

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 7, 2010

Regular Meeting

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

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Pane
Chairman Pruet
Commissioner Aieta

Commissioners Absent

Commissioner Casasanta
Commissioner Camerota
Commissioner Hall
Commissioner Schatz
Commissioner Carragher
Commissioner Lenares

Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Commissioner Schatz.

II. PUBLIC HEARINGS

None

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

None.

IV. MINUTES

August 25, 2010 – Regular Meeting
August 25, 2010 – Special Meeting

Commissioner Pane moved to accept the minutes of the August 25, 2010 regular meeting. The motion was seconded by Commissioner Aieta.

Commissioner Anest: I just want to say that I watched the meeting on NCTV and I feel I can vote on the minutes.

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

Commissioner Pane moved to accept the minutes of the August 25, 2010 special meeting. The motion was seconded by Commissioner Aieta. The vote was in favor of the motion with three voting Yes and one abstention. (Anest.)

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I have for Commission members if you would like CD's of the adopted 2020 Plan. I'll have these out for the other Commission members. The Plan is, getting pricing on getting it printed, when we get the right price we will get a hundred copies done and I'll have hard copies for Commission members and the library and town clerk and so forth. The full adopted plan is up on the web page and it's set to go.

Chairman Pruet: Very good. Anything else?

Ed Meehan: No, I have a couple of things under Staff.

Chairman Pruet: Okay, very good.

VI. NEW BUSINESS

A. PETITION 32-10 – 55 East Cedar Street Wayne Francis owner and applicant P.O. Box 4572 Hartford, CT 06147, contact Alan Bongiovanni BGI Land Surveyors, 170 Pane Road Newington, CT 06111 request for Site Plan Modification (Residential to Office Use) B-TC Zone District.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record Alan Bongiovanni representing Wayne Francis in this application at 55 East Cedar Street. The subject property was a residential home, it's been there since I think the forties this house was built. It's a little over 6,000 square feet in the B-TC zone. It's a residence, or a residential type structure with a detached garage. My client bought this property about four or five years ago. When he purchased this property the use at the time was a business use, it's the Sisters of Mercy. They use it as a local office for their organization. Never formally was adopted by the Commission or the Town that the use had changed from residential to office use, so we are here to ask your permission to allow that to continue, as well as one minor change and that is through the building department because it is no longer residential use, they need a handicapped access and we're just showing an ADA accessible ramp at the rear of the building. There are no proposed changes to the site, there are no proposed changes to the use of the building other than it is office, it will stay office. There is a free standing sign in the front of the property that will be removed, and the Sisters may come back at some future date with a separate application, but that will be removed from the site, and if approved, a handicapped ramp put on the property. Other than that, there is no change.

Chairman Pruet: Thank you. Ed, staff comments?

Ed Meehan: I think that summarizes the situation well. This, as Mr. Bongiovanni said was converted by prior owners incrementally to some commercial business use. We never had a site plan on file. The site plan before the Commission members addressed the situation out there today and complies with the requirements for parking, ADA accessible stall, ramp, and shows the footprint of the building. There was some work by the Zoning Officer trying to get this cleaned up over the last year, and also the Building Department because of it's commercial nature they had to meet certain building requirements. That has been addressed through the Building Office. This addresses the Zoning issue and does require Commission action on the site plan to bring this into the Business Town Center Zone.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: Pretty cut and dried.

Chairman Pruet: Okay. Thank you. If it's the pleasure of the Commission I think we should move this forward on our agenda. Any objections to that. Okay, we'll move that up to Old Business.

VII. OLD BUSINESS

A. PETITION 31-10 – 3310 Berlin Turnpike Peter R. Knaus 150 Production Court New Britain, CT 06051 applicant MKU, LLC property owner request for Special Exception Section 3.15.6 place of recreation and assembly for 6200 square foot fitness facility, PD Zone District. Hearing closed August 25, 2010 Sixty-five day decision period ends October 29, 2010.

Commissioner Aieta moved that Petition 31-10 - 3310 Berlin Turnpike Peter R. Knaus 150 Production Court New Britain, CT 06051 applicant MKU, LLC property owner request for Special Exception Section 3.15.6 place of recreation and assembly for 6200 square foot fitness facility, PD Zone District be approved with the following conditions:

1. This approval is based on "Anytime Fitness" franchisee's public hearing testimony that their operation is a low volume "personal training type of gym" that can be adequately served by the property's existing 57 parking spaces.
2. Use and occupancy of the 6,200 square foot recreation and assembly space is limited to "Anytime Fitness" and is not transferable to another recreation and assembly use without the prior approval of the Commission.
3. Prior to the issuance of the Certificate of Use and Occupancy access from the 30 parking spaces (upper lot) by the stairwell shall be verified and maintained for customers and "Anytime Fitness" employees.

The motion was seconded by Commissioner Aieta.

Commissioner Pane: Mr. Chairman, on this number three, if this hasn't been verified, the 30 parking spaces for, I mean, are there 30 spaces up there?

Ed Meehan: Yeah, I can clarify that. There's 30 spaces up there, but at the time that I looked at the site, the stairwell was blocked by some chain link fencing, so it's accessible, but they have to make it passable. Physically, you can go from the upper lot down to this lower area, but it has to be opened up.

Commissioner Pane: Okay, very good, thank you very much.

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

Commissioner Aieta: We are going to put the Old Business.....

Commissioner Anest: The New Business to Old Business.....

Commissioner Pane: We weren't ready to vote on that tonight, are we?

Commissioner Aieta: Why not?

Commissioner Pane: I wanted to talk about the site, I don't know why we have to rush it off the.....

Commissionr Aieta: It's a procedural thing, I mean, it's.....

Chairman Pruet: I don't want to put the Town Planner in a position to make a hasty motion.....

Commissioner Pane: If you want to move it to Old Business, that's not a problem.

Commissioner Aieta: Does it matter to the applicant? Then put it on for a vote at the next meeting.

Alan Bongiovanni: Thank you.

VIII. PETITIONS FOR SCHEDULING (TPZ September 22, 2010 and October 13, 2010.)

- A. PETITION 33-10 – Zoning regulations Section 3.19 Special Exceptions permitted in the PD Planned Development Zone amend to add Section 3.19.4 Auto related uses such as, service and repair of motor vehicles by Special Exception. Subject to compliance with Section 6.11 and 5.2 of these regulations. Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square Newington, CT 06111. Referral to Capital Region Council of Governments and Central Connecticut Regional Planning Agency required.**

Chairman Pruet: On the advice of counsel due to litigation matters we're going to postpone Petition 33-10. There's plenty of time for that to be placed back on after discussion has been reviewed.

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

None

X. REMARKS BY COMMISSIONERS

None

XI. STAFF REPORT

Ed Meehan: Mr. Hanke, the ZEO will be at your next meeting, he's on vacation this week, so he will be on deck for you. The ZEO report is up on the web page, the monthly report has been placed there.

I do want to mention, I have been working with the VA and their non-profit consultant. I expect that for your next agenda to go out, Petitions for Scheduling will be for a site plan for a project called Victory Gardens. They have met with staff, I know they have met with MDC last week. They are proposing, I believe it's fifty town house units, and possibly twenty-four units in an existing building.

Commissioner Anest: Is that what they proposed before to the Town Council?

Ed Meehan: I don't think it was, I think it was more units the last time that they were talking about this, almost a year ago.

Commissioner Aieta: Now this came up within the last three months, to the Council....

Commissioner Anest: No, it was December, late....

Commissioner Aieta: Was it that long ago?

Ed Meehan: Yeah, this is over in front of the VA Hospital, it's called the Nurses Walk area. So we will have site plans for the Commission to look at, and architectural plans by that time. This project has been in and out before us since they introduced it to the Town Council, either the end of last year or the beginning of this year, so we finally have plans for it.

Commissioner Aieta: Can I ask a question, Ed? What is our authority on that piece of property when it is federally owned?

Ed Meehan: Well, that is an interesting question, because I referred some information over to the Town Attorney. It's in the public land zone, which means that an institution in that zone, as long as the use, like a residential use, fulfills their mission, or charter, it's regulated as a use by site plan approval. Now what puts the wrinkle in this a little bit is that around the country where the VA is doing this, they're entering into a land lease with a private, non-for-profit corporation that specializes in building this housing for vets, so they are going to take possession of the property for seventy-five years, but the ownership stays with the VA. Talking with a couple of different attorneys about this, they could claim exemption because it is federal land, they still have the underlying deed to it. At least in Connecticut's case, they're just doing this in Newington right now, they are going to go with the local zoning, it's going to come in as the public land zone. So they are not going to claim any exemption as federal land.

Commissioner Aieta: So they are only asking for a site plan, there's no change, that's all it is, a site plan review, so there is no zone change, there's no special exceptions, so if they meet all of the criteria for a site plan, they it's pretty much.....

Ed Meehan: It would be similar to what Hartford Hospital did years ago when they come in for Cedar Mountain Commons, and then before that Jefferson House, years ago.

Commissioner Aieta: Just a site plan review, so that the Commission members who are not here should understand what our authority is.

Chairman Pruet: On federal property too, our oversight under site plan, any further restrictions?

Ed Meehan: Not really. The introductory meetings that we had with the non-profit and officials from the VA was, you know, should they come in under the public land zone, and they wanted to do that if they could do housing, and they have had their attorney, as well as I referred their opinion over to Ben, they can do housing as long as it fulfills and carries out their mission.

Commissioner Aieta: Yeah, but their mission could be so broad that it is unbelievable.

Ed Meehan: This is housing for special need.....

Commissioner Aieta: Their mission could be anything, whatever they wanted.

Chairman Pruet: Did they present a mission statement to you, when they met with you.

Ed Meehan: They're going to do that when they meet with the Town Council, and they did provide a legal opinion, from their attorney, again, their attorney's opinion, and I sent it over to Ben a couple of weeks ago, and he gave me some comments on it. So I will have that for you.

Chairman Pruet: Any other staff comments?

Ed Meehan: Getting a new restaurant, town center, the former Cugino's. That's good, they're looking for a November 1st opening.

Commissioner Anest: Now what it is?

Ed Meehan: FinnBques.

Chairman Pruet: Okay, Irish barbeque.

Commissioner Anest: They have been in there, diligently working.

Ed Meehan: We met with the.....

Commissioner Aieta: They doing any renovation, or what?

Ed Meehan: They are changing a little part of the floor plan, to make it a little bit more functional, particularly around, as I understand, to get in and out of the kitchen area, and the banquet room in the back. They are going through and basically tearing rugs out, cleaning it up. They took all of the broken awnings off, we've been cooperating with them for the placement of a dumpster.

Commissioner Aieta: What are they going to do, are they going to do anything in the back? The parking lot?

Ed Meehan: Yes, later on, once they get their business established, there is a strip of land back there that the Town owns, and I met with the proprietor and suggested that when they get settled and see how the business is going, possibly approach the Town Council with the idea of a license agreement or something where they could include the back for larger outside seating. They only thing we had in mind for there is near the service door, there is a white plank fence continuing that to screen the utility back side of this building. Where the other guys used to keep mops and trash.

This site will have to share with the common dumpster, so we won't have any more dumpsters, other than the one that is there now, and they have to repair the deck, the back deck right now, it doesn't meet the code as far as some of the structural issues there. But they sound like they know what they are doing, they have done this before.

Commissioner Anest: Do they own any other restaurants?

Ed Meehan: Some of the partners used to run a restaurant up in Hartford, I think they are involved in a restaurant in Blue Back Square, and they are doing something over in East Hartford.

Commissioner Anest: Good, then they're established.

Ed Meehan: It was nice just to see the back cleaned up this morning when it went over there. Parking lot paving will be done tomorrow, just the binder and then will finish the curbing at the end of the week, and finish the final paving next week, on the east side, reduce the dust.

Chairman Pruet: What about the other phase on Market Square? How is that coming?

Ed Meehan: We have an engineer under contract, Malone and McBroom is going to meet with the Downtown Revitalization Committee next Monday. They finished their survey work, they are going to come up with some concept plans to share with the Committee and the businesses. We have also applied for some STEEP grant money. Asked for another \$400,000.00 from the Department of Economic and Community Development to help that project move forward. Our goal is to get it, through public participation get it in shape so it can go out for preliminary cost estimates say in December and out to bid towards the end of the year, early January and get a contractor ready to start as soon as possible when weather permits in the spring.

Chairman Pruet: Any further procedures on the rail and the bus? I know they were supposed to come with some kind of finalization on what kind of money we would be getting.

Ed Meehan: They are continuing with their land acquisition. There's a couple of pieces that they have approached the town on, it will be on the next Town Council meeting, little slices of pieces near the highway garage that they need for drainage improvements. They are proceeding to acquire I think it's West Hill Mobil and another piece up there to finish Newington Junction, but they have made, they haven't told us of an announcement that they have the federal money committed yet. A big piece of the puzzle. It affects what Hayes-Kaufman will do or can do eventually at that corner, it will affect what the town can do with National Welding, but at this point the Department of Transportation is moving forward to finalize the property it takes up and down the corridor.

Chairman Pruet: Any idea of when that might come to fruition?

Ed Meehan: They keep saying any day now, they've been telling me that since March or April, so it could be any day now.

Chairman Pruet: What about on your grant application for the brownfield for, any word on that yet?

Ed Meehan: No, I'm still waiting on a million dollar three grant from DECD for National Welding to remediate the building and at least demolish it to the foundation. Checked with DECD about a week ago, and it's still up in OPM and the Governor's office. So, we're coming to the end of the terms, they are going to have to start making decisions. That's an important one, to get that money.

Chairman Pruet: Yes it is. Is there any, say we do get that grant money, or a large portion of it, any set procedures on how we are going to go forward on that? In other words, the town.....has that been under discussion?

Ed Meehan: Generally what we want to do is we get the grant money, we would have to retain an environmental consultant to advise us and test the site, but put it out to bid to take the building down, and get the material, hazardous material out of there. There's some ground water cleanup that has to be done and depending on what happens with the busway

as far as access, possible access to Fenn Road, we would put out a request for qualifications through the Town Council asking to partner with a developer who would come in, and whatever deal the Town Council wants to make, is to finish the remediation on the site, and come in with a development proposal. At that point, they would have to meet local zoning and would be back before this board, depending on how they see the redevelopment of this site. Also going on over there, you may recall the Town has entered into an agreement with the State to sell the Department of Transportation about 5400 square feet of one corner of National Welding so they can start the reconstruction of the bridge. That is behind schedule, but they finished that acquisition, and there was a small acquisition on the south side where LL Woodworking used to be, that brick building down below, so with those two positions taken, they should be able to start work there. That is going to be an interesting traffic issue, fixing that bridge.

Commissioner Pane: Is a road access to Fenn Road for the town, is that locked in?

Ed Meehan: No.

Commissioner Pane: It's not locked in. So we sold the property to the DOT to the State without a guarantee that we are going to be able to go through Hayes property?

Ed Meehan: Well, we still have access from Cedar Street.

Commissioner Pane: I know, but we have a limited Cedar Street access.

Ed Meehan: We have the access that we had before with the recommendation from this Commission that we retain access rights over that sloped area, the driveway that goes down in there. So if for some reason we don't get access to Fenn Road, we've got the access at the upper part. Not a great access, I mean, you have to do almost a ninety degree turn to get down in that driveway, not a place you want cars coming out.

Commissioner Aieta: I thought the deal was, if we gave them to land, we'd get the access.

Ed Meehan: The what?

Commissioner Aieta: If we gave them the land, we were going to get the access? I thought that was the deal. What kind of a deal is that? We give them the land, and we still don't know if we have access to Fenn Road?

Ed Meehan: Oh, maybe I misunderstood. If the busway project goes forward.....

Commissioner Aieta: What if it doesn't go forward?

Ed Meehan: They we would have to sit down with the adjacent private developer, and instead of having three people pay for it, we would be down to two people.

Commissioner Pane: So this land that we sold to the state, back to the state, could that have made our right of way better or.....it didn't make any effect on the right of way going in from Cedar Street, it had no effect on it.

Ed Meehan: No, because it is too far down the slope. Part of that is going to be used for their lay down area when they start.....

Commissioner Pane: Okay, I just wanted to make sure that it had no effect on our right of way from Cedar Street because.....

Commissioner Aieta: That is a terrible right of way, it's terrible access. You can't get in and out of there. We really need the back entrance from Fenn Road to make that piece.....

Ed Meehan: At best, it's a secondary emergency access. There's a lot of utilities going through there too, there's New Britain Water Company over in there, and there are MDC trunk lines. Tough area.

Chairman Pruet: I've got a question, across the highway there, that WPOP radio building, what's, that's been vacant for twenty-five years?

Ed Meehan: Actually there is some stuff in there.

Chairman Pruet: It's not operational.

Ed Meehan: Yeah, it is. POP was in, over the winter, coming in to figure out what they could do, they were thinking of demolishing the building, and rebuilding it, but since they did that, all the new flood insurance maps have been issued, the wetland maps have been issued, so they have to figure out how they can, in that little island, meet those restrictions and still have a building that meets their needs, but there is some transmitting going on down there.

Chairman Pruet: Okay, any other questions for our Town Planner?

Commissioner Pane: Mr. Chairman, you mentioned that we are going to have our zoning enforcement officer here next meeting. Are we going to change our agenda to accommodate him at the beginning of the meeting?

Chairman Pruet: Yes, I mentioned that to Ed, put him on as quickly as we can.

Commissioner Pane: And what are we going to be discussing? What month of zoning regulations, are we discussing July or are we discussing August?

Ed Meehan: You should have August.

Commissioner Pane: We don't have an August report yet.

Ed Meehan: You should have one by that meeting.

Commissioner Pane: Will we have it in our packet?

Ed Meehan: I can make sure that you get it mailed out with the packet.

Commissioner Pane: That would be appreciated.

XII. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,
Norine Addis, Recording Secretary

