

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 12, 2012

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

I. ROLL CALL

Commissioners Present

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

Commissioners Absent

Commissioner Dana Woods

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Woods.

II. APPROVAL OF AGENDA

Craig Minor: Once again the applicants for Petition 14-12 have asked that it be continued to the next meeting.

III. PUBLIC HEARINGS

None

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

Gary Bolles, 28 Burdon Lane: To members of the Newington Planning and Zoning Commission: I want to address my valid concerns regarding drainage requirements in a housing project off of Maple Hill Avenue that this board gave approval to. The topography is such that it retains large amounts of water after prolonged periods of heavy rain. My neighbors and I on Burdon Lane are severely impacted by the large amount of water when it is trapped in the woods and grass upgraded from our homes. See photos attached, which I will give to your secretary. At present there is no proper drainage in that area and the large (inaudible) supplier has no place to go but down into the ground which eventually flows eastward, underground, directly towards our foundations. After days of heavy rain my heavy duty solar sump pump is in continuous operation for four to five days because of this serious

situation upstream from my home. Also, a large amount of water retention is allowed to remain dammed up in the woods of this development and is a health hazard re the West Nile virus. The bottom line is that I am respectfully demanding that the Town of Newington and its officials hold the developer accountable and make sure that the proper drainage stipulations are lawfully adhered to in the Packard's Way subdivision. None of you ladies and gentlemen here tonight would put up with what we are subjected to, and if this project cannot be done properly, then it should not be done at all. Thank you.

Chairman Pruet: Thank you Mr. Bolles.
Is there further participation from the public?

V. MINUTES

- A. August 22, 2012
- B. August 28, 2012

Craig Minor: Mr. Chairman, I just tonight distributed the minutes from the Special Meeting on August 28th, the members are just now seeing, so if they want to table it, the approval for tonight that's fine, or if they want to take the time to read it, which ever they want to do is fine.

Commissioner Sobieski moved to accept the minutes. The motion was seconded by Commissioner Camillo.

Vice-Chairman Camerota: Norine, can you just spell my name, Michele has just one "L". I just haven't said anything before.

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

VI. NEW BUSINESS

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

Continued

- B. **Petition 25-12 – Site Plan Modification (Addition) at 2414 Berlin Turnpike (Cavos Restaurant"). Filip Milios, applicant: JCJ Associates LLC, owner, Filip Milios, 19 Southwood Road, Newington, CT, contact.**

Chairman Pruet: If you could just sit right there, and state your name and address for the record please?

Filip Milios, 19 Southwood Road: My business is Cavos Restaurant, 2414 Berlin Turnpike. First of all I would like to thank the Commission for giving me the opportunity the last time that I was here, giving approval for the new patio at this great restaurant. Customers love it, everyone is excited, and business is so much better already and I want to thank you again. Therefore I am here for one more step to make it even better for the business and for our clientele. We would like to put a small structure, approximately eighteen feet by eight feet deep and ten feet high with an overhang, a roof for a consumer bar so our customers can enjoy delicious cocktails and watch sporting events because in the summer time we do get a rainy season and we still want to enjoy some of the patio if we can. So I'm here to ask the Commission to give me approval for this. If you have any questions, I'll answer them.

Chairman Pruet: Thank you. Staff comments on this?

Craig Minor: The application meets all of the requirements. It's actually an addition onto an existing patio so it doesn't increase the floor area, so there is no additional parking required. In fact, the staff, we went around on this deciding whether it really needed to come to the Commission's attention, but the regulations do say that any change of use requires a site plan and the Zoning Enforcement Officer and I felt that by adding the alcohol service to the patio was a little bit different than people just eating there, so we felt that we would err on the side of caution and bring it to the Commission for your decision. We have no objection for approval.

Commissioner Hall: I just have a question. It looks like a walk-up bar. Is it?

Filip Milios: It's a walk-up and sit down.

Commissioner Hall: Right, but you have the counter and then it is open behind with the overhang?

Filip Milios: Yes.

Chairman Pruet: Further comments?

Commissioner Aieta: Mr. Chairman, I thought we had approved this already when we approved the initial patio, I thought we approved the bar and everything. I specifically remember him speaking about the bar. I'm just amazed at having it come back.

Chairman Pruet: After review, it didn't mention a bar on the patio on our approval, so it's just a formality that we are going to correct it for the record to make sure that it is accurate.

Commissioner Aieta: I would suggest that you move it tonight since it is such a small item.

Chairman Pruet: Anybody else wishing to speak? Okay, what is the consensus of the Commission, to move this to Old Business? Okay, fine we are going to do that, we're going to vote on it tonight.

Filip Milios: Thank you.

Chairman Pruet: Thank you sir.

C. Petition 28-12 – Site Plan Modification (Addition) at 58 Commerce Court (Big Sky Fitness”) Big Sky Fitness, applicant; WC Newington LLC, owner, Joe Millet, 58 Commerce Court, Newington CT contact.

Chairman Pruet: Is the petitioner here? You can sit right up there, that microphone is working at the end of the table. You can just state your name and address for the record please?

Joe Millet, 58 Commerce Court: I'm one of the owner/operators of the Big Sky Fitness. We've been in town for about eleven years. Thank you first of all for your time. I brought with me a couple of helpers if you have questions and I'm not able to answer them. Steve Judas, a land surveyor and Dante (Inaudible) our architect. In hopes of making this a little bit easier to understand, we took a little bit of time and put some color on some drawings and I have some pictures of the site.

We built the building in 2001 and we came before this Commission, and we put on an addition of about 3,000 square feet back in 2005 and completed it in 2006. Basically what we did was to put on a second level deck, and then enclosed the deck. We are here tonight to ask your permission to enclose the area underneath that deck. We are not changing the footprint at all. I'll start with this, this is the original building, about 18,000 square feet and the 3,000 was added here as the second floor space. What we are doing now is enclosing this. If you were standing on our property right now, what we want to do is enclose this area right here. From two different perspectives, this is if you were looking at it from the north, north looking south.....

Commissioner Aieta: It would be west looking east.

Joe Millet: The first pictures from here, and the second picture from here. All we would do is to continue on with the exact same façade that we have on the second floor, we just want to add all the way down for additional space. Actually it will drop it down a little bit. I'm six foot six, and it's fine, just kidding. We are going to bring it down three steps, which would give us, right now it's just the bar joints, we will leave them exposed and from the bottom of the bar joints it's eight foot two, we're going to drop it down three steps.

Chairman Pruet: Staff comments on the petition from the Town Planner?

Craig Minor: I distributed copies of the plan to the Town Engineer and the Fire Marshal. I don't have the Town Engineer's comments yet, but doubt that he will have any significant comments. The Fire Marshal did call me and tell me that he had no objections to the project. I then called the Fire Marshal back because uses of this type, the amount of parking that is required is on the basis of how many people can use the building, per the Fire Marshal. So technically I need to have the Fire Marshal tell me how many people can use the building before I can confirm that there is sufficient parking, but just looking at it, there appears to be sufficient parking, so if the Commission does feel inclined to approve it tonight, I would recommend that it be with the stipulation that I confirm that there is sufficient parking

Joe Millet: If I can comment, when Ed Meehan was still here, Ed was great because we wanted to add some parking, I think it shows that we have 190 spaces, the original site plan as we originally presented it showed I think, 176 back in '01. Ed was great, he said, you really don't need these islands, the plows just kept destroying them, so we did remove the islands and added about twelve, thirteen, spots and now we have 190, and our traffic survey said that (inaudible).

Craig Minor: He actually used a different methodology that what we use, but it looks as if there is enough parking, but I still need the Fire Marshal's report.

Chairman Pruet: Commissioner comments?

Commissioner Sobieski: You are going to go down about what, eighteen, twenty four, inches? What about the water, how are you going to, is there any water drainage?

Joe Millet: That's a good question. Right now, well let me back up. When we added the space, sometime how you design it doesn't really work out. We had a lot of water settling right here, it wasn't meant to do that, so we actually re-graded all of this area to take the water out of there. It's better than it was, but to be honest, we can still do better. It was so bad before, so now what we are going to do is, we are going to take piping, swale this continually, take the piping right around the foundation so it won't disturb any additional earth, just around the foundation and bring it out to an apron out here and let the water disperse.

Commissioner Sobieski: What if the water gets into the building, let's assume a heavy rain backs water up into the building, is there a drain inside the building that you are going to put in, underneath that space?

Dante (Architect): I think just the addition of that drainage system will, the system is quite sufficient to handle that, and there is no evidence that ground water has caused a problem inside the building, and the building is quite large. I think what you are doing around the corner will avert any problems like that. We have no plans to put in an interior drain, there is no precedent to base that on, so as I said, right now there are no plans for that, there's no evidence that is needed.

Chairman Pruet: Our engineer will be looking at that too, and if we approve it, there is an accommodation as to how that would be handled. Any other comments from the Commission on this petition? What is the pleasure of the Commission on this petition?

Commissioner Lenares: This isn't a pressing issue, if it meets the requirements for approval, we could move this to Old Business.

Chairman Pruet: Fine, we will move this to Old Business and vote on this tonight.

VII. OLD BUSINESS

Petition #25-12: Site Plan Modification (Addition) at 2414 Berlin Turnpike (Cavos Restaurant), Filip Milios applicant; JCJ Associates LLC owner, Filip Milios, 19 Southwood Road, Newington, CT, contact.

Commissioner Lenares moved that Petition #25-12: Site Plan Modification (Addition) at 2414 Berlin Turnpike (Cavos Restaurant); Filip Milios, applicant; JCJ Associates LLC, owner: Filip Milios, 19 Southwood Road, Newington, CT contact be approved.

FINDINGS:

The proposed enclosed bar does not increase the "floor area open to the public."

The applicant has applied for, but not yet received, a State of Connecticut Liquor Control Commission Patio Liquor Permit.

CONDITIONS:

1. None

The motion was seconded by Vice-Chairman Camerota. The vote was unanimously in favor of the motion, with six voting YEA.

Petition #28-12: Site Plan Modifications (Addition) at 58 Commerce Court (Big Sky Fitness.) Big Sky Fitness, applicant; WC Newington LLC, owner: Joe Millet 58 Commerce Court, Newington, CT contact.

Commissioner Hall moved that Petition #28-12: Site Plan Modification (Addition) at 58 Commerce Court (Big Sky Fitness.) Big Sky Fitness, applicant; WC Newington LLC, owner: Joe Millet 58 Commerce Court, Newington, CT contact be approved.

FINDINGS:

The Fire Marshal has reviewed the plan and has no objections.

CONDITIONS:

1. The parking lot shall comply with the zoning requirement of one space per three persons of the Fire Marshal's rated capacity to be confirmed by the Town Planner.
2. The applicant shall revise the plans to address the comments, if any, of the Town Engineer.

The motion was seconded by Commissioner Sobieski.

Commissioner Anest: I'm just concerned, I would like to know if the Town Engineer is going to comment and what they are. Not that there is a big rush, I mean, we meet in two weeks, that's my personal opinion.

Commissioner Aieta: Mr. Chairman, I would have to agree with Carol. On an application where we have questions, where the Engineer has to get back to us, or the Planner has to check something, I think maybe we should hold it off to the next meeting. Take the case of Cavos Restaurant, I mean, it was cut and dry, I thought we already approved it, to be perfectly honest, there were no conditions, no one else has to look at it, I think those are the types of things that we should be moving to Old Business immediately. I think in this case, I think Carol is right, maybe we should have held it off, I don't think two weeks is going to hurt him. It doesn't sound like he has all his architectural and the rest of his engineering done anyway, so it would have been nice to have all of the comments cleaned up, and then we could have voted on it and approved it, but you've already got it on the table, so.....

Chairman Pruet: Any other, further comments on that? It probably would be appropriate to withdraw the motion and get these comments for the next meeting.

Commissioner Hall: I withdraw the motion.

Commissioner Sobieski: I withdraw the second.

Chairman Pruet: Then we are going to postpone this, keep it open until our meeting in two weeks.

Commissioner Hall: Monday night.

Chairman Pruet: Yes, Monday.

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

- A. Petition 15-12 – Special Exception (Section 3.2.2 Public Utility Installation) on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner; Barry Parfitt of Wright-Pierce, 169 MAIN Street, Middletown CT, contact.

Craig Minor: The first item is a request from the MDC to construct an emergency power generator at the intersection of Meadow Street and Orchard Avenue. It's actually technically

in the right of way which is why the Town Manager signed the application as the owner, with the MDC obviously the applicant. They are present tonight if you have any questions.

Commissioner Aieta: Mr. Chairman, I appreciate the MDC sending representatives, but this is only for scheduling, and I really don't want to hear this thing twice. It's a Special Exception, and the public has a right to be here and be heard. I hope that the, under Special Exceptions, it's a public hearing, right?

Craig Minor: Yes.

Commissioner Aieta: So that the abutting property owners will be notified under that. We should schedule it and not really hear it. I appreciate the fact that they are here, but I really don't want to hear it twice, it's not fair to the public.

Chairman Pruet: We'll move, we'll put this to a full public hearing at our next meeting. Thank you.

MDC Representatives: That will be on the 24th?

Chairman Pruet: Yes, on a Monday.

Vice-Chairman Camerota: That's enough time to do the notices, right.

Craig Minor: Yes, in fact, I've already typed it up and given it to my secretary so that she can get it to the paper on Friday.

- B. Petition 24-12 – Special Exception (Section 3.2.4: Radio and TV Antenna) at 9 Beacon Court. Michael E. White, owner/applicant/contact.

Craig Minor: Mr. White is a ham radio enthusiast and he would like to stall an antenna, a tower for the antenna in his back yard. This requires a special exception from the Commission so it's on your agenda for scheduling.

- C. Petition 27-12- Special Exception (Section 6.2.4; Free Standing Business Sign) at 336 Stamm Road. Edward A. Marchion Living Trust, owner; M&F Realty LLC, applicant; Edward Marchion 336 Stamm Road, Newington, CT contact.

Craig Minor: So do you want to schedule these for the next meeting?

Chairman Pruet: Yes, are there any objections from the Commissioners? I think the agenda would be appropriate to put those in.

IX. TOWN PLANNER REPORT

Craig Minor: I just want to report on the work that Commissioner Sobieski and I did, and Commissioner Anest tried to, but was snakebit, so to speak. The State of Connecticut is updating its ten year plan of Conservation and Development and towns are given the opportunity to comment on the draft plan. So, being new to Newington, I didn't know whether the plan, I'll bring it out in a minute, whether the plan reflects all of the significant open space in Newington as well as the significant developed area, so that is why I asked for the Commissioners to help me with it. This plan is impossible to understand, so don't even try from where you are sitting, but what it attempts to represent are the areas of Newington that are appropriate for development and the areas that are not appropriate for development. So

Commissioner Sobieski and I went through it, and he identified a number of open spaces, I'll talk about them in a minute, that don't appear to be reflected in the Plan so what I will do is, I will use the mechanism that the State has created for towns to comment on the map, and then ask them to address those oversights. The open spaces that appear to be overlooked are Cedar Mountain, which the state did not realize that the town had purchased last year, Cedarcrest Hospital, which should be indicated, the Deming-Young Farm is not indicated, even though that is protected open space, the Eddy Farm is not indicated, and the Haltner Farm on Culver Street, I'm going to confirm whether that is protected, I believe it is, but if so, it should be reflected on the state's Plan of Development, and Commissioner Sobieski also suggested that we notify the state of other spaces that are identified in the Plan of Development such as the open space corridor that is in our Plan of Development, as well as some town owned open space so I will make that information available to the state as well.

Chairman Pruet: Thank you for your time Commissioner Sobieski, and the Town Planner. Anything else to report?

Craig Minor: No, that's all I have.

X. **PUBLIC PARTICIPATION** (For items not listed on the Agenda).

Rose Lyons, 46 Elton Drive: Once again I have to address this room and the audience being able to see. We can hear, but we can't see and I understand from last night's Town Council meeting that they are planning on meeting down here. My suggestion to them is that you get it fixed before you come down here because I think you have seen how difficult it is when you have just a few people in this room. If you have, four letter words back here, Toll Brothers, this room is going to be filled, and great that you have a screen over there, and great that you have a screen there, but when you are having somebody display a plan here, I don't even think NCTV can see it, unless you put a mirror there for them. I know there have been discussions at the Economic Development Commission meeting, Town Council about the busway. I'd like to see something come back to this table, if there are any discussions that the Town Planner has with the Department of Transportation regarding that. I know that it is not before you, but it's something that the public wants to hear about, they want to know what is going on. I just think being informed, I know that it's a done deal, it's here, but I think we have to keep an eye on it. At last night's Town Council meeting Councilman Borjeson was talking about a CCROG survey or report that is going to be done, and I think it is addressing some of the zoning, what zones are around there and I get the feeling that changes could be made. I just am very concerned about what is happening and it's not being brought to the table for the entire town to hear. Thank you.

Chairman Pruet: Thank you. I apologize for the vision here, we should have had a microphone up here. The presenters are usually up here at the podium, so I'll make sure that is corrected in the future. Anyone else from the public wishing to speak? Come forward and state your name and address for the record.

John Bachand, 56 Maple Hill Avenue: I have the communication thing here, but I guess we'll talk about that later, this is not about that. A couple of issues around town, right in my neck of the woods, all in one general area, a few different things. The first thing is the light at Alumni Road, or the intersection at Alumni Road, there is no light there. As some of you are aware there was supposed to be an alignment with Maple Hill Avenue/Alumni, whether that ever happens, it's questionable, doubtful actually right now. I don't think there is any plan for it happening now, but even if it were re-planned, it's far off in the future. If someone could do something about that intersection, I think it's very hazardous. It's close to my heart because my daughter skates and works at the Skating Center there and has to use that intersection

and a lot of high school students come through there and most of them are turning left out of that road and you're crossing two lanes of traffic going into two lanes of traffic. It's very hazardous. I don't know if any of you ever tried to pull out of there, you are really taking your life in your hands, and people sometimes are going sixty miles per hour over there, so I don't know whose department that is, if Craig would have anything to do with that, or could look into that in any way? Another thing is, a little more technical, at that light on Maple Hill, there is a sign there and I'm sure some of you have seen it, says, on-coming traffic has longer green. That simply means that when your light turns red you better not think that you can turn left because those other people have a green light and they have no idea that you are thinking that maybe you can turn left. There was just an accident there a couple of weeks ago where a person tried to do that. I'm surprised it doesn't happen more often because, you know, we have a tendency, if you are in the intersection and the light turns red, you try to clear the intersection and turn where you are going, but those people coming east on Cedar Street, they just see a green light. They have no idea that you are thinking that you might turn in front of them. We just had a T-bone, or a collision where it rolled the car over right in the intersection. I'm surprised it doesn't happen more often. I don't know what could be done about that, but that has always been a pet peeve of mine because first of all, there's a lot of people who drive on the roads where English is not their first language and I'm pretty sure they have no idea what that sign means because it is not a very common sign. You very rarely even see that. I can only think of a couple of other places where I have seen that, saying on-coming traffic has longer green. Another thing is, Alumni Road, looks like a dump down there, and I mean, that's the first thing some people see when they come to our town, and there are all kinds of, looks like a landfill or I don't know what is going on down there, but there are piles of debris all up and down the side of the road. I'm sure that is town property. I'm not sure what is going on there, I mean, a lot of people, the first thing they see in this town is that road because they are coming to a sports event with their kids. I don't think that's good, not a big deal but.....one more thing, and this is really odd, you know, obviously the Veterans Hospital is federal government property, but they have a sign right there at both entrances that says No Trespassing. I would just like some clarification, what does that mean? Most of us use it as a cut-through, we think of it as a road or a path through there. I don't understand it, but a big bold sign right there with a U.S. emblem with a sign that says, No Trespassing. U.S. Government property. Right at the two main entrances, can't miss it. Everyone seems to ignore it, I've been ignoring it myself, but just would like some clarification on it. What does it actually mean? Are you subject to arrest by cutting through there, I mean, they do have some over zealous sheriffs that patrol the area there, but I'm just curious about that, and don't know if we can get a clarification. Maybe we could give a note to the rest of the residents of the town what that actually means. If anyone sees that, normally if you followed the laws, you would see that and not proceed I guess but obviously everyone uses that as, going to the skating Center, they use that road for the sports field and everything else. Just wondered if we could get some clarification? I know it's the federal government, might be impossible but....

Commissioner Lenares: Where is that sign?

John Bachand: Both entrances, only two ways in and out of the Veterans Property, you can come up by the skating center, just when you pass the skating center it's right there, and then if you came up from Willard Avenue, just as you pass the high school parking lot, it's right there. No Trespassing, it's only been up, I've only noticed it for the last couple of months. They had a sign there that says, No Weapons for a while, that's fairly understandable, but the No Trespassing kind of throws you off a little bit.

Chairman Pruet: We'll see if we can check that out.

John Bachand: Those are some issues right in my little neck of the woods over there. The Alumni Road intersection, someone is going to get killed there, just hope it isn't a young person that we all might know from the school. Very hazardous.

Chairman Pruet: Thank you very much for your comments. We appreciate it.

John Bachand: And thanks to the board. I always want to say thanks to the volunteers and the professional staff for the work you do.

Craig Minor: I'll look into that.

Chairman Pruet: Anybody else from the public wishing to speak?

Domenic Pane: Good evening Mr. Chairman, Members of the Commission, I want to thank the Chairman for his comments at the last meeting.....

Craig Minor: I'm sorry, could you state your name for the record?

Domenic Pane: Oh, I'm sorry, Domenic Pane, 638 Church Street. I would like to thank the Chairman for his comments at the last meeting when he said that the comments from the public are not falling on deaf ears. I appreciate that. I think the subject that I talked about for non-conforming uses is important and the Commission is aware of non-conformities that were created. There are also non-conformities that pre-exist. The one that is mind boggling is the one on the Berlin Turnpike, a property that was, over fifty percent of it was taken down, the interior space was enlarged and never came in front of you. I don't understand why. I would appreciate it if you could look into this.

Chairman Pruet: What property is that?

Domenic Pane: Next to Dairy Queen. That property changed hands, there is a new owner and they ripped down about fifty percent or more, and the interior space, they increased the retail space compared to what was there previously so in all respects that probably should have come before this board. You know something that you Commissioners should remember, and it's in the regulations, that this board is the only board that can interpret the regulations and set policy. It's not the Planner, it's not the Zoning Enforcement Officer, it's not the Council, it's only you board members. You interpret your own regulations, and you set the policy, so that is something for you to remember. Thank you very much for your time, I appreciate it.

Chairman Pruet: Anyone else from the public wishing to speak?

XI. COMMUNICATIONS

- A. Connecticut Siting Council letter dated August 24, 2012 regarding modification of existing telecommunications facility at 99 Cedarwood Lane.

Craig Minor: Mr. Chairman, I put this first item on the agenda just for the Commission's awareness. No action is required. As I'm sure you know, the State of Connecticut regulates telecommunication facilities, but this is a rather large tower. It's at the end of Cedarwood Lane, all that T-Mobil wants to do is to add some new antennas to the tower. They aren't increasing the height of the tower. I don't believe they are adding anything to the compound. I don't believe they are adding any equipment. I just wanted to bring it to the Commission's

attention, and if they had any questions, I try to answer them, but again, it's just for information, no action on the town's part is required.

- B. Letter dated August 27, 2012 from John Bachand of 56 Maple Hill Avenue re "Packards Way" subdivision.

Craig Minor: Also on the agenda is a letter from John Bachand who is the neighbor of Packards Way subdivision. It's a rather lengthy letter. I hope the Commissioners took the time to read it before the meeting, and Mr. Bachand is here, but I'll summarize. He raises two specific points, the first point is that the plan for the subdivision should have had an additional section of pipe shown on the site plan. Frankly that was an oversight on the part of staff when the plan was filed back in 2007. There should be a small addition of pipe. What I recommend we do, now that this has come to our attention is, and I'll do this, is direct the developer to do it. To add that pipe, make her aware of it, make sure she does it and leave it at that. However, the applicant has met with staff several times to discuss some possible changes to the plan. Rather substantial changes, which would require Commission approval. If the applicants do in fact come forward with a change to the plan that will require your review and approval, at that time I'll make sure that they add this additional section of pipe to the plan. So that's how we will take care of that oversight. The other concern that Mr. Bachand had was again a staff oversight back at that time. Your regulations require that when a subdivision is approved the applicant, well, the applicant's engineer, I'll put it that way, takes the approval letter, has the approval letter converted digitally and superimposed on the mylar. They then bring the mylar into the town, the Chairman signs the mylar, the mylar is then given back to the applicant's engineer to make a copy of it. The original, with the Chairman's actual inky signature gets filed up in the land records. The copy of the mylar is then given to the Planning Department to stay in the public works department so we have a copy of the official plans that are up in the Town Clerk's office. What happened in this case was the approval was in fact nicely put on the first page of the set of plans, and there are about eight pages of these plans, the approval letter was put on the first page, and we have that on file in the Town Planner's office, but it was the last page, S-1 with the Chairman's signature on it that got recorded up in the Town Clerk's office. Now it was an oversight on the staff's part; it's not a legal requirement that the Certificate of Action be put on the mylar, that's our practice in Newington and it's a good practice, but it's not a legal requirement, so I don't think that there is any significant legal flaw created by the town when the mylar was allowed to be filed upstairs without the approval letter superimposed on it, but again, this is an error we can correct. I can take the mylar with the approval letter on it, I'll make a copy of it, and file it with the land records. We can address that, it's no problem.

Chairman Pruet: Good, very good. Also, Mr. Bolles comments too on that area too, make that part of the record too, I think you were out of the room when he spoke, so if there are some concerns, and his concerns would be addressed if the petition comes in for modifications. Okay, anything else Craig?

Craig Minor: That's all I have.

John Bachand: Is there any opportunity for me to address comments on the letter.

Chairman Pruet: We're actually out of public participation, I'm sorry, but feel free to contact the Town Planner and address that.

Commissioner Sobieski: If we do require that this piping be put in, we should get some type, some size, we don't want to have some undersized pipe put in there. The second thing is, figure out who is going to maintain this pipe. You're going to be going over private property,

you need some type of easement to go in there, if this pipe is tied into the town drainage system, so we have to create some type of provision if something happens, if this pipe is clogged or if it caves in or whatever, somebody is going to have to have the ability to do it. If the town's going to be saddled with that responsibility it has to be clearly stated.

XII. REMARKS BY COMMISSIONERS

Commissioner Aieta: I've got a couple of things. On the same subject, Mr. Bolles and the former speaker, I have some concern that, about this piece of property, they are having problems with drainage. I thought it should be corrected by the action that the property owner is taking now. I'd like to have the Town Planner speak to the Town Engineer, make sure that we are getting a product here that isn't going to aggravate the situation. It should be cleaning up the situation as far as I'm concerned, the water problem in that area. If it requires retention on that subdivision, to alleviate it, then that is something that the Town Engineer should be looking at. It shouldn't be taking a problem and making it worse or we should be trying to fix the problem with the subdivision, and I'm really concerned about this. It should be looked at. We have two people, two property owners with that kind of concern and that kind of you know, to put forth these letters explaining the drainage problem, then I hope that the Town Engineer can fix that problem.

Chairman Pruet: Be proactive rather than re-active to this.

Commissioner Aieta: Just a couple other things. The sign on the landscaper's property where he had the four by eight sign, the handwritten sign, well, he's taken that down but now he put up a smaller sign that I don't believe came, did not come to this Commission, it's a hand painted sign. It's hanging on some kind of a frame, and that's illegal too, so I don't know, you have to send the Enforcement Officer and tell him that he can't put up a sign unless he comes to us. The problem that I have with this is that it's the middle of a residential zone, it's not like in a business park or business area or the Berlin Turnpike, it's right in the middle of a residential zone. The sign is not that attractive either.

Chairman Pruet: We'll have Mr. Hanke address that.

Commissioner Aieta: Yeah, please. The other thing is on, what Rose talked about, as far as the busway. We have had no communications from anybody asking us about anything about the busway as far as what the zoning is, and I hope that the Council is not taking it upon itself to think that they can re-zone any of this land. It has to come back to this Commission and I hope that we could at some point we have another bite of the apple of this thing.

Commissioner Anest: Craig, you did have a meeting, yesterday?

Craig Minor: Yes.

Commissioner Anest: You should probably keep us up to date. We don't always watch the Council meeting right away.

Craig Minor: Okay. Thank you. CRCOG has some money to hire, well they already hired them, to use a consultant to help towns, New Britain, Newington, West Hartford and Hartford with planning for the impact that the busway will have on their towns. The meeting that we had was because CRCOG wanted to know would we like to spend our money on having this consultant help us decide what to do with the National Welding site, or would we rather the consultant spend his time putting together data, information, helping us to do planning up at the Newington Junction site. It was the Town Manager's opinion, my opinion, the Economic

Development Director's opinion that the National Welding we pretty much know what we want, get the site developed. Not sure we really need a planning expert to tell us that we want that site to be developed. On the other hand, the Newington Junction site, that is more complicated. We've got residential up there, we have a lot of vacant commercial property, it's possible in the next four to six years there will be an Amtrack station up there, so there's a lot more going on up there and so we told the representative from CRCOG that where we would like to see the planning efforts go would be to the Newington Junction area of town.

Commissioner Aieta: And they would be responsible to who, the Town Council or to this board.

Craig Minor: Well, they will be gathering information for the town to use. It would make sense for them to have close contact with the Planning and Zoning Commission since one of the outcomes of this planning effort would be probably adjustments to the zoning regulations and which would certainly only be coming from your Commission, so yes, it certainly would behoove them to keep close contact with the Planning and Zoning Commission, but again, all they will be doing will be gathering research on existing land use, vacancy rates, things of that sort.

Commissioner Sobieski: Will they be suggesting the high rise housing or high density housing in that area?

Craig Minor: High density, no. Because that was a topic of discussion during our meeting, they understood that high density housing is not something that Newington is interested in at all.

Commissioner Sobieski: I just would not like to see this as a back door way of getting around it by the state. That's all I'm saying.

Craig Minor: Well, it's not, okay, but it's not the state trying to make Newington accept something, it's the opportunity for Newington to gather information, to gather data on the existing land use there so then we can make the decision as to how we want to make changes to zoning, if in fact we do.

Chairman Pruet: Yes, we're still in charge of the zoning.

Commissioner Sobieski: Well, I know the state, I worked there for many, many years.

Craig Minor: But this isn't the state, it is the Capital Region Council of Governments of which we are a member.

Commissioner Anest: Would it be possible to have a representative from TPZ, not you, but a representative from this Commission be a part of these meetings?

Craig Minor: Absolutely. Actually Councilman Borjeson was at the meeting, absolutely, if somebody would like to help out, I'll talk to the Chairman before we have our next meeting and the Chairman can suggest someone to participate.

Commissioner Aieta: Can I finish up? The last thing is the point that Domenic brought up. If I remember correctly, Carol and myself brought it up, that there was stuff going on out there, what was going on? We were informed, I don't remember who was here, maybe Ed Meehan, I'm not sure, said that the Zoning Enforcement Officer went out there and he determined that this was a slight change, that there was an accident there, they ran into the building, and they

were just repairing it. What we find out today is exactly what Domenic said. They went in and they, it wasn't even the same owner, the property changed hands, it's a different owner, a different use, it's a non-conforming use, if that came before this board, which I think Carol and I were pushing to have happen, that we would have the opportunity to bring that piece of property more, into more conforming. You can never make it conform to our present zoning but we could have at least brought it to the point where it could have been more conforming. Number one, the piece of that building that comes out and sticks out into the turnpike, that could have been eliminated if it came before this board. Number two, we could have gotten more parking in the front, because there is not enough parking for the building. The last item is the sign that is up there. The sign is almost in, I think it sits in the state right of way. It's so close to the turnpike it's amazing. I can't even understand how it is there. I think the problem is, on these types of things, the Zoning Enforcement Officer has, cannot be and the staff, cannot take these things and do it administratively. This is a mistake that happens when that happens. We're not overloaded. A lot of this stuff, at least be brought to the Chairman, to the Chairman and say, this is going on, and the Chairman can communicate with us and we could say, oh yeah, let the Enforcement Officer or the staff handle that but an item like this where two Commissioners at least felt that something was going on there that required them to come in, and we were sort of left, no, no, it's okay, brushed off, and then we get a product at the end that's not acceptable. So the lesson here is that more stuff has to come to the Commission and less that the professionals make decisions on, because that is one of the items that definitely should have come and we could have done a lot better than what happened. I'm finished, thank you.

Chairman Pruet: Is there any recourse on something like this that they put in and it exceeded the zoning regulations. Is there any recourse available to us, or is the barn door open and the horse took off.

Craig Minor: I don't know any where near enough about it to give you an answer to that question.

Chairman Pruet: I mean, as a generalization.

Craig Minor: I don't want to generalize because the general answer I give you may be wrong in this specific case, so let me find out more and I'll come back and talk to you.

Commissioner Aieta: I think that was the Zoning Enforcement Officer, I think he thought something was going to happen, and the guy pulled the wool over his eyes and did something altogether different and once he gave him the approval to go ahead and do the slight modifications, the guy just ran with it and changed that whole building. Part of the changes are good changes, but we could have had the opportunity to lop off that thing that sticks out to the highway that serves no purpose, it's maybe a small office. I'll tell you, that retail space in that building at least doubled, if not tripled. The whole building, before that building had a very small sales area, maybe ten, fifteen feet and the rest of it was warehouse in the back. Now it's one hundred percent floor space, definitely not enough parking, I don't know where they are going to park, and the sign is in (inaudible.)

Craig Minor: I'll take a look.

Chairman Pruet: If you would check that out, thank you.

Commissioner Sobieski: Two things, number one, as far as that drainage issue goes, that is something that the town should be pro-active on. You don't want to create a swamp or we are going to have a lot of issues with mosquitoes and things like that. We should clear that

up as soon as possible. The other thing is the light, with the longer green time. That is the kind of sign installed by the DOT when they are trying to move traffic through an intersection at a higher rate. If there is an issue with that, I think that is something that the Town Engineer and the Town Manager would talk to the State Traffic Commission or the DOT and they could come out and look at the intersection. As far as the alignment of Alumni Road goes, that is something that is in the town's corridor, they were going to realign Maple Hill Avenue, something happened, I'm not one hundred percent what happened there, it got stopped. I think that is something that the Town Engineer and maybe the Town Manager should look into. The thing has been designed, the funding was there, I'm not sure it still is.

Chairman Pruet: I know that it is being revisited internally and hopefully it will be expedited. If we could do something, Stanley's suggestion, with the DOT take a look at that intersection, with some modification.

Commissioner Sobieski: See, they won't give you a permit to open up Alumni Road and connect the two pieces until that light goes into place.

Chairman Pruet: The existing light, they could take a look at that.

Commissioner Sobieski: That's something that could be requested through the DOT, look at the turning movements, the traffic. Normally when they do install signs like that, it's for the eastbound/westbound traffic to keep moving through the intersection.

Commissioner Anest: When we have petitions for scheduling, I don't think the petitioners should be here, because they all left, and now I feel that they wasted their evening sitting here waiting. I know previously we never had them here.

Craig Minor: I have been, but I'll stop now, I have been suggesting that they come in case the Commission has an issue with the scheduling, for example it turns out you have scheduled three hearings for one night, and you really would not rather schedule the fourth, if the applicant is here, you could discuss with the applicant if he has a problem with being postponed to the following meeting or not. That is why I usually suggest that, if they can, be here but if you would rather I stop saying that, then.....

Commissioner Aieta: If they want to come, I wouldn't suggest that they come, if they want to come, they have the option to come or not, I think you have to just play it like, it's up to them, but not to suggest that they come because these people are wasting their time. I don't want to hear this thing twice, and the last time that the MDC came in, we heard it twice. That's the problem, it's a public hearing and you get into a situation where people don't like it, and they are taking an appeal and they've got something to appeal, saying, well, gee, you heard the thing already, and it's not a good practice. I think we've got to get away from that.

Craig Minor: Okay, I'll stop suggesting that they come.

Vice-Chairman Camerota: I think as long as they know when the next two meetings are, if they have an issue, usually they will tell us that they need a certain night.

Craig Minor: How do they tell you?

Chairman Pruet: Through you.

Commissioner Hall: You ask them, is this urgent, is there a time restraint or something like that.

Commissioner Aieta: Everybody is going to tell you there's a time restraint. You are going to have to be able to sift through the real and the unreal and come back and tell us this is really a time restraint because of this, this, and this. Everyone is going to tell you there's a time restraint. Obviously the thing tonight with the sports place, the guy doesn't even have his architectural and engineering done, so to hold that off for two meetings is not a big deal, it's not going to hurt him financially or any other way.

Craig Minor: Okay, I hear you.

XIII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: Two things, I want to thank the public for coming again tonight, we always get something out of it. Your concern is our concern and we are going to follow up on that, make it part of the record like Mr. Bolles, it's part of the record now, and your comments too sir, about Maple Hill, we're going to check that out too. That was good, we appreciate your support and coming forward with your opinions.

Also, I would like to thank Commissioner Dana Woods for his time and service to the Commission and I wish him well in his new venture in Cromwell. He has moved to Cromwell. Also, our prayers are with the Camillo family with their situation with their family. Thank you all very much.

XIV. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Lenares. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary