

NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 22, 2015

Regular Meeting and Public Hearing

Chairman Cathleen Hall called the 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, CT.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Commissioner Anthony Claffey-A

Staff Present

Craig Minor, Town Planner

III. APPROVAL OF AGENDA

Craig Minor: I recommend adding under New Business Item f., Petition 31-15: Zoning Amendment (Section 3.21.C: Commercial Vehicle in Residential Zone); TPZ, Applicant. This is the issue that we spoke about at the last meeting, the need for a better definition of "commercial vehicle". I'd like to put it under New Business so we could discuss it a little bit and then schedule a public hearing for the August 22nd meeting.

IV. PUBLIC HEARINGS:

- A. Petition 26-15: Special Exception (Section 6.13: Accessory Apartment at 33 Pfister Drive, Bhagyesh and Shveta Patel, applicants; Stephan and Eugenia Jarosz, owner, Bhagyesh Patel, 114 Gloucester Court, Newington, CT, contact.

Chairman Hall: Is the petitioner present? Come forward, state your name and address for the record and explain to us why you are coming before us. The microphone and chair are there for your use.

Bhagyesh Patel: My name is Bhagyesh, and this is my wife Shveta. We are planning to buy 33 Pfister Drive and my parents want to live with us. My family has always lived together and my parents want to live with us in this house.

Chairman Hall: Okay. Do the Commissioners have any questions? I think we have pictures of the house and the floor plan.

Commissioner Aieta: This house was built with an in-law apartment?

Chairman Hall: It's been that way right from the start.

Craig Minor: As you can see, it's in the back corner of the building. You can see from the photographs, that's the doorway to the accessory apartment.

Commissioner Aieta: Is the current owner using it as an apartment?

Craig Minor: I don't know.

Chairman Hall: I think they have been because they came before us when they bought the property. I think this is the third owner. If you would like to come forward if the Commission has any questions? State your name and address for the record please.

Stefan Jarosz: I am the current owner of the property, 33 Pfister Drive. I bought it in 2007. This apartment has always been there since it was built.

Commissioner Aieta: Are you currently using it as an apartment?

Stefan Jarosz: I use it for me and my wife, and we don't...

Commissioner Aieta: Just a question.

Chairman Hall: Thank you. Does anyone else have a question? This is pretty straight forward. What is being passed around right now is the affidavit stating that he is going to be living there, it is going to be used the way that it was intended to be used. No other questions? This is a public hearing so we are going to hear from anybody from the public who wishes to speak for or against the petition. You can take a seat and we will let you know at the end what we are going to be doing. Anybody wishing to speak in favor of this petition, come forward, state your name and address for the record. Anyone wishing to speak in opposition?

Jim Briganti, 36 Pfister: I live right across the street. I'd like to voice my opinion against this petition. This is a neighborhood of single family dwellings, and we feel that if this is opened up, the affidavit could state that their parents will be living there now, but that doesn't mean that circumstances won't change, and there is nothing that I am aware of that would prevent them from renting that out should the situation change, or any of those circumstances. This is currently a single family neighborhood, there are no other dwellings that have dual entrances in that particular development. We would like to see the way that it was done. Thank you.

Chairman Hall: Anyone else wishing to speak in opposition? Anyone wishing just to speak? Seeing none, any other questions or comments from the Commissioners?

Commissioner Serra: Just that the affidavit be read into the record.

Chairman Hall: I'll do that. "Regarding 33 Pfister Drive, Newington, Connecticut 06111, I Bhagyesh Patel of 114 Gloucester Court, Newington, Connecticut being duly sworn, deposed, and say that: 1. I am over eighteen years old and I believe in obligation of an oath; 2. After purchasing the property on 33 Pfister Drive, Newington Connecticut, there and after referred to as the property. 3. I will live on the property and I will intend to reside in the property the entire duration that I own it; 4. If approved by the Newington Zoning Commission my parents will reside in the in-law apartment in the house; 5. I will not allow

anyone beside my parents to reside in the in-law apartment. Signed, Bhagyesh Patel", and notarized as of July 16, 2015. Apparently there was a seal, but this is just a copy.

Commissioner Camillo: The one thing that is missing on there is the (inaudible).

Commissioner Aieta: Let me understand this. This is the way that this house was built; it was not built as a single family and someone added on; it was built with this arrangement?

Chairman Hall: It's always been this way.

Commissioner Aieta: Since they built the house, it was built as an in-law apartment?

Craig Minor: I don't know.

Commissioner Aieta: Do we know if this was even used as an in-law apartment?

Chairman Hall: The original owners, I believe this is the third, or will be the third.

Commissioner Aieta: And how is this affidavit binding on this Commission or the property owner, is this a legal binding saying that they will not rent it out? How binding is that?

Craig Minor: I'm not sure that it is binding, but that doesn't matter because the zoning regulations require it. If we find that there is a tenant in there, the zoning enforcement officer will issue a notice of violation, and it will be enforced just like any other zoning violation.

Commissioner Anest: Can we have Craig pull the building plans? I would like to have on the record that the apartment was built with the house, and wasn't done after the fact.

Craig Minor: I'll do that right now.

Stefan Jarosz: I have the blueprint.

Craig Minor: I don't think the blueprint will show how it was originally built.

Audience: Cathy, I also have a copy of the original special exception for when the house was built.

Chairman Hall: Right, I think we have that in our packet. I know that we had it before, yes, there it is, 1998. Does anyone else have any questions?

Commissioner Sobieski: We have a letter that says when this was built in 1998 that this was set-up for an in-law apartment. So it has been here since its inception.

Chairman Hall: Yes it has.

Craig Minor: The house was built in approximately November of 1998. I have from the building department file the special permit from the Planning and Zoning Commission dated November 1998 authorizing a special exception for an accessory apartment. I would say that the house was built with the accessory apartment.

Chairman Hall: Any other questions? If the petitioner would like to rebut anything that has been said at this point, this is your opportunity to do that. Come forward and again, state your name and address for the record.

Shveta Patel: I am Bhagyesh's wife and my in-laws are coming to live with us, and I just had a baby in February and we are both working so they are taking care of my baby and they are going to live in this house for the rest of their life, so I don't think we will be renting the apartment because they are going to live there for the rest of their life.

Chairman Hall: Thank you. So, at this point Commissioners, what is your pleasure? Yes sir, you can rebut something at this time if you so desire.

Jim Briganti 36 Pfister Drive: Thank you. It's really more of question to make sure I understand. If the circumstances change and someone else were to be living in there, would they have to petition again to have someone else in there besides their in-laws?

Chairman Hall: Well, our regulations state that at any time the property changed hands they would have to come and petition, and any time the circumstance would change, they are telling us now that there is going to be an in-law in there, and we're approving it with the in-law in there, if that changes, of course, if they go away and they don't have anybody in there, that's not a big deal, but if there is any indication that there is a renter in there, then, yes, if we get a complaint about that, then we would investigate that.

Jim Briganti: Thank you. That's really my concern. I have no objection to the situation at hand. It's more in the future, so if that is the case, I have no objection.

Chairman Hall: Anyone else have anything to add to this?

Commissioner Anest: Close it and move it to Old Business.

Craig Minor: Tonight's Old Business, because we are not meeting again for a month?

Commission: Yes.

Chairman Hall: Okay, we will close it and move it to Old Business for tonight, and for those in the audience, it means we will be voting on this, this evening. You can either stay and listen, or you will be notified tomorrow through the office whatever the result is, so it is up to you. We don't do that until Section Nine.

- B. Petition 27-15: Special Exception (Section 3.11.1: Dance Studio) at 37 Ann Street, Backstage Academy of Dance, applicant, 37 Ann Street LLC, owner, Kimberly Larson, 7 Wintergreen Road, Bristol CT, contact.

Chairman Hall: If the petitioner is here, come forward and state your name and address for the record.

Kimberly Larson: Good evening. My name is Kimberly Larson, I am the owner of Backstage Academy of Dance, in Newington. We have been a part of Newington since 2003, so we are going into our thirteenth season. We're just asking this evening for permission to move to 37 Ann Street. We are looking to move to 37 Ann Street in order to expand our business and provide our clients with more class options during the week, and more convenient times. We are also looking to have more storage there. We are currently a Monday through Friday business and we offer classes age two through adults. Our class size is roughly eight to ten approximately. Since 2003 we have been very active in the Town of Newington, we participate in the Memorial Day parade, the Extravaganza, the Waterfall Festival. Our business is primarily a drop off/pick up business so parents use that time to go shopping, grocery shopping, run errands, and then come back and pick up their children.

Chairman Hall: Anyone on the Commission have a question?

Commissioner Aieta: Just for the record, would you put on the record the amount of parking?

Craig Minor: There is information from the last couple of times that this property came in for permission to conduct new uses, so I did an analysis of parking. There are two tenants there currently: CT Workout, in the center, occupy 7,000 square feet, and according to the manager they have 45 customers at a time, that is the most, and per our regulations which require one parking space for three customers, CT Workout needs fifteen parking spaces. There is 12,600 square feet of furniture warehouse, and according to the owner of the property, there are four employees. The warehouse parking requirement is one space per employee, so they need four spaces for that use. And then the proposed dance studio, which will take up 6500 square feet. According to the applicant there will be between eight and ten customers there at a time, mostly children, and again, the regulation requires one space for three customers, which comes to four, rounded up, so that is a total of 23 spaces required, and there are 44 spaces presently. There is a parking area on the east side of the building, and a parking space to the south, which is would probably where most of their customers come in. There is a total of 44 parking spaces on the site, and those uses combined require 23, so there is adequate parking.

Commissioner Aieta: You just have to be careful as they might rent out more space in the building. We have to watch the parking counts for the next tenants that come in if they subdivide the building any more.

Commissioner Sobieski: Mr. Planner, can you show me where the entrance is to this place? Would it be off the back where the additional parking is, or would they have to walk around the building?

Craig Minor: Let me ask the applicant who is standing right here to tell us where the entrance is. Do you want to come up and point to it?

Commissioner Aieta: If you could show us where Kitts Lane is, how it's related?

Kimberly Larson: So, this is Ann Street, right here, [pointing to site plan on the monitor] and then this would be the parking.

Building Owner: The entrance to the building is right here, Ann Street is actually here, and there is another entrance right here and if need be, this is not existing, but this is going to be an egress on the back of the building, but I think they would be using the main entrance here.

Commissioner Aieta: So where is the parking?

Building Owner: Parking is in two places, I think there are fifteen or sixteen spaces here, and about 30 in the back. Already CT Workout, whose entrance is here, this area already CT Workout uses this entrance here, uses this area for parking, so there is adequate lighting and sidewalks that we had to put in for them, so, if need be, if the dance studio needs this parking, most of it I would say is drop off and pick up, they will make their way up the Kitts Lane side, and they can either come in here, or further down.

Commissioner Sobieski: I was just concerned with the kids and their parents crossing traffic.

Building Owner: I think the drop off would be on Ann Street.

Commissioner Sobieski: Is there enough room on Ann Street to pull in and let them drop off?

Building Owner: I believe they are talking the front of the building on this street. There is no sign saying "no parking".

Chairman Hall: Other questions from the Commissioners?

Commissioner Serra: Just one. To the applicant, at any time do you do a recital or dance show were parents, spectators are going to come in and see what the kids are learning?

Kimberly Larson: Not at this facility. That is usually at a high school.

Chairman Hall: This is a public hearing so we will be getting the public's input at this point. Anyone wishing to speak in favor of this petition come forward, state your name and address for the record.

Ken Houser, 59 Magnolia Street: My daughter was in the first class at Backstage Academy. The set up as it looks now and seems very convenient for parents in terms of pulling up and dropping off. Parking in the back seems ample, and you can walk your daughter or son into the studio. Kim has a very welcoming business and likes to talk to parents. We don't stay long, but it is an opportunity for my kids to go study or go to the grocery store, but it's mostly a drop off business, and it's a good business.

Chairman Hall: Thank you. Anyone else wishing to speak in favor of the petition? Anyone wishing to speak in opposition? Anyone wishing just to speak? Seeing none, what is your pleasure with this? Remember, we are not doing the first meeting in August.

Commissioner Aieta moved that the Commission close the hearing and move it to Old Business. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

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

John Bachand, 56 Maple Hill Avenue: I said last week that I was going to bring a piece of 15 inch storm drain, this is what is lacking from the Packard's Way subdivision. I hope the Town Planner will explain the situation, why it's so important as to why that pipe should extend onto my property. When he gets a change to explain it to you that I would have no access to the pipe, even though the Town has an easement for the maintenance of that right of way, I don't have the authority to allow me access if the pipe was even a foot short which it appears to be a couple feet short, so this is what is in, it's a pretty significant pipe, and what I was going to say is there is a reason why an engineer would specify, this is actually number seven of the conditions. It's kind of like a little report card, all of the things that we have done wrong so far on this subdivision, you can take a look at that at your leisure. So, this pipe was specified by Anthony Ferrero, the Town Engineer, so the reason is that this pipe can handle at just half capacity over a thousand gallons per minute at two percent pitch. Compare that to mostly what you are used to, with a lot of us use little four inch pipes, little four inch pipe can handle about thirty gallons a minute, so the capacity of this, the area of this, is fourteen hundred percent greater than the area of a four inch circle, and that gets into a little bit of math, but it's just interesting to note that the capacity is that great. When you go and double the size of the pipe, you actually quadruple the area and it's capacity, so I just wanted a little visual aid here because I've been talking about this for three years, so hope this has a little more of an impact, it's not there. I would know if it was there because it is my property, and we believe it is somewhere in the ground, but it definitely doesn't go onto my property.

Chairman Hall: Thank you John.

John Bachand: Thank you.

Chairman Hall: Anyone else wishing to speak, come forward, state your name and address for the record please.

Holly Kobayeshi, 80 Maple Hill Avenue: I was here just two weeks ago regarding the underground service to my house. I had an electrical friend go over to the house, and from what he is seeing, there is no electrical wiring to that house as Donna DiMauro, the owner of the development had specified. So I would like, if possible, for somebody in one of the departments to take a look at it, investigate it, and find out what the story is, and why it hasn't been done. I looked myself and I don't see any wiring even though Donna DiMauro specified last week that there was a conduit there. I don't see it. There is a PVC tube, but there is no wiring.

Commissioner Aieta: Are there wires sticking out of...

Holly Kobayeshi: Nothing.

Commissioner Aieta: You looked inside, you can't see any wires?

Holly Kobayeshi: Nothing.

Commissioner Aieta: Through the Planner, can we have the Zoning Enforcement Officer or the Town Engineer go out and find out if it's just conduit, or if it's conduit with wires?

Holly Kobayeshi: One other issue. There is a grade on my driveway that the owner/developer is in breach of contract for. One of the reasons I think is that the grade is more than what is allowed on the plans and whatever you call it, the agreement of approval. My driveway is very, very (inaudible) much more than a ten percent grade. I would like that checked into also.

Chairman Hall: Thank you. Anyone else wishing to speak, come forward, state your name and address for the record.

VI. REMARKS BY COMMISSIONERS

None

VII. MINUTES

A. Regular Meeting June 24, 2015

Commissioner Sobieski moved to accept the minutes of the June 24 Regular Meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

B. Special Meeting June 10, 2015

Commissioner Sobieski moved to accept the minutes of the Special Meeting of June 10, 2015. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

C. Special Meeting July 8, 2015

Chairman Hall: We will have the July 8th minutes on the 22nd?

Craig Minor: Yes.

VIII. NEW BUSINESS

- A. Petition 17-15: One lot subdivision at 149 Maple Hill Avenue. Maple Hill Development LLC, owner Mary Kate Van Valkenberg, 149 Maple Hill Avenue, Newington, CT applicant/contact.

Adam DeMeucci, 149 Maple Hill Avenue: I'm Mary Kate Van Valkenberg's husband. This is the same one lot subdivision that we applied for and submitted in April I believe. We've been going back and forth with the Town Engineer, and I think this last version is okay. Mr. Minor would know.

Craig Minor: Yes, the revised plans were submitted either today or yesterday and the Town Engineer has reviewed them, and his only concern was that the types of plants that were specified were not really appropriate for a rain garden. The types of plants that were specified were more appropriate for an area that is constantly wet, whereas a rain garden is wet and then dries out. So the Town Engineer has recommended certain types of plants.

On the table when you came in was a draft motion to approve which I just did this afternoon, and attached to it is the Town Engineer's letter to the applicant specifying the types of plants that should be used rather than the ones that were specified. Also attached to it is a memo from the Assistant Town Planner, Mike D'Amato, who reviewed the subdivision plans. They are complete except the plans should show that the 30 square foot level area that the subdivision regs require. That's not a big thing, that's not a problem. I have no objection to approval subject to those two conditions.

Commissioner Aieta: To the applicant, do you agree with these conditions?

Adam DiMeucci: Absolutely. That's fine.

Chairman Hall: Any other questions? Anything else from the Planner?

Craig Minor: No.

Commissioner Aieta moved to move Petition 17-15 to Old Business for action tonight.

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

- B. Petition 20-15: Site Plan Approval at 1593 Southeast Road. CPD Properties 1593 New Britain Avenue, LLC, owner/applicant, Mark Grocki, VHB, 100 Great Meadow Road Suite 200, Wethersfield, CT, contact.

Daniel Kleinman: Good evening, for the record my name is Daniel Kleinman, I'm a partner in the law firm of Hinckley, Allen, Snyder 20 Church Street in Hartford, representing the applicant. I think the Commission is aware we had a public hearing on the zone change on July 8th, a zone change from the CD Zone to the B Zone. That public hearing has been closed and it is on your agenda this evening under New Business.

Tonight we are here to present the site plan to you. Mark Grocki and Shannon Rutherford are here also from VHB. Mark will run through the site plan with you. We have had extensive discussions with the Town Planner, with the Town Engineer, and we believe we have met all of their concerns. We've already (inaudible) planning and engineering matters. We have also received, on July 13th, unanimous approval from the Town of Farmington Planning and Zoning Commission for a site plan and special permit approval for this site as

well, so we are now awaiting, obviously, a decision by this Commission. I'll have Mark run through the site plan with you, and will be available to answer all of your questions.

Mark Grocki: Good evening Madam Chair. My name is Mark Grocki, senior engineer for VHB of Great Meadow Road, Wethersfield, Connecticut and as Mr. Kleinman pointed out, this is the proposed site plan for 1593 Southeast Road. Currently it is an existing Shell gas station, and as you can see on the existing conditions plan, the existing site is approximately .45 acres in size, just under one acre, again, it's a Shell Gas Station located in Newington and in Farmington. The heavy black line running down the middle of the site there is actually the town line boundary which bisects the current site. As Mr. Kleinman mentioned, we did get unanimous approval from the Town of Farmington and we are here in front of you for site plan approval and zone change for Newington. It is currently in the CD zone, and we are proposing the B zone to permit retail development. The existing conditions that you can see there, the darker, peachy color, that is the existing Shell gas station convenience store building itself. Just above that are underground storage tanks, for the storage of fuel, and just to the left are the existing pumps.

Under the proposed conditions, the existing Shell gas station will be demolished and underground fuel tanks removed, pumps removed. What we are proposing is a 3100 square foot retail furniture store. "Sleep Number" furniture, sleep number mattresses, the building is 3150 square feet in size, and as you can see, the town line of Farmington and Newington actually bisects the building itself also. Approximately ninety percent of the building's square footage is in Newington, and only about two hundred square feet is in Farmington.

We have sixteen proposed parking spaces on the site which meets the zoning regulations. The entire site has been completely realigned to comply with both Newington and Farmington zoning regulations. In terms of access, under existing conditions there were two curb cuts for the site and we are reducing that to the one curb cut that you can see in the gray to the south, bottom left of the site there. Both existing curb cuts were restricted right in, right out only and we are going to continue that on our proposal, right in, right out, because there is an existing curbed median in Southeast Road. You cannot see it on the site plan, but rest assured, there is a median bisecting Southeast Road restricting left turn out from the site, so only right turn in, right out, and again, we are reducing two curb cuts to one.

We did provide a traffic study. Traffic memo which we provided to the engineering department for review documents that we are doing a significant reduction in trips generated for this site, from the gas station use to the proposed retail furniture store, so there will be significantly less traffic arriving at the site.

Under the proposed conditions we are going to be reducing the impervious area, which in my experience is a rarity, but we are reducing the amount of impervious by almost 1,000 square feet, in turn, increasing landscaping for this site which is a great plus for this particular location.

Storm water utilities: I had a number of meetings with the Town Engineer and the Town Planner to discuss the town's Low Impact, LID requirements, for this particular site location. It's exciting for me to design something new, something different especially for a smaller retail site. In combination with reduction of the impervious area, we will be incorporating a couple of LID techniques. A couple of catch basins will provide water quality treatment on the site, and specific to LID, you can see on the plan, [pointing to the plans on the monitor] the dip in the southwest corner there, we are proposing a rain garden. It's a great feature for water quality, and it's specific to the regulations. To the lay person it just looks like normal landscaping, but to somebody like me it's a nice interesting portion that we incorporated into the site. The rain garden has plantings that will do very well for inundation, very well for outtake, and it is actually underlain with what we call a bio-retention soil mix, which is a

combination of compost and sand directly underneath that rain garden feature. So again, a great opportunity for water quality. Directly to the left of the building we are going to be infiltrating storm water which is a direct recommendation from LID from the roof of the building. The roof of the building will have direct underground infiltration storm water which is again another good LID technique. We presented this to the Town Engineer and Town Planner and they both agreed that it was a great approach for the site, and again it's a little bit more than just the standard catch basins. It's a very positive change for this site.

A couple other quick notes: we did provide signage on the building, within our proposed site plans, however, there are no dimensions on the signage, so what our intent is, to give you an idea of what the signage for the sleep number building was going to look like, but we fully intend to come back at a future time for a sign permit and signage approval. So we just wanted to show you the content of the signage.

To bring everything back together, to sum it all up, we will be significantly cleaning up the site from the existing gas station use, removing underground fuel tanks, removing impervious surface, implementing a number of great LID techniques, which are satisfactory to the Town Engineer, and really an overall improvement to the site. This is a view from the southwest corner of that driveway, towards the building, so we just wanted to give you a visual of what the future use will look like. I think with that, if anybody has any questions?

Commissioner Aieta: Would you go back to that and tell us what the finishes are? I see the store front but what is that?

Shannon Rutherford: The elevations, and this black and white elevation was included as part of the application materials, so there is an [inaudible] system with regards to the façade and the bricks towards the bottom is a tile and then there is a notable amount of glass at the front edge of the building, a glazing system and then again, that will be the front of the building. That will be this face of the building, the south face as you drive.

Commissioner Anest: So the south of the building is going to be the main entrance. So, to the left then, that will be facing the (inaudible), and what is the north going to be facing?

Shannon Rutherford: Well, I can show you the black and white elevations, it will be the same color, they are envisioning some glass, that banner will continue around on the front, and then they will pick up the tile towards the interior of the building, and then that tile continues, it wraps the corners, and the service area, if you will, will be here, there is an emergency egress, there is very limited service area in the building, but none the less, that's the emergency egress doors are located.

Mark Grocki: Aside from the initial stocking of the store with mattresses, there are no deliveries out of this store. Essentially it's a show room. All the deliveries are from off-site warehouses, so you won't have large trucks.

Commissioner Camillo: Since this was a gas station, is there any on-going remediation?

Mark Grocki: There will be. We have done testing and of course will remediate any unsuitable soils.

Commissioner Camillo: There has been no testing yet?

Mark Grocki: No.

Commissioner Camillo: And there was no remediation when it was a gas station?

Shannon Rutherford: Not that we are aware of. We haven't done that investigation, but they have a separate environmental engineer under contract for the project.

Commissioner Sobieski: Did you and the Town Engineer come to an agreement as to what you are going to use for LID?

Mark Grocki: Yes.

Commissioner Sobieski: And it's been finalized?

Mark Grocki: We still have some additional testing for assurance, but other than that, yes, we have agreed that this is a satisfactory plan.

Chairman Hall: I have a question. What is this notch? It looks like part of the driveway.

Mark Grocki: Yes, instead of an additional catch basin, what that notch is is a paved leak off, so storm water will flow over the parking lot, hit that low point, and then come into the rain garden where it will hit a small stone rip rap path.

Chairman Hall: It almost looks like a grate.

Mark Grocki: That is stone, so, you might be able to see it a little better. There we go!

Shannon Rutherford: That is the pavement here, Mark, and then the stones.

Chairman Hall: Anyone else have a question? We will wait for the Planner to come back, because he did have a couple of comments; they all seemed to be positive, but I just want to check with him before we go off the subject. At this point, do you have any comments or anything that we need to be aware of before we move this?

Craig Minor: No. I have a draft motion for your approval, with conditions.

Commissioner Aieta moved that the Commission move this petition to Old Business and act on it tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

- C. Petition 24a-15: Site Plan Approval (Section 3.11.6: Restaurant) at 3375 Berlin Turnpike (Raymour & Flannigan). WNT VIII LLC, applicant; Furniture Executives No. 4CP, owner, Michael Hamlin, 287 Chesterwood Terrace, Southington CT, contact.

Commissioner Aieta: There is a conflict between the original one and the revised; the original one said Section 3.11.6, and the revised calls it 3.24.6.

Craig Minor: Yes, that's because I decided Section 3.24.6 was the more accurate section for this petition. We have what are called "pyramid zoning" regs, which say if it is allowed in one zone, it's allowed in another zone, so I decided 3.24.6 was the more accurate section of the regs to reference. But both sections say that restaurants are allowed by special permit. I have nothing to report, because we have not received the site plan yet.

- D. TOD (Transit-Oriented Development) Regulations for CTfastrak Neighborhoods.

Craig Minor: At the last meeting you discussed the possibility of bringing in a planner from another town that has been through this process. I did speak with the Planner from the Town of Windsor, and he said he would be available to come to a Planning and Zoning meeting to

discuss Windsor's experience. He is available Wednesday nights, so if you would like, I can ask him to come to your next meeting August 22nd.

Commissioner Aieta: Would that be at the 6:00 o'clock meeting?

Chairman Hall: Let's have that in place of the regulations review.

Commissioner Aieta: For the public that is watching, for the public that is here, it will be a six o'clock meeting on that date, instead of a 7:00. We'll have the 7:00 o'clock meeting for things that are on the regular agenda, but at the 6:00 o'clock meeting we will be talking about TOD.

Craig Minor: The next item I covered in the memorandum was something I brought up but as quickly as I brought it up, I'm going to squelch it. I met with the Town Planner in Canton which is in the process of adopting "form based regulations", but after meeting with him and discussing what Canton is dealing with, and what Newington is dealing with, I learned that form based regulations are great if your town has a particular urban form that it wants to preserve. Certain kinds of buildings, specific kinds of setbacks, specific physical features that you want to preserve and replicate in your town. That's really not the case with Newington Junction. We have uses that we are concerned about, but it's not like a traditional New England village with certain styles of houses, certain sizes of houses; that's really not what we are concerned about with the Junction. What he also told me is that form based zoning is great when you have a large area of town that you want to put a certain kind of an imprint on, or if you have a large block that is going to be subdivided and developed where the streets have not yet been developed on either side; form based zoning is great for those situations, but from what I was told, form based zoning is not what we need in Newington at the Junction.

Commissioner Anest: When we do the regulations for TOD, can't we put design standards in there anyhow? That would take care of what we want, because we might decide that Newington Junction should look like a little junction village, so that would be included.

Craig Minor: About fifteen years ago the State of Connecticut passed laws allowing towns to do what is called "village district zoning," which Newington actually does. Your zoning regulations for the Town Center actually are "village district" regulations. They do talk about the appearance, they do talk about design standards, so yes, we could use that style of zoning for the Junction.

The third point in my memo was funding. There is no specific amount of money that is budgeted. I have been given to understand that if the Commission asks for funding in the area of \$20,000 that that would probably be forthcoming. But I'm not sure that that would be enough. That's roughly what we spent on the Low Impact Development regulations, which were not controversial, which were simply technical, but even that required several meetings with the consultant, lots of staff meetings with the consultant, public hearings and so forth, not a lot of drawings, and even that was more than \$20,000. So I don't think twenty is enough. I think at some point I'm going to have to have conversations with the Town Manager, and certainly with the Chairman, and come up with a strategy to get some additional funding, because I don't think \$20,000 will give you what you need. I'll report on that at the next meeting.

Commissioner Anest: At the last meeting we talked about having public hearings before we really jump into it. Can we schedule the public hearing so we can get notices out, so that we are not spinning our wheels?

Craig Minor: Okay.

Commissioner Anest: After everybody is back from vacation. I think if we sent out press releases to the papers to alert the public that we're having this public hearing, and we want to hear what the residents have to say, I think we should jump into this rather quickly.

Craig Minor: I think we should give the public something to respond to. At the moment, all they would be responding to is what they know about TOD, and I think we would be doing them a disservice if we say, come on down and tell us what you think. We did that a year or so ago, well, not you, but the Newington Junction Study Committee. They held a meeting and they opened it to the public and as everybody knows, it did not exactly go well. I think we did the public a disservice by doing it without a lot of preparation, so yes, let's have some public information sessions, but I think this committee needs to do some planning, some preparation for it.

Chairman Hall: The problem with that meeting was that it was a meeting for the consultant to present to the committee the final report, and everything that we have is open to the public. The word went out that that meeting was being held, and they turned it into a public forum. That was not the intent of that meeting that night, and it did get out of hand. So I think the next time that we talk about this, it really does need to be much more structured and guided. That was almost a free for all the last time, and we got nowhere.

Craig Minor: How about for the next meeting I will put together a draft outline for the public hearing and then we can discuss that and make sure that there will be information that the public can react to and not just come and speak about what they know about?

Commissioner Anest: Right, but I think it is important that we give them enough notice because I know with the town hall renovation, I don't think there was enough notice. I just think it's important. We have to get it out there, we have to communicate with the public because like I have been saying, this is forever going to change the character of Newington.

Craig Minor: How much advance notice are you thinking about? A month, two weeks?

Commissioner Anest: Four weeks. That's why I'm saying we scheduled this for September.

Chairman Hall: Well, I don't know about September, and I'll tell you why. Our first meeting in August will be with the Windsor Town Planner, who has had experience, so we are going to get information that night, so at that point, we are going to be able to form some opinions as to maybe what direction we want to take. I think maybe we should have the public hearing at the first meeting in October.

Commissioner Anest: I think we should have it on a separate night, maybe a Thursday evening, or Monday or Tuesday.

Chairman Hall: That could confuse the people too, who are used to seeing us on a Wednesday.

Commissioner Anest: Or have it on an off Wednesday, but I think there might be a hundred people there and we might spend hours listening to what people are envisioning, and what they would like to see, and our whole meeting would be taken up with the public hearing. I think we talked about having it on a different evening.

Chairman Hall: As I said, I think that confuses people.

Commissioner Camillo: I think we should educate them first and show them what the options are before we hear from them. Let them read about TOD, the same as we are. We are

going to learn things from the Planner from Windsor, and when we have some ideas, they can too. But, just for us to get it, and while we're absorbing it, trying to figure it out...

Chairman Hall: Well, I think if I went around the table tonight, and asked each of you your opinion of TOD, I'd get seven different responses. I think before we jump we have to know a little bit more about it ourselves, so again, I don't want to have it much before October. Spend the August meeting and the September getting our ducks in a row, certainly, I mean, we are letting people know tonight that we're planning on having this kind of a meeting, that will start it. But as far as rushing it and getting the public involved before we even know what direction we are taking, I think we should work together on this.

Commissioner Camillo: We have the TV too. When we get this information, we can put it out there, these are the possibilities for our town. What do you think?

Commissioner Sobieski: I'd like to make sure that the public understands that when we bring these other planners in, we're just listening to what they have to say and may not necessarily fit Newington's idea of what we want. People in this town have their own ideas of what they want there, if they want any changes at all. We're heard time and time again people come up and say about Newington Junction, don't do this, don't do that, they don't want any changes, and yet every time we turn around, we hear about this grant, that grant, so, I think we really have to move slowly and cautiously on this and get it all the first time.

Chairman Hall: We have to know where we are going.

Commissioner Sobieski: Right, and that's the big issue, because every time I see some grant is available, and we're going to put in for it, it may not fit what we want, and that's a big concern with people out there. They don't want their roads widened, they don't want a lot of things out there, as Craig knows when I took him around town and showed him some of those roads, and some of the issues.

Chairman Hall: All right, I think the notice is out there right now, verbally, that we intend on having this, and we'll just work on it until we are ready and it will be posted, hopefully with several weeks notice.

Commissioner Anest: I just don't want to spend a lot of time and then hear from the public, and we're on the totally wrong track of what they want to see us do. Just like the town hall committee, they are spinning their wheels, that's why I would just as soon have public hearings, even a small public hearing just to hear what people want us to look at. And then start looking at it and decide where we want to go with that, and then present to the public a couple of different options because you know, we only have the twelve months, and we want to get this done as soon as possible. That's why I don't think we should wait. That's my personal opinion.

Commissioner Serra: Just piggy-backing on Vice-Chair Anest, there are a lot of ideas floating around, we do need to give enough notice, and I also think, and I know that it has been said a few different ways, but we need to let the public know. This isn't going to be like the last meeting where people were telling them this is what we are going to do, or this is what could happen. We have to make sure that they understand that we want to know what they want to see there, what's best for the Town, what's best for the residents. They need to come with ideas, but we also want to keep this civil. We want their ideas, we want their input, we don't want what happened last time, so I think by giving enough notice, by letting them know what we are doing, maybe get out some brochures through the Town Hall that people can come in and pick them up that show what we are looking for. So the right information gets out there so they do their homework and then come knowing what they are coming in to.

Chairman Hall: In order to get that information we have to know where we are going, too. That's why we need to spend a couple of meetings getting our ducks in a row.

Commissioner Serra: Absolutely.

Commissioner Sobieski: I just wanted to say that Vice-Chair Anest and Commissioner Serra have the right idea and I just wanted to support that idea.

Commissioner Aieta: I don't have a problem having the public come in for a couple of hours and give us their vision of what could happen, particularly in the Newington Junction area, before we had concrete ideas of our own of what we want to do. I'd be willing to listen to the public and see where they are coming from, to see what they are looking for and then take that into consideration when we make a decision as to which way we want to go on TOD. I don't want to come in and say, we have these two different ideas, and we throw it out there, and they say, no, we don't these, and they have something altogether different in mind.

Chairman Hall: That's why I said I don't think it's one or the other. We are going to be working together on this to form a plan, but again, as I said, if I went around the table tonight and asked what does TOD mean to you, at this point, we don't even have any kind of concept because we haven't spent enough time on it. We need to spend some time on it so we know what we're doing, so that when the public comes to us, and integrates into our thoughts, that we begin to weave this fabric which eventually will lead us to the correct answer to the TOD that we are going to have for Newington. So again, we need to spend some time, that's why on the 22nd, we will have Windsor, and then in September put it out, maybe have it the second meeting where we have the public come in, the second meeting in September. We'll know better after that August 22nd meeting as to where we are going.

Commissioner Camillo: A lot of these meetings are negative; we don't want this, we don't want that. How about they come in with what they want? TOD doesn't have to be housing, it can be other types of development, commercial, retail, etc.

Chairman Hall: Newington Junction happens to have a form of transportation with it, and again, in Newington, we may end up with two forms. We have the bus now, and we may get a train. You haven't gotten the okay from the Windsor planner yet, so we have to nail that down because we are kind of planning on this.

Craig Minor: He has indicated that he is free on Wednesday nights, but I'll make sure that he is available on August 22nd.

Chairman Hall: By the way, is anyone going to be on vacation that second meeting in August?

E. Proposed Open Space Zone.

Craig Minor: At the last meeting I told you that I wanted to go out and take a look at all these parcels and get a sense of what is happening on each one of them before we make any zone changes. I did, and I'll talk about that in a second. All of these colored parcels are some kind of open space. The green ones are town parks, town ball fields, public schools; the two yellow parcels are the two farms that we have in Newington, the Eddy Farm and the Deming-Young farm, and all of the brown parcels are some other type of open space. I wanted to get a feeling for what exactly these parcels are, so the other day the Assistant Town Planner and I drove around and visited all of the parcels that are north of Cedar Street. We looked at all of them, and we make notes of what we saw. We will continue to do that for the rest of the town, and then we will come back to you, probably at the August 22nd meeting, we'll get that done in a few days, and at the August 22nd meeting I will probably be in a position to

recommend that we go ahead with a public hearing. Let me just say we will finish visiting all these parcels, document what is or isn't happening on all of them, and then I will come back and report on that at the next meeting. I think we are pretty close to going to public hearing on the open space zone that the Commission wants.

Chairman Hall: The next item is Petition 31-15 which we added this evening, the amendment to Section 3.21.C.

Craig Minor: I don't have a copy of the draft, I think Mr. D'Amato e-mailed it to everybody a week or so ago, but this is the concept that we talked about last week, where if the vehicle contains at least two of these attributes, size and back-up beepers, automatically commercial, automatically. But it has to have at least two of the following criteria to qualify as a commercial vehicle. So that is the regulation that I am proposing that we schedule for public hearing, as you know, we talked about it at the last meeting. I think it's probably a fair, a balance between protecting the residential character of the neighborhood, but without impacting too severely on the self employed contractor who has a truck, who needs a truck for his business and isn't a large enough business to be able to afford rented space in a commercial zone. We think it is a pretty good compromise. So, if the Commission has no objection, we will schedule it for the August 22nd meeting.

IX. OLD BUSINESS

A. Petition 19-15: Zone Change (CD to B) at 1593 Southeast Road, CPD Properties, 1593 New Britain Avenue LLC, owner/applicant; Mark Grocki, VHB, 100 Great Meadow Road, Suite 200, Wethersfield CT, contact.

Commissioner Serra moved to approve Petition 19-15: Zone Change (CD to B) at 1593 Southeast Road. CPD Properties 1593 New Britain Avenue, LLC, owner/applicant; Mark Grocki, VHB 100 Great Meadow Road Suite 200 Wethersfield CT, contact.

Findings:

1. The proposed zone change will enable the owner to use the parcel in a manner that is more compatible with the actual uses of adjacent parcels.
2. The proposed zone change will make the lot, which is currently non-conforming with regard to the bulk requirements, conforming.
3. The bulk requirements and the list of permitted uses in the B zone are in harmony with the bulk requirements and the permitted uses in the adjacent Town of Farmington B-1 zone.
4. No objection was filed at or before the public hearing in accordance with Section 8-3(b) of the Connecticut General Statutes.
5. The proposed zone change was referred to CRCOG, which found "no apparent conflict with regional plans and policies or the concerns of neighboring towns."
6. The proposed zone change is consistent with the "Business Development General Goals" shown on Page 35 of the Plan of Conservation and Development, specifically:

Where appropriate, reuse and re-develop existing commercial properties to take advantage of good locations and utility services.

Encourage the development of a wide range of retail business services and industrial sector land uses which will strengthen and broaden Newington's tax and employment opportunities without adversely impacting residential areas.

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

B. Petition 24-15: Special Exception (Section 3.24.6; Restaurant) at 3375 Berlin Turnpike (Raymour & Flanigan) WNT VII LLC, applicant, Furniture Executives No. 4 LP owner, Michael Hamlin, 287 Chesterwood Terrace, Southington CT, contact.

Craig Minor: You can approve the Special Exception but they won't be able to make any changes to the building until they come back for site plan approval. They were a little iffy about whether they even wanted a patio, so you can approve the use of the property as a restaurant, but if they do want to do the patio, they need to get site plan approval before they can do that.

Commissioner Aieta: I'll move it so that portion will be done, and all they have to do is come in with a site plan, so that they know that they have the approval for a restaurant at that location.

Commissioner Aieta moved to approve Petition 24-15: Special Exception (Section 3.24.6) Restaurant at 3375 Berlin Turnpike, (Raymour & Flannigan). WNT VIII LLC, applicant, Furniture Executives No. 4 LP owner, Michael Hamlin, 287 Chesterwood Terrace, Southington CT, contact.

CONDITIONS:

1. This approval does not include Site Plan Approval for the proposed patio on the east side of the existing building.

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

C. Petition 17-15: One-lot Residential Subdivision at 149 Maple Hill Avenue; Maple Hill Development LLC, owner, Mary Kate VanValkenburg, 149 Maple Hill Avenue, Newington, CT applicant/contact.

Commissioner Anest moved to approve with conditions, Petition 17-15: One lot Residential subdivision at 149 Maple Hill Avenue. Maple Hill Development LLC, owner, Mary Kate Van Valkenburg, 149 Maple Hill Avenue, Newington CT, applicant/contact.

Conditions:

1. The plans shall be revised to state the specific plantings for the proposed rain garden to be approved by the Town Engineer.
2. The plans shall be revised to show the 30' x 30' useable back yard area per Section 6.6.

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

D. Petition 26-15: Special Exception (Section 6.13: Accessory Apartment) at 33 Pfister Drive; Bhagyesh and Shveta Patel, applicant; Stefan and Eugenia Jarosz, owner; Bhagyesh Patel, 114 Gloucester Court, Newington CT, contact.

Commissioner Camillo moved to approve Petition 26-15: Special Exception (Section 6.13: Accessory Apartment at 33 Pfister Drive. Bhagyesh and Shveta Patel, applicants; Stefan and Eugenia Jarosz, owner, Bhagyesh Patel, 114 Gloucester Court, Newington, CT, contact.

No conditions

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

E. Petition 27-15: Special Exception (Section 3.11.1: Dance Studio) at 37 Ann Street; Backstage Academy of Dance, applicant; 37 Ann Street LLC, owner; Kimberley Larson, 7 Wintergreen Road, Bristol CT, contact.

Commissioner Aieta moved to approve Petition 27-15: Special Exception (Section 3.11.1: Dance Studio) at 37 Ann Street. Backstage Academy of Dance, applicant; 37 Ann Street LLC, owner, Kimberley Larson, 7 Wintergreen Road, Bristol CT, contact.

No conditions.

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

F. Petition 20-15: Site Plan Approval at 1593 Southeast Road; CPD Properties 1593 New Britain Avenue LLC, owner/applicant; Mark Grocki, VHB, 109 Great Meadow Road Suite 200, Wethersfield, CT, contact.

Commissioner Sobieski moved to approve Petition 20-15 Site Plan Approval at 1593 Southeast Road. CPD Properties, 1593 New Britain Avenue, LLC, owner/applicant; Mark Grocki, VHB, 100 Great Meadow Road Suite 200 Wethersfield CT, contact.

No Conditions.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

Craig Minor: None, just the zone change we talked about.

XI. TOWN PLANNER REPORT

A. Town Planner Report for July 22, 2015

Craig Minor: Well, no report, maybe next month I'll tell you about this part of the agenda.

B. New "Fair Housing" rules

Craig Minor: I included this in the agenda package just to make the Commission aware of it. I have seen a lot of discussion about it in social media so I figured that you have too. This is what is being talked about as President Obama trying to force low income housing onto the

cities, and you can form your opinion as to whether that is true, but these are the facts. Since the Town receives federal funds, we are required to "affirmatively further fair housing", and up until these new rules were released it was sufficient to just do certain things, such as putting up "Fair Housing" posters, having a Fair Housing Officer (which is one of my duties), have a Fair Housing Month, remind local realtors and lenders that they have to practice fair housing, etc. It was sufficient, and this part is important, for the zoning regulations to allow for a range of housing types, which Newington's regulations do. So we have always done what is required, and that is still true, but under the new guidelines there would be a different way for the Feds to determine whether we are in fact "affirmatively furthering Fair Housing". They are now going to base it on demographics, statistics, studies, and related research, which up until now we have not had to do. I will be learning more about this in the months to come, and I will share as much with you as necessary. The Chairman, by virtue of her profession is aware of these things, so we'll keep you as informed as circumstances require.

Chairman Hall: They are extremely different, and as I was explaining to Craig, in my job, we actually have people paid by the government that are called "testers" that come out and run us through a scenario to make sure that we are, and I would not be at all surprised that, that kind of thing might start happening with the town, too. There are people out there that are looking for compliance. It's a pretty serious thing, so we all need to be aware of it, and we all need to know about the rules and regulations because, as has been explained to the towns, as well as to us, ignorance is not an excuse. Just because you don't know the law, does not exempt you from having to follow it, so it's kind of catch-22, that if you don't know, something, if you don't know that you are not complying with it, you're still going to be held responsible. Very, very important that we all know about this.

XII. COMMUNICATIONS

None

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

Gail Budrejko, 5 Isabelle Terrace: This is just a comment about holding public hearings on TOD. I do think it is important to be prepared and give the public a strong message to react to, because based on past, people won't pay attention until there is something to pay attention to. So I think you should have a little bit of something to present to people. Regarding TOD, I think it's also important to know that, I think in Newington it may take two different forms, because the two areas are very different, Newington Junction and Fenn Road, so that's something to consider. Also, do remember that we do have a blueprint where there was an awful lot of significant input, and that was called the 2020 Plan where the types of development included, or excluded from different areas, particularly Newington Junction has already been discussed. There are some good thoughts, blueprints there if you need to work with. Regarding the form based zoning, I do agree with Carol, I think there could be a good combination of form and function, so that is one thing to consider when you are exploring possibilities. If you ask the public now, I think there are things that people wish or want, but there are also some pretty significant realities to look at, the economic, the demographics, the census data, and where we are for a regional perspective. I mean, it's really nice to say, yeah, let's bring in all this stuff from Jackson Labs, but it's really not happening, Yeah, it's really nice, let's bring in all these great condos, singles are going to come to us, but you really do have to be realistic, and look at the economy, and where we are, and where we are located, because I'm sorry, this isn't a Field of Dreams where you build it, and they will come. It's not going to happen, so just please try and keep the expectations and what is going to be going on reasonable and realistic.

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

Rose Lyons, 46 Elton Drive: I promised the Town Planner that I would not ask again for the Newington Junction study, but I have to say, I followed that committee, which I don't believe was a committee because it was never set up by the Town Council, but we were told at Town Council meetings that there would be charrettes, and I had to go back and look up what a charrette was, and that's a public meeting with the residents in the area. In my opinion the reason that meeting back in May of 2014, I think it was, turned into what it turned into, was because there was not transparency and openness. Those meetings were not publicized, people did not get to come and have any input, and as a matter to my recollection, the consultant himself said that he had never given the final report to a committee without having the input from the residents, so I know that you are a different Commission, from the Newington Junction Study Committee, but I do hope that as Commissioner Anest said, there is plenty of notice given to people. Last night at the town hall renovation committee, I think there was a half a dozen people that showed up, and it's the same people over and over again, myself included, but your public hearings are different than the Town Council public hearings. They are not questions and answers; the public gets up, they say what they have to say, and if the Councilors decide to respond to the public, they respond. At least here we have some sort of voice, and I thank you for that. I would hope that you would invite the Town Council liaison to these meetings. It seems to me that they only show up when they want something pushed through here, i.e., Amara. I don't even think it was the liaison that showed up, I think it was just two town councilors who were here sitting in the audience watching what was going on. I really feel that the Town Council should be up to speed on what is going on, especially with the Transit Oriented Development. Thank you.

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

John Bachand, 56 Maple Hill Avenue: First of all, a member of the public, our good friend Gary who is watching at home, commented that you keep talking about August 22nd, which happens to be a Saturday, so he wanted me to have you look at your calendars. Secondly, the Planner's open space map, maybe it's just not updated, but it doesn't show the property we own on Cedar Mountain, the former Marcap, we have to come up with a name for it, instead of calling it the former Marcap. I would agree that I think we need the TOD public hearing. I don't know if you discussed if there was going to be more than one, but I don't see why there can't be a few of them. There will be a lot of opinions, but I don't see why we should put it off any longer. Talk about this Newington Junction, when I look at it, it's shouldn't be that complicated because there isn't really that much available space, I think there is one abandoned building, Merrill Machine, to the best of my knowledge the rest of them are properties are occupied and used. So, the last thing, I will ask the Planner once more to explain my situation with that, the property situation that the pipe is not on my property, just explain it so that I don't look like a fool, I guess it's in their purview to waive that, but if you could just explain that, I would appreciate it. Thank you.

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

XIV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: A couple of things. First of all I'd like to have this Packard's Way thing put to bed. Every meeting we have we have an issue with it, if we need to add on to that pipe, or she, Donna needs to add on to that pipe, get it done. I mean, there is no reason why this has gone on all this time. It's just, it goes straight up the property line and Mr. Bachand, it's a done deal, let's put this thing to bed. It's every meeting Mr. Bachand is coming up, asking questions, I don't see why we don't have this thing resolved.

Craig Minor: We can not compel her to finish it before the deadline. I know that this is an outstanding issue, and when she wants her bond released, we will then go out and inspect the site, and if we find that the pipe is two feet short, then we aren't going to release the bond until Donna sends her contractor back out to the field to install the pipe to the property line. We might ask her to put it an inch past the property line. I think Mr. Bachand's point is well taken if he is correct, and I don't doubt him that the pipe is not near the property line, but if that is true, then the bond won't be released until the pipe is brought to the property line. But we can't compel her to do that until the expiration of her subdivision approval.

Commissioner Sobieski: Is what we have for a bond sufficient?

Craig Minor: I wish I could say yes, but I can't because there may be subsurface failings that we don't know about yet, or we don't know as much as we would like to because we haven't gotten the detailed report from the applicant's engineer, although we have asked for that detailed report many times. Until we know why there was that small failure, we don't know. Hopefully all that happened was that some gravel compacted or settled a little more than expected, and all the developer needs to do is to bring in some more. Hopefully there wasn't some kind of an undermining caused by ground water which would require a lot of money for her to go in and fix. We have enough to finish what hasn't been done, but do we have enough to finish what hasn't been done and correct a subsurface problem that we don't know the details of yet? No, because we don't know what we don't know.

Commissioner Sobieski: Right, and that is my concern. I just don't want to see this thing to, for lack of a better word, just stop and the Town is forced to take it over. Then we are going to have to spend money out of the Town's budget to finish this project and straighten out the subsurface issues if there are any. The second item that I have a question on, on this open space zoning, we have little slivers of property all over the place, and I do know, I did mention Banks Park on Connecticut Avenue, I didn't see that up there, I don't know if it is too small to put in there, or whatever, but there are a lot of little slivers that the town owns that they have acquired over the years, through either the old CR&L rail line, or trolley line or railroad line, or DOT property that has been turned over to the town. I think you need to get that into perspective also, somehow. Put a different color in there or something.

Craig Minor: I don't know if there are parcels which the Town owns that the GIS department isn't aware of, I don't know what I don't know. You are saying that there are parcels that we own that don't show up on the map?

Commissioner Sobieski: Yes. If you want, I can come down and point some out to you, I'm sure Commissioner Anest can also do the same, and some of the other Commissioners.

Craig Minor: Let's do that at the next meeting, while we are all here.

Chairman Hall: We could all do our own neighborhoods.....

Craig Minor: Yes, actually if you would, because you will have this in your agenda package, and I can e-mail it to you also so you can blow it up, so from your own personal knowledge, if you think that there are parcels missing, let me know. Please.

Commissioner Anest: I think we all need to be careful of what we put on Facebook, because people can form a misconception of TPZ and people think that is how we are thinking. So I just want to throw that out now. We probably should refrain, any of us, town employees, members of Commissions, we probably should be careful of what we say.

Commissioner Camillo: Regarding John Bachand's property, I was on that property back in the '80's. There was a house in the back, I don't know if it is still there, I spent a lot of time

there. When we went out there for our field trip, it looked like there was a swale, hand dug, or dug with a machine so this property would drain to the catch basin. Now, if you have been listening to this, I really think John should put his own pipe in and connect it out and just get this over with. That was done deliberately, the rain didn't do it, the weather didn't do it, someone dug that out. We've been hearing about this for two years, it really should go away, and for a couple of hundred dollars' worth of pipe, put it in, and get it over with. I really think John should take care of it.

Craig Minor: Well, I think he does intend to, but his point is that the pipe isn't there for him to connect to. He says it's not there. That's his point.

Commissioner Camillo: But the water draining from his property onto someone else's was done deliberately, it didn't just sit there and pool up, it drains off, into a pool under the trees where it's a low spot, and nothing grows there because the sun can't get to it, it's just hard ground and the water just runs off and pools and then runs to the next lot over.

John Bachand: It's the topography, I have no control over that.

Commissioner Camillo: But someone changed it. Maybe not you, but the weather didn't do it, the water didn't do it, someone channeled the water from your property to someone else's. Now there is a catch basin there, so let's, you know, hopefully we can get this resolved soon because we are really tired of hearing about it.

John Bachand: I could do it, but I have no authority to go onto someone else's property, that's the problem.

Commissioner Camillo: If my property is eroding, I'm going to go onto their property and connect. That's all you have to do. She's not going to stop you, she's going to thank you.

John Bachand: I would rather do it the legal way.

Commissioner Aieta: I think Carol brought up a good point. I've seen a couple of posts that the Planner has put on, and I would ask him to please refrain from going on Facebook and commenting on the Democrats and the Republicans, on current issues at the state legislature. It reflects on, people look at you as the Town Planner but they see it as a reflection of what our thoughts are, and it's not our thoughts. I don't go on Facebook, I don't post second hand, but I've gotten some feedback, some people have sent me quotes that you sent, and in your position you should really not be on there with comments that people might consider our opinions.

Craig Minor: The quotes that you are referring to are quotes that I put on a Bristol web site, that somebody found and copied to a Newington web site. I can't control what people from Newington choose to do.

Commissioner Aieta: I think you just have to be careful what you put on there.

Craig Minor: You're right, absolutely.

Commissioner Serra: Several people mentioned, and for very good reason, the town renovation meeting, and I just want to remind some folks, that is at 5:00 pm. Why they would do that at 5:00 I don't know. People are trying to get home from work, people are stuck in traffic, it makes it difficult, our meetings, we have the early meeting from six to seven to go over regs, now we are going to be doing TOD, and some other things, but our regular meeting is at seven. So we are going to do our best to make sure that it is at a time when folks can get here and express their opinion. It's not going to be a five o'clock when you are

driving home, trying to feed your kids, stuck in traffic or whatever you have to do. I just want to make sure that is clear. I just wanted to make people know that we are doing it at our regular time to make it easier for people to get here, including us.

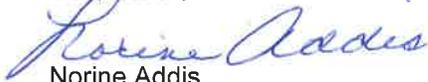
XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: We will not be meeting the second Wednesday in August. We will be meeting again on August 26th, which is a Wednesday, and as I said before we want to keep our meetings consistent. If we start shifting them around we're going to get complaints from the public. "You always meet on Wednesday, so why did you have this important meeting on a Thursday?" We have to be consistent. Have a good break, we'll see you on the 26th, and obviously if anything comes up in the meantime, we will have our usual communication to let us know about that.

XVI. ADJOURN

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary