Chairman Nicole Pane
Commissioner Willard Bechter
Commissioner Audra Ekstrom
Commissioner Timothy Hutvagner
Commissioner Judith Igielski
Commissioner Michael Karanian
Commissioner Sharon Dunning

PRESENT
Andrew J. Armstrong
ZBA Administrator

Chairman Pane: Before we begin, let me explain to you how the meetings are run. The petitioner will come up to the mike, give their name, address and comment on the petition and explain what the hardship is. After the petition has been heard, anyone from the public may come up to the mike and express whether they are for or against the petition. The public part of the meeting will then be closed. During our work session, the public may stay, but not comment. If the petitioner can stay for the work session, great, if not, they can call the Building Department tomorrow and they will let you know what the decision was. Audra do you mind reading the petition.

Commissioner Ekstrom: PETITION 00-19-01 Lucy Robbins Welles Library, Inc. Of 95 Cedar Street is requesting a Variance of 10 ft from the required 25 foot minimum per Newington Zoning Regulations Section 6.10.5B concerning buffer setbacks for a parking lot at 22-28 Mazzoccoli Way abutting the residential uses on Hart Lane, to facilitate the future use of the lawn on the property 22-26 Mazzaccoli Way is located on the east side of the street, and north of Garfield Street.

Chairman Pane: Thank you. Election of Officers.

2. Election of Officers

Comm. Hutvagner: I would like to make a motion to move the election until after the public hearing. Comm. Karanian seconded the motion. All in favor, unanimously.

Comm. Igielski: At this point I would like to recuse myself from items 3, 1 and 6.1 due to a conflict of interest.

Chairman Pane: Thank you. Would the petitioner like to come up.

Dianne Stamm: Hello, I am Dianne Stamm and I am the current president of the board of directors of the Lucy Robbins Welles Library. I am also a resident of the town. As you may know or not know or not know the library is actually private property. Last year we were approached by the town and they wanted to make sure that the residents would continue to have access to parking to the library during the temporary renovation. We know that the Board of Trustees had purchased for future expansion of the parking lot and possible expansion of the building. We went into agreements or negotiations with the town and they agreed to increase the land and build a parking lot there and that is the parking lot that we have been using.
The agreements were signed in the summer and they started the construction and in the fall it was not finished when the asphalt got frozen or what have you but they did open it on April 8th. At this time we are looking to finish the parking lot and landscaping there but the town has taken over finishing from the contractor so that means that the Parks and Recreation Department is the department that has done the recent clearing of that land of any of the dead brush and old trees in preparation of the new trees that were in the agreement and the site plan. So, one of the things we were told when we were doing the negotiations, there is a picture of the tree right along the edge of the existing parking lot and when we were doing those negotiations is it possible to move those trees towards the property line because I felt that having the snow plows and everything else just go up and push all of the trees didn't make sense and also separates the land from the parking lot to the property line which makes it unusable or more of an alley way so it blocked off the sight and if kids were in that area or if they were running any kind of a children's program and would want to have it outside so that the trees or anything like that we would want to have full visibility there so our goal and at the time that we did the negotiations we asked if we could move those trees toward the property line and make the gap or do we need more drawings to go forward; we were told on the trees that were put in we could put an update of the plan on file, as the clock went around the corner we did the construction, the parking lot opened and we are now looking at planting those trees and I think there is miscommunication and that is what I am trying to figure out from the zoning regulations in that that the trees cannot be in the 60 or 25 line mark. However, my understanding is that the 25 ft buffer is for structures and that the 25 ft, between the 25 foot line and the property line is where we can have plantings that will help delineate the property line. We want to show some of the pictures that I brought that I can pass around to you that you guys can look at them later but as we go around town there is a couple of areas, this is the picture of Walsh Avenue that shows the funeral home where you can see their parking lot towards the left and you can see the trees right on the property line to the residential property right there and as you scan through there you can see a little bit of a wider shot in that area.

This is Liberty Bank on Main Street again, you can see that on the right and trees right along the property line and if you scroll down to that photo you can see the house lines up with that and the fencing, keep going please, and that's the shot when you look at Main Street, you can see the driveway, the residential driveway with the basketball court in there along with the sign of Liberty Bank. We'll get better shots to show you. Now what you are looking at is the parking lot and that's the parking lot where the Rite Aid and Starbucks is and you can see that there is a fence, you can see some housing goes through there but on the edge of the parking lot there is a fence goes through, you can see they have a fence around their garbage area but again you can see the trees and the housing right next door and that's Welles Drive that you back up to if you are not familiar with that. This is the Garfield lot so if you are on Garfield looking towards the library that you can now see, this lot right here where that car is parked is actually the town lot and you can see that there are some trees right along the border there and that is a little better shot to the right side of that is where the Hartt Lane properties line up, can everyone see that.

This is along the Berlin Turnpike and again the Vida Doce is a relatively new development & you can scroll to the next page & then see where the trees are planted in the buffer. So the property at the 25ft line and the trees are in the buffer right along the property line. So having seen that and going through the regulations we are here tonight to ask that it be clarified that we can plant our plantings along the property line instead of a 25 or 50 ft line. I do have some paper work here that I did put out of the regulations that we think apply to this, the buffer areas not only 6-10-5 but also the 3.10 and the 3.12 so I do not have enough for everybody but have about five of these. Any questions? That I did put out of the regulations that we think apply to this, buffer areas not only 6-10-5 but also the 3.10 and the 3.12 so I do not have enough for everybody and have 5.
Chairman Pane: Are there any questions for Dianne?
Comm. Karanian: Are you asking to have the buffer zone for plantings or to reduce your buffer to 10ft and also increase your parking.

Mrs. Stamm: No, what we are really asking to do is to be able to plant our plantings along our property line, rather than where it is shown on that original drawing. and as I said when we were doing the negotiations in the summer, the question, when can we do it, and the answer was "yes" and since then as we started to talk there was some confusion about where we could actually put the plantings & as I drive through I see plantings on the property line and see all sorts of business adjacent to residential where the plantings are there. I think that works for most of the library and the residents because they actually block off, you know, folks from the Library area being able to cross into the back yard of Park Lane if we had our tree line right along there.

Commissioner Karanian: Because I read, I can't find where I read it, but, it also included expanding the parking lot, not just the facility.

Mrs. Stamm: So we are not looking to expand the parking lot now we were asked to provide hardships, so what is the hardship, why is it that we don't have the trees where it is right now, where they are shown in that drawing and according to if we go out to the 25 ft we could have another isle of parking in that area if we ever needed to expand or if the library ever came down and go though. We are not looking to expand the parking lot today; what we are looking to do is not plant trees that are not to be ripped up and moved again at some future date.

Chairman Pane: Any other questions?

Mrs. Stamm: It is my understanding that if you were to expand the parking lot, we'd have to have site plans go through the whole certification or approval process, so we are certainly not looking to expand that today, nor do we have the plans or approvals.

Chairman Pane. Thank you. Would anyone else like to speak 'for' or 'against'?

Mr. Stamm: I would.

Chairman Pane: Come on up, state your name and address, please.

Mr. Stamm: I am Newell Stamm, Diane's brother, 121 Forest Drive Newington and I was a past library member. Diane told me that they wanted to put those trees on the property line at a 25 ft buffer and I would like to offer this thought experiment. A building or parking lot could be allowed exactly on the 25 ft buffer. You could have a two story building right on the 25 plus one inches. The trustees believe that the required landscaping that's needed as a buffer could be placed anywhere inside that remaining buffer area and that's what Diane showed you with those other pictures on the properties so the proposal for a 10ft buffer is just, the board cannot give directions to the Zoning enforcement officer that those trees are allowed anywhere within that 25ft buffer. If you do not agree with us, that is why they are asking for a 10ft buffer so that the trees can be planted within that 10ft area, close to the property line. Hopefully, we don't even need a zoni ordinance, you can agree with the trustees those line of trees can go anywhere within your 25ft buffer.
Chairman Pane: Thank you very much. Anyone else? Come on up. Just state your name and address.

Amanda Tatum: I am Amanda Tatum. I have a prepared statement. Is that okay?
15 Hartt Lane
Chairman Pane: Of course.

A. Tatum: We’ve lived in Newington for almost 12 years, I work in Newington as well, but I am just going to kind of read, so our home was our largest investment until recently was a source of joy and pride. We would have never had purchased our home if we had known that the library would seek to gain permission to circumvent the town’s zoning regulations to the detriment of our privacy and its property value and marketability. The impact of the library project so far - flooding, noise, light pollution, flooding, removal of more trees, loss of screening, change of neighborhood character and I realize this is not just library, this is also the town hall project. We as good neighbors did not oppose the initial library improvement project because the proposed plan showed the location of parking areas and buffering in compliance with the zoning regulations of the town. We trusted the library to abide by the plans and its promise to provide ample landscaping and buffering in compliance with the zoning regulations. The library is now asking the ZBA to give permission to break its promises to the neighbors and pursue in a way that violates both the letter and spirit of the zoning regulations, not just Section 6.10.5B but also numerous other sections of the regulations which were adopted to protect property values and protect residential neighborhoods. The ZBA should then deny the library variance application for the following reasons. 1. The notice is defective and misleading, it states that the applicants are seeking a variance of 10ft from the required 25ft minimum. In fact, the variance requested for 15ft specifically to allow the buffer only 10ft instead of the 25ft required by the regulations. Any action taken by the ZBA is void or voidable because of improper notice. Contrary to the requirements of the regulations of section E.1.3.A the written application approved no evidences demonstrating that any of the five identified criteria are met. In fact the application made clear that the library is seeking special privileges not available le to other land owners and that the library’s motivation simply should advance its own development preference to the detriment of abutting neighborhood. Contrary to Sec. 8.1.3.A.5 granting an improper variance is not in harmony with the general purpose and intent of the zoning regulations and will be injurious to the neighborhood in the following ways. The proposal acknowledges the drainage issues and faulty design of construction of the parking lot. Instead of taking responsibility for addressing these issues, the library’s proposal forces them the neighbors by proposing to remove the robust plans approximately 25ft double row specifically identified an upslope plantings on approved plantings and substituted a down slope 10f buffer of unidentified trees. This is a 60% reduction of the screening buffer from that which was originally approved. The proposal seeks to relocate snow storage in areas identified on the approved plan and move it to the lawn contiguous to the Hart Lane boundary. Melting snow piles would exasperate the flooding of backyards already created by the project and directly contaminate the backyard into the backyard apartment. Noise and lights from snow removal equipment which also begins clearing in the middle of the night would disturb the sleeping apartment residents to a greater degree than under the agreed plan to x The library is candid that the true impact of this variance is to extend the parking lot further towards Hartt Lane neighborhood further increasing the amount of impervious surface and related flooding and disturbance in the neighborhood. Instead of providing Hartt Lane with a win/win situation that the library presents in its application, approval of the variance has the potential to further reduce the Hartt Lane homes and destroy a valuable neighborhood. Would any member of the ZBA want a paved parking lot or mountains of dirty snow come down to his or hers property line.
The proposed variance does not meet the requirements of the Connecticut General Statute Sec. 8.6. That State statute has been interpreted by the Connecticut court. The applicant has failed to identify when it will establish any legal hardship justifying the ZBA granting a variance. The proposed variance circumvents the landscape requirement of the town's parking ordinance Reg. Sec. 6.1.3 constitutes a de facto revision of the approved landscaping plan without compliance with the current requirement for such plans, such as specifically and suitably to the ability of planting preservation of existing trees, etc. Granting the variance is directly contrary to the recommendations of the Newington 2010-2020 Town Plan of conservation and development as it relates to community and character, residential development and community facilities. The plan specifically acknowledges library expansion with reference to Hart land. I quote "design parking layout to ensure adequate buffer along the backyard of adjacent Hart Lane residences. The library's proposed use of the land abutting Hart Lane residences would tend to depreciate the value of properties in the neighborhood and be otherwise detrimental to the neighborhood's special character, Reg. Sec. 8.2.2.8 expressly prohibits the ZBA from authorizing any variance that would have such affect. For all the reasons stated above, my family and I respectfully request that the ZBA deny the library's variance request.

Chairman Pane: Thank you. Does anyone have any questions? Thank you. Is there anyone who would like to speak. Please state your name and address please.

Maureen Lyons: Thank you. My name is Maureen Lyons and I do not reside in Newington. I actually live in New Britain. I am a trustee of the library. 27 Ledyard Road, New Britian. I have been a trustee of the library for 26 years. Also, a resident of Newington for 20 some odd years. I moved because of family circumstances, but, be that as it may, I just need, I feel that there needs to be a very important clarification here for all due respect to the neighbors, to the library and to the town of Newington. This project is not a library project. It is a town project. The library leased the property to the town. The town hired contractors, they did the bidding process, etc. the library had nothing to do with it. Once we signed the lease agreement it became the town project. I feel that that is a very important clarification because we have been very good neighbors for many, many years and would certainly want to continue a very good relationship with the neighbors and with the town. Obviously the library has been a very integral part of Newington and provides a service to everybody, youth to seniors. It is not just a specific service that we provide, so I really wanted to be clear that while the neighbors are saying the library project' and yes, we are petitioning to have the plantings put on our property line and again to Diane's one of her original points we are private property owners, too, as Haxt Lane property owners are. the library board of directors is an entity that is not a town agency. The library itself is a town agency. The director, the folks who work for the library, report to the town manager and then to each other. They do not report to the board of directors, again, we are property owners and we're trying to improve and protect our property rights just as the Hart Lane neighbors are. We are not trying to ram rod anything - we are not trying to go above and beyond what regulations are, we certainly are not asking for special treatment, we are not. We are simply asking that we have this planting done at the edge, right on our property line to afford more use of the existing property whether that is for today or ten years down the road or twenty years down the road and we feel that with that additional space it will be easier to do things like snow removal and other things and parking. We are not changing the parking, there is no additional parking. That parking lot; and let's be honest that parking lot is not up to speed right now. But again, it's the town that needs to fix it. The library cannot call a contractor, cannot you know, we can't do anything., it's not within our purview to do those things. I just want to make it clear
that we are looking for the planning line to be on our property line, the plantings were designed by
the architect who was hired by the Town of Newington, not by the library board of directors
because again, once we signed lease, then it became their issue. The trees are going to be abortive
and you know, they are within regulations as far as height and width and whatever are the
regulations said, the town has taken over that part of the project. Parks and Rec is responsible and
according to them, plantings will not be done until the fall, when the trees will have a better
survival rate. Again, we had no say in that. So I am speaking to make sure that folks understand
that the library didn't - has no control over that parking lot right now. We're simply asking that the
trees can be planted on our property line, it is still library property, but we can't go out tomorrow
and plant trees, it's not under our purview. And, I thank you for your time. I just want to make - I
really feel it is so important that there is clarification about who is responsible for this project and it
is not the library project. It is a town project. It benefits everybody, I think, I mean, the parking
lot is not just for library patrons or library staff. It is for the entire town and we were fortunate
enough to have that property to be able to offer to the town, or you know, to come to an
agreement when the town approached us. Thank you.

Chairman Pane: I have a question, actually, if that is okay. I am trying to figure out, so you are
saying that it's the town's property. But it's the town's decision of what they decided on for
release of some property; to them.

Maureen Lyons...to build a parking lot, to ease the construction woes that come when you are
building a new building, so if we didn't, if we weren't able to come to that kind of an agreement or
we didn't have the property to allow them to use. I don't know, you'd probably be taking a shuttle
bus from somewhere, for you know, to go to the library and again, that parking for specifically the
property was leased by the town so that it would facilitate the interim parking and stuff during the
construction of town hall.

Chairman Pane: Okay, so you are saying that it might change after the construction ended?

Maureen Lyons: No, it is not going to change, I think it is going to be finished. I think it is going to
improve because right now, it is not finished. There is landscaping to be done, drainage issues,
there is some aging issues, etc., there is grading issues, again, because apparently the contractor
was remiss so the town took over the process and for expediency the parking lot was opened
before anybody had planned it and again, expediency has been that other part of the construction,
that obviously we see what is happening with the town hall and needed to go forward. So again,
the property is owned by the library and is being leased by the town and the town is the contractor,
what is the correct term, the town is responsible for this who project. The town is the building.

Andrew Armstrong
ZBA Administrator
I would like to state one thing for the record. I did speak with the town engineer today and he told
me that they had not finished all the grading around the parking lot and they are waiting for the
finalization of this variance to be able to do the final grading, the grass and eventually the parking
planning.

Maureen Lyons: I understand that it is an unfinished project but again, but it is not anything that
we, the board of trustees has anything to do with it.
Commissioner Dunning: I was curious as to how many trees you were looking to plant and do we have an idea when the project construction will end so that the planting will begin, do you think fall here, but I am just curious what time line we're working with.

Chairman Pane: I'm sure...I don't know if that should be going to Diane or even the town if it's the town's project, I'm not...I don't even know how to answer that question (someone from audience starts talking) old on, I just need you to state your name and address if you want to speak, come on up if you want to speak.

Diane Stamm: This is Diane Stamm again and I don't have the exact number of plantings. What I do know is when the project was done and discussed back in June and July, the architect worked with the town and town engineer to set up and identify the planting so on that line, as you are looking where those trees are, we are really just looking instead of bordering them on the curve, they have moved towards the property line, so on that diagram it would be to the right to where our property line is. That allows us to use the lawn safely; we have children's programs there. Before we built the parking lot, we used that lawn without any problems. We had a butterfly program for children's programs, we worked with Eddy Farm and I think it was Lowe's and a couple of other local vendors to set up a garden where children learned about fencing and gardening and things like that so when I look at that plan and I think do I want to set up a garden there, and have children running through trees into a parking lot, how am I going to incorporate that lawn area into usable space, safe, usable space and by removing the trees to the property line, that opens up all of that lawn area for anything that we might want to do, even if it is just having kids outside reading in a circle, right, for our children's programs so I don't have an exact count of the trees but I do know that it went through town approval and they are aborvitae and again, the town purchased them, they are waiting, you know we had a couple of conversations, one conversation we were told that the planting would be done in the fall because that is the best survival rate and we had said that they are really looking to move that along more quickly so that we could get the decision to plant those trees on our line and I think that the misunderstanding and I apologize for that, we're not looking to put structures up in between that barrier, that is installed as you saw from all the other pictures in town, it is perfectly allowable to have trees right on the line and I think that adds to the privacy, the quietness, anything else in terms of the park lane, because when we mow the lawn area there is no protection from somebody walking into Hartte Lane's backyard. If you have a row of trees on that property line, they're not going to cut through. So what you would like to do is plant those trees along the property line that certainly leaves open buffer space.

Diane Stamm: So what you would like to do is plant those trees along the property line, that certainly leaves open buffer space. You asking? That's going to take up to 15ft from the property line in.

Comm. Karanian: For full mature trees? If they're mature they're going to grow into the neighbor's property.

Diane Stamm: So, what you would like to do is plant those trees along the property line, that certainly leaves open buffer space.

Comm. Karanian: For full mature trees? If they're mature they're going to grow into the neighbor's property.

Diane Stamm: Correct, swithin to say a 10ft border we woi;d ½amt tps trees amd tjt would give them a good growth so I understand what you are trying to say, I sure would want that right on the line so that half of the tree is in my neighbor's yard so I'll stack them in 5ft but you know we're used to those trees now, that's 65f from our property line just to give you an idea of what that distance is.
Comm. Dunning: So 55 ft from where we see the first row of trees to the building and then you are saying that you would have two rows, this through here or from here...

Chairman Pane: Hold on just one second, I just need her to finish up speaking and then after she's done, then you can state your name again, I just can't have this meeting go crazy and I want to know exactly who is speaking.

Diane Stamm: So in this drawing it is my understanding that this is the property line for the Hartt Lane property and those are the other parking spaces, those are where our neighbors live, these are their boundary lines around here. This is the proposed area for the trees, this is the end of our existing building, right, and that is right on the 25th line so as we say structures and stuff you can't go beyond that for a structure and we are not asking you to do that. What I am asking to do is not waste all this space whether it's for childrens programs or anything else. If you move the trees to the line and you know we have we have a curve, no. So if you move the trees up to the line there, that actually gives the physical barrier that cuts down on noise, cuts down on light, cuts down on anybody thinking that they are going to cut through - remember there is a Garfield parking lot down here so people can come up and go through here and do whatever they want, so they could put up a fence, see, so my thought is that having the trees moved over here is the win/win.

Chairman Pane: I have a question. I was just wondering if you want to move them back, did you ever think of moving them back and making sure they are before the 25' buffer, what is not allowed is I couldn't put a shed, right, so if we had a shed or a dumpster or expand the library, I couldn't put that with a 25' buffer but I could put plantings there, I could put a fence there.

Comm. Karanian: Is there a reason it was never put in the original drawings?

Diane Stamm: So at the time that I objected to it, or brought it up, we were told that we want to go forward with leasing documents, we want to get them signed, we want to move. Craig was at that meeting and I had asked, can we move the trees to the property line, can I move them over the swings and he said, yes, you can. Now where some of the discussion is going on now is what does this mean for a 25' buffer, right and that is in reading the regulations and going through does not mean a structure, right, so that means I need to give my neighbors 25ft before I put any kind of a shed, any kind of anything out there but I can help plant these here, and I think when you look at this if you look at the plantings there and you saw some of the original drawings you see that there used to be plantings here that were pulled out, they were scrubbed, they were old trees, Parks and Rec in trying to repair the lot for opening cleaned some of that up.
Comm. Karanian: I fully understand that with the 25' buffer you cannot put structures on them, but why did they when they approved this plan, this wasn't as prudent.

Dianne Stamm: So I approved it with a caveat that we could move the trees and to expedite things with the town in good faith they said we are not going to go back and ask for this architect, architects cost money, we are not going back and ask the architect to redo the plan. We are going to put in the parking lot like this and yes, you can move the trees, yes, with hind sight I think everything you are saying...

Comm. Karanian: No, no, I'm just...

D. Stamm: You know, was I being gullible, No. I did not.

Comm. Karanian: Private entities that do this - they have to go back and redo the plan and things to approve them.

D. Stamm: Did you ever try going back and put in a plan that is trying to go through the zoning, no, I asked at the time; Craig Minor was there, and Tanya was there, the town lawyer was there, all of them - is this a problem. This is not where I wanted the tree for obvious reasons which we talked about tonight, they wanted the trees moved and my question was, can I move them or do we have to go back through the whole process and I was told, 'yes, they can be moved'.

Comm. Karanian: By the town?

D. Stamm: Yes, Craig Minor said they could be moved. Tanya said she didn't have a problem with it and we went forward with the project.

Chairman Pane: Audra and then Sharon, Sharon did you have a question.

Comm. Dunning: I don't have concern about her testimony but I do have a concern for us when the commissioners can speak.

Chairman Pane: You can ask a question.

Comm. Dunning: Okay, well, I just have a question about whether or not this request was presented before Town Planning and Zoning. It seems that it should have been flushed out there before coming to the appeal and I don't know what the decision was, I just want to be clear.

Andrew Armstrong
ZBA Administrator: I wasn't personally there but the site plan was approved by TPZ.

Comm. Dunning: Then it was this plan, the amended plan that you presented to us tonight.

Andrew Armstrong: I'm sorry, what was that.

Comm. Dunning: I said the plan that's on the floor I would say is the plan that was approved by the one that has been proposed is an amendment to that design, correct?

Andrew Armstrong: Right, Correct.
Comm. Dunning: Which had not been flushed through with the TPZ?

D. Stamm: No and I was told at that time when I asked the question before we signed the closing documents I was told, yes, you can move the trees and you just file it "as built". So in that let's go back, so last July we are all in agreement everything's good, we signed that, they go through, they go out to bid, they get a contractor, they hire the contractor and in July the bids were all done, the bids were handed out, in September the contractor started to do the building, right? Hit a few snags, hit winter, break, we didn't have supposedly that parking lot was going to be done in September but it wasn't so I'm like, do we go, when do we go, no wait, no wait. At one time I was told that the town engineer was not happy with the way this was put in and they were going to have the contractors go through and make certain changes. In fact they had to change the way that the handicapped ramp was put in before they could open it, right, so they went through that end, the whole time we are having conversations, so when do I go forward with the trees, if you are going to open in 2 weeks, you know, you are taking over the town project, now the town is the contractor, right, no longer the third party contractor. What happens with what goes on with the trees. I got in touch with Bill DeMaio who is the director of Parks and Rec., and who would be doing the landscaping and the changes there, right, and he said, 'I know you have to go through zoning and the reason I am here is because this is the way Craig Minor told us to go. So, if you think I should have gone some place else this is what I was told by the town to make the appeals or make it official so if I have messed up I am sorry but I did it on the advice of the town.'

Comm. Dunning No, I understand. I wasn't aware that was the case that's why I asked for clarification.

D. Stamm: At that time Bill DeMao said, don't worry about the trees, we have time until this goes in, ideally we are not putting the trees in until the fall because that is the best survival rate. What changes in the town, how they handle that...I don't know.

Comm. Bechter: It does not make sense to me there is no regulation against where to put trees and why is there a fuss over that and the neighbors have a hardship that they don't want those there.

D. Stamm But that is my feeling that there is no regulation as you read through that.

Andrew Armstrong: Let me clarify the buffer regulation for everyone. The buffer intent is to have a double row of trees at 25ft. The space in between the trees and the residential property line would be empty. You could, I believe plant trees in that area as long as you have the two rows at the 25ft line that delineate the buffer.

D. Stamm: So, I'm sorry but all of the pictures that we showed, this shows do not have a 25ft barrier those trees and the borders are right on the line. What properties do you have...

Andrew Armstrong: I can't speak to that when they were approved and how long ago; it was approved and what the regulation was.

D. Stamm If you go back and look at some of those pictures, it is right on the line.
You look at Liberty Bank, that has been put in, in the last five years.

Comm. Eckstrom: We do not know if they had a hardship when they were building this.

Comm. Dunning: It shows there an their property line, it looks like it's 25ft they did not measure, but their building looks it's at 25ft and their plantings are along the line and there is empty space in between. There are no plantings on the 25ft line.

Comm. Karanian: I think the home owner gave them the permission to go past the variance the front line of their property, so there was a hardship and the neighbors came to an agreement.


Comm. Karanian: I don't know about that. There is always a reason for everything.

Comm. Dunning: Yeah, every piece of property is different.

Andrew Armstrong: Sorry, I don't have specific knowledge of those cases when they were approved, how they were approved and don't have any research on those.

Dianne Stamm: So that is what we are looking to do is move the trees in so we have more usable space and I don't see a hardship for the Hart Lane neighbors if they have a natural border here. I see more of a hardship if there is no border there. My opinion.

Chairman Pane: Any other questions? Thank you.

Comm. Bechter: If you set that right up on the 25th line, then that would give you a lot of room to have a lawn to do things on.

Comm. Dunning: So it gives us more lawn. Actually this gives me more lawn, right, 25ft cuts it in half which also gives me an alley way here. Now I hate to say it but there have been times where the library and other town buildings have been deluded by vandals. If we have an alley way here unseen to me it's an attractive, great place to go and hang out.

Comm. Bechter: Even if you had a 10f alley they would still get through that way, too.

D.Stamm: The trees would go into it, you would be closer and you would feel more like you are in somebody's back yard.

Comm. Bechter: Somebody's really nervous and doing something.

D.Stamm: I agree if somebody is really interested but why make it so comfortable for folks to hang out there not being able to be seen, right. So where the trees are here, any body from the parking lot can see it and when the town hall is done, anything from that end, folks coming in and out of the library that is all being seen as people go in and go out. Even at 3:00 in the afternoon you are not going to see what is going on here if you are parking and going into the library.
Comm. Eckstrom: Right now what separates your land from their land?

D. Stamm: Right now there are a couple of trees farther down here. All of this growth up here was removed by Parks and Rec.

Comm. Dunning: So the trees become the natural border so that is the only thing that would be there because the properties to the right do not have any kind of barrier, like fencing.

D. Stamm: I think somebody down here has a little bit and you look at some of the pictures that are in there you can see some brush and there is a chain link fence. One of the properties here, half of their property borders the town property Garfield lot and the half borders the library and you can see that there is a chain link fence there and some trees with some over scrub brush, and that is basically what was cleared. I don't know if there were some trees there that were pulled.

Comm. Dunning: I still have another question so let's for hypothetical if you were to remove the trees to that location, lighting - I am curious about lighting, what happens if it's gone, the lighting is where it is here, okay, so the trees when they are pushed back over and I'm sure how tall they get eventually because I don't know what their allowable height is of these trees and their variety and I am just wondering and if there were areas where there would need to be lighting for safety you know in case there are kids so that they can be seen, things like that have to be taken into account. This is the end of the building. This is the end of the parking lot. The parking lot is lit. The building along here, dumpster for the building are here, so there would be no reason so they would have to go across the lawn.

Chairman Pane: But I am thinking of more so in terms of lighting between from the trees inward towards your building that there could be darkness there because when you have abrogates where I live those varieties cast shadows in darkness.

Dianne Stamm: But to your point, I think it would darken but I think what it is going to do is prevent the light from the parking lot into these back yards.

Comm. Dunning: But it may not when the trees are first planted. I don't know how tall the trees are when you first plant them but the regulation says it has to be 5 feet.

Dianne Stamm: These are the type, right here.

Andrew Armstrong: There is some maturity to the trees and this particular plan says the trees would be 6ft-8ft in the approved site plan.

Chairman Pane: Any other questions? Thank you, Dianne, appreciate it. Would anyone else like to speak? Come on up and state your name and address, please.

Stephanie Palooz, 31 Hartt Lane: I just wrote up a little thing that I am just going to read to you. This parking lot is affecting my life and my property because of this project. I have had massive flooding in the back yard along the entire yard that I never had before. My 3 children are not even able to play in the swing set because it is surrounded with flooding and water. There is absolutely no drainage, everything is pouring into my back yard from the lack of all the trees that they ripped out that was all the privacy in my back yard that I no longer have.
The town even came and fixed fencing that I had because everybody in the town was cutting through my yard, my backyard is a cut through in town that everybody likes to use. There has been no drainage and drainage needs to be put in immediately before my house starts sinking more than it already has. There is absolutely no buffer between my property and the new parking lot. Our taxes keep going up in town but the value of my property just keeps going down and down and down, so more cars can park behind my house. This parking lot in my back yard has been nothing but a nuisance. I have absolutely no privacy anymore. I spent thousands of dollars on fencing and bushes, prick bushes and everything that the town just cut out. I have absolutely no privacy anymore and I would like my privacy back. I chose this house and love this house because of the privacy and because of the location for my children. I have a 4 year old, a 5 year old and a 1 year old. I don't like strangers that can see them. I don't like people cutting through my yard and everybody does it from Park Lane to get through to Mil Pond. Especially during the extravaganza in town and there is drunk people everywhere. Again, cutting through my yard leaving no privacy or hiding my children. I also have a lot of animals and dogs so I put a fence in on my own, cheap fencing in the woods that the town had taken down that was on my property so now my dogs can get out free or strangers can go and take them as well as grabbing my children off the single swing set again, thousands of dollars put in. At night my children are having a hard time sleeping as well as myself because the lights are so bright, there are flood lights coming through. I even got the privacy blinds so no lights would come through and they still do. My children are 10 and 11 and they are crying that they can't go to sleep and I also can't sleep myself. I even do my dishes at night without the community center lights or parking center lights flashing in my face. My privacy has been taken from me. There is no fence protecting my dogs like I have said before. My yard has always been a cut through until the town came and fixed everything and fencing or trees be put back in and I know no tree is going to hide the light the massive amount of lights that are in that parking lot. Perhaps if I plant bamboo then maybe in ten years I will have the privacy that I want but with the town ordinance I don't. You can't put in anything over 8ft unless it is a planting you can because it is not a fence, that I would like to know because I would like to plant bamboo for my entire back yard to get my privacy back again. That's it.

Chairman Pane: Any questions? Thank you very much. Would anyone else like to speak? Come up.

Jesse Garuti 66 Mountain View Drive: I actually came here to support the Dana family and after listening to everything I wrote down a few comments that I thought that I would share with everyone. First and foremost I think Amanda did a very good job with her speech but I think one of the big components of that was that they didn't protest the initial project because they have the drawings that are all on the screen right now and that is part of the reason why they did not protest that initial project as things are now starting to change it becomes a slippery slope. It is now too late to go ahead and protest what has already been built but they had an idea in heir head of what was going to be presented to them and some of the things that you impact. Amanda talked about there was a centralized location where the snow was stockpiled for months and when you move trees over most likely you are going to push the snow off in that new offset that they have in the parking area. That parking lot is set up with drainage for reasons and when the snow melts it can go into the drainage and property and go where it needs to go out into the storage system. When you start pushing snow off above the curb there is a change in elevation between where the library parcel is and where Hutt Lane is. All of that snow, all of that sand, all that salt anything that goes along with that is going to go right into their properties. If you guys haven't walked over there I recommend that you do. They have been complaining about water problems and are just going to add to it with snow. There have been talks about adding levels of privacy with the plantings and also you know making it easier, I am sorry, making it more difficult for pedestrians to egress.
between Hartte and the library. I don't see how that is going to help. If that is the case why do a lot of the trees stop 2-1/2 parcels short of Cedar Street because the trees stop at a certain location. It is wide open there. I don't see how that is going to help at all - if they really want to provide privacy put the tree line going all the way up so that all of the parcels up there have the same level of privacy not just the specific parcels on Hartte Lane. The other aspect with the trees is it provides a sound barrier and when you put the trees closer to Hartt Lane it is not going to provide the same adequate level of a sound barrier and again going back to the elevation changes you are now putting the trees at a lower level which does not provide the same level of a sound barrier or a visual barrier at the same time. Just a couple of things that I jotted down, I think it is very important to remember that everybody or group or plan based on what we are seeing up there and I think possibly her plots will be making the parking lot even bigger, if not today, then ten years from now, you know it is a slippery slope where we do stop.

Chairman Pane: Thank you, any questions? Than you very much. Would anyone else like to speak from the public.
Leeann Manke 112 Westwood Rd-I am also the treasurer on the Board of Trustees for the library and very much involved in the process and one thing that people have to realize that there are 2 parcels in that new parking lot from 2 private parties. The library board through Lucy when she died or whether somebody left or raised money from a race, we saved that money for years and we spent over 5000,000 dollars buying two homes alongside the library. The town at first wrote a refusal and decided not to take it. We bought it with the idea that some day we would wish to erect an addition to the library. Time has gone on obviously that was a very large plan and we had been unable to embark on. That is with private funds that we purchased that land and I think were two residences which is now commercial property. We have now gone forward and came to the Town Hall renovation project. The library would have been landlocked in the course of the Town Hall project. We would not have had the people and would not have been able to access the library at all through the course of this project Town Hall renovation. So we worked with the town and came up with a lease agreement as has been said and have been contractor, the owner, builder of this project. We own the land, they own the project because they are the lease holder. Now, they went out to bid, one of the reasons that Dianne talked about is that in the end we were all very guilty of it - we took people at their word when they said that things would be taken care of, we were concerned about the line and we are not talking about putting in additional parking. We would rather have an addition to the library than have a parking lot to be perfectly honest but it does not work for what the situation is going to go on for the next 2 years and we were sure that it would be built by last fall including plantings. Well, we put it out to bid and it was a big rush and put in the proper weather issues that happen with paving, etc. Well, the contractor did not start the work until well after Labor day and then when we got to the point where December was still not coming together very well, they paved. The parking lot was not acceptable to several people within town's government. Again, not our project, the library could not say yeah or nay on it, but we were told the parking lot would not be open until they were taking up the pavement because it was incorrectly done, the drainage is not right, the grading is not right, they are going to take care of it with the contractors and come back in Spring. The parking lot was going to be closed until that was done so we were then put on hold in terms of talking about, we were told an "as-built" would fix the problem with the trees, again, we took them at their word, the people we talked to in the town. Now, our mistake apparently, so what has happened now is that we are over here, the parking lot 2 weeks before the opening date we were told well now in December when you were told by several women in the town government that they weren't set to open because they were concerned about liability issues and it was not acceptable, now they need the parking lot because of the town hall, so they are going to open in two weeks. Next you know they have taken the contract from the
contractor, the town's different departments are running various things, Parks and Rec are doing grading and everything else. Several aspects of that parking lot are not correct. It has to be taken down and repaved. The drainage is incorrect, the grading is not right and that is all on the town. We are now the library can there is no plan, we have no claim, over this project but we are being held responsible for it and I want the neighbors to know that we always wanted to be good neighbors. What we primarily want to do with that yard is run butterfly gardens and programs for our kids. If you want to put a strip right down the middle of that line, you have now made it so it is now unusable and we cannot do a program, we can't do whatever and you have just given an alley way whether it is dark behind the trees. We want to be good neighbors, we want to have a buffer, we don't want lights shining in their yard, we want drainage to be fixed but these are all part of the parking lot aspect and does not have control over it. Yes, they cleaned up the scrub but if you put new trees in, roots will help and in terms of the grading, yes, it does grade down but they are supposed to fix that. It has not been done. Now we are trying very hard to make this work. I hope everyone at this table u understands the library does not have control over this parking lot. This was basically we had to have a parking lot or we were going to be closed or inaccessible for 2 years. Thank you.

Comm. Karanian: How long is the lease that you have with the town?
M. Manke: I can get it for you. It is a long term lease, however, the library has maintained the right, the library has the ability with the lease agreement; it was one of the reasons it took so long to negotiate, it was that the library has the ability to take back that parcel. For example, we got a donor who leaves us money and we can put up an admission to the library and we want to be able to do that and not be held to a 99 year lease. We can't do that; if so we can turn around and utilize it because the library parking lot that you see currently and that has basically been drawn has been drawn with the idea that where you see the circles and where the handicapped parking is in the other part of the lot, is where we could come out that way with the potential addition. We have a feasibility with the Library Building Committee right to there and then come down into the circles, the top circles there. That is where we would pull down to, if we put in an addition. It really would not expand out for the parking lot, but we don't have a drawing of the lawn, we only have feasibility studies of what kind of space is needed for when we expand so we were looking at this as when we did our lease agreement we wanted to be able to maintain the ability to use the land that we purchased for its original intent, to expand the library.

Chairman Pane: I have a question. With this plan being as it is, how come you cannot still utilize this portion even those trees are still here as a buffer and you can still use this. I understand safety but safety as well for them, but it can dive into their too as well and they can even dive into the parking lot even without trees or with trees, so I am just trying to figure out if you can still use behind that area.

M. Manke: We are trying to make it a wider area, mostly so we can provide a wider area as a safer zone. If you only have, considering the way that trees grow, down the center of that, you have just made it 20ft on either side, let's call it open space. One into the neighbors and one into our parking lot, 20ft and then there are cars, it is not safe. On the other side we are in those people's back yards and they're worried about privacy that we are going to be in their back yard.

Comm. Dunning: The other thing is that trees go right along the parking lot. A child, especially until they are fully grown, they are right into where cars are parked. I don't know if you have seen how big that is, but it is incredibly busy. If the trees are further back, you've got line of site. I can see a child running across the law. I cannot see them pop out with a foot between me and the parking lot if they are coming in. Chairman Pane: Any questions?
Leann Manke: I just want to make it clear that we are trying to be good neighbors here and our intent here, we want to protect the neighbors but we can't fix things like grading because we don't own the project, we own the land.

Chairman Pane: Thank you. You just have to come up and state your name again. I'm sorry.

Jesse Giruty: My first question is with respect to the lease. Is the parking lot going to be removed when the lease gets done.

L. MANKE: It's the library's choice.

Jesse Giruty: So it is a permanent parking lot, so I guess my point being because it's a lease from the town is irrelevant, the parking lot is staying there, so it is a long term parking lot and I didn't expect that it would get removed but I wanted to clarify that point. The other aspect there is an elevation change and they talked about repairing that elevation change. I don't know how you do that. The Hart Lane properties are irrelevant so the less you raise the Hart Lane properties, you're still going to have the same drainage issues. Unless you put drainage right up to the property line which I know they're not going to do, you're going to have that issue so I think it's important to mention that. You can't fix the grades unless you bring in you know 10,000 yards of material to all of the properties on that lane.

Chairman Pane: Thank you. Any questions? Thank you very much.

Comm. Dunning: I actually do have one more question. I'm concerned when hearing of what the neighbors are talking about we are talking about the parking lot and from an historical standpoint, my understanding is that there have been flooding issues in someone's back yard so I was concerned about whether there's been a change to address the flooding that was occurring since the starting of the development of the Town Hall development and then I had another question, the plans, have they been formally put in place for the water retention based upon a flooding that people were experiencing because to me, and again this is my opinion, it doesn't seem logical to plant if we don't know what the retention issues are, if they were corrected for the new drainage based upon the issues that have been identified.

Andrew Armstrong

ABA Administrator: I got a little information from the town engineer and here is what he told me is that A. the grading down at the parking lot is not finished so when that is done that's going to help and he also told me that there is a hump here north to south on the property line between the two properties and that there is also a drain here to the south, one of these properties in the corner. Everything drains to there and that's what he told me.

Comm. Dunning: Will that correct the problem, the drainage issues that are spoken of as serious, because I am also a biologist, so I know that plant roots do help with some of it but will they correct the problem is my question.

Andrew Armstrong: Sorry, I can't speak to that because I'm not an engineer. He gave me that information and I can't say yes or no.

Chairman Pane: Anyone else from the public would like to come up? State your name and address, please.
Scott Brusky: My name is Scott Brusky, I live at 27 Hartt Lane with my father. My grandfather was an original purchaser of #37. #27 has never been sold, it has always been in his family so I can speak to some of this as a small boy, and now as an adult. In my back yard there is a drainage pipe. It has been there since probably 1940. The drainage pipe took water from my area and brought it into, it was my understanding, into Mill Pond and goes underneath the road across the field and into the pond. Since the project began last year the ground in my back yard has sunk at least 5" or 6" so now the pipe that used to be flush and everything drained into it, effectively nothing is draining, the pipe is sticking 6" up because the ground sank, so now I have to have at least 6"-7" of water before anything drains so I have a pond in my back yard and now I have ducks. This is just since the parking lot project began. My father is sitting behind me and I speak for both of us that the concern that we have number one is the drainage problems being fixed and that there is proper privacy because our back yard runs up against the parking lot as you know and that I now have to pull off of my shades and the lights are already an issue and all that so proper privacy is an issue and the drainage is an issue and I speak for my family who has been there for eight years.

Chairman Pane: Thank you very much. Anyone else want to come up?"

Beth Kitton: I live in West Hartford 39 Cumberland Rd I am here in two capacities. I'm here as a witness to the changes I've seen at Mindy's property but I am here also as a retired land use attorney and have handled areas on behalf of the Town of Glastonbury, assistant corporation counsel in West Hartford for many years and you Madam Chair said it at the beginning. The issue here tonight is whether the applicant has established legal hardship. Legal hardship is something unique to the land itself which distinguishes it from other lands, and the leading case is the Verrilo case and your town attorney can certainly connect you. It is 50 pages long, it's an appellate court case but it makes very clear that variances should rarely if ever be granted, only truly exceptional circumstances and what we heard tonight and it's likely frustration by the library. We heard tonight that they would prefer to have a buffer that is less than half the size of the regulations but they prefer to have it as close to the property line of the neighbors as possible and no one in the Library Board has identified themselves as a resident of Hartt Lane but there is a good deal of speculation that how this tiny buffer instead of the two tree wide certain distance as part of the required by your regulations that this is going to be better for the neighbors. We heard from Mr. Garuti who is an engineer that where the vegetation is proposed but show up slope and much wider than what is being suggested by the applicant is going to do more to stabilize the land and prevent flooding for the neighbors. A slippery slope was mentioned by someone; you're regulations are very clear. This is a site plan approval and there are significant changes being proposed to the site plan. Not the changes in landscaping but at the site plan that is up there in front of you, it shows where the snow storage is going to be and the library has indicated that they want to put snow storage next to the houses on Hartt Lane, so this is an attempt through the back door to ask you to be the planning and zoning commission to modify the site plan that has been approved that the neighbors rely on and continue to rely on. I encourage you to read the Verrilo case and ask your Town Attorney if you are uncertain but nothing in the application and the applicant's materials identified a legal hardship. There is some talk about a lease but that has not been introduced into evidence. There is some talk that perhaps a town representative said, 'oh, you can take care of this
pre-business site plan. First of all that person was not authorized, if that is what he said or she said, they are not authorized to say, 'we'll ignore the zoning regulations and let you do what you want to do. There is a term called municipal estoppel. Municipal estopped is when a representative of the town makes representation and it's relied on by someone. The elements of municipal estoppel include the fact that the applicant has to do due diligence. You're being asked to ignore a carefully drafted landscaping regulations of your town, that provide a well thought out buffering for residential properties. It is really unusual for a plan of Conservation and Development and say that it should be protected. Your regulations are unusual in that one of criteria for you to evaluate an applicant if it is going to cause harm to neighboring property values, you simply may not approve it. So, a. no hardship, b. harm, we heard repeatedly of the harm that's already happened if this narrow little band of trees is put there than the much more protective vegetation in the plan for those are the reasons I support my daughter and her neighbors.

Chairman Pane: Thank you very much. ?

Comm. Dunning: Would you state your daughter's name?

Beth Kritton: Amanda Tatum. Thank you.

Comm. Ekstrom: I just wanted to be sure we had the last name.

Beth Kritton: Thank you I do have one thing before I go. It is something that I found on the web site that is Craig Minor's memo relating to the original proposal and it is dated April 18, 2018 and I apologize as I only have one copy but again it pointed out that originally they proposed a very anemic landscaping and he comments on that, and says that - he also talks about how the library is subject to zoning regulations, the owner of the land is not the Town, it's not immune from zoning regulations with respect to landscaping and shows the original anemic plan. He says, 'the landscaping plan does not address the buffer requirements 6.10.5.b and he cites what they are. After he issued this, the plan was revised to put in exactly the buffer requirements in there and to date the library is asking you to ignore the advice of your planner.

Dianne Stamm: When I mentioned snow removal I was stating that because of the trees being there where the snow would get plowed or supposed to, not stored but that would not be healthy for new trees to have snow and salt right on the border there. To my knowledge the town would not put either snow plowing and again, that is Parks and Recreation who handles the snow plowing on that so if they put the trees close to that, as you can see all of the trees right around there to the buffer, so when I mentioned that I was thinking in terms of plowing and in terms of clearing the land, it is much more difficult to keep it away from the trees and keep them alive. That's my point.

Chairman Pane. Thank you.
Would anyone else like to speak from the public?

N. Stamm: I had suggested that you allow me to speak first as I read the zoning regulations that 25' buffer has to have in spite all the trees a barrier. It does not say that it has to go with a 25' buffer. That is why I provided the copies, as I read the zoning regulations you have to have a 25' buffer and so I mentioned that intellectual exercise, a building could be put right on it right by the line and then trees should it require a buffer it would have to go some place between the buildings and the property line. That is what the zoning law requires. It does not say those trees. In fact, with the 25' buffer so I don't believe a variance is required and all you have to do is explain to the zoning officer that to be in compliance the trees as specified would have to be at the 25' buffer. It is not in our zoning regulations required to be 25 feet setback from the property line. Thank you.

Chairman Pane: Anyone else from the public would like to speak? I am going to make a motion to close the public participation.


Chairman Pane: All in favor? Aye unanimously. You guys can stay and listen to what we have to say but no one is allowed to speak, questions answered or anything like that.

Comm. Bechter: My thought is the Town developed the zoning regulations and we should be more willing to abide by them in the town. There is already a hardship with the results of construction. Well, I'm not saying in favor of the petitioner, I'm saying it is a hardship for the neighbors but they got blurred out. So something needs to be rethought and I don't see us doing it here. I'm not in favor of approving this.

Chairman Pane: I'm a little bit concerned for the neighbors and residents and their safety and the buffer that they should have, you know, where does that plan go how that actually states about the Harte Lane, you know, someone did speak of it and we try to maintain quality residential neighborhoods by avoiding the intrusion of non compatible uses of nonresidential traffic. They need a buffer and I think the Town Planning and Zoning already approved a plan like this, they are higher than us and I think they know what they are doing for safety as well as a buffer for the residents.

Comm. Karanian: I agree. I believe that they concurred and the plan should go ahead unless they want to go back.

Chairman Pane: I also feel that the Harte Lane or someone should be addressing the drainage issues with the Town because that is pretty bad. That's not fair to the residents as well. I don't think the library caused it anyway, but they do need their space and they need their privacy and I don't think it's fair to push that back.

Comm. Dunning: I think both sides of this situation are merits and my concern is that perhaps this is something that TPZ should take another look at in terms of just to make sure that this does not create a hardship for the families that live on the property line by not having an additional hardship with the flooding issues that they are not addressed with all the new construction developed with the parking and this is something with contractors that have it all the time, they get into a project and the unforeseen issues are uncovered and the plan changes and I am sure that everyone here has worked with contractors and experience such a thing and the deadline gets pushed out.
So I understand that plan and trees and the ideal time is the fall, but this is May and we might be able to revisit this, this year at a later date but still be in time for plantings should that be the decision in the fall. I feel that the TPZ should also clear some of the issues that have been raised here tonight before any decision.

Chairman Pane: Okay.

Comm. Ecksstrom: I was looking through the regulations 6.11.5A says if in the judgment of the commission the buffer is necessary to protect the adjacent neighbors that we can do it, but at the same time are we going to move a buffer if it is going to affect, you know what I mean, adversely to the neighbors.

Comm. Dunning: Can I add something. The attorney will definitely send something to us. She mentioned a case, so I would be interested to read that prior to making a vote as well. I feel that I would prefer to make an informative decision before I weigh in on something like this because I would not want to be remiss in voting prematurely tonight and then we did not explore all of the information that was available to us to make a decision.

Chairman Pane: My question to you is that are you possibly be willing to revisit this and maybe put this to next month and try to get the town attorney as well as maybe an engineer or something and someone from the TPZ to be present for something like that?

Comm. Dunning: Yes.

Chairman Pane: We could always put a motion in.

Comm. Karanian: Would that delay the finishing of the project?

Chairman Pane: I would think so, yeah. I think we would have one more month and could do it for next month as long as we all know that we can be here.

Comm. Dunning: So when is the date because I am traveling for business in about a month. But could we always change the meetings, can we file something to do with a shorter span of time and maybe come in a couple of weeks and push it back. Okay, I think I am here, I just wanted to make sure that I did not say I would be available and then I am not.

Comm. Eckstrom: The zoning commission in April 2018 had shown in there that the trees it almost looked as if they were going down which would create a buffer maybe in 20 years for these residents from end to end, but this only shows like, out of 10 lots I'm only going to give a buffer to 4. Did you guys get that?

Chairman Pane: Yes.

Comm. Eckstrom: They changed it.

Comm. Karanian: It was always on the parking lot line, never on the border.

Comm. Eckstrom: Why isn't there more trees from end to end of the...

Comm. Karanian: It covers more than the property line.
Comm. Karanian: But it does not cover the depth.

Comm. Eckstrom: Right.

Comm. Karanian: I can see where the community needs a sound barrier, but there are also more trees. Comm. Eckstrom: Well, it just seemed like longer, that’s all.

Comm. Karanian: It doesn’t actually if you want to look at it. It starts from the same place as that if you are looking out here and it goes to the end and finishes at the same red line. From point to point it is the same distance it is just less trees.

Comm. Karanian: I agree with Sharon that we should wait to see what the Town Engineer does offer before we can actually make our decision or see what their plan is to fix, what the final grade is going to be.

Chairman Pane: Maybe have them as well as have someone from the TPZ as well as maybe the Town Attorney.

Andrew Armstrong: The town attorney, yes, I don’t know procedurally if TPZ can be here or not because this is always separate from ZBA.

Chairman Pane: Would we be able to have them so that they tell us information about what they all voted on for this, then from what the plan was exactly, I’m assuming that they voted on this plan.

Andrew Armstrong: Correct and I could research that.

Comm. Karanian: Also in the final, they are changing the grading, the grade from the parking lot top drops at least 5’ to the property line of the houses. We can change the height of these but not the trees when they were first planted, so if they are on the parking lot side, it is at least 5’-6’ higher than when planted on the property line, which would make a difference. So, if you’re parking in that top parking spot your headlights are going to go right over the top of the trees. Their grading hasn’t been finished and the drainage hasn’t been finished. We can’t actually make a decision, at least I won’t make a decision. I do not want to make a decision.

Comm. Dunning: Should Parks & Rec weigh in on this also before we meet again.

Chairman Pane: I don’t think Parks & Rec has anything to do with this matter, I think it’s more so just the Town, it is not Parks & Rec’s, it is the town property. It is not Parks & Rec, it is the library, really.

Andrew Armstrong: I would say that the grading and drainage would have to be done to the town’s standards and specifications. I don’t know how it can be approved without the approval of the engineering plan which has been thought through that goes hand in hand with what they are doing with the grading and drainage.

Chairman Pane: So we can ,, table this for next month or we can decide tonight. Comm. Eckstrom: I make a motion to table it for next month. Comm. Dunning. Second. Chairman Pane: All in favor. Aye unanimously.
Chairman Pane: Thank you everyone for coming and we will see you next month at the next meeting. June 6 2019 and you will be sending out notices again to the residents and everyone, perfect, so that they know what is going on. Okay. Do you want to make a motion to reopen it for next meeting.

Comm. Dunning: I will make a motion that we reopen it for the next meeting, June 6, 2019.

Chairman Pane: I second that. All in favor? Aye unanimously. We are going to do nominations for Chairman and I don't remember if we did a secretary or anything like that, Okay, so I guess we are going to do nominations for Chairman.


Chairman Pane: All in favor? Thank you very much. I really appreciate it. Now we are at Old Business.

Comm. Igielski: We need a secretary.

Chairman Pane: We never did, but we could if everyone wants a secretary, I am happy to, we can. Whatever you guys want to, we can. I do not think we should vote on the previous minutes because we got them from November 2, 2017 and it might be 2018. If that is okay we can table that for the June 6, 2019 meeting.

ADJOURNMENT


Respectfully submitted,

Sophie Glenn
Recording Secretary

The meeting adjourned at 8:40 P.M.