

NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 25, 2010

Regular Meeting

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

**I. ROLL CALL**

Commissioners Present

Commissioner Camerota  
Commissioner Hall  
Commissioner Pane  
Chairman Pruet  
Commissioner Schatz  
Commissioner Aieta  
Commissioner Carragher  
Commissioner Lenares

Commissioners Absent

Commissioner Anest  
Commissioner Casasanta

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Anest and Commissioner Aieta seated for Commissioner Casasanta.

Chairman Pruet: We are now into the public hearing portion of our agenda, and after the petition is read, would the petitioner please step forward to the podium, state their name and address for the record.

**II. PUBLIC HEARINGS**

**A. PETITION 31-10 – 3310 Berlin Turnpike Peter R. Knaus 150 Production Court New Britain, CT 06051 applicant MKU, LLC property owner request for Special Exception Section 3.15.6 place of recreation and assembly for 6200 square foot fitness facility, PD Zone District.**

Chairman Pruet: Is the petitioner here? Would you head for the area up here and state your name and address for the record and we will hear from you. Good evening.

Peter Knaus: Good evening, my name is Peter Knaus, Knaus Building Company and I am here on behalf of MKU partnership, which is the owner of 3310 Berlin Turnpike in Newington. I'm sure most of you are familiar with the building. It was built in the mid eighties, the former headquarters of EPPCO, a two story building, used to supply pipe products in the Budney Road Industrial Park and it was also a bit infamous for the fire, which I'm sure most of you know about too. We have been rebuilding the building and placing some new tenants into the building. The application that you have in front of you is for a tenant, there are no

changes to the outside of the building in terms of parking, lighting, etc., etc., it's basically, we're here because we are required for the use, a special exception. As far as I know the zoning is allowed, except for the special exception has to happen. We have a gym that is proposing to move in called Anytime Fitness. They are currently located in the Home Depot plaza in Berlin and so they have an existing operation which you can certainly go by and see. As well, I have one of the two owners here, Itis, here to field questions if you need. The space is approximately 6200 square feet, and it's a low occupancy gym, and their niche, if you will, is that they provide twenty-four hour service to their patrons, so if you work off hours and you want to visit your gym in off hours, you have a key fob to gain access and you can work out without necessarily anyone there from the staff. Itis, you can answer better, but I believe that it is staffed in typical fitness hours, or probably early in the morning, but let's say seven AM to six PM there is staffing, and part of the day on Saturday, but other than that, I don't believe that it is. They do occasional classes and so on, but if you look at the floor plan that you have in front of you, you can see the occupancy is not a lot, there's, judging by the bathrooms required, etc., etc., they are single use bathrooms, one shower stall for the men, one for the women. Typically their occupancy can go from two, three, four, five, maybe up to ten at some of the busier times, and perhaps as many as twenty, which would be as many as twenty cars. We have parking, over twenty right there in front, and we have of course the balance of the building and the stairs on the east side and get to the upper parking lot. So I think it will fit nicely with the building, and we're glad to be bringing these folks in, and we are a non-Newington business at the present. By the way, I don't think that I mentioned that this is a franchise, Anytime Fitness are essentially all over the country but again, Itis can answer that question better. Let me just open it up to questions at this point. Thank you.

Chairman Pruet: Okay. Before I hand it over to the Town Planner for his remarks, you mentioned that it wouldn't be staffed, four o'clock, five o'clock there might be nobody there, it would be just an individual person coming in? There would be nobody there except just the one person coming in?

Peter Knaus: If there was, during the times that there are no staff members, and if you were a member there, you would have a key fob that would let you in, and you could work out, on your own, without a staff member there.

Chairman Pruet: I was just wondering about the safety.....

Peter Knaus: Yeah, I would defer that question to Itis, so whenever you choose, if you want to bring him up here.

Chairman Pruet: Okay, Ed, staff concerns, comments?

Ed Meehan: This is before you because it is a change of use, and a place of assembly and recreation like this does require a special exception because they some times have extraordinary parking requirements. This is a small use, 6200 square feet, and looking at the floor plan the actual, I'll call it, work out stations, when you net out the mechanical rooms, the offices and the restrooms probably 4500, so I don't believe this could generate a high demand or a high turnover. I would be interested to hear from the franchisee what their experience is at peak hours as far as member usage, how that might affect the fifty-seven parking spaces, I think that is really the only question. The adjacent property is Global Granite, a new business in town, and this area has been recently upgraded with the parking area, and the entrance into Global Granite. I talked to Mr. Knaus on the phone today, if those upper spaces are going to be available I would expect members would probably use those during the day time, and not want to park up there during off hours. I just want to make certain that the stairwell down to the location is okay, but I think it is a use that given it's

location down the lower side of this building, would not be in conflict with the adjacent Global Granite property which is displaying, warehousing and contractor call areas. I think it works out okay at this location.

Chairman Pruet: We have the proposed owner, here, if you would come forward sir, just give us your name and address for the record, we have a few questions, maybe you could inform us.

Itis Gadasus: Good evening my name is Itis Gadasus and I am currently residing at 28 Cherry Drive in Berlin, Connecticut. I am one of the owners of Anytime Fitness in Berlin.

Chairman Pruet: The question that I posed to Mr. Knaus was, someone comes in at three o'clock in the morning, there is no staff there, and I'm the only person there, and I get injured, how do you handle a safety concern?

Itis Gadasus: It is a big franchise by the way, it's, there's about 1300 locations in the United States and it's actually based on being open 24/7, so it's convenient. For security, we have cameras through out the whole facility recording 24/7. There are emergency buttons on the wall that are actually connected to emergency services, 911. Something happens, there are mobile collars actually that members can take with them and kind of carry with them at the gym, while we aren't there, so if something happens, you can press a button and it calls 911 automatically.

Chairman Pruet: Thank you.

Ed Meehan: What are your peak hours, is it AM or five o'clock at night? What is your experience for parking?

Itis Gadasus: Peak hours are starting at five p.m. to like seven p.m., so those couple of hours are the peak hours, and we get the majority of people during those two hours and I would say at the most, we would have twenty people. The rest of day, it's going to be ten people, thirteen, maybe fifteen people, at other hours, because these are the hours when people are getting off from work and everybody kind of comes in. As far as parking spaces, you know, we are probably going to need like twenty, twenty-three. January is going to be the busiest time, as everybody probably knows, January, February, but we have never gotten anybody, the most people I calculated was twenty-three in January of last year, so, typically it is about ten people. It's geared towards more of a private, personal training type of gym, so it's not like all of the other gyms, L.A. Fitness or Plant Fitness, where they have thousands and thousands of people. We have five hundred members, so it is more concentrated, so we are not going to get too many people in there at one time.

Ed Meehan: Thank you.

Chairman Pruet: I think I heard you say this is an existing business that is going to move to Newington. Are you closing the one down in Berlin.

Itis Gadasus: Yes, we are going to move the whole operation.

Chairman Pruet: Okay, we are going to have the Commissioners open it for comments now, Commissioner comments, any questions from the Commissioners?

Commissioner Lenares: How long have you been in business in Berlin?

Itis Gadasus: We opened in 2006, so five years or so.

Commissioner Camerota: What hours do you staff?

Itis Gadasus: Staffed hours are five a.m. basically, official staff hours are ten o'clock in the morning to eight o'clock at night. Our trainers come in at five o'clock in the morning, so it's always, we have three or four different trainers all the time on the staff, so we are there, in and out most of the time, so the official staff hours are ten o'clock in the morning till eight o'clock at night.

Commissioner Camerota: Is there staff in addition to the trailers, someone working the desk?

Itis Gadasus: Well, usually it is me and my partner, we take care of that, we have three other trainers who they kind of help out with the front desk and with training people.

Commissioner Pane: How many square feet down in Berlin?

Itis Gadasus: Right now we have 5750, so it's a little bit bigger.

Commissioner Pane: Thank you.

Chairman Pruet: Additional Commissioner comments? Okay, this is a public hearing, I'm going to ask the public if they have concerns. You can have a seat. Public hearing, anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against the petition? Consensus of the Commission to move this forward? We will move this forward on the agenda.

You are all set sir, if you have any concerns, give Mr. Meehan a call and we'll take it from there.

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

Tom Bowen, 22 Woods Way: I'm here as Chairman of the Open Space Committee. Back on your July 28<sup>th</sup> meeting one of your Commissioners had some concerns about the direction that the Open Space Committee was taking. I just wanted to take a couple of seconds to assure that Commissioner, and anyone else who is interested that in fact, we are very careful as to the topics that we get into, we get great guidance from Ed Meehan, who I feel is very comfortable with the mission and the mandate of that Committee. He keeps us on track, there are times when we ask assorted questions, whether it's zoning or land usage because we need to understand that in order to understand how open space fits into generally your town plan and anything else that is going on. The Commissioners who were invited to come and speak or come and ask questions at the Open Space Committee meeting, no one afforded themselves of that invitation, so I just wanted to come back and again invite anyone who wishes to come, that we would be more than happy to talk about what we have been working on. We realize that we are a function, and we are enabled by the Town Council and we feel very strongly that we do report to them, and I am here, not reporting to the TPZ because there is no line of contact between the two bodies, but it is just respect for this Committee that I felt that I should come here. The last comment that I want to make is that there also seemed to be some concern about the direction that the Chairperson, myself, had taken at some meetings. I will tell you that when ever I speak as Chairperson I try, to the best of my ability to represent exactly what the Open Space Committee has asked me to represent, that is why I am here this evening, as a matter of fact, it was their will that I come before you, just to answer questions that were raised. So again, to keep it brief, and inside

your two minute rule please, if you have any concerns, come as a resident because that is probably what your concern is, we will take as much time as necessary to answer any questions and explain what we can do, so again, thank you very much for your time, and the invite is out.

Chairman Pruet: Okay, further participation, anybody else wishing to address the Commission?

**IV. MINUTES**

August 11, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the August 11, 2010 Regular Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

**V. COMMUNICATIONS AND REPORTS**

Ed Meehan: There is a letter on everybody's space at the table I believe from Bernadette Conway, 177 Hartford Avenue. Bernadette is a member of the Open Space Committee and I would like to have you take a chance to look at this and read it, she's again reporting some information that she felt TPZ should be aware of, similar to what Tom Bowen just mentioned to you. I won't get into the letter.

Also, there is a copy of an e-mail that I wanted to share with TPZ members following up on the issue of street vending, from the Newington Police Department, on their analysis and on-going monitoring of the vendor on Maselli Road. That is for the Commission's information. With your indulgence, I'd like to get your guidance, maybe toward the end of the meeting we can talk about it under Staff Report on how you would like this to be, your concerns and issues about street vending could be communicated up to the Town Council when it is appropriate.

Chairman Pruet: Thank you Ed.

**VI. NEW BUSINESS**

None

**VII. OLD BUSINESS**

- A. PETITION 13-10 – Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency required. Public Hearing closed, sixty-five day decision period ends October 1, 2010.**

Commissioner Camerota moved that PETITION 13-10 - Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such

as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations" Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington CT 06111 be denied, the Commission's reasons being:

1. The proposed amendment is not consistent with, and does not further the land use strategies in the 2020 Plan of Conservation and Development which recommend auto related uses be discouraged along the Berlin Turnpike Business area, the majority of which is zoned for PD (Planned Development) use.
2. The applicant has not demonstrated to the Commission's satisfaction that the public is not adequately served by various auto related uses.
3. Auto related uses are provided for and permitted in Industrial Zones Section 3.17.8.

The motion was seconded by Commissioner Hall.

Chairman Pruet: Okay, we have a motion and a second, discussion on the motion?

Commissioner Pane: I have a couple of questions for the Town Planner, maybe he can clear up. There is an auto use on Cedar Street, the old Crest Pontiac. Would that be, under the way that the regulations are written now, is that, can they still have an auto related use?

Ed Meehan: Yes. They are grandfathered.

Commissioner Pane: They are grandfathered in. Under Section 5.1 it says that if any non-conforming building has ceased for twelve months, that it loses it's right. How do you explain that.

Ed Meehan: I would explain that this way. That property has been actively marketed, in ongoing marketing for various purposes. That site had a dealer's license, for many years. I think the Town would have a difficult time preventing a successor auto related use to move in there at that location, or the Jiffy Lube site on Kelsey Street, maybe it has been closed a year, or up on Fenn Road, there is another auto related use that has been closed that has been, we know, at staff level, various people have come in and tried to use it for auto related uses. I believe that the Commission, despite what it says in the regulations, you could try to try to enforce that, if you felt that was something that you wanted to do at that location, that the property owner, and the person who has a legitimate auto related use to go into that prior location could probably make a very good case that the non-conformity has continued. It hasn't been interrupted by another different use, in the interim. It's been vacant, it's on the market, and so forth, and I think that is something that may be more of a legal question than a general question like this. To answer your point, but I believe that the areas that I mentioned, the three or four sites that I mentioned could legally continue as auto related uses.

Commissioner Pane: Okay, that's not the way that the regulations are written, but I can understand your point on that. There is also one other concern that I have that that's if, God forbid, let's say there was a fire at Turnpike Motors, and over fifty percent of it burned down, and according to our regulations that if they rebuild, if it costs more than fifty percent of the value of the building, it has to be, they can't rebuild, the way the regulations are written. How would you answer that?

Ed Meehan: Well, I think the first thing is you know working with the property owner, the assessor, and whatever parties would be brought in to determine what the fifty percent is, exactly. Did it burn down to the ground, is it not reusable? That is something that would have to be determined. That language is just not in Newington's regulations but most towns and cities because the intent of the general statutes is to over time eliminate non-conforming uses. That's one of the mechanisms that is suggested to eliminate non-conforming uses.

Commissioner Pane: I don't mean to interrupt you, but that's a very good point, what is said is that the intent of the way that the regulations are written will eventually eliminate all non-conforming uses, so the intent, the way that the previous Commission made these regulations up was to eventually to get rid of every auto related use in the Town of Newington. I think that is wrong. I don't think we should regulate our regulations to create non-conformity in businesses. I think that there were other methods that we could have done to our zoning regulations. What we have done is we have created at least a couple of dozen, or more, non-conforming businesses that could affect the value of their business and I'm sure that there are several of them that are on the turnpike that don't really realize that they could have a problem if their building burned down, three quarters of it burned down, it doesn't take much of a fire to have to put more than fifty percent of the value back into the building. I think by increasing our special exception regulations and a few other things, architectural review, making sure garage doors aren't facing Berlin Turnpike, that the traffic is taken care of, and other methods, is the proper method to control auto uses. As a Commission what we have done is, well, we don't like auto uses, we want all of the auto uses eventually out of the Town of Newington so let's make them non-conforming, well, I don't think that was really the intent of the previous Commission. The previous Commission had long conversations and if you read the minutes, they said, we'd like to not have them in the Business Zones okay, the neighborhood business zones. Very easily you could say, in our regulations, we're going to strongly discourage auto uses in the B Zone, the Business zones, but what is the harm of having the existing one's up. Modern Tire, Turnpike Motors, they keep their buildings well kept. They are nice businesses. Basically you are saying to them, those people, when the time comes you're done. I think this is the wrong way to have our zoning regulations written. I understand that this has been read into the minutes, I'd rather personally have it postponed, and we work on this as a separate issue, and I know that the Chairman has said that he would talk about this through our regulations, looking at our regulations, if I have any other support, I'd rather postpone this and work on this while we have it up on the board, while it has been presented to us through the public, I think there are things that we could do in our regulations to make it so that it is a better regulation without creating non-conformity in businesses. Thank you Mr. Chairman.

Chairman Pruet: Any comments on the non-conformity issue, Ed? On what Mr. Pane said?

Ed Meehan: No. The statutes speak to that language, to amortize over time, non-conforming uses, but in some sense this change that the Commission made in 2007 basically freezes in time the uses that are grandfathered and gives them a monopoly, without competition, really, if you look at it from the other side of the coin, with folks in town who have the motor vehicle licenses and operate various types of auto related uses, have very valuable property because they have the corner on the market.

Commissioner Pane: One last question that I forgot to ask the Planner. Can, let's say a small motor place and he's been in business five, six years, he's got a nice place, he's got a buffer, he does a good job, but he wants to increase his business by one bay. What would be the procedure?

Ed Meehan: I think the Commission could look at that through site plan review. There are again, this is pretty much case by case, but the intent is not to not let a business grow and improve and profit. So I think that again that might be unique to a particular situation where a legal non-conforming use could come in and show the Commission that they are going to, over time that the business has grown, and they want to take advantage of that, and I don't think it would be a complete no, right out of the box. I think the Commission should look at situations like that. This was put into the regulations in 2007. There have been at least three instances where pre-existing legal non-conforming uses have been back before this Commission, and the Commission has approved them. There was, one of them, if I recall, was basically trying to grow and improve their location, and there wasn't any opposition from that. It's the new businesses that I think this regulation is aimed at. Again, that language that we have is, not listed, not permitted, falls into this area.

Chairman Pruet: Just a question too, I may have asked this one before, but maybe get it clarified, is it, has there been a case where a business has been destroyed by fire, or whatever, where we denied them, in other words, say three quarters of the building was gone, like Domenic said, and we denied them because of the non-conforming use to establish?

Ed Meehan: I don't recall anything like that coming before this Commission since I have been in service to the Town. I don't know. I don't think it has ever happened.

Chairman Pruet: But are there provisions there to protect a business, say if this happened, are there some provisions that we could protect them and allow them to re-establish as a non-conforming business?

Ed Meehan: You mean one hundred percent.....

Chairman Pruet: Say it's three quarters percent destroyed, is there something where we could protect that business and allow them to be back in business as a non-conforming use?

Ed Meehan: I think under the regulations, the way that they are written now, that fifty percent criteria that Commissioner Pane mentioned, a hundred percent total burn down, I think you would have a hard time saying they couldn't replace the use. I think if someone applied, I think that could be challenged, you have to enforce your regulations and go by your regulations.

Chairman Pruet: Okay, thank you.

Commissioner Aieta: I have a problem with that, because what he said is not consistent with what it says in the regulations. I mean, you're not supposed to expand a non-conforming use. I don't know how someone could come in to the Commission, have a non-conforming use and try to expand it. It specifically in the regulations is not permitted, an expansion of a non-conforming use.

Ed Meehan: Non-conforming uses are, you know, they grow internally, they re-arrange the inside of their buildings, they do different things to make themselves more efficient, they're not necessarily going to go out and cover one hundred percent of their site through additional square footage, but you can't say to a business, you know, you can't add more tables and chairs, because you are a non-conforming restaurant.....

Commissioner Aieta: His point was can a guy come in after the building, and put another bay on, and I would say under the regulations as they are written, no he could not because that

would be an expansion of a non-conforming use and that is definitely not permitted under the regulations.

Commissioner Hall: Two things, I think when the Commission chose to remove it, they had gotten a number as to how many were in town at that time. They were interested in not having new businesses because they felt that there was adequate provision in certain zones and in existing businesses if they were to turn over to someone else, they would still be able to be that business. I think what we should do is to work on our regulations just as we discussed this evening early, you know, what are we going to do about changing any regulations. Maybe work on that part of it so there is a provision for just this type of thing if we now say that it's fifty percent then maybe we should have a tag line on there, or with special exception from the zoning, or whatever, so that we can take an individual situation. Now I have a question about Don's Speed Shop, remember when that burned? Was that considered an auto related use?

Ed Meehan: Yes, definitely.

Commissioner Hall: Okay, so he rebuilt, but chose not to do what he had been doing.

Ed Meehan: He eliminated the garage and converted or rebuilt the warehouse in back, on the same site.

Commissioner Hall: Right, and then had a retail shop in the front.

Ed Meehan: I think that may have been before 2007 though.

Commissioner Aieta: He still has the same use that he did before, it's not in the front, it's in the back.

Commissioner Hall: Right.

Commissioner Pane: Except the place in the back was really just for storage use, it never had bathroom facilities if I recall correctly, so now what he did was, he created that whole separate auto use in the back, and then gained a whole other use in the front.

Ed Meehan: He came back to the Commission before he.....

Commissioner Hall: But it did burn, that was one example that we maybe could cite, but if it was before the time, but getting back to the point, it was not a willy-nilly decision back when it was done, and I think if we work on helping out the businesses that are here, so that if there is an event with more than fifty percent, that we can work with them. That would be my choice.

Chairman Pruet: That would be on the non-conforming issue.

Commissioner Pane: So if you do read the minutes of the previous Commission, when they denied this, you will see that it was only talking about the business zones and then as far as Cathy's comments, saying that the Commission looked at how many auto uses where, when we reach that amount of auto uses for stereo uses, or dentists, or lawyers, or restaurants, should we make them non-conforming too, because we have enough in the town. This is, this really has to be looked at. I would like to read something to this Commission that is in our regulations that everybody should be aware of: "Section 5.1 Non-conforming Lots, land use buildings or structures. It is the intent of this regulation to permit these non-conformities

to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the zoning involved. It is further that the intent of this regulation that non-conformities shall not be enlarged upon, extended or expanded if such a change increases the non-conformity or be used as grounds for adding other structures or uses prohibited elsewhere in the same district." We shouldn't be, we need to comply with our non-conforming regulations, you can't change our non-conformity regulations to meet what you guys did before. I mean, there's things that we can do in our regulations so that this Commission can achieve what they want to achieve. What you want to achieve is, you want to make sure that if auto use comes in, it's a nice building, well buffered, maybe the garage doors aren't facing the Berlin Turnpike, architecturally nice, appealing, and I'm talking about any area, Berlin, PD, any zone except the Business zone. That's a small neighborhood business zone. That's where some residential neighborhoods are, and I can understand why the previous Commission wanted to eliminate them out of the neighborhood business zones. So I would strongly discourage them in that zone, but I would say they could be built in other zones providing that they comply with our regulations under special exception, architectural review and a few other things so that they are nice. Now, an auto use can be a nice building with a nice buffering, no autos outside, no junk cars, and it can be an asset to this town. We shouldn't be creating a dozen non-conforming businesses by creating this, by changing these regulations you've created a lot of non-conforming businesses. The non-conforming basically was from previous, when we didn't have zoning regulations in town, we had a few non-conforming businesses. Some industrial buildings in residential zones, because they pre-dated our zoning regulations and there's probably some lots out there that pre-dated our zoning regulations and there is a handful of things like that. That I can understand, and that's why we have this non-conforming, but every time we don't want something in town, we shouldn't make it non-conforming. Once again, I don't agree with the reasons why you are denying this. I think this should be postponed, and as a Commission, next meeting we could do our homework, I think we could come up with regulations to make this work. Thank you.

Commissioner Camerota: I agree that we need to look at the regulations, and figure out if auto related uses should be permitted in certain zones, if the special exception standards should be increased, I think we also should look at how this jibes with our 2020 Plan which specifically says discourage along the Berlin Turnpike. I would caution, and I don't expect to do it with this petition, I would caution holding this petition open so that we can amend our regulations. I think that can give a bad appearance for the Commission, make it look like we're favoring, or make it look like there is a conflict. I would not feel comfortable with that, at all.

Commissioner Schatz: Domenic didn't sell me on this, okay, but I've been giving this a lot of thought since Attorney Sabatini came in and if this was postponed, is there a time element involved in this now?

Ed Meehan: There is a time limit of sixty-five days since you closed your hearing. It's listed on the agenda. There may be additional time that the applicant can grant this Commission. I would have to check the calendar and check with the applicant's attorney to make sure that we are following the procedures, but you have until October 1<sup>st</sup>, so you have two more meetings, two meetings in September.

Commissioner Pane: And the applicant could waiver the extension for us.

Ed Meehan: If there is time left, I think there might be time left, but I'd have to check the calendar.

Commissioner Pane: Also, as far as Michelle's point there, if I could just comment Mr. Chairman, I know that she didn't want to set something because of the regulations but if you remember correctly, when Attorney Sabatini came in, he wasn't clear on how to word things and word the changes with the Town Planner, so he kind of left it open to us to correct things and to change some things to take the non-conformity out of there, so it's really not, we're not holding it up to change our regulations, what we are doing is that we are looking at this one item here, making necessary changes so that we take the non-conformity out.

Commissioner Camerota: Well it's my understanding that it's a request to amend the zoning regulations and we're talking about what amendments we are going to make to the zoning regulations, and we have to have a public hearing on that.

Ed Meehan: Right.

Commissioner Camerota: There would have to be a public hearing on amendments to the zoning regulations, and is it retroactive, once it is in?

Ed Meehan: No.

Commissioner Pane: We had a public hearing on this, it's been advertised, and Attorney Sabatini said that if some of the wording had to be changed that he was open to some change. He presented one way for it to be done, and said that he knew that the Commission had concerns and that if the wording had to be changed, he was open to some change on it. Basically to take the non-conformity out of it, and I would also say that the Commissioners shouldn't take into consideration the application that he waved in front of us for the business on the Berlin Turnpike. Please don't take that into consideration. That may work, or it may not work, but that shouldn't be taken into consideration. When he came in was to basically straighten up the non-conformity use.

Ed Meehan: What he came in for was to re-install, in your regulations, the deletion in 2007 of auto related uses. Along the way, one of his arguments was the impact of what happened in 2007 by creating X number of non-conforming uses. How that is cleaned up which we talked about a little tonight, is something that maybe this committee addresses as a separate issue. Some of the suggestions of helping the existing businesses if there is a fire, total losses, different standards for total losses and so forth, but I think you ought to.....

Commissioner Pane: But that doesn't take care of, I'm sorry to interrupt you, but that doesn't take care of, you're saying leave them non-conforming but you will correct a couple of items because it conflicts with our regulations of 5.1 so now you are going to make additional amendments just so that the existing businesses can conform with 5.1. It doesn't make sense.

Ed Meehan: What I was trying to say is, there are a lot of non-conforming uses in Newington, a lot of non-conforming lots, because of areas, set backs and so forth, that these generic regulations pertain to. But, I think what you ought to do is to deal with the petition before you. The public hearing is closed, the applicant deserves this type of discussion and a vote, up, down, or whatever, and not get that mixed up, so to speak, with the conversation that the Commission is embarking on looking at re-writing at many parts of your regulations. Just try not to get them confused, and it could, I think what the Commissioners are saying is that it could get confusing if you have a petition on the sidelines and you are re-writing the regulations at the same time. I don't want to put words in your mouth, but you know, you have a time limit and the applicant may be able to grant additional time for you to work this out, I don't know. I can discuss that with the attorney, but I think you ought to try to keep the

two issues separate. A, do you want to bring auto related uses back in? Yes or No? If it's a yes, then you deal with that yes as a policy decision and maybe you tighten up the language as the attorney requested so that it doesn't affect the PD Zone, the local business zone. If it's no, then it's no, the reasons, you need to state your reasons on the record. That would be my suggestion.

Chairman Pruet: A vote up or down?

Ed Meehan: Yeah, I think the, Attorney Sabatini as Domenic said, asked you know, came in with a very broad amendment that cascades through the regulations, I think you all understand what the cascade principle means and then in the course of the public hearing said if you want to tighten this up and limit it to the PD Zone, that his client would not object to that. So that may be an outcome, a resolution of this, but I think you still have to go back to the basic premise, do you want to bring back auto related uses? There are casualties to the non-conforming process, if it's so stringent that the Commission is not comfortable with it, then you don't want to take uses out of your regulations, such as auto related. That was a drastic change in 2007. Taking out interior lots, or fine tuning buffer design standards, that wasn't a big deal because those aren't a principal use like auto related uses, but I think, try not to confuse it with the discussion that we had at the special meeting on regulation changes at this point. I think you have to deal with just the attorney's application before you.

Commissioner Schatz: When Attorney Sabatini brought this before us, not knowing (inaudible) and saw it, saw the pictures and so on and so forth, I thought, that looks pretty good. It looked pretty good to me. He explained that there wasn't going to be the town junk yard on the Berlin Turnpike, and I think, in 07, I think that is what we were thinking because I was there, and we had an outfit that was sort of sitting on our face at that time, and we gave them a lot of leeway and they weren't very good to us, I personally will not vote yes on this, I would rather wait. I would rather work it out, I like what he presented, it doesn't seem like it would be any different than Progressive over on Fenn Road that we worked on, fearing that they were going to have a lot of junk cars in there, which is not happening. It sounds like a clean business.

Commissioner Hall: I just want to clarify that as read, if you vote yes, you are denying. If you vote no, you are approving it. The petition is to deny, so a yea vote denies. Because we have had this problem before, okay, I just wanted to clarify, when you do come to a vote, it is to deny, so if you say yea, you are denying it, if you say no, you are not denying it.

Commissioner Aieta: I would hate to see the Commission take a vote on this at this time and then put themselves in a position where this could be, the application could be approved, not denied, and then you loose all your backup to get it to the point where it makes sense, that you are tightening up, so that you have control over businesses coming onto the Berlin Turnpike. I mean, we don't have it now because it's not, the special exception isn't strong enough and there is not architectural review in there, and there's a bunch of other things. I think we should hold off on this, and try to work on it, I'm a pretty good counter, bean counter, and I don't know if you have the votes to deny this thing. I don't want to pre-judge the vote, but if this gets approved, you are not going to have the ability to go back and change it. It gets approved as it is written. It opens it up to everything, and I think you want to put some teeth back into this.

Commissioner Camerota: Well, I don't really see this as a motion to approve it, if it's denied, I don't really, if this motion passes, it everyone votes yea, and the petition is denied, that doesn't mean that it is approved.

Ed Meehan: No, that means that you are not going to bring auto related used back into your regulations, but, having said that, then as a Commission you could pick up this discussion about auto related uses, what zone do you want to limit them to, how you want to tighten up your special exception, special permit criteria or auto related uses, if you bring them back.

Commissioner Aieta: And that would require a public hearing.

Ed Meehan: You would initiate those changes and it would be on your schedule.....

Commissioner Pane: We could also discuss that over the next two meetings and approve something that takes non-conformity out of our regulations, allows the uses but keeps them out of the business zones, and then we could always go back, when we talk about our regulations and we could still add additional things later on that. We have this on the table now, we have a dozen or so non-conforming businesses because of this regulation, I don't think, after reading the minutes from the previous Commission, the only thing they really talked about was the business zone, was that they didn't like them in the neighborhood, residential area, and I can understand that, but they didn't substantiate anything else and I can say you know, you guys, everybody was concerned, Commissions were concerned about them on the Berlin Turnpike, well, I was on the board and yes, we were concerned with them on the Berlin Turnpike, but what we did was, we got the existing ones to clean up, that are buffers, and things like that. We were also concerned about entertainment uses, but we didn't prohibit all entertainment uses. The Commission was very concerned with those. When you look at auto uses, maybe we should be concerned with hotel, motel uses, you know how much activity is going on at those hotels and the small little motels on the turnpike, maybe we should make those non-conforming. There's enough of them. I think we could take care of this problem in the next two meetings by looking at our regulations and just correcting a couple.

Chairman Pruet: Well, here's what's on the table. You have a motion and a second and we're having discussion. The motion can be voted up or voted down, the motion could be withdrawn and postponed, that's the situation that we are in right now.

Commissioner Camerota: Can I ask a hypothetical question? Say this is granted so that the petition is denied, and then we have our discussion about the auto related uses and the non-conformity and the special exception, tightening of that, and all those pass. Is there anything that prevents this applicant from coming back? He wouldn't have to come back, the business that we saw, he would come in for the special exception.

Ed Meehan: Yeah, in that scenario, I think, if you, if this is denied and then the Commission over the next couple of weeks, or the next month and a half you put this on your list of items to look at, as far as potential zoning amendments, and you address the issue of keeping auto related uses out of the local business zones, and you permit them in the Industrial zone and in the Planned Development zone, and you feel comfortable, you being the Commission as to what criteria through the special permit process you want to regulate gas stations now that you bring them back into town, in the PD Zone. Then you bring that to public hearing. It's your petition. It's your schedule and your time line. The applicant has been denied, he's sitting on the sidelines. He could take and appeal your denial, or he could sit on the sidelines or he could come to your public hearing and support your amendments, or suggest changes to your amendments. So those are the options that I see.

Commissioner Schatz; Does that mean that he would have to reapply?

Commissioner Camerota: Well, it wouldn't be this application, it would be.....

Commissioner Pane: One from us. It would be from the Commission.

Ed Meehan: Well, he could reapply, he always has the right to reapply.

Chairman Pruet: But we would change this, under the review process, modify it?

Ed Meehan: Yeah, we talked earlier in the special meeting of looking at everything in light of your 2020 Plan, and some other items that you want to move on a little faster track and that's up to you, where you put this particular discussion tonight, relative to this motion, but you've got to watch our clock, with this petition and I think you may address some of the very concerns that the majority of the Commission members have articulated. First the local business area, I think that Domenic said that a couple of times and there are gas stations, we only have three or four business zones and that's where most of our gas station are. There are only three gas stations on the Berlin Turnpike in Newington now, but if you drive around the small business areas and there are gas stations on every corner, so that's on the mind of Commission members and then what criteria can be brought in to get the quality of auto related use that you are willing to consider under a special permit on the Berlin Turnpike.

Commissioner Aieta: Under that we can define what auto related uses we are talking about, because there is not even a real definition of what those uses are, we talked about that earlier.

Ed Meehan: Yeah, I certainly agree. The Zoning Officer and I said that we need better guidance, is it anything under a DMV license, is it a car wash, car enterprise.

Commissioner Aieta: We could put more into that.

Ed Meehan: That needs some clarity.

Commissioner Lenares: Mr. Chairman and Ed, I think everyone really wants to sink their teeth into this a little bit, and I kind of lean on you Ed, especially, what's the proper way to go about this in terms of addressing this situation. I'm a little, I'm not confused, I understand what the scenario is, but how do we go about it to make it fair to the petitioner that is here, I mean, Ed said, he's waiting, so do we.....

Chairman Pruet: The motion could be withdrawn, voted on, postponed...we could discuss it further or we could vote it up or vote it down.

Commissioner Pane: Even if we postponed this and we talked about this the next meeting and the following meeting, and let's say to come to something, it could still get voted down then, you still have the right to vote it up or down at that time, but I think it's important to take non-conformity out of it, allow the use, but allow it so that the business zone is protected and then there are a few other things we can do to protect the surrounding areas by instituting a few things, and then all this can be beefed up again four months from now or when you talk about our special exceptions. I mean, this would be one aspect, get it done, but then naturally we are going to want to add a few more things to protect that special exception as it relates to other businesses like churches and other things. Churches, or other business through architectural review. We had a judge that said, you can't do this, you don't have architectural review standards. Thank you very much Mr. Chairman.

Commissioner Schatz: So Michelle would have to withdraw that then, or we could vote this down.

Chairman Pruet: Yeah, vote it up, down, or the motion could be withdrawn.

Commissioner Aieta: After looking at this whole thing, I would rather see the Commission present the changes so that we have, I'm in favor of what Domenic talked about, I'm in favor of eliminating the non-conforming and I'm in favor of bringing this back and allowing auto-related uses back in, but with some real stringent covenants on them so that they have to do the right thing. I don't think that we should be, as a Commission decide what uses are, you know, the free enterprise system should, free enterprise should determine how many gas stations, how many auto related uses, how many hotels, how many stereo shops, I don't think we should be doing that, and to say that this whole industry is, that we don't want them in the town, and through the regulations say that we're, over time will eliminate all of them in the Town of Newington, I think there is something drastically wrong with that. I think, but I don't think we should be looking at this petition and approving this petition. I think we should probably deny this petition, and take it up at our next meeting, and have us present regulations that we are happy with for the auto related uses, so that we cover all of these things. We cover tightening up the special exception, all of these areas, make it design review, architectural review of the special exception for auto related uses, and I mean, I think that should come from this Commission, and it could be done in a timely fashion, within the next couple of months that doesn't penalize the applicant. It should come from this Commission so that we get the controls and things that we want in that area.

Chairman Pruet: So your discussion is to vote no, to deny.

Commissioner Aieta: Is to deny, take it up at our next meeting and have us present, us as the applicant, bring back auto related uses, but under our terms, not the terms that are presented here, because I don't think these are tight enough.

Commissioner Camerota: I think it makes a (inaudible) difference, either the motion could be withdrawn and we could vote on a motion to postpone it, or we can vote just on the motion that is on the table. It may be cleaner to withdraw it, I don't know.

Chairman Pruet: I'm, my two cents are, is to withdraw the motion, and postpone it with further discussion.

Commissioner Schatz: I think that would be fairer to the applicant personally.

Commissioner Camerota: I will withdraw the motion that is on the table.

Chairman Pruet: We have a motion to withdraw the petition, was there a second?

Commissioner Hall: I was the seconder. Cut to the chase, deny it, and then move forward and do what we are going to do. We're going to be in the same position.

Commissioner Pane: I don't want to deny it....

Commissioner Lenares: But you want to change how it is written.

Commissioner Pane: I would like to change it....

Commissioner Aieta: Okay, but that, the way the change it, how it's written is to have this Commission be the one that, as the applicant, and have us bring it forward. Deny this and bring it forward, us bring it forward, the next meeting bring it forward, a new, then we are the

driver and we have enough time to put all of the conditions on there and make it palatable to bring these auto uses back into town.

Commissioner Lenares: I think we're all arguing the same point.

Commissioner Pane: Mr. Chairman, so you are saying, put this on the agenda in a timely fashion just this one item, advertise it from the Commission in a timely fashion, and take it out of our other packet. I agree with the Commission.

Commissioner Camerota: I just want to clarify what Frank was saying, are you saying that you want to vote on this....

Commissioner Aieta: Yes, vote to deny it.

Commissioner Camerota: Vote to deny it.

Commissioner Aieta: I'm saying, let's vote on this.....deny this and then.....

Commissioner Camerota: Deny the petition itself.

Commissioner Aieta: Right and then have this Commission bring it forward next meeting.

Commissioner Camerota: So you would be voting yes on this?

Commissioner Aieta: Yes.

Commissioner Pane: Then we would have to advertise for a public hearing,

Commissioner Hall: No, he won't be voting yes on this, he'll be voting no.

Commissioner Aieta: I'll be voting yes on this, yes to deny.

Commissioner Schatz: Is that clear to the applicant.

Commissioner Aieta: Yes, because we are going to bring it back ourselves.

Commissioner Schatz: But can we do that?

Ed Meehan: Yes. The applicant has presented what he thinks he would like you to bring back into the regulations as auto related uses. The Commission has had a very good discussion on this tonight, as well as prior occasions. If you feel that this application from the private side doesn't address some of the concerns that you have, then maybe you ought to deny the petition and as someone said, you become the driver of what you want. To be fair to the applicant, you ought to try to do that in a timely way.

Commissioner Schatz: I just want to be fair to the applicant.

Commissioner Aieta: I think we're being more than fair to the applicant, because we will be the ones presenting it, because the way that it is written now, I couldn't vote for it, because you are saying, if I was to vote yes, I mean no, and it would get approved, I'm not happy with the language.

Commissioner Camerota: And there are other things that go into it.

Commissioner Aieta: In principal, the auto related use is back in, but I want to control it to the point where it is on our terms, not someone else's terms. It's as simple as that.

Commissioner Pane: But Frank, couldn't we also correct those changes that we wanted. If we postponed this, couldn't we make those corrections at our next meeting, have everybody think about what they want to do and then have the Town Planner present something to us, and then couldn't we correct that at the next meeting, look at it.

Commissioner Carragher: Is that like the spirit of the, someone brings a petition to this Commission, is it our job to completely re-write the entire thing and then, it just seems that.....

Commissioner Pane: Well, we can, we can modify anything.

Ed Meehan: You have to stick to the spirit of what the application was, there may be things, based on what I am hearing, that go beyond just bringing auto related uses. It sounds like there are special exception criteria that you want to tighten up on, and other things outside of this section, this petition, that don't fall into this public hearing. We would have to have another public hearing on this.

Chairman Pruet: As the Chairman here, I'm making a recommendation that we postpone this because on both sides of the fence here, voting for, or voting to deny, there's grave concerns on the petition itself, so I would entertain a motion, again, I believe we have a motion....

Commissioner Camerota: We don't have a motion, I'm not going to make that motion.

Chairman Pruet: Oh, I thought....

Commissioner Camerota: No, I withdrew this motion, but I didn't make a motion.

Commissioner Pane: We never got a second withdrawal did we?

Commissioner Hall: No.

Chairman Pruet: Okay, so we are back on, with the motion on the floor. So I will call the motion, and we will do a roll call on the motion.

Commissioner Pane: We should make it clear what it means Mr. Chairman, so some of the Commissioners aren't confused, and also what the intent is of the Commission, if we deny this, I gather it is the intent of this Commission to go to a public hearing, advertise for a public hearing and present the auto use to go back into the regulations from this Commission as soon as possible.

Commissioner Hall: Don't you have to discuss it first, come up with something, and then ask for a public hearing. You aren't going to go straight to public hearing next time, are you? Don't you have to decide what you are going to present for public hearing and.....

Ed Meehan: It would be a meeting or two to decide on the language that you would want.

Commissioner Camerota: Would anyone like me to re-read the motion?

Chairman Pruet: Yes, that would be very good.

Commissioner Pane: Can we take a five minute recess?

Chairman Pruet: Yes, after she reads it.

Ed Meehan: You can't, you should not, just to beg your pardon, you should not leave the room and take a recess while you've got a discussion of a public matter. It should be right here, it can happen right here.

Commissioner Camerota moved that PETITION 13-10 - Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit "auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations" Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington CT 06111 be denied, the Commission's reasons being:

1. The proposed amendment is not consistent with, and does not further the land use strategies in the 2020 Plan of Conservation and Development which recommend auto related uses be discouraged along the Berlin Turnpike Business area, the majority of which is zoned for PD (Planned Development) use.
2. The applicant has not demonstrated to the Commission's satisfaction that the public is not adequately served by various auto related uses.
3. Auto related uses are provided for and permitted in Industrial Zones Section 3.17.8.

Chairman Pruet: Okay, and a yea vote would be to deny the application to place this in the Planned Development Zone.

After a roll call vote, the vote was four in favor of the motion to deny, and two opposed (Pane, Schatz)

Commissioner Pane: Mr. Chairman, can we have this on the agenda for the next meeting for discussion?

Commissioner Hall: Excuse me, but aren't there seven of us? The vote was four to two.

Chairman Pruet: I'll vote in a tie.

Commissioner Pane: As I was saying, I would just ask that we could have this on the agenda for our next meeting, maybe talk about it for two meetings, come up with some language, and hopefully if it meets the satisfaction of this Commission after we talk about it for two meetings, then we could have a public hearing on it. Thank you, Mr. Chairman.

- B. PETITION 18-10 – 199 Deming Street, golf driving range property, Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road, Newington, CT applicant request for re-subdivision, PD Zone District. Hearing closed July 14, 2010. Sixty-five day decision period ends September 17, 2010.**

Commissioner Schatz moved that Petition 18-10 - 199 Deming Street, golf driving range property, Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road, Newington, CT applicant request for re-subdivision, PD Zone

District, be approved, the Commission finding that the re-subdivision plan entitled "Resurvey Property of Sphinx Shriners AAONMS Deming Street" scale 1" = 40' prepared by BGI Land Surveyors, Sheet 1 of 1 and presented at the public hearing July 14, 2010, complies with the zoning standards for development in the PD District.

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

**C. PETITION 19-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District. Public Hearing closed, sixty-five day decision period ends October 1, 2010**

Commissioner Hall moved that Petition 19-10 - 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District be approved, the Commission finding that the use of this property for multi-unit housing is compatible with adjacent land uses and a good transitional development located between commercial uses on the Berlin Turnpike and the single family homes along the east side of Deming Street.

The Commission further finds that the applicant has demonstrated that this development complies with Special Exception requirements of Section 3.19.2 Residential Building PD Zone District.

It is a condition of this Special Exception that the companion Site Plan, Petition 20-10 is made part of this approval and represents land development and building architecture that the Commission has approved for this property.

This Special Exception approval is limited to Alan Bongiovanni and/or Landwords, LLC and is not transferable without the prior approval of the Commission.

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

**D. PETITION 20-10 – 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD Zone District. Inland Wetlands Agency Report required. Sixty-five day decision period ends October 2, 1010.**

Commissioner Lenares moved that Petition 20-10 - Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD Zone District be approved based on the plans entitled, "Morningside – A Planned Unit Development" prepared by BGI Land Surveyors, Scale 1" = 40' Sheet 1 to 14, revised dated 8-24-10 and architectural elevations prepared by Kemper Associates Architects, LLC revised dated August 9, 2010 for Common-Wall Homes and Walk Up Homes."

Prior to the Chairman signing the site plan mylars, the following modifications shall be made:

1. Private roadway pavement width dimension shall be provided for 28 feet at entrance drive and minimum of 26 feet for loop drive, Sheet 3-14 and site details Sheet 14-14 shall be revised to reflect this change.
2. The design of the proposed modular block retaining wall shall be certified by the applicant's engineer and the top of wall protected by a safety fence where the height exceeds three (3) feet. A detail of a typical modular retaining wall with fence (4 foot minimum height) shall be added to Sheet 14-14.
3. Provide typical detail for 2 foot stamped asphalt strip between driveway; show on Sheet 14-14.
4. Provide typical detail for decorative precast concrete pavers at front entrance and submit to Town Engineer for approval; show on Sheet 14-14.
5. Submit revised drainage easement for relocated 20 foot storm water drainage, in favor of the Town of Newington, to the Town Engineer for review approval by the Town Attorney.
6. For duplex homes adjacent to Deming Street, consider substituting at-grade patios for decks to facilitate the variation of depth of back of buildings.
7. The Inland Wetlands Agency permit Application 2010-03 is acknowledged and made a part of this approval.
8. Extend the Deming Street sidewalk southerly up the hill to the curb cut serving the driveway of the Sphinx Shriner's property where sight lines are safer for pedestrian use.

The motion was seconded by Commissioner Schatz.

Chairman Pruet: Discussion on the motion?

Commissioner Aieta: On item, under the modification and conditions for approval, on item number 3, I would like to have that taken, the asphalt strips between, the two foot asphalt strips between the driveway, I would rather have that the same as item 4, precast concrete pavers, instead of the asphalt, stamped asphalt, the painted asphalt strip. Also, under number 6, the duplex houses adjacent to Deming Street, consider substituting, we should take out the word consider, they should substitute if that is your intent, our intent and we should have them not consider it because they could say, well, we considered it and we don't think we want to do that. If we want that then we should say that they have to do it, not consider doing it.

Chairman Pruet: Okay.

Commissioner Hall: In item 3, strip between driveway or driveways, where is this strip, because I'm trying to find it on this, I know it's 14-14.

Ed Meehan: Between every duplex there is a driveway....

Commissioner Hall: Oh okay, all right, so it should be driveways, it should be driveways.

Ed Meehan: Yes, plural.

Commissioner Hall: And you want that to be the pavers instead of the....

Commissioner Aieta: Stamped asphalt.

Chairman Pruet: I thought that was modified with the pavers?

Ed Meehan: No, first they weren't going to do anything and then they modified it at the last meeting to the stamped asphalt. They wanted to leave it open to be determined and it was agreed that they would do stamped asphalt and the applicant talked about doing stamped asphalt at the entrance, that was changed to the pre-cast concrete. That's the way I remember it.

Chairman Pruet: Further discussion?

Commissioner Pane: I agree with those changes Mr. Chairman.

Commissioner Aieta: Mr. Chairman, just to make a clarification, we have asked for a lot of different changes to this, to these plans that never got considered, so we are leaving on the table a lot of different items; the staggering of the buildings along Deming Road, the fourplex that is closest to Deming Road, we wanted that eliminated, there are several things that we have suggested that we thought would be a better development for the Town of Newington that were considered, that we presented that were not considered, so I think these few little changes are being overly generous.

Commissioner Hall: We're not architects and we're not builders and the only thing I would want to say about the stamped concrete versus the stamped asphalt and I understand the look, certainly the pavers are better, but we are in New England and the pavers are going to shift, whereas the stamped asphalt, it's a solid that has a pattern, and that may be why they are doing it, because in New England every spring you are going to have those things shifting. So whose responsibility is that going to be? They may look nice, but practically speaking, they may know better than we do.

Chairman Pruet: Ed, do you have a comment on that, that aspect of it?

Ed Meehan: Well, if they are installed properly with a sub base and in concrete they should be okay. There are two different medians here though, you've got pre-cast concrete up against bituminous, so there is going to be a difference in that area, but as far as two feet of pre-cast concrete, the integrity of those, if they are installed properly should be okay. They are not necessarily going to be driven on, but you do have two different materials that expand and contract differently with the weather, the concrete on one side or the stamped asphalt on the other, but you know, again, it depends on the workmanship and the way that they are put in. Discussing the pre-cast concrete at the entrance, that would be in the town right of way, so the Town Engineer does want to look at that, and that's why he wanted detail of that, but it has worked, it does work, and it's used in a lot of places for traffic calming. It does tell people that they are coming into a certain area. Certainly the pre-cast concrete between driveways is going to be a more upscale look, in my opinion, and someone won't have to be painting it, five years, six years from now, and that someone is going to be the homeowners association. That's the upside of it, I guess.

Chairman Pruet: Maybe I could see a show of hands on who would like to modify that to replace the asphalt with the concrete. If I could see a show of hands that would like to have that modified. One, two, three, four, five, okay.

Commissioner Hall: Dave, are they still going to be leaving that whole half moon stamped asphalt, I mean.....

Chairman Pruet: The one that is in the front?

Commissioner Hall: The one, I think that is where the mail boxes were going to be?

Commissioner Pane: That's still stamped concrete.

Commissioner Aieta: That's stamped, with their.....

Commissioner Hall: It says asphalt.

Chairman Pruettt: Yeah, it's asphalt, stamped.

Commissioner Pane: It's stamped concrete.

Commissioner Aieta: No, if that is what we want, then you have to change the plan, because it says, proposed stamped asphalt. Good thing you caught that, because that should be the same thing too. If you are changing it at the road with the decorative concrete, it should be consistent throughout the project.

Commissioner Hall: Right.

Commissioner Aieta: Have that area around the, where the wall is, where the pump station is, that should be the same, and the, the whole area, because it is spelled out on this plan that we have in front of us, proposed stamped asphalt. If they are going to change the ones between the houses, they should be consistent though out the project.

Commissoiner Camerota: They should have that at the entrance to the property too.

Commissioner Hall: That's the pavers.

Commissioner Camerota: Yeah, it would be strange not to have it the same.

Ed Meehan: So basically what the Commission is saying is all stamped asphalt should be changed to pre-cast concrete.

Chairman Pruettt: Yes. Okay, so we can make that stipulation.

Commissioner Aieta: Can I ask a question of the Planner, just to clarify the terminology please? It says proposed decorative pre-cast concrete pavers. Are these individual pavers or is this concrete where they go and put a die on, and they stamp it? What is this?

Ed Meehan: My understanding is that they are individual pavers.

Commissioner Aieta: That's what it is, individual pavers.

Ed Meehan: Right.

Commissioner Pane: You might want stamped concrete, it will look like the pavers but it's solid, it's six inch, it won't shift.

Commissioner Aieta: I don't know, this was the language that we asked for....

Ed Meehan: I don't know that it was exactly what you asked for, I know the sense given back to the applicant was you weren't.....

Commissioner Aieta: We didn't want the stamped asphalt, we thought, you know, the pavers, that is a real upgrade, I don't know. Now we aren't consistent in the thing because we have pavers here.....

Ed Meehan: Stamped asphalt there. I think you ought to have consistency throughout.

Chairman Pruet: So it is the consensus of the Commission, so if we can revise the language

Commissioner Pane: At the entrance way, are those embedded in concrete?

Ed Meehan: That's my understanding, yes.

Commissioner Pane: But normally, pavers aren't embedded in concrete. They're just laid on top of base, so we should make sure that, because that entrance way is going to take a lot of traffic.

Chairman Pruet: A lot of snow plowing and....

Ed Meehan: That is why the town engineer wanted a detail of it. It's in the town right of way, so he is going to want to look at it, the construction material, how they are going to set it and everything.

Chairman Pruet: Okay, so the final approval by the Town Engineer for the entrance.

Commissioner Pane: And all that should be consistent with the entrance way.

Ed Meehan: If you do it that way, then you link them all together. What I suggest you do, you could delete number three, and.....

Commissioner Pane: Take the word consider out of number six.

Ed Meehan: Well, let's deal with the asphalt first.

Commissioner Hall: Number four kind of tells us about the detail decorative precise pavers.

Ed Meehan: Make that.....

Commissioner Hall: Front entrance driveways, and turn around, what ever they call that.

Commissioner Aieta: Yeah, mail box turn around.

Ed Meehan: You add that language that Cathy just said, you know, at front entrance, between driveway strips and at mail box kiosk and then that will cover those three areas.

Chairman Pruet: Okay, is that sufficient for the motion, to revise the motion?

Ed Meehan: Yeah, does everyone understand it?

Chairman Pruet: I think so.

Ed Meehan: So that becomes number three.....

Chairman Pruet: Four becomes number three.

Ed Meehan: They all just slide down one, then you want to talk about now is the new number five.

Chairman Pruet: And delete "consider" and substitute....

Commissioner Hall: Get rid of "consider" and say substitute at-grade patios for decks to facilitate the variation of depth, so back out consider.

Ed Meehan: There may be other ways of doing that, without eliminating the decks, that's up to the applicant, but I think the sense that I understood through the review and discussion process was, the Commission members didn't want to see a straight wall across the back of these duplexes. They wanted to have some variation. There was some variation in the roof lines as I recall, and they wanted to match that in the wall plane.

Commissioner Aieta: Didn't they come back with a drawing that showed a gable height?

Ed Meehan: For the back.

Commissioner Aieta: For the back, so it looked like the front.

Ed Meehan: I haven't seen that in line detail but they did have the architect sketch that out.

Commissioner Aieta: So that is what we are looking for over these patios or decks or what ever they are.

Ed Meehan: Sometimes you see like a one and a half or a two foot offset in the buildings, it's more, again, it's an architectural detail. I don't feel comfortable in telling their architect how to do it, but one thought, discussing with the applicant, was that they substituted the patios for the decks and they don't have the backyard setbacks limitation, because a patio doesn't need to meet the thirty-five foot setback. It's not part of it, so you could slide that forward and you wouldn't affect the depth of the building. That was one mechanism. I was searching for language which tried to accomplish this idea of variety of the back of the buildings. I'm not sure how he is going to do it, but, maybe we should just say, vary the depth of the back of the buildings. Let them figure it out.

Commissioner Aieta: Just say, for duplex homes adjacent to Deming Street, vary the depth of the back of the buildings. Let them figure out how to do it.

Chairman Pruet: Could you re-state that for us, Ed?

Ed Meehan: For duplex homes adjacent to Deming Street, vary the back depth of the buildings.

Chairman Pruet: Okay, so we had a motion, we had some revisions to it, it's been re-stated, any further discussion?

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

**E. PETITION 28-10 – 76 Pane Road Winners Chapel International, 50 High Street New Britain, CT 06051 applicant, John Melonopoulos c/o Rockland Trust, P.O. Box 427 Rockland, MD 02370 owner, request for Special Exception Section 3.2.1 Place of Worship, PD Zone District. Sixty-five day decision period ends October 15, 2010.**

Commissioner Pane moved that Petition 28-10 - 76 Pane Road Winners Chapel International, 50 High Street New Britain, CT 06051 applicant, John Melonopoulos c/o Rockland Trust, P.O. Box 427 Rockland, MD 02370 owner, request for Special Exception Section 3.2.1 Place of Worship, PD Zone District be approved with the following conditions:

1. Approval is for Unit 76 at 72-82 Pane Road for use as a place of worship, total gross floor area of 2,240 square feet.
2. This approval is based on shared on-site parking use by the tenants at 72-82 Pane Road based on the applicant's representation of its parking need.
3. The approval is based on the applicant's public hearing representation, August 11, 2010, that its use of the assembly space will be scheduled on:  
Sundays 10 a.m. to 12 noon  
Wednesdays 6:30 p.m. to 7:30 p.m.  
Fridays 11 p.m. to 4 a.m.
4. Changes in this schedule shall be submitted to the Town Planner to evaluate the impact on shared tenant parking.
5. This Special Exception approval is limited to Winners Chapel International and is not transferable without the prior approval of the Commission.
6. This Special Exception will have to be renewed on a yearly basis.

The motion was seconded by Commissioner Schatz.

Commissioner Aieta: Mr. Chairman, I don't feel that this type of use is consistent with the area that it is going into. I don't believe that strip mall should accommodate this type of a use. I don't believe that the parking, even though these hours of operation might be, at certain times, we are not guaranteed that these are the only times that people will be in there. It's good that we put this thing that it comes back next year so that we have an opportunity to look at it. I don't think that this is a use that is consistent with the intended use of the strip center, or what it's supposed to be used for. It's a commercial type, retail type development and having a church in that location I don't think is consistent with the use there, and I'm not in favor of this application.

Chairman Pruet: Additional Commissioner comments?

Commissioner Pane: Mr. Chairman, I just, I added number six because I felt that maybe there could be a problem with the parking. There are still two vacant spaces there, and that's why I added that, so if there are no problems after a year, then they can continue, but this gives us a method, that all of a sudden, two new tenants come in that have a high parking demand, then we can readdress the issue. Thank you.

Chairman Pruet: Question for the Planner, it meets the zoning criteria to have a church in that area?

Ed Meehan: This is a Special Exception, and by Newington regulations it's permitted in all zones. It's considered an extra-ordinary use. As a Special Exception the Commission really looks at critical things, such as the parking, is the most measurable impact that we can look at, and then there are general special exception criteria obviously, compatibility with the current and future character of the area. As Commissioner Aieta discussed, from his point of view, it doesn't seem that it is compatible, but that is one of the more subjective findings that you can make. I think the fact that there are current vacancies there now, and there will probably be another one we know at the end of November with that being election headquarters, it's a good safeguard to take a second look at this. There is always a high turn over in this plaza for whatever reason, so I think it's wise to keep your eye on it.

Commissioner Aieta: Really, with this use there, you have to be very aware of what comes in with the other, there's several openings there. You have a pizza shop and some kind of an electronic place, then you have I guess, I think there is three, is there three more spaces there?

Ed Meehan: There are two vacancies, this one and then Linda McMahon headquarters.

Commissioner Aieta: So there will be three at the end?

Ed Meehan: Yes.

Commissioner Aieta: So this use could preclude us from, if someone else came in, that didn't require coming to zoning, they could come in and you could have a use that overlaps some of these times, and you could have problems with parking.

Ed Meehan: Another assembly use may not be appropriate. This may knock out the landlord's opportunity to attract another assembly use that has a wide range of hours, a higher parking demand than a retail use, like the electronic use is more of a service use.

Commissioner Aieta: But then, the point that I'm trying to make is that some other uses could come in there without having to come to zoning, so you could have a problem like you have at the Plaza on New Britain Avenue where they want to put the pizza place. You could have the same problem, overuse, under park, you could have that same problem here. I don't want to beat a dead horse, but I don't think this use is compatible with that type of an operation, a strip center, I don't think this use is a compatible use. I don't think it is consistent with what's there and I think it could be problems.

Commissioner Hall: I think the fact that we added number six, is a good one, so that we evaluate it in a year, see what goes in there in a year, and then the fact, that I think you said on a yearly basis, not just one year, but each year, I think that does protect.

Chairman Pruet: Further comments? I think that is appropriate language too

Ed Meehan: It's something that is permitted in the Special Exception general criteria.

The vote was in favor of the motion, with six voting Yes and one Nay (Aieta)

**F. PETITION 29-10 – Metropolitan District Commission 50 Murphy Road, Hartford, CT owner and applicant, Mr. Carlos Cruz, Interim Manager Maintenance/Solid Waste, request for Special Exception Section 3.2.2 Public Utility Installation for emergency generator systems at: Carr Avenue, Eagle Drive, Eighth Street, Old Farms Drive, Vexation Hill and Windmill Lane pump stations. Inland Wetlands Report required. Sixty-five day decision period ends October 15, 2010.**

Commissioner Camerota moved that Petition 29-10 - Metropolitan District Commission 50 Murphy Road, Hartford, CT owner and applicant, Mr. Carlos Cruz, Interim Manager Maintenance/Solid Waste, request for Special Exception Section 3.2.2 Public Utility Installation for emergency generator systems at: Carr Avenue, Eagle Drive, Eighth Street, Old Farms Drive, Vexation Hill and Windmill Lane pump stations be approved, the Commission finding the proposed six (6) station's improvements are necessary and will assure sanitary and water services continue to the public during emergencies.

The Inland Wetlands permit, Application 2010-5 is made a part of this approval.

The motion was seconded by Commissioner Aieta.

Commissioner Aieta: To the Town Planner, Mr. Chairman, there was a lot of discussion, there was a lot of discussion that we had, wasn't there any other kind of item that we were going to put on here? It seems like we had a lot of discussion about protecting the neighbors and stuff like that....

Ed Meehan: Well, one of the neighbors at Old Farms was having a sidebar discussion with MDC staff about the landscaping, I believe, and the other was a resident and also a letter from Windmill Lane neighbors, but it was more about, not about the emergency generator, it was about issues with overflow problems during storm events and post storm events, that was not within the purview of this particular application. Those are the ones that I recall.

Commissioner Aieta: It just seems that we are not putting any conditions on this and I thought there was a lot of discussion about different items, I can't think what.....

Commissioner Hall: It was the Eighth Street one because it was so close to the house.

Ed Meehan: They are moving it up from down below. It is in the hundred year plain, they are moving it up closer to the street.

Commissioner Hall: That is the one that we had the most concern about.

Ed Meehan: They are going to landscape that with arborvitae.

Commissioner Aieta: I feel that this should be approved because we have problems in town when we have a storm and it knocks out, and they are running around trying to hook up all these different things with temporary generators. I think this is a necessary (inaudible.)

Chairman Pruet: It definitely protects the town. Further discussion?

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

**VIII. PETITIONS FOR SCHEDULING** (TPZ September 7, 2010 and September 22, 2010.)

Ed Meehan: One site plan application came in for a use at 55 East Cedar Street, it has been off and on a residential use. It's now being converted to a commercial use, and they submitted a site plan, and that's the only application I have right now.

Commissioner Aieta: Can you give us a little bit more about it?

Ed Meehan: 55 East Cedar Street is between.....

Commissioner Hall: Is it the convent?

Ed Meehan: Yeah, I think Sisters of Mercy is the sign out front, and there were changes in the use of the building from a residence to a commercial use, and that requires, under your regulations, a submission of a site plan. It's something that the Zoning Officer and the Building Department have been after the property owner to work out and get cleaned up. It brings all kind of new building code issues to play, but it also brings in the accessibility requirement and parking requirement.

Commissioner Aieta: Is this on the north side of Cedar or on the south side?

Commissioner Hall: South.

Commissioner Aieta: South, and it's next to what?

Ed Meehan: Dr. Finkelstein's, share the same driveway.

Commissioner Aieta: So it's where all those houses, turned into offices are, and it's now some kind of a convent?

Ed Meehan: It's a business office for a convent.

Commissioner Aieta: It's not a residential use and it's not, it's already commercial....

Ed Meehan: The long and short of it is, it was cited as a zoning violation, months ago, and to correct the zoning violation, this plan is being put forward.

Commissioner Aieta: I was just curious. I thought it might have been on the north side of the street, we have a problem there.

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

None.

**IX. REMARKS BY COMMISSIONERS**

Chairman Pruet: I'd like to start off. We are having our Zoning Enforcement Officer join us next month. I've asked him to come quarterly to discuss the reports and make himself available and, which is a good thing, get an idea of what is going on in town, how we can support him, and how he can support us. That's it from my stand point.

Commissioner Pane: Thank you Mr. Chairman, the meetings, the quarterly meetings when the Zoning Enforcement Officer comes to us, could we move him up on the agenda to be first before public hearings so that it is as efficient as possible.

Then, the next thing that I would like to talk about is, several meetings ago, I talked about through trucks on Church Street. The reason that I talked about them was that eighteen wheelers were going down this residential zone and they are turning down Kelsey Street, and at one time, through trucks used to be prohibited from that street. It might have changed when they improved the bridge down there, but they didn't make any improvements to the turning area, to turn down Kelsey, so the eighteen wheelers can barely turn down Kelsey. I don't think Church Street should be a through truck area, it's all residential and there are a couple of schools in the area, and they don't need to go down there, unless all of a sudden they're delivering there, for some reason, but at one time, that's why I brought it up, at one time there used to be signs there that prevented through trucks from coming through there.

Commissioner Aieta: There still were signs Domenic near the New Britain Avenue, Church Street at New Britain Avenue, and also at the town line, the Berlin town line.

Chairman Pruet: From Rowley Street?

Commissioner Aieta: Yes, from Rowley, it was posted, I know it was posted, the one near New Britain Avenue definitely was posted and I'm almost certain that it was posted at the Rowley end, but going from New Britain Avenue as a short cut, that's what they were using instead of going to the turnpike. What Domenic is talking about is where the cemetery is there, it's so tight to make the turn from Church Street to Kelsey Street that they are going up over the embankment, onto the embankment to make the turn, there's tire tracks on the hill, there's not enough room.

Commissioner Pane: They just did that road over too, if they had just extended it a little bit, they could have corrected the problem.

Commissioner Aieta: Yeah, they could have corrected the problem.

Commissioner Pane: They might have had to have a little retaining wall because it is a steep slope, but that could have been corrected and then I wouldn't have a complaint about the eighteen wheelers coming there. The only complaint I would have is that, for years and years all of the residents in that area, which are a lot of R-20 houses haven't had eighteen wheelers coming through their neighborhood, and I wouldn't like it.

Ed Meehan: If I could jump in, I think you got the mailing in your packet, by the State Traffic Commission. There is a procedure that the Town can initiate to do an investigation for posting, and you need a town ordinance. Yesterday I happened to be at a local traffic authority training session, all day with the State Traffic Commission folks and this came up, and there are some towns that have done this, and I got some more information that I can discuss with the Town Manager about trying to post, re-post Church Street, if that was the case with prior investigation and documentation but we have to find an alternate route, so you know, maybe send them to Willard, and Willard to Richard to the Berlin Turnpike. There has to be a reasonable alternate route. That could be looked into. You can't prohibit inter-town, but it's not out of the question, it can be done. I mean, when Domenic brought this up a couple of meetings back, I had been aware of this, and I know that some other communities have tried this and haven't done it successfully, but after coming back from this training session yesterday, talked to some other local traffic authorities, they have done it, but you have to give the route, an alternate feasible route.

Commissioner Pane: The signs were up though, I don't know if they took them down after they did the bridge improvements....

Ed Meehan: I don't know. There used to be signs on Griswoldville about this, and there may still be a couple of signs over there, but.....

Commissioner Pane: Maybe they got knocked down and they just didn't put them back up, but I know that there were signs up there, but one of the reasons why it could have been was because that bridge was, couldn't take the weight possibly, the one on Church Street.....

Ed Meehan: Oh, north of Richard Street.

Commissioner Pane: Yes, so they improved that bridge so maybe that took the status away, I don't know.

Ed Meehan: Well, the other thing is, the corner by the cemetery, there were issues in designing that. You mentioned a retaining wall, there were issues historical issues on the burial plots there, but I can pursue this a little bit if you want.

Commissioner Aieta: If we could just talk about the vending thing, and how we are going to proceed.

Chairman Pruet: Yeah, we're under Remarks by Commissioners.

Commissioner Aieta: We got the letter from the Chief of Police that finds that every thing is copasetic down on Maselli Road. There has never been a complaint, over months and months, I don't think he lives in the same town that I do, but I think we should pursue it. We've gotten opinions from the Town Planner that he felt that, his opinion was that he felt that they shouldn't even be allowed in town, we only have two in town now. I would like to see something back to the Council where we ask that they, after this season, when it gets to be renewal time in January, that we eliminate them.

Commissioner Hall: I don't know that we necessarily eliminate them, I don't think that is one hundred percent fair either, I mean, these people are just trying to make a living. I think maybe if we are more specific about where they should be, and what we consider to be safe, certainly the one on Constance Leigh, there is plenty of room over there, and I don't ever remember anyone ever complaining about it. I mean the complaint now is from the poor vendor because of the ghost plaza, he doesn't have any people any more, but he sets up every day and is trying to make a living. I don't, I think a unilateral none, is a little harsh, regulated, yes, banned, no.

Commissioner Aieta: There are two trains of thought there, one I understand that these people have to make a living, but it's also off setting legitimate restaurants and businesses that pay taxes to the Town of Newington, and suffer under the burden's of ownership at a legitimate location, and these people are out there paying a thirty-five dollar fee, and opening up shop across the street from legitimate restaurants. I find that offensive.

Commissioner Hall: Well, ironically, one of them is an off shoot of an existing restaurant.

Commissioner Aieta: Then maybe he should have his hot dog stand out in front of his restaurant.

Commissioner Hall: There's too much traffic there.

Commissioner Schatz: I think when the vendors first came in, there were those little hot dog carts.

Commissioner Aieta: Hot dog carts, right, and now it's not that.

Commissioner Schatz: So you might have to limit the size of what they would have.

Commissioner Pane: The Town Planner had some really good reasons why they should be prohibited and I would ask him to put it back on the minutes, or maybe at a future date he could look into it, but we should consider.....

Commissioner Aieta: If we don't want to consider it, then we should determine what locations are appropriate. If you feel that strongly that they have to be here in the Town of Newington, that we have to accommodate these two hot dog carts, then we should determine what, where they should be. Traditionally they have been on cul-de-sacs and areas where you had enough room for people to pull off. For the Chief of Police to say that this and send someone down there over a twenty-four hour period where a cop drove by a couple of times and took a look, and didn't see anything going on there, or maybe he didn't go at the right time, because I drive down that street fifteen times a day and I see violations that are outrageous. I see eighteen wheelers parked directly across the street from the hot dog cart, I see people driving up the wrong way, parking in the wrong direction on the street, I see an overhang on this truck that is in the middle of the street, I see people standing on the white line waiting in line to get a hot dog. When you drive down there two cars cannot pass at the same time, one has to wait for the other one to pass before he can go, it's a wide street and they are taking up two thirds of a lane. If anybody in the construction business, if anybody wanted, if I wanted in my construction business wanted to go and do road work in front on a piece of property in the public right of way, I'd have to have a police officer there if I was even a foot into the right of way. I would have to have a police officer there while I was doing the work on the street and this guy is able to use of a whole lane of traffic on a daily basis for four or five hours a day and there are violations there, and there have been reports, for him to say that there have been no complaints, there have been hundreds of complaints. I don't know how or why he is protecting this particular location, I don't know all the ins and outs of it, but I have a bad feeling about it. It's not right. It's not a use that should be on that street since they opened up Sam's and Stew Leonards. I mean, we are getting traffic down there, we are getting eighteen wheelers delivering to Wal-Mart, Sams. That's the truck route and there are eighteen wheelers coming in there. What is going to bring this to a head is when there is an accident or someone gets run over, then it's going to be, oh, well, now there is a safety problem? We have to wait until something drastic happens before it gets addressed in the Town of Newington? Let's find this guy another location on a cul-de-sac or on private property or someplace different. I know that right now in Wethersfield there is a hot dog stand that's in front of Atlas Tile. He's off the street, in their parking lot. Perfect. It's private property, there's plenty of parking, they are not obstructing the right of way, it's a nice location. Maybe we have to look for a new location for this particular operation.

Commissioner Pane: Or allow them on private property only. Then they have to get permission from the property owner and some will allow it and some won't.

Ed Meehan: You open up Pandora's box.

Commissioner Aieta: I mean, it's not like we have fifty of them in town, we have two, and one of them is a serious safety problem and unfortunately the police don't want to admit that it is and I can't understand how they, I've talked to some of the officers that have investigated

this, and they have told me right to my face, this is a safety problem, it's a problem here, and for some reason the Chief feels that it is not. That disturbs me.

Commissioner Lenares: I think there are some things that you can't deny with this problem, concerning the one on Maselli Road, that no one, the Chief, Planner, any of the Commissioners, no one can say that the road is not busier now than it was before. It is considerably busier than it was, and it should be because it is open and it is a thru way. Frank kind of stole my thunder a little bit and I think with us taking these steps to be proactive, if something ever happens there we would feel kind of bad about it and say, you know, we should have done that when we had the chance. What's it going to take for someone to open their eyes? If you can find spots for the two vendors within the town that they can go to, that they wouldn't be in harms way, or their customers, then maybe you could find them, and if not, they should be omitted. I mean, it's very simple, they can't cause problems within the roadways for them to succeed in their own business. It's kind of like a double negative, it shouldn't happen like that. So, if they can find somewhere to go, find a new place, put it in the regulations, if not, I think they should be omitted. Very simple.

Ed Meehan: This e-mail back from the Newington Police Department, they are going to continue to monitor and collect data. It's probably an opportunity for the Commission, through the Town Manager to alert formally to your concerns and at this point I would suggest that you might recommend that this location be sunsetted at the end of this season because as the asterisk on the location map says, when Newington Fair opens it would be eliminated and it's been open since July 2009, so I think a heads up that this is your position on it addresses Commissioner Hall's comments, you are not prohibiting it, you are not throwing the baby out with the wash, there are still six or seven other sites in town, that can be expanded.....

Commissioner Lenares: And those should be reviewed as well.

Chairman Pruet: So to the Town Council?

Ed Meehan: Yes, through the Town Manager's office and in the meantime, I think they are still, they being the Newington Police are going to collect information down there but you've got a couple of more months left, I don't think he was out there during the winter, was he?

Commissioner Aieta: Yes, he's there all winter.

Ed Meehan: Well, at the end of the calendar year.....

Commissioner Aieta: It's up for renewal in January, they usually renew their licenses, right?

Ed Meehan: Yeah, that's the way the ordinance reads, but at the discretion of the Police Department they can be yanked any time, but.....

Commissioner Aieta: I don't want to be that, let them stay until January when it's time to renew, and then have him pick another, out of the locations that are approved, have him pick another location.

Chairman Pruet: I think what we'll do, we'll draft a letter of our concerns, what we discussed tonight, kick it over to the Town Council and the Town Manager.  
Further remarks by Commissioners?

**X. STAFF REPORT**

A. Review of 2020 POCD Layout for Printing

Ed Meehan: I've got one item, trying to wrap up, and I'll pass the colored version of the Plan of Conservation and Development with the colored maps and the colored pictures. This is the cover that the Commission members by consensus asked me to go forward with. Here are the black and white versions, but I wanted you to, I'm going to get you all colored ones. I'm getting pricing now to get them all printed, the big thrust is to get this in a CD version up on the web page, so we may get a couple hundred copies printed for Town Officials, Town Clerk, Library, that sort of thing, but you've had it for about a month, and I haven't heard from anybody. The edits were made, the picture selection was subjective, we talked about the cover quite a bit, but what we had for place holders before were mostly aerial shots from Google Earth or Google Map, and these now are actually street view shots. So, where the theme was appropriate, Conservation, Open Space, rural nature, a picture of Eddy Farm; town center, streetscape; industrial, Volvo Aero; schools, playscape at Wallace-Patterson; things like that, so there is some logic to it. It will be double sided, it will be, we're doing a high resolution print job, so.....I think it's very short and concise, and I hope that more people will go to it on the web this way, and what we can do is extract the maps out and put them in a map library so they are outside the plan if you want to use those maps. Other boards and commissions can use these maps now. Economic Development can use them, Open Space Study Committee can use them.

Chairman Pruet: One thing before we adjourn, we are going to meet at 6:00 to discuss signage and drive through. I'd also like to put on the agenda too, discussing the Attorney Sabatini issue, put that on for discussion.

Ed Meehan: Tuesday night, remember, because of the Jewish Holidays, we meet Tuesday. Tuesday, the 7<sup>th</sup>. We'll send out a reminder.

**XI. ADJOURNMENT**

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

Respectfully submitted,

Norine Addis,  
Recording Secretary