

NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 27, 2011

Regular Meeting

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

**I. ROLL CALL**

Commissioners Present

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

Commissioners Absent

Chairman Pruett

Staff Present

Ed Meehan, Town Planner

Commissioner Turco was seated for Chairman Pruett.

Vice-Chairman Camerota: Before we begin the public hearing of the meeting, I would like to thank the public for their participation and comments and I can assure you that the Commissioners are listening to all of your comments, we appreciate you adhering to the time limitations and also to your continuing respect of one another. Please try to address your comments to the new information that you may hear this evening and note that all prior comments have been recorded and are part of our record and the Commissioners all receive verbatim minutes of every meeting. Thank you.

**II. PUBLIC HEARINGS**

- A. PETITION 22-11 – 2451 Berlin Turnpike, Kaye Properties LLC owner, Plaza Wine & Liquor DBA Shivam Enterprises, attention Falgun Bhatt 85 East Robbins Avenue, Newington, CT 06111 applicant, request for Special Permit Section 6.6 Liquor Sales, B-BT Zone District.**

Vice-Chairman Camerota: Is the petitioner here?

Attorney Sabatini: Yes, Madam Chairperson. Good evening, members of the Commission, my name is Vincent Sabatini, Attorney, One Market Square in Newington, Connecticut. I'm here tonight representing the applicant in this 6.6 application for a retail liquor store. With me is Falgun Bhatt, the owner, the potential owner and resident of the Town of Newington. Is there a place to put up a map? Okay, you can pass it around. As I said, we are here tonight under 6.6 of your regulations which requires anyone who wants to apply for a retail liquor

store to come before the Commission to seek waivers of distance requirements. As you know, your regulations indicate that if the potential liquor outlet is within so many feet of another outlet or within so many feet of a hospital, school, church, playground, etc., you have to get a waiver. In this case, we don't need any of that, because as our location map, which you should have with your packet indicates that this store, which is going to be located on 2451 Berlin Turnpike, which by the way is known as the Harvard Plaza, its on the west side of the turnpike, it's not too far from where Boston Chicken is, it's a shopping center of a number of retail stores. As you can see on the radius map that was drawn by Russell and Dawson, Engineers, the location of the liquor store is not within five hundred feet of any other liquor store, which would be either the A & P or the S & N Discount liquors. Also, under your regulations, you have to find that the store is not within five hundred feet of a college, school, church or hospital, which it is not. So, in essence, we meet the requirements of 6.6. You also have to take into consideration the Special Exception requirements that are outlined in 5.2, and 5.3, the site plan. This is an established retail shopping plaza, been there for many years, all of the considerations that you are required to consider, that is traffic, circulation, landscaping, neighborhood use, compatibility, sewer, water, lighting, that's all already been resolved when the owner obtained approval. The applicant in this case is not contemplating any changes what so ever to the exterior of the building. He's merely renting one of the stores. I believe you have, submitted with your packet, a schematic floor plan to show what store he is going to utilize and how the interior of the retail store is going to look. So in terms of the Special Exception, the Site Plan regulations, we meet each and every one of those criteria's. So, it's a pretty simple kind of thing. If you have any questions, I'll be happy to answer any questions, but that pretty much ends the formal presentation.

Vice-Chairman Camerota: Thank you Attorney Sabatini. Ed, any comments?

Ed Meehan: Thank you Madam Chair. The applicant did not submit that floor plan, if you could add it to the record, I'd appreciate it.

Attorney Sabatini: Sure, may I approach? Hand it to you sir, or to the Chair? I'd put it on the board, but there's no board.

Ed Meehan: Thank you. As Attorney Sabatini described, Section 6.6, the Special Permit regulations that the Commission uses, there are two instances in which the Commission can approve this. First if the particular site does not meet the separation requirements set forth in Section 6.6, from the schools, colleges, or other uses, the Commission by a two thirds vote and only a two thirds vote, can waive that distance. The second instance is more straight forward where each zone in each class of liquor permit in our regulations have a measurable standard and it's up to the applicant to demonstrate their particular use in the zone that is proposing to be located in, using the standards. In the case of the applicant tonight, the Berlin Turnpike business zone, the distance from door to door is five hundred feet. The nearest existing liquor package store on the Berlin Turnpike, in the northbound lane, A & P Package store and I did verify that, as the Attorney said, that it is beyond the five hundred foot radius, it measures about 586 linear feet, that's scaling off of our GIS map. So in this instance, this particular use in Harvard Plaza at the location mentioned in the application, is meeting that standard.

Vice-Chairman Camerota: Thank you. Commissioner comments?

Commissioner Pane: Madam Chairman, I have a question for the applicant. There is parking in the back of the building. Will you be allowed to enter, will customers be allowed to enter through the back, or just the front.

Attorney Sabatini: Just the front. If they utilize the back it will be for deliveries and stuff like that.

Commissioner Pane: Thank you.

Vice-Chairman Camerota: Any further Commissioner comments?

Attorney Sabatini: I just hope that you can close the public hearing tonight.

Vice-Chairman Camerota: We will hear from the public now. Anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against the petition? Any one just wishing to speak on this petition in general. Ed, did you have....

Ed Meehan: Thank you. Before you close the hearing, I do want to reference a letter that was requested to, referred to the Commission as the applicant, it's a letter of protest. I won't read the whole letter, I'll make it available to Attorney Sabatini and Commission members, from the Hayes Properties Newington LLC, from Attorney Mark Shipman protesting this application. Without getting into specific details it really is over the issue of how the State Liquor Commission issues permits at their level, based on population and number of permits per community. There is a controversy that this particular location may have been granted a provisional permit already from the State Liquor Commission whereas the application that you approved a couple of weeks back for 18 Cedar Street already has the locational approvals, a special permit from the Town of Newington, but has not gone through the State Liquor Commission process for their liquor permit. We consulted with Ben Ancona, the Town Attorney, and his advice to the Commission and to staff is, just stay within the parameters of your standards and your regulations which we talked about as the locational standards, and this issue is something that the Liquor Commission needs to sift out, maybe with the input from our Zoning Enforcement Officer, to get his side of the story, but it's not really up to us to regulate the number of liquor outlets in the community. So I want to make this available to Attorney Sabatini and to Commission members in your packet.

Attorney Sabatini: May I respond?

Vice-Chairman Camerota: Yes.

Attorney Sabatini: First of all, I haven't seen the letter. Apparently Attorney Shipman didn't have the courtesy to send me a copy even though he knew I was representing the applicant. Second of all, it's irreverent, and it's not material and it's not to be considered. There is no such thing as a letter of protest to a Planning and Zoning Commission meeting on this application. We met each and every one of the requirements for this permit. That letter should not even become part of the process, so I don't know if it's going to be an issue, it should not be an issue, but if any of the Commission members have any questions about it, I'll be happy to answer them. Let me just state this for the record, the State of Connecticut Liquor Control Commission does have a provision where someone can obtain a provisional permit. A provisional permit means that you have a temporary right to make a proceeding with your application. The temporary, the application requires two signatures from local officials, one from the Town Clerk certifying that there is no local ordinance prohibiting the sale of alcohol in the Town of Newington, and secondly, a signature from the ZEO, the Zoning Enforcement Officer, in this case Mr. Hanke verifying that there was no ordinance or by-laws preventing the sale of alcohol and those signatures were obtained and based on those signatures, the provisional permit was issued. The fact that Mr. Hayes chose not to go, and state law allows this, that he chose not to do that, or take that road, is his problem, not mine. I'm not sure if Mr. Hayes is acting on his own to open up a liquor store, or if he applied

because he is the property owner. I have no idea, but that is the reason why we are here, so the issue of the permit is really not your, you have no jurisdiction over that issue. So, I don't want to take a chance that if the hearing is closed, and then questions come up about that, and it somehow creates a problem for my client, and I don't have an opportunity to respond to that, so I would appreciate it, that if anyone has any doubts, any questions or any concerns about this letter I, please raise it now so I have the opportunity to respond to it

Vice-Chairman Camerota: Do the Commission members want to read the letter and then if you have any questions, or are you comfortable with what the letter says?

Commissioner Pane: Madam Chairman, I feel confident hearing what Ed had to say, and what Attorney Sabatini has just said, I feel very confident with the information that they have provided and I have no questions.

Commissioner Lenares: Councilor, those two signatures that you said that you were required to have, those were submitted in your packet to the Liquor Commission when your application was sent there?

Attorney Sabatini: That's correct.

Commissioner Lenares: Thank you.

Commissioner Aieta: I think we should take the advice of the Town Planner when he states that the Liquor Commission is required to do what the Liquor Commission needs to do (inaudible.)

Vice-Chairman Camerota: Do you want to close the public hearing then? Is there a consensus on that? Attorney Sabatini?

Attorney Sabatini: No, actually, I hope it is closed and thank you all for your time.

Vice-Chairman Camerota: Do you want to move the petition tonight, or do you want to put it into Old Business for the next meeting.

Commissioner Pane: I think we should move it to Old Business tonight?

Vice-Chairman Camerota: Anyone else?

