

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

October 26, 2016

Agenda

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Michael Camillo-A
Commissioner John Bottalico-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner Chris Miner
Commissioner Judy Strong
Commissioner Paul Giangrave-A

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Andrzejewski and Commissioner Bottllico was seated for Commissioner Miner.

III. APPROVAL OF AGENDA

Craig Minor: No additions or deletions but I do need to correct a typo on Item B, Petition 44-16, Special Permit, it should be Section 3.11.1 Business Center, not the Home Occupation, and if the audience is looking at an agenda that they picked up outside I already made the corrections on the agenda that was on the table outside. That's all I have Mr. Chairman.

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

None

V. REMARKS BY COMMISSIONERS

None

VI. PUBLIC HEARING

A. Petition 41-16: Special Permit (Section 6.2.4: Free Standing Business Signs) at 2534 Berlin Turnpike (Artisan Vapors.) George Emerson, owner, Image 360/Signs Now, applicant, Randy Hamilton, 2434 Berlin Turnpike, Newington CT, contact. Continued from October 13, 2016.

Randy Hamilton, 2434 Berlin Turnpike: There is an existing pylon sign on the property at 2535 Berlin Turnpike that has Mattress Firm on it. There are other businesses that are on the property that don't have the type of visibility that they need in order to maintain their business and the proposal is to add a sign underneath the existing Mattress Firm sign of 3 ½ x 10 feet which would be 35 square feet to that pylon sign to provide that so that Military Supplies and Artisan Vapor would have some visibility on the Berlin Turnpike. I have already gone through this with Craig, and I'm not sure how much detail you want me to get into with this.

Craig Minor: Perhaps focus on the issue that disagrees with how much signage you are authorized. Let's talk about that.

Randy Hamilton: Okay. I've gone out and we've done surveys for the amount of signage and in addition to the existing signage that was presented to you, Mr. Emerson noted that there is a building extension on the back of the building that was not included in the calculation of square footage, and George is here to comment on that. It's 80 linear feet and it's available for rent, and it's facing south and it has public access, and that should be included in the calculations for the square footage allowance. So with that square footage allowance there would be plenty of square footage available to not only have that sign, but to add another sign for Artisan Vapor facing the Berlin Turnpike, which there is none now, and his visibility is restricted because of the Doogie's sign and that building, because the building is set so far back it's hard to see that building until you have actually passed the driveway.

Craig Minor: And where exactly is that additional 80 feet of wall area?

Randy Hamilton: I have a copy of the pictures if I can present them to you. It's in the back of the building, and it's.....

Craig Minor: In back of which building? The building to the north, or the building to the south?

Randy Hamilton: It's the same building that Military Services is in and the building extends down from the front, extends down 100 linear feet which is the wall that Military Supplies is on, and then there is another 80 linear feet on the back of that building.

Craig Minor: I'll let the ZEO Mike D'Amato speak to that because Mike did the calculations.

Randy Hamilton: There is a new recap of the square footage and the calculations and the allowances based on that, and that excludes modifying the building to put a door in for Military Supplies.

Mike D'Amato: I don't think it was on the site plan that we used last, it must have been an addition or something that must have been why it didn't come up when we were calculating, that's the only thing that I can think of, because I wouldn't have missed an 80 foot addition.

Chairman Aieta: Where is that addition on the plan that we have in the packet?

Mike D'Amato: The addition is more or less more or less underneath the box that Craig added to the area, where it says, southern south facing wall. You can see that white projection there.

Chairman Aieta: How do you conclude that that gets calculated into the footage for the Berlin Turnpike?

Mike D'Amato: Well, he's suggesting that because this faces south, and is not on the front portion of the building and has access through the bay doors that are here that it then frees up additional signage which wasn't originally included which would bring them into compliance with the total calculation, I think that is what he is saying.

Randy Hamilton: Exactly.

Mike D'Amato: The site plan that I used, that we had in our building file, didn't have that additional part on it, so I didn't involve that in the calculations, but we could review the calculations.

Chairman Aieta: On the Berlin Turnpike the frontage is two square feet facing the Berlin Turnpike, and on the Berlin Turnpike we allow additional footage for signage, more than anywhere else in the Town of Newington per linear foot of frontage, so for each one square foot, you get two, so that is the amount of extra signage that we allow on the Berlin Turnpike because of it's location.....

Craig Minor: But in addition to that, there is another additional benefit that businesses on the Berlin Turnpike can take advantage of, and that is the regulation that says an additional one square foot for each linear foot of building side perpendicular to the Berlin Turnpike used for business with a public entrance. Now if you look at the aerial photograph that was in the agenda packet, Mr. Hamilton is saying that he feels that he also should be given credit for the wall, the south wall which I have labeled, southern south facing wall, no door, and the southern wall on the addition to the front which is where Artisan Vapor is, which is the northern south facing wall, two doors. Now, the regulation says that you can get credit for a wall that is perpendicular to the Berlin Turnpike, but only if it has a public entrance. Now there is no door of any kind on the wall that is labeled southern south facing wall, no door. There are doors on the south wall of the addition close to the street, which is where Artisan Vapor is, but because that is not the wall that the applicant is trying to get credit for, the staff feels that, well, that wall counts, but the south wall with the addition to the front counts, but not the wall labeled southern south facing wall, no door, because there is no door there, there is no public entrance. I think, although I'm just hearing this now, I think the same would apply to the addition to the west which is blocked by this label here, because from the photographs and the passage, it looks like there is a roll-up garage type of door but at a glance it doesn't look like that would be considered a public entrance. It looks like it is a garage door. So, ideally, the Commission, so the applicant can get an answer.....

Chairman Aieta: The addition in the back, is that for a warehouse?

Randy Hamilton: It's for whatever Mr. Emerson can rent it out for. It could be a warehouse, it could be anything.

George Emerson, 93 Hubbard Street, Glastonbury CT: I'm hard of hearing, so, I just want to interject, that the Town of Newington is taxing me the square footage of that space back there at the same as the rest of the whole building. So they feel that is a very valuable piece of property. I'm being taxed on the \$3,708 per year which is the same rate per square foot as

the rest of the building. It is a separate unit, there is no door connecting Military Specialties to that. I have it up for rent for people who want to store vehicles in there, or plumbing supplies or whatever, that's what it lends itself to.

Chairman Aieta: The specifics of the regulations state specific to a public entrance, a public entrance would be basically for customers. It sounds like that portion of that building is warehouse.

Craig Minor: Let me give the Chairman the pictures, it looks like those doors are garage doors, not public doors.

Commissioner Sobieski: Just a quick question, does Military Specialties put their (inaudible) in there?

George Emerson: No, no, they have access to the other building there, there is a garage door and they are accessing that part of the building.

Commissioner Sobieski: So basically you are saying, this is where Military Specialties goes in and out, this door here?

George Emerson: See this door over here, in the dark, that's a far entrance for Military, and their garage door is here.

Randy Hamilton: Mr. Emerson did say that if he found a tenant that wanted to use it to have it as a retail store, they could use it for that. It's not like nobody else was using that property, so he is trying to rent it at whatever, so if there is a business that goes in there that is, say accounting, they could have clients come there, maybe they would have to put a door in, but they have doors there for access and it could be for selling products out of there, I mean, it's not defined yet, but what we are trying to do is, there is another approach that we were going to take to get the extra square footage to allow these businesses to survive. The building that Military Supplies is in, they have a, in the pictures that you are looking at, they don't have any door on that side, but Mr. Emerson would cut a hole in, and would put a door there which would provide business access and customer access and close the other one off. Or, there is a closet, or there is a door that he has an office in, that is facing, right next to Artisan Vapors, that he could just use the existing door and just put a door on the inside and put a short wall in so that Military Supplies could use that as an access. All he is trying to do it get a sign there so the businesses would be visible, but the building sets back so far.

Craig Minor: But the last option suggested still wouldn't put a public entrance on the wall in question that you are trying to get credit for.

Randy Hamilton: It would be, if we put a hole in that wall that is on that wall, and close up the other one, you could.

Craig Minor: Well, no, actually not really because just punching a door into a wall there, there wouldn't be any sidewalk to it, there wouldn't be any way to get to it, the parking lot if really narrow there, I don't think it's as simple as just punching a hole in the wall to put a door in.

Randy Hamilton: Maybe that is a different issue, but if we close off the other door and an analysis was done whether, because that is a wide driveway, you can drive trucks in. He could put a railing there, whatever would be required by the building, you know the whole goal is to use, he's got the 80 square feet, 80 linear feet in the back, so with that, you don't even have to touch the Military.....

Craig Minor: I'm not sure that is even eligible because the rule says, public access, and those are three garage doors, and I'm not sure if, not speaking for the Commission, I'm not sure that is what they meant when they wrote the regulations, to give perpendicular walls credit if there was an access, if there was a door to the business. I think it was intended for businesses where the customers come in through that side door, if you will, the door on the wall, that is perpendicular to the street. I don't think the Commission meant to give you credit for the back, a warehouse part of the building that has three garage doors.

Chairman Aieta: Let me give you an example of how this regulation is, you are all familiar with the McBride building on the Berlin Turnpike, that has frontage on the Berlin Turnpike and on the south side, there are businesses there. That's where that regulation applies. He has the ability to take the frontage and the side because there are actually tenants there and public entrances to the business, parking and sidewalks in front of it. That's how that application, that regulation applies, not to stretch regulation to try to make it fit a situation that it doesn't fit. There are certain buildings that meet those requirements, and some that don't and this is one that we feel that doesn't.

Randy Hamilton: But if he actually rented it out to someone that was going to sell, landscape supplies, and advertise that you could buy your landscape supplies, come in and pick from there, he could choose to do that, and that would be a roll up door that he could leave on there, or if he needed to provide access to the customers with a swing door, at that point, he could cut a hole in, but I mean, to rule it out, it's, it seems unfair for that property.

Craig Minor: But you admit it is not such a use today, it's not a landscaping business where someone could drive up and back their pickup truck into it and take mulch from inside the building, you admitting that it is not that.

Randy Hamilton: It isn't now, but tomorrow it.....

Craig Minor: Then come back and we'll talk tomorrow about whether you now would be able to get credit for that wall towards your signage allowance, but at the moment, you're just talking hypothetically and we can't, and the regulations don't give credit for a hypothetical use, you either meet the regs or you don't, and at the moment, you don't meet the regulations.

Randy Hamilton: Does it have to be a swing door, or could it be an overhead door?

Craig Minor: Well, it has to be a public entrance.

Randy Hamilton: A public entrance could be an overhead door.

Craig Minor: Maybe, but at the moment, you are saying hypothetically, come back with an actual situation, and then the Commission can make an informed decision as to whether that is the intent of the regulation or not.

Chairman Aieta: I'll let the Commissioners ask questions at this point so we get it on the record.

Commissioner Pane: What happened to all their signage? Where is it being used?

Mike D'Amato: They, at some point in time I don't think the pylon was ever used for multiple tenants, I think that it has been, it was pretty much Sleepy's, which is now Mattress Firm, but

I think you have already addressed the fact that Mattress Firm has too much signage. They have taken, I think if you look at this building, I don't remember what the linear footage is, I think it's 52 feet or something along those lines, so they would be getting 102 square feet, and I know for a fact that their wall sign is over 100 square feet.

Randy Hamilton: Their wall sign is 30 inches by 25 feet which is 62.5 square feet and the pylon is forty plus forty, which is eighty, so between the 80 and 62 you have 142.5, and they are only allowed 102, so they took the signage which basically puts everybody else at a disadvantage that is on that property.

Commissioner Pane: If you took the existing sign on the pole, and you made the Sleepy's sign just a little smaller, and added a panel for the other two tenants, then you have solved your problem, right?

Randy Hamilton: I don't know, because it might be a bigger problem because if they start giving their signage away, it's tough enough to get tenants. O'Neil Plaza has five, six open spaces.

George Emerson: If you ever go down the highway, southbound, just try to look at our place, and see if you can find it at 45 miles per hour, pretend you are a stranger to the area. Doogies is way up and is really cutting a line of sight. They had a sign that was back at their building, which was fine, people would look at the sign that was there, but their sign now is right up next to the road, and then, we've been on the Berlin Turnpike since 1949, we're not newcomers to the Berlin Turnpike, and since we have bought the property, they actually raised the surface of the highway up about another foot and a half which even put us deeper down in a hole, that was about 35 years ago, but we have had some detriments to the property and we are trying to grab what we can like everybody else. Then, with the taxes on it, that part of the building that you are just calling a garage, it's assessed for the same value as the rest which is a lot.

Commissioner Serra: This building is 80 linear feet, if you get your signage that you are looking for, you rent this out to a tenant, what are you going to do for signage for them, because now you're not going to have signage for this building?

George Emerson: We will have signage because 80 feet puts them, the Artisan sign, and the Military Supplies, and if we put a second channel letter sign facing the pike, again, those would have been requested, you still would be at 324 versus 348 and they could get another 2 x 10 sign in there.

Commissioner Serra: And that is including the overage from Sleepy's?

Randy Hamilton: Yes.

Mike D'Amato: I haven't run the new calc's but when we talked before, I was including the overage to try to get the property into compliance, right, that is how we left it.

Randy Hamilton: Right, because it is one property, you can only have one pylon sign on that property because it is considered a single property, it's not like they can add another sign out there. That's why we are trying to add a sign underneath it and trying to look at ways that it can make it accommodate the businesses to give them some proper visibility. So, yes we would have easily another 24 square feet to put on that building, and then maybe at that point maybe Sleepy's would give up a little bit, but right now he's trying to keep his tenants, let alone encourage them from finding another place.

Chairman Aieta: Under staff comments, the first item there is a statement from the staff that the existing pylon sign is a non-conforming sign, located in an area that should be for landscaping. How do we get around that? Our regulations don't allow expanding a non-conforming use.

Craig Minor: Well, we don't have to confront the issue, because it is, it's existing, the pylon is already where it is, it has always been there, so the applicant is not increasing the non-conforming, he is not moving the sign closer to the street, he's just making the area of the sign, which is not non-conforming, bigger.

Mike D'Amato: They did receive TPZ approval years ago for the sign, in that location. It was shown on the original site plan. I forget what the building was built as, but it was part of the original site plan.

Chairman Aieta: And at that time the regulations allowed it, and since then the regulations have been amended, so now it's not conforming.

Craig Minor: Right.

Commissioner Sobieski: By adding that sign to the bottom of the sign, will that cause a sight line restriction?

Randy Hamilton: The sign that is up there, it is set so far back.....

Commissioner Sobieski: I'm referring to the vehicles coming out. Is this on your property or in the DOT right of way?

Randy Hamilton: No, it's on our property.

Chairman Aieta: At this point we will be getting public input on this. Anyone wishing to speak in favor of this application please come forward. Anyone wishing to speak in opposition to this application? Seeing none,.....

Commissioner Pane: I have a question for the Zoning Enforcement Officer. With what they have proposed now, what are they short?

Mike D'Amato: What are they short, well, if you adopt their understanding of the regs, and you include that, they wouldn't be short.

Commissioner Pane: I want to know, the way that you interpret the regulations today, are you saying if it doesn't meet the regulations by how many square feet are they short?

Mike D'Amato: Thirty-six.

Commissioner Pane: Thank you.

Mike D'Amato: We are in agreement that the elevation of Sleepy's counted for two square feet, the front elevation of the Artisan portion is counted for two square feet, they get the additional one square foot for the south elevation and they get the portion of the Military Specialty building section that faces the turnpike so.....

Chairman Aieta: What is the square footage there.....

Mike D'Amato: That would be the two. Where we differ is, he is saying there is an existing door that faces south which is used for an office which provides access to Military Specialties unit, and his interpretation is that because it's on that wall, it opens up one hundred linear feet for signage.

Chairman Aieta: The additional sign that is on the pylon sign is how many square feet?

Mike D'Amato: Thirty-five. Thirty five per side.

Commissioner Pane: Could we reduce that down in size?

Craig Minor: And your question is how small could we make it to comply with the regulations?

Mike D'Amato: If we don't count the hundred feet, then they would have to use the existing box and reface it to include Mattress Firm, Military, Artisan and any potential future tenant.

Randy Hamilton: So you are talking about a 1 ½ by 10.

Mike D'Amato: That is not really legible at that point, at fifty miles per hour.

Commissioner Pane: Unless it was one long sign, and Sleepy's was divided up so you would have one long sign and then Sleepy's was moved up a little bit.

Chairman Aieta: What is the pleasure of the Commission on this application? Does the staff have anything further to bring to us on this?

Craig Minor: At this point the staff recommends denial because it doesn't meet the regulations as we interpret them.

Commissioner Pane: I will make a motion that we close this and move it to Old Business for our next meeting.

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

B. Petition 44-16: Special Permit (Section 3.11.1) Fitness Center at 161-169 Lowrey Place, Tyler English Fitness LLC, applicant, Lowrey Place Realty LLC, owner, Tyler English 5A Cheryl Drive, Canton CT, contact.

Tyler English, 5A Cheryl Drive, Canton:

Michael Galvin, 22 Cheney Lane, Newington: I am the agent that represents Lowrey Place Realty. Tyler English Fitness is a proposed tenant for the Plaza. They have signed a lease for approximately 6,000 square feet in the unit that used to be the old pharmacy that is the end closest to the unit, and a small unit next to that totally about 6,000 square feet. Under the regulations, a fitness center is allowed at that location in that zone, but only by Special Permit, so we are here tonight seeking a Special Permit for that use.

Chairman Aieta: There is a laundry list in the regulations, Section 5.2 and 5.3 would be sections that they should be commenting on for the special exception. Do you have that section of the regulations? If you don't, we will give you a copy and you can address those items of the regulations.

Craig Minor: Let's start with the first one, just read the first one and then we will discuss it.

Michael Galvin: Okay, Section 5.2.6.A, the need for the proposed use, the need for the proposed use in the proposed location.

Craig Minor: Well, presumably there is a need for the business or you wouldn't be having any customers, right?

Tyler English: We currently have, our main location is in Canton and we have another location in West Hartford, to be relocated to Newington, a very much nicer location, we're currently on New Park Avenue in West Hartford and we have helped people basically in the last eight years transform their bodies and their lives, I mean, we are not your typical gym. We will help with personal training, nutrition.....

Chairman Aieta: That meets that requirement, so we know that there is a need for your business.

Michael Galvin: The existing and future probable character of the neighborhood in which the use is located. I can speak to that. I have been working, my company, Reno Properties Group, is the leasing agent for Best Market Plaza what was before called Lowrey Place Plaza. The property had been in disrepair and a number of years ago was in bankruptcy and the new owners have spent some time and money in developing the center. We have, with Tyler's lease we will have leased approximately eighty percent of the in-line space. There is a market that anchors one side, and the post office, which has extended their lease for ten years on the other side, so the probable future character of the neighborhood is a key component of Newington's revitalization.

The size, type and location of main and accessory buildings in relation to one another and in relation to other structures in the vicinity.

Chairman Aieta: That really doesn't apply.

Michael Galvin: Traffic circulation within the site, amount, location and access to parking and traffic, possible circulation problems on existing streets or proposed streets or driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.

Chairman Aieta: We don't feel that that applies to you because of the shopping center and the parking there is more than adequate to support your application.

Michael Galvin: Availability of public water and sewer and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage.

Chairman Aieta: You have public water and sewer.

Michael Galvin: Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.

Chairman Aieta: Are there signs as part of this application?

Mike D'Amato: The property doesn't have a free standing sign.

Michael Galvin: Safeguards to protect adjacent property, and the neighborhood in general, from detriment including but not limited to proper buffering.

Chairman Aieta: That does not apply. He read into the record the items that are required to be addressed as part of the special exception.

Commissioner Pane: Is all of the business activity going to remain on the inside of the space that you are renting.

Tyler English: If there is any outside activity, we would take it to the back of the building, there is no traffic other than delivery traffic back there.

Chairman Aieta: What would you envision that to be?

Tyler English: We usually have some type of slide, some kind of conditioning work.

Chairman Aieta: Any other Commissioner remarks on the application? We can turn it over to the public for their input. Anyone here wishing to speak in favor of this application, please come forward, state your name and address for the record. Anyone in opposition to this application. Commissioners, anything to add at this point?

Commissioner Pane moved to close Petition 44-16 and move it to Old Business for action tonight. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with five voting YEA.

Chairman Aieta: We don't have a meeting the first meeting in November. This application is pretty cut and dry, it will be a good addition to the center of Town, so we will move it tonight to Old Business and take action tonight.

VII. APPROVAL OF MINUTES

A. Regular Meeting of October 13, 2016.

Postponed until November meeting

VIII. NEW BUSINESS

A. Proposed Revisions to Section 6.2: Signs

Craig Minor: Briefly the Commission, two meetings ago decided that they wanted to look at the sign regulations but possibly start with just the temporary sign regulations and looking at deleting them. I prepared a draft amendment for the zoning regulations deleting the temporary sign regulations and not replaced with anything, so we can talk about that. I also added something new, well, not new, I suggested a year or so ago I suggested adding a new section to the parking regulations which would prohibit any non-customer car from parking in the row of parking closer to the Berlin Turnpike. So in other words, the intent is to prohibit these billboards that we see on the Berlin Turnpike. It won't one hundred percent of the time, but it would prevent the lions share of them, so that is my suggestion to the Commission and the Commission can discuss it or move it to a hearing or whatever they would like to do.

Chairman Aieta: I'll open it up to the Commission to discuss what the Planner has proposed.

Commissioner Sobieski: I think it's a good idea because we've got (inaudible) on the Berlin Turnpike. The one that is near TGIFridays has been there for I don't know how many years, a car decorated with paint. I think it's a good idea and we should act on this.

Chairman Aieta: Are you in favor of eliminating the temporary signs portion of the regulations?

Commissioner Sobieski: Yes.

Chairman Aieta: For the record, the reason for eliminating them is that our Zoning Enforcement Officer is spending too much time trying to regulate temporary signs that are in illegal locations. They are not in most cases even on the property that they are, that the businesses are, they are in the state right of way, or on town property. We had a sign subcommittee of the Commission that looked at this for over a year, we tried to make it work, but we kept running into the same problems. Anyone else?

Commissioner Serra: I just have a question. I am in favor of this, as you know I've been one of the advocates of doing something with these temporary signs. The one thing that I did want us to be careful of, cognizant of are the civic groups such as the flea market, the farmer's market, the Newington car show which brings a lot of people in and a lot of money for the local business. Do we have, I just briefly read thru this, do we have a plan to allow those types of signs?

Craig Minor: You can regulate the location, you can regulate the size, you can regulate probably the structure, but you can't regulate the content, the message on a sign. So if we prohibit merchants from having yard signs, that means we have to prohibit civic groups from having yard signs, and it's draconian and TPZ's around the country are tearing their hair out about this, but there was a Supreme Court ruling within the last six months or so which basically says, well, we've always known, but it's never really been enforced in such a strong manner before, but the bottom line is, the TPZ cannot allow one kind of sign for one group, but not allow it for a different group.

Commissioner Serra: I guess my question would be, I'm still in favor of this, but even though I'm contradicting myself here, we have talked about, in the past of having areas throughout town where people could post, I guess at one time we did propose bulletin boards in public areas, so I think if we do pass this, that that is the next step. We have to look for the areas where we can do that so these groups can legally post an event.

Craig Minor: Well, you can designate areas of town, let's say Willard Avenue, Church and Cedar Street, on those streets temporary signs could be allowed, but if you are going to do that, and you are doing that, let's say for the civic groups, you then have to let merchants along these three streets have temporary signs out in front.

Commissioner Serra: That is putting us right back where we don't want to be, so you answered my questions, and with that said, I'm still in favor of this.

Chairman Aieta: You know that this affects the realty signs and it also affects political signs, and I can just tell you this. One the corner of Church Street and Kelsey, I go out there twice a week and remove signs that people post, buying houses, that are stapled and nailed to the pole, signs that have houses for sale and all crazy signs. It's a distraction.

Mike D'Amato: The only option, because you have to take the content of the sign, who puts the sign up out of the equation, so that really leaves us with what the sign looks like, where it

is, maybe we could come up with a regulation that was very strictly tailored to specific types of temporary signs allowed in specific zones. For example, we could allow sandwich board in certain zones, like along the Berlin Turnpike, that would be up by the building. So we would prohibit any sign near the street. Then we could allow banners and/or A frame type signs in the town center business zone which is where all those events happen which would then allow for the civic groups to put up a sign in that location, so we would have to write a regulations that literally says, in this zone, you would have this type of sign, I've never seen one done, that would be some work to put that together, but it would be the only way to allow the signs you want to see in those zones, without allowing those signs in other parts, because I'm pretty sure you can regulate them based on zone, so that would be one way to handle that.

Commissioner Bottalico: I have a question now. Does this affect the ballfields and the high school? The high school has billboards on its fences, so does Clem Lemire field. Now are you going to take that away from those civic organizations?

Craig Minor: You are talking about the billboards that are on the backboard of a fence?

Commissioner Bottalico: Yes.

Craig Minor: Well no, because that, those aren't the type of temporary signs that the Commission is talking about, so no, it wouldn't affect signage that is contained within a ball field. But, it would affect.....

Commissioner Bottalico: But it would affect the graduation signs wouldn't it. Or would you have to go for a special exception for that?

Craig Minor: If we don't have a regulation about those bedsheets, then they are not a violation. Sometimes we can ask too many questions.

Commissioner Bottalico: That's right, you are absolutely right.

Commissioner Pane: This is a very difficult issue, I'm not sure whether or not I'm going to take a side on either way until eventually we hear from the public. We were at a business breakfast meeting this morning, and if I'm not mistaken, that was the hot topic of this morning's breakfast. I like Mike D'Amato's idea of having the A-frames closer to the building within so many feet of the front door, because as you can see, out in West Hartford a lot of the restaurants will have an a-frame within two or three feet of the front door and they will have today's specials on that sign, and I think that might be something that the town center and other businesses and I would have it open to almost all businesses, as long it is within five feet of their doorway, and if it is brought in at night. We could explore something like that possibly, I don't know how everybody feels about that, but that is a possibility, exploring that and I think we need to, you have spent a lot of time on this previously, and I think that it's going to take a little longer to iron everything out on this, but I agree with the Chairman, this is an issue that has to be taken care of because it is a tremendous amount of work enforcing....

Chairman Aieta: Not only that, you don't control, you don't regulate it, and you don't enforce it, you would have a sea of signs on that Berlin Turnpike that would turn that turnpike into a Las Vegas strip or worse, because the signs that they are putting up are not the same quality that they have on the Las Vegas strip. You are putting up paper signs or plastic signs on wire, they are blowing around, they are blowing into the street, it's unsightly number one, number two, it's distracting to the driver, all of these signs, and number three it's not even on the property that the businesses are located on, it's in the state right of way, there are so

many reasons not to have them, and the last one and the important one is that our Enforcement Officer is pulled in different directions because some people come in for permits, some people don't, he goes and tells them to take it down, two days later they put it back up, he has to send another, the procedures that we have for him to enforce are so archaic that the enforcement isn't standardized or simplified. It's a nightmare, and we have been doing this for so many years with the same problem, it's not just with this Zoning Enforcement Officer, it's been with all the other Enforcement Officers that we have had.

Commissioner Sobieski: I like Commissioner Pane's idea of trying to set certain zones for this, if possible. I definitely don't want to hurt businesses in the center of town, but again, also looking at the Berlin Turnpike, with a fifty per hour mile zone, what is a sandwich board going to do for them, close to the door? So I think, I would like to see what the staff could come up with as a plan, but definitely in the center of town I would like to see something as Commissioner Pane said about West Hartford, where they have the sandwich signs out there. They are within six or seven feet of each other.

Chairman Aieta: The effectiveness of the sign is only effective if it is the only sign there. If you have multiple signs, every business has the same sign, they are ineffective. If it is on the street, it's on the sidewalk, it could be a problem. If every business in the center has a sandwich sign out front, I mean, there is no easy way around this, but we are going to come to a conclusion one way or the other, either that or we are going to allow, and we will be back here next year and you will be pulling your hair out, and you will have complaints from the citizens saying that the town looks like hell.

Commissioner Serra: It's not the businesses in the center that are putting these signs all over the place.

Chairman Aieta: The area where we have most of the problem is the Berlin Turnpike.

Commissioner Serra: And again, I'm all for certain groups, and let's do what we can to help them, but there are the Mattress signs, they're for whatever else somebody decides that they want to do that day, they are all over the place. While I agree with everything that has been said by Commissioner Pane, our Zoning Enforcement Officer, Mike and Commissioner Sobieski, it's not the center that is creating the problem. It's not those businesses. It's the Mattress signs that you see, it's the We Buy Junk Cars, We Buy Houses, those are the ones that are all over the place, those aren't businesses in the center of town.

Chairman Aieta: On the Berlin Turnpike they have the flags, everything else, they are too close to the highway, they are distracting the drivers. The main problem is the distraction for drivers. I mean, you can't text, you can't talk on the phone, there are so many things that they don't want you to do, and we are encouraging people to read signs and move their heads and not pay attention to the traffic in front of them.

Commissioner Pane: No matter what we do I think it's really important that we are consistent so whatever we do either in the town center or on the Berlin Turnpike, we treat everybody equally. We treat all the businesses so that it is all consistent. We are either eliminating them all or I don't know if there is a possibility to refine it or not but maybe further discussions will figure that out, but I think it's important to be consistent throughout the town with whatever we come up with.

Craig Minor: I know Mike a year or so ago drafted an amendment that would allow A-frame signs which was put on hold, but I think there is some potential for going that route. Have substantial A-frame signs which are not paper, but they are an investment on the part of the

merchants, but they are not going to be blowing out into the street. They would be brought in at night, so they would be under control, so how about the staff comes back and.....

Chairman Aieta: How would you do that? By Permit?

Craig Minor: Oh yes.

Mike D'Amato: I know it was a while ago, but I basically developed a card that we would issue that listed the permit, the approval was issued to the address so if you were out on site and you had a question about the sign, if it was a legitimate sign you would have like a registration sticker like a car, and if it didn't have one, then it was in violation. The only thing I will bring up, and it's not to put any urgency on this, but signs under our regulations go for a calendar year, so on January 1st, if we don't have something new, anybody can come in and get a permit for the calendar year 2017, so just keep that in mind so if this is still going and you don't do anything with the existing regs, people are going to be able to come in and get these signs, so it will be a whole year before whatever you come up with takes effect. Just keep that in mind.

Commissioner Bottalico: Our main concern is the Berlin Turnpike. Why don't we just eliminate any of these signs, or flags, or any temporary signs period because as Stanley says, at fifty miles per hour, who is going to see them? I mean if you know what business you are going to, you would go right by it. An A-frame is not going to help, I don't think.

Commissioner Serra: The only thing I want to say, and not to be argumentative, but it's not just the Berlin Turnpike. We've seen these signs on Fenn Road, we've seen them on Robbins, we see them all over town, regardless of where you are. These signs are stuck in the ground, they are stuck in the right of way, so I do agree with Commissioner Bottalico that a A-frame sign on the Berlin Turnpike isn't going to do a lot of good but we're not just talking about those signs, we're talking about what the regulation is for temporary signs, they are on a couple pieces of wire, they are being stuck in the ground all over everybody's property, all over the place, so I just want to remember that is what we are talking about, not get sidetracked.

Chairman Aieta: You have to remember on the Berlin Turnpike per our regulations we are already giving them an extra square foot for every running foot. No where else in town gets that bonus, only on the Berlin Turnpike. The same business could be in the center and if they had 100 linear feet they had 100 square feet of signage, where on the Berlin Turnpike for 100 linear feet they are getting 200 square feet of signage, that's a big difference. That's double. That's quite a relaxation of this regulation for the Berlin Turnpike, which we put in there to encourage businesses to be on the Berlin Turnpike and we realize that the traffic is going fast and we want them to have a bigger sign, we want them to be successful. With all of these temporary signs, they are distracting from the signage on the building.

Commissioner Pane: I agree with you Mr. Chairman. Do we need to schedule a public hearing because as our Zoning Enforcement Officer stated, we have to meet that January....

Craig Minor: That is an interesting question that you raised Mike, but I think the way to deal with that is, and I'll refine this as we keep talking. Let's adopt a moratorium, a stay, on the temporary sign regulations. So that people will not be able to come in and apply for a permit because we have a moratorium on just that chapter. Now, as you all remember, a moratorium is a zoning amendment, so it has to go through the same public hearing, notice, a copy of it has to be sent to CRCOG 30 days before the hearing, but I think if the Commission adopts a moratorium on the temporary sign regulation effective January 1st, 2017, so as of

January of 2017 you would not be able to because there would be a moratorium on that chapter and then that buys the Commission some time to fix it.

Chairman Aieta: I don't want to put this Commission under the pressure of having to do something, not complete or not the right thing that we are looking for, and not correct because of time constraints. I'd rather put the moratorium on and have as much time as it takes so that we get something that when it goes through the process of public hearing, when we're finished we have something that is workable and we are all going to be happy with, or as happy as we can be.

Craig Minor: Now we are meeting, we are only meeting once in November on the 21st, and that is not enough time for us to do the proper notice for us to do the technical notification, and we are meeting once in December, but what I can do, if the Commission agrees is set the table to have a public hearing in December to declare a moratorium on just this paragraph F, effective January, and in the mean time, we can keep talking about fixing it, but that at least prevents someone from coming in, in January and demanding twelve months worth of temporary signs.

Chairman Aieta: That is how we will proceed. Anyone have any a problem with that, proceeding that way. We can look at all these different options and we will go to a public hearing, we'll get the public input and make a decision based on public input and our clarifications.

Commissioner Serra: Just for clarification, for people watching, or people in the audience that may not know, with the moratorium we can lift that at any time once we come to our decision.

Chairman Aieta: We could have a moratorium for six months, and if we came to an agreement in three months, we could lift the moratorium.

Commissioner Serra: That's what I'm looking for, just so everyone understands.

Chairman Aieta: Why don't we proceed that way, just keep it on the agenda, and in the mean time, you can come up with some of the stuff that the subcommittee did and bring it to the full Commission.

IX. OLD BUSINESS

A. Petition 40-16: Show Cause Hearing to Revoke Special Permit #03-04 at 174 Francis Avenue. American Muscle Inc., permittee.

Commissioner Sobieski recused himself from discussion and vote of Petition 40-16.

Craig Minor: The Commission held a hearing that was continued over a number of weeks on the situation at 174 Francis Avenue. The applicant, or the permittee was given the opportunity to explain the situation and given the opportunity to come up with a plan to bring the site into compliance. I won't put words in the Commission's mouth, but I sense that the Commission was not satisfied with the information that the permittee provided as far as a clean-up plan and so now the Commission can discuss whether to revoke the permit or not. I have prepared a draft motion for the Commission which addresses a number of issues and we can get to that in a moment, but I think that summarizes the situation.

Chairman Aieta: I'll open it up to the Commissioners for any comments or questions for the Planner.

Commissioner Pane: On the draft, condition five, was it two weeks ago you gave us a list of the conditions. My question is.....

Chairman Aieta: It was the actual condition of the original approval. Referring to, when they say Condition 5 it's the actual condition of the original approval. So it's referring to, when they say condition 5 of the special permit it's the actual action that the Zoning Commission took and the conditions they put on the special permit at the time of granting the special permit. Do you have that?

Commissioner Pane: I was looking for it.

Chairman Aieta: The Certificate of Action from the original application from December, 2003, there were ten conditions under the motion.

Craig Minor: Do you want me to read from December 2003; Condition number five was, No vehicle parking or vehicle display shall be permitted within the front yard of the property. The front yard is the distance of 25 feet within the fence enclosure, along Francis Avenue right of way.

Chairman Aieta: Is that the only place where it refers to.....

Craig Minor: Well, Milestone Four refers to special permit 03-04 which sets a limit on the total number of cars that may be on the site.

Commissioner Pane: The only thing is, today is October 26th and it looks like Milestone Four is December 13th, so a little less than 60 days.

Chairman Aieta: Let him explain how he came up with those dates.

Craig Minor: The dates of those milestones, those dates are all a day or so before a TPZ meeting or not, because the TPZ is meeting only twice for the rest of the year. So in the case of November 7th, if the permittee accomplishes what is required by milestone one by November 7th, the staff will go out and hopefully confirm that yes, milestone one has been met, and then, if that is the case, no action will be taken. But if the staff confirms that the permittee has not complied with milestone number one by November 7th, then a special meeting, I recommend that a special meeting of the Commission be held for the purpose of confirming the staff's recommendation that milestone one was not met, and affirming that the revocation now takes effect. The second milestone, November 20th, that is a Sunday, but that is the day before your next meeting, December 2nd is kind of an arbitrary date, but if the permittee fails to meet milestone three, the staff will notify the Chairman that a special meeting needs to be scheduled to affirm that milestone three was not met, and that the revocation will kick in, and then the same with number four. December 13th is a day or so before your December meeting, and if the applicant, permittee has successfully completed all three milestones up until the last one, and he fails to meet it, then the Commission can at that point revoke the permit. So that is how those dates were arrived at, and I tried to allow as much time between these milestones as possible to be respectful of the Commission's time and try not to schedule too many special meetings, and also respectful of the Commission's desire that this not drag on until next year. December 13th is the day before your last meeting in December, unless you want to schedule more meetings in December which I don't think you want to do, this is the time table that I came up with.

Commissioner Pane: Milestone two, remove ten additional vehicles by that date, how does he prove to you that he removed ten vehicles?

Craig Minor: Right, he has the staff come out before he moves them, he has the staff observe that they have been moved, take pictures, there are a number of ways that they can do that, but the key is, he has to work with the staff to make it possible for us to confirm that he has complied with the milestone.

Commissioner Pane: To work with the staff, probably come out there and say, these are the first ten cars, I'm going to label these cars, these are the ones that are going, you take pictures and then they move them.

Craig Minor: That would be a good way to do it.

Commissioner Pane: One other thing, milestone one, where it says remove all vehicles in the front yard, and you are meaning his front yard, and you are also meaning the right of way I would imagine.

Craig Minor: No, I'm using front yard as technical zoning definition.

Commissioner Pane: So there is nothing here that references the right of way?

Craig Minor: Correct. I'm not touching the right of way.

Chairman Aieta: He doesn't have the authority to use the right of way.

Commissioner Pane: The right of way was totally different than this.

Craig Minor: That's my approach. Leaving the right of way out of this picture.

Commissioner Botallico: The right of way, that's where those engines are parked right now?

Chairman Aieta: Yes, that's the portion that would be in front of the fence would be the right of way. It's almost like it curves in there, but it's part of the town property, it's not his property.

Commissioner Serra: I missed the last meeting and I apologize, and maybe this was discussed, I did read the minutes though, I'm in total agreement that something has to be done. My question is, this has been a violation off and on for years. If this is complied with, we're good through 2016, what's to say we are not here next year doing this again? Don't we need something to, and I don't know what that something is, but for compliance into the future, so we're not doing this again?

Craig Minor: If he continues to operate without a zoning permit, now he is in violation of the zoning regulations and.....

Commissioner Serra: I'm saying if he complies with this and he keeps his permit, what happens when this starts up again? I'm not so confident that it won't start up again.

Commissioner Pane: Well, you would have to address that as it came up. I don't think there is any way to deal with that.

Commissioner Bottalico: Wouldn't you have periodic checks? The Zoning Officer every so often drop by and take a look.

Chairman Aieta: I'm sure we would be notified by the neighbors.

Commissioner Bottalico: Yes, the neighbors would probably let us know anyway.

Chairman Aieta: I'm sure the Zoning Enforcement Officer would make it a point to drive by there every once in a while to make sure he hasn't violated the conditions. You could put a condition on this that if he gets out of compliance that we would immediately revoke the special permit. Is that something that we could do?

Craig Minor: Yes.

Chairman Aieta: He has no conditions, you could put a condition on there that.....

Commissioner Serra: That should satisfy the residents in that area, to know that we are going to stay on top of this, and on December 13th, if he's in compliance, and on December 14th, he can start up again, because we are done with him.

Chairman Aieta: If he gets out of compliance.....

Commissioner Serra: Well, that's why I want that condition.

Chairman Aieta: Then there won't be any hearings, there won't be anything, we will automatically revoke the permit.

Commissioner Bottalico: So it's my understanding that after the 13th, if he complies and Mike happens to go in there and find something, it's an automatic revoking of his license, right? We don't have to have a special meeting, is that correct?

Craig Minor: Well, I still think you should have a special meeting because, no offense to Mike, I don't think that Mike should have the unilateral ability to shut down a business. I think it should be confirmed by the Commission at a public meeting.

Chairman Aieta: If he is out of compliance we will have it brought to the Commission and then we will discuss it and

Commissioner Bottalico: I mean, the owner should know that it's going to be revoked if he is not in compliance.

Chairman Aieta: It's going to be part of this motion.

Craig Minor: And it would be on the agenda for the February meeting that permit 03-04 is to have a discussion on revoking it, something to that effect, and the permittee would know because it would be on the agenda, and he would have the opportunity to speak to it.

Commissioner Pane: While you have been working with him, have any cars been moved yet?

Mike D'Amato: I haven't been by the property recently, to know, but we haven't had any contact with him other than the meeting that Craig and I sat down with him.

Commissioner Bottalico: I was by there the other day, it didn't look like anything, engines are still out there, nothing looked like it was changed.

Chairman Aieta: It's been two weeks since our last meeting and if I was under those conditions I would have started to get a jump on it.

File #40-16:
Revoke Special Permit #03-04 at 174 Francis Avenue
American Muscle Inc., permittee.

Commissioner Pane moved to revoke Special Permit #03-04 at 174 Francis Avenue; American Muscle Inc., Permittee effective upon publication, subject to the following stipulation:

This revocation of Special Permit 03-04 shall be stayed pending the successful completion of each of the following "milestones" by the Permittee. "Successful completion" shall be determined by the TPZ at a regular TPZ meeting or at a special meeting called for that purpose. The Permittee shall give TPZ staff access to the property to verify the successful completion of each milestone. Failure of the Permittee to achieve successful completion of any milestone shall result in the immediate revocation of Special Permit #03-04.

- Milestone One: Complete compliance with Condition #5 of Special Permit #43-03 by November 7, 2016, (i.e. removal of all vehicles in the front yard.)
- Milestone Two: Remove and properly dispose of ten additional vehicles by November 20, 2016.
- Milestone Three: Remove and properly dispose of ten additional vehicles by December 2, 2016.
- Milestone Four: Remove and properly dispose of as many vehicles as necessary to reduce the total to 43 (i.e. the maximum number allowed per Special Permit #03-04) by December 13, 2016.

Findings:

1. The Permittee has failed to comply with the conditions of approval of Special Permit #03-04 including but not limited to the following:
 - A. The Permittee is dismantling motor vehicles outside the buildings identified on the site plan, in violation of Requirement #3 of Special Permit #03-04.
 - B. The number of inoperable motor vehicles (approximately 89) stored outside the buildings exceeds the maximum allowable number of two, in violation of Requirement #4 of Special Permit #03-04.
 - C. The Permittee is storing used or discarded parts of motor vehicles outside of the two parking spaces designated as "inoperable vehicles/parts" on the site plan, in violation of Requirement #4 of Special Permit #03-04.
 - D. The sum of operable motor vehicles and used parts or materials stored outside of enclosed buildings exceeds two tons, in violation of Requirement #4 of Special Permit #03-04.

- E. The Permittee is servicing motor vehicles outside of the concrete block building shown on the site plan, in violation of Requirement #5 of Special Permit #03-04 which refers to Condition of Approval #4 of Special Permit #42-03.
 - F. The Permittee is parking or displaying vehicles within the front yard of the property which is described as the area 25' in from the fence, in violation of Requirement #5 of Special Permit #03-04 which refers to Condition of Approval #5 of Special Permit #42-03.
 - G. The Permittee is or has within the past month parked vehicles in the Francis Avenue right of way, in violation of Requirement #6 of Special Permit #03-04 which refers to Condition of Approval #4 of Special Permit #42-03.
2. At the Show Cause hearing conducted on September 28, 2016, the Permittee was advised by TPZ to remove as many vehicles as possible prior to the continuation of the public hearing on October 13, 2016. At the continued public hearing on October 13, 2016 the Permittee failed to provide any indication of any such progress.
 3. At the Show Cause hearing conducted on September 28, 2016 the Permittee was advised by TPZ to prepare "a plan" to come into compliance with the conditions of Special Permit #03-04, and to bring such "plan" to the continued public hearing on October 13, 2016. At the continued public hearing on October 13, 2016 the Permittee failed to provide any such "plan."

Conditions:

1. If after December 13th, the permittee is found to be out of compliance with Special Permit 03-04, this revocation will take effect immediately.

The motion was seconded by Commissioner Bottalico.

Craig Minor: Just some quick housekeeping, is everybody here that intends to vote on this motion, were they either at the two public hearings or they read the minutes of the public hearings that they were not at.

Commissioner Serra: I have.

The vote was in favor of the motion after a roll call vote, with five voting YEA and one Commissioner recusing himself (Sobieski.)

B. Petition 38-16: Special Permit (Section 6.2.4: Free Standing Business Signs) at 2288 Berlin Turnpike and Prospect Street, Parth Patel, owner, Hartford Sign & Design, applicant, Darin Senna, 328 Governor Street, East Hartford CT, contact.

Chairman Aieta: This is something that we had a public hearing, a discussion, some stuff fell through the cracks and we brought it back tonight so that the approval is on the record and it is done properly and he is proceeding with a valid approval. You all have in your packet a picture of the sign that he is proposing to put on the Prospect Street location, and you see that the side that faces Newington, the west side of the sign has a message, thank you for visiting Newington, please come again, this is to block, because this sign is made as a box sign, he has two sides, so he needs to have the ability to come back to us and change this,

this is what we are approving for this sign, does everybody understand what we are looking at, and why we are doing it this way? Are there any questions?

Petition 38-16

Special Permit Section 6.2.4

Hartford Sign and Design applicant

Darin Senna, 328 Governor Street, East Hartford, CT, contact.

I move to approve Petition 38-16 as amended with the condition that the west side of the sign cannot be changed without coming to this Commission.

Commissioner Sobieski: Just for the record, he cannot come back to this Commission without STC approval.

Chairman Aieta: Right, and the finding by the State of Connecticut is not binding on this Commission. If he does get that, he would have to come back and we would have to make findings that it was a safe.....

Commissioner Sobieski: Right.

Chairman Aieta: We have the final say as to whether it's safe for a left turn.

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

Petition 44-15

Special Permit (Section 3.11.1: Fitness Center) at 161-169 Lowrey Place.

Tyler English Fitness LLC, applicant, Lowrey Place Realty LLC, owner, Tyler English, 5A Cheryl Drive, Canton CT, contact.

Commissioner Pane moved to approve Petition 44-15: Special Permit (Section 3.11.1: Fitness Center) at 161-169 Lowrey Place. Tyler English Fitness LLC, applicant; Lowrey Place Realty LLC, owner, Tyler English, 5A Cheryl Drive, Canton CT, contact.

Conditions;

None.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

Craig Minor: The two items that we have been carrying for a while. The first is to discuss the idea of asking the Town Council to relinquish their exceptions from zoning.

Chairman Aieta: I'll open it up for discussion.

After review of the memorandum from the Town Planner, and his remarks, I'm concerned about us proceeding with going forward to the Council, asking them to defer since the

problem that we might face, I'm afraid if this was approved by the Council it might be putting several pieces of property that the Town owns into a non-conforming nature, which I think would be a travesty, certain properties that might not be in conformance with today's regulations to make them town owned non-conforming pieces of property would not be in the best interest of this Commission or the Town of Newington. That is my major concern with sending this to the Council asking them to approve a resolution to abide by the zoning regulations. Any comments?

Commissioner Pane: I agree with you Mr. Chairman. After thinking about this, a little longer and after listening to the Town Planner and the information that he has come up with, we would not want to create any non-conformities within the town, so I believe you are correct, we should not move this forward. If anything, maybe we could do a letter to the Council just hoping that they hold to the same high standards that we hold to, but I agree with you.

Craig Minor: I had a couple of, one thing we could do is to create an open space zone that prohibits development, as the TPZ discussed, the Town Council could then adopt a resolution making the Town Council subject to just that one section of the zoning regs, which is (inaudible) to do that, or something else we could do is add municipal to Section 6.2.3 which currently says state and federal government buildings. Those buildings are allowed in any zone by Special Permit, the Town Council would then adopt a resolution making the Town Council subject to just that one section of the Zoning Regs. So there are a couple of ways that you could protect open space which was the start of all of this.

Chairman Aieta: You are the liaison to the Open Space Committee?

Craig Minor: Yes.

Chairman Aieta: They had a meeting this week?

Craig Minor: Yes, but I wasn't there.

Chairman Aieta: The two representatives are here, I want, I think it's important that we get information as to what your committee is doing so that we act accordingly, so we are both going in the same direction, so if you both want to come up and give us some information so that we could, we're not making decisions in a vacuum that we come back and find out later that we're going against something that you people are trying to accomplish. Would you state your names and addresses for the record?

Gail Budrejko, 21 Isabelle Terrace:

Carol Anest, 30 Harding Avenue:

Gail Budrejko: The discussions that we have had about this at the 1st meeting is not about open space in it's entirety. First we want to go in steps. It's protecting what is known and utilized and identified currently in the town as parks. That's it.

Chairman Aieta: What do you see as a solution as far as the zoning regulations, Carol you might want to answer because you were on the Zoning Commission and have.....

Carol Anest: We haven't gotten that far, we're still in the process of trying to get definitions of what open space is. Then from there, we will have further discussions. That is where we are right now, it's still.....

Chairman Aieta: Maybe we should delay so that you two can come back to us and tell us, this is a suggestion that you perceive that we should handle the parks that exist today. If that means removing the underlying zone as it exists today, and make it a different zone, give us some feedback as to how you perceive that you are protecting open space. Then we will do the regulations to try to fit that criteria.

Gail Budrejko: The secondary discussion, and again, the first is about the parks, but as Carol said, defining open space is not going to be a slam dunk so it could take as long as ten months, because is it public or private, or certain buildings or wetlands, or whatever, then again, I think it could be a lot easier for us starting with small things. We have on the map identified as parks that were set aside for recreational purposes, whether we want a new zone, whether we want an overlay zone perhaps, we are well aware that this, five months from now, ten months, whatever, as conditions change, our concern is that at least it is going to be an additional layer of protection. People are going to stop and think before they make a determination to build on the parks.

Commissioner Pane: You look at the 2020 Plan on page 10, it talks about open space and it talks about dedicated open space and it gives a definition of the dedicated open space which is land owned by federal government, the state, the town, land trust, conservation organizations intended to remain for open space purposes. Then it also talks about managed open space, land owned by organizations when it is used for other purposes but provides open space benefits and there is a map on the next page and those two categories have been already been located and designated as dedicated open space or managed open space. I think if we stay on that line there, and we strengthen that up, it's already been, all the parcels have already been designated.

Gail Budrejko: Isn't Mill Pond designated open space?

Commissioner Pane: Yes it is. That's what we brought up.

Chairman Aieta: They are, I understand because I was one of the ones that brought it up at the meeting, their problem is that, that's all well and good for the 2020 Plan, but if you look at the zoning map, those pieces of property are zoned, Mill Pond is zoned R-12, or R-20, it's a residential zone. That's what the underlying zone is. What they are trying to say is, let's eliminate those underlying zone designations to strengthen their position that it is open space. I agree with them, because I was one of the ones that was in discussion with the people who were on the zoning board at the time.

Gail Budrejko: And at this point we are not into the discussion of, what about Indian Hill, what about the cemetery, that's a complicated issue. Let's start easy, parks. Let's start there.

Commissioner Pane: Indian Hill is on here so.....

Carol Anest: Right but at this point we are just talking about parks. The thing about open space, the definition of open space, a lot of them don't even say that buildings can be on open space. So, right now we are working on a definition to incorporate public buildings, bath houses, because Craig has given us a couple of different definitions and now we're kind of working together to come up with one formal open space definition, and we understand that there is a managed, we understand all of that and we understand that there are underlying zones, but we feel that some of these parks need to be as public land open space.

Chairman Aieta: I think we are on the same page. You have to come back to us and say, okay, we are at the point were, and then we will have some discussions and then we will

move it forward to the zoning board and make the regulations fit what you are trying to do, but you have to come back to us now. We're not going to do anything until you come back to us. We are not going to proceed with this resolution to the Council or anything else. We will take it off of his report and we are going to rely on you to come back to us and tell us what the next move is that you want us to do.

Commissioner Bottalico: I just have a question for Gail and Carol. On this open space, like you are looking at the Park and Rec properties. Have you looked into like for instance, I think Mill Pond was donated way back when, have you looked at the criteria of those donations?

Carol Anest: We have talked about that there may be restrictions in the deeds, at the last meeting we did talk about that, so we are going to research. Churchill Park I know there are conditions, but to what extent, we don't know yet.

Commissioner Pane: Thank you very much.

Chairman Aieta: Mr. Planner, maybe every couple of months, you are staff to both Commissions, so I think we have to work together.

XII. COMMUNICATIONS

A. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ

Commissioner Sobieski: I was looking at the CRCOG report that I got, and I contacted the Town Planner. West Hartford has put in a regulation about ground mounted solar panels which I thought we should take a look at, and ask maybe to get a copy to everybody. I know we touched on it a while ago, and my thought was, let's just try to button that up nice and tight and see what West Hartford did so this way we have something in there. I glanced at it really quickly.

Chairman Aieta: They are allowing it?

Commissioner Sobieski: I believe so, yes.

Craig Minor: I did get a copy of that, and actually what West Hartford did was that they added it as a paragraph to an existing ordinance of things that the town allows, and then there is another section where they go into a lot of detail about how they regulate it, and they regulate them as accessory structures, with a lot more detail but that is essentially how they plan to do it.

Commissioner Sobieski: The only reason that I'm asking is that as solar takes off more and more, it's all over the country now. We might want to try to get ahead of the curve a little on this, I'm just suggesting that we take a look at it, I'm not suggesting we open it up or that we do it, but look at what West Hartford has and see if it would apply to Newington.

Chairman Aieta: We can definitely take a look at it, but the discussions that we had as a Commission said that the regulations said that we were not allowing ground mounted solar panels. We do have one that slipped through the cracks, so it is what it is, we do not regulate solar panels on roofs or the top of buildings, that is up to the Building Department. We don't regulate those, those are an allowed use. The ones on the ground, you drive down to the end of Church Street and look at the solar park and you tell me that that is something that we want to accomplish in the town of Newington. The only good thing that came out of that was that the Planner had a relationship with the Planner in Berlin and we were able to get them to

at least attempt to break it up with some screening and planting and stuff, so we got a better view than they do on the other side on Deming Road where they put some trees and they are all dead.

Commissioner Sobieski: I'm just thinking of like where the Children's Hospital is in the center of town, if they were ever going to try to develop that, they might try in ground solar, that's all I was concerned with. I figured if we had something in our books, it may or may not help us, or maybe we don't want to do it. I don't know. It's just a thought.

Chairman Aieta: I'd rather have that driven by someone coming in and proposing it, rather than us proposing it because at first blush I look at that and say, I don't want that, what happened in Berlin, in the Town of Newington, on any piece of property.

Commissioner Sobieski: I don't either, but I'm just look to see.....

Chairman Aieta: We can take a look at it.

Commissioner Sobieski: I'm not advocating one way or the other, I'm just saying take a look.

Chairman Aieta: Do you have that?

Craig Minor: Yes, you might want me to edit it because I think it is part of a multi-page document.

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

None

XIV. **REMARKS BY COMMISSIONERS**

Commissioner Sobieski: I was on the Berlin Turnpike the other day and I see that there have been new pylons put in by the DOT for highway signs that are really close to the new driveway that is being put in there. I mentioned it to the Town Planner and I guess Commissioner Pane had called him about it also. My suggestion was that we should contact the DOT and have them take a look at and move the pylons before they install the sign. It is really close to the driveway.

Commissioner Pane: It's a right in and a right out, so I think it's going to be fairly high up.

Commissioner Sobieski: It is.

Commissioner Pane: I can't imagine the State putting something in that would, I can't image that they would do that.

Chairman Aieta: These signs are normally above the sight line of a car, correct?

Commissioner Sobieski: Yes they are. I'm just thinking that is kind of close to it. I would think that you might have somebody driving and somebody pulling out. That is all I was concerned about. You might want to contact the DOT and make them aware that there is a

new driveway in there, because maintenance puts them in, or a contractor puts them in, and they don't necessarily question as to, is this where you want it?

Craig Minor: I'm really uncomfortable picking up the phone and calling DOT and saying that I don't think that they are doing their job correctly, and I can't think of any tactful way to say it, so I'd rather not, but if a citizen wanted to call and tell them that they aren't doing their job correctly, I think a citizen could do that.

Commissioner Sobieski: I'll do it, I'll take care of it.

Chairman Aieta: Would you please, and let us know, because I went by there and it didn't look right, and Domenic brought it up. I thought it was their sign.

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Bottalico. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary