NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 24, 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

Staff Present

Craig Minor, Town Planner

III. APPROVAL OF AGENDA

Craig Minor: I recommend that you delete under New Business, Item B, the BaIf Plan review. The Town Engineer is still reviewing the plans, so I recommend that we postpone that to the next meeting. Then I recommend that you add to the agenda Petition 18-19, Site Plan Modification at 80 Fenn Road. 80 Fenn Road LLC owner, Montana Nights applicant, Merle McKenzie, 80 Fenn Road, Newington, CT contact. This is a site plan that has been on your agenda for months and then I finally took it off because it wasn’t getting approved and then there was a flurry of activity the last couple of days, so I was in a position to recommend that the Commission act on it, so I recommend that you put that under New Business.

Chairman Aieta: Any questions on the changes to the agenda? The Commission was unanimously in favor of the changes with seven voting YEA.

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

Merle Ryan, 237 Brockett Street, Newington: I just wanted to ask the Town Planner, he mentioned changing the agenda, Item B which deals with the transit village design district....

Craig Minor: No, that is still on, it was the Balf Quarry item.
Merle Ryan: Oh, I’m sorry, Can I speak on Item B?

Chairman Aieta: When Item B comes up on the agenda, you will have an opportunity to speak then.

Merle Ryan: Okay.

Chairman Aieta: Any public participation, items not on the agenda?

V. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I was wondering if the Town Planner could address the social media issue?

Craig Minor: Sure, which one? The one that you talked to me about earlier? I know we discussed this earlier today, but the question has come up as to whether an 8-24 is required, another one, from the town hall project. I looked at the site plan the other day which I hadn’t really looked at in detail before, and I see that the architect has recommended kicking out the property line between the town hall property and Mazzoccoli Way by ten feet. That would then constitute the narrowing of Mazzoccoli Way, and any time before the town can narrow a street, it has to come before the Planning and Zoning Commission. So before the Town Council officially files a new deed showing a revised property line, before the Town can do that, it needs to come before P & Z to comment on. I don’t mean to be flippant, but it’s just a line on the plan, the town hasn’t taken any action on it yet, but before the town actually changes the boundaries they have to come before P & Z.

Commissioner Pane: They must be pretty close because the MDC is getting ready to move the water pipe so I would recommend that they figure it out and then come in.

Craig Minor: Agreed.

Chairman Aieta: Any other comments from the Commissioners on this issue?

Any other Commissioner remarks?

VI. 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. Continued from July 10, 2019.

Larry Shipman: Good Evening, Larry Shipman on behalf of the applicant. Last time I presented the application, it was a brief meeting and I had also had an opportunity to review Mr. Minor’s comments. As a result of that, I made some changes to the original application, nothing of substance. I guess the language of the application has not changed in the sense that it’s still requesting permission when a lot is located within two zones that accessory parking be able to be used on the residential portion of the lot if there is no residential building on that lot. What I have done is, moved that to Section 3.45 which would make that a special permit use permitted in all residential zones as opposed to what we had originally requested within the site plan. This, based on Mr. Minor’s comments gives the neighbors more of an opportunity to be heard, and it gives the Commission more leeway in adding conditions to the application. Beyond that, there is no significant change. It would require that a buffer requirement in your regulations be satisfied, to protect any residential properties
that abut the zone. In this particular instance also, there was one comment that was presented by Mr. Capel I believe and it was in regard to the Commission not allowing spot zoning. I just want to state that the two lots in question, one is already in an Industrial zone. It happens to be an Industrial zone that I believe existed prior to the residential homes being built in the neighborhood, but it was never not an Industrial zone, so they are not creating anything to squeeze a use into the property. The other item, more specific to what we are requesting is that this is not an attempt to expand the use within the industrial building itself. It’s not looking to, they are not looking to expand the building. They are looking to accommodate additional parking so there is more flow for vehicles on their lot. We had submitted a conceptual site plan and there are some issues as to whether or not the screening is appropriate and our position on that is that if this text amendment is approved by the Commission, we would certainly come back with a full site plan, special permit application that would have to satisfy your buffer requirements. I don’t think I have anything else to present.

Chairman Aieta: We will open it up to the public.
Anyone wishing to speak in favor of this application? Please come forward, state your name and address for the record. Anyone in opposition, please come forward, state your name and address for the record.

Charlotte Lipka, 521 Church Street: This property abuts my property. When the attorney, I don’t remember his name, mentioned that all this is, is a residential zone change, I don’t understand, how is it possible to put non-residential in with residence? I know that is a change in the law, and why are we changing it for one person? This has not ever been approved, I mean, Newington has been here for over 200 years, and all of a sudden there is this thing that is going to be changing the law, and it’s for one specific instance. I am looking at it saying, well, this is not something good for the people in the area. I have pictures to show, and I can show that this property has changed so dramatically over time that it is getting worse and worse and it’s just encroaching in on the residential area. Now he wants to take more residence and make the parking lot bigger, better, and what’s next? Does he move a little further, does he move a little further? This is what he has done over time. Now, he made a temporary parking lot, and I’m sure not all of you know how this has occurred. He made a temporary parking lot last November and used it. He was on residential land. He’s been using it all this time as industrial space.

Now if the other question is, if this is residential he’s parking in residential. Does he get taxed residential, or does he get taxed commercial? The question is, why should he get a benefit when other people who have commercial properties and parking wouldn’t get that benefit. I think that would be an injustice. It should not be the exception to the rule. This rule is there for everybody to meet. When I moved in, when I see how badly he has encroached on other things. He has done this time after time, skirting around the zoning boards, skirting around things and he has done it again this year. Andrew Armstrong was over there and talked to him to tell him that he shouldn’t be parking there, and he said, it’s my property, I can do what I want. That was his attitude, and it has been his attitude. There have been things, I came and looked at the folder to see what permits were pulled, well, there was not a permit pulled for the addition on the building. I did see a denial for the addition on the building, but there is an addition on the building anyway. I was told by people because I wasn’t physically there when that occurred, at least two people in the neighborhood old enough to remember, that it was done on a weekend. Just like when he took those trees down recently, and built the parking lot. They did that on a weekend. This is how he behaves. So, you give him an inch, he takes a mile. Here you are thinking about changing the law for a person like that, and making it worse and worse in our neighborhood. People are now saying, wow, I never
noticed that factory back there, yeah, well no one did. When I bought that property, I loved how that backyard looked, now I’m looking at this red building with a shipping crate tucked in on the side other here, and barrels of scrap metal sitting right along there, so this is now my view. I feel like I have moved to the center of New Britain, and I haven’t moved. I’ve been there for over thirty years. All of a sudden my life has changed and every time I walk out the door I’m just looking at this awful red building. If you do change this, will he decide, oh, I want more parking out there, I mean, we can plan all we want, but this is the type of individual who just decides he’s going to change something. He has put more of these crates out there so he obviously needs the storage and I don’t know if that is legal. Will he do more to harm the neighborhood?

Secondarily, traffic, unbelievable with the traffic coming along the way. This is what it used to look like out there, it was a wonderful old barn, and yes, he didn’t take care of it so it became a problem and had to be demolished. You can see what it looks like today. The traffic issue, Foster Street is a very small street, it’s a very narrow street and what happens is, he has deliveries, and those deliveries occur, they occur quite often, and I have pictures to show you the truck, and they off load, in the street. Now, a very narrow street like this, with a tractor trailer, when a school bus comes along? What happens? Does it get stuck, do the children get off? Again, this has changed dramatically, it’s not something that happened overnight, and when we have complained about things that he has done, I see no change, no follow-up.

See what it looks like now, there is a shipping crate, there is the driveway situation, that is the change from one to the other. Again, when I look out my back yard, it is a big red building. There is nothing that is nice looking about this, they want to put arborvitae, I have a six foot fence, I’m still looking at a big red building. You can see, this same picture, even from my front yard, you can see a red building there. My yard used to be a pleasant place to be, but I no longer walk in my backyard or onto my deck, and say, I really enjoy being out here. I have to turn my back to what is existing out there, and as I say, it keeps changing and changing, and he doesn’t care about what the neighborhood looks like, and these tractor trailers come in. One of the neighbors on Church Street, it’s not only impacting Foster Street, it’s impacting Church Street, he told me how the tractor trailer went over his lawn because he couldn’t make the turn. You have a very narrow street, they need more room to make those kinds of turns. He went up on the lawn. This again, and there are other instances, but you know, you can just see the difference between what I live with and what I am currently living with.

