

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

August 26, 2015

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Commissioner Michael Camillo

Staff Present

Craig Minor, Town Planner

III. APPROVAL OF AGENDA

Craig Minor: No changes

IV. ZONING ENFORCEMENT OFFICER REPORT

Chairman Hall: This evening we have the Zoning Enforcement Officer for his monthly report. Come forward please, good evening Mr. D'Amato.

Mike D'Amato: You have the report in front of you, if anyone has any questions. I know Craig also sent you the current blight list.

Commissioner Aieta: This first one on the list, 2608 Berlin Turnpike, Galaxy Carpet, temporary signs. I asked a couple of meetings ago how the number of signs was determined. To me, that building is way oversigned along with the pylon sign that is there that is double faced. Also, on the side of the building that faces Aldi's Food Store, there are signs on the original building that are painted on and that would have to be considered in the calculations. I want to see the calculations.

Mike D'Amato: Okay, but this is for temporary signs; I can get you that information for the next meeting or I can e-mail it to you. I did go through the calculations with them, and that building is extremely long.

Commissioner Aieta: What are you using for the calculations?

Mike D'Amato: They get two square feet for the front, and then they get one square foot for the entire length of the building.

Commissioner Aieta: Which length, the length that runs not along the street?

Mike D'Amato: They get two square feet for the length of the building parallel to the Turnpike, and they get one square foot for the wall perpendicular to the turnpike.

Commissioner Aieta: Isn't that only allowed on a building that is on a corner?

Mike D'Amato: No, the reg that I just spoke about is for every building on the Turnpike. They get two...

Commissioner Aieta: So for every building that faces the Berlin Turnpike and the side, the depth of the building, running back, to the Berlin Turnpike you use as part of your calculations?

Mike D'Amato: Yes, if they have doors on that side. They also get .75 if they offer additional off-street parking, like Chili's, you know how they have parking behind the building, so for this building, and for every building on the Turnpike, it's two for one for the front and one for one on the side, based on Regulation 6.2.

Commissioner Aieta: I've got to see that.

Mike D'Amato: Mine is on page 75, Section 6.2.3. Two square feet for each front and then one linear foot for each side. I did go around with them, and there is an entrance on that side of the building.

Commissioner Aieta: That's not for the customers, that's a side door for deliveries.

Mike D'Amato: It is a public entrance because I think they have a ramp there. I don't have everything memorized. We can go over it next meeting if you want.

Commissioner Aieta: Anybody, I mean anybody could look at that building and say it's way oversized. Just by the pylon sign. They have signs on the front, the big sign on the top and then all these little signs on the side, and then additional signage that was from the old building. It's outrageous. We're interpreting the regulations, and they are not being interpreted right.

Commissioner Anest: The last sentence, "total sign area displayed on the building frontage shall not exceed 2 square feet for each linear foot of building frontage", how does that...

Mike D'Amato: If they have one hundred feet of frontage, they can't have more than two hundred displayed on the front of the building. That's the way that I read that. I don't know that they necessarily did an increase, if they just did a swap out which would be one for one...

Commissioner Aieta: We just approved a pylon sign there. A double faced pylon sign.

Mike D'Amato: You may have; again, I don't have every part that review memorized, so I can't give you the details. I can put together a calculation of what they would be allowed, based on this, and I can also give you a run down of what is there based on the permits that

were received, because they did come in for all these permits, and that will tell you what they have because they did use a sign contractor. I just don't have it all off the top of my head, but I can provide that.

Chairman Hall: Anyone else have a question for the Zoning Officer?

Commissioner Aieta: I sent you an e-mail back in the beginning of August about the solar panels off Pane Road. You referred to some sections of the regulations that in my opinion don't apply to that type of a structure. You tried to equate that structure to a storage shed. They are not a permitted use in the regulations because they are not in the regulations. There are no regulations putting solar panels on the ground, not even for solar panels on the buildings.

Mike D'Amato: Solar panels are not a "use", they are an "accessory structure" which is why I called it, why I likened it to a storage shed. It's a ground mount solar array, so it falls under the setbacks just like a two car detached garage. Solar panels that are on a building, unless they had some issue with height, are typically built to lay flat on the building, and would never even come to my office because they are not changing the footprint, they are not doing anything.

Commissioner Aieta: This is a different situation. This is not on the building, this is on the ground, adjacent to the building. I'm not sure who owns it, whether it's the laundry or the building next door.

Mike D'Amato: I worked with the contractor. We went over the site plan and made sure that it met all of the setback requirements. Again, in my opinion, this is not a use; this is accessory to the principal building where the principal use is a laundry or business office. There is no...

Commissioner Aieta: So tomorrow morning on the side yard of my house, I could put up thirty of those things, come in here and get a permit for them? Is that what you are opening up the town to? They are the ugliest things I have ever seen in my life.

Craig Minor: No. If you put thirty panels next to your house you are obviously doing it for more than just your own need; you are doing it to create electricity to sell, which is fine but now you have crossed over the line into a "business", that the Zoning Officer does have control over.

Commissioner Aieta: I don't see this as a use that is permitted under our current regulations. They should have come in and applied for a permit, or we should have amended our regulations to allow this. You know that location that you have there on the side yard is not a location that I would think is permissible. If I had my druthers, to draft the regulations, I would not allow them in the front or the side yards.

Chairman Hall: I think that is something that we have to address when we are doing.....

Commissioner Aieta: The horse is already out of the barn. We have already allowed it, just like we allow a lot of stuff in town that should have come to this Commission. The staff makes these kind of decisions. That's what I'm getting at.

Chairman Hall: But did you hear me that now that it has arisen, when we are redoing the regulations...

Commissioner Aieta: But this person gets to do it, and if we make the regulation changes, I would not put it in that kind of a location.

Chairman Hall: It will be addressed when we review our regulations. That is the purpose of having all of those meetings that we are having, to address things that come up, and this is one of them.

Mike D'Amato: The idea of different types of renewable energy is something that is increasingly popular. A large solar farm can be regulated and are regulated through the Siting Council as well, I believe. There is a large solar farm in Somers, ten megawatts or something, but it was regulated through the Siting Council and didn't even come to the Zoning Commission. I think you are going to see a lot more, whether or not it's a "use", like you said, it's more like a "structure".

Commissioner Aieta: Why didn't you come to the Zoning Board and get an opinion on this instead of whoever you went to?

Mike D'Amato: This is a call that I made. The Zoning Regulations outline uses, but things happen all of the time that aren't in here, and I have to make a call based on the intent of the regulations. I can't bring every application...the building department takes in over 2,000 applications a year, if I brought them all to you...

Commissioner Aieta: I'm not asking you to bring every one, I'm asking you to bring ones that are obviously in conflict with the regulations. You made a judgment call and who ever you consulted with, and I think it was wrong.

Commissioner Claffey: Mike, for our next meeting or the next time you are here, can you possibly bring in some information from Berlin because they have a solar farm, behind the farm there on the corner of Episcopal Road. I would like to see how they did it, or what their regulations are because across the street at H.O. Penn and I can totally see that coming down the road, saying, well there is land behind us, not that I'll see it from my place, but who's to say that someone else is going to plop it in front of their house, so if you could, so we can get the ball rolling, to get this stopped and have at least a legitimate regulation because you can barely see that one in Berlin from the street, if you are looking. If you're not looking, you won't see it.

Commissioner Aieta: That came to this Commission.

Commissioner Claffey: Yes, from CRCOG.

Commissioner Aieta: And we had no problems with it because it was a thousand feet off of the property lines to Newington, behind the building. There were no sight line problems, there were no neighbors that had to look at it. This one is offensive to me, but I'm more concerned about the homeowner who comes in and starts putting them in his front yard and all over the place.

Mike D'Amato: The bulk regulations don't allow that in the front yard setback. You can't have a structure in front of your house, and most of Newington. To have a ground mounted solar panel array in an area that gets enough sun, I mean, for the 12,000 square foot lots that we have, you're going to be hard pressed to get it in anywhere except maybe the backyard. So as far as front yards are concerned, and visibility from the street, certainly anything is possible, but largely, based on every application that we see, most of the houses are lucky if they are 35 feet from the street and they don't want something like that in their front yards. I can get you the regs from Berlin, and if there are any other town I can come up with...

Commissioner Claffey: We all know that one because it came before us as a FYI. I just think that business, and that type of business is in Newington.

Mike D'Amato: I can pull together a list of other towns to see how they are regulated, how they are treated, if they are they allowed as of right, or are they allowed through some kind of program.

Commissioner Anest: I agree with Frank. If there is something that you have doubts about, something that is new that you haven't seen before, I think you owe us the courtesy of bringing it to a meeting. What do you guys think? Because there might be other things that are coming down the pike that don't have in our regs and we've never seen in the past, and then we are caught by surprise. I just think we are taken back a little bit because you drive by and you see these solar panels on the ground. Now we have set a precedent, and if we put them in the regs, people are going to say, well, he was able to do it. The same thing is happening with our temporary signs. People are seeing other people doing it and if it's okay for this business to do it, I'm going to do it now.

Mike D'Amato: I can give you the process I go through when approving a permit. I didn't think twice about this one, to be totally honest with you. We regulated it as an accessory structure in the last town I was in, and I know other towns do too. To use the example of the hobby shop on New Britain Avenue, that one was very abstract, so rather than make a call I came before you and explained it and we talked about it. I do do that, it is an option for me. In this case, based on the facts, where it was going, and how it is regulated based on my knowledge, I didn't bring it to you because I didn't see that it needed to. When there is an issue, and we don't want something to go forward, the solution is to put it in the regs. Then it's a transparent decision that went through the amendment process.

Commissioner Anest: Are there any applications pending for any more out there now that you know of?

Mike D'Amato: It's the only ground-mounted solar panels that I have seen, but they do dozens and dozens of roof top. I don't think I have approved a permit in this town, or the last for a residential ground mount.

Commissioner Aieta: I want to go back to Galaxy. When you go out there to talk to them about the signs, the flags that they put out every weekend, they have actually permanently placed in their lawn several holding devices that are sunk into the ground to hold these signs that are permanently there.

Mike D'Amato: I sent them a first notice, a second notice, and then a citation, and then I sent them a fine which they paid. In each notice I instructed them to remove those bases, to remove any and all things relating to the temp signs.

Commissioner Aieta: The signs were up this weekend, the flags were up this weekend.

Mike D'Amato: It's a matter of constant policing. We talked about this with the temporary sign regs - when a business goes through the expense of purchasing these flags, if they can get them out for even a single day and that's something that I continue to watch, and every time I see it I send them a notice and that's really...

Commissioner Aieta: I think we should look at changing the regulations for temporary signs.

Mike D'Amato: I did draft something that I can provide you at the next meeting, a new temporary sign regulation which is a lot more strict than what we have, as a jumping off point

because when I left the last meeting I had the sense that the general consensus was that the sign regulations we have now are too liberal and allow too much and that is what generates this constant policing. I can provide those to you as well, and you can use those as a jumping off point to determine if they are still too loose and you want to tighten them up.

Commissioner Sobieski: Mr. D'Amato, are they within the state right of way?

Mike D'Amato: I can't tell you where the state right of way is at that particular location, but regardless of where they are, from my perspective they weren't allowed because they didn't have a permit.

Commissioner Sobieski: Right, but I'm asking because Commissioner Aieta said there was some sort of stake in the ground to put these in, and if they are in the state right of way they should be removed right away.

Mike D'Amato: What is in the ground is an anchor, and the flag goes into it and clips so it doesn't blow out, so it's essentially a stake. I don't know where the right of way is in every spot, because I don't have the ability to determine that when I'm looking at a strip of grass. In the past when the State has seen things that they are concerned about being in their right of way, they have communicated that to me, and we determine whether I need to take care of it or if it would be better for them to take care of. They haven't addressed this concern. But this will be addressed.

Commissioner Sobieski: You do have the right of way plans in the office from the State for the Berlin Turnpike.

Craig Minor: They are in the map file room.

Commissioner Claffey: I have a question on what Commissioner Aieta was saying. We see as we drive up and down the Turnpike these signs are back in the ground, and you talk about how it is easier for them to keep paying the fine because they make them so much money. Can we fine retro back to the original date when the first citation was issued? To put some teeth into the regs for these people who pay the fine, and then go and put them back in, and then you fine them again, and they go and put them back in? I mean, it's like a cat and mouse game. If you retro back to the first day you cited them, now you are at six months, you can really hit them in the pocket. We need to change that to make these people not pay a fifty dollar fine when they make a five hundred dollar sale off the sign.

Mike D'Amato: I think that is the reason that they are willing to take the risk. We can fine them \$150 per day per violation. I take a photo with a date stamp so they can't say the flags weren't up. Then I send them the citation and I tell them that it needs to be removed. I have to give them time to remove them, and the fine cannot accrue during that grace period so they eventually remove it, pay a small fine, and then the next day they put it right back into the ground. And we start the process all over. So can we do retro when they are re-violating the same violation that I just fined them for? What I have done, there is an issue which has come up in the past and where as it's almost like a self help kind of thing, where they know that it is a violation and they just don't care. That's what we are assuming. In the case of a larger business, say a big box store on the Turnpike that may have a hundred plus employees, with different managers on different shifts and they just don't know the regs. As soon as the violation is remedied, as soon as that sign comes down the violation is closed, and that complaint is resolved.

Commissioner Claffey: So then we start the process over and have to wait another forty-five days, fifty days. I don't see the big box stores, I don't see a Target doing it or a Wal-Mart but

there has to be a way we can tighten up on these people to clean up your use. You should be working on a thousand other things other than going after, for better words tonight, Galaxy Carpet.

Mike D'Amato: The problem with this is for temporary signs, the same process applies to every violation of this whole problem, and so to come up with a specific way to approach signs, I don't know that would be legal. But like in the past where you forfeited the signs, if it is in the right of way, and we take it, we're going to throw it away. That is considered to be self help and I was told that we can't do that.

Commissioner Anest: Glastonbury just did a sweep of their signs last week, I'll send you the article. Maybe we can do that, it was like a week's time and they had the police department go along to pick the signs up. I'm sure that there is a way that we can do it too.

Mike D'Amato: I have seen in the past where you make everybody in town aware that this is going to be happening during this period of time, that the Town will be going through and sweeping and taking every temp sign within the right of way or whatever. You do that with use of a public notice, that is possible.

Commissioner Claffey: Is it effective?

Mike D'Amato: It's effective in getting rid of all the signs for the day that you do it, it's just one of those things...

Chairman Hall: What we are discussing tonight is not new.

Commissioner Claffey: As we modify our regulations, let's put some bite into it.

Chairman Hall: We have tried. We had a sign committee...

Mike D'Amato: The long and the short of the regulations that I wrote, and I won't spend a lot of time getting into it now, but the problem is that signs are very cheap, and so whether they sit along the Turnpike for a day or for a week, when it's a ten dollar sign, and there are twenty thousand cars a day, even if it is up for just one day, it's cheaper than any other kind of advertising. So they don't spend a lot of money on the signs, and they are willing to take the risk to draw anyone that they can which is why you see them on Cedar Street and the Turnpike, Main Street and all those places. The regulation that I wrote says that you must have an A-frame type of sign, 3 x 2, plastic or wood, there has to be something on the sign that says it's permitted, who owns it, their contact information, etc. Then all of the information will be there. If they have to spend some real money on a sign that is worth something to them, then they will be more likely to keep within the regulations because they are going to use it every year and they can just change the content. I think that works better. I looked at Avon, Simsbury, and a couple of other places that have temp sign regulations that work a little better than ours and they aren't peppered with signs on the corners. It will be easier to police as well because we'll know who owns the sign.

Commissioner Sobieski: Mr. Minor, could you ask the Town Attorney if once Mr. D'Amato cites a sign and then goes back up two days later, can we add that into that regulation somehow that if the sign reoccurs within 45 days of whenever that is, the fine is doubled or whatever or will be retro back to that time? Otherwise, as Mr. Claffey said, they take it down today and it will go back up tomorrow, or next week. I'm just trying to free up Mr. D'Amato so he can get to some of the other issues.

Chairman Hall: Anyone have anything else on this?

V. PUBLIC HEARINGS**A. Petition 31-15: Zoning Amendment (Section 3.22.3.C: Commercial Vehicles in Residential zone.) Town Plan and Zoning Commission, applicant.**

Mike D'Amato: I'm just going to go through the memo. This is a memo from me to the TPZ on July 13th:

"Recently it has come to the attention of this office that the existing regulation that deals with commercial vehicles in the Town of Newington may not be sufficiently addressing the issue. After looking into how many other Towns regular this matter, I have come up with the following suggestion for a new definition.

Section 3.22 currently reads under Accessory Building and Uses Permitted in Residential Zones: A commercial vehicle not larger than one ton and customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way and must be owned by the resident.

The current wording presents a number of issues in determining if a vehicle meets the requirements to remain on a residential site or not. These issues include:

1. There is no definition of commercial vehicle in the Zoning Regulations. The State of Connecticut defines a "commercial vehicle" as anything in excess of 26,000 pounds.
2. "Not larger than one ton" is vague. Does this mean gross vehicle weight? Payload?

After looking at the definition that we currently have, my suggestion would be to remove the words, "not larger than one ton" and leave the rest of the section as it is. My next suggestion would be to then define what Newington believes a commercial vehicle is or is not. The suggested regulation keeps the intent of the existing regulation but clarifies the parts that were not clear.

A "commercial vehicle" is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:

1. Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailer, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
2. Earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
3. Any vehicle outfitted with a backup alarm.
4. Any vehicle with more than 2 square feet of signage affixed to the outside.
5. Any vehicle which has two (2) or more of the following characteristics:
 - a. Exceeds a gross vehicle weight rating of ten thousand (10,000) pounds.
 - b. Exceeds seven (7) feet in height from the base of the vehicle to the top;
 - c. Exceeds twenty (20) feet in overall length;

- d. Has more than two (2) axles;
- e. Has more than 4 tires in contact with the ground;
- f. Used or built to carry more than 8 passengers;
- g. Designed to sell food or merchandise directly from the vehicle or trailer itself;
- h. Has modifications such as a platform rack or mechanical equipment such as a hoist used to facilitate the carrying of goods or equipment."

There is a note at the bottom that just says that if there is a vehicle like a Ford 350 that has six wheels in contact with the ground and is more than 20 feet in length, if it is a personal vehicle, we would be able to determine that it isn't used in the conduct of business and it is not a commercial vehicle, so that resident in that situation would not be in violation.

Just after that you will see a referral from CRCOG that they essentially determined that this had no conflict with surrounding towns' regulations.

Commissioner Aieta: Handicapped vehicles have a backup alarm on them - it says, "any vehicle with a back up alarm would be considered commercial".

Mike D'Amato: But because it is not used in the conduct of business, profession or trade, we would be able to determine that it is not a commercial vehicle. So they would not be classified as commercial.

Commissioner Claffey: Just looking up the specs on a Chevy 3500, heavy duty, and the gross vehicle weight, 13,200 pounds, so if I drive one of those, there's one check, and it has more than four tires on the ground, there's two checks, and I'm just a homeowner and me, as a homeowner wants to put a ladder rack on it because I may have a 25 foot ladder that I use once in a while, there's three.

Chairman Hall: It's your personal vehicle.

Mike D'Amato: Right, it's your personal vehicle not used to conduct business, so it wouldn't be a commercial vehicle.

Commissioner Claffey: But I'm putting things on it to make it look like a commercial vehicle, or if it's a personal vehicle and I have a business as Commissioner Sobieski has said in the past, a home improvement contractor, has to put his lettering on the truck, his license number, and there has to be a DOT number of the truck. Now there is lettering on the truck.

Mike D'Amato: Then it would be a commercial vehicle because you're using it to conduct business. If the vehicle is used for business, in the beginning it says, "a vehicle or piece of equipment used to carry, deliver in the conduct of business", so the first thing we do is to determine if it is being used for business. If it is not, we don't go any further. If it is 21 feet long, 8 feet high, has six tires, but is a personal vehicle because he likes to drive a large truck, he doesn't become someone who is in violation. If he has all those things, and he wants to put lettering on it because he has a business, then it is a commercial vehicle. There is no difference between someone like that and your general contractor who has thirty trucks that he sends home with his employees every night. I don't see a way to regulate what you just explained without leaving out...

Commissioner Claffey: But that's half our battle, in this town. Those oversize trucks that are used for business unbeknownst to the powers that be in this town, that they are large trucks sitting in front of these houses, some of them, they are so big that the cars that are supposed to be in that driveway are on the street, so maybe it's the wrong junction to bring that up, but

there's a lot of people in this town that have vehicles that large, that other vehicle are out of the driveway.

Mike D'Amato: We are not policing them as contractors...

Commissioner Claffey: Well, you are not going to chase after them to see if they put a saw in the back of their truck, and now they are a contractor.

Mike D'Amato: We would have to have some indication that he is a contractor, either he is licensed by the State of Connecticut Department of Consumer Protection, which I can determine. But if someone has a dualie that is 21 feet long and has six tires on the ground, and they want to drive it, fine, but if they want to drive it and put lettering on it, and a DOT number.....

Commissioner Claffey: If they have a combination plate:....

Mike D'Amato: We don't even look at whether it's a combo or not, because we don't regulate whether or not it's combo. That didn't appear to be a good way to determine.

Commissioner Claffey: Which is a business use though.

Mike D'Amato: Not necessarily. I had a Nissan Murano, and purchased a Dodge 1500 and I was able to transfer passenger plates on that. You could see the same Dodge with a combo, and that's why we didn't get into that.

Commissioner Serra: Mike, I just want to say that I actually do like what you have come up with, I do like the list, but I understand what Commissioner Claffey is saying, and I think we need a guideline, something to go by for determining whether it is a homeowner or a business. That's obviously where you come in, where your expertise comes in to do the footwork to determine what this vehicle is. So, I do like what you put together, and I think it will work.

Commissioner Aieta: (Inaudible)

Mike D'Amato: Probably over the last six months, going back to the winter, maybe ten complaints. It's either the aesthetics of a large six wheel vehicle parked in their driveway, with lettering, all kinds of tools and other things, or it's the backup alarm that wakes the person up because the windows are open. These are the complaints that we are receiving, the issues that are occurring in town, so I tried to write a regulation that addresses that. So that is why we added "any vehicle outfitted with a back up alarm" and that is why we also added "any vehicle with more than 2 square feet of signage", so if somebody has a small personal vehicle, a realtor, someone like that, on their cars, just a little magnet maybe one foot by one foot, it wouldn't be a commercial vehicle. If they are operating a business out of their home, that is another set of regulations that we can address. As far as the vehicle itself, if it's a Honda Accord with a little sign, it's not bothering anybody.

Commissioner Claffey: It detracts from that neighborhood, and that's what we are trying to get away from is the signage, regardless of the size.

Mike D'Amato: The original regulation has nothing about signage. Any vehicle with a sign is a commercial vehicle but the consensus after that meeting was that there are all these cases in which some general contractor/resident might have a small name on his truck, and we didn't want to be overly punitive. So we addressed that by giving him essentially one square foot per door. We could reduce that if you want.

Commissioner Claffey: I just don't want to say the GEICO car is not a commercial vehicle simply because it is a sedan.

Mike D'Amato: The GEICO car for example would be a commercial vehicle because there is more than two square feet of signage on the outside, regardless of what it is, how big, how small. If it has more than two square feet of signage, it's a commercial vehicle.

Commissioner Claffey: But the Camry, with one foot on each side, is not a commercial vehicle.

Mike D'Amato: Because it is less than two square feet based on the regulations, right.

Commissioner Sobieski: Mr. D'Amato, hopefully you are not going to have the USDOT numbers count as signage, because that does take a small space on the bottom on the door, and I don't want to put any of our residents who run businesses with small signs on their vehicles fit into this.

Mike D'Amato: I would liken the USDOT license number to a license plate that's required by law. I can't regulate that, and if that is all that there is, it's not going to kick them into being a commercial vehicle; that wouldn't be the sole determination.

Commissioner Serra: I hate to split hairs here, but we are talking a two foot area, so let's say this DOT number brings it over the two feet. Do we exclude that, or is that included? I mean, not to split hairs here. I want our home owners to be able to use their vehicles, but we also have to make sure that we follow this. So my opinion is, if the DOT license number brings it over the two foot, then that vehicle is in violation.

Mike D'Amato: We can certainly take that stance. I don't get into regulating what requires a DOT license, and that's not my thing, so I don't know what requires it, how big it has to be, how small, if it's up to the occupant of the truck, where they can have it be this big, or if it has to be this big, I don't know that. There may be cases like that. I don't know, I tend to see those DOT numbers on trucks, I don't know that I have seen them on small cars.

Commissioner Serra: Contractors have to have them, I know that. We have a lot of contractors in town, and I don't want to hurt them; I just want to be sure that we are being fair to everybody, that's my only concern. I'm all for home improvement contractors, I use them myself, I don't want to hurt them, but at the same time, we have to make sure that it is all regulated the same.

Mike D'Amato: So the Commission will have to decide if a DOT required license number factors into the two square feet. That's for you determine. It can go either way depending on how you feel.

Commissioner Anest: A lot of times the number is right on the sign. If it is something that the State mandates, then we have no power over it, it's mandatory.

Mike D'Amato: My recommendation is not to count it.

Commissioner Anest: I mean the trend should be, if they get a new sign, then maybe we should encourage them to have their license number printed on the magnetic sign, like on the bottom, but at this point, to say it is considered a commercial vehicle because you have a state license number on it, I don't think that's right.

Mike D'Amato: I have never once had anybody complain about a license number on a truck, or a small sign on the door. It's generally large, loud modified vehicles that stick out. I have not had any complaints, since I have been here, about your small residential contractor who is just trying to make a living. This is a start. If there is a glaring issue with this, then we'll need to look at it again, but based on what I have seen from other towns, and how they regulate it, this is not a problem.

Commissioner Sobieski: USDOT is required and is something that the town cannot regulate. It has to be on trucks, so I don't think we should count that as part of the sign.

Commissioner Claffey: So we're not going to include the home improvement contractor license number that is required, the electrical license number, any of those? The Consumer Protection license, they have to be an inch, minimum.

Mike D'Amato: And like I said, if I were to consider that a violation, the only solution would be to remove it, and they can't by state law.

Commissioner Claffey: Do we need to address any other state laws that pertains to professional licensing?

Mike D'Amato: I did have that in there, but again, because I don't regulate them and I don't know what is and what isn't required, and how that determination is made, I took it out. I think, maybe we can leave it out.

Craig Minor: If it's not going to be included, then the regs should say so. Otherwise some neighbor is going to complain, hey, my neighbor has 2.2 square feet of signage. It's easy to add. Just put that sentence back in that you said you had.

Mike D'Amato: Yes, so it would basically read, item four, "any vehicle with more than 2 square feet of signage affixed to the outside other than as required by the State of Connecticut, or as required by the DOT."

Commissioner Claffey: You have two different ones. You have the USDOT which is usually at the bottom panel of the trucks, but then you have the Consumer Protection State of Connecticut licensing requirement.

Commissioner Serra: Can't we just put "as required by law"?

Chairman Hall: Anyone else? We haven't gotten to the public yet. This is a public hearing, so we now go to the public part of it. Anyone wishing to speak in favor of this regulation, come forward, state your name and address for the record.

Alan Paskewich, 100 Cambria Avenue: I would like to commend Mr. D'Amato for handling this situation and all the questions with concentration, more than I could ever think of. He has done very well, and we appreciate him, and his appearance here with the Town. I'm in agreement with what he has recommended. It's a delicate situation, because we have home improvement contractors that are licensed, who may or may not have a sign, and I don't think we can expect Mr. D'Amato to be the arm of the DMV. Thank you.

Chairman Hall: Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? Anyone wishing just to speak?

John Bachand, 56 Maple Hill Avenue: I'm glad that we had this public meeting. As I told you before, I definitely have a dog in this fight, as politically incorrect as that is. I have a truck and

I do meet a lot of those commercial vehicle standards, but I just want to make sure that that applies to vehicles only in the front yard.

Chairman Hall: It says it right in there.

Craig Minor: It is kind of obscure, but in the very first sentence, "commercial vehicles customarily used by the resident for transportation", "such vehicle may be parked on the lot, but shall not be parked in the front yard or in the street right of way", so it can be behind the house. A commercial vehicle as determined by the rest of that definition may be parked behind the house.

John Bachand: This whole thing opens a Pandora's Box and I sympathize with the Zoning Enforcement Officer because it is a complicated case. You are here calling "commercial vehicles" tractors, trailers, earth movers, so someone could have a bulldozer in a residential backyard, basically, but I don't want to stir the pot too much more. With less than ten complaints I wonder if any of those were repeats. I know that there was one case that turned pretty ugly so keep in mind that you have hundreds of contractors in this town, and it's a touchy subject, and a lot of people are surviving by being contractors. I do think it does not address the car issue, the full wrapped commercial branding. I don't see anything in there about that at all; it seems to strictly focus on trucks. I don't have any right near me, but if you drive around and see one and if I lived right next door to one that had "Progressive" all over it, or "Sandals", or "Bail Bonds", or something like that, I don't think I would be too pleased with that.

Another important thing is that you are calling a trailer a commercial vehicle. Any landscaper who is going to have a commercial vehicle in his backyard and will have a trailer too. I don't know if we can possibly word that a little better because I have a trailer, and I don't use it for commercial work, but I do have a trailer and it just specifies trailer without saying anything about weight or capacity or what it does or anything else. I think that is very vague and probably should be cleaned up a little better, specified a little better because apparently you can have a commercial vehicle which I interpret to be one.

The other thing is, I'm glad that you took off the licenses and DOT numbers from the sign requirements. The sign requirements I'm concerned about too. Two square foot on the outside of the vehicle, is that one side of the vehicle or is that total aggregate? I have a sign that is probably a little bit bigger than that, but there is a logo in there. That's another thing, are graphics considered part of the sign, just a pattern, some people have patterns all over their vehicle and don't have a sign with wording on, so I think that, without doing much harm, could be increased a little bit. Instead of total aggregate, at least saying per side, two square feet per side because again, using an example of those cars that are totally wrapped from front to back, they are mostly graphics, but they still have probably more than two feet of wording on one side or the other or the back or on the window. Some of them even tint the windows. I think that is a little bit tight. Again, I'm protected because of that first paragraph and referring to keeping it out of the front yard. I never park my truck in the front yard. Unfortunately there are a lot of people who don't have that option. I do feel sorry for them, and like I said, I think it's a Pandora's Box. Thank you very much.

Chairman Hall: Thank you. Anyone else wishing just to speak?

Gary Bolles, 28 Burdon Lane: Good evening. One of the things that you might also want to exclude in the signage formula is the name of the vehicle, like "Dodge 4 x 4", or "Caterpillar". Thank you.

Gail Budrejko: When John was talking about front yards, I'm just visualizing my street and I have some contractors on it, maybe it is nitpicking a little bit, but does the "yard" include a driveway? Because our houses have driveways that run from the street along the side of the houses into the back yard.

Chairman Hall: The yard is what is in front of the house.

Gail Budrejko: Okay, and what about a driveway that runs up along the side between two houses? It would still be visible from the street.

Chairman Hall: That is where they may be parked, on the side or in the back.

Gail Budrejko: Okay, I guess I didn't know what the intent is. Is it the visibility to the neighbors that's the problem, or the visibility from the street?

Chairman Hall: Most of these come from neighbor complaints. Anyone else?

Rose Lyons, 46 Elton Drive: I guess I'm a little bit dense with that too about where it can be parked and where it can't be parked. It says it "shall not be parked on the front yard". I thought that there was already a regulation that you can't park anywhere except on the pavement or something like that.

Chairman Hall: This says in the front yard or in the street right of way which is that.

Rose Lyons: Okay. But isn't there some other regulation as well that you can't park even a regular car on the yard, on the grass? I'm not sure.

Mike D'Amato: The front yard is defined as the area between the street and the house.

Rose Lyons: Right, so I have a driveway that goes to my garage and I have a side driveway and then I have a front yard.

Mike D'Amato: If it's between the road and the house, it's probably within the front yard, so it can't be parked there. That is a separate regulation.

Rose Lyons: On the grass?

Craig Minor: No, her question is, can you park on the grass?

Mike D'Amato: There is a separate regulation that says that you must park on the paved surface area of the yard. So you cannot park on the grass or in the landscaped area.

Rose Lyons: And there are people on my street that have commercial vehicles that that would apply to.

Chairman Hall: Everyone does.

Rose Lyons: I'm just saying that's why I questioned it.

Chairman Hall: That is what this regulation is trying to address. Just exactly that same thing.

Commissioner Anest: I think people are confused. Your driveway is part of your front yard.

Chairman Hall: Well, since it's in front of the house, yes.

Commissioner Anest: I think people are confusing front yard with the grass. If you have fifty foot frontage, it's the fifty foot frontage up to your house. If you have one hundred, it's the one hundred.

Mike D'Amato: Including the driveway.

Commissioner Anest: Including the driveway, side yard to side yard.

Chairman Hall: Anyone else? Back to the Commissioners.

Commissioner Aieta: I would like to keep this public hearing open. I don't think we had enough publicity. I see that there is a reporter here from one of the newspapers, and if he writes a story and maybe the next time we have a meeting and this is still open as a public hearing we will have public people and as many people as possible to have their input on this because it's going to affect a lot of people. It's hard for us to get publicity, maybe the reporter will write something on this and we might see more people, so I'd like to keep it open.

Chairman Hall: I see some nodding heads. Do I have any other comments?

Commissioner Anest: I agree with Frank and maybe the Town could put it on their web page that we are having a public hearing, maybe that would get more people to come out.

Commissioner Serra: I just want to agree with Commissioner Anest and Commissioner Aieta to keep this open. We're trying to do the right thing here and I think it's important that the residents know that we are not trying to hurt contractors, we're not trying to hurt anybody, we're just trying to clean this up, cut down on the complaints, cut down on some of the issues. We want our contractors, we need our contractors, but this needs to be addressed. That is all we are trying to do, is address it and regulate it at a happy medium somewhere. I just want to reiterate, we're not trying to hurt anybody but we do need to address this.

Chairman Hall: So it's the consensus that we will keep this open for the next meeting? The next meeting I believe is September 9th.

VI. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; speakers limited to 2 minutes.)

Rose Lyons, 46 Elton Drive: I know that notices are sent out to people like myself, but the only thing that comes through is that there will be a town Planning and Zoning Commission meeting at 6:00. It doesn't mention anything, it says 7:00 for the regular meeting, which is great, but it doesn't mention anything, it says, see the agenda and then you take out the calendar and see the agenda, and then it shows that there is a 6:00 meeting where you are going to have the Town Planner from Windsor. When they send out the notices, could they just indicate that there is an earlier meeting at 6:00? So you don't have to jump through the hoops to get the calendar.

The Zoning Officer Report is on the web site, and this may be a gray area, but for years, I went before the Economic Development Commission and I asked that they get some signs up for Constitution Square. Within the last year or so they finally went up, and then much to my surprise, I see that they have decided to attach the electric charging station metal signs. I guess it is the Town's right to do it, but it looks pretty ugly.

John Bachand, 56 Maple Hill Avenue: A couple of things. The green bag dumpsters, they have to go. There are a couple that have been out there for about two years now. I know, it's called a "bagster". You can buy it at Home Depot for about twenty bucks, but people don't

realize, they think that it's going to be picked up for the \$20.00 but it costs hundreds of dollars to have someone come and pick it up. People put it in their front yard and fill it with garbage and there are at least two of them that I know of, both very visible, one on Cedar Street and one on Main Street. They have both been there for about two years. I think the people don't realize that they have to pay to get that picked up.

The second thing, there were comments last meeting about curtailing the Town Planner's Facebook usage. I think that has to be clarified a little bit. I'm supporting him on this, I know we cause each other fits sometimes, but he has been helpful on some of the sites, and so I appreciate his participation in some of the things, and I think it's kind of a touchy subject to tell him that he can't go on Facebook. I think you have to clarify a little better, because he has been helpful on some of the sites.

The third thing is the time limit. I know today is one of those days where you want to enforce the time limit, but a lot of times you don't have a lot of people waiting and you are not really overdue. You told me to speak to the Mayor about it, and I did. He said it is strictly up to you to set the time limits. It's up to this Commission to decide if you want to let someone go on and speak and I strongly encourage it because there are people who have a lot to offer. The Mayor does a great job, he lets people say whatever they want to say and people can't claim that he is hiding anything. So I strongly encourage you to consider that.

The fourth thing is, when is public participation on TOD going to be? I've been hoping for that. I thought it was going to come up after this. I thought that was what that public meeting was for, the gentleman from Windsor. Just today there was a pretty ugly story in the paper about the top DOT administrator lying and going on, writing on Facebook with fictitious names, and other top administrators manipulating the press and the public. It's on the front page of the paper. It's pretty ugly, and he has been the point man on this from the beginning. I would like to know when there will be public participation.

Chairman Hall: We haven't set the date yet, but we will give you plenty of notice.

John Bachand: I know that you talked about having a period of public participation before you really sat down and discussed it much, so I would love to get my comments in early. Thank you very much.

Gary Bolles, 28 Burdon Lane: Good evening again. While I do appreciate the Town Planner from Windsor being here, I just want to make it perfectly clear, and you good folks understand this, that Windsor has 30.5 square miles versus Newington's 13.7 and I think, if I got it right, most of the land in Windsor is vacant land, whereas with Newington, we are pretty hard pressed and a lot of our land in Newington is residential and it's pretty well built. So just keep that in mind and be very careful. Thank you.

VII. REMARKS BY COMMISSIONERS

None

VIII. MINUTES

A. Regular Meeting July 8, 2015

Commissioner Sobieski moved to approve the minutes of the July 8 2014 regular meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with five voting YEA.

B. Special Meeting July 22, 2015

Commissioner Sobieski moved to accept the minutes of the July 22, 2015 special meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with five voting YEA.

IX. NEW BUSINESS

A. **Petition 24b-15: Site Plan Approval (Section 3.24.6: Restaurant at 3375 Berlin Turnpike (Raymour and Flannigan") WNT VIII LLC, applicant, Furniture Executives no. 4 LLP owner, Michael Hamlin, 287 Chesterwood Terrace, Southington, CT contact.**

Michael Hamlin, 287 Chesterwood Terrace: I'm here because the previous time that I came the site plan was not correct. This is the proper information for the patio to be put on the property.

Commissioner Aieta: Has the staff reviewed it?

Craig Minor: Yes, I have reviewed it. I have not heard yet from the Town Engineer on this, and I always send site plans to the Town Engineer. There is the little patio in front which was impervious yesterday and will be impervious tomorrow so it doesn't change any of the drainage. So although I don't have any recommendation from the Town Engineer, assuming that everything else is in order, if the Commission wants to, I have no objection to going forward with the condition that the Town Engineer's comments be obtained. I have reviewed it for zoning, and it complies with all of the regulations.

Commissioner Aieta: We had approved the special exception for the restaurant.

Chairman Hall: Right.

Commissioner Aieta: This is only site plan approval, so if the site plan is acceptable to staff who has looked at it for aisle width and traffic and everything else, I suggest we close this and move it off of the table.

Commissioner Sobieski seconded the motion. The vote was unanimously in favor of the motion, with five voting YEA.

Chairman Hall: We will move this to Old Business. That will be a condition, that it will be reviewed by the Town Engineer.

B. **Petition 28-15: Site Plan Modification (Section 3.2.5: convalescent Home at 238, 256 and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates applicant, Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owner, Mathew Boggio, 88 Ryders Landing Suite 208, Stratford, CT, contact.**

Craig Minor: This is an application to expand the existing convalescent home. The applicant's surveyor is here to make a brief presentation because this item also requires a public hearing for the special permit. It's the Commission's prerogative to let the applicant make a presentation now. There is no procedural problem, it's at your discretion.

Commissioner Aieta: If it is very brief and just an overview, I would like to have it presented, but there is other stuff on here.

Alan Bongiovanni: I think I would like to wait and do it with the other petition.

C. Petition 30-15: Site Plan Modification (Section 3.16.1: Processing or Assembly of Components or Goods) at 80 Fenn Road. Fenn road 80 LLC, owner applicant, Joseph Sullo. 312 Murphy road, Hartford, CT, contact.

Russell Hintz: For the record, my name is Russell Heintz, and I'm a principal in the engineer firm of Tarbell, Heintz & Associates. I'm here representing Joseph Sullo. This is at 80 Fenn Road and it's an old, abandoned, I want to say contractor's lumber warehouse a long time ago, and I think it has been not in use for probably the last twenty years. Mr. Sullo recently purchased 36 Holly Drive next door. He's renovating 80 Fenn for a client who wants to take the middle portion of that, it's Triumvirate, as an environmental warehouse. They are also taking the rear portion of the building and they are going to put in their offices and shipping warehouse, and they need to add a loading dock to the back. We're going to access the loading dock area from Holly Drive through a right-of-way that Mr. Sullo is going to give 80 Fenn Road, his property. We will be providing additional parking, improved landscaping and removing the existing curb cut on Fenn Road, moving it to the north. Basically we are going to clean up the site very much. In the front portion of that building, at this point in time, we have no renters or anyone that is going to come in, but we have it laid out in such a way that they could have some kind of an office or manufacturing there. We will provide enough parking for (inaudible) additional spaces for that office space in the front.

Chairman Hall: And that is the one that has the curlicue circle around it, correct?

Russell Heintz: Yes. The reason that we did that is Mr. D'Amato wanted me to specifically let my client know that once the back portion was set up as an office and a warehouse, we only have space for twenty additional spaces or basically 2,000 square foot in each of those little spaces for office and storage or warehouse or manufacturing.

Commissioner Aieta: I read somewhere that you are talking about construction debris, construction material. What are you going to use that portion of the building for? What exactly do they do?

Russell Heintz: They take rubber matting and convert it into rolls and they ship it out. I know they are operating right now out of the rear of Holly Drive and they get the plastic sheets that come in and they put it into rolls and they ship it out. I do not know, I have no idea what they do in the lab, I just know they are shipping it out of Holly Drive. I asked the guy the other day what these are used for, and he said it was taken back to a factory somewhere and ground up and used as matting for the back of rugs. I think we talked, a staff meeting that we had with you that there are no chemicals or anything that was toxic waste or anything like that.

Craig Minor: I think the Commission wants to know what line of work are they in, and my understanding is that they take debris of some sort from one site, debris that needs to be handled in a careful manner because it has some kind of chemicals in it, from where it was, bundle it up where it was, very carefully (they are regulated by the EPA), put it in their trucks, and the trucks then drive to Newington for the night. The material will not leave the truck, but then the truck will drive on to wherever this stuff is ultimately going to go.

Commissioner Aieta: So it's a transfer station. We've had several instances where transfer stations have come into the town. Your report says they are demolition debris contractors, that the tenant needs to bring large trucks to the back of the building, so changes to the

parking areas, aisles, and landscaping are needed. The applicant also owns the adjacent piece at 36 Holly Drive and he has determined that the most efficient way is to go to the back of the building. It sounds like you have some concerns also.

Craig Minor: That's why I told you as much as I did, so if you wanted more information you could ask for it. I think you have the right to more information so that you can make an informed decision.

Commissioner Aieta: What kind of demolition debris?

Russell Heintz: This is the first that I have ever heard that this is what they are doing. I don't know where that come from.

Commissioner Sobieski: I'd like to know exactly what kind of debris they are bring in, to see if some of it is contaminated and I want to see, if something happened and the area was contaminated, you know, it happens, park the truck over there and it leaks and everything else, so I would like to know what kind of material they are bringing in, and just what is contaminated in the material. They need to tell us, this is all concrete, this is all bituminous, they is all brick; I would like to know. Where is the rubber coming from? Is it coming from a tire plant?

Commissioner Aieta: I'm concerned. I would hate to see any of this operation outside the confines of the building. I don't want to see this stuff stored outside.

Craig Minor: It's my understanding that it never leaves the truck, but you need more information we'll get it for you.

Commissioner Aieta: Yes, we should really know what they are talking about.

Chairman Hall: And we want to know what kind of trucks they are. Are they tank trucks, trailer trucks? Just give us a full description of what is happening.

Russell Heintz: They are tractor trailers.

Commissioner Serra: Do they come in and go out the same day? Or, as I believe Commissioner Aieta brought up, are they being stored out there, you know, what's going on with these trucks? How long are they here, are they indoors, are they left outdoors, the type of security on them, I assume that they are locked, usually they are, but I think we should know exactly what is going on with them.

Craig Minor: I asked the Assistant Town Planner to review the site plan, which he did, and he has been working with the applicant on this very diligently. The Town Engineer hasn't given us a report on the proposed LID. The plan does meet all of your zoning requirements. I wanted to put that on the record, and we will find out more about the uses.

Russell Heintz: Thank you.

D. Petition 32-15: Site Plan Modification (Section 3.16.1: Processing or assembly of components or goods) at 50 Rockwell Road, Reno Properties LLC, applicant, 50 Rockwell Road LLC, owner, David Occhialini, Reno Properties, 170 Pane Road, Newington CT, contact.

Alan Bongiovanni: Good evening Madam Chair, Staff, Commission members. For the record my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut, owner of

the Bongiovanni Group. We have prepared this site plan for Reno Properties at 50 Rockwell Road. This is an existing facility, built some ten or eleven years ago. Originally it was CB Bloom, they transitioned and were brought out by Xerox, and they occupied this building until the first part of this year. The majority of the building is office, there is a total of 25, 500 square feet of office on the first floor, and mezzanine. There is 14, 579 square feet of warehouse space.

The proposed tenant is "Community Residence". They are presently located on the corner of Christian Lane and Kelsey Street in that plaza. They have a smaller presence, and they are looking to consolidate some of their offices, bring more of their personnel here. Also they have chosen this location, and they are going to occupy the office portions of this building. The warehouse is going to continue to be used by Reno Machine. They have [inaudible] train their employees, people with developmental needs. They have locations throughout the State of Connecticut and this would be their central location. They have periodic needs to have training seminars and things like that where they will need parking, so they will require more parking. The light gray is the existing pavement. We are proposing to install a parking lot adjacent to the existing parking. That is really the only change with the exception of requiring LID drainage. Our engineers, WMC Consulting, had several meetings with town staff going over parameters so that we can create a state of the art drainage system to renovate storm water from the parking area. It's well within your regulations. We are not asking for any special exception; the requirement would be 133 spaces, and we're asking for an additional 24 for a total of 157 spaces. That's it, the long and short. We have gotten some technical comments from the Town Planner which we agree to address. If you have any questions I'd be happy to answer them.

Commissioner Aieta: So the office portion of this is going to be occupied by this rehabilitation center, and the back portion is warehouse for Reno?

Alan Bongiovanni: Yes.

Commissioner Aieta: Is that warehouse in there now?

Alan Bongiovanni: Yes. Reno Machine has a contract with some of the large engine manufacturers, jet engines. They have to store and renovate, or renovate and repair engine stands. They are massive pieces of equipment just for holding a jet engine. They hold them here until they bring them in, repair them, paint them, and then they go off, so it's warehouse and storage.

Chairman Hall: And the office space, I know that over on Christian Lane there are quite a few vans that come in and out, so that is going to be the same thing. What they have there is going to move here, or is it going to be in addition?

Alan Bongiovanni: I believe it is going to move here. This is to consolidate all of that. I can't say that they will move out of every square foot there, but this is to consolidate a lot of their operations.

Commissioner Aieta: That building is owned by Reno Properties.

Alan Bongiovanni: Yes it is.

Chairman Hall: There are no issues from the Town Planner?

Craig Minor: Not from the Town Planner, but the Engineering Department hasn't finished their LID review yet, so I'm not prepared to recommend approval.

Alan Bongiovanni: If it pleases the Commission, I know that you have a lot of things on your agenda, we'd be happy to, and we did work diligently with the engineering staff, subject to any conditions that the Town Engineer may have. I think we have done everything we need to. They just need time to really review it, I won't speak for them, but I'm confident that we are at 95, 98 percent of where they are going. As you know, this LID is new, and there is no real recipe or cookbook way of doing every one of these. We are all kind of feeling our way through.

Craig Minor: I agree, and that's why it has been my practice to not recommend approval until the Town Engineer, I know that you said you were 95 percent done, but he hasn't given me that yet.

Chairman Hall: It's two weeks to the next meeting. Is there a time line for these folks to move out?

Alan Bongiovanni: I think they are going to occupy it sometime after the first of the year. We want to get the parking area paved. We have enough time.

Chairman Hall: The next meeting is the 9th. Do you think you will have something from him by the 9th?

Craig Minor: I don't know, but I'm sure Alan will make sure I do.

E. Petition 33-15: Renewal of Special Permit #51-13: Child Care at 82 Candlewyck Drive, Agnieszka Kaim, 82 Candlewyck Drive, Newington, CT, owner/applicant/contact.

Agnieszka Kaim: My name is Agnieszka Kaim, I live at 82 Candlewyck Drive and I operate a day care that I have a special permit for.

Craig Minor: And the permit that was approved two years ago said that it could be renewed, but there would have to be a public hearing first. So I thought it would be appropriate to talk to Ms. Kaim a little bit first, and then schedule the public hearing.

Commissioner Aieta: Have there been any complaints or any problems?

Craig Minor: No, in fact, I didn't even realize that she was open although I knew we gave her the permit. I have not heard any complaints, but we will know when we put out the legal notice.

Commissioner Aieta: Did they comply with the landscaping requirements?

Craig Minor: Yes. Actually I do have pictures here. I drove by the other day, sorry, I didn't bring them, but yes, they did plant the arborvitae.

Commissioner Aieta: I suggest that we move it to Petitions for Scheduling for a public hearing.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with five voting YEA.

Chairman Hall: So this means that for September 9th, this petition will be on for public hearing. I'm sure you remember the last time when it was on the docket and the neighbors came; it will be pretty much the same the last time. Again, I know we talked about this not

too long ago, because there had been absolutely no indication that it was open, so that is a good sign. So, September 9th, you'll be back, but you will be higher on the agenda, you won't have to wait until almost 9:00 to be heard. Thank you for your patience this evening.

F. Petition 34-15: Subdivision of Duplex house at 45-47 Monte Vista Avenue. Jacques Morreale, 123 Cherry Hill Drive, Newington CT owner/applicant/contact.

Craig Minor: This was my first duplex subdivision. The applicant is not here because I told him don't bother coming. I'm learning as I go along, and after a couple of weeks of working with Mr. Morreale, I realized that he needs a special permit. So, I'm going to suggest that you move this item to Petitions for Scheduling and schedule it for a hearing at your next meeting.

Commissioner Aieta: How many are we going to have at our next meeting?

Craig Minor: We're going to continue the commercial vehicles, we've got Ms. Kaim, now this, and Bel-Air Manor. It's filling up.

Commissioner Aieta: I don't want to do twelve o'clock at night.

Craig Minor: I don't think time is of the essence for Mr. Morreale, I don't think two weeks will be a problem for him.

Chairman Hall: So, is that the Thursday night one?

Craig Minor: Yes, that is when we are meeting on Thursday because of Yom Kippur. We're meeting on Thursday the 24th, instead of Wednesday the 23rd. When we did the calendar last December, this was one of the holidays that we knew about.

Chairman Hall: September and November, we had to change it in September and November.

G. TOD (Transit-Oriented Development) Regulations for CTfastrak Neighborhoods.

Craig Minor: I have nothing new. I put it on the agenda so the Commission could talk about it if they wished.

Commissioner Anest: I would like to schedule a public hearing, get comments. We're already into the one year moratorium, and we really haven't done anything. So I would like to see something scheduled.

Commissioner Aieta: It's really a public meeting because we have nothing to present.

Commissioner Anest: I just think we should get some input before we start spinning our wheels and everybody starts complaining, "that's not what we want". I don't want to go through what the Town Hall renovation is going through. I think we need to be pro-active and hear from the public first, and then let's take their ideas, our ideas, and start coming up with something. At this point we have been studied to death, and now I think it's time for some common sense. Let's get this thing together.

Chairman Hall: We are going to need more than one meeting for one thing.

Commissioner Anest: We could do it on a different night.

Chairman Hall: That confuses them. What if we take the six o'clock special meeting and instead of what we have been doing, dedicate a couple of those meetings to TOD.

Craig Minor: We could push our regular meeting starting time back to 8:00, to give it two hours.

Commissioner Aieta: You have a lot of stuff coming up on the agenda for the next meeting.

Chairman Hall: No, we're not going to do it the next meeting. It will be the one after.

Commissioner Anest: We could do the 24th, which is a different night, so let's start advertising now. Let's get the Reminder, put something in it, the Town Crier, Newington Life will be out again, let's make sure people know what is going on, and they know the truth of what we are doing and not trying to draw people in for no reason at all.

Commissioner Sobieski: I definitely agree with Commissioner Anest. We need input, so let's get it going. The Town Hall renovations are a good example. Let's try to get this stuff put to bed.

Commissioner Anest: I think two hours would be fine.

Commissioner Aieta: So for the regular meeting, we don't want fifty items on our regular meeting for that last meeting.

Craig Minor: Okay, I'll try to keep it as light as possible.

Commissioner Aieta: If we start at 8:00, we don't want to go forever.

Commissioner Serra: The only suggestion that I was going to make, from what we have already heard from residents, I don't know that this room is going to be enough. Maybe we can reserve the upstairs or something because I just think we're going to get turnouts.

Craig Minor: I can reserve a bigger room, and then if we need it, it will be there waiting for us.

Commissioner Anest: The meeting on Alumni Road should have been scheduled for the auditorium. People were more frustrated because they didn't know what they were doing, and we had to move, which got people more aggravated.

Commissioner Aieta: If this gets in the paper you are going to have to go to the auditorium.

Commissioner Serra: That's what I'm referring to, I think we should just do that.

Commissioner Anest: And then we can do our regular meeting here at 8:00, but I think we need to plan it for there and not move.

Commissioner Aieta: And if we get the crowd fine, if we don't that's fine too. We'll come here for our regular meeting.

Chairman Hall: But you will have to make sure Channel 14 is aware of that, because that is the biggie. Part of the problem the last time was that they had this all set up, and then when they moved it, I think they went to hand-held at that point, so let's make sure that they are aware that we could be in either room so they have it set up in both places. That will be the

second meeting in September, not the first one. The first one is pretty full. That is it for TOD tonight because we are going to move that to September 24th.

H. Proposed Open Space Zone.

Craig Minor: The ZEO and I went out and did some more inspection of open space lots. We inspected all of the open space parcels north of Cedar Street last month, and then this month we did everything on the east side of the Berlin Turnpike. We'll finish the rest of it probably after a couple of trips, but we are pretty close to finishing our inventory of all of the open space parcels.

Commissioner Sobieski: Is the Marcap property on there? I didn't see it....

Craig Minor: I haven't redone the map. It's in this area, and I might be coloring the rest of it too, if things work out nicely.

X. OLD BUSINESS

Site Plan Approval Restaurant
3375 Berlin Turnpike
WNT VIII LLC applicant
Furniture Executives No. 4 L.P. owner

Craig Minor: I don't have a draft motion, but a motion to approve would be in order. Motion to approve with the one condition subject to staff review. Subject to the Town Engineer's review.

The motion was made by Commissioner Anest and seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion with four voting YEA. (Aieta absent)

PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 29-15: Special Exception (Section 3.2.5: Convalescent Home) at 238, 256 and 265 New Britain Avenue ("Bel-Air Manor") Bel Air Manor Associates applicant, Bel Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Matthew Boggio, 88 Ryders Landing Suite 208 Stamford CT, contact.

Chairman Hall: "Petitions for Scheduling" we already talked about. We are going to have Bel-Air, Monte Vista, and Candlewyck.

Craig Minor: Monte Vista was also going to be on the 24th.

Commissioner Anest: But that should be easy.

Craig Minor: Unless a bunch of neighbors show up who don't want one more duplex in the neighborhood that already has fifty or sixty.

Chairman Hall: They are going to separate it.

Craig Minor: Okay, so all of this: Bel-Air Manor, Candlewyck, and Monte Vista on September 9th and the commercial vehicles.

XI. TOWN PLANNER REPORT

A. Town Planner Report for August 26, 2015.

Craig Minor: No zoning enforcement issues were raised at the previous TPZ meeting. I'm getting some progress on one of the old bonds that we are holding: the owner of 3320 Berlin Turnpike property is looking to lease one of his buildings, so I warned him that I was going to take this opportunity to get him to finish the pavement that he bonded for at least ten years ago. Global Granite.

Commissioner Aieta: I think he is coming in with a restaurant.

Craig Minor: Yes.

Commissioner Aieta: That's behind the other building, where the dance studio was?

Craig Minor: No, I think it's where his showroom is.

Commissioner Aieta: So it's the building on the turnpike?

Craig Minor: No, it's in the back. There are two separate buildings, and he plans on keeping the one that is furthest to the east as his factory. The building in front of it been his showroom, but he doesn't need a showroom because customers know what they want, they go online, so he's thinking of leasing it for a restaurant. You asked that I include my monthly report to the Town Manager in my TPZ report, so I have, and if there are any questions I would be happy to answer them.

The Plan of Conservation and Development contains lots of recommendations. Some of them were adopted right after the Plan was adopted, and a few of them have been adopted over the years, but I think it's been quite a while since any thought was given to going back to the Plan and pick up where we left off on implementing the recommendations. Some of them are completely within your ability to implement, but some of them are not. Some involve other land use boards, other departments, and this is a list of eight that I would like to spend some effort on bringing to fruition. But I wanted to bring it to your attention first, in case you thought that it was not worth my time, or if there were some that you would like me to work on first. I listed them in the order that they appear in the POCD.

Commissioner Claffey: Number one I think goes along with TOD and what we are planning on there.

Commissioner Anest: It was brought up at the Council meeting, about bike trails, whatever. Can you find out what that was? Because it might go along with the walking and biking trails.

Craig Minor: I read that the Open Space Committee is about to be re-established. Is that what....

Commissioner Anest: No, but it had something to do with biking.

Craig Minor: I'll find out. I got an e-mail from CRCOG the other day saying that they are looking for volunteers to help with their annual bike survey and be positioned at certain spots in Town and count bikes as they go by; could that be it?

Commissioner Sobieski: In regards in the biking issue, when we were going around town, looking at the roads and stuff, I did point out that you need at least a three or four foot lane for

the bikes, and I had a recent occasion to go through New Britain, and what they did, is they actually took an entire lane off of Columbus Boulevard which was a four lane road, they reduced it in certain areas to two, one in each direction, put a bike lane off to the side, and painted white hash marks in there, and it stops and starts in the middle of nowhere. So, you know, if you look at doing something like that, and I showed you several of the bike lanes, you need to get a complete plan, I mean, just to have one start and stop in the middle of nowhere makes no sense to me. I tried to figure in downtown New Britain, starting at Chestnut Street, going past Gallagher Buick, and ending down in the middle of an industrial area, at the next street over at a stop light, and disappears.

Commissioner Sobieski: The other item on the list involves the Conservation Commission. We have a lot of streams that are need to be cleaned out, due to fallen trees and stuff. I know that's an issue along Piper Brook because the stream is starting to meander to the east now. The trees have fallen into the stream and is causing a damming effect. I don't know who is responsible for maintaining that. I don't know if it is the Town of Newington or not. I suspect it is. That is something that needs to be looked at and addressed. At least get some general idea of what it would cost or how it would be approached.

Craig Minor: The proposal is to develop a program that permits the cleaning of debris from streams. Right now, and this is true of every town, right now, believe it or not, the public works department has to get a permit from the wetlands agency before they can go in and clean up the streams. That has a chilling effect as you can imagine on public works departments trying to do this. They don't have the time to deal with the bureaucracy so they go on and do other stuff instead, so the streams end up not being maintained because of all the red tape. This recommendation is that we find a way around the red tape so the public works department can go through.

Commissioner Sobieski: The final issue is that there are a bunch of retention ponds that need to be looked at or cleaned out. You might want to talk to the Town Engineer and ask him. There is one at Elizabeth Green that is fenced it, it's got trees in it, it's non-functioning.

Craig Minor: That's it for my report.

XII. COMMUNICATIONS

None.

XIII. PUBLIC PARTICIPATION (for items not listed on the agenda, speakers limited to two minutes.)

None!

XIV. REMARKS BY COMMISSIONERS

Commissioner Anest: Has there been any further development on the subdivision in Wethersfield?

Craig Minor: I haven't heard anything, but I will give my colleague across the way a call.

Commissioner Anest: Have you heard anything more about the mountain, because they are really cutting back. Now they are just leaving piles of rock there.

Craig Minor: Is something active going on?

Commissioner Anest: Yes, they could have scraped the graffiti off while they were scrapping it because that is still there.

Commissioner Anest: Did you get an update on Firestone?

Craig Minor: I can tell you what I know right now. They were in court this afternoon. We are expecting the trial to finish today and for a decision to come down as early as tomorrow.

Commissioner Aieta: I have some questions on the landscaping. There is a section of land, an elevation transition between the parking lot and the Berlin Turnpike. I thought we asked for a berm to block...[pointing to drawings on the monitor] that's what you have, but that's not, see the blue car, see the dotted line, that line is the elevation of the Berlin Turnpike, that piece that is above the line, that is not there. The never finished...

Craig Minor: You're right, the berm was not there as of last Thursday or Friday, but it is there now. It's supposed to be about a foot and a half high, and according to their as-built survey, which I can show it to you tomorrow if you want to come in to my office, is actually a fraction of an inch taller than it needed to be. There is the actual bump. That bump was not there last week and I was concerned about that, but they went back and brought in top soil, and...

Commissioner Aieta: Okay, now, from the berm to the red car - I know some of that is State property, but are they going to do something plus there is also a track, a stone tracking map...

Commissioner Claffey: The State used some of that land today to get into their detention area because they cut some tracks.

Craig Minor: When Mike D'Amato went out to do his compliance inspection, he came back and told me that apparently the contractor for Firestone took it upon himself to use DOT's land as their staging area. Maybe they had permission from DOT, I don't know, but it certainly wasn't on the site plan to use this area, DOT's land, as their staging area to develop the site. It makes perfect sense, but they should have told us first, so it would have been on the site plan.

Commissioner Aieta: That has to be restored.

Craig Minor: Absolutely. We made the Firestone contractor post a maintenance bond for the landscaping because it is the height of summer, in the amount of \$3500, and it includes money to restore the DOT property.

Commissioner Aieta: I hope that is enough. I just want to equate this property to the gateway piece on the Berlin Turnpike. Mr. Brown's property. Mr. Brown maintained beyond what he was supposed to do as far as on the state property. He grassed it, he mows it, he fertilizes it, he sprinkles, the flowers, it's a beautiful extension of our 35 foot right of clearance. That is what should happen here. That should be a finished grassed area, not just on their property and then the piece that the State owns left in disarray.

Craig Minor: When we are satisfied that the landscaping has taken root (the rule of thumb is after the grass has been mowed three times), once that happens, they will ask TPZ for a bond release. You will have the opportunity to say no, we don't think it has been restored to our satisfaction.

Commissioner Aieta: The way it is now, it doesn't look finished. It doesn't look like a finished site because of that piece of property that the State owns.

Commissioner Sobieski: I think the DOT should be notified about this because it is their property. We may think it's okay, but they may not. I think they should be notified.

Commissioner Claffey: Mr. Planner, where the blue car is in the photo; what is out there now don't match it. They have a wall they put up. It's in the front of the building, from the front of that blue car. I'm pretty sure that it is a straight up and down wall.

Commissioner Aieta: Some of it is, and some of it is a sloped piece of grass.

Commissioner Claffey: So they have the wall up for embankment purposes, and they put the fence on top of that.

Commissioner Aieta: On the northerly part of the site there is this wall, and then it transitions into this piece and then it transitions back into a wall, and then they also put on a white fence in the front of the building which I don't think is very attractive at all.

Commissioner Claffey: They probably put the white fence thirty inches off grade because someone could fall off and get hurt.

Commissioner Aieta: There is a fence, right there [pointing to plan on the monitor].

Commissioner Claffey: It turns that corner to go to the first tree.

Commissioner Aieta: There is a fence that goes along that line there.

Craig Minor: I will look into that.

Commissioner Aieta: There has to be a problem with the elevations. Maybe the building was put too low, or too high, or something.

Craig Minor: I can bring the as-built survey with me next time, and we can talk about it at the next meeting.

Commissioner Aieta: I know the Chairman had concerns about the berm blocking some of the driveways, and people driving by talked about some sight lines.

Craig Minor: I will get that.

Commissioner Aieta: So we should know tomorrow if they can open or not?

Craig Minor: Yes. I will probably get an e-mail from the Town Attorney tomorrow and I will forward it to you as soon as I get it. Firestone's acoustic engineer proposed some noise mitigation; the opponents debated the effectiveness of that proposal, and that was what was discussed yesterday and today in the courtroom. I'll probably have more information for you tomorrow.

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: Again, we will see you on the 9th of September. Have a good two weeks.

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 9: 10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Norine Addis".

Norine Addis,
Recording Secretary

