

NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 28, 2013

Regular Meeting and Public Hearing

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Carol Anest
Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner Stanley Sobieski
Commissioner Audra Ekstrom-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Commissioner Frank Aieta

Staff Present

Craig Minor, Town Planner

Commissioner Ekstrom was seated for former Chairman Pruetz and Commissioner Leggo was seated for Commissioner Aieta.

II. APPROVAL OF AGENDA

No changes.

III. PUBLIC HEARING:

- A. Petition 29-13: Special Exception (Section 6.2.4: Free Standing Sign) at 56 Fenn Road. Wayside Fence Company, applicant, 56 Fenn Road LLC, owner, Chris Gueret, contact. Continued from July 24, 2013.**

Chairman Camerota: Is the petitioner here? Please come forward. State your name and address for the record.

Chris Gueret: My name is Chris Gueret and the address of the property in question is 56 Fenn Road, Newington, Connecticut.

Chairman Camerota: I know that you have been here before but if you could restate your petition and any changes that you have.

Chris Gueret: Sure. My position is that I'm the general manager of Wayside Fence of Newington. What we are looking to do is to install a sign that will bring business into our facility. The location of the property is such that it is set back behind the Fenn Road Mobile

gas station, and it is not visible from the street. So we need to grow our business through visibility on Fenn Road.

Chairman Camerota: And can you tell us again the location of the sign and the size and what it will look like?

Chris Gueret: Sure. Actually I have some handouts for everyone.

Chairman Camerota: Great.

Chris Gueret: The sign will be located two feet off of our driveway and ten foot back from the curb line on Fenn Road, the size of the sign has been revised to be five foot tall by eight foot wide. That would be a double sided sign mounted on steel posts, visible from the road.

Chairman Camerota: Mr. Gueret, I know that you have put up a sign before, it's similar to the size that you have now, but smaller?

Chris Gueret: Correct. Similar in style and design, just smaller.

Chairman Camerota: Anything else for us?

Chris Gueret: That will do it.

Chairman Camerota: Mr. Planner?

Craig Minor: Yes, this is good, this change because this addresses the concern that I had last month, that the sign, if perpendicular to the street would be too big because visible from both sides would make it twice as big, but because of the narrowness of the property, they really have to have a perpendicular sign. There is no room for a sign that is parallel to the street. So they have reduced the size down to five by eight, which is forty, doubled would be eighty, which is within the allowance of what they can have on that property.

Chairman Camerota: Thank you. Any Commissioner comments or questions?

Commissioner Anest: I just have a question for Craig. There aren't going to be any sight line problems is there with the location?

Craig Minor: Correct, because it will be ten feet back from the property line which itself is, looks like about ten feet back from the curb, so that will be well back from the street.

Chairman Camerota: Did you have something to say?

Chris Gueret: It's going to be ten foot from the edge of the road, so it's on the property line there.

Chairman Camerota: Is it on their property?

Craig Minor: It's definitely on their property....

Chris Gueret: We also conducted a test to see where the ideal location would be, both for visibility of the sign as well as people exiting the driveway safely. Ten feet is a distance we determined to look safety right or left exiting the driveway and see oncoming traffic from a reasonable distance.

Craig Minor: The sketch that they submitted shows that it is, about five feet back from the edge of the property, which itself is about, well, there is no curb there.....

Chris Gueret: It's hard to tell the exact scale from the drawing.

Craig Minor: Right, but it is definitely far enough back so that it is on their property, and it appears to be far enough back from the curb to not be a sight line issue.

Chairman Camerota: Any other Commissioner comments? Mr. Gueret, this is a public hearing. I'm going to ask you to take a seat and we will see if there are any comments from the public. Thank you. Is there anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Seeing none, what is the pleasure of the Commission. Close this one?

Commissioner Anest: I think we can close it and move it to Old Business for tonight. He's been waiting for quite some time.

Craig Minor: I don't have a draft motion, but I can put one together tonight.

Chairman Camerota: Can I have a motion to move Petition 29-13 to Old Business to vote on it tonight.

The motion was made by Commissioner Sobieski and seconded by Commissioner Hall. The vote was unanimously in favor of the motion, with six voting YES.

B. Petition 40-13: Special Exception (Section 6.2.4: Free Standing Sign) at 100 Milk Lane. Sign-a-rama, applicant, Saputo Dairy Foods USA owner, Richard Kossakowski, 2162 Silas Dean Highway, Rocky Hill CT, contact.

Chairman Camerota: Is the petitioner here? Good evening sir, come forward and state your name for the record.

Richard Kossakowski: My name is Richard Kossakowski, I represent Sign-a-rama, owner of Sign-a-rama of 2162 Silas Dean Highway, Rocky Hill, representing Saputo Dairy Foods at 100 Milk Lane.

Chairman Camerota: Go ahead and present your petition, and let us know what you are looking for.

Richard Kossakowski: We would like to install a four foot by eight foot double sided sign on the corner of Milk Lane and Fenn Road. It will be positioned fifty-five feet back from the front curb from Fenn Road and fifty-five feet over from Milk Lane.

Chairman Camerota: Did you submit any photos of the sign or.....

Richard Kossakowski: Yes I did, but I also brought some.....

Craig Minor: I believe it was in the agenda package last month.

Richard Kossakowski: I have photos and I also brought a sample of the material that will be used.

Chairman Camerota: Mr. Planner?

Craig Minor: The one concern I had earlier was whether the size of the sign was within the allowance and I asked the Zoning Enforcement Officer to determine that and yes, he did confirm that they have adequate unused signage for this sign.

Chairman Camerota: Any Commissioner questions or comments?

Commissioner Hall: Is the sign that is out there now pretty much the same size and location of the sign that you are going to be making? This is much smaller isn't it?

Richard Kossakoski: No, the one that is out there now is four foot by 32 inches, and the one that we put out there is four by eight. This one will be much larger. As far as the pictures, because it is fifty-five feet back from the road, the scale kind of makes it look smaller.

Commissioner Hall: But in that location? Where you have it right now?

Richard Kossakoski: Yes.

Chairman Camerota: Any other Commissioner comments or questions? This is a public hearing, please take a seat and we will see if there is any comments from the public. Is there any one from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Seeing none, what is the pleasure of the Commission. We can close it.

Commissioner Sobieski moved to close the petition. The motion was seconded by Commission Camillo. The vote was unanimously in favor of the petition with six voting YES.

Chairman Camerota: We will close it and move it to Old Business for next time.

C. Petition 41-13: Special Exception (Section 3.2.9: Child Care Center) at 626 Willard Avenue, Barbara Getsinger, applicant, St. Mary Parish, owner, Joseph Keough, 626 Willard Avenue, Newington, CT, contact.

Chairman Camerota: Is the petitioner here. Come forward.

Barbara Getsinger: I'm Barbara Getsinger, and I'm the architect for St. Mary's. I am accompanied by the engineer who is Dennis O'Sullivan and Father Keough from St. Mary's.

Chairman Camerota: Okay, and if you would just state your address for the record?

Barbara Getsinger: 61 Chestnut Tree Hill Road, Oxford, Connecticut. What we are talking about is, it's listed as day care but it really isn't day care, it's pre-K. The school is here. It currently has a pre-K in it, of about thirty-five students. They would like to, over time, grow the pre-K to be about sixty students. So they would like to relocate it from here into the convent building which is no longer occupied by nuns. The concern was, in terms of dropping kids off, currently the way, the older kids come in this way, on buses and they are dropped off here, and the younger kids come in, the pre-K are not allowed on buses, so they come in by parents, and they are dropped off here, and the difference would be that they would still come in here, but they would just walk over here instead of to this door. There are two sessions, there was one session from about nine in the morning until roughly noon, and the other one gets out at 2:30. There are some kids that do full day, but it's all within the school day, it's not really a day care.

Chairman Camerota: So what time would be drop-off?

Barbara Getsinger: Drop off would be nine o'clock, because the older kids come at eight and the younger kids come at nine, and some of those will be picked up at probably at about 11:30 and then there will be a second group dropped off at noon and picked up around 2:30.

Chairman Camerota: Okay, anything else?

Denis O'Sullivan: We looked very carefully at the space in between this, this is actually a blacktopped area in between. There is traffic that can go on during the day between the school and the convent, and what we are looking to provide, what we normally do, is we normally provide the cones, a line of cones.....

Barbara Getsinger: Yes, there is a line of cones that goes right across here during the school day now and another one over here, because this road does go through, and what we are proposing is to continue using orange cones, but we would also be adding a stop sign here, a stop sign here, and a painted crosswalk here to make it really obvious that that is a, that children might be crossing here, and no traffic is allowed through there during the day in any case, but if somebody were to decide to ignore the orange cones, they would at least have the stop signs and the cross walk to back it up.

Chairman Camerota: But there is traffic when there is drop off and pick up?

Barbara Getsinger: No, no, there is no vehicle traffic, the people who come in on this side, they come in, they go around and they go back out this way, and the buses only come in this way and go back up.

Chairman Camerota: Mr. Planner?

Craig Minor: That was my concern, was that parents would try to pull over, run in with their kids and then run back to the car, and that is why I suggested that they put some signs along the curb there, but I didn't realize that they were proposing stop signs on both sides of the cross walks, so I think the stop signs that they are planning to put on are even better than the signage that I requested. I think that is even better.

Chairman Camerota: Comments or questions from the Commissioners?

Commissioner Leggo: You mentioned about the stop signs on both sides, there's cones on the Willard Avenue side that you put across?

Barbara Getsinger: Yes, they are on the Willard Avenue side.

Commissioner Leggo: Are there any need for the cones on the other side too, just to make sure nobody tries to come in the back way?

Father Keough: We haven't had to have them yet.

Commissioner Anest: I just have a question, or a suggestion. Could we possibly get like the A-frame signs that say, children crossing? I get really concerned when little kids are crossing, and if you could put like a warning sign for the cars so that they know there are children crossing here, so if the cones get moved around, or there is snow on the ground, and the cones don't get put out, just to kind of alert motorists that there are children crossing?

Chairman Camerota: Any other Commissioner comments or questions? Since this is a public hearing, if you would have a seat, and we'll see if there are any comments from the public. Is there anyone from the public wishing to speak in favor of this petition? Please come forward.

David Johnson, 52 Pheasant Run: Hi, I'm a parent of two boys who have attended St. Mary's school since pre-K, so I speak with some authority on the issue. It is not a child care center, it is an educational center. It teaches students things that they need to know to go into kindergarten. That is my point, number one. The second point is that the staff over at St. Mary's is very cautious. The students regularly travel over to the Church for Mass once a month, and they are very cautious about, and they cross out that door like we are proposing here, for the pre-K, and they take the sidewalk over to the Church that way, so they are already very cautious and I'm sure that they will take extra special care of the students, so those are the two points that I wanted to make in favor of allowing this.

Chairman Camerota: Thank you Mr. Johnson.

David Johnson: You're welcome.

Chairman Camerota: Any one else from the public wishing to speak in favor of this petition? Any one from the public wishing to speak against this petition? What is the pleasure of the Commission?

Commissioner Sobieski: Move that we close it and move it to Old Business and maybe vote on it tonight since I am sure they are using it.

Chairman Camerota: Does anyone else think we should move it to Old Business for tonight's voting.

Commissioner Hall: No reason not to.

Chairman Camerota: Okay, can I have a motion to close the petition and move it to Old Business for voting on tonight?

Commissioner Sobieski moved to close the petition and move it to Old Business. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with six voting YES.

IV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda, speaker limited to 2 minutes.)

None

V. **REMARKS BY COMMISSIONERS**

None

VI. MINUTES:

A. July 24, 2013

Commissioner Sobieski moved to accept the minutes of the July 24, 2014 regular meeting. The motion was seconded by Commissioner Carillo. The vote was in favor of the motion, with five voting YES, and one abstention (Ekstrom).

VII. NEW BUSINESS

A. Performance Bond Reduction Request #2 for "Victory Gardens" on Veterans Drive.

Craig Minor: The developers of the Victory Gardens on Veterans Drive have requested another bond reduction. They submitted their request about a week and a half ago and the Engineering Department wasn't able to get out right away to confirm that the work was done correctly, but they did get out today, and I got an e-mail at 5:03 this afternoon which is on the table in front of you which is on the flip side of the draft motion. The engineer confirmed that \$146,000 worth of additional work has been done since the last bond reduction. Now this is not the amount that the applicants had requested. They actually had requested amount in the area of \$186,000, but the staff spent a goodly amount of time out there, and confirmed that there wasn't that much work that has been done. There's only been \$146,000 worth of work, so that is what the staff recommends be released tonight.

Chairman Camerota: Any questions from the Commissioners? Stanely, can you read the draft suggested motion for the bond reduction?

**Performance Bond Reduction #2
Veterans Drive ("Victory Gardens")
Women's Institute Realty of Connecticut, Inc. owner/applicant.**

Commissioner Sobieski moved to reduce the Performance Bond for the Victory Gardens project on Veterans Drive by the amount of \$146,000.

FINDINGS:

The Town staff has inspected the site and confirmed that the work claimed by the applicants has in fact been done to their satisfaction.

CONDITIONS:

None.

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

B. Petition 46-13: TPZ Approval of Outside seating (Section 3.11.6: Outside Restaurant Seating at 1125 Willard Avenue ("Pizza and Pies") John Parkos, 7223 Town Place, Middletown, CT, owner/applicant/contact.

Chairman Camerota: Is the petitioner here?

John Parkos: Yes

Chairman Camerota: Come forward, state your name and address for the record. Good evening. My name is John Parkos, 7223 Town Place Middletown, Connecticut. What I am proposing to do is to put two small tables with two seats each to the right of the door to my pizza place. This will not hinder the handicapped entrance because that comes from the left and we have a five foot width of the curb to work with, these will come out two feet, which will still leave three feet in front of the tables. The chairs will go side by side so they will not be sticking out also. It's as much for cosmetics as it is for functionality. Most of our orders are take out and delivery but every now and then someone drops in for a slice, or a sandwich and on a nice spring day or fall day, wants to sit outside.

Chairman Camerota: How many seats were you proposing?

John Parkos: Two tables of two. To the left of it, that's where the handicapped entrance is, so I really can't put anything there, I did want to plan a bench, a square bench which takes up eighteen inches just for people to sit while they wait, or just sit outside but the two tables in question are to the right of the door.

Chairman Camerota: Okay, Craig?

Craig Minor: Well, my only concern is, that is not consistent with what is already out there, so what is out there now, I have some photographs, let me share with you what the Commissioners have. The two tables that you mentioned, actually it now shows that there are three chairs at each of the two tables, two on each side, but then one in fact going out into the travel way, if you will, and then to the right of the door, are some, is some furniture that you didn't mention in your presentation just now, but you also implied that if they were there they would be blocking access by the handicapped, so are you going to be removing those chairs?

John Parkos: Yes, yes, all that is temporary. If you look at it, those are actually indoor tables to begin with, and not outdoors, and we put those out there really to get an idea of that would actually work, and if people would actually use the tables and the waiting area. The waiting area is going to be replaced by a bench which is going to be eighteen inches, and those two tables you see which actually have fold out wings, those are indoor work tables that will be discarded when we put outdoor furniture out there. We didn't want to go out and buy the complete set in case you guys said, well, nope, can't do it. Then I would be stuck with two sets.

Craig Minor: Then what is there now is not what you are going to.....

John Parkos: Oh God, no, sorry. No, it was just a patch job really.

Craig Minor: Oh, okay, good, thank you.

Chairman Camerota: Anything else Craig?

Craig Minor: No, that was my only concern.

Chairman Camerota: Commissioner comments or concerns?

Commissioner Anest: Do you have a picture of what you are going to put out there?

John Parkos: No, I really haven't picked out the set yet, because I think by the time it is approved anyway I'm probably going to be waiting until spring until I do anything because

another month, fall, it's going to get all messy out there, and I would probably wait and just get a nice set in the summer, sorry, spring of next year.

Commissioner Anest: And each table will only have two chairs?

John Parkos: Just two chairs, it will only be 24 x 24, the table.

Chairman Camerota: And it's going to be furniture made for outdoor seating?

John Parkos: It is, it is, we have some other things I want to touch on a little bit. We're trying to move our walk-in outside in the back area, to make some more room on the inside and then we are planning on actually buying an ice cream franchise and putting that in there, so the seating will actually be the kind that is grooved so that anything will leak through and get hosed off, and so this is just phase one of four parts that we are doing over there.

Commissioner Anest: So what is going to happen with this furniture now?

John Parkos: I'll probably donate the stuff on the left and the stuff on the right.....

Commissioner Anest: I mean, you are going to pull it in?

John Parkos: Yes, it's really temporary.

Chairman Camerota: Any other Commissioner comments or questions?

Commissioner Leggo: On the right side, where that, looking at the right side with the bench and the handicapped spot, how much clearance would there end up being with that bench there?

John Parkos: The bench is going to come out eighteen inches. It's one of those benches.....

Commissioner Leggo: That's going to leave us how much?

John Parkos: It's five feet so it's still going to leave you three and a half feet, so it's going to be forty-two inches.

Commissioner Leggo: My concern was two fold, the handicapped, and the fact that probably if you had traffic between, it's going to be between the store and the restaurant, for people to get by.

John Parkos: Correct.

Chairman Camerota: Any other Commissioner comments? Thank you, there are no further questions.

John Parkos: Thanks.

C. Petition 50-13: Modification to Approved Site Plan at 100 Milk Lane ("Kohler Mix Specialties"), Kohler Mix Specialties, applicant, Catamount Newington LLC, owner, Raju Bengalore, Saputo Dairy Foods USA, LLC, 100 Milk Lane, Newington, CT, contact.

Chairman Camerota: Is the petitioner here?

Raju Bengalore: My name is Raju Bengalore, I'm the plant manager at the plant here at 100 Milk Lane here in Newington.

Buck and Buck Engineers, Hartford Connecticut: What we are proposing is just to replace an existing truck scale which I have circled in blue here and put in a new one over here where I have circled in green adjacent to the entrance road. The scale will be flush with the pavement that is there now, but off in an area that is grassed currently, and that is why we were told we had to come and get TPZ approval.

Chairman Camerota: Craig?

Craig Minor: I have no concerns.

Chairman Camerota: Any Commissioner questions or comments?

Commissioner Sobieski: What will happen to the old scale?

Buck and Buck Engineer: We are taking that out.

Commissioner Sobieski: Are you going to be grassing that in?

Buck and Buck Engineer: No, it's a steel island amongst paving, so it will be paved over.

Chairman Camerota: Other Commissioner comments or questions? Seeing none, thank you. We will move that to Old Business for next time.

VIII. OLD BUSINESS

A. Petition 42-13: Modification to Approved Site Plan at 2903 Berlin Turnpike, (Bonefish Grill) Wex-tuck Realty II LLC, owner/applicant, Jason Mikrut, VHB Inc. 54 Tuttle Place, Middletown, CT, contact.

Commissioner Anest moved to approve Petition 42-13; Site Plan Modification at 2903 Berlin Turnpike ("Bonefish Grill") Wex-Tuck Realty II LLC, owner/applicant.

FINDINGS:

These changes to the original site plans are due to the recent approval of the Firestone Complete Auto Care facility at the adjacent parcel.

CONDITIONS:

None.

The motion was seconded by Commissioner Sobieski.

Craig Minor: Madam Chairman, would you like me to address the concerns that have come up the last couple of days about parking at Bonefish?

Chairman Camerota: Just briefly, but yes.

Craig Minor: Okay. There has been some concern about whether there is sufficient parking there because the Bonefish management has arranged with Price Chopper to allow some of the employees to park their cars at Price Chopper and then walk to the Bonefish Grill and Price Chopper did give their permission for that. It's probably not going to continue for very long. It's not uncommon for a new restaurant to have extra staff during the first week or so when it is still novel and there is a lot of extra customers. It will probably settle down to a more normal amount after a while. There is certainly sufficient parking there. The amount of parking required for a restaurant of this size is 72 parking spaces and the amount of parking required for the Urgent Care is 33 so there is 105 spaces total required, it adds up to three spaces fewer than what is actually provided, so there is actually more parking out there, three, there is actually more parking provided than is actually required. So there certainly is enough parking there, maybe not at the moment, but then I think it's not unlike a mall the week before Christmas. Sometimes it's hard to find a parking space at Westfarms shortly before Christmas, but during the rest of the year, it's fine. There is adequate parking there, so if anyone has any questions I can go into more detail, but I did review the record before, reviewed the file to make sure that there is in fact enough parking, and there is.

Chairman Camerota: Thank you.

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

Craig Minor: Madam Chairman I will take you up on your offer of taking a recess to prepare those motions, because there are a couple of conditions that I would like to put into both of them, so I'd like to have a couple of minutes.

Chairman Camerota: Okay, we'll take a five or ten minute recess.

7:50 P.M. Meeting resumed

Chairman Camerota: We're resuming the meeting of the Town Planning and Zoning Commission for August 28, 2013.

Petition 29-13
Free Standing Sign
56 Fenn Road
Wayside Fence Company, applicant

Commissioner Camillo moved to approve, with conditions, Petition 29-13; Special Exception (Section 6.2.4: Free Standing Sign at 56 Fenn Road, Wayside Fence Company, applicant, 56 Fenn Road LLC owner, Chris Gueret, contact.

CONDITIONS:

The applicant will submit an "as built" survey of the sign within 30 days of installation.

The motion was seconded by Commissioner Sobieski.

Craig Minor: Madam Chairman, that was an issue that came up at a previous meeting because the sketch that the applicant submitted is not to scale, and we want to make sure that the sign is in fact on their property and the only way that you can confirm that is to have an "as built" done, and I thought thirty days was plenty of time to get it done.

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

Petition 41-13
Child Care Center
626 Willard Avenue (St Mary Parish)
St. Mary Parish, owner

Commissioner Hall moved to approve, with conditions, Petition 41-13: Special Exception Section 3.2.9: Child Care Center) at 626 Willard Avenue. Barbara Getsinger, applicant, St. Mary Parish, owner, Joseph Keough, 626 Willard Avenue, Newington, CT, contact.

CONDITIONS:

The applicants will place an "a frame" type sign in the driveway between the convent building and the school to prevent traffic from driving through during the hours of pre-K operation.

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

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING:

- A. Petition 44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home) at 2135 Main Street, Middlewoods of Newington, owner/applicant, David Long, 580 Long Hill Avenue, Shelton CT, contact.
- B. Peittion 48-13: Special Exception (Section 3.4.1: Golf Course) at 245 Hartford Road, New Britain, City of New Britain, applicant, State of Connecticut owner, Seth Feigenbaum, City of New Britain, CT, contact.
- C. Petition 51-13: Special Exception (Section 3.2.9: Child Care) at 82 Candlewyck Drive, Agnieszka Haim, 82 Candlewyck Drive, Newington, CT owner/applicant/contact.

Craig Minor: The first item actually came up last month, but the Commission felt that tonight's meeting would be rather crowded so it was delayed. I recommend that we schedule the public hearing on Petition 44-13, that's for the Middlewoods of Newington Convalescent/Assisted Living facility. They want to enlarge the size of the building by filling in the doughnut, so it does require a public hearing and I recommend that it be scheduled for the next meeting.

Chairman Camerota: Any questions? Anyone have a problem scheduling for the September 11th meeting?

Craig Minor: Okay, the next one, Petition 48-13, Special Exception for Golf Course at 245 Hartford Road in New Britain, City of New Britain applicant, State of Connecticut owner, Seth Feigenbaum City of New Britain, contact. This is that parcel that I think everyone is aware of that DOT doesn't need any more so that they are disposing of it. The Town of Newington

passed on the right of first refusal so that the City of New Britain can add it to the existing Stanley Golf Course. It is in Newington and golf courses are allowed in Newington by Special Exception, so they have made application. They have also submitted a site plan which we will also be reviewing at that time. So I recommend that the public hearing be scheduled for September 11th.

Chairman Camerota: Any questions? Everyone okay with putting that on September 11th?

Craig Minor: And then finally, Petition 51-13, Special Exception Section 3.2.9 Child Care at 82 Candlewyck Drive, Agnieszka Kaim, 82 Candlewyck Drive Newington, CT owner/applicant/contact. Ms. Kaim would like to operate an in-home day care in her home which is allowed in residential zones by Special Exception and so I recommend that the hearing be scheduled for September 11th. I do have the information that I needed, I do have a floor plan.

Chairman Camerota: Everyone okay with scheduling that?

X. TOWN PLANNER REPORT

A. Zoning Text Amendment (new Section 6.15: Medical Marijuana Dispensary and Production) Town Plan and Zoning Commission, applicant.

Craig Minor: Well, let's start off with the interesting one, Medical Marijuana Zoning Text Amendment for a new Section 6.15 for Medical Marijuana Dispensary and Production. My memo explaining the background is in your agenda package, and the draft regulation, so I'll just briefly summarize how this came before you. As most of you know, the Connecticut Legislature last year passed a law allowing medical marijuana production and distribution and I didn't really think much of it until I got a phone call recently from someone representing the owner of property in Newington on Stamm Road in fact who was interested in operating a distribution facility. Our regulations don't say really one way or the other, so to make a long story short, I suggested to the applicant that they submit an amendment to the regulations, which they did, and I presented to the Commission and the Commission discussed it and my impression was that the Commission was not opposed to it but felt more comfortable being in control of the amendment process rather than being at the mercy of an applicant. So I explained this to the applicant. I shared with him the draft that I then shared with you. It addressed 99 percent of his needs, so he was willing to withdraw his application which he has done, and so there is no application on the table at the moment, so it's now in your court to do with as you wish. In my memo I suggested a couple of things. You could have a workshop meeting to kick it around and even open it to the public to get public comment in an informal way and then after that process if you feel it is ready to go forward, then at that point you would have the mandatory public hearing with legal notices and all that stuff, but I thought something of this sort might be appropriate to have a less formal public input to the process if the Commission feels that this is appropriate.

Chairman Camerota: Commissioner comments, questions?

Commissioner Sobieski: Craig, on Item C, I'd like to see that expanded to 1,000 feet instead of 750.

Craig Minor: Which one is that?

Commissioner Sobieski: Item C.

Craig Minor: That's the separation from a residence?

Commissioner Sobieski: Yes.

Craig Minor: Okay.

Commissioner Sobieski: Along with that my other comment would be, a general comment, because of the way that Newington has been zoned over the past year, different zones, and all of a sudden stuck in the middle of a residential zone you have a business that could be in there, I'd like to see it only allowed in the Industrial area. I would not want to see it in a residential area where people walk by.

Craig Minor: Distribution only?

Commissioner Sobieski: Distribution and growing if that is the case would only be in an Industrial area.

Craig Minor: Well, distribution and growing are separate.

Commissioner Sobieski: Are two different buildings, I understand that. But I'm just saying that I would not want to see it in any other zone other than Industrial Zone.

Craig Minor: You wouldn't want to see dispensary in any zone other than Industrial?

Commissioner Sobieski: Right.

Craig Minor: That's, can I suggest that we be more broad with the dispensary because the dispensary really is nothing more than a drug store. It's a drug store that is going to sell one kind of pharmaceutical, marijuana. So it makes sense to put it, to allow more flexibility as to where it will be located. Now it would still be by Special Exception, so if somebody came in with a proposal to put it on Kitts Lane, and for whatever reason you felt that that was not an appropriate location, you would have the ability to deny it. I'm leery of segregating them to back areas of town which could make, well, I'm just leery of it. It sends a message that this is like an adult use, or something that was somehow embarrassed over and we want to hide, and I'm not sure that is really appropriate.

Commissioner Sobieski: I would just be concerned if kids were walking in the general area and stuff like that. That would be my concern, even though this is going to be for medical use only, I understand that, but I mean, I would not want to have young adults walking by, that's all I'm saying. It would be like, granted, you don't know where this is going to go, or how far this is going to go because the State of California is being challenged right now by the court, Federal, on selling this, so you don't know how far this will go. I mean, that was my only concern. It's not like a corner drug store where you can walk in and buy candy and soda and whatever. This is dispensing a certain type of drug. That's again, my concern.

Commissioner Anest: I think before we discuss this we should set it up as workshops.

Chairman Camerota: Yes, I wanted to get a sense if anyone had some initial comments, and then how we should proceed. Do we want to do it as a workshop before the meeting? Do we want to do it in the context of our regular meeting? If we do it that way, we put it near the end, and I think everyone gets a little tired and that makes sense to do it before as we did with the Plan of Conservation and Development.

Commissioner Hall: I think it deserves a separate meeting. Like at 6:00 or 6:30, but I'm not sure a half hour would be enough.

Chairman Camerota: That's what I'm thinking. Is every one able to make it at 6:00?

Craig Minor: Well another thing that you could consider doing is taking one of your normal meetings and do nothing but this.

Chairman Camerota: Well, we already skipped two meetings, the July and August meetings....

Commissioner Hall: Which was nice, not that I object to that, but it does show that we have work to do to play catch-up.

Chairman Camerota: Does anyone have a problem with meeting at 6:00. I think I drive the farthest. I do think it's important to get the public's input. I mentioned it to a couple of people I hate to go all the way through the regulations, put something out at a public hearing and hear something completely different than what we put together. If we get comments before hand, while we are doing it, what will end up coming out of the workshop or our regular meetings with and present it to the public for hearing is something that we have at least taken into consideration their comments. So we will start at 6:00 for the next meeting, and if anyone can't make it, just let me know.

B. Town Planner Report for August 28, 2013.

Craig Minor: Old Performance Bonds held by the Town. There is an updated list on the table. I'll just run down it. Niro Landscaping at 46 Commerce Court, the work has not been done since 2002. I sent them a letter back in June, they responded, said that they would be out of town, out of the country actually, and they would be back in August. I haven't heard from them, and I haven't called them, but I will do that before the next meeting.

4 Play Sports Bar, I discussed this with the owner, and he is under the impression that because other sites similar to his were not required to do some of the things that he was required to do as part of the site plan, so he would like to come before you and ask for relief from that. I thought he would be here tonight, but maybe he didn't understand what the process was, so, does the Commission want me to, I don't want to say encourage him, but work with him to present his petition, or just make sure he comes to the next meeting and explain to you why he feels that he shouldn't have to provide the stuff that is on his site plan.

Commissioner Anest: I'm going to say something. If we do that, we are going to be setting a precedent and everybody is going to come forward and say, I don't want to put trees in, no, I mean, this was a condition of approval of his site plan, I think he should have to do it.

Chairman Camerota: The time to speak up would have been when the site plan was before us, the Commission, whether he thought he shouldn't have to do something, or something wasn't right.

Craig Minor: Okay, very good, I will explain that to him.

Commissioner Anest: Over ten years.....

Craig Minor: Going on twenty.

Fountain Pointe, 435 Willard Avenue, the owner is working on the items. I e-mailed him the other day, I haven't heard back from him yet, I think it is the detention pond that needs sprucing up.

Global Granite at 3320 Berlin Turnpike, we inspected the property and there is a significant amount of work that still needs to be done. I sent them a letter back on August 7th, and I have not heard from them.

L.A. Fitness, I drove by the site the other day and the paving is not done. I will be sending them a letter in the next day or so reminding them of this, and asking them to resolve it.

95 Waverly Drive. I spoke to the home owner about the issue, he had forgotten about it because it was quite a few years ago, so he was a little surprised when I contacted him, but I explained to him that the Commission was working through a backlog of long outstanding performance bonds, and he said he would talk to his neighbor about possibly buying a little sliver of land from his neighbor, so that after the boundary adjustment he driveway will be far enough from his neighbor's property, so he will try to work out that. Because we have this \$5,000 bond, I told him that basically once you fix the problem, we'll release the bond to you, so in a sense, you can use that money to buy the land from your neighbor.

Next item, 1268 Main Street, we inspected the site late last month, and there are a number of deficiencies noted. I contacted the owner, he got right back to me and said that he would have his construction manager address it. I don't think there is anything else on the rest of them. Nothing else new, but chipping away at it.

Commissioner Hall: Did we ever figure out Target, number 29? That \$10,000?

Craig Minor: No, to be honest, I haven't really dug into that one, so I don't know what that is from.

Commissioner Hall: I still think it's the tree.

Craig Minor: It's the what?

Commissioner Hall: The tree, there was a sycamore. We were all worried that it was going to be killed by the excavation.

Craig Minor: Oh, that was to protect the tree?

Commissioner Hall: I think, I'd start there, but I think that's what that was.

Craig Minor: Status of the Modern Tire appeal, the judge disagreed with just about every one of the points made by the plaintiff in their appeal, and he dismissed it. However, the plaintiffs have submitted a motion to re-argue, and we're still waiting to hear from the judge as to whether he is willing to consider that motion or not.

Item number four: Newington Junction TOD planning, the Committee met today, they met with the consultants. It was I think a very productive meeting. Commissioner Hall is now on that committee along with Commissioner Camillo. The consultants submitted some conceptual sketches showing a range of ambitious redevelopment of that area of town and the Committee felt that ambitious is good and that doing things in half measures wouldn't be in the best interest so they then directed the consultant to flesh out the more ambitious plan that the consultant presented and bring it back to the committee and I think at that point I think the committee will make an informal presentation to TPZ just to keep the Commission informed. We haven't gotten to the point where we are talking at all about specific zoning regulations for example, but we are talking about how large to make the area, and there was some discussion about issues such as parking and the idea of well, you don't want to mandate too much parking because then there won't be land for development, but then on

the other hand if you don't allow people to have some parking, then some people will prefer not to live there, the kind of people maybe we want to attract to live there, so there is an interesting committee meeting, interesting discussion going on about the pros and cons of how to approach transit oriented development. Do you think we should make something of a presentation maybe at the next, well, after the committee meets again, put together a kind of a formal presentation to the Commission, to bring them up to date?

Commissioner Hall: After the next meeting.

Craig Minor: After the next meeting of the committee, good.

Number five: Low impact development regulations, the consultant submitted a detailed report on recommended changes to the current land use regulations and the draft manual of low impact development techniques. The recommended changes were discussed at the committee meeting last week, but we ran out of time before we could get to the manual. Committee members were asked to submit their comments on it via e-mail to the consultants. Finally, item six, revision to the sign regulations, the subcommittee met on August 7th to discuss the latest draft which addresses the use of trucks to circumvent the temporary sign regulations. We have come up with a zoning regulation that will hopefully prevent that from happening any more, but additional changes were suggested to liberalize the permitting of temporary signs overall which I will draft and forward to the members prior to the next meeting. I haven't done that yet. And, that's my report.

XI. COMMUNICATIONS

None

XII. PUBLIC PARTICIPATION (for items on listed on the Agenda; speaker limited to 2 minutes.)

Maidy Kinney, 53 Crestview Drive: I really like the way that you allow the public to participate on each juncture. The problem is, if a presentation was made and the public really couldn't see what they were talking about, and I realize that you guys are the ones who vote on it, but when you ask for public participation and we can't see the drawings or anything, perhaps they could stand in a different place, or we have this hot-shot system here, where there is some way, so we could see. The St Mary's thing was interesting to me, and I would have been interested to see what was going on with that, that type of thing. Perhaps something could be done in the future.

Rose Lyons, 46 Elton Drive: The sign regulations, I just had a question on that, and I'm sure it's going to come up, I'm just curious as to whether there are certain organizations that are exempt from the rules. As I drive around town I see signs in various places and I think some of them are overkill, but there may be exceptions to the rule. I see the situation still continues in the center of Town, the poster board being put up on weekends advertising the restaurant and so forth and so on.

As far as Newington Junction, I appeal to the committee and the Town Council and I appeal to the Department of Transportation, and those of you who are on the transit oriented committee, I think as you are planning for that area, the intersection at West Hill Road and Willard Avenue. I can't emphasize enough how disappointed I am in the State Department of Transportation in not taking into consideration the hazardous intersection there. I think Commissioner Camillo knows more than anyone else about that area, I'm sure Commissioner Hall as well having been around town for many, many years. There is not a time that I take a left hand turn onto West Hill Road and then take a quick left onto Chapman Street that I don't

pray to God that the guy behind me doesn't hit me, every single time. To make it worse, the State of Connecticut is not maintaining the vacant lot that they bought, or took by eminent domain. I am just very, very disappointed, and there is not anything that you can do about that, I understand that, but if you could just bring it to the committee that you go to, that there are people who are not too happy, and I am speaking behalf of my sister-in-law actually, but I'm sure there are other people on the street that just don't take the time to come to these meetings. Safety is going to be an issue here and you start building around that area and it's going to get even worse. Thank you.

XIII. REMARKS BY COMMISSIONERS

Commissioner Ekstrom: I have a question. With regards to Pizza and Pies, I know in the past when we have done seating outside people have brought in stuff. Can we ask him to bring in a picture of what types of things he is looking at to put there? He just said two tables and two chairs and the bench, but I mean, it's obviously going to be different than the wood tables that he has right now.

Chairman Camerota: Right, they would be outdoor seating, but we closed it. So.....

Commissioner Ekstrom: Okay, well, I thought about it after.....

Craig Minor: We closed it, but what I can do when I draft the motion for approval I can include a condition that the applicant provide us with photographs of what the benches will look like before he purchases them. No, but then, what's the or else? I can ask him to provide them, but beyond that, we can't really say, well, we don't like that color, or we don't like that style. All I would do is require that he provide us with actual illustrations of what they look like before he buys them.

Commissioner Anest: He did say that they would be 24 x 24.

Craig Minor: Yes, and that's on the record because that's on his sketch, so he is committed to that but as far as the style, I think maybe a condition of approval will be that they be exterior furniture, that's really the condition that we can put in there, and that came up during the presentation, so it's not like that is coming out of left field.

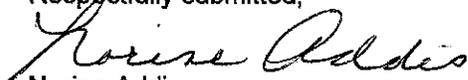
XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Camerota: It was an over sight on my part by not having the two petitioners who were here with sketches come up to the front of the room, next time I will make sure that we do that.

XV. ADJOURNMENT

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,


Norine Addis,
Recording Secretary