Ed Meehan: I'll have a draft motion for you later on.

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

Vice-Chairman Camerota: Is the petitioner here?

Tom Regan: We are Madam Chairman, thank you. For the record, my name is Tom Regan, I'm an attorney with the law firm of Brown Rudnick, LLP City Place One, Hartford, Connecticut here on behalf of the applicant, Toll Brothers. This hearing is a continued public hearing and tonight we are going to, I'm going to ask Ray Gradwell, our project engineer to make a presentation of our revised site plan. We have provided the site plan, and just to remind the Commission, there are two applications before the Commission. The first is for an open space subdivision under your regulations, and the second is for a site plan for an open space subdivision. I am going to ask Ray Gradwell our project engineer to walk through the site plan. We have made several revisions to the site plan based on, among other things, Mr. Meehan's comments and supplemental comments, comments we have received from the Town of Wethersfield's planner, and also from the Wetlands Commission and comments that we have received from Tony Ferraro as well. So based on all of those comments, we have made a fair amount of revisions to the plan, including reducing the number of lots and increasing the amount of open space, so with that, I'll turn it over to Ray, and let Ray walk through the revised plans.

Ray Gradwell: Thanks Attorney Regan. Again, my name is Ray Gradwell, Senior Project Manager at BL Companies at 355 Research Parkway in Meriden, Connecticut and I would just like to briefly run through the plans as they have been revised. We have since submitted revised site engineering report to the town and the engineering staff and Ed Meehan, our Planner and a set of revised plans with respect to the revisions that we have made in respect to town comments and hearing comments and Wetland and Planning and Zoning comments and questions.

The biggest comments and questions that we have had to date, on the 73 acres site is the number of lots that we are proposing on this Russell Road site. Again, the 73 acre site, the Cedar Mountain trap rock ridge line to the left, I'm kind of regurgitating a whole bunch of stuff that I have said in prior presentations, wetlands, wetlands here, a central wetland and eastern wetland. Once again, a 73 acre site, north of Cedar Street. The prior plan had a 71 lot plan, the proposal now with respect to the Town Planner's comments is a 64 lot plan. The 64 lot plan provides 44 acres of open space in this area, the prior plan had 37 acres of open space, so this 64 lot plan will provide much more open space with respect to the open space subdivision. We lost seven lots that were up in this area, where the Town Planner's comments and questions and concerns with respect to the slope, and the crescent shaped fifteen percent slope area that runs through the center of the site up in this area. So we removed those seven lots, and condensed the development closer to Russell Road and provided the storm water management systems around those lots. We also eliminated a portion of a lot up in this area to avoid the fifteen percent slope also, so we have done our homework, to minimize impacts to that fifteen percent slope that the Planner asked us to review. Another question from the Planning staff was to revise the pavement widths. The pavement widths that were proposed on all of the streets, were thirty foot pavement widths. We have since reduced those pavement widths to a twenty-eight foot wide pavement width. That will reduce impervious surfaces, and reduce the volume of storm water impact and drain to the storm water detention ponds. We've also revised some of the lot shapes along this area. Once again, this road went up and ended around here, we've moved that road closer to Russell Road, and also moved any of the cul-de-sacs north, away from that greenway along Old Highway. I know the common question and concern from the Planning staff was the location of the pump station. That MDC pump station proposed originally on the 71 lot plan was located up in this area, in the open space, we have since moved that pump station to the very, very north east part of the site, adjacent to Russell Road, outside of the open space that would be to the west of the development. Another change, another concern was the access to the trail network that runs from this area up Old Highway to Russell Road.

We're considering the access to these trails would be from the end of these cul-de-sacs. You would be able to walk down the clearing required for sewer extension, runs up and down Russell Road, and then access this Old Highway trail, and then access the trail network that runs across the ridge line, around the wetland, and travels around the project's open space. The access to the trails has been improved, you can provide access to the trails from the end of the cul-de-sacs at those clearings for the sanitary sewer that would be in Old Highway. That's basically it, running through the changes, I ran through the plan very, very briefly here and ask Commissioners for any questions that they might have.

Storm water management is handled basically the same way that we were handling it before with five storm water detention ponds. Three located on Russell Road, or just west of Russell Road and two located in the center of the site, one north of the wetland, and then west of this cul-de-sac. Those storm water retention ponds will contennuate, keep discharges to rates at or below the existing conditions, I believe we are at about ten percent less than what would be existing today. We have five detention ponds to control the run off of storm water leaving the site, whether it be going to Russell Road or to the central wetland and then to the west and to the north.

The sediment and erosion control is handled, we anticipate that in two different phases. Phase A, or phase one, we're proposing here is to clear the land, construct the storm water detention ponds as sediment traps with temporary sediment removal of the storm water leaving the site within the clearing limits; establish permanent sediment and erosion control measures along the perimeter of the site, establish a construction entrance along Russell Road, and then provide outlets for the sediment traps in the areas that would drain to the storm water management areas in Russell Road. The second phase would be to, you know, build up the home sites within the project development and put in intermediate sediment erosion control measures within and between lots that have grades between them. Those lots are located along this area, and this area. All those lots, in between, along the property line would be intermediate erosion sediment control measures such as silt fence, hay bales, providing those measures between those lots where we have grade changes between the lots.

Project utilities I'll just run through briefly. The MDC pump station, once again located on the very, very northeast corner of the site will be connected to the sixty inch water main within Russell Road that also runs along Old Highway. There is a sixty inch water main that runs along Old Highway, maintained and installed by MDC, and it runs up Russell Road, anticipating connecting to that in that location and serving the project development to provide water and water pressure safely for the development. The sewer will begin to the south via a sewer extension up Russell Road, up Old Highway, until it drains to this area of the project area, and then this area of the project site will drain down this road, and then down the easement and then connecting to the sewer extension in Russell Road. We are providing public utilities from MDC, water and sewer, public utilities provided by CL&P for electric and power. Lighting plan, you can see from the picture, see lighting within the project site itself very, very obtuse and very minimal spill over outside the road, a lot of the lights near the lots, next to nothing. We have, under the seventy-nine lot plan, we mentioned this is our response, the homes that we are proposing, traditional type homes, traditional New England type homes, this is the site plan, and I'd like to ask the Commissioners if they have any questions regarding the site plan, the lot layouts, storm water management, utilities, sediment, before we summarize this presentation. That concludes my presentation.

Vice-Chairman Camerota: Ed, comments?

Ed Meehan: Thank you. I have not had a chance to go through the plans thoroughly, they were delivered this week to staff. I will review the plans in light of staff comments and supplemental remarks. There are still two questions that I have. We should spend a little bit of time talking about traffic, and where these trips are going from the Russell Road, East

Cedar Street interchange. Traffic report that was filed with the application makes some assumptions on the percentage of trips going down East Cedar Street, or returning up East Cedar Street to this site as twenty percent of the trips generated, it seems to me that this project, although small and not a high trip generator, there are single family homes here, with children and people participating in community activities, more than twenty percent of the trips are more apt to go down to that interchange. Whether it is a high trip generation for this site, may be irrelevant because the interchange right now is not functioning, and the applicant says that the property owner at the corner, Hunter Development is going to make some minor modifications to that interchange to fix it, so I guess the question in my mind, first on the twenty percent assumption and then secondly relying on another party to make some minor interchange improvements to fix it, so that is one thing. The other thing that we need to talk about is quickly we saw, I guess it was a conventional subdivision plan for this property. I don't know if that conventional subdivision plan takes into account the fifteen percent slope limitation which is in the subdivision regulations and has been in the regulations for many years because I think what the Commission needs to know, although theoretical what the lot yield of this would be at the conventional R-20 subdivision. I'm not advocating an R-20 subdivision here because of the terrain and the damage to the terrain if that was pushed on you, with utilities and roads, but I think the Commission and the public should understand why R-20 subdivision is not compatible with the property and also what the standard yield would be. In other words if the Commission is going to approve an open space subdivision, and get forty acres, I guess the question that I am hearing a lot from the public is, so what, they can't build on it anyway. So I think that is something that the applicant needs to talk about.

Vice-Chairman Camerota: Do you want to respond to Ed's comments now, or do you want to wait?

Ray Gradwell: I'll defer.

Vice-Chairman Camerota: Commissioner comments?

Commissioner Hall: I just had a question about the entrance and egress. There is just one street essentially that comes in, and then three cul-de-sacs?

Ed Meehan: That's correct.

Commissioner Hall: Is that what we normally do in a subdivision of that number?

Ed Meehan: Yes, the threshold is seventy-five units. Once we see seventy-five, our regulations have the standard of two ways in and out.

Commissioner Hall: And these streets would be wide enough for fire trucks, school buses, all of that?

Ed Meehan: Yes, they are classified as residential access streets because they are not being shown as through streets so the twenty-eight foot standard is compatible and meets your subdivision regulations for shoulders and travel lanes.

Commissioner Hall: And the cul-de-sacs are big enough for those vehicles to circumvent?

Ed Meehan: Correct. At the north end, and the engineer can address this if he wishes, the north end are two permanent cul-de-sacs, full radius cul-de-sacs. At the south end, near the greenway or Old Highway, those are temporary cul-de-sacs. They could be extended in the

future if needed, depending on what happens to the south there, but we recommended that they go in as smaller cul-de-sacs for now. Less impact again on the greenway and still have the probability, if you see the lot lines, the road ways are extended to the property line which is required for that future possibility of the adjacent lots.

Commissioner Hall: Thank you.

Commissioner Anest: I have a question. You are saying at the southerly cul-de-sac the people will be able to get into the Old Highway? Where are they supposed to park? Along the sides of the street? You are going to have people that are going to be parking their cars in front of these houses so they can get.....

Ray Gradwell: Well, they could use the open space in the neighborhood and there is a sidewalk system along the cul-de-sacs that they could use to traverse and get into, we're not proposing any parking for.....

Commissioner Anest: People are going to be parking on the street. Whether they are parking on Russell Road parking and walk in or....

Ray Gradwell: And that would be something that Ed and I could discuss with regards to, where does the town want to show parking? As proposed in a lot of the subdivisions, are they going to want to see parking at the end of these cul-de-sacs for the neighborhood to use, or someone from Wethersfield to use? It's something that Ed and I need to talk about with the applicant, where appropriate parking could be located. It will be on town roads, maintained by town staff, and we need to discuss that.

Commissioner Pane: Whenever we have done developments that were remote from recreation areas in the town center, we asked the applicant to provide some sort of recreation for the development, such as Barn Hill, so that would be a concern of mine and I would like the applicant to look into that. Thank you.

Commissioner Schatz: Now that area that is up there with all of those houses, that's what, about thirty something acres? My question to the applicant, are they going to clear cut all of that thirty something acres to get that project going?

Ray Gradwell: They will have to clear the majority to get the project developed. The density, you are talking about much smaller lots than the typical R-20 lot. The lot density, you know, 12,000 minimum square foot lots, clearing would be the limits of the project. Obviously we are going to protect and maintain the trees along Russell Road as a buffer from the yard that abuts Russell Road and maintain the trees and buffer along Old Highway, but predominately within the project site, adjacent to the project roads, adjacent to the project homes, the trees will be cleared.

Commissioner Schatz: The next question that I have, is that, is the Balf Quarry going to cease from blasting? Well, you should know that. You are building houses on a mountain that is basically going to have someone blasting into it. To me that wouldn't seem like the foundations would be doing well, number one, and I know the answer is yes, they are going to blast. The next question is, according to your consultant, you are going to cover up a wetland and relocate it. Well, you know, that is all well and good. I'm assuming that there will be a house sitting on that right?

Ray Gradwell: Correct.

Commissioner Schatz: Having a company that sits in the wetlands, which has nothing to do with this, but the point is, wetlands never, never change underneath, so somebody is going to have a wet cellar.

Commissioner Aieta: Through the Town Planner, could we have an explanation of the difference, what additional R-20 subdivision in regards to (inaudible.)

Ed Meehan: In general, the R-20 geography, the size of the lots require 100 foot frontage, which means longer roads, more impact on the terrain with those longer roads and utility runs, and larger lots, and with a home site, with a larger lot, you tend to clear more and cut more trees, and after you finish doing that, you do more grading, for your back yard, or terracing, so to go to a smaller footprint would be open space subdivision, a variety of lot sizes, hopefully good land planning could fit the lots and the bones of the subdivision, the roads and utilities, to the best land, the land because it has the larger limitations of slopes and wetlands, and the end result is shorter roads, less utility impact, less impervious surface, less drainage impact, and ultimately in some subdivisions this would probably bear out, probably less lots to be developed. But, the quid pro quo is, the developer is not spending as much money to do the physical infrastructure on the site, if he is not building long runs for roads for the infrastructure, and utilities, so it is supposed to work in favor of both of the town and the neighborhood of having less trees removed and more compatible development on the land and the advantage to the developer is somewhat economic because they are not spending that much more money doing an open space subdivision. My opinion, in a development like this, I've walked the site many, many times, basically the easterly third of the site, except for some spotty ridges is pretty developable and given the type of terrain that we have in Newington that has been developed historically, along Cedarwood Lane, down in Little Brook, and Candlewyck, this easterly side of Russell Road is not too much different, but when you get past that, into that large wetland area, and down into the ravine, and then up the backside, and down to Mountain Road, this site is very unique, and whether you go up there with a conventional subdivision, an open space subdivision, or something else, I think everything from that wetland westerly as shown on this plan, has to be protected. It doesn't make good engineering sense, economic sense, land planning, to push development into that area. It's, I don't mind saying on the record, it's a really unique area. If you can get past the black flies and the mosquitoes and all that stuff, it's a nice place to walk. That, to answer your question, I know it was a long way around, but that is the benefit of the open space subdivision.

Commissioner Aieta: I hear what you are saying, but taking this footprint the R-20 would be less density than what is shown here. Do you think this is the maximum, I'm concerned (inadible)

Ed Meehan: I think it's pretty close. So you are saying, if this wasn't an R-12, and they used this to make it an R-20, what the lot yield would be?

Commissioner Aieta: You said the R-20, a one hundred foot frontage, 20,000 square foot area, I am asking the question, on this footprint, as it is shown here, how many lots, what would be the reduction from the 64 lots?

Ed Meehan: I don't think I know the answer to that, but that was one of our comments in the supplemental questions.

Commissioner Pane: We asked whether or not there was anything that could be done to the drainage going westerly, and I understand that if there is a problem now it is not from the

buildings, but I'm wondering if there is a simple solution to improve the drainage down to that area.

Ray Gradwell: I can answer that question. Adding these detention ponds up gradient of this wetland, and designed as we have designed them, we're actually reducing the peak discharge leaving the site, so that will help. It may not solve all of the problems of what may happen downstream, but it will help. This wetland is pretty unique, it's actually a basin, it's, if you walk that site, you basically walk around it and it has a little spill over right in here, but that basin has to fill up approximately three feet before it actually will spill over and run down to this area, so that is a very unique asset to the detention ponds that will attenuate the discharges leaving the site and discharges that are less than they are today.

Commissioner Pane: Thank you.

Vice-Chairman Camerota: I have a question. You talked a little bit about site preparation, and I didn't hear you mention any blasting. Is there a plan to blast in the area?

Ray Gradwell: There will be a plan for blasting in the area, there will be a full blasting plan according to the state regulations. In the process of developing these plans and drainage reports and site (inaudible) reports, we also have a letter that describes that measure, and we are sending it out to Ed and his staff to review, as it has to do with blasting, controlled blasting, test blast, making sure that you don't get any shots, notify the Fire Marshal, notify the utilities in the area, there is a lot of cautions that you need to do before you set off the blast.

Vice-Chairman Camerota: Are you going to be providing the information about how much material you expect to take off of the site?

Ray Gradwell: We can provide you with cuts and fills. We've done, a couple of analysis in my office and this site is pretty much balanced, cut, fill, so we can move material from one place to another place on the site without having to truck it on and off, down the road, down Cedar Street, we are pretty close to balance. Obviously you are going to need to bring in materials, paving bases, bringing in materials for pavements, bringing in materials for curb, drainage and so forth. There will be some trucks for those type of materials. The actual mass earth work, rock blasting, we can do a lot of that on site.

Vice-Chairman Camerota: Thank you.

Commissioner Pane: Commissioner Schatz talked about the blasting in the area from Balf, because we know that Balf is not going to be shutting down any time soon, even though they are in a slow down right now because of the economy, is there something, engineering wise that could be done to the houses that will, since they are so close to the blasting, is there something extra that can be done during construction to build the houses on, some sort of pad or something that will help the situation?

Ray Gradwell: I'm not a geologist so I really can't answer that question. We can have a geologist come into the next hearing and talk about having, as far as the pre-blast surveys and we do have those when we have blasting, we monitor the area, within a 200 foot radius and 500 foot radius and we set up instruments to make sure that the peak velocity is through the earth, through rock, and not excessive that could cause damages to stucco, plaster or concrete.

Commissioner Pane: I'm not worried about that, I'm worried about after, after the houses are sitting there and then blasting from Balf, even though that blasting is probably way low, that will travel, and I'd like to get a report of some sort to see if it affects the houses at that close proximity.

Commissioner Aieta: I just want to be clear where I was going with the subdivision, the R-20 subdivision on this footprint. An R-20 subdivision on this footprint would yield less houses and less density, there would be less traffic at the intersection of Cedar Street and Russell Road. These size roads would not require traditional road widths or road construction. This plot plan that you have there, this footprint, (inaudible) an R-20 subdivision. I would like to know the reasons, I want an answer to this question.

Vice-Chairman Camerota: Any further questions? Anything else from the petitioner before we go to the public?

Ray Gradwell: Tom would you like to wrap up?

Tom Regan: Thanks, Ray. Just a couple of points to follow up, Ray hit most of the highlights, we do anticipate having both a geology report and a revised traffic report that we will put in probably at the next hearing, long before we close, so those two issues will be addressed. With regard to the revisions of the subdivision layout, in addition to removing those seven lots at the top based on some of Ed's comments, it also allows us, and not to mix the Wetlands function with the Planning function, but I do want to point this out, it also, based on our biologist's report, that is the best spot for mitigation on this site, for wetlands, so that is going to allow us to put a mitigation plan in there for wetlands which we talked about in concept at the last wetlands hearing which we will be presenting at the August meeting. So in addition to removing it for, removing those lots for Ed's comments, it also allows us, we think, to come up with a better wetlands plan as well. I think that is it for comments, but as I say, we'll have the geology and revised traffic reports before the next meeting.

Vice-Chairman Camerota: Thank you. Anyone from the public wishing to speak in favor of the petition? Anyone from the public wishing to speak against the petition?

Stanley Sobieski, 26 Deepwood Drive: I retired from the Department of Transportation and I have said to Ed Meehan, said today on some information that I just got from the Department of Transportation. Let me give you some data on what goes on Route 15. Route 15 north of 287, you've got 38,000 cars per day, intersection, 41,400 per day, we have the Route 15 northbound, south of Nott Street, 25, 869 cars per day, we have the ramps, this is the on-ramp, Route 15 northbound, I'm sorry, from Route 175, 8,665 cars per day, we have the southbound on-ramp from SSR 424 which is Russell Road, 1,464 cars per day, we have southbound on-ramp from Route 175 eastbound, 2,630 cars per day, we have Route 15 northbound, northbound off-ramp to Route 175, 2, 470 cars and we have southbound off-ramp to SSR 427, or 424, 7,483 cars. That's an awful lot of volumes up there. We're asking to put a development in with 64 or 69 houses, whatever you are going to put in there. My concern as a taxpayer in the Town of Newington, and should be your concern and everybody else's concern in this town, including Toll Brothers is, how do you get emergency apparatus up there to answer a call. Now one, I forget which Commissioner said he was up there to look at the traffic, the counts that I submitted to Ed, that he can give to you, are going to give you hour by hour volumes. If you get up there between the peak hours of eight and ten, you're not going to be able to make a left hand turn for emergency apparatus going up there, nor are you going to be able to do the same thing on the southbound side. How are you going to answer a call if somebody gets hurt up there? The Town of Newington is going to be liable because we allowed this to happen. These people aren't going to care once they have

left here. As a taxpayer of the Town of Newington and a resident, and I also am impacted by this, I urge you, strongly urge you, to vote against any development up there at all. Again, I submitted this to Ed because I got it late from the Department of Transportation. One quick comment I want to say, according to the Federal Highway Administration, call those numbers that I gave you. Ten to fifteen percent of them are heavy duty trucks per day, and that's an important item, and if you would like to check that out, please call the Federal Highway Administration over in Glastonbury, they will gladly give you, Bob Lemaris, I believe is the person there, they will gladly give you the same answer I just give you. Thank you very much for your time.

Kathleen Clark, 50 Grandview Drive: I have a Bachelor of Science in ecology from Cornell, I also was a veterinarian in town for sixteen years, and owned a business. I've lived in Newington since 1956. My biggest concern is the mitigation of the wetlands, the new wetlands that are being (inaudible) if the others are lost. There was a nice article that I'll give people called Measuring Mitigation that was published by the U.S. EPA and the Environmental Law Institute and some of my comments come from that article. In this article they state that wetland restoration and creation is a relative new pursuit, it's a pretty new science. A lot of the parameters that you would be able to use to evaluate whether restoration is effective or not are still being developed. At a previous meeting it was noted that no one valued the birds on the site. Birds are now thought to be an important barometer in evaluating whether a mitigate area is functioning properly and that was missing from the report. Most long term studies suggest that an appropriate monitoring time frame far exceeds the five year period. Now my question is, once this wetland is created, who monitors it, who makes sure that it works, who pays for it, because the continued monitoring is expensive and once these houses are built, you can't just dig a hole, fill it with water, and expect it to be a wetland. You can't just put plants around it that are appropriate to the area and expect it to continue to function properly. It can't replace what was there before. You have things like individuals who have let's say, laid their eggs, whether it be a frog or turtle or whatnot, many individuals only have gone to the same site for generation after generation. They want to go back there, there's a house there, they're not going to say, Oh, I think I'm going to go over there. That's just not going to happen. So, the biggest thing is, we're talking about finances here, who pays to maintain this? Are we just going to have a big puddle full of mosquito larvae that all of the new residents are going to go, oh, there are mosquitoes coming out of there. Could you spray it, could you spray it? I just think that, that part of it has been missed. Basically I think that the other problem is that we are going to have new residents in that area, I don't think they are going to care what was there before. They are going to buy their houses, they are going to move in there, they are going to see a pond, and it's either going to work for them or not. The other thing is, in the early assessment of the original wetlands, it sounds again like things were missing, again, the birds, and they also just looked from the fall until April. There was two feet of snow on the ground for most of the winter. How did they assess what was living there at the time properly? Most assessments of this type take years to come up with trends and how, who lived there before, are there more robins this spring than last? Thank you.

Ralph Testa, 82 Willard Avenue: I've lived in town since 1975. I have engaged the services of a geologist on behalf of the Save Cedar Mountain group, in regards to basalt, blasting and the possibility of cracks opening. This geologist has worked extensively with the New York City Water Tunnel through Manhattan and across under the East River into Brooklyn and is very familiar with the hydro, whatever they call it, water and basalt and all the kinds of rock we might run into. I have spoken to people who live across the street from Balf Quarry who told me how blasting shook the walls and dropped pictures off. If you are living above them, it's going to be even worse because basalt is very conductive to sound waves and the cracks that open are going to cause serious problems. We talked about, Commissioner

Schatz brought up wetlands under your house, I happen to live adjacent to Spring Street, and that is not named after a mattress, it's named after a spring, and I have a dirt basement and in the spring every time it rains, comes up through the basement. Fortunately, my house was built before the Civil War so I have a rubble foundation, and it's not threatened by the water. These houses over here that are on wetlands, they will find out that when it rains they can look at the cinderblock bases that have been put in their basements, or whatever they are going to use for foundations, poured concrete and water will be coming through it like an open faucet. Happens at my house, anybody wants to come over in the rain, and watch the water come in, they are welcome to come. I have more stuff growing in my basement than is going to be growing in the wetlands. Once that detention pond overflows the first time we get three inches of rain, and spills all that fertilizer into that wetland, so in a general perspective, I appreciate what Commissioner Aieta said about making it R-20 with 100 foot fronts, and probably get it down, it's easy to figure out, that, if they told us how big the fronts are on these, or how long the streets are, we'll just divide by 100 and figure out how many houses we'll have, and we could just put a line of houses along Russell Road, reduce the thing to about 30 houses, 35 houses, each one on a 100 foot frontage, and we wouldn't have any problem. We'd have one big street running up all Russell Road and would be a T. Right now you've got two emergency exits going to Ancient Highway. I don't think anybody is planning on having the Town of Newington plow Ancient Highway next winter, or any other winter, so there is no access from those emergency entrances which are closed up with gates right now. So it's really, you're trapped up there. It's trap rock, and you are trapped.

Holly Harlow, 11 Edmund Street: All sense and sensibility really says that, for all of the reasons that we have been talking about for a couple of months now, the severe traffic issues, including the emergency aspect, the damage from blasting and flooding, overburdening of the town's services, and the subsequent fiscal impact, the loss of the historical value of Old Highway and recreational opportunities, the destruction of the wildlife habitat, use of the high maintenance storm water run off structures near the protected wetlands, all of those reasons really say that this is not where we want development. It doesn't benefit Newington, it's not in our best interest. It's always felt to me like this is just a bitter pill that we have been told we have to swallow because this is privately owned property zoned for residential use, which frankly never made sense because it is rock, and the topography alone makes that a little unusual. I hold out hope that Newington regulations themselves were written with the kind of foresight that anticipates these types of situations and reacts to it. In addition to all the other appropriate regulations and the advice that comes from staff, I'm asking the Commissioners to look at a couple of things. Section 5.25, 5.2.5 relative to the commission of the site plan and any other information deemed necessary to determine it's harmony with the intent of the regulations; Section 5.3, inclusive relative to procedures and requirements for site plans. I've always had a feel that the applicant is playing fast and loose and I'm not really confident that that is going to change. Section 5.2.6 E, relative to traffic circulation within the site and the impact on surrounding streets. People on Cedar Street can't get out of their driveways, at this point, they take their life in their hands when they back out of their driveways onto the street. More cars are just going to create more risk. Section 5.2.6 G, relative to safeguards to protect the neighborhood from detriment. All those houses along Cedar Street from the base of the mountain, are they ever going to be able to resell those houses at some point if they want to, with all that traffic and the additional traffic from the mountain. And that would be the case with people whose foundations are already damaged from blasting. 6.4, relative to removal of earth products, Commissioner Camerota addressed the cut/fill ratio and how much material would be taken off of the mountain and used for fill, and the fill that goes in after the soil has been taken off is probably going to be less quality than what is there in the first place. Section 6.8 relative to the open space subdivision and in particular 6.8.2 which states the obligation of the subdivider to dedicate the same percentage of the tract as that by which the lot area has

been reduced, and in this case, I think the estimate is thirty-eight percent, because of steep slopes in excess of fifteen percent gradient, wetlands, and water courses. That coupled with Section 6.8.4 which states that the area so dedicated shall be in a location, shape, topography, nature of growth as site approved by the Commission. Speaking for myself, I'd love to see that 1700 foot wetland be part of that area that should be dedicated, and Section 3.2 relative to the suitability of land which states that when appropriate the Commission may require that unsuitable land, mass wetlands, slopes in excess of fifteen percent gradient, be set aside and not be disturbed by development. I'm asking the Commission to apply these and all applicable regulations in a way that delivers, not only would it be the will of the people, but the contrast between the rights of the property owner.....

Vice-Chairman Camerota: Ms. Harlow, could you wrap up your comments?

Holly Harlow: I am right now, thank you. The conflict between the rights of the property owners and the need of the town still needs to be resolved, but I think you can do that in a way that doesn't force us to accept something that so obviously is wrong for our community, and I'd like to submit my remarks for the record and also a printout from the EPA regarding the detention and retention pond.

Vice-Chairman Camerota: Thank you. You can give those to Ed Meehan.

Christopher Brown, 121 Putnam St., Hartford: I thought you should be treated to someone from Hartford with some good ideas for Newington. I, speaking for myself, I contribute to a local bicycle (inaudible) some pictures taken from the trails and whenever people see them, they say, where is that? You say, Newington, and they just say, oh, I just know the Berlin Turnpike and they are just amazed to see that this beauty is so close to Hartford within biking distance. I rode my bike here, it's a wonderful resource and it would be a shame to see it destroyed in this way. They say that the definition of insanity is to do the same thing over and over again and expect different results. Before I moved to the area in 1998 I spent most of my life in New Jersey. Route 23 in New Jersey which goes from Passaic to Morris through Suffolk County, has a lot of parallels to the Berlin Turnpike in that it was originally areas of woods with some pockets of shopping and it has gotten more and more developed and in the last decade or so Route 23 has exploded with this sort of development and it's a hot mess and people are moving out, and it's you know, it's the butt of jokes for that reason, so let's avoid turning Newington into New Jerseyton. With regards to trail access, and trail quality, even if the end of the lots don't encroach as far from this reduction in status, it's still an affective, there is still runoff, there is still noise pollution, there is still light pollution, it's all affective. The ecosystem doesn't stop where you put a line. As far as the trail access, I was reminded of the analogy from the destruction of a manmade thing of beauty which was Penn Station in the late 1960's. I do not remember who to attribute this quote to, but he said, the old Penn Station, you entered New York like a king, the new Penn Station, you enter like a rat. If I am to enter the trail system through a sewer runoff basin at the end of a cul-de-sac I'm entering like a rat. Attorney Regan mentioned a better wetlands plan during his speech, and I would like to say that we definitely need a better wetlands plan, and that is to not develop this area.

Allyson Clarke, 420 Cypress Road: I was going to comment tonight about this is the last public hearing and we weren't going to be able to comment, but I think I'm just going to reserve comment for a later date. I want to be sure that we are going to be able to comment on the environmental review team?

Vice-Chairman Camerota: Yes, the hearing will not be closed so what ever they bring forth you will be able to comment on.

Allyson Clarke: Some of my comments have to do with traffic report and now I understand that there is going to be a new one and I'm concerned about the geology report, all of the things we haven't seen yet, so I will reserve comment for a later date.

Gail Budreyka, 21 Isabell Terrace: Tonight I have two comments, and the first regards storm water control. The artificial structures that must be built so this land is suited for development. Runoff is generated from pavement, yards, driveways and roofs, and is impacted by the (inaudible) of households. Development will bring new pollutants to the mountain including oil, grease and toxic chemicals from motor vehicles, pesticides, nutrients from lawns and gardens, road and driveway salt, and trash and household chemicals that will be indiscreetly disposed of in the woods by these households. Regular inspection and maintenance is required to maintain storm water practices and the Town of Newington will be responsible. Controls must be inspected on a regular basis for effectiveness and structural integrity. This includes debris and liter control, insect control, and repairs and sediment removal. In addition, they must be inspected after each major storm. Maintenance requires resources, personnel, equipment and sediment disposal. Maintenance is a substantial portion of the life style of storm water practices. These new on-going expenses need to be factored into our town budget. My second comment is more general. The applicant and some Commission members have expressed frustration that the public that has made comments not relevant to the particular petitions or that the comments haven't been pertinent to the specific jurisdiction of the Commission. That we don't understand the process. I agree. However, we are frustrated as well. To the average citizen, the public hearing process on Cedar Mountain appears piecemeal and fragmented. The TPZ, the Conservation Commission, the Town Council, Open Space Committee, and whoever else I'm forgetting, have different mandates on far they can go in policy and decision making and each has their own responsibility. It's up to the public to decipher which issue belongs to what committee, what issue applies to what petition, when the appropriate Commissions meet, and when public hearings begin and end. And we have to say anything that we want to say in two minutes or less and we can't ask any questions. The perception is that (inaudible) for each working group is assigned a particular task, yet each group is immunized from accountability for the ultimate decision on Cedar Mountain. The process to date is ill suited for this contentious topic. We have had no opportunity to come together and exchange information, we have no quorum to convey the broader message that the development of Cedar Mountain is not in the best interest of this town and to convey all the reasons why. Before any further decisions are made, I suggest that the town call a special Town Hall type of meeting on Cedar Mountain. That the Town Council, impacted Commissions, town staff and the public come together and provide an opportunity for meaningful dialogue on all issues regarding Cedar Mountain in a comprehensive and holistic manner.

Ettore Wamies, 18 Deepwood Drive and 158 Adrian Avenue, Newington: I apologize, I wasn't really going to speak tonight, earlier we had some comments from a resident regarding a traffic study, an official traffic study by the DOT. One thing we did not mention and should be foremost in your minds is there is a piece of property that has already been approved for development. I apologize, I don't recall the name of the owners, but they were approved for a gas station, hotel, and retail and restaurant, all in the same location which is the corner of Russell Road and Cedar Street. I see disasters of biblical proportions. I apologize if this has already been addressed by Mr. Regan, but I did hear it, and I just wanted to enter this on the record, if that is possible, that this is something that we should think about as well. It could be a potential of two developments going on at the same time once maybe the economy turns around. That might be a little scary, I just wanted to bring it up, thank you.

Bernard Cohen, Whitewood Road, Newington: At the base of Cedar Mountain, living there for 47 years, bringing up children there and enjoying our life next to Cedar Mountain. The big

surprise that I have is that why Toll Brothers knowing the whole town is against them, why they persist in developing Cedar Mountain. There is not one person in Newington who welcomes them, and they haven't. When I attended the meeting a month of so ago, there were over 300 people, sitting and standing three deep behind them, everyone was against Cedar Mountain, the development of Cedar Mountain. I'm not going to go through the reasons why it's a bad, bad thing for Newington.

Myra Cohen, 42 Jeffrey Lane: Member of the Town Council but speaking only for myself. Just a couple of quick questions, why do we have to have sidewalks in this area, this is a subdivision that is way out of the way from others and all you are doing is losing some ground that could absorb moisture and rain and so forth. I can't see any need for any kind of sidewalks in this kind of subdivision. And while the number of lots, apparently by your subdivision regulations does not require two exits, looking at the layout there, with the cul-de-sacs and all the homes practically on top of each other, I think if you are living up there and there was some kind of emergency that requires everybody to evacuate all at the same time, I think you would have a disaster. But one question, and I don't know if it was with this Commission or the Conservation Commission, with the 700 square foot, well it's not a wetland, whatever it is called, I think the Conservation Commission, the report to them by Toll Brothers to the Conservation Commission was that it was not a valuable area to be preserved as a wetlands, if that was filled in, how close will a house be built on it, or near it, exactly what happens to that particular, or any spot that is filled it, how close will a house be, on it, or near it? Areas, and I don't know if it's this Commission, areas that have to be dug up for utilities and water mains as such, I think at some point we were told that the foundations for the houses would not be that deep, but we weren't told how deep the utilities would be Thank you.

Rick Spring, 47 Deepwood Drive: I want to thank the Commission, great questions tonight by the way. I thought they were excellent. Back in February of 2011 when Jeff Wright invited Toll Brothers to do their presentation to the Town Council, vice president of Toll Brothers of the Northeast, I guess, Greg Yulcheski, gave his presentation and he indicated many benefits to the Town of Newington. One of the benefits that he specifically stated was that there would be 150 to 200 people who would be employed in home developments, and I understand you have cut this in half right now, but I think we should hold him to his word on that. I think that the Town, the Commission, whoever is responsible for drafting the contract between the town and Toll Brothers that we force them to hire local labor, like he said they would do, and that should include excavation, foundation, carpenters, plumbers and electricians, and they should be hired from Newington and Wethersfield first. With regards to that pump station, I'm not sure, is that pump for sanitary use only? Is it for fire, my question is, if there is a fire you know, there are hydrants up there, how does that water get pushed up there, is it through the same pump station or not, I'm not sure. The drainage down below there, we have already discussed that, but I think that somebody needs to sit down and evaluate that, the plumbing in that area, the plumbing under Main Street, over to Dowd Street. I agree that the potential detention ponds will help, but if we have some pretty bad storms, the run off, I mean, I don't know what is going to happen in that area, I really don't. I think that it might be a good idea for the town to set up a fund with a substantial amount of money that has been given by the Toll Brothers for any future potential damages caused by this development. I think that might be a good idea, just a thought. I also want to say, with the comments made by one of the Commission members back a couple of meetings, where the Commissioner had gone up and reviewed the traffic, up on Cedar Street, and made a comment about the light being on the flattest part of Cedar Street, I agree with that. It is the flattest spot, but if you go up there, as Stanley says, if you go up there at peak rush hours specifically morning, traffic heading up Cedar Street, traffic backs up from the northbound entrance going onto the Berlin Turnpike up in front of Healthtrax, I see it almost every

morning and it's vacation time, it's a little lighter now, but if you go in the wintertime, you'll see it, so if you put a light there, at Healthtrax and you move the traffic line where it is now all the way back, you are going to have school buses, cars on that grade, so I disagree that that is the best spot. Flat, yes, but I disagree because the traffic is terrible in that area. One of the comments, I'm grateful that one of the Commissioners took the time to go and ask the residents of the Hartford Drive-In development what they felt, but I suggest that you take a ride down the Berlin Turnpike to the Regency in Berlin and ask them how they feel about the development. Thank you.

Mike Aparo, The Crossings, Wethersfield: I'm right across the street from this. Two points, somebody talked about having a geologist do an evaluation of the impact on the property involved, I suggest that that geologist be an independent person, not hired by Toll Brothers. Second, as a resident of the Crossings where all of the foundations are cracked already from the Balf intervention, I think above and beyond the normal settling process, it's been about twenty-five years or so, I would like to see before and after documentation of the condition of our foundations because now, if I understand it, we're getting even closer to the east side of this development and right across the street from where I live. I'm willing to take pictures of my foundation and document the time and condition and so forth, and then I want to compare with the after from all of this blasting, and I want Toll Brothers to reimburse me for all of the repairs that are necessary.

Ron Corcoran, Hartford: I'm a resident of the south end of Hartford and I feel as though I'm being impacted by this development and the reasons are, I've been going up there to the Cedar Hill Cemetery area for probably thirty years, almost every day, for no other reason than for health reasons. Now I don't know how many other people in the area, may be subject to the same type of activity up there, or are taking advantage of this or whatever. But as far as I'm concerned, I'm about ten minutes away from the north end of this greenway and from the little bit of perspective, if we take into consideration the total acreage that is contiguous to that whole parcel, that being the Goodwin golf course, the Cedar Hill Cemetery, the Jewish Cemetery on the other side of Jordan Lane Extension, the land north of the cemetery up to the quarry edge, the quarry itself, land that is contiguous to the south of those parcels, and land that we are in question about, which is going to be part of that thousand acres as I have been quoted from the Assessors office, the Assessor himself as a matter of fact. We're looking at a parcel that is going to have an impact on this total area. I feel as though, it's not just a decision for the Town of Newington here, I think it is more of a regional decision that should be made. Now there is a point of, I think on the very edge of the quarry that is the intersection of the town lines for the Town of Newington, the City of Hartford and the Town of Wethersfield and from that spot, or in that area, more towards the south perhaps, at the south edge of the quarry, there are vantage points whereby you can look northward and you can see up to I would say Mt. Tom and the ridge beyond that, I think it is the Holyoke range in Massachusetts. On a very good day, I would say you can see beyond that. The point that I'm making, or trying to make, is that this means as far as impacting the recreational value that this whole parcel has, and for the future of the area, if we took into consideration if we had the State land, I think that is the former Cedarcrest Hospital land, the Balf Quarry itself, the land that Balf owns to the east end of that quarry area, and together with Cedar Hill Cemetery this looks like for a potential for a park for example, hiking trails.....

Vice-Chairman Camerota: Mr. Corcoran, could you wrap up your comments please?

Ron Corcoran: Well, I'm trying to make the points here that this should be not a decision reserved for the Town of Newington, I think it should be something that the state should be party to that is for the potential in this, that the Town of Wethersfield is party to, the State of Connecticut and whatever happens, it should be a collective conclusion as to how this whole

project is going to play out for future recreational values alone. There is wildlife in here, that probably most people don't realize, we have a coyote population in here and so forth, so we hope, let's not make this decision right at the moment, let's keep it green for a while, let's think about this for a while, and then maybe in two months, four months, two years, whatever, we can consult again with the Toll Brothers and if they are still interested at that time, maybe we can make a more intelligent decision.

Vice-Chairman Camerota: Thank you Mr. Corcoran.

Brian Skivo, 63 Stoddard Avenue: I just want to make a couple of quick comments here. There's going to be how many houses going in, seventy-four.....

Audience: Sixty-four.

Brian Skivo: Are these houses all sold already. I don't see people lining up to buy these houses, I mean, are they all sold? I was a Newington Volunteer Fireman for twelve years right here in town, and listening to the people from day one, talking about this whole project about moving traffic, putting traffic lights in on the top of Cedar Mountain and all this traffic study, I would not want to drive a five hundred thousand dollar apparatus up to this area at five o'clock in the afternoon. That would be mayhem. That would be really crazy and another thing I learned here since day one, coming to the meetings here, I've learned and seen that Newington and Wethersfield, all coming together as one group, as one family and we're all having one thing in common and we want to keep this mountain as long as we can no matter what we try to do, I don't have seventeen million dollars in my pocket today so, I wish I did, I could buy the place, but I've learned that everybody has come together and it's great to see that, and it's great that you guys see that as well to show you that we really want to keep this as a nice nature preserve. Thank you.

Lee Bradley, 24 E. Cedar Street: I spoke here once before at one of the many, I've been to all but one of the meetings that have taken place and I agree with the last couple of speakers that I just think it's a marvelous thing what is happening here. The eloquence of all of the speakers is just thrilling, but one thing I notice when I listen to several of the speakers, many of the speakers, and I don't mean to pick up Rick, because I think he is doing a fantastic job, but he and other seem to use, it's an English thing that I'm talking about, the tense of his verbs, almost seems like he thinks it's a done deal. When they go in, when, this is not a done deal. Don't talk that way.

Vice-Chairman Camerota: Anyone else wishing to speak against the petition?

Jeff Downes, 27 Saw Mill Crossing, Wethersfield: I going to speak in some words that everybody understands, law suit. You know that word? One hundred and sixty-seven law suits, that's how many units are at The Crossing who probably, potentially will sustain substantial damage from further blasting. I agree with Mike, what I'm going to do is to document all the damage in my house right now, foundation cracks, sheet rock cracks that I repair every year, same spot, inform all of my neighbors of this issue, to perform an inspection on their house for free, document it all on digital film, dated, documented and present it to these guys after, who would we come after? Would we come after, you know what a law suit does, in a law suit, you know what they do, they come after everybody, that includes the Town Council. I'm threatening, I'm not threatening the Town of Newington, I'm just telling you, these are substantial costs, I would lawyer up and also you know, keep up your liability insurance because people are going to come after you, bottom line. Here's the other deal, four bedroom house, 3.2 children, forty-five thousand dollar a year education cost, how much do you think the taxes are going to be on these houses? Twelve, thirteen

thousand? Who loses? You do. These guys have checked out. They will run to the bank with the checks. They're already done. I see how the two roads go over to the Ancient Highway. I've got a really good idea, sell them the Ancient Highway for twenty million and then buy up the Marcap property. How about that? How about when you build this beautiful plaza over there on the corner, who's going to reconfigure the traffic. I love the law suits already, school bus gets in a wreck, three kids are dead, and the Town of Newington is sued. They let it happen. You cannot get up that road in the middle of the winter without a light, nobody seems to be able to get up enough speed to navigate the slippage of gravity on the rear tires and there is a parking lot up there. How do you expect to get emergency vehicles up there when some kid decides that he is going to go explore the cliffs over at Balf and falls down in there? These are potential law suits. How about the lady that is going to go outside and stroll around with the baby and she is talking to her neighbor and a coyote comes and grabs the kid out of the carriage and hauls him off to the woods. This is possibly going to happen. I love, I love the gentleman who was down here earlier with the real traffic assessment compared to yours, come on, I was up there for a half hour, didn't look that bad. I can go down to Cumberland Farms at 5:00 o'clock, the cars are sitting in front of Cumberland Farms and the light is green and they aren't moving because they are all going to Newington. Incorporate the plaza, how many wrecks do you think you are going to have on that corner? You would have to hire five more cops, double up the emergency ambulance service, the whole nine years, it just doesn't work, and the property is really not a great place to build. You are going to rip out the good soil, bring back some crap that is not even tested and dump in there. You don't even know where they bought this stuff. It could come from Georgia, it could come from a waste facility. These are all possibilities, and guess who is going to be responsible? You, you, and all of you. It's a lose, lose situation, good luck with it.

Rose Lyons, 46 Elton Drive: I would just like to echo what Gail Budryko said about getting all of the Commissions together and facing the Town. There was a town hall meeting to discuss the laying of asphalt in the municipal parking lot, and as yet there has been no town hall meeting on the potential of losing our Cedar Mountain. With all that being said, I can appreciate that each Commission has their own little area, but it's all parts of a puzzle. We've got the Hunter property that has the potential of being developed, we have this property here which can be developed, it's just how it is going to be developed. Last night at the Town Council meeting there were discussions about developing the other end of Cedar Street, so when you reach your decision, think about not only what they want to do, but the areas around them and future plans for the other end of Cedar Street. You had Mr. Hayes come before you I believe a year or so ago about high density housing, and that got shot down, but there are thoughts of other things, other projects that are in the works that are also going to affect the traffic on Cedar Street. I asked the question at the Conservation Commission meeting the other day about the wetlands. Who is going to be keeping an eye on where they locate, and whether things are going the way that they should be going, I know Dr. Clark made her remarks about her concerns about that. Is it going to be relocated to the town property? The property that they are going to gift to us? The town was gifted property behind me, and I think I've said it to you or the Conservation Commission from the State of Connecticut, fifteen or twenty years ago, after they did the dredging of Mill Brook and Piper Brook. To this day I still don't have the answer who's responsible for the maintenance of the land behind me, and that is the land where the water is going to drain down to, onto Dowd Street, into those brooks, and cause problems for me, a half a mile or a mile away. Not only me, but other people. So I know that everybody here is passionate about saving the mountain, I don't know that that is going to be possible, but let's do what we can do to make sure that when Toll Brothers walks out of here, they are going to be held responsible for what they did. Thank you.

Tony Tesco, 1723 Main Street, Newington: I have come here tonight to speak out against this application. This whole process has been a street corner hustle, complete with shell games and slight of hand. First, we saw the Toll Brothers presentation slipped into a Town Council meeting when they said there would be jobs and revenue. Then we find out that outsourced the jobs and it will cost the town more in services. Now you see it, now you don't. Then we saw a site plan with two parcels of houses, and no ecological report. Now, we have the ecological report and no site plan, where we are told half is gone. Now you see it, now you don't. Then they say that one of the lands is technically a vernal pool, in the State of Connecticut, but they don't think it is, so they're going to destroy it. Now you see it, now you don't. Then they named the newly designed streets, Trap Rock Way, Cedar Mountain Road and Trailside Drive. First there was open space in the 2020 Plan, and then they will only be on the street signs. Now you see it, now you don't. And finally, they are running up the talk in public hearings. Now you see it, now you don't. I urge you, don't let the pearl and the shell game leave your sight. Save Cedar Mountain.

Bernadette Conway, 127 Hartford Avenue, Newington: There were a lot of important subjects brought up tonight, and I'm concerned about all of them and especially one, that Stanley Sobieski bringing forth the traffic report. That is a huge concern of mine. We all know what the traffic is like up there and especially with the building of four bedroom homes there is going to be children living in these developments, school buses are going to be going up and down that mountain, all kinds of weather. It's a huge concern of mine that Cedar Mountain is going to turn into what we think of Avon Mountain. The serious thoughts that we have about Avon Mountain, that is what Cedar Mountain could turn into and that's a horrible thought that I just can't get out of my head. So, that's one of my many concerns, about the blasting is another huge concern, I don't need to go on about it, so many people have already spoken about it, but I think it would, I would be happy to hear, not just about the surrounding homes that have already been affected, but the homes that are being built up there, and the blasting is going to be right underneath them practically, you know, from Balf itself. So there are just so many concerns. I want to thank you for consideration for all of them. Thank you.

Vice-Chairman Camerota: Anyone else wishing to speak? Does the applicant wish to rebut?

Thomas Regan: Just a couple of brief comments, Madam Chair. As I stated earlier, we will put in a revised traffic report and geology report before the next hearing. I do want to address the jurisdictional. I think it's difficult for us, we understand the very different jurisdictions, we don't make the rules, the state statute does, and we are trying to respond to the appropriate comments in the appropriate forums, i.e., responding to traffic here while responding to wetlands comments only to Wetlands. So, I understand that there may be some frustration, but for us, I have two legal proceedings and two legal records that I have to keep clear and distinct, and so, from our point of view, we will continue to respond to the appropriate subject matter to the appropriate commissions. I know that the Commissions understand their roles, and I need to keep our two legal records clear, so that is why at times, we may not readdress certain comments in one hearing and not in front of another Commission, it's because we understand the statutory constraints that we are under and we're trying to work within that frame to keep the records clear. So we will respond to the appropriate comments in the appropriate forum. As I said, in regards to traffic and geology which were two items that were brought up tonight, we will have revised reports, as well as we will respond to all of Mr. Meehan's comments and any other comments that we have on the revised plans that we got in writing prior to the next meeting. With that, Madam Chair I just ask that you table this to the next meeting. Thank you.

Vice-Chairman Camerota: Thank you Attorney Regan. Rebuttal by the opposition limited to five minutes total. Seeing none, both petitions will remain open until the next meeting.

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

Rose Lyons, 46 Elton Drive, Newington: At last night's Town Council meeting, Councilor Cohen asked the Town Manager if the location of the cell phone tower at Anna Reynolds School had ever been brought before the Council and discussed. He replied in the affirmative. I believe the reason that Councilor Cohen asked that question was because a neighbor of hers had made an inquiry about the issue. Then the cell tower at Churchill Park was talked about, and the Town Manager made a comment that he thought that the plans were on hold. I'm not sure if he was referring to the cell tower at Anna Reynolds, or the cell tower at Churchill Park. In any case, this question brought back into my mind the fact that this issue was discussed at the January 24<sup>th</sup> 2009 TPZ meeting, and according to the minutes that I read, public hearings are not required on an 8-24 referral from the Town Council. Since that meeting and subsequent approval by the Town Council to allow the Town Manager to enter into a lease agreement, there have been several residents and parents who have voiced their concerns regarding the cell tower on the grounds of Anna Reynolds school. Whether or not the plans for either of these cell towers have been put on hold or not, is immaterial. My concern is that something should be done, either by this body or the Town Council or the Board of Education to inform parents and residents of any future plans for cell towers on any town property. I just thought I would speak to you, to this issue tonight because it was brought up at the Town Council meeting last night, there have been articles in the paper and I know that this body has tried to get the Town Council to send out notices to residents about various issues that may be affecting them, and that has not come to be. I don't know whether there can be an ordinance or some kind of regulations or something, that if a cell tower is going to be put on town property, there should be a public hearing of residents and parents should be notified of the intent to do so. Thank you.

Vice-Chairman Camerota: Thank you.

Myra Cohen, 42 Jeffrey Lane: A member of the town council, speaking for myself. I've asked the question, this public hearing was continued, so that it is, the total I believe is 100 days. I'd like to know, I know that you meet twice a month, so that would mean the public hearing could go until when, and then after that, I assume the Commission has a dead line, a certain number of days within which you have to come up with a decision, and I would like to know if you have figured out exactly when your decision, your deadline for the decision would be.

Ed Meehan: I anticipated Mrs. Cohen's question a little bit because we exchanged phone calls during the week. Right now the Commission has been granted an extension by the applicant for 65 days so this proceeding tonight, these two public hearings could go until the end of August. We need to time the hearings with the Inland Wetland Agency. They meet only once a month, I believe the next meeting is August 16<sup>th</sup> so depending on what they do that night, the hearing might wrap up that night with Inland Wetlands and TPZ might be able to wrap up the second meeting in August, which is August 24<sup>th</sup>. So that starts another clock running. Once we close the hearing, now we have an additional sixty-five days to make a decision. The Commission cannot make a decision until they receive a report from the Inland Wetlands Agency, so if Inland Wetlands doesn't vote, or forward a report to the Planning and Zoning Commission at their August meeting, we would have to wait for their September meeting. The bottom line is, to answer your question Mrs. Cohen, it could probably go until the end of October, taking all of the extensions into account and waiting for Inland Wetlands. I'm sorry I can't be more specific.

Vice-Chairman Camerota: Anyone else wishing to speak on items not listed on the agenda?

Ettore Wamies, 158 Adrian Avenue and 15 Deepwood Drive: We've been going through this process for, it seems really like an awfully long time, and I'm exhausted, I truly am. I feel I'm being held hostage, dude, you're killing me, I'm tired.....

Vice-Chairman Camerota: I'm going to ask you to, you've already commented.....thank you.

Attorney Regan: I don't object often, but the hearing has been closed, we are continuing to go on the same subject and that is totally outside the jurisdiction.

Vice-Chairman Camerota: Understood. Anyone else wishing to speak on items not listed on the agenda.

#### **IV. MINUTES**

July 13, 2011 – Regular Meeting

Commissioner Pane moved to accept the minutes of the July 13, 2011 regular meeting. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

#### **V. COMMUNICATIONS AND REPORTS**

Ed Meehan: I have a couple of things that I can bring up under scheduling, I'll do that later on in the agenda.

#### **VI. NEW BUSINESS**

None

#### **VII. OLD BUSINESS**

Vice-Chairman Camerota: Can I have a motion to move Petition 22-11 to Old Business?

Commissioner Anest moved that Petition 22-11 be moved to Old Business. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with seven voting YES.

#### **Petition 22-11 2451 Berlin Turnpike Special Permit Liquor Sales Package Store**

Commissioner Pane moved that Petition 22-11 – 2451 Berlin Turnpike, Kaye Properties LLC owner, Plaza Wine and Liquor DBA Shivam Enterprises, attention Falgun Bhatt 85East Robbins Avenue Newington, CT 06111 applicant, request for Special Permit Section 6.6 Liquor Sales, B-BT Zone District be approved. The Commission finds that the location of the proposed retail package store of 2451 Berlin Turnpike complies with Section 6.6.3 (B), 500 foot separation distance from an existing similar class of permit at 2400 Berlin Turnpike, the A & P Liquor Store.

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

VIII. **PETITIONS FOR SCHEDULING** (TPZ August 10, 2011 and August 24, 2011)

- A. PETITION 23-11 – 388 Stamm Road, Rizzo Albert, Jr. Family LP owner, Artex Signs 27 Britton Drive Bloomfield, CT 06002 applicant, attention Anita Gold, request for Special Exception Ground Sign Section 6.2.4, Industrial Zone District. Schedule for public hearing August 10, 2011.
- B. PETITION 24-11 – 1300 Main Street, Liberty Bank, Newington Professional Center LLC owner, National Sign Corporation 780 Four Rod Road, Berlin, CT 06037 attention Darcy Roy applicant, request for Special Exception Ground Sign Section 6.2.4 B-BT Zone District. Schedule for public hearing August 10, 2011.

Ed Meehan: As you can see from your agenda there's two petitions that are posted on your agenda for August 10<sup>th</sup>. Both are signs, they should not require a lengthy hearing, they have been waiting for some time to come on for presentation to you. Also, as mentioned earlier, there are a couple of other items that would like to come on for August 10<sup>th</sup>. We have correspondence from the Waterfall Committee. They are relocating their waterfall from Market Square this year because of the streetscape improvements, and they are moving it to the parking lot, the municipal parking lot and they are really working hard to come up with a layout plan for that. They are also talking about having a small carnival to go along with the Waterfall Festival this year. They never had this in the past. Because it is a change of venue and a different component they need to come back to you and have their special exception amended, and they would like to be able to do that on the 10<sup>th</sup> with your permission so they can go on with their plans.

Also Balf Company, Balf Quarry has communicated with me. They have their plans ready to submit for their two year status report for their operations. There is no urgency in that. It's part of the settlement agreement that goes back many years. That could probably wait until September. Another application, Farmington Savings Bank is working with staff and the town engineer and myself on a bank in the center, next to Dunkin Donuts to replace the dry cleaners and Ron's Auto. I don't know if we have enough time on the 10<sup>th</sup> for them before you, but it's a plan that I think you ought to look at, at least a couple of meetings. I think it's something that the Commission will find very interesting for the conditions in the center, but I don't know how you want to spread these things out.

Vice-Chairman Camerota: I'll look to the rest of the Commissioners, but I think August 10<sup>th</sup> for the Waterfall Festival and the Balf Quarry to the 24<sup>th</sup>.

Commissioner Anest: I agree, we can hold off Balf Quarry until the 25<sup>th</sup>.

Ed Meehan: There's no time frame on that, we will communicate with them, and get our staff reports ready.

IX. **REMARKS BY COMMISSIONERS**

Vice-Chairman Camerota: I do have one thing, Ed, the medical office building that was approved on the corner of Fenn Road, and Ella Grasso Blvd, all of the signs.....

Ed Meehan: The property owner has been cited.....

Vice-Chairman Camerota: There is also (inaudible) on state property.

Ed Meehan: We saw that in the past, we have had conversations with the property owner, we've had conversations with the Department of Transportation, rights of way people. The

way that site was graded and the soil was removed they are trespassing on the state property. If you may recall, the site had a retaining wall across the westerly side because they had approached the state about buying or leasing grading rights and they decided instead to come in with a retaining wall. When they started to (inaudible) soil, we asked District One inspectors to come and investigate the site, so we have been dealing with the property owner in that respect. The property has been cited for signs, cited for violation of standards in Newington, no anti-tracking mat onto Fenn Road, and also, they haven't gotten a curb cut from the State, so there's a couple of balls in the air right now with this particular property. The contractor who brought that to the Commission has told myself and ConnDot that he has left the job, he is not working for that client any more, and I'm not sure if he has a contractor.

Commissioner Pane: Due to the substantial change in plans, I feel that that plan should be invalid and they should, the board should write to them and tell them they have to re-present plans to us.

Ed Meehan: That has been brought forth, if they can't show us they have rights to use the adjacent property, as Mr. Pane is saying they have to resubmit a site plan modification. We put everything on hold with them, even, as you may recall, they also need an on-site sanitary system that has to be designed by a professional engineer, so that is being handled by the Health District.

Commissioner Aieta: I think we should have them come back, there is a tremendous amount of modification to the plan that we approved (inaudible)

Ed Meehan: We can put something regarding site plan modification requirements to them in writing so, the curb cut has to do with erosion control, the actual (inaudible) if the curb cut is not there properly, it's a District One requirement because of the high volume of traffic.

## **X. STAFF REPORT**

- A. Woodlands of Newington – Pulte Homes Development – Request for bond release and posting one (1) year Street Maintenance bond.

Ed Meehan: I only have one item, this has been going on since, Woodlands, Pulte Home, last fall. We had a punch list they had to work on, and when the weather improved they completed that punch list. They are requesting that their bond be released and the Town Engineer has recommended that with the posting of a \$20,000.00 one year Maintenance Bond for. They have to post that bond before we can start the street acceptance process.

Commissioner Hall: Last year when we were up there, there were quite a few members of the Home Owners Association as well. Are they happy with everything? I mean, the Town may have one perspective, the home owners may have another, have they been working together?

Ed Meehan: We shared the punch list with the home owners association relative to the items within the purview of our bond requirements. Grading, drainage, sidewalks and so forth, and those have been taken care of. The items that many of the property owners talked about, such as workmanship.....

Vice-Chairman Camerota Which is not part of this....

Ed Meehan: You're right. As far as the home owners association, and all of the improvements, the information that we have is that they are satisfied, they signed off on a hold harmless agreement for the site drainage, irrigation system, which is in the town right of way, and that was done also with the home owners association. The feed back that we are getting is that they are satisfied with the public improvements.

Commissioner Hall: Okay, so the catch basins and all of that are all straightened out?

Ed Meehan: The catch basins were repaired, the sidewalks were repaired, additional street signage for the short courtyard off of Sterling was taken care of, many of the light faces were redone, the detention basin, in the far back of the property was cleaned and erosion control measures were put in, and then there were some areas where the lawn, because of the wetness had not germinated, and what they did was that they removed some of the trees to get more daylight in there, but they also modified their watering system that was basically flooding and killing the lawn. So a lot work has been done to get to this point in the process.

**Woodlands of Newington – Pulte Homes**  
**Request for Bond Release**  
**Setting One (1) Year Maintenance Bond**

Commissioner Anest moved that the Commission approve the release of the \$200,000 performance bond held for completion of final public improvements at Woodlands of Newington.

The completion of these work items has been inspected and found acceptable to the Town Engineer.

Pursuant to Section 7.7 Subdivision Regulations, prior to final acceptance of Barkledge Drive and Sterling Drive, Pulte Homes shall post a \$20,000 maintenance bond with the Town Manager.

The motion was seconded by Commissioner Pane.

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

**XI. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

Rose Lyons, 46 Elton Drive: I wasn't going to say anything, I was just going to sit here, and be quiet, but the word sign came up, so I'd like to request that we practice what we preach and if we are going to ask other people to take down signs, could we get rid of the Extravaganza signs in town? As I walked into the Town Hall tonight, I was tempted to take it, and bring it in, and the sign that was hanging up on Main Street, I know Mr. Tofeldt, is not going to be happy with me, but the Coors Light sign is not down, can we get it down? Thank you very much.

Vice-Chairman Camerota: Anyone from the public wishing to speak on any item not on the agenda?

**XII. CLOSING REMARKS BY CHAIRMAN**

Vice-Chairman Camerota: Good meeting, and my only comment is that our next meetings will be in Conference Room B & C?

Ed Meehan: Yes, there's a summer theater going on here.

**XIII. ADJOURNMENT**

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Turco. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary