NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 13, 2019

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Michael Camillo
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Domenic Pane
Commissioner Stanley Sobieski
Commissioner Stephen Woods

Commissioners Absent

Commissioner John Bottalico-A
Commissioner Hyman Braverman-A
Commissioner Giangrave-A

Staff Present

Craig Minor, Town Planner
Andrew Armstrong, ZEO/Asst. Town Planner

III. APPROVAL OF AGENDA

Craig Minor: The only item I want to have removed is the consultant for O'Reilly Auto Parts, he would prefer to come to your next meeting to give his statement on the status of the project. I think it is on the agenda under Old Business, yes, Old Business, Item 10 A, so remove that please.

Chairman Aieta: Any other changes from the Commissioners? Approve the changes to the agenda? The vote was unanimously in favor of the changes with seven voting YEA.

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

Chairman Aieta: Anyone wishing to speak at this time from the public on any item? Come forward, state your name and address for the record.

Dave Henry, 140 Fisk Drive: I'm here representing the Kiwanis Club of Newington and as president I just want to thank you folks for considering our petition so we can start our 28th or 29th year, I lost rack of the flea market to help with community service such as the Memorial Day Parade, so I just wanted to thank you.
Chairman Aieta: This is an item that is under scheduling, Item C. Anyone else from the public? There is another opportunity for the public to participate later on in the meeting.

V. Approval of Minutes

Commissioner Sobieski moved to approve the minutes of the February 13, 2013 meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

VI. Zoning Enforcement Officer Report

Andrew Armstrong: Good evening everyone. Before I get to the ZEO report I have a temporary sign application here. It’s for 2441 Berlin Turnpike, Cricket Wireless, and it’s for a temporary A frame sign. It meets all of the temporary sign regulations and I recommend approval of the application. The sign will remain within five feet of the business entry as required.

Commissioner Claffey: Does that business or other businesses have signs already issued, because there is a rule that within 25 feet of another sign. What else is there?

Andrew Armstrong: I believe Enterprise.

Commissioner Claffey: Are there any violations prior to the application?

Andrew Armstrong: I am not certain, but I believe at one time they might have had a violation and that is what caused them to apply.

Chairman Aieta: At least they are complying.

Commissioner Pane: I notice that there are other temporary signs that you have gone to people and asked them to remove them and are you reminding them that they can apply for this temporary sign?

Andrew Armstrong: Absolutely.

Commissioner Pane: Very good, thank you.

Commissioner Sobieski: Andrew, quick question. I see that you have quite a long list on Francis Avenue there, 174, I know that the stuff has been removed out of the right of way, and I know that they still drop stuff there periodically. At the last meeting one of the neighbors up there I believe asked if you or Craig had a list of how much money and time it has taken us to this point, do you have that available for later on in the discussion?

Craig Minor: Yes.

Commissioner Sobieski: Okay, the second thing is that you seem to be spending an inordinate amount of time with this guy. Is there any way that either you or Craig could come up with a suggestion that somebody could monitor what they are doing, what he is doing there? If it is not dropped at 174 Francis Avenue, it's dropped over at Gagnon, if it's not dropped at Gagnon, it's at the church or back on the railroad property and it's taking a lot of time and energy from town services up there. Just asking a question, the neighbors, I constantly get calls from the neighbors up there, they are really upset with this and it doesn’t seem to be rectifying itself.
We had an agreement with him, apparently he doesn’t think that applies any more. I’m just asking because you seem to be using up an awful lot of your time and other town entities time.

Andrew Armstrong: I’m not sure I have a suggestion off the top of my head. I do put in a lot of hours and after our last TPZ meeting where we had a lot of members of the public coming to speak about it, so I put some time into it and I did receive a few more complaints about vehicles in the right of way, in front of his building, so I have driven by on my travels on other violations, monitored the site, and he hasn’t left any vehicles there for over 24 hours that I have seen and I’ve been documenting, without trying to spend too much time at this point. Craig, do you have any suggestions?

Craig Minor: Monitoring, that’s the easiest part because we have lots of volunteers in the neighborhood monitoring it. The time consuming for staff is then going out to verify that there is something going on, improper, contacting the individual telling him to stop, sending certified letters, following up making sure that the items have been rectified, and then finding out that it had been moved somewhere else which is also a violation which causes another round of letters, so it never ends.

Commissioner Sobieski: My concern here is the amount of time that the Town is spending on this, the man hours on this. The other thing that one of the neighbors called me about is what happens if there is a fire in there? If they can’t get in the back and you have a lot of elderly people living in there that have breathing problems as it is. That’s another issue and I recommended that they call the Town Manager because this is just ridiculous. Thank you.

Commissioner Fox: I was just going to say the same thing, through the Chairman, Craig, we had talked about this. Do you have any inkling of how many man hours your staff has put into this?

Craig Minor: Yes, I spent some time working on that, remembering the different issues that Mike D’Amato spent a lot of time on when he was here, between blight enforcement and zoning enforcement, and I came up with a rough approximation of over 25,000, but it could be twice that. $25,000 dollars. Dollars that the town has spent on staff time working on those issues.

Commissioner Claffey: Is that not part of the job?

Craig Minor: Oh absolutely. It's not out of pocket, that is how much time, it terms of hours it was 300 hours over the past four years, roughly, from the two properties that the individual owns.

Commissioner Fox: What they are doing is putting all of the man hours into this when they could be doing something else. In the meantime also we know that there are a couple of law suits and I did a little bit of research and between 174 Francis Avenue and 366 Maple Hill Avenue, attorney's fees were approximately almost $15,000. That was for Francis Avenue and for 366 Maple Hill Avenue. My question is, when is this going to stop? Has he done anything as a result of the citation?

Andrew Armstrong: Not recently. He has been able to get around it recently. We made a lot of progress on the railroad property to get it, twelve plus cars and two trailers off there pretty quickly after the public came out, and since then I haven't put in a lot of hours, but I have made sure to monitor the property. Under zoning authority, there has been nothing that I can cite him for in front of that property, so I am monitoring it, if violations do come up......
Commissioner Fox: In the meantime though, I pass by there most every day and it was clean. I shouldn’t say it was clean, he had a whole bunch of pallets stacked up and a couple of car seats, and I don’t know about the other property, but I don’t know if that is blight or not, maybe you can take a look. Thank you.

Commissioner Pane: I have a question for the Zoning Enforcement Officer. 240 Day Street, your report says inspections and no violations as of 2/28/19, so that property is all set, is that correct?

Andrew Armstrong: Yes, the truck and the unregistered vehicle, the storage unit is not a zoning violation and to my knowledge is still there.

Commissioner Pane: What is?

Andrew Armstrong: There is a storage unit there, that was part of the original complaint and was found not to be within our zoning.

Commissioner Pane: What do you mean, a storage unit?

Andrew Armstrong: Like a big metal storage unit.

Commissioner Pane: And you are saying that is not a violation to have on that? There are 18 wheelers there, eight or nine of them and one of them is trashed, so why aren’t you being consistent in forcing the property owner there to take that junk off instead of just the flat bed? Why aren’t we being consistent? That’s a violation along with all of the piles of dirt and the pipe and all of that other stuff.

Andrew Armstrong: I’m not sure what you are referring to there.

Commissioner Pane: You cited 240 Day Street for a flatbed that was a complaint that was called in, so you drove up and you handled the flatbed.

Andrew Armstrong: Yes, with the vehicle.

Commissioner Pane: Did you talk to the owner of the property about the rest of the stuff on that property that is in violation.

Andrew Armstrong: My complaint was the flatbed, the unregistered vehicle and the storage unit.

Commissioner Pane: So you are saying just because you see something else you are not going to follow-up.

Andrew Armstrong: I’m not sure what you are.

Commissioner Pane: I’m talking about 240 Day Street. That’s where the flatbed was, and there are nine 50 foot trailers there, one that is totally broken apart.

Andrew Armstrong: I had not received a complaint.

Commissioner Pane: But you went there to look at the trailer, you don’t have to get a complaint to act on it.
Andrew Armstrong: I'm sorry I missed it, I was, he had vehicles across the street, on the other side and I was focused on that.

Commissioner Pane: I'm talking about 240 Day Street, the flatbed that was parked at Gagnon's property at 240 Day Street.

Andrew Armstrong: It's gone.

Commissioner Pane: It's gone, my question to you is did you inform the property owner to remove the rest of the things on the property that don't belong there?

Andrew Armstrong: The only thing that I saw there was the storage unit. I think you may be referring to the property across the street.

Commissioner Pane: No, I was there today. There are eight, nine....

Commissioner Claffey: They have been there for about six months. There have been like from nine to fifteen trailers....

Commissioner Pane: And if you went there to remove the flatbed you would have to be blind not to see the other trailers and the other junk and the piles of dirt and the pipes that are on the same piece of property. You just said because you didn't receive a complaint you didn't act on it.

Craig Minor: Also, Andrew has only been here for a few months. He doesn't know all of the zoning regulations. He wouldn't necessarily know and I'm not sure it is a zoning violation....

Commissioner Pane: It is. Those 18 wheelers aren't supposed to be there. That is supposed to be car parking for the facility, okay, that is what it was designed for. Overflow parking for the factory that doesn't operate now. Now those trailers don't even belong I don't think to the owner of the property, they belong to somebody else down the street.

Craig Minor: That's not relevant, but that is an industrial zone. That might not be a zoning violation.

Commissioner Pane: If those trailers are not a zoning violation, why would the flatbed be a zoning violation? Tell me that.

Craig Minor: Because the flatbed is part of the operation of that car dealership and car business as we said before, and it was moved.

Commissioner Pane: So those trailers are not part of the Gagnon's property, they belong to somebody else down the road.

Craig Minor: That doesn't make it a violation because they belong to somebody else.

Commissioner Pane: The flatbed was a violation there because it is part of somebody's else's business down the street.

Craig Minor: Because it was a violation of the approval that was granted to the person who owns that flatbed. We will follow up and research it and make sure if there are violations going on there....
Commissioner Pane: It's obvious if you drive around and if you go for a complaint, it's obvious that you are not putting in, you are not correcting other things as you see them, as you go. I've noticed on the turnpike you have a complaint on a particular property, yet I drive down there and I've noticed other signs in a very close proximity, so, and I don't see where you are offering from the ZEO how many complaints that you have found. Very few. We had this conversation, we said that we wanted, this Commission, the whole Commission said that we wanted enforcement done in a consistent manner and we wanted you to drive around town and not act on a complaint but drive around and enforce our zoning regulations on a consistent manner.

Andrew Armstrong: I believe that I do. I don't know that I can get every single one that you see, can you give me an example of what.....

Commissioner Pane: I just gave you one on 240 Day Street. O'Neil plaza, there is a banner on their property, and you were just at the Cricket

Andrew Armstrong: I haven't seen a banner.

Chairman Aieta: Okay, let's get beyond this.

Commissioner Claffey: I have a question. The Fenn Road Plaza, we have multiple violations. Have you thought of, they came in here a few months back and said we'll address everything that we have, and now we are spending a good amount of time on the Fenn Road plaza.....

Craig Minor: Excuse me, what is the Fenn Road plaza?

Commissioner Claffey: Stop and Shop, 26, 32, 36, 44, you spend a good amount of time and this has been going on, I brought it up, it's been brought up time and time again, Verizon signs....

