

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

August 22, 2012

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

I. ROLL CALL

Commissioners Present

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

Commissioners Absent

Commissioner Dana Woods

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Woods.

II. APPROVAL OF AGENDA

Chairman Pruet: Changes on the agenda Mr. Town Planner?

Craig Minor: Yes, Mr. Chairman. Two items to be added, and one to be deleted. Under New Business, I recommend that you add Petition 26-12, Site Plan Modification Tent Sale at 2547 Berlin Turnpike, (Sleepy's.) Sleepy's, applicant: George S. Emerson, owner: John Demma, 2A Fairview Avenue, Enfield, CT contact. The application is on the table and on the back side is the site plan that he submitted showing where the tent will be. The reason that I asked the Chairman to put this on the agenda at the last minute is because they would like the sale to begin Labor Day weekend and run through the month of September and if we don't put it on the agenda until the middle of September, then they have lost the first half of their proposed sale, so that's why I'm asking to add it to the agenda tonight. Do you want to do all three changes as one motion?

Chairman Pruet: Sure.

Craig Minor: Okay. The item I have to add, under Old Business Item VII. A., Petition 21-12, Site Plan Modification for a diesel generator. This was on your agenda for last meeting, you scheduled it, you voted to make it Old Business for this meeting, I just forgot to put it on the agenda. Finally, I just got an e-mail a few minutes ago from the attorney for item, New Business A, 14-12, Site Plan Modification at 49 Fenn Road. There is another hold up with

their deed, so they have asked for it to be continued again, so we can scratch that from the agenda.

Chairman Pruet: I'll entertain a motion that the Town Planner's suggested agenda be approved.

Commissioner Sobieski moved to approve the suggested agenda. The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion, with six voting YES.

III. PUBLIC HEARINGS:

A. Petition #11-12: Re-Subdivision at 181 Robbins Avenue. Normand Rainville, owner/applicant: Alan Bongiovanni, 170 Pane Road Newington, CT 06111, contact. Continued from July 25, 2012.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, 170 Pane Road, Newington. I'm a licensed land surveyor in the State of Connecticut and I'm representing Mr. Normand Rainville in an application at the property located at 181 Robbins Avenue. If you recall, I believe it was in June we were before this Commission with this same hearing, we began the public hearing but were also in the wetlands process. Last night that process concluded with an approval to conduct a regulated activity within the buffer area, so we do have that approval, and now we'd like to hopefully finish our public hearing with this Commission so that Mr. Rainville can proceed with his plans to develop a house, build a house on this one lot. For those of you who don't remember the particulars of this site, it's about 1.5 acres of R-12 zoned land, it's a single family residential zone. There's a single house on it known as 181 Robbins Avenue. It has, it's on the south side of Robbins Avenue, it's on the east side of Willard Avenue and it's on the west side of Clifford Street. It's surrounded on three sides by streets and all we are asking to do is to take this property which is a culmination of several parcels including some old subdivision lots, asking to re-subdivide it, straight, one 12,000 square foot lot in the R-12 zone, for one single family home to be serviced by MDC sewer and water on this piece of property. That's the long and the short of it. There's nothing fancy about this, it's just a requirement by state statute because of being subdivided prior that we come before this Commission as a re-subdivision and that's why we're here, asking your permission for one lot. Any questions, I'd be happy to answer them.

Chairman Pruet: Comments from our Town Planner?

Craig Minor: I reviewed the plans, there were a couple of minor oversights, in the plan that I conveyed to Mr. Bongiovanni, I'm sure he has no objection to adding them. I think a few trees in front of the lots, and I think that there was a dimension that was left off, but assuming that there are no other issues with it, I have no objection to approving it with those changes, and for the record, I did receive the approval letter from the Conservation Commission. It was approved last night, and I have that letter on file.

Chairman Pruet: Very good. Commissioner comments on this? This is a public hearing, we're going to hear from the public at this time. Anyone from the public wishing to speak in favor of this petition can come forward and address the Commission. Anyone from the public wishing to speak against this petition? What is the pleasure of the Commission on this petition?

Commissioner Lenares: Move that we close it and move it to Old Business. The motion was seconded by Vice-Chairman Camerota. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Pruet: Okay, we will move that to Old Business and vote on it later on.

Alan Bongiovanni: Thank you very much.

B. Petition #09-12: Special Exception (Section 3.2.1: Church and Place of Worship) at 30 Maple Hill Avenue. Assembly of God Central Church, applicant; Chen Chin Fang, owner; Pastor Baeg Shin, 269 Stony Hill Road, Wilbraham, MA, contact.

Chairman Pruet: Is the petitioner here? If you could come forward sir, and just explain your petition to the public and to the Commission?

Pastor Baeg Shin: Yes, I'd like to, but my English is very bad.

Chairman Pruet: That's okay. You can come up here and do the best that you can. You can just state your name and address for the record please. We have a microphone here at the podium.

Pastor Baeg Shin: My name is Pastor Shin, I live at 269 Stony Hill Road, Wilbraham, Massachusetts. Last month when I came here I explained to you that my church members, about fifteen, twenty almost all live here, so then we have to move here. If you have any questions, I will answer.

Chairman Pruet: Okay. Comments from our Town Planner on this petition?

Craig Minor: I have two concerns. One is the amount of parking. Paster Shin mentioned that they have between fifteen and twenty members now. If they grow in the future, the amount of parking that they have now might become a problem in the future, so we should discuss that, and the other concern that I have is the shared parking. There's a home in front of the building that they want to use as a church and I'm somewhat concerned that there may be some conflicts with the family that lives in that house and traffic of the congregates coming and going from their services. Those are the only concerns that I have.

Chairman Pruet: Commissioner concerns on this Petition?

Commissioner Sobieski: I'm a little concerned with the width of the driveway. I mean, we're talking at least seven parking spaces in front of the proposed building and we're talking that the rest of the people would have to be parking in the street or in the driveway. You have to have enough room for emergency vehicles to get back and forth, and is the driveway wide enough for two vehicles to pass? If not, that is definitely my concern at this point in time.

Chairman Pruet: I share that concern with you too, I visited the site twice, and I mentioned to the Town Planner that I would like to get the opinion of the Fire Marshal on that to, for emergency vehicles and for regular traffic. Further Commissioner comments?

Commissioner Aieta: By the plan that we have, the sketch that we have, it's impossible to determine the width of the driveway, and where the right of way is, for the rear lot. If the driveway can be widened or expanded to accommodate this, there's not enough information on the site plan. It's not done by a professional, there's not enough information to make a

judgment as to whether this works or not. Unfortunately, we don't have, this was not done by a professional engineer or architect or land surveyor so there is a lot of information that is not on here that should be on here so we can make a determination. I went and visited the site, I found the same thing, the driveway is not adequate for a place of congregation the way it sits now. I'm not sure that the right of way is big enough to expand the driveway. Can't tell from what is on the drawing. As you are aware, this is a rear lot that was subdivided out of a larger piece of property. Our regulations for a special exception for allowing churches in residential zones, I thought the intent of that regulation was that it was more for a parcel that was on a main street, with enough parking, with adequate services and room for growth, that's the kind of things that we would look at when you look at special exceptions. My thoughts are if the special exception regulation wanted us to have, just move in, have houses in residential zones become churches I think we would have had some more guts into the special regulations, I don't know if this really works per those regulations.

Chairman Pruet: Further commissioner comments on this?

Commissioner Hall: I'm very familiar with the site, as well as the surrounding property and the driveway, as it stands now, it's very difficult to tell which part belongs to the rear lot and which part belongs to the front. Up to this point, when you have one resident in the back and one resident in the front, it's fairly easy because you are pretty much going over the same spot, and maybe a couple of trips a day each. Once you start getting a larger group in the back, and more traffic back and forth, I perceive that that may become a problem, and there's really no way to get around that, because you've only got that much space in the front because of the way number 32 sits. They take up a good portion of that lot as well because that house is fairly wide. They also have a detached garage. So when you are looking at it, it's really difficult to say which belongs where. Also with people coming and going, as you know, it's not that far from the Cedar Street intersection, so getting in and out of that is also difficult and even though the times that they are saying now they would be using it, on Sunday and Wednesday and whatever, doesn't seem as if it would be high traffic time, that can change at any time. They can turn this into you know, a daily occurrence if they so desire. There is nothing to keep them from doing that. So, my concerns are, driveway, traffic, and also, if you go up into that property this house sits very, very close to the line, I believe it's 36. Their back line almost sits on, I know we have a five and a ten and I don't think it's a heck of a lot more than maybe seven feet from the line, certainly I didn't measure it. Also, a place of public gathering, they have to have ramps. They are going to have to have ADA access and the way that house is built, it's essentially a raised house, because the downstairs is all garage, so then, you are going to take up some of the space up there for ramps or staircases or whatever, for people to get up, you're going to have to have egress, entrance, so to turn this into a public space, which is essentially what it is, I see several issues.

Chairman Pruet: Yes. Further Commissioner comments on this? You can have a seat Pastor, this is a public hearing and we're going to call upon the public now for their input. Is there anybody from the public wishing to speak in favor of this petition? Yes sir, if you would come forward and state your name and address for the record.

Alexander Zheng: My name is Alexander Zheng, I'm speaking on behalf of the current property owners at 30 Maple Hill Avenue. Our address is at 33 Maple Hill Avenue, right across the street and in regards to the parking issue, on April 24, 2011, on July 11, 2011, and on December 22, 2010, I've had numerous parties at that place, all of which have had numbers exceeding 100, 150 to 200 people. The actual numbers I cannot accurately give you, but I have a petition with over ninety-seven signatures of attendees during which the majority of the tenants of this party were perhaps slightly inhibited, they are teenagers, and

they had no issue getting up or down that driveway or parking. There were no accidents, nothing (inaudible) And then while apprised of the property being rented out, I would regularly hold events there every Thursday with forty or fifty of my friends, and they would all come in cars. There were no issues in regards to that.

Chairman Pruet: Anything else?

Alexander Zheng: That will be all.

Chairman Pruet: Thank you. Anybody else from the public wishing to speak in favor of this petition? This is in favor of the petition? Anybody else in favor of the petition? Seeing none, is there anybody from the public wishing to speak against this petition?

Joy Kwakuyi, 32 Maple Hill Avenue: Thank you. My name is Joy Kwakuyi and I am here with my wife and five year old and three year old. Our house is 32 Maple Hill Avenue, which is the house that shares the driveway with this company. We have, we go to church, I support churches but I will have to speak against this idea for a lot reasons to my family and the immediate houses in the area. This driveway, it's a one lane driveway, and it slopes down, a steep gradient into Maple Hill Avenue which is a busy road by itself. So anytime we are backing out of our garage, we're careful that we don't have another car running into our car and we have a three year old and a five year old now, and many times when we are backing out of our garage, and then we have a car flying down the driveway because of this steep gradient, and we have run into similar situations a couple of times. So we are not able to let our kids play in the driveway, or ride a bicycle in the area, it is our own property, because of those things. The driveway is very close to Maple Hill and Cedar, you know, intersection, so it's a very, there is a traffic light right there, and any time we are making a turn into our driveway, we are careful that we don't have another car running into our car. And our guests have had similar situations happen, so multiplying the traffic in that area, would definitely pose additional risks. My neighbor talked about it, that party that he had last year, they spoke to us and asked for our permission to use the driveway for parking and we gave them permission, but we could not get out of our house when they had this party. So that is all I have to say.

Chairman Pruet: Thank you, Sir.

Joy Kwakuyi: You're welcome.

Chairman Pruet: Any body else from the public wishing to speak against this petition please come forward and state your name and address for the record.

John Donahue, 28 Maple Hill Avenue: My name is John Donahue, I live at 28 Maple Hill Avenue which is the house right next door to 32 and my back door is right next to the shared driveway. I'd like to commend the Commissioners, you have all of the same concerns that I have, the width of the driveway, the amount of traffic and the property line is only 21 feet off the back of our porch. So, you certainly can't come towards our house with the driveway. And the other house has a detached garage, so the driveway is what the driveway is. That house was built by one of my wife's relatives, cousins, the whole four properties were one back in 1946 and were given to the children, so it was never intended to be anything other than a single family house with a pool. I have the same concerns that Joy has, I don't even pull into my driveway from Cedar Street. We had that near fatal roll-over there just two weeks ago, so any more traffic out onto that road would just be you know, a bad situation, even if it is supposed to be Wednesday and Sunday, but as Mrs. Hall said, it could be every night and the weekend. Would there be weddings there? There is no shield, I see the house

from where I am, so if there is a wedding there, I would not be able to sit out by my pool. Thank you.

Chairman Pruet: Thank you sir. Anybody else from the public wishing to speak against this?

Linda Donahue, 28 Maple Hill Avenue: I'm Linda Donahue, I live at 28 Maple Hill Avenue, at the corner. My family's lived there since 1946, I've owned that house since 1969, very familiar with that property. The street, as you can see in the picture is very close. In that picture it probably was not even rush hour, because when rush hour is there, it goes past the second house at 32, up to the third house. We end up by usually going up the street to Grace Episcopal, turning around and coming down to try to get the right into my driveway. People have been there for parties, it does become loud, there on occasion. He mentioned four times in two year. Also remember many of those kids, because I know he's around eighteen, were probably fifteen or under, were driven there, there wasn't a lot of cars. This wasn't an adult group of people going to a party where you had a hundred people and fifty cars. You had a hundred people and maybe twenty-five cars. So there is a big difference between saying we are going to have all these people there and actually having people who were driving there. We occasionally have parties, and our neighbors do to, we have offered to let them park on our lower lot, there isn't any, there's six feet of grass approximately for that driveway, and it is a shared driveway. They do not a separate, it's not a double width at the bottom, it's a single width. If a car is coming down and you want to turn into that driveway, you have to stop and wait, either let people out, or somebody has to back up to a portion where they can wait on the side. It was kind of a compound when I lived there. There's an indoor pool on that property, I don't know if anybody is aware of that, and the ramifications of having people there. We have a back yard pool, the house that backs up to it also has a pool. They have a chain line fence, we have it fenced in, but, that doesn't mean people don't wander through, come around, you know, there are a lot of people up there in the back, it's pretty quiet for the most part. It's awfully close to the corner, I don't know, if somebody is turning right, coming down Maple Hill Avenue, and then somebody else is coming up and they both want to get in the driveway, now you've got a real nightmare, because normally you don't have that many people turning into a driveway. Grace Episcopal has a whole wide front, they have a road, the residents, the pastor, is right behind it, so they actually own part of the property there and they have enough width on either side into the street. There is no other property that they own. The chain link fence is right up against what is the driveway line up there. That's all I really have to say. My other concerns are, what about lighting, is this being used at night? Am I going to have pole lights shinning in my bedroom window because things are going on? Where are they going to put the sign up, how is anybody going to know that it's there? I own my piece of property and (inaudible) is that going to be lit at night? Now I've got lights in the front, lights in the back like a commercial building. I'm not sure I want that either. Those are some of my concerns. My other concern is, we got a notice two weeks before, none of my neighbors did. I went to my neighbor and said, do you realize that they are doing this on Wednesday, and he said no. I never heard about this a month ago, I didn't hear anything about this. To me this is new business. This is the first time I've heard this.

Chairman Pruet: Thank you. Anyone else wishing to speak against this? Would you come forward please and state your name and address?

Ms. Kwakuyi, 32 Maple Hill Avenue: Because of the traffic issue my daughter takes the school bus, but they said it's too busy right in front of the house, because it is close to the traffic light, so they have to go like three or four blocks up before they can pick my daughter up for the bus. Second, there is just one driveway, so if we are pulling out, we are coming out from our house and other cars are coming in, they are going to that house, we have to

wait until they go to the house before we can move. Their driveway, if we have someone, if something is happening in their house, how would the fire apparatus people get there? If we have someone on the road and we have parties sometime going on, so I think you have to think about how the fire apparatus would get there. That's my concern, a problem, a big problem. Thank you.

Chairman Pruet: Anybody else wishing to speak? Yes sir, come forward please? State your name and address.

Narinder Lalli, 122 Gloucester Court: My name is Narinder Lalli, and my address now is 122 Gloucester Court, Newington. Now a lot of people here might join me, and the thing is, I'm an ex-owner of this house. There are a lot of different, I would say issues in the house itself. From a safety point of view, and looking back at all of them, first of all the biggest problem back there is actually getting in the house itself. There is no way basically to take that steepness which is almost at this angle, to this angle. It's very difficult because then there is no way to get into the house. It becomes a serious, serious problem because the house itself, right where you go inside, there is no way to physically get away from that situation. The other thing is, you could not basically get an ambulance up, you couldn't get a fire truck up, nobody actually, even cops, coming to this house, that was one of the reasons actually that I had to leave that house. The internal building, you know construction problems from the way that that was built, I have been fighting for all these years to get a Certificate of Occupancy, all I was told is that I could not get it until I tore down the house, and I spent about \$424,000 on this house, buying the house, and I ended up just walking away from it. It was not worth it, the safety wasn't there, I was actually fighting against the system because I couldn't basically sell that house because every owner that came wanted a Certificate of Occupancy and I was banging my head over here, in the town hall, all I was getting was, hey, you have to tear this place, you have to review it, what's behind it, are there (inaudible) beams, and I said, I have no idea about it because I bought it, when I bought it, it was through a real estate agent who basically no longer exists in this world. He basically never told me about all of this stuff. This house has caught fire four to five times. There are other issues. From the roof to the side of the building, you can easily push it, and you can see the whole house shake. This is the pool, from the pool area, you can go anywhere else and shake it. Now behind all of this house, there has been a serious crack from the bottom of the house to the top. This house is basically (inaudible) on the site. They said this was a foundation issue and you have to fix this. That is very expensive. Now you can basically put something in between those cracks and hide it, but you know that a house cannot physically house people who are coming to come for a place of worship. It's not a place of worship, it's a house. You can't basically convert a house to a church and get different deductions out of it. I think everybody else would love to do that and stop paying taxes. So that is one of the biggest concerns that I have actually is that making sure that all of those, that there is no possibility of basically any emergency services right up to the house. Inside of the house, if you walk through the garage itself, the water table is very high, so you will basically find mold and all of that stuff right on the surface, you can tell exactly because when you put your naked feet on it, you can basically see, and during the monsoon season, you know, when the rains fall in, you can see it seeping through the garage section, because that is the crucial place. That house actually has infestation of rats, of black ants, and the last time I saw, I haven't gone there, so it is, right now, it doesn't have the heating situation. That house does not have air conditioning. The heating system which was supposed to run, you can walk into the house and say, oh, that's an air duct over there, there's nothing behind it. Even when you find something behind it, there is no way, I literally had to call to reappraise my house and cut it into 3600 square feet of living area, because I could not use the other ones. I could not use the leaky roof, because the roof basically was so weak, because there are beams, so there was no way I could send the kids into the great room. Kids can have, it's a great party house.

It's a big house, you can party around it, I did once, for my son's birthday, and I had like 250 people but then they were like down, and I realized after that that it was a serious risk because that is the time when people start up, you can know what is happening below. The whole, the roof basically used to cave in, so you see the beams, and everybody below could feel what was going on upstairs, behind the crack. That's all that I have.

Chairman Pruet: Thank you sir. Anybody else from the public wishing to speak against this petition? We have an opportunity here for rebuttal, the applicant can come forward and rebut the previous comments if you choose to do so. Okay, seeing none, I think we are going to keep this open because of the concerns on this, and for future consideration.....

Craig Minor: And for the Fire Marshal's

Chairman Pruet: Right, we're going to have the Fire Marshal take a look at this also.

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

Domenic Pane, 638 Church St. Newington, CT: Good evening Mr. Chairman, Good evening Commission members, I would briefly like to talk to you and if you can bear with me, I have several points I'd like to get through, if I can briefly talk to you about the auto related regulation that you approved last meeting. I talked to the Town Planner this week and I explained to him what a hardship it was that this Commission didn't talk about the non-conformity. There's about maybe thirty to forty businesses that are still non-conforming that really never got addressed. Now I'm not sure if everybody really understands what you have done. These businesses will have a hard time getting mortgages from the banks, they cannot expand their businesses, they cannot sell their business in the future without taking a loss. Financially, you have hurt lots of businesses. I know that some members talk about being pro-business, this wasn't pro-business and I understand that this Commission, and I'm not blaming this Commission, I understand that this Commission did not cause the problem. It was this Commission's responsibility to look at it, honestly look at it. Put your feelings aside, your personal feelings aside, and honestly look at the problem and say, is it right to have brand new businesses non-conforming, businesses that have been in town for a long time, pay a lot of taxes, and now they can't expand. Just to give you an idea of what kind of businesses, this affects people like H.O.Penn, East PBE, Turnpike Motors, lots of other small businesses. I understand that a couple of, some of the businesses have been corrected, but you haven't corrected everybody. You never really talked about the non-conformity in your meetings, but it's very serious. I was prepared to have over ten business people here tonight, but after talking to the Town Planner he gave me the impression that you don't have the power to rescind your vote from the last meeting. I don't really want to get into that, but I really just want to tell you, we have a serious, serious problem. This Commission has put undue hardship onto a lot of businesses. One Commission member, Commissioner Lenares always talks about pro business and how he doesn't want to hurt one type of business and is it fair for this Commission to say, well, we've had enough auto related business, hmmm, this business is okay, this business is okay, but we're going to take the auto related out. That's not your job. Non-conformities. The reason the non-conformity under your Section 5.1 is in the regulations starts because it was there from pre-zoning, and pre-zoning there were businesses that were out there and they were non-conforming, that's why you have the non-conforming. This Commission should not let non-conformity of these businesses continue. By doing that, it's just not right. It's also not your job to change the zoning regulations and create non-conformity. You, when you address your zoning regulations you want to address them and put additional conditions and additional restrictions down, but you don't want to cause non-conformity to the, today's businesses. If you really read Section 5.1 non-

conformity basically means that eventually you want to get rid of them completely. Now is that really the intent? If you look back in the history of this, and I know some of you were here and some of you weren't, but if you really read back at the history of the minutes, it was the intent of the Commission to correct the auto related businesses because they were concerned about them next to the neighborhood business areas. The neighborhood business zones which were right next to the residential properties. They were very concerned about how close they are to the residential property and they were also concerned about the town center. Now their intent was good, six years ago, five, six, seven years ago when they changed it, their intent was there, but they took the wrong method. They created all these non-conformities. That wasn't really, there was nothing on the record back then that they wanted to get rid of these businesses. They just did it wrong. That's why for years now I've asked this Commission to really look into the auto related businesses, or regulations and the non-conformities. Should the Commission look at other businesses, I mean, just think about it realistically. Do we have enough of these kind of businesses, or I mean, it's not our job to say, well, we have enough of this, so let's get rid of some of these businesses or we've got enough of these businesses so we have to get rid of these businesses. That's really not what we are supposed to be doing in this Commission. You are supposed to regulate, protect, the residential neighborhoods. But seriously, put your personal opinions aside, financially you have hurt a lot of businesses and it is because you didn't really address the non-conformity and correct it. I understand that you were torn Dave, about, Commissioner Lenares, about whether or not to go for it or not to go for it, and you were torn with your vote. Maybe you should have pressed it a little bit more. These non-conformities are a serious, serious thing. I have a building where I have four automotive uses in it, so basically what you are saying is when one leaves and if it sits empty for twelve months, I can never put an auto related business back in that building. That affects me financially. And there are a lot of other businesses it affects. Mike's Auto, he does testing for the State of Connecticut on cars, if he wanted to add onto his building for another bay, he can't do it. That's dramatic for him and other businesses. So all I ask is that you really seriously surprise me, think about it, talk about it, really talk about what the affect is on all these small businesses that are Newington businesses. Thank you very much for your time.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak? At this time, I'd like to introduce our new Economic Development Director, Andy Brecher to introduce himself to the public and also to the Commission.

Andy Brecher: Good evening to all. I am here tonight to, for two reasons, one to fulfill a pledge to the Chairman to come by, introduce myself, say hello again to meet all of you. Many of you of course already know me, but not in this capacity. I was appointed the part time Economic Development Director at the end of May, and it's actually been a couple of busy months since then. The other reason for me coming tonight was to just give you folks a heads up on a couple of items that, down the road are going to come before you for action. The first is the National Welding site, which has been given to me as my number one priority, to try to take that mess and try to turn it into something that actually is productive and tax paying in the town. What we are doing right now is laying the ground work for an application that we hope to submit to the Department of Economic and Community Development for state funding to help us demolish the existing buildings and abate the asbestos. We don't really know when this next round of grant requests is going to come out, but we expect it to be some time in September, so just a couple of weeks from now. We've been doing a lot of work in the background to try to prepare ourselves to make a very strong application as contrasted to the last time we went in, and our application frankly was weak. We didn't get any funding. There are a couple of problems. First off, there's only twelve and a half million dollars left in the Brownfield remediation program that the Commission on Economic Development has to administer and we've be probably looking for a million and a half of it, so

a disproportionate amount for one community and one project. That being said, nobody else is going in, that we know of, with a project that is at the busway, and love it, or hate it, the busway is here and if you have been down by National Welding, you can see the busway path being cleared there and that really has created an opportunity for the Town for two reasons. Number one, just by having the busway, it is, it's unlocked the property. It's created a way into the property from Fenn Road, created by the DOT and then secondly, because of its proximity to the busway, it now has economic development potential that it didn't have before when it was just a site in a hole. One of the chief opportunities, of all things, leave it to the wisdom of the Department of Transportation. We have trouble understanding how you can get 16,000 users a day on the busway from all ten stops, when you add up all the parking spaces from those ten spots and it's only 400. So we think that this is a great opportunity for the DOT to address that oversight, and maybe use the National Welding site, which has by far the best highway access in terms of proximity to 84 through Route 9, to add several hundred parking spaces which is a very attractive idea for a potential developer because parking spaces, parking structure relatively less costly to develop and if you can enter into a long term agreement let's say with the DOT, or just do it yourself, just offer the spaces to commuters, so they don't have to pay two hundred dollars a month for a parking garage downtown, that it might be a way for them to finance development that would go above. To try to boost the robustness of our application we've actually gone out to developers with a RFP and if you go to the town website under Doing Business you'll find only one RFP right now, and it's ours, and it was, in addition to appearing on the website it was mailed to forty developers who are non-housing developers. We don't really believe that that is an appropriate site for housing but lots of other uses would work very well there, including medical, research, technology, education, so developers of that ilk all the way from Boston to New York, we've identified those developers who have done successful projects in Connecticut and we are trying to entice them to give us some design proposals. This is non-binding on either side, particularly on our side. What we are asking for is, if you want the chance to maybe buy this property and develop it in the future, give us an idea, give us some specifics, draw some pretty pictures. Give us some understanding of what the development potential here is. We know that there is no spec building going on in central Connecticut, hasn't been probably for twenty-five years. Not on the scale that we are imagining but if you have enough time and we believe we do, you can work your clients. Let's say, Hartford Hospital which has Hartford Medical Group and ER facilities ringing all around Hartford, but none in Newington. Would that be a good site? Perhaps. A couple of the developers who build for Hartford Hospital are on the list of the people that we sent to so we're trying to kind of give these people the opportunity to work their clients to see, gee, maybe we can do something. The proximity to CCSU, eight and a half minutes away from UConn by car, so we think that there is a lot of potential there if we can entice developers to spend their own money and getting no promise of anything in return, we think those ideas could really be helpful in boosting the value of our application. We've also brought back our consulting engineers because they did work for us I think for many years, the last time in 2009 and we need their cost estimates updated and unfortunately since 2009 the Federal Government and the EPA has come up with a new contaminant that has to be tested for that we hadn't done before. Caulking. Specifically, the PCB's that might exist in caulking. So unfortunately we will have to spend a few more dollars to get them out there and they've already begun their work and they'll I think be doing testing next Thursday and Friday so if you see any sort of vehicle action down there, that's at our behest. We also have asked them to provide us with LEP services, Licensed Environmental Professional Services so that we have someone who can go before our own DEEP when it comes time to demolish the building and to supervise the demolition contractor and to do the proper documentation that is required. So we have got lots of action going on on that front. We've got our fingers crossed that there is going to be a grant program that is announced soon, and it will have enough funds in it that we will be able to make a very strong application and get a lot of money.

Item number two also, moving up the busway, we have been focused as a town mostly on National Welding because of the state of the building there, but Newington Junction which is up by where Cashway used to be, in many respects has more potential for future development. It's a larger site, it's got more means of access but it has, it's fraught with many more issues. Multiple parcels would have to be put together, you would have a terrible traffic situation, the DOT is doing nothing to address the bridge on Willard Avenue right now, West Hill Road and that intersection, a lot needs to be done, so we have been speaking with the Capital Regional Council of Governments who has a little bit of planning money left over. We're going to try to get them to bring in a nationally known consultant for this sort of transit oriented development and have them to begin to lay the framework, get some of the baseline data together, so we can all as a town begin to understand what the potential might be for development around Newington Junction. Francis Avenue, Day Street, there's lot's of non-utilized and under-utilized parcels. So we think that could be helpful as well.

Then the last item that I want to share with you today is that the State actually has an RFP out for the Cedarcrest Hospital site. They didn't come and talk to us first, we happened to find out about it by trolling the DECD website and this RFP came out in June, June 6th of this year. It's all of one page, our RFP is almost twenty pages I think. So their one page is actually responding to a dictum from a public act from 2011 that directed the people at Economic Development to take five state owned contaminated properties and try to market them to private developers for redevelopment and part of that act was the state committing twenty million dollars to remediate five properties. Probably no where near what is necessary since they haven't even done the assessments to understand what the extent of contamination is. Our sense is that the Economic Development folks at the State are approaching this in very much of a half hearted effort. The legislature mandated that they do it, so they are doing it. These proposals from developers are due back August 31st, so we should know very soon whether they got anybody to respond. As of a couple of weeks ago, they hadn't heard from anyone on any of the five projects that were spread throughout the state, but the reason I bring it up to you is because it does remind us that Cedarcrest, that property has enormous potential and that the state is in a frame of mind to do something with its underutilized assets to try to reduce the tax revenue that is necessary by getting rid of surplus state property. So we certainly encourage them to do that. But we were pretty clear when we met with them that we expect a little more communication and cooperation in the future when they are talking about developing property in our town. We know that we hold the gavel over their head, there is a club at some point, but it would be so much better if we worked together to try to get the type of development that we think would really work well there. You can just imagine that as a pharmaceutical research campus as an example or some IT type of think tank, Silicon Valley type of thing where you've got people who work in a very different way, who like to get out, take a walk, have a kind of bucolic green setting, so we think there is real potential there. Just wanted to let you folks know that we'll be trying to get the state to (inaudible), and you will probably read more about this in the Town Crier this week. I'll answer any questions.

Commissioner Sobieski: My understanding was all state property before it goes out to private bid follows a process, using state agency, federal government, other non-profit organizations and then the town. Now are you saying that they by-passed all of these?

Andy Brecher: I'm not sure technically what the order of that is, I think they can do much like we're doing which is asking people for what they are thinking, although they may have crossed the boundary a little bit because they have asked for actual dollar proposals, how much would you offer? That does not as I understand omit from them the requirement that they give us right of first refusal on that so we still have, we have a place in that continual, they just seem to be moving along kind of rashly to see what they can come up with first, but I think they still have to go back and follow every step.

Commissioner Sobieski: I know from, I know some people who used to work up there, every time Balf set a blast off up there they had to notify them and the buildings used to shake and rattle up there. So that would be a concern if you were thinking of putting some kind of a think tank up there or some type of development up there, biometrics or whatever, that would definitely be an issue.

Chairman Pruet: Any other questions? What about from the public?

Linda Donahue: Back to the first one, taking down the building on Cedar Street, to possibly putting in more parking to utilize the busway, and think tank and I think we need people but that is by far either the number one or number two intersection, every year in Newington for accidents. There is more bad traffic, people cutting across to get into the gas station. If you are even going to start to think about opening that up, you really need to think how you are going to address getting people from Route 9 into there because right now between Central and getting down Fenn Road to Cedar Street it's bogged down. We live on the corner one block up literally and every day, two, three, four times a day, there's a major accident and there's cops flying and trying to.....

Andy Brecher: Very good point and we have had a number of meetings with DOT to understand how they expect to handle the traffic and I think there is a new turn lane, first off, everything is going to be off of Fenn Road. No access off of Cedar Street that we are aware of.

Linda Donohue: I would just like to be able to use Route 9.

Andy Brecher: Yes, that's it. Well, you know, development is a two edged sword. People want development because it creates employment, it brings tax base, tax revenue, depending on the type of development, it can, if it's a mixed use development there can be commercial attractions, and restaurants and things to do and so lots of things can be very attractive, but that always means that it brings people and so you are going to have more traffic so it becomes a challenge of how to deal with the traffic, the type of development that you are going to have there. One of the reasons that we think that it's a horrible site for housing is because it is in a hole and you have children, where are they going to play? There isn't a single place you can play that wouldn't be on the tracks or in a driveway or under a bridge or something else that's not very attractive, but I think everybody is sensitive to what you are saying but will it create less traffic, probably not. Would most of the traffic impacts be coming on and off of Route 9? Probably.

Commissioner Anest: When you said, talking about Newington Junction, are you being sympathetic, or following our Plan of Development, our 2020 Plan of Development of what we would like to see there? What we have stated in that?

Andy Brecher: Maybe not, maybe not, and I'll tell you why. Unfortunately we broke that same rule with National Welding as well. We indicated where the current industrial zoning is, but we encouraged developers to think outside the box with the intention of supporting something different than what is there now and I think this blue sky sort of look at Newington Junction would have the same asterisk on it. Keep in mind anything you come up with is not, it's zoned now and it's not what our current thinking is. But now the busway is real, and a lot of this is just fact finding.

Commissioner Anest: But the busway was real when we were talking about the 2020 Plan. We knew it was coming but as a body we stated and we heard from the public what they did

and did not want to see there. So I just hope that in the future you kind of like that as a guide?

Andy Brecher: Oh absolutely.

Commissioner Anest: And not just, oh, this is what they are saying, and this is what we are going to present and this is how this is going to be, and I hope it isn't going to be like that, I hope it's.....

Andy Brecher: Well I can defer to Craig on this because he was at the meeting also, but my understanding of how these folks would approach this is that they look at what the intention of the community is first and then they layer onto that other things that they have learned in other places. In terms of potentials, yes, you were thinking of this, but here's what worked in Lincoln, Nebraska.

Commissioner Anest: But we're not Lincoln Nebraska, we're Newington and Newington is different than a lot of the surrounding communities, and I think the State needs to be sympathetic to the town and they need to listen to the town and listen to the people who live in the town, in the communities that surround that.

Craig Minor: This Commission would be involved in that information gathering process at every step of the way, absolutely and as Andy said, the first step would just be information gathering, (inaudible) would definitely be involved in that.

Andy Brecher: I understand where you are coming from, but keep in mind this is preliminary, preliminary, preliminary to really doing anything. Right now we don't have any data with everything that is there and we think this is a way to get basically some free help to kind of put that together and if they have any idea, we would like to know what they are thinking.

Commissioner Anest: I think you should go east and get rid of Cashway.

Andy Brecher: Yeah, I don't know where Amtrack figures in there, if Amtrack has their eyes on Cashway, or whatever, because they are talking about a station with, once, two hundred spaces of parking so they need a lot more area than what they have now.

Commissioner Anest: They would have to go east and put a pedestrian bridge across the tracks instead of talking over West Hill because what is going to happen is that it's going to be a ghost town because nobody is going to want to live there.

Andy Brecher: Yeah, and frankly I don't know how any of this works with the traffic, with that turn off of Francis Avenue and West Hill....

Chairman Pruet: Thank you very much, you've been very informative and you've got your work cut out for you and hopefully we'll work together for the betterment of Newington.

Andy Brecher: Thank you, and you'll probably see me back here.

V. MINUTES

August 8, 2012

Commissioner Sobieski moved to accept the minutes of the August 8, 2012 regular meeting. The motion was seconded by Commissioner Camillo.

Commissioner Hall: I was out last time, I did review the minutes but I probably will be abstaining because I wasn't here.

Vice-Chairman Camerota: That goes for me as well.

The vote was in favor of the motion, with four voting YES and two abstentions (Hall, Camerota.)

VI. NEW BUSINESS:

- A. Petition 14-12: Site Plan Modification at 49 Fenn Road ("Walk-In Medical Center, LLC.") A Walk-In Medical Center LLC. owner/applicant; Attorney Kevin Mason, contact.**

(To be rescheduled.)

- B. Petition 26-12: Site Plan Modification (Tent Sale) at 2547 Berlin Turnpike (Sleepy's.) Sleepy's, applicant; George S. Emerson, owner; John Demma, 2A Fairview Avenue, Enfield, CT contact.**

Chairman Pruet: Is the petitioner here from Sleepy's?

Craig Minor: I thought he was here.

Chairman Pruet: Maybe our Town Planner can just fill us in on his findings and discuss it.

Craig Minor: Yes. They called me a couple of weeks ago and told me they would like to have a tent sale and asked what the process was. I explained that they had to get Commission approval and probably a site plan modification would probably be the mechanism that we used in the past and preferred using. I had several conversations with them. The manager, Mr. John Demma came in and met with me on Monday with the knowledge that the Commission was meeting tonight and thought that he would be able to get his request approved tonight. I said, no, it doesn't work that way. First you need to get on the agenda and then the Commission doesn't normally approve something the first night, they usually table it to the following meeting. He said that their hope was to be able to begin the tent sale Labor Day weekend and run through the month of September, well actually he said Labor Day weekend and I thought he was only planning on doing it Labor Day weekend, and since this is the last meeting before Labor Day weekend so I told him, this was Monday afternoon, I said the first thing that you need to do is Tuesday morning, talk to the Fire Marshal, show your sketch to the Fire Marshal. If he has no objection to it, I will then talk to the Chairman about putting it on the agenda for Commission consideration tonight. So he did that, and I got an e-mail from the Fire Marshal Tuesday morning saying that the Fire Marshal had no problems with it. I went out and looked at the site and we'll talk about it in a minute, I then called the Chairman and asked him if the Chairman saw any problem with asking the Commission to add this to the agenda with the understanding that the Commission is going to

be asked to act on it tonight, so it's now on your agenda. I'm a little surprised that the applicant is not here because he knows, unless he thinks that the Commission is just going to approve it without him but, I'll try to be his champion and be neutral at the same time.

Chairman Pruet: Okay fine. Commissioner comments on this?

Commissioner Lenares: Well I mean, we have had things that come in and been moved to Old Business in the past, whether it be time constraints or, it's not that we haven't done this in the past. I'm not really sure if this is simple or not, but some of the Commissioners who sit here might have questions.

Vice-Chairman Camerota: Like time, a whole month?

Commissioner Lenares: It could be a home run slam dunk of a petition, I'm not sure but if somebody has a question about anything, whether it's easily answered or not, I mean, he's not even here. We didn't even ask the Commissioners if they had questions, I'm sure some might.

Commissioner Aieta: Mr. Chairman, if the applicant can't be here, then I think that you should move this to another meeting. If he chooses to come, there are so many questions. This plan is from hunger, I mean, I don't even know where the Berlin Turnpike is.

Commissioner Hall: That was my question.

Commissioner Aieta: I know where the piece of property is because Mike told me where it is, but I can't tell from this plan where it is. There's too many questions to be asked. Without the applicant here I think we should just take this off the table and let him come back in. I have questions about the length of time. If he's talking about doing this for a month I think we are setting a precedent on the Berlin Turnpike. I think it's too long of a time, it becomes almost a permanent type activity. I'd like to have a full report from the Police Department, full report from the Fire Department, I'd like to see circulation patterns inside the site, I need more than just the sketch that he presented.

Chairman Pruet: I agree.

Commissioner Hall: And speaking from experience, when he sets it up Labor Day weekend and we have not passed it, what are we going to do? Because you know it's going to happen, you know it's going to happen. We're going to drive around and all of a sudden a tent will be up and they will be selling the mattresses, so seriously what do we do at that point?

Commissioner Aieta: Well, I think tomorrow morning the Planner should call him and say that since you did not attend the meeting last night, the Commission removed it from their agenda and you are not to put up the tent and proceed with this until you come back to the Commission, explain exactly what you are trying to do and we will be enforcing the regulations.....

Commissioner Hall: But that's my question, it's the holiday weekend, so when it goes up, then what? Do we call the police? What do we do?

Chairman Pruet: Well, I can attest to receiving a phone call at my house for the same thing on a restaurant on the Berlin Turnpike and I went down there myself, and I called the Town

Manager, he was out of town, I called the Police Department, had the Police Department go there and my concern was traffic safety because the person was out there on the Berlin Turnpike with a placard pointing people to come in. The Police Department agreed with me, but they couldn't do anything about the petition itself, they could only address the concern for traffic, so.....it's a good question.

Craig Minor: Well, I will do exactly as Commissioner Aieta said, I will call Mr. Demma tomorrow morning and first say, where were you, but say, you weren't there Wednesday night so the Commission couldn't act on it, and do not think that you are going to begin this weekend and we'll enforce it by means of, I was told by the Town Manager the other day that he would like our Zoning Enforcement Officer to make himself available on Saturdays and so I've been authorized to direct the Zoning Enforcement Officer to work Saturdays so I think he will be working that Saturday.

Chairman Pruet: Okay good, and if he wants to continue to present this, we're going to need more detailed information from the Police Department, a better site plan, that he has to submit to us. Okay, that's off the table.

VII. OLD BUSINESS

Petition #11-12:

Re-subdivision at 181 Robbins Avenue. Normand Rainville, owner/applicant; Alan Bongiovanni, 170 Pane Road, Newington, CT, contact.

Commissioner Hall moved that Petition #11-12 Re-subdivision at 181 Robbins Avenue. Normand Rainville, owner/applicant; Alan Bongiovanni, 170 Pane Road, Newington, CT, contact be approved based on the plans entitled "Resubdivision Map Original Survey Property of Normand Rainville 181 Robbins Avenue, Newington, CT" prepared by The Bongiovanni Group Inc. dated 5/22/2012 and "Utilities and Improvement Plans Original Survey Property of Normand Rainville 181 Robbins Avenue, Newington, CT prepared by The Bongiovanni Group Inc dated 5/22/2012 revised 6/27/2012."

FINDINGS:

The Conservation Commission approved this re-subdivision on August 21, 2012.

CONDITIONS:

The plans be revised to address the Town Planner's letter dated August 17, 2012.

The motion was seconded by Commissioner Anest.

Commissioner Aieta: Mr. Chairman, this petition, there was some opposition to this petition because of some problems with the MDC sewer. Unfortunately we don't have control over that, that's an item that has to go back to the MDC and work out. I think that this application met all the requirements for the re-subdivision and I don't know how you could not approve. It's something that we have to approve, unfortunately they have problems with the sewer. I hope that the someone contacted the MDC, do you have anything going on with that?

Chairman Pruet: Yes, we had the Town Planner contact the Commission and they in turn contacted, I believe informed him of what possibly the problems were, how to correct it. So we just followed up and offered our input and advice to the resident.

Commissioner Aieta: Thank you.

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

**Petition #21-12:
Site Plan Modification (Diesel Generator) at 2125 Main Street (Middlewoods of Newington.) Middlewoods of Newington, owner/applicant: Mark Wells, Middlewoods of Newington, contact.**

Commissioner Sobieski moved that Petition #21-12: Site Plan Modification (Diesel Generator) at 2125 Main Street (Middlewoods of Newington) be approved.”

FINDINGS:

The Fire Marshal and the Town Engineer have reviewed the plan and have no objections.

According to the manufacturer’s specifications, the noise emitted with not exceed 76 dB measured at 23 feet from the unit. The unit will be 42 feet from the property boundary. Section 291-6 of the Newington Code of Ordinances states that noise emitted in a Residential Zone during daytime hours may not exceed 55 dB measured at the property boundary.

CONDITIONS:

1. Any testing of the generator will be done during daylight hours.
2. The applicant shall submit a statement from the manufacturer or qualified individual that the noise emitted by the unit will not exceed 55 dB at the property boundary.

The motion was seconded by Vice-Chairman Camerota.

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

VIII. **PETITIONS FOR PUBLIC HEARING SCHEDULING** (September 12 and Monday September 24, 2012)

None

IX. **TOWN PLANNER REPORT**

Chairman Pruet: What do you have for us Craig?

Craig Minor: A couple of items I'd like to talk about. Well, I'll give you a heads up on an item that actually has to go to the Economic Development Commission first, but then, if it gets through EDC it will get to you. Schuco, which is a, I'm not sure if they manufacture them or if they warehouse them, but they are involved in the solar panel industry. They are a very large player in the solar panel industry which you probably know better than I do. They approached us a month or so ago and asked how would they go about getting permission to put an array of solar panels in their, I'll call their front yard, as sort of a demonstration of what they manufacture. Art Hanke and I sat down with them and went through the regulations and we thought, well, the regulations do allow, I forget the wording, but the placement of equipment intended for sale in the front yard with the Commission's permission, but it's got to be in a certain place and it's also a sign, so they went to the sign regulations and we're working our way through it, and I think we brainstormed a way to make it approvable and

then it would come before the Commission. And then it was brought to my attention that it is in the Newington Industrial Zone, Industrial Park. It would have to go through the EDC, okay, now I know. I went through the regulations for the Newington Industrial Park and no where does it say anything about solar panels because those regs were written thirty years ago. I didn't think there was anything that was that close a fit, but then I thought, ha, we've got an Economic Development Director on board these days who is much more clever than I and so I basically turned it over to Andy, and Andy has come up with an approach which I think is very reasonable. It still has to go through the EDC, they still have to approve it before it can come before you, but that's on the horizon. It raises a larger question. Solar panel farms are an increasingly popular activity around the country. Not so much in Connecticut because we don't really have that much sun exposure, but there are towns that are starting to see solar panels as an economic activity. The site plan for that walk-in clinic at 49 Fenn Road, he's actually put a small array of solar panels on the site. Now, he's doing it to generate electricity for his business and I imagine that if on a sunny Sunday when he is not open, he'll sell his excess to the grid which is what you can do. I don't think that requires any special attention by the Commission because it's part of the site plan. But, what if someone did want to put up an acre of solar panels on their property to generate electricity as a business to sell back to the grid?

Commissioner Aieta: That would have to come before this board and we would have to look at the situation.

Craig Minor: Well, there's no regulation....

Commissioner Aieta: If it's not stated in the regulations, it's not allowed.

Craig Minor: So let's anticipate that, let's maybe start thinking about, in my spare time drafting a regulation or see what other towns have done, not re-invent the wheel and maybe in the future, about the regulations so when we do get a request we'll have a mechanism that we can follow. So, just wanted to bring that to your attention, that's something in the future.

Chairman Pruet: So Mr. Brecher has a suggestion?

Craig Minor: Well yes, he feels that actually the solar panels could be considered a utility which are allowed in the Industrial Park, but it would have to be approved by the Economic Development Commission.

Commissioner Aieta: I applaud your forwardness with being so green, but I think you are overstepping your bounds as Town Planner to propose regulations, to put restrictions on us as to what we can or cannot allow, it looks like you are working for this company to try to find a way beyond our regulations to make it work. I find that offensive. I don't believe, I look at the parcel, it's treed in front, the front yard is landscaped and treed. What are you doing to do, knock down those trees and put up solar panels for display? I don't believe that they manufacture solar panels there. If they are selling it for retail, retail is not allowed in the industrial park per their own regulations, so I just find that, I see where you are coming from, all of us like to think about being green and the ecology and everything, but I don't think it's our place to promote this for a specific business to do that. I don't know, I just find it offensive.

Craig Minor: Well, it wasn't the green aspect of it at all that got my attention. It was the fact that this is a major business in Newington who is embarking on I believe a major plan of promoting their product and my impression was that the Planning and Zoning Commission wants to at least make it possible for businesses that are currently in Newington to do well.

Commissioner Aieta: What, display their products on their front lawn? I mean that goes against everything that is in the regulations? We're trying to circumvent the regulations....

Craig Minor: Except the regulation that says you can do it.

Commissioner Aieta: Excuse me?

Craig Minor: Except the regulation that says you can do it.

Commissioner Aieta: You can do it but when you are doing it you've got to take into consideration that the product can be interpreted as a sign, you would have to look at the sign regulations, you'd have to look at the landscaping in the front yard, there's a whole bunch of things that go along with this.

Craig Minor: True.

Commissioner Aieta: And I have a problem with setting a precedent of allowing people to display their products on their front lawn. We just had a situation on Pane Road where you had the Zoning Enforcement Officer go to a business there that sells granite, that was displaying their granite on their front lawn and he got them to move it back into their parcel. It's, you start one place here, I can just see it up and down the highway. We see it on weekends when no one is monitoring it, people displaying their kitchen cabinets, the rug guy has his rugs out there, I mean, it's a circus and I think you are setting a bad precedent for the Town of Newington.

Craig Minor: Well, it's allowed by Special Exception because every case is different and when you get the presentation in front of you, and all of your questions are answered, if you feel that that is not an appropriate one to approve, then by all means deny it, but don't, wait until you have all the information before you pre-judge it.

Chairman Pruet: And that's what the Commission will do. Concerns on this?

Commissioner Hall: I just have a question. Is that the Pane Road site or the one over near Fafnir because remember they had that place over near Fafnir, over on Alumni Road. Remember they had that site. Did they give that one up? Because that was the window place and I think that went out of business, but, and then they've got the one on Pane Road. Is that the one they are talking about, Pane Road?

Craig Minor: It's on the corner of Pane Road and Industrial Park Road.

Commissioner Hall: Progress Circle or whatever.

Commissioner Sobieski: I think it might be a good idea for the Commission to maybe look at solar panels in general because the Town of Glastonbury is converting some of their offices. You might want to have something in the regulations for that. Just my opinion, but eventually, as energy costs escalate the town is going to look for other ways to offset it. Glastonbury just started a big project, I think it was the town hall or schools or something like that, so maybe Craig could research there and see what was done.

Chairman Pruet: Research and see what would be appropriate. However we do have, we can't prevent a petitioner from coming in here and presenting a new business, but we have every single right to dissect it and make sure we are in compliance with our own regulations. Anything else? Anything else?

Craig Minor: Two other things. I got a flyer in the mail that is in the business of putting those bins around for people to donate clothing to and this person actually had the courtesy to call me and ask if they are allowed in Newington because the person said in many towns they are not allowed. So I looked in the zoning regs, did a word search, didn't find anything one way or the other about clothing donation bins and so I asked the Chairman if there is any history of this in Newington as an issue and he said not that he recalled it being an issue. If the town wants to start allowing them, I think there should be a regulation, but, my personal opinion is we have enough bricks and mortar organizations, non-profit, that do this, that they can donate clothing to and so forth, and I'm not sure there is any need to create a process that would allow these containers but, to allow them around town. I don't know if that is the direction that the town would want to go in, but I'm presenting it to the Commission to get a discussion and maybe some feedback.

Commissioner Anest: There are some on private property.

Craig Minor: I hadn't noticed any.

Commissioner Anest: St. Mary's has one, I don't know if that Food Mart on Garfield used to have one, is that still there?

Commissioner Aieta: Yeah, that's still there. Olympia Diner has one.

Commissioner Anest: So they are all around.

Chairman Pruet: I think we have one on municipal property right on Market Square. I think there is a bin there.

Commissioner Anest: There used to be one Kid Education at Martin Kellogg.

Chairman Pruet: They're around.

Commissioner Anest: I don't know how those got to where they are.

Chairman Pruet: I don't recall anything coming before the Commission to implement that, but I could be wrong on that.

Commissioner Aieta: Wouldn't that be going to the Building Department for a permit to put up some kind of like a structure, seems to me that on private property they would have to have some kind of a permit, not specifically zoning, but building department.

Craig Minor: Well then, a sleeping dog, let it sleep.

Chairman Pruet: Perhaps you can call some of your counterparts, see how they handle that too.

Craig Minor: Well, I can tell you that some towns have no rule, and they are allowed to have them because it is not a problem, and other towns have regulations that are three pages long because it became a problem so they reacted by creating three pages of regulations.

Chairman Pruet: As you say, sleeping dogs, but you did get an inquiry.

Craig Minor: From someone who wants to do it, and wants to do it right, so I'm not sure what to tell her. She did the right thing by calling.

Chairman Pruet: I think Frank is on the right track there, it probably comes under the Building Permit section, where they can place it for safety reasons, etc., etc.

Vice-Chairman Camerota: I hate when I see them all overflowing, I mean, stuff gets ruined anyway, what's the point?

Chairman Pruet: I know we corrected the problem with newspaper boxes, we addressed that.

Commissioner Hall: There were several at the post office.

Chairman Pruet: Yeah, Bob Schatz was I think the forerunner on that, and we kind of took care of that.

Craig Minor: Okay, I'll talk to the building official tomorrow.

Chairman Pruet: Maybe we can come up with, I'll keep this discussion open, see if we can address it appropriately.

Craig Minor: And finally, following up on what Mr. Pane was talking about, yes, I have had several calls from local businesses asking what does the new auto related use regulation mean for them and in fact I went out to H.O.Penn this afternoon, spent an hour and a half talking with them, looking at what they do, and what I suggested to a couple of people, and I'll tell you now. It's not uncommon when a Zoning Commission adopts a new regulation that's rather sweeping, or controversial, that the Commission wait a month or two to see what the reaction is, to see how well it works and then possibly go back and adjust it after you've had a few months of trying it out. So, when he asked me can it be repealed, I said, it can be, but I think what is more likely, is the Commission is going to give it six months, a year, see how it works and if the Commission finds that it either overlooked something, you can always go back and add it, or if you feel that you included something that now you think doesn't work, you can always change it. You still need to go through the same process, takes like a month and a half, but it's not cast in stone, it's the law of the land, but it's not cast in stone, you can, the Commission can always, in its discretion revisit it down the road.

Chairman Pruet: We did discuss non-conforming businesses before, remember we discussed about the fifty percent rule, if it was destroyed or whatever, and I think we took care of that to protect the business owners, but I don't rule anything out about researching this further, or keep it open in our minds, open discussion, we can fine tune something or prevent a possible problem, I have no qualms about continuing a discussion on that.

Commissioner Hall: I'm just a little disappointed that we heard it tonight, because I thought we had given this enough meetings, and I thought we had given it enough publicity, and this is the kind of thing that we asked for from the public. If they have an issue, let's bring it forward. So the meeting after the time that it was voted upon, you know, it would have been nice to hear this before. He mentioned the fact that he could have gotten ten or twelve business owners, well, we didn't hear from ten or twelve business owners. The whole time, we were asking people to come, it was publicized, and Dave knows that this is my big bug-a-boo that, let's advertise it, make sure we get them out here, and we just didn't get the response.

Commissioner Aieta: How was it advertised though, Cathy? I think that it would probably been prudent upon us and we should have, maybe we should have sent out, we know who the businesses are, it would have been very simple to draft a letter and send it to fifty

businesses and say, this is what we are doing, and maybe we should have taken that approach, because I've had people come to me and say, well, what the hell happened last meeting, you approved this thing, we didn't even know about it.

Commissioner Hall: But it was in the paper, it was in the Town Crier, there were articles about it.

Commissioner Aieta: I understand but these people are saying, we were not aware of it.

Commissioner Hall: We get that every time, we're going to get that every time, and as I said, to hear it the exact meeting after you know, maybe we do have to work on it a different way, but again, you can't invite, you can't invite by letter the public to come to these meetings and start picking on people and say, okay, this might affect you, so come to our meeting. I mean, we do the best we can, but again, if they were able to send an emissary this week, why didn't it come a month ago?

Chairman Pruet: Just to elaborate on this, we have discussed this on-going since I believe since last September, October when the Commission here brought it to everybody's attention and I believe I allowed the public to speak on this too, and solicited their support, so it has been open for a long time Frank.

Commissioner Aieta: Well, I agree with you, but I'm just telling you the reaction that I got, that people were saying, well, I didn't know about it, well, it was, we met the letter of the law by advertising it and there have been articles.....

Commissioner Hall: We kept it open it a couple of times just for that reason.

Commissioner Aieta: Other than notifying every business that it affected by letter, I don't know what else we could do. Maybe that's what they expected, but I don't know.

Chairman Pruet: But again, like our Town Planner mentioned, that the process of having this exposed now, if we can fine tune it, make the corrections.....

Commissioner Hall: Well, there is always public participation if it does affect them and it bothers them, let's hear from them. I mean, it's not that we don't want to hear from them, we just don't see them.

Commissioner Lenares: This is going to sound a little weird, but I kind of agree with what everybody has just said, I know that is a shocker to all of you. I agree with what Frank is saying because maybe these people don't know because I do have a business in town, and I don't get notified of every rule and regulation that has changes, but I also understand what Cathy is saying. You can't invite everybody down, you can't baby these people, and say, this might affect you, you might want to come, because you can only advertise it so much and I give credit maybe to what the Chairman said, or the Planner, maybe you let this lie for six months, see what happens and let people come forward and say, hey, I was just informed about this, it's going to directly affect my business, because I'm all about, and even though I agreed with the regulation that has changed, I said it from the get-go, I don't think it's perfect, so whatever we changed, I'm not saying is one hundred percent right, but I felt when I voted yes to that I felt that the regulation might not be perfect and what I voted on might not be perfect, and what Mr. Pane said might have some cracks in it. He mentioned that I was an advocate for business and I am and I always will be and his concerns kind of sparked my ears a little bit, and like the Chairman said, maybe we'll let it sit for a little while and see who comes forward and says, maybe it's not so perfect, maybe we'll have to make it, I know you

guys are not going to like this, maybe we have to make it more wide open. I don't know, maybe leave it as it is, but if no one comes forward we'll never know. As the Planner says, it's not set in stone, it's as perfect as we could have gotten it, even though I would have opened it up even more, as I went on record a million times saying, but the Planner has a good point. Let it sit for a while, maybe we'll hear from other people who are now in tune to what is going on, and you know, negatively affected by it, which I don't like, because I thought it was a positive even though it wasn't one hundred percent which I would have liked. We'll see what happens. I mean, we can sit and wait and see what happens, I guess.

X. PUBLIC PARTICIPATION

None

XI. COMMUNICATIONS

None

XII. REMARKS BY COMMISSIONERS

None

XIII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: Just to reiterate, that we are always open for ideas and ways that we can improve upon things, so I want to make sure that the public speaking tonight knows that their comments didn't go in vane and we'll let things roll out, especially on this non-conforming issue and we'll see what happens, but we're not going to rule anything out, and close our ears to that, I just want to make that known.

XIV. ADJOURNMENT

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary