

NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 24, 2011

Regular Meeting

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

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Schatz
Commissioner Aieta
Commissioner Turco

Commissioners Absent

Commissioner Lenares

Staff Present

Ed Meehan, Town Planner

Commissioner Turco was seated for Commissioner Lenares

Chairman Pruet: We're glad to be back in this room, more conducive to having the hearing in the gym. I wish to thank you all for your patience and understanding, we couldn't accommodate everyone in the other room, it was just too small, I know that it was a little uncomfortable so thank you for your patience.

II. PUBLIC HEARINGS

- A. PETITION 24-11 – 1300 Main Street, Liberty Bank, Newington Professional Center LLC owner, National Sign Corporation 780 Four Rod Road Berlin, CT 06037 attention Darcy Roy applicant, request for Special Exception Ground Sign Section 6.2.4, B-BT Zone District.**

Chairman Pruet: Is the petitioner here? State your name and address for the record please.

Darcy Roy: Darcy Roy, Wallingford, Connecticut: I have some revised drawing here to, that go with our plan, if I may bring up? I sent an e-mail to Mr. Meehan stating our revised illumination plan. The original ground signs proposed on August 10th at that meeting called for an opaque background which was then illuminated by florescent light bulbs. The illuminated letters would have been diffused, however to address the concerns of the community we have decided to provide a more comfortable with more flexibility by using dimmable LED light fixtures instead of florescent bulbs. In addition there is also proposed a light film over the letters to reduce light by thirty percent. Light from the sign face will produce

less than one foot candle measured at forty inches from the base of the sign. One member of the community voiced his concern about the illuminated sign light bulbs that have gone out around town. I obviously cannot guarantee that the LED fixture at the Liberty Bank sign will never go out, however most LED lights have a life of fifty thousand to one hundred thousand hours of usage in comparison to other bulbs that have a life span of six thousand to fifteen thousand hours. That is quite different. Not only do LED lights last longer, they are also significantly more energy efficient and much safer for the environment. In addition I would like to say that Liberty Bank takes great pride in their superior customer service. Their signage is very important to them, and unlike most companies, Liberty Bank has all of their signs cleaned and (inaudible) on a yearly basis by National Sign Corporation. I doubt that you would be able to find one blown light bulb in any Liberty Bank sign in the entire State of Connecticut. Finally, I would like to address the question posed by board members regarding the time that the sign would be turned off at night. Liberty Bank feels very strongly that the ground sign should be left on all night long. Like the Bank of America next door whose monument sign is on all night long, there is a twenty-four hour ATM at this site, and the sign should be on for night time banking hours to provide customers with much better visibility. This will allow customers to signal appropriately when they enter this parking lot. Turning the lights off at night may create a traffic hazard. Those are the changes that were made, if there are any questions?

Chairman Pruet: Thank you. Ed, any staff comments?

Ed Meehan: Thank you Mr. Chairman. The reason that the applicant is back was the concern of the neighborhood. This property is right across the street from existing single family homes, and the concern of the intensity and the light glare from the lighting pylon sign, so the applicant has indicated that they will turn that down. I would recommend that if you act favorably on this, that you still reserve a look at this once it's up and operating, in your motion, to look at the bank, to address the concerns of the property owners across the street. As an aside to the pylon sign, I know that the wall sign is not before you, but the wall sign does also directly affect the neighbors across the street, the accent line on the building, so I would request that Liberty Bank soften the glare from those light fixtures and be turned off at night so that the two or three residents across the street are not affected. I know that is not before you, but I'll bring it up now because you can take a look at it right now. Thank you.

Chairman Pruet: Commissioner comments? This is a public hearing, anyone from the public wishing to speak in favor of the motion? Anybody wishing to speak against this petition? Do you understand what we are concerned about, the lighting, that the Town Planner.....

Darcy Roy: Yes, those lights are also LED, and I assume that they can also be dimmed and we do have, with these kind of letters, if they are deemed too bright, have the ability to dim..

Commissioner Pane: Or they can turn them off.

Darcy Roy: Or they can turn them off.

Commissioner Pane: Are they going to turn them off?

Darcy Roy: The wall sign?

Commissioner Pane: There are three lights on the side, the southern side of the building which faces the residential house, as a Commissioner I feel that those three lights shouldn't be on given the fact that they are adjacent to the residential house.

Darcy Roy: I'm here for the sign, but I can certainly ask Liberty Bank to turn the lights off, I mean, I assume that the ATM is a drive through, you don't need that type of lighting on the building, so I will certainly ask that they do that.

Chairman Pruet: Additional customer comments?

Commissioner Turco: Thank you. I was just going to ask, Ed, to your knowledge has the Commission ever required that a sign be turned off at a certain time based on distance to a residential property.

Ed Meehan: I believe one of the churches at the south end of Church Street may have been asked to keep their sign lit for a certain period of time, and then turn it off and the difference with that is it was reverse lettering, but I would have to check the record on that.

Commissioner Turco: And this light can be dimmed?

Ed Meehan: Yes, I understand from the applicant that it can be, so let's say that this light was operational for a few months, if the Commission members observed that the light was too bright, or complaints from the neighbor, the motion that I would suggest to you would reserve the right to go back to the applicant and require that they turn it down, or in the case of the wall sign, turn it off.

Commissioner Turco: Thank you.

Chairman Pruet: What's the pleasure of the Commission? To move it forward to Old Business, or leave it open?

Commissioner Turco moved Petition 24-11 be moved to Old Business. The motion was seconded by Commissioner Camerota. The vote was unanimous in favor of the motion, with seven voting YES.

Chairman Pruet: We'll be voting on this tonight.

- B. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District. Continued from August 10, 2011.**
- C. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Continued from August 10, 2011.**

Chairman Pruet: Is the petitioner here?

Tom Regan: Thank you Mr. Chairman, for the record, my name is Tom Regan, I'm an attorney with the law firm of Brown, Rudnick, LLP, City Place One, Hartford, Connecticut here on behalf of the applicant, Toll Brothers. The application before you is an application under Section 6.8 of your zoning regulations for an open space subdivision. The property in

question, which is privately owned is currently zoned R-20 and subject to residential development subdivision as of right. The Section 6.8 of the Zoning Regulations which allows for an open space subdivision is, was enacted with the intention that property such as this would be allowed to be developed in a way that would enhance the property, specifically by the dedication of open space which is not required in a straight subdivision. This particular application which started out with a 72 lot subdivision through both the zoning process and the wetlands process has been reduced based on staff comments and comments of the public and some of the (inaudible) experts and as Ray will allude to in a minute, the current applicant is now down to 62 lots, and Ray will make reference to our final change that was made at the Wetlands Commission last week. The open space in the project has been increased to 44 of the 73 acres. So we are now proposing to dedicate 44 acres of open space that is not now currently open space to the Town of Newington in perpetuity. The application, we believe it is a good application, and we believe it is as good a use for an open space subdivision as you will find in comparison to what could be developed as an as of right subdivision in an R-20 property. With that, I will turn it over to Ray Gradwell who will walk through some of our final engineering comments for the zone change.

Ray Gradwell: Once again, my name is Ray Gradwell, senior project manager at BL Companies in Meriden, Connecticut at 355 Research Parkway. Recently, last week we had the opportunity to meet with the Wetlands Commission and run through comments and concerns and these are responses from BL Companies as well as (inaudible) Associates in response to the CERT report. That is our response prepared for the CERT comments. A lot of these comments are engineering issues that could be resolved through the information (inaudible) on the plans, as well as information that we could provide at a later date. I would also like to put into the record the response from John Havens of Caruso (inaudible), who inspected that same CERT report. Going a little further, we received comments today from the Town of Wethersfield, and we had the opportunity to respond to those comments, and I'd like to give you those also. With respect to the comments from the Town of Wethersfield, comments about, questions and concerns about traffic, they are also concerned about blasting, and they have comments about the CERT report, they also asked questions involving drainage and home owner associations. We addressed that information and they also had some questions and comments involving conservation easements that they would like to see along Russell Road. In summary, the traffic report was prepared from Phil Greenburg to describe and answer any questions. (Inaudible) and explained where the information was available in regards to that. One of the things I would like to pass out is regarding Cedarcrest, the reuse of Cedarcrest. The last thing I want to enter for the record is the removal of home sites. (Inaudible). The last two lots change, 1740 square foot lot is located right here, and the fifty foot buffer, the one hundred foot buffer is certainly (inaudible). Those two home sites we are going to eliminate so at this moment we have a 62 lot subdivision, 44 acres of open space of a 73 and we are also proposing to preserve for community use the open space. This wall on the site plan, the two home sites that were removed, is the fifty foot buffer, the hundred foot buffer, we've removed those two home sites entirely, and we are preserving the wetlands with a wall system and a fence system on top of this slope. With regards to grades and water flow, that the wetlands, the (inaudible) system that we put in, the roadway system, the discharge of water to (inaudible.) There will be a retaining wall system along the edge, and to the grade along the wall. In summary, I don't have too much to add to this presentation. The removal of those two lots and other comments on the application on a number of occasions, addressing comments and concerns of staff, listening to public, listening to Commission members, and we are proposing to conserve Cedar Mountain, use of open space for the public, basically forever. We propose a storm water management system in accordance with the Town's requirements. We propose a storm water management system in accordance with the state standards. State standard, DEEP standard, we designed the system in accordance with those requirements. It was also

designed in accordance with the 2002 guidelines for erosion sediment control. So we feel that we have a very, very sound application to preserve the open space as well as Cedar Mountain. Any questions, technical questions from the Commissioners at this moment?

Chairman Pruet: You referred to a retaining wall. Can you describe that more in depth?

Ray Gradwell: We are proposing retaining walls in a couple of locations on the site, one located on the cul-de-sac at that home site. We are also proposing the same retaining wall located here, to preserve the integrity of that wetland. The retaining wall system will be block wall system, modular wall system. It will be on the low side where a passer-by will not be able to see the wall from the road. It will be also be fenced on the top of the wall, here is the diagram, from that retaining wall to the side of the lot.

Tom Regan: I think at this point Mr. Chairman, that concludes our presentation of the technical parts of the application in accordance with the regulations. At this point I think we will answer any further Commission comments or any additional staff comments that Mr. Meehan has that we haven't already addressed.

Chairman Pruet: Ed, comments?

Ed Meehan: Just quickly, on a recent presentation, a conversation with the Wetland Agency, who is going to own these lots is the first question, these former lots? And is any portion of the retaining wall, guard rail or fence in the proposed future town right of way of the adjacent street?

Tom Regan: In regard of the ownership of the area that was formerly a lot, that will be owned and maintained by the home owners association, which will be the same as the (inaudible.) and with regard to the question of the wall, I'll turn that over to Ray.

Ray Gradwell: Mr. Meehan, the wall will be in the right of way, the wall system, the fences, and the guide rail will all be in the (inaudible.)

Ed Meehan: Have you added details to the plan showing that?

Ray Gradwell: Details for the retaining wall are on the plan, details for the guide rails, (inaudible.)

Chairman Pruet: Again, this is a public hearing, and anyone from the public wishing to speak for this petition? Anyone wishing.....

Audience: I would like to say something. I know I'm old and.....

Chairman Pruet: Would you come up to the microphone, give your name and address?

Linda Roarke, Wethersfield: Hello, I drive over the mountain most every day. I wonder why this is necessary. It's not needed. You do not need to build more buildings. You know what the economy is, you're going to make a few bucks on construction, a few jobs and then they are going to sit empty because no one can afford to live there any more, and what you destroyed, you've destroyed, and it's gone. You cannot take back the animals, you cannot back the land from your concrete and buildings that are not necessary.

Clarke Castelle, 167 Connecticut Avenue: I came here tonight to add some comments of my own to those that I believe others made concerning the traffic impact analysis that BL

Companies did in February. I've been down to the town hall four times now to study this document and the more that I look at it, the more questions I seem to have. As it relates to the observations that I have made, I would ask all of you to ask yourselves, do you really think it's possible to obtain valid projections from the sort of (inaudible) reconnaissance that BL Companies has done. First of all, they did it on one unspecified workday in February of this year, during two periods of peak hours, a duration that they did not specify. To my way of thinking, one day during one month, during unspecified number of hours does not come close to constituting reconnaissance that can be relied on. Secondly, their projections are based on a single family home land use category that makes no distinction between homes with different numbers of bedrooms. It may be the category that they used was in fact four bedroom homes, and if that is the case, they did not say so. Thirdly, they have concluded that only twenty percent of the traffic generated by the subdivision will pass through the crucial Russell Road, East Cedar Street intersection, with the other eighty percent heading right to the turnpike. This is exactly the opposite of the direction members of my own family would take and I wonder what support they can offer for this twenty percent hypothesis. Number four, they have based their projections of increased delays at intersections from what I believe are flawed projections of increased traffic volume. And, they have not explained the methodology used to link their estimates of increased volume to specific increases and delays. Finally the report is missing the appendix they refer the reader to, which they say includes the capacity calculations that are summarized in table four. This is the exhibit that gives the expected delays at each intersection. The point that I am trying to make is this, if traffic impact is a valid criteria for accepting, denying, modifying, or limiting a petition of this nature, then I believe the Town should consider voting for two things. The first is to seek verifications from BL Companies with respect to every one of the methodologies that they used. The second would be commission it's own report, from an organization that is completely independent of all interested parties. We now have an environmental report stating the environmental impacts. May I suggest to all concerned that we try to get the same for traffic, blasting, drainage, and any other matter that is relevant? Thank you for taking this into consideration.

Myra Cohen, 42 Jeffrey Lane: A member of the Town Council speaking for myself. In this plan, what is the square feet of the homes and what price are they expected to be sold? What is the square feet of the homes that could be built on 20,000 square foot lots with one hundred foot frontage and for what price would those Toll Brothers homes be sold? How many of the (inaudible) homes could be built on twenty-nine acres. The previous response included the entire seventy-three acres. Are they planning approximately the same number of R-20 lots in 73 acres as R-20 lots in twenty-nine acres, with the forty-four acres are unable to be developed. Toll Brothers will be building a six thousand square foot mitigation pond. How deep will this be? We have been told that they are going down eighteen feet and then thirty feet to bury utilities, water lines, etc. How much material will be dug up and where will all of it go? What is the total volume of area to be filled? How many houses will be built on fill, will buyers be told that they home is on fill? How many foundations will require blasting? How much interior will truck out? Will buyers be told that Balf Quarry will eventually resume their blasting? Will house foundations be protected only for on-site blasting or future quarry blasting? Who will be responsible for the location, design, and construction and oversight of mitigating ponds planned for the area? It is anticipated that this development will take five years to complete. That is a long time for destruction, and if the houses take long to build, so will the destruction. With the CERT report, received too late for public comment prior to the Conservation Commission closed the public hearing. There are areas where Toll Brothers disagrees with CERT. Do you believe CERT, an independent unbiased agency, or Toll Brothers experts, who are paid by Toll Brothers? Pay strict attention to the following pages in the CERT report, 14, 19, 20, 22, 24, 25, 29, 35, 36, and (inaudible.) And, oh my goodness,

has anyone ever imagined that this would be an important archeological site? Did anyone ever understand the additional value of this mountain? Should anyone have the authority to approve the destruction of either part of this property without a (inaudible) survey designed to look and provide recommendations for avoidance or (inaudible.) Cedar Mountain has the potential for some of the earliest archeological treasures in the state.

Ralph Testa, 82 Willard Avenue: Thank you Myra, I was glad to see that the clock was not running while you were speaking, I wonder if I will be the same courtesy. The request for zone change should be denied for the following reasons, two meetings ago, Commissioner Aieta asked how many homes could be built in the R-20 zone. At the last TPZ meeting the project manager Ray said, between 56 and 64. Now that it falls to 62 homes, the only reason to change to R-12 from R-20 is to accommodate the 64 homes being constructed. Deny the petition for re-zoning without prejudice. The project manager said the at the Conservation Commission meeting that all blasting would be done at one time, so if there are twenty homes all the foundations will be blasted as well as road beds, sewage lines, utility cuts. According to the blasting expert at the same hearing, some will be up to eighteen feet deep and at the same hearing someone said they will be on the site for five years. That means holes possibly filled with water up to eighteen feet deep will be present, and be a hazard to wildlife, residents, especially young children on a hot day, and a breeding zone for mosquitoes perhaps carrying West Nile which is in the neighborhood now for a long time. And then, after thirty plus acres of forest is clear cut, and scraped for soil which will be either sold or reused or removed somehow, to somewhere, from the premises, with minimal truck traffic promised to us, off the site. Storm drain water from the new road will flow into the small vernal pool, and then overflow into a detention pond, carrying with it no doubt, whatever amphibious eggs were floating in the vernal pond, and then the detention pond will dry up in three days and kill all the eggs. We also heard that the loss of thirty acres of habitat will not disturb any of the animals now in residence and no specie will be endangered even though a Peregrine falcon on the state's threatened specie breeds and nests in the area. The currently non-existent home owners association will maintain the common areas of the property including the wetlands and five detention ponds, but there are no funds for that yet and each home purchased will only start paying monthly fees, amount unknown, for which they must pay insurance premiums, detention pond maintenance cost, snow removal which they think we are going to do because it's not private, we don't do Coronado Drive, we're not going to be doing this street and trash, sewer and lighting costs for a thirty acre site, more access roads and cul-de-sacs. So if you are on site five years and they will be paying those bills for five years and they will be selling 62 homes which will not sell for over half a million dollars apiece, which is 31 million dollars and in five years they'll be maintaining the property, putting in all of the utilities, the MDC alone is going to charge them well over a million dollars to run and sewer line and water up there, the profit on this site is very minimal at least. I'm out of time and who will be liable for the lawsuits that succeed in court unlike they had in Bethel which fortunately was not liable for adjacent property damage even though it occurred on his development. The Commission has to realize that the town will be liable if they approve plans to issue permits with resulting successful law suits, damage to adjacent dwellings and properties which includes wet basements, salamanders living there, and other remarks, Dr. Drew made, he said our wetlands he considered them a tough project to resettle. I think they are more like sacks of Leggo's, and once they are shaken, there will be more cracks, there will be more flow, down the south side, out the wall, under East Cedar Street, and off to the west side, down the (inaudible) to Main Street and creeks, who is going to take care of all the ice on the mountain and all of the ice on the adjacent roads?

Gary Bolles, 28 Burdon Lane: Ladies and Gentlemen of the Commission, Ladies and Gentlemen of the Audience, after the meeting of 10 August, 2011, I mentioned wetlands might be present in the proposed development and the importance of obtaining a individual

permit from the U.S. Army Corps of Engineers. At the Conservation Commission meeting of 16 August, 2011, the developer mentioned two lots containing wetlands would not be built upon. The CERT report prepared by an independent expert biologist, soil scientist, and hydrologist states that wetlands could be further protected by not building on thirteen lots including the two the developer eliminated. At the Conservation meeting I also mentioned that blasting on an adjacent lots could cause fissures or cracks in the bedrock of the wetlands and eventually drain the natural retention of water. The end result, wetlands destroyed. I will now read portions of the Army Corps of Engineers letter dated June 6, 1991 sent to the Chairman of the Newington Conservation Commission with a copy to this Commission. The letter was sent due to a 1990 wetlands violation in Newington where the Conservation Commission gave the developer a certificate of action and no federal permit was obtained. The comments from the Army Corps letter, the limit of wetlands regulated by the Corps of Engineers may be different from the limit of wetlands determined by the local Conservation Commission. Even if local Conservation Commission determines that an area is not wetlands under the State of Connecticut jurisdiction, it does not regulate activity involving fill. The activity may well be in a wetland regulated by the Corps of Engineers. If such a wetland is filled, or damaged without the required federal permit, a violation of federal law has occurred and must be resolved. Authorization of any work within the Corps jurisdiction must be applied for and obtained before such work can legally be undertaken. Even if a permit has been obtained, the Commission members should be aware that the corps permits a limited form of authorization containing a stated conditions which must be complied with. Performing any work not authorized by a Corps permit or failing to comply with the conditions of the permit may subject the developer, the land owner, the land (inaudible) or other responsible parties including the contractor to criminal or civil liability. That liability right now is thirty thousand dollars per day and it carries a three year prison term. In closing, I have come to the conclusion that this project may have many problems connected to it. I don't want to see the developer start this project, hit roadblocks, and then call it quits. We would be left with a destroyed Cedar Mountain and a situation many times worse than another developer's doughnut dream that totally decimated the once beautiful triangular lot at Main Street and the Berlin Turnpike. Respectfully I ask the developer to withdraw the application. Thank you.

Stanley Sobieski, 26 Deepwood Drive: Good evening. I'm opposed to this plan to develop Cedar Mountain, with all of the retention ponds maintained by the association according to Attorney Regan. But, the road would be maintained by the town, according to BL Engineering. The issue here is that the Town of Wethersfield I know has stated concern that the association should not maintain these ponds, the Town of Newington should. The Town of Newington has six retention ponds presently. It does zero maintenance on them. Nothing. The last one that was built was in back of Elizabeth Green school, I believe it is less than ten years old, it's overgrown, so there is definitely concern there. I looked at that plot plan again tonight and maybe BL Engineering can answer this question, how does the Town get in to maintain these ponds if there is no easement. There is no access roads to these things. How do you get in? You going to go up and say to the guy who just bought a half a million dollar house, pardon me while I drive my backhoe over your front lawn? It makes no sense, again, this is another issue that there has been no thought given to this thing. There is a culvert under one of the roads that the Town of Newington is going to have to maintain. It has to be able to get down there and look at it. Again, you are putting a retaining wall and fence, how are the animals going to get in there. You know, this again, what happens is, we are in a rush to do things, we throw it in haphazard, we hope we run into a bunch of people who don't have any idea of what is going on, and then we will just run it through. Now, as far as the traffic goes on Cedarcrest, policy for the State of Connecticut is that once a state agency does not use a state institution it's offered to the other operating state agencies. From there, it's offered to the towns. If the towns don't want it, it's then offered any non-profit organizations, then it is sold. So we don't know what the Town of Newington, if Cedarcrest

was to close, the Town of Newington, the Town of Wethersfield could get that property, and that would be something else that the town could use. Now if the towns refuse to take it, it's going to be sold if the non-profit doesn't want it. So this is all stuff that has to be considered. The traffic plan is flawed, I just heard today, they are now contemplating maybe redesigning the ramps off of 15. My issue is, before anything is done by this Commission or anyone else, we should see the full traffic plan with what they plan to do with the ramps. Again, we are dumping more traffic into an F intersection. That's a failure intersection. These people don't care. They want their money and out. The Town of Wethersfield in their letter that will be read later on, it said that they should not include Arrow Road. The Town of Wethersfield has custody control of Arrow Road. The reason I keep emphasizing custody control, the Town of Wethersfield can do whatever it wants. If it wants to block that road off, it can such as the Town of Newington has done with Mill Street, Cherry Hill, and Alumni Drive. The town has custody control of that road. You're not going to be able to tell another neighboring town what to do, nor will these gentlemen. If you think I'm kidding, go look at the City of Hartford, they close off roads all of the time. City of New Haven does the same thing. They use it to control traffic flows. All right? So, this is something else that you should consider and this whole project should be scrapped because there is not enough planning in any area of this thing. Thank you for your time.

Gayle Raducha, 38 School House Crossing, Wethersfield: I have been in contact with Mr. Bellentoni of the State of Connecticut Archeological Department and on a number of occasions he has strongly suggested that the Town of Newington request an independent archeological study of Cedar Mountain. The greenways trail that runs from Mountain Road to Russell Road is the original Ancient Highway connecting the now town of Newington to Wethersfield. As two of the original towns settled here in Connecticut a through investigation and study should be conducted on the mountain in order to obtain the significant historical value that it holds. Although the State has contacted Newington numerous times, no archeological study has been requested by the town. This road has been traveled as far back as the mid-sixteen hundreds and has not been given the slightest thought. We are the caretakers of this historical site, for future generations. How can we stand back and let it be bulldozed over. The wetlands that Toll Brothers states will serve as a drainage area will also be used to catch any run off containing toxins and pesticides used for landscaping once all of the clearcutting is done. Once Toll Brothers moves on to their next project and hands over the caretaking of the property to the association, there will be no way to enforce so called Toll Brothers rules to maintain the wetlands and vernal pools. About five months back I spoke with a geologist that was hired by Toll Brothers to do a study of Cedar Mountain, the sole purpose being to determine the density of the rock and what would be required to enable Toll Brothers to build on the mountain. The geologist informed me that the amount of blasting that Toll Brothers would need to do in order to begin construction would be substantial, leveling the mountain, his words, to the grade needed to begin construction and enable trucks and machinery to get to the site, would necessitate taking extreme measures, blast down and out through several feet of rock. He further stated that, in his opinion homes and buildings in the area could quite possibly sustain substantial damage due to the excessive blasting. Blasted rock will need to be hauled away. Toll Brothers supposed solution to reuse the rock is completely untenable due to the sheer mass of solid rock that would be the result of blasting. The trucks would be carrying several tons of rock with the only feasible routes taken over two bridges, one on the Berlin Turnpike, the other on Cedar Street. Where are the structural studies of the bridges capacity? Has an independent study been done that measures what these bridges can actually handle before collapsing on the road and the cars below? Toll Brothers continues to try to convince the residents of Newington and Wethersfield that their construction project on the mountain would be non-invasive, even when given back to the contrary through scientific studies. They also seem to be under the impression that their give-back of forty acres, forty-four acres of land to be used by residents

should be viewed as philanthropic with the communities best interest in mind. What they failed to mention is that this land is unusable for construction and therefore worthless to them. It would make a very poor recreational area. This grand gesture is an empty offering that we don't want. Toll Brothers continues to say that the blasting will not have any substantial impact on surrounding homes. I state again, please put your money where your mouth is, and pay for a complete structural study of each home before and after the blasting. If there is any additional damage found after the blasting is completed, Toll Brothers can pay for the necessary repairs. If the blasting is minimal, and there is no further damage, Toll Brothers can rest on their assessment of the impact, although I highly doubt it. Cedar Mountain is the only natural space left in the area, please leave the mountain alone.

Jerome Gett: My yard is a wild life foundation and we have a lot of hawks, and in the winter we feed them, they are all from the mountain. We have foxes, coyotes, bob cats, and in the future we may have a couple of eagles nesting there. They would have plenty of water, fish and you have to see the future. I think Newington should buy the land, put up a wild life preservatory, put up nature trails, charge families to go up there, like five or ten dollars on a weekend, have wild life people come in with animals that live up there, that would really be great and the town would still make money. Why are you filling it up with cement? If you want to buy houses and condos, let them buy a block worth and put them on the Berlin Turnpike.

Holly Harlow, 11 Edmund St: Thank you very much for continuing this petition. I guess we are approaching the time where you will be making a decision on this application and all over the country, cities and towns and states have been opposed (inaudible) and I would like to propose tonight that no matter what your ideology regarding land use you bring to your seat as a Commissioner I believe that you can deny this application without compromising your beliefs. It's just simply wrong, the wrong place and the wrong time to build houses on Cedar Mountain. Subdivision regulations Section 3.2 allows the land to be (inaudible) There is a lot of information that you all have that can be understanding the importance of the regulations. Things like the description that they give of the character and function of the wetlands, including the (inaudible) storm water run off strategies suggested to best protect wetlands for that needed for the drainage, as stated by the applicant. I don't think the CERT directly addresses the detention pond, but the Conservation Commission minutes the applicant states that the detention pond would be fenced, would not be fenced, but at the TPZ meeting on June 22nd, they said they would be fenced. Another thing that the CERT points out is the development strategy suggested to maintain the integrity of the natural resources of the property. I don't think I have seen anything on that plan as of yet, and also extreme care and monitoring is required to protect against pollution of the wetland, erosion and flooding during and after the construction period. Also the building area that would be cleared of trees, except for the buffer on Russell Road and of Old Highway and you are going to have a problem with environmental surroundings. Conservation Commission also have based on Chapter 22A-41. One of the regulations addresses the traffic. We all know that traffic issue that is present at the intersection. At one meeting Commissioner Pane expressed concern about the blasting from the Balf Quarry itself and the affect on the houses, and he did hear from the applicant at the last meeting about the blasting on the site itself. It was pertaining to control blasting, and at the Conservation Commission meeting the other night the applicant stated that categorically controlled blasting would not harm (inaudible) or natural structures but I think that is going to be based on the concepts. It doesn't predict what human error or negligence would be capable of, and the comment that I entered last meeting from the Wethersfield Town Council does illustrate that. In closing I would just like to say, let's not cut off our nose to spite our face.

Marilyn Miller, 2 Buck Street: I have contacted a real estate attorney and he suggested that all the neighbors please take pictures of your foundations, and your property now and have it notarized and keep it for further reference if there is damage from this construction. I love it that everyone has done their homework to give you information so that you can make an informed decision. The only real detail that I have to add is that there was 74 condos and 146 single family homes sold in 2011, that's per the assessor's site and on properties.com there are currently 165 condos and single family homes for sale in Newington right now and if you do the math, do we need an additional 62 current homes? A seven thousand dollar appraisal has been done on both parcels. Should we have moved on with only one estimate? I think not. You as appointed trusted Commissioners should urge the Town Council to request two more appraisals if necessary in my opinion. I still have not seen or heard life style cost and benefit, graph, or analysis on the proposed Toll Brothers project. This includes non-recurring cost and recurring cost. What if any are the values and enhancements of this town, for this town? Are there any intangible benefits to this particular plan? What is the return benefit for our town? Is it financial gain or cost savings? What is the risk to this community? If the truth were to be documented the risks and the recurring costs and life cycle costs and financial loss far outweigh any value and enhancements to cost saving to this community. It will only for the current owners of this land. Three final points, the public has spoken, you have to follow the state laws, Chapter 126 Section 8, you must follow, you must follow the 2020 Plan, or just throw it away, as a guide to painstaking (inaudible) for you to follow. Make them submit a plan to (inaudible) or help Town Council to speed up the process to buy the mountain, and then Toll Brothers can do business elsewhere, just not in our town.

Rick Spring, 47 Deepwood Drive: Thanks for continuing this process, appreciate it. This is a very difficult decision that you have to make, and I will start by saying that it is my belief that the current focus of this project is (inaudible) you are. Here are the reasons, I've asked repeatedly for numbers which are not available. I've asked for total tonnage of trap rock excavated, total tonnage of trap rock moving off site, total tonnage of trap rock to be used on-site, and to this date there has been an answer to these questions. The current economy is our country is causing to create jobs, for creased funding for infrastructure. This would include roadwork, and trap rock would be a valuable commodity for demand and supply. The article entitled Who wants to Buy a Home, (inaudible) is number five on the list. There is a seventy-four percent (inaudible) Why buy homes in a seriously depressed area? Toll Brothers has dropped the number of homes without blinking an eye. In earlier meetings they indicated that it would not be economically feasible to remove two homes from the map, but at this past meeting (inaudible) At a recent meeting an 18 foot depth was mentioned in reference to blasting trap rock. The minutes of the past (inaudible) are not available so I can't review that, but a typical foundation depth is eight or ten feet. I'm not sure where an eighteen foot depth comes from. The CERT report clearly states the Town monitor the blasting and removal of rock as routine and even has references and concerns in their report. The Town of Wethersfield recently sent another letter to the Town of Newington. It was dated August 19th and number one on their list is a concern over the traffic study. I feel that most or all studies submitted by Toll Brothers are inadequate or biased due to the fact that comparisons of these studies are (inaudible) results. I ask you, if your business stands to make a profit on a review of a project that is in favor of the developer, wouldn't your analysis be biased? This is why I feel that the CERT report should be your guide during this process. The CERT study takes a non-biased approach to address extensive issues in regards to this proposal. The term, best management practices have been used often during the hearings as it relates to storm water management. I feel that there is a hole between what the Conservation Commission was responsible for, and what TPZ was responsible for. That hole is a failure to address best management practices as it relates to wild life. The CERT people have clearly

stated that development in the upland will result in outright habitat loss as well as incast to wild life in the loss of approximately fifty percent of it's habitat is expected to be significant. I ask you, the TPZ to take on the additional challenge and consider the impact on the wild life on Cedar Mountain. In closing I want to say, after reviewing the CERT report that should be enough ammunition to deny this application and do what is right for the Town of Newington. We've heard planned well thought out pros and cons for arguments, let's set a precedent for all of us to follow to stop unnecessary destruction of forests, wetlands, and wild life. Remember, there are other communities that are watching us. Thank you.

Bernadette Conway, 177 Hartford Avenue: I want to start off by thanking the Commissioners for patiently listening to us over the past two months during the public hearing process. I also want to thank you for your thoughtful reviews and approval of the 2020 Plan. In the 2020 Plan (inaudible) ninety-two percent of the land developed. That statement on page one is already outdated. Since this was approved one year ago, there are three development projects approved and in the works, not counting this development. I wonder what the percentage would be now, 96 percent developed, 98 percent developed. On page 2, the vision statement states that Newington will protect its environmental resources particularly it's wetlands and Cedar Mountain. The only way to completely protect them is not allow development on or around them. Page 16 states, the general goal is to ensure an environmental significant area under natural conditions and protects ground (inaudible) from degradation. Page 26, outright, Cedar Mountain should be preserved from development. The town plan also goes on to state that the goal is to provide the transportation network which places priority on safety. I don't think there is anything safe about adding to the traffic already existing on Route 175. These issues have not been addressed competently by Toll Brothers. Page 14 in the CERT reports states that because basalt is a valuable source, this review recommends that the Town monitor the removal of it's trap rock from the site to ensure that small scale mining operations are not developed. That is a huge concern of mine. They are going to be up there for five years, that's a long time, and that is a huge concern that I have. It also states on page 30 that information Toll Brothers initially (inaudible) is inaccurate regarding ecological assessment and that it grossly underestimates the acreage that would be included within the buffers, beginning with a large central wetland and at the conclusion of the buffered (inaudible.) Page 35 states, the development in the upland will result in outright habitat loss, affecting and changing the species composition of the upland area as lawn and pavement will replace the trees and shrubs that now serve as sources of food, cover and shelter. There will be significant indirect impacts to many wetland dependent species. The adjacent upland will be reduced and will know longer be available to the species. Page 22 states, Cedar Mountain has the potential for archeological resources including a Native American encampment in the colonial era. They strongly recommend a phase one survey. We are here again tonight like we have been for the past two years because we, like every one of you, care about our town. We care about the last remaining piece of untouched, unexplored nature in our town. We care about the wildlife that will be destroyed because of development, we care about the unsafe conditions that the increased traffic will to a road that was not made to handle it, we care about the residents who surround the mountain, who will be impacted by the blasting and flooding that this will cause to their homes. Toll Brothers doesn't care the same way that we do. Toll Brothers cares about making their money and getting out. Who will be here to live with the problems that they created? We will. They will take the money and run. Thank you.

Carol Wytowicz: Will the stress that has already been on existing surrounding homes by Balf Quarry, any added stress to these structures due to blasting I believe is (inaudible) I believe from the majority of people, their home is their biggest investment. To expect these individuals to more and more structural and/or water problems, it's also going to be (inaudible.) I have a difficult time believing that a contractor or any expert can guarantee that

no repercussions from controlled blasting. Human error is always present and can impact us. That includes computer generated charges. In addition, the removal of large quantities of

rock lends itself to the perception of mining and this notion is also unacceptable. Finally, the fencing defeats the whole purpose of access by the wildlife. Really? All in all, I as well as others, I am sure, share my opinions that this plan is not a good fit for Cedar Mountain.

Allison Clarke, 25 Wilbur Drive: At the last TPZ meeting BL Company presented their revised traffic report which added ninety more trips per day (inaudible) to the existing 2200 trips per day. I still think (inaudible) Wethersfield's letter which (inaudible) The accidents at the arrow (inaudible) and for Arrow Road to be the only access. BL states that blasting will be done within 200, 300 feet of blasting, but Wethersfield officials said that it would be (inaudible) I think that the Conservation Commission said that (inaudible) would be removed, it's now clear that it will not be, all of this mixed information that we are getting I think we all find it hard to believe that Toll Brothers can guarantee that homes will not be affected by the blasting when (inaudible.) The report certainly contradicted the agency findings. The report states that the mountain is a resource, and that a mining operation might develop. BL did say several times that it was an even cut/fill ratio. There will be some very large boulders that can be used as fill. I seem to recall a figure of 80,000 cubic yards, is that realistic? If the trap rock is a habitat for many species, including the Peregrine falcon which nests nearby. The report recommends that the construction be done during the non-nesting season. CERT states that the mountain is the (inaudible).

Gail Bedrako, 21 Isabelle Terrace: The office of the Connecticut archeology strongly recommended a phase one survey of the area as already mentioned. The report says Cedar Mountain has a high potential of archeological resources including Native American encampments and colonial era. In Newington's advanced state of development it's important to protect any of our heritage and preserve any cultural significance. I trust you will heed this recommendation and call a professional to evaluate the properties potential of significant archeological items before any construction begins. Toll Brothers donation of 44 acres of open space is appreciated but it is not entirely a charitable donation. For Toll Brothers this development represents an investment (inaudible). Properties near dedicated open space are always desirable because they offer beauty, seclusion and high resale value. The prices of these new homes are going to reflect this. Toll Brothers and the new home owners will benefit while current residents in nearby neighborhoods are left unprotected, dealing with five years of heavy construction and blasting followed by post construction issues of traffic, displaced wildlife, foundation damage, drainage problems and a strain on all services. The cost of fixing these problems will rest on the backs of existing homeowners and tax payers. If there was a real and pressing need for these homes, then maybe then perhaps a case could be made for taking such drastic action and environmentally destructive steps. However there is no need for this development and there is no demand. A lot of the development (inaudible) can not be justified. If any of the assertions of Toll Brothers consultants and experts are wrong, or if the subcontractors prove negligent, the destruction will be irreversible. Once the site is gone, it cannot be replaced. Cedar Mountain is the overall character of our community. It is recognized in the 2020 Plan Vision statement which reads, Newington will protect it's environmental resources, particularly it's wetlands and Cedar Mountain. Residents of Newington have shared in an unique piece of land, with character and beauty, that has been a joy for generations. You need to think carefully about embarking on a irreversible process that would damage forever the appearance and character of the mountain. Thank you.

Jeff Downes, 27 Saw Mill Crossing, Wethersfield: I share all the sentiments of everything that has been said previously, I was on a web site for a couple of hours this afternoon, getting

some knowledge of who we are actually dealing with. There is a site called How Toll Brothers destroyed our Life. This is one man's personal story of one of many that I have read about them. They are being investigated by the Securities and Exchange Commission, they're accused.....

Chairman Pruet: Could you speak on the petition? We are not here to discuss that, if you have something on the petition....

Jeff Downes: I think this is pertinent, then you will know who you are dealing with.

Chairman Pruet: It's not pertinent to the petition.

Jeff Downes: Poor soil grading and contamination, now are we on the right case? Illegal immigrant workers and related crimes, imported substandard sheet rock, mold,...

Chairman Pruet: No, it's not pertinent

Jeff Downes: Violations of possible death due to asthma and mold.

Chairman Pruet: I'm sorry sir, this is not....

Jeff Downes: This is going to get you and the town, because you are going have to hire some real honest building inspectors because they have also been charged with bribery.

Chairman Pruet: Thank you, please sit down.

Jeff Downes: Deceptive advertising, intimidation, harassment and threats.

Chairman Pruet: Sir, you are not going to....

Jeff Downes: You want people like this?

Chairman Pruet: Sir, you have made your point and we are not going to discuss it further.

Jeff Downes: Sixty-one percent of the houses have defects. Who is going to guarantee the repairs from the blasting and who do we name as a plaintiff in an injunction relief. The only reason these people are representing a company is greed. Shame on you!

Chairman Pruet: I would like a sense of order on this, and speak on the petition, not on character issues, so we can continue in that vein.

Rose Lyons, 46 Elton Drive: I attended the Wethersfield Town Council meeting last week I believe it was, and on their web site, they had 139 pages of backup to what they were going to discuss at their town council meeting. I find at our town Council meeting and the Conservation Commission, I don't even see an agenda. I can get it off the web site, but it doesn't always tell me what is going to be presented. Tonight BL presented a lot of paper work to you, that the audience may have access to it, others may not. I think we could learn from our Wethersfield residents and their town meeting. Give us some background information on our web sites. I know that they did have blasting and drainage and safety concerns. I understand too that this is a very difficult decision to make regarding matters before you tonight and I want to thank you for your patience for listening to what each and every resident had to say, even at some times they were off point or impossible. I do not

agree with that, I think we should be respectful, as you have respected us, we should respect you. Although I do not know what the final vote is going to be, I can only imagine the struggle between your minds and your hearts. The majority of people assumed for many years that the mountain was owned by the town, and it isn't. You know what they say about people who assume things. I assumed that the town owned property behind my house on Elton Drive, which runs parallel to Main Street. I won't go through my problems once again with the MDC or the town, or anything else like that, regarding who is supposed to maintain the area behind my home. I talked to the MDC and they have given me explanations, the town has given me explanations, for work that was done twenty years ago. In my opinion, you will vote with your minds because you know what your responsibilities are according to the Connecticut General Statutes, I don't have to read them to you, you know what they are, however please listen to what is in your heart, when you see the site plan that will eventually come before you in the future. No one is to say that what is sitting here right now is what is going to show up here if the zone change is approved. Don't let Toll Brothers make their fortune and walk away from the town without being held responsible for what they will eventually do on the mountain. Please make sure that all the questions raised by this town and Wethersfield are answered completely to everyone's satisfaction. Let's learn from the other towns and states and don't make the same mistakes that other towns have made with Toll Brothers. Thank you.

Kevin Tomney, 21 Neil Drive: First up, I want to thank you people for your patience and listening to us. I would also like to thank the grass roots organization Save Cedar Mountain that has done phenomenal work with the research. Two weeks ago, when the traffic study was broached, I spoke over in the gymnasium and I said that I had serious concerns that there is nothing about pedestrian traffic. I'm going to bring that up again tonight and I seriously would like it on the record, especially since one gentleman brought it up earlier, if you change these retaining, you know, these wetlands, there's going to be water overflow, there's going to be stuff, there's going to be water, ice coming down East Cedar Street. There's no crosswalks, that is a virtue compound of 62 homes up there. My children are grown, they are young adults, but as these kids hit their teens, they venture out. There's no sidewalk system to get them out of there, I can't see how you can have a traffic study without figuring in that you are going to have pedestrian traffic coming in and out of that place, there's no crosswalks, there's no sidewalks, there's no sidewalk system to get them back, that mountain, Cedar Mountain back down to the center of town, the high school, Elizabeth Green, the middle school because there is busing and everything. We all know kids travel on their own. It's a right of passage for them. So I would like you to really consider that, keep that in the back of your heads, maybe reconsider your traffic study because in my heart, I don't want to pick up the Hartford Courant so morning and see, something happened, not good. I raised my kids here, they had great times in grammar school, Little League, middle school, Parks and Rec programs, it's a great place, and I see, if you build these homes you're going to have people wanting to come to them, but for the safety of their children, and even the parents. Parents go out, they ride their bikes, they run, where are they going to go? The Berlin Turnpike run? They are going to be going up and down East Cedar Street. I think part of that traffic study should include pedestrian traffic and crosswalks and safety issues. Thank you.

Maide Kinney, 53 Crestview Drive: One group that has not been thanked, people who have gotten up and spoke, spoke over these many meetings, many of whom were so far outside of their comfort zone, I really am very proud to be a part of that Newington population. Everyone who has spoken has raised significant issues, many that have been answered, some have not, they have spoken far more eloquently than I ever could, so I would like to leave you with two thoughts. One comes from the Girl Scout motto, you always leave a place

better than when you found it. The other is from the American Indian proverb, You do not endure the land for our ancestors, you borrow from our children. Thank you.
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Holly Harlow, 11 Edmond Street: I just wanted to present a hard copy of my remarks.

Bruce Winchell, 48 Tinsmith Crossing, Wethersfield: I'd like to enter into the record the letter that has been addressed and mentioned numerous times tonight. I'm going to read it. For all of those who have not read it yet, and I am really proud of my Town of Wethersfield for backing us residents who, actually some of us live about 300 feet away from where the blasting is proposed. We live just across the street from where all of the detention ponds are going to be established. That pump house that was originally down toward the bottom of the mountain is now going to be adjacent to Russell Road, the northeast section. Everything if you noticed, they pushed it all over right next to Russell Road, which is Newington property by the way, but I'm addressing this letter and thank you for your patience. "To the Town of Newington, Re: Newington Walk Development, Russell Road, Newington. Our Planning and Engineering staff has met with a representative of Toll Brothers and their engineer to discuss comments we raised in our letter dated May 25, 2011. The engineer provided a set of revised project plans dated July 27, 2011, and were advised that a revised traffic impact study and revised drainage computations were being presented to the Town of Newington this week. This memo is intended to share some of our thoughts and concerns regarding this application.

1. The Town of Wethersfield is very concerned over what we feel is an inadequate traffic impact analysis. The applicant's report fails to recognize nearby approved and potential/pending projects in the background analysis and routes a significant volume of project traffic down Arrow Road (a local Wethersfield street) rather than Russell Road. Just I will add that there is a custody and control of the Town of Wethersfield that they can close that road off at any time. This impacts the traffic, sight line at the driveway, etc., and we are concerned nonetheless that if an accident between the site access drive and Arrow Road could potentially block or inhibit our emergency response to Wethersfield development such as the Crossings, which contains dwelling units. The Town of Wethersfield needs to be an active partner in the review of traffic impacts here. The applicant should also not assume that Arrow Road will remain available as a "short cut" to the Berlin Turnpike, and as I'm sure you are all aware, it's like Russian Roulette trying to go northbound on Route 15 when people are coming out of the opposing road. You have to decide which one is going where. Imagine all of those cars that are coming down the road, but that isn't in this letter, but should plan for Russell Road to be the only access route to and from the proposed development. Wethersfield will be examining the carrying capacity of Arrow Road for through traffic.
2. Our residents have voiced their concern to both the Newington Planning and Zoning Commission and your Inland Wetlands Commission about blasting required at this project. On pages 10-13 of their letter to Mr. Meehan dated August 9, 2011 the applicant's engineer has agreed to certain blasting protocols and has stated: "The blasting contractor will also be required to adhere to the Towns of Newington and Wethersfield's Fire Marshal's office regarding any and all of their specific requirements." and we appreciate that commitment. We would request that the statements contained in pages 10-13 of the August 9, 2011 letter become a stipulation of approval, should your commission see fit. We would be willing to assist in the crafting of any conditions regarding this issue.
3. Our Town staff has not been furnished with copies of the CERT report, at the time of this letter I would add, and would appreciate an opportunity to review and comment on this information, along with revisions to the traffic and drainage reports which reflect the reduced lot configuration.
4. Regarding drainage, Wethersfield remains concerned about the maintenance and responsibility of the proposed retention basins and that the Homeowners Association, not

be felt almost entirely in Wethersfield. It would be our preference that Newington retains responsibility not the developer or future land owners so we can be assured their effectiveness is maintained. In the event that Homeowners Association maintenance of these basins is allowed, we would ask that approval motion stipulate that the applicant will require the submission of a detailed maintenance schedule; a reporting requirement to assure that the maintenance is performed when and as required; an easement to allow Newington to access the basins and perform the work in the event that the "Association does not do so; and a declaration authorizing the Town to assess the lot owners for any such expenses in order to replenish the bond or pay costs exceeding the bond.

5. We would ask that Newington consider a stipulation which adds a buffer or conservation easement area along the west street line of Russell Road to maintain an undisturbed tree buffer line between the street and the rear of these homes. We would also request that landscaping be required along the west side of the retention basins since those areas will surely be disturbed during construction of the basins and they should be screened from Russell Road. Please feel free to contact us to discuss these items in more detail. Very truly yours, The Town of Wethersfield"

I urge everyone here tonight to stay until the legal beagles and the paid consultants, and I don't see that one man who said emphatically that the blasting wouldn't affect the wetlands, is he here? No, he's not here. So, maybe what we can do is just be patient, stay here, don't go anywhere until we hear from them, because we do have the opportunity to rebut what they say, so please stay here. Thank you, God bless.

Chairman Pruettt: Any other comments from the public before we rebut?

Cecil Deschler, Constance Leigh Drive: I've lived in town for sixty years. You can quote all the statistics over and over again, I'm not here to hear statistics, I'm here to express my emotional feelings and feelings of Newington residents about keeping Cedar Mountain in perpetuity. We need to protect that icon. I would suggest and perhaps that you are well aware of it too, that we should start thinking in terms of raising money to buy this land so it will be part of Newington forever. Is that a possibility, I hope so. But we need to think about what the people of Wethersfield have said, what the people of Newington have said. They feel so strongly keeping this icon. It is nature's gift to us, let us keep it, let us protect it, and thank you ladies and gentlemen, you have been so energetic being here, meeting after meeting. Thank you one and all.

Scott McBride, 211 Beacon Street: A member of the Town Council, speaking for myself. I'm fighting a cold or something, so if you can't hear me, just please scream at me, I'll try to speak louder. I wanted to share a quick story, I'm not going to speak as eloquently as most people here spoke tonight, they have become sort of pseudo-experts on the subject. But, when I was in college, one day I came back, the old Hartford Drive In movie theater that I thought at the time was I was growing up was a hideous piece of town, to see the old sign and the big Hartford Drive In, right along the Berlin Turnpike, was nothing that we were very proud of. And then when I came back from college that was all wiped away and totally unbeknownst to me, there was going to be housing up there and then there was. Suddenly that drive-in spot was pretty appealing, and that is not to say that the houses there I think are ugly, it was a piece of Newington, it was nostalgia. I guess I kind of always thought, how could a drive-in not work on the Berlin Turnpike? The town's turnpike dates back to the McDonalds, the first McDonald's in the state, and there is a lot of nostalgia on the turnpike, it seemed like a nice fit for it. I remember that it kind of hurt me, the first time that I saw this town changing, and I thought, what the heck is going on here? Only because of my age, and

because I wasn't around and quite frankly probably wasn't interested at the time, but I was a little too late to hop on board and stop it. I can't help but see the significance and the similarities with this project, only this isn't an ugly rundown drive-in, this is a remarkable piece
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of land that signifies so much more to what Newington really is. You know if I felt that way about the drive-in, gee, you know suddenly this is a very, very big deal. Also, if I was in college and I missed that, I missed the drive-in and some of you have been to the drive-in and a lot of you grew up here in town, or at the very least spent the vast majority of your lives here in town, in fact, the first movie I saw there was Starwars. But, you know, I feel that I missed out on that, and it may not be a big deal, it was a drive-in, who cares? But what about the mountain, what about the wildlife, the scenery, and I can't help but think about the kids that are now in college, or in high school, or middle school, or that aren't even in this town yet, and the fact that they won't get to experience the mountain and all that it encompasses, and that's a real shame. To that, some of you have lived in town a really long time, and maybe the movie theater doesn't resonate with you, but I'm sure if you have lived here a long time you can think back to the farms, or maybe it's the little things, maybe your backyard was twice as big as it is now, and you thought that that backyard would always be that big, and then someone came in and realized it was private property, and they built on it. I'm sure, in some way shape or form, that story touches everybody, and I hope that the Commission takes that into account. I look across the table and I see a lot of people who have spent a lot of time in this town. If you are not a life long resident, then you spent the vast majority of your life here in town, and you have seen the change. It's not all for the worst, to be honest, most of us probably wouldn't be able to live here in town if it didn't change in some aspect. I think it was important to change from a small farming community to what it is now, and that's not all negative, but some people would say it's not positive either. I have three concerns with this project right now, I have more than that, but a lot of people have spoken on the other aspects of it. I just want to touch on three that I think really strike me. The first is the archeological significance of the mountain which until I read the CERT report today on line, I was frankly unaware, or ignorant of. I think that we have a responsibility to protect that area as an archeological site and to make sure that if there is something historical significance dealing with not just the town and the area, but the entire state, we have a duty to future generations to respect that and to do everything we can to try to preserve as much as we can. It could be a very powerful teaching tool for our future students as to how this town and this state became to be, I hope that's not lost in some of these larger issues that we are discussing. Number two would be the potential for Arrow Road to be closed, which is out of our jurisdiction. There's not anything we can do about that if Wethersfield decides to close that street. So much of the construction and the viability of this project depends on that road, that that is a major, major concern here, especially if the trap rock that they remove even unbeknownst to them, be more than they anticipate. Without Arrow Road, how do you get that rock out of there? You cannot take it down Cedar Street. Your only option is Arrow Road and going out to the Berlin Turnpike and then going north or south. Also, number three, my biggest concern, is the safety of Cedar Mountain. We talked a lot about the safety on Cedar Mountain with the traffic and pedestrians driving and things, but what about, if the development is built, what if, God forbid, there needs to be an emergency fire truck or ambulance going up Cedar Mountain say even in the winter, between three and six o'clock when there is a lot of traffic up there. I'm sure they are going to come up with a study that says, no, here are the numbers, it's perfectly safe, in my opinion, it failed the eyeball test. I look at it, I drive that mountain during those hours, I drive it in the winter, and I don't need numbers with all due respect, I don't need the numbers to tell me that it's not going to be safe, and I don't mean it to be defiant, I've driven it, you've driven it, I've seen it, I don't see how it can be safe, not just for the people on the road, but how about the families that are going to be living up there? How do you ensure their safety given the hazardous conditions that already exist on that street? I guess that wraps up my points. I want to thank

the Commission for all their hard work, thank you for the extra time, and thank you for your help.

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Gary Bolles, 28 Burdon Lane: Very sorry, I meant to give you a copy of the U.S. Army Corps of Engineers letter for your records, from which I read.

Chairman Pruet: Thank you.

Janet (inaudible) 372 Willard Avenue: I agree with what everyone has said previously. I just want to express my view. I think the facts are not always presented independently. I'm a fourth generation Newington person, my family is (inaudible). We have lived in the town for a very long time, we have arrowheads that we have picked up in the field, out on the farm where I lived. We have preserved the Eddy Farm, we have preserved the land on Church Street. I would hate to think that we were just going to become a city that is all pavement, brick and (inaudible) and eventually, maybe two or three generations maybe it will be a ghetto. I have seen the town do good development and very poor development. I have seen spot zoning that has been very (inaudible). I do not want to see Cedar Mountain destroyed. It is an ancient volcanic rim, it was part of what created the Town of Newington, and I would hate to see something destroyed that is so much of a part of our history, part of our ecology, part of our environment, part of our archeology history, all of that, you just destroyed another piece of Newington if you allow this. I strongly urge you to say no to Toll Brothers.

Rick Spring: We have a video presentation of Cedar Mountain.

Tom Regan: How is this going to be maintained for the record?

Chairman Pruet: I allowed it.

Rick Spring: We just want to bring the mountain.....

Tom Regan: I'm concerned, that's fine, but I'm concerned, it has to become part of the record for any judicial proceedings, so it has to be in its entirety complete and made part of the record. I want to put that on the record now.

Rick Spring: So anyway, the focus is on, we'll get you a copy of the CD. This is from the Save Cedar Mountain.....(inaudible) show the grade and slope and such. I'll let the video pretty much speak for itself, there will be some general lighting, and I will provide a copy of the CD. I'm going to put the microphone near the speakers just so that you can hear the wildlife sounds.

(Video playing)

Viola LaChance, 37 Goodale Drive: I don't want to keep people here any longer, but I just wanted to say, at the beginning of the program when they showed the plan on the screen, and the two lots that they took out, to save wetlands, what I saw did not strike me as wetlands, that wildlife would be in, with houses surrounding it, it's just an artificial looking type of, I don't know, but with that wall, the wildlife will, the pictures that they just showed, that's what wetlands look like, and I'm speaking from an emotional standpoint, but I did hear on the Channel 3 news when give information about the meeting, they had the environmental report and they said that this would destroy the wildlife on the mountain, and we have to preserve that, they are defenseless. It's up to us to preserve this. I hope you will consider that in your decision. Thank you.

Chairman Pruet: At this time we will have rebuttal by the applicant, five minutes.

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Tom Regan: Mr. Chair, I would ask for, if we could have a five minute recess to speak with my consultants and also ask if the Commission would give us additional time that we feel necessary. We have been very respectful of the public, we let the public speak with very little or no objection, at any point, to allow testimony that was not relevant to the regulations before this Commission, so I would ask the Commission to give us a little leeway on our rebuttal to do it completely and the five minute recess to organize it. Before I do that though I do just need to put on the record that at no point was access ever given to any private citizens by the property owners to go on the property, and it's very important for me to put that on the record. The record clearly stated who was on the property and who took the video, but I do need to make it clear, the property owner, nor Toll Brothers ever gave access to be on that property, so it is important for me to have that so stated on the record.

Chairman Pruet: Okay, we will have a five minute recess.

Tom Regan: Thank you Mr. Chairman Pruet, we would ask for a little latitude. I'd like to start off by, on behalf of Toll and my application, this has been a very long and arduous hearing, I understand that, we have submitted a lot of information. We are going to limit our rebuttal to issues that are pertinent to the application. By that I mean, issues that fall under either Section 6.8 of the regulations or Section 5.2.6. There has been a lot of testimony tonight about wetlands and inland wetlands and Army Corps, and none of that is relevant to the jurisdiction of this Commission, so we are not going to waste the Commission's time by rebutting that. We will rebut to the issues that are of importance to the two sections of the regulations that guide you on this application, and with that I ask Ray Gradwell to start our rebuttal.

Ray Gradwell: Once again, Ray Gradwell with BL Companies of Meriden, Connecticut. Thank you very much Mr. Chair and Commissioners. I'm a chair of a commission in Meriden, I sympathize with your (inaudible) here and with the audience also. A couple questions from the members of the public here, that I will clarify with respect to easements and the maintenance of the detention ponds. The easements are shown on the plans for making provisions so if you have the RF series from 0 to RF6, the maintenance easements are shown on those plans. With respect to excavations, and cuts and fills on the project site, we estimate this site to be a nearly balanced site, meaning the cuts are equal to the fills on the project site, and those (inaudible) would be nearly eight to nine thousand cubic yards. With that portion 50,000 would be estimated would be rock excavation and we would reuse that rock on the project site. We're not going to mine it and move it off site, we will use it on the project site. It's more valuable on the project site. With respect to, continuing on cuts and fills and excavation on the project site, approximately twenty homes will be cut, approximately twenty homes would be at grade, where it is today and approximately twenty homes would be at fill, so that is kind of a balanced scenario we're proposing here at the project site to minimize excavation on the site, minimize the amount of earth work on the site, minimize the amount of (inaudible) on the site. Another question and comment from the public with respect to sidewalks, we're proposing sidewalks and crosswalks on the project site on all roads. The lastly, or second to last, with respect to blasting, it's a five year project, we envision the build out of the roads and homes will be five years, but blasting and the excavation would be up front. There wouldn't be a five year blasting plan, the blasting plan would take maybe three to six months. We would do it up front, do it all at the same time, it's more beneficial to do it that way, mobilize once, get it done in one fell swoop. And then going to the video we just witnessed and saw, some of the views of the vista, we are preserving

those views. Those views will remain in open space. The Old Highway, once again will be preserved in open space, it's not part of our project, it's not part of our roads. It's not part of our development. Central wetlands, once again, that central wetland will be preserved. The

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(inaudible) will be preserved, as well as all of those items shown on that video in terms of the public here, will be preserved. Those 44 acres are all open space, that we are proposing here, the vista view and the Old Highway. And lastly I would like to submit for the record, we believe that the traffic study appendix was included in the submission. We have a copy here for the record. This technical information was summarized in the written text of that traffic report.

John Mancini: Thank you Ray. For the record, John Mancini, principle of BL Companies. This year we are celebrating our twenty-fifth anniversary of the company. I sat here tonight and I heard some of the commentary questioning the integrity of our work and perhaps why we do it. We do work as engineers because we are trying to support and enhance the science that we learned and apply it to each project on an individual case by case basis. I do not do a project because I'd being paid by some person to tell me to conclude, or make my conclusions in a way that may not match the science, so as it relates to the traffic study, comment number one, in the Wethersfield comments today, said that we hadn't put in background traffic and it was inadequate. When we called the Town Engineer this afternoon a half hour after we got the comment on the day of this meeting, we explained to him that in the background traffic for our study, it did include the traffic for the Shoppes at Cedar at the corner of Russell and Cedar Mountain. So, we did have the background traffic, they didn't see it in there, but it was in there. So, this idea that it was an inadequate, it would be, had we not included that traffic. Now, there was a gentleman that got up here, and poked holes in five elements of the traffic study. We did our counts exactly in accordance with the way that we are supposed to do our counts. We are for the tenth year running one of only two (inaudible) traffic consultant in the State of Connecticut. We work on studies like this all of the time. The counts were done during the right time of day, and the right time for this to be acceptable traffic counts approved by the DOT. We use the correct land use category, that was number two. We had this idea that the hypotenuse of where the traffic was going, okay, the initial background traffic dated and collected starts to inform you on where the existing traffic is going as a baseline. We then make some projections over it, we submitted an addendum because staff comment indicated that they felt that a greater percentage should come down Russell and we changed it from twenty to forty percent. There is this issue of delays at the intersection, and that is items one, two, and three are different or flawed or they didn't learn from the material that the delays would be there. I just told you that items one, two and three are in fact, correct. Then there was the issue of, in the analysis missing backup or something, I didn't quite understand this item, but I just want to reiterate that we have done a traffic study that is in accordance to what is required of us to do. Lastly, we submitted a memo, one of the Commission members asked the question of what happens to potential redevelopment of the hospital property. The DPW currently controls and operates that business. As we said in the memo, there's approximately 78,000 square feet of that building that is currently being used by the Division of Special Revenue. Hypothetically, there is another 50,000 square feet in that building that became some other entity office, the bottom line is the DPW is no different than we as an applicant. They would have to go to the State Traffic Commission, and they would have to get a certificate for that work. When we do a parking garage for the State University system on some campus, they have to go to the STC for a permit, so this analysis that you can see in the future, of the use of that, would come back before the town in the form of a STC review by the State of Connecticut. With that, I'm going to turn it over to Mr. Regan to wrap up things for us. I do want to thank you for your patience and your time. You do have a lot of material in front of you, but it's very important to understand what we do, we take very seriously. Thank you.

Tom Regan: Thanks John. In summary, the application before you is for a property that is zoned R-20. We have heard a great deal of testimony here this evening about your 2020 Plan of Development which I know and the Commission knows that you spent a painstaking Newington TPZ Commission

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amount of time on it. That property was identified as an R-20 property in the Plan of Development. The development that we are proposing is a residential, single family residential development consistent with that land use, and has a right to be developed for single family homes. We have brought in an application under Section 6.8 of your zoning regulations for an open space subdivision. The reason being we feel it is a better application for this property because it allows for a significant dedication of open space. Having said that, your regulations call for your application in Section 6.8 and Section 5.2.6 and any approval of our application and I believe the record that we have established over these six hearings, or five hearings, clearly demonstrates that each of the technical requirements of those two sections are met. In regards to Section 6.1 the calculation required for the density of, if this is an R-20 at 62 lots we are well within the parameters of that, and that has been put on the record. At 44 acres, we well exceed the five acre requirement for open space dedication under the open space subdivision plan. The 44 acres will be dedicated in accordance with Section 6.4 and Section 6.5 as the Commission required, and each of the lots are designed for the R-12 zone. This section also requires that we comply with Section 5.2 of the zoning regs which is the special permit section. If you look at the special permit section, the proposed use is residential which is consistent with the zoning, underlying zoning for the property. It is characteristic of the residential properties around it. The size and location of the homes is consistent with your requirements for a residential subdivision. Traffic circulation and traffic pattern and traffic streets are designed to town regulations and with regard to traffic, I do want to point out that there has been a great deal of testimony on traffic. I stand behind John and Ray and their work. I have worked with BL for many years and John is not understating their expertise in traffic, but more importantly I think it is important for this Commission to realize, what we are talking about here is the incremental traffic use between an open space subdivision, and as of right R-20 subdivision. Either way, you are going to have homes that are going to be in there. We believe the traffic impact is the same but this allows us to do it with dedicating the open space to the town, and as many of the residents have pointed out, that the dedication is not truly a dedication. Well, it is, because it is going to be dedicated to the town in perpetuity. If this were a straight R-20 subdivision, there would be no requirement to do that, and Balf could retain the 44 acres as part of its adjoining property. We have established on the record the utilities necessary, there's public water, public sewer, there is sufficient storm water, that's all part of the record. We have provided the landscape buffer to go through the application of the zoning regulations and through our addressing Mr. Meehan's comments have addressed adequate buffers, made sure that the property is buffered, and we made sure we have safeguarded it from adjacent neighborhoods. Our site plan, both in its application and in our response to Mr. Meehan's additional comments complies with the regulations. In short, we believe that this application before you meets the requirements of both Section 6.8 and Section 5.2.6 and as such should be approved. We believe it is the best use of this property, far better application for this property than a conventional subdivision of R-20 lots, and no requirements for open space. I want to thank this Commission for it's time and patience, you've been very gracious to me and my team and I really appreciate that. You have a very difficult decision in front of you, I understand that, and thank you very much.

Chairman Pruet: Thank you. All right, we have rebuttal for the opposition. Anyone wishing to come forward and speak.

Bernard Cohen: John! I want to ask you some questions.

Chairman Pruet: Would you address the Commission here sir?

Bernard Cohen: But I want to rebut what he said. I don't know what his answers are. I was wondering if he ever did a study for what he, a specialist on mountains. How many
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mountains has he done a specialist on, and can he name? Also, there were many people speaking here, today that gave reasons why they could not develop Cedar Mountain, and it's been going on for a long time as you know. There are issues and concerns and at every meeting, like today, we have issues and concerns. Complete issues, complete concerns. And Toll Brothers at the next meeting has the answer to them. This has been going on and on and on. But it's your decision to find out what would happen if they didn't change after we made our talks and issues. Thank you.

Stanely Sobieski, 26 Deepwood Drive: Hi, first of all, with regard to the traffic okay? Cedarcrest Hospital is a state entity. The State of Connecticut as long as it does not add new buildings, can do what they want up there. This gentleman referred to putting a parking garage up, that's a brand new thing from scratch. Yes, it does go before the STC. The State has moved different units up there for the last ten years, DSS is one of them, they've moved Revenue Services up there, they didn't come before this Commission and ask them because they kept it within the bounds. Now as far as DPW, DPW as far as I know I could be wrong, was wiped out and is now part of DAS. That was recently under Governor Malloy. As far as again, my issue, my quality of life where I live, at the base of the mountain is going to be affected. My quality of life, along with everybody else's quality of life in the Town of Newington in that area, and along with Wethersfield. These people, and as the Attorney said, you know, yes it probably does fit certain criteria, but we as the residents of Newington are voicing our opinion, we do not wish to have this developed, nor do I like the idea of what this gentleman just said, that 44 acres could remain with Balf. That sounds like a threat to me, maybe I'm wrong, not a threat, I should rephrase that, a suggestion. I don't like that, I don't like being told, first of all we are dealing with all of the property, then we are dealing with this, there are subsections. I really think what needs to be done here is this Commission needs to do some serious research and we also need to find out what the State is going to do with regard to Cedarcrest. They don't know what they are going to do with it right now. Yes, I do know that BL does work for the Department of Transportation, as I said before, I did retire from DOT, I have seen their stuff, okay. I don't believe this study is accurate as far as Russell Road goes, I did supply this committee a long time ago with the Town of Wethersfield, DOT's traffic count. Those are done in a twenty-four hour period. The counts that you have are done hourly. So you can see the volume build from zero up, and zero back down. From a high point back down. That is the concern, it should be the concern of this Commission. This should be rejected on several issues. The traffic, the safety, and quality of life that is going to impact the residents of both towns. There is nobody in this room that is going to be able to tell me any differently than when they set a blast off in five years, I'm not going to have a fracture in my basement, no matter how good they are. People make mistakes, I've seen it happen before and I'm sure other people have. This to me is, I want, if this passes, I want some kind of guarantee from these people, if something happens I want to be able to get my attorney or the town attorney, and go after them for damages. That's what everybody is concerned about here. I know people were (inaudible) when they first came up. Balf was blasting, he has a controlled blast, and you know what, they didn't care, they just kept blasting. My wife used to work up at Cedarcrest, they used to give them a five minute warning so everybody knew when that blast was going off. Now you have to kind of think about that. If the state made them do that, what else is going to happen with these people going in? Thank you for your time.

Gayle Raducha: I have some comments, but I will just focus on one, and this is to Mr. Regan's comment regarding going on the mountain and filming. Since I don't see a Balf or

Tilcon representative here, denying us access to the mountain, until God forbid, Toll Brothers purchases this land, it is really none of their concern who uses the mountain to enjoy it, for everything it has to offer.

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Mike Mowchun: I've been a project manager for twenty years, I've seen a lot of project plans from all different trades and everything else, but I've never seen a plan, a project like this with no risk mitigation which I think you really need. (Inaudible.) Thank you.

Bruce Winchell, 48 Tinsmith Crossing, Wethersfield: Concerning the rebuttals here by the petitioners, I heard a lot of maybe, maybe, we believe, may, or may not match, table counts, who's acceptable, did not understand, they feel it's better, incremental, they believe. As Stanely came up here and basically blown holes through Mr. BL's statements. also am concerned, I've been at ninety-eight percent of the meeting of the Conservation Commission meetings, these Town Planning and Zoning, the Town Council meetings, I see people who have been sitting in some of these Commissions that are leaving town, that won't be here after this five year mess is continued, so, you know, I urge you to, that if you are not going to be here, that you will take that into consideration. Consider what the citizens of the town want, not what your own special interest might be, and I might not be grounded on all that, but also I believe the Conservation Commission Chairperson, Mr. Pappas is stepping down, and I did hear from certain Commissioners and I will protect that, but I've heard different statements made concerning the possibility that, you know, if we get these guys, you know, a smaller footprint, that you know, it will keep it small, so that indicates to me that maybe it's already a decided fact that might already be approved. I don't know who is in bed with who, and I don't politically, you know, sometimes certain parties receive certain monies, so I'm not grounded as far as that is concerned, but I do take that into consideration, and also take into consideration that Wethersfield is keeping a real close watch on you, and we do have control of Russell Road, not Russell Road, Arrow Road. (inaudible)

Ed Meehan: Mr. Chairman, are you going to close this Petition tonight.

Chairman Pruet: I'm sorry, yes, with the sixty-five day limitation, the public portion of this petition is closed.

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

Rose Lyons, 46 Elton Drive: Just a round of applause for the TPZ Commission for letting the public go past their three minutes including a Councilor or two that have been in attendance this evening. The Town Council voted not to give the public any extra time to speak, but I think now we know who needs more than three minutes. Thank you.

Commissioner Pane: Mr. Chairman, if I could, while some of the people are still here, and the applicant is here, I see a little confusion out there with the public concerning the difference between a R-20 straight and open space. I was wondering if we could have the Town Planner explain the difference between the two developments for the record and state for the record that this property has a right to build at least R-20 on the property. Maybe the Town Planner could explain that, thank you.

Ed Meehan: The record is closed, the record was closed five minutes ago. I really shouldn't talk about it right now, I mean, we have sixty-five days to talk about it.

Chairman Pruet: Okay, thank you. Anyone else from the public wishing to speak?

IV. **MINUTES**

Commissioner Anest moved to accept the minutes of the August 10, 2011 Regular Meeting. The motion was seconded by Commissioner Hall.

Commissioner Hall: I want to congratulate Norine because it was a horrendous situation to try to record those minutes. Thank you for a job, a very good record.

Chairman Pruet: Very well said.

The vote was in favor of the motion, with six voting YES and one abstention (Camerota).

V. COMMUNICATIONS AND REPORTS

Ed Meehan: Not at this point, I'll have it later in the meeting.

VI. NEW BUSINESS

- A. PETITION 25-11 – 1095 Main Street, New Center Corp. 1095 Main Street owner, Farmington Bank applicant represented by Dale Bertoldi, Tecton Architects, Inc. One Hartford Square West, Hartford, CT 06106, bank use with drive-up window-service B-TC Zone District request for Site Plan Development and Section 3.12A Town Center Village Overlay District.**

Chairman Pruet: Is the petitioner here?

Jim Hague: Do we need to get this on video, or is this for your review.

Chairman Pruet: Maybe you could angle it a little bit more, and you can use that microphone. State your name for the record please?

Jim Hague: I am Jim Hague, I'm senior project manager for Tecton Architects.

Inaudible: My name is (inaudible) professional design, I'm the (inaudible) for the project.

Jim Hague: We'll be bouncing back and forth to address the issues. The request here is for the existing location, Dunkin Donuts is right here, and behind it is the repair garage on Main Street. The Farmington Bank is looking to tear down half, the parking garage in back of the site and the dry cleaners will create a new branch bank facility and leaving Dunkin Donuts there in operation, and incorporating that into the new design. We are looking for site plan approval and (inaudible) will address the specifics on architectural aspects.

Inaudible: Part of the existing building will be demolished, the part which housed the dry cleaners and behind and the part that is occupied by Dunkin Donuts will be refurbished. The new building will occupy a smaller footprint than the existing buildings, and what we are proposing to do is also change the configuration of the traffic flow, and the parking arrangement outside, and this is looking from the Main Street as well as the west side of the property, to the adjacent property. What we are proposing to do is maintain one way traffic access Main Street adjacent to Dunkin Donuts and then allow exit one way back onto the Main Street on the north side. The existing (inaudible) driveway on the south side by Dunkin Donuts which works right now as a two way driveway, is going to be one way, only allowing

traffic to go east to west, and then we will maintain an exit to Garfield exit and back to the town. We do have because of the parking arrangement, we will allow two way traffic just in the areas where we have parking along the west side of the property and on the south side of the property. The bank is going to operate with the ATM (inaudible) and therefore they will

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circulate the traffic on the side. We are proposing, we are required new water service to the building and also securing new sanitary sewer disposal to the (inaudible) system. The rest of the area will remain the same, as existing. We are proposing to remove portions of the existing pavement, and remove the existing garage located at this point. The garage will be removed and the future proposal is to construct a small shed that will serve the property and the adjacent church property. We recognize the process of design (inaudible) drainage on site, and there is very little opportunity on site so what we are proposing to do is take approximately one third of the site, the site is approximately one acre in size, one third of that area into a design infiltration system (inaudible) the roof drains, and as I said, one third of the site is going to be directed by the lay of the land into that location. Also, beside being the drainage (inaudible) we are proposing to provide landscaping and (inaudible.) We are providing twenty-four parking spaces, because this property is in part parking for the adjacent church property. The parking is during off hours for Sunday services used by the church goers. That's it, in a nutshell.

Jim Hague: We will have a slight reduction in the storm water generated by the site simply because we are removing about 2,000 square feet of impervious surface as a result of this project so that will be removed into a grassy area. Therefore the Storm water will go into the ground, so that will cause the reduction of the site.

Just real quick, in terms of the finishes, after a discussion with Ed, we would be using, incorporating the brick that is already on the Dunkin Donuts portion, so we would be trying to match that as close as possible with today's materials, and extending it around all four sides. The facility would change the shape, it's a small (inaudible) on this end, so we have added and increased the shape. This is part of the Farmington Bank marketing, the Farmington Bank marketing strategy, how they maintain all of their facilities similar. The finishes the outside as we said would be brick, the siding which is the light gray is the seamless (inaudible) siding, looks like (inaudible) the roof is, we would have the architectural gray, prefab, shadowed asphalt shingles and we do have a section where we put the canopy, drive through canopy here on the front, and the canopy we use the same seamless roof, so this is all elements that we have used for the bank before.

Chairman Pruet: Thank you. Staff comments?

Ed Meehan: Thank you. Behind the Commission members, all these plans have been submitted, I didn't have room to put them out, a full set of plans. The town engineer and I have met with the applicant three or four times over the last couple of months, on this project. It's a very thorough project in it's design. It resolves a lot of the existing functional problems of this property now. The drainage, this has about one hundred percent impervious surface, so removing the pavement, we are moving in the right direction. The storm water drainage, it solves the traffic problems, there are two curb cuts on Main Street without any real control, one of them very close to the traffic light, so the exiting traffic will be away from that, there are cross easements with OFI so the traffic can go back toward Garfield Street, well back from the stop sign on Garfield Street. Parking is adequate, 24 spaces meets the requirement. There is adequate space for snow storage on this site, I think all of the details have been addressed, we have asked the applicant to consider some decorative lights on Main Street continuing our theme of lighting that TD Bank North has across the street, so we want to tie that in to the brick pavers. The architecture is coming in to you from the Village Design District. All the utilities will be screened, and the building theme is contiguous with what Dunkin Donuts looks like today. The only thing I think are a couple of details that the

Town Engineer and I will need to bring this back to you for a recommended approval, one being the (inaudible) and that's pretty much it. I think this is a great project, the existing situation with the auto use there really overburdens that site, the property owner does have pollution issues that they have to address so this property reuse takes care of that, so I think it's a good use

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for the center, and it complements the religious use next door, which as said, can be shared on week-ends, so very happy to see this project come in.

Chairman Pruet: Thank you for your comments. Commissioner comments?

Commissioner Aieta: (inaudible) the sign?

Jim Hague: No, we have not, we wanted to get through this process. The bank has a vendor that handles the signage.

Commissioner Aieta: Do you have an idea?

Jim Hague: They do show a location for a ground sign, just an ground sign, the architect always shows, (inaudible)

Chairman Pruet: You mentioned about possible environmental concerns. Have you done anything about that, it's a gas station, right?

Jim Hague: For a long time. The owner of the property, which is the Church is handling that through a separate contract. We are not involved directly in that, they are handling it through a separate remediation company. The coordination will have to come between us, when they start tearing that place down, and letting us to get in and do our work, and the demolition portion that they have to take out.

Architect: But we are coordinating and we will have the information that originally, the study done and the tests performed on site, to identify the location and the concentration of the contaminates and we understand that the site will be clean before our work.

Commissioner Anest: (Inaudible) No microphone.

Jim Hague: Everything is going to be signed and there will be pavement markings to direct the traffic, the signing is already incorporated into the design. It shows the direction subject to the plan showing the pavement markings, the arrows, the sign directing people, (inaudible) It is within the package if you look at it, so you can see that the entrance is here, the sign shows one way, and at the exit, do not enter. When you look at the package in there, there is a sheet that shows, and we give graphic symbols of the signs that goes there.

Architect: And again, this is one way, per our markings, and then we will have the traffic moving, the stop signs, there is a sign directing traffic only this way, and then again. (Inaudible.)

Ed Meehan: The design of the parking in the front will be at an angle, that will cause people to go out the north driveway.

Architect: The driveway around here, is behind the...coming off Main Street and running down the side, we do have a stop sign here, we do have a drive though lane and a by-pass lane, and then we come back out, and then it directs you down to the exit.

Chairman Pruet: Is this going to be the new paved driveway coming out?

Jim Hague: This is through the Office segment. This drive through and the ATM and the bank service is very much like TD Bank.

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Architect: Actually this is a (inaudible) the driveway has been relocated, right now.

Commissioner Anest: Inaudible (No microphone)

Architect: We will have the drive up window, and the building and the bypass.

Chairman Pruet: Further Commissioner comments on this?

Commissioner Pane: Could we get some samples of the material that is going to be used, for the next meeting and Ed, are we going to be in our regular room for the next meeting?

Ed Meehan: No, we have this until the end of October.

Architect: We do have samples, and we can leave those.

Commissioner Pane: Architectural shingles?

Jim Hague: Yes. We can get you a larger sample. It has a visual texture.

Chairman Pruet: Further Commissioner comments? Okay.

VII. OLD BUSINESS

Petition 24-11 1300 Main Street Liberty Bank Sign

Commissioner Hall moved that Petition 24-11 – 1300 Main Street, Liberty Bank, Newington Professional Center LLC owner, National Sign Corporation 780 Four Rod Road Berlin, CT 06037 attention Darcy Roy applicant, request for Special Exception Ground Sign Section 6.2.4, B-BT Zone District be approved. This approval is based on the design plans prepared by National Sign Corporation 780 Four Rod Road, Berlin, CT dated 3/24/11 showing a 12 foot high ground sign (total height) with a 2 ½ foot high brick planter base with the notation "Lighting to be provided by dimmable LED fixtures to control light output. Light output from sign face to be less than 1 FC measured at 48" from face."

The Commission reserves the right to require Liberty Bank to reduce the intensity of both the pylon and wall sign lighting if it determines this to be a nuisance to adjacent residential neighbors.

The motion was seconded by Commissioner Camerota.

Chairman Pruet: Any comments from Commissioners?

Commissioner Anest: (Inaudible, no microphone)

Ed Meehan: I have had conversations with the sign company, I will have conversations with the property owner.

Commissioner Pane: Mr. Chairman, I have been by the property and the lighting on the side by the residence is very bright, and I think that the three lights that are on the side of the building should not be adjacent to the property owner. The landscaping is not the same that was proposed to us, and I also feel that the sign that they are proposing, the twelve foot sign, Newington TPZ Commission

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should be a lower sign, I think it's just too big, and not appropriate for adjacent to the neighborhood. I think that the Commission should look at that very carefully. Thank you.

Ed Meehan: Well I think, speaking of signage, it complies with your regulations, but this is a special exception and since it is in the town center design district, there is quite a bit of clear area between the top of the planter and the bottom of the sign, so if you wanted to discuss a monument sign rather than a pylon sign, to bring it down, since it is in the town center, it is within your purview because of the town center design guidelines. It should be something

that the applicant is aware of, that I will share with the applicant. We could have it so that the top of it sits almost on the planter.

Commissioner Pane: Or eliminate the planter altogether and just have a traditional monument sign.

Chairman Pruet: Should we resubmit the motion, next meeting....

Ed Meehan: You could amend the motion, we could direct how you feel it should be designed, and if you have the votes, you can approve it that way, and communicate to the applicant.

Commissioner Aieta: I think it is more appropriate that we have them resubmit to this Commission so we can see a different type of sign. It's up to the applicant to do that. Take our recommendation, come back with a new design. It's not up to this Commission to design. I have a problem with designing and making motions, we should give direction to the applicant that the Commission wishes a redesign, that is the wish of the Commission. I think if it's a monument sign, it should be told that that is what we are looking for, and in the design district, we have all the rights to ask for, and let them come back with a new application and a new sign.

Chairman Pruet: We can deny this motion and so inform the applicant.

Commissioner Pane: Or we can withdraw it.

Commissioner Hall: I agree and along with this, depending on where this is going to be, on the property, what's the line of vision. Is it going to be north, south, east, west. I think I remember that as you come down Main it's going to be east/west so that you see Liberty Bank right there.

Commissioner Aieta: It's a two sided sign.

Commissioner Hall: It's a two sided sign.

Commissioner Aieta: It's north and south.

Commissioner Hall: You see it from north and south, but it is east to west, and again, that is going to depend on the height because you want to make sure that it doesn't block anything. I think part of the reason that they did the twelve, is so that we had a space in between, so as

you drive down you can see, so I would like to know where it is on the plot, and I agree, it should be lower. I think twelve is too high. I will withdraw the motion that I made on Petition 24-11.

The second was withdrawn by Commissioner Camerota.
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Chairman Pruet: Okay, it is the will of the Commission that we want the applicant to resubmit.

VIII. **PETITIONS FOR SCHEDULING** (TPZ September 14, 2011 and September 27, 2011.)

- A. PETITION 27-11 – Hayes Kaufman Newington Associates, LLC applicant, represented by Attorney Mark S. Shipman 20 Batterson Park Road, Farmington, CT 06032 request for Zoning Regulations amendment Section 3.11.,7 to permit by Special Exception approval “Fueling Station.” Schedule for public hearing September 14, 2011.
- B. Balf Company Quarry 2011 Site Plan Update and 2011 to 2013 Statement of Operations. Schedule for presentation September 14, 2011.

Ed Meehan: Right now there is the zone change petition and I’m waiting to hear back from the two regional planning agencies, we should get their report before the first week in September. Do you want to schedule it for that night, or do you want to carry it further. Don’t forget, you will be starting discussions on Toll Brothers application, the second review of Farmington Bank and this petition for Liberty Bank. There is nothing else that I know of.

Chairman Pruet: We aren’t going to be able to do anything on the Toll Brothers because the Conservation Commission meets after we met?

Ed Meehan: They meet the third Tuesday, so that would be the 19th, is it? You can start a conversation, you have a lot to talk about. But you are right, you can’t vote until you get the report.

Chairman Pruet: So what do you want to do with the schedule?

Commissioner Hall: About that petition?

Chairman Pruet: Yes.

Commissioner Hall: Is that Fenn Road?

Ed Meehan: Well, it’s a generic amendment to the regulations, but it certainly would affect sites such as Fenn Road or any large site for commercial developments.

Ed Meehan: Leave it on the 14th? Okay.

Chairman Pruet: Anything else Ed?

Ed Meehan: The update on the Balf Quarry, should probably take about fifteen minutes.

IX. REMARKS BY COMMISSIONERS

Commissioner Aieta: The people come and they talk, they talk, and as soon as their influence is done, and even if they talk, they get up and leave, they never stay to listen to what our comments are. I hope the public comes during our deliberations and hears what we have to say, and how we discuss, I just can't believe that they want to say what they want to

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say and they don't want to hear what we have to say, or what our input is. Hopefully they will come to future meetings and listen to how we deliberate.

X. STAFF REPORT

Ed Meehan: What I wanted to alert you to is that we were served notice today on an appeal by Hayes Properties Newington LLC (inaudible) the Commission's approval of the package store for the Berlin Turnpike site, giving various reasons why they didn't think it was an appropriate approval. I'll keep you informed.

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

None

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: It's been a long haul, it's hard to sit here when the comments get personal, the remarks, and hearing the same thing, we'll do what we have to do in a professional manner with the regulation guidelines. We did have a lot of positive remarks and there was a lot of hard work in this, and we all take a lot of pride in this Commission and serving it

XIII. ADJOURNMENT

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Turco. The meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary