

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Special Meeting

August 10, 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 Michael Camillo-A
Commissioner Paul Giangrave-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner John Bottallicco-A

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Andrzejewski.

III. APPROVAL OF AGENDA

Craig Minor: Mr. Chairman, Panera has asked to be continued until the next meeting, they want more time to get their site plan perfect, so I recommend we delete Public Hearing B, Petition 33-16 for Special Permit for Panera and I recommend that you delete New Business Item A, Site Plan modification for Panera.

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

Gail Budrejko, 21 Isabelle Terrace: At the last meeting there were some comments made regarding building heights, regarding five story allowances for Amara, and whether the intent was only for the B-BT Zone or the whole town, and subsequently I believe that Mr. Minor sent out a verification saying that although the exception was put in for the B-BT Zone, it was intended for the town.

I was very diligent in attending all of those meetings. I thought I paid attention and to my recollection it appeared to me that the intent was for the B-BT zone only. I went back today and I found minutes of the meeting that I would like to read, from April 8, 2015.

"Commissioner Anest moved to approve with modifications Petition 7-17, text amendments Section 3.2.,Findings: 1. The current zoning regulations lack any mention of continuing care retirement communities.

2. A maximum height requirement proposed by the applicant as modified by the decision would be limited to projects to the B-BT zone only and not any residential zone.
3. The amendment is consistent with the Plan of Conservation and Development.
4. This amendment has been referred to the Capital Region Council of Governments, and was deemed to present "no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Modifications

1. The greater height will be allowable in the B-BT (Business Berlin Turnpike) zone only.

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

So, to me the intent was pretty clear that it was to be limited to the B-BT zone only. This might have ramifications for the TOD, so I really think this needs to be put to bed. Thank you.

Rose Lyons, 46 Elton Drive: Gail brought up Amara, so I guess I can ask about the status of the project.

Craig Minor: I have heard nothing from them. Since the night they left, I have heard nothing.

Rose Lyons: So much ado about nothing. Thank you.

Al Ginn, 104 Brookdale Avenue, Newington: I'm a lifelong resident of Newington. I grew up in the junction and ran a lumber yard down there, and managed a lumber yard all of my life. I'm retired and even though I'm in the south end of Newington now, I still have interest in what happens in the north end. I don't know if it is appropriate, but one of the first questions that I have is, and I thought some time ago that we had declared like the West Hill area, and Willard Avenue, going north as a historic.....

Chairman Aieta: I don't want to cut you off, but this is the first item under Public Hearing, and once the Planner gives his report, it is an agenda item that we carried over from last meeting. If you could just hold your comments until I ask for who is in favor or against, you can come up at any time, for or against.

Al Ginn: Okay, I read the article about the last meeting, am I on time for that?

Chairman Aieta: You can respond, but you have to respond at the proper time so it is within our procedures.

Carol Anest, 30 Harding Avenue: A member of the Newington Town Council, liaison to the TPZ and I was also Vice-Chairman of the TPZ when the Amara regulations were discussed. I remember having a lot of conversation about limiting the five stories just for the B-BT and that is exactly what the resolution says. I will be anxious to hear what Mr. Minor has to say regarding that. Thank you.

Chairman Aieta: Anyone else at this time. We also have the public participation later on in the meeting, so you will have another opportunity to speak and you can speak and you can

speak at any one of these Public Hearings, in favor or against. Is there anyone else wishing to speak on anything that is not on the agenda?

V. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: Along with the report this month, you also should have gotten a memo from me. At the last meeting, we talked a little bit about a recent court case that came up, that impacts temporary signs and how to regulate signage, so hopefully everybody has had a chance to look at that. I know you have a lot to get to, so I won't go through everything that has been said, but for the benefit of the public and just to summarize the memo; essentially there was a Supreme Court case between a town in Arizona and a local business, a church there and they ended up going to court to determine the legalities of regulating signage and how the specific town was regulating different signs, based on the content. The TPZ has talked about taking up temporary signs, and the sign regulations in general so this is sort of a first step in seeing legally what you can and can't do and what it all boils down to is, if you want to regulate the sign based on what is contained within the four corners of the sign, you can't do it. You have to regulate size, location, can regulate the zone, can regulate lighting, everything that you do with free standing signs, but between civic non-profit, religious, any of those types of signs, you can't regulate them differently based on the type of sign that they are. That is what it boils down to. I know that you are going to bring this up later, so we will bring this up again when we get to that point, but if any questions come up, I can try to answer them.

So, you have the report, and something that I started after meeting with the Chairman to try to be more aggressive with temporary sign enforcement, I created a hand out or a form that I know have, and if I am out and about, and I see a sign that has been put up in the right of way for example, something along those lines, I'm taking the sign and returning it to the store front with the note attached saying why it was removed, and it also has the regulations as part of it, so people, so we can get them the information that they need to understand how they need to comply. It gets the sign taken down, it gets it out of the right of way, so hopefully we will keep things cleaner and we can be certain because they are being hand delivered, that we know that they know the regs based on, there is a copy that has been taped to their sign, and I did it this weekend, I found maybe six or seven signs, and they weren't up when I came back into town that night, so hopefully this is something that will work for the properties.

I didn't send you the temporary sign permit report because there were only two, and one of them was the Humane Society, and their event has passed, and we have a new business in the town center that is using an A-frame sign to advertise that they are now open. So if anyone has questions.....

Chairman Aieta: Any questions for the Planner. You all received a notice, a letter from me on the procedure to be used reporting complaints to the ZEO, so that he is prepared to come to the meetings and have the information pertaining to the items that you have forwarded. Is there anything that you want to bring up for the ZEO for the next meeting? Any comments?

Commissioner Pane: I just want to thank the Zoning Enforcement Officer. I think that is a great idea that you came up with. Thank you very much, appreciate it.

VI. REMARKS BY COMMISSIONERS

Commissioner Sobieski: In the past week of two, I've had several members of the Francis Avenue area call my attention to the fact that there is a Bed and Breakfast located on Francis

Avenue. I looked it up on the web site, and it is listed as a Bed and Breakfast. I forwarded it to the Town Planner. My concern is if it is not in the regulations, it is not legal. That is how I feel. I could be wrong. If I am wrong, so be it, but it's not in the regulations, then we either need to put it in the regulations, or not allow it.

Chairman Aieta: At the end of the meeting, under Remarks by Commissioners, will you bring it up again, and we'll see if we can get some resolution, or some discussion. I don't want to hold up the people who are here for the Public Hearing. Any other Commissioner remarks?

It as brought to my attention at the Council meeting last night, it was brought up why we do not, as a Commission, take phone calls from residents during Public Hearings. I've been a Commissioner for a number of years, but I talked to the Town Planner, we talked about it, and we went to the Town Attorney and the Planner has gotten some remarks from the Town Attorney back on this item.

Craig Minor: This is from the Town Attorney Ben Ancona, it is addressed to me. "After having reviewed Section 8-7D, and it's applicable case law, I am advising against allowing the public to call in and participate. There are logistical problems that may create legal issues should an appeal to taken. In the event that someone with a disability desires to participate and has made advance arrangements, I wouldn't see a problem, however, to simply open up a theory, with no regards to how it might affect the record is not wise. Of course, anyone who cannot attend is always welcome to submit a letter to be read into the record.

Chairman Aieta: That should answer the question from anybody who had a question as to why we do not take public input over the telephone at our meetings.

VII. PUBLIC HEARING

A. Petition 30-16: Zoning Text Amendment (Section 3.19 B: Newington Junction, TOD Overlay District.) Town Plan and Zoning Commission, applicant. Continued from July 27, 2016.

Chairman Aieta: Because this is an amendment created by the Town Plan and Zoning Commission, just for the public's information, this is something that has been on our agenda for over a year and a half. We will have the Planner give a brief summary.....

Craig Minor: Let me begin by mentioning or pointing out that the regulation that has been drafted is for what is called an overlay district. In an overlay district, all of the obviously underlying zoning still applies, so if somebody has a piece of property that is zoned Industrial, Industrial in the TOD zone, and the amendment is adopted, and they want to apply for a permit to build a factory, they can still come in under the old regulations and apply for site plan approval for a factory. That remains unchanged. But if the owner of that property wanted to come in and apply for a mixed use development of a store, some sort of retail store, on the first floor with apartments or some other kind of use that is not the same type, they would be able to apply for a permit to do that, but there would be a public hearing, the Commission would be able to impose special conditions on that depending on the character of the neighborhood, keep it under control so in a sense, the property owners will have the best of both worlds. They will be able to do what they have always been able to do under the current regulations but if they have a proposal that TPZ feels would be in the best interest of the town as well as in their own best interest, and it still protects the neighbors, the Commission would be able to approve it with conditions. I think that's it, in a nutshell and this

regulation is similar to the one that the Commission adopted earlier this year down at the Cedar Street station area, but because people live in Newington Junction, where they don't on Cedar Street, the Commission has taken a much more cautious approach to the regulation for Newington Junction because of the fact of people's homes, frankly. The hearing was opened at the last meeting. There was not a great turnout at the last meeting so the Chairman opted to keep the hearing open for an additional meeting to get additional public input.

Chairman Aieta: Would you, for the public's information how the TOD got before us as a Commission through the State and CRCOG?

Craig Minor: Well, because of the CTfastrack station, Newington now has what is called a transit node. There is a place in Newington that wasn't there before, where presumably large numbers of people will come and go every day on a daily basis. Because there will be this influx of people it seems logical that people who own property in that area of town will want to take advantage of this, I'll call it resource. People with money to spend are a resource, and this will give property owners the opportunity to capture that, which if it is managed wisely will benefit everybody. It will benefit the grand list, which benefits everybody, it will benefit the property owners because they will be able to get a better return on their investment from when they bought the property, it will benefit residents because they will be able to take advantage of stores and other opportunities that weren't there before. Again, the key is to make sure that this is done in a way that does not unduly impact the neighbors, the existing residents, so it will be a challenge to the Commission to very carefully approve some and deny others, but because there will always be public hearings, the public will always have the opportunity to weigh in and express their concerns, pro and con and then the Commission will make a decision on a case by case basis after the public hearing.

Chairman Aieta: Will you just, for the public's information, talk about the radius that the State has asked us to consider and our response in the other area of town, the Fenn Road area where we didn't take the recommendations.

Craig Minor: People that study what is called TOD trend, or development, people that have studied this have learned that the American will walk up to a half mile on a regular basis. Anything more than that, Americans don't like to walk much more than that, so a half mile radius has kind of become the rule of thumb for planning transit oriented developments. So any town that creates a TOD zone, it's usually a zone that is centered around a transit node of approximately a half mile roughly, so when the TPZ created the TOD district down at the Cedar Street station, the Commission started with a map with the Cedar Street station as the center of the target with a half mile circle around it but then the Commission chose actual streets or in one case the railroad, the Amtrack rail as a boundary of that zone. Again, the half mile radius is a rule of thumb, but then the map will show an actual specific boundaries. The map that I drafted for the Newington Junction, as I recall I used the brook, Piper Brook, I recommended using the brook as one of the boundaries rather than a street, so it's not caught in stone that you use streets, but typically a town will use streets because everybody knows where they are, and there is no question of where the boundary is as long as they use existing streets. In other words, geographical references such as a street.

Chairman Aieta: The point here is that we are not taking a radius from the station as the center and arbitrarily saying that inside this radius, that is what we are going to use as an overlay zone. We are going to be cognizant of the fact that there are neighborhoods there, that we are going to eliminate from the overlay zone so we will not disrupt the neighborhoods. I'll open it up for other remarks and we will open it up for the public, and probably after this

meeting, we will continue this meeting again because I want as much public input as possible. You are the people that live in the area, you are the people who are affected by it, and your input will weigh very heavily on the decision we make as a Commission. We're residents just like you are. Any Commissioner remarks?

Commissioner Sobieski: To reiterate what I said last month, I don't want to see neighborhoods devastated by this. This is totally different than Cedar Street, Cedar Street was more like an industrial area, this is like ninety-nine percent residential. That should weigh an awful lot on our decision as to what we want to do, but again, I don't want to see these residents and I don't want to see the neighborhoods destroyed or wiped out or impacted in any way shape or form by some force of TOD development. That's my opinion.

Commissioner Miner: The only other thing I would like to reiterate to that, I agree with Commissioner Sobieski that we need to concentrate our efforts on the industrial areas that are surrounding that station, put that as our emphasis and focus. They are highly underutilized in that immediate area in terms of occupancy, and that should be a main area that we concentrate our efforts in terms of the overlay.

Commissioner Pane: I agree with my fellow Commissioners. I think protection of the residential property is extremely important for their quality of life, and concentrating anything in the industrial area I think would be our best bet. Making the area a little more friendly for pedestrians and bicyclists to get to the bus area, would be something that we can work on too, but I don't want to impact the residents at all. Thank you.

Commissioner Serra: Just to reiterate what my fellow Commissioners said, I agree one hundred percent and I live very close, if not within that half mile radius also. So even though I'm a Commissioner here, I'm also one of you out there, and we are going to do our best, and everything that we can to protect these neighborhoods as the other Commissioners said, and we do have collectively the best interest of this town in front of us and that is what we are looking for. You're not going to see factories, and housing and everything else going up overnight. Everything will be very carefully discussed, and you folks will have every bit of input as the Chairman said.

Commissioner Strong: I myself live right in the area on Chapman Street, so I'm right in the middle of it, and I agree with what everybody has said. I know that we will take good care when we outline the areas that we want included.

Chairman Aieta: Just so the public knows, if there was any, if we adopted an overlay zone, and someone wanted to come in for a piece of property that they bought, and they wanted to make a change, every single one of these pieces of property is under a special permit which means that they have to come back to this Zoning Board and get approval, and part of that approval allows us to have the same meeting that we are having tonight. So, every one of you residents that are out there, that live in the neighborhood would have your say again on every single application that came before this Zoning Board, so the protection for the neighborhood and the input from the citizens of the Town of Newington is tremendous under these regulations. It's more stringent than the current zoning is now, because the current zoning, if it's zoned as a PD zone, they could come in without a public hearing and just ask for site plan approval. Have no public input. With this change comes a lot of responsibility for the residents that they have a lot of say of what goes on.

Commissioner Serra: I've seen a lot of posts and different things on the social media sites, look at what West Hartford is doing, look at what this town is doing. We're not West Hartford,

we're not anybody else. We're in Newington. We have our own regulations, our own set of rules, and I can't speak for other towns, but I don't think they are doing what we are doing with this overlay district, trying to set these regulations. So just keep in mind, when you read what is out there, we are not West Hartford, we are not these other towns. We are Newington, and we are here for the best interest of Newington.

Chairman Aieta: Any one wishing to speak in favor of the amendment that was brought before us tonight? Anyone in favor of the amendment? Seeing none, anyone in opposition?

Al Ginn, 104 Brookdale Road: First of all, there is no question in my mind that this board is going to do what is right for the junction. I've been following this issue from the time that the State was trying to make them change, and we're now in charge, I guess. Unless somebody figured out a way to steal it away from us. I just hope you will bear with me, I have a few questions about things going on. Familiar with the area, having been there for a long time, and the first one when you talked about what you are going to do to develop around the Fastrack, I didn't hear any discussion about the fact that at one time, the town declared that West Hill Road and Willard Avenue, going north to the West Hartford border was a historic district. Has that entered into it at all? Is that something that was dropped?

Craig Minor: Well, yes and no. There are I think two National Registered Historic Districts in the north end of town. However, so the fact that there are a couple of National Historic Districts is something that Newington should be proud of, but that doesn't actually have any teeth as far as zoning regulations are concerned. So, yes I would hope that the Zoning Commission will take into consideration the fact a house may be indicated as a tributary structure to this historic district when they approve a plan to demolish it, or convert it to a bed and breakfast, whatever the application is, but legally, being an historic district does not have any teeth, as I said.

Al Ginn: I just want to point out, there is one house half way up West Hill Road on the left hand side, that according to my historic knowledge is supposed to be one of the oldest houses in Newington. I don't know if you are aware of it, it's the house that Nels Nelson's son lives in.

The other thing I want to comment on, I was looking at what was proposed, and I thought that the smartest thing that I heard was the fact that if they thought there was any room to build housing for people who are disabled, so they would be close to the bus station. That made a lot of sense to me.

The other thing is I'm sure what they consider the scope of the Newington Junction. Is it Day Street, areas like that?

Craig Minor: This is the map, and I just did this by hand, this is just to show people what a half mile radius is from the Newington Junction station, but the actual zone boundaries that I have suggested, these are the borders that I have suggested that we consider because this is all roughly a half mile of the CTFAstrack station. On the west, it's West Hartford, West Hartford Road, on the south, well, I lied when I said that we followed the street lines. In this case it follows the property line behind the houses on Stoddard Avenue, and then on the east the boundary would be Day Street, and then along Francis Avenue heading east, and then we follow this brook, and I'm suggesting that we do that because at this point, where the hand is, as the crow flies it's only, less than a half mile to the train station, the fact is, people walk, people don't fly, and to walk from the train station over the overpass and down to Francis Avenue, by the time you have walked all that distance, you have walked almost a mile. So, when we do get into this discussion of where the actual boundaries are going to be, that might be a factor that the Commission might want to take into consideration, but for the

time being, for purposes of discussion, I've suggested the boundaries of Piper Brook, and then again, following a property boundary and then another property boundary and then stopping at Main Street, and then of course West Hartford town line as one of the boundaries, although for purposes of discussion, although it is in the draft regulation, these are the boundaries that I am suggesting for the zone.

Al Ginn: I guess my point was where properties would be available for doing anything that is positive, and I think about some of these commercial properties that have been vacant so long, especially on Day Street, certainly there must be something that is on your minds that can be done with.

One last thing and I'll get out of your hair, as I said, I used to manage Cashway Lumber. I put a major addition on that building while we were operating, and I remember the Town making it absolutely clear to me that Francis Avenue went all the way to the railroad tracks, that the stub of land that stopped at the railroad tracks, because at one time that used to be a railroad crossing, way back in the history of Newington, and so I had to be very cognizant of the fact that my building line was all the way to the railroad tracks. We have this current owner in that building that Cashway used to own, and I know you guys are working on this, Francis Avenue, I don't know what the legal problem is with clearing a town road. I just can't figure that one out. Maybe you could start hauling stuff out of there almost immediately because it is on a town road. It's just a thought.

Chairman Aieta: We're on top of it.

Al Ginn: I know that it's not related to what we are talking about.

Chairman Aieta: Well, it is related and we are on top of it, you're going to see action, and you are going to see action within, not months, within days, trust me, I'm meeting with the Zoning Enforcement Officer and the Town Manager and that was one of the specific items that we discussed. This thing has been going on for years and years and years and it's going to get cleaned up.

Kahleen Kaiser, 46 Walredge Road: I'm not really sure if I'm in the zone or not, I can't tell, but looking at this proposed amendment today, I drafted a few thoughts. I read the Newington Junction Transit Oriented concept memo dated May of 2014. According to that, we're facing the construction of a small village, consisting of 1700 or so housing units, 890,000 square feet of office space, 1.1 million of R & D spaces, and 33,000 square feet of retail space.

Chairman Aieta: What is the source of this misinformation?

Kathleen Kaiser: I don't know that it is erroneous, but the source is A Report Commissioned by CRCOG and the Town of Newington. It's out there.

Chairman Aieta: Yes, it's out there, but it ain't in here.

Kathleen Kaiser: When one is sitting at home, reviewing and preparing, one does not know that.

Chairman Aieta: Those are good items that you bring up so that we can comment and get on the record what our thoughts are.

Cathleen Kaiser: I cannot believe if this development, if it went forward would not adversely affect our quiet area neighborhoods in the north end of Newington. If it becomes fully built out, as imaged in the concept memo, there will be many more people, many more vehicles, more pollution, and more crime. More people require more town services, police, fire, education, and social services. Who is going to pay for this? Certainly not the developers, they will be home counting their money, they will not be living next to this instant slum, and they will not be paying for services. We all will.

I say no to three to five story buildings, personally I think three stories is too much. I say no to ten units of residence per acre, and that is mentioned in the amendment. We taxpayers are going to have to foot the bill for all of the services, and we shouldn't forget this year's budget issues. I urge you to use some common sense and not cave into the latest craze of development fantasy. Look at New Britain, look at Hartford, look at other cities that have been the unfortunate recipients of so-called redevelopment. Our state is losing people, let's not ignore that fact. Sweeping people into housing next to a railroad track and bus stations is not the answer and will do nothing to enhance our town. Thank you.

Carla Santorum, 93 Francis Avenue: I have to second everything that that women did with her wonderful research. I've lived on my street for thirty years, and we bought a house in the neighborhood because we liked the neighborhood and we had family only two streets away. The neighbors that I live next to are caring, friendly and helpful, and really our street consists of neighbors helping neighbors. I have people mow my lawn, shovel my snow, fix my fence, whatever I need. It's a very nice, tight knit neighborhood. I was very upset learning that the State wanted to develop a CTFastrack and put in some type of mixed use and high density, in other words, subsidized housing in a half mile area around the Fastrack station. As I resident, I'm opposed to any type of mixed use or high density development. Somebody mentioned that there is a large number of people coming and going on the bus at the Fastrack. I'd like to know what you consider a large number. I pass by the top of my street several times a day. The parking lot is full with cars, but what is that? Fifty people? How many people go back and forth that we need to disturb the entire neighborhood to do this? As far as Day Street goes, nobody cared about Day Street for the last ten or more year. All of a sudden Fastrack comes, the federal regulation comes, you have to put mixed use, low income subsidized housing, and all of a sudden Day Street is like, wow, this is the greatest thing in the world.

I agree with the woman that just spoke. I don't think we need to be drawn in by this hype of, this is going to be great, develop it, you know, one of the town officials said people will be knocking at your door to develop, but they need not stop at my door, because I'm not for it, I'm not developing anything.

Again, I agree with her, the activity outside these establishments, bars or restaurants come with their own set of problems, as we already know. We know what goes on on Cedar Street, other parts of the town. You can have noise at any hour, trouble, and possible vandalism. I didn't think anyone else would bring that up. Along with the foot traffic, the increased number of cars going down Day and Francis is not going to work. Somebody mentioned a bike or a walkway, last month when I was here I talked about it. You have already taken some of our land, about ten or fifteen year ago. One of my neighbors across the street, if you take even a foot from her yard, someone is going to be parking at her front steps. It's not only dangerous, it's inconceivable, and Francis Avenue is just not wide enough and just doesn't, it's not something that you can really do there. It doesn't accommodate it. We have work going on at Amtrack, and at Pipe Brook that we hear at all hours of the night, so with anything else there, we are going to hear the noise. It's not going to be the neighborhood it is and I have the same thing in my notes about the police, the fire department. They are already busy, we can't keep up with the people running stop signs, red lights, and now we're going to have

everything else and we are probably going to need a full time Fire Department, and there go the taxes that have already been increased year after year.

Mr. Ginn talked about the homes on Willard Avenue, and I know they are not part of the historical, but they are part of the town's character, and the idea of taking those homes and turning them into apartments or something else is ridiculous. I'd like to know, what about the people who live in those homes? Doesn't anyone care about them, and how long they have been there, and how they have remodeled and upgraded, and what is the plan to take the homes. Is it eminent domain, what is it going to be? If they get offered money and they say no, they are going to take it anyway? That's not really fair.

Chairman Aieta: No, it's, let's just set the record straight. There is no eminent domain, there is no taking of property, we will not allow that to happen. We will not allow eminent domain, we will not allow the taking of property.

Carla Santoro: I appreciate that you people live in Newington. I'm not sure where, but if you look at that map, that is my entire street. I am totally opposed to anything happening on any part of our street. Again, you may not want to hear this, but if it wasn't for the subsidized housing I don't think we would even be having this discussion. I mentioned how Day Street has been like that for a long time and Newington is a town, and not a city, and I agree with the other woman, you can see millions of dollars have been spent on projects in Hartford that somebody hyped up, and where are they now? They are dead in the water, and it's a waste of money and they are in a deficit. Our neighborhood is the way my neighbors and I would like to keep it, and the politicians in town need to do what is right for the people as we elected you, or some of us might have, and not to do with Malloy and his cronies in Washington. Thank you.

Chairman Aieta: Just for the record, when I said there was erroneous information, this is not information that this Commission gave out. It was pretty fast tracked that the regional government was trying to push upon us, so you know that this community was against that whole Busway Fastrack thing from the start and we got it shoved down our throat and we're trying to salvage as best we can, but I think a lot of your concerns we are hearing, and we are going to act on what you have to say.

Rose Lyons, 46 Elton Drive: I want to take responsibility for that study being on the town website. I asked the Town Planner several times about that study and he told me when it was available he would put it on the website. Had I seen all the confusion on Facebook as to what was a plan of this committee vs a study done by CRCOG I probably would not have commented on it. That was not Fastrack I don't believe, I believe it was during Fastrack and that study was done because of a grant I believe from CRCOG, Mr. Minor received it after Mr. Meehan retired, and the Town Council and I believe members of this committee took part in that committee, somebody from TPZ and the Town Council, but it has nothing to do with what you are doing here. I think it probably should come down. It's not erroneous information, it's a study. It's not what your plans are.

Chairman Aieta: Well, in my eyes it's erroneous because it's not something that we commissioned, it's not something we asked for, it's something that was shoved down our throats by the Regional Council of Governments.

Rose Lyons: Well, whatever it was, and here is the question that I have, on your proposed Newington Junction Transit Oriented Development Overlay District, D, it says the Newington Junction TOD is approximately bounded on the blah, blah, blah and on the south by Chapman Street and Fennwood Circle. When I look, I can't see that map there, but in

looking at the attachment the grayed in area does not include Chapman Street or Fennwood Circle. Is this map off or.....?

Craig Minor: Again, these are just general, these aren't meant to be specific, it's just for discussion.

Rose Lyons: Well, the grayed in area I think is important to Judy and a few people on Chapman Street, and Fennwood Circle which was also included, it should be probably in the grayed in area.

Chairman Aieta: To just set the record straight, this is a starting point. This Commission has not endorsed the boundaries on this, I for one look at it and see an area that is greater than what I would be willing to approve.

Rose Lyons: All I'm saying is.....

Chairman Aieta: I'm not happy with the boundary lines at all. We needed a starting point, and this is what it is. This Commission will beat that up until we get it right.

Rose Lyons: What I am trying to get across is that the written information should match the map.

Jim Files: I actually live on the other end of town, but my mother is on Stoddard Avenue. I want to look at the larger picture here, because what we are seeing is the state made us take the busway. We might have had some say, but basically it was going to happen. So now, the State is in a position where ridership is, well, nobody really knows because they aren't telling, so now they are in a position where they kind of have to make this thing go, because how much money was spent on this thing? So, a lot of things that I'm really concerned about it, when you start listening to the tone of Mayor Bronin, in Hartford and they are talking about regionalism and they are talking about (inaudible). Do we want to become a New Jersey where one town runs into the city and kind of like everything is all convoluted and everybody is paying into other areas who are supposedly supposed to support us. If you want to maintain the autonomy of this town, and keep the character of what Newington is. How much of Newington is developed already?

Chairman Aieta: 96%.

Jim Files: Okay, that's a beautiful thing isn't it? So, we don't need anymore development. We need to clean up some of the areas that are bad, we've let Day Street go forever, and some how, some way we are going to make use of it, but I don't want to lose our town ambiance, or whatever. We are a separate town, we are not Hartford, we are not West Hartford, so let's keep it that way, and minimize the amount of things that we need to do. We're going to accommodate the bus way, we are, I get that. We have to do it in a way that is really going to minimize. You could have something on Day Street I suppose, but you know how it goes, once you open up that box, and you start giving stuff, then what happens? You can't stop it. You cannot put the genie back in the bottle. So we have to be mindful of that. I don't want to see us become a suburb of Hartford, I mean, a real suburb of Hartford where they call what we do, and this is trickle down in the wrong way. It's from Malloy, trickle down to us, and now we are going to have to do what they want. We need to do what we want. Thank you.

Dana Abrams, 113 Stoddard Avenue: First I want to say, I don't think any of us are blaming you, or think that you are the bad guys here. I think we just want to keep a handle on this. To bring back the memo of 2014, it doesn't mean anything to this Commission, but the state did it, and we know the state's desire to make the Fastrack work. I think a lot of us, our fear is, as soon as we give up a little bit, or give them a little bit, we start building two or three or five stories, then they say, well, you already have this, it works out pretty well, let's keep moving, keep moving, and we want to keep a handle on that. We're keeping a close eye on this, not because we don't trust you, or think that you are concerned about this as well, but in the past, the recent past, when we just let everybody do what their Commission was there for, we woke up and found out that we almost had a metal corrugated building in the middle of Mill Pond. So, we do keep a closer eye on you. I'm sorry. Also, when you said, we're never going to take that home by eminent domain, no, you're not, because you don't have the power to, however, if you allow a mixed used development develop, guess who does have the power to take that land? The State, and you can't stop the State. So this is our concern, or at least mine.

Chairman Aieta: We can stop the State from zoning, that's a fact. The zoning, the zoning supercedes the.....

Dana Abrams: Correct, but I go down Day Street, that needs help, it needs more than a face lift, it needs a face transplant in that area. We're just saying, be careful.

Frank Stebo, 63 Stoddard Avenue: Tomorrow I will have lived in this town for fifty-one years. I have just a few simple questions. The first one is, where do you actually plan to build anything? We're not talking, just where did they decide they are going to build along the Fastrack? First thing is, the Fastrack, I'm one hundred percent against the whole deal. Since I just retired, I'm around the town during different times of the day, I don't see anybody on that damn bus. What are they doing in the center of town, trying to pick up passengers from their bus stop, that's my feeling on that.

The first question is, where would they decide to build? The second question is something that no one has taken into consideration as far as I can see right now. There is a wetlands area. What are they going to do with that? Fill it in? Ask Nels Nelson who is not here, ask Al Ginn, he knows. Start messing with Mother Nature, you get screwed. The water has to go some place. Nobody has said anything about that. They decide to build some apartment house there, to people who don't care about anything? They don't pay taxes, they don't do anything, we have to foot the bill like everybody else said. One of the things that they brought up is the increase in police, fire and everything. I just retired from the Newington Fire Department, 30 years this past March, and believe me we talk about all kinds of stuff, and it's not like the old days where we throw on our boots and go out and stamp out a fire. We are dealing with all kinds of chemicals. The Volunteer Fire Department does a good job, but it can get to a point where they say, gee, we can't do this any more. Then you see what is going to happen. Might has well put a For Sale sign on every house and just make a big parking lot for the busway. It's one or the other. I really, like the last lady just said, that open spot, there's some in the north end, there is very little in the south end, and I think we start messing up something, once you start messing up something, once you start messing up Mother Nature, once you start digging holes and filling and all this other stuff you know you are going to be in trouble besides what you are going to have once you build. So, the best thing you can do, like you say, I know that you are going to try to do the best thing, but, we've got to make sure that our area, for anybody who lives on Stoddard Avenue, try to sleep there at night, you can't. There is just traffic, even night time. There will just be an increase once we start putting up more stuff. So, I would not like to see the wetlands disturbed, you have a brook that goes through there, it goes all the way down to (inaudible) landing, and you can't

redirect stuff, that doesn't work. They tell you it does, maybe the big stuff, like some dams someplace but nothing around here, never works. So, as I say, like I tell everybody, I might sound negative, they don't like what I say, too bad. I had to have an operation and I found out my blood type is, I can't help it, it's B negative.

Gary Bolles, 28 Burdon Lane: Lifelong Newington resident, 71 years as of yesterday. I formerly lived at 171 Main Street, so I fully support the people in the district right now. We lived in the Joseph Francis house, built in 1790 and has been fully restored. I would hate to see that be taken by eminent domain. You say you won't take anything by eminent, but as the previous speaker reiterated, what about the State? The State I believe can override you folks and I would hate to see that happen. That area of Newington Junction is very, very tranquil and I would like to see it left like that. I think that's about it, but like I said, we lived in the Joseph Francis house, built in 1790, fully restored, I'd hate to see that be destroyed. One other thing, under D, you have that the Newington Junction TOD Overlay District is approximately bounded on the north by West Hartford, that's fine, on the west by West Hartford Road, and Fenn Road, but on the east, according to the map, it's bounded by Main Street in Newington, because that circle comes just to the east of where our former homestead was located. So, on the east it is bounded by Main Street, not Francis Avenue. So I think that needs to be corrected.

Craig Minor: Well, it's both. If you look at the map, it's bounded by Francis, the tentative map, it's bounded by Francis here, Piper Brook here, and Main Street up here.

Gary Bolles: So it's not bounded by Main Street where Francis Drive and Francis Avenue intersect?

Craig Minor: Correct.

Commissioner Sobieski: Excuse me Mr. Planner, I think Mr. Bolles is referring to the map that was originally put out, a half mile, a mile....

Craig Minor: Oh the radius map.

Commissioner Sobieski: That's it.

Craig Minor: The radius map, that's just to show people what a half mile is. That is the only reason that the radius map was put into the packet.

Gary Bolles: I still want to go on record as supporting these people, and the neighborhood, I would like to see it kept tranquil. Thank you.

(Inaudible), 84 Barnard Drive: I have a question because I don't know enough about this, I'm wondering if the same inducements are already out there for the National Welding site and the question is why the moratorium was extended on the National Welding site, because the area has a much larger buffer between the development area and individual homes, and also wouldn't have this push back from people, and then you would be taking things that are not on the grand list and putting them on the grand list as opposed to just changing.

Craig Minor: The moratorium is only in effect in the Newington Junction neighborhood. Actually, it never was back on Cedar Street because there are no houses there anyway. I don't think there.....

Commissioner Miner: There was, because it extended originally up to Maple Hill Avenue and then we reduced it in size.

Craig Minor: Oh right, so the moratorium was extended in the Newington Junction neighborhood only and is currently in effect.

(Inaudible) Then the other question about the inducement for mixed use?

Craig Minor: Yes, since the National Welding site is in the Cedar Street station TOD Overlay Zone, these same inducements are available to whoever the luck jack pot winner is that gets to buy that property from the Town.

(Inaudible) Then they should do that quickly.

Craig Minor: Well, it's too late to do it quickly. In my lifetime, I hope.

Gail Budrejko, 21 Isabelle Terr: Everybody knows that I wasn't happy with the busway, but I understand, TOD is coming. I'm not opposed to this regulation, but I would just like some modifications to what I think would make it a little stronger, a little more protective because I applaud your efforts. If we don't take this concerted plan of what we want in the area, we are just going to get what others want, so I think this exercise is necessary. I do have a few suggestions to maybe make it a little more protective of the Town of Newington and our quality of life.

Whether it's retail, industrial, or housing I really do feel that green space has to be incorporated into the design, meaning sidewalks, grass, trees and pedestrian friendly, and we should really have more green than pavements around the buildings, and this somehow has to be encouraged in the zoning and not simply defaulting to zero lot lines or similar zoning found in the typical retail or business centers.

Secondly, any development shouldn't significantly add more traffic to our streets, and just because these are along the busway doesn't mean people won't have cars, or won't use them to get to the TOD attractions. Part of the Planning process, while you are doing this study, I really think has to be determined the maximum saturation of traffic that we can support and somehow take this into account when you are doing your zoning revisions.

Third, any building, regardless of it's use has to be compatible with the current character of the existing neighborhoods and whatever zoning is done, it needs to be a gradual and seamless transition from the residential neighborhood to the planned development, so the new buildings shouldn't be dramatically taller than existing structures, and in my mind, this means no variances in zoning in this regard, for example, height allowances of five stories or more.

Zoning should work with the surrounding neighborhoods and not be a stark disconnect with the surrounding neighborhoods because views are a determinant of property values.

Fourth, for any retail, any kind of zoning changes I think really have to keep in mind existing businesses in town and any new retail or development should compliment and not cannibalize businesses in our town center. The town center should grow and thrive with the result of TOD and not be sacrificed as a result of that. They have been in business here in the long time, and we have to make sure that there is some other type of, ... Newington is a prime location for CTFAstrak, and we need to capitalize on it, to increase the tax base, so zoning should incent development and I think that would be a destination point for riders on the bus, by that meaning people will come into Newington for work, for recreation, shopping, educational opportunities as opposed to development such as higher density housing that would primarily be an origin point for people to leave Newington every day.

Some of you had mentioned to focus on the Industrial area. Maybe focusing on schools or specialized education facilities might be something to consider in the zoning regulations. Again, I just wanted to thank you for taking the time and giving special consideration to this area because whatever happens is going to have a significant impact on our town. There are tremendous opportunities here, but there is also opportunities for a major fiasco if it is not thought out. Thank you.

Robert Larson, 817 Main Street: I do applaud what you are attempting to do, to try to get ahead of whatever the State is going to require. Since we do have a transportation hub there, having a mixed use being put in place with a combination of retail and housing does make a lot of sense, but not to sacrifice the residential areas that are there. Obviously there are some industrial areas that need development that should be targeted before the areas that are developed and have a decent quality of life, I guess what I am trying to say is, if you are changing the zoning, which from my understanding is to give us more control, of what is going on, versus less, I would be for that, so I'm for that.

Chairman Aieta: I think we should keep this open for another hearing and get more input from the public. Our next meeting is in September, so we will carry this over. We will not close the public hearing. Any other input that you would like to bring forward at the next meeting, September 14th, we want to hear from you again if there is anything else that you should think of.

Commissioner Miner: I do have two letters to read into the record. The first is from Holly Fuzzard.

"Dear Mr. Minor and Mr. D'Amato, I write to urge you to consider the residents of Newington who oppose further development around the current bus station – specifically high density housing. The increased traffic load on our roadways (with the noise & congestion), environmental impact of further construction and demand on school systems and services that are already under flat or reduced budget lines – none of this adds up being "good for Newington."

As a taxpayer in the town, and parent, I am keeping an eye on the plans being discussed and voted upon that will impact my family and my children. We have loved living in Newington but I have to be honest with you – given the recent concerns with potential high density housing and further development of our town around the busway – my family has begun to look at our other options. Neighboring towns offer similar tax rates but place a higher emphasis on preserving green space and avoiding over development.

Please do not allow high density housing and continued development to further drain our existing tax paying residents and diminish the current reputation of Newington as a quiet, family-friendly town where people come to raise their families.

Thank you for your consideration. Respectfully, Holly Fuzzard."

Second one is from Margaret Hart-Banach, 145 Starr Avenue, Newington.

"To Commissioners: I would like to express two things. First, I'm grateful to the members of the TPZ who have stepped up to serve the public in this capacity and for the time and effort you commit to it. I'm grateful that you extended the moratorium on building around Newington Junction. I would like to thank Councilor Gail Budrejko for acting as a liaison to the Town Council and for her responsiveness to representing the concerns of citizens.

Second, I hope that current Commissioners have read and are familiar with the participation of many citizens who worked on a vision for Newington in a 2020 Plan of Development and

have turned out in significant numbers for previous public hearings regarding the Fastrak and Newington Junction.

Current elected officials ran on a platform of being responsible to the public, yet I read in the Town Crier that zoning officials need to hear from the residents. We have already spoken on the subject multiple times, so if you want to be responsive, then I would ask you to read the minutes of previous meetings, just like you expect residents to read minutes of your meetings to be informed. It should not be necessary for residents to spend entire evenings for multiple meetings to say the same things over again. It would appear that there is a plan to develop housing, notwithstanding all previous opposition to it. We have expressed our concerns about the impact of providing additional housing on our educational system, on police, fire and EMT demands, on our taxes for providing services for additional residents. We have talked to you about our desire for more open spaces and places for quiet recreation and the impact of development on Nature and our property. For example; I live within a half mile of the Fastrak. I have seen a wide variety of wild animals in my backyard, such as coyote, that I have never seen before in seventeen years at this residence. You may not live there, but I have new hassles and expenses on my property because our town has gone along with developing the Fastrak and the land around it. This has had a significant negative impact on wildlife and my life.

I also have significant concerns about additional noise, traffic, crime and pollution in our residential area, and other residents have already stated this. The State of CT commissioners who develop these plans don't live around the busway. My husband and I have been contributing members of our town for many years and we would like to believe that our opinions and our quality of life matter more than the State of CT's plan for Newington. The public has made itself abundantly clear and it's your charge to follow through with responding to the concerns already made public. Thank you.

Commissioner Miner: I have one more. This is from Anthony Claffey 327 Hampton Court I cannot attend tonight's meeting and I ask that my thoughts be read into the record. My thoughts pertaining to the TOD discussion and how it pertains to the proper zoning laws and changes that are on the table for tonight's meeting. I would like to see a mixed use orientated zoning law regulation change to allow for multiple types of development that will not have such a high impact on surrounding community as a TOD district. This TOD area deemed as vacant land development into tax generating parcels for years to come. The community cannot rely on just one type of zoning in that area, that has so much more potential. Changing zoning regulations will allow the potential of a mixed use area for development and is very attractive to potential suitors who are looking to move or build a future or a current business to the area and offer future residents a place to call home. Thank you.

Commissioner Pane: I want to thank the public for coming out. It was very educational, again we received a lot of new information. The Newington Junction is so, extremely different than Fenn Road, being that as one of the residents said, there is really not many houses around the Fenn Road area. So that was a lot easier, and I think that the Commissioners knew that that was going to be the easier one to figure out. I would hard pressed to be in favor of doing maybe anything over here on the Newington Junction. Maybe we just might want to leave it alone the way it is, I'm not sure if we can do that, but I think that we need to protect the residents and it's obvious that when something comes in on Day Street that will actually, will try to clean up the properties up there, but there's not much vacant land near the Newington Junction, so it will be very hard to re-develop that area without affecting the

residents and that is the farthest thing that I want to do. I want to thank the residents again for coming out. Thank you.

Commissioner Sobieski: I too want to thank the residents for coming out, I'm glad to see that there is a lot of turnout on Newington Junction. I also agree with Commissioner Pane, I do not want to see anything devastating those neighborhoods up there. I would also like to, I watch Facebook, there have been a lot of comments about that original study, the CRCOG thing was done by, a proposal back in 2014. I think if you are going to leave that on the web site, I would strongly suggest that you say that this is something that was thought of and rejected. People see this, you put this thing on Facebook, they see a piece here, a piece there, create a whole new sentence out of it, and the next thing you know, people are saying, this is the law of the land, and it's not. I know that it is up there for a reason, and I know that CRCOG spent \$20,000 on it, on the study, but to me, it's an old story, it's dead, it's not going anywhere so there should be some disclaimer on it. Thank you.

Commissioner Serra: Again, I want to thank everybody for coming out. Those who sent letters in, that's what we need, we need to hear from you. The last letter said we have heard from residents before and we are asking them again. Yes we are. It's a little bit different situation, we need everybody's input. A couple of things really quick, somebody mentioned about the wetlands. We have a Wetlands Commission, so nothing is going to happen with any of this without proper procedure, without hearings and without the Wetlands approval, nothing is getting in there. I can pretty much say that. The town center businesses were mentioned, we have discussed this last year, that whatever we do, if we do anything, and again as Commissioner Pane said, we may not want to do anything in these areas, but even the Fenn Road, whatever is done should complement, and I agree the businesses in the center. We don't want to build one area and lose another, so that is a concern, and we have discussed that. In one of the letters it was mentioned that the Town went along with the State on the Fastrack. The Town didn't go along with the State. The State said here it is, too bad, you have it. So, the Town didn't go along with them, that was forced on the Town. So again, as we said all night, what we are trying to do here is to protect the residents, protect the Town, and do what is best all around and as Commissioner Pane said again, if it means doing nothing, we do nothing. If it means doing things in bits and pieces here and there then that is what we do. So nothing is done without your input. Thank you.

Commissioner Miner: Just wanted to clarify a couple of things. First of which, the statement was made that the Town wants to stay ahead of any activity along the busway. That is exactly why the moratoriums were put in place when they had the opportunity to, just after the stations and construction of the Fastrack was complete. The biggest thing was, initially the process that they went through in Hartford, Representative Byron and his counterparts initially were able to kill the first attempt of the bill that had mandated TOD in it. The second time around, was able to get, and I believe there was one other municipality, West Hartford, that wanted to be excluded from mandated TOD development, so I think everybody so far like here and now, has tried to ahead of the potential consequences of dealing with the busway. It's here, we have no choice about it at this point, we might as well try to make the best of it. I have a question for the Planner if I could, the question came up before, can the State take any property within any TOD as it is now?

Craig Minor: Well, the State can always, under the Constitution, take any land for a public purpose.

Commissioner Miner: But it has to be for a public purpose?

Craig Minor: Public purpose, such as a highway, road, hospital, things like that. I don't know if in decades the State has ever taken land, condemned land for a housing project. That just doesn't happen.

Commissioner Miner: One other one for you is, the Cedar Street station was reduced in size to accommodate the existing, as it was for commercial, so the additional circle was created, 2014 into 15, the final as it was presented several months ago shrank substantially in size, so I just want to clarify that the large circle here, does not mean that this is what is going to happen, that that will be dictated to the size that we feel is appropriate for that area.

Craig Minor: Correct.

Commissioner Miner: I just wanted to clarify that. The space that was brought up in terms of having sidewalks to get to and from the station, it's my understanding now that any current development, commercial construction, would require right of way sidewalks along their frontage, correct?

Craig Minor: Right.

Commissioner Miner: So there would be mandated pedestrian traffic there. There is a concern on height. I believe Shepard Steel, it's go to be close to forty to fifty feet tall at the peaks of those commercial structures, so we are already there now in terms on what building heights are there, so I don't think you would notice the change in the appearance of the neighborhood, per se.

The next thing would be Stoddard Avenue as it currently is conceptionally drawn there, is not considered as it is right now. I think the initial reference you made I think Mr. Planner that Stoddard was included, but it's actually excluded, it goes straight down Francis, and Stoddard would be to the south, so that is currently not within the area and keeping a handle on the development was stated before and that is what we have been selected to do and what we are here to do as a committee and as a Commission is, we are looking at development and development is market driven. So, it's the old saying of, if you build it, they will come, well, the busway is here, if the market drives for mixed use development, then it will happen on it's own. There is no government funding behind it to say that the government is funding any type of project because that is not what they are doing.

I'll just wrap it up with the biggest thing we are looking at with mixed use development, the misconception is we are looking to develop current green space. That is not what we are looking to do. We're looking to redevelop these industrial properties that abut Day Street, primarily Day Street, and being largely abandoned properties for years. They did serve a purpose at one point, but they currently serve none at this point, and we would much rather see redevelopment usage to that, and being in close proximity to the station, that makes sense, and if we define just that area, it could potentially be just that small little area of Industrial.

The last thing is, if you look at mixed use development, there are benefits to it. If you look at Blue Back Square in West Hartford, yes, there is always change over, apartments for rent, vacant store fronts, but largely Blue Back Square on a Friday evening night is a high traffic area and McKenny outlet in Dallas is another example of it, that is transit oriented with complete mixed use. That works very positively. Thank you.

Commissioner Camillo: One more thing, when the consultants came in, back in '14, the only part of property that they picked out were the property lines in all of the backyards on Willard Avenue, from the bridge north. There was nothing going south, and it was going from say, where the bus station is to Day Street, that wedge, all the way up to the West Hartford line.

The original, when the consultants came in, when we had our town meeting was just that wedge and it was just the east side of the properties on Willard, the backyards and then Day Street, going north. It didn't go through any residential zones.

Chairman Aieta: The people that spoke in opposition have an opportunity to rebut, but let's not rehash everything that we heard. We hear what you are saying, we will have another meeting in September. If you feel a need to rebut, any of the Commissioner remarks, you are welcome to do that, but let's not rehash what has been said.

Sue Tine, 52 (inaudible): I have lived in my house since 1979 and feel really encouraged after being here tonight, with what was said, what was shared. One of the things that was just said about the height of the buildings, fifty feet, for Standard. I can speak to that, because we have lights coming through the woods, I'm set behind the other houses on that street, and we have light issues on all sides now. I have behind me a landscaper now, a new landscaper across the brook, Standard lights because of all of the thefts that were going on, they added some new lighting. I called about it, and I was told that was the problem. I don't know what kind of (inaudible) goes on with lighting in this town, but I think one of the considerations that we need to think about is the lighting. With all of the construction that might be taking place, and I know that there are towns that have put controls on that, whether is it wattage, whatever it is, but there needs to be taken into consideration too. On Willard Avenue, I was horrified when that building went up and that big red sign, I thought, if I lived on Willard Avenue, and had to look out my bedroom window at the light on Willard, on that one sign there, but it's light pollution. It really is light pollution. Thank you.

Craig Minor: We have regulations, when you come in with a site plan, we regulate to the hundredth of a foot candle for the new site plan, but once that gets approved, five years later, five months later, if they change the lights on the back of the building, I would never know, it would never come to our attention in the zoning department. It's a loop hole.

Commissioner Pane: If a resident came in, and complained that somebody had floodlights on their property, but the lighting was spilling over onto their property, then I think that our Zoning Enforcement Officer could actually ask that they put shades on it, and contain the light.

Craig Minor: Yes, he could probably ask, but we have no jurisdiction there. It would be a police matter, and good luck getting the police involved, because they don't want to be involved in those issues either. This is definitely a loop hole in our zoning regs.

Rose Lyons, 46 Elton Drive: I don't know if this is the appropriate time, or if I should wait until the end; just as a summary of what is going to happen from here on forward, for the general public to know, now that you have had your public hearing, are you going to revise the proposed draft, are you going to bring it to public hearing again, or exactly what is the process after this. I think we are all sitting here wondering.....

Chairman Aieta: I'll have the Planner address that right now.

Craig Minor: What I have often done, when there is a zoning regulation that the Town proposed that went through a couple of versions of public hearings, I would tweak it for each successive one to address what came up, I did not do that this time because I did not want it to be a moving target. Let's get all of the public hearings, hear from the public, get all the comments, good or bad, and then, not close the hearing, but then I'll prepare a draft that will incorporate everything that we have heard, present it to the Commission as a public

document, and again, the Commission will go over my revised draft with the public hearing still open so that people can comment on that. Because it is your application, you don't have to close the hearing at any particular, arbitrary time.

Chairman Aieta: We are under no pressure to close the hearing, and time limits can go as long as we want. We can make any kind of modifications, any changes to the boundaries, any changes to the language, it's our regulation, so we are going to take all of the information that the public brings forward and we're going to consider that, when and if we approve this amendment.

Rose Lyons: So, I'm just trying to figure this out, you would could either decide that you don't want to have an overlay district, you could go with a change of zone. You are going to take the input, good, bad, or indifferent and whatever the Commission decides they would like to see as far as this regulation from the Town Planner and you will have an opportunity to review it and go forward from there. The reason for the transit district overlay district is that you have more control over what goes in there? I'm just a little unclear, if somebody has property zoned a certain way now, they can go ahead and do whatever they want on that property.

Chairman Aieta: Yes, per the zone. An underlying zone does not change in an overlay zone. It just gives you, gives the applicant and the property owner, an additional way to request a different type of a use. One of the things that Commission Camillo brought up, we might end up designating one side of Willard Avenue and the Day Street industrial area. We might end up just doing that, so it doesn't affect the residents at all, and we get redevelopment in the Day Street area, and we get development along the back of the property on Willard Avenue to Spring Street. That might be an opportunity for the Town, but I think what it will do, with making the changes, making this overlay zone, it's you, the public who have more input on every application. If someone came in and said, I have their piece that I want to do this, this, this and this, it's a public hearing. The property would be posted with the notification saying that we are having a public hearing, you would have the same opportunity that you had tonight, and you will have in the future to come before this board and present your pros and cons on each individual application in this overlay zone, which you are not afforded under the current zoning regulations as they stand now. If someone came in, and is in the Industrial area, if they meet the requirements of the regulations, they are not required to have a public hearing, so you, as residents that live in the neighborhood have zero input, zero. As long as they meet those regulations in an Industrial zone and they can show that they meet the requirements of the regulation for buildings and site plan in that area, the Commission would be hard pressed to deny those types of applications.

Rose Lyons: So what I'm hearing is that it would be in our best interest.

Chairman Aieta: I think it would be. I'm looking at it as a citizen that if I had this going in near me, I would want to be able to come in and have input on every single one of those pieces of property, every single one.

Rose Lyons: And even though they may meet the criteria, they may be denied.....

Chairman Aieta: It's a special permit. It's a check list of things, one of the reasons for denial of a special permit is that it is not in keeping with the character of the neighborhood. That's the classic example of what you bring to court to the judge, and that is the first thing that we use as a condition. It does not meet the character of the neighborhood, it's going to change

the character of the neighborhood. That holds a lot of weight with the courts. You see court cases that come back, and I'm sure the Planner will back me up on that.

Rose Lyons: I'm hoping that not only the lighting issue, but think about the noise. I know during the development of the CtFastrack that people on the east side of Willard Avenue asked that a wall be put up as a noise barrier, and it was denied by DOT because they said there was not going to be a problem. The busway may not be a problem, but developing it was. Thank you for your time.

Chairman Aieta: We are going to continue this public hearing until September. If there is anything else that you can think of, anything new that you want to bring forward to the Commission, please come back. We don't want to hear the same thing a thousand times, we hear you, our minutes are verbatim minutes, we get them, we read them, we know exactly what you said, because every word that you say is in that minutes. Plus we have the tapes. See you in September if there is anything else that you want to bring forward and like I said, this will probably be kept open for several more weeks, several more meetings.

- B. 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. Continued from July 27, 2016.**

Postponed

- C. 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. Continued from July 27, 2016.**

Chairman Aieta: We kept this open until the meeting because of a question from a Commissioner asking for a legal opinion. I discussed it with the Town Attorney and he feels that under the regulations, our current regulations, is that it is up to us to be able to make a determination as to whether these things are, I think the question was asked, what is the difference between this application or another application.....

Commissioner Miner: It was a question whether or not child care versus adult day care, if there was a differentiation, or if it was a straight exact child day care.....

Chairman Aieta: Well, under our regulations it's the same section and I believe that is what they asked for. Profit or non-profit. The Town Attorney was reluctant to make the determination on issues like that because he said he could be prejudiced in an appeal, so he feels that there is enough information in our regulations and expertise on this board that we can make that determination whether there is a difference between each individual complication, each individual location, every one of them stands on their own merits, so he didn't really give us an opinion. For the applicant, is there anything else that you want to add to what you said at the last meeting?

Jean Sutton, 117 McDowell Road, Middletown, CT: I was advised that it would be a good idea to get testimony from parents in Newington that might consider using the day care, so I did get those letters. I'd like to read them.

Chairman Aieta: How many letters to you have?

Jean Sutton: I have three letters.

Chairman Aieta: We will make them part of the record anyway but if you wish to read them, that will be fine. If you want to read them, read them.

Craig Minor: It's just as official if you read them or not is what the Chairman is saying. So it's up to you whether you want to read them out loud now, or just submit them for the record.

Jean Sutton: Well I understand that at the last meeting on July 27th, you promised that there would be a decision made tonight and that it would not go past this meeting. With that said, is it appropriate to just hand the letters over to you or should I read them so that the Commissioners can make a decision tonight?

Chairman Aieta: Why don't you read them, you'll feel more comfortable with what you are doing.

Jean Sutton: This is from Kaitlyn Putney on 297 Cottonwood Road, Newington: To whom it may concern: My husband and I have recently become parents to a baby girl. We are full time registered nurses and we are scheduled for twelve or more hours in the day making child care a necessity. When we heard of the possibility of a day care opening right in Newington, we were thrilled. We want our child to receive the best care possible without needing to travel far before and after work. We are confident that Jean and Chelsea Sutton will provide the care that we desire and will better the Town of Newington with the start of their day care. As parent and residents of Newington, we are fully supportive of and look forward to the opening of Family Tree Child Care and Learning Center.

The next letter is from Dana Schmidt, who lives on New Britain Avenue in Newington: To whom it may concern; I am happy to recommend Jean and Chelsea Sutton in support of their desire to establish a day care. I am the nursery supervisor at Emanuel Baptist Church and are happy to have them work on a nursery team. Jean and Chelsea are two of the kindest, most hard working ladies that I know. They both work in our nursery at Emanuel Baptist Church. Jean helps to oversee one of our nurseries, and does an excellent job in helping to keep it clean, efficient, and does a wonderful job with the children. Chelsea is wonderful with children, she is very patient and kind and she takes the time to read, and give individual attention to each child. I have twin grandchildren that are sixteen months old and I would be happy to have them in the care of Jean and Chelsea. I trust them completely, they are both outstanding people. Sincerely, Dana Schmidt.

This letter is from Alicia Charles, Developmental Therapist for South Bay Early Childhood. She is a resident of Newington and lives on Sunrise Circle. To whom it may concern; I am more than proud to recommend Jean and Chelsea Sutton as directors of the Family Tree Child Care and Learning Center. They are patient, kind and nurturing towards the children in their charge. Chelsea's energy is refreshing and her enthusiasm contagious. She thinks of creative ways to bring learning experiences into the children's playtime, and will strengthen curriculum with her cutting edge methods and teaching techniques. I have known Jean and Chelsea for two years, and I have experienced their work first hand in Emanuel Baptist Church's Children's ministry. They are entrusted with children as young as newborns, and safety is one of the utmost importance to them. Jean and Chelsea's love for this profession is evident in everything that they do. They care deeply about each and every child's education and emotional stability. I am happy to recommend these ladies as child care providers. As a Newington parent in search of quality childcare, I would certainly hire them.

I would also like to point out that the Zoning application sign has been on the lawn at Temple Sinai since July 17th, and up until this point, and I see no one at the meeting that has come out with objections as a neighbor to Temple Sinai, so I wanted to get that on record. I also have someone who lives in Newington in the area who would like to speak in favor of the day care when it is appropriate tonight.

With that said, I am really hoping that the Commission approves the daycare. We are ready to go. I would also like to be on record as saying that the Health Department, Barbara from the Newington Health Department had come in about a month or so ago, and she inspected the site, and it was re-inspected recently and all of what she asked to have done there has been completed. The Fire Marshal has already come in, and gave recommendations and that also has been completed. So the site is ready to go in those two regards.

Chairman Aieta: Anyone wishing to speak in favor of this application?

Nancy (inaudible) I've been a Newington resident for over thirty years. Recently my position, I'm now the administrator, office administrator at Temple Sinai in Newington. Personally I am thrilled about this endeavor because before I came to Temple Sinai I was in the early childhood field for 35 years, and I am going to speak to that because that is my passion. Access to high quality early child hood child care, at the early education not only promotes child development but supports parents who are struggling to balance work and family obligations. Years ago when my parents were around, things were different. Parents stayed at home and that made sense, culturally and economically, but the majority of parents today work regardless of the age of the children. Parents are workers and workers are parents. I did a little research, 70.5 percent of mothers are in the labor force, including 64.8 percent of mothers with a child under the age of six. That is largely because families rely on two incomes. So access to child care is essential to a woman's ability to participate in the workforce. I will speak as a Newington resident that one of the things that attracted to me Newington, and my boys were raised here and went through the school system, are the resources and the programs and the resources and the services that you make available to your residents in town. There is not enough early childhood care, especially for infants and toddlers. There is just not. Contrary to the whole issue about the for profit versus non profit, anybody who works in my industry will tell you, you don't do this to make money. You don't get rich doing this, you do it as a labor of love, so the owners, the national statistics say that a successful private day care owner makes an average of \$35,000 per year. So we're not exactly talking about a lucrative profession. We're talking about a service that we are going to be providing a lot of families in Newington. I will also say that I took the liberty of calling all of the day cares in Newington, to see what their wait list looked like, several of them are closing because the magnet schools have taken away a lot of the pre-schoolers, and day cares can't survive on infant and toddle care any more which is wiping out day cares left and right. So families are struggling. The fact that Jean and her daughter are so passionate about providing this service. We're not going to bother anybody, we're off the street, we have our parking, it's set in the back, it was a school for years and years before, I can't see what possible objection there can be.

Chairman Aieta: At this point, I'll have the secretary read a letter from Ken Lesser, the President of Temple Sinai.

Commissioner Miner: This is from Ken Lesser, who is the President of Temple Sinai.
"Hi Craig: I will be unable to attend tonight's meeting. Please let the Commissioners have my correspondence.

My name is Ken Lesser and I am the President of Temple Sinai in Newington. We respectfully ask that the Commission accept the proposal to allow a daycare to operate out of our Temple. As you are probably aware, many religious organizations have daycares running in them. In fact, my children attended a daycare in the Congregational Church in Newington. This one has been operating for many years inside the church.

Additional we used to have a daycare in Temple Sinai not too long ago. This is a good arrangement for all parties, and will bring some new jobs in Newington (estimated up to 25) Our organization gets much needed additional revenue, and area families have another option for daycare for their children.

I think you for your consideration, and will be happy to answer any questions.

Thanks, Ken

Chairman Aieta: 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 just have a question, do we know how many churches or temples have daycares in the Town of Newington. I know that the Congregational Church is the Town of Newington, Parks and Rec program.

Chairman Aieta: I don't have that information off of the top of my head. We know that there are others, we know, I also believe that there is one on Maple Hill Avenue, Church Street.

Commissioner Miner: United Methodist? That is closed.

Chairman Aieta: We know that it has been common for churches to offer daycare.

Commissioner Pane: I think the applicant has demonstrated a definite need for this. It's allowed in our zoning regulations, nobody has come out to speak against it, the area where it is going, it was designed for a school before, and for all of the other things that were stated on the record, I have no problem being in favor of voting on this and I think after some discussion move this to Old Business and act on it tonight.

Commissioner Strong: I agree with Commissioner Pane, I think we should go forward with this tonight so that the school can open.

Commissioner Serra: I concur, I agree.

Commissioner Sobieski moved to close the hearing. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Sobieski moved to move Petition 35-16 to Old Business for a vote tonight. The motion was seconded by Commissioner Serra. The vote was unanimously in favor of the motion, with six voting YEA.

D. 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. Continued from July 27, 2016.

Chairman Aieta: Is there any additional information that you want to put on the record?

Richard Walsh: Thank you Chairman, Commissioners, and Town Planner. I believe that this was kept open because the Town Engineer was on vacation. We had received his review and addressed his concerns and provided updated drawings to the Town Engineer per his request. I have nothing further to add on the application other than that, barring today, this is the dry season, we look forward to moving forward with this project.

Chairman Aieta: Mr. Planner, just give us a brief summary.

Craig Minor: This is a special permit application for development in the flood zone. The Town Engineer wanted to be certain that the proposal would not increase any development in the flood plain itself, so the Town Engineer needed a little more time than usual to review all of the data that the applicant's engineer submitted, but that is correct, the Town Engineer is now satisfied that the plans do address the town's regulations for development in the flood zone, so I have no objection to closing the hearing, assuming that residents would have the opportunity to speak.

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

Commissioner Sobieski moved to close Petition 37-16. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Pane moved to move Petition 37-16 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.

VIII. APPROVAL OF MINUTES

A. Regular Meeting of July 13, 2016

Commissioner Sobieski moved to approve the minutes of the Regular Meeting of July 13, 2016. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion with six voting YEA.

IX. 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.

Postponed

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: Is there anything else that you want to add that wasn't already discussed?

Rick Walsh: I know of nothing further to add other than we have received letters from the Town Planner and the Engineer that the application was complete.

Commissioner Pane: Some of the Commissioners last time talked about some of the graffiti and the looks of the existing old building there. Could you address that, whether or not we could get that cleaned up? There is a lot of overgrowth there.

Rick Walsh: I share your interest in making the site look better. Removing the concrete pad in the front and establishing new fencing around the property will allow us to access the structure from all sides and remove the vegetation that is overtaking it. The new structure, the new accessory building will have it's own underground utilities, and that will allow us to remove the existing wooden pole that has served really as an arbor for all the vines. We see this as an opportunity to get in there with some machinery to remove the pad and clean up around the building. We intent to improve the appearance of the structure, the existing structure. The existing is brick.

Chairman Aieta: You might consider power washing to get some of the graffiti off and get it presentable. That's all we are looking for, just to clean it up a little bit.

Commissioner Sobieski: You might want to put some type of monitoring system up there, camera to see who is putting graffiti on the building.

Rick Walsh: We do have existing cameras, and when we add the accessory building, we will be expanding that. We have lighting from the street pole, from the electric company and discovered that it had been dysfunctional for some time, because we don't usually go there at night, so that has been resolved, but yes, we will expand the cameras and No Trespassing at the gate.

Commissioner Sobieski: I do know that the graffiti is getting bad out there. I remember that you used to have a Mack truck back there at one time, smashed up, and you got it out of there.

Rick Walsh: That was a former employee.

Commissioner Sobieski: That's what we are concerned about.

Craig Minor: Mr. Chairman, seeing that the Commission is ready to act on this, I have a draft motion to approve, I would suggest that you move this to Old Business so that you can vote on the special permit first, and then the site plan, because it is always best to approve the special permit before the associated site plan.

Commissioner Pane moved to move Petition 36-16 to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

X. OLD BUSINESS

A. Alumni Road Traffic Signal.

Commissioner Pane: Stan and I presented to this Commission what we believed would work, over on Cedar Street. Our biggest concern is making sure that property is not taken, personal property is not taken from residents. I think that the Town would be able to work with the state and get something that would provide a safe means of egress out of Alumni Road and still protect the neighborhood there that is existing and I think that we have done everything that we can right now and I think that we should move this up to the Town Manager for review, and the other departments and something that should be presented to the Council, because the rest of the work that is going to be needed, they are going to have to do it.

Commissioner Sobieski: I concur with Commissioner Pane. We've gone as far as we can go with this, so it's now up to the Town Manager to schedule it, look at it, and go forward with it.

File 21-16

Alumni Road Area Safety Improvements Plan
Town Plan and Zoning Commission, proponent

Commissioner Pane moved to forward the Alumni Road Area Safety Improvements Plan to the Town Manager for review by town departments and consideration by the Town Council.

FINDINGS:

1. During the public information session held by TPZ on June 6, 2016 numerous citizens expressed support for the proposal.
2. Accident data obtained from the State of Connecticut Department of Transportation and from the Town of Newington Police Department indicate that the intersection of Alumni Road and Cedar Street is hazardous.
3. TPZ is not in favor of any road improvements that would require the taking of privately owned residential land.

The motion was seconded by Commissioner Sobieski.

Craig Minor: I think it is appropriate at this point to turn the work that the Commission members and the Commission have done over to the Town Manager at this point.

Commissioner Miner: Just a clarification, ultimately, once it gets to the Council, it would be back open for public hearings at that point. So, we have done our job, it's up to them.

Chairman Aieta: It will also be coming back to this Commission for an 8-24 referral after the Council does what they have to do.

Commissioner Pane: I believe that Stanley is in agreement that when, after the Council reviews this and if it does come back to this body, Stan and I would recuse ourselves since we were the ones working on this. We wouldn't take any action on the 8-24 either. We would recuse ourselves and let the rest of the Commission members act on it.

Commissioner Sobieski: I'm in agreement with that.

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

Petition 35-16

Special Permit (Sections 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.

Commissioner Miner moved to approve Petition 35-16 Special Permit (Sections 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.

FINDINGS:

Section 5.2.6 requires the Commission to consider the following criteria and record it's findings in the record:

1. The need for the proposed use in the proposed location. The owners of the building previously determined that there is a desire and/or need for a child care center at this location, and solicited child care providers to submit proposals to rent space in the building to provide a child care center. At least one speaker at the public hearing said that she would enroll her child in this facility, if approved. It is therefore reasonable to conclude that there is the need in Newington for additional child care services.
2. The existing and probable future character of the neighborhood in which the use is located. The proposed activity will be conducted in an existing actively used religious building. No opposition was expressed during the public hearing. The proposed activity is therefore not likely to detract from the residential character of the neighborhood beyond what is already occurring.
3. The size, type and location of main and accessory buildings in relation to one another and in relation to other structures in the vicinity. No impact.
4. Traffic circulation within the site; amount, location and access to parking and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are affected. No impact.
5. Availability of public water and sewer and possible overloading of water and sewer systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. No impact.
6. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties. No impact.
7. Safeguards to protect adjacent property, and the neighborhood in general from detriment including but not limited to proper buffering. No impact.

CONDITIONS:

1. In accordance with Section 3.2.9D of the zoning regulations, this approval shall be good for two years from the date of approval. The permittee must apply to the Zoning Enforcement Officer for renewal not less than two months prior to expiration.

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

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.

Commissioner Miner moved to approve 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.

CONDITIONS:

None

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

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.

Commissioner Miner moved to approve 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.

CONDITIONS:

None.

The motion was seconded by Commissioner Pane.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 38-16: Special Permit (Section 3.2.4: Free Standing Business Sign at 2288 Berlin Turnpike and Prospect Street. Parth Patel, owner, Hartford Sign & Design applicant, Darin Senna, 328 Governor Street, East Hartford, CT, contact.

Craig Minor: This is for that medical office building that the Commission approved a year or so ago on the Berlin Turnpike. Now this application, it's just not the typical pylon sign in the front of the building, this was a little bit different for two reasons; one, this is in essence a corner lot because they have a driveway off of Prospect and they are on the Berlin Turnpike, so their application is in the packet and they are asking for two signs, one on Prospect and one on the Berlin Turnpike, and the sign itself, the one on the Berlin Turnpike is an

application, because it is an medical office building without tenants, the landlord is trying to anticipate as best he can what his tenants, that he doesn't have yet, are going to want in terms of wall signage versus signage on the street. Some tenants may want wall signage, some tenants might want their business name on the pylon sign. He'll discuss that during the presentation, it's probably more than you needed to know, but that is what his application is for, and I recommend that the hearing be scheduled for your next meeting, September 14th.

Commissioner Pane: I have a question. The sign that is on Prospect, because it is on the border of Wethersfield, do they have to be notified?

Craig Minor: Yes, and they were.

XII. TOWN PLANNER REPORT

A. Town Planner Report for August 10, 2016.

Craig Minor: At the last meeting we talked some more about the open space zone regulation, and I think it was Commissioner Pane who suggested that maybe piggy-backing the public land zone, which is kind of a strange zone which we currently have which at the moment, the parcels in town that are public land zone range from the Hartford Hospital property, to the golf course, to the Veterans Hospital, the Humane Society on Russell Road, those are all PL zones. As the Commissioner asked, I looked into it, and as I put in the packet, maybe there is a way to do that. There is a way to stretch the PL Zone regulations to include town owned open space. So I included a draft in the packet so if the Commission wants to talk about it now, we can do that.

I can continue it on my report for next month.

The Amara amendment, what I did was, when I went through the minutes of the two meetings and looking for exactly this language, and I didn't see it anywhere, so I made an excerpt of just those minutes, but after Council Budrejko spoke this evening, I thought, gee, how did I miss that? When I read through the minutes, I read everything up to the findings and then I stopped where if I kept reading I would have read, the condition, or finding number two that it was the Commission's intent to allow the greater height but only to the Berlin Turnpike zone, but not density. The issue of the greater density didn't show up in the discussion anywhere. If the Commission wants to do that, you certainly can and in fact I drafted an amendment that would do that so if the Commission wants to, it wouldn't be that difficult.

Chairman Aieta: Just so the Commission understands what you are saying, we allow only in the B-BT zone the restrictions, the height restrictions but we did not discuss density, the density that applies to the whole town.

Craig Minor: Right. The application asked that the regulation be amended to allow the greater height everywhere, and the greater density everywhere, and Commission said, well, we're not crazy about the height, the five stories being allowed anywhere in town, but if we do approve it, we're going to limit it to just the BT Zone. Some Commissioners remember having the same type of discussion about the density, 30 beds per acre instead of 20, but it's not in the minutes anywhere, but you can do it now. There is no problem doing it now. I drafted an amendment, it's like one page, and just make it a regulation that the greater height and the greater density are only allowed in the BT Zone. It's simple enough. We would have to go through the public hearing process, which takes a couple months, but it's not a difficult thing to do if that is what the Commission wants to do.

Commissioner Miner: Would that have any affect at all on the TOD development with the mixed use.

Craig Minor: Let me back up, this is only applies to hospitals, day cares, but in the Newington Junction area it is conceivable that someone could want a nursing home up there.

Commissioner Serra: That is the way that I remember us discussing it, so I would be in favor of making that change.

Chairman Aieta: Who would this affect? It affects Bel-Air Manor, it affects.....

Craig Minor: Well, has anybody taken advantage of the window that the greater density has allowed? Bel Air? Well, that would make them non-conforming but it's harmless because they have the best of both worlds, they would have the greater density and actually no one else used it.

Commissioner Miner: When he came to us, he also said he could come back.

Craig Minor: Well now he wouldn't be able to.

Commissioner Pane: What are the dates of the minutes?

Craig Minor: These are from.....

Chairman Aieta: He didn't get a special density

Craig Minor: He didn't need it because at that particular moment in time the density was 30 beds per acre.

Chairman Aieta: Did he ask for it?

Craig Minor: I'm sure he asked for thirty beds, I'm assuming, I don't remember but I would think that he would take advantage of that greater density.

Chairman Aieta: At the meeting he said, I could have come in and gotten more, that's what he said, in the meeting, so I want to know, what did he get.....

Craig Minor: To answer your question Commissioner, the March 25, 2015 and April 8, 2015, those are the two meetings where the application was discussed. The hearing was closed, and now the Commission is discussing it. I'll send them to you tonight.

Chairman Aieta: I want to know what other properties and what other sites, are there just those two, Bel-Air and Middlewoods and what affect.....

Craig Minor: Now when you say affect, did anyone come in during the window when the greater density was eligible and get approval. Your question is, has anyone benefited from the 30 beds per acre. Other than Bel-Air Manor, I don't think anyone else has come in for site plan approval.

Chairman Aieta: I don't believe that Bel-Air took advantage of the 30, because he said, I could have asked for more.

Craig Minor: I'm pretty sure that he did ask for more than 20 because, well he could, but as you say, he didn't ask for the full amount that he was allowed.

Chairman Aieta: We've got to straighten this out. Will you bring this up at the next meeting again and keep it on your report until we come to a conclusion. Let's find out exactly, I want to know the language that was approved for Bel-Air. I don't want to do something that would make somebody non-conforming by changing the regs. Let's look at it.

Commissioner Sobieski: While we are on Amara, several people have come up and said that it looks like hell up there. Anybody who has private property in town, we make them take care of it, he hasn't done anything up there, it's all his property, not state property. Is there some way that we can force him to clean that up. It looks like, I mean, it really is bad up there.

Craig Minor: I haven't been by there lately, I'm not familiar with what it looks like.

Commissioner Pane: It looks like a construction site.

Commissioner Sobieski: I'm not talking in the center, I'm talking all the way around where all the weeds are and everything else.

Craig Minor: We can ask, we can always ask the owner to tidy it up, I'll ask the ZEO to give him a phone call.

Commissioner Sobieski: Mr. Planner, one other thing, the seminar here for bike lanes, have you heard anything else on that?

Craig Minor: We haven't gotten the report. We have not gotten the report back from the consultant yet.

Commissioner Sobieski: Is there a time frame on that?

Craig Minor: I, no, it's a consultant working for DOT.

XIII. COMMUNICATIONS

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

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

Rose Lyons 46 Elton Drive: There was some talk on Facebook on chickens and goats. I just want to know, what section is it covered under?

Chairman Aieta: It's not covered under any section and it is an item that is in limbo.

Rose Lyons: Thank you again for explaining what we were hearing and I don't think a lot of the people understood exactly what you are trying to do.

Chairman Aieta: I'm not on Facebook because there is so much erroneous information, there is too much stuff on there that is not factual at all. I don't know where they come up with some of the things.

Rose Lyons: I keep trying to tell them just to come and ask the questions here, it worked tonight, they were here.

Chairman Aieta: That's good, we want to hear more.

XV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: Several people have come up to me about a Bed and Breakfast on Franacis Avenue. Someone finally sent me the web site and I forwarded it to the Planner. Even though it is not in the regulations I don't believe that it should be operating until we make the decision to put it in our regulations or not. If there is something that is not in the regulations it doesn't mean that you can operate. I'm not trying to nit-pick here or anything, but again, we force everybody else to follow these regulations, and say, if it's here, fine, if it's not, you can't do it. Yet you have this. Back three, four, five, seven months ago we brought up regulations on Bed and Breakfasts in this Town.

Chairman Aieta: We brought up about Airbnb and I don't know what the difference is, but apparently there is a difference because at an Airbnb they rent the room and they don't give them breakfast and in the Bed and Breakfast, they get the breakfast.

Commissioner Sobieski: At that time, I don't believe that the Commission was interested in having that. I just wanted to make you aware of it.

Craig Minor: Actually, a couple of years ago, I came to the Commission and suggested that you consider amending the regs to allow, by special permit, bed and breakfasts because there are some very attractive houses in Newington, some older Victorian houses, that might be appropriate Bed and Breakfasts. At that time, the Commission was not interested in it, so it died. Then, the Commissioners said, four or five months ago the issue of Airbnb had come up in other towns, I don't know if it has come up in Newington, actually it has, I had gotten a call from a citizen interested in an Airbnb and so I brought it to the Commission's attention, I explained how Airbnb works, you just rent a room to somebody for a day, a week, there is a limit that Airbnb has, I think thirty days, but you are really just renting a room, and the run of the house, but you are just renting a room. So I asked the Commission if they wanted to consider regulating Airbnb, which some towns, some other zoning Commissions are starting to do, but at the time, the consensus was, let's let sleeping dogs lie until we get enough complaints to make it worthy of considering amending the regulations. We have gotten one more complaint, and I don't know if the Commission feels that is worth spending the time to come up with some kind of regulation to deal with Airbnb. There is no cachet to renting a room to a stranger because you have a room because your kid is off to college. That is what Airbnb is, it's not a Bed and Breakfasts. We've all stayed at Bed and Breakfasts, that's not what Airbnb is. Do we want to regulate somebody renting a room, I think most town are not. It's up to the Commission if you want to regulate Airbnb's. Then, what next.

Commissioner Pane: I think Commissioner Sobieski has a point here that no matter how you want to call it, it's not something that is written in our regulations, so therefore it is not allowed, and it kind of, it changes the quality of life for some residents, if this happens in certain areas, and I think we should enforce it that it is not an allowed use and they can't do it.

Commissioner Miner: I think one challenge you are going to have on that, these Airbnb's are so infrequent that they have a tendency of showing up today and being gone tomorrow. I think you might have a little bit of a challenge trying to catch them with regularity, because most of them are short term. A day, a week, when you are visiting.

Chairman Aieta: The ones that we get complaints on, we want to act on. This one, they are on Facebook, and they have their own web page and they are advertising as a Bed and Breakfast, that's what it says. Bed and Breakfast, not Airbnb where you just get a room.

Commissioner Miner: The other thing that you are going to see a lot of now is houses for sale, a lot of owners instead of carrying the costs, will try to do this just to get people in there to cut the costs. They are doing it through the inspection of Airbnb. I've seen a couple of them, not in town here, but around.

Commissioner Serra: I agree with what has been said as far as regulating this, can we look to see what other towns that are regulating it, what they are doing, how they are doing it. If they are running this as a B & B, they would need a health license. If they are serving food out of there, somebody would have to have the Health Inspector take a look at it.

Commissioner Pane: I don't want to regulate this. This is, by our regulations, it says that both those types of things are not allowed, it is not stated in our regulations. I think it changes the character of our neighborhoods, so I feel that we got a complaint on one, and we should act on it, and this Commission should decide whether or not it is an allowed use or a not allowed use and if it's not allowed use, have our Zoning Enforcement Officer take action on it. I'm not interested in regulating it, either of them.

Commissioner Sobieski: I looked at it this way, it's a business in a residential zone.

Commissioner Strong: I'm going to recuse myself, I'm familiar with the owners.

Chairman Aieta: The only way that we are going to know is if we get a complaint from a neighbor saying they are running a hotel out of their house. That's when we are going to get a complaint, and we are going to act on the complaints, we're not going to have the Zoning Enforcement Officer go out and start knocking on doors to find out if they are running a Bed and Breakfast or an Airbnb. I think Commissioner Pane is going in the right direction, I don't think that, we don't want to regulate them, because we don't want them. I think that is what I am hearing. It's easier if we don't regulate them, that means we don't have them.

Commissioner Pane: If somebody did it, and they didn't have a web page, and they didn't advertise and they didn't have all that, and they just did it on a quiet basis, you wouldn't get complaints. You may, but chances are you won't, so I think it's a matter of how these people are handling this.

Chairman Aieta: I want this in the form of a motion, so we can give direction to the Zoning Enforcement Officer.

Commissioner Sobieski: I move that Bed and Breakfasts and Airbnb, since it is not allowed by the Zoning Regulations, should be cited by the Zoning Enforcement Officer and shut down.

The Motion was seconded by Commissioner Serra.

The vote was in favor of the motion, with five voting YEA and one abstention (Strong)

Craig Minor: I'll pass along the complaint that we have already received.

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Aieta: We have a meeting off, so we won't be back until September 14, so you have a vacation.

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Strong. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary