

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 25, 2012

### Regular Meeting

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

#### **I. ROLL CALL**

##### Commissioners Present

Commissioner Carol Anest  
Vice-Chairman Michelle Camerota  
Commissioner Cathleen Hall  
Commissioner David Lenares  
Chairman David Pruet  
Commissioner Stanley Sobieski  
Commissioner Dana Woods  
Commissioner Frank Aieta  
Commissioner Michael Camillo  
Commissioner Audra Ekstrom

##### Commissioners Absent

##### Staff Present

Craig Minor, Town Planner

#### **II. APPROVAL OF AGENDA**

Craig Minor: Mr. Chairman, I have some changes to bring to the Commission's attention and I believe that you have a memo in front of you. I recommend that you delete Item VI (B), that's Petition 14-12 for the site plan modification at 49 Fenn Road. The applicants have asked that this be postponed until August 22<sup>nd</sup> to give them more time to work on their revisions.

I also recommend that you remove item VIII (B) Petition 15-12, that's for the Metropolitan District Sewer facility. They are still in front of the Conservation Commission so they have asked that their TPZ hearing not be opened until they're more or less through with Wetlands, so they have asked to be taken off the agenda.

Finally I ask that you add a new item that just came in the other day, Petition 19-12 and there is a copy of the application in your memo here. It's for a new restaurant in an existing building on the turnpike, Ms Squillante will be here later tonight in case the Commissioners have any questions, but it's a restaurant in an existing building so I'm going to recommend that you schedule it for a public hearing, but we needed to add it to the agenda.

Commissioner Camerota: Do we add it to New Business or Petitions to be Scheduled?

Craig Minor: Petitions to be Scheduled.

Chairman Pruet: Any remarks or concerns on that? I think we have a consensus to approve the agenda as mentioned by our Town Planner.

**III. PUBLIC HEARINGS**

**A. Petition 08-12: Zoning Regulations Amendment (Section 3.15, 3.17 and 6.11) for Auto-Related Uses in the B-BT and PD Zones. Newington Town Plan and Zoning Commission, applicant. Continued from June 27, 2012.**

Chairman Pruet: Craig, if you can paraphrase that petition and new regulation please.

Craig Minor: This amendment was initiated by the Commission a number of months ago in acknowledgement that perhaps the new zoning, the recent zoning regulations that prohibit pretty much any automotive use on the Berlin Turnpike was a little excessive and that there are certainly some automotive uses which could be accommodated on the turnpike that aren't in opposition to the intent of the new Plan of Development. So I drafted an amendment, we have had a number of discussions, the hearing was opened last month. What the amendment would do is basically create two different categories of automotive uses. The first category, and if the Commissioners want to look to what I call the "clean" set of regulations you will notice that the first of these uses is motor vehicles service use. Motor vehicle service use basically consists of lubricating of motor vehicles, adding or changing oil or other motor vehicle fluids, changing of tires, balancing of wheels, those sorts of things. Those sort of activities would be allowed by Special Exception in the BT and PD Zone, but car dealerships, car dealerships and car wash facilities which would fall into the category of auto related uses would not be allowed on the turnpike. They would continue to be allowed in the Industrial zone as they are now, but not on the Berlin Turnpike. Then at the same time the amendment adds a number of aesthetic considerations to ensure that any new use in the PD Zone and the BT are attractive and fit in aesthetically with the other businesses around them.

Let me just add, it was brought up at the last meeting that there were some questions as to whether this amendment was consistent with the Plan of Development. I've prepared a memo which the Commissioners all have and I won't read the whole memo, but I did go through the Plan of Development and I did identify a number of places where I feel this amendment is consistent with the Plan of Development. Specifically in Chapter 4 which is the Development Strategy section, under Community Character, Strategies, "this would allow for compatible development and re-development along the Berlin Turnpike," moving on, this is also consistent with the general goals which is in Chapter 4, Development strategy, in that "it will encourage the development of a wide range of retail uses" and under Chapter 4, Strategies to Promote Business Development, "this will encourage the development of land within the Berlin Turnpike corridor for regional retail uses and business services." This amendment will do that. But importantly going on to Item 5 of that Chapter which recommended the elimination of uses that were not compatible with retail and business sector, for example to discourage auto related uses, this amendment, because it makes a distinction between the different kinds of auto related uses, which named the car dealership which due to their scale and impact are perhaps not appropriate on the Berlin Turnpike, it makes a distinction between those kinds of uses and a tire shop, a muffler repair place which are much less, have much less of an impact, so I feel that this amendment is consistent with the Plan of Development.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Aieta: Through you Mr. Chairman to the Planner. Can the Planner explain if this change in regulation will address the non-conformity of the existing auto related uses in the town?

Craig Minor: Well if there are now motor vehicle services that at the moment are non-conforming because they are on the Berlin Turnpike, this would make them conforming, as long as they comply with all of the other regulations. If they are not on one acre, or if the bay doesn't face the street, they might still be non-conforming because they do not comply with all of the new regulations. We would have to look at them on a case by case basis.

Chairman Pruettt: But it would be a legal non-conforming?

Craig Minor: As they currently are, and some of them may become conforming and some of them will probably remain legal non-conforming.

Commissioner Aieta: Does this address the PD Zone also? It doesn't say that.

Craig Minor: Yes. If you go back to the, "Motor vehicle service uses are allowed by Special Exception in the I Zone, B-BT Zone, and PD Zones only."

Commissioner Aieta: So we really didn't address the complete, this does not really fix the complete non-conformity that, the existing businesses that were in place when the prior Commission took this out of the regulations.

Craig Minor: It probably won't make all of them conforming.

Commissioner Aieta: Okay, thank you.

Chairman Pruettt: Okay, further Commissioner comments?

Commissioner Anest: I would just like to like to concur with the Town Planner. I was one that was wishy-washy on this, and I wanted to see the two distinct definitions for motor vehicle and auto related use and we now have that in these regulations which I'm really happy about, that there are two distinct characters, they both have different definitions by this statute, specially when we can and cannot do, and I think we addressed it. I think we shouldn't have really billed this as an auto related use, I think we should have said it more adding motor vehicles uses when we billed it to the public because I think it gave a little bit of the wrong perception out there to the general public. I'm very happy with it, I think it addresses and it does take care of the issues that are in the 2020 Plan because we are not bringing back auto related motor vehicles, we're just adding it to the B-BT Zone and there will not be any other uses that we will allow and it tightens up what are going to allow and the restrictions and the appearance that we're going to get on the Berlin Turnpike and I'm really happy with this tonight.

Chairman Pruettt: Thank you. Further comments from the Commission?

Commissioner Lenares: Not to reiterate what the Planner said, and what Carol said, from the beginning I've been a proponent of trying to as much business with as many business types as we could. I am a proponent of business, I think we should do it across the board. The overwhelming majority of this Commission was the concern of those, not that there is anything wrong with them, those smaller used car lots that we see in other parts maybe of the Berlin Turnpike, and I think with the regulations written and how they were written, it doesn't buck the Plan as we might have thought that we were being a little contradictory. But the Plan, I have to admit, is a Plan. It's not a guideline, it's not a regulation, yeah, you should try to stay as close to it as you could, but if you do deter from it, it's okay. If it is for the better of the Town, and I think this regulation as I stated from the get-go, is good for the Town. I think by, I think the key thing, not to bring it up again, to get into the regulations itself, but the

(inaudible) that we put in there about having a minimum acre lot, I think it is key. I think that is going to control what kind of businesses you can allow, to not get that overwhelming concern from the other Commissioners of having those little used car lots up and down the turnpike. Once again, not that there is anything wrong with them, but I have to compromise with some of my fellow Commissioners and I would love to do so to get this to where it needs to be to bring the Town to where it should be as doing as much business with as many business owners as they could. I also would be for, if the Planner could do a little homework for me, someone last meeting was up here and said there were other things that we took out of the regulations, or the prior Commissions did. If you can get me what those were, I think they were like storage uses and things like that, I wouldn't be opposed to looking at those again and looking at why those were taken out. If there was a pertinent reason, if there was a detriment to the Town, so be it, we'll look at it. I'd like to myself, but if they gave the reason that prior Commissions gave to this regulation, that we had enough of them, I don't like that's reason at all. That's me, that's my personal opinion. I don't think our Commission should say that we have enough of any particular type of business. If it's bad for the Town, it's a detriment to the Town, so be it, if not, we shouldn't regulate how many banks we have or how many this we have, but without going into detail, as I already have, I think it's a good regulations, I think it's well written, I think you did a good job with the stuff that you wrote in there, and I fully support it.

Chairman Pruet: Thank you David. Further Commissioner comments?

Commissioner Woods: I am often in agreement with Commissioner Lenares and as is the case tonight, and I think we have done this in a way that works for the town, will be a benefit to the town.

Chairman Pruet: Thank you. Further comments?

Commissioner Sobieski: I think Craig did an outstanding job on this, it certainly is a lot better than what we had, and I certainly don't want to see the Berlin Turnpike limited. If we get more business up there, fine, but I don't want to wholesale gut the thing, so to speak.

Chairman Pruet: Thank you. Anybody else? Any further comments from the Town Planner before I open it up to the public.

Craig Minor: Yes, just for the record. We did submit the amendment to the surrounding regional Planning Agencies. Central Connecticut Planning Agency found the amendment to be not in conflict with the regional plans or policies or concerns of neighboring towns, but the CCROG did offer the following comment, "the staff of CCROG has reviewed this referral and finds no apparent conflict of regional plans and policies or the concerns of neighboring towns." But they went on to say, "for sites located on a municipal border we recommend that the town take into consideration the uses across municipal boundaries and that any more limiting/restrictive set back requirements, screening or restrictions on intensity of uses, including lighting, particularly for sites bordering residential uses in neighboring towns be applied so as to mitigate impacts across municipal borders." That was a good point. I went back and looked at the map, I didn't realize that Newington abuts seven other towns. I didn't realize that, but most of where the Berlin Turnpike and the PD Zone abut other towns, it's Berlin which is already commercial. Wethersfield, a little more complicated, I need to look at that carefully. So I do want to look at this a little bit more and I think we probably should tweak our regs a little bit, just make sure we do respect existing developments in adjacent towns, but I don't think it's going to result in me coming back with anything, significant changes. If it did, I would have to recommend that we re-open the public hearing but I don't it's going to.

Commissioner Lenares: Is that report telling you what the regulations should be, or is that just saying you should be aware of the surroundings? Just saying, take a look, be careful, is that what it is saying? Or are they implying what you should implement?

Craig Minor: That's a good point. I'll re-read it more carefully, but I did quote it verbatim and it is in your package, but...."we recommend that the Town of Newington take into consideration" and in the context of us changing our regs, we should take into consideration, etc. etc. so we can talk about it at the following meeting, or I could ask the Planner at CCROG to elaborate on what she meant by this. Is that, well, we should keep the hearing open if I'm asking her to elaborate on this, just so that you could receive.....

Chairman Pruet: I'm interpreting this as being recommended.

Commissioner Lenares: I did as well. I didn't know if they submitted anything to you that you didn't give to us in terms of regs that we should implement. I think they are expressing their opinion of just saying, hey, be careful if you go to a neighboring municipality, which is a great recommendation, so that is all that it is.

Commissioner Hall: My interpretation of that was, when we have a proposal before us, that is when we take into consideration what the abutting town has, when we are looking at that particular site. I don't think it means, for the rest of it, be aware when you do this, if a proposal comes us, Wethersfield, Berlin, wherever, make sure we know what their regulations are so that we are abutting that and we make it so it doesn't look as if they are non-conforming with each other.

Chairman Pruet: I agree with that.

Commissioner Camerota: They would get notice anyway.

Commissioner Hall: And that would be again as part of our deliberation.

Commissioner Camerota: So I guess the only question here is whether we should have something in here that that is one of the considerations but I think we always.....

Commissioner Hall: Well, we do that.

Chairman Pruet: Yeah, we always do that.

Commissioner Sobieski: Do the surrounding towns always do that for us?

Chairman Pruet: I know they have, I can't recite verbatim, I know they have in the past since I have been on. I remember reading excerpts, for example, I just lost my train of thought, I just can't be specific. I think as part of CCROG it's reciprocal, they have to notify us to. This is a public hearing and we welcome comments from the public. The public wishing to speak in favor of this petition?

Attorney John Knuff: Good evening, my name is John Knuff, I'm an attorney and my office is at 147 North Broad Street in Milford. It's nice to see all of you again, and by the way, just at the off-set, in regard to notification of abutting towns, it is required that the Commission staff do this, notification to abutting towns of any application within five hundred feet of a boundary and that is for Wetlands, Planning and Zoning, so all of the abutting towns would get notice of an application within five hundred feet.

I did submit a letter that Craig was kind enough to hand out to all of you in advance of your arrival this evening. I'm not going to read it, I just want to summarize it and what really propelled it was the discussion at the last meeting, the one gentleman's comments in opposition to the change. As you know, I have been at just about every one of, and one of my colleagues has been at every one of your workshops and your public hearing, which I believe began in either February or March. So certainly the Commission has gone about this change in a thoughtful and deliberate fashion. While it wasn't necessarily intended, you have had the benefit of the thoughts of three very experienced Planners, particularly Craig. You had added eight new restrictions to make sure that new auto related uses are not in any way detrimental to the neighbors or to the town but that can be attractive new additions. I would suspect that had all of these restrictions always been in place, auto related uses would never have been removed from your regulations. Certainly, I think the Commission has done a very good job in striking a balance between economic development but also minimizing any detrimental aesthetic impact to the town. So obviously, my client urges this approval and looking forward to submitting an application soon after the effective date. Thank you very much.

Chairman Pruet: Thank you. Further comments from the public speaking in favor of this motion?

James Brown: I'd like to speak in favor of this motion. I own property on the Berlin Turnpike. I think this will benefit the turnpike in general. I think the initial regulation, it was painted with too broad a brush. It didn't allow this Commission the ability to look at each individual project and judge it on its own merits. I think it speaks well really for the past Town Planner and the new Town Planner and the Commission, you drive down the Berlin Turnpike and you go through Newington, you will find that there are any number of new businesses, there is not a lot of open land. Then you drive into Berlin, it's like you went into another world. It really is. It speaks well for the fact that the town is pro business and basically what's a business zone. I think the changes that you are talking about still allow you to more or less monitor this. It's still a Special Exception, so even though it's permitted, you still have the ability to stop it if you find it is in some way detrimental, so I'm here to speak in favor of it. Thank you.

Chairman Pruet: Thank you Mr. Brown. Anybody else from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? Yes sir, come forward and state your name and address for the record please.

Robert Amenta: My name is Robert Amenta, I'm the owner of Modern Tire and a property owner on the Berlin Turnpike. First of all I would like to comment that there is a marked difference from when you leave Wethersfield and enter Newington to when you leave Newington. Newington is a bright spot on the Berlin Turnpike. That is something that all of you should be proud of. You have done an excellent job making Newington the bright spot of the turnpike. A lot of you veterans have been deeply involved in that. Through your Plan of Development, you had a 1995 Plan of Development and a recent Plan of Development that specifically stated that auto related uses should be discouraged from the Berlin Turnpike and the Planned Development Zone. In 2007 in fact, the Commission took a specific step to further their vision that was defined in the Plan of Development by deleting auto related uses in everything except in the Industrial Zone. In 2010 there was an application to amend Section 3.11 to once again to allow auto related uses however the Zoning Board decided that this was not in step with what we had planned, as far as the Plan of Development and they denied this petition. Now today, here we are, a little over a year or so from when the petition was denied and when the latest 2010 Plan of Development affirmed the vision of keeping additional auto related uses from the Berlin Turnpike, and the PD Zone, that somehow there has been an abrupt about face from what the Commission has consistently stressed and

enforced. The way that the current petition is written I believe that there are several gray areas that could expose the town to different uses. A use could get approved and then once the applicant is in there, starts running the business, there can be a change in the way that they operate. So for those reasons, my question is today, why the sudden change now and what specifically is prompting this at this point in time, especially with the fact that the Commission just went through a Plan of Development in 2010 and it was specifically stated in minutes and even several Commissioners here stated that they spent arduous hours going through the Plan of Development and specifically remember studying this particular subject and decided that auto related uses should be only in the Industrial Zone. As a matter of fact Mr. Meehan had specifically said at the July 14, 2007 meeting how the Commissioners had specifically understood what they were doing by deleting it in those zones. They knew that there was a cascading effect through the regulations, that if they deleted it in the Berlin Turnpike zone, I mean in the top zone, it was going to cascade all the way down and it would only be left in the Industrial zone. They specifically knew that. They studied it. They spent arduous hours going through it, so when they did that, that was their plan for the betterment of the town, for a long term solution. As a property owner on the Berlin Turnpike my business is important, but the property is extremely valuable, and again, when you are in Wethersfield, it's a completely different world. You go into Newington, bright, beautiful, you've got nice retail facilities, you go out, into Berlin, completely different. What is the difference? What are the majority of businesses that you will see in Berlin and the majority of businesses that you see in Wethersfield that are different than what you see in the middle of the Berlin Turnpike which is in Newington, and those are auto related uses.

Chairman Pruet: Anybody else from the public wishing to speak against this petition? Hearing none, any comments in rebuttal from the Commissioners on this? By the public on this? The Commission is the petitioner. Any other comments from the Commissioners on this. What is the pleasure of the Commission on this?

Commissioner Sobieski: Make a motion to move this to Old Business.

Craig Minor: Do you want to make a motion to close the hearing?

Commissioner Sobieski moved to close the hearing on Petition 08-12. The motion was seconded by Commissioner Woods.

Commissioner Camerota: I just want to be sure that Craig is all set with the recommendations from the regional planning?

Craig Minor: Yes.

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

**B. Petition 11-12 Re-Subdivision at 181 Robbins Avenue. Normand Rainville, owner/applicant; Alan Bongiovanni of BGI Inc., contact. Continued from June 27, 2012.**

Craig Minor: Mr. Chairman, Mr. Bongiovanni called me yesterday and said that he would not be able to come tonight, but since the Conservation Commission has not acted on this yet, that the hearing would have to be continued until, and he will come to the continuation. I didn't suggest that it be deleted because there may be people who may still wish to speak.

Chairman Pruet: Is there anyone from the public wishing to speak on this petition which is the applicant on 181 Robbins Avenue. We are going to keep this open due to the fact that it has not been finalized by the Conservation Commission.

**C. PETITION 12-12 Special Exception (Section 3.15.3: Sit Down Restaurant with outdoor seating) at 2909 Berlin Turnpike (“Bonfish Grill”).) Wex-Tuck Realty 2 LLC owner/applicant; Nathan Kirschner of Langan Engineering, contact.**

Nathan Kirschner: Good evening. For the record, my name is Nathan Kirschner. I'm a project engineer with Langan Engineering and Environmental Services. I'm here representing the application for a Special Exception use for Petition 12-13 as well as the application for a site plan modification, 13-12. As per the recommendation at last months meeting my presentation will include both applications. Any questions that come up on that, I will be happy to address. The property address is 2909 Berlin Turnpike, most commonly known as the Krispy Kreme Donut site, currently occupied by a approximately 4800 square foot vacant bank use. To the north, along the Berlin Turnpike is the DOT property, to the west of the property is a convalescent home, immediately to the south is Bertucci's restaurant and located to the west, on the other side of the Berlin Turnpike is the DOT facility. The existing conditions on site, as I mentioned, there is an existing prior bank use that is currently unattended, the drive through has been removed. The building is located in the southwest portion of the property. The applicant has put this project in front of the Conservation Commission for a wetland permit as well as a map amendment. Both of those were received at last months Conservation Commission meeting, this plan in addition to showing the current conditions, highlighting the location on the map.

This plan shows a previously approved, the date is on the top, January 15, 2002, site plan which provides in addition to the current bank use, an approximately (inaudible)retail use located in what is currently green space adjacent to the Berlin Turnpike. The proposed plan is to construct a Bonfish Grill restaurant. The restaurant is approximately 4800 square feet in size, a sit down restaurant, for those who are not familiar with the restaurant with seasonal outdoor dining. We have worked with the Town Planner, as well as the Town Engineer, the site has been developed in such a manner to provide the appropriate parking for this use as well as a continued bank use of the now vacant bank building. The site development was done in much a manner as to limit the impacts on the wetlands as well as any further impervious areas on the site. One of the greatest accomplishments of the design was in researching what is currently out there it was determined that the existing drainage system that was installed was designed to handle the addition of the retail space. Our design not only uses the existing underground detention, but also reduces flow directly to the state system which is from the wetlands as well as provides a larger amount of storm water flowing to the outside. With respect to concerns about the wetlands, we have had several meeting to discuss that with the Town Engineer regarding the sediment control plans to ensure that there are no impacts to the wetlands. There is no encroachment on the existing wetlands and the original sediment control plan is consistent with town requirements as well as the recommendations of the Town Engineer.

A brief summary of the proposed conditions, there is a scheduled landscape plantings. Per the town recommendations there are several subjective recommendations in regards to plantings. We have done our best to comply with all of those requirements particularly the zoning regulations request that all efforts be made to salvage any trees on site. The current plan proposes to save and relocate five of the trees that would be impacted by the development. As I mentioned, the existing conditions, the storm water management was designed based on the original storm water system, detention and water quality unit are both being maintained. That system, the water quality unit is bay saver water quality unit which was sized appropriately for this system. The underground detention system was also sized to accommodate the additional impervious area resulting from this development. Working

with the Town Engineer the system has been designed per the Newington storm water quality regulations and conveys the ten year storm, it reduces flow to the state system located on Main Street and that the water quality improvements in addition to directing more of the storm water into the water quality system, we are trying to keep some catch basins and reducing the storm water runoff that is going directly to the wetlands.

Chairman Pruet: Okay, is that all for your presentation?

Nathan Kirschner: With me tonight if there are any operational questions is a representative who is gracious enough to fly from Tampa.

Chairman Pruet: Okay. Staff comments on this petition?

Craig Minor: On the Special Exception application I did have two concerns. One had to do with the amount of light trespass, which I believe that the Town Engineer also commented on, but I'm not really too concerned about it because the abutting property belongs to the state, and it's in the southeast corner so I don't think it's really going to affect anyone who might live there. Then, as a Special Exception, then technically I can't certify that there is adequate water and sewer, because the MDC hasn't reviewed it yet, but I'm sure they will require whatever design changes that they need from you. So, it's in your regulations, I just wanted to bring it to your attention but technically, I can't say whether it is adequate or not. That is all I have for the Special Exception.

Nathan Kirschner: With respect to the MDC, they received all of our plans, we are coordinating with them. Regarding the light trespass, part of the proposed redevelopment does include the adjustment to the existing light fixtures to reduce the overall magnitude of the light there. There is pretty intense wattage from the current fixtures and that is being reduced to be more consistent with the requirements of the town regulations.

Commissioner Aieta: Are we including the next petition, 13-12, are you presenting that now too, at the same time? I have some questions about the second one. Would you address the property to the north of the project that is owned by the same owner? How are they going to enter and exit that piece of property? There is no, on that piece that they own to the north, does not have access to the Berlin Turnpike, so the access is going to have to come from this parking lot.

Nathan Kirschner: The adjacent property to the north along the Berlin Turnpike?

Commissioner Aieta: Yes.

Nathan Kirschner: Also with me tonight are representatives from the property owner. Langan does not currently involved in any.....

Commissioner Aieta: That is going to affect the layout of this site plan, to exit and entrance that piece you are going to have to change some landscaping, change some parking, change, it's going to affect your layout.

Commissioner Woods: In fairness to the petitioner though, we're not really reviewing the next piece.

Commissioner Aieta: Well it's, with all respect Mr. Woods, when you look at this particular piece, you cannot deny the piece to the north as being adversely, affect this piece of property

if you don't talk about it now. You talk about it now, you talk about it later, but this site plan is not correct, does not address the entrance to that piece of property.

Commissioner Woods: Is there anything there right now?

Commissioner Aieta: There is nothing there now, but we all know that they are talking about developing that piece of property.

Commissioner Woods: I just think the petitioner cannot speculate on something that he is not handling.

Chairman Pruet: Craig, if you could just elaborate, would it be appropriate to discuss that at this time?

Craig Minor: Well it would be, but as Mr. Kirschner said, Langan, the engineering firm, has not been hired to deal with the other site, so he's not in a position to answer your reasonable questions, but he's not in a position to answer it.

Commissioner Aieta: But he works for the owner of the property whose application this is.

Nathan Kirschner: If I may, representatives from the property owner are here and can discuss the adjacent property.

Chairman Pruet: Why don't you come forward sir and state your name and address for the record.

Patrick O'Leary: Good evening Mr. Chairman, Patrick O'Leary, 55 Town Place, here on behalf of Elm Street Development the owner of the adjacent lot as well as the subject parcel, and the applicant for the Special Exception as well as the site plan review.

Craig Minor: I'm sorry, I understood that Wex-Tuck Realty 2 LLC is the owner.

Patrick O'Leary: Correct, it's a subsidiary of Elm Street Development. Ultimately the adjacent piece of property will be developed. It is part and parcel adjacent to this, connectivity for that parcel is provided via the access from the Berlin Turnpike and out to Main Street, so when a site plan is developed, they will have to appear back before you, and as applicant on this underlying application for Bonefish, they will have to seek a site plan modification for where ever they would be locating their entrance coming onto that entrance drive. They are aware of that, if they had the benefit of knowing exactly who the tenant was going to be, and the benefit of being able to design the site for a specific tenant in advance of this, they certainly would have provided some form of access across there, but at this time, not knowing who the tenant is, how the site is going to be designed, it would be premature and actually just a waste of your time trying to show you the accessibility onto this site. So we have opted ultimately to show this as a blank site. At the appropriate time we will appear before the Commission for site plan approval or Special Exception, but the intent is to develop the site.

Commissioner Aieta: You are aware that your exits and entrances will have to come off of this piece?

Patrick O'Leary: Absolutely. There is an access line, Route 15 that is adjacent to state property and an access line and there is no immediate access onto Main Street from the rear of the property. There is state property back there, so we are aware of that.

Commissioner Aieta: I thought for this site plan you could have at least shown the cuts that could only be in certain places no matter who the tenant is, and that would help you with the design of this, and the layout of the parking and your landscaping. You could do this the way that you propose it, and then, six months, a year, whatever, when you develop the other piece of property, you could disrupt your parking and your flow of traffic, without showing that at this time, I'm only saying this for your own benefit, you do not have access to the Berlin Turnpike.

Patrick O'Leary: Understood sir, and we have kept the parking away from the adjacent parcel, leave it open. We do understand that the landscaping may have to be altered. If the landscaping does have to be altered, obviously any trees that may have to be removed that are shown on the improved site plan would have to be relocated on the site. We are aware of that. Thank you very much.

Chairman Pruet: Okay, any other comments before we open it up to the public?

Commissioner Lenares: I actually think it's a great suggestion that Frank just made because even though the property owner might be aware of what is going on, the actual proposed restaurant might know, but obviously if the property owner is informing the restaurant that there might be future development whether it be the vacant building or the property to the north, I think they should be in the know, and I think that's actually a good point. How they can do it, if they can do it, assuming they know that, but I think that's a good point. As long as they are aware of it, that's I guess their issue.

Commissioner Sobieski: If that parcel gets developed, that might put additional concerns to the Police Department with traffic in that area. So I just would think that should be looked at by the Town Planner to see and make sure the Police Department is comfortable with what you have there now and what could possibly be put in there.

Craig Minor: They did get this original plan.

Commissioner Sobieski: I understand that Craig, but let's assume that the second parcel is developed. What additional traffic would that generate into here, because you are very close to another intersection. You are very close to Louis Street as it is. You are close to the Berlin Turnpike. Traffic does back up there at peak times, so that would be my concern, and I would think the Police Department would have the same concern.

Chairman Pruet: We'll handle that when the petition comes forth.

Craig Minor: If, for the sake of discussion, this plan were to get approved as is, when they come back to develop the other site, they are going to have to apply for a Special Exception, site plan approval for their own site, and site plan modification for this site, and both of those plans would go to the Police Department.

Commissioner Sobieski: Didn't they have some concerns about this a couple of years ago, I thought, the traffic flow at that driveway coming out onto Main Street?

Craig Minor: I'll go back and look through my notes.

Chairman Pruet: We're going to open this up to the public right now. Anybody wishing to speak in favor of the petition may come forward and state your name and address for the record. Anybody wishing to speak against this petition? Seeing none, what is the pleasure of the Commission on this?

Craig Minor: Commissioner Sobieski, I'll address your question when we do the site plan review so that we don't have to keep this hearing open for that question.

Commissioner Lenares moved to close the petition, seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YES.

Nathan Kirschner: Is it my understanding that there will be further discussion on the site plan petition?

Chairman Pruet: Yes.

IV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; each speaker limited to two minutes.)

None

V. **MINUTES**

June 27, 2012

Commissioner Sobieski moved to accept the minutes of the June 27, 2012 Regular Meeting. The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion, with six voting YES.

VI. **NEW BUSINESS**

A. **PETITION 13-12: Site Plan Modification at 2909 Berlin Turnpike ("Bonefish Grill".) Wex-Tuck Realty II LLC, owner/applicant, Nathan Kirschner of Langan Engineering, contact.**

Nathan Kirschner: As the formal presentation was done, I'm open to any questions or additional comments you may have.

Chairman Pruet: Craig, any thing additional?

Craig Minor: Yes, there were quite a few staff comments from me, and then quite a few from the Town Engineer so can you either summarize them.

Nathan Kirschner: Comments were received from the Town Engineer as well as the Town Planner. Both sets of comments were addressed and in a satisfactory manner. With the Town Engineer we had several discussions with respect to design and as I mentioned in respect to adjustments in the soil erosion sediment control as well as the initial data regarding drainage. The Town Planner's comments were reviewed and all of those comments as well as a response letter have been submitted to both departments at this time. We had no issue with anything and have responded. With respect to the Police Department comments, no comments were received by my office.

Craig Minor: I have it here, it's an e-mail from the Chief to me. "The entrance and exits are fine and worked in the past. How is the current building going to be used? Parking looks crowded with a little confusion on the way entry, entryway from the pike. We will have to make sure the signage works well. There were noise issues with the residential area to the north with the Krispy Kreme Doughnut Shop.

Commissioner Lenares: Where is the one way entrance, from the north side there?

Commissioner Aieta: They are both one way.

Commissioner Anest: No, Main Street is in and out.

Chairman Pruet: Any other comments

Craig Minor: Well, the Town Engineer had a page and a half of comments, which you have addressed? You have reviewed?

Nathan Kirschner: Yes.

Craig Minor: Okay, I don't think the Town Engineer has seen your revised plan yet.

Nathan Kirschner: The revised plans, after addressing all comments and stating our resolutions of the issues, the plans have been, or will be submitted to Chris Greenlaw tomorrow.

Craig Minor: I'm comfortable that the changes that I requested and that the Town Engineer requested can be made without substantially changing the presentation that the applicant has made tonight, so if the Commission is comfortable with approving subject to the staff reviewing it and confirming that all of the corrections have been made, I'm comfortable with recommending that you go forward, if the Commission is comfortable, I haven't been here long enough to know what your, what your process is, but I have no objection to approving with that condition.

Commissioner Anest: I have a couple of questions. Number twelve, your issues with the square footage?

Craig Minor: Oh yes, thank you. Let's talk about that.

Nathan Kirschner: The Town Planner's number twelve actually was a.....

Craig Minor: Do you have the floor plan for your presentation? The issue was, I have the paper copy, when I literally took my ruler and measured how much public area there was, according to the floor plan I realized that the floor plan is much bigger than the building. It turned out that the copy we were given was the wrong scale. So I wasn't able to confirm that there is the correct amount of parking.

Nathan Kirschner: In the re-submittal there is a correct scale of the floor plan.

Commissioner Anest: Your square footage is really 4832?

Nathan Kirschner: Yes.

Commissioner Anest: Okay. Where, can you show us where the outside dining is going to be?

Chairman Pruet: I believe here.

Nathan Kirschner: The Chairman is correct.

Commissioner Anest: And do you know how many, how big is that going to be? Is that part of the 4800 square feet?

Craig Minor: No, it's not.

Nathan Kirschner: The parking calculations were based, as Mr. Minor had mentioned, the town regulation required on floor space. The calculations were done with a seventy percent public space occupancy, I believe it was seventy percent, I would have to check it, with a very conservative total space occupancy and with the seasonal usage of the patio and the conservative nature of calculations for the open space, the agreement with Mr. Minor was.....

Craig Minor: But I would still need to confirm that.

Chairman Pruettt: With the revised architectural plans?

Craig Minor: Yes.

Chairman Pruettt: Any other questions?

Commissioner Aieta: What are the other items on the list besides.....

Craig Minor: There needs to be a key map at scale, the fifty foot buffer from wetlands needs to be shown, they need to put monuments at all the corners and angles, locations of all existing buildings within a hundred feet need to be shown, if the site is to be serviced by Natural Gas they should show the location of that line, on the erosion and sediment control plan the lengths of all boundaries and the amount of area should be stated, the driveway, let's discuss this. The driveway out to the Berlin Turnpike according to the regs must be at least 28 feet wide, which can be reduced to 24 feet by the Commission due to unusual circumstances, but the existing driveway itself is only I think you said is only 18 feet, so the current driveway, which was approved by TPZ is not even what the regs require, but it's an existing condition, so I'm not suggesting that we revisit it.

Commissioner Aieta: What does this plan show?

Craig Minor: Eighteen.

Nathan Kirschner: Right, this plan doesn't, we are not modifying that existing access at all. To speak briefly to that my understanding in reviewing the regs is that the 28 or 24 foot my educated guess is that that would be for a two way access. This is a one way in. One lane, one way in.

Chairman Pruettt: You are talking Berlin Turnpike?

Craig Minor: Yes.

Commissioner Aieta: You can't access, I don't think the DOT would allow them to exit back.

Chairman Pruettt: Too close to the intersection.

Commissioner Aieta: Do you think this Commission should look at that, and probably widen it because of the activity from the piece to the north that could affect that driveway also?

Commissioner Hall: Well, if you widen it, then people will try to go out.

Commissioner Camerota: Or there will be two cars coming in at once.

Commissioner Woods: It's not like we haven't seen what a ridiculous amount of traffic can do to this area. We've seen it as bad as it is ever going to get with Krispy Kreme. I mean, we've seen it at it's worst.

Chairman Pruet: And then some. Okay, any other staff comments?

Craig Minor: Well, the Town Engineer had a lot of comments of his own, mainly dealing with the drainage, but your representative is confident that the Town Engineer will be satisfied with you information.

Nathan Kirschner: Yes, and if I may speak to the curb cut aspect. As a member of the Commission mentioned, looking at this, the site layout, the drive, the curb cuts were approved for previous tenants. This is a sit down restaurant, doesn't have the turnover number of vehicles that were involved with Krispy Kreme. With respect to vehicles on Main Street, there is a substantial (inaudible) getting out onto Main Street which would allow for (inaudible) to use for elevation. The curb cut onto the Berlin Turnpike was reviewed by local and the DOT for approval and it is being modified.

Commissioner Hall: I just had a question on the Conservation Commission permit. Was that from the Krispy Kreme or have they reviewed this and given their approval?

Craig Minor: Yes, thank you. Thank you for asking. In accordance with state statute, the Commission has to take into consideration the Conservation Commission's final report. I have a copy of their report. None of these comments impact the plan. This approval does not require any changes to the plans that were presented to you, so there is no conflict between what you have been asked to approve and what the Conservation Commission has approved. So, for the record, we do have their final report dated July 18<sup>th</sup>. It's, as I read through these, these are all the standard conditions of approval for a Wetlands Permit in Newington. There is nothing in here unique to this site. No impediment to your Commission acting as far as the wetlands are concerned.

Chairman Pruet: What is the pleasure of the Commission on this? Move it forward?

Commissioner Anest: Craig, are you satisfied with what.....

Craig Minor: Yes. I don't have a prepared motion to accept with conditions, but I am satisfied.

Commissioner Anest: Are you satisfied that they are going to be able to meet your comments and recommendations?

Craig Minor: By the next meeting? Yes.

Chairman Pruet: Any further questions on that. We'll close it and move it forward, move it to Old Business.

Commissioner Hall: But not for tonight.

Chairman Pruet: No, not for tonight.

Craig Minor: Okay, thank you.

**B. Petition 14-12 Site Plan Modification at 49 Fenn Road (“Walk-in Medical Center, LLC”) A Walk In Medical Center LLC< owner/applicant Attorney Kevin Mason, contact.**

Postponed

**C. Petition 17-12: Site Plan Modification for outdoor seating at 3573 Berlin Turnpike (“Chipotle Mexican Grill” and “Starbucks”.) Brown Realty LLC, owner; James Brown, 59 Cove Road, Lyme CT applicant/contact.**

James Brown, 59 Cove Road, Lyme: No computer, I'm old school. I'm going to address something that is not really on the agenda but I think bears mentioning. Initially I came before you for Bassett Furniture for a mezzanine, there were certain elevations on the initial plans that you approved. The mezzanine would have necessitated some changes in those elevations. After I got tentative approval, Bassett decided that they didn't want the mezzanine. These elevations reflect the elevations that have been filed with the town building department. They are basically the same elevations that you initially saw, there is no increase in height. To go to thirty-five feet, we stayed with the maximum of thirty-two. Had we gone to the thirty-five feet, it wouldn't have been a very good looking building to put it succinctly. We had a number of negotiations with Bassett, they had their minds set on going one way, and we finally had a compromise. The bottom line, these elevations haven't changed. They are reflected in the building plans filed for them and were approved, but it was something that got kicked back and forth and I thought I owed the Commissioners an explanation, just to clarify.

Commissioner Aieta: Why I think it was brought up is because you have two approvals and we wanted to keep it simplified. You are going back to the original elevations from the original application. We already took action to change it from the original to the updated ones for the mezzanine.

James Brown: Right. I withdrew that, I withdrew that in writing.

Commissioner Aieta: Okay, you have to keep the record clear. We will have multiple approvals with multiple drawings that, so we are going back to the original, which is fine.....

James Brown: That's correct.

Commissioner Aieta: It's a procedural matter that you don't have multiple approvals with multiple elevations shown. So we know exactly what is being done.....

James Brown: I thought I owed you an explanation, considering the changes.

Commissioner Aieta: For a perfectly clear record of what is being done, what exactly you are building.

James Brown. Right. Then we get to the patios. The patios were discussed, as a matter of fact, one of the ladies mentioned it wouldn't be a bad idea to put a wrought iron fence so a little child couldn't dart out into the traffic, that notwithstanding, I couldn't give you a seating layout. The simple reason was I didn't have one. They are generated by Chipotles and Starbucks. This would, and again, you have plans that are larger, this would be Starbucks,

it's minimal and Chipotles, although this shows as a patio, this is the only section that they will be using for seating. Those are the plans they submitted.

Craig Minor: This might show it a little better.

James Brown: I also hold a permit for a patio, we're allowed to serve food and liquor out there. That won't be the case for Chipotles and Starbucks, there won't be any service on the patio. It's truly ancillary to their main business. For that matter, there is no service inside the building. I mean, you have to walk up and get a coffee.

Craig Minor: So, Chipotles on this side of the building and one of the plans that you have shows.....

James Brown: That's Starbucks there. Chipotles is on the south side.

Craig Minor: This triangular, which is the second sheet you have, and this low here is where the Starbucks is.

James Brown: Yeah, Stew's is over there, right. You will notice, Chipotles, this was all delineated initially as a patio, they are electing to use only a small portion of it. Since they don't serve, serve drink out there, you know, you can sit inside or you can sit outside, it's really an ancillary part of their business and the only reason I can didn't give you a seating plan, is that I didn't have one at the time. I didn't know it was required. Of course you wanted to know what is going to be out there, so it's a fair question. That's really it. Does anybody have any questions?

Chairman Pruet: I have a questions, Craig, does that affect the parking at all on how it is going to be configured.

Craig Minor: Yeah, this additional public area results in the need for 11.1 additional spaces. Now, if you remember a couple of months ago when Bassett came in and asked that you acknowledge the fact that a furniture store needs less parking than other retails, when you did that, by the stroke of a pen, created excess parking on this site which is going to be consumed right away by the mezzanine, but now we are not going to get the mezzanine and we are operating now under a point of view that furniture stores require less parking then other stores, there is now excess parking out there. I won't say magically, but because of the act of the Commission, there is excess parking. There's a lot more than 11.1 excess parking spaces out there, in theory, on paper. So the additional parking that these seats require is less than the amount of parking that you found when you agreed to less parking for Bassett because they are a furniture store. So that is why I am satisfied that there is enough parking on paper for this additional amount of public area.

Chairman Pruet: Do you have any staff comments?

Craig Minor: I do have a draft suggested motion to pass out.

Chairman Pruet: Any concerns or questions on this at all?

Craig Minor: No.

Chairman Pruet: Commissioner comments on this? Concerns?

Commissioner Hall: I'm just a little concerned about the parking. I know that on paper and in theory it is okay, but that is the only thing and we're not going to know that until they are open, and then we say, told you so! That's the only thing. I drive by there all the time, and I envision all these buildings and restaurants, because there is DiBella's or whatever, I think, too. I mean, it looks nice, it's going to be a good installation, it's going to be a nice addition, that's my only concern, but we'll see.

Chairman Pruet: Well again, it's been studied by the professionals and on paper it is adequate, so I'm hoping that it is.

Commissioner Hall: Right.

Commissioner Anest: Is DiBella's going to come for outside seating?

James Brown: No, they didn't request it. Starbucks and Chipotles did, I don't know if they would have insisted on it to be honest with you. Now it's part of their plans, I've dealt with seven different architects now on this project. Multi-national tenants are great as far as being stable, but they are a pain in the butt sometimes.

Commissioner Lenares: Mr. Brown, one question. I was shuffling papers as you were explaining Chipotles side of the restaurant that's got the little triangle, outdoor seating, what did you say their practices were out there, they do serve or they don't serve.

James Brown: No they don't.

Commissioner Anest: It's counter service and then you get it yourself.

James Brown: You would have to bring it out.

Commissioner Lenares: Oh, okay.

James Brown: In other words, the patio that I have now, initially, this is going back years ago, went down and got a permit to build a patio, but then we decided that we wanted to serve food and liquor out there. That's a whole different thing. Now the Health Department gets involved, the Fire Department gets involved. In fact it's funny, because I said to the gentleman from the Health Department, I said, so if we give them a hamburger and they carry it outside it's okay, but if we bring it out for them, it's not. He said, you are simplifying something that is really not that simple. He said it will get a lot more intensive use if you are allowed service out there. Henceforth the Fire Department has to look at it, that won't be the case in this, they don't have service, period. You have to walk up and get it.

Commissioner Aieta: There is no wait staff in Chipotles. It's like a cafeteria style.

Commissioner Camerota: They let you order as you go down the line.

Commissioner Woods: It's just like Subway, Subway with burritos.

Chairman Pruet: Any other comments?

Commissioner Aieta: Just going with what Cathy said, this whole thing will shake out when, I'm sure these national firms looked at the layout of the parking and they have to be satisfied

that the parking works, otherwise they would be talking to Mr. Brown about, saying well, we're not going to move into your plaza.

Chairman Pruet: Exactly.

Commissioner Aieta: We are looking at this whole site as a whole. So we are taking the parking. In reality, sometimes the parking that might be behind the building in the back is counted as initial parking for the whole thing, but it's not accessible, it's really not. You've probably got the number of parking places for the square footage, but you'll see what happens when it opens. She made a great point.

James Brown: If I can comment, Commissioner. You make an excellent point actually. They insist on full site plans. They want to know who else is going to be there, what their parking requirements are, even Bassett Furniture. Since we got Bassett, I've been looking at the other furniture stores up and down the turnpike, and their parking is minimal. Yet, we must have had at least ten discussions with Bassett about parking. They wanted the complete site plan, they wanted their engineers to go over it, look at it. They are signing a long term lease, an expensive lease, so they don't really leave too many stones unturned. An awful lot of experts have looked at this, only because all our clients are either national or multi-national clients. They've got this network of people who don't seem to have anything better to do than to send you e-mails and ask you questions.

Commissioner Aieta: Do you have an idea of a time frame, like when your building is coming down? When you are going to start construction?

James Brown: I'd say within two months, and we are going to start construction within a week. We just signed the lease with Bassett Furniture yesterday, so it's been that type.

Chairman Pruet: What's the pleasure of the Commission on this?

Commissioner Anest: I would like to close it and move it to Old Business.

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

Chairman Pruet: We are going to put this into Old Business.

Craig Minor: I'm sorry, this meeting or next meeting?

Chairman Pruet: Now.

## **VII. OLD BUSINESS**

### **Petition 17-12 3573 Berlin Turnpike ("Chipotle Mexican Grill" and "Starbucks") Outdoor Seating Site Plan Modification**

Commissioner Sobieski moved that Petition 17-12: Site Plan Modification for outdoor seating at 3573 Berlin Turnpike ("Chipotle Mexican Grill" and "Starbucks") Brown Realty LLC, owner: James Brown, 59 Cove Road, Lyme, CT, applicant/contact be approved.

FINDINGS:

The Commission finds that the proposed outdoor seating is compatible with the area.

The additional "floor area open to the public" does not create the need for more parking than already provided for on the approved site development plan.

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

Chairman Pruet: Good luck Mr. Brown on this. It's going to be a great addition to the Berlin Turnpike and a nice land mark entering the town.

**VIII. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Petition 09-12: Special Exception (Section 3.2.1: Church and Place of Worship at 30 Maple Hill Avenue. Assembly of God Central Church, applicant; Chen Chin Fang, owner; Pastor Baeg Shin, 269 Stony Hill Road, Wilbraham MA contact.
- B. Petition 15-12: Special Exception (Section 3.2.2: Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant, Town of Newington, owner, Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact.

Craig Minor: The first item is a Special Exception for a Church, Church or place of worship at 30 Maple Hill Avenue, Assembly of God Central Church, applicant; Chen Chin Fang, owner; Pastor Baeg Shin, 269 Stony Hill Road, Wilbraham, Massachusetts is the point of contact. This is a congregation that is currently up in Massachusetts. Pastor Shin is here. His English, his spoken English is not that good, his comprehension is excellent. He understands very well, but his spoken English is not that good and I'm happy to speak on his behalf. They are applying for a Special Exception. Apparently they have some congregations in the central Connecticut area, which is why they are looking to open up a church here in the central Connecticut area. It's a Special Exception but, and it requires a site plan. Now, Pastor Shin asked me if it would be possible for the Commission to consider the merits or demerits of the concept on having a church at 30 Maple Hill Avenue.

Commissioner Aieta: What's there now?

Craig Minor: There's a house, there's a rear lot with a big home. Before his congregation goes to the expense of preparing a site plan showing parking and all the things I know that you are going to want before you approve a site plan for a church in a residential neighborhood and I discussed it with the Chairman, but it's still up to the Commission whether you feel if you would be able to make an informed decision on the concept of operating a church out of a home on 30 Maple Hill Avenue without having a professionally prepared site plan showing where all of the parking and so forth, is.

Commissioner Aieta: Is this a separate building?

Craig Minor: It's an existing house that they want to use as their church. They are not proposing to make any additions to it.

Chairman Pruet: So what Mr. Minor is saying in a request by the church is, they don't have a lot of money, cash, etc., etc., they would like to do a composite plan, submit it to us, and see what we generally think about it, see if it meets a litmus test to go forward, and then at that time submit further site plans.

Craig Minor: They just didn't want to spend a lot of money preparing a plan if the concept itself was unacceptable.

Commissioner Aieta: Is someone going to live in the house?

Craig Minor: Yes. It will be a parsonage.

Commissioner Sobieski: Do we know how many members there are in this congregation?

Craig Minor: I don't, but I think that's a good question.

Commissioner Lenares: I think those are the questions, how many people, when.....

Commissioner Hall: When do they meet, how often?

Chairman Pruet: Pastor Shin is here. If he could come forward and answer some of those questions, he'd be happy to. Sir, could you come up to the podium and answer some of the questions that, we're looking for the number of parishioners, maybe your parking requirements and would you be residing there?

Pastor Shin: Good evening, my English is very poor. I hope you understand what I am saying to you. My church members are about fifteen or twenty. Most of them live in Newington. Most of our church members live here, so we have to move here. That building is very big, inside, very, very big. Pool inside. So we would have to buy the building and have a prayer house.

Commissioner Lenares: How big is that building, we all think it's big.....

Chairman Pruet: About 5,000 square feet.

Commissioner Woods: I don't know how big the lot is.

Chairman Pruet: Any other questions for the Pastor?

Commissioner Sobieski: How many services do you hold, when you hold them? Is it like from 7:00 to 10:00 or whatever?

Chairman Pruet: How many services a week?

Pastor Shin: Two or three times. Now it is one time a week, but if we move here it will be two times a week.

Chairman Pruet: On the same day, or different days?

Pastor Shin: On Sunday and Friday, just two times.

Commissioner Hall: And Sunday would be daytime and Friday would be evening?

Pastor Shin: Yes, Sunday at 11:00 o'clock.

Commissioner Hall: They would have a worship area and then maybe a fellowship hall type of thing where they could meet after so you could have worship area as well as congregation area?

Pastor Shin: Yes.

Chairman Pruet: Any other questions for the Pastor while he is here? Thank you sir. Can we have a consensus that we can go forward with a composite and save him....we will put this on the schedule, and you can get in touch with Mr. Minor and we are going to go forward with this.

Craig Minor: So that will be August 8<sup>th</sup>?

Chairman Pruet: August 8<sup>th</sup>. The next meeting, sure.

Commissioner Aieta: This will be a Special Exception, Public Hearing so the neighborhood would be notified.

Chairman Pruet: Notified, yes.

Commissioner Aieta: So the neighbors can come in.....

Chairman Pruet: Absolutely.

Commissioner Hall: It's a shared driveway for one thing.

Commissioner Aieta: Because we have an experience with churches seven years old that never moved in.

Chairman Pruet: Craig has the information on the new petition.

Craig Minor: Yes, this is Petition 19-12, Special Exception Section 3.15.4. Restaurant at 2551 Berlin Turnpike, 2551 Berlin Turnpike, LLC is the owner, Luz Ramos Squillante is the applicant/contact. I received the application last week, it was too late to get it on the agenda but I discussed it with the Chairman. It's only in front of you tonight for scheduling of the hearing. There shouldn't be any problem with this. Her goal is to move into an existing space in that commercial building at 2551.....

Commissioner Lenares: What is there now?

Craig Minor: It's, there's kind of a candles and oriental alternative gift shop and an Angry Haircut place above.

Chairman Pruet: Past Hess gas station, yeah.

Commissioner Hall: The Angry Chair.

Craig Minor: Yes, the Angry Chair.

Chairman Pruet: Past Hess, near the military surplus, near Doogies.

Commissioner Woods: Is there vacant space?

Craig Minor: Yes, there is a space in between that wall, composite wall installation fellow at the very end of the building and where the Angry Chair, which is a two story beauty parlor, hairdresser.

Chairman Pruet: Okay, that's it for petitions. Schedule that for August 8<sup>th</sup>.

**IX. TOWN PLANNER REPORTS:**

A. Update to Connecticut State Plan of Conservation and Development

Craig Minor: I was going to talk to you about the upcoming update to the State of Connecticut's Plan of Conservation and Development. They have a ten year plan just like the town does. They are going through the process of updating it. I've been to a few meetings. There will be a comment period that closes in October so, I'm not really prepared to talk about this tonight, so let me get something to you at your next meeting just to bring you up to date on what the process is and how Newington will be able to be involved in making sure that the new state Plan of Development reflects Newington's goals and objectives because there were problems with previous plans which ended up impacting individual town's ability to develop the way that they wanted to because the State's master plan was in conflict with some municipalities, so we want to make sure that that doesn't happen to Newington, but I'll talk to you more next meeting.

Chairman Pruet: Any further inquiries from businesses looking, overtures, anything positive?

Craig Minor: No, the restaurant that came in tonight....Andy Brecker, the new Economic Development Director asked me if he could come and introduce himself to you this month, and I told him, I think it's going to be a long meeting, can we do it at the next meeting and he said sure. He is very much looking forward to coming and talking to you and explain what he is doing to find new businesses for Newington and as well as, he was told, his number one objective is to get the National Welding site occupied, so he and I have been meeting quite a bit on that. In fact we met with three different state agencies in the past week on that, on getting some grant money to take down the old building and then find a new user for the space. So that is his number one priority. Finding a tenant for the Food-Mart is his other priority, and he and I have been talking about that.

Chairman Pruet: How is the grant process going? Anything positive.....

Craig Minor: Yes, we met today up at DECD to make sure that when they do announce the availability of Brownfield money that Newington be able to hit the ground running and submit the strongest application possible. We're meeting, we met with DEEP, we'll be meeting with, we met with the Connecticut Development Authority, they're interested, they are very, very interested in helping Newington get that property developed and they all understand that getting money to clean up the contamination is the key. So that looks very good.

**X. PUBLIC PARTICIPATION (for items not listed on the Agenda)**

None.

**XI. COMMUNICATIONS**

Craig Minor: I got a call the other day from Gianni DiDomenico who owns the beauty parlor on Brockett, that you gave permission to operate a school which consists of all of two students but he needed your official permission to be able to get his state permit to do that. Because the Commission was concerned with the amount of parking there, his request was approved with the condition that he not rent out Unit C, as it is shown on the floor plan. Well, he called me the other day and asked if the Commission would be willing to reconsider that. I said, well, I'm sure the Commission has an open mind, but the problem is that the regulation, the zoning regulations clearly say that any change to a condition of a Special Exception use which this is, has to go through a whole new round of public hearings, which we can do, but that is the process.

As I talked to him about it, I went back and looked at the regulations to find why this was a Special Exception in the first place, and I'm striking out because the definition of school in the zoning regs clearly says, except for a beauty parlor, a beauty school. I was talking with Ed Meehan about it when I first got here and that is what, that is what he said and I accepted that at the time because I'm coming in at the eleventh hour, and I'm not going to rock the boat, but now that the applicant has asked me, point blank, well, why do we have to do it that way, I'm kind of stuck for an answer.

Commissioner Hall: Is it a B Zone? Or a BT Zone?

Commissioner Camerota: Well, we did it the last time when they were on New Britain Avenue.

Craig Minor: That might have been why you did it this time.

Commissioner Aieta: This was residential zone. Cathy?

Commissioner Hall: What?

Commissioner Aieta: What zone was that, there was a house there right?

Commissioner Hall: Yes, that was Polumbizio's place.

Commissioner Aieta: Is that a business zone, or Berlin-Turnpike?

Commissioner Hall: I think we changed it.

Chairman Pruet: Yeah, we divided up that property there.

Commissioner Aieta: What did we change it to?

Commissioner Anest: Is there a way to get zoning maps, like we used to have?

Chairman Pruet: Sure.

Commissioner Aieta: Then we could see what the zone is.

Craig Minor: As usual, I'm not finding it right away, but I'll come back to you next meeting.

Commissioner Camerota: Craig, can you also look at, if there is no reason for a Special Exception but we did it that way last time, what to we do to.....

Commissioner Aieta: It's 3.2.6.

Craig Minor: Thank you, page 15. This is a section that talks about Special Exceptions permitted in all of them. "Schools or colleges, but not including business schools, or schools for special training, such as instrumental music, dancing, barbering or industrial pursuits in which machinery is used." I don't think this is an industrial pursuit, so yeah, it's not .....

Commissioner Aieta: It says also that the lot is not to be less than five acres, not more than one hundred feet from a property line.

Craig Minor: Okay, "all buildings or groups must be located on lots not less than five acres, yeah, to be a school or college.

Commissioner Aieta: That's what that is saying, so they are exempting barber schools.

Craig Minor: Yes, that's what it seems to be saying.

Chairman Pruet: So, he wants to rent that extra unit and still open up his school?

Craig Minor: Right. Now I still have to go back and make sure that there is enough parking for whatever tenant he wants to bring in, and there may be problems right there.

Chairman Pruet: If I'm not mistaken, I think that parking issue was addressed before, but it is a problem. I mean, even, I think on paper it's okay, but there are problems there.

Craig Minor: And I don't know what the solution is when someone on paper provides all of the parking that your rules require, but because each of his tenants are doing such great business that the place is crowded.

Commissioner Lenares: I think we talked about this before, and in my opinion, it's going to be the same. We can't regulate parking based on how busy one might be, I mean, we have our regulations that he has to have ten spots, ten spots, ten spots, ten spots, he's got forty spots, he should be able to do what he wants. I don't care if one spot is busy and takes all the parking, that's their problem. They could move out.

Commissioner Camerota: It's a tiny space though, I don't know who would go in there.

Commissioner Lenares: It is small but.....

Commissioner Aieta: The problem is, his business has twenty to thirty operators. So they are taking up the majority of the parking.

Commissioner Sobieski: But didn't he say, he came before the Commission saying that he had gotten permission from the restaurant next door to park. I think we asked if he would get something in writing, and then he never showed up again.

Commissioner Hall: He said he couldn't.

Commissioner Aieta: They wouldn't give it to him and they also have a plan that is approved to do some improvements on the restaurant to provide pavement and screening and some other stuff that we, that never got done, so if they are parking there, they are parking on grass and mud.

Commissioner Hall: Now how has it worked out since it was posted No Parking on Brockett Street? A lot of his people were parking there, is there enough parking now? Are there any problems?

Craig Minor: I haven't heard any but they might not call me.

Commissioner Woods: It was a huge problem before, everybody was parking all over the place, so obviously something has been done. Is the lot still out of control or are they parking at the restaurant now?

Commissioner Hall: Maybe the employees have moved.

Commissioner Aieta: Maybe they are parking at the restaurant.

Commissioner Hall: In the good weather. Wait till the winter comes.

Chairman Pruet: But like Dave said though, as a business owner, and if he's going to have problems with parking he's going to lose some clientele in there, but that's his problem, as long as he meets the regulations.

Commissioner Hall: So what this gets back to, does he have to come in, or can we just....

Commissioner Aieta: Why don't we look at the, take the whole building, take the uses, apply the regulations, count the number of spaces. If he has the number of places for the square footage, and the uses that he has, then he can use the space. If he doesn't, then he can't use the space. If you are going by what David says, we can't regulate successful businesses, then it will regulate itself because it won't be successful if people can't go there and park.

Commissioner Anest: I agree, but I think you should physically count the spaces. I get nervous if they are going to say there are X number of spaces and maybe there isn't that....

Craig Minor: Oh, I'm going to look at the site plan.....

Commissioner Anest: No, but when you guys give a c.o. do you go out there after and look at the parking spaces, after it is stripped.

Commissioner Hall: And count?

Craig Minor: Yes, but not in this.....

Chairman Pruet: I would recommend that you do that.

Craig Minor: Not before a c.o. but as part of zoning enforcement, certainly.

Commissioner Aieta: In this case, when you are doing those calculations, you should really go and count. Count it and then look at the square footage and then come back to us and say, yeah, he has enough, no, he doesn't have enough.

Commissioner Anest: It makes me nervous if they don't stripe.....

Craig Minor: I'll make sure that the engineering department, not to be, think I'm trivializing it, but take a tape measure and make sure they are in fact, nine by eighteen.

Commissioner Anest: I don't care about, as long as the car gets in there, I'm talking about, if they are supposed to have twenty-four spaces, is there actually twenty-four spaces there?

Chairman Pruet: Okay, you are going to check that out and get back to us.

Craig Minor: Yes.

## **XII. REMARKS BY COMMISSIONERS**

Commissioner Aieta: At the last meeting I brought up a couple of items and one of them was Maple Hill and then when I read the minutes I read some comments from the other Commissioners, I've got to get a clarification. Carol, and I think Mr. Woods said that the sign on Maple Hill Avenue has been there a long time. Does that mean that you are saying that it's been there a long time and it's okay, or just been there a long time, it's just been there a long time.

Commissioner Woods: Just an observation.

Commissioner Aieta: Just an observation, it's been there a long time.

Commissioner Woods: Yes.

Commissioner Aieta: Also, I brought up.....

Commissioner Hall: What sign?

Commissioner Aieta: The sign at the nursery.

Commissioner Hall: That was put up by the State of Connecticut

Commissioner Aieta: You're saying it's been there a long time, you're not saying it's been there a long time and it's okay.

Commissioner Anest: No, no, it's just been there. Historically it's been there.

Commissioner Aieta: Okay, and I'll tie it into the other thing. I also brought up, on Pane Road the granite place that is displaying the granite outside on their front yard. Mr. Minor, you said that they're allowed to do that?

Craig Minor: Not....

Commissioner Aieta: What did you say?

Craig Minor: I didn't say it in one sentence because it is very complicated. Your regulations are all over the place. In one place it even says that stuff stored outside is a sign, by definition.

Commissioner Aieta: That is the regulation that I'm referring to. 6.2 Signage, Part B and I'll read the whole thing. "No advertising signs permitted that does not refer to a business or activity located on the same premise." Then the next sentence, "Merchandise and/or products displayed for sale are considered signage under this section except as permitted under Section 6.2.1 (f), and if you go to that section they are talking about temporary signs and illuminating signs. Our regulations specifically says that the display of merchandise is

constituted as a sign. Those granite slabs that are out there as lean-tos, and there are six of them out there, constitute a sign and if that is the case, then the signage is way over-signed for the business. I mean, I'm getting, the point is and refers back to the piece on Maple Avenue. He has a hand written sign on a four by eight sheet of plywood, then he also has a sign that says, plants for sale, and then he has all these plants displayed, for sale. That's considered a sign, and the problem that you have on Maple Avenue is that this is in a residential zone. It's right in the middle of a residential zone. And just because it's been there a long time does not constitute that he has a right to continue to do something wrong. Has the Zoning Enforcement Officer looked at those two particular things? I mean, the regulation is pretty clear. It's product, it's displayed, it's considered signage. So, the one on Pane Road violates the sign regulations.

Chairman Pruet: Okay, can you give that to the Zoning Officer, and discuss that with him and investigate that?

Craig Minor: Yes.

Chairman Pruet: Any other comments?

Commissioner Anest: Are you working on getting us the zones that control the property along the busway?

Craig Minor: Yes, thank you. I have that, do you want me to mail it, or bring it to the next TPZ meeting? Do you think it's something that you are going to want to discuss as a group? Let me mail it to you, then if we want to talk about it.....

Commissioner Anest: I just wanted to have it to know what the zones are and who owns the pieces within a particular radius of the hub. Do you have any updates on Farmington Savings Bank and Dunkin Donuts?

Craig Minor: Yes. Farmington Savings Bank, the hold up was the Town Engineer was basically not satisfied with the storm water drainage design and in fact, that was just resolved today, I spoke to someone at Farmington Bank, and I made it clear to them that the plan that they submitted basically just kicked the can down the street. It just pushed all the storm water onto the OFI building and didn't really solve it at all, so the Town Engineer wants them to create a subsurface storm water containment system that brings water to the catch basins on Garfield. I got a call from a bank VP this morning not happy about that because he thought that that would delay his construction and I said, no, if you bring in that revised plan showing what the Town Engineer has asked for, I'll have the Chairman sign it tomorrow. The fact that you need to get easements from OFI, and OFI has verbally agreed to do it, just deal with that in the fullness of time, but I'll get you site plan approved tomorrow so that you can begin your construction. He was relieved to hear that, because it wasn't the expense so much, it was what he thought was going to be a time delay.

Commissioner Anest: I heard that they are going to start like the beginning of August.

Craig Minor: Yes. So they should be able to start construction soon now that we have reached an agreement on how they are going to deal with all of their storm water runoff and fix the existing storm water runoff.

Commissioner Sobieski: Will the pipes on Garfield handle the additional runoff?

Craig Minor: Yes, they are going to be detaining some on site, and they are going to use a rain garden to create some infiltration and what is left will be handled by Garfield. The Town Engineer recommended it.

Commissioner Sobieski: That was my concern because if we keep adding new development in this town, the original drainage system hasn't been changed. So some of it could become obsolete really quick.

**XIII. CLOSING REMARKS BY CHAIRMAN**

Chairman Pruet: In closing, we wish the best to Commissioner Lenares' father who is undergoing a medical procedure, we wish him the best and a speedy recovery. With that, looking forward to another productive meeting August 8<sup>th</sup>, and entertain a motion for adjournment.

**XIV. ADJOURNMENT**

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Norine Addis,  
Recording Secretary