

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

May 27, 2015

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:10 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Commissioner Frank Aieta  
Commissioner Carol Anest  
Commissioner Michael Camillo  
Chairman Cathleen Hall  
Commissioner Kenneth Leggo  
Commissioner Robert Serra Sr.  
Commissioner Stanley Sobieski  
Commissioner Brian Andrzejewski-A  
Commissioner Anthony Claffey-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

III. **APPROVAL OF AGENDA**

No changes

IV. **PUBLIC HEARINGS**

- A. **Petition 13-15: Special Exception (Section 3.11.6: Restaurant) at 464 New Britain Avenue. Allyn and Linda Brown, owner, Luigi DeNovellis, applicant/contact, 124 Two Stone Drive, Wethersfield, CT. Continued from April 22, 2015.**

Chairman Hall: Is the petitioner here this evening? Have you been in recent contact with him?

Craig Minor: I spoke to him after the last meeting that he missed, but I haven't spoken since then.

Chairman Hall: And did he understand that he was supposed to be here tonight?

Craig Minor: I believe so. He planned to be here the last time but.....

Chairman Hall: I know, he had an issue.

Craig Minor: We need to close the hearing tonight. We can't keep it open any longer without his permission, and he's not here to grant permission.

Commissioner Aieta: The problem with closing it is that you don't have enough information to make a decision. We won't be able to take any more testimony or information once it is closed.

Craig Minor: You may have enough information already, so close the hearing, discuss it under Old Business, and if you don't feel you have enough information, deny it without prejudice. Or wait and hear what I have to say and then close the hearing, and approve or deny on the merits. The hearing was opened at the second meeting in April. So, 35 days would be late May, early June, and you don't meet again until June 8<sup>th</sup>.

Chairman Hall: What kind of contact information do you have on him?

Craig Minor: A phone number.

Chairman Hall: Do you have his cell phone number?

Craig Minor: I have 860-785-8944. Is that a local number?

Commissioner Aieta: This is a little unusual, calling.....

Chairman Hall: I know, but with this situation, he had an issue last time, that he couldn't be here.

Commissioner Aieta: We could move this to Old Business. He had the grinder shop set up and ready to do business and then I went by there today and it's empty, the sign is down and everything.

Chairman Hall: The sign is down?

Commissioner Aieta: Yes, the sign is down, so it's like maybe he had problems with the landlord or some circumstances as to why he did not come here tonight. I think we have to proceed, I don't want a petition be approved because we didn't act in a timely manner.

Craig Minor: Well, that wouldn't happen. That law pertains to a site plan or a subdivision, not to a special exception. But you don't want to break the law.

Chairman Hall: It's been moved and seconded that we move it to Old Business.

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

Craig Minor: Do you want to put it on Old Business for tonight, or next meeting?  
Now that you have closed the hearing you have 65 days from tonight to make a decision.

Chairman Hall: I would rather not act on it tonight, not knowing, because this is news to me that the sign is down.

Commissioner Leggo: We could get some information that this petition shouldn't be considered any longer.

Craig Minor: Okay.

Commissioner Aieta: You understand that when you close the hearing you can't take any new testimony?

Craig Minor: Correct.

Commissioner Leggo: Or if he just calls Mr. Minor and says, "this isn't happening".

Craig Minor: And if he does, I will ask him to formally withdraw it.

Chairman Hall: Any further questions or comments?

**B. Petition 03-15: Moratorium on Higher Density Residential Development near CTfastrak Station (new Section 3.0). Town Plan and Zoning Commission, applicant.**

Craig Minor: The purpose of this public hearing is to adopt a zoning regulation which would impose a moratorium on any future high-density residential development within a half mile of each of the CTfastrak stations. As drafted, the moratorium would be for twelve months, but it doesn't have to be that long if the Commission thinks they can get their work done in less than that. During that twelve months I will bring you information on TOD regulations for your consideration, and eventually, hopefully, adoption. But that is what this moratorium would do; it will temporarily prevent any high density residential.

Craig Minor: I made a change to the draft which is on the table before you. I realized that the version I drafted talks about "high density residential", but it doesn't specifically list the types of high density residential that you want to temporarily prohibit. I have found that there are six types, which I will explain in a minute, of high density residential development that are currently allowed within a half mile of this CTfastrak station. There are some types of high density housing that are only allowed in the Town Center zone, so I didn't include them, but it came to my attention that in the PD zone you are allowed to have what is called "residential building" at 9.6 units per acre, which is fairly high density. Initially I didn't think that was relevant because it has to be on a road that intersects the Berlin Turnpike. Then I realized that Cedar Street becomes East Cedar Street which does in fact intersect the Berlin Turnpike. There are two pockets of PD Zone on Cedar Street near the Fenn Street CTfastrak station, so there are now six categories, well, on the chart, but I didn't re-amend the regulations, but that would be the sixth type of high density residential development that would not be allowed during the time of the moratorium.

Craig Minor: A copy of the moratorium was sent to the Capital Region Council of Governments. We got their comments on Friday. I didn't see it until Tuesday and I just gave you copies of it. I'll let the Chair decide if she wants that to be read into the record.

Chairman Hall: Please go into a little bit more of your staff report. You took care of the background part of it.

Craig Minor: And I'll put it on the screen so people can see it.

"To be legal and valid, and avoid a "taking" complaint, the moratorium needs to contain the following elements:

1. It must be enacted with all the procedural regularity of a zoning text amendment.
2. It cannot prohibit all economic use of the parcel.
3. It must be limited in scope, area, and duration, time.
4. It must be for a specific purpose with a desired outcome.

Items one through three are pretty straightforward. Item four calls for a "specific purpose" which in this instance would be to prohibit higher density housing construction in the CTfastrak neighborhoods until appropriate zoning regulations are adopted. The desired outcome is Transit-Oriented Development zoning regulations that result in appropriate higher density housing, (multi-family, single-family, mixed use) in the two CTfastrak neighborhoods. As with any zoning amendment that impacts land within 500 feet of neighboring towns, a copy of the proposed moratorium was filed with

CRCOG. Their comments are not available as of this writing, but I should have them prior to the meeting.”

Chairman Hall: And you did get them.

Craig Minor: It came in on Friday.

Chairman Hall: All right, so that is the background on the purpose for the moratorium, and what it needs to have in order to be valid. This is a public hearing, so is there is anything that the Commissioners want to say before we go to the public? I will be coming back to you after.

Commissioner Aieta: I think the comments from CRCOG should be read into the record so the public can hear them, and then they can comment.

Commissioner Claffey: Mr. Planner, and tell me if I'm getting ahead, but you put a revised document on our desk.

Craig Minor: Yes, what I did was to add the actual chapter and verse of the types of high density residential, rather than just leave it vague. This way it's clear exactly which high density uses the Commission wants to put a hold on.

Commissioner Claffey: Okay, so the document that you just read is on the screen. I just want to make sure I'm understanding the use of certain verbiage. "Within multi-family, single family, and mixed use", but then when I go and look back at the zone Section 3 of the revised document...

Craig Minor: Let me read the CRCOG document first. The first couple of paragraphs summarize the situation, and then the comment section are the comments of the CROG. Madam Chairman, do you want me to read it?

Chairman Hall: Yes.

Craig Minor:

"Comments: The proposed moratorium will provide the Town of Newington with up to twelve months in which to develop zoning regulations governing CTfastrak station areas. We encourage the Town to use this time to develop zoning regulations which will allow the full benefits of transit-oriented development to be realized around Newington's CTfastrak station areas, thus providing livable neighborhoods with a variety of housing options, alternatives to automobile travel, an integrated mix of complementary land uses, and increased economic and cultural opportunities. As the Commission considers zoning regulation changes for the areas around the stations, we recommend CRCOG's recent publication, The Sustainable Land Use Code Project's "Model Regulations for Mixed Use Transit-Oriented Development Districts" as a resource. The model regulations are available on the Sustainable Knowledge Corridor website <<http://www.sustainableknowledgecorridor.org/site/content/sustainable-land-use>>. The Model Regulations suggest that station areas such as Newington's consider residential densities of between 15 to 35 dwelling units per acre in the core areas ¼ mile around the stations and 7.5 to 15 dwelling units in the ring areas between ¼ and ½ mile from the stations. The Model Regulations also provide suggested development standards for residential, mixed and non-residential uses. For example, in the core areas building heights are recommended to be two to six stories and in the ring areas, one to four stories for all uses.

In accordance with our procedures this letter will constitute final CRCOG action on this referral.”

Chairman Hall: And this was also sent to the planners of Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, and Berlin as is the tradition of CRCOG. Anything that may affect the surrounding towns, they make sure they get it. This is like we get every week, notification of things that are being taken up in other towns. Any Commissioner comments before we go to the public?

Commissioner Claffey: I have a question. I apologize if I didn't understand this from the many, many months that we have talked about this moratorium for the town, but trying to look at the revised documentation, and the staff report, I'm still a little confused that the verbiage of multi family, single family, mixed use, because all three of those can be high density housing. In the revised high density development moratorium, Section 3.0, we're specifically talking about only specific residential housing and not all residential housing in town, and I bring that up because there are other types of, with creative developmental design, residential housing. I want to know, why we are segregating certain types of housing? Why are we just invoking all housing regardless, within the high density requirements? There's a lot of land at one of these junctions that could fit high density single family housing, that may not fit senior independent housing, conversion of older homes, etc. Am I missing something? This is something different from what we discussed in our previous meeting on a moratorium on high density single family housing.

Chairman Hall: How about D, "single family entry level housing"?

Commissioner Claffey: No, that's a specific type of housing for a developer.

Craig Minor: And it's a specific section of the zoning regulations. Section 3.7.3, it's a very specific type of project that an applicant could apply for permission to develop.

Commissioner Claffey: Okay, and then under that, where's the mixed use high density housing?

Craig Minor: We don't allow high density mixed use housing. The only mixed use housing that we allow currently are apartments in the upstairs of retail buildings in the PD zone.

Commissioner Claffey: But that could be presented to this Commission to allow for a zoning change.

Craig Minor: All right, let me re-phrase that. Even if we adopt this moratorium as presented, someone could come in tomorrow and apply for site plan approval of a commercial building near the CTfastrak with retail on the bottom and a couple of apartments above. They could, so if you don't want them to be able to do that, if you want that type of thing to be prohibited under the moratorium, then say so now.

Commissioner Claffey: That's my point. Why aren't all facets of how I could make a presentation to you as a developer and present exactly what you just said, and be outside of this moratorium? That's the fear, I think, for myself and others, that we are going after residential housing with a broad brush, and I know I could watch a developer bring that in here and get around, we need to include that.

Craig Minor: Unless there has been an oversight on my part, such as the "residential buildings" described in Section 3.19.2.8.1, what you are suggesting is something that I did consider, but I dismissed it because I didn't think that two or three apartments over a store was something that you wanted to put a freeze on. But we certainly can, it TPZ wants to.

Chairman Hall: And that will come out in tonight's discussion, and future discussions, so I think at this point, it's time to go to the public and have them get the ball rolling, and then we will have time for Commissioners' response. So, having said that, anyone wishing to speak in favor of this petition, and again, it's Petition #03-15: "Moratorium on higher density housing in the CTfastrak neighborhoods". Anyone wishing to speak in favor, come forward, state your name and address for the record.

John Bachand, 57 Maple Hill Avenue: You remember back at a meeting in the library, it was Gail or I or both of us at the same time that recommended this moratorium. I have a question about why the zone change application was taken out. I thought that was the whole purpose, to not allow zone changes. That was a big part of the moratorium, at least that is my feeling, and I agree with the Commissioner here, that all housing was going to be included. If any of you watched the Town Council meeting last night, where they talked about the under-funded pension, we can't have another employee in this town, we can't have another teacher or another kid in school that is going to require another teacher, or one more person on that payroll. It's absolutely ridiculous. They are projecting, in the not too distant future, up to twenty-five percent of the town budget will be allocated for the pension. It's out of control. So, I thought this was against all housing, and I know some of the areas in the half mile radius, all residential, so you can't stop that, it's perfectly fine, but seems like we made it more complicated than we have to. Thank you.

Chairman Hall: Thank you, John. Excellent: one point thirteen minutes.

Gail Budrejko, 21 Isabelle Terrace: One thing we're being told is that the lack of high density housing in this town is the reason that young people are leaving, we don't offer the right type of housing and we can't attract young professionals because we don't offer that type of housing. I agree, young people are leaving the area, in fact, they are leaving the state, not just Newington, because there are no jobs. We are not friendly to business opportunities, we have a high cost of living, and no amount of high density housing will change that. In last Monday's paper there was an article about apartments in Stamford, but those people commute to well-paying jobs in New York and the gold coast. The paper also reported that Hartford has an apartment boom. And there will be more than 800 new market rate luxury units available by the end of the year, and the target is the same young professionals that we believe want to live in Newington. We're also told by our Economic Development Director that all of the professionals who come to work at Jackson Labs or the call center will be attracted to Newington if we can only build high density housing. No offense to my little Newington that I love, but people with substantial income will gravitate to Farmington, Avon, or West Hartford. So what is that going to leave us with? The truth is, we really don't know. So rushing to make zoning changes with little more than "trust me" statements from CRCOG and Economic Development is just wrong. How many new residents will be supported with services such as the police and fire? What approvals will be used for sidewalks, streets, sewage and water? And just because people live on the busway, it doesn't mean they aren't going to own cars for driving to work, to school, to shop, to appointments. How much more traffic can Willard, Main and East Cedar absorb? These questions need to be looked at. To be honest, I don't think there should have to be a moratorium; high density housing should be off the table. Because we have had discussions with the public and it was carefully incorporated into the 2020 Plan, and I quote from page 36, Development Strategy: Newington Junction area: For multiple development of West Hill, Francis Street, Newington Junction by the transit central area without the addition of high density housing.

Chairman Hall: Two minutes, Gail.

Gail Budrejko: Instead of pushing housing, the economic magic bullet, you should consider quality growth, evaluating density that will allow for development, but will not tax the infrastructure. We can't forget that a lot of people were attracted to Newington because it is a suburb. We have open space, low rise density, and (inaudible). A moratorium will give you time for planning without undue pressure. Thank you.

Chairman Hall: Anyone else wishing to speak in favor? Again, I don't mean to be rude, but we do need to keep people to two minutes so that we can let everybody speak.

Roy Zartarian, 25 Stuart St.: I am here to speak in favor of the moratorium. One of the big issues that you are going to have to grapple with is the impact on town services caused by this anticipated

influx of new residents. Yes, development has (inaudible), but on the other hand, there is a cost; more people, more services, more cost. Thank you.

Gary Bolles, 28 Burdon Lane: I'm speaking in full support of Petition #03-15, Moratorium on Higher Density Housing. When the State of Connecticut was going to sneak in this House Bill 6851 the public of Newington had a public outcry and objected strongly and in numbers to this bill. Once we found out about it, and if it wasn't for Carol Anest, we still wouldn't know about it, so many, many thanks. In your good judgment, early on, and I think it was from John Bachand and Gail Budrejko, you had the excellent foresight to suggest a moratorium on higher density housing. You are correct in not rushing to judgment on this CTfastrak housing. We are all familiar with the lyrics to the song, "Fools Rush In", so don't be too quick to fall in love with this higher density housing. You, the TPZ needs to have full and complete control over any development around the CTfastrak stations. Thank you.

Rod Mortensen: Good evening. I just happened to pull out, and sometimes old mayors have something so important that affects the town. Newington, if you think about it, for over a hundred years, nestled between New Britain and Hartford has kept the (inaudible) out of this town. A few years ago, Newington spent millions of dollars to buy the development rights to a farm because we were so congested on Fenn Road that we didn't want any more people. Now, more pie in the sky. I hate to bring the busway in, but that's what this is really all based on. We spent six hundred million dollars, by the way, several years ago, and hours of meetings, it was three hundred thirty five million. The point of this is, don't believe everything you hear. TOD is a bunch of baloney. If you live on the busway, it's everybody's utopia, oh, you can live, work, play, on the busway; no you can't. You still need a car. To prove this, the whole busway probably has parking for 200 cars. I asked the administrator, where are all these 16,000 people going to come from? Oh, they are going to be kiss and drop offs. Well doesn't that create far more trips, bringing your wife, dropping her off, going home, then getting your wife in the afternoon? It doesn't make sense at all. I'm an environmentalist, I'm a mass transit person, I'm a regionalist. I started a lot of those programs as Mayor, but the busway is going to do more to affect Newington than anything in its history, and if you live in any of those neighborhoods within a half mile of the busway, you would be upset about it, and it's going to change those neighborhoods. If you go to the trolley museum, laying in the corner, over in the field, are the remnants of Meskill's Folly. What was that, a monorail system that we were going to use for Bradley International. Now, we're going to make the busway work. We're gong to move UConn from West Hartford to Hartford so that they have development. We are going to move the Rock Cats from New Britain to Hartford and spend fifty million dollars on a stadium. We're going to force the towns to have transit-oriented development. We don't need more people. I'd love to have more people come to Newington, but we had Cedar Mountain, tried to preserve that, to try to keep some open space. The biggest piece of pristine land borders on Buena Vista on the south, and Cedar Street on the north. Are we going to lose that because the State owns it and they are going to put in whatever they want? You may think you have control over it, but you don't. I'm glad to see that there is some common sense here on the Commission. It's lacking in other places. These people that are deciding this, they don't live in Newington, they don't care about Newington, and it's not their money. If it was their money, they wouldn't have said, want to risk it and do that, fine. This Commission may be the last place trying to hold off. Am I in favor of the moratorium? I don't think the petition goes far enough. You have all the towns, and all the people who are supposed to benefit from transit orientated development and the busway, Newington seems to be the only loser town. Someone needs to take a stand and I know people are objective about it, I don't want to be a naysayer. I'm glad there is one person on the Town Council, I heard that Chris Banach has held true to his values, not because he's not for all the things it stands for, but make it work. We're already in trouble. By the way, when I first came to DOT it was fifty million dollars, and the DOT turned it down, said it was too expensive. That project is going to affect a huge section of Newington and I'm done for the day.

Rose Lyons, 46 Elton Drive: I agree completely with everyone who has come before me. Former Mayor Mortensen is responsible for me being a pain when he gave the town an F for not participating.

I'm glad to see that there are a lot of people who are paying attention. Back at that time, a joint committee on safety was formed, and there were recommendations from the committee for a walkable Newington, for various biking trails, but nothing got done. But CTfastrak comes through, and DOT promises you everything, but when you ask what about the sidewalks, oh, DOT is not in the business of sidewalks. Last night I watched the news and they had a car and a bus race. Three out of the four trips the car won. Mr. Saunders said, well, we are not in the business of getting you there quicker. That's not all that I have to say about that, but this transit-oriented development, Newington is going to be the loser. I appreciate this Commission taking the time to look at it, stop, look and listen, not to just jump into it, and many times in your discussion tonight, you can see exactly how much control CROG has over what your regulations end up being. I want to know who is in control, CROG or the TPZ? Because after House Bill 6851 not being brought to the table for a town council or here, it bothers me that a committee has so much say at the legislature and we have none. Thank you.

Chairman Hall: Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? Anyone wishing just to speak?

Commissioner Anest: I have an e-mail from an individual who was not able to be here tonight.

John Bachand, 56 Maple Hill: What Rose was just saying about CROG, that May 22 letter was pretty astonishing, I mean, they are basically giving us permission to have a moratorium so that we can develop high density housing and they are giving us all the models. First they say they recommend, but it's a pretty strong push. Why does it have to be high density housing at all? Why do we even have to call it transit-oriented development? I mean, yes, the stop is there, but why does it have to be that? Why not let it be market driven? This is totally not market driven, so I'm against CROG for everything that I have seen. I don't like it. So we can allow the full benefits of transit-oriented development to be realized without any recognition, I just don't like the wording. Thank you.

Chairman Hall: Commissioner Anest, do you want to read that letter?

Commissioner Anest: "Madam Chair, Town Planner, Commissioners, my name is Michael J. Fox, and I live at 1901 Main Street. I would like to submit the following testimony in favor of your proposed moratorium on high density housing within ½ mile of the CTfastrak, and other stations in the Town of Newington. It is well known that residential development is the least effective way to grow the grand list because this type of development is more of a drain on Town infrastructure and services than it is an income generator. It is my humble opinion that mixed use development would be a much better use of the targeted property. For example, I would like to see a small business, with professional retail offices on the main floor and the basement, of a two story building with a one bedroom, middle income apartments on the second floor. I say this because it would be easier to attract developers of small businesses, making the area more inviting to future residents. This would then make the area attractive to small manufacturing and fresh endeavors such as research and development. All of that having been said, I feel that the most important reason for a moratorium is that once the regulation or zone is changed, or amended, and that development is built, you have, so to speak, set the decision in concrete. The TPZ is unique in that way, the Town Council on the other hand has the responsibility of making policy. While this policy is binding on the onset, policy can be changed by the current body, or any future body once the area is developed. That's it. You must take your time and be very diligent in your responsibilities to the residents of this Town. In closing, I would just like to mention that our 2020 Plan of Conservation and Development discourages high density and it encourages small, but smart development around the CTfastrak and other transit stations. Thank you for your time and for the excellent job that you do as volunteers. Respectfully, Michael J. Fox.

Craig Minor: What Mr. Fox said about mixed use, retail on the ground floor with apartments above it. Currently the regulations only allow that in the PD Zone. That's the only place you can do that now,

and there is some PD zone near the CTfastrak stations. The regulations that you ultimately adopt might allow more of that kind of development in the areas around the CTfastrak station.

Chairman Hall: Anyone who has spoken before want to answer the rebuttal from the town? I guess the person is not here, but that's okay.

Craig Minor: I was agreeing with him, actually.

Chairman Hall: Yes, I know. Rebuttal in the sense that you have another shot. So, at this point, Commissioners?

Commissioner Anest: First of all, I don't want it broken down "A through F". I want all residential, and that's what we said when we started discussing this. We did not want any residential, not to pick and choose, but across the board. Also, why did you take out "submission of any applications for a zone change within a ½ mile of a CTfastrak station"?

Craig Minor: The reason it was in there was because it was part of a different strategy which I ended up abandoning, and it was left behind, but the reason I suggest taking it out is because if someone were so foolish as to apply for a zone change to one of the zones that currently allows higher density development within the next twelve months, even if you approved it, they wouldn't be able to do anything until the moratorium expires. But there is another reason: there may be other potential zone changes that have nothing to do with housing in the CTfastrak neighborhoods that you would like to be able to approve. If that language were left in there, it would be interpreted that you can't apply for a change from Industrial to Business, for example.

Commissioner Anest: Then another thing in your comments: you say "TOD zoning regulations developed could result in an appropriate higher density housing in the CTfastrak neighborhood."

Craig Minor: I'm sorry, where are you?

Commissioner Anest: Under comments, "the desired outcome is TOD Zoning Regulations that result in appropriate higher density housing in the CTfastrak neighborhood." I'm being very honest, I do not want any high density housing in Newington Junction, and you weren't here in 2010 when we had extensive discussions, and that is why it was in our 2020 Plan, saying without the use of high density housing. I'm sticking with that, maybe in 2030, the residents speak and say, you know what, we've changed our mind, we want high density housing at Newington Junction, that's all well and good, but why does that have to be part of the (inaudible.)

Craig Minor: But what exactly do we mean by "high density"? Because if you look at the chart, currently we allow, by special permit, from 5.3 units per acre up to 20 units per acre. That's a huge range. I think everybody would agree that 20 units per acre is "high density", but is 5.8 units per acre "high density"? I think we need to decide what we mean by "high density", or "higher density", the development that you don't want to allow. We need to come up with a number.

Commissioner Claffey: I think maybe when you bring up no housing, Commissioner Anest brought up the no higher density, I think a lot of them, and I'm a little confused with what is truly classified as high density. My background is in building housing. I've built many, many houses in my day, and I could put together forty units per acre that could look like twenty units per acre to the visual eye, so when you bring up Newington Junction which is predominately industrial and residential components, there's a big piece of land there that is cut clean, has utilities, has infrastructure built in, has water, has sewer, has gas. It's very potent to a developer to say that's a space that I want to put higher density or high density housing. Which for us is, they could come in here and say single family, or alternate residential building types, where ever that type would fit in that specific zone, but 5.4 units per acre is nothing. I think that's an acre site maybe over in that area, near Welding....

Chairman Hall: National Welding.

Commissioner Claffey: That's prime, you could just use that whole area.....

Commissioner Aieta: But we were talking about Newington Junction.

Commissioner Claffey: That whole area could be high density, even if it be a different type, come in for a rule change, you're saying we don't want to tax the infrastructure, the infrastructure is already there. You're not taxing any infrastructure with putting a new house in some of these areas, or housing in the areas of contention, it's all there. It's not like we are clear cutting and adding 400 linear feet of water pipe and more police officers. The biggest thing is, when you add a house, over time you have to add, not the infrastructure, it's the service.

Commissioner Anest: What I'm talking about is apartment buildings, condos, high rise structures where number one you need a minimum of ten acres, and then you do the 5.4 units per acre, because you have to have the ten acres to do that. And in R-12, R7 zones, that's fine. I'm concerned about, you know, high density, high end apartments, condos, that's what I'm concerned about. I'm not concerned about these small single family R-12, R-7 housing. To me, that's not higher density.

Commissioner Claffey: So higher density of 20 units per acre or 40 units per acre for housing for seniors? That's wicked dense.

Commissioner Anest: You have to have a minimum of five acres, and.....

Commissioner Claffey: Or two acres.

Commissioner Anest: No, five acres.

Commissioner Claffey: But with a change of the zoning, it could exist then.

Commissioner Anest: It could, but that's what we're talking about, that's why we need to have these discussions. I'm just saying, I'm against apartments, condos, any of that, that's what I'm talking about. If something is zoned already R-12 or R-7, that's fine, it's already zoned that, but I don't want to have to come in and re-zone to get these high rise two to six story buildings in that area.

Commissioner Aieta: The 2020 Plan, when it was put together, a lot of the statements in there said we would not want to have any of our industrial and business land turned into residential zones. It's right in the 2020 Plan. When I look at the map of Newington Junction I only see several R-12 and R-7 single family lots and a strip of Industrial parcels, which according to our 2020 Plan we would not want to change to residential. The only place that we have a PD Zone is at Fenn Road, and that's two pieces that surround the busway station. So the store with the apartment above is only allowed in the PD Zone, and you would be spot zoning if you started changing individual pieces into PD, particularly in the Newington Junction area.

Commissioner Claffey: So if you go into that PD Zone, with that mixed use, business below, apartment above, condo above, single family home above, you can still get pretty high density and meet the PD, 9.6 units per acre, five acre minimum.

Commissioner Aieta: Yes, but there are also some requirements of minimum land area per unit, that cuts down that 9.5 units per acre. You need almost five thousand square feet per acre of usable land.

Commissioner Claffey: So with that said, Commissioner Aieta, you are basically, you say mixed use shouldn't go there.

Commissioner Aieta: Right, that's what I was saying.

Commissioner Sobieski: The area is primarily residential, and I would not want to see that destroyed. There are some older homes I believe on Willard Avenue that are covered by a special zone. I wouldn't want to see, I saw one of the things was to convert to multi-family homes, but what I'm really concerned here with, and I believe most of the people in the Town of Newington up in the north end are concerned with, is having something go in there and all of a sudden having it affect the surrounding areas. You know, we discussed this earlier with this half mile zone, quarter mile, and thank God we didn't take on the eminent domain issue, but I still don't trust the State of Connecticut. I know this for a fact. How many broken promises we have in this room here, even before I was on the Commission, before you were here Craig, oh yeah, don't worry about it, and all of a sudden they come in and do what they want. With regard to Newington getting the short end of the deal, as former Mayor Mortensen said, if you bothered to look at what CROG has gotten for the City of Hartford and for the City of New Britain, they have greenscapes put in, all with this bus money. Newington got nothing. It seems to me that Newington is the target of this, what ever you want to call it. Newington has this one residential area that is deeply involved in this, and the people up in the north end of Newington, that live in this area here, do not want to see anything changed up there. This CTfastrak has become nothing more than a tool, in my opinion, for prying open these areas. I don't believe this is what the residents of the Town of Newington want. You have heard that tonight, and I'm sure you are going to hear it over the next couple of weeks.

Commissioner Leggo: I just have a question. Aren't we digging into what we should be discussing during the moratorium?

Chairman Hall: Yes, the whole point is to give us some time to think about it.

Commissioner Leggo: To dig into what we are talking about right now?.

Chairman Hall: About where do we want to go.

Commissioner Leggo: Well, right now we should be deciding whether we should do the moratorium or not. Not actually discuss all the matters that we are going to discuss again.

Chairman Hall: People are giving all of the reasons as to why they are in favor of the moratorium.

Commissioner Leggo: Okay. I understand we're hearing from the public, and what we are throwing around the table now is what we are will be doing when the moratorium takes place.

Commissioner Claffey: I think it's a discussion needed, because I still think before we go into approving a moratorium there's still a lot of confusion of what the moratorium is for, and only for. I say confusion, because I was under one idea of what it was for, and then I see a revised edition that brought up my conversation piece tonight, was, we're about to go into this moratorium and we have public input, for, against and whatever, and even I'm a little confused.

Commissioner Leggo: I want to see it worded the way that it originally was. All residential above single family. Then we start talking about, there is a moratorium, exactly what we mean.

Craig Minor: I thought being more specific was better than being general, but if you would rather leave it general, okay, that is your decision.

Commissioner Claffey: It could be as deep as an Industrial group that wants to come in.

Commissioner Leggo: If we start getting too specific and somebody might come right in.....

Commissioner Anest: Right under the radar.

Commissioner Leggo: And that could cause more problems than when you started.

Craig Minor: Okay, I'll change it back to the way that it was originally. But the reason I made it more specific was my concern that somebody might sue you because it wasn't specific enough, but who knows what the future holds.

Commissioner Anest: How about, "including but not limited to"?

Commissioner Claffey: Make an addendum to it.

Craig Minor: "Including but not limited to" the six that I listed? But you told me that you don't want to list them.

Commissioner Anest: But if you put "all residential development, including but not limited to..."

Craig Minor: Including these six, but not limited to them? Okay.

Commissioner Claffey: Does that cover everything in those two zones?

Craig Minor: It covers everything that I could think of.

Commissioner Claffey: If we approve the moratorium, and it stalls growth in those specific areas, so be it. There is a reason why we want it stalled. I just don't want a developer coming from the back side as we're doing this, slide it right in, and getting something approved that we didn't think of.

Commissioner Anest: That's why I brought it up, "any residential".

Craig Minor: You mean, any higher density, anything greater than whatever the single family zone would allow.

Commissioner Anest: Right.

Commissioner Aieta: Are we taking a vote?

Chairman Hall: What do we do with this now? Do we close it, do we keep it open for another meeting next month in June? What is your pleasure with this?

Commissioner Aieta: I think we should close it.

Commissioner Leggo: Second.

Commissioner Aieta: I don't think we are going to get any more information. The people who are against this, the public came out and gave us their reasons why they are for the moratorium, and I didn't hear anybody say they were not in favor of the moratorium, so I say at this point we should close it, and give the Commission the opportunity to have some in depth discussions as to where we are going.

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

Chairman Hall: We will move this to the June 10<sup>th</sup>, meeting.

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

Rose Lyons, 46 Elton Drive: This is not on the agenda I hope tonight, because I have heard enough about it, the Amara project. I said thank you at the last meeting and I want to say thank you for doing what you did, asking the questions that you asked of the Amara attorney. Not since the Toll Brothers have I seen such manipulating by an attorney. I was at the Senior Center presentation, and I have their pamphlet, I have notes, and the things that they were telling you that they couldn't give you any answers for, they were giving answers for at the Senior Center. I thought that they were discourteous to you. I thought that you were all wonderful in your questions to them. For one of the owners, a silent partner, to walk out of this room and say, "no building in Newington", and some of the other things that transpired here, I was appalled that they would talk to you like that, very unprofessional in my opinion and I just wanted to say thank you once again for what you did, taking your time, and ask questions.

Gary Bolles, 28 Burdon Lane: At your last meeting, Number 11, Petitions for Public Hearing Scheduling, and number 11A was petition 16-15, Zoning Text Amendment, Section 3.15.B, Roadside Farmstands. I thought that might be on the agenda tonight because I wanted to speak in favor of it. Eddy Farm was profiled in the Hartford Courant's (inaudible) Connecticut's Farms. Just for your information, they were profiled on page 34, both Hayley and Andy Billipp. Nice picture, nice article, I do want to support them, and I do have a Newington Reference Guide from 1949 and right on the front cover: "Newington, A Delightful Suburb Between Two Cities", that's the way we want to keep it. Thank you.

John Bachand, 56 Maple Hill: I'm glad Rose broke the ice with that Amara thing. It's been two weeks and I didn't know what to say or what to do and I hate to come in and after trying to encourage you with all the work you have been doing with the moratorium, then come in and criticize what in my opinion I think is a flawed situation with the Amara thing. You saw the work that I put in to it, I'm disappointed, I know that the whole town wanted it, so I know that there was a tremendous amount of pressure, there was a lot of people who indicated that they wanted it, which is perfectly fine. I don't think, I'm not so upset that there is going to be an Amara, I just think it was the process. I think ignoring that 8-3 (g) requirement to go to Wetlands was a huge mistake. In my opinion the application should have been on the agenda, and I think it was, I think it was invalidated and I don't know where that leaves it, but it was approved, so you know, Rose mentioned fabrications or false testimony and I tried to point that out too, I mean, the testimony on the 8-3 (g) was downsized project and you had the applicants lawyer saying that it was a smaller footprint, that the building was actually smaller than the original proposed project which was just ridiculous. Again, I'm not going to dwell on it, I just hope that the means justified the end, or however that saying goes because the means to get there was flawed I think. Thank you.

Domenic Pane, 638 Church St. Good evening. Last meeting I heard some of the Commissioners talking about looking at your rules, changing of the regulations, and you spoke about how possibly you could be creating some non-conformities. I highly suggest that you don't go there. One of the Commissioners asked, is it just a bank thing or is there more to it? I'd like to tell you that there is a big dilemma, there's more to it. For instance, I own property on the corner of Pane Road and Maselli Road. Right next to me is a company called East PBE. Now I would like to offer my property to them, but I can't even do that because they can't enlarge a non-conforming use, and that is what they are right now. A non-conforming use that this town, through the Zoning Board created. When you adopt regulations, you try not to create non-conformities. A non-conformity is basically from the years before zoning regulations were enacted, and there are a few spots out there that were non-conforming. What happened here to the automotive regulations is hurting a lot of businesses. Some of them who realize it and some of them that don't realize it. I'll give you another example that also hurts the growth of our grand list. H.O. Penn is another one. If they wanted to buy the property next to them, and enlarge their property and their business, they couldn't do it. Mike's Automotive, let's

say he's doing really good, he's got a state inspection for his cars, so he wants to buy the property next to him and enlarge his property, but he can't do it. I have three tenants in my building that would like to grow their businesses, but guess what, they can't do it. I've got a lot more examples and I've got other things and hopefully in the next meeting I will come back. I would love to talk to you guys more about the automotive regulations. Thank you.

Chairman Hall: Thank you Dom. Anyone else wish to speak?

**VI. REMARKS BY COMMISSIONERS**

None.

**VII. MINUTES**

- A. Special Meeting April 22, 2015
- B. Regular Meeting May 13, 2015
- C. Special Meeting May 13, 2015

Chairman Hall: The minutes were passed out, we actually had them e-mailed to us.

Craig Minor: Right, there were 39 pages of them, and I just wanted to get them to you because I was finished with them. So I suggest that you table those items.

Chairman Hall: We will take those up at the June meeting.

**VIII. NEW BUSINESS**

**A. Informal Presentation of proposed retail development at 1593 Southeast Road.**

Attorney Daniel Kleinman: Good evening, for the record, my name is Daniel Kleinman and I'm a partner with the firm of Hinckley, Allen & Snyder in Hartford, and I am here to discuss with the Commission the possibility of filing an application for the property located at 1593 Southeast Road. The reason that I have taken this unusual step and I appreciate the Commission to listen to us tonight, is that in order to file a zone change application, which is what our application will end up being, your regulations, specifically 3.10.2 (B), requires a full site plan to go along with it. Not just a conceptual site plan. That's a major expense for a client to undertake without any sense of whether the Commission might be agreeable to considering the proposal. I'm not asking for a pre-judgment here, we (inaudible) the property; that is the reason that we are here. If the regulations said a conceptual site plan was sufficient we wouldn't be here. We would have filed the application for a zone change and attached a conceptual site plan.

I've lived in this area my entire life, and I still can't figure out when I pass through New Britain to get to Newington to get to Farmington, to get to West Hartford. It's like, for those of you who have been out west, there is a town in the corners of Utah, Colorado, Arizona, and New Mexico that is right on the cusp of all four, and I think you are in all four, or you can see all four at the same time. So, many of you may know that the property is in Newington; it is a Shell gas station in a CD Zone, and it is surrounded by other CD zones and a B zone, the B zone being the Barnes and Noble store. The Farmington town line goes through our property. It also goes through the Residence Inn and it goes through Barnes and Noble. The Farmington zone, on the other side is a B1 Zone. The B1 zone in Farmington and the B zone in Newington are the same. As we looked at uses in the CD zone, and I'll defer to the Planner for this, it would appear that every use within this radius is not going to work, because retail is not permitted in the CD zone. Retail is not permitted. Offices are, and we do have an office proposed, but it's accessory, accessory to the use. The size of the building is going to be

larger, and that would be an enlargement of a non-conforming use, which is illegal. So we're caught between a rock and a hard place, so we're going to come back and request a zone change. What I'd like to do tonight is kind of get some thoughts from the Commission, or concerns that the Commission might have regarding the application. I know this Commission isn't bound by other towns and what they do, but with Barnes and Noble in B Zone and the Farmington portion is B1 and we're looking to make this site. Jan Rutherford is here with me, an engineer with VHB. We don't have an overhead shot here, Jan, but if you could point out the different stores that are there....

Chairman Hall: Excuse me, I hate to make you do this, but for the camera and the public I'd like that up here, and I also would like you to reference this, because this is actually showing the configuration of the lots, and please point to everything so that people know what you are talking about.

Attorney Kleinman: We can do that.

Jan Rutherford: I will duplicate the information. The subject parcel that Mr. Kleinman is referring to is here in the center of this radius, and this is a five hundred foot radius. I will reference the same, this is the same subject parcel, this is the town line that is being referenced, with the front portion being in Farmington and the rear portion being in Newington, and this is a Fed-Ex and Kinko's, Bed Bath and Beyond, Sleepy's and to the north, just off the page is a Babies 'R Us, and I think another co-tenant with that as well. To the south is the hotel, Residence Inn, this is the Barnes and Noble, McDonald's, across the street, is Westfarms Mall, and then this is Westfarms Plaza, a fitness center and Filene's Basement and a few other tenants in there. To continue down to the south there is the Target as you continue south. So I think that takes care of the tenants in that immediate vicinity, and as I mentioned this larger bold line here is that five hundred foot radius, so clearly it is all retail use within that corridor.

Attorney Kleinman: I did look at the Plan of Conservation and Development, and I realize that people don't travel Newington roads to get to this site, but it's a very corner piece, right here at the top of the map again, I apologize, in your future land use plan it is shown as general business uses. General Business Uses, and so, our feeling is that this is very, very consistent with your future land plan here. It is consistent with zoning in the general area, consistent because retail is the exclusive use in that area. There are no office parks, there are no residences that are impacted. There is complete buffering from any residences from the site, it would give the town the ability to clean up a gas station, and there are some communities that would like to do that, to remove them, and so our thought was, we would like to proceed with this, but if the Commission felt that this was an inappropriate use for this site, then my client would not spend the considerable dollars required to put a full site plan together which your regulations require in order to file the application for a zone change. So we really want to work with the Town, we want, we think it's a good use, we think it's consistent with the Plan of Conservation and Development, it's consistent with development in the area, probably would make sense to consider re-zoning some adjacent parcels in the area as well quite frankly, since they are all non-conforming at this point, but I'm not quite sure of the history. I went and tried to find the history of how that all got zoned CD and then developed B, so it didn't get developed in the CD manner, it got developed in the business zone manner because it is all retail. Those are our thoughts, I would be happy to answer any questions, but more importantly like to listen to any concerns that the Commissioners might have.

Chairman Hall: I'm going to have Craig give a little background from the staff report.

Craig Minor: The only thing I want to bring up, and I mentioned it in my report, is the "spot zoning" question. If this were a normal zone change I would have told this applicant, "submit your zone change application with a site plan and take your chances". The thing that makes this different is the possibility of this being considered spot zoning. The applicant would like to change the Newington part of the parcel to B zone, while the land in Newington around it is CD zone. Normally that would be spot zoning, and I'll let Attorney Kleinman elaborate on this, but he has told me that because the

zoning on the Farmington side of the town boundary is their equivalent of our B zone, it's not spot zoning, because this [pointing to the Farmington side of the parcel] is all B-1 Zone. That's an unusual situation, I've never had that situation before. So when I met with Attorney Kleinman I suggest he discuss the spot zoning question before he goes through the expense of preparing a zone change and the site plan. To whether you would approve the zone change, but whether this would be spot zoning. I'll let Attorney Kleinman tell you why he feels that it is not spot zoning.

Attorney Kleinman: Thank you. I have been an attorney for forty- five years, and I have done land use for forty-five years. I did some research on this, and I'm not going to spend a lot of time talking about that, but this is clearly, in my opinion, not spot zoning. Spot zoning isn't just changing a zone in the middle of some other zones. Just because it is a different zone classification doesn't make it spot zoning. The law is very very clear. In fact there are very few cases of spot zoning because the basic rule is the zone that is being placed in that area compatible with the comprehensive Plan of Development, and that's really it. You need to look at your Plan of Development, comprehensive Plan of Development and what it says. So, clearly if you had a residential area, and you put a gas station in the middle of it, clearly there would be no question that it would be spot zoning. You can't do that. But in this particular situation your own comprehensive plan for the town classifies this area as general business. It doesn't say specifically what kind of business. The fact that you already have a B Zone within about 300 feet of the site, and the town line runs through the property, and the use in Farmington as an example of B1 is absolutely almost parallel with your B zone in terms of the uses, and in my opinion doesn't make this spot zoning, because we're talking about business use. Retail, business office is a business use and so it is not in my opinion incompatible with what we are proposing to do here and I think the case law frankly will back me up. Now, good planning might want to dictate that you might want to take a look at the entire area, yes, sure, that's not my place and I would be out of line if I were going to lecture this Commission as to what it should do. I don't believe this is spot zoning, I think there is an advantage to removing the gas station and cleaning up the site, and bringing in a first class retail development that will pay higher taxes and be compatible with all of the uses surrounding the area. That would make, to me, good common sense. That's really kind of why we are here, but I really would rather not talk at you, and hear from the Commission in terms of your thoughts. Spot zoning is a legitimate issue, Craig and I talked about it, and I feel extremely confident of the fact that I don't believe this constitutes spot zoning, at least according to the case law that I have read.

Chairman Hall: Questions from the Commissioners?

Commissioner Leggo: Not a question really, just a comment. I don't see any issue at all as far as this being "spot zoning". I mean, we are talking about a parcel that is already...

Attorney Kleinman: Well, it's in another town really, and in all fairness you are not bound by what Farmington does.

Commissioner Leggo: I understand that.

Commissioner Aieta: Could the Planner show us where these parcels are in Newington, on that map? Plus, do we know what is on those parcels, and how it came to be CD zoned which only allows certain things, and one of them is not retail? How did retail come to be on these sites?

Craig Minor: That's a good question. I don't know. The ZEO and I were speculating the other day that maybe the hotel got approved because the hotel proponents made the case that they were a "conference center" which is allowed. The others, I don't know. The other possibility is that the others pre-date the CD zone, because the CD zone change was maybe ten-fifteen years ago.

Attorney Kleinman: That may be, but looking at the uses permitted in the CD Zone: "office use, business and professional services, corporate headquarters, and conference centers", I don't know

that the Marriott qualifies as a conference center. It's truly just a hotel. Research laboratories, research and development uses. Those are what the CD zone is for, it's legitimate, I mean many towns and Newington in particular thrive with having a CD zone. I just don't understand how, when you have Westfarms Mall as large as it is, and you have Bed, Bath and Beyond, and Babies 'R Us and Fed-ex-Kinko's, DSW, the shoe outlet, and then the gas station and the Marriott and then Barnes and Noble, there's not one of them that would qualify.

Craig Minor: But then there is a fifth category which you stopped short on, which is "any other use which is essentially compatible and similar to those listed above if authorized by the Commission". "Essentially compatible". That's very flexible, so perhaps your predecessors on TPZ decided that the gas station was "compatible" with the hotel.

Commissioner Aieta: I think we should look at all the parcels that are in Newington for a zone change to Business zone, because the way it stands now, some of those businesses are non-conforming if they don't conform to a CD Zone. So to make them all conforming I would suggest that we change the parcels that are in Newington to a B zone. There are some businesses that are non-conforming, that are in the CD Zone. I would say, let's take it at one time and make a change to a B zone, so the businesses are in a zone that allows retail businesses.

Chairman Hall: At the same time, is there anything existing now that would become non-conforming?

Craig Minor: Possibly. I would have to do that analysis.

Commissioner Aieta: But there are obviously some businesses that are retail that are non-conforming.

Craig Minor: Right.

Commissioner Aieta: So at least we would be putting those in a zone where they would be conforming.

Craig Minor: Right.

Commissioner Claffey: The "Babies 'R Us" building: the property line cuts straight through it, and the town line. Is that structure, even though it's in this town, not thoroughly under our jurisdiction?

Craig Minor: I don't think so.

Jan Rutherford: The Babies 'R Us building is actually in the Town of West Hartford. Here is [pointing to the map on the monitor] the Town of Farmington, the Town of Newington, and the Town of West Hartford. The Babies 'R us is actually in West Hartford, and it's zoning designation in West Hartford is SC Zone; a shopping center district with a SPZ overlay.

Commissioner Claffey: Let me rephrase my question. The entrance to Babies 'R Us is through the Town of Newington, because the DSW is in Newington, which has the same entrance off of Southeast Road/New Britain Avenue. I'm just trying to understand.....

Jan Rutherford: There are two entrances. There is the signalized driveway opposite Westfarms Mall, the actual majority of the intersection is in Newington, the totality of the driveway, except for perhaps a portion of the radius is all in Newington. So the driveway leading into FedEx, Bed Bath and Beyond, Sleepy's and Babies 'R Us, that is the signalized entrance at that location. There is also a separate right in, right out driveway at the very north of the parcel that provides linkage access to all

of these. The Babies 'R Us, Sleepy's, Bed Bath and Beyond, DSW, Fed-Ex, and Kinko's all are interconnected from an access management stand point.

Commissioner Claffey: So the actual building of DSW is not connected to the other buildings. I brought this up because what we are looking at, which is on the screen, is...

Jan Rutherford: This is the DSW, [pointing to the monitor] Kinko's, it's right beyond it, this property wraps behind the (inaudible) and this property in totality is Newington. The signal here, from the driveway into Westfarms Mall, this is joint development. It spans multiple parcels and multiple municipalities. It's the signalized driveway that provides access to the Fed-Ex/Kinkos and the DSW Shoe, and the Bed Bath and Beyond and Sleepy's which is also just in Newington. So, this is a parcel line, that you are seeing here, I'll be honest, I'm not sure what that line is,

Craig Minor: The town boundary.

Jan Rutherford: Yes, that is a town boundary. So that is the top edge of the Sleepy's building, and then to the north of that, is the Babies 'R Us.

Commissioner Claffey: But my question goes to what Frank brought up. If we go with an overall zone change, and the town line cuts through the center of a building, that would affect Bed Bath and Beyond and Babies 'R Us is one building, and you have the town line running through the building, so you could have half the building with one zone and half a building with.....

Jan Rutherford: That's the way it is right now.

Craig Minor: We have that all over the town.

Attorney Kleinman: The access to our building is in Newington, so the proposed corner of the building would be in Farmington, but the access from Southeast Road is totally from Farmington. I think the concept of doing the re-zoning is a good one, I would say, just on behalf of my client that I would like to be able to proceed at least with our application before this Commission while the Commission is reviewing it. I'm concerned that the deal, whatever the deal might be, may end up cratering only because of the time element. I clearly don't want to preclude this Commission from doing the right thing, which I think is taking a hard look at the whole area, as you actually should, but I would like to be able to get a sense from the Commission as to whether they would entertain the application for us to go forward and spend the money for a full site plan while you might still be studying other avenues for the Town to change zoning in a particular area.

Chairman Hall: I will get a consensus on that.

Commissioner Aieta: Are there any other parcels in Newington that are in this CD Zone? Is that piece in the back, that long piece?

Craig Minor: Yes, but I know that it's wet.

Commissioner Aieta: Are there no vacant pieces that would be affected by a zone change? This Commission could institute, for the applicant, a zone change on the whole parcel. I understand what the people who are here tonight would like, but we could do that in a timely manner, probably in the same amount of time that it would take him to do a site plan and everything else. We could have, we could proceed with the zone change. So, I don't think we would be hindering him. I would hate to see us just take one spot, just change this one lot without changing the rest of the pieces in Newington. That's good planning and that's the way we should be doing it. I don't see it as hindering him because I think we could act on this fairly rapidly.

Commissioner Leggo: I agree with Commissioner Aieta. I just want to make sure that we're not, as we heard from the public and I believe Commissioner Claffey said a couple of weeks ago, we don't want to make anybody nonconforming.

Chairman Hall: Yes, that's why I said to the Planner, check and see who else is in there.

Commissioner Leggo: That's the only thing that I could see that could hurt us from trying to do that whole area at once.

Chairman Hall: But that is a separate issue. I think we can give approval, and we have one petitioner who will come before us, that we will act upon, at the same time we will be looking at the entire parcel. If we find that there is a reason that we can't because it's going to put somebody else into non-conformity, we could always leave the other alone, and just have this one parcel that we can act on because we know that was all right.

Chairman Hall: I'd like to get a consensus as to whether or not we would like to move this forward so that the petitioner will have some idea as to his direction. All in favor, just by nodding your heads, you don't even have to anything else. I'm not getting any no's.

Commissioner Aieta: You are saying that you would entertain them to come in for a zone change on that one piece?

Chairman Hall: Right, and in the meantime, we'll do what we have to do, but it can be separate or in conjunction with the zone.

Commissioner Serra: So for the zone change, a full site plan is required?

Chairman Hall: Correct.

Craig Minor: And I'll do research on the other parcels.

Commissioner Aieta: If you start doing research so at the next meeting we could proceed with making the zone change on the rest of the parcel. We are not making any of the parcels there now non-conforming, but like I said before, they are already non-conforming.

Chairman Hall: So the answer to you is, move forward, and we expect to see you back again with your entire show.

Attorney Kleinman: Thank you.

**B. Petition 17-15: One lot subdivision at 149 Maple Hill Avenue. Maple Hill Development LLC, owner; Mary Kate VanValkenburg, 149 Maple Hill Avenue, Newington, CT applicant/contact.**

Chairman Hall: Is the petitioner here?

Craig Minor: The spokesperson was expected tonight, but it's not ready for approval. The engineering department has only recently gotten the plans, and they haven't finished their review of it, which the applicant was made aware of, so maybe the applicant decided not to come tonight because they knew it wasn't going to be acted on tonight anyway.

Chairman Hall: Okay, so if they decide to come next time, there is no problem with that, timing or anything?

Craig Minor: No. You have sixty-five days from today to act on it, so there is plenty of time.

**C. Petition 18-15: TPZ Approval (Section 3.23.1: Outside Use) for Tent Sale at 2985 Berlin Turnpike (Dick's Sporting Goods) Dick's Sporting Goods, applicant Brixmore Property Group, owner, Tanya Atkielski, 2985 Berlin Turnpike, Newington CT, contact.**

Kelly Goulet, 2985 Berlin Turnpike: We're looking to put up a 30 x 30 tent outside for two weeks starting June 26<sup>th</sup>, through July 13<sup>th</sup>, to hold a sale. We did the same thing last year.

Craig Minor: This is the same location as last time. I have not contacted the Fire Marshal or the Building Inspector yet. I don't remember if there were any problems last time.

Chairman Hall: Any questions from the Commissioners? If I remember last year, it had to be moved.

Commissioner Aieta: No, this is the site that we approved. We moved it to this location with the center aisle.

Chairman Hall: Weren't you going to be closer to the street, or driveway? [to the Planner:] You will get us information on whether there were any issues last year?

Craig Minor: Yes.

Commissioner Aieta: When are they doing this?

Chairman Hall: June 26<sup>th</sup>.

Commissioner Aieta: We have a meeting before that.

Commissioner Anest: Are you going through July 13<sup>th</sup> or July 15<sup>th</sup>?

Kelly Goulet: 13<sup>th</sup> is the date.

Chairman Hall: Because our paperwork says 15.

Craig Minor: That was my understanding, it's the 13<sup>th</sup>.

Chairman Hall: Any other questions of the petitioner? Just get us a little more information, so we can move this to the next meeting which will be June 10<sup>th</sup>.

Craig Minor: Shall I put it under Old Business for that meeting?

Chairman Hall: Yes. We have some history with it, so that is helpful.

**IX. OLD BUSINESS**

**A. Petition 10-15: Special Exception (Section 6.2.4: Free Standing Sign) at 2897 Berlin Turnpike (Firestone Complete Auto Care) National Sign Corporation, applicant, SB Newington 433 LLC, owner; Darcie Roy, National Sign Corporation, 780 Four Rod Road, Berlin, CT, contact.**

Craig Minor: This was postponed from the last meeting because there was concern about the pending litigation, and I was asked to have Attorney Jack Bradley, the attorney that represents the

Town in all Firestone legal matters, issue an opinion on it. I received the opinion in the mail today from Attorney Jonathan Chappell, who is Attorney Bradley's associate, who actually is the one who has done all the Firestone work. Attorney Chappel was in Stamford Court with me last week on the other Firestone lawsuit. In Attorney Chappell's opinion, the application can continue. Shall I read it? It's just two sentences.

Chairman Hall: Yes.

Craig Minor: This is from Attorney Jonathan Chappell:

"Dear Sir,

Thank you for forwarding the packet relating to Firestone's application for a special exception to install a pylon sign.

We concur with Attorney Boorman's opinion that the Commission should proceed with the application. As you know, the current application was filed pursuant to Section 6.2.4 of the Zoning Regulations. This regulation is not the subject of the pending litigation, nor was it the subject of any prior administrative appeal related to the site. In the pending case, the court has also not issued any preliminary adjunctive relief, stay or other order preventing the Commission from proceeding with the application. In the absence of a stay, we believe the Commission is obligated to process the application in the normal course.

Please do not hesitate to contact us with any additional questions or concerns.

Sincerely,

Jonathan R. Chappel."

Also, we received a letter from Firestone's attorney which is on the flip side of that page. I'll read that, it's just one paragraph also.

"Dear Town of Newington,

As senior consul for Bridgestone Retail Operations LLC, dba as Firestone Complete Auto Care I wish to express our company's position regarding the status of the above referenced matter.

The application for the pylon sign should be treated as any other application, and has no relevance to the pending litigation as the court has not granted a stay on the matter. Furthermore, it must be noted that DRSO has not been named as a party defendant in that pending litigation, and thus should not be held to a different standard than any other applicant, as the issue being litigated is irrelevant to the sign permit. DRSO has complied with all the necessary regulations and specifications outlined in the sign ordinance, and to be denied this permit would be against the regulations and therefore unjust.

Cordially,

Michael A. Wilson."

Craig Minor: That is all I have.

Commissioner Aieta: To be consistent with my actions on this petition in the past, I will not be voting in favor of the pylon sign.

Commissioner Anest: The legal opinion we asked for was received from the attorney so I feel a little more comfortable voting on this petition.

Commissioner Sobieski moved to approve Petition 10-15: Special Exception (Section 6.2.4); Free Standing Sign at 2897 Berlin Turnpike (Firestone Complete Auto Care) National Sign Corporation applicant; SB Newington 433 LLC owner, Darcie Roy, National Sign Corporation 780 Four Rod Road, Berlin, CT, contact.

**CONDITIONS:**

None.

The motion was seconded by Commissioner Anest. The vote was in favor of the motion with five voting in favor, and one (Aieta) opposed.

**B. Petition 15-15: Special Exception (Section 3.17.6: Recreation Uses) at 475 Willard Avenue, Fun Quest Inc., applicant, Newington 2007 LLC, owner Seema Sabarad, 12 Baldwin Drive, Farmington CT, contact.**

Commissioner Anest: I was not here when this petition was being discussed, so whoever sat in for me, should be seated, because I was not at the table.

Commissioner Claffey was seated for Commissioner Anest for Petition 15-15.

Chairman Hall: We heard this last week. Any comments from the Commissioners?

Commissioner Aieta: I was tagged in a chain of e-mails from.....

Chairman Hall: Yes, I think we all were.

Commissioner Aieta: The Chairman of the Conservation Commission, and Chris Greenlaw the Town Engineer, our Town Planner, everybody got it.

Chairman Hall: I believe so.

Commissioner Aieta: I don't know what to think.

Chairman Hall: Well, I think Craig kind of said it, somewhere in the middle there.

Commissioner Aieta: Is this before the Conservation Commission?

Craig Minor: No, it's not. It was approved at their last meeting.

Commissioner Aieta: What did they approve?

Chairman Hall: The remediation...

Commissioner Aieta: The remediation of the site?

Craig Minor: No, the remediation has been going on for years and years. As I understand it, what the Conservation Commission approved is allowing Ingersoll Rand, which is the company that is

responsible for cleaning up the ground water, to instead of putting the cleansed ground water into the sanitary sewer system, which they would have to pay MDC so many dollars per gallon for, instead, put the cleansed, formerly-contaminated ground water back into the ground. The reason they needed a Wetlands Permit is because they are within a hundred feet of a river, so they had to get permission from the Conservation Commission. I'm simplifying it, but that was what the application in front of the Conservation Commission was.

Commissioner Aieta: So let me understand this. They are cleaning up water that is contaminated with a solvent, they are treating it, they are making it potable water, and then they are pumping it back into the ground.

Craig Minor: They are putting it into soil that is within a hundred feet of a wetland or watercourse, which is why they needed to get Wetland's permission. If this was anywhere else in town, they wouldn't have needed Conservation Commission's permission to do it.

Commissoner Aieta: So where they are putting the water?

Craig Minor: I don't know. I can't say. What the Town Engineer has suggested is, instead of him being tagged with being involved with the bouncy house permit, questions of the contaminated soil remediation be directed to the Central Connecticut Health Department or the DEEP. I would think that would be acceptable to the Conservation Commission chairman, to refer these questions to a staff more qualified than the Town Engineer to comment on the issue, in his own opinion.

Chairman Hall: Would that change the condition one?

Craig Minor: Yes. We can do that on the fly.

Commissioner Serra: I'm going to make a motion that we re-open the public hearing on this. I think the public has a right to speak on this issue.

Commissioner Aieta: Can you do that?

Craig Minor: Yes.

Chairman Hall: It's been moved, do I have a second?

The motion was seconded by Commissioner Aieta.

Commissioner Sobieski: Do we know how long this remediation is going to go on? They have been doing this for several years if I'm not mistaken. How big is this area? I'm concerned with people being around this area. I'm concerned if they are pumping it out, treating it, still bothers me. I'm just asking if we have a time limit, if we have a time frame on this, I mean, Raybestos, the DEEP has been cleaning up for 25 years and they still haven't gotten anywhere near it, that's why I'm asking.

Craig Minor: I can find out.

Commissioner Sobieski: Well, I don't know who to ask. I mean, is it here or is it the DEEP? Because somewhere we should get an answer on this.

Commissioner Camillo: Every gas station in town does remediation. This does not deal with his application. This should be something else. The petition should be closed right now, and we should vote on it. That's my opinion.

Commissioner Leggo: Well, I think if we are turning it over to, as the Town Engineer said, to someone more, it's more in their vein.....

Craig Minor: No, not turn over, definitely not turn over, but ask for their opinion.

Commissioner Leggo: Definitely get their opinion, then one of the conditions I think then we are taking care of what we need to do as far as the conditions...

Commissioner Claffey: I think it should be acted on. The current businesses that are in that building, I don't know why know, because someone is coming in to put a small business in that facility, why we're, I don't see the context of that, to what we're trying to promote growth in this town. The remediation should have nothing to do with a Bouncy House in the context of trying to get approval for a business. They don't drink the water, they don't eat off the floor, or they don't go outside in the back and go down in the brook where this water is being put back in, under the jurisdiction that supercedes our jurisdiction.

Commissioner Serra: With all due respect, I have to disagree with Commissioner Claffey and Commissioner Camillo. The applicant was asked if there was going to be any outside activity, and the answer was, there could be, and at times, there will be. So you will have children playing outside. If it was strictly inside the building, I would have no problem with this, but the fact that they said on the record that there would be some outside activity, they could be playing in those areas. I think we need to re-open the public hearing and get the answers from the experts.

Commissioner Claffety: In the context of being outside, in the parking lot, people already walk on it, they drive on it, and if they had not mentioned to me that they are taking these inflatable structures and putting them out in the location of where this remediation is taking place, I don't think, someone correct me, but I don't think remediation is taking place in front of the structure where occupants and customers are ingressing, egressing, the business, or standing in the parking lot to be affected by the remediation project behind the building, away from the structure, so.....

Commissioner Aieta: I don't think we have the expertise to say that this is a problem or it's not. I think that we should err on the side of caution when we are dealing with children, and we should get an opinion from the experts, the Department of Environmental Protection saying that this is not a health hazard to children if they were playing outside. I'd like to hear that.

Commissioner Sobieski: Maybe what we could do is add a condition that there be no outside activity until we do get this, some reference from DEEP or the Town Engineer. We could have that as a condition, and once we get the information report, then they can remove that.

Commissioner Serra: Actually, that is the same suggestion that I was going to make. I would be fine with that, with the condition that everything is inside until we get this report, and we know that it is safe for the children. I have no problem with that. As I said, I have no problem with the project, I think it's great for the town, I just want to make sure that we are taking care of our residents, and especially our children. We need to make sure that this is safe for them. That's my concern, so with those conditions, I'd be fine with it.

Commissioner Claffey: Just for the record, there is, within a hundred feet of this building, a doctor's office that probably sees 4,000 kids, so just to know that you have kids in and out of that vicinity, so I feel it's, I'd be more pressed to be in agreement with what Commissioner Serra says, because there are elements of kids that go around there, and we are not punishing that business for something that they have no control over.

Chairman Hall: We have a motion and a second on the table, and that motion is to re-open the public hearing.

Commissioner Aieta: I'll rescind my second.

Chairman Hall: Well, we'll just take a vote on it and see how it is going to go. All in favor of re-opening this, putting it back to public hearing say aye. Those opposed. The vote was five to one (Serra) against the motion. The motion failed. So, that motion failed. Now we need a new motion having to do with what is on the table now as far as this petition, 15-15. Do you have new conditions for us?

Craig Minor: I don't need them. Let me read the Conditions: 1. The Town Planner will refer the contaminated soil remediation issue to the Town Engineer for comment and recommendation, if any. 2. Any party or other activity outside the building will require prior approval by the Commission. Let me stop there for a minute. You can enhance that if you want, but right there that tells the applicant that they can't do anything outside until you approve it, and you're not going to approve it until I have contacted DEEP and gotten information from DEEP on the safety of this issue. I would suggest changing the first one from "Town Engineer" to "the CCHD, Central Connecticut Health District" for comment and recommendation if any. The third was: The applicant will ask the property owner to post "No Overnight Truck Parking" signage in the immediate vicinity of the Fun Quest entrance door.

Commissioner Sobieski: Mr. Planner, can we put a time frame on when the Town Engineer or the Health District will get back to us? I don't want these people out in limbo. If they tell us it's okay, it's fine.

Craig Minor: The applicant won't be in limbo. Once it's approved, they could open tomorrow.

Commissioner Sobieski: Right.

Craig Minor: The burden would be on me to refer it to the Central Connecticut Health District and for the Health District to respond in a timely manner, and I have a good relationship with them. I talk to them pretty much a couple of times a week.

Commissioner Sobieski: Right, but what I'm asking is maybe we could get this speeded up so that maybe Condition Two would not apply.

Craig Minor: I think Condition Two will always apply because that was the sense that I got from you folks last time, which is that you might be okay with an outside event, but you're not ready yet, and when the time comes that they want to start doing outside parties, they would need to come to you first for permission to do that. That is what Condition Two is for.

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

Commissioner Leggo: I want to make sure that we have this right. I thought it was just a motion to move it on. I just wanted to make sure that we did everything that we actually voted on the petition. I don't think we were voting on the petition; we never read the petition.

Chairman Hall: The Planner read the conditions.

Commissioner Leggo: He just read the conditions, he didn't read the petition. I just want to make sure. It wasn't read.

Commissioner Serra moved to approve with conditions, Petition 15-15: Special Exception (Section 3.17.6; Recreation Uses) at 475 Willard Avenue. Fun Quest Inc., applicant, Newington 2007 LLC, owner Seema Sabarad, 12 Baldwin Drive, Farmington CT contact.

CONDITIONS:

1. The Town Planner will refer the contaminated soil remediation issue to the CCHD for comment and recommendation, if any.
2. Any party or other activity outside the building will require prior approval by the Commission.
3. The applicant will ask the property owner to post "No Overnight Truck Parking" signage in the immediate vicinity of the Fun Quest entrance door.

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

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

None.

**XI. TOWN PLANNER REPORT**

A. Town Planner Report for May 27, 2015

Craig Minor: #1: Zoning Enforcement Issues raised at the previous TPZ meeting.

At the last meeting I was asked to get the police report and the Fire Marshal's report on the Cinco de Mayo incident last month at Plaza Azteca. I was told by the Acting Chief that there was no police report, but that there is a Fire Marshal's report, which is in the agenda packet. I also have photographs of the incident that the Fire Marshal gave me. The photographs show a party going on. There is one photograph that shows a lot of people in front of the building, outside the limits of where they were supposed to be, so definitely they did go beyond the limits of what was permitted.

Commissioner Aieta: I find it hard to believe that there was not a police report when it was like an "all points bulletin". They called every cop in Newington to come to that location.

Commissioner Claffey: No, it's in here. The police pushed it onto the Fire Marshal, under "overcrowding".

Commissioner Anest: The police were called. I would like to know that they had an incident report.

Craig Minor: I'm paraphrasing because this was a phone conversation, and what I was told was that there isn't a police report, but there is a Fire Marshal's report.

Commissioner Serra: Are there any arrest reports of anybody arrested or any action reports?

Craig Minor: I can find out.

Commissioner Sobieski: After seeing that photograph that Mr. Minor showed, I definitely think that from now on in, any more applications from this establishment should be accompanied by a plan showing exactly where people are going to be outside.

Craig Minor: They did give us a plan last year.

Chairman Hall: But they didn't go by it.

Commissioner Sobieski: Obviously. When I went by I saw that the fence was all the way out to the telephone poles, well within the state right-of-way. You are not allowed to have people use that right of way. I think that needs to be addressed.

Commissioner Anest: Last year we approved them for three years, and they have to file a notice with the Town Planner every year. Is there a way that we can talk about maybe revoking that?

Chairman Hall: I thought it was dependent on there being no incidents reported.

Commissioner Anest: It says "a report from the Chief of Police".

Commissioner Aieta: We don't even have a report from the police. I think we need to get a report from the police department, not from the Fire Department, we need a report on exactly what happened so that we can have the backup, so when they come in next year, we can either put some restrictions on them, or not let them do it at all. They were advertising that they were going to have 4,000 people there. That's what they were advertising, and I believe, from looking at those pictures that they probably did.

Commissioner Camillo: All the parking lots were full. Lowe's, all the others, there wasn't one space.

Craig Minor: I will get a report from the police.

Commissioner Leggo: On the Certificate of Action that you handed out before, Condition #3 says that "this approval will be valid for three years subject to staff approval". What does the "staff approval" part mean? When they come to you, you can flag it?

Commissioner Anest: Can we revoke this so they have to come in front of us and not just be approved by you?

Craig Minor: I believe you can, but you have to do it at a meeting where the applicant has the opportunity to present his side of the story.

Commissioner Leggo: I strongly suggest that we do that.

Commissioner Sobieski: I think we should send them a letter asking the applicant to show up here, and then we do what we have to do. Let's notify him that we want to have him here, and then explain to him that from now on, you are going to have to get approval, and we have to have a better site plan, or better adherence to it. I think we asked that the last time, did we not, that the applicant be sent a letter?

Chairman Hall: No, we didn't say that the last time. We were just concerned about getting any reports concerning what happened.

Craig Minor: Is that what the Commission wants? Okay.

Commissioner Serra: It's a good idea Commissioner Sobieski. But before we have him in here, let's get the answers from the police department, let's get the necessary paper work, let's look at all that before that letter goes out. Maybe they should sit out a year and think about it before we let them come back. I mean, you were bad, so we're going to slap you on the wrist, and don't do it next year.

Commissioner Aieta: The amount of people who got there, there is no way that he can control it. I mean, 4,000 people...

Commissioner Sobieski: You could control it if you had the area fenced in where it was supposed to be, and not just constantly move the fence out.

Commissioner Leggo: You can let just so many people in, and then you can't let any more in.

Commissioner Serra: I wasn't going to mention the place, but I was at Puerto Vallarta on Cinco de Mayo, the same night. They had two police officers outside, they hired valet parking, they had security people inside the building, making sure everything was fine. When they got to a certain limit, the owner told the officers at the door, and security, that nobody else comes in. He shut it down himself. So only the people who were already in there were there, nobody else could come in. They turned people away. So there is a way to control it; you just have to have responsible management.

Commissioner Leggo: That's the way any nightclub or bar operates. That's why at the very popular places there are lines waiting outside the door. Once you reach the limit, nobody goes in until somebody else comes out.

Chairman Hall: Old Performance Bonds?

Craig Minor: Nothing. The developer of Harvest Ridge has proceeded far enough now that he is ready to post a bond and be released from his restrictive covenant, and we're working on that amount right now. Hopefully at the next meeting I'll have a dollar amount for you and then we will be able to begin construction.

Craig Minor: There was a zoning complaint received last week involving a commercial vehicle parked in a residential zone. The ZEO went out to investigate and came to a conclusion which the complaining neighbor was not satisfied with. He will go into more detail at the next meeting, because the commercial vehicle regulation is not very well written. For example, "commercial vehicle" is not even defined in our regulations. We could rely on the State of Connecticut's definition of "commercial vehicle", which is what some towns do, but it doesn't say. Mike will be coming to you at the next meeting with more information and he's going to be proposing an amendment to make it clear as to what types of vehicles are allowed and when they are prohibited.

Commissioner Sobieski: You know, there are two things that have to be looked at here. Number one, "commercial vehicles" as far as I'm concerned, the way I look at it, it has a name on it, and it's not your name, that's a commercial vehicle. Whether it has combination plates or not should not be the sole determination. It should be the weight. I believe our weight is one ton. The reason a lot of these vehicles have combination plates is to allow them to go down the Merritt Parkway to do work down there. Construction companies will put that on their lighter trucks. Dump trucks, under nine ton trucks are still not allowed on the Merritt Parkway, they have to go around. That's the reason some of these vehicles have combination plates on them. The issue is, and I know this has been brought up before, with something over a ton parked in a yard, and it had a name on it, there was action taken, am I correct?

Craig Minor: I believe so. But not consistently, that is the problem.

Commissioner Sobieski: Well, that's true, and that's always been a problem. We can write any regulation that we want, we can make it as bullet proof or not bullet proof as we want, but the issue still comes down to, it has to be enforced. It has to be enforced equally across the board. That's my issue at this point in time. I can go down, and a matter of fact I went down Main Street today, there's a guy who has the same type, an F350, and it says Eagle Construction on it. Not on the driveway, it's on the grass. Go down other spots, and somebody has a mobile home parked in the front yard on Main Street. Now if I see these, and I don't travel that much around town, I'm sure the Zoning Officer should be able to find them. I know he works on a Saturday and Sunday, periodically, so these should be easily found. In my opinion I don't want to be living next to somebody who brings a truck

home, or any kind of a commercial vehicle, and it has a back-up alarm on it and he's working odd hours and he leaves at eight o'clock at night and comes back at two in the morning. It's the summertime, I've got my windows open, he puts the thing in reverse, and you have a backup alarm coming, that really is annoying to you. The final thing is, we need to get some consistency here number one, and number two, I realize these are perks for people who take their vehicles home. They are on call. You have to look at both issues here, but in a lot of cases, in a residential areas, I really think we need to get this brought under control and stay with the regulations that we have. You want to bullet proof them, fine. But I'm saying, people are getting upset, they are getting agitated, this is a town, and this is a residential area.

We're talking residential. I know West Hartford is very strict on this, and so is I believe Avon and Bloomfield maybe also. They are very, very strict on commercial in a yard. If it has a name on it, that's a definite, so you can look at this any way you want, you can say, what's the gross weight of the truck? DOT trucks are nine ton. That is what it carries, it's not necessarily the total weight of the truck, so you can look at this anyway you want. Our regulations say one ton. That's not the vehicle weight, it's what it is capable of carrying.

Craig Minor: Okay. That is all I have.

## **XII. COMMUNICATIONS**

None

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

John Bachand, 56 Maple Hill Avenue: I've been intrigued with what you were just talking about, because I'm a one-truck contractor, I do have a little name on it, it's about this big. But, first of all, talking about one ton, every truck out there is rated at over one ton, so you are going to have to come up with something better than that. It used to be the series of the truck, like a F350 was considered a one ton, Chevy had a 30 and Dodge had a 3500 so most trucks, even Toyotas are capable of carrying one ton. So again, this is something that is close to me, so I am concerned. If I can help in any way, I'd like to, but one question, where are we talking about? Are we just talking about the front yard, or anywhere in the yard? Obviously if it is in a garage I don't think anything is really regulated if it's fully concealed. What about these cars, all the Liberty Mutual and Progressive that you see with the full wrap around, to me, those are pretty offensive. I rather live next to a guy, a one pickup truck contractor than one of these fully wrapped cars sitting in the front yard. That's kind of in your face, you know. Are you going to discuss that further? Is it still open? I think I asked you the last time if that was going to be open to the public.

Chairman Hall: What, the truck?

John Bachand: Well, the zoning regulations; you said eventually it was going to be open to the public.

Chairman Hall: You can come to our six o'clock meeting if you want to.

John Bachand: Well, I came to one but you said I couldn't discuss it at that time.

Chairman Hall: They will eventually go to public hearing.

John Bachand: I'd just like to remind you that a good percentage of the town is in a service oriented business, so you have to tread lightly there and make everybody happy.

Chairman Hall: Two minutes! Thank you, John.

**XIV. REMARKS BY COMMISSIONERS**

Commissioner Leggo: We need to take a look around our downtown area, at some of the buildings, and at the overgrowth of weeds. I mean, one in particular that we could take note of is the CITGO station in the center there, with garbage being left on the side and the back of the building and weeds way overgrown. That's an eyesore for the center of town.

Craig Minor: That's the CITGO station?

Commissioner Leggo: Yes.

Chairman Hall: Anyone else?

**XV. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Hall: Again, thank you for your indulgence tonight, and anyone is invited to our six o'clock meeting when we do go over these regulations. We do that before every meeting.

**XVI. ADJOURN**

Commissioner Leggo moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Norine Addis,  
Recording Secretary