

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

July 27, 2016

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 Chris Miner
Commissioner Domenic Pane
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner John Bottallicco-A
Commissioner Michael Camillo-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner Paul Giangrave-A

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Andrzejewski.

III. APPROVAL OF AGENDA

No Changes

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

Gail Budrejko, 21 Isabelle Terr: As a resident and member of the Open Space Committee, I have just a few comments on the proposed open space zoning from the discussions that occurred at the last meeting. This seems to be hijacked from the original intent which was that our parks and designated open areas are preserved and protected. Many residents were surprised at the zone of Mill Pond Park, when we learned that the underlying zone of that area, which was set aside for conservation and recreation were open to development. The intent of the proposed zone was the protection of existing parcels for their present use. Existing parks and town owned land are designated for open space, such as Cedar Mountain South. Listening to the discussions at the last meeting about private land, acquisitions of private land, spot zoning, and the endless parade of "what if's" seemed to me derailed the goal and created unnecessary problems. If the town acquires additional land specific for open space, such as Cedar Mountain North, the intent is just not to acquire land donation but (inaudible). Just as today as Newington's approach for any land of any donation, it will be

evaluated for benefits, and we can say, thank you, but no thank you. On a side note, it was stated that the Open Space Committee wants to get every tiny undeveloped in town, classified as open space, and that simply is not true. As a member of the committee that attended every meeting, there was no discussion or no desire for any type of random or useless acquisition. That is a disservice to the Open Space Committee. Back to the point, we have multiple maps with areas designated as open space. So some thought was put into what should be preserved and used as open space and conservation. Previous administrations recognized the value of parks and conservation, and deliberately designed open space, on the neighborhood level, such as the Candlewood Park, or on the greater level, such as Mill Pond or Churchill. The current TPZ's discussion strayed very far from the need. Maybe we shouldn't call it an open space zone. Call it Sheltered space zone, or Secured space zone, it doesn't matter, but the point is, we have existing areas of town, existing, that we want to preserve in their current status. We want to protect what we have, and one last thing, yes, the (inaudible) is centrally zoned. It could sell or develop any piece at any time for any purpose, I get that, and the town can change some ownership if an opportunity comes along, I get that, however, establishing a new designation will create and impose a serious deliberate process before any thoughts of development. Thank you.

(Inaudible) 504 New Britain Avenue, Newington: I'm a Newington resident and I'm also a physical therapist and in full disclosure, I am a physical therapist for Newington schools, but that is not why I'm here. I'm here as a Newington resident to, I would like the town Planning and Zoning to consider accessible housing at one or both of our bus stations. It doesn't have to be a high density unit, even ten accessible apartments would greatly help adults who are capable of having a job, capable of living in their own apartment, but maybe cannot drive. If there was accessible housing for these people, they could access the busway, get to Hartford, for doctor's appointments, New Britain for doctor's appointments, to get to their jobs, to get to a grocery store, to get to the things that they need to get to. There is never, ever enough housing for people with disabilities, so I think that the town zoning should consider that, even our graduates from our transition academy, they have jobs, but they still are scrambling for transportation. If they could live in an apartment, live independently, would have access to transportation that would be ideal, so while shops and all those things are great, and you want to draw people to the area, we also want the busway to be accessible to all people, including people with disabilities, so I would like you to consider that when you think about what will go in those spots. Thank you.

Chairman Aieta: Thank you. We will take that into consideration, that is something that I don't believe that we looked at independently when we looked at the Fenn Road area. The Fenn Road area doesn't lend itself too much to housing. The area that we are looking at now has housing, so I think that is something to take into consideration. Thank you.

V. **REMARKS BY COMMISSIONERS**

Commissioner Bottalico: Last meeting I brought up the hot dog stand on Stamm Road, and since then I went down there and I looked at it. The truck, the trailer, the tent and the chairs and table are in the street. My question to you is, if we have an accident there, and I know there was a trailer truck situation that last week, what's the liability of the town?

Chairman Aieta: The permit for vendors in the town comes under the purview of the Police Department. The Police Department issues those permits so the Police Department should be monitoring them. If there is a problem, since you brought it up, we will have the Planner send a note to the Police Department to inspect it and find out....

Commissioner Bottalico: There's one more thing, they also have 18 x 24 signs in the lawn saying, Restaurant Open. That's also a violation, is it not?

Chairman Aieta: Yes. So we will have the zoning enforcement officer take a look.

Commissioner Bottalico: One more thing, the Shriners, on Deming Road, there is a truck, parked at the end of the parking lot, and that has been there for over a month, advertising the Sunday morning Church Services. Like anything else, like Sloppy Waffle, or the rest of the stuff we decided, to me that's a billboard.

Chairman Aieta: We'll have the Zoning Enforcement Officer address that.

VI. PUBLIC HEARING

A. Petition 30-16: Zoning Text Amendment (Section 3.19 B: Newington Junction, TOD Overlay District.) Town Plan and Zoning Commission, applicant.

Craig Minor: This regulation follows on the heels of a similar regulation that was adopted by TPZ a few months ago, for the Cedar Street Fastrack neighborhood. This is a regulation called a Transit Oriented Development Overlay District, and what the regulation does, just like the one down at Cedar Street, is it allows property owners in the district to first of all, continue to use their land the way it is currently zoned, that remains unchanged, but it would give the opportunity to do additional things with their land, subject to these regulations, subject to public hearing, subject to significant over view by the Planning and Zoning Commission, subject to public input, many safeguards of that sort. So the regulation that we are considering tonight was based, as I said on the Cedar Street station regulations, but they were modified because the Newington Junction neighborhood is quite different from Cedar Street. A lot of people live in the Newington Junction neighborhood so the basic regulations are the same, there are things that the Town is trying to encourage, there are incentives offered to developers who want the type of development that the Town wants to encourage, but there are also checks and balances. So I think what I will do is go through the regulations. It's about four pages long, so do you want me to.....

Chairman Aieta: Yes, I think there is enough public interest in this that we give them as much information as we can.

Craig Minor: There are about fifteen copies of the draft regulations in the hall, and anybody who is here on this item was able to pick up a copy of it. I'll start with Section 3.19 B. Newington Junction Transit Oriented Development (TOD) Overlay District.

1. General

- A. The Newington Junction TOD Overlay District is an overlay for parcels within approximately one half mile of the CTFastrack Station at 160 Willard Avenue.
- B. The use of land, buildings and other structures within the Newington Junction TOD Overlay District shall be established and conducted in conformity with either:
 - a. The underlying zoning classification or
 - b. The requirements of paragraph five of this section.

This is not intended to prohibit any use permitted in the underlying R-12 residential Plan, RP, B, Business or Industrial I zones, rather it's purpose is to give property owners to use the parcel's proximity to CTFAstrack for leverage development of greater community and/or economic value. The creation of this overlay district is accordance with the 2020 Plan of Conservation and Development general goal of "locating smaller mixed land uses adjacent to future transit stations, when they are established." The strategy of establishing TOD sites at appropriate locations where transit stations have been established." That is from page 24 of the 2020 Plan of Conservation and Development.

Let me divert for a moment. The reason that this paragraph is in bold and underlined is because this paragraph does not have a counterpart in the Cedar Street station regulation. I'm sorry, it does, but the boundaries are different.

The Newington Junction TOD Overlay District is approximately bounded on the north by the West Hartford municipal boundary, on the west by West Hartford Road and Fenn Road, on the east by Francis Avenue and Day Street, and on the south by Chapman Street and Fennwood Circle.

Let me divert again. These boundaries are by no means, not even written in sand yet. This is just a general location and one of the things that the Commission will talk about is whether to use just a concentric ring as the boundary, or do you use specific streets as boundaries but that is still very much in plan. I don't have a strong recommendation which way to go. That will all be decided after public hearings and with the Commission's deliberation.

2. Purpose:

- a. The purpose of the Newington Junction TOD Overlay District is to promote small pedestrian oriented mixed use development with walking distance of the CTFAstrack station at 160 Willard Avenue which will grown Newington's grand list, create employment opportunities, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities without substantially impacting the existing character of the neighborhood.

Let me divert for a moment. The reason that this phrase is bold and underlined is because that phrase is not in the Cedar Street Station regulation.

- b. This purpose will be achieved through the following specific objectives and uses:
 1. Mixed use development which will provide opportunities to live, work, shop and/or be entertained within a single project, and when appropriate in the same building.
 2. Dining and Entertainment clusters.
 3. Bioscience, advanced manufacturing aerospace engineering, information technology, and other advanced technologies.

3. Definitions:

- a. "Mixed use development" shall mean development on a single parcel (or two adjacent parcels with shared parking) that contained at least one of each of two or more of the types of uses listed below:

1. Retail (including dining and entertainment)
2. Office (including medical and other personal service)
3. Industrial (including research and light manufacturing)
4. Residential, not to exceed ten units per acre.

- b. Dining and entertainment clusters shall mean development on a single parcel or adjacent parcels with shared parking that could take two or more restaurants, bars, theaters, or entertainment venues.

4. Incentives:

Development proposals that contain “any of the specific objectives and uses” described in paragraph two, may be eligible for the following incentives:

1. Less mandatory landscaping, i.e. more usable floor area.
2. Less Mandatory on-site parking
3. Reduced front, side and rear yard setbacks.

Eligibility for the incentives will be based on the following:

1. The need for the proposal activity as determined by TPZ
2. The public benefit of the proposed activity as determined by TPZ
3. Public amenities included in the proposed activity
4. The extent to which the proposed activity enhances the vehicular, and pedestrian circulation in the TOD Overlay District.
5. Architectural and functional compatibility of the proposed activity with nearby building and activities.

5. Procedure:

- a. Any application for approval of an activity that complies with the underlying R12, RP, B or I Zone shall be processed in accordance with the sections of the zoning regulations relevant to that zone.
- b. Any applications for approval of an activity that does not comply with the underlying R12, RP, B or I Zone that includes “one or more of the specific objectives and uses” listed in paragraph 2B shall be processed in the manner outlined below.
 1. No single use may be permitted that is not allowed in the underlying zone. However, a mixed use development may be permitted so long as at least one of the uses is allowed in the underlying zone.
 2. The applicant shall apply for a special permit in accordance with Section 5.2. The application shall include the following:
 - a. A detailed description of the activity and how it promotes the purpose of the Newington Junction TOD Overlay District.
 - b. If the application proposes to use any of the incentives listed in paragraph four A, the application shall include a report, prepared by an appropriate professional with detailed descriptions of the following:
 1. The need for, or the benefit of the proposed activity.
 2. Architectural or functional ability with adjacent or nearby buildings and activities and,
 3. Public amenities included in the proposed activity.

The applicant shall apply for site plan approval in accordance with Section 5.3 of the Zoning Regulations. The site plan shall address the following:

- A. Layout of streets, alleys, lots, building sites and other elements of the development shall be designed to maximize safe and convenient vehicular and pedestrian access to the CTFAstrack Station and where appropriate, provide the views and amenities that help to define the CTFAstrack Station as the focal point of the District.
- B. Vehicular and pedestrian circulation systems shall be designed to allow vehicular and pedestrian cross access to existing or allowable development on adjoining lots.
- C. Driveway curb cuts are allowed only if vehicular access cannot be provided via cross access easement. Driveway curb cuts shall be no wider than 24 feet and shall be located at least fifty feet from a street intersection and at least 100 feet from another driveway curb cut on the same block face.
- D. All development in the Newington Junction TOD Overlay District pursuant to this section shall provide sidewalks along any State, Town or private street.
- E. Buildings shall be configured in relation to the site of other buildings so that the building walls, frame and enclose one of the following if applicable;
 - 1. the corner of street intersections or entry points into the development
 - 2. A main street or vehicle access corridor within the development site,
 - 3. Parking Spaces for other site amenities on at least three sides, or
 - 4. A plaza, pocket park, square, outdoor dining, or other outdoor gathering space for pedestrians.
- F. Architectural elevations submitted in accordance with Section 5.2.4 shall be prepared as follows:
 - 1. For the street level façade of the building that faces the CTFAstrack station or a public gathering space, no less than 25 percent of the façade area shall be comprised of transparent window or door openings to allow views of the interior spaces and merchandise.

That it is. A lot of this language came from model regulations proposed by the Capital Region Council of Governments. These are more or less typical requirements for an overlay zone.

Chairman Aieta: Any Commissioner questions or comments at this time?

Commissioner Sobieski: I want to make sure, I looked at the map back here, and there are a lot of residential properties, there are four houses on Day Street near Main, and if that is developed in some way, shape or form, I want to protect those houses. I want to give them enough buffer. I think that they deserve that, along with some houses on Francis Avenue and along West Hill Road. Anything that is not developed needs a good size buffer in there. I don't want to reduce that in order to try to get something. These residents live there, it's their domain there, and I really want to protect as much as possible, those people from having any adverse affect.

Chairman Aieta: People wishing to speak in favor of this application? Please come forward, state your name, for the record.

Bob Valerie, 108 Patriot Lane, Newington: I am not for or against it, the only question I had was in the paper this morning it said that the plan was to have restaurants below and apartments above. I think all restaurants should be on a separate pad, instead of being

stacked. Safer because of fire, our fire department would have a tough time getting through all of that. It could be a fast fire. It could happen. We will have to see how it works out for Raymour and Flannigan. That is a big operation. On the Berlin Turnpike, southbound between Prospect and Robbins, there is a Chinese restaurant with take our orders and a cleaners, who has a problem with odors going into the clothes that are being taken out. Reno had a plan in Wethersfield at Nott Street and the Berlin Turnpike. The original plan called for a restaurant and apartments. That was taken out and they went back to putting a convenience store and a package store on that property. If you go into Mystic, they are trying to finish up from the fire three years ago, it's still a vacant lot. Now they took all the restaurants out, they don't want them stacked any more. It's retail and above the retail there are apartments, much safer. You go into Westerly Rhode Island they have a beautiful section of street. They have done the exact same thing, but on the main area, it's all shops, you can walk the whole mile and can get anything you want in this area. The best success story is Lakeland Ranch in Sarasota Florida. They built Lakeland Ranch, and told people work here, play here, live here, educate your kids here. It grew so fast that they have more schools, a town hall. They built a Main Street, and that Main Street is strictly retail and apartments and condos upstairs. All the restaurant are on separate pads, so anything you do there should be for safety, because we don't have a paid fire department. My other question is, where is the stacked garage going to go? On the same area?

Craig Minor: Where would what go?

Bob Valerie: The three tier garage. The state was talking about putting a three tier garage there. I don't know who was going to run it, the State or the Town, but that is on their plans.

Craig Minor: Right, I think there is some thought about putting the parking facility on the property that the Town owns, the National Welding site.

Chairman Aieta: That's talking about the Fenn Road area, this regulation is specific to Newington Junction, so I don't know what their plans are for additional parking at Newington Junction. I don't think there is any vacant land.

Anyone else wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application?

Rose Lyons, 46 Elton Drive: I'll try not to be negative about it, but I do hope that the quality of life of the people that have been living there for years is considered. My sister-in-law lives on Chapman Street for years, and when CTFastrack came in, they didn't start right away, but they started taking houses down, and putting things up, and they didn't maintain the area. I think that they are maintaining it now, but I would like to see something done with the traffic pattern. I'm quite honestly getting tired of getting blown off by people that are coming out of West Hartford into Newington in the left hand lane where they are supposed to be going down Francis Avenue, and they cut you off as they come speeding up on the left hand side. The traffic pattern there, I don't know what it is, I'd like somebody to explain it to me, but that's an important part to me. No matter what you put on either side of the road, the way that the traffic flow goes is important. When Dunkin Donuts went in, several years ago, there were restrictions, and as far as I can find out through the Chair, Mr. Prueett and the former Town Planner, Mr. Meehan, nobody ever followed up to see if those conditions were ever met. As a matter of fact, I don't think they could even find what they were, so if there are conditions that you are going to impose upon whatever is built there, let's make sure that someone follows up on it to see that in the future that whatever you have put on that restriction is holding true, and as I say, the quality of life for the people who have been there

for years should not change. I know that people like to build, we need more income for the Town, but we also need to retain people who have been here for many, many years.

Gail Budrejko: Not really in opposition, but I have a question on the incentives. The incentives, reducing on-site parking and reducing side and rear yard setbacks. For these developments that are proposed, what happens to green space. When the Department of Transportation made these wonderful presentations, about what the transit oriented development could look like, it was very walkable, pedestrian friendly, and a community center and small parks and playgrounds, (inaudible.)

Carla Santoro, 93 Francis Avenue: I agree with what the gentleman said, and what this woman just said, a couple of things. The quality of life that we have now, on Francis Avenue, it's diminished a lot in the last couple of years. I'm sure you know, traffic and people who do not live in our neighborhood, the crime and everything else. My concern too is, they are talking, like she said, about the parking spaces, so what are they going to do, take some more of our front road, which they already took about fifteen years ago, there is nothing left for them to widen the street. So if they are not going to do that and put in sidewalks, it's not going to help the pedestrians, therefore all of the people will be parking in front of our houses. It's going to cause worse traffic jams, accidents, you know, we need to be respected as people who have lived there for years, which is what they said.

My other concern is if one of the things opening there is a bar, and I don't know how far down Francis you are coming, I live right across almost from Muir Printing, if you are going as far as there, I'm not going to enjoy my house with my rooms in the front that I use the most, at midnight when people are carrying on in a bar. So, if this does go through, are there restaurants that are going to be open only during the day, or are they going to have liquor permits, I mean, I think you are opening another whole can of worms when you get into this type of stuff. Those are my questions, and it's already bad enough where we are. If you widen the street, you are talking a lot more of our land, and now we are subjected to bars and mixed use housing and low income housing, and what about the people, I've been there for thirty years, what about us, and my neighbors, so I really think somebody needs to reconsider this and I don't think you should come down Francis Avenue. It doesn't make sense, or there won't be any place to put the traffic, snow, the sidewalks, and that is how I feel about it. I think we are the ones that need to be respected, more than a developer and the people who want to make the money.

Chairman Aieta: Anyone else wishing to speak at this time? Any Commissioner remarks?

Commissioner Sobieski: This needs to go at a really slow pace to figure out what we are doing. I don't want to see neighborhoods devastated as I have gone on record before, Mrs. Santoro said Francis Avenue is ninety percent residential with only five percent of mixed use at the other end where Cashway was. To additionally put traffic through a neighborhood that already has a substantial amount of traffic there now, people use it as a cut through. One of the neighbors was telling me that at six o'clock in the morning, you can have someone going down there at sixty miles an hour, because it is a cut through between Main Street and Willard Avenue. I can only imagine what is going to happen when the railroad station comes in, so I think we need to be respectful of the area. I mean, respectful of the people who live there, something, if you do any type of development in that area, the residents have to have more of an input to see what will fit in there. I'm sure there are people who live next to bars, people come out at one, two in the morning feeling pretty good, yelling, screaming, and we have any complaints to the police department about that, so I want to keep these neighborhoods as residential as possible, I want to respect what they have. Thank you.

Chairman Aieta: We could do that by adjusting the boundary lines of the areas that we are talking about. You have to remember that these regulations that we are looking at, gives the public a tremendous amount of input on every application that comes before us, every application that comes under proposed regulation has to come for a special permit which requires a public hearing, so you would have every application you would have the opportunity to come and speak your mind and tell us what is right or what is wrong with this particular application. Every single one! The safeguards are there for the people that live in the area. We knew that this was not going to be an easy pass for us, because there is a tremendous amount of residential in that area. We're still developing this. We have not defined the areas that we are considering as the boundaries for this regulation. I envision more of this type of activity on Willard Avenue. I don't envision them on Francis Avenue. This Commission has the opportunity to look at the boundaries and more safe guards for the residents.

Commissioner Sobieski: I was just concerned by waiving some of the distances, bringing businesses closer as an enhancement that we would be bringing the area down. That is all I was concerned with.

Chairman Aieta: We will leave this application open and will take it up again at our next meeting. We will continue the public hearing portion we would like to hear from you, and the Commission will have an opportunity to discuss what we have heard tonight.

B. Petition 32-16: Special Permit (Section 3.4.4: Home Occupation and Professional Office) at 51 Gilbert Road. Kristin Vacca, applicant, Frank and Kristin Vacca, owner; Frank Vacca, 51 Gilbert Road, Newington, CT, contact.

Frank Vacca: Good evening ladies and gentlemen, my name is Frank Vacca, I'm a professional engineer and I'm a resident at 51 Gilbert Road. I'm here on behalf of my wife, Kristen Vacca. She is a professional photographer and she is the owner and operator and the single member of the LLC The Flashlink Photography LLC, all based out of our house. We are here tonight to respectfully request approval for a special exception for a home occupation out of our house.

A little bit of background as I said, she is the owner and operator, she's been in business for approximately five years where she has done on location photography, she's done weddings, engagement sessions, and on location children and family sessions, off site at parks or wedding venues and so on. Our proposal here in front of you tonight is, over the past year or so my wife is moving her business more in the direction of new born and early childhood photography, and that style of photography lends itself to a studio setting, so for the last year and a half, I have been in the process of finishing a portion of my basement into, with the intention of eventually making a studio out of it, and tonight, the reason that we are here is one step towards the goal of achieving that studio. I did prepare a list of actions to meet the regulations for the special exception, Section 3.4.4. Number one, the space of the finished portion of the basement is less than the maximum required for the total amount of the home occupation in coordination with the total floor space of the area. Number two, the studio and office is going to be in the basement. There is not going to be any outward appearance of the business from the outside of the house with the exception of, we would like to install an announcement sign based on the regulation, a two square foot sign. It would have the logo on a white background and architectural mounting, in the front of our, we have a landscaped area in front of our house, and that is where we would install the sign. Number three, due to the size of the studio space being primarily for newborns and early childhood, we do not anticipate there would be any more than two vehicles coming to our house at one time for

use of the studio. If my wife were to get a request for a larger family session that would require a multiple number of vehicles, she would basically do what she has been doing for the past five years, she would be on location with them, and then she would bring the photos back by herself to the studio, to the office. Number four, we are the proud parents of a two year old who stays home with my wife on a daily basis, and she will be doing that or the next two years, until she goes to kindergarten, so we are requesting that we do the three year time period for the permit because we are anticipating that for the next two years that my daughter is home that it's not really going to go great guns, so the three year time period on that would be fine. That's pretty much it for my presentation, thank you very much and again, we respectfully respect that you approve this special exception.

Commissioner Pane: A little bit more information on the sign that you want to install. Approximate location, will it be closer to the house, will it be.....

Frank Vacca: This is an aerial of my house right here, this is Lloyd Street, this is Gilbert, here on the corner, this is my driveway, I have a very small landscaped area right here, closer to the path to the main entrance, and our intention is to place the sign in that landscaped area right there.

Craig Minor: Mr. Vacca, could you do that again, point on one of the screens so the audience can see.

Frank Vacca: Sure. We have the landscaped version right in the front of the house, come out the door, along the path, the driveway right here, we would have the sign in the landscaped area.

Commissioner Pane: You realize that the permit, when it is for a special exception, when it says 1,2, or 3 years, it is renewable. You can come back and have it renewed. The reason we do that is just to make sure that there are no problems during that initial period of time.

Commissioner Serra: I realize in this business the hours vary, but what would be the latest appointment? As far as the hours, what type of a schedule are we looking at?

Frank Vacca: Typically the only time, the latest that we would probably meet with a couple would, and this would be for wedding couples, the latest, depending on their schedule I would anticipate no later than 6:30 p.m.

Chairman Aieta: Anyone wishing to speak in favor of this application, please come forward, state your name for the record, and your address.

Patricia Zerbicki: I live right across the street on Gilbert Road, I would have no issues with that at all. She has done actually our family portrait, off site and she does beautiful work.

Chairman Aieta: Anyone wishing to speak in opposition to this application?

Commissioner Pane: I recommend that we close this petition and move it to Old Business for action tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

C. Petition 33-16: Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects, applicant, Newington VF LLC owner, Bryan Slonski, 325 N. LaSalle Street, Chicago, IL, contact.

Jeffrey Lebeau of the Freeman Companies began the presentation of Petition 34-16 for a Drive through Lane at Panera Bread, 3120 Berlin Turnpike. Mr. Lebeau stated that the drive through lane would have a queuing lane of ten cars, and while six cars are normally the norm, the number of ten would certainly not conflict with the traffic on the site.

Tom Howley, Howley Bread Group: Panera is moving very dramatically towards drive throughs and it has become very important to us to remain competitive. I think that it will allow us to be more competitive in Newington, and for the people that we serve, and it allows us I think to make a long term commitment to that location. We are in the process of moving some of our restaurants so that they can become drive throughs, we really would very much like to address that café to provide better service for our customers.

Jeffrey Lebeau: Section 5.2.6 B, Existing and probably future character of the neighborhood in which the use is located.

Chairman Aieta: That is self explanatory.

Jeffrey Lebeau: The size and location of accessory buildings.....

Chairman Aieta: I think that is self explanatory as well.

Jeffrey Lebeau: Traffic circulation within the site; amount, location, access to the parking; traffic flow, possible circulation problems on existing streets, proposed streets, driveways, impact on existing streets, so I think we did hit on a few of the points as far as the traffic circulation. It would be ten maximum queued cars going in a counter-clockwise direction. Some of the parking will decrease because some of the existing customers will now go through the drive through. We didn't account for that in our parking count, because we wanted to stay conservative.

Going to E, availability of public water, sewer, that's not applicable.

Storm water system, we do have two proposed rain gardens currently, we did meet with the Town Engineer and the Assistant Engineer, last week, and they are tweaking some of our low impact development designs, and we're going back and forth on the final design, but we are both on the same page as far as the intent and the function of increasing the quality of the storm water run-off.

Location and type of display signs, lighting, landscaping and impact of signs on adjacent properties. We are proposing two signs, we have a proposed menu board and we also have a proposed order board. The proposed menu board would be here, and the proposed order station would be here.

Protection of adjacent property. Other things that I did not mention is that we are proposing screening as part of the drive though. We would have to relocate the electrical transformer that is shown right here where the pick-up window would be. We are proposing to move this, within the setback, up in the northwest corner and we are proposing shrubs to landscape and buffer that. We are also adding, where the patio is currently, we're also proposing to add I believe four more trees for landscaping improvements.

I apologize that I didn't have that prepared in writing ahead of time.

Chairman Aieta: That's it?

Jeffrey Lebeau: I believe so.

Chairman Aieta: That is what we need under this section of the regulations.

Jeffrey Lebeau: We can put all of those responses in writing.

Commissioner Sobieski: I still have a problem with the way that the drive through is coming in. You are still crossing traffic even though I see that you installed a stop sign with a stop bar, and you have a rumble strip to pull off. I'm in my vehicle, I decide that I'm not going to order, and I'm just going to pull out like this, back into the traffic pattern of the circulation. Am I correct?

Jeffrey Lebeau: Meaning here?

Commissioner Sobieski: Yes.

Jeffrey Lebeau: No, you won't be able to. We have a rumble strip and delineators.

Commissioner Sobieski: So once I get in there, there is no bail out lane am I correct?

Jeffrey Lebeau: You are correct in that statement, however we did address, we did accommodate from last time, we made this area wide enough, at the actual pick-up window, we started a flare of the pavement in this corner, to the window and then down, so that, granted we didn't have enough physical space to provide a full by-pass lane, we do have a by-pass bay right here, so let's say you decide that you don't want to order and you have to get out, you can bail out right here.

Commissioner Sobieski: What's the width of that lane here?

Jeffrey Lebeau: It's fourteen.

Commissioner Sobieski: I see fifteen going around on this plan here.

Jeffrey Lebeau: It may be fifteen to the back of the curb.

Commissioner Sobieski: That's correct, and then you go into the ordering pad, and you have eleven going out here.

Jeffrey Lebeau: That's correct. We just widened it right here.

Commissioner Sobieski: So if I have an oversized vehicle and I'm sitting here picking up my order and this Dooley pickup, which is a little wider than a normal vehicle, I'd still be able to, if I changed my mind, I want to by-pass, would I be able to do that?

Jeffrey Lebeau: If someone doesn't open their passenger side door. It would be right, I give you that, but most vehicles are not the full eight feet wide, so they could, but it's tight if it is a wider vehicle.

Commissioner Sobieski: How are you going to get your deliveries? Are they going to be prior to the business opening, or after the business closes?

Jeffrey Lebeau: There are going to be two sets of deliveries, and if I don't explain it well enough, Tom is here to explain it. There is a large truck which is a WB-50 the smaller of the tractor trailer vehicles, and they come at night, eleven at night and they would pull adjacent here, and temporary block these spaces, but again, this is eleven p.m. and they would cross here, so the regular business would be closed, and there is another set of deliveries that I think are at five p.m. every other day or maybe.....

Tom Howley: The main deliveries that Jeff is talking about come some time between eleven and twelve thirty at night when we are closed, so we need a lay down area for that to happen in that space back there, and then, we have a daily delivery; those deliveries happen Monday night and Thursday night, and then we have a daily delivery of fresh dough and that comes in at five o'clock. It's in a smaller truck, but the larger truck takes approximately thirty to forty-five minutes to unload twice a week, eleven, twelve o'clock at night, the fresh dough truck comes in around five o'clock at night, and it takes typically about fifteen minutes to unload it. The ideal place for us to do it would be back there.

Commissioner Sobieski: So basically you would close off the ordering lane to get the truck in there?

Tom Howley: What they would do is they would take hand carts, we do this in other locations, take hand carts and they would have to cross that ordering lane with the hand cart, but that's very manageable for us, we do that, and we have our service bays back there. The dough comes in on a cart and we would just roll it into the café, so we need a little curve, step up to where the doors are, but we would cross over the drive through lane. We do this in, we have five drive through locations in our company, and I think four of them, that's how we do it. Just like that.

Commissioner Sobieski: Are all your locations exactly the same, are they similar?

Tom Howley: They are similar, very similar, sort of a standard design, and in terms of the queuing capacity, they standard design for Panera, their standard design is six cars, six is acceptable to them. They would like to have an eight car capacity, so we have ten which is more frankly than we have in our other locations. The sales volume at this location is less than the other locations, although I would like to think that was going to change dramatically, I don't think it will. I think a drive through will help us there, but we will be still be doing lower volumes than our other two locations, so we are pretty confident that a ten car capacity line would be more than adequate.

Commissioner Serra: The side door that we talked about the last time you were here, facing the Berlin Turnpike, there is going to be a wall or partition there to keep somebody from going out across that lane.

Jeffrey Lebeau: It's going to an architectural fence, about four feet.

Commissioner Serra: When these cars come out, they are coming behind, still coming behind those handicapped spaces, correct?

Jeffrey Lebeau: Not directly. They would be exiting here, but then they would have to make an immediate left turn.

Commissioner Serra: So they are going to come down the length and out the rear driveway.

Jeffrey Lebeau: Correct.

Tom Howley: I thank you for considering this, I really do. It's important to us, and I appreciate all of the time you have taken.

Chairman Aieta: We will open it up to the public at this point. Anyone from the public wishing to speak in favor of this application? Anyone in opposition to this application?

Craig Minor: The Town Engineer has concerns with this project, some of the radii. He put in a memo to the applicant, sure the computer designed this, and a computer would make those turns, but human beings need a little margin for error, and there is no margin for error on this. So, Jeff, I'm sure you want to address that, but the Town Engineer is not satisfied with the design, so I'm recommending that we keep the hearing open to receive the Town Engineer's final comments on this.

Jeff Lebeau: Thank you, and I appreciate you bringing that up. The plan in front of you is the revised plan that we presented back to engineering as far as the horizontal geometry and they were correct as far as it was a tighter maneuvers, with the auto turn program, of course it looks good on paper, but what we did in the office, we moved these radii out, in other words, this one was at fourteen, this one was only a five foot radius. Now we have two fifteen foot radii, it's more tangential, it's more (inaudible) so that cars can make that move, so this plan in front of you has already been modified, and it's back in front of the Town Engineer for their comments and final blessing. The plans that you have in front of you, that we originally submitted have not been updated yet, with the final turning radii.

Chairman Aieta: Under those conditions we will keep the hearing open. We will hear this again under Public Hearing at our next meeting on August 10th.

D. Petition 35-16: Special Permit (Section 3.2.9: Daycare) at 41 West Hartford Road, (Temple Sinai.) Family Tree Childcare, applicant; Temple Sinai of Newington Inc., owner; Jean Sutton, 117 McDowell Road, Middletown CT, contact.

Jean Sutton, 117 McDowell Road; Middletown: I'm the owner of the Family Tree Childcare.

Chairman Aieta: Give us an explanation of what you wish to do.

Jean Sutton: We would like to run a child care center out of the Temple Sinai classrooms at the back of the building, on the first floor, 3500 square feet. There is a rough diagram of how the classrooms will be set up. This particular space was previously used as a day care, in the 90's and also in 2007. We would be running this with the potential of 45 children at the max, and we would be employing up to 25 employees and volunteers and consultants. We see a need for a day care in Newington as I understand that two have closed recently. We would appreciate the opportunity to run a day care out of this location.

Chairman Aieta: Any questions from the Commissioners? Any comments? Any questions for the applicant?

We will open this up to the public. Anyone wishing to speak in favor of this application?

Laura Reatal: I worked with Jean, at the church. My husband is the Pastor, and both she and her daughter Chelsea run the nursery there, and they do an excellent job and they watch

my kids and I cannot say any thing but the highest regard for those two people. I would love to see a daycare, and I would definitely send my two there.

Chairman Aieta: Anyone else wishing to speak in favor of this application, please come forward. Seeing none, anyone in opposition to this application?

Deborah Brodacki Magnuson, 10 Church Street: Is this the right time to speak if I have questions?

Chairman Aieta: Yes.

Deborah Brodacki Magnuson: I have concerns in that this is going to be a for profit business being run in a not for profit, non-taxable religious facility. Is this going to be a for profit business, or run by semi-retired parishioners from the congregation that would be running the day care, because that would be a big difference. If this is a business, or like a community service and the money would be going to the cost of the day care. I just don't want this to open up a big can of worms saying anyone could start running businesses out of non-taxable properties. Thank you.

Chairman Aieta: Can the applicant come forward at this time and try to answer that question?

Jean Sutton: I have with me Ken Lessor, and I'll have him answer that question.

Ken Lessor: Nice to be back here in Newington, first of all, thank you for the opportunity to speak, we have run a day care out of the Temple Sinai, not we, but we have had a day care for many, many years and the way it worked in the past and the way it will work in the future, they do pay a fee. They run their business out of the Temple, and it's a for profit business. They pay a fee, a rental fee to Temple Sinai, and we have had, I'll say, ten to twelve years of that.

Chairman Aieta: Thank you for the clarification.

Chairman Aieta: Anyone else wishing to speak in opposition to this application? We will keep this application open for another shot at it on August 10th. The public hearing will be continued until then, and there will be an opportunity to get some more information if there is anything else that can be provided.

Jean Sutton: I would also like to mention that the property was put out to the public to rent it for potential day care, and this is why we pursued it. It wasn't anything (inaudible), it was something that was available and we looked into it, and the Fire Marshal has already inspected this building, the Health Department has already inspected the building, and they have made some recommendations for improvement to the building which are happening at this time. There would be a benefit to the synagogue in that they would benefit from the lease payments so if anyone can let me know ahead of time before the 10th what you might be looking for as far as more information, that would be welcomed by myself, and I would also like to make a statement that since we have been in this process since March and really have thought it well and clear and are in the throes of applying to the State for the license, because it is dependent upon the zoning approval. I would really appreciate any expediting that we can do because I would like to be able to open the daycare as close to school opening as possible for parents who need a daycare. I would also like to mention that I visited the Newington library across the street, as well as the West Hartford library, and both

children's librarians were very excited about a day care opening at Temple Sinai in that there are a lot of people on waiting lists for day care and this would accommodate those families that have been needing a day care. I just want to get that on the record.

Craig Minor: So could we following up on that, what information we are looking for?

Commissioner Pane: I don't need any additional information, but I think everybody is aware that, I personally think that this is a fantastic idea, it's good for the community and everything and I think because of a past decision that was made by this Commission on a previous application, that this Commission has to look at this closely to make sure that it is making the right decision.

Craig Minor: So the profit, non-profit issue?

Commissioner Pane: That was the reason why a previous petition was denied. So, I was all for it as you all know, the last application that came in. I think the Commissioners here need to address the way that they are going to go. They might want to, one suggestion might be, and this is up to the Chairman, one suggestion might be consulting with the Town Attorney about how to handle this, that's one suggestion.

Chairman Aieta: Just, this is all public information, there is nothing proprietary about what we do here, there was an application that came in this year for an adult day care at the temple on Church Street. The application was denied. The denial, part of the denial was because it was a for profit, it was running a business in a residential zone. That was part of the reason, but it was not the only reason that this application was denied. There was a tremendous amount of input of the residents who lived in the surrounding area, that had problems with the proximity of the people who lived in the neighborhood to the operation, and it was also, the difference between these two operations, one was an adult day care, which was more in the style of a nursing home, and this is basically a child day care, so there are specific differences, but this Commission I think has to make a determination as to how we are to proceed, considering the application that we had denied recently.

Craig Minor: Well, the reason that the previous one was denied, there were two reasons. The previous applicants failed to satisfy the Commission that there was a need for the proposed use at that location, and the other reason cited for denial was the existing and probable future character of the neighborhood in which this use was located. The Commission was concerned that the facility would not be operated by the congregation that owned the building but rather by an independent commercial entity, and the commercial of the activity was more likely to detract from the character of the neighborhood. So those were the concerns that the Commission had with the previous applicant. So it would be appropriate to get on the record your information leading to a conclusion on your part as to whether this proposal would have the same impact on the neighborhood.

Chairman Aieta: So we will leave this open for the next meeting which is August 10th. If we find ourselves being able to come to a conclusion and because we don't have another meeting until September we will probably take action at the August meeting so that you will have an answer and not make you wait a long amount of time to get an answer. We want to keep it open in case there is additional information that needs to be put on the record for the public hearing. We will see you on August 10th and hopefully we can come to a conclusion on this.

Commissioner Serra: Commissioner Pane's thought were exactly what I was going to say, we need to look at this hard, and I also would like an opinion from the Town Attorney, if this applies to apples. I'm not against the idea at all, but I want to make sure that we do this the right way.

E. Petition 37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner, Rick Walsh, 10 Columbus Boulevard, Hartford, CT, contact.

Richard Walsh: Good evening. We are here for approval for activities in the wetlands, the wetland buffer zone. We received approval on June 21st from the Wetland Commission for this activity and apparently there is a requirement for a special permit rarely utilized from this Commission. WPOP radio has broadcast from this facility for over 80 years and we are looking to make some improvements in the facility. I have with me a professional engineer, Herb May from Macchi Engineers, who will further provide information at your request.

Chairman Aieta: Just like the application that we just heard, you will also come up in the New Business portion with the site plan approval, so we would like you to keep your remarks to the specifics of the special permit.

Tony May: I'm a licensed professional engineer with Macchi Engineers. The project location is on the south side of Cedar Street, located roughly between Route 9 and Route 173. As Rick mentioned, the site was been occupied there for quite some time, and I have an aerial view here. Piper Brook is to the, on the east side, as you can see, this is the existing out building here, and I'll get into a little bit of what we are doing for the attenuation, so we were able to review, FEMA did a flood study, and we were able to determine that our hundred year elevation was 73 and a half.

You can see Cedar Street up on the north here, this is the existing building, there is an existing concrete pad here and this little orange area, we are proposing to build a ten by twenty utility structure. We plan on elevating it above the hundred year flood plain which is this dashed blue line here, it's the hundred year flood plain. We will be elevating it above the flood plain, so we will have a four sided foundation which will basically have the cables, the existing cables run into the existing brick building here, we are going to sweep those back up and they will be coiled up inside the precast concrete structure. So in order to offset this volume that we have within the flood plain, we need to compensate it. There is an existing concrete pad here as well as an existing satellite dish pad.

Chairman Aieta: Just like the previous one, you can get the check list from the Planner, and try to answer the questions that are pertinent to the special permit. We don't want to co-mingle the site plan.

Tony May: I'm just getting to the compensating for the volume Mr. Chairman, so as I mentioned, we have a ten by twenty structure, so the ten by twenty structure is 1.8 feet out of the ground, so it's 162 cubic volume that we are displacing within the floor zone. I mentioned taking out the concrete pad as well as the satellite dish and that is a reported saving of quite a bit more, over 5,000 cubic feet of volume.

Craig Minor: Item A, the need for the proposed use in the proposed location.

Richard Walsh: We are seeking a secure structure for modern equipment that needs environmental HVAC, and are looking for a secure structure. We've had some break-ins at

the older building. This building is precast concrete and fundamentally it will be some new equipment for broadcast transmission.

Craig Minor: The existing and probable future characteristic of the neighborhood in which the use is located. That's self explanatory.

C. The size, type and location of main and accessory buildings in relation to one another and in relation to other structures in the vicinity. Is the Commission satisfied with how he addressed that?

Chairman Aieta: Yes.

Craig Minor: Traffic circulation within the site, that is not applicable.
E. Available to the public water and sewer.

Chairman Aieta: It's not an occupied building, is there water and sewer there?

Richard Walsh: There is not.

Chairman Aieta: And you do not have any employees there on a permanent basis? They only come in once a month to check on the equipment?

Richard Walsh: Correct.

Craig Minor: And that the location and type of display signs, lighting and landscaping; that's probably not applicable.

Richard Walsh: The only lighting that I am aware of is that we have a street pole light from Eversource for security and there is a light over the door of the proposed structure.

Craig Minor: And then finally, safeguards to protect adjacent property, and the neighborhood in general from detriment including but not limited to proper buffering and then the Town Engineer is reviewing to make sure that there are no extensive flood waters, so that hasn't been satisfied yet but it will be when you get your final report from the Town Engineer.

Richard Walsh: The entire site is fifteen acres with the developed portion about three quarters of an acre so there is quite a natural buffer around the development.

Chairman Aieta: We're very familiar with this piece of property. I think everybody in Newington, anybody who drives down Cedar Street sees the building. It's down low, but you still have a look at it. One other thing that we would like you to consider is that the building looks in disrepair. There is graffiti on it, if we could get you to do something with the existing building, if you could clean it up somewhat would be helpful to the community.

Richard Walsh: I can address that. We are also proposing removing the abandoned pad that was the former building, removing that, new fencing around the property, and the new structure will have new underground utilities so we will remove the existing cell phone pole that is adjacent to the building which has become an arbor for growth, and we are looking to clean up around the building so it will be the beginning of an enhanced appearance. The pad area that we are taking out, we are putting topsoil in, and seeding that so that will enhance the appearance of the property.

Commissioner Pane: Is the existing building being used?

Richard Walsh: Presently? Absolutely. This is where our broadcast transmitters are located.

Commissioner Pane: Are you moving those transmitters over to the new building.

Richard Walsh: We will have some existing equipment and some new equipment in the shelter, we wish to keep the existing building active. We have a workshop there, we have storage, we have an emergency generator. Our intent is not to abandon the property, in fact, we would like to make visual improvements and retain it for future use.

Chairman Aieta: We will continue this under site plan approval when we will get into it a little more. We want to give the public an opportunity at this point. Anyone from the public wishing to speak in favor of this application? Anyone in opposition to this application?

Commissioner Pane: I make a motion that we close this.

Craig Minor: Can I suggest that we keep this open because we don't have the Town Engineer's report, in fact there is a difference of opinion between the Town Engineer and the applicant's.

Commissioner Pane: I didn't know that. Thank you.
I'll retract the motion, Mr. Chairman.

Chairman Aieta: We will leave this application open until August 10th. We will get more information from the Town Engineer so that we will have a complete report on the flood plain.

VII. APPROVAL OF MINUTES

A. Regular Meeting of June 22, 2016

Commissioner Sobieski moved to approve the minutes of the June 22, 2016 regular meeting. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. NEW BUSINESS

A. Petition 34-16: Site Plan Modification (Drive-Through Lane) at 3120 Berlin Turnpike (Panera Bread.) Norr Architects, applicant; Newington VF LLC, owner, Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.

Jeff Lebeau: Good evening again. Panera Drive-Through proposal is in front of you. The increased impervious area is 1400 square feet. We are mitigating that with two rain gardens. As I mentioned earlier the engineer is still reviewing the final design of those, but the locations are to the north, here in this grassed area, and also to the southwest in this newly created area here. The overall parking the new proposed open to the space I believe is 2,426 square feet open to the public. Based on the twenty spaces per thousand, I believe that yields 49 spaces required and we are proposing 54 spaces within this existing parking lot. So from what is existing currently, we have a net increase of four parking spaces, but we are still over parked for the (inaudible). I think that covers most of the points. Again, we have provided some screening. The Town Planer had a letter to us saying that we could possibly increase that, and we would be happy to accommodate and enhance the

screening. Again, we are in the process of finalizing our Low Impact design, and the storm water management with the Town Engineer. This pretty much covers the changes that we have from the special permit presentation. We have the whole team here to answer any questions tonight.

Commissioner Pane: Mr. Chairman, through you, a question for the Town Planner. If I'm not mistaken when we changed our LID requirements, there was a threshold on how much of an impact, depending on how much work someone was going to do to an existing building, is that not correct?

Craig Minor: Yes, there is a threshold of 600 square feet of new, un-reviewed, which is shorthand for new impervious when the new to the review of the Town Engineer. So even if it is a one for one replacement of the impervious, if the old impervious was never reviewed by the Town Engineer, it still needs to go through the LID process. One of the things that we talked about.....

Commissioner Pane: I thought we were going to make it easier for small.....

Craig Minor: Oh, we've made it a lot easier, but the applicant still has to go through the steps but also to the maximum that the steps are practicable and the applicants are happy to provide some rain gardens, they meet the landscaping requirements, they have asked that if they be allowed to do that in the right of way, and I said, yes you are. I'm sure the Commission, the Commission's policy of no development in the front yard, they didn't mean to include no landscaping, and I don't see where there would be a problem with that, but the Town Engineer is still reviewing it, the LID design.

Commissioner Pane: Thank you very much, I appreciate you clearing that up.

Chairman Aieta: We are going to leave this on the agenda for the next time under New Business. You already had the Public Hearing as well. We wouldn't be able to do anything anyway, we will leave it as New Business.

B. Petition 36-16: Site Plan Approval (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford, CT, contact.

Chairman Aieta: We have covered a lot of stuff already, but can you give us the rest of it?

Tony May: We have the project located on the south side of Cedar Street. The majority of this project includes improvements to the site overall. We're building a small 10 x 20 precast concrete structure. Rick has some pictures and we will share those to give you an idea of what it looks like. As I mentioned some of the improvements; we are going to be getting rid of the concrete foundation in front. This is the approximate location of the shelter as it is going to be constructed. I mentioned that we went through the Conservation Commission. We got that approval and so as far as the LID requirements we are requesting a waiver for that. We are actually decreasing the impervious coverage. As I mentioned, we are getting rid of the concrete pad that is roughly 2800 square feet so we drafted that letter and will be sending that into Craig shortly. As far as the Town Engineer's comments we feel that we can come to an agreement to make everybody satisfied. There's not much to this project other than that.

There will be the light on the light pole, and just a small light over the doorway. We meet all of the setbacks, pretty straight forward actually.

Richard Walsh: The picture that I just distributed is from the manufacturer's web site. It's representative but not exact. The building that we are proposing is ten by twenty, and I think that might be the smaller size, ten by sixteen or something. We would have air conditioning as well on the structure.

Commissioner Pane: Is the existing structure at the same elevation as the plan? Is the existing structure above the flood plain?

Richard Walsh: I don't know, but I will say that this elevation is around elevation 72, potentially I would think the building is.....

Commissioner Pane: You said you were planning to put this one at 73.something, so I was just curious if the old one was the same.

Richard Walsh: It potentially could be, there is not a finished floor elevation on the survey. I do know that at 72 elevation is the old foundation.

Commissioner Pane: Has the old structure ever flooded.

Richard Walsh: I've been associated for about 18 years and I've never seen the water come over the floor. That doesn't mean that it's not but my guess is that it is close.

Chairman Aieta: Any other questions: We will leave this open and take it up on August 10th.

IX. OLD BUSINESS

A. Petition 06-16: Zoning Text Amendment (Sections 2-9). TPZ applicant/contact. Continued from June 22, 2016.

Commissioner Miner moved to approve, effective upon publication, Petition 06-16: Zoning Text Amendment (Section 2-Section 9.) TPZ applicant/contact"

Findings:

1. Residential and commercial land use evolve over time. Practices that were once customary become incompatible with the neighborhood, and activities that were unknown to earlier TPZ Commissions are now commonplace. State laws change, and court decisions are made that invalidate current zoning regulations. The TPZ therefore felt that a complete review of the zoning regulations was in order.
2. From November 2014 to approximately October 2015, the TPZ held a series of special "workshop" meeting to conduct a comprehensive review of the zoning regulations. The goal was to identify and correct text items that needed minor adjustments, such as deleting all "waiver" provisions in light of the recent MacKenzie v Town of Monroe appellate court decision. Major deficiencies were set aside to be handled separately at a later date.
3. Upon the completion of these workshop meetings, TPZ held several public hearings on the proposed amendments. Numerous changes were made to the proposed amendments as the result of those hearings.

4. The proposed amendments were referred to the Regional Planning Committee at the Capital Region Council of Governments (CRCOG) and were found to present “no apparent conflict with regional plans and policies or the concern of neighboring towns.”

The motion was seconded by Commissioner Pane.

Commissioner Serra: I don't know if this is part of this, but I believe it is going to be. Back when we were discussing the Amara project, we were talking about the density per acre. We had I believe, increased it for that zone, it was supposed to be for that zone, but it never

came out that way, so it was actually for the entire town. We were going to go back and change this, was that change ever made?

Craig Minor: Well I think the first thing is to determine if there was misunderstanding or an error in the zoning regulations, and that we really haven't resolved, so I guess we will do it now. Let's see, it was the Amara amendment, in the section of the regs that, I know that Amara amended the section that specifically talks about nursing homes.

Chairman Aieta: But what we did, when we made the change, when we allowed them to do, we changed it for the whole town.

Craig Minor: Okay, so which section of the zoning regulations are you talking about? I don't think it was.....

Commissioner Serra: We changed it from I think then units to, I'm not sure....

Craig Minor: That's why we were unable to fix it at the last time it came up at the meeting.

Commissioner Serra: We need to find that.....

Commissioner Pane: How are you going to change it?

Craig Minor: Through a text amendment.

Commissioner Pane: But you already have, it's still out there for approval.

Craig Minor: Right. I think Commissioner Serra's question is one, when it got typed up the next day, did it get typed up by my secretary the way that the Commission intended to amend it the night before.

Chairman Aieta: We're not changing what we are approving. This change should have been made, it was discussed and we came to a consensus that this was going to be changed. We're just asking the question, was it changed? It might now have been, because it fell through the cracks.

Craig Minor: Well, it go changed, but I think Commissioner Serra's concern, and I'll say my secretary just to simplify it, my secretary may not have typed the change the next day the way that the Commission intended her to.

Commissioner Serra: Let's see what it reads.

Craig Minor: The change that my secretary typed says that no principal building may exceed the height of three stories or (Inaudible) feet or five stories and 75 feet in the business

turnpike zone. The BT zone. So, only in the BT zone can buildings be as high as five stories.

Commissioner Serra: But I thought there was a change in density.

Chairman Aieta: When we originally made the thing, we made it, we didn't specifically say it was for the BT zone, we said it was blanketed and covered the whole town. So we specifically went back and changed it to just the BT zone.

Commissioner Serra: But I thought, and maybe I'm not remembering this right, but wasn't it....

Commissioner Sobieski: I think we increased the number of units per acre over what it was town wide, and then I think it became town wide.

Commissioner Serra: That's where I'm.....

Chairman Aieta: We increased it to 30 units.

Craig Minor: Okay, well I'll keep reading, page 14, Section 3.2.5,

Commissioner Miner: We went through this with Bel-Air because he said he could go for more because of our regulations, but he didn't.

Craig Minor: Well, what I will call the Amara amendment also on the site area, one acre of site shall be required for each 30 patient beds or living units and in no case shall the site be smaller than five acres. I think that 30 beds or living units got bumped with the Amara application. Before Amara came in I think that was 20.

Commissioner Serra: That is what I was trying to get to.

Craig Minor: So your question is, was the additional density intended to be in all zones.

Commissioner Serra: Right.

Craig Minor: My understanding was that it was, but if my understanding is incorrect, then obviously.....

Commissioner Camillo: Middlewoods and Bel Air, and the nursing home on Church Street, would also be able to raise the level, and that was our concern.

Commissioner Serra: We wanted it back to the 20.

Craig Minor: In certain zones, and not others? Is that what you are saying?

Chairman Aieta: We changed it for that specific piece, for Amara's piece which is in the B-BT zone.

Craig Minor: But you changed it town wide. When you changed paragraph C to allow nursing homes to be 30 patient beds per acre, you bumped it town wide. What you are saying is that was not your intent. Your intent was just in the BT zone?

Commissioner Serra: Correct.

Craig Minor: If that is the case, obviously typos can always be fixed, we don't need to go through the approval process to fix a typo and now that you say exactly what your concern is,

I can go back and look through the minutes and get to the bottom of what your intent was, at the time and make the change accordingly.

Commissioner Serra: I mean, if I'm wrong, I'm wrong, but I think that is what we were getting to, that was our intent.

Craig Minor: Which was limiting it to the BT zone, which is where Amara has it. We can check. But that doesn't affect the draft tonight.

Commissioner Camillo: Kathy Braga from Middlewoods had an issue, any convalescent home could go to 30 provided they had the acreage. Now you are taking that away. If you change that, it's spot zoning.

Craig Minor: Your point is, she was objecting that her competitors would be able to get a greater density and not her.

Commissioner Camillo: Well if it was for the whole town, the text amendment, and if that was what the text amendment was for, it now.....

Craig Minor: What Commissioner Serra is saying would benefit one nursing home over another.

Commissioner Camillo: Right, and you can't, and that is spot zoning.

Chairman Aieta: Well, it's not spot zoning, that is not spot zoning because we changed it for a specific zone.

Craig Minor: Right, and there may be reasons why not only do you want to allow a greater height, in one zone and not another, but maybe reasons why you would want to allow a greater density in one zone and not another. It's not unreasonable for the TPZ to want to allow a higher, more height as well as greater density, in one zone and not another. I just didn't realize, or if I did know I missed it, that that was your intent.

Commissioner Camillo: The convalescent home on Church Street with the property dropping on one side, they could have a different, multiple levels and still have the same roof line. That's what we had talked about with the change of density also.

Craig Minor: As a good thing or a bad thing.

Commissioner Camillo: It benefits someone like that, on that side of town.

Commissioner Pane: I think this should be a separate item at a later date and we need to look at all of the minutes and see what everybody has. I don't think it relates to the, even though we are approving the regulations now, I don't think that we can make a snap decision right now and change something right now.

Craig Minor: I'll get to the bottom of this.

Commissioner Pane: If the Commission members want to look at that at another meeting, and all can get the minutes so we can be aware of what was said, I have no problem with that.

Commissioner Sobieski: My concern is that I just want to get this ironed out and put to bed. I believe, if I remember correctly, it was just for the BT, Amara zone area. Amara was having one of the floors almost buried on three sides. Our original issue was that it exceeded the height for our buildings.

Chairman Aieta: You are talking about two different items here, you are talking about height and talking about density.

Commissioner Sobieski: I understand that, I'm just saying that, that was a part of the background talk at the time.

Craig Minor: When Amara asked to amend that regulation they asked to be allowed, they asked to amend the height and they asked to amend the density. The question is what the Commission approved. If the Commission approved increasing the height in just the BT Zone, but increasing the density town wide, or was it the Commission's intent to increase the height and the density in only the BT Zone, and I'll just look at the minutes. The answer is in the minutes, so I will find it.

Chairman Aieta: The way it stands now the regulation reads a certain way and that is what we will go by. If we have to make a change to that specific regulation, you realize the didn't change the sign regulations, we didn't change the auto regulations, so we still have work to do on the regulations.

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

B. Petition 19-16: Zoning Text Amendment (Sections 3.49 and 6.7: Interior Lots) Town Plan and Zoning Commission, applicant, Continued from June 22, 2016.

Commissioner Miner moved to approve, effective upon publication, Petition 19-16: Zoning Text Amendment (Section 3.49 and 6.7: Interior Lots.) Town Plan and Zoning Commission, applicant. Continued from June 22, 2016.

Findings:

1. Prior to 2007, interior lots were allowed by Special Permit per Section 6.7. In 2007 Section 6.7 was deleted as part of a major revision to the zoning regulations.
2. The proposed amendment was referred to the Regional Planning Committee of the Capital Region Council or Governments (CRCOG) and was found to present "no apparent conflict with regional plans and policies or the concerns of neighboring towns."

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

C. Petition 28-16: Zoning Text Amendment (Section 3.0: High Density Residential Development Moratorium.) Town Plan and Zoning Commission, applicant.

Commissioner Miner moved to approve, effective upon publication Petition 28-16: Zoning Text Amendment (Section 3.0: Higher Density Residential Development Moratorium) Town Plan and Zoning Commission, applicant.

Findings:

1. The TPZ is concerned that an application to construct “higher density residential development” in the Newington Junction neighborhood might be filed before TPZ has the opportunity to adopt mixed-use TOD regulations for the Newington Junction neighborhood.
2. A Public Hearing on proposed mixed-use TOD regulations for the Newington Junction neighborhood was opened on July 27, 2016.
3. The proposed amendment was referred to the Regional Planning Committee at the Capital Region Council of Governments (CRCOG). CRCOG found that:

“The proposed moratorium will provide the Town of Newington with up to twelve months in which to develop zoning regulations governing the Newington Junction CTfastrak station area. We encourage the Town to use this time to develop zoning regulations which will allow the full benefits of transit oriented development to be realized around the station area thus providing livable neighborhoods with a variety of housing options, alternatives to automobile travel, an integrated mix of complementary land uses, and increased economic and cultural opportunities.”

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

Petition 32-16
Special Permit Section 3.4.4
Home Occupation
51 Gilbert Road
Kristin Vacca, applicant

Commissioner Pane moved to approve Petition 32-16 Special Permit Section 3.4.4 Home Occupation, 51 Gilbert Road, Kristin Vacca, applicant Frank and Kristin Vacca owner; Frank Vacca 51 Gilbert Road, Newington CT, contact, be approved for a period of three years.

Findings:

1. The application meets all of the requirements for a home occupation.
2. The location of the sign was approved by the Commission.

Commissioner Pane: Even though it is for a period of three years, at the end of the three years it is renewable so that the end of three years they have the right to come back and apply again.

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

D. Alumni Road Traffic Signal.

Commissioner Pane: Stan and I have some meetings coming up, it's taken a little longer than I thought but we want to look at everything to make sure that we look at all of the older proposals and anything new so that it's going to be something that is beneficial and safe and that it is not going to harm the residents. That's the biggest thing, we're trying to figure out how we can pull this off without taking people's property. That is the difficult aspect of this. We are working on it, and hopefully we will have more for you in two weeks. Thank you.

Commissioner Sobieski: I'd just like to echo what Commissioner Pane said, we're working on it, we want to get all of the input, re-evaluate it, because we want to see that everybody's input has been looked at, and discussed and either added or not.

Chairman Aieta: Mr. Planner, please continue to put this on the agenda until we have a decision.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

A. Town Planner Report for July 27, 2016

Craig Minor: Okay, the first item, is the Open Space Zone regulations. I went back and read the minutes from the last meeting to see if any changes to the draft came out of the long discussion that we had on it, and no specific changes were made to the draft as it existed at that point, which is why I made copies for you tonight, but the Commission, as you all know, spent a lot of time talking about the different issues. The only thing I want to say is, there is a lot of talk about the underlying zone. I think it is confusing when you say that. There is no underlying zone. There is just zoning. Mill Pond Park is zoned R-12. It is not the underlying zone, that is the zone. You can talk about underlying zones when there is an overlay district on top of it. Now, I guess if you wanted to, you could create, like we did a TOD overlay district for the Cedar Street station, and Newington Junction, I guess you could create an open space overlay zone but I have never heard of a Town doing that. That would be, people would wonder why did they do it that way, and I wouldn't be able to give them a good answer, so having said that, I'll turn it back over to the Commission to continue discussion.

Commissioner Pane: I think the Councilor early on, in public participation said it pretty well, that for some reason this got out of hand here a little bit. I do believe that the original discussion was just to make sure that those parks were protected. Maybe there is something that we can do that is simpler to protect them, and then also I think maybe the Council needs to do something, because it falls a lot under their hands too. So, I think, I feel pretty confident that we can come up with something and then make recommendations to the Council for them to take some action to protect the parks, because that was the original intent.

Chairman Aieta: We talked about how this started, the Mill Pond situation. We looked at it, and I said, I remember the meeting, I said the zone that it is in is the R-12 zone and we should be looking at changing at least the parks to a different zone. Maybe, and it's just a name change, basically.....

Craig Minor: No, it's a lot more than that. Because when you change it to a zone, that zone is going to have its own rules and regulations, and character and intent and there is a lot to it to creating a zone.

Commissioner Miner: And we want to be sure that this is not spot zoning.

Craig Minor: First of all, we haven't done any zoning yet, but when we do, there's a lot, there is a zone in town called the Institutional Zone, or something like that, and every area of town that has that zone has at least one parcel. It's called the Public Land Zone, which makes no sense, but the only areas of town that are Public Land Zones are the Humane Society, the property, well Balf Quarry owns it, I think that is where the Toll Brothers would have gone, the VA Hospital, one parcel, Deming Farm, one parcel, the Hartford Health Care property in the town center, so there are lots that are one parcel, and that doesn't make it spot zoning. Spot zoning has to have several characteristics to become spot zoning and the most prevalent one being that it is out of character with the zoning regulations. You wouldn't change a property to open space zone if it was going to be out of character with the regulations.

Chairman Aieta: We already have a zone that is a public land zone, maybe we change the parks to public land zone.

Commissioner Pane: Those other public land zones, they are have buildings, they really aren't the same.

Craig Minor: Let's read the, "Public Land Zones, Public land zones, land and buildings may be used and buildings may be altered and erected to be used for the following purposes and no other: permitted uses, land and buildings owned by a Governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility; and any use which may be permitted in the charter of the owner provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. All other uses are prohibited." So, in other words, when the VA Hospital approached me a while ago and wanted to do something, I said, well, let's see, is the thing that you want to do consistent with your charter, and he said, yes it is. I said, okay, then I guess that meets the requirements and you are good to go. I think it would be kind of torturous to try to make this work for open space.

Commissioner Pane: The parks now, are they in a zone now?

Chairman Aieta: Sure, Mill Pond is in the R-12 Zone.

Craig Minor: Mill Pond is R-12, Deming is R-20, Indian Hill is Public Land Zone, Eddy Farm is R-12, the park off Balducci is R-20,

Commissioner Pane: Indian Hill is in a public land zone?

Craig Minor: Yes.

Commissioner Pane: That's interesting. Maybe the other ones could be linked to public land, and that's pretty strict conditions to be put on, I guess if you move them to that zone, and then referenced a condition that certain parks are not to be constructed on, I think you could....

Craig Minor: I could take a look at that, see if we can hammer that out, an octagonal peg in a square hole, that might work.

Chairman Aieta: I think we want to get away from this private, the private land that gets, like I said, I'll donate my land so I don't have to pay the taxes, and then when I want to develop it, I'll change it back to the original zone, it doesn't make sense. And I don't think, a good point is that we don't want to take all these grubby pieces of property that no one else wants, and then we have to maintain them, we have enough of those little pieces already that don't get maintained and we have people coming in here saying that the Town doesn't maintain their property, which they don't, and we put all these conditions on the residents and then the Town is the one that doesn't maintain these pieces of property.

Commissioner Sobieski: Can we create a zone, town owned open space, no building on it, can we create a zone like that? That would cover all of the areas that we are talking about. Indian Hill has an existing building on it, but.....

Chairman Aieta: But they are in a different zone.

Commissioner Sobieski: Right, what I'm saying, can we make a specialized zone just for town property?

Craig Minor: Yes, I don't recommend it, but yes we can. You could do that.

Commissioner Sobieski: So if we did something like that, that would end all of this here, so therefore the space would be open to the general public, basically town owned open space, we would then not have the issue of somebody trying to build a rec hall or whatever on it.

Craig Minor: Well no, because the town could always do that anyway. But, once the town, see, that is the problem with doing it that way, I can write a regulation that limits open space, parcels in the open space zone have to be own owned. We could do that.

Chairman Aieta: But then the Town is exempt from zoning.

Craig Minor: Right, but then when the town sells that lot, which you can't stop the town from doing, now we have a situation, some private individual owns a parcel of land that the zoning regulations say has to belong to the town.

Commissioner Sobieski: Why would the town want to see property that has been donated to them?

Craig Minor: The town sells land all of the time, that's what they do. Maybe that is a good problem, because it is a poison pill, maybe that is a good thing to have in the regulations to make it even harder for the town, money is a little tight this year, let's sell Cedar Mountain south, but if it is zoned in a way where it has to belong to a municipality that would make it a lot harder to sell it. We could do that.

Commissioner Bottlico: What is Clem Lemire, what is the zoning there?

Craig Minor: R-20.

Commissioner Bottllico: Now, Domenic said something about no more buildings, so that would prevent, say Little League or Midget Football from putting anything up down there. Is that correct?

Craig Minor: I would right the regulations in such a way that, forgetting for the moment that the Town is exempt, but that would allow accessory and incidental buildings that are consistent with the intent of the property to be built.

Chairman Aieta: So if you wanted a concession stand or something.....

Commissioner Bottllico: That's what I want to get cleared up, because Domenic did say, no buildings, and if you are talking about Clem Lemire, I think you have to specify what you are talking about.....

Chairman Aieta: Or other parks, even Churchill Park. They might want to build another bath house, they might want to build a pavilion, they might want to build whatever, we don't want to put those kind of restrictions on the town. We have to write a regulation that would allow us to do those types of things. You could do it by saying, accessory types of structures.

Commissioner Bottllico: I know at Clem Lemire, every building we put up down there, we had to come before the TPZ.

Commissioner Sobieski: I was referring to a building that houses town offices, I understand that we do have structures that we use, bathhouses, those would not be part of this. The idea is not to have the town turn around and say, okay, let's get rid of half of Churchill Park, or something like that. That was the intent.

Commissioner Bottllico: Getting back to what Gail was talking about earlier, I was on the original Open Space Committee, and yes, they were looking for every little bit of property available, until we got into the tax revenue. You don't want everybody coming in and saying, you can have my property, so that was the original intent of the Open Space Committee, they were looking for every piece of land they could get their hands on.

Commissioner Miner: Regardless of whatever we do, if the track was set to do it, the Town does not have to abide by whatever regulations we put in place, so I don't want to say that it is irrelevant, but if the intent is there, regardless of what we are doing.

Commissioner Pane: It's always good to have these regulations designed so that the Town will uphold the regulations. You can't hold other people to the same high standard if you don't hold the Town to the same high standard. I think this is going to take a little while, to get, and that is really why it isn't on the agenda, it was a very interesting conversation, and I think we are going to have to put this on the agenda in the future, and it's going to take some time to iron out all of the details.

Craig Minor: Well, do you want me to come back, I think there is some possibilities to amending the PL Zone, so if you want me to, I'll come back next month with something, or do you want me not to.

Commissioner Pane: You can look into it I guess, it's up to the Chairman. I have no problems looking into it, but we still have a lot of things on our agenda, so if you have the time, and little by little maybe we can get this worked out.

Chairman Aieta: We still have the signs regulations to talk about, eventually we are going to have to take up the auto regulations that we have been sitting on, and we have this TOD thing, we want to get through this, so maybe September sometime.

Item 2, there is an interesting article in the July, 2016 issue of Planning Magazine on temporary uses, called pop-ups. Hopefully you will look at it. There are a lot of pop-ups in Bristol when Bristol was trying to develop it's down town. Kids are really into that, millennials are interested in these pop-ups.

Chairman Aieta: Interesting reading Mr. Planner, but I don't think it's for the Town of Newington.

Craig Minor: Or, maybe we need some younger people on the Commission.

Item 3, Facebook Page, Actually as I told the Commissioners this afternoon, the Town has actually adopted a Facebook page. The IT department has spent a good amount of time on it. It's very well done. I asked the manager if it would be okay if Planning and Zoning had it's own Facebook page, and her preference for now is, let's piggy-back the existing one. If it turns out that TPZ has so much content that it warrants its own Facebook page, it could be revisited, but for the moment, she prefer that we use the town's Facebook page. I will start doing that, I will use that to get out the word on new Zoning regulations or significant applications that come in, just another way of getting information out to the public. The way it's set up is the general public, anyone can look at this Facebook page, but people can only comment on or reply to content that is posted by the Town. Now, so when the Parks and Rec Department post that the Extravaganza is coming up, people can reply to that, but someone cannot just post some issue that they have with the Town. People can only react to something that has been posted by the town, and it will be monitored so that it doesn't get out of hand, and there are policies that are being adopted for people to participate in this Facebook page. As I said, the IT Department has put a good amount of thought into it. So we will go that route for the time being, and see how it goes.

Finally I just wanted to make the Commission aware that there was a court decision recently that seemed like it repudiated the McKenzie decision. There was a court decision that did allow a town, the same town in the McKenzie decision, so as long as your zoning regulations clearly say under what circumstances and to what extent that a waiver can be granted, then it can be okay. What the McKenzie court was responding to a year or so ago, was the Town of Monroe had these really wide open, if you don't want something, just ask, and we'll waive it, with no guidelines, no limits, it was so egregious that the courts finally stepped in. Monroe kind of killed the goose that laid the golden egg for the rest of us because they were really abusing it, and they got slapped, and we all got slapped, but this Santarsiero decision says that a Commission can write, in its regulations language that on case by case basis, and I was pretty sure that it was legal, that yes, you can have waiver language as long as it is transparent and clear and not totally subjective.

XII. COMMUNICATIONS

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

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

Rose Lyons, 46 Elton Drive: I have to say that I was a little disappointed in the public participation at your public hearing on Newington Junction. I'm not going to be affected by it I don't think. The lady from Francis Avenue, she would be affected by it, the gentleman from Patriot Lane is probably not going to be affected by it. There is a lot of talk around town about what people want, what they don't want, but if they don't come here and speak to you, how are you going to know what they are thinking? I'm just curious I guess, was there just a public notice in the newspaper?

Chairman Aieta: There was an article in the paper. That's all basically that we could ask for is that the reporters.....

Rose Lyons: Are there signs that go up like in other places when they have an application and they have a public hearing on, is there a sign put up anywhere?

Commissioner Pane: We are now going to put it on Facebook now that our Town Planner has access to Facebook. We can put it now, post it on all kinds of subs, Free Speech, whatever. I would imagine you could take that, and put that information on the Newington page and then post it on other sites.

Craig Minor: I think a citizen could share the material on the town's Facebook page to other Facebook pages.

Rose Lyons: It was on there, I believe it was on the Facebook page. So, just the turnout disappoints me. As I've been saying for quite a few years, show up or shut up. One of the other. Say what you have to say, or forget about it.

Chairman Aieta: Well, there were people here, but they didn't talk. There were people here specifically for that.

Rose Lyons: But there were very few because I counted a half a dozen people left after the public hearing, but the other thing, there was a gentleman out in the hallway that wanted to come in and speak, but we told him that the public hearing was over. Can someone write a letter or send an e-mail.

Chairman Aieta: Well, it's still open.

Rose Lyons: Right, and I thought he could come back too, but in fact he can't make it.

Chairman Aieta: Yes, if he sends a letter or e-mail we'll read it into the record.

Rose Lyons: While we were talking, the vision, the OT may have a vision of one thing, and TPZ has a vision, Amtrack has another vision, residents have another vision. Is there a firm commitment to Amtrack going through that area?

Craig Minor: Well, that's a good question. I keep hearing rumors, and I've seen little hints of a station in Newington, an Amtrack station in Newington on the Hartford line. I hear it referred to by people, I heard it, I heard Randal Davis on Facebook, Randal Davis is a gentleman from DOT and he was interviewed on the radio and he specifically mentioned that Newington is going to get an Amtrack station as part of the Hartford line but it's not in any report. I was told three years ago that there was funding for the preliminary design of this station, and it will be a minimal station, it won't be a full fledged one, but people will be able to

get off and on the train, but it's not in any report, so I'm actually crossing my fingers that we do get it.

Rose Lyons: I've heard Mike Saunders at meetings at one time say yes, we're definitely going to have a station there, and then laugh about it when somebody asks when is the station coming in? Ha, we don't have the money for that. So, I think in my opinion, I would like to see sort of a master plan, I've said that all along. When you are looking at a particular area, just like they did for Toll Brothers, see what else is going on around the area so we can see that it is not just that specific area that is going to be affected, it's going to be other areas as well.

I know this was on the agenda, but I'm just going to say something that I think needs to be said. The woman that spoke about the Temple, and what is going on there, I think there needs to be some clarification, I don't understand it, that non-profits are being allowed to rent the facilities for profit or not for profit, and if the question is going to the Town Attorney, I'd like to know the what question is when it goes out and when it comes back. Sometimes a question goes to the Town Attorney that isn't really what the intent was, not that I have any say in this, but I think everybody should be in agreement as to what is sent to the Town Attorney.

I just have a question, and you have the map there, and you brought up the land behind me. Some of it the Town owns, and some of the 6.5 acres the DEEP owns. That is no zone. That is just owned by the State of Connecticut.

Craig Minor: Everything is zoned. Every inch of Newington has, is in one zone or another. See me after the meeting, I'll show you.

Rose Lyons: Well, nobody could tell me for ten years who owned it, so now I know who owns it, I'd like to know what the zone is. Thank you.

Gail Budrejko, 21 Isabelle Terr: I'm sorry I'm being a pain about this, but there are multiple maps in land use areas of town where some previous administrations or futuristic thinkers or whatever thought hard and long and deliberate attempts to set aside pieces of land called parks in the middle of residentially zoned areas of land. With the definite purpose of not using them for residential purposes and buildings, but to keep these pieces of land separate and distinct for a different use than residential zone, calling them parks. There are 12 of them. Clearly there is an intent for these pieces of land. I really don't understand the hesitancy to make this a little bit more difficult in the future if Newington God forbid, if we have a fire sale and have to start selling off pieces of land and property, we're in bigger trouble than we think. Again, I just don't understand why it is so difficult to create a special designation to recognize pieces of property that are historically, for decades and consistently have been used with the intent of recreation and not for it's current zoning. Other towns, other communities throughout the country have open space zones, particularly in a town such as ours that has been built up and built out, why we are hesitant to put a name or a label on pieces of existing property so that future Councils, future Zoning Commissions, whatever would have to do some serious deliberative process before they can rezone for sale or refurbishing.

Chairman Aieta: The pieces that you are looking at are all town owned pieces?

Gail Budrejko: They are all town owned pieces.

Chairman Aieta: so why don't we just come up with a thing called the park zone and put those pieces as part of that, and they can have accessory buildings, but they can't do this

and that's the zone. And unless the Town Councils buys other pieces, then we could amend the regulations and add those to that park zone.

Gail Budrejko: I think the term open space again, actually at this point I'm staying away from the golf course, at this point I would stay away from even the Eddy Farm, we can address that at another time, but to hold up this process, getting into what if, and this and that, it just is senseless. Thank you.

Commissioner Pane: Mr. Chairman, I don't think we were hesitant, we just want to make sure that we get this right. There are a lot of factors involved, and I think we are going to address them, and I don't think anyone was hesitant. We just want to make sure that everything is correct because town's needs change in the future. Who knows what the Town's need is twenty-five years down the road, so you have to think about everything when you do something like this. I don't think we were hesitant, I think we all want to protect the parks. I'm sure that everybody would agree with me that we all want to protect the parks.

XIV. REMARKS BY COMMISSIONERS

Commissioner Miner: On the parks, is there anything specifically that was done by deeding?

Chairman Aieta: They all have covenants on them.

Craig Minor: Oh no, some of them probably don't, I know that some do, but I would bet you that some don't. The town just bought it and never thought there was a reason to put a restriction on it.

Commissioner Miner: The reason I ask that, and correct me if I'm wrong if somebody knows this to be correct or not. There was a situation where the Town was going to put a cell tower at Churchill Park, and the way that that was stopped was in the deeding of that park it said that the property was to only be used for recreational purposes.

Chairman Aieta: Only the major parks that were donated by people have covenants on them. Maybe we have to look at the map that shows the parks and find out which pieces have covenants on them and which do not.

Commissioner Sobieski: I agree with the Councilwoman, I think, let's get this thing set up, let's get the parks protected but also if there are covenants in there that say parks can only be used for this, and nothing else, we have to follow those rules. That is how they were donated to the town. Let's cut to the chase here and get it done. Thank you.

Commissioner Bottalico: Just one question, I may be a pain on this, but I notice in this packet \$6.80 to send this out. Why are we mailing these out? Does the Council still get it through the Police Department? I don't know, 6.80, you are talking 1200 a year, just for mailing.

Commissioner Pane: We all receive it by e-mail, so I guess if we get it by e-mail, I was about to say, we read it on e-mail and then if the Planner had it on the desk for us, would that be sufficient?

Commissioner Bottalico: Well, what's wrong with the Police Department delivering like they used to do, to the Council. I mean, what's the big deal.

Chairman Aieta: Do you think that the cop coming from here, driving over to Church Street is going to cost less than \$6.00? I don't think so.

Commissioner Bottalico: No, what happens is, the district that you are in, you take the mail, I mean, what's so tough about that? If the guy is up in the north end, you're not going to have him deliver it to my house.

Commissioner Pane: Jay, I receive mine by e-mail and if the Planner puts mine on my desk here for the meeting, then I'm okay, so that will save \$6.00. If some of the Commissioners want to get it by mail, then maybe just do it that way, save something.

Craig Minor: Well, what I can do is send out an e-mail and let people tell me if they prefer to get it, a package mailed to their home, or a packet waiting them here. We could do it that way. I'd rather not, because that makes it very difficult for my secretary and then someone is going to say, you know, I think I can live with receiving it when I get here, but then Commissioner Pane says, well, you know what, I think I would like to start getting them, I've changed my mind, and for \$6.80, it's a lot of headaches.

Chairman Aieta: It's not worth us going around with this, not when the Town spends money in different areas, how many times could we send this out just for the cost of one bus that they do not need.

Commissioner Botalicco: We don't have a revenue problem, we have a spending problem. Let's face it.

Commissioner Serra: I want us to have our own Facebook page, the reason being is by the time, it's easier for the public, easier for the residents to punch in Newington Town Plan and Zoning or whatever it is going to be called, it comes up. To find it now, you have to go through all the town stuff, muddle through everything. A lot of people, believe it or not, especially our elderly residents still aren't computer efficient. They have problems. It's much easier if we do have our own site.

Chairman Aieta: I think if someone is looking for something that pertains to the town Planning and Zoning, they would go to the Newington site, and look under the banner for the zoning and look at what is posted.

Commissioner Serra: Well, Parks and Rec, they have their own.

Commissioner Miner: I thought the way it was going to be structured was when they put a posting up for TPZ meeting for tonight, blah, blah, blah, that it could link you to clicking on that and send you directly to the link that would have the agenda, that would have the information. I believe that is the way that they were intending to set it up.

Commissioner Pane: It can still be that way, it's just Town of Newington, and if the Planner wants to post something, he is going to say, the Town Planning and Zoning has the following coming up on the agenda then he can share that on any pages that he wants. Then if somebody sees it, they can click on it. The Town Manager and the IT guy asked us to try it this way, I think we owe it to them to try it this way.

Craig Minor: Right, and I think the citizen who currently is savvy enough to check the town's web site, which is where all these regulations are posted by law, that person already knows how to get a copy of something that is being proposed. I think the beauty of Facebook is that

I find things that I wasn't expecting to find. It's kind of serendipitous and I think that when I start posting something on Facebook, not everything, but some things a lot of people could say, well, I didn't know that the Town was planning on creating an open space zone. Maybe you don't read the newspapers much, or pay attention to the legal notices, but yes, yes we are, and once we put it on Facebook a lot more people will know about it. I think it will certainly be better than what we have now as far as getting the word out to the average citizen, and if the Commission feels that after a couple of months that it is not sufficient, then I can go back to the Manager and ask her, because there are several boards and commissions that have their own Facebook pages, they just went ahead and did it. They didn't ask.

Commissioner Pane: You have to remember that we are a land use body so that is probably why the IT guy is trying to, we have to be careful with postings.

Craig Minor: We had a department meeting this morning about it, and I specifically didn't get into it because we would have been there all morning, the FOI implications of a Facebook page. I have no idea where that would fall. Are these public documents? Are these to be preserved? I don't know. I'm sure there is some FOI attorney that has some very strong opinion one way or the other, but I don't know.

Commissioner Miner: It was my understanding that the pages were developed to be able to present the information, not to try to disseminate it, not to try to debate it, just strictly present the information, and that's it.

Craig Minor: Well, yes, but as I said before, the IT Department has set up the Facebook page, so that citizens can respond to, for example, the TOD regulations that I post. They can respond to that, and if somebody responds in a way that violates the protocol, that can be deleted, but a citizen can not out of the blue, type onto the town's Facebook page, I think that the road need to be repaired, pot holes are out of control. They can only respond to something.

Commissioner Miner: They can't post a message there, all they can do is to respond to an open message already.

Craig Minor: That the town has posted, so there will be some back and forth, which is a good thing I think, so when I post the TOD regulations for example, and somebody then responds to that by making an assumption that is incorrect, I'll be able to clarify what that persons understanding is, so there will be some discussion going on, which is a good thing.

Commissioner Serra: Just for the record, I'm not talking about the people that can navigate through the town web site. We have people in here all the time who don't have information, because they are not computer literate, they can't navigate the town website, but almost everybody can hit in the Facebook app and punch in what they are looking for. Those are the people that I am referring to.

Chairman Aieta: We're not here to educate people in computer technology. I think, when I first heard, to be perfectly honest, the whole Facebook thing I think is ridiculous.

Commissioner Serra: I'm just trying to address the people who came in with concerns and complaints about this type of thing, and when we talked about this, we wanted to make it easier for the residents, easier to the people to get access to this information.

Chairman Aieta: I can envision applications being prejudiced before because of something posted on the thing, I can see legal ramifications, I can see court cases where they bring up stuff that was posted on Facebook, and use that as part of their case. We have strict, particularly on the public hearing thing, we have strict rules and regulations, we keep minutes the way that we do so that if we go to court we have records, we don't want to start bringing in stuff from the outside.

Commissioner Serra: Then maybe we shouldn't have it at all.

Chairman Aieta: Well, I wasn't on it, but everybody else wanted it.

Commissioner Miner: That's why it was created as a Town of Newington, it was not created as a Town of Newington Planning and Zoning condition.

Chairman Aieta: Okay, in that case, that's fine.

Commissioner Pane: Can you ask the IT guy if he can eliminate anybody from posting things on it, or if he can block them?

Craig Minor: I don't know if the site can be so sophisticated that the public would be blocked from responding to the Zoning Regulations that I post, but will be able to respond to the Library's posting of a book sale coming up.

Commissioner Pane: Then you will have to watch it carefully, because the Chairman brings up a very interesting thing. If you post the agenda, and there is a public hearing on a particular subject, and if people start commenting on it, and they start prejudging something, then it becomes a problem, then unfortunately this becomes some work for you, that you will have to monitor some stuff, or if the Commissioners monitor it, we will call you to make sure....

Craig Minor: And once the hearing is closed, and somebody posts something, and you see it by accident, and now you are contaminated.

Commissioner Botalicco: You are just putting information out there, that's all you are doing.

Chairman Aieta: We're like a judge, jury, everything, we have regulations and we make decisions that could end up in court and litigation, we have to protect the Town of Newington from suits like that and judgments against the Town because of mistakes that we made. That's why we have everything on the record, we have to make sure that we do everything by the procedures, we don't go outside of those procedures. It's a land use body, it's not the library, it's not Park and Rec.

Commissioner Pane: If you could ask the IT guy if it was a separate page, then we could have it without any posting on it possibly, because it is not going to be tied to the town's page where other people are going to be able to use it, so if it was strictly as Bob said, a page for Planning and Zoning, and if it was strictly used to posting information that you could post and then share, but nobody could respond to it.....

Commissioner Miner: You can't do that with Facebook. Facebook's intention is to engage people.

Craig Minor: The IT guy said this morning that he's been trained, you could set it up, he can set it up, so that the public cannot respond to things that the town posts.

Chairman Aieta: We want to put on there, this is the agenda, we are going to be looking at the sign regulations, everybody should know that we are looking at it. We don't want people

coming in and saying, well, I saw a sign on Joe's property, we don't want that back and forth. Those are the types of things that need to be brought in and discussed on the record.

Craig Minor: I'll find out.

Chairman Aieta: No back and forth, no nothing. Here's the information, they see something, they have a question, they know to come here and put it on the record.

Commissioner Pane: Any questions or concerns, call the Town Planner.

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Aieta: You brought up Mr. Planner that there was a court case on the signs....

Craig Minor: Yes, I asked Mike to prepare a cheat sheet on that, and he has, and I will give that to you in the next couple of weeks, so that when he comes to the meeting, he will be able to answer your questions. It's complicated.

Chairman Aieta: We want to be able to digest it before we get into the sign regulations.

The only thing I wanted to touch on, the trucks with the signs on them, I'm getting some push back from the Zoning Enforcement Officer that he feels that, we brought up a case to him, the truck that the tent guy has at Reno's, the car rental. He has a truck, he has a sign on it, he has an arrow on it. The truck is not registered, it's not parked in front, not even in front of us unit, it's parked so that you can specifically see it from the Berlin Turnpike. It does not move. We have asked him to go after this particular sign. The Zoning Enforcement Officer is coming back and saying, well if I have to site him, then I have to site the guy across the street that has, Floors Now, I've got to go to Newington Electric and site him, but we're looking at each of these pieces and these trucks and how these people are trying to circumvent the regulations. Say that we have to go to Newington Electric, the guy there uses his trucks there every day for his business, and the only place he has to park them is in front of his building, along Pane Road. To tell him that he can't park them there any more, what is he supposed to do, buy another piece of property to park them? He's not using them as, unfortunately they have signage on them, but he uses them every day, because I go by there and the trucks are gone in the morning, and they come back and some of there and some are not, they are not the same trucks, it's, his is using the trucks for his business. He did not specifically buy them or put signage on them to circumvent the signage regulations. I just want to reinforce that we are going to take each one of these cases as they come up, and to take a blanket approach and say, okay, everybody that has a truck like that, we are going to cite them, I think that is not what this Commission wants. There are some that are so blatant, and we are monitoring them, I know Domenic looks at them, the Commissioners look at them, I know people call, saying this guy has been there for four months, hasn't moved, what do you think do you think that is a billboard? But, then there are other people that has trucks that they use for their business. I don't want to go back to those guys and blanketly say everybody that has a truck that parks in front of their business can't have a truck, so I need some feedback so I can have a discussion with the Zoning Enforcement Officer, give him some guidance as to how you want to handle these signs, trucks with signs. We took a vote, we said.....

Commissioner Miner: Just quickly, I mean, first and foremost the obvious would be if the vehicle is registered. If it is a vehicle, is it registered? It it's not, that's number one; there has to be a way to stop that right off the bat, and once you get beyond that, the biggest issue

appears to be, and again, appears to be the Berlin Turnpike, how the turnpike looks as you are going down the Berlin Turnpike.

With that said, I know there was some discussion before about possibly about doing something in the BT zone in terms of where the vehicles can be parked and for what length of time, off peak hours, on peak hours, I don't know, the BT zone seems to be the worst.

Commissioner Sobieski: If a vehicle is not registered, I thought it was automatic that it should be towed, or removed. We had the same thing with Becker's Jewelry, and that truck got moved after being cited for having an unregistered vehicle. That should be done immediately.

Commissioner Serra: The Commissioners just hit on my exact points, unregistered, I mean, these vehicles should be registered, fully operable, and again, they should be moved. They are not stationary. My question on that truck is, when Action Audio was there, we had the same problem. Is that the same truck? They just took the truck over, and Action went out.

Chairman Aieta: It's a new tenant I think.

Craig Minor: It might be the same truck.

Chairman Aieta: He had the Jeep and they removed the Jeep so we got rid of the Jeep and now.....

Commissioner Pane: No, he has always had the van. He had the van in the back and he had the Jeep in the front. He got rid of the Jeep and then he moved the van towards the end of the building where his space was one in, so it's not even parked behind his space, so if he would just park it behind his space, then we know that he is not intending to use it as a sign, as a billboard, because nobody parks their vehicle four or five spaces or four or five tenant spaces over, at an angle, so that it can be seen from the Berlin Turnpike and never drive it. That's the intent. I think each one of these has to be looked at in an individual manner. For instance, the Floors Now that you mentioned. He uses that quite often, it's in and out and in and out. I think though if you went to him, he's a very nice gentleman, I think that if you explained to him that there are some problems with people that are using these vehicles as billboards, and that we don't believe he is, but he has a rear area at the building, maybe he would accommodate us and then just park his van in the rear of the building. I don't think he would have a problem with that.

Newington Electric, that's pretty obvious that they are not, their intent is not to use those vehicles as billboards. Jay brought up one earlier, and that van probably is used as a billboard, and that could probably be moved somewhere else because another reason is, it's not really in a parking space, it's parked across several parking spaces so that it can be seen, and that one is right in a residential zone. I think if each one of these cases that the Commissioners should look at them on an individual basis, and they should be monitored for a period of time to find out if the intent is really to be used as a billboard. That is what we voted on, are they actually intending to use them as a billboard.

Chairman Aieta: Just to be fair to the Zoning Enforcement Officer, when we had this discussion he said, well, if I have to go to court, if we don't cite everybody. I said, you are going overboard because there are some people who are using them as billboards and some of them, they are using them for their business. I mean, so we have to take each individual case. He said no, if I cite this guy, then I have to cite everybody else. Then I said, don't cite anybody until I bring this to the Commission. I'm going to meet with him, and we have to get a procedure where we get some of this stuff cleaned up. We're at a point where we have

gotten rid of three or four of them, so we are almost there, but every time we get rid of one, another one pops up. I need to be able to give him some guidance and say, listen, the Commission will tell you which ones are billboards and which ones are not. I mean, it's that simple. If he gets called and has to go to court, then I will go to court with him and explain why we specifically said that one was a problem.

Craig Minor: Just one thing in closing, I think there needs to be a very clear definition that says, that if it's motor vehicle or a trailer then it has to be moved, it cannot be stationary for any period of time. Without doing that, you are going to have a real difficult time being able to say, that's a billboard. The unfortunately part is, you can go out and buy an enclosed trailer with a sixteen foot sign billboard, spend \$2,000 on it, register it, okay, it's a registered vehicle, you don't have to pay insurance on it, the property taxes are non-existent on it, and accomplish the same thing, so we just have to find.....

Chairman Aieta: When we take up the sign regulations, that is going to be part of sign regulations, something that can be put into the sign regulations. It takes some work by someone saying, we have been watching this for four months, and it hasn't moved, ever. It is specifically placed so it is used as a sign. That is a sign.

Commissioner Miner: If it's spelled out that way, it's clear. It's clear as day.

Chairman Aieta: Okay, I wanted some information so that when I meet with the ZEO I have something for him about what the Commission wants. I just want to give him some guidance. I would like it if he would talk to these people more than just go back to the office and cite them, I think if he went in the talked to the Floor Now guy, and said he was having problems with the guy across the street, we know you use your vehicle, we know you are not using it as a sign, but to accommodate the town, would you park it in the back?

Commissioner Pane: I just want to say that I think there has been a big improvement. I mean, when we came down the Berlin Turnpike on the way over here, I think we found only two or three banners or temporary signs that looked like they were out there, and then as far as the vehicles, just a couple of years ago, there were at least six of these things out there and nothing was being done. I think we have accomplished a lot, I think the Zoning Enforcement Officer has accomplished a lot. It's just a matter of staying on top of it and being consistent is very important, so I think things have improved, it's just a matter of staying on top of it.

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

