

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Special Meeting

July 8, 2015

Chairman Cathleen Hall called the special meeting of the Newington Town Plan and Zoning Commission to order at 6:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

1. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Staff Present

Craig Minor, Town Planner

II. REVIEW OF ZONING REGULATIONS

A. Proposed OS "Open Space" Zone

Chairman Hall: The first order of business tonight is the review of zoning regulations. We will start tonight with the proposed OS Zone which is "open space zone".

Craig Minor: I think this is the last 6:00 o'clock meeting that I am going to present this, because I know that the Commission doesn't want to wait to go through the rest of the zoning regs before you adopt an open space zone. I think next month I will put it under "New Business" and we can discuss it until you are ready to send it to a hearing.

Craig Minor: I sent you a memo in the agenda packet, which I'll read now.

"As promised last month, attached is a color map of all "open space" parcels in Town. As you can see from the color coding, this map categorizes each open space parcel as one of three types: farmland; park; and "open space" (which I suggest re-naming to "passive open space"). Also attached is a table with detailed information on each parcel.

Obviously there need to be "bulk requirements" for this new zone, so I drafted something (attached). I've indicated 10,000 s.f. as the minimum lot size just to kick off the discussion of how small an open space parcel should be. We should look at the table of existing open space parcels to see how many of them would be non-conforming with regard to size; not that it would be a problem for a parcel in the Open Space Zone to be non-conforming, but we ought to know it.

We also need to know if there are any uses taking place on any of these parcels that is not allowed under the draft regulation, so that we don't unknowingly create any non-conforming lots

with regard to use. We can do this by examining these parcels on Google Maps, and by conducting a "windscreen" (drive-by) inspection."

I wrote this memo back on June 30th, but I haven't had a chance to do any of that, or delegate to my Assistant Town Planner to go around and see what is actually taking place on all of these open space parcels. Some of them are obvious. We all know Eddy Farm, we all know the Deming-Young Farm, we know Clem Lemire ball field, things like that, but there are a lot of little open space parcels that are in most cases are open space associated with some development, like a condominium or a PUD, but we need to establish that before we take any steps to change the zoning designation. So again, the draft regulation, I'll go back to it.

There are two categories of permits which we typically do it in Newington: uses permitted as of right, and uses that are permitted only by Special Permit. "As of right" uses would be:

- 3.22.1 Planting and cultivation of any crop including flowers, fruit, vegetables, forestry, nurseries, and field crops whether for personal or commercial purposes.
- 3.22.2 Municipal; playgrounds, recreation areas and parks.
- 3.23.3 Designated **passive** open space in residential developments.

I inserted the word "passive" after the last meeting, because there might be an open space parcel used for purposes that are not passive, like a ball field, or an active farm. "Passive" open space is typically open space such as in a conservation subdivision, where the developers left undisturbed the woods and meadows and such.

The last one as an "accessory use", namely educational activities that are accessory and incidental to any of the above permitted uses. That makes it clear that educational activities are okay, but they can't be the primary use on an open space parcel; they can only be secondary. For example, let's say the Parks and Rec Department wants to conduct a basket weaving class in the park; they would be able to do that because it's accessory to the primary use which is a park. I know the Town is exempt from zoning, but I'm just using that to illustrate an accessory use.

So those things are all "as of right", which means the applicant won't have to come before you for permission to do any of those things. They would have to come before you for a golf course because that's by special permit. That's the only use that I could think of that anybody would probably want to do in Newington, and it would also make the existing golf course conforming. You could add other things to the Special Permit list, for example RV parks and camps. I'm not sure that is appropriate for Newington, which is why I didn't suggest it, but you can always add it. So that's what I have. That's all I have to say at this point, unless someone has some questions.

Commissioner Sobieski: Mr. Planner, I think there is a park off of Connecticut Avenue, it's just a small sliver...

Craig Minor: What street would this be off of?

Commissioner Sobieski: Well, it's off of Connecticut Avenue, near Commonwealth. I believe it's at the corner of Connecticut Avenue and it's either Bushnell or the other one. There is a small town park in there that was Bank's Park; he donated it to the Town.

Craig Minor: I've got it.

Commissioner Claffey: Can you have passive open space outside of a residential development?

Craig Minor: Yes, there could be.

Commissioner Claffey: Is it common in other municipalities?

Craig Minor: "Passive open space" would include woods that are still woods because the owner hasn't gotten around to cutting down the trees and growing houses. That would be passive open space.

Commissioner Claffey: So what would be your definition of "passive open space"?

Craig Minor: Well, I'm not proposing a definition unless you think we need to have one. We could get into an argument with someone whether their drag strip is passive open space or active. I'm being factious, but yes, we could get into arguments with people as to what is passive and what isn't. When I was in Cromwell I had a homeowner who wanted to put a jai alai fronton in his back yard for him and his friends to use and there was no rule against it. So, people can disagree on what constitutes passive or active open space. I'll look into that.

Chairman Hall: Anyone else have anything?

B. Section 6.2 Signs

Craig Minor: From my memo: "There was a TPZ subcommittee that spent many hours last year trying to revise the "temporary sign regulations" to make them more enforceable as well as more "user friendly." They stopped meeting when it was decided to do a complete zoning overhaul. The attached is the status quo when they stopped meeting, with one additional change proposed by me just now, a change to the "digital sign" regulation, to make it clear that no backlit or LED sign of any type is allowed except for "time and temperature" and gas station signage."

Commissioner Anest: I know that we had talked about this, and I know that we wanted to fine tune it, and I know you added the definition of the signs, but I believe the intent, when we put in digitally controlled price signs for gas stations, it was only for the Berlin Turnpike.

Craig Minor: Okay.

Commissioner Anest: So can we make sure that we have that change?

Commissioner Aieta: That would be under "E".

Craig Minor: We can add a Number 3, saying "only on the Berlin Turnpike".

Commissioner Anest: You have "digitally controlled product price signs shall not be permitted in the Business Town Center District and the Business District". I would add, "shall only be permitted in the Berlin Turnpike zone".

Craig Minor: Okay, so you are adding "only on the Berlin Turnpike"

Commissioner Anest: Yes, because that was what we thought we did when we added it back in.

Commissioner Aieta: And the horse is already out of the barn.

Craig Minor: That would have been in 2011?

Commissioner Anest: Yes.

Craig Minor: So when Ed Meehan added these, 1 and 2, back in 2011, he should have added a third one? Or he should have worded it differently?

Commissioner Aieta: You want to change that now? I mean, what's left, they are on Fenn Road, there are already four of them.....

Commissioner Anest: I do. I would like to see it changed. There may be some smaller ones, especially those gas stations that are in neighborhoods.

Craig Minor: I think the best way to make that change now, after all these years, is through the zone change process with a public hearing so everybody knows that you are correcting an error.

Commissioner Anest: No, include it here, so that when we have the public hearing, it will be one of the changes.

Craig Minor: Definitely. I'll make that change.

Craig Minor: This may be the first time that the entire Commission has seen some of the intended changes that the sign subcommittee made. Does anyone see any changes that they want to stop and talk about?

Commissioner Claffey: Section 6.2.1 (C), "parapet or roof peak". Is that inclusive to the building itself, or also the standing in the front of the building sign? So, let's just take for instance Firestone. They have a sign on the front of their building that is below the roof line, but then they have a free standing sign, say, out in the front. Would that have to stay under the roofline parapet of the whole structure?

Commissioner Aieta: The maximum height is 18 feet.

Craig Minor: Okay, I can add a word to make that non-ambiguous.

Craig Minor: Now, where we left off with temporary signs was to give the merchants forty days, as opposed to twenty-five consecutive days, so that is becoming more user friendly but makes it harder for the ZEO to enforce because, as Mike has said, the applicant might have said that he or she was planning on having a sign out on a Friday but it rained that day, so the applicant decided not to use one of his days on that rainy day. How is Mike going to keep track of all these things? I think Mike will suggest a different way to approach the temporary sign mess, so maybe let's not even spend any time on temporary signs until after he does.

Commissioner Anest: People have a calendar...

Craig Minor: But the reality is the merchant said to Mike that they were going to have a sign on Saturday, and then two months later the merchant says, "Oh, that Saturday back in February, well, I didn't have it up that day so I want to be able to use that day at a later time". Sure, Mike could say, "I'm sorry, you can't, because you told me X", but we want to be business friendly, and want a regulation that is as simple as possible and no confusion or whining because the person changes their mind but didn't tell Mike in a timely manner.

Commissioner Camillo: They are going to come for a permit?

Craig Minor: From Mike, yes.

Commissioner Camillo: When they put the sign out, they can take a picture with their phone, it will have a date on it, and they can e-mail it to you every day that they have it out there. That's one way. I know it's more work, but....

Craig Minor: It's no more work for us, but again, the merchant is going to say, "oh, I forgot to take a picture back on Saturday, I didn't actually didn't use Saturday, that's why there is no picture because I didn't use it on that Saturday even though I told you that I was going to."

Commissioner Anest: How many temporary sign permits do we issue?

Mike D'Amato: A lot. The only reason I would say that that suggestion would not work is because taking a photo every day...some weeks we issue five, six, ten permits, that's 300 photos, which won't come through on the town server anyway. We do a lot of temp signs for a lot of different things. Basically right now, there are no temp signs. Some of them come in, they know exactly what days, they do a lot of it.

Commissioner Aieta: We don't want the town to look like the Las Vegas strip, but we do want to be user friendly. The problem is there is no uniformity in the signs, and they don't take them in at night. We should have a standard that they need to use, like a sandwich sign, that they put out and take it in at night. We should standardize it, because everybody is trying to compete with everybody else, I'll do it bigger, I'll do it with more color, and as you drive down the Turnpike it's not conducive to attracting people into Newington.

Commissioner Anest: We talked about that in our subcommittee.

Craig Minor: You could prohibit them from the Berlin Turnpike.

Commissioner Anest: We could have an A-frame standard.

Craig Minor: You could require an A-frame and not the plastic signs that you just stick into the ground. You can't regulate the content, but you can regulate the size and location. You can't say it has to be blue, or anything like that.

Commissioner Aieta: People are competing, and it's not efficient when everybody in the world has a temporary sign. Why have the temporary sign regulation at all, because you have every business with a temporary sign, and no one reads them anyway, so.....and they are all competing, I'll make mine bigger, I'll make it with balloons, I'll make mine with pennants. It's not attractive driving down the turnpike on a weekend.

Commissioner Camillo: If the Statue of Liberty is out there holding a sign, is that a temporary sign?

Craig Minor: Is it a person?

Commissioner Camillo: Yes, with a sign in their hands. Or, come on in for an oil change, they do that too.

Craig Minor: That's why they do it, because if it's a person standing there holding the sign, they're in the clear.

Commissioner Anest: I know when we were a subcommittee we did talk about A-frame signs. I thought we came up with some language.

Craig Minor: I'll go back and look for it.

Commissioner Anest: That would give us uniformity. I know that they couldn't be in the Town Center, they had to be brought in at night, and they could only be out when the business was open during their operating hours.

Craig Minor: I know we talked about it in the Town Center, but I don't remember if we talked about it elsewhere. Are you suggesting that it be town wide?

Commissioner Anest: No, but it should be across the board.

Craig Minor: I'll dust that off and bring it back next time.

Commissioner Claffey: If the forty days are in not less than five day increments, is there any way that you can sticker the sign that they haven't been used and on a label, you sticker that sign and that's the only sign, any sign above and beyond that, there's a fine, automatic? Then they have blocks of time, but they can use their five days with said sign. Because this morning, at Sleepy's, next to Sloppy Waffle, there must have been 25 Sleepy's signs in the ground. You know, you have to control the amount of A-frames, or the stick in the ground signs, I mean, it can look like a carnival. In my past, we did it with a label on the sign, and that's the sign that they got approved to put up, and there is no, and they get five labels, or eight labels, whatever, and they stick it on the sandwich board themselves.

Craig Minor: Good idea.

Commissioner Aieta: If you standardize the signs to an A-frame, that would work, because you could drive by and you would see that the sign is valid, that they paid the fees, that they came in and if it didn't have the colored sticker, we would...

Mike D'Amato: It would be essentially like a boat registration. You would get a different sticker every year. This year it would be green, next year it would be blue. Like I said, there are a lot of signs that have popped up, you can get about 200 signs for about fifty bucks or so, it's not expensive. For an A-frame sign you are spending a little more money, but you can repurpose the sign and you can attach different items. The reason for the five day is that people know that they put it up on Friday and Saturday, take it down Sunday, put it back up Wednesday and Thursday, I can't police that, so if you have to choose five days, it means that it's going up for five days and then it is coming down. It gets them to think ahead for what days they want to use it. The Dunkin Donuts on the Berlin Turnpike, they know exactly what days they want to use it, based on their sales, or whatever and they specifically pick them all out. They're getting forty days instead of twenty-five, they are getting a lot more time, which means you are going to see more signs. New businesses get the increase anyway. So maybe it's not so bad if they have such bad weather that they can't put signs up.

Commissioner Aieta: We're pretty lenient to even be considering this, because I read in the paper about Glastonbury. There the public works drives through that town like the sheriff and they just pick them up and throw them in the back of the truck. They don't even give them back. They throw them away. They don't have signs like we have all over the place. Public works is in charge, and they just drive around, pick them up, and throw them away. They don't even ask people if they want them back. It's an illegal sign, they're gone. You drive through Glastonbury you don't see what you see on the Berlin Turnpike. No way. We're pretty lenient even allowing temporary signs.

Chairman Hall: Anyone else? I'm going to get on my soapbox again. There are still a couple of bedsheets hanging in town.

Craig Minor: I did leave a note for the Town Manager today, asking him to have the staff remove the ones from town property.

Chairman Hall: Enough is enough.

Craig Minor: Next: residential signs. I just gave it a little tweak, changing "not more than two" to just "two" because I think it's clearer. I added no time limit on such signs because if your apartment or house hasn't rented right away, why not be allowed to leave the "for sale" or "for rent" sign out.

Craig Minor: I added F: "one sign not over two square feet in area for an approved home occupation or professional office in accordance with Section 3.4.4.B". In the Home Occupation section it says that the successful applicant for a home occupation permit can have a small sign, so let's have this in the sign regulations section too.

Craig Minor: This last one I'm adding, "one sign not over 36 square feet in area giving the name of the church, daycare, or other permitted non-residential activity on the premises that is not a home occupation or professional office per Section 3.4.4". This is something that right now is a rarity because technically churches and daycares are not allowed to have any signage, so this makes it legal for them to have a sign, if approved by TP&Z. I'm suggesting 36 square feet.

Chairman Hall: That's big. That's 6 x 6.

Commissioner Anest: Yes, that's huge.

Craig Minor: That's both sides, combined.

Chairman Hall: Then 3 x 3, two sides.

Commissioner Aieta: That's still big. I mean, is it really necessary for a daycare in a neighborhood to have a three foot sign? You're saying that churches are not allowed to have signs? Because every church in Newington is in the residential zone.

Craig Minor: Unless the regulations give them permission to have a sign, they can't have a sign, so the ones that have them are probably not legal. I'm not suggesting that we do anything about that. But going forward, I'm suggesting that these be as of right so they don't have to come to you, they would just have to come to staff. I can make it smaller if you think that 36 square feet is too large.

Commissioner Aieta: Right now there are churches that have signs that are way bigger than a 3 x 3, if you take the whole sign, the brick work around it and everything else, internally lit. If you look at them, some of them are way exceeding the 36 and you are saying we don't even regulate them.

Craig Minor: Well, they're not allowed in residential zones.

Commissioner Sobieski: I agree with Frank. There are quite a few churches around town and I think they all have signs that are bigger than 36.

Commissioner Aieta: What about the one up on Cedar Street, how did we approve that? How did we give them a sign when it's not in the regulations?

Commissioner Sobieski: I remember, there was a big discussion about that. They wanted a new location, but also they wanted a digital flashing sign.

Craig Minor: Maybe when a church gets approved initially, part of their approval has been for a sign, that's may be how we have handled it in the past. But what happens thirty, forty, fifty years later when that church is still around? What standards should we hold them to when they come to the staff and say, "we'd like to replace the sign that we have now in the residential zone"? The staff wouldn't be able to give them any clear guidance due to the current lack of regulations.

Commissioner Sobieski: I don't want to see this look like Las Vegas like Frank said, where you are going to be splashing signs and stuff like that, plus they are all in a residential zone. Just like daycares, I don't think we should have any signage in front at all.

Chairman Hall: In a residential zone.

Commissioner Sobieski: In a residential zone, right.

Craig Minor: Well, you allow a home business to have a sign, you allow a day care to have a little two by six sign, so that the parent dropping their kid off for the first time knows where it is.

Chairman Hall: But that's not 36.

Craig Minor: I know, for the day care, but...

Commissioner Aieta: We don't need to see this huge sign. The last one that we did, the day care, was up on Candlewyck. Did they put a sign up?

Chairman Hall: I haven't seen one.

Commissioner Aieta: I haven't been up there, I know Cathy drives by there.

Chairman Hall: I don't know if she even opened, to tell you the truth. There really is not much activity up there at all. After all that, I've never seen any kids in the yard.....

Craig Minor: Maybe I should split G into two: 36 square feet for a church, but daycare or other permitted non-residential activities in a residential zone, not as a home occupation, something smaller than that, maybe give them the same two square feet that a home occupation gets.

Commissioner Aieta: You have to define whether they can be internally lit. If they are in a residential zone, do they keep them on all night long? I know the ones on Church Street, which has like five churches.....

Craig Minor: Oh, you are talking about church signs?

Commissioner Aieta: Yes.

Commissioner Claffey: Can we define 36 square feet? Because it seems around the table here, we have different opinions on that, because if you look at that TV right there, that's probably 40 square feet right there. I mean, 8 x 4, that's a sheet of plywood. I think a lot of signs in town are 8 x 4 just because it's easier to dimension off for a business. So, what, are we talking a 3 x 3 with two sides which equal six by six or is it.....

Chairman Hall: The number is there, however they want to do it, however they want to construct their sign.

Commissioner Aieta: What do we allow for a home business?

Craig Minor: One sign of not over two square feet. That's for the customer who knows that they are looking for the tax preparer, or the college scholarship assistant, and they know they are on that street somewhere; the sign helps them find it. Not for people driving around to say, "oh, there's a tax preparer there, next time I'm here, I'll give them my business". As opposed to church signs that are to attract new customers, home occupation signs are not to attract new customers. They are to help a current customer find the place. Okay, you've given me a lot of thought here and I will work on this some more and then bring it back to you.

Craig Minor: This is what the committee was talking about back in 2014. "The following types of signs are exempt from the provisions of this regulation:"

- A. Vehicle Signs
- B. Directional Signs, including those not exceeding 3 square feet within the street right of way upon the approval of the Local Traffic Authority.
- C. Political signs

Craig Minor: What I suggested to the sign committee back when it was active (and that's why this "Off-Street Parking" section is in here) was to regulate those cars that are parked along the Berlin Turnpike solely for the purpose of having big signs on them. Perhaps one way to get a handle on them is to add to the parking regulations these two new rules as Paragraphs J and K:

J. Other than as permitted in Section 3.23.1 (Accessory Outside Use Standards), nothing may occupy a parking space provided in accordance with Section 6.1 other than a properly registered motor vehicle.

K. For properties with parking lots on the Berlin Turnpike, the row of parking spaces closest to the Berlin Turnpike shall be reserved for customer parking only. Employee owned vehicles and vehicles belonging to or under the control of the owner or tenant may not occupy three parking spaces.

Craig Minor: Now, this assumes that the cars and trucks with big signs that we are trying to regulate are all parked in the first row of parking along the Berlin Turnpike. If we restrict that row of parking spaces to only customer parking, by default, we prevent the business owner from parking a car that has a sign on it. I suggested this some time ago and the Town Attorney felt that it might be a challenge to defend, but I think we should give it a shot.

Commissioner Serra: Now that the car dealerships are back in play, let's say somebody opens up a car dealership up there...

Craig Minor: They can't. You can't have a car dealership on the Berlin Turnpike.

Chairman Hall: What if one of those signed trucks is a registered motor vehicle?

Craig Minor: It would have to belong to a customer. If it's not a motor vehicle, like a motor boat, for example...

Chairman Hall: Well, anything that is registered that has a sign on it.

Craig Minor: Now you are talking about J, which says "nothing may occupy a parking space other than a properly registered motor vehicle".

Chairman Hall: Okay, there is a car in town that is wrapped for a travel agency. It is a registered motor vehicle, it drives, and they could park that.

Craig Minor: They could not because of K, because that car that has GEICO all over it doesn't belong to a customer. The first row of parking is reserved for customers only.

Commissioner Anest: So what if the wrapped car is not on the Berlin Turnpike, but some other road, like Fenn Road.

Craig Minor: I'm crawling before I run here. We're trying to get a handle on the Berlin Turnpike.

Chairman Hall: You were saying that J has to be in conjunction with K.

Craig Minor: That might be the outcome of this, but that is not my intent. They are separate.

Commissioner Anest: J would apply to any location?

Craig Minor: Yes, to any parking space that is provided in accordance with the parking regs.

Commissioner Anest: K is specifically for the Berlin Turnpike.

Craig Minor: Yes. And the reason that I say "other than as permitted in Section 3.23.1" is for the fireworks vendors or retailers like P.C. Richards who have parking lot sales.

Commissioner Claffey: That new business, the tub and shower place next to Modern Tire, it's kind of a weird shaped lot. Their parking lot is tight, so he brings his two trucks in which leave in the morning to go do a job and come back, he'd be in violation because his only parking spaces are in front, he doesn't have parking spaces on the back side of his parking lot. It's the same with the floor guy, Floors Now, he would be out of compliance if he parks in front of his building, and he's in compliance if he parks behind his building. But the truck takes up almost the whole parking space for his customers.

Craig Minor: I know who you mean, but I'm trying to visualize where.....

Commissioner Aieta: It's past Olympia Diner. Right there [pointing to aerial photo on monitor].

Commissioner Claffey: This is a good example. I'm bringing this up now for two reasons, so he technically would have to park there, or the first two spots from the corner of the building right there. If those other three spots are in the front setback, then he's technically perpendicular, he's not parallel.

Craig Minor: No, because what the regulation says is, "the row of parking spaces closest to the Berlin Turnpike", so this would be the row of parking that is closest to the Berlin Turnpike. This space is closer, but this row of parking...

Commissioner Claffey: I don't mean to split hairs, but...

Craig Minor: No, you are absolutely right, we should figure this out now rather than later.

Commissioner Claffey: I've only seen that guy park his trucks where your cursor is now. That's the only place I've seen him park. That's a prime situation where you are going to have conflict.

Craig Minor: When I started thinking about this, my draft had "the row of parking spaces closest to and parallel to the Berlin Turnpike", and I took "parallel" out. Now I think we need to put it back in, because it is the row of parking that is parallel to the Turnpike that we are most concerned about. This is the where we are worried about the wrapped cars, not this row.

Commissioner Claffey: For discussion, I'm not using that business, so if anyone at home feels that we are picking on him, I'm just using the parking lot as an example.

Craig Minor: Yes, I'm going to go back to including "and parallel to".

Commissioner Sobieski: Mr. Planner, the first one by the hash mark by the exit there, could that also fall into the prohibited area?

Craig Minor: I'm going to re-write it to say, "the row of parking spaces parallel to and closest to the Berlin Turnpike", so for properties with parking on the Berlin Turnpike, it's the spaces that are closest to the Berlin Turnpike, the first row that we want to reserve for customers. For example, this is the row that I want to make it impossible for people to park these cars, this row, this row, this row, that's okay, but as a practical matter the merchant is not going to want to park the advertising car here. This is where he wants to park it.

Commissioner Serra: Why not use footage, as in so many feet from the Berlin Turnpike?

Craig Minor: Because there may be spaces beyond that distance that we wouldn't want wrapped car parked.

Commissioner Sobieski: I'm just suggesting that you use that row, and you have a couple of businesses that are parking their vehicles sideways, one is by the Dunkin Donuts on Pane Road, to advertise his business in the back, and he parks at the first one.

Craig Minor: What I'm looking for is a regulation that will capture the majority of them, prevent the majority of them without being so complicated that people will try to split hairs with us. You have brought up a very good point.

Commissioner Claffey: I think, and you guys correct me if I'm wrong since I've only been in town now going on three years, that there are specific violators of this issue which is why we are trying to change this. P.C. Richards as an example is a great way to look at setbacks where it could work on that building, but not on others, but there are only specific violators that are there every day of the week that I see, and that parking lot that I was speaking of, up by TGI Fridays which is almost like the P.C. Richard parking lot, it's so far back, it's a nice spot, is it like Commissioner Sobieski said, where we try to figure out a setback distance, because it is so, I bet you the car that I am speaking of it probably on Google Map because it's been there so long. It's the nail car, right there.

Commissioner Andrzejewski: To avoid confusion, we should just include spaces closest to the Berlin Turnpike. That includes both parallel and perpendicular parking spaces. So, even if they are in violation of the setback, they still the closest spaces to the Berlin Turnpike and if it is an entire row, so be it.

Craig Minor: Okay, that would be these spaces, and these spaces. Let's go back to the example at Safety Shoes; in this case it would be that one, because that one is the closest, but then how many of these are subject to this rule? The first one, yes, but do we stop at the second or third?

Commissioner Andrzejewski: You stop at the row parallel to the Berlin Turnpike, because those would now be the closest, so it would be the first three spaces on that perpendicular row.

Craig Minor: But not these?

Commissioner Andrzejewski: The closest ones.

Craig Minor: By definition, only one can be the closest, unless it's equal to these six, where all of them are closest because they are equally close.

Commissioner Serra: But you are saying spaces, not space. You are implying more than one, so the way that Commissioner Andrzejewski stated, I think is okay, because you are using parking spaces.

Craig Minor: "The row of parking spaces closest to the Berlin Turnpike and adjacent to"....

Commissioner Anest: So any parking space that abuts the Berlin Turnpike.

Craig Minor: Right.

Commissioner Claffey: That one doesn't technically abut the Berlin Turnpike. The ones at P.C. Richards, they have their landscape beds, and they have a right of way from the State, so technically they don't abut the Berlin Turnpike.

Craig Minor: But we didn't say "abut the Berlin Turnpike", she said "adjacent". I think "perpendicular and parallel" are all your parking spaces.

Commissioner Aieta: If we make these changes, how would they affect the existing? It wouldn't affect them at all, right?

Craig Minor: They would be grandfathered.

Commissioner Aieta: Unless they moved them and put them back.

Craig Minor: If we got to the point where this is close to becoming the law of the land, I would send Mike out with a camera and take pictures of all the existing ones, because they would be grandfathered.

Commissioner Anest: But if they move them? Because that one up there by Friday's, it's not always, he moves it.

Craig Minor: If this went into effect tomorrow, any car can remain where it is now because it is grandfathered, but if the owner moved that car to somewhere else, they would not be...

Commissioner Aieta: And moved it back.

Craig Minor: And moved it back. Yes, they couldn't put it somewhere else that would be against the new regulation, they could only... Let's say that this was an advertising car, and you adopt the new regulations prohibiting any parking other than customer parking in this row, and he drives it away. He could claim that he never "intended to abandon" his right to park his clown car there... He could probably bring it back and park it there again, but he couldn't park it anywhere else. That is the only place where he is grandfathered to park it.

Commissioner Claffey: Mr. Planner, let me ask you this. Instead of a vehicle we have a sign, and the business tears the sign down to put up a new one, he has to come back, he's not grandfathered, right?

Craig Minor: He might be; it depends.

Commissioner Claffey: I think this is where the two can work with each other, to figure out if it's grandfathered for a car, a non-conforming use to the business, unlike a Stop and Shop Delivery

truck, which is an accessory to that structure, so he drives an advertised truck, stops the truck and unloads it, has Stop and Shop written all over it, and it leaves it there for sixty days, in comparison to this car, that is a car that is used for the business or become accessory to the structure. The delivery truck is accessory to the structure.

Craig Minor: I'm totally lost with your analogy.

Chairman Hall: We're over-thinking this.

Commissioner Claffey: I'm saying, once you take that sign down, parts of that sign may be grandfathered when he or she reapplies.

Craig Minor: If the sign was in a location that the regs don't allow signs, but it's been there for a hundred years, and he wants to change the message that is on the sign, sure, he can do that, because his sign is grandfathered. But he can't move the sign even six inches.

Commissioner Claffey: Then that coincides with your concern of moving the car, and it now becomes non-conforming?

Craig Minor: I think maybe he could come back because, well, I don't know, we're speculating here.

Commissioner Sobieski: Mr. Planner, I suggest that you look at the towns of Greenwich, Fairfield, Stamford, in that area, where Route 1 is very similar to the Berlin Turnpike. They have some very stringent rules for cars or vehicles parking. You might want to look at that to see how they handle it, and I believe the other town is Guilford. You might want to look at their rules for Route 1, they are very stringent, and they do have a lot of shopping centers very similar to what we have here, and they did try to put vehicles out with signs on them, and I know they took corrective action.

Craig Minor: Okay.

Commissioner Aieta: I don't think we should agonize over this. I don't think it should be on the Commission, I think it should be on the people who are acting illegally. We should take a hard line on these things and if they think that their rights are violated, they can go through the legal process and take us to court. I mean, we have trucks that have been there since I have been in town, forty years, the same trucks.

III. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 7:05 PM.

Respectfully submitted,



Norine Addis,
Recording Secretary