

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 9, 2009

Regular Meeting

Vice-Chairman Thomas Ganley 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 Casasanta
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruet
Commissioner Schatz
Commissioner Aieta
Commissioner Camerota
Commissioner Lenares (seated for Commissioner Hall)

Commissioners Absent

Chairman Hall

II. PUBLIC HEARINGS

A. PETITION 27-09 – Market Square – Municipal Parking Lot “Newington Waterfall Festival” September 26, 2009, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111 request for Special Exception Section 3.2.8 B-TC Zone District.

Chairman Ganley: Petitioner here? Any one representing the petitioner?

Val Ginn: 15 Golf Street, hello, once again we are going to be celebrating our 6th annual Waterfall Festival, can you hear me?

Chairman Ganley: Yes you're fine.

Val Ginn: Each year it's been growing more and more. We are up to 70 plus vendors this year and also we have added a new addition to the chalk walk this year adding a junior division which includes the 8th graders that will be able to display their masterpieces, and this is going to be held at the French's Travel parking lot. We are going to have a three by three square compared to the adult which is six by six and the juniors will also be judged but instead of giving the prizes we will be giving a certificate, and they will be judged by an artist, teachers an art teacher at Martin Kellogg or John Wallace. I am requesting two judges to be present there for the junior division. everything falls in place as last year. As another addition we are adding more farmers market at the end of Market Square. And because we just want to avoid any issues like we did last year, I don't know how these people come across the end of where the Steve's parking lot is to go into the street so I have to discuss that with the Police Department, but other than that everything remains the same, we're growing each year and I think its going to be a success I'm just a little concerned about the weather. Do you have any questions for me?

Chairman Ganley: Questions from the commissioners on this petition?

Chairman Ganley: And the rain date?

Val Ginn: October 3rd, and again it's from 10:00 to 5:00, Market Square, and I think were going to have a lot of media coverage too, more so than last year. And we've also added a new web site man that has done a phenomenal job and is going to be appearing on the Town web site, I think Ed you ask Paul Boutot to take care of that?

Chairman Ganley: We do yes.

Val Ginn: OK, so we're coming along very nicely.

Chairman Ganley: OK thank you we'll be hearing this issue under, it's called Old Business.

Val Ginn: Oh OK., very good. Thank you.

Chairman Ganley: Thank you.

Chairman Ganley: Ok, anybody wishing to speak in favor of this petition? Anybody wishing to speak against?

Mr. Pane: Mr. Chairman, I suggest that we close this Petition 27-09 and I make a motion that we move it to Old Business.

The vote to move Petition 27-09 to Old Business was unanimous.

B. PETITION 28-09 – 580 Church Street, Three Angels Church Seventh Day Adventist Church, Southern New England Conference Association, Seventh Day Adventist, owner, represented by Al Chatman, P.O. Box 330714, West Hartford, CT 06133, request for Special Exception amendment PETITION 25-08 condition #4, “changes to architectural elevations”, R-20 Zone District.

Ed Meehan: For this petition hearing there was a problem with a lack of sign on the property, Zoning Regulations requires signs be posted in conjunction with public hearings notices going out which is normally about ten days before your hearing tonight. I told Mr. Chatman that, and I see him in the audience, I would recommend that this be carried to your next meeting, we advertise with proper notice at the site, as your normal first class mail to the neighbors and our legal notice in the Herald. Just to be safe to make sure that we touch all the bases as far as public notice. The applicant is here, he can speak for himself as far as continuing this but just to make sure that you are procedurally correct that's what I would do. Also there's a type-o on the District, it's supposed to be R-20 zone, not R-12.

Chairman Ganley: OK, comments by Commissioners? OK, hearing none we'll continue this to September 23rd....

Commissioner Pane: No, no, no The applicant can come speak about it.

Ed Meehan: Have Mr. Chatman come up and speak about it.

Chairman Ganley: Did you want to come up? Otherwise were going to continue it to the 23rd.

Mr. Chatman: I am ok that the petition be continued to the 23rd.

Chairman Ganley: I beg your pardon?

Mr. Chatman: I am ok that the petition be continued to the 23rd.

Chairman Ganley: Thank you.

Commissioner Pane: He should present it to us, Mr. Chairman he should present it to us and the meeting should continue.

Chairman Ganley: That is assuming he's predisposed to do that. He just said he's OK with doing this on the 23rd. Did I hear you correctly sir?

Mr. Chatman: Yes.

Chairman Ganley: Thank you very much.

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

Chairman Ganley: Anybody from the public? Yes sir. Would you step forward?

Michael Roche: Good evening, I'm Michael Roche from 604 Church Street. I was quite concerned that changes are gonna be taking place again on this project.

Chairman Ganley: Excuse me, that's on the agenda.

Chairman Ganley: Public participation relative to items not on the Agenda.

Michael Roche: OK.

Chairman Ganley: It's been continued to the 23rd. It'll be on the agenda at that time.

Michael Roche: I receive notification in the mail from the Town.

Chairman Ganley: Unfortunately because of a technical/procedural error we've continued it to the 23rd.

Michael Roche: Seems to be the case of this project.

Chairman Ganley: Thank you very much.

Commissioner Pane: Mr. Chairman

Chairman Ganley: Yes?

Commissioner Pane: I just want to state that's not usually the way we normally run the meetings. When there's a technical issue or something else ok, we have the applicant come up, he presents it to the commission, then the public comes up and then the public hearing is held open for the next meeting, just wanted to state that for the record Mr. Chairman.

Chairman Ganley: OK thank you. OK, next item.

IV. MINUTES

Commissioner Pruett moved to accept the minutes of the August 26, 2009 regular Meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with 7 voting YES.

V. COMMUNICATIONS AND REPORTS

None.

IV. NEW BUSINESS

None.

VII. OLD BUSINESS

- A. PETITION 24-09 – Assessor's Map ID #S2892400, Fenn Road, Kent E. Stoddard Jr., applicant, K.E. Stoddard et al owner, request for two (2) lot subdivision, R-20 Zone District. Presentation August 26, 2009. Sixty five day decision period ends October 16, 2009.**

Commissioner Pane moved that Petition 24-09 – Assessor's Map ID #S2892400, Fenn Road, Kent E. Stoddard Jr., applicant, K.E. Stoddard et al owner, request for two (2) lot subdivision, R-20 Zone District be approved based on the plan entitled "Subdivision Map – Original Survey Sheet 1 of 1" prepared by BGI Land Surveyors, Scale 1" = 40' revised dated 8/26/09.

Prior to the Chairman signing the subdivision map for recording the proposed house driveway shall be realigned opposite Elliott Lane and a note added stating utilities will be underground.

Final site grading and house finish floor elevation will be required at the time of building permit plot plan submittal

The motion was seconded by Commissioner Kornichuk.

Chairman Ganley: Remarks by Commissioners?

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

- B. PETITION 26-09 – Newington Town Plan and Zoning Commission, applicant, request for Zone Map Amendment R-7 Residential District to R-20 Residential District for southeast corner of Church Street and Church Terrace. Purpose of proposed amendment is to correct June 17, 1981 rezoning of Church Terrace subdivision which incorrectly designed corner property R-7 District. Public Hearing closed August 26, 2009. Sixty-five day decision period ends October 30, 2009.**

Commissioner Pane: Mr. Chairman I will excuse myself from Petition 26-09.

Commissioner Pane: Excuse me Mr. Chairman, you need to appoint someone for me.

Chairman Ganley: We have a quorum.

Commissioner Pane: You have to appoint someone for my seat being vacant.

Chairman Ganley: We have a quorum. Six we have a quorum.

Commissioner Pane: Do whatever you want because what you've been doing..... but the procedure is to appoint somebody.

Chairman Ganley: OK your remarks are in the record.

Commissioner Pane: As long as they are.

Chairman Ganley: OK, continue please.

Commissioner Casasanta moved that Petition 26-09 – Newington Town Plan and Zoning Commission, applicant, request for Zone Map Amendment R-7 Residential District to R-20 Residential District for southeast corner of Church Street and Church Terrace. Purpose of proposed amendment is to correct June 17, 1981 rezoning of Church Terrace subdivision which incorrectly designed corner property R-7 District be approved the Commission finding:

- 1) The correction of the zone map to the R-20 District is consistent with the adjacent zoning along the easterly side of Church Street.
- 2) The correction is compatible with the Plan of conservation and Development's housing component to maintain zone densities and residential boundaries.
- 3) The effective date of this zone map amendment shall be October 1, 2009.

Seconded by Commissioner Kornichuk.

Chairman Ganley: Remarks by commissioners? Call a vote. All in favor?

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

C. PETITION 27-09 – Market Square – Municipal Parking Lot “Newington Waterfall Festival” September 26, 2009, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111 request for Special Exception Section 3.2.8 B-TC Zone District.

Commissioner Pruett moved that Petition 27-09 – Market Square – Municipal Parking Lot “Newington Waterfall Festival”, September 26, 2009, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111, request for Special Exception Section 3.2.8 B-TC Zone district be approved.

Future Waterfall Festival events for the next three (3) years, 2010 to 2012, are approved with the requirement that the event dates be submitted to the Town Planner and pursuant to Town Ordinances Section 14-2 event application requirements shall be coordinated with the Town Manager's Office.

The motion was seconded by Commissioner Casasanta.

Chairman Ganley: Remarks by commissioners? Call a vote. All in favor?

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

VII. PETITIONS FOR SCHEDULING (TPZ September 23, 2009 and October 14, 2009.)

- A. PETITION 25-09 – Assessor Map 11-335, 00A, East Cedar Street (North Side), 29 acre vacant parcel approximately 730' west of the intersection of East Cedar and Russell Road, Marcap Co., LLC, owner, Toll Brothers, Inc., 53 Church Hill Road, Newton, CT 06460, applicant, represented by Attorney Thomas J. Regan, Brown Rudnick, LLP, 185 Asylum Street, 38th Floor, Hartford, CT 06103-3402 request for Zone Map Amendment CD Commercial Development District to R-12 Residential District. Schedule for public hearing September 23, 2009.**
- B. Proposed 2020 Plan of Conservation and Development – Chapter 126 Section 8-23, Connecticut General Statutes, public hearing, October 14, 2009.**

Chairman Ganley: This is kind of a biggy.

Ed Meehan: This zone change will require a public notice being published twice in the Herald as well as a notice to the abutters within 500 feet. As zone map change is we notify people within 500 feet, so that will be done immediately and Toll Brothers attorney's prepared to coordinate with us on the public hearing items, also you'll carry over to the 23rd Three Angels Church for public hearing and that's pretty much it for petitions right now.

Chairman Ganley: My only comment would be.. I know it's somewhere but I don't happen to have it cause I looked it up in my file cabinet I couldn't find it. On the East Cedar Street petition, there have been several zone changes over the course of time sort of back and forth, if you wouldn't mind dusting off that old sheet again and bring it to the next meeting so we can get some, especially for one of our newer members, to bring us up to date as to the history of how many times we have in fact changed this thing back and forth.

Ed Meehan: OK, I'll have it in my Staff Report. Give you the background as it goes back to the early 90's on that. There's also I believe there was a referral to the Conservation Commission acting as the Town's organization that watches open space, advocates for open space, there may be a report from them entered into the public hearing, this is not an wetlands report, this is a report on their aspects as far as protection of open space, that will probably be part of your public hearing that day, we'll watch for that report also.

Chairman Ganley: OK, remarks by commissioners relevant to our schedule. OK, proposed Plan Of Conservation Development.

Ed Meehan: That is set for public hearing on the 14th, it's up on the Town web page now hmm... on the front web page. It will be there in it's formal document as a draft, you can download parts of it or the whole, it's almost 70 pages, it's quite a large file, we've also made the referrals to our organizations that are required to get that notice and so we'll start the public hearing notices closer to that hearing date on October 14th. That represents the work the Commissions done over the last year.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Camerota: Ed I just noticed Circuit City, the graffiti on the building, the building owner has the responsibility to clean?

Ed Meehan: Well, it's the responsibility probably of the real estate management company I noticed that its also been almost like a tagging, I don't know if we would see tagging around some other vacant buildings, we've seen it quite frequently over near the New Britain City line lat National Welding and over the south end of Town, so I'm sure the Police Department has seen it because this tagging they watch for. That's normally the real estate management company who we will have to call that to their attention. That's not what we want to see on a gateway building coming into Newington.

Commissioner Camerota: Thanks.

Commissioner Pruet: Just a question for Ed, is there any other new businesses that might be looking at a vacant property around Town?

Ed Meehan: There's a couple of small businesses, we have an application in today to the Building Department to reuse the vacant space next to Connecticut Beverage Mart, used to be a Kids Furniture store in that area that's the only active one, there has been some nibbles at the Applebee's Restaurant for reuse, I've been contacted by an organization that wants to run it as a family restaurant and their talking about taking the bar/lounge area out of that, but that's pretty much it right now. I'll give you a little update on Hunter Development, we've been trying to facilitate as much as the Town can any meetings with Mr. Frisbie and Toll Brothers, might be a little premature to do that because I know Toll Brothers wants to go through your Zone process first, but Toll Brothers has been trying to work with their neighbor, or potential neighbor there about this whole issue of constructing a Town road, cost sharing of the traffic signal and access to East Cedar Street.

Commissioner Pruet: How about Hayes Kaufman on Fenn Road, any further development on that?

Ed Meehan: We're still working with the Department of Transportation... I have a meeting next Monday with Rich Hayes and Deputy Commissioner Martin to talk about a draft memorandum of understanding which the three parties have drafted, the concept there is that Hayes will build a road in from Fenn which will be built to Town standards it will terminate at National Welding and the bus way to be turned over to the Town, the Town will be responsible for it and maintain it and the Department of Transportation is part of the bus way project will do the part of the street improvement on Fenn Road installing new traffic signal. We're at the point where it comes down to who's going to pay for what and there's been back and forth on this issue as far as what the

private sector developer would normally be responsible for because Hayes is giving up Fenn Road frontage to accommodate some widening, and giving up land for a future Town road. On the other hand he gets the benefit of the traffic signal and he can, it helps his development because now he has no left turn out of there. The Town... we are sort of riding on the coat tails of these two projects because we can't really go to request for proposal for National Welding until we can guarantee a prospective developer that they have access for that four acre site, so the Town is willing to provide space for the interim reconstruction of the Cedar Street bridge which is going to be lowered and re built prior to the bus way and we've also discussed sharing drainage responsibilities and construction rights to Hayes Kaufman when they get to build the hotel, so were all trying to work together on this.

Chairman Ganley: My question . are they going to widen that bridge somewhat. Is that correct?

Ed Meehan: Well, they are going to widen the shoulders but their not going to put a full lane in there. That was one of our concerns from the very beginning when we heard about it because we figured if their going to reconstruct it you know, put the turning lanes in for west bound left turns, but the funding source does not permit them to widen it, it's a federal bridge replacement program, the concept that their pursuing is that the type of bridge that they can push the wing walls out in the future and widen it that way, it's a modular type bridge construction. That's supposed to start next spring.

Chairman Ganley: Would they encroach somewhat on this four acres were talking about, if so to what extent?

Ed Meehan: They don't, they aren't planning no encroaching it, but they've asked us to use it as their construction site to store equipment, and a lay down area for the site when their doing the construction work.

Chairman Ganley: So once their out of there it still becomes our site.

Ed Meehan: Yes, the Town still owns the property.

Chairman Ganley: Anybody else?

Commissioner Schatz: The lot down the side on Main Street beside the Zeldes building. I heard someone wanted to come in for a zone change, put a commercial building in there?

Ed Meehan: Thanks for reminding me of that... there is some interest in that property for possible zone change to extend the Business Town Center zone over one lot I believe its now under Reno Real Estate has that site on Main Street. I only have seen concept plans I haven't seen any grading plans or drainage plans for that... but its something, it's in the works, don't know where they are with a potential client as far as the bank.

Well they'll have to go through public hearing.

It will have to be looked at as far as the impact on the Town Center Business Zone.

Ed Meehan: I recommend you give the benefit to an applicant to make his presentation at public hearing.

XI. STAFF REPORT

Chairman Schatz: Just a general comment, I don't think anybody here should be embarrassing any commissioner on this board. We didn't do it on the Board of Education and we had a lotta time where we wanted to, I understand where everyone is coming from, but I don't think that should be done here in a public hearing.

Commissioner Pane: Mr. Chairman, if your referring to my comments Bob, I'm not trying to embarrass Tom... I'm trying to help him.... what he did was a disgrace to the public that came here OK, that's all I'm stating. And Ed knows it and some of these other commissioners should know it but for some reason nobody steps up to the plate, nobody talks about it but there would have been no problem to listen to the applicant and let him speak about it so the public could speak about it and then you would keep the meeting open for another meeting because of the procedures, and I tried to inform the Chairman of that. Thank you Mr. Chairman

Chairman Ganley: Forget it.

Chairman Ganley: OK moving right along, Staff Report.

Ed Meehan: I want to mention in the packet a letter to the Newington Police Department regarding the issue of the vendor on Maselli Road.... There's a little history as far as going back to when it was know as Newington Fair, this was before Sam's opened up over the summer. I have not heard back yet from the Police Department, I know there's a file on this as well as my memo to the Police Department back in July 13th, before Sam's opened. I do believe there's an issue there with safety, I've observed it I've heard it from people who just had experience coming out of there with people taking a left onto Maselli had to stop because of people standing in the travel lane so I' m going to again bring it to the Departments attention and hopefully they can get this vendor to move off Maselli Road altogether.

Chairman Ganley: Any questions? OK, I will entertain a motion to adjourn.

XII. ADJOURNMENT

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

Respectfully submitted,

Linda Costanzo
Administrative Secretary
Planning Department