Andrew Armstrong: It's clear now.

Commissioner Camillo: I have one other thing, Stop and Shop, they have the overhangs, in the front, they are lit, people can pull up and they bring the groceries out, does that come through us for signs, illuminated?

Andrew Armstrong: Not to my knowledge.

Commissioner Camillo: I saw those driving by the other night, and I wondered, where did those come from all of a sudden.

Commissioner Claffey: The question really is, on Fenn Road, the Stop and Shop problem is that for all of the big plaza's, and we have a bunch in town, is there a way that we can send something to the owners of the property, or the developer and say, you have multiple violations here, kind of go back to the amount of time you are spending, you probably spent two, three hours on this already, I remember that they came here for changes, so the problems that you have out there, they are just getting worse.

Chairman Aieta This is Stop and Shop?

Commissioner Claffey: That is Stop and Shop but I don't see......
Chairman Aieta: Have you talked to Hayes? Maybe you should send a letter to him so he’s aware that we are aware of what is happening on the property. Can we go back to the Cricket item? The approval to allow the Zoning Enforcement Officer to approve the temporary sign?

Commissioner Sobieski moved to approve the temporary sign for Cricket. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Aieta: Anything else for the Zoning Enforcement Officer?

Commissioner Claffey: 995 Main Street, who was the violation against, the pizza restaurant or Starbucks? Those are two different businesses.

Andrew Armstrong: Our address system is a little goofy, difficult to get the correct address...

Commissioner Claffey: I just don’t want to have someone have an unjust penalty when it’s not a Starbucks, or not the pizza guy. If I had to guess, I’d think it was the pizza guy because he’s the newest on the block....

Andrew Armstrong: This one is actually Starbucks. The address, I think I should speak to our information systems about the clearing up the system to determine the actual address.

Commissioner Claffey: Thank you.

Chairman Aieta: Anything else? Let’s move on.

VII. REMARKS BY COMMISSIONERS

Commissioner Sobieski: Did everybody get an e-mail from the Town? I know I got one from Craig and I got one from the Town Manager’s secretary about the questionnaire. I got the e-mail a couple of days ago, I filled it out, what is your vision of Newington, what do you want to see, and I think there are a couple of courses on that?

Craig Minor: The Town has scheduled a workshop later this month, and the Mayor invited the Council and the Economic Development Commission and TPZ, but apparently the invitations didn’t all go through apparently because some of you didn’t get them. I’ll let the Town Manager’s secretary know that for some reason some of the TPZ members didn’t get theirs.

Chairman Aieta: Anything else?

VIII. PUBLIC HEARING

A. Petition 03-19: Zoning Text Amendment (Sec. 3.11.6, Sec. 3.16 and Sec. 6.11) Motor Vehicle Service Uses. Town Plan and Zoning Commission, Applicant.

Commissioner Pane recused himself for the reasons stated previously.

Chairman Aieta: Mr. Planner, want to give us a quick summary.
Craig Minor: Sure, this is an amendment that the Commission has been working on for over a year now. Essentially what this amendment would do if adopted is it would turn the clock back to approximately 2007 and restore or reinstate all the auto related uses that were allowed back in the day with a couple of restrictions dealing with separating distance from a residential zone and garage doors facing the street, but all of the uses would be allowed where they had been prior to 2007.

Chairman Aieta: Commissioners, any questions or comments at this point? We've been working on this 'or quite some time.

Commissioner Claffey: The car shows that pop up around, they don't, I just heard storage and some times those guys.....

Craig Minor: No, they're good.

Chairman Aieta: Would you Mr. Planner address, you sent out a memo to the Commissioners about new car dealerships. We should discuss that, whether to allow or not allow them on the Berlin Turnpike. This is something that we should discuss in light of the new car dealership that moved in Berlin, the recent, Morande Acura that moved into Berlin, why would we not want that type of business on the Berlin Turnpike. It's something that this Commission should decide if we want to go in that direction or not.

Commissioner Fox: Used car dealerships, they have kind of a bad reputation, especially those on the Berlin Turnpike and they also have repair shops. New car dealerships, they would have repair shops too, change oil, do whatever, and so I don't know if you can separate them. I'd like to discuss it.

Chairman Aieta: Mr. Planner why don't you tell us what your thought were on why we didn't consider that.

Craig Minor: My, over the course of the year or so that we have been working on this, a lot of comments have been made and I tried to get a sense of whether the, as Commissioner Camillo says, is the consensus or if it was just Commissioner Camillo's idea, and my sense was that at one point in the evolution, was that the Commission did not want to resume allowing car dealerships on the Berlin Turnpike, and I thought it was kind of odd myself because that is where you have your car dealerships, but that was my sense, that the Commission did not want to resume allowing car dealerships on the Berlin Turnpike, but then there was more discussion at a later meeting, and I realized that no, I misunderstood. There didn't seem to be a consensus that we should allow new dealerships on the Berlin Turnpike, so I'm, as the public I guess, we're kind of waiting for the Commission to decide, after the hearing I'm sure whether to resume allowing new car dealerships on the Berlin Turnpike. I assume we could make the distinction, I'd have to go back and read the statutes that define different car dealerships and Commissioner Camillo is shaking his head and he knows his business, so I'll stop talking and let him share his knowledge.

Commissioner Camillo: The new car dealers also sell used cars. New car dealers sell used cars also. They take them in trade and they sell them, you can't tell them that they can't sell used cars. It's a motor vehicle license.

Craig Minor: Can we tell them they have to sell new cars, and once they have a license to sell new cars, they can sell used cars also, but they have to be licensed to sell new cars. Can we mandate that?
Commissioner Camillo: I don’t think you can do that. Those are restrictions that when they go to motor vehicles could stop them from getting a license.

Chairman Aieta: I just tell you, you look in other towns, in Wethersfield, in Berlin on the turnpike, that some of the operations, they do not, some of the operations, you know which ones they are driving up through, you can see which ones I’m talking about in Wethersfield and Berlin. I look at the Acura dealership and it would be nice to have that dealership in the Town of Newington for tax purposes, grand list purposes. There are pieces of property that that type of an operation would purchase. One is the building next to 3333 Berlin Turnpike.

Commissioner Woods: The question is, do we want to allow new dealerships, but how do you make a distinction between the new and the used?

Commissioner Camillo: Ten years ago when we had this discussion it was more about the flags and the banners on the antennas and all that and we didn’t want to see that so you don’t see that today because you have a zoning enforcement officer that would say, hey you can’t put those on the cars.

Commissioner Woods: I don’t know why we wouldn’t want to allow new dealerships, I guess I can understand why you might not want some used car dealerships, but I think in all honesty, the real estate value along the Berlin Turnpike is probably going to exclude most used car dealerships. To address car ownership in the town, it’s not exclusively but it’s pretty close. I don’t think you are going to see a vast number of, I can’t see why we wouldn’t want those since they would also generate a fair amount of tax revenue. They are big sites and provide a service that most, if not all of our citizens would use. Every new dealer sells new cars, that’s how they make their money, more on used cars than on new cars.

Commissioner Claffey: The discussion here is, if you have a new or used regardless, the structure and the requirements put on that structure for it’s use, whether it’s for new car or used car would still be the same, so really, as you say, the Berlin Acura is beautiful. You don’t see the boys unless you drive up behind it into that residential neighborhood and you see service bays, so regardless of the use, the building itself would have to meet requirements so I don’t see why we would exclude it from this town. I wouldn’t want to see one in certain other business zones, but I don’t think they are allowed anyway. If the industrial plant here in town should leave, the plumbing place......

Chairman Aieta: Keeney Manufacturing.

Commissioner Claffey: Yeah, if they were to leave, you wouldn’t put one there, so that’s where I’m going, I wouldn’t want to see it there, but you can’t preclude new or used because they are going to be under the same roof.

Commissioner Woods: I think the way that I’m reading this regulation that because of the setbacks most of the lots that are deep enough on the Berlin Turnpike end up abutting against residential. I think that this regulation is not going to allow them. There are a fair amount of areas that would work perfectly for a dealership except for this 100 foot setback.

Commissioner Claffey: But does that make someone say no to having it on the books?

Craig Minor: I think Commissioner Woods went onto a different point that if we do allow this more restrictive regulation it would reduce the number of car businesses that would open on the highway.
Commissioner Woods: We're not making it impossible but we're making it very very.....

Craig Minor: Reducing the pool of potential sites for auto.

Commissioner Woods: Restricting the lots that would be available to meet this on the Berlin Turnpike. I'm sure there are other places in town, but not many.

Commissioner Claffey: But if you have a piece of land on the pike that doesn't have that residential zone property butting up, which is one on the southwest side, like where Rizzo Pool and Friendly's, those lots are deep.

Commissioner Woods: On the top of that ridge, there are residential houses up there, so depending on whether the residential property comes down, or the commercial goes back, they abut.

Commissioner Claffey: No, I'm using, look at the Ashley, the bowling place, Ashley Furniture, the only thing that abuts that is the Costello Business Park.

Commissioner Woods: But you could have 3333 Berlin Turnpike....... That would be on the southwest corner which is what you are talking about

Commissioner Claffey: I'm saying if Ashley Furniture mysteriously disappears, that is a prime corner with no residential behind it.

Craig Minor: I can ask the IT department to help me put together a map showing lots that would be prevented from a new car dealer auto related business newly, if this restricted setback versus the old 50' one is approved.

Commissioner Camillo: Most dealerships today, everything is done online and they store the cars behind the building for security reasons, behind the fence. You can see them on line, they are not like at the curb like we had years ago, where hey, I saw that car in the lot, now you see it on line, would you get it ready, I'd like to take it for a ride. You don't have to see the cars, they would be behind the building.

Commissioner Sobieski: Most areas on the turnpike, there is a 300 foot right of way. Now you are talking in addition to that, say 150 feet on each side and then 100 feet on top of that which is almost ridiculous. If you were to reduce it to 50 feet off the state right of way would make more sense I would think. In the turnpike area because now it's too deep and you are not going to see anybody, because you can't put your signs up on the state right of way. So if you think about that for a minute and the middle of the turnpike was 150 feet either side, at the widest point so if you were to take and say, okay, 50 feet from the edge of the state right of way, back, you allow them to put a sign up or whatever, be a lot better than going 100 feet back to your building and the sign. I'm just saying for the visibility, someone coming down the road, you are going to be able to see something within a zone of sight versus way back without turning your head one way or the other. I'm just thinking 100 feet might be a little ridiculous, maybe 50.

Chairman Aieta: Those are two different things. I think you are confusing front yard setback with the distance between zones, the commercial zone and the residential zone. I think the 100 feet that we are talking about in this regulation is to differentiate between the commercial zone and the residential zone.

Commissioner Sobieski: Okay, I stand corrected.
Commissioner Claffey: So with that said, the proposed, on page 3, 6.11.4, No display or storage of any motor vehicle is permitted in the required front yard, that is going back to what Commissioner Sobieski said, that part stems from where you have the front right of way from the state, and then it would have to be, you couldn’t put a car there, so if you used the Berlin Acura dealership, the cars sit way back up, I say way back, maybe 150 feet plus the right of way, so if that dealership was in Newington right now, all of those vehicles that sit in front of that dealership are in violation if we had 6.11.4. So with 6.11.4 you are almost eliminating any vehicles being stored in the front of the building for sale.

Commissioner Woods: What you could do is like what you see in Hartford where the display is actually inside the building, it’s all glass, and then the cars are either on the side or in the back. I think that is doable. If you want to keep the cars in the front, I think that works. You could make that work, make that happen, keep it attractive so you don’t get the cars.....

Commissioner Claffey: You could have a parking lot forward.....

Commissioner Woods: Not necessarily.

Commissioner Claffey: No, I’m saying for customers.

Commissioner Woods: Or they could park in the back or on the side. You would then have the building closer.

Commissioner Claffey: I’m trying to think of a car dealership that has no cars in the front of the building.

Commissioner Woods: Where the post office is in Hartford, what is the name of that road?

Commission: Jennings Road.

Commissioner Claffey: Where Car-Max is?

Commissioner Woods: They are building a brand new dealership there, Land Rover, there is no parking in the front. There is no parking, it is all landscaped. There is a driveway, you could block the driveway with vehicles, but the vehicles are going to be on the side or in the back.

Chairman Aieta: This is something that we are going to have to take up.

Commissioner Woods: This is a public hearing is it not Mr. Chairman, I’d like to see if there is any input about this.

Chairman Aieta: We will get to the public and then we will see if we want to include this as part of the regulations. We will keep the public hearing open. I’m going to open this up to the public now. Anyone wishing to speak in favor of this application, please come forward, state your name and address for the record.

Attorney Tim Hollister: Good evening Commissioners I have double hats on tonight. I’m representing Modern Tire, Mr. Amenta is here and I think you know the background that from 2012 to 2015 I represented several auto related uses that were concerned that the amendments to the auto related issues that were adopted in 2012, and I also represented the homeowners who butt up against a service use on the Berlin Turnpike and are concerned about the regulations that protect homeowners.
The letter that I just submitted is one that you saw about four months ago, and I just wanted to put into the record, and I’m not going to dwell on it, its really the background of the Firestone litigation. So, the good news is that I am here to support the draft amendment with a couple of requests for possible clarifications and corrections. I will say first that I think that the provision that says a motor vehicle service use shall not be located within 100 feet of a residential zone is kind of a key protection that we have, and I think that should be maintained.

I’m going to make a suggestion, and I did discuss this with Craig before, but I would make the suggestion that you also say that the roll up, or overhead doors should not face a residential zone. I say that because the homeowners that I represent, the entire issue is that there are, at the Firestone, there are five bays that face the Berlin Turnpike and five bays that face the rear homes, and again, we’re not going into the history of how that was approved, but that is really a practice that should not be allowed so I ask you to consider that as further condition that I don’t think will really affect anything, certainly nothing in a new use because there will be other options and locations.

A couple of clarifications and corrections, in the first section it talks about motor vehicle services, service uses defined as, quote, included but not limited to, and then there are several uses, and then the phrase "and other related uses as many be determined by the Commission" I think that phrase is the one that caused Judge Mottolese to say back in 2014 and 2015 that you were reserving too much discretion to yourself, so I think that second phrase, "other related uses as may be determined by the Commission" should come out. I don’t think you are holding things that you want to approve but the message from a couple of years ago, say what you are going to allow and what you are not going to allow, and don’t leave it open ended as that second phrase allows you to do.

I also urge you to take a loose look at the terms, repair license and limited repair. I think that the regulation as written is okay, but maybe this is really more of an enforcement action. There is a difference between a general repair and a limited repair, and there are a couple of instances in Newington and other towns that I am aware of where a business gets its zoning approval as a general repairier and then they try to operate under a limited repair, so if you are going to put that in your regulations there should be follow-up to make sure they operate under the license that they represented they would use in their actual operation.

In 6.11.3, entrances and exits I would assume that be defined as the street line or the end of the right of way, but the question would be since you are measuring no more than 100 feet from the entrance or the exit from the street line or the right of way to where? Craig, I don’t know if there is a definition but I think it would be simple to define it and make it easier for enforcement.

Minor matter in 6.11.3, you have separation distances from schools, playgrounds, hospital residence and also church. I would suggest in this day and age you might say religious institution instead of church. Church generally is defined as a Christian type institution, so I just don’t want you to get in trouble with some other context.

Lastly, in the 6.11.7 and 6.11.8, Section 14-322 has been repealed by the legislature and so has 14-55 so I think you just need the reference to the first sections, 14-321 and 14-54. Those are the operative sections, so I think if you take a look at those clarifications and corrections, we are here to support your efforts and I appreciate it.

Chairman Aleta: Have you written down the changes so we can discuss it? Okay, thank you.
Anyone else wishing to speak in favor of the petition. Come forward and state your name and address for the record.

Robert Amenta, 3455 Berlin Turnpike, Modern Tire: I am in favor of the regulations. I think it’s a good idea to bring automotive uses back to Newington and to the Berlin Turnpike. I do have several concerns because of the length of time that we have been trying to address this and the way that some of the regulations are written.

I’m going to go through the items that I have to bring your attention and hopefully they can be addressed.
Number one, I do agree with having dealerships in town, both new and used dealerships. I think it is very important that the Commissioners look at the general statutes, 14-51 because there are four different sections in there; there is new car dealers, used car dealers, there is repair and there is limited repair so it is important to understand those when referencing the regulations.
I would like to see the regulations specifically and clearly state that new car and used car dealers are allowed as automotive uses, so that there is no gray area in regards to that.

In 6.11.2, it states that repairs shall be entirely within a building and at least 30 feet from any street line, our business, on occasion we will have people pull up, they need a spare tire change, the bays are full, we change the spare tire. They need a battery put in or any minor services we might do outside. I think that it is entirely within the realm of allowing us to do that, that should be in the regulations and further, as an example automotive retail stores that are not regulated by the Department of Motor Vehicles. Like Auto Zone, Advanced Auto Parts, O’Reilly’s is coming to the turnpike, they will go out in their parking lot, they will install a battery, they will install wiper blades, headlights, and there are even customers who buy starters and try to install them outside in the parking lot on their own, so we as licensed automotive dealers that are regulated by the State should have the right to do simple minor repairs. We aren’t going to do a brake job out in the lot, we just want to be able to replace a headlight, replace a wiper blade, put a spare tire on.

Tim touched on some items, the entrances and exits, he already touched on that. Display or storage of motor vehicles is permitted in the required from yard, saying that it is not permitted. If dealerships are allowed I think there needs to be a definition of that front yard. Again, that is going to have to be addressed. You guys are discussing it in regards to, would displays be allowed? I think they should be allowed but I think that they should be pretty strict in regards to how they are displayed. No for sale signs in there, no maybe crayon markings on the windows, no flyers, there are professional businesses that are beautiful dealerships, just like the one down in Berlin that could easily have been in Newington that I think you would be proud to have and would be beneficial to the Town, provide a tax base, as long as it is properly regulated. So I don’t think a used car dealer is a bad thing, I just think if done right it could be a good thing, as well as new car dealers.

Overhead service doors, as you know at Modern Tire our service doors face the street, Turnpike Motors has a lot of overhead doors facing the street. One thing that the Town Planner mentioned in his memo was the only ones that he was aware of that were facing the street were Firestone on the Berlin Turnpike and Enterprise on the Berlin Turnpike. All I could think of was those two might be ones that kind of aren’t approved or didn’t submit applications to have the doors, on the turnpike, we have doors, Modern Tire, Turnpike Motors has doors, PC Richards has doors facing the street and Best Buy has doors facing the street. So there are a lot of doors facing the street. My concern as an operator that has been in town for years and years is that if I wanted to add on to my building, I don’t want to have to come in here and say, okay, I’m going to add on and we are fine without adding any more
front bay doors, but I don't want to come to the Commission and say, oh, now that you are here, you can add on as long as you close up all your front doors and enter from the back. I think there should be something in the regulations that would state that the existing doors that are on property that has been approved can maintain the number of doors that they have but they can't increase them. That way I would be able to add onto my property, I wouldn't add any bay doors to the front, but I would like to keep the doors that I have.

Another question I have is, if you have a deep piece of property, say there are two parcels, it's a long piece of property, in the back property which is going to be used as automotive, in the front property is commercial, but the back property is automotive and the front parcel is commercial, and then there is a street, and then the doors facing that commercial property that is in front of it, would that be considered facing the street? If a building was there I think maybe not, but what if the back parcel was developed first, and then the front parcel was developed later? The doors would be facing the street but how would that be construed?

Attorney Hollister had mentioned that 14-322 was repealed and also in 6.11.8, it states that the Newington Zoning Commission is the one that actually should be the board that approved the site, not the board of Appeals. If you read those regulations I think it's backwards now because it talks about a town of no less than 20,00 or a town less than 20,000, so you have to read that a few times to make sure those references are accurate.

I do want to see these regulations brought back but I would want to see it done properly and that way, going forward in the future, once we do get back with the regulations they will be clear for all parties. All parties will be on a level playing field, and anybody that wants to come into town will know exactly what the regulations are and me, as a property owner will know what I can and can't do in the future to invest in my property. Thank you.

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

Doug Fernandez, 2550 Berlin Turnpike, Turnpike Motors: Good evening. I'm in support of what was just presented and wanted to show my support but I think there are two things to consider here. One is the storage piece that is in place, in 6.11.4. If I'm reading this correctly, this would prevent just overnight storage and things of that nature which is a service that the customers have now. If you want to drop your car off at eight o'clock at night for us to have it at eight o'clock in the morning, those cars would be stored in our front parking lot, as well as in some cases cars that were completed the night before and waiting to be picked up. I don't know if that is part of your definition or not, for the purpose of what storage actually consists of.

Chairman Aieta: I don't think we were looking at it that way, not saying that you couldn't do what you are doing, I mean, that is part of your business. I just think this is more long term storage that we are talking about here. Cars that are there three, four months at a time, not being moved. That's what we are talking about, right?

Craig Minor: I think so.

Chairman Aieta: We wouldn't be talking about the guy that brings the car in at night, drops it off and leaves it to be worked on the next morning. We'll look at it and see if we can clarify it.

Doug Fernandez: So, secondly I have the garage bay door challenge as well and we have three streets around our property so right now we are in compliance, but in the end of this, we are a business that has been town, it will be 50 years this coming May, and I want to be able to know what we can do with the property. As we go forward, times and (inaudible) change. As far as the new car and used car conversation that you have had before, the world is changing and there is a lot of different distribution models. Car-Max is a very significant used
car distribution model. I don’t see any reason why we wouldn’t want that somewhere on the Berlin Turnpike in Newington. You have new distribution models like Tesla who is trying to compete, but they are challenged in Connecticut right now, but who is to say they are not going to need some sort of a pick up location or something of that nature going forward, so I think you have to keep our, just listening to the Commission I know that it is damaged a little bit by what goes on down the end of the Berlin Turnpike and some of these places don’t look good, they look like used car places, when you say, used car places. Those are old business models and we’re in a very changing time and there are a lot of businesses and entrepreneurs that take more of a progressive approach and Newington should be that type of a place, with definition, with quality, with clean operations. There are people out there that can do it right, and participate and contribute to the community, so you have to be careful about eliminating that from the community.

Chairman Aieta: You know that with property like yours, and Modern Tire where you have doors facing the street that we are not coming out and telling you that you have to do something about that. You would be, I don’t want to say the word "grandfathered" but you won’t be affected by the new regulations. We don’t go backwards. We’re not backwards and saying you now have to follow and comply with this new regulation. You are there, you are operating and that is the way that it is going to be. You are going to be non-conforming to the new regulations but you are conforming to what was approved by this Commission at some point in time.

Doug Fernandez: We have a long history in the automotive business, so as the industry changes which we know it’s going to, we just have to make sure these regulations allow people who have been there to change and move forward, whether it’s an infrastructure change or whatever, some sort of an operation change that is a trend of the industry. So just keep that in mind. That’s all I have to say, thank you.

Chairman Aieta: Thank you. Anyone else wishing to speak at this time, please come forward.

Amy Suchen: I’m representing the owner of, as you all know, 2890 Berlin Turnpike which is where Firestone is located. Obviously interested, as the owner of a property with an automotive use on it, and I think to start, having gone though your deliberations and discussions over the last six months or so, the thing that I heard from all of you, and Mr. Minor noted this at the beginning, is that what we are trying to do is to turn back the clock and bring as many businesses in Newington back into conformity with the regulations and allow them to continue their successful operation.

As you have already heard from Attorney Hollister, Mr. Amenta and Mr. Fernandez are indicating that there are some issues with the regulations. I have a couple of different comments, one of which you started to talk about before about the sales, and then I think a little bit about what Craig was going to ask the IT department about, properties that may be affected by some of the proposed changes to the regulations. In respect to the draft, I just want to go through a couple of things quickly; as it says at various points allows service, sales, repair, rental and storage of motor vehicles and yet when you go into the definition, I think as Attorney Hollister first noted, motor vehicle service use in the reference to repairers and limited repairs doesn’t necessarily address the situation of dealers, whether new or used. What I have now is, I did print out copies from the Department of Motor Vehicles registration list. This obviously only deals with the businesses that are registered and licensed by the State of Connecticut. It doesn’t deal with something like a gas station or a car wash, for example.
What I want to point our here is specifically the difference in the inclusion of new and used dealers and the definition to include repairers and limited repairs as important, because as you will see at the bottom of the page, the vast majority of the automotive businesses in Newington are licensed as used dealers, not as repair. Mr. Amenta’s business is obviously listed, Modern Tire is listed as a general repairer, as is Firestone and the Turnpike Motors is actually one of the used dealers, but that is why the distinction is important because when you read the section of the regulations and the definition of motor vehicle service use, I think there is an argument that a number of these provisions wouldn't apply to somebody, to an entity that is holding a dealer license because it would only include repair and limited repairs. For example, with respect to Section 6.11.2 where it says motor vehicle service uses, which includes repairs, I would argue that if you are a dealer you wouldn't be covered by that because the definition does not specifically include somebody who is licensed as a dealer, it only references repairs and limited repairs.

Same thing with respect to 6.11.3 and if your intent is to have all of these types of businesses fall into the purview of these regulations, I think that clarification is important.

One other thing that I wanted to note, with respect to that introductory language I do agree with Attorney Hollister that the last provision in that section that says, and other related uses as may be determined by the Commission is probably not recommended in light of Judge Mottolese’s earlier decision and just general Connecticut law on the subject.

And then also, with respect to 6.11.6 which is the overhead doors, and that is another provision where it says that they would not be permitted on the public street by motor vehicle services uses, so I’ll turn to some of the photos that I have to illustrate why the distinctions are important and why some of the recommendations, excuse me, some of the things I would like to encourage you to revisit are relevant to those issues.

So just briefly, as Mr. Fernandez noted, the, and Mr. Amenta too, noted that Mr. Minor’s report only referenced two properties that had overhead doors facing the street, the Firestone and the Enterprise, in fact there were several more automotive businesses in Newington where they have doors facing the street. What I have provided to you is a street view of a number of the properties where there are overhead bay doors facing the street.

Firestone property, Modern Tire, Pane Road complex which is Commissioner Pane’s property is also included, Turnpike Motors, which also has, and I have included the photo from the Berlin Turnpike and his comments showing the back of the property on Ann Street also has doors facing the street. That is one of the properties that would be affected because the existing draft of the regulations only includes the reference to limited repairers or repairer, as a used dealer, unless the regulation is amended, theoretically his doors would be entirely conforming under the regulations, but the Firestone and the Modern Tire doors would not.

Then a few more, D & D Automotive, Nino’s Imports, Action Motors, and then the last two, Lada Motors and ABC Auto also face, have the same issue where they are licensed as used dealers rather than repairers and so theoretically they would be allowed unless the regulations were amended to include dealers, and then, H.O.Penn has a loading dock that faces the street and then there are two car washes that I saw, the Shell Station at 293 Main Street, and the Mr. Sparkle on Pane Road, right down the street from Mr. Pane’s property. So what I would encourage the Commission to do it if it is in fact trying to bring more businesses into conformity with the regulations would be to eliminate that recommendation that they cannot face the street because I heard from your earlier discussion there are probably many other ways to address this, whether it’s landscaping as we see on the property or requiring the doors to be closed, but ultimately if the goal is to try to bring more
businesses into conformity with the regulations, I just wanted to apprise you of some examples where maintaining that prohibition does affect a number of other properties.

Then, the same thing with the proximity to the residential zone. As Mr. Woods said there are a number of properties on the Berlin Turnpike including my client's property are adjacent to residential zones. There are other mechanisms that are in place that would allow this issue to be addressed, you have to keep the doors closed, we can agree to that even before the litigation began, and it is something that could certainly be addressed by means other than a prohibition on their location. In addition to my client's property, the Enterprise is also has doors, a door that faces a residential zone and is within close proximity to a residential zone, and then the property at the corner of New Britain Avenue and Maple is also, doors facing the street and proximity to a residential zone.

If you just think about the Berlin Turnpike there are whole lists of other properties that may be grandfathered, non-conforming, but then again, if you are looking at trying to allow these businesses to think about the future, and expansion plans, sometimes it becomes an issue with financing. The Sam's Club gas station is adjacent to a residential zone, the Wal-Mart Tire facility is adjacent to a residential zone in the back. East PBE which is also adjacent to residential property on Church Terrace, there are a number of gas stations along the turnpike that are adjacent to residential zones. CITGO, Express, Shell, and on Willard Avenue there is a Phillips 66 and car wash which is in close proximity to a residential zone, another CITCO at Cedar and Alumni and what I found as Chase (inaudible) and Detailing which is on Spring Street off of Willard, it's pretty much smack in the middle of a residential zone. So these are again, some of the examples that I wanted to point out to you that there are a number of businesses that if you maintain the prohibition on proximity to residential zone would remain either non-conforming and potentially be limited in their ability to expand or operate the nature of their businesses. So, with that, if you have any questions, otherwise I urge you to rethink the changes are good and bringing the businesses into conformity as allowing them to operate is a positive move by the Commission and we would just urge the elimination of the ban on the overhead doors.

Chairman Aieta: Thank you. Anyone else wishing to speak in favor of the application? Anyone else? Anyone else here who came here for the automotive use, other than the people who have already spoken? Just the people who are here. You sent out letters to.....

Craig Minor: Yes and we got a couple of inquiries, people wanting more information about it.

Chairman Aieta: I just want to make sure that our automotive businesses are aware of us making this change. We have reached out to all of the businesses that we sent letters to so I'm just surprised that not more people have come out to weigh in on this issue. At this point, anyone wishing to speak in opposition to this application, please come forward, state your name and address for the record. Anyone in opposition? Seeing none, Commissioner remarks at this time?

Commissioner Sobieski: Looking at some of the pictures that Attorney Suchen showed D & D used to be an old gas station, an old Esso Station in the center of town, that was built many, many years ago. Looking at the Sunoco station at the corner of 174 and Maple Avenue, that used to be an old Gulf station, that's been in place for many years. Lata Motors is another old gas station that was on Hartford Avenue. My point that I am bringing out here is that these have been here for years, it's not something that is brand new, it's not something that we have put in here, and as was stated before, these new regulations would not affect the existing buildings, am I correct?
Chairman Aieta: Yes.

Commissioner Sobieski: That’s what I wanted to bring up. Thank you.

Chairman Aieta: Any other comments?

Commissioner Claffey: Does this make those buildings non-conforming?

Craig Minor: Yes, but it doesn’t affect them. It affects them but they are grandfathered. They will be able to continue to do that forever. We will never go after them and make them shut down.

Commissioner Claffey: So it does affect them.

Craig Minor: It does, it makes us stop and think, now my expansion, will I be able to expand where I want to? No, I won’t be able to expand where I want to, so in that sense it affects them.

Commissioner Claffey: So it will affect potential current businesses that thrive in this community? Are we making it so tight so that when those companies want to make changes in their structure for the business, are we too tight so then they may, you know, I can’t expand, a sign of the times, business changes and I’m going to seek somewhere else. If you make it too… because if you get more in non-compliance, but…..

Chairman Aieta: The only things we have been talking about is the overhead doors and the distance to a residence zone. Those are the two things that…..there aren’t any other things.

Commissioner Claffey: So how does an auto related use, I’m not going to bring in any of the three big ones, we all know the three big auto related uses on the pike, two of them here today, that business thrives on getting vehicles in and out of a structure and my point is, to add onto the building to make it bigger it usually entails more bays. Is this not going to tighten up that person who might be, even though it might be on the back of the property?

Chairman Aieta: If it’s in the back of the property, it wouldn’t be facing the street.

Commissioner Claffey: You have some here that do face the street.

Chairman Aieta: Which they are allowed…..

Commissioner Claffey: So they can’t expand on that.

Chairman Aieta: No, they cannot.

Craig Minor: They can expand, I think Mr. Amenta gave a good example. He can come in tomorrow and ask for a site plan approval for additional bays on his building, but those bays would have to face the side or the back, they couldn’t face the street.

Commissioner Woods: Turnpike Motors, they are surrounded by streets. Ann Street, a paper street that kind of runs, it’s a dirt road, it’s probably still on the town’s list, a street in back and then the Berlin Turnpike in front, so that would restrict them. They have a street in every direction.
Commissioner Claffey: That is probably the exception to the rule, but then look at the pictures of some of these, they are so non-conforming they could say, you know what, we're just packing up and going somewhere else. That's going to happen with some businesses in town. You make something so hard to do business they are just going to say, forget it we'll leave.

Commissioner Woods: I think there were a lot of conditions that we listened to that we can come back at the next meeting and sort of take some time to think this thing through and try to get it right.

Chairman Aieta: Any further Commissioner comments? At this point we are not going to close this petition, we are going to leave the public hearing open and bring it back up at the next meeting, see if any other people come out, if not, we'll have time for the Planner to go over all of the comments that were made by the people that commented tonight.

Craig Minor: You want me to summarize the comments but you don't want me to start tweaking the regulations.

Chairman Aieta: No, we'll have a discussion as far as, that's the way that we want to proceed.

Commissioner Woods: I think some of the comments Mr. Chairman, like the church, I think that should be changed to religious institution......actually not the regulations, but the wording.

Chairman Aieta: Okay, that ends that particular item.

B. Petition 04-19: Special Permit (Sec. 3.11.6; Restaurant) at 2184 Berlin Tumpke. Bianca Real Estate LLC, Owner; Melissa Taricani, Applicant, Anthony Taricani, 230 Jubilee Street, New Britain CT, Contact.

Chairman Aieta: Is the applicant here? Please come forward, state your name and address for the record and make your presentation.

Anthony Taricani, 230 Jubilee Street, New Britain, Connecticut

Craig Minor: There is a revised staff memo that is in the folder when you came in tonight regarding the parking calculations.

Anthony Taricani: Back in January I put in an application for Tony Baloney's Two Deli/Restaurant. I indicated 2184 Berlin Turnpike but at some point 2184 and 2186 became one and 2184 was pushed to the side. The landlord spoke to someone in the town here and for the record, the revised address is 2190 for the whole building, and we are in suite 4. What I'm looking to do, not franchise, family owned, been in the business forever. I previously had another Tony Baloney's back in the day. Went some through some personal stuff, got a divorce, and the business had to go. I'm back in shape here and what I need to do, and I've worked feverishly with Andrew on this, this has been since January. Unfortunately the last meeting was called because of the snow that we never got, but that's beyond everyone's control. It's zoned properly, we have appropriate parking, we have everything we need. If anyone would like to see, I have plans of what the interior would look like, I spoke to the Fire Marshal, I've done all of my due diligence and we meet all of the criteria and we're just asking for a simple yes so that I can move forward. I know at this point
that you have to work with the Building Department and things like that, and the contractors that I hire to move forward to assemble this in a timely fashion. As I said, this was back in January which is not anyone’s fault related to the weather and things like that. I have some menus, I have some layouts if anyone wants to see……

Chairman Aieta: How many plans do you have there?

Anthony Taricani: Actually I have eight.

Chairman Aieta: Pass them out, let's look at it if there are any questions. Craig, what about signage?

Craig Minor: He hasn't asked for signage yet.

Anthony Taricani: Boxes are, it was 2184 and 2186 became..... and there are lighted signs above each .......

Chairman Aieta: Is there an insert there with just your name on it?

Anthony Taricani: It's just an insert, but I have to get the design from the sign person, so it's just going to be a change of insert.

Craig Minor: Wall signs don't come before the Commission, those are staff approved. Only free standing......

Anthony Taricani: Actually I already asked somebody who is working on, they took the dimensions and I'll bring it to the town of course and get the approval, but it meets the criteria. I've been working with Andrew and he's pretty.......

Chairman Aieta: There was a question of parking, and I think from this memo that you sent out, you have come up with a solution. I know the other tenant there is not a high use tenant, so this solution that the Planner came up with makes the property workable. Anything else? Any Commissioner comments?

Commissioner Claffey: Can you explain the parking?

Craig Minor: Right, when Andrew originally went out to inspect the property, and the parking for the proposed use, he came back and told me that the rest of the building was retail and there wasn't enough parking. So we looked at a couple of different ways and it came to our attention that one of the tenants is a pawn shop and at the back of the pawn shop where they store a lot of inventory, that inventory doesn't move very quickly, not like an auto parts store where things come and go. Some of the pieces stay there for a couple of years. Pro-rating the amount of parking required by treating the back portion as warehouse, which is probably a reasonable way to refer to it, and so that is what staff is recommending, that we calculate the amount of parking based on a mix of retail and warehouse. That is the memo that I distributed tonight.

Chairman Aieta: The calculations are based on the low use of the pawn shop which would allow us to reduce the parking there and have enough for the restaurant.

Commissioner Claffey: Are all of the units occupied?
Anthony Taricani: All but the one under discussion. He has four individual, the pawn shop is in use, Scarlet is open, but she's not open, she does eye lashes and things, by appointment only, so they are only open, I very rarely see her open, but next to me, in between the pawn shop, and I'm going to have the end unit, they are preparing to open up, and I don't know if the Commissioner is aware of this or not, and I'm not trying to create any problems, but it's going to be a vape shop, like another, you know they sell all of the funny stuff.

Chairman Aieta: That's not something that we would regulate, it's retail. I think the Planner came up with a suggestion that we have used before. I suggested another property that we've used this method before where it is part warehouse and we can reduce the parking. This is nothing new that we are doing specifically special here. It's something that we have done in the past and I'm recommending that we allow it here.

Commissioner Claffey: Based on the floor plan and the use, how many spaces, if you just looked at this, not the other four, three units, I counted 36 spaces, it's just the seating area.....

Craig Minor: If you turn to the second page of the memo that was here when you came in tonight, the new memo, second page, top....

Chairman Aieta: The memo explains exactly what the Planner came up with and how he calculated it and how it works.

Craig Minor: Right, I'll read it. The restaurant is 1,450 square feet, the entire space to rent is 1,450 but the amount that is open to the public is only 650 square feet and that generates the requirement for the spaces. We literally put a box around the public area and calculated how much and came to the 650 square feet.

Chairman Aieta: Any other questions? Anthony, do you understand what we are trying to accomplish.

Commissioner Claffey: I'm counting how many spaces are on the plan, and I just counted the spaces and they equal out, and it doesn't look like this drawing was modified.

Craig Minor: No, that wasn't.

Commissioner Claffey: I count 39 spaces.....

Craig Minor: The floor plan.

Commissioner Claffey: I counted 39 spaces here, and I come up with 39 spaces in your memo.

Craig Minor: And that is how many they need. They need 39. They need 13 for the new restaurant, and 26 for the remaining building, some of which is warehouse and some of which is retail.

Commissioner Claffey: If it wasn't a restaurant would you need more or less if it was vacant?

Craig Minor: Probably less. If it was just a conventional retail, it probably would not have been any problem. The problem is restaurants usually require more parking than the same size retail.
Chairman Aieta: Any questions from the Commissioners on this application? We'll open it up to the public. Anyone here wishing to speak in favor of the application, come forward, state your name and address for the record? Seeing none, anyone in opposition? Seeing none, Commissioners, I'd like to close this application and move it to Old Business.

Commissioner Sobieski: So move.

Commissioner Fox: Second.

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

Chairman Aieta: Stick around, we are going to vote on this tonight, so you will have an answer.

C. Petition 05-19: Special Permit (Sec. 6.2.4: Free Standing Sign) at 3443 Berlin Turnpike Garrett Homes LLC, Owner, C+ Sign Service, Applicant, David Hemming, 500 Industrial Park Road, Deep River, CT, Contact

Chairman Aieta: Is the applicant here? Please come forward, state your name and address for the record and make your presentation.

Sam Michaud: I represent C+ Sign Service, working on O'Reilly's at 3443 Berlin Turnpike.

Chairman Aieta: Do you have plans?

Sam Michaud: I only have three copies now, I thought my boss was sending some over.

Craig Minor: They are in the packet. Sorry, the computer crashed on me so that can't display them, but they are in your packet. There shouldn't be any sight line problems where it is on the side of the parking lot.

Chairman Aieta: The sign meets the regulations, height and everything else?

Craig Minor: Correct.

Chairman Aieta: Do you have anything else to add beside what is before this Commission?

Sam Michaud: I do not.

Commissioner Claffey: Is this between the Olympia Diner and the site?

Craig Minor: Yes.

Chairman Aieta: Any Commissioner remarks? We'll ask the public to weigh in on this. Anyone from the public wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application? Seeing none, Commissioners, I would like to close the petition and move it to Old Business for action tonight.

Commissioner Sobieski: So move.

Commissioner Fox: Second.

The vote was unanimously in favor of the motion, with seven voting YEA.
IX. NEW BUSINESS

A. Petition 06-19: Site Plan Modification at 94 Holmes Road, 94 Holmes Road LLC Owner/Applicant, James P. Cassidy P.E., 630 Main Street, Cromwell CT Contact.

Chairman Aieta: Is the applicant here? This is for Holmes Road.

Craig Minor: This application is still in front of the Conservation Commission, so you cannot act tonight.

James Cassidy: Would the Commission prefer I set up, up here or back there?

Chairman Aieta: What do you have?

James Cassidy: Three boards.

Chairman Aieta: So the Commission can see and the public can see, probably over here.

James Cassidy: Good evening, for the record my name is Jim Cassidy, professional engineer and principle with the firm of Hallsey, Pearson and Cassidy located at 630 Main Street in Cromwell. I’m here tonight representing 94 Holmes Road LLC who is the property owner of a piece of land located at 94 Holmes Road. The site itself is located about three quarters of the way down the road on the north side. This would be Holmes Road on the left, this is on the northerly side of the road. The site itself is about 1.46 acres, it’s industrial. It contains an existing building with a footprint of over a little 16,000 square feet. It’s presently home of John Michael Associates. John Michael Associates is a warehouse distributor of custom sporting apparels. To the north is the Fennwyck Estates, a subdivision that is off to the north, to the west is another industrial building located at 84 Holmes Road and then to the east is another industrial building which seems to be an oil distribution company on the easterly side there.

Presently parking on the site is located primarily to the south and to the front in addition to down on the easterly side there is additional parking and presently there is a total of 44 spaces, two of them being handicapped, the two handicapped spaces being located in this area here. This other big loop area is presently a turnout area for tractor trailers because there is a loading dock on the easterly side of the building.

The site basically slopes downwards to a low spot where all of the water goes into the existing drainage system that continues down through a 24 inch pipe that actually traverses the property at this southeasterly corner which is in the east and then continues down this property line eventually going out to the east past the railroad tracks and discharging into a pond on the other side of the railroad tracks.

We are here before you this evening seeking site plan approval. John Michael Associates is looking to add some additional space, warehousing space to this building. The light brown rectangle is the footprint of the existing building, consisting again of slightly over 16,000 square feet. They have the need for an additional 10,000 square feet so what we are looking into doing is taking the existing turn out area, constructing this new addition, and then relocating the loading doors over here off to this side of the building. In addition to, and refiguring the parking lot, the dark grey area would be the existing parking lot that would remain, and we would have two new aisles for two docks. These docks would be drop docks in that the tail elevation is four feet lower than the floor of the building. This small area here
would be a level dock so the grade of the driveway would be the same elevation as the floor. We would then reconfigure these parking spaces providing six parking spaces. Overall there would be a loss, a reduction in the number of parking spaces. Being a warehouse and distribution use, their maximum number of employees during a shift is 36, so we are proposing a total of 36 parking spaces. We would also be locating the two existing handicapped spaces that are in this location and then bringing them over to the front of the building and making them ADA compliant.

We are presently before the Wetlands Commission. There is a large wetlands area off to the northwest corner so we do have the existing building and a part of the existing turn out area that is within 100 feet of that wetlands. The proposed addition would be within 100 feet of that wetlands therefore requiring us to go to the Wetlands Board for approval.

The drainage, in the back, we are proposing a bio-retention swale. The bio-retention swale will pick up all of the roof leaders from the new building, will discharge into the bio-retention swale and at the far east of it there is going to be an outlet structure that would collect the overflow from it and then discharge into the same drainage system to talked about before. In addition, we are looking to build a small bio-retention basin up in this right corner which would pick up this new loading dock area.

I know that the Commission can’t take any action on this tonight, but the primary reason that we came before you is that as part of the staff review one of the items that came up that we wanted to talk about is the location of the loading docks, and loading dock doors.

Chairman Aieta: We just talked about overhead doors and doors facing the street, is that what you said in your memo?

Craig Minor: This is different. This is, let's let him finish.....

Jim Cassidy: So under your regulations, 6.1.2, for off street loading requirements Section C it states, loading docks and overhead should not be located on the front walls of the building facing the public road. What the thought was, number one, to be able to add an addition to the building the only place that you really can add it is where that existing turnout is. The other thought is that we perceive this, or we interpreted this as the front wall of the building facing the road. We set this up in a manner so that this wall of the building is 75 feet back from the road, so it's not really, it faces the road, but it's not really the front wall of the building. We have also tried to set it up in a way that if you look at the existing site, this is all one big bituminous area that comes to that turn out area. We are actually introducing two islands in the front section with landscaping and some canopy trees to help screen this area a little bit more than it is today.

The other advantage that we see is that by situating this like this, this is a residential district to the rear so it brings all of the everyday operations of the loading and unloading of the trucks away from that residential use. It actually screens it and makes it a lot quieter than it is today. The other thing we would note, and I know past practices don't make it right, but we're in a development along Holmes Road Industrial Park, that was set up in a manner where more than fifty percent of the buildings in that park have loading doors that face the road. This being Holmes Road coming down, every building that you see with the yellow arrow in front of it, is a building that presently has a loading dock, we'll say, it faces the road but it is not on the front wall of the building. So, the one across the street, Sears Distribution Center has a massive amount of doors that are facing the road. We will be very similar to the buildings at 60 and 69, we are at 94, but they also have their loading docks but they are off setting five feet back from that front wall of the building. So we wanted to come before you
tonight before we go back to Wetlands next Wednesday to see how the Commission interprets the regulation and are we basically headed down the right road or do we need to reconsider and figure a way to re-design if possible to be allowed to do the expansion of this building.

With that we conclude and I will gladly answer any questions you may have.

Chairman Aieta: Is that what you said in your memo? The point that I was trying to make is that it does face the road, but the point that you bring up, we will leave it up to the Commissioners to discuss it......

Commissioner Ciaffey: I have a question on the truck turnout. How are you going to get that truck, which used to turn around on your property, is it still going to be able to cut and make that turn.

Jim Cassidy: It's designed so that it would be able to pull into this section and back into the loading dock and then pull straight out to the road.

Chairman Aieta: Any other Commissioner comments? What do you think about the rationale as to how he set the building? Some of the items that he brought up would actually have a good effect on the property because it does screen it from the residence zone. The regulations specifically talk about the front face of the building, and this is set back 75 feet.

Commissioner Ciaffey: Are there any lots in that, that, I know it's an Industrial zone, that have any residential use now? Like Spring Street off of Willard you have Industrial, you have Commercial, you have......

Craig Minor: It's zoned Industrial, I doubt there are any residences. I don't know, but I doubt it.

Commissioner Pane: I think that the applicant has explained everything pretty clearly and being an industrial area, I don't have a problem with it, and maybe this 6.1.2 (C) needs to be looked at because if I remember correctly we approved a building not too long ago, a small little industrial building for someone and the doors were facing the road so, I mean, we have a lot of small lots in Newington, and as it's hard not to have doors facing the road. Maybe the Commission needs to look at that for the future.

Chairman Aieta: At this particular point in time I think with the clarifications that the engineer brought forward tonight, there is no sense in us being hard nosed about it. I would not like to see this particular business, or any business not be able to expand because of that particular item and they would have to move out of town and look at some other piece of property and we lose a good industrial use.

Commissioner Woods: Can we handle this with a text amendment in the industrial zone to allow doors facing the road? I don't have any problem with it at all, but would that be an easier way to do it and then it is not gray at all.

Chairman Aieta: On this particular one, could we proceed without the text amendment based on the information that we got tonight?

Craig Minor: Yes

Chairman Aieta: Is this something that the Commission has the authority to do?
Craig Minor: Yes, it’s your regulation, so it’s for you to interpret and Mr. Cassidy has suggested that where is says, shall not be located on the front side of the building, that he has made a case that it is not the front side, and if the Commission feels that is a reasonable interpretation that’s fine.

Chairman Aieta: I think at this point, to move this project....

Commissioner Pane: I agree with you Mr. Chairman, he’s put a good case on to have the doors where they are so I have no problem with it.

Commissioner Claffey: I have a question going back to parking, the orange is the existing, currently, so in your guesstimate, is half that orange warehouse now?

Jim Cassidy: No.

Commissioner Claffey: So the new warehouse, is the old warehouse staying?

Jim Cassidy: Yes.

Commissioner Claffey: And I bring that up because you are at the max parking spaces now, and as businesses grow employees grow. We’re right now at the max and then you are going to start seeing cars parking on the street.

Chairman Aieta: You calculated the number of parking from employees at 36?

Jim Cassidy: Yes, and when we laid this out, we went back to them and asked them, are you going to be comfortable, will that be your max? And they indicated that yes, it would be the maximum. What has happened is that they have picked up a big new client and they need a lot more storage area, it doesn’t really involve more employees. If you take a look at the site today, even if you look at the existing site plan, you will notice that they are not using even fifty percent of the parking. So they really aren’t picking up employees. What will happen is they will bring a couple of more tractor trailers in, those tractor trailers take product, put it into the warehouse area, from there they go out in Fed-Ex trucks to the clients. So they need more storage room.

Commissioner Claffey: I get that, but looking at that picture it doesn’t look like there are 36 cars.

Jim Cassidy: No, that would just be 36 spaces.

Commissioner Claffey: As Commissioner Pane said, our lots in town are small, businesses want to grow and then we have the inevitable parking issue.

Jim Cassidy: We also find a lot of the business changes, like Industrial, you used to need one space for 250 square feet because you have one person at each machine, now you are computerized. Same thing for a warehouse. We just did over a warehouse down in Higganum. We had to build a 30,000 square foot warehouse because they have a contract now with Amazon. They need the space, they don’t need the employees.

Commissioner Claffey: With this addition I see more truck traffic in that area which I guess is a good sign of the times.
Chairman Aieta: Any other Commissioner comments? I'm getting the feeling that we would go along with your rationale as to the doors being that way and not looking to do a text amendment. We don't have to do anything?

Craig Minor: Right, but I will put this on a list of amendments to draft and come back to you eventually.

Chairman Aieta: Is there anything else we have to do with this?

Craig Minor: At this point, no. Mr. Cassidy has gotten the information that he needs and this will be coming back to you at your next meeting for your site plan approval.

Jim Cassidy: Thank you, we appreciate it.

B. **Petition 13-19: Extension of Map Filing Deadline for Karanian Resubdivision at 179 Meadow Street. Estate of Faye H. Karanian, Owner/Applicant: Mark Friend, 81 Rankin Road, Glastonbury CT, Contact.**

Craig Minor: This is a formality. Mr. Friend did submit the revised plan yesterday and it's being reviewed by the staff. They will probably be able to get the mylars signed in time, but I advised Mr. Friend to ask for the extension just in case there was a blizzard or something that would prevent something from happening, this is just to be safe so the plans don't expire.

Chairman Aieta: So we're all set?

Craig Minor: We need a motion to approve.

Commissioner Sobieski moved to approve the extension. The motion was seconded by Commission Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

C. **Newington Ridge Preserve**

Craig Minor: I got a call from one of the homeowners today just telling me that the homeowners association is meeting with Mr. Massamino tomorrow to plan for their return visit to the Conservation Commission and they hope to get that problem resolved.

Chairman Aieta: I don't see anyone from the homeowners association here. Okay.

X. **OLD BUSINESS**

A. **Update on Petition 01-18: Site Plan Approval at 3443 Berlin Turnpike (O'Reilly Auto Parts) Garrett Homes LLC, Applicant, Edward S. and Laura Seremet, Owners, Michael Sullivan PE 365 Research Parkway, Meriden, CT, Contact.**

Postponed

B. **Petition 04-19 Special Permit (Sec. 3.11.6) Restaurant**

2184 Berlin Turnpike

Bianca Real Estate LLC, Owner, Melissa Taricani Applicant

Commissioner Pane moved to approve Petition 04-19 Special Permit (Sec. 3.11.6) Restaurant at 2190 Suite 4 Berlin Turnpike, Bianca Real Estate LLC, Owner, Melissa
Taricani Applicant, Anthony Taricani, 230 Jubilee Street, New Britain, CT, contact with no conditions.

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

Chairman Aieta: You are all set, talk to the Planner, and show him what you are doing with the sign and you're all done. You can have all of these back.

Anthony Taricani: Okay, thank you.

C. Petition 05-19 Special Permit (Sec. 6.2.4: Free Standing Sign)

3443 Berlin Turnpike Garrett Homes LLC, Owner; C+ Sign Service, Applicant: David Hemming, 500 Industrial Park Road, Deep River CT, Contact.

Commissioner Pane moved to approve Petition 05-19 Special Permit (Sec. 6.2.4: Free Standing Sign) at 3443 Berlin Turnpike Garrett Homes LLC, Owner; C+ Sign Service, applicant; David Hemming, 500 Industrial Park Road, Deep River CT, Contact with no conditions.

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

Chairman Aieta: You're all set too.

XI. **PETITIONS FOR PUBLIC HEARING SCHEDULING**

A. Petition 07-19: Special Permit (Sec. 3.2.1: Churches and Places of Worship at 6 Church Street, Vashnav Panivar of CT, Owner/Applicant: Rajeev Desai, 712 France Street, Rocky Hill CT, Contact

Craig Minor: They have actually bought the house on the corner and they want to make it part of their grounds. I believe in their application they said that when the priest was visiting that he would stay here and they would probably have classes there, things of that sort. Because religious institutions are a special permit they need a public hearing on that, so I recommend the hearing be scheduled for March 27th.

Commissioner Fox: Craig, Church Street does not cross Cedar Street, it's the corner of Church Street and New Britain Avenue.

Craig Minor: I'm sorry, you're saying that.....

Commissioner Fox: The house on Church Street is on the corner of Church Street and New Britain Avenue.

Craig Minor: Oh, okay, thank you.

Chairman Aieta: We will go ahead on put this on the schedule but I'm sure there will be questions because there is a house in between them. We'll see what their rationale is. When do you want to do that?

Craig Minor: The 27th.
B. **Petition 09-19:** Special Permit (Sec. 3.2.8 Group Day Care Homes and Child Care Centers and Adult Day Care Centers) at 395 Willard Avenue. Colchester Properties LLC, Applicant, 395 Willard LLC Owner; Eric Spungin, 56 East Main Street, Avon, Ct. Contact.

Craig Minor: This has been, I think the Commission is familiar with it because it has come before you I think three times since I have been here. The latest perspective tenant is a child day care as opposed to the adult day care which I think it was approved for, and the day care requires a special permit, so, they are also going to be asking for a site plan modification, so we can schedule them for the same time. I recommend this also be scheduled for March 27th.

Chairman Aieta: Any questions?

Commissioner Sobieski: Is this right next to (inaudible)?

Craig Minor: Yes.

C. **Petition 10-19:** Special Permit (Sec. 3.2.7: Charitable Religious Social and Civic Events at the Municipal Parking Lot (Big K Flea Market) Kiwanis Club of Newington, Applicant, Town of Newington, Owner, Daniel Henry, 140 Fisk Drive, Newington CT Contact.

Craig Minor: The last time it was approved it was approved for three years, and the time has now run out so they are back for another approval. Again, I recommend the hearing be scheduled for March 27th.

D. **Petition 11-19:** Special Permit (Section 3.15.3: Restaurant Outside Seating at 3260 Berlin Turnpike (Plaza Azteca) John Kennelly, Applicant Kelban Newington LLC, Owner, Manuel Rubio, 3260 Berlin Turnpike Newington CT, Contact

Craig Minor: The request from Plaza Azteca. There is a memo, I hope that you read it, the agenda is getting full and I was going to suggest that we postpone this one until the April meeting, but that would only allow one meeting to do this, and I'm sure you want more than one meeting to express all of your concerns with the application. So I recommend that the hearing be scheduled for March 27th.

Chairman Aieta: Commissioner comments? We have reports and everything from the Town’s perspective?

Craig Minor: Yes.

Chairman Aieta: Put that on for the next meeting so that we have enough time.

Commissioner Fox: On the reports Craig, you have actual reports from the Fire Marshal, the Police Department.

Craig Minor: I have an actual report in writing from the Police but I will contact the Fire Marshal.

Commissioner Fox: How about the Health Inspector?

Craig Minor: I can get something from her.
Chairman Aita: So that will be put on for the next meeting.

XII. **TOWN PLANNERS REPORT**

Craig Minor: I have two items to report. The first, the POCD update. We did receive applications, I sent everybody an e-mail with attachments to the proposals because at that time, my understanding was that the Commission wanted to review the proposals and then decide where to go. I spoke to the Chairman about that afterwards, and I think the Chairman’s preference is that a sub-committee review the proposals and make a recommendation back to the Commission. I think you are all more than welcome to read the proposals and also express, comment on them but the Chairman would like a sub-committee to formally come back to this group with a final recommendation.

Chairman Aita: At this point, I think all of the Commissioners should read and be familiar with the five people that sent in, because you will ultimately be the one that votes on who we pick. To expedite this thing, I think if we, it’s a lot easier to have a subcommittee of two people. I’ve asked Steve Woods and Domenic Pane to act as the selection committee to work with the Town Planner and come back with recommendations to this committee and then the Commission will vote on the recommendation and we will have a discussion, but the final approval will be from the Commission. We will only take recommendations from the sub-committee. This will be the only sub-committee that will be acting on this. Everything else we do is by the Commission. We are not having other sub-committees do any of the work. To expedite this, because I know that the Planner would like to have this done some time this month, so he’ll be working with these two individuals who will come back and I think it will be a better process for a recommendation. Are we all set with that? Any concerns? Okay, we’ll do it. You will work with Steve and Domenic and then come back to us so we can look at it.

Craig Minor: Hopefully at the March 27th meeting if we can have interviews in time for that. Thank you.

The next item, I just wanted to make the Commission aware that I have been working on what is called an affordable housing moratorium. The word moratorium I think is kind of a misnomer but that is the word the states uses and what this is, is a mechanism in the affordable housing law that requires you to approve a project, an affordable housing project even if it doesn’t meet your zoning regulations if the Town doesn’t have ten percent of his housing stock affordable. The law actually has language in it that says if a town is making good progress towards the ten percent there is a way to get a what I call a safe harbor. You can get a three year shield where during that three years nobody can come in with an affordable housing application. The process to get that three year moratorium involves a lot of research, and I’m working on that now, and part of the process involves letting the public know that the Town is going to be applying for a moratorium, and giving the public the opportunity to call for a public hearing on it, if there is a petition signed by twenty-five residents who want to force a public hearing on it. That is a possibility. I just wanted to make you aware that I have been directed by the Town Manager to work on this, as I have been for the past couple of months. Oh, by the way, we are eligible I should have said that. I’ve done the math, we do have enough what they call, housing unit equivalence to meet the requirements to be eligible for the moratorium, so I think it is very possible.

Commissioner Woods: So it is how we interpret what is affordable? We are counting it different than the people who are in charge of counting it right now.

Craig Minor: No, I’m using those rules because they are the ones making the decisions.
The units that you can take credit for, towards this moratorium are different from the units that are part of our ten percent affordable housing. For example, there is a group home in Newington, that counts towards our ten percent of affordable housing, but we don’t get credit for that in applying for the moratorium. It’s complicated, but we do have enough points based on the affordable housing that we do have in Newington.

Commissioner Claffey: So how long have you been working on this?

Craig Minor: Two or three months. Not continuously.

Commissioner Claffey: My point being is that it is kind of odd, out of the blue, and we are a town in litigation over affordable housing and for the last two plus months unbeknownst to people on this Commission, myself, I’m not speaking for anyone else, that you have been working on something at the direction of the Town Manager to completely go against things that we have already......

Craig Minor: I’m not sure, why would you say that? How is this opposed to what the Commission has done in the past?

Commissioner Claffey: Why now is it such an issue to go and figure out what our numbers are on the moratorium, to introduce a moratorium which stalls growth. It stalls growth in our town. It’s just kind of coincidental that it is now being worked on and we have a current court case, so now we are going to go back just like the court cases that are pending on the auto related use.

Commissioner Pane: If it affects the court case.....

Commissioner Claffey: I don’t know why this....

Commissioner Pane: If you get the moratorium and then the court case comes in, I believe, I was reading where it stops, if they win in court it stops it, because you have the moratorium. It affects the past property, the.....

Craig Minor: If they win in court, and we don’t have the moratorium, then they win in court and they can start construction. If the Town applies for this moratorium and the Commissioner of Housing approves it, and she/he, was just appointed, a new Commissioner of Housing, approves Newington’s request it will take effect, I don’t know how quickly, but this, it will take a while to prepare the application and I don’t know how quickly the Commissioner of Housing will act on it, but once he or she does, and if he or she approves it, at that point you will not be able to submit a new application. A new application can not be submitted. Now, what could happen to the litigation right now, I don’t know, I would want an attorney to tell you whether the cura would trump the moratorium if it was successful or not, I don’t know.

Commissioner Claffey: I’m just baffled that again, just like with the sign ordinances, and MOD’s or MOU’s or whatever you want to call them, that this has been going on under the radar, at the discretion of powers to be, but they can’t come to us two and a half months ago and say, hey, we’ve been thinking of this. You guys oversee zoning rules and regulations but just by-pass that group and we’ll just dictate you to do this. It’s another kick in our face as a Commission. Why are we even here then? Have the Town Manager come and sit right there and tell us what she wants us to do via you. I’m getting tired of it. Why are we all here every Wednesday, every second and fourth Wednesday? Behind the scenes, upstairs they are
doing their own thing against the zoning board, because a moratorium is based on zoning rules and regulations. It’s based off of it.

Craig Minor: Not this time, remember I said.....

Commissioner Claffey: No, not this time because someone in a back office did something behind the scenes and didn’t want to bring it......

Craig Minor: No, the word moratorium in this context is completely different from the moratorium that you know of for zoning.

Commissioner Claffey: You are going to hinder the growth of affordable housing in the Town by enacting this moratorium.

Craig Minor: If you want to think of it that way, yes.

Commissioner Camillo: Or maybe protecting the town.

Craig Minor: That is the other way to look at it.

Commissioner Camillo: You have to look at it that way.

Commissioner Claffey: That’s like discriminating against a hotel because you feel that there are going to be violence and crime there. There is going to be violence and crime in every home at times, are you going to stop the growth of someone who wants to build a house because you feel that there might be, a police officer would have to go to that house? Safety, violence, crime, that’s exactly what is in the court case. I’m just tired of coming here and then basically our hands are always tied because someone else is always a step ahead of us in our own town.

Commissioner Fox? Anthony, I don’t know if, we’re not talking about a local text amendment, or a change to the zoning regulations, we are talking about.....

Commissioner Claffey: TOD. The TOD is no different than......

Commissioner Fox: Let’s stick to one thing. The Town Planner, it just seems to me, he’s doing research, and he’s telling us if he can do a moratorium.....

Commissioner Claffey: He’s not telling us, he’s telling the Town Manager.

Commissioner Fox: Okay, he’s telling the Town Manager.

Commissioner Claffey: We didn’t dictate this as a zoning board.

Commissioner Fox: What would we have to do with it? That’s my question.

Commissioner Woods: I think what you are doing is hurting the position of the Commission, I didn’t vote with the Commission, I voted against it, and if I’m understanding this correctly what your chore is, your task is, to say, look you can’t come in here and tell us that we need to do this because we are saying we already meet, we as a town, meet the ten percent.

Commissioner Paine: We don’t meet the ten percent.
Craig Minor: No, but we meet enough to be eligible for a two year stay on any future, for three years on any new applications.

Commissioner Woods: To get this waiver, and this is where the catch comes in, I assume that you are going to need a plan of action on how you are going to improve.

Craig Minor: Actually no.

Commissioner Pane: I agree with you. The purpose of a moratorium, what I have been told is to come up with a plan with how you are going to reach the ten percent in your town.

Craig Minor: Good point. My understanding is the Towns that have been successful in getting a moratorium are the towns whose application did more than just show the minimum requirement but also showed what those towns are doing pro-actively to increase their supply of affordable housing. Frankly I'm not sure what our application will be able to say in those areas because we don't frankly do a lot to provoke affordable housing but we have enough affordable housing to at least be eligible to ask the Commissioner for a three year moratorium on new applications.

Commissioner Woods: So if we are asking for a moratorium just to put it off for three years because we still don't want to do anything, I think that is a problem. I can't support that. If we are asking them to put it off for three so that we can put a plan in place that this Commission can approve, that is going to bring more affordable housing in, I think that's okay.

Chairman Aieta: Not just that this Commission could approve, but it should be our plan. I think Anthony brought up a good point, I mean, you have been working on this thing for months, as Chairman and as Commissioners, I was not aware of it, until I read it in your report, just read it this week, I didn't know you were working on it. I mean, I don't know where it is coming from, you are saying the Town Manager, I don't think it's coming from the Town Manager, I think it's coming from somewhere else.

Commissioner Claffey: I bring up the word moratorium because two years ago we put the moratorium on the busway. We did that so that we could get ahead of it, to understand what we want, what we don't want, what the public wants, and I think we did that well. I use it because those two spots in town, west hill area and Cedar Street and Fenn Road. That's how I see a moratorium, but when you state moratorium, that stalls growth to improve growth future wise. That should include the group that is tasked with helping the town grow.

Chairman Aieta: That's just another example of how, another example is the train station. We were never consulted on any of that, we watched the Town Council meetings where the Town Manager has this vision, I mean, I've got visions too, I mean, the tail is wagging the dog. We're the dog and they are the tail.

Commissioner Claffey: I'm hot, and I'm not hot at you, this is directed at you because you are our liaison between the two but it just goes back to other departments that kick us to the curb, so why am I even here?

Chairman Aieta Another item, the 8-24 reviews, we don't get those in a timely manner, we don't even get it and things happen that go against the statute that requires people to do it, we don't even see them.
Commissioner Pane: I agree with Commissioner Woods and Commissioner Claffey. I think that if you are going to have a moratorium you have to have a plan, a goal of how you want to achieve reaching your ten percent available and where it is going to be in town and everything, so I would ask, and I'm disappointed that we didn't hear about this information earlier, just like the train station as the Chairman stated, we never hear about it until months later. I find it very surprising that they have this idea of coming up with a moratorium when they are also promoting a train stop with at least ten buildings around it, so, which are affordable housing, so I find if pretty odd that they want the moratorium and in the same breath they want a train stop with affordable housing around it. I find it pretty odd. I would ask that this Commission should be updated with the information that you have, what you have worked on for the last two and a half, three months, what the requirements are, so that we can review it and then get some input.

Commissioner Sobieski: My understand is that it was supposed to be a train station with mixed use. I don't know where the housing came from......

Chairman Aieta: Mixed use is housing.

Commissioner Sobieski: I understand that, but not necessarily affordable housing. That's what I was wondering. That's why I'm a little confused here.

Commissioner Claffey: They asked for mixed use to include affordable housing, it's done all over the country, and I don't know why in Newington we make it, it's doesn't exist. What I'm getting at is that the use of the word mixed use around here, everyone thinks its housing. It's a small portion of a mixed use development. It usually has housing associated that is federally funded and will lower the cost so that people can stay in that community because at times, when you go through building usually rents go up and the people who live there can't afford it. People have to be educated and that's the people upstairs, and I will say this on the record, the ones that sit in this building need to come to these meetings and get educated on the rules and regulations of the Town.

There are lies out there that people think that mixed use is high density. It's not. The Town is not growing because people don't know the rules and regulations of how federal funds get filtered down so people can live in a community and be affordable, because this community for a one bedroom apartment, it's not affordable. It's not. A two bedroom apartment is over almost $1500 or more to live in this town. That's not affordable. I'm telling you, this is bigger than people know, that's why the town hasn't grown in three years. We haven't had new housing other than a building permit here and a building permit here.

Commissioner Woods: I don't think that makes the town grow, commercial property does.

Commissioner Claffey: No, it doesn't. Go to Bloomfield and look at the 1,000 or 1200 units they put in just down the street on Cottage Grove Road.

Commissioner Woods: Cedar Street is not Bloomfield, we don't have (inaudible) with high taxes.

Commissioner Claffey: We have no place to live. No one can move here. Why are all the tech savvy jobs going to Rocky Hill, they are moving to Cold Spring Road in Rocky Hill.

Chairman Aieta: You have to remember Anthony that the Town is built to......

Commissioner Claffey: We have the land.
Chairman Aieta: Where?

Commissioner Claffey: You have the land for affordable housing.

Chairman Aieta: Where?

Commissioner Claffey: Fenn Road, Cedar Street, you have all that land on Day which is residential, half of Day and Francis is residential, fit perfect in there. I guess people don't see that.

Commissioner Pane: Mr. Chairman, Commissioner Claffey brought up the moratorium that we had on the two TOD areas, and we worked really hard on that, this Commission did and we solved the Fenn Road one, and we were in the middle of working on the Willard Avenue one and we were supposed to get some reports from the Town Planner from the State and we never got those reports, and then it just dropped by the wayside there. Then, all of a sudden, yeah, we want the train station over here at Cedar Street and we want it for 600 cars. Well, I'm concerned that the ball that dropped over on Willard Avenue when we were talking about that, we had reasons that that was the location that we were using, and I think this Commission should pick that back up and determine where the other train stop would be recommended. I mean, we're not going to let the staff tell us where the train stop is going to be.

Chairman Aieta: I think it's the State of Connecticut telling you where the stop is going to be. They are the ones that are pushing the buttons with the towns, saying you want a train stop, then if you even want to be put in the queue, they are holding it over our heads. If this is what you want, then you have to come to us, and we're telling you we think it should be on Willard Avenue, Cedar Street.

Commissioner Pane: Maybe the Planner should have related that to us when we were talking about Willard Avenue, nothing ever happened. We never got additional information, and obviously he was working behind the scenes with the town staff and the state.

Craig Minor: No, if you are talking about the Cedar Street proposal, I learned about it at a meeting at the DOT with the Manager and the Mayor, Council member Anest and the Economic Development Director, so......

Commissioner Pane: I stand corrected then if that is the case, but I still think that we really dropped the ball there. We still have a moratorium over in that area that we haven't corrected. We have a moratorium.

Craig Minor: It expired.

Commissioner Pane: With no action.

Craig Minor: Right, it expired because the Commission didn't do anything.

Commissioner Pane: We were waiting for information from the State and you kept on telling us, I'll look up the minutes.

Craig Minor: There is no state report so I don't know what you mean by that.

Commissioner Pane: You were going to talk to the State on getting information on the train information.
Craig Minor: You mean DOT.

Commissioner Pane: DOT and it just dropped by the wayside.

Craig Minor: I'm sorry, I don't believe....

Commissioner Camillo: Also, the DOT left messages for the Town Manager and our Mayor, and neither called them back for two years. They called at least a half a dozen times. Then it went in the other direction. When they built the busway they spent 180 million dollars at Newton Junction so that they could have a combined train station and mixed use and now we are going to have it where industrial buildings are that should be jobs, losing industrial buildings for that.

Commissioner Sobieski: When I first heard about the train station at Cedar Street in this room here when DOT put on a presentation and I believe the DOT said option one was Cedar Street, option two was do nothing and option three was Newton Junction which they were not happy with because there wasn't enough parking. They wanted it for 300 cars. I think they came up with 270 and it wasn't what they wanted and I believe that is what caused it to move from there to here. I could be wrong.

Chairman Aieta: Someone has to explain to me the rationale of putting the train station on Cedar Street with 600 cars when the street, there are no plans as to how the street can even accommodate that number of cars. You are talking about development, a mixed use development with 1200 additional houses, additional housing units, I don't know, the infrastructure won't handle the traffic, it doesn't work unless we start doing something drastic with Cedar Street. You won't be able to get in and out of there. Someone has to explain to me how it is going to work. I don't see how it works.

Commissioner Fox: Somebody has to explain to me how this discussion on the moratorium on the affordable housing moratorium wound up being a discussion about, for want of a better word, conspiracy theories.

Everyone talking at once.

Commissioner Claffey: As I said, I'm not mad at him, I'm perturbed that every time we turn around, we have a sign ordinance that Parks and Rec just says, hey we are just going to go and put these up, who cares about your rules and regulations, and it's just things like that and then a big thing like this. Just like the time we were wasting our ZEO to go chasing after a guy who illegally moves cars and we sat here with our Town Attorney who said, this is the best I can do, and I brought up the question, what happens when he starts again, and no one had an answer, and where are we right now, again, $24,000 later and how many hours?

Commissioner Fox: I agree with that, but my point is, we can discuss this from now until midnight, until doomsday and maybe we can discuss these things little by little but.....

Commissioner Camillo: We just went through a meeting like that, the last meeting that you and I were at. We went in two different directions, so it happens.

Chairman Aieta: Who has the authority to put this moratorium in place? The Town Manager has the authority to do that? Is she expecting us to do it?

Craig Minor: My understanding is that she is going to go back to the Town Council because of their approval to go forward with it. Once I have completed the application and we know in
fact that we are eligible, which I'm 99 percent sure we are, at that point she will go back to the Council for them to approve going forward with it.

Chairman Aieta: The Council has the authority to put in a moratorium?

Gail Budrejko: This is the first that I am hearing about it and quite frankly think that anything like that should have come from the Town Council so, if it's going through already I guess it's from the Town Manager. It certainly didn’t come from the Town Council and I haven’t missed a meeting so ultimately I would think......

Chairman Aieta: Come up here so that we can get it on the record. We're confused, I'm confused as to who has the authority to bring it up.

Gail Budrejko: As I said, this is the first that I am hearing about it as well, and seems to me that something as significant as that should have been a directive of the Town Council asking or directing the Town Manager to look into it, investigate it and then come back to us but it seems as if you were given the direction to go ahead and even start the application process. I mean, since it is town wide, I would imagine that the Town Council would have the final say on yes, go ahead and submit it, but to me it should have been the Town Council that said we'll investigate it first, rather than if she, the Town Manager knew about it should have come to the Town Council and say, hey do you want us to proceed in this direction?

Commissioner Woods: Let's get the facts then we can make a decision. We have a town councilor telling us that this wasn't discussed at the table, so get us the information and bring it back to us as soon as you can.

Craig Minor: Okay, you want me to find out where the idea originated, or where the request originated.

Chairman Aieta: And again, where it is going from here and what our role as TPZ is. If our role is to sit and they are going to come to us and say, stamp this, they are crazy.

Craig Minor: I can tell you that one role that you might play is the regulations say that the community has to be given the opportunity to have a public hearing on it. The public hearing can be conducted by either the Town Council or the Planning and Zoning Commission. You have that much of a role at least. I will find out where this originated.

Chairman Aieta: Okay. Any other town planner reports?

Craig Minor: No.

XIII. COMMUNICATIONS

Commissioner Sobieski: Yes, CRCOG has a meeting tomorrow night and there may be some other stuff come up. As soon as I get it I forward it to everybody.

XIV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes.)

Chairman Aieta: Gail, do you want to participate in public participation?

Gail Budrejko: No.
XV. REMARKS BY COMMISSIONERS

Commissioner Claffey: I don't want to belabor it, but I think we need to address the sign of the times of people who sat before us tonight with business is changing and site plans are changing, and we really need to address our parking. To give an example, if you are out and about any given day, Monday through Friday, drive down Holly Drive. There are at least fifteen to thirty cars that park along that street because they don't have enough parking at the business. I think when we get all these new applications for new growth and change, I think it's worthwhile to look at how we count so we have to go, well, we did it here, we did it there, you know, is it time for common sense zoning versus what we have on the books because things are changing and we have to kind of, we're going to have to change with them because you can't even drive, go down Holly Drive and you will see what I mean. Businesses might go somewhere else and I know that I belabor it month after month, meeting after meeting but parking in this town for businesses in this town is out of control. How we calculate it, and cars parked on major streets because they can't fit in the lot, it's just getting worse and worse. It's getting worse and worse when our ZEO isn't here Monday through Friday, after hours and weekends, the town looks like a disaster.

Commissioner Sobieski: Chairman Aieta, we had an issue with that new restaurant that opened up at the corner of Brockett and the Berlin Turnpike where they cut a driveway through. Has that been resolved or is it still in limbo.

Craig Minor: They are going to be coming in for site plan modification to get your permission to make that cut through permanent, and I intend to bring in the traffic authority for his comments on that, and the town engineer of course, but to answer your question, they will come to you.

Commissioner Sobieski: Thank you, that's all I need.

Chairman Aieta: That's an example of we approve something and they come in and show us what they want and then they do whatever, and they come back with, we did it that way, can you approve it?

Commissioner Woods: In all fairness, once you brought it up to them, it's closed off. They aren't using it.

Chairman Aieta: But they have an approved site plan that they should have followed and then they just said, the hell with it and they put it in because they want to access the parking on somebody else's property. That's the whole point of it.

Craig Minor: It's mutual. Both of those owners want this to happen.

Chairman Aieta: Someone should have come to us and said, this is what we are doing. Any other Commissioner remarks?

XVI. CLOSING REMARKS BY THE CHAIRMAN

None
XVII. **ADJOURN**

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

[Signature]

Norine Addis,
Recording Secretary