NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 10, 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
Commissioner Hyman Braverman-A

Commissioners Absent

Commissioner John Bottalico-A
Commissioner Giangrave-A

III. APPROVAL OF AGENDA

Chairman Aieta: Does anyone have any changes to make to the agenda?

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

Chairman Aieta: Anyone wishing to speak on any item that is not on the agenda, come forward, state your name and address for the record. You will have an opportunity when we have the public hearings to speak on the petition. We are going to change it a little bit and have the people who are for the petition speak, then the people who are against the petition can speak, and then we are going to open it up for people who have questions or want a better understanding of what the application pertains to, to ask questions, to have us try to answer those questions here tonight. No public participation at this time?

V. ZONING ENFORCEMENT OFFICER REPORT

Chairman Aieta: The Zoning Enforcement Officer and the Town Planner, the Town Planner is on vacation and the Zoning Enforcement Officer had a personal emergency that he had to attend to, so there is no staff here. We have a secretary here taking the minutes so when you get up to speak please state your name and address and spell your name for her so she can get it right in the record. The record that we will have will be transcribed off of the recording.
VI. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I want to point out that there was some erroneous information put on Facebook about where this transit station is supposed to be posted. I did get several calls, it said it was at Newington Junction, it's not, it is on Cedar Street. Thank you.

Commissioner Fox: I mentioned this before and I mentioned this in other venues, more and more we do get a lot of misinformation on social media, and a lot of comments, quotes, it's hard enough on the Council, the Commissioners to do our job, without this misinformation and some of the things that are posted on Facebook. I just wish that the people who are doing it would think twice before doing it.

Commissioner Claffey: I have a concern, I know that Andrew is not here for personal reasons, but I want to back up in regards to the amount of temporary signage violations that we are seeing. I think we need to talk about temporary signs again, because we spent two years doing it and we're still back with more violations now than I think we had previously. I think we need to discuss this at a future meeting.

Chairman Aieta: We can bring this up at the next meeting, I will ask the Town Planner to put it on the agenda.

VII. PUBLIC HEARING:

A. Petition 21-19: Zoning Text Amendment (Sec. 3.5.2 and 3.16.3) to allow non-residential parking in a residential Zone. Paul F. and Frank S. Giangrave, Applicant; Attorney Lawrence Shipman 433 S. Main Street, #319, West Hartford CT, Contact.

Attorney Shipman: The applicant, we submitted on behalf of the applicant a text amendment to two of your regulations. The first one, Section 3.5.2 would add as a use in a residential zone when a property is, when a single property is within two zones. When a single property is in two zones, it would allow for accessory parking on a residential use that has no building or structure on it to be accessory to a non-residential use. The specific issue is 12 and 14 Foster Street where Frasal Tool is located. They are not looking to expand their business, however they have really run out of parking. They acquired the lot next door and had put in some parking and found that they had put it in without applying for any permits, and when we went through the regulations we determined that right now it is not a permitted use. The area they want to park on is a small residential lot. They are not looking to expand their building at this point, or at any point, but they did need that parking. They have trouble maneuvering trucks in and the growth of their business, the number of employees, they have had trouble parking. They have been parking on that residential lot and it has begun to disturb the neighbors, so we have requested a text amendment that would allow us to use the residential lot for parking but maintain the buffer between a non-residential use and a residential use. There is also a conceptual site plan which has been submitted that does require some updating as we assumed that we would submit that at a time of a special permit application for a site plan application.

I did receive the Planner's report and obviously there were a couple of good points in there that we would like to address, and I know he is on vacation, so we would, I would like to address the issue of making this a special permit rather than a site plan application which would allow the public an opportunity to view and comment on the plan.

The other issue that was raised in that report had to do with whether this request would apply solely to industrial lots that abut residential lots. The way I drafted it, I don't believe it does
but I believe the Planner thinks that it might. It does limit it to uses that abut residential uses and that is at the Commission’s discretion. You may want to expand that to apply to any split lot that is within two zones regardless of what the uses are, so I can talk to Mr. Minor about that in the interim but I know that you have a busy night tonight and because there are some modifications I would request that we would continue this to an additional meeting where I can submit in the interim to address the comments that Mr. Minor made. I’m happy to answer any questions before that.

Chairman Aieta: Commissioners, any questions for the applicant? Any questions at this time? Okay, we will still go through having the people who want to speak, there are people here who want to speak. If you will sit down, I’ll ask the public to weigh in on this. At this point, anyone wishing to speak in favor of this application, please come forward, state your name and address for the record. Seeing none, anyone in opposition, come forward, state your name and address for the record.

Inaudible: I have lived at 43 Green Avenue for forty-four years, and I am here to speak on Petition 21-19, Zoning Text Amendment, Section 3.5.2 and 3.16.3. I am a former member of the board for fifteen years, and TPZ In Newington has been a well respected and well (inaudible) We have discussed on the Berlin Turnpike as well as many privately owned properties. You have seen open space, not jeopardizing people’s lives to enjoy their property and that is the balanced job that this board has done for years. In this case the (inaudible) to existing business and help them prosper. I support the rule, I have been to the site. The first rule change is nothing but spot zoning. So therefore you have to give a much bigger consideration and come up with some regulations as to how to facilitate the road. I have seen in other towns, they have this type of arrangement, but not (inaudible). Newington is an attractive and welcoming middle class residential community with good schools and government. This board has been a moving force for the success and I hope that it continues. This town, based on land use, people, a middle class community and welcoming community and my experience has been nothing but positive.

So please, think, deny this application, and later on come up with a solution that does not create spot zoning. Thank you.

Chairman Aieta: Question for you, do you have a suggestion for us?

Unknown: I may have, but I’m not ready now to suggest anything.

Chairman Aieta: I was just curious if you had, if you think there is another way to do this.

Unknown: You can check with other towns, I have seen other towns, where they have a business and they work (inaudible)

Chairman Aieta: I can tell you this, half of these properties, it’s zoned industrial, it’s not grandfathered, it’s zoned industrial, and to be perfectly honest with you, the machine shop was there before the house was. That doesn’t change the fact that everything else around them is zoned R-12.

Anyone else wishing to speak in opposition to this application, come forward and state your name and address for the record. Anyone else? We will continue this until the next meeting and will have another opportunity for the public to weigh in on this at the next meeting. I am not closing this, we will keep it open until the next meeting and will have the opportunity to have the Town Planner answer some questions.

Chairman Aieta: For the record, this is in relation to Cedar Street, this is not an application for Newington Junction or the Francis Avenue/Day Street area. This is specific for the parcel that is across from the old Crest Pontiac site on Cedar Street.

Mr. Brecher: Thank you. Do any Commission members need hard copies of the regulations?

Chairman Aieta: They should have them.

Mr. Brecher: Thank you. Hopefully you will wake yourselves up for a little while for me to get through tonight. This is an application for a text amendment. Normally our text amendments modify a section of the existing regulations, in this particular case this will be a whole new section of the regulations. In other towns, this might be called transit oriented development, we changed the name to transit village design district for two principal reasons. First, these regulations are really uniquely for Newington and secondly they only apply to specific properties, not a radius like a half a mile or a quarter of a mile from a transit node. So as I said before, this could be a lot to get through. The Chairman has admonished me to do this as quickly as I an and I'll try to do the best I can with that.

The background, simply the Hartford line runs from New Haven to Springfield. It has nine stations, it cost just under eight hundred million dollars so far to construct and they will need to do some double tracking north of Hartford and build four more stations, in addition to the Windsor Locks station that needs to be rebuilt. The four stations that have always been contemplated by the DOT that have not been constructed to date are North Haven, Newington, Elmwood and Enfield. The trains are running now, they are running through the tracks that have been there all along. The last passenger rail station in Newington closed in 1959, so this is kind of like back to the future. There are currently sixteen or seventeen round trips a day, depending on the day of the week, so up to thirty-four trains going by every day, and it is a bargain for seniors like me, it's three dollars to New Haven, and just under fifteen dollars to Grand Central Station. I would expect that cost to be pretty much the same for Newington. One thing about these stations, they are not built near a platform, on either side, for the most part, this is true. There is a platform on either side and there are stairs and elevators on each side of the tracks with a walk over. There are no bathrooms, there is no building to wait in, there are no ticket sellers. You buy your ticket from a kiosk and you do it on line in advance or you buy it on the train.

As I said before, the tracks go through, the trains go through, it's made sense to a lot of us that if it is going to run through here, it would be nice to have it stop here. The original plan called for a railroad station to be constructed in Newington Junction. The DOT asked the Town several times to participate in an economic and planning study which we did not do in part because of some perceived concerns with the Newington Junction location and perhaps the reluctance of the neighborhood to embrace this.

The DOT hired consultants and went ahead anyway and they did some planning for Newington even without our participation, but they did present the results to us. What they found was that the potential for development was much greater at Cedar Street than it was at Newington Junction. In truth, the DOT was never enamored with the Junction site because of difficulties with access, Francis Avenue really was cut out to get into a railroad station, and
also just the general difficult of being able to use the site because of the residences nearby and the like.

The thing is, because we didn’t participate, the DOT kept us out of the capitol program which means we aren’t even in the plan to get money if there was money to build this station, but they gave us one last chance. They said, okay, if you pass regulations that prove to us that you are earnest about in (inaudible) the type of development that is appropriate to be there, a train station, then we’ll put you in the capitol program. So that is kind of why we are here now, because we are trying to get in, catch up, to where those other three towns are.

The Town Council asked me and Craig Minor, our Town Planner to work on regulations and we ultimately put together the seventy-two pages that you probably have seen on line or before you tonight, and present it to the Town Council and eventually they voted 9-0 to further the regulations to the TPZ, which is where we are tonight, for this Commission’s review and ultimately adoption.

To be clear, this is not a specific proposal for a development, so any thing that you might have seen, pictures, depiction, nice site plans and all that, anything done by CRCOG or other consultants, that is not what we’re coming about tonight. This is entirely conceptional and just a frame work that would govern any development that might occur in the future.

To write these new regulations, at least new for Newington, we turned to a consultant who was an expert in something called smartfit, which is a type of (inaudible) which you folks had heard about here. Believe it or not, we discarded a massive amount, probably three quarters of the model to come up with what we do have, we kept just the sections that were pertinent for the rail station, and customized them for what we thought was appropriate for Newington. Being lay people, and I’m one of them here, this stuff is tough to get through. It’s a different language, it’s a different organization, it’s just a whole different way of expressing the intent of the Commission, but architects, engineers, and developers are getting the hang of it, it’s being used more and more. If you google smart code, you will actually see that it has been adopted in hundreds of communities, many of them much like us, targeting just a small part of their town. It has its place for the sort of use that we are proposing. Now, if you go through these regulations and you pick out a word or a phrase or a content and challenge me to explain it, chances are I wouldn’t be able to. But our Planning staff can. They will become expert in this. Similarly, I don’t believe it is actually vital for every member of TPZ to be able to understand all of the pages and be able to recite it and explain it. Obviously, if you want to, be my guest, but I think what is essential is that you understand how the regulations work, what they will allow, and the control that you will have.

The regulations make it possible to build a transformative development creating new neighborhoods and while being totally distinct and still be compatible with what we all know and love about Newington. It offers developers great flexibility and design, but in exchange for a massive amount of regulation. I believe that trade-off will be no problem because there is a lot of money to be made. I project that over the next twenty years you could achieve full build out of all of the sixty-four acres, and the value of that would approach half a billion dollars.

These are overlay regulations, meaning the underlying zones and rules till apply. One can only get to use these regulations if you opt to do so. The current owns and tenants would not be affected and no one would become non-conforming. As you read the regulations you realize that with the approval powers contained within, there really is virtually nothing that is by right. The regulations might say, this is by right and this is by special permit, but as I go on, I think you will appreciate that you have virtually any reason to deny an application.
More over, they only apply to specific parcels. We have two neighborhoods that potentially could be created. TVDD South would be essentially three properties, Sousa Heating Treating, MK Industries, and property vacant land owned by (inaudible.) and it stretches from Cedar Street, goes in back of residences along Maple Hill, cuts down past, this is Ponderosa Lane I believe, and this is the railroad tracks. This neighborhood is made up of six properties, 550 Cedar Street, Dunkin Donuts, the bar, design products, the CITGO and the five star lottery and that terminates at the top at the town parking for athletic facilities, the railroad rights here and this is Alumni Road. Forty-four acres to the south, twenty acres to the north.

Now what makes these particularly different is that compared to the normal zoning where zones are fine for precise geographic areas with each parcel typically being all within one zone, this code has three zones, so we have two neighborhoods and three zones. The three zones are MX-1, MX-2 and Civic, which means public spaces. MX-1 for mixed use one, MX-2 for mixed use two. So rather than telling a developer where each (inaudible), the developer will propose to you where each should be used and then would be bound by that when the individual sites are presented to you.

MX-1 is more residential, but still allowing for some commercial and MX-2 is more commercial but is targeted more for the south neighborhood and with a component of residential. Both neighborhoods will have MX-1 and MX-2 and Civic will be present in both. I'm going to show you here, with my terrible artistic skills, a potential scenario for the south one. This is the railroad over here, the station, and this is Cedar Street up here. What I have done is drawn a network of streets, just made it up, but something that may be possible. A developer would come in and show you a whole master plan and then they would define zones, so they might say, all this is MX-2, and all of this is MX-1. Maybe this would be a Civic Zone, and then in between parks. All different kinds of parks, playgrounds, market parks, what have you. Those would be spread out throughout. This would become the floor plan so to speak for development that would occur.

For developers to use these regulations they must meet all of the criteria that is on this. They must control the entire forty-four acres in the south or the entire twenty acres in the north. That means paying the existing businesses, and these are all businesses, no residential properties in these zones, they would have to pay all of those people to sell out to them, or potentially to join them as a partner in the development. But before they come into you, they have got to control all of the land that would be part of this plan. Then they must actually do the master planning, they have to lay out the roads, the utilities, they have to do a far better job than my chicken scratches here. All the parking, how the blocks would be situated relative to each other, they don't have to build everything at once, but they have to prove to you that everything is going to tie together and that the capacity is there, so the first thing they build is going to have to have enough electric and enough gas and the drainage for the entire project because they might end after the first street or something, but he doesn't want that street dug up again afterwards, so you are going to have to put in the infrastructure for the entire community right off the bat.

They are going to have to demolish every structure that is on the site presently so they start fresh with an imaginative new plan that is literally from the ground up and isn't being shoehorned in. They have to agree that all of that infrastructure that they are going to build, all the streets, utilities, the drainage, the parking, the lights, everything, they are going to have to own it. It's not going to be turned over to the Town. Now you might ask, why would we require this? Every other subdivision gets built to our requirements and then the (inaudible) part of the project get turned over to us. Frankly, we don't want any part of trying to maintain
this. You are going to have narrow streets with on street parking and unlikely be able to put a parking ban on. We've got big plows, we have no way of plowing this, we would be plowing people in. We don't want to be responsible for $1500.00 worth of decorative light fixtures that get knocked over. We like to work with a lot of room, not tight spaces to be able to get the manholes and drainage right, so that is just the environment, as whoever develops this is going to have to own it, or set up a community development district or something but it won't be controlled by the Town.

The overall thrust of the regulations is you create a compact community where vehicles, pedestrians, and bicyclists can safety and comfortably co-exist. Many types of uses that are allowed, especially in the MX-2 zone, if you go to page 33, Table 3D lists a page and a half, a page and three quarters of uses and says this is what you can do, and this is what you can't do. I would characterize the uses overall as small, retail and entertainment, lodging, residential, offices, innovation of spaces, all of that is allowable. Big box stores, larger office buildings, not allowed, automotive uses, except for charging stations, funeral homes, no industrial building, or warehouse buildings, again, the attempt is to make this a walkable, bikeable, livable, community. Certainly a place where people can work, a kind of modern day (inaudible) The streets would be narrow, with on street parking and a maximum limit of 25 miles per hour, and if you reduce that to 20 miles per hour I wouldn't object. The developer would choose what is called in the regulations thorough fare, and there are pages and pages of this, but they have to adhere to the requirements that they choose. The architecture would be traditional to New England and that would include Colonial, Federal, Greek revival, Victorian, Colonial Revival, American Foresquare, New England mill and Loft, and if you ask me to explain what those are, I can't, but I'm assured those are the traditional architecture for New England. The facades must be made of stone, stone veneer, brick, brick veneer, wood clapboard, wood shingles, cementitious siding and/or lime based stucco. No modernistic or glass buildings and no vinyl siding. The appearance of buildings is tightly controlled, heights are limited to four stories, and again that's of six stories in MX-2 and some of the buildings might appear to be far lower as viewed from Cedar Street.

As I said, the buildings will be close to the street and generally attached to each other, at least ten percent of all developable land must be dedicated for civic spaces which could be greens, squares, planters, playgrounds, pocket parks, dog parks, and contain elements like water elements, towers, outdoor fitness, public art and sculpture and performance areas. Made civic space has to be provided for both the north neighborhood and the south neighborhood. It's important that these regulations recognize the importance of gathering spaces. Spaces where people can walk and meet and fit and maybe meet and talk and just enjoy themselves in a nice little compact community.

Off street parking would be hidden in parts of structures or under buildings. There would be a minimum of surface parking and no private driveways. A range of parking options must be incorporated except there will be no single family homes, they take up too much space, and frankly, Newington already has plenty of single family home options. Ten percent of all of the units must be set aside for affordable housing which we all acknowledge that we need in Newington. We are not at the ten percent that statute says that we have to be at. The regulations define affordable housing as being able to be afforded by somebody who pays thirty percent of their income based on the average median income for the area, based on an eighty percent level. You break that all down and basically it comes up to $1600.00 per month. So affordable at $1600.00 per month based on these regulations.

The regulations pay particular attention to everything as to what it looks like. All utilities have to be underground which we already require for our residential subdivisions, but we would also require it for the commercial. Necessary utility structures if they can't all be
underground, then they must be screened and the utility meters have to be invisible from the street. As I said, there are pages and pages of thoroughfare assemblies to choose from. Essentially they show you the street and the sidewalk and the bike path incorporated together. There are different ways of doing it. You get to choose. Different thoroughfares will be used in different areas I'm sure.

Then there are the sidewalks themselves, to insure that they are practical and attractive. The regulations address those. There are also stringent requirements for how businesses will be sited within blocks, on the side, on corners and adjacent blocks. As I said, most of the parking structures will be under the buildings, the parking garage themselves need to be behind buildings, whether they are commercial or residential and the entrances are to be minimized. The entrances are to be narrow, the idea is not to make the parking the thing that strikes you first visually. The Civic spaces are designed by type, and there is a whole page in the regulations for that.

Then the regulations get even more specific. In my opinion, this is really what sets this code apart from any other zoning regulations that we have in Newington. They look at what the buildings look like, that is critical. For example, awnings, balconies, porches and the like are okay, and they are even encouraged, but sliding glass doors on the lower level are not. Entrances must be well spaced, the glass above the first floor can't exceed forty percent of the total wall area, and the glass must be shaded for efficiency.

In a compact community, (inaudible) coverage will be allowed up to seventy percent, up to forty units per acre and for the MX-2 up to eighty units per acre. So that is an awful lot, but spread out over six floors it's not nearly as much, but it's a way to get a lot of density without using up a lot of land.

Parking limits are fairly low and shared parking is encouraged because there is a table of regulations for that as well.

Signs are tightly prescribed. Anthony, including window signs, so they go much further than our current regulations do.

Lighting of all types is limited to appearance, brightness, and even hours of operation. Lights must be incorporated in all site plans, along with parking, both short term and long term, during the day and overnight. Our current LID rules would still apply as practicable. LID would be a real challenge due to the coverage none the less, the regulations call for LID, and in their parlance it is called white imprint matrix but it is the type of LID that would be appropriate.

A unique component of these regulations is a design review committee, appointed by TPZ would be created to pour over every detail of every application. Whereas you folks meet twice a month for a few hours, the review committee would consist of such experts, architects, engineers, designers, contractors, and the like, working with the Town Planner would examine every detail, working with the developer to make revisions before they report back to you folks. So the DRC would be day to day, coordinated by the Town Planner that would report to TPZ.

Development must occur in a minimum of four acre chunks. That is roughly the size of the National Welding site. You can envision that, which means there could be up to sixteen individual projects if they were all only four acres. I suspect that there will be far fewer than that. So that means that ideally we would be able to recruit people to this DRC who would
want to serve for a long time and then would have some consistency in reviewing the applications. Design review would include how each plan is (inaudible) against the code, including the details of their appearance and ensure harmony between buildings and blocks. They would also scrutinize the ancillary components including such things as landscaping, signs, streetscape, chimneys, roof top, elevator, bulkheads, street benches, even security cameras, waste receptacles and enclosures, and bollards. In addition, the design review would oversee the sustainability elements including energy efficiency, building materials and limited dispersion lighting.

Now not directly within TPZ’s purview, I’m assuming you and all of the public want to know about some of the other aspects of these 64 acres that always seem to come up at a public hearing. Each application will be subject to review by the Conservation Commission for the extent that the site plans encroach upon wetlands and watercourse and upland review areas. The area is also generally characterized by FEMA as an area of minimal flood hazard but it is adjacent to a floodway which means that it is really more of an issue for DOT than it is for these parcels. None the less, developers might have to address Army Corps and FEMA concerns. Let me just point out again where those might be. These are the railroad tracks, all wetlands to the west of the tracks, there is a little intermittent water course here and similarly up here and there is also a spot, right here, of wetlands. But with the wetlands over here, it means that the upland review area was all the way here, around here, and over here as well. So it’s a good bet that most applications will have to go to the Conservation Commission.

In addition, this is a flood area, and that is why the tracks have to be above the flood area and so then a dyke will have to be constructed here if it hasn’t been already when DOT resumed the tracks. There is also a little bit, it’s not flood area but it’s the next distinction down, that is a possibility here, so that would have to be addressed for this area too.

There are also environmental and topographical (Tape change) The owner of the Beacon Industries site, they were the lucky ones to become responsibility, to become responsible for all of the contamination that occurred going back in time to when it was Atlantic Tool. They had to remediate that property probably about fifteen years ago and I would expect that even more remediation would be required before any development could occur on sites where there was contamination. We know from the Dakota application that there was some contamination at 550 Cedar Street. I would not be surprised if it was found that there were pollutants in other sections of parcels of the north area as well, but the same ground rules would apply, remediation would have to occur before development could.

One more thing, there is a change in topography of fifty feet. The elevation up here is 120 feet and down here it is 70 feet. So there is a lot more slope than most people realize and that would require that there be some clever designs and master planning on the individual site plans as well.

Now, again, not directly in TPZ’s purview because it is a state road, perhaps the biggest challenge to TVDD’s development is Cedar Street itself. This would be, anything you do here, now keep in mind, you are going to have to do a master plan and the DOT, more specifically the OSTA, the Office of State Traffic Administration, will look at all of the potential development here before granting a permit to be able to access Cedar Street. So the developer is going to have to satisfy OSTA because they will be characterized, as a significant traffic generator, major traffic generator, and even without necessary traffic studies that will have to be undertaken, it’s clear and we know this will create a large amount of new traffic onto Cedar Street, and it just doesn’t work. Fortunately the DOT knows that too. In their presentation to the Town Council some months ago, they showed a graph, it was one of
those pretty pictures, it was just kind of made up of what the development could be, but the label of Cedar Street was really important because that label said complete street. Now what is a complete street? That means it will have sidewalks and bike lanes on both sides. Definitely to connect this to CCSU and in all probability to the Town Center as well. The estimated cost for the train station in Newington being just platforms and walkovers is fifty-five million dollars. But the DOT knows that millions more will be required to fix Cedar Street. They have to do it because without the ability to walk or bike to a train station makes absolutely no sense. Frankly what developer is going to make the kind of investment we are talking about without Cedar Street being corrected? I would think, for those who are interested that as part of the corrections, the improvements, the Alumni Road intersection would be finally addressed once and for all.

When I presented this, these regulations to the Town Council, and they talked about passing them along to you folks, they had some concerns. I think it is appropriate that I address them as well, because you probably are going to hear about them. First off, Economic impact has I think two major perspectives. First, would this building here, with this development be detrimental to the Town Center and frankly I don't think so. I'll tell you why. The Town Center thrives because it has relatively low rent and there are affordable personal services that don't require a heavy amount of traffic every day. They spend a lot of time with you, and they personalize what they do. That customized service is really appropriate for a town center, a good old fashioned town center. You contrast that with the Berlin Turnpike where most of the big box stores, the chain stores, the chain restaurants all require a high traffic volume of a Berlin Turnpike. As I see it, the Newington station area would have its own unique perspective. It's a place where the real estate is going to be really high priced but that people will want to be there because it is a regional draw and because it is self contained and then there is heavy opportunity to pay for that in high rents, to demand a premium experience, and of course, the proximity to the railroad station. So that is one concern about economic impact.

The second is what would be the impact on town services? If you build this, and a lot of housing is built, and I'll tell you, I've talked to developers and they believe that there is a core number. If you are going to have a community like this really be successful you need to have a thousand new citizens. Now that might sound like a lot, but keep in mind, Newington is 31,000 population has not changed for years, and in fact, if you look at the Connecticut Data Collaborative Projections, they are not seeing more than a five percent growth over the next ten years. We haven't had a growth population, nor have we had a growing grand list for years. Other studies, because of the aging of our population, are actually predicting that our population will decline over the next ten or fifteen years. So, would it be possible for us to absorb a thousand people. I think yes. Let's break that down even further. This type of housing, if it housed a thousand people, would probably need about 600 housing units. The first thing you think about is, what would be the impact on our school system? This type of housing, 600 units would produce about 120 students, spread over 13 grades. Now there would be other children, younger than school age, perhaps older than high school age, but with our school system now housing around 4,000 students in buildings that were built for 6,000 we can stand a few more students coming in without the necessity of building any more schools. We still need to renovate, according to plan to keep them top notch, but we shouldn't have to think about building a new school.

I haven't spoken about this in public before, but frankly, I shudder at the prospect of the re-evaluation that is going to occur in 2020. I don't know about you, but my house is worth a whole lot less than it was five years ago. I think that goes generally throughout Newington. If our grand list declines from the current 2.6 billion dollars that almost automatically means that...
the mill rate goes up. You still have to collect the same amount of money to pay all of the teachers and staff.

Our mill rate has increased among the fastest in the state in the last ten years. In fact, we are now bordering on the top ten highest mill rates in the state. I think we’re tied for 11. We need grand list growth and I believe that the economic potential of the TVDD, as I said, could be five hundred million dollars. Let’s say it’s only half of that. Say it’s only 250 million. With that number of housing units and 120 new students we might have to hire a couple of teachers. We might need to hire a couple of policemen. We might need to buy a fire truck. But this development, this 250 million dollars could produce seven and a half million dollars of new tax revenue. Seven and a half million dollars, you could hire a couple of teachers and cops, and I think that the economic return to the Town far outweighs any cost that we might imagine. We might, if infrastructure is going to be owned by the developer, not by the town, so we are not even going to have to repave the roads.

Looked at it another way, the under 8300 acres in town, we’re talking sixty, forty, the other 8300 acres in town produce about $12,000.00 of tax revenue. That is how we get to our 1.2 million dollar revenue collection that goes against our budget every year. The tax yield for these sixty-four acres is ten times that amount. So yes, you talk about compactness, that all results in a lot more taxes being paid per acre than what we see in the rest of the town. So as I said, I think it has only great economic impact, but also raises the attractiveness of the community as a whole, a reason for people regionally to come here and maybe they would even take the train to visit relatives that they never see because they are in Washington and they might even take the train up here.

The people who live in the vicinity of the train station are likely to be the prime beneficiaries. Yes, their world will be a little different, but the ability to walk to the train station, to walk to a place to hang out, is something that other people who don’t live here now value highly and would be willing to pay more for your house to be able to have it. Let me also emphasis this would be all private development. The DOT has the right to use their eminent domain powers to build a train station and to make whatever improvements are necessary on Cedar Street. But that is it, but I don’t see any scenario where the town or the state or the federal government would use their eminent domain powers to take any property here and then privately develop it. There are no provisions or any expectations that I am aware of for any public subsidies beyond the cost of the train station, Cedar Street improvements themselves which get paid for by a combination of state and federal monies. The developers will have to come to terms with each of the existing property owners. Nobody is going to be forced to sell. I would imagine that anybody that has a business there now would want a big premium to be enticed to move. I think that we can find spaces for everyone there now to relocate within Newington with the exception of the gas station and the Dunkin Donuts, I think it would be pretty tricky to find another gas station on Cedar Street or another drive through Dunkin Donuts.

In summary Mr. Chairman, I think these TVDD regulations can produce a fantastic new development while implementing unprecedented controls for what ever that zone might be. TPZ will have multiple opportunities to ensure that the development is done right. They will have the opportunity to approve master plans, they will have multiple opportunities to approve each specific site plan. Remember the overlay regulations, they are completely optional, no one is forced to use them, but if they do, then they have to buy into the fact that TPZ can reshape their development. They will be able to influence those plans. Finally, by right, is really only a guide. It’s kind of over stating the truth with design review control everything is up for consideration.
So speaking for the Town Council who sent me here, I'm hoping that after due consideration you will in fact approve these regulations, I think they make a lot of sense, and can produce the type of development we would all be proud to see here. With that approval, we can confidently approach the DOT and say to them, we did what you asked, please put us in the capitol program. I'd like to see that happen this year so we don't lose another year. It doesn't guarantee when the station will be built, everybody knows that DOT doesn't have the money to do it, but we get in the queue which is better than where we are now.

I would seek funds to create scenarios to draw those pretty pictures that you might actually have seen that would give the developers the idea of what they could build here. We would hire professional design teams, in fact, we asked the Legislature this session for $100,000 for design money for this. The bill didn't go anywhere but there is still the hope that it could end up in the bond bill that hasn't been passed, with the Governor's debt diet. I think it would behoove the town and once this regulation is adopted, should it be adopted, that they spend a few dollars to be able to envision what would go there and armed with these regulations and some pictures that show some of the things, I think we can actually entice developers to be interested. That is really essential because the time table for the station is unknown but knowing it is coming, and having legitimate regulations and a vision for what a development would look like is ultimately going to be what is needed to turn pictures and words on paper into actual tangible development. Thank you for your time.

Chairman Aieta: Any comments, questions?

Commissioner Claffey: I have a question as to where the standard, you are calling them regulations, where did the standard come with this document. Where did they pull their information from? It doesn’t state that it came from X, it came from Y.....

Andrew Brecher: Again it came from something literally called Smartcode.

Commissioner Claffey: Smartcode is a product in the public domain?

Andrew Brecher: It’s used by Planners through out the country and actually now in foreign countries.

Commissioner Claffey: Is that through associations, home builders associations, commercial builders associations?

Andrew Brecher: It’s a group of Planners who have gotten together and I can’t tell you what the entire genesis was but it is an association.

Commissioner Claffey: But does it coincide with what the State already mandates?

Andrew Brecher: No, it has to be customized for each community. That was where Craig Minor’s input was really important. They used terminology that came from Texas or something.

Commissioner Claffey: To the public, Smartcode is a conglomerate that different communities across the United States used to pull from.

Andrew Brecher: Yes, and it has evolved.

Commissioner Claffey: I think we need to explain to people to understand, you have said this, it’s code, it’s standards, it’s calculations.
Andrew Brecher: Yes, this is the one that we use, it's Version 9.2. It does need to be customized for each jurisdiction.

Commissioner Woods: Thank you Mr. Brecher for that presentation. This is to develop a plan right now, and we're all talking about what could happen. This is really an exercise for the State of Connecticut and the DOT who are interested in a train station that would allow this type of development if the train station comes in. That's all we are really talking about.

Andrew Brecher: Yes, and I have been asked, am I really working with somebody, am I a shill for somebody who has actually got some plan, and the answer is no. This is big, and nobody is going to put up this kind of money without knowing a train station is coming.

Commissioner Sobieski: Mr. Brecher, thank you for your presentation, it was very enlightening. One question that I have, if the train station goes in, does it all become one ball of wax or does the station go first with us still working on the design for the overlay? I'm just curious.

Andrew Brecher: Good question. I think we need to be able to go fairly soon to DOT this year to be able to get into the 2020-21 capitol program and for us to boldly walk in, I think we need to be able to say, you asked us for regulations, we not only created regulations, we created state of the art regulations. We far exceeded your expectations and now we expect you to do what you said you would do.

Commissioner Sobieski: The second part, are there any FRA funds for the station? Can they be used for that? Railroad administration funds.

Andrew Brecher: I believe there are, and I don't know what our eligibility is right now and DOT is always about priorization and ranking so not only are we in competition so to speak with North Haven and Windsor Locks, and Enfield and West Hartford, but also Orange and Bridgeport and Shoreline East and everybody else.

Commissioner Sobieski: One more quick question, would both of these parcels get developed at the same time or the south parcel goes, or the north parcels goes, could there be individuals, one company comes in on one, and another company bids on the other? Or are you looking for the whole ball of wax from one developer.

Andrew Brecher: Well, we are looking for, if you want to do something in the south forty-four acres, you have to control all forty-four acres. If you want to do something in the north, you have to control all twenty there. It could be the same person. I suspect it would be two different ones.

Commissioner Sobieski: Okay, thank you.

Commissioner Claffey: Two questions, outside of the current Hartford Rail Line, from New Haven to Windsor, and I'm going to speak more about Shoreline East because that has been around for more than twenty years, are there any communities down there that have done something like this? I can't think of any, if you can.....

Andrew Brecher: One of the reasons why DOT became excited about this site is, well two reasons. Number one, the proximity to the university. No other railroad stations are near a college, and that is really important, and I sat with the president of the university and it is really important to her as well, so we kind of have an ally there, and secondly, you are right, the DOT knows there is no station along the Hartford line with sixty-four developable acres.
The best kind of development could happen here.

Commissioner Claffey: My second question is, this plan that the Town Council put out, has it been vetted and will work with the 2030 Plan that TPZ is currently working on and can those two interact concurrently or can we be sure they don’t work against each other, because the 2020 Plan and now we are reviewing the 2030 Plan?

Andrew Brecher: Your consultant is now holding meetings with town leaders and I was fortunate enough to be one of those leaders and that was the very first question on the list. We got distracted and talked about a whole bunch of other things, so we are actually scheduling a separate meeting just to talk about that.

Commissioner Claffey: Thank you.

Chairman Aieta: Any other Commissioner comments? We’ll open it up to the public.

Andrew Brecher: Do you want me to hang around to answer any questions?

Chairman Aieta: Yes, we will have people speak in favor and also in opposition, and also if you just have questions, you can ask the questions.

Mary Hughes, 26 Dalewood Road: I wish that I was a Commissioner on this TPZ because I would vote yes. I would hope that the Commission would move forward and not backwards. I think this would be an asset to our community. I for one would like the take the train and go into New York City and see a play and come back the same day. I think for students who go to CCSU, fantastic, that would be great. It would bring a lot of commercial business to our town, I get so tired, as Commissioner Fox said at the beginning, I am so tired of the negativity that I read day in and day out about our town, and the other day someone posted an article that said that Newington, and I think this was from the Wethersfield paper, I don’t remember exactly, that we are number ninety-six on the list of places to live in Connecticut and that is pretty sad, so again, if I was a Commissioner I would vote YES. Thank you.

Chairman Aieta: Anyone else in favor?

Mr. Patel: I did not come here to speak of this subject, but I would like your name sir, you made the presentation and I need to know who you are.

Andrew Brecher: Okay, we actually worked together back in about 1980 and apparently I did not make that much of an impression. I'm Andy Brecher, the Economic Development Director.

Mr. Patel: Thank you. If you recall, year ago when we were talking about the Berlin Turnpike, we had an advantage compared to other towns. Looking at this site, in my opinion, you have to, you can’t work independently, you must continue to work with TPZ because they have to work with the staff, the town planners. We are noticing, now if you anticipate from seventeen years ago, they were $50,000. Now with what is going on, if you anticipate now that house is worth 1.5 million dollars. That is only one property. (Inaudible) I want you to look at it very seriously, but it is important to let DOT know that we are ready. Then we can vote on it. Thank you.

Jill, 323 Maple Hill Avenue: Talking about this after talking about the town hall is a little overwhelming because it has taken years and money to get that rectified. When I look at this
I would like to know, when I am in my backyard looking out, what am I going to see when I look at that area?

Chairman Aieta: I would think, from the elevation of your yard....

Andrew Brecher: Depends on where that building is located, but I think you are absolutely right, any site plan would have to include the sight lines so that everybody could understand how visible this is going to be.

Jill: That changes everything, looking at another area. Thank you.

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

Hal Whitney, 31 Old Hatchery Lane: I would love to see something like this happen in Newington. I do have a few reservations. This is a field of dreams type of project, if you build it they will come. We have actually done studies that say there is actually going to be a demand for the train services that CT Rail is providing. I read that last week that it is the first anniversary of CT Rail and DOT was raving about the ridership, much more than was planned. Because I really have no life, I went down to the Berlin train station this morning just so see what was actually happening down there, and I got there just before 5:56 and I watched three trains go to Hartford, a 6:31, a 7:11 and a 8:51 and I saw three trains in three hours and I saw a total of eleven people getting on the trains. Three trains, eleven people. There were more trains going to New Haven, there were five trains, and I saw a total of 32 people get on the five trains, so that didn't impress me as wow, this is a real commuter railroad and people are really using this to get into Hartford and New Haven, and honestly the people that I saw, the biggest train that was utilized was the 7:49 which is like a regional train, it's like an Amtrack train, and again, I would love to see something like this happen in Newington but is it going to be something that benefits the town, or is it going to be just a big white elephant.

Chairman Aieta: That is very interesting. You have between New Haven and Springfield nine stations. You are talking ninety minutes just to get people on and off the trains. If that is the case, it probably would be easier to get in your car and drive to Springfield and save yourself $3.00. I don't know, do they have an idea of what the time periods are from New Haven and Springfield, what do they do with the stops?

Andrew Brecher: The stops are about a minute, it's very quick and they don't always stop at every station on every run. Hal has a really good point and we learned this on CT Fastrack. CT Fastrack went because that is where the DOT could put it. There was an abandoned rail line, it made to sense to be where it is. It should have gone out to Avon, if it had gone to Avon Mountain, a home run. Berlin is just not a very good place for a train station. It proves the point that you can have a train station but if it's not near anybody, commerce, or where traffic movement is, nobody is going to use it. That said, if he had hung around until 10:00 o'clock, between 10:00 and 11:00, he might have seen a lot of people going, the people who day trip into New York City. They aren't commuters, but just folks going in for a meal and a show, so the advantage the Newington station would have is, it's on the main road, it's near the University, it's a 30,000 person community, all of whom live within four miles would you say, I mean, it is close. The potential for use is higher than for Berlin.

Chairman Aieta: It's interesting that the numbers are so low, I think we also see that with the buses. If you go to the stations and see a double decker bus or two wide bus with two people
on it going into Hartford, and if you average off the cost per ride, it's near (inaudible) and I think that is the same situation that you have here. Who knows, time will tell.

William Prentice, 61 Maple Hill Avenue: My property abuts Beacon Industries, they are a great neighbor but for ten years, the highway has been saturated, you can't put anything else in there. The grand list has got to go up, and the only way it is going to go up is to put something like this in. I would go to New York to see a show if I thought I could come right back, I would think that this would be a no-brainer for the DOT.

Chairman Aieta: Anyone else in favor?

Robert Randich, 33 Birch Street, Mayor Emeritus: When I was Mayor twelve years ago, we were fortunate at that time to have grand list growth, and we did it because we played, the Planning and Zoning Commission at that time played to the town's economic advantage, and at that time it was shopping centers on the Berlin Turnpike. Every year we had a few multi-million dollars of new growth on the grand list. I think three of the six years that I was Mayor we didn't have (inaudible) and that was a large part of it, as well as an excellent town manager at that time.

I think that we have to think very carefully, particularly the planning guys have to think very carefully about what our town (inaudible) is right now. Industrial uses have been decreasing for the last fifty years and this site is largely, on both sides of the street, at one time was Industrial pretty much. The Industrial uses aren't coming back I don't think. I think you need to be creative and come up with a future use that is going to increase the performance of the town. I think what Mr. Brecher presented tonight is a very creative way of doing it, allowing for it, and giving you the maximum amount of control over the design and uses that go in there. I just hope that as you go through this that you keep in mind, not so much the negative that could potentially result if everything goes wrong, but rather think as much about the positive that can result if things go right. As someone said, is this going to be a white elephant? The bottom line is, we're not putting any money into this, we're just coming up with a design plan, but the economics are there, the development will occur, the developers will run the risk, the developers will bear the cost, and the town won't be out anything. If you go ahead and adopt this and nobody comes to build a train station, and nobody wants to do anything with it, we're not out anything. I just think we need to get ourselves in the mix. We're losing out to area towns. I read in the paper, Berlin train station, all of the development going on there, and I see next to the Elmwood Fastrack station multi-million dollar apartments going up, I mean that could be said for Newington. I think we have to be more aggressive and get in the mix and get our economic positives and right now, one of the great things we have going for this town is our access to these types of stations. We need to take advantage of that for the benefit of the taxpayers of this town. Thank you.

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

Inaudible: I am wondering if this is going to affect anything as far as the street or anything. They had wanted to take out a couple of houses and put the highway through Old Farm Drive because there was too much traffic on Cedar Street. If you live where I do, it's atrocious to get in or out of there. If you live there, I have been there fifty years, I know what it is. Any, can't enlarge Cedar Street any more they said, and they tried to get Maple Hill cut around, and it will only make it worse.

Chairman Aieta: The presentation, I wouldn't be in favor of doing anything unless Cedar Street was addressed. They would have to address the traffic problems in and out of this site, so I think the DOT is going to have to do something drastic. They are talking about
complete street, which means sidewalks on both sides, bike paths, four lanes or three lanes that are out there now would have to be one lane in each direction.

Inaudible: There were two lanes when I moved there and now you have four. They can't take any more property from the people who are on the street. Are they going to try to go through our neighborhood so that we get traffic off Cedar Street? When it comes off Route 9 after 3:00 because you have the traffic going to the Berlin Turnpike. That is a cross street. I mean you want to go home, and you are sitting in traffic. More people, more traffic.

Chairman Aieta: DOT would have to make it a deterrent for people who use it as a cross street. You remember how this generated itself because we did not build I291 which was a loop around the City of Hartford. We were on the southwest quad on the development and when it got shut down, I291 in Newington, all east/west streets in Newington became the highways. Cedar Street, Kelsey Street, New Britain Avenue, Robbins Avenue, all of the streets became the highway. People were going to get from I84 to I91 and the only way to do it was to drive right through Newington.

Unidentified: Well, I was told that someone went to Wethersfield and they went to Wethersfield to try to get them to put the traffic though the highway and they said no, but we said yes. He said it was all right.

Chairman Aieta: I don’t think that is factual.

Unidentified: The Town of Newington let the traffic come through Cedar Street. The people did.

Chairman Aieta: I don’t see that there is a solution.

Unidentified: If you live there, it is a problem. Thank you for your time.

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

Unidentified, 80 Eddy Lane: I am a professional planner and have experience in working with the DOT in pretty much every issue that I have to. I am in favor of pursuing transit oriented development in this area for all of the reasons that Mr. Brecher said, I agree with the fact that this could be a good opportunity to take advantage that we may not have again in Connecticut. I think we have an obligation, and I think in the public interest to pursue this opportunity. That being said, this is a different language and it might be exciting to work although it is a very difficult mechanism to use, but it does give you problematic control over the building requirements and the public grounds. It also will change the context and the character of an area based on changing how closely we work for the infrastructure. I think it can result in a lot of good things. I think some of the comments we have heard from the room is that we really don’t have a good vision of what might actually happen here. I think ideally it would be great if we were to engage the entire community and have an envisioning process and then kind of take the product of that and turn that into a (inaudible) We would have more buy in and less stress but I think going forward with this is the next best thing. I am concerned that the active situation that basically allows the private sector to start to dictate what the development is going to be, but if you have really good design standards in place. This is a large process that you are proposing here and you need to be sure that people feel safe with it, and I urge you, if you are able to get to the next level, look at presenting this again. When you are working with this product, the design standards will dictate, you don’t have to worry about having special permits and going through a multi zone, site plan
application. If you really have confidence about what can be built within that zone, and feel comfortable with this working, (inaudible.) Thank you for allowing me to speak.

Chairman Aieta: Anyone else in favor of this application?

Chris, Maple Hill Avenue: I think the train station would be a good idea. Being so close to it I have some questions. I know we talked about the Edward’s property, I think that is what is behind me. Other than what is going to be there, if it is going to be retail, I would be less apt to forget about it versus (inaudible) The Parking behind the buildings, from my back yard I would see the parking behind the buildings, would that be also the train station parking, to me that stinks. All along Maple Hill Avenue we are just going to look at parking.

Andrew Brecher: May I address that? The, look at the code with the block development, what it really calls for is buildings along all of the thoroughfares, so there are no dead ends. So you would conceivably have the buildings form a square and the parking would be behind them. We’re not talking about having surface parking lots, but I get your point and I think that would be a challenge for the developer to make all sides of the building attractive from all viewpoints.

Chris: I guess the biggest problem again, what kind of buffer would be between the houses on Maple Hill Avenue, all the way to Ponderosa, between us and all of the buildings? I think we should have some kind of buffer for the neighborhood. I think it’s a great idea to have Cedar Street as a complete street. What would happen if the developer closed down.

Andrew Brecher: One person’s failure becomes another persons success so we ran up against this with some other proposals, and what usually happens is, the person who failed ends up losing their shirt and the next person comes in at a bargain, and probably economics make more sense and can take advantage of that opportunity to complete. In this day and age, you don’t see buildings just plain sitting for twenty years. When somebody starts, somebody always figures out a way to buy that out at a lower cost and do something that is economically positive with it.

Chairman Aieta: Also, because we are front loading the project with utilities and everything else that it would be a big expense up front with a lot of the utilities and the infrastructure, so the second person that came in would already have a big investment in infrastructure, the next person would get the advantage of that with the infrastructure in, without any cost.

Anyone else in favor of this application? Seeing none, anyone in opposition to this application? Against this application? If you have questions at this point and no opposition, or if you are not sure if you are for or against it and need additional information, please come forward and ask your questions, we will try to answer them.

Jim Lynch, 36 Ponderosa Lane: One of my biggest questions, first, nowhere in town do you guys have a six story building. What would make anything think of putting one in a residential neighborhood? That is my first concern.

Andrew Brecher: Actually there are three in town.

Jim Lynch: Can you name them?
Andrew Brecher: Yes, the DOT building which is on the Berlin Turnpike, it does back up, there is actually residential behind it, the Curtis Building, the Hartford Hospital campus in the town center, and the housing on Constance Leigh.

Jim Lynch: First of all, I'm not against the project, but I'm definitely against what you guys are setting for parameters and if it is just open for a contractor to come in and develop this, to have six stories or four stories, I think, what you buys are creating is not another Blue Back Square. It's more of a (inaudible). The train station is a great asset to it, believe me when I tell you that, but I worked for a utility, that is the next problem. Is everything going to be a separate meter, going to be main meters, because I don't want to look at meters all day long from my backyard, the back of these buildings? Is there going to be one meter per building, is there going to be sixty meters per building?

Andrew Brecher: You have a good point and you heard me say several times, actually I don’t know if you were here for the whole presentation, but the, that’s a big deal, how those are all screened, whether they are inside.....

Jim Lynch: They can't be inside.

Andrew Brecher: What I mean is like an enclosure, some place like where you need a key to go in and only the utility people can view them, like my kids in Cambridge. The meter person has a key to the utility closet.

Jim Lynch: I work for the gas company, we won't put meters inside.

Andrew Brecher: Only outside, okay, that is going to be the developer’s problem, to figure out how to do it.

Jim Lynch: That is why I'm asking, I mean, we are getting pretty specific with floors and like that, and no parking here and no parking there, but what about all of the utilities? Then you also have condenser units, usually you have condensing units on the roof, so you have issues such as that that no one has actually talked about. I'm a mechanical guy, that's why I'm looking at it.

Andrew Brecher: You are absolutely right and that is one of the reasons why there is a design review committee so there will actually be people to protect these issues and make sure that they are addressed.

Jim Lynch: Another thing I have here is, I think you were the one that actually mentioned it, being able to walk here. Now I live on Ponderosa Lane, how am I going to walk, down Maple Hill to Cedar and in, or is there going to be a cut through by taking two houses at the end of Ponderosa Lane by eminent domain?

Andrew Brecher: I fortunately or unfortunately happen to be a member of several home owners associations, and this issue comes up in gated communities. How do you get in? In fact, I would expect that this is park land there, and if I was a Ponderosa Lane resident I would come to TPZ who has the master plan and say, we want a gate, we want a one way gate here where owners on Ponderosa Lane have a credential where we can get through that gate and walk in. People who are here cannot walk out. It's a very simple fix. Your neighborhood gets together, you all agree to the cards or whatever the credentials are going to be and guys have your own private access.
Jim Lynch: I don't want people walking back, so now you have a gate on every back property along Maple Hill Avenue and Ponderosa Lane?

Andrew Brecher: Probably not every one, but I think you might have a couple.

Jim Lynch: One of the renditions on social media is that they are going to put a drive through, basically right through Ponderosa Lane.

Andrew Brecher: I didn't even see that one.

Jim Lynch: Those are our concerns, I mean, again, the six story building, that can't happen, that has to be stricken out of there, I mean, I don't see how they could allow that where everywhere else, none of them have residential, you know, the DOT, the residential there came after the DOT building.

Chairman Aieta: The way that Mr. Brecher explained this if you don't have the height, you don't get the density, if you don't get the density, then the project is not viable because the land cost and other costs, you would have to get the height to be able to get the eighty units per acre. You say it can only be two stories, then you can't get the density.

Chris: That's fine, but then the buffer has to be increased between the properties on Maple Hill Avenue and Ponderosa Lane and that wasn't addressed in this presentation. It was just stated, six stories on the south portion, four on the north. I don't know if you guys have come over and view the campus. Look at Dog Lane and (inaudible) Circle......

Andrew Brecher: Storrs Center, it's a terrific development.

Chris: It's exactly what you guys were describing, I'll tell you right now, most of the apartments would go to the (inaudible).

Andrew Brecher: Now when you say six stories, not every building is going to be six stories, the maximum, and as the regulations state there has to be interesting roof lines, I think the Storrs Center, I think it goes five stories.

Chris: I'm not against something like this, but it's just too tall in the neighborhood, and you are saying New England architecture, I mean, you drive anywhere around, New Britain even, four stories is about what you are seeing in the old apartment buildings, even in the old parts of New Britain and Hartford, so, I don't know, six stories I understand because of the density, but it's kind of an overkill in a neighborhood of raised ranches. That's all I have to say.

Chairman Aieta: Anyone else in opposition to this petition or have questions?

Downey Bronson, 58 Maple Hill Avenue: My question is right now there is an existing driveway from the Beacon plant onto Maple Hill, but what are the thoughts of putting driveways on Maple Hill instead of Cedar. Would there be a developer who would want to do that, allow him to do that to help with the traffic on Cedar bringing the cars onto Maple Hill.

Andrew Brecher: This actually came up recently, the Atlantic Tool used to use that as a driveway when they had 2,000 employees and it hasn't been used barely at all, it's been gated for a long time, but Beacon approached the Town this spring and asked if they could reopen it and we scoured the TPZ minutes and the building department records and we found no record of ever approving so essentially as far as we can determine, it's their driveway, so if somebody buys this property, it's their driveway. Now, that being said, they
are going to have to lay out a master plan, they are going to have to lay out specific site plans and how that might be incorporated, and I would think that this Commission would have a good deal of control over whether that driveway gets used or not, and if it is used, how it would be used.

Downey Bronson: The other question is, the development on the west side of Maple Hill, with the sidewalks in that area on the east side, so we would be looking for sidewalks to allow people to walk from further into town, to the station, without crossing over busy Maple Hill.

Andrew Brecher: That's a very good point because the town has struggled with extending the sidewalk network for years, we have a couple of Mayors in attendance here, and you chip away at it, a little bit, but it is always one of the things that gets cut out of the budget. Keep in mind, I talk about the economics here, one of the things I didn't mention was the building permit fees, which would run into the millions of dollars, and I would be a proponent that says, if somebody is paying that kind of money here, maybe we should take that money and use it for infrastructure improvements in the neighborhood, so I would think that the town might get behind installing some sidewalks so that people can actually get to the train station and to the station village.

Chairman Aieta: Anyone else have questions?

Sharon Braverman, 39 Churchill Lane, Secretary to the Board of Education: My question is the number of children that would be potentially able to populate our schools, the ball park number of whatever......

Andrew Brecher: I don't have a ball park, what I talked about was kind of a minimum for a cohesive community and if you are talking about 1,000 new residents, 600 housing units, which would generate about 120 students. Keep in mind, this is expensive housing. We're talking about generally $2500.00, $3,500.00 but you are giving somebody a lot for it. You have a great neighborhood, maybe it's a live-work situation for them, and the proximity to the railroad station, which to some people means they don't need a vehicle.

I have had discussions with our previous Superintendent, who let's face it, the enrollment has been declining, so you have been able to make some cost reductions, and maybe that would have to be reversed a tiny bit, but I think that the school system and the administration and the board is able to absorb one hundred plus students.

Chairman Aieta: Anyone else? Questions?

Steve Ellis, Roberts Street: This is a great job actually, I think it's good work. I had some questions. The State owns the corner, how does that work, do they own the whole lot?

Andrew Brecher: You're talking about here?

Steve Ellis: Yes.

Andrew Brecher: The state does not own that, it's owned by Sousa Heat Treating, but the state has been in contact with Sousa. They have said, if we build the station, we are going to have to come to a deal on it, and I have talked to the Sousa people, at length, multiple times, and they are amendable to getting bought out. They moved here from Elmwood in 2011 I believe, so they are acutely aware of what it will cost them to relocate. There is a lot of 12 inch copper pipe in there, and they underestimated the cost to relocate from Elmwood, they won't do that again.
So for them to willingly sell to the DOT, they are going to have to cover, not only a fair cost for the building, but the cost of relocation, the cost of business interruption, and maybe even something for saying, thank you for not dragging us to court. That is where the fifty-five million dollar price tag comes from, this is part of that.

Steve Ellis: But when all is said and done, DOT owns the whole lot.

Andrew Brecher: DOT typically, and I think Commissioner Sobieski can back me up on this, DOT typically acquired the entire property, I think by statute they are required to do that, and then they will sell off the part that they don't need, so I think that might be eleven acres or something and keep in mind, most of that would be used for parking.

Steve Ellis: That is what I was getting at.

Andrew Brecher: That would be structured parking, not surface parking.

Steve Ellis: The only concern I have actually with what you are proposing is the percentages on the MX-1 and MX-2. You can't get more detailed that that? Would it be in our interest to do so......

Andrew Brecher: There is a table, I wish we had our Town Planner here, who could flip quickly to it, I think it's Table 2A. Yes, 2A. That calls for an allocation of zones by neighborhood and it shows that the north neighborhood, MX-1 would be 70 to 90 percent, and MX-1 and ten to thirty percent MX-2, with a split in the southern neighborhood with twenty percent MX-1 and sixty to eighty percent MX-2, so commercial oriented.

Steve Ellis: Brownfield, Beacon is responsible for the southern portion and if they wanted to develop......

Andrew Brecher: They would be responsible for all of it. There were some modifications made to the transfer act in this most recent legislative session. I have never been able to get out of the Beacon Industries owners a copy of the environmental report which I know they have, but I also know this, Beacon was able to buy that property when they originally moved there, they had an operation in Bloomfield and also in Newington. They consolidated the two, and then they bought the property from Tect, which had bought the business from Textron. I know this because I helped them report the money to the state that they used as a down payment, and then they got a bank loan for the remainder. They couldn't get that bank loan without satisfying the bank that the environmental risk was low enough that the bank was not going to be on the hook if Beacon just pulled up stakes or as somebody mentioned, went under. So, that tells me that the environmental situation is not nearly as dire as people might think, because there is no bank in this region that will lend to a place that is occupying a Brownfield where they could be on the hook for significant remediation. None the less, any developer that comes in still would have to do a full scale, make sure that any environmental issue is identified and addressed if necessary.

Steve Ellis: And that would come back to Beacon?

Andrew Brecher: Textron, yes, Textron owns it.

Steve Ellis: But on the north end, nobody is responsible for that.
Andrew Brecher: That is not necessarily true. Business owners don't tend to undertake the phase one, phase two or phase three of environmental studies to identify, because they are unknown, and once you know, you have to do something about it. When it comes time to sell the property, that's on the check list. The buyer is going to say, what do you know about the property, and they are going to say, ah nothing. Then they will say, I want a phase one then. They will do a phase one which is basically a review and if that produces some sense of contamination, like the gas station. Gas stations tend to clean up and are kept clean, but none the less, there might be something. I think that will happen throughout the northern portions of this, but I don't see anyone getting tapped to do all this stuff. There will be equity lenders, there will be equity investors and lenders and they are all going to want to be satisfied that they understand whatever environmental situation there is.

Steve Ellis: Inaudible.

Andrew Brecher: What it might mean is, somebody who thought they could get a million dollars for their property might end up getting eight hundred thousand because there is twenty thousand dollars worth of remediation.

Steve Ellis: I just want to think this through. I was wondering if it would be in our best interest just to have this overlay in the northern to try to get the station up there, try to get the station on that side of the street so the state would remediate it.

Andrew Brecher: There are six owners on the northern.

Steve Ellis: Just so you know, I think it's a great thing, it's a big price tag for a train station.

Andrew Brecher: That is a very good point. The fact is, DOT builds. They build roads, they build bridges, they build transit and they offer transit. They will spend the money, and if we don't want it, they will spend it somewhere else.

Steve Ellis: We have to be key players, I think the same holds true, and I don't have the details here, but.....

Andrew Brecher: Again, one of the social media rumors said this is a conspiracy and the Town is planning what goes on, on Robbins Avenue because that is going to compliment what goes on on Cedar Street, and again, I worked with the Town Engineer on that application and it is totally separate.

Chairman Aieta: Anyone else?

Don Oliver, 100 Old Farms: I came to Connecticut about a year and a half ago, I moved here from Long Island, New York. I like the area, I have a few questions. The responsibility of the state, DOT, to effect the change to Cedar, how far does that go? It begins and it ends, and does the town have any input into what they are going to do, or not do?

Andrew Brecher: I can't tell you the limits of what would be required.

Don Oliver: When would you find that out?

Andrew Brecher: When the designers actually start, they take traffic studies and they....

Don Oliver: A report would come out?
Andrew Brecher: Yes, it’s a whole long process.

Don Oliver: And they just hand it to the town, and say, this is what you are getting or do you have an opportunity to comment.

Andrew Brecher: We do have an opportunity to comment, but Commissioner Sobieski, a retiree of the State DOT I think will tell you that in the end, the State has the ultimate authority to do what they think is right. Now does that mean that we can’t challenge it? We can, but they pay for it.

Don Oliver: So, the next step as I understand it, you want to get on their list, you want so they are going to do something to Cedar Street, but you don’t know where it begins and you don’t know where it ends and you don’t……

Andrew Brecher: We have our wish…. 

Don Oliver: But you just said, they are going to do what they want to do. So if they come up with something that the town says, hey we don’t want that, we don’t like that……

Andrew Brecher: Our relationship with the DOT is excellent. It is very fortunate that almost all of our main arterial roads that run through our town, that crisscross, north, south, east and west are DOT roads. So our road repair and maintenance budget is far lower than all of the surrounding communities because the state takes care of so much. They don’t do anything without talking to our engineering department, and they really are not trying to run roughshod over anybody.

Don Oliver: I understand that there is a working relationship, but if they are going to do something and you don’t know what it is, and they do something or propose something that doesn’t make sense to the people, what option do you have?

Andrew Brecher: I’ll give you an example. There are three bridges, Inaudible, Maple Hill and Fenn Road. One of them was rebuilt when CTaFastrack was constructed, and even though it shows as four lanes, it’s actually five. When they were going to rebuild the bridge over the railroad tracks, they came in and they showed us what their plan was. They always do share, whatever they are doing in your community, they always do share, they showed us a plan to basically rebuild the superstructure at the top to four lanes. I got wind of it, and said, no, we want it five lanes, and they said, if we do five lanes, then we have to rebuild the substructure too and that will double the cost. I said yes, but if we are going to be able to solve that road problem at some point, we are going to need the extra lanes, and they did it. They spent another two and a half million dollars to satisfy us. So I think that is indicative of their willingness to be a partner, I think I said earlier, that I expect that the DOT would make improvements between Maple Hill and the University. We would like to have them make improvements all the way to the town center. As the gentleman stated previously, there could be a much harder challenge to do so. You have to do something. DOT also cannot create a funnel.

Don Oliver: If they fix part of it, what about the other side?

Andrew Brecher: I think Commissioner Sobieski would attest to the crackerjack staff at DOT to try to solve problems that are unsolveable.
Commissioner Sobieski: Basically what he is referring to is when we (inaudible) over Amtrack. We sat down, had at least two informational meetings, people had input to them, and then they take that and see what they can come up with. It’s not like a railroad scenario, they try to work with everyone. DOT has had a bad reputation in years past, but it’s just that some areas you can’t fix. What they plan on Cedar Street I don’t know. I’ve been retired for ten years. But you can be assured that anything that they do do, there will be at least one, probably at least three informational meetings, where people will have input as to what is going on. They will take that, get ideas, re-look at it, see if something can be changed, jockey around so it’s not like 1950 where we just put a highway through there.

Don Oliver: So the traffic loading, you will see with this proposal, take that traffic loading and then come back and say, we are going to fix this section, that section, and you accept it obviously because if you don’t then they won’t fix it. We had a similar situation, the area was around a train station, we put up a seven story apartment complex and as I said before, the developer owns it, but after about five years, he had problems and he sold it and it ended up in court. It was in disrepair, no one was fixing it, so when you said the developer owns it, two days after the deal is completed he can sell it?

Andrew Brecher: Yes. I think that there is always a situation where some people, really good at getting in as developers and they make all their money and they take it out and the project gets sold to a pension fund or an insurance company or something that large, you can’t tell, but as Judge Randich pointed out, you can always look at this for what could go wrong. You could look at anything, when I bought my first condo from a guy who went belly up, took all of the building materials and built himself a luxury house down at the shore. But for the opportunity, I got in for $32,000.

Don Oliver: You were one of the lucky ones, but a project of this size and magnitude, you need to plan for the worse, because when it happens you won’t know what to do.

Andrew Brecher: How did they hold up, how did things work?

Don Oliver: The builder was actually, the health department came in, and I think the ground floor businesses, because it was commercial on the ground floor, and the rest was apartments, they were allowed to keep operating, but it was in court a year and a half ago, two years ago when I left the island. The first few years were fine, but then he bled it. Three or four years later it didn’t work out with the economy, several different reasons why, the guy wasn’t making money and that was when the problems started. He wasn’t taking care of maintenance, things were breaking down, and the town had to come in and do some of the things, and I only got involved because they had to set up some rooms at the school for the kids, busses from two different towns, I don’t think that is going to happen, but when you were talking it popped into my head. Thank you very much, Newington is a great town.

Chairman Aieta: Anyone else wishing to speak?

Inaudible, 84 Willard Avenue: Newington residents were told that the CTFastrack would make the town’s economy boom. Two stations were built, but we are still waiting. Fastrack cost taxpayers twenty-five million each year and earns just three million back each year so you the taxpayer are paying the difference. Recently the state told the town that they would like us to take over the cost of maintaining the stations from them which means more money from Newington taxpayers earmarked for transportation.

Now we are being urged to buy into a commuter rail station and two transit village design districts. With the state of Fastrack why should we put on the line to invest in a project that
has so many questions about it. Newington TPZ is going to partner with developers who
want to put in workforce housing on Cedar Street. The safety concerns that brought about
this suit were (inaudible) There were safety concerns already expressed that exist for this
project. If the Dakota project is ruled in their favor, and CedarPoint is built by Dakota, how
will that impact this project? The TVDD plan indicates that the applicant must agree to
demolish all existing structures in the neighborhood. TVDD both north and south are both on
the state's list of contaminated properties. They have been for nearly two decades. You can
also get that report from the DEEP. Remediation has been going on in both properties, 550
Cedar Street and 545 Cedar St. On (inaudible) Cedar there is an environmental land use
restriction, the environmental land use restriction bans residential use, but the engineering
report does not prevent fill to be tampered with, how would these issues factor into the long
range plan for this project?
I think we need to take the dollar signs out of our eyes, because this is no joke. The
commuter rail station is not a definite and there are no guarantees that if we build it they will
come. We are being told it is coming, that this project is inevitable and we should just try to
make the best of it. Really? This is the future of our town that we are talking about, and
decisions that we make now will be creating the character of Newington forever. The
question should not be, can we start this project, but should we? We must consider all of the
ramifications thoroughly before we can commit to this project. Can you vote in favor of TVDD
in good conscience without having all answers to the outstanding issues? (inaudible)
You should ask questions and get answers before any development begins because the
(inaudible) of our town is the only (inaudible) we have and to do anything else would be
irresponsible.
The questions buried in there, were, what happens if the lawsuit goes in favor of Dakota and
they become the owner, how does that spin out?

Andrew Brecher: It is impossible for me to say what Dakota would do but I do know a few
things. First off, Dakota might prevail in court, but they don't have the money to build the
project yet. So that still needs to happen, and if these regulations exist, and there is a higher
and better use for their property, would they pursue their kind of shabby project, low grade
project when in fact they could build something that would make them more money? I don't
know what they are going to do.
It also wouldn't preclude somebody five years from now from coming along and telling
Dakota, you know what, we will buy you out and (inaudible). Again, if there is a higher or
better or more profitable use, they could do that. It's impossible for us to determine, but I
don't see the presence of the Dakota application and whatever the results of the appeal is, as
affecting these regulations.

Unidentified: Well, if there is to be only one owner and they are right there in the middle of
the district, doesn't that shoot the whole thing down?

Andrew Brecher: It could, but I suppose that this Commission would have the flexibility to
say, yes to everything except 550. These are living, breathing regulations. They get adopted
and just like the rest of our zoning code they get modified to fit appropriate conditions.

Unidentified: So this could be cut out somehow of the Plan?

Andrew Brecher: It would be up to this Commission.

Unidentified: You are saying that they are shabby?
Andrew Brecher: I am on the record of speaking in opposition to the Dakota project because I thought they were really giving us a fourth rate product and I know that they do better because of all of their other projects are far better, so I don't mind saying that.

Unidentified: The other thing was about the environmental land use restriction and the engineer controlled of residence in a plan that bans residential because of the conditions of the land. Even with the changes in the transfer act, they would have to go on down the line, and if they run out of money, I'm just wondering how much of the project……

Andrew Brecher: As I said, I have not actually seen Textron's reports. I have seen what the DEEP posts which I don't believe is the whole story. I think that it is not one hundred percent contaminated, I think there are pockets that are worse than others, and money can fix, if you, if excavation to fourteen feet is required, and it was worthwhile to do that, so that the property was absolutely, positively cleaned up, that would be up to (tape change) where there is a hot spot. I would think that any Planner would look where to situate buildings and where not to, and remember, parklands are a wonderful fit for problems, areas for environmental problems.

Unidentified: I just worry about (inaudible)

Andrew Brecher: Hard to say.

Chairman Aieta: Anyone else? Questions?

Patti Foley, 15 Crown Ridge: Commissioners, thank you and Mr. Brecher for quite a long meeting tonight. I'm going to keep it very brief. Commissioner Claffey started the night with how does this impact the 2020, 2030 plan and on Monday I attended my interview with the 2030 plan, and there were a lot of things that were discussed as to where we think we are going to be in ten years. I hope that this particular item will be fitting in. Obviously we have to get our 2030 Plan done. It has to have a deadline on it, because he said that the State is needing it to prove that we have the interest to meet some kind of deadline. In the meantime, the other thing I haven't seen, that I would like to see, I don't see any financials. This is a business proposition and we need to see financials and how much the scenario, range of what everything is going to be. Do we put in a half a million dollars or half a billion? How are the services going to be provided, the types of items there and we can tell from what we have today, approximately. I don't see any of that in the business plan that is coming forward to do this kind of thing which I'm still worried that it is going to cannibalize Newington center and other small, little businesses which are very important. I know you are all as tired as I am, thank you very much.

Chairman Aieta: Anyone else? One more time, anyone else wishing to speak at this time, questions? Seeing none, we are going to continue this hearing, we are not going to close it and we will carry this over to the next meeting and the public will have another chance to weigh in on this.

Andrew Brecher: Thank you Mr. Chairman.

VIII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes of the June 26, 2019 meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.
IX. **NEW BUSINESS**

A. TPZ Discussion of Window Signs

Commissioner Claffey: I was the TPZ Commission who originally brought this up, many, many weeks ago and I would look to not discuss it further tonight, to put it on the next meeting’s agenda to discuss again when the Town Planner is back in attendance.

X. **OLD BUSINESS**

A. Petition 14-19: Zoning Text Amendment (Section 3.11.3, Section 3.17.8 and Section 6.11) Regarding Motor Vehicle Service Uses, Town Plan and Zoning Commission, Applicant

Commissioner Pane: Mr. Chairman, I’m going to recuse myself from this as I have in the past for the reasons stated at previous meetings.

Chairman Aieta: What is the pleasure of the Commission? Do you want to act on this or do you want to put it off until the Town Planner is present?

Commissioner Camillo: Put it off until the Town Planner is present.

Commissioner Claffey: I agree with Commissioner Camillo, that we should hold it until the Town Planner returns.

Commissioners: Agree.

Chairman Aieta: We will put it back on the agenda for Old Business for the next meeting.

XI. **PETITION FOR PUBLIC HEARING SCHEDULING**

A. Petition 25-19: Special Permit (Section 3.2.1: Daycare) at 55 Faith Road, Newington Interfaith Housing Corporation, Owner/Applicant, Robert Small, 85B Faith Road, Newington CT. contact

Chairman Aieta: We will schedule this for the next meeting.

XII. **TOWN PLANNER REPORT**

None

XIII. **COMMUNICATIONS**

Commissioner Sobieski: Everything I get I pass through.

XIV. **PUBLIC PARTICIPATION** (For items not listed on the Agenda, Speakers Limited to two minutes.)

None
XV. REMARKS BY COMMISSIONERS

Commissioner Pane: I have a concern with the Town Hall which I just learned is going to extend out into the public roadway in front of the library, eight feet into the roadway. We haven’t had any public hearing on this at all.

Chairman Aieta: That requires an 8-24 from the Council.

Commissioner Pane: I’m very concerned with it because it’s, the corner of the building is right in the roadway, the water main is going to have to be moved, and there is no sidewalk for pedestrian safety, no snow shelf, and no landscaping on that corner of the building, so if we could bring that to the Planner’s attention so we can address it, I would appreciate it. This didn’t come from the building committee, it came from town staff because I asked the Chairman of the Building Committee and it didn’t arrive from the building committee, and I think Anthony……

Commissioner Claffey: I can speak specifically to it, it didn’t originate from the Building Committee, as a member of the building committee, it originated late in the last few months there have been some changes unbeknownst to the building committee, the high powers above us, in the town, and there was a change to the layout of the gymnasium, a bump out, so I was aware of it also, but it needs to be addressed.

Commissioner Pane: My concern is when the 8-24’s come to us, for instance the 8-24 came to us on the library, and then that plan changed and we had all of the residents come in because the plan changed. I think we have to put a condition on the 8-24 that if they change the plan that they have to come back to us because we are having problems after the fact.

Chairman Aieta: I would think Domenic, that we have the plan and it is approved based on what they show us, and they go to something different, they need an 8-24 approval, but what they did, they have an 8-24 approval on what they presented and that is what we are approving. If they choose to change it, and not come back to us, they really don’t have an 8-24 approval. Bring that up at the next meeting for us to discuss. Any other Commissioner comments?

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Fox.

Respectfully submitted,

Norine Addis,
Recording Secretary