

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

September 24, 2015

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 8:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Commissioner Brian Andrzejewski

Staff Present

Craig Minor, Town Planner

Commissioner Claffey was seated for Commissioner Andrzejewski

III. APPROVAL OF AGENDA

Craig Minor: No changes

Chairman Hall: If anyone is here thinking that we are going to be talking about the commercial vehicle regulation, that will be taken care of on the 14th, when our Zoning Enforcement Officer returns. He only attends one meeting during the month, and it's usually the first meeting. So that will be October 14th next month.

IV. PUBLIC HEARINGS

- A. Petition 29-15: Special Permit (Section 3.2.5 Convalescent Home) at 238, 256, and 268 New Britain Avenue (Bel-Air Manor). Bel-Air Manor Associates; applicant Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Matthew Boggio, 88 Ryders Landing Suite 208 Stratford CT, contact. Continued from September 9, 2015.**

Alan Bongiovanni: Good evening, thank you Madam Chair, Staff, Members of the Commission. For the record, my name is Alan Bongiovanni, licensed land surveyor in the State of Connecticut representing Bel-Air Manor in this continuation of a public hearing. At the last meeting there were a couple of questions raised by public and by the Commissioners. One of the issues raised by the neighbor across the street was traffic at 255 New Britain Avenue which is directly across the street. I had the opportunity to contact the

Police Department and got a copy of the accident history for that section of New Britain Avenue for the last five years. If you look at the second and third page, there was only two accidents in that area during the last five years, three of them I should say. One of them at the driveway for our establishment, 256 New Britain Avenue, one of them at the driveway for 255 New Britain Avenue, across the street and then one of them further up the hill at the Emmanuel Church driveway. This is a long straight section of roadway, although it starts at a higher elevation at the west at Church Street, it's a very straight, open road and although there were three accidents during the period in that area, for the last five years, it's not something that would be considered significant. There are excellent sight lines from our driveway, we have in excess of 800 feet looking west; looking east we can see at least 500 feet. The minimum sight distance is 360 feet for a 40 mile per hour speed limit. Some may travel faster than that, but you are at or very close to the signalized intersection at Willard Avenue so they have to start at some speed and then work their way up. With some minor trimming we can see all the way to that intersection, so it's a good 90 degree T intersection with more than adequate sight lines in both directions. It's always been a safe driving location and it will continue to be so. There is nothing in the police report that would indicate otherwise.

Chairman Hall: This goes back to November of 2014.

Alan Bongiovanni: If you look at the cover sheet there are two separate programs that are used. If you go further back it goes back...

Chairman Hall: Yes I did, I went through all of the pages.

Alan Bongiovanni: The second issue was the neighbors across the street want some screening, some sort of landscaping in front of the people. There were a number of pine trees along the front in this area here [point to site plan on the monitor]. Some of them have been removed in recent years, up to this point here, and to the west are existing pine trees, fifteen to eighteen inches, a significant stand of them. What we have added to the plan is a two foot high berm shielding that entire parking area and planting three foot on-center, five foot high arborvitae. It will provide an instant and permanent screen on a year round basis, so the neighbors will look at greenery as opposed to cars parked in that area there. We believe that is satisfactory to screen the cars in that location.

I know that there are comments which I haven't fully addressed, but I wasn't sure the Planner was even going to be here, talking about buffering and screening and things like that. This I think addresses what I heard from the Commissioners at the last meeting, and I hope that you find it satisfactory. There are some other technical issues that need to be ironed out, but I don't think they are in the realm of a public hearing. The zoning table things, water connection, things like that, but for the major components I think we have addressed them. If you have any additional questions I'd be happy to answer them.

Chairman Hall: Anything from the Commissioners at the moment?

Commissioner Sobieski: Mr. Bongiovanni, a quick question. Why did you go to the Newington Police and not the Connecticut Department of Transportation for the records and ask them?

Alan Bongiovanni: The local police department track the history of accidents in the Town of Newington. I had requested my traffic engineer but he couldn't respond quickly enough and he directed me to go to the Police Department and they would provide that information.

Commissioner Sobieski: But you are only going back a couple of years?

Alan Bongiovanni: I went five years.

Commissioner Sobieski: Five years, okay, thank you.

Commissioner Aieta: That is a state highway, right?

Alan Bongiovanni: Yes.

Commissioner Aieta: But there wouldn't be a difference between the information you got from the Newington Police Department and the DOT as far as accidents on the road?

Alan Bongiovanni: It would have to come from the Police Department.

Chairman Hall: Anyone else? This is still a public hearing, so we will hear from the public at this point. Thank you Mr. Bongiovanni. Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak in opposition? Come forward, state your name and address for the record please.

Albert Magnoli, 275 New Britain Avenue: It's great to get another bite at the apple. I still find it beyond understanding how this Commission can (inaudible) an R-20 zone building lot for a parking lot without question. I always thought that you were interested in protecting the integrity of zoning regulations. There are many adverse conditions that this expanded facility would have on the abutting home owners. Decrease in property values. Would you like to live across the street from a large parking lot, busy and noisy? I think not. Increased noise pollution. More traffic, cars, emergency responders, truck deliveries, lawn maintenance equipment, snow removal equipment. These adverse conditions will undoubtedly affect the quality of life of the neighborhood negatively. This is not necessary. There is no need for the parking lot abutting New Britain Avenue. There are ample parking spaces available to meet the requirements. On the parking schedule sheet number 4, of the drawings, it mentions parking spaces required, 82; parking spaces proposed, 125. On the same sheet, number 4 there is sketch of the parking lot abutting New Britain Avenue. It has 41 spaces. If you subtract 41 spaces of the parking lot plans, and the parking spaces proposed, 125, you get 84 spaces, two more than the required 82. This reduction will help reduce some of the negative aspects of this facility on the abutting owners and those along New Britain Avenue. I would suggest that you ask an architect be hired by the petitioner to spruce up the site. A landscape architect could design berms and buffers to hide some of the ugliness of the parking areas, rubbish receptacles and more. The only reference to landscaping is in the general notes and on sheet number 8 of the drawings entitled "tree planting design." This is not enough. Thank you for listening.

Chairman Hall: Thank you Mr. Magnoli. Anyone else wishing to speak in opposition?

Beng Kuan: Good evening everybody. I live at 263 New Britain Avenue. My neighbor raised the point that I want to raise tonight. Presently I'm sure you know that my neighbor and I are not in favor of this proposal due to traffic safety, and we have concerns. When Bel-Air was first built, I was not in this town, but P & Z stipulated a limit on the acreage to be developed. When they are seeking a special permit, does that mean that Bel-Air is seeking a special dispensation or a variation from that ruling? The addition would take away greenscapes, adding carbon monoxide and air pollution. Can the P & Z Commission tell us, what will be the total number of rooms, the estimated number of patients per year, and how it translates into units per acre? The addition will definitely increase the ratio (inaudible). My neighbor informed me that the Bel-Air owners wished to demolish the existing house when the last extension was approved way back and they said no more additions. Traffic and safety, no doubt the Bel-Air representative says here, open road and open sight, but New Britain

Avenue has a very high traffic volume during the week. There have been numerous accidents. The Bel-Air representative said three for the past five years, but mostly those are turning in and out of Bel-Air. Many speed down the hill from New Britain screeching to a halt right in front of my place, because someone is turning into Bel-Air. Many times they run into the curb in front of my place; in fact, I was nearly hit once while mowing my lawn. Two months ago, there was a major accident between a pickup and a sedan who was turning into Bel-Air causing the sedan to spin 360 degrees and causing the air bags to deploy at the Bel-Air entrance. That is why I said, the school children who walk, bicycle on the sidewalks, especially to the school bus stops, more traffic would be more danger to them.

Snow and summer heat. Snow will be plowed into big heaps onto the road, adding to traffic problems. Also, the mountain of snow will turn black. I do not want to see black snow and the snow won't melt until maybe the end of May, leaving behind sand, dirt, and rubbish. The sand and dirt will be blown all over the neighborhood, causing major health issues to those who have asthma or allergies, like me. Come summer the heat off of the asphalt and the building will increase temperatures causing global warming.

With added patients, the frequency of the EMS approaching will increase and definitely as my neighbor suggests now, the residents definitely don't want a blaring siren and flashing lights during the night.

Finally, the P & Z should consider the negative affect of the addition. I propose that Bel-Air should put their facility on maybe Alumni Road, or (inaudible). That is all I have to say, thank you.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition? Anyone just wishing to speak. Seeing none, back to the Commissioners.

Commissioner Aieta: Can the applicant rebut? They brought up some questions that need to be answered.

Alan Bongiovanni: Thank you. To reiterate, and address Mr. Magnoli's comments, this is an R-20 Zone. The use that is on the property, the convalescent home and the like, is permitted by special exception. The existing facility was permitted by special exception, the expansions prior to this were permitted by special exceptions. We're here before you again within your zoning regulations to ask for permission to build what is allowed in your regulations. My plans are actually incorrect as was my presentation last time when I said this lot can yield 20 units per acre, about 144 units. That was incorrect. Your regulations were changed for the Amara project to 30 units per acre. This property could yield some 210 units. We're asking to increase it from 71, add another 45 units to 116 beds on this property. This is the only density requirement that the zone regulations have. We're well within the regulations. We believe this would be the ultimate build-out of this site, and it would be about a third of what zoning does allow.

Parking being too much, we explained that the residents for the most part don't drive. You have caregivers and visitors that come to this site. Most days of the week less than half of the parking would be needed, but on holidays and weekends when a lot of the residents have their family and friends and neighbors come visit them, there is a high demand for parking and that's why the applicant has asked for additional parking space. I believe it is necessary. Right now, in those peak periods you have cars parked in different locations. The neighbors talked about when you are going to have cars parked in front; that happens now. There just aren't adequate spaces at those peak times for all those cars that occasionally come to the site. The regulation calls for a certain amount of parking. We feel it is necessary to put additional parking on the site, which is why we requested that. We didn't request it because

our client wants to spend extra money or put additional impervious area on the site. He believes that it is necessary for his operation and it's well within your regulations. We've gone as far as putting elaborate measures to conform with your LID regulations, so it's a low impact design so we would minimize any affect on the environment with this development. We have applied that not just to the area that is going to be expanded, but to the entire site as well. We're renovating all of the storm water on this site as part of this application, so there is a lot of benefit to the environment and the site by allowing this additional work to happen.

With regards to the traffic and the speed, there was on 7/25 an accident. The police deemed it at 255 New Britain Avenue, the other side of the road. Every time there is a development project before the Town and there is opposition to it, traffic always comes up and people always talk about the traffic being too fast. That is a policing issue; it always is a policing issue, whether this project is here or not. If people are going to speed on that street, people are going to speed on that street. It's for the most part a long straight road which people will, if they are apt to, drive fast. We have more than adequate sight distance for our driveway. We probably have more than adequate sight distance for seventy-five miles an hour because you can see all the way up to Church Street and with some minor clearing in the right of way, and I'm talking about brush and grass, you can see all the way to Willard Avenue. We can't see any farther. We can't improve any more than it already is. Traffic is tough on all east/west roads in Newington, but this is a safe location, and this is not a daily peak demand type institution. The biggest traffic demand is weekend afternoons. You have different staff coming in and out of the site, during the day and around the clock, but it's not even a major traffic generator as considered by the State of Connecticut. It's adding 45 more residential units with a staff of probably ten or fifteen more people. Those residential units won't have cars. These are people who are in need of assistance and care and this is where they are going to live.

A couple of comments have been made about this being commercial. This is a residential use. This is a place for people to rehabilitate and people to live. We intend to carry on the zoning for the area of residential use. It's a larger building, but that's the necessity of the type of facility that it is. It's a residential designed structure. It's a very attractive building that will complement the neighborhood. It will not detract from the neighborhood. I think that addresses most of the comments. Thank you for your time.

Commissioner Sobieski: One gentleman brought up the snow removal issue. I would like to make sure that if the sight line is impaired by snow storage that that be taken care of by the owner, so snow being stacked farther out of the snow shelf on the State and not on the property, especially after this past winter with the high mounds and stuff. Mr. Bongiovanni is right, most east/west routes in this town are clogged with traffic. A forty mile an hour zone is not enforceable by the town police. Maybe they should look at some point, maybe requesting a zone reduction in that area.

Commissioner Serra: I have a question. Obviously I wasn't on this Commission when the last remodel/addition was done. The last gentleman that spoke made a comment that peaked my interest a little bit. He said that at the last remodel/addition, the owner or somebody representing Bel-Air said that would be the last one, there wouldn't be any more additions, or something to that affect. Does anyone on this Commission recall anything like that? Are there any minutes that we can look at? I would like to know if that statement is accurate.

Chairman Hall: I don't know how to find that out, but I do remember I was the council liaison at the time, and I actually said that to Mr. Minor, that my understanding the last time they did it, that was going to be as far as they were going to go.

Craig Minor: It would be in the minutes, if the Commission wants me to find it.

Commissioner Serra: I'd like to see that.

Chairman Hall: Is parking in the front the only place they can put that?

Commissioner Aieta: They have additional parking in the rear. That's new parking.

Chairman Hall: Right, but this lot, with all of these spaces - why can't you have them somewhere else with all the others that are there?

Alan Bongiovanni: If I may, part of the front parking serves two purposes. One is the new entrance to the building; it's the proper location so that visitors can visit residential units in that building as opposed to parking way in the back and walking all the way to the front. The other component is the *port cochere* for drop off, it's a covered drop off in that area, so a part of that parking area and paved area is to allow that to happen. If the parking spaces were eliminated, we are still going to have this area paved, as well as there is parking there today, handicapped accessible parking for the rehabilitation facility, so we're not just plopping a whole bunch of pavement in front because we need some parking spaces. It works well with necessities, the necessities that we have in that area.

Chairman Hall: I understand that, but you could cut that in half and still have the drop off and still have the handicapped parking and some other parking in the front. There is a whole bunch of space up there where you could double the size of those parking areas, and have them face this way, so that you would drive up, you drive in, and you are about equal distance between the two entrances, whether you go to the front, or you go to the side. I assume that you are keeping that side entrance?

Alan Bongiovanni: Yes. We'd be very happy to look into other alternatives to laying that out. The owner would like to have as much parking as feasible to accommodate peak periods.

Chairman Hall: Right, but what you have there in the front, you could double if you went up this side. Look at how many more you could have if you doubled that. Then it wouldn't be such a huge asphalt impact at the front of the building. Keep your berm, keep your green space, get much more parking and not have that big black space in the front.

Commissioner Claffey: Can you show us what you mean by a (inaudible) on that picture?

Chairman Hall: See how you have this? Head to head, head to head.

Commissioner Claffey: Okay.

Chairman Hall: And as long as you keep away from...

Commissioner Claffey: From the buffer.

Chairman Hall: Why can't you compact it here? [pointing to the site plan on the monitor] This is an entrance, right here, and this is an entrance, so if you park here, you go in that entrance, if you park here, you go in there or there. When you're here, that's a long walk. The only option you have is to go in that way. What if your resident lived up here somewhere and all that is left of this parking because the rest is all taken. This way you have more, you stop the impact, you have the berm, and you have the green...

Commissioner Claffey: Don't we need something for emergency vehicles to come up around the other buildings?

Chairman Hall: They will; they will come up this way or they will come up that way, just as they do now.

Commissioner Claffey: So they are still going to need the pavement and the requirements for those trucks to be on pavement.

Chairman Hall: They will be on pavement. We're not trying to get rid of that, we're just trying to get rid of this impact on the front.

Commissioner Claffey: Then you would redesign that whole front, because you can't get rid of that front impact because his radius of a turning truck is not the port cochere, it's that direct left, no, the truck will not go through that way. To get a truck around back is not going to go through the port cochere. A five hundred thousand dollar truck is not going to drive through a port cochere. It's not built for that, the ground is going to be built to withstand the weight, not just a parking lot, it's designed to withstand the weight of apparatus trucks that have to get around there, so he can't shift that parking somewhere else because he's still going to need that space for vehicles. Delivery trucks, 18 wheelers,

Chairman Hall: They aren't going to go in there. They're not going to go in the front. If there are cars parked there, the truck can't make it in anyway.

Commissioner Anest: Right now in that front, how many spaces are there?

Chairman Hall: Fifteen across the front.....

Alan Bongiovanni: In front of the building there are grass pavers. There's probably a dozen cars, and then they also park along the whole driveway to the house.

Commissioner Anest: If you eliminate those fifteen spaces that Cathy was talking about, would that would put it back to what it is there currently?

Chairman Hall: Pretty much.

Commissioner Anest: So if he could relocate those, I mean, we're trying to make everyone happy, if we could eliminate that and do more landscaping and make it more appealing to people who live across the street, maybe that will help them.

Chairman Hall: I don't think the building is bad looking. I think with the parking, it looks like you are driving up to a Wal-Mart with all that asphalt. A little more green space, a little more planting, and less asphalt, I think would be much more conducive to that area.

Alan Bongiovanni: We can make some adjustments. I'm not going to say that we are going to eliminate all those parking spaces, but I think I can work with the client and come up with a solution that will lessen the impact.

Commissioner Claffey: When you talked earlier in your presentation Mr. Bongiovanni, is there a way that if you reduce the spaces in one place and put them in another, is there a way to, if it can't be done... what I'm worried about with the massive parking lot is the run-off. Is there any green type stuff you can do to make it less impervious so that when you come back you can say, well, I might be losing this, but I'm adding it here to benefit both sides, the front of the building, the back of the building.

Alan Bongiovanni: If you look at the details on the plan, there are a lot of LID techniques, both active and passive, that are implemented in the plan that are going to renovate storm water, reduce peak run-offs, and cool the water; all of the things that low impact development tries to achieve. This site was the only site that actually tried pervious pavers, behind the existing house. Those are the nice diamond grid concrete pavers and in the first two months they had two women break their ankles because they had shoes with heels. This applicant is not willing to put any pervious pavement on that site. So we've put in LID with different techniques and I think we have done a good job. If you look at the area here on this site, we are well within the site plan requirements; normally you have to have a maximum of ten percent open space, pervious area. Probably seventy percent of this site, sixty to seventy percent of this site, is going to maintain its pervious qualities. If we move six or eight or ten parking spaces, around there, it's going to be a wash in square footage, gain or lose a hundred or two hundred square feet. But we will endeavor to please the neighbors and the Commission and see if we can relocate some of that parking.

Chairman Hall: Anybody else have anything they want to add? What is the pleasure of the Commission?

Commission: Leave the hearing open.

Alan Bongiovanni: Thank you.

B. Petition 35-15: Special Permit (Section 3.11.6: Restaurant) for "Subway at 63 East Cedar Street, Newington Sovereign Bank Plaza LLC, owner, Terrence McMorrow, 433 Old Mountain Road, Farmington, CT, applicant/contact.

Terrence McMorrow, 433 Old Mountain Road, Farmington: Good evening.

Chairman Hall: Can you tell us a little about your project, please?

Terrence McMorrow: What we are doing is relocate the Subway from the plaza near Starbucks over to 63 East Cedar Street, right next to the bank. All State is going to move into the central space, and we are going to take the end space closest to the bank. I believe that it was already approved to be a restaurant, but there is this formality before a restaurant can open.

Chairman Hall: And you are going to close the other store, the one that is on Cedar and Main?

Terrence McMorrow: Correct. It's too small a space, as you know if you have ever been in there.

Chairman Hall: And no drive-in or anything?

Terrence McMorrow: No.

Chairman Hall: Any questions from the Commissioners before we go to the public?

Commissioner Anest: You are going to take which unit?

Terrence McMorrow: We are going to take the one closest to the bank. State Farm is moving to the center.

Commissioner Anest: Okay, because you said All State.

Terrence McMorrow: Yes, I'm actually going to move State Farm to the middle and pay for construction and everything.

Chairman Hall: No other questions? This is a public hearing so we are going to open it to the public. Anyone wishing to speak in favor of this petition? Anyone wishing to speak in opposition? Anyone simple wishing to speak? Seeing none, back to the Commissioners.

Commissioner Aieta: I move that we close the public hearing and vote on it at the next meeting under Old Business.

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

Chairman Hall: We will be voting on that October 14th.

Terrence McMorrow: Does that mean we can't do anything until the next meeting?.

Chairman Hall: Correct. On October 14th we will bring it up again, we'll vote on it, and at that point, you will know where you stand.

Commissioner Aieta: What is your concern?

Terrence McMorrow: Well, we have already waited about four weeks and my old lease is expiring and I don't want to close down.

Chairman Hall: Do you want to amend?

Commissioner Aieta: I will withdraw my motion to put it on for the next meeting and revise my motion to have the hearing closed and move to Old Business tonight for action.

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

Chairman Hall: We are going to put it on for tonight. Thank you for speaking up.

Terrence McMorrow: Thank you.

C. Show Cause Hearing to Revoke Special Permit #16-14: Special Exception (Section 3.15.3; Outside Restaurant Seating at 3260 Berlin Turnpike (Plaza Azteca Restaurant) Hector Angel, owner, Manuel Rubio, applicant/contact.

Chairman Hall: Welcome, state your name and address for the record please.

Manuel Rubio, Manchester: First, I want to thank you for the past couple of years that you have given us the opportunity to have this event. I was reviewing the statement of the police officer and I have some comments about it. The first point I want to make is every year it becomes more popular event, you know Cinco de Mayo is turning into St. Patrick's Day. Everybody goes out and likes to have fun. Since, the many stations that we have every year it's, we hasn't had anything really bad happen, and that is why it has become more and more popular and the amount of people who come to get in keeps growing. This year so that we would not have any problem we went to the Fire Marshal to show him the layout and he approved it and there was no problem. Also with the liquor commission

there was no problem. This year we hired 30 private security, last year we had only 15 but since we noticed it was growing, this year it was 30. Also, personally and one of the things that he was mentioning, that there was a lot of people, and yes, that is a fact. There were a lot of people, but every single Mexican restaurant is crowded that day, they are over capacity but as I said, when we did it, we decided to hire double the security to make sure that everyone was safe. There was a flow of people, but it was moving. Also, personally, I set the alarm on my cell phone every thirty minutes, so every thirty minutes I was going back to the police officers we hired and I was asking if there were any questions, were there any problems, if everything was OK, and they told me that everything was OK. I was doing that every thirty minutes. I wish they were here so they could testify that I was actually checking with them because that was my priority. The safety, to make sure that they were OK with what we were doing.

As you can see from the statement they said that we had approximately 1500 people, and I spoke with security, Mr. Brett and his clicker was 1,125, which is a lot of people especially for the layout of the restaurant. That is why we requested to use the lawns in front of the restaurant so we can accommodate those people.

Also, when the Fire Marshal showed up, I never, they never told me that hey, you need to shut it down or you need to stop letting people in. I had all the exits set, in case of an emergency or anything. I did a walk through with the Fire Marshal that morning to make sure that I had all the exits in case of an emergency we had to open the layout that we closed and we only used a metal fence because of that. We know that in case of an emergency we can take the plastic wrap that we use around to open the entire grass and get the exit for the people to the parking lot. That is what we actually did.

They were saying that it took two hours, but actually no. They shut it down at ten, and at 10:30 everybody was outside and I did my walk through with the Fire Marshal, with Mr. Chris who is the one who gave me the permit, and he made a joke, he said, we did the walk through, the exits, the outside of the restaurant, the patio, the layout of the (inaudible) and how the exits were set up, and he said, you have an amazing layout, but I received a call from above so I need to shut you down. He made a joke, he said, if I wasn't working I would be here enjoying this because this party looks amazing, and also, one of the things that we had agreed after we closed he told me that next year we are going to have a meeting, him and the police officers, with the Chief police officer so we can make sure that, and one of the things I told him, I want to continue doing this, because it's an activity that everybody likes. To be honest, we won best bar from the Chamber of Commerce, we won the best Mexican Restaurant from the Chamber of Commerce, so we want to continue doing this, but we want to do it in the right way.

The right way is we are going to have a meeting, the Fire Marshal and the Police, the Chief Officer, to see how we are going to set up the layout and have one of the police officers to have a clicker and also do the walk through and measure everything so we can have, based on the restaurant from the Fire Marshal he can tell me exactly the amount we can allow to have at that event. I guess that is everything I have to say now. Thank God, he said there were no problems, nothing happened, and yes, the police officers, they had to actually work double because our restaurant, I would say it's the most popular one, and with the right measurement and other restrictions that the Fire Marshal might require.

Chairman Hall: Okay.

Commissioner Aieta: 1100 people in there, for that size building is outrageous, number one. Number two, how are you going to guarantee to this Commission that you are going to cut that number down that's reasonable so that there is not an overflow out in the parking lot?

The way that you have it now, it's such a popular venue that you might have 1500, 2000 people there next year and we can't sustain that. It's not, we can't sustain that number of people. You have to show it to us that you are going to be able to control the number of people that are going to come to this event, and I don't know how you are going to do that when each year it grows by leaps and bounds, the number of people. That thing would probably, I'm not sure what the occupancy of that building is....

Manuel Rubio: Maybe 250.

Commissioner Aieta: Okay, so the most that you could have basically queuing there is probably 500 people. That's about half of what you are getting, less that half of what you are getting, you got this year. How are you going to be able to convince us that you are going to be able to control it? We don't want 500 people or 300 people inside and 2,000 outside rambling around those parking areas. Explain to us how you are going to make this work.

Manuel Rubio: As I mentioned, the other point that I mentioned to the Fire Marshal was to have one police officer to have a clicker because actually it was his idea. He said, the police officer is the one that would ensure safety, you have to hire the police officer because the private security, I mean maybe he can say yes, it's a lot of people, but the police officer, he can (inaudible) and once the Fire Marshal does the walk through, outside and inside, he told me, I'm going to tell you exactly how many people you are going to allow inside and outside. From then it would be the police officer so he can have somebody to make sure that is the amount of people who are going to be in the building. If people go out, then some people can come in, that's what he said.

Commissioner Aieta: The problem is, it's, you have four or five hundred people outside waiting to get in, and that's a concern to us too, besides the crowd inside, the full capacity of the inside of the building.

Manuel Rubio: Well, most of the time you know, whenever there is an event, say St. Patrick's Day, if I go somewhere and it is already full, I go to another function. I'm pretty sure, and that is one of the things when we start promoting the Cinco de Mayo event, we are going to let people know that it's going to be a limited capacity and whoever comes in, that's it, if not, they can go to another place.

Commissioner Camillo: That night I had to go to Lowes and there wasn't a parking space to be found. I parked right up against the building, and there was a police officer ticketing all the other cars. Every parking space was full. They were parking at Target, they were parking at IHOP, Ruby Tuesdays and walking over to your place. That will probably happen again if you do it again. What are you going to do for the other businesses there to accommodate them when your customers are parking in their parking lots? All of the cars in those parking lots were for you, except me. I've never seen anything like it. It was unbelievable. You have got to do something for your neighbors too. You have to have a plan.

Manuel Rubio: I sent a letter to Uber to get a sponsor by them to tell people to use their services and also there is a company, that they have the party buses. They pick you up at several locations, and bring you to a location and they come back and pick you up at a certain time. As you said it keeps growing but at the same time I want to make sure that I keep doing things the right way. So, as I said it will hopefully be a partnership with Uber and with this other company to make sure to give instructions to people such as at a concert, this is where you can park, and this where we will pick you up and drop you off, and use Uber so that you don't have to drive.

Commissioner Anest: A couple of things. The special exception in 2014 said to contact the Town Planner, which you didn't do. Correct?

Manual Rubio: I'm not.....

Commissioner Anest: You were to contact the Town Planner by March 1st of each year. You didn't do that, so I think that is one of the issues that we have. You didn't follow the special exception. I have grave concerns about how many people were there. My feeling is I would like to see this event pulled back for 2016 until you can come up with a way and not give you an extension, or if you do something, just do what normal restaurants do, and don't do the live music and don't do the bounce house. That bounce house was up and there were people drinking, and I don't know if they were drinking while they were in the bounce house, but the liability is incredible. Just keep it to your own patio and keep it inside and I think then you will be able to have better control of how many people would go. I'm very concerned about people walking across the Berlin Turnpike, God forbid if somebody got hit by a car because they were walking across from Target and if they were drunk, and where's the liability? It would be on you. I mean, there are so many issues that are going on having such a big event going on in your facility, and it's not that big a facility. So I think you might want to consider scaling it back for a couple years and do a lot of thinking of what you actually want to do.

Commissioner Sobieski: My big concern is that the fence was up, and it was well onto State property, and you are not supposed to be on that. You have to stay within the confines of your property. So, what I'm saying is, when I went by there, it's pretty close to the road. So I'm saying you can't just put a fence up on the state right of way to the highway. You have to stay on your property. And again, I agree with the rest of these Commissioners, I want to see some type of plan before anything else is done there, and it should be scaled back until we see something. You've got 1100 people which is what you told us just now, and there is no way you are going to get 1100 people with tables, on that small lot. No way, so you have to come up with something better than what you are doing right now. I'm concerned about the liability and the safety as the other Commissioners said, people parking and walking across the roads and stuff. People who have a few drinks in them, they lose some common sense some time and somebody gets hurt.

Manuel Rubio: I'm not the only restaurant that requests extension for the use of the patio. I'm the most popular, and I have noticed that they have an extension of their patio, and like I said, I'm going to have a meeting with the Fire Marshal and do an entire walk through and he is going to, what he said was, I'm going to tell you how long you can go, and how many people can you fit. That's what he told me. Then you can go to the Commission and ask for a hearing and see if they approve it.

Commissioner Serra: Mr. Rubio, I know that you are really trying to keep this, and get this going. I have to agree with the rest of the Commissioners, the other thing is, Cinco de Mayo like St. Patrick's Day, even more so with Cinco de Mayo, people come in, they don't leave, so you can have as many people as you want waiting, they are never getting in there going by this plan because people sit there, and they don't leave. I've been to Cinco de Mayo, I know how it works. The other concern is, with all these people in there, one fight, that's all it takes, two people get into a fight, it's a brawl. Everybody is going to get into the fight, inside, outside, the police officers, they are going to call for backup, but in that moment, there's not enough of them. Your security people, yeah, they might help out a little bit. There's too many things that can go wrong. A fire, God forbid, the loss is going to be unbelievable. I agree, the other things is, the bathrooms. The bathroom situation by this report was absolutely horrible. People couldn't get to the bathrooms, they couldn't use the bathrooms, you had women in the men's bathrooms, I've seen that before, and again, I have to go by this

report. I know you take some exception with some of the things in this report, but I have to go by this report. This was not a good situation for anybody. For you, if something had happened, the liability, for Plaza Azteca, for the police department, your security people, somebody just driving down the Berlin Turnpike, fight spills out onto the Berlin Turnpike, somebody gets hit by a car, now somebody who had nothing to do with your event is now involved in that event. I have to agree with the other Commissioners, I think for 2016 you have to scale this back, get a plan together for the following year and then come back to us. That's my opinion.

Manuel Rubio: I had eight additional restrooms outside the restaurant.

Commissioner Serra: There may have been additional bathrooms outside, but people weren't going outside and using them. The whole problem overall, all of this, the bathrooms, the crowds, all of this is resolved in one simple way. You keep the crowd to a minimum. You keep it to what the place can hold. If you can do that, then all this other stuff goes away. I know it's easier said than done, but you just can't rely on the cops, you know, somebody, you, somebody you appoint, somebody has to be out there and says, okay, we're getting full inside, let's hold off for a while. There has to be more communication. I don't run a restaurant, so I can't tell you how to do it, but I've been around enough of them where I've seen it done correctly.

Manuel Rubio: Actually, that was one of the things that I was doing, checking my cell and every thirty minutes I would check with the police officer, is this okay, are there many people waiting, and they said, right now everything is fine. I didn't notice when the police officer decided to call the chief and the Fire Marshal, but every thirty minutes I was there, is this good, is this okay, actually we stopped letting people in around eight if I'm not mistaken, and then once some people left, some people could come in. That is what we were doing. People were leaving, and then we let in some people.

Commissioner Serra: But you still had, by your count, 1100 people.

Manuel Rubio: Yes.

Commissioner Claffey: I have a question for you Mr. Rubio. Are you a franchise? And you have how many restaurants?

Manuel Rubio: In Connecticut we have four locations. Here in Newington, in Manchester....

Commissioner Claffey: Do all four do this event?

Manuel Rubio: Correct.

Commissioner Claffey: Okay, so what I think this Commission may like to see is, go to those other three, see how they put theirs together and come back to us with a plan saying, this is what we are going to do. I live about 2,000 yards from that restaurant, and I could hear the commotion that night, just sitting out on my deck. It wasn't bad, it's a festive event, but bring your other restaurant plans to give us a picture of how they do it, how they control it. We don't want to hurt your business, but we can't every police officer and fire fighter in town at your restaurant in 2016. We just can't have it.

Commissioner Aieta: We still have the problem of the inside and the outside at full capacity. You have five or six hundred people outside and all of these people are driving, they take up all of the parking spaces for Lowe's, the two other restaurants, they are parking across the street, tell me how you are going to curtail the number of people who are going to come to

this event. You've got to cut the number of people down to four or five hundred people, not 1100 people coming there because we are not going to allow you to take over this whole section of town for your restaurant. It's not going to happen. You're not going to tie up all the parking places, you're not going to have people crossing the Berlin Turnpike, you let it get way out of control. You advertised too much, it's too big, it's gotten out of control. The first couple of years it was a good event, it worked well, you had the right number of people, you advertised it to the point where you get 1100 people there and the capacity is only maybe 300 and there are 700 people outside. It doesn't work, it doesn't work any more because you over promoted it. I don't know how you go back to square one without shutting it down for a year.

Commissioner Anest: I would like to make a recommendation that we revoke the special permit and have them come back next year and reapply for a special permit. Can we do that?

Craig Minor: If you have all the information that you need, we close the hearing and add it to New Business or Old Business and talk about it some more then, after the hearing is closed. But don't close the hearing until you think you have all the information that you will need to make a decision.

Commissioner Anest: All right.

Chairman Hall: I have a question, or a suggestion. Why, once you have talked to the Fire Marshal and you have a number that he feels is a safe number, why can't you sell that number of tickets and then you have, lets' say, he tells you 500, so you promote selling tickets to Cinco de Mayo, and once you have sold that 500 tickets, you're done. You make some money up front, you know that you are going to limit it to X number of people, and nobody gets in that night without a ticket. Why couldn't you do that?

Manual Rubio: That is a very good idea, but I can't do that because my permit, I don't know if I'm capable of selling tickets to get in. I will find out more.

Chairman Hall: You could do that as a special promotion, special event or whatever.

Manual Rubio: Right now it needs to be re-organized again. Like start from zero, like you said, reapply, come to the hearing, after I speak with the Fire Marshal, as you said, I will get the number, I will bring the layout that the Fire Marshal approves and I will bring the layout for the restaurant and how we will handle every single event so we can get the chance for another permit.

Commissioner Serra: If we are going to do this, and Mr. Rubio is going to speak to Chief Schroeder, I'm thinking this out loud, but once that he has that plan and it is all set, would it be possible to ask Chief Schroeder here to give us his input and just to go over the plan with us so we are all on the same page.

Commissioner Aieta: You have to remember that Chief Schroeder looks at this from the point of the Fire Marshal.

Commissioner Serra: I understand that, but he.....

Commissioner Aieta: He doesn't look at it from the point of the traffic, he doesn't look at it from the point of the parking requirements. We have to look at the whole picture.

Commissioner Serra: I absolutely understand that, but Mr. Rubio has been bringing up the fact many times that he is going to be meeting with Chief Schroeder and Chief Clarke. If they are going to be involved, we are going to rely on their input. I would like to hear from them.

Chairman Hall: I just have one question. Were you on site that night, or were you at one of the other restaurants?

Manual Rubio: I was there.

Commissioner Anest: Did you know that they called the Fire Marshal?

Manual Rubio: I didn't know when they called him.

Commissioner Anest: They didn't tell you that they were calling the Fire Marshal?

Manual Rubio: The police officer didn't tell me that. I asked him, every thirty minutes I was coming and I don't know, I guess he got upset.

Chairman Hall: This is a public hearing so we have to hear from the public, but thank you for your input. Anyone wishing to speak in favor of this, which is to show cause to revoke, anyone wishing to speak in favor? Anyone wishing to speak in opposition? Anyone just wishing to speak?

John Bachand, 56 Maple Hill Avenue: It's not really an issue that is near and dear to me but hearing the kind of numbers it's ridiculous and you keep talking about his liability, it's not going to be his liability when someone gets killed on the Berlin Turnpike if you approve it, so you know what is going on, it's not going to end, no matter how many tickets he sells, the same people are going to show up. It sounds like I'm speaking against it, but I just have a suggestion for them. Other groups, I know the Polish, when they have their big seasonal picnics, they rent a place, like an outdoor venue, and it's all about drinking. I don't think he's serving a 1,000 or 1100 people food so I'm thinking South end field in New Britain, they have these outdoor picnics, so I would encourage him to get together but after that many people showed up there this year, it doesn't matter how many tickets they sell, they are still going to be there. So they will just be partying in the parking lots, so I'm not really against it. I encourage them to have a good time, but I don't see that once it was out of control, you are never going to get it under control again. It would take a small army. Thank you.

Chairman Hall: Anyone else wishing to speak? Seeing none...we are going to leave it open.

Craig Minor: To give Mr. Rubio the chance to get information about his other restaurants.....

Chairman Hall: Right and a couple of other items too.

Commissioner Serra: Mr. Minor, if he is going to get information from his other restaurants, I'd like to know the occupancy, the size of.....

Craig Minor: Call him up here so he can.....

Commissioner Serra: If you are going to get the information from the other restaurants, as one of the Commissioners asked, I'd also like to know the occupancy, the size of those restaurants, so that we are comparing apples to apples, the lot size, the layouts, just so we can compare them.

Manual Rubio: I will bring everything from the police, the Fire Marshal requirements that they do in every single town. Also as far as the Berlin Turnpike, the car shows, they park in other places, so I know what we can handle because we have been doing it, so I will bring everything that is required, and it will be great having the police officers and the Fire Marshal here so we are all on the same page and we do want to continue doing business with the town.

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

John Bachand, 56 Maple Hill: I just wanted to say I thought we had a decent turnout tonight up in the auditorium. These maps that we have here show a half mile and a one mile radius; I thought we were discussing a quarter mile and a half mile. These go out to one mile here. They aren't very helpful to begin with because even if you look at the legend, the colors are different, like the station.....

Chairman Hall: We are going to get others for the future.

John Bachand: I'm just saying, the station over here shows as residential and over here it shows as something different. Am I wrong about the mile and half mile or are we discussing out to one mile?

Craig Minor: You're not wrong with making the statement. The map is what it is.

John Bachand: But I'm saying, does TOD discuss a one mile radius?

Craig Minor: The map shows a one mile radius and a half mile radius. If people talk about a half mile radius, they talk about a half mile radius.

John Bachand: Thank you.

VI. **REMARKS BY COMMISSIONERS**

None

VII. **MINUTES**

A. Regular Meeting July 22, 2015

B. Regular Meeting August 26, 2015

Commissioner Sobieski moved to accept the minutes of the regular meeting of July 22, 2015 and the regular meeting of August 26, 2015. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. **NEW BUSINESS**

A. **Petition 30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC, owner/applicant, Joseph Sullo, 312 Murphy Road, Hartford, CT, contact.**

Russell Heintz: For the record, I am Russell Heintz representing Mr. Sullo. With me tonight is the applicant's (inaudible). Last meeting they were here. I don't know if you have any more questions for them and if there are, maybe we want to get to that right now. They can answer any questions that you might have in regard to that operation.

Craig Minor: I looked at the minutes to see if there were any open issues from the last meeting and I didn't see any. I think the Commission wanted to think about what they heard last month.

Commissioner Camillo: You are recycling foam rubber?

Russell Heintz: No, not recycling.

Commissioner Camillo: Do you send it to be recycled?

Richard Barry: I'm the director of (inaudible) for Triumvirate.

Commissioner Camillo: You are packaging or processing foam rubber for recycling?

Richard Barry: Yes.

Commissioner Camillo: Foam rubber from mattresses or.....

Richard Barry: No, we get foam that is manufactured and shipped all over the world. We get the rejected material.

Commissioner Camillo: So as your business grows with them, and theirs starts to slow down, will you draw from somewhere else, like recycling mattresses?

Richard Barry: No, we have a five year contract to process this foam. They are our sole source.

Patrick Callanine: Would you like to see some?

Richard Barry: It's just repackaged, put into trucks and brought to a recycling...

Commissioner Camillo: As far as fire suppression and things like that, if you have a fire there, sprinkler systems, fire extinguishers. You have a partition in the northeast corner. What happens, you have a machine in there moving things around, if there is a fire there?

Richard Barry: We have fire extinguishers. We don't have any (inaudible) to process, most everything we run is electrical.

Commissioner Camillo: No propane or anything?

Richard Barry: No.

Commissioner Camillo: Any small fibers airborne, anything like that where you would have to scrub the air?

Richard Barry: No, we are not processing the foam in any way other than packaging. We're not cutting the foam, we're not reducing the size physically.

Commissioner Camillo: You are just tearing the cardboard rolls out of it?

Richard Barry: Actually we are pulling the cardboard out of the center of the roll, and then it just sags. We pick it up with a fork lift, we band it, and try to make it more compact and put it in the trucks that will take it off the site.

Commissioner Camillo: What is the weight of the tractor trailer you have there?

Patrick Callanine: That weighs about thirty thousand pounds.

Commissioner Sobieski: The people that are running this operation, have they gone through haz-mat training?

Richard Barry: Yes, all of our employees have that.

Commissioner Sobieski: And when the Town comes in and inspects it, does our inspector have to know haz-mat as well? I'm just asking the question, I have no idea.

Richard Barry: No, we're not going to be storing the material.

Commissioner Sobieski: While you are storing it in the boxes or barrels, some particles could fly out, that's what I'm concerned with. I just want to know, if the inspector comes in and checks the building, how does he know if those people are in compliance that work there? I'm just asking a question, I don't know.

Richard Barry: Actually the people who would be working in the building, because they are not working (inaudible) they have special training on industrial trucks like fork lifts, they don't have to have any kind of special training. It just so happens that most of our employees do have special training.

Commissioner Sobieski: So there won't be any material other than the foam going into that building.

Richard Barry: There won't be any other material going into the building.

Commissioner Claffey: Is this deemed a hazardous material transport business?

Richard Barry: Our company is a haz-mat material transporter.

Commissioner Claffey: But I'm asking, this site, how is it classified?

Richard Barry: The site is classified as a transportation related facility, permitted by the State of Connecticut for the material stored on our trucks, not more than 72 hours at the site.

Commissioner Claffey: So it is classified as a hazardous business.

Richard Barry: I'm not sure...

Commissioner Claffey: My concern here is you have a hazardous business, designated as hazardous, the structure you are storing these hazardous devices in would then be classified a hazardous building under the building code.

Richard Barry: We are not storing any of the hazardous material that we transport.

Commissioner Claffey: But they are in that building for a set period of time.

Richard Barry: No, they will be on our trucks. They never come off the trucks.

Commissioner Camillo: The foam rubber is one part of your business. The other hazardous material that you are moving will be on that property also. And what will that be?

Richard Barry: The material? It will be ignitable liquids, oils, recyclable fluids that come from businesses within Connecticut.

Commissioner Claffey: I think that goes back to my question. This structure is not built to a hazardous classification.

Richard Barry: We would be transporting mainly (inaudible) Class A materials.

Commissioner Claffey: When the fire department rolls up on a call, what are they getting themselves into on the inside of the building when the guy, 300 feet off with his binoculars is trying to figure out what he is about to get in, or she. Is it a red, green, or yellow triangle, what?

Richard Barry: We have operated in Portland for about seven years now. (Inaudible)

Commissioner Camillo: Do you own the trailers or do you lease the trailers?

Richard Barry: We own most of them. On occasion we'll lease a trailer.

Commissioner Camillo: When I drove by I saw a lot of them there. Are you going to close Portland?

Richard Barry: Yes. Our core business is picking up sealed containers, DOT specified.

Commissioner Aieta: And they will stay in the truck? They come on the truck, they stay on the truck until you get them off your property.

Richard Barry: It doesn't come off the truck here. (inaudible)

Commissioner Aieta: You pick up the material from the site, pick it up and bring it to the recycling area?

Richard Barry: In some cases we bring it directly to the recycling area. This operation is because we don't generally get enough containers to fill a truck; we take the same truck out until the truck is filled.

Commissioner Aieta: And at the end of seventy-two hours that truck is gone.

Richard Barry: Whether it is full or not.

Commissioner Claffey: You said you are in Portland and are going to close that. Is there a reason? I mean, I'm happy that you are looking at Newington to grow your business, but is there a reason that Newington was a spot to land? More of a question to you; we were talking about generating business in Newington a couple of hours ago, and maybe this is a little off kilter, but I would like to hear why they picked Newington.

Richard Barry: I think it's a fair question as to why we are moving at all. We need more space, and the spot in Portland doesn't have it, so probably a year or so ago we started looking for an alternative site. We looked at a number of sites and this seemed the best.

Commissioner Serra: How many loaded trailers would be on the site at one time? That's kind of hard to say, so, what's the approximate?

Richard Barry: We could have as many as seven haz-mat vehicles on the property at any one time. They would all be loaded. And foam trailers, we could have as many as eight.

Commissioner Camillo: The trailers that are on Holly Drive right now, there are quite a few trailers there, are they all loaded now?

Richard Barry: They are loaded with foam rubber.

Commissioner Camillo: Will the trucks and equipment be registered in Newington?

Richard Barry: The trucks will be registered in Connecticut.

Commissioner Camillo: Where is your other location?

Richard Barry: Our corporate headquarters is in Somerville, Massachusetts. To give you some background of the company, we are a hundred million dollar corporation out of Somerville and have been in business about 27 years now. We have thirteen locations up and down the East coast. We have hazardous waste treatment facilities throughout the country and we operate with about 500 personnel. This is slated to be about a 35 person operation.

Commissioner Camillo: Where is your office in Connecticut? You said the trucks will be registered in Connecticut. Where will that be?

Richard Barry: Right here.

Commissioner Camillo: So they will be registered in Newington?

Chairman Hall: Anything else? Thank you.

Craig Minor: The Town Engineer has not finished his review of the LID, so I'm not in a position to recommend action on the site plan yet.

Richard Heintz: Is there any way this could be approved in two phases, so that they could start working in the interior of this building? Because he is under a contractual obligation, and anything that the Town Engineer would want, there is not a thing in this report that we can't answer.

Craig Minor: Well, let me answer your question this way. The Commission isn't approving the business. They are approving the site plan, so your client's tenant is free to move in tomorrow. They are free to conduct what they do tomorrow. What they can't do is make changes to the site until the Commission approves the site plan.

Richard Heintz: So they can continue working on the inside of that building to get it ready?

Craig Minor: Inside the building, yes. With the knowledge, obviously, the Commission hasn't approved the site plan yet, and we don't know what the Commission is going to do, so at your own peril.

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

Chairman Hall: Did they leave?

Craig Minor: Oh, all right. Let me give you an update. My comments to the applicant are in the agenda package, it's three pages, but it's mostly details of things that weren't on the plan with the exception of the issue of the parking lot and that was covered earlier in the public hearing.

They have not received their wetlands approval yet and you cannot act until it has been acted upon by the Wetlands Commission, so unless the Commission has any questions, that is all that I have on the site plan. So it will be on the agenda again next month.

Chairman Hall: Lighting?

Craig Minor: That was in my comments. They didn't show any lighting on the plans. There are street lights in the existing parking lot, and I don't know why they didn't show them in the new parking area. Lighting might also be a legitimate issue for the residents across the street, i.e. glare, which is why we need the lighting plan.

C. Petition 36-15: TPZ Approval (Section 3.23.1) Accessory Outside Use) for Tent Sale at 3388 Berlin Turnpike(Rizzo Pools) Albert Rizzo Inc., owner, James Galvin, 3388 Berlin Turnpike Newington, Applicant/contact.

James Galvin, 122 Gloucester Court, Newington: Good evening. We are proposing to have a tent sale October 15-18, and set up will be on October 14th. We will be retailing portable hot tubs which will be full of water and electrically connected. We will be using a fifty foot in diameter inflatable tent.

Commissioner Aieta: How long is this going on?

James Galvin: Thursday, October 15th to Sunday, October 18th. We're going to set up on the afternoon of the 14th.

Commissioner Aieta: This is actually on your property?

James Galvin: It will be on the adjoining property, and I have written consent from Friendly's which is right next door to us. The majority of the tent will be on their property, and about six feet of the tent will be on ours.

Chairman Hall: It's called a "hydro pool" tent?

James Galvin: Yes, it's a hydro pool type advertising, basically it's a large inflatable blue tent with the hydro pool sign painted on it. It's about 22 feet tall, and about 50 feet wide. It's like the Taylor Rental tents but instead of having steel posts it's inflatable.

Chairman Hall: How is it secured?

James Galvin: It's secured by fourteen steel anchors at each post. I have the tent readings and the fire sheets.

Commissioner Serra: Obviously these are going to be there all night long. Any type of security as far as making things are secure overnight, making sure nobody is in those hot tubs?

James Galvin: The hot tubs will be empty.

Commissioner Serra: I understand that, but you get kids...

James Galvin: We will have two private security officers 24 hours a day.

Commissioner Aieta: Where do you propose parking? Right now there is no parking. Are you parking all on the Town Fair Tire and the Rizzo property?

James Galvin: Correct. Right now our lot requires 77 parking spaces and I believe we have 96. So we do have ample parking.

Commissioner Aieta: The hours?

James Galvin: From 9:00 a.m. to 8:00 p.m.

Commissioner Aieta: Those are the same hours as Town Fair.

James Galvin: Pretty close. We will open an hour after.

Commissioner Anest: What are you proposing for signage?

James Galvin: We have two signs. We kind of strayed away from the bag signs, and we have a banner on the side of a box truck. It's 4 x 8.

Commissioner Anest: Is that acceptable?

Craig Minor: I'm sorry, I was making notes and didn't hear what he said about the box.

James Galvin: It's two, 4 feet tall, 14" wide, flag signs.

Craig Minor: I don't know the totality of signage so I don't know whether that is allowable, but he would have to apply for a temporary sign permit anyway.

Commissioner Anest: And you know that we don't allow little signs all over.

James Galvin: Yes. The issue that we are facing here is that the day of our setup, when we will be putting the tent up is the day of your next meeting. So it would be difficult to wait until your next meeting for approval.

Chairman Hall: What questions does the Town have?

Craig Minor: None. Since it is not in the parking lot I don't have my usual concerns about the Fire Marshal being able get around it, and since we have the neighbor's permission to put the tent there, the staff does not any concerns.

Commissioner Claffey: If I was looking at Town Fair Tire, the upper parking lot, do you have to kind of step over that old guard rail, and then there is the grass or is this back farther?

James Galvin: The guard rail was removed two years ago when the trees were removed, so there is no guard rail there now, but if you are looking at the Town Fair Tire building there is about an 80 foot wide area of grass that is level.

Commissioner Claffey: Like where you would walk to go across into Friendly's?

James Galvin: Exactly. It will be 60 feet back from their sign, and 80 feet back from the road.

Commissioner Camillo: I move that we close this and move it to Old Business to vote on it tonight.

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

IX. OLD BUSINESS

A. Petition 34-15: Resubdivision of Parcel at 45-47 Monte Vista Avenue. Jacques Morreale, 123 Cherry Hill Drive, Newington CT owner/applicant/contact.

Commissioner Anest moved to approve with conditions Petition 34-15: Resubdivision of Parcel at 45-47 Monte Vista Avenue. Jacques Morreale, 123 Cherry Hill Drive, Newington CT owner/applicant/contact.

Conditions:

1. The plans shall be revised to address the Town Planner's comments to the applicant dated September 2, 2015.

The motion was seconded by Commissioner Camillo. The vote was in favor of the motion, with five voting YEA and one abstention (Claffey)

B. Petition 35-15: Special Permit (Section 3.11.6) Restaurant "Subway" 63 East Cedar Street Newington Sovereign Bank Plaza LLC

Commissioner Camillo moved to approve Petition 35-15 Special Permit (Section 3.11.6) Restaurant "Subway" at 63 East Cedar Street Newington, Sovereign Bank Plaza LLC.

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

C. Petition 36-15: TPZ Approval Section 3.23.1; Accessory Outside Use Tent Sale 3388 Berlin Turnpike (Rizzo Pools)

Commissioner Aieta moved to approve Petition 36-15 TPZ Approval Section 3.23.1 Accessory Outside Use for Tent Sale at 3388 Berlin Turnpike Rizzo Pool, Albert Rizzo Inc., owner, James Galvin 3388 Berlin Turnpike Newington CT, applicant/contact be approved. With the condition that he gets temporary sign permits from the Zoning Enforcement Officer.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 37-15: Special Permit (Section 3.2.1: Churches and Places of Worship at 800 North Mountain Road. Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact.**

Craig Minor: The St. Thomas Indian Orthodox Church would like to purchase and operate their church at the Liederkrantz property. It's allowed, by special permit, the property obviously has been used for assembly for a while so I don't expect there to be any problems with it. So I recommend the hearing be scheduled for October 14th.

Chairman Hall: Carol will have to handle this. My office represents the seller, and our West Hartford Office represents the buyer, so I can't have anything to do with this. So Carol will have to carry this one.

- B. Petition 38-15: Special Permit (Section 3.11.6: Restaurant at 39-41 Market Square. Jarjac Partners LLC, owner, Nichole Vega and Michelle Dickenson, applicant, Nichole Vega, 163 Francis Street, New Britain, CT, contact.**

Craig Minor: This is a building on Market Square. The applicants want to have a little café where they can sell sandwiches, soups, wraps and thing like that, but it is a "restaurant" and that is by special permit so it does need a public hearing. I don't see a problem with it.

Commissioner Aieta: Is this part of a hair salon?

Craig Minor: They say they are going to be both. Mike D'Amato was the point of contact, so I'm telling you what they told Mike. They want to do this for the benefit of the customers of the beauty parlor. They will be open to the public, so anybody can walk in there and buy something, but they are really planning on doing this for the benefit of the customers who are already there.

Commissioner Aieta: Will they have to walk through the beauty salon?

Chairman Hall: There is a little entrance, a doorway and then there is an open, almost an atrium, you take a right and go into the hair salon, take a left and go into whatever that is. So it's kind of an open space. It's not in it; you have to come out of the hair salon to get to it.

Commissioner Anest: Do we have any sign applications coming up?

Craig Minor: For a pylon sign that needs a special permit? No. I don't do temporary or wall signs, Mike does those. The only signs that come before you are pylon signs. Wall signs don't come before you.

XI. TOWN PLANNER REPORT

Craig Minor: The signage at Galaxy Carpet: no surprise to Commissioner Aieta, you were right, that door is not a public entrance. I went out there the day after our last meeting and tried to open the door and it was locked. You can't open it, so Mike had a frank exchange of views with the management. They will either replace it with a public door, or reduce their signage. The regulation says that it has to be a "public entrance".

Commissioner Aieta: It's skirting the regulations. It's not a public entrance. You can't make it, public entrances are on the front of the building, and that's not a public entrance. You can't make, to satisfy the sign regulations, you can't make that a public entrance. I think that site is way oversigned. Now he has some kind of a structure that he built out of pipe that he hangs a "remnant sale" sign on a Friday night at 5:00 until Sunday night at 12:32, before you come to work.

Craig Minor: I do have more information for you via Mike...

Commissioner Aieta: He's got that extra frame that he anchored into the ground...

Craig Minor: I have more information for you on the totality of signage out there, but let's focus on the issue of this so-called "public entrance" door, which is what the regs say. If you have a public entrance door on that wall, then you can count that wall for your signage. If they install a door that is glass that you could see through, that a customer could open....

Commissioner Aieta: Where does that door go?

Craig Minor: To the showroom. It opens into the showroom. It opens into a legitimate open area of the store. Not a storeroom or back room, it opens into the showroom. The problem is it's a solid metal door that is locked, so it is not a "public entrance". But if they replace it with a door that has a glass panel that you can see through, and it's not locked, and it opens to the showroom, then it's a public entrance. Your regulations say, if it's a public entrance on that wall, then it counts toward allowable signage.

Commissioner Aieta: But we are doing this after the fact to try to accommodate them because they have already put the signs up.

Craig Minor: No, we are not doing it after the fact to accommodate them. We found out, after due diligence, that the information that they submitted was not, to be charitable, accurate. So now they have been told to make their application accurate. It's not after the fact, it's verifying claims that they made that turned out to be less than accurate. It's not an after the fact approval.

Commissioner Anest: Did they say that door was public, or after Mike went out and he saw the door?

Craig Minor: They know the regulations, and they took credit for that wall on the basis of that door being a public entrance. They know our regulations. They know them very well probably from violating them a lot, but they know our regulations very well. They knew that they were eligible to count that wall towards their total signage if it is a public entrance door. The problem is it's not a public entrance door because they keep it locked. But all they have to do is unlock it and leave it unlocked, so the public can in fact use that to enter the showroom. Then it qualifies.

Commissioner Aieta: Is there a sidewalk to get to that?

Craig Minor: It's off the parking lot. I parked across the parking lot, I walked across the lot, up the steps, and tried to open the door but nothing happened. They probably keep it locked all of the time, but they shouldn't. Like Mike told them in his letter: either keep the door unlocked at all times, or reduce the signage, one or the other.

Commissioner Aieta: What about the signs that are painted on the side of the building?

Craig Minor: They add up to within the allowance.

Commissioner Aieta: The painted signs were taken into consideration?

Craig Minor: Yes. And your predecessors approved it. Your predecessors went through the same methodology and gave them credit. Now the temporary signs in front, the wavers, Mike has been talking with DOT about them. He's getting a little bit of a runaround from DOT but he's pursuing that. At some point we may have to talk to the Town Attorney about this because Galaxy as you folks know has been playing this game for a long time. They are happy to pay the fine because the fine is affordable given the benefit of having the signs, so we may have to go through the Town Attorney.

Commissioner Claffey: The banners were gone, I think it was yesterday I drove by, because I live off the Pike, but the stakes were sticking out of the ground, you could see them. A lot of the others that you see around town, you can't see them. These are like six inches out of the grass, so that you definitely know that they are still there, even though they took the banners out. I remember that Mike was saying that sometimes you can't see them, but these are like evidence.

Commissioner Sobieski: Mr. Planner, I'm a little confused here. Mike goes out and pulls down signs on the highway. These are in the state right of way; why can't he go out and pull those anchors up?

Craig Minor: Because they are physically imbedded into the ground. They are not just stuck into the ground. It's some kind of screw.

Commissioner Sobieski: And the other issue is, am I correct that Mike is supposed to be riding around on weekends checking periodically? I discussed it with him, what you brought up recently.

Commissioner Serra: Sunday we did the ride for Officer Peter Lavery and coming down the Berlin Turnpike, you could see those flags waving a mile away. We had 800 bikes coming down the Berlin Turnpike, and what do you think you see? You don't see 800 bikes, you see the United Nations over there.

Chairman Hall: That's the point.

Commissioner Aieta: He has to go to them and tell them to take down that pipe structure that they use to hang the remnants banner.

Craig Minor: Is that another weekend sign?

Commissioner Aieta: Yes, but they leave the structure up, they just take the sign down, so you will see it when you drive in. I'm surprised you didn't see it when you went out there because it has been up for quite some time.

Craig Minor: And they hang remnants on it?

Commissioner Aieta: No, they had the sign that says "twenty percent off" or whatever, and that goes up every Friday night and comes down every Sunday night.

Craig Minor: Okay, I'll ask Mike to look into that.
The next item on the agenda for the Commission's attention is that New Britain is in the process of adopting an "Incentive Housing Zone/Transit Oriented Design" zone just across

the town line in New Britain. I gave the Commissioners the regulation, and if the Commission wants me to follow up on it, if the Commission has a concern about it, wants to speak against it at the New Britain Public Hearing.

Chairman Hall: The east side of CCSU campus, but where? That is Paul Manafort Drive all the way up to Ella Grasso Blvd.

Commissioner Aieta: Where is Fenn Road on that?

Craig Minor: This is Fenn Road [pointing to the map on the monitor].

Commissioner Aieta: The little bit of property between Fenn Road and the Town line, that is all B-1 Zone. What's a B-1?

Chairman Hall: The General Dollar Store they just put up there. I think right where the 1 is on B-1. No, farther down.

Commissioner Serra: There is another building that is going to be put in there too, I don't know what it is going to be.

Craig Minor: That is the police station there, and this is the southbound on-ramp.

Commissioner Aieta: It looks like that whole piece is going to be the overlay zone, that whole shaded piece there.

Craig Minor: The overlay zone, yes.

Commissioner Claffey: Fifteen units, fifteen or more, for mixed use properties with a total of 15 or more dwelling units and 8,000 square feet for business use. It didn't say size. They are basically making a green community. These are all green habitat type structures within X amount of feet to a transit. It doesn't even have to be like a mass transit, it could be like a bus stop, but that is definitely going to be a green facility. Mixed use, high end, low government assist. It's right by that apartment complex, that triangular piece.

Craig Minor: One last thing. As some of the Commissioners know, CTDOT got a grant for the transit oriented development "pilot program" involving the four towns along the Amtrak line, including Newington. I tried to get some information on this from CRCOG the other day, not because it's a CRCOG grant, but because I felt I would have better luck getting information from them than from CTDOT who is the grant recipient. CRCOG didn't really know much about it. They told me that they would try to find out and share it with me. I guess it will be discussed at their meeting next week, on October 7th, so I guess by then they will have some information on it that they will be able to convey to the regional planning commission.

Commissioner Anest: We had a meeting last week.

Craig Minor: Maybe it's a different sub-committee.

Commissioner Anest: It's not ours.

Craig Minor: That's all I have.

XII. COMMUNICATIONS

None

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

None

XIV. REMARKS BY COMMISSIONERS

Commissioner Anest: I have something but I will wait until next week, next meeting.

Commissioner Sobieski: Mr. Planner, I asked you last month about Town-owned retention basins. I went down and actually spent time with the retired Town Engineer, and one of the people retired out of the engineering department. I gave Mr. Minor a list and I have four other copies if someone is interested. You are going to see that most of them are private responsibilities, however I did find one interesting thing here, which is that the person who used to inspect these actually retired, or is close to retiring, and the Town said, don't bother any more because they didn't have enough time. Now, if we are so concerned about LID, whether it be at the Conservation Commission or here, I think somewhere along the line the Town has to start giving some kind of cursory inspection to these. I know when the new retention and detention pond is being put in at 690 Cedar Street, I specifically wanted that to be maintained by a private individual, but I wanted the Town to make a periodic check on it. One of my pet peeves is the one at Elizabeth Green for which the Town is responsible. It's overgrown. We're so concerned about LID. I think, and you were going to ask the Highway Department or the Superintendent what their cleaning schedules are on these. That hasn't been done in I don't know how long now.

Commissioner Aieta: This isn't accurate.

Commissioner Sobieski: This is what I got from former Town Engineer Peter Arburr.

Commissioner Aieta: The Newington Industrial Park on Pane Road is not a private responsibility, it's a town-owned industrial park and the retention basin is owned by the Town, it's not owned by a private owner. It's well overgrown; they have trees in there as big as this room.

Commissioner Sobieski: Again, if we are concerned about it, and we should maybe get into this and look at it.

Craig Minor: I'll ask the Highway Superintendent what his catch basin cleaning schedule is.

Commissioner Sobieski: This isn't catch basins, this is retention ponds. It's different. We're talking about going in and ripping out trees, regarding some, cleaning it out, you're talking a lot of work there.

Craig Minor: Yes, and probably a wetlands permit for each one.

Commissioner Aieta: See, that's the problem. The Town and Government itself mandates all of this stuff for the private citizen and the private home owner and the private business owner and then they don't even take care of their own stuff. They leave their own responsibilities and mandate everybody else to what they are supposed to do and they don't do their responsibilities. They have never cleaned any of these, but we're supposed to worry about

the guy that is putting in an extra foot of driveway because of a rain barrel and some kind of a weed garden. It's ridiculous.

Craig Minor: Rain garden, not weed garden.

Commissioner Camillo: Mr. Bongiovanni said that they could have put 30 units per acre and he can't, that's only in the B-BT zone. We approved it for that zone.

Craig Minor: No, TPZ approved a greater height in the B-BT Zone.

Commissioner Camillo: Density also.

Commissioner Aieta: He showed me, it's only in the B-BT zone. I'm looking at the minutes from...

Commissioner Claffey: But was he going over that?

Craig Minor: No, he's within the twenty. That was my understanding too. What's the date of those minutes?

Commissioner Camillo: March 30th, and we approved it in April, the first meeting in April.

Commissioner Aieta: I'm glad we hurried up and approved Amara since there isn't a shovel in the ground.

Chairman Hall: I think they are probably working with the State because that was part of the deal.

Commissioner Aieta: All of this time, you think so? You think they are leaving Newington?

Commissioner Serra: Just one quick question for the Planner. I know that you sent an e-mail out about the Wethersfield development; anything new on that?

Craig Minor: Yes. They have applied for their wetlands permit, which is first step in the process. The plans have been submitted to their Wetlands Agency, and they have ignored our request that they connect from the cul-de-sac to Reservoir Road.

Commissioner Serra: Do you think it would do any good to send another letter to the Wetlands Commission, or will they get a copy of that?

Craig Minor: It's in my report, but I don't see our Wetlands Commission wading in on it, because it's not harming our wetlands, so they don't have a dog in that fight. But it's a heads up for us to be prepared for the developer a month or so later to apply, and if they get their wetlands approval, which is not a done deal, but if they do get their wetlands approval, they are going to be coming back to P & Z. I will tell the developers however that we think that they should connect the cul-de-sac, connect to Old Reservoir Road and that we realize that this is going to make it harder for them to get a wetlands permit but that's, but that it is worth it. They are putting a detention basin or something in the wetlands anyway, where we are saying they should put a road, so either way they are disturbing the wetlands. Either way they have to get the Wetlands Commission permission, so why not put a road there instead.

Commissioner Serra: I have a couple of customers who live in that area who weren't aware of what was going on there, and they weren't happy when they found out.

Craig Minor: Yes, Wethersfield's position is that they don't have to notify abutting property owners in the next town.

Commissioner Claffey: They do have a sign out though.

Chairman Hall: Yes, but on Back Lane. They did not have one on Old Reservoir which I thought was very interesting. There was a telephone number to call, and I called and I left two messages two days in a row, and was never called back. I called the Town Clerk because somebody said maybe the Town Clerk's office would have more information for you, talked to someone in the Town Clerk's office, explained the situation, oh no, no, no, that would be the number you already called and I can't understand why they didn't call you back. I called as a citizen, gave my name, telephone number, the whole bit. Nothing. There was nothing on Old Reservoir.

Commissioner Serra: One of the gentlemen I spoke to lives right where they are going to come out.

Chairman Hall: On Back Lane?.

Commissioner Serra: Back Lane, where they are proposing to come out. A lot of them in that area that weren't aware of this at all thought that was still locked and they thought it was preserved and they were spreading the word.

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: Let's talk about tonight's meeting, the earlier one. We agreed that we would set up another forum like that and somehow try to get the word out again. We did get some different people that we haven't seen before, which was really good, but just keep up the publicity on it.

Commissioner Aieta: At the next meeting we have to have something to show them.

Chairman Hall: Absolutely. I think we have to start talking among ourselves about the kind of things that we want too.

Commissioner Serra: I did love the idea of the entertainment district. I thought that was great.

Commissioner Camillo: Drive around and take some pictures. Get in your car and if you see something, see if it would work.

Craig Minor: I will put it on the agenda under New Business, the TOD zone, so we'll keep talking about it. One of the comments we heard was, "you didn't give us anything to respond to", which was a topic that you talked about, and you decided, there was a reason why you didn't.

Chairman Hall: Right, we wanted to hear from them first, and now we know that they don't have a clue, so we have to give them a clue.

Craig Minor: Right, so at the next meeting, let's talk about what you want to give them before the following meeting.

Commissioner Claffey: When we get the information, there is a gentleman, Scott, I don't know how to say his last name, on Facebook, Newington Friends and Family, Newington

Facebook page, he gets a lot of traction. He's the moderator of, I didn't see anything about it. I'm just saying, he...

Chairman Hall: I had a couple of people call me because they saw it.

Commissioner Claffey: I didn't see anything on it. This was a good group. I liked tonight's group because there was a good cross section, more the 30's and 40's and then maybe a little skip and then late 50's to retirement.

Chairman Hall: It was good because it wasn't all the same people.

Commissioner Sobieski: My suggestion to the Planner is if you are going to do maps, try to leave some of the street names, I heard that loud and clear.

Chairman Hall: A lot of people can't read maps.

Commissioner Anest: You didn't need the whole area, you just needed a half mile.

Craig Minor: But people will nit-pick. No matter what you do, there will be people who complain.

Chairman Hall: Some said, "I thought I was signing an attendance form". It said right across the bottom, "sign in if you want to speak". It's just human.

XVI. ADJOURN

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary