were a few of us here when we discussed Panera Bread the last time around, and I just want to make sure, I notice that we are pushing a lot of business the same night, and I know I wasn't here a couple of weeks, but I just want to careful with that one. There was a lot of discussion last time, there were a lot of meetings over this, there is a lot to get into, so I just ask that we take our time with this one.

Chairman Aieta: We actually denied this petition in the past, so this is not going to be like some of the other ones that come in and are cut and dried and we're holding them up for no reason, or wasting two weeks, when we are just going to approve it without conditions. We will let them know what transpired the last time, and what our concerns were. Stanley was here the last time, I was here, and Mike was here.

Craig Minor: Your decision should be based on what you hear this time. You really want to try to forget what you heard the first time, and give them the opportunity to present fresh

Chairman Aieta: There were things that were brought up the last time that pertained to safety issues.

Commissioner Serra: I just don't want a rush to judgement. I want us to look at everything like we did the last time, and if some of the same issues come up in the new presentation, then we are going to point them out. I'm not coming in predetermined saying, we denied you last time so it's not going to happen. I just want to make sure we do our due diligence and take our time with this.

Chairman Aieta: We will. I guarantee it.

Commissioner Sobieski moved to adjourn the regular meeting and go into Executive Session. The motion was seconded by Commissioner Serra. The regular meeting was adjourned at 8:55 p.m.

Commissioner Pane: I want it on the record that I am not going into the Executive Session as stated previously in other meetings, I will recuse myself from this subject.

XVI. EXECUTIVE SESSION

Commissioners Present:
Chairman Frank Aieta
Commissioner Chris Miner
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner John Bottalico-A
Commissioner Michael Camillo-A

Staff Present:
Craig Minor

The Commission came out of Executive Session at 9:25 pm. Commissioner Miner made a motion to return to open session, seconded by Commissioner Strong.

No votes were taken during Executive Session.

XVII. CLOSING REMARKS BY CHAIRMAN

XVIII. ADJOURN

Commissioner Miner moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 9:26 pm.

Respectfully submitted,

Norine Addis,
Recording Secretary