I think it’s wrong for one person to get an exception. This shouldn’t happen. It really should be for the good of all, and I’m not seeing that. They were going to put up arborvitae, but I’m going to let my son talk about that part of it, because I think they think they are going to make it better, but with their history, it’s not going to happen because they did that on the other side, and you can see where they didn’t take care of these bushes, they put in no irrigation, and they won’t grow without that, and so what do I do, I call the town and make a complaint and nothing happens. I’ll let my son talk for a few minutes, I know that you have a limited amount of time. Thank you.

Martin Medhurst, 521 Church Street: I wanted to, I saw the site plan, and I used to be a landscaper for an industrial company. They want to put arborvitae......

Larry Shipman: Can I just make one comment? This isn’t a site plan application right now, this is a text amendment application and a site plan was requested conceptually but there is going to be a buffer requirement and the reason for the change in the application was to allow the town and this Commission to fully have oversight over the landscaping. I’m not trying to argue with you, I’m just saying that that plan was conceptual in nature.
Audience: Would the Chairman please ask Mr. Shipman to speak again at the proper time which is at the end of.....

Chairman Aieta: We’re going to put this back in (inaudible). The attorney is correct, we will only talk about the change, if this change goes through, they would have to come back and request a special permit and this Commission would determine the buffer.

Martin Medhurst: Which is absolutely perfect, and I really hope that that is the case. The site plan, first of all, when you are looking at it, is really bad for the town. This has been a continuing problem with Fasal Tools. Looking at the old site plan there was, in 1985, and this is recorded in the town hall, if you go by that, there is 8.5 addition to the back that is now on the foundation of the building. This goes into the neighboring church property line by 1.2 feet, as shown on the plan. There is on top of that, on the western side of the property, has a wholly graded (inaudible) which they added onto in the early ‘90’s, and water that has flooded the back yards. Their site plan is either poor, or non-existent, and again they would like an exception so they can make a plan so we now have to deal with something new, this is not about a site plan. This is about a continual substantial disregard for the area around it. Again, I’ve worked on industrial land for years, and I have seen quite a bit of stuff and this site plan is really disrespectful. The town has known for being (inaudible) to being brought out that the nine or so months that this has been an issue. It should have been brought out before the first tree was felled, before the first stone was dropped. It wasn’t. It is going to continue to be a problem because he is (inaudible) to this day. He is four or five feet from the property line, and when the cars start up and they sit there and have lunch, and they pump carbon dioxide back into the property line. It is disrespect to this zoning board and to the neighbors. I think that covers everything. I cannot see this plan being good for the neighborhood, and again, it is going to lower the property value of everyone in the area to support one person. I love my house, I’ve lived there my whole life, I was brought home from the hospital to there. I don’t want to see it turned into a factory. Thank you for your time, I really appreciate it.

Chairman Aieta: Anyone else wishing to speak in opposition? Please come forward, state your name and address for the record.

Ted Eckert: I live on Foster Street and I have extensive knowledge of what is going on over there. I’ve lived there for 77 years, my father owned the property and he built a small shed on the property to house the tractor and then he had an offer from a friend of his, and he built the factory, so he did build a small manufacturing operation.

Chairman Aieta: When was that sir? Do you know what year that was?

Ted Eckert: I’m thinking it was probably ’42 and then that stayed that way for years and years and years. He had a small amount of people working there, he had four or five cars and it was not objectionable at all. It was a nice place, it was decent.

Chairman Aieta: At that time when he built the factory, were there any houses in the area?

Ted Eckert: Yes. Charlotte’s house was there, and Mr. Fritz, he built houses in that area. Later on, I built mine and my brother built his. It was a dirt road when we first built our houses there. So I would like to back up what Charlotte says. It seems easier for Mr. Shingrot to ask for forgiveness than for permission. He goes ahead and he develops, and he does what he wants, and then when he gets caught, then he makes it better.
I would like to show a letter if I may, I have a copy here, this is in regards to the grading operation that Charlotte was talking about. I’ve seen this property, I’ve worked next to this property for years, and the original owner of the factory, or the original operator of the factory used to dump his chips out. The chips would go on a piece of wood, and all of the oil would drop down through the slats onto the ground and run off, and then they would pick up the chips, put them in 50 gallon drums and ship them off, so my contention is that there is still contaminated soil under there.

I have been in construction my whole adult life. I have done grading, site work, utilities, I saw Ascop Company was grading the parking lot. I stopped to look and they were grading everything off to the west and the north. Foster Street is off to the south. There is no accommodation for any (inaudible) water, which is illegal. A person when he builds a building like that has to accommodate their own surface water. He doesn’t. He accommodates it in my yard, and my brother’s yard. I have a picture that shows the water coming off of the building because the downspouts were broken for years, they have been repaired. Any surface water from the parking lot, from the roof, still goes into my property. That’s wrong. I wrote this letter 48 years ago, and it hasn’t been fixed yet.

In the mean time Mr. Shingrot has added on, added on and added on. He put a big cooling vent or something on top of the roof. I don’t know if the roof is structurally built for that, and it may not hold it, it may hold it for a while, who knows? He does everything in secret, and I know this is about getting the parking lot done, but this is just ongoing, ongoing. Mr. Shingrot, I have known him for years, I have known him when he was in business with his brother, Sal. However he has done very well, and I commend him, but he has grown bigger and bigger. Like Charlotte says, we counted twenty-five to thirty cars in the parking lot, on a residential street. We have cars parked in front of our houses from his place. I agree with Charlotte, I think he has outgrown his space in the neighborhood. In fact, if you are trying to accommodate the new railroad building area, you want to control it, right? Are you planning on putting a factory in there? No, because it doesn’t belong there, but I would say, this is an ongoing thing, this parking lot is only minor. The things I have seen, the contamination, the drainage, and now the parking lot, so you can stand up to him, stop him now. That’s it.

Chairman Aieta: Anyone else, come forward, state your name and address for the record.

Chris Dutro, Foster Street: Like Mr. Eckert said, when we moved in about thirty years ago, the factory was there, it was small, not obtrusive, and we were glad that there is a booming economy and he is able to employ a bunch of people. That’s a great thing, he’s got a nice contract with one of the big aerospace companies and he is improving his business, that’s the American way. But one of the things that bothers me about this situation is that there is supposed to be a permitting process in town. I myself have built, I have built an addition on the shed, an addition on the back of my garage. I had the inspectors come by, I respected their opinion about how deep the foundation, the footers had to be and all that stuff that they signed off on. About fifteen years ago I wanted to expand my house, put an addition on the living room portion, essentially bump out my house about five feet closer to the street. That permit was denied because they said, even though I’m thirty feet off of the street, they said that encroaches too much into the residential nature of your street. I said, but I can drive around the neighborhood and see scores of houses that are closer than I am proposing, and they said, well, that was then, this is today, and what we want to do today is to maintain a residential nature of the street. This parking lot that this gentleman just decided to make on his own, without a permit. It’s not, I see the cars parking two feet from the property line now. That place is full. It’s great that he’s going well, who doesn’t want this man to get as many contracts and do as much work as he can, but this parking lot is now a gravel lot. He cut down a line of trees, and just put in this parking and now all of his workers are parking there,
and it's not properly graded like Mr. Eckert said, it's a gravel lot. I'm guessing that since it's on the Church Street side that any runoff will run into Foster Street. There are a couple of drains, smart drains, and one of the drains has the sticker that says, this drain runs into the sound, please don't dump any pollutants in here. I worked in a machine shop during my life, and you know, the by-products of that business, I just think that since I can't build a house that is five feet closer to the road, and I still have another twenty feet of space to apply to the residential feeling of the neighborhood, how can he put a parking lot a foot away from the next person's yard, and have cars parked all the way along the back of her fence line, and he just does it without asking the approval first.

I had to apply for a permit, and the Town Engineers came out and gave me advice and told me that this had to be like this, and then they signed off on it. Then when I applied for a permit for my addition, they said you can do that off the back of your house, but not the front because of the neighborhood on this residential street. I'm not that far down the street from the factory. My wife, who is here also, yes, the trucks. He has 18 wheelers, not just the shorties, come down the street, turns on Orchard or Vinyard, sometimes he doesn't take the first turn, he goes past our house, and one time a truck clipped a wire and just left it dangling. Fortunately it was a wire to our house that was Frontier which we didn't use any more, so they just curled it up and stuck it up on the pole, and months later a Frontier guy came by and said, hey, what's this wire doing here, and I said well a truck clipped it off and I didn't call because we don't use that service any more. You have trucks coming down the street, right now there are little kids coming back into the neighborhood which is great, there are some families up the street but our children are grown and gone now and now I see mothers walking their babies down the street, I just think it is something that you guys should consider that this could destroy the residential quality of this street. Thank you.

Chairman Aieta: Anyone else wishing to speak in opposition to this application? Seeing none, we will open it up to the Commission for comments at this time. Comments from the Commissioners?

Commissioner Pane: This is for the Town Planner. I believe at our last, two weeks ago the packet, when you were away, in your report on this application, you mentioned that there was several different options, and this is the option that he chose to bring. I was wondering if you could explain all of the other options to us that were considered in your meeting.

Craig Minor: One that I recall is reaching an agreement with the church to the north to allow their employees to park on the church parking lot and literally cut through the woods to get to the tool shop, that was one possibility that we discussed. We also discussed other places to put the parking, much closer to the building and not in between the buffer area and the building, but that is the one that I remember most, parking in the church lot.

Commissioner Pane: Thank you.

Commissioner Sobieski: Mr. Planner, I have a couple of things, there should have been a buffer in there right now? This lot, the way that it is, and not two feet away from people's property, or a foot, whatever it is?

Craig Minor: There shouldn't be any parking there at all.

Commissioner Sobieski: So he is already in violation at the present time?

Craig Minor: Right, that's why he is in front of you.
Commissioner Sobieski: With this change that they are asking for, will this affect the property values of the houses around it?

Craig Minor: I'm not qualified to answer that.

Commissioner Sobieski: Okay, and my final one is, there just seems to be an awful lot of issues that I'm just hearing now that I would like you to look into. If there is a building one foot over on the church property that needs to be addressed by somebody. If he is doing things on the weekend and we have gone after other people on Day Street, backfilling on weekends, I think this needs to also be addressed. Just my opinion.

Chairman Aieta: Any other Commissioner remarks, questions? You have an opportunity to rebut.

Larry Shipman: I want to just clarify a few items. First of all this is a residential street except there is an industrial zone in the middle of it. Other than, even if you change the zoning and made that a residential zone, this would be a grandfathered non-conforming use. I'm not sure that if this particular business left and they sold the property whether or not another manufacturer would come in or not come in. The other issue is what we are asking for is to bring this property, that would allow us to bring this property relatively into compliance, but in order to do that I think, and I can't speak to the encroachment on the church other than I think the church at this point would probably have to raise that issue of encroachment, I'm not sure if it's a zoning issue.

The parking lot, if this zoning amendment went through the Town would be able to force a buffer and right now I'm being told that the cars are being two to four feet from the property line. It would be a 25 foot buffer by your own regulations, and that buffer will be vegetated with vegetation of the Commission's choice. Right now I think the way that it is written there are two provisions in your regulations under that buffer; one is that you have great discretion, the other also being that it be a 25 foot buffer with a staggered row of trees. Right now that site plan that was presented does not address that buffer at all. Mr. Minor pointed that out in the meeting that we had. We didn't address it any further because it is a two step process. Yes, it has taken a while but without the text amendment there is no need to come back with a full blown site plan. Mr. Bongiovanni has put some work into it and I know that he has spoken with the engineer, and I think the Engineering Department would obviously have a say in all of the drainage that is going on, and this would no longer be a gravel parking lot. This would be a paved parking lot with a 25 foot vegetated buffer. I think they are asking for, there would be a maximum of ten vehicles and it would also change the entrance of the property which part of this is to allow some better circulation for the trucks. I think part of the problem with the tractor trailers is that there are employee cars in the way. This would allow for some circulation and also some conditions that could be placed on the application at the time of the special permit, if it were to go to that.

As far as contaminated property, I don't have any knowledge as to whether the property is contaminated but if it is, it's probably unsalable at that point, or undevelopable as a residential parcel at some point without a lot going into it, and for one residential lot, that is probably not going to happen. So would you want to have a dilapidated building there at some point in the future? And true, they did cut down the trees, and I think that is partly why this process began because it is under zoning enforcement under a cease and desist and those trees can totally be regrown at this point and this plan would allow for that. Otherwise, I'm not sure that there is any requirement that they plant new trees on that residential lot and the view will be a not so attractive brick building as opposed to a building where you would have the ability to regulate how much screening is provided, where any outdoor lights would go, control the drainage so that it is not running into the street or other properties, if it is running into catch basins that would be tied into the town system, so not to speak to the site
plan, at this point or a special permit application, but I think by allowing this text amendment what you do is you will gain some additional oversight into this particular piece of property. It's nobody's fault that at some point, and I haven't gone back through the zoning regulations in history, that at some point this lot remains zoned Industrial. Eliminating Frasel Tool won't necessarily eliminate an industrial use on the property. It's not light industrial, it's just plain industrial. It could be anything. I can't speak to all of the things that have happened in the past, but I know that this application as written would give the town a lot of oversight, otherwise they may not be able to put on additional employees but they don't necessarily have to change the current operation. Again, I can't speak to additions that have been made in the past, I haven't looked into the building department and there is no reason for me to not believe the neighbors that things were done on the weekends, but this plan will require the Town Engineering Department to approve a full blown parking lot with drainage, trees, buffer. It's not an ideal situation but it may be better than the situation that is on the ground right now.

Chairman Aieta: Thank you. The people that were against it will have an opportunity to speak one more time. Keep your remarks brief, and I'll allow one person to come up and rebut.

Charlotte Lipka: I would like to speak to the fact that potentially that we would be better, well, the town is always here and available to be able to do something about this. It didn't happen. What makes me think that it is going to happen? What about the value of my property? It is substantially, I know that the value of my property is much less, that's not going to change, probably not in my lifetime because there isn't a lot of time to get the trees back up there, and the fact is, this man does what he wants when he wants, and yet I have to call. Nine months, he has been parking there, what makes you think he isn't going to do that again. If you change this, that would be a (inaudible) for him in my mind, so he will continue to do what he wants, when he wants because you just gave him that kind of okay, to say, good job, you did the temporary thing, and now we can go forward.

The other thing, they were talking about trucks. This lot will not have an impact on those trucks. They do have the ability to back in, and I actually had a picture where they actually backed in, there is a ramp on the other side of the property, and there was a truck there just the other day. Now, the tractor trailers are not going to do that because it takes too long to back in that little tiny area, so if they have a quick off-load, they will just jump off onto the road,

When the attorney said that the houses weren't there, my house was built in 1939, my house was there before them. You know, what he has done, he has made that really ugly, he doesn't care about the neighborhood, all he cares about is his bottom line. When he was approached by the town he didn't move his cars, he didn't do anything, he didn't put a plan in place. What he did was, he kept parking there and I had, I kept sending e-mails, every day, here's a picture, they're still parking, here's a picture, they're still parking there. Now, when did he make the change? When Andrew Armstrong sent a letter, certified letter, that said starting this day there will be a fine, and I think he said $300.00, I can't remember. But he said, you will be fined every day for illegal parking. Well, guess what, the plan came up. This is how he works, and if you give him an inch, he takes a mile. I don't think this is good for the neighborhood. I think that is the whole point, with all of the past things, this is how he does business. That is not a good thing to do in this neighborhood.

One other thing, I went around and got signatures so that other people could be counted even though they weren't here and I would like to be able to give that to you now.
Chairman Aieta: How many signatures do you have?

Charlotte Liska: There are fifteen.

Chairman Aieta: Would you give them to the secretary to be included into the record please?

Charlotte Liska: Yes. And like I said, he has been notified of these issues but obviously he doesn’t care. So what this says to me is that if you change this, he does bring another crate in and put it in that parking lot. So, that is what I wanted to rebut.

Chairman Aieta: Okay, we are going to close this and bring it to, for conversation at the next meeting.

Commissioner Claffey moved to close Petition 21-19 and move it to Old Business for the next meeting. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Aieta: What we are doing is closing the hearing, I think we have plenty of public comment on it, we have a record of all of your information, and at the next meeting the Commission can discuss it and they can either vote on it or put it off, we have 65 days to act on it. That is the procedure for the next meeting, so if you want to call Craig he will give you all of the information you might need.

Charlotte Liska: In the meantime, does he continue to park there?

Chairman Aieta: Mr. Planner?

Craig Minor: Yes.

Chairman Aieta: We will get to a resolution in the next couple of weeks. At the next meeting we will discuss it and come to a resolution.

Charlotte Liska: Thank you.


Chairman Aieta: Okay Mr. Brecher, introduce yourself and your guest and continue with the presentation, as brief as possible because we had a full blown 45 minutes last meeting.

Andrew Brecher: Thank you. I am Andrew Brecher, representing the Newington Town Council and I gave, I’m told a fifty minutes presentation at the July 10th meeting and so I am not going to repeat any of that information. The only thing I would like to add to it tonight is to clarify a couple of things that were stated in the press that were not exactly accurate. The first is, we are talking about a total of 64 acres being covered by the TVDD regulations, 44 acres south of Cedar Street and 20 acres north.

TVDD is not looking to replicate Blue Back Square in West Hartford, the buildings will be smaller, they would have more of a New England style architecture and the targeted demographic, although it will still be high end, will be slightly less affluent than what Blue Back Square is targeted to, plus it would be parks because Blue Back in total is only about 12 acres, so this would be something that would be uniquely Newington.
As far as timing, the DOT begins its annual capitol funding process in the next couple of weeks, so it would be wonderful if we could get a decision from this body sooner rather than later so that we could have a chance of getting into the timing at DOT. With that, I will conclude my remarks. The gentleman I have sitting to my left is David Elder, from the Department of Transportation, he is here representing the Commissioner. We had a wonderful meeting with the Commissioner of DOT yesterday and even though you have heard the representations as to what DOT has told us, I thought it would be valuable to hear from a representative of DOT himself, so if you will allow me Mr. Chairman, I would pass the mike over to Mr. Elder.

David Elder: I'm a transportation planner with the Department, also with me is Elise Greenburg and the two of us together have been working on development planning and looking to add to the new services that we have operated over the past two years. CTFastrack and New Haven-Hartford-Springfield program and Newington is fortunate to offer these services to the community. If there are specific questions I would be happy to answer them, but just a quick background. This is my third time in Newington talking about a train station in the Town of Newington. I made a presentation to the Council and then I also made a presentation at a public meeting on it, and we are very happy to see that the Town is becoming more supportive of having a train station to begin with, and then secondly allow some economic development policies around the station, and it should be a great catalyst for economic development, so we are happy to see that the Town is embracing this.

Newington has always been slated to have a train station, it was part of the original environmental document that we prepared and submitted to USDOT to get funded for the CT rail line that goes from Hartford to Springfield. We have not been granted any funding to actually design a station in Newington for several years now, we knew that there was significant opposition to a station and also there were moratoriums that were enacted on housing in certain areas. So, again we are very happy to see the Town moving in this direction. We did meet with the Commissioner and our Bureau Chief of Transportation in the department and we would be able to add funding back into the New Haven-Hartford-Springfield line program which is the program which is funding the entire project, the stations and the track completion, and we would be able to do that in our upcoming capitol plan. Again, I can't make any commitments as to when the station would be constructed or included in the funding that we do have available to us for the program. The only station that is fully funded right now is the Windsor Locks station, and that is the way that the program works, so the program works in phases. You start off with the planning phase, then the design, then the right of way, and then you move into construction. You would be back on the list where the other train stations are.

Chairman Aieta: Talk about Cedar Street.

David Elder: Cedar Street, oh the traffic. So, I apologize, we realize that a train station doesn't happen without other improvements for the station and the traffic that happens with it. Some areas, like Windsor Locks, the train station would not be able to be constructed without doing traffic improvements, at the intersection of Bridge Street and Main Street in Windsor Locks, and those projects are part of the station, so we know in order for that station to be constructed we had to address the traffic problems. We recognize that the same thing would have to happen with Cedar Street as well. I should also say that we are in our early planning dates, so we don't know if there are traffic alternatives or are there traffic solutions already for that, we also don't know what the exact station design would be at Cedar Street, so those are the types of things that we still need to address, to identify, and the cost which would drive the time that they could be constructed, but as Andy said, we are actively working on our
The reconstruction on Cedar Street, would the work be done in conjunction with the station?

David Elder: Yes.

Chairman Aieta: Do you know the extent of the work that we are talking about, from Route 9 to the station, Route 9 to the center of Newington, talking about Alumni Road, are there any specifics?

David Elder: We would do a traffic study to see what the extent of the impact would be from the station, so we would do a study to see what kind of traffic patterns are created, what is the additional demand that would be created by the station, and then we would develop a scope in terms of how far each of those would need improvements. I actually drive through that intersection twice a day during the peak periods, so I know how bad the congestion is and we are aware that when I-84 backs up that the traffic gets worse, so it depends on what the extent of the traffic would be, so we wouldn’t just look at the traffic that exists today, we would look for a twenty-five year horizon to see how much traffic would be twenty-five years from that, so we would try to identify alternatives to mitigate, in addition to the traffic today. I don’t know the exact scope limits, we would have to identify what they are based on what the conditions vary with that growth factor. It could be a much larger area than what you just mentioned.

Chairman Aieta: I know, I’ve seen your presentations to the Council and I saw them on cable TV, and one of the councilors mentioned that he thought Cedar Street should go on a road diet where we have bike lanes, sidewalks, and cut down the number of traffic lanes because this street is being used as a cut through from 84 to 91, going right through the Town of Newington. With the addition of the train station, another couple hundred more cars down there would be a problem. Would that be the direction that they are looking at, or are they looking at expanding the road and making it more lanes and it would be worse than it is today?

David Elder: I can’t say definitively what will be done, I would leave that up to what the study finds, what the alternatives are, but typically a road diet works where you have more capacity than you do (inaudible), so where you have excess capacity. I don’t know that you have excess capacity, but I don’t know if there is excess capacity during peak periods. That doesn’t mean that a road diet somewhere else couldn’t happen, but like I said, until we see a study, I doubt if that is a possibility. We certainly do know that this is the part of the presentation of having pedestrian sections between the station and Cedar Street and CTFastrack and maybe the University. That could be part of the project.

Chairman Aieta: You are saying that sidewalks would be part of the, at least from the station to Route 9 and the University?

David Elder: Yes.

Chairman Aieta: Any questions from the Commissioners for the representative from DOT?

Commissioner Woods: Mr. Brecher’s presentation, he led us to believe that the station would be where Sousa Heat Treating is. That is the highest elevation along that corridor, and you
would have to deal with the transition from the east side to the west side. To me, it seems like the most difficult spot to pick for the station. I was just curious was to why they would want that there.

David Elder: The corner’s accessibility and proximity to Cedar Street, we did look at the other side, the northern side of Cedar Street, and there are some horizontal challenges there for ADA, the American’s with Disabilities Act, we need to accommodate everyone, so elevators would have to be part of the solution. The other issue is the traffic itself, and that is on Fenn. We wanted to go south of that so we could get out of that bend, north on Cedar Street we were high on the bend, that is, we try not to build platforms on a bend, so we wanted to come south where we could still be close to Cedar Street but not so far south that we would have to acquire more land than necessary. That is a good point, and once we get into design and survey and we would see if we could more further south on the side to accommodate a better station.

Commissioner Woods: Just on that particular parcel it makes sense to me that the station be shifted in a little bit......

David Elder: Further south?

Commissioner Woods: Further south, I’m assuming that this station is going to be very close to the Meriden/Wallingford station where you are going to go up forty-five feet, cross over and then come back down again.

David Elder: I will go back and look at some of the technical information of the study. I vaguely recall that there were some wetlands on the other side of the tracks, I can get a better answer for you.

Commissioner Woods: Again, the station would be similar to what is in Meriden? Thank you.

Commissioner Sobieski: Are you going to have like a walk-over where the pedestrians can get to the other side of the tracks?

David Elder: Yes, it will be ADA compliant?

Commissioner Sobieski: With elevators?

David Elder: Yes.

Commissioner Sobieski: Would this be a switchback?

David Elder: No, we would be building it with elevators.

Commissioner Sobieski: I used to work at DOT, that’s why I’m asking.

Chairman Aieta: Because this site has a tremendous amount of wetlands on it, you would be touching base with the Conservation Commission of the Town of Newington, or are you, or is that part of the process here or not?

Andrew Brecher: As I pointed out in the formal presentation, the first hearing, there is not actually a tremendous amount of wetlands, there are wetlands just west of the property, which makes almost the entire western edge of the property within the regulated area, and I had suggested that with the little bits of intermittent waterways, that it was most likely that any
site plan would have to go to Conservation Commission, unless it was just that perfect piece that didn't happen to touch on anything, so I think each individual site plan will be subject to the appropriate review.

Commissioner Pane: Mr. Chairman, I wonder if it would be to our benefit to have Wetlands review this so that we would hear from them what the impact might be for the whole site concerning wetlands and environmental and then that way we would have a better chance to act on this, we would have more knowledge. We usually do get their input on everything. I would think this should go to wetlands.

Andrew Brecher: While I agree with Mr. Pane all of these applications for particular projects need to go to wetlands, I remind the Commission that this is a text amendment so at this point Mr. Pane, all we are actually requesting is the ability for people to submit site plans, and obviously would have to go to all of the reviews any other site plan in town would be required to do, with the addition of everything else that is required by these regulations.

Chairman Aieta: Any other Commissioners?

Commissioner Braverman: What will happen if the zoning proposal fails?

David Elder: From the state prospective? It would be an indication, I think it would be an indication to the Department that Newington still has a question was to whether they want a train station. As I said during the presentation, there are other municipalities that are actively coming in, as a matter of fact some of them are offering municipal bonding to help with the stations because they know right now that we are juggling money constraints in the department, so there are other municipalities along the line that are very eager to get a station. They have been updating their zoning regulations, they have been updating their economic development policies, some of them have been creating FIT districts, which is a type of financing that municipalities can use to help make improvements to the station, so I think, it's my opinion, it would be an indication that Newington is not very interested in having a station.

Commissioner Braverman: So it would be a benefit to Newington if we did approve this.

David Elder: Based on all of our studies along the corridor, absolutely.

Commissioner Claffey: I have a question for you sir, the town, city of Windsor, how long has this been in progress, has dirt been moved, where are they in the time frame of kind of, when you sat with them, as you are tonight with us, can you give me a clear.....

David Elder: Let me be clear, Windsor Locks is the one station that is going to be constructed. Windsor also has a station, and they, we have a temporary station in Windsor, we also are actively designing a permanent station in Windsor, but Windsor had an Amtrak station, that was still operating and because we put in a double track, we had to build another temporary platform on the other side, so both Windsor, Windsor Locks is a new station, that's what I should make clear, Windsor Locks is a brand new station, and Windsor also has a station that is a temporary station and we are designing a permanent station as well. Windsor Locks was a community that developed a FIT district that updated their zoning regulations as soon as they heard about the station, and they also have a new development right next to the train station. They just issued an RFP for a development. There was a large parcel, I don't know how many acres, but the developers, the owners were having trouble keeping it occupied. They recently, I think they had a purchase and sale agreement with the municipality, and then the municipality issued a RFP and I believe they just selected a
developer, I don't know what the development is, but they have been pretty eager and when we started talking to them, I think it was, let me get this right, it was 2017 when they talked about TOD and the development project and we finished the design of the station. We are actually getting the specifications for that right now. The station is supposed to be constructed in 2022. So that was five years. That is the time frame that we give everyone. It's a safe time frame, we hope to beat that time frame, but it is essentially five years from the time that we have a station clearly identified to the design permitting process and then it is two years to start the process, so as fast as we can get to the design and permitting process, it's two years to construction, so we say five years.

Commissioner Claffey: At the last presentation you brought up, if you guys build it, or lease it out, or sell it, then you mentioned that someone re-sold it, or lost it, the Town picked it up on their end,

Andrew Brecher: I think the question is, does DOT take land, and then develop it, or does DOT take just what they need, and if they have a surplus, do they then sell it off so that can be developed?

David Elder: Windsor Locks is a good example. What happened in Windsor Locks, we actually owned land, Amtrack owned land and we purchased it from Amtrack for Windsor Locks. There was a large private development, strip mall, right next to the train station and as soon as we committed to design and construction of the station, that property increased in value. The owners, who were currently having trouble leasing the store fronts put it up for sale, put it out to bid, and I think there was an agreement with the Town, but I think the Town offered to buy it from the developer because they wanted out. They had building code issues, they wanted out because they couldn't keep it occupied, and I don't think the Town ever had to buy it, I think it was a purchase and sale agreement and the Town of Windsor Locks issued a RFP for development, and the new developer is going to buy it from the old developer for the same amount of money that the Town was going to purchase it for, and it was never land that we owned, it just happened to be next to the train station. We don't, in fact we can't, buy land that is not needed for transportation purposes.

Commissioner Claffey: Thank you.

Chairman Aieta: Any other questions?

Commissioner Camillo: If this was approved, and a developer came in afterwards and said that he didn't want any housing, how would that impact DOT?

David Elder: Like I said, there has always been a train station in Newington. It's always been part of the program. Right now it's just unfunded, but if the town approves, and that is why we came in front of the Council before, if they actively were endorsing and supporting a train station that we would move forward in designing a train station. We still have to (inaudible) about zoning.

Commissioner Camillo: There is a big push nation wide for development around the train stations, so if you had a developer come and say, I just want to have restaurants, venues, retail, business, medical, would you still design it?

David Elder: Yes.

Chairman Aieta: It's not up to them, (inaudible)
David Elder: We provide the T, the transit part of this, the development that occurs is really something that is out of our hands. We would like to see that happen as an agency because it created more users for the system, more users in the system mean more in the fare box, less congestion on the road, so there are a lot of reasons that we support TOD, but our only aspect of it is the T, and we see it as a catalyst for the other things to happen. And, being the T guy, what I have learned is that what developers are looking for to be able to support and have successful entertainment, restaurants, retail, is, they want people with disposable income to stay in those establishments and ideally, ideally, if you have a transit node, a train station or a bus station or what have you, you have these people within walking distance to all of those amenities. You also, you want it to be a regional draw, so it is possible that yes, we could have an application, and as we put it out there, as was pointed out in the previous presentation, you have that MX-2 Zone which is heavily weighted towards the commercial and you have the MX-1 which is more heavily weighted to residential. A mix of those are unknown at this point.

Commissioner Camillo: You said disposable income, some of that is going to be affordable housing.

Andrew Brecher: We have in the regulations ten percent, the remainder being ninety percent.

Commissioner Woods: I was under the impression from Mr. Brecher’s presentation that DOT was going to buy the whole 44 acres. DOT is only going to buy whatever it needs for the station, is that correct?

David Elder: That’s correct. We may purchase land temporarily for layout, but we would release that.

Chairman Aieta: Any other questions?

Commissioner Pane: One of the Commissioners asked you about the affordable housing and you mentioned that the regulations said ten percent. How does that compare to all of the other stations which the DOT has, I don’t know if they put the requirement on, but most of the other stations work on eighty percent affordable and twenty market. Can you explain that?

David Elder: We don’t have anything to do with affordable housing. It’s not part of our mission. We do work with our sister agencies, we work with the state agencies, but we don’t have anything to do with housing.

Chairman Aieta: Any other question from the Commissioners?

David Elder: I can say, as an example, in Stamford, we had, we did own land, and we needed to build a parking garage, and we actually used, we are exempt from zoning, the State is, but we used their zoning regulations and their master plan, but that is not the case in Newington, we don’t own any land in Newington right now.

Chairman Aieta: We’ll open it up……

Andrew Brecher: I want to thank Mr. Elder for coming this evening, and even though I know he would love to stay here all evening to be able to respond to any questions, if you would allow him to be released so he can go and celebrate his daughter’s birthday, I think he would appreciate that.
Chairman Aieta: We have public questions and comments, if the public would keep their questions and their comments brief, maybe he could stay a couple of minutes and if there are any questions for him he could answer them.

David Elder: Thank you very much for your time tonight.

Chairman Aieta: This is the second hearing that we are having, and we will open it up for the public to speak and ask questions, but we would like to not repeat what we heard last meeting, it was a long meeting last time and we have a complete record of what was said, and who said it, and we don't want to repeat the same thing over. If you have something new to add, please come forward and say that. Is there anyone here wishing to speak in favor of this application, please come forward and state your name and address for the record.

Theresa Addy, 71 Commonwealth Ave: The train station would be an asset to the community, not an immediate asset but a long term investment for Newington. Sixty acres of development for a TOD is a huge undertaking, but let's not also forget that another ten acres of TOD space on the corner of Cedar and Fenn Road that has only produced a Starbucks Coffee shop to date. We also need to make sure that our 2030 Plan incorporates all of the current and proposed TOD areas so that Newington can properly grow and sustain growth in the many years to come, and not inadvertently negatively impact our community. Thank you.

Chairman Aieta: Thank you. Anyone else?

Mary Udice: I was at the last meeting and my comments are going to be very short. I urge this Commission to really listen to the residents of Newington that want to see this project go through. Mr. Braverman asked a very, very good question this evening. What happens if we say no again? We will lose this project. It will never come knocking at our door again and suffice it to say, our grand list will not grow. We won't have this fancy income coming in from restaurants, possible commercial buildings with medical and etc., and if you vote no, you lose this opportunity. I can look around the members of this Commission and I can kind of figure out by your faces what you are thinking, but I really hope that you vote for the good of the town of Newington. That's all I have to say, thank you.

Clark Castille, 167 Connecticut Avenue: I disagree with Ms. Udice, I think the faces here are completely inscrutable, you'd make great poker players. I'm not sure if this is going to repeat what other people said, but I have a final take on this. We think a lot about Newington and we think about it being a small town with a small town atmosphere, but the truth is Newington is a classic example of old fashioned urban sprawl. That has it's charms, but a lot of towns, towns like Newington, they are bedroom communities and have been for the last twenty years and property rates have been increasing faster than property values, property tax rates. That trend has to be reversed or we are slowly going to become poorer and poorer and poorer and I think we are faced with a tremendous opportunity to be able to reverse that trend. I, one of your members was kind enough to lend me his personal copy of the 72 page plan. I missed some of the presentation, but I think it is really well thought out and I want to, without going into details, it is an opportunity for growth in an area which I think for most people, people will be happy with it. A lot of people from Maple Hill and Ponderosa who expressed some reservations, obviously the value of their homes are going to increase. If we are lucky, as that happens, the mill rate won't increase so fast. The criticisms that I have heard sounded an awful like they come from the same mentality, a mind set, I don't know how to say it, they created the problem in the first place with housing policies. We really now have the possibility of undoing the damage that Cedar Street did, which from what I can see in the nineteen years that I have been here, has done more than anything else to ruin the small town atmosphere of Newington. So what I'm asking you to do, please don't apply the
standards of seventy years ago that created urban sprawl in the first place, to try to undo the
damage. I mean, as far as the tax rate goes too. There are a lot of antiquated notions. You
don't want urban sprawl, I mean, the phobia here of a six story building instead of a four story
building, I don't understand it at all. What do you want to do? Spread out further? There are
a lot of things, I think traditional thinking and zoning committees for the last seventy years
have been part of the problem. Don't use the same criteria to try to fix the problem. There is
something else that came up, and I don't, no, I pretty much have said what I wanted to say.
Thank you.

Chairman Aieta: Thank you

Clark Castille: The Cedar Street improvements, I came up here from New York and I thought
I was on the BQE again. Anything they can do to fix that problem, and if this is going to be
part of that, and it sounds like it is, I think we should all be for it. Thank you.

Chairman Aieta: Anyone else in favor of this application?

Bill Prentice, 61 Maple Hill Avenue: The thing I want to speak about is the DOT and Cedar
Street. Cedar Street is a nightmare and it's going to get worse. They should target it as
Eddy Glover Boulevard, have little islands, you have stop signs, and people don't use it as a
cut through because it is not going to save any time. Go back to where it was when I, I was
born in this town. It was two lanes, one up and mountain and one down the mountain, that
was it. We don't need, I mean, now they want the five lanes, turning lanes. Slow them down,
piss them off, they won't want to go that way any more. Make it a living nightmare for the
drivers. That's all I have to say. Thank you.

Neal Ryan, 237 Brockett Street: Good evening, my name is Neal Ryan and I live at 237
Brockett Street. I want to state that I support the proposed transit design project, TVDD and
the railroad station. I think it would be a plus for the town in terms of increased grand list, and
also the possibility that this project would turn Newington into a destination spot for people, in
a manner similar on a lesser scale to Blue Back Square. Over the year, in an example of bi-
partisanship our state rep Gary Turco and legislatures support the TVDD project and voted in
favor of a railroad station. Now you are talking about the land of steady habits, and having
lived in Newington for some time, I still think that Newington is at the center of that land. I
think we have an opportunity to do something positive here. This project is forward looking,
not stopped or looking backwards. The proposed location of the project is in the western part
of town, in an area that is mostly commercial. It doesn't appear that the project would any
type of disruption in any of our neighborhoods. I live on Brockett Street, only a stone's throw
from the Berlin Turnpike. I'm not impacted from a lot of traffic or noise from there. From my
front door I can't see the turnpike or hear anything. I have three restaurants near my front
door, South End Bakery, Artichoke Pizza, and Puerto Vallarta.

Now counter check to this proposal. In the future, I can't image any developer or business
approaching this town with any kind of building proposal. I think we run the risk of being lost
in our own little bubble if we turn this project down. I sure hope that doesn't happen, and in a
related matter I can not understand why after five and a half years the National Welding site
is still vacant. I can't believe that a developer has (inaudible). Translate the development at
both the railroad station and a bus station should be seen as complimenting each other, and
with that, I thank you for your time.

Chairman Aieta: Thank you. Anyone else wishing to speak in favor of this application?
Seeing none, anyone wishing to speak in opposition to this application?
Unidentified: I didn’t come here originally to speak in opposition, I was still confused and I’m still a little confused on which way I stand. I just chose to speak in opposition because after listening to the agenda item before, I’m very concerned, because you are talking about a small street of people having huge problems with one small company. Now this transit development is going to be you know, sixty acres and it is going to run along people’s back yards on Maple and Ponderosa, so I’m thinking what kind of problems is this going to cause for all of these other residents here in town. Mostly, I have questions. Mr. Elder says that in Connecticut there has been economic development with these train stations, and I was just wondering which towns those were, and he stated that Newington can get back on the list, and I was just wondering what towns were currently on the list. Also, if the state is happy with us just embracing business, why aren’t there plans to update and expand the industrial parks rather than this large residential development? That’s it.

Chairman Aieta: I’ll allow Andy to answer some of the questions if you would.

Andrew Brecher: In terms of the catalysts, Elise I think can back me up here, there have been projects in New Britain, Meriden, a whole new redevelopment area there, there are some things going on in Wallingford, there are plans in Enfield and Windsor as Mr. Elder talked about, and there are probably some more. In terms of the other stations, we are talking about Enfield, Elmwood, Newington, and North Haven. I think those four are considered to be kind of in the same bucket.

Chairman Aieta: Any Commissioner comments? Questions? Motion to close this hearing?

Commissioner Fox moved to close the hearing of Petition 23-19. The motion was seconded by Commissioner Sobieski.

Chairman Aieta: Any questions or comments on closing the hearing?

Commissioner Pane: I would have liked to have more information on the effect on wetlands. I would have liked to have more information on what kind of road improvements were going to be done, because I don’t know whether or not these road improvements that they are talking about are going to be beneficial. How far the road improvements are going to go and I don’t think we have enough information, but that’s just me. Thank you.

Chairman Aieta: Any other comments, Commissioners?

Commissioner Camillo: At the meeting last week it was mentioned that there were environmental problems concerning residential development, did anyone speak to that?

Andrew Brecher: As I stated at the last meeting, there are always issues when you have environmental contamination and you are talking about residential development or actual commercial development. This property is under a ELUR, environmental land use restriction, not the entire property, portions of the property and Textron has been hard at work and spending oodles of dollars for many years to address all of the environmental concerns. Bottom line is nothing gets built if it doesn’t meet the environmental requirements. That’s on the developer. If there is enough money to be made, and the developer wants to excavate fourteen feet, they can build anything that they want. It’s just a matter of whether that would make it economic sense to do so.

Commissioner Camillo: We are now looking at the 2030 Plan, would this change (inaudible)
Andrew Brecher: I would say no. The 2030 plan, I have had two meetings with the consultant, with your consultant on that, he asked me a lot of questions about this development, this is an opportunity site, I believe you will find when you actually put that plan together, and I think it actually makes sense to have the Commission decide one way or the other right now how they view that today, and so that is being incorporated into the 2030 Plan. Again, these are overlay regulations. They don’t change anything. Someone spoke about, if you want to put all industrial there, by all means. Come in, buy the property, redevelop it as an Industrial Park, all the while under our existing regulations.

Commissioner Claffey: I agree with Commissioner Pane about the wetlands, it seems as it has been, I know this is a TOD overlay, but we have wetlands in here, some minute things and here we are, we have no people from wetlands sitting before us in all of these presentations for a sixty acre site in our town. I think that is a little oversight of some sort, I mean, we’ve had the Fafnir Property and that little bit of land in the back corner of two years ago when the Jump House came in for zoning, and we sent it back to Wetlands for a minute, but sixty acres, there is not one representative here from the wetlands to discuss how they feel about it.

Commissioner Woods: I think those are valid concerns if we had an application in front of us. We have a text amendment. So we will have that opportunity once the applicant is in front of us. Just because we right now may pass this, and allow this to move forward doesn’t mean that the six story building is going up, doesn’t mean anything will be built unless wetlands is satisfied. We’re trying to do things within our ability, and we can only approve this right now because there is no plan. Other than we know that DOT is interested in putting us back on the list, as we had been in years past, in getting a station in Newington.

Commissioner Claffey: I hear you to an extent, but there is a seventy-two page plan that was presented to this Commission. Seventy-two pages that someone studied, presented it, researched it, and sat here and said, these are the plans, what do you want to do? So, I know what you are saying, but…..

Commissioner Fox: Commissioner Claffey and Commissioner Pane, I can understand your concerns, this being such a large project, but at the same time, I have to definitely agree with Commissioner Woods. This is a, no site plans have been discussed, no site plans have been submitted, this over lay can be left the way that it is, we can modify it, and until we do have a plan to approve, even then, there will be time before we have to look at the site plan, worrying about wetlands, and I think you are putting the cart before the horse, and I think we have to start thinking about what we are doing now, and not looking at the fine lines for this transit district.

Commissioner Braverman: In regards to what David Elder had to say, basically was asked about the train station. Was he anything to do with housing? He said no. He said this is just about the train station from the DOT, so therefore, if we are going to be moving forward, and I don’t want to see Newington be a ghost town, I think we need a train station from my perspective based upon with Mr. Elder said, and it has to do only with the train station. At this point in time, that is what is on the agenda.

Commissioner Woods: There is a motion on the table, I think we are a little out of order, the motion is to close the public hearing. If we are going to discuss it……

Chairman Aieta: I’m allowing discussion on the motion. If you want to call the vote, well……
Commissioner Woods: I don’t want to stop this, but I thinking we are getting into the merits of the work of the body, and the motion on the table is to close the petition.

Commissioner Pane: We haven’t even addressed the exiting 2020 Plan which recommends, strongly recommends, and discourages housing in our Industrial zones. So, I’m not sure if that needs to be explored, I think that we owe it to the residents to make sure that we are protecting the residential zones. We had a lot of people talk about six story houses in their back yards, with cars in the back yards. I’m not feeling comfortable with the regulations, not fully comfortable with wetlands, I’m not fully comfortable with what kind of improvements that are going to be on the road, so I don’t have enough information to determine whether or not I would feel comfortable on approving the overlay zone, and that is why I would like to leave it open and gather more information.

Chairman Aieta: There is a motion on the table, we’ll have a role call vote, the Chairman will vote last as to whether we will close the hearing or not. Yes would be that we are closing the hearing, no would be that you want to leave it open.

The vote was in favor of the motion with four voting YEA and three NAY (Pane, Camillo, Claffey).

Chairman Aieta: The vote was to close the hearing and we will discuss it, start discussion at the next meeting. That does not mean that we have to act on it at the next meeting, it just means that we will start the discussion. I think we have heard from the public in an overwhelming response that they are in favor of this petition. I have heard very few people come in and speak in opposition. I thought that we were going to get an onslaught of people saying that this was the worse thing since I don’t know what, but it didn’t turn out that way. People are probably looking at their tax bills saying, we need something to generate a more stable tax base in the Town of Newington. I’m not sure if this does or not, but people have spoken, they want a train station in Newington. That is what we are voting on and this overlay district is to give the Department of Transportation the impetus that we would be looking in favor of having a train station on Cedar Street at that location. As far as the overlay zone, as far as Industrial, if someone came in there tomorrow and wanted to put in an industrial business, these regulations do not change the zone, the underlying zone. The underlying zone is Industrial. Someone comes in there tomorrow and wants to do something industrial with those pieces of property, bring it in. If it is a good plan, we will approve it. It doesn’t mean that to have an overlay zone that we’re discounting industrial on that piece of property. It’s just giving us another opportunity to look at some other thing, other options for that piece. Let’s look at it, if you look at that whole area, someone brought up about the National Welding, we have parcels there, up and down from that piece down to Route 9 that are developable that have had nothing happen in years, so this gives us another opportunity to examine what we can do with that piece of property. I don’t see where anyone came out and said, we don’t want the train station on that piece of property.

Commissioner Camillo: People are on vacation.

Chairman Aieta: This thing has been advertised ad nauseam. It’s been in the paper in the last week or so, or the last couple of weeks, I’ve read four or five articles on this in the Hartford Courant, in the Town Crier, I have not gotten any phone calls from people saying that they thought that this was a bad idea. Usually when something sensitive comes up and people are against it, I start getting phone calls, you are saying there is no one around, people came and spoke and if they were interested, they could send a letter or something. At this point I will have the Planner read the letters that we got in, into the record.
Craig Minor: The first one is from Dave Marsden, 73 Maple Hill Avenue: My name is Dave Marsden. I have lived at 73 Maple Hill Avenue for some twenty years. I have been a member of the Economic Development Commission for many years and I am a professional realtor.

My property backs up directly to the area proposed to be covered by the new Transit Village Development District Regulations. I want to go on the record as being in favor of both a new train station and the TVDD regulations.

Newington needs to do something! Our property values are stagnant or declining. A train station would be a great asset for this town and new imaginative development around that train station would add tremendous value to our community.

I urge you to adopt the proposed TVDD regulations.

The next letter is from Nick DeFrancesco: Dear TPZ Board Members: The proposed Transit Village Development Plan may be well intended but I feel strongly that we are closing our eyes to reality. There is a lot of “hope” in this proposal and “hope” is not a strategy for the future of our town. Let me be specific:

For this plan to have any chance of succeeding we need tens of thousands of people relocating to our state and region. People and businesses are moving out of this state at an alarming rate over the past few years due to the tax and spend climate which is not going to change any time soon as we add tolls in the near future!

Various people have talked about how nice it would be to have a train station in Newington, to go back and forth to NYC in the same day, encourage our relatives to come and visit us from out of state and by using the train possibly cutting back on the number of cars in a household. Really! We make it sound that the closest train station to do anything in NYC or have relatives visit us is 100 miles away. Is Berlin that far away? Maybe our relatives are not coming to visit for other reasons! As far as the number of cars in a household are concerned we all live busy lives doing many things that require car transportation period. No transit village proposal will change that situation.

The village itself is proposed to have 600 housing units. To be in a quaint New England type village setting with a nice apartment there will be a small percentage of “affordable housing” estimated to cost $1,600 a month. The vast majority will be $3,000 plus a month. All of this to be near a train station and some retail shops and building up no equity? Who is going to move into these units?

The village it has been stated will allow no box stores, gas stations, and funeral homes and you can probably add a few more types like “axe throwing” to keep the character of the village intact. So what kind of shops will move here that we do not already have or need basically paying minimum wage? We desperately want to model ourselves after the Blue Back Square and West Hartford Center, again building a program based on hope. Do we really think that thousands of people will be taking the train from other towns and get off in Newington to shop at the village?

CCSU has been mentioned as a tie-in to this proposal implying that thousands of students will flock to the train and spend money in the village. Our former Governor and Transportation Director told us how CCSU was going to pack the Fastrack buses. How did that work out? The reality is that these students are not in school for 4 months, do not have a lot of disposable income, and jump into automobiles to go places.
I recognize the need to develop further revenue in our town. I think we need to use our resources and continue to develop the Berlin Turnpike. As much as we don't like the current traffic condition, it is our lifeline for revenue.

Finally a letter from Sandy Austin Goldstein, 84 Moreland Avenue: When I was in college, I was a senator in the Student Government. A vote was brought to the floor if we should hire a band to perform at the school. Many senators were completely convinced it was going to be a big money maker as a fundraiser, simply because they liked the band. Those that felt it was a "sure thing" were actually gambling that ticket sales would exceed the student activity fees put up as a down payment. To make a long story short; I voted against the proposal, but majority rules. "The Hooters" came to campus and we lost our shirts because we failed to fill the gym. Didn't even come close.

Here and now, as we contemplate the possibilities of creating Transit Village Design Districts and bringing commuter rail to Newington we need to take a closer look at the logistics to make sure that any decisions we make are not based on hunches or preferences, but on facts.

Considerations should include:

What impact will a commuter rail station and TVDD's have to the daily commute on Cedar Street? The .6 miles stretch of road between CCSU and the TVDD cannot support an unlimited number of cars. Have traffic studies been done and if so, what are the results? When will we know if and how the traffic patterns and the route will be redesigned and how it will accommodate projected usage?

Have studies been done as to how often the primary users of commuter rail actually plan to use it? If yes, what is the projected average use-daily, weekly, monthly? Is it significant enough to justify the upheaval to the major transportation artery of Cedar Street, which will create congestion and safety issues and impact our daily lives? If no, how can we endorse building a TVDD without first having the answer to this critical question?

The new development has been touted as the next Blue Back Square or Hebron Avenue, but Newington is not West Hartford or Glastonbury. We have a small population, a higher median age and a median household income that is tens of thousands of dollars less than either of those towns. Many of us do not have the extra disposable income to regularly patronize high end shopping as they do. Will the shops and businesses be unique to draw out of towners to come here and if not, how will those businesses thrive? Will the new businesses compete with those already here and put them at financial risk?

A focus point of the project is walkability to rail and bus stations from Central Connecticut State University. What do we know of the specific plan to make Cedar Street walkable? Can the road support sidewalk installation which fully connects rail, bus and CCSU? Will sidewalks be installed only from CCSU to the TVDD or beyond? High school students who live at the TVDD would have to walk the gauntlet to school – is there a plan to finish sidewalkling Cedar so that the high schoolers would have a safe way to walk to school?

We live in an age where relying on the "other guy" and not verifying or learning about a project ourselves can come back to haunt us financially, logistically and environmentally. Do not forget the lessons we have learned from placing blind trust in organizations who in the end, have made choices in their own best interest instead of the town's. We cannot let that happen again. I ask the members of the TPZ not to voice support for the Transit Village
Design District until no stone is left unturned and all answers are to their satisfaction. Newington's future depends on it, and you, to make an informed decision.

Chairman Aieta: Those were the only two items that were on for public hearing, we will go on with the rest of the agenda.

VII. APPROVAL OF MINUTES

Commissioner Fox moved to approve the minutes of the July 10, 2019 regular Meeting. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. NEW BUSINESS


Postponed

Craig Minor: We are adding 80 Fenn Road.

A. Petition 18-19: Site Plan Modification at 80 Fenn Road. 80 Fenn LLC, owner; Montana Nights, applicant; Merle McKenzie, 80 Fenn Road, Newington CT contact

Craig Minor: There is a copy of the plans in the folder when you came in with the draft motion for approval. The plans have been corrected by the engineer. There are still a few minor errors with the plans, for example the drainage study, the report talks about an 8 inch pipe, but on the map it is labeled as a four inch pipe, so those kinds of corrections need to be made, but the Engineering Department is satisfied with the plans and recommends approval subject to incorporating the engineers comments from today.

Chairman Aieta: What comments did they make?

Craig Minor: They are always the same nature of drafting errors, really because a different engineer designed the project so there was kind of a mis-communication between the two engineers working for the applicant.

Commissioner Claffey: I have a question. How many parking spaces have been proposed to be added to this site? I can't really read this, it's all blurred. You can't see anything.

Craig Minor: Okay, so the number of new spaces, two, four, six, eight, ten, twelve, fourteen.....

Commissioner Claffey: Those are already there. If that has all been modified, like that C up on the top, that has all been modified from the last one that we reviewed. That is totally different from what is out there now, so did he get rid of some to add some?

Chairman Aieta: If we can't answer this, then we're not going to act on this. Looking at it.....

Commissioner Claffey: You can't read anything on it.
Commissioner Camillo: I thought there might have been a note on there, explaining....

Commissioner Pane: If I recall, there have been so many different plans, problems, engineering, parking, and other things that I have to wonder if the Town Engineer should be in here at our next meeting, and the applicant and go over it one more time.

Commissioner Claffey: I'm still waiting to understand the gate, that's been going on two years now.

Chairman Aieta: This is all that was submitted, this?

Craig Minor: Yes.

Chairman Aieta: Do you have a bigger plan?

Craig Minor: I'm trying to think if I have in the office a larger scale plan, well, yes, this is probably somewhat different from the plan that you were given a long time ago. Okay, let me know what you want for the next time. You want the net increase in parking spaces....

Commissioner Claffey: I guess I would want to see what he opened under to operate the business, and now his need for more, but it seems that you would need both sections to kind of see.....how did he come up with the number of spaces to add? Was it an arbitrary number? How did we come up with this whole new left side of the original, how did we just come up with these spaces, I guess is what I would want to ask. Why did he pick say, twenty spaces?

Commissioner Woods: I remember our issue with the site plan that was presented to us didn't meet what the Town Engineer wanted. The Town Engineer and the applicant's engineer were working together and it appears that now the site plan has satisfied the town engineer with a few minor changes and I think that is why it is different, but this is what we asked for, go back to the town engineer, meet his requirements, and this does that.

Craig Minor: Right, I have the engineer's letter from today if you would like to look at it.

Commissioner Claffey: I don't understand how he came up with the number of parking spaces, actual parking spaces. I've seen 75 to 80 cars parking in that area, not using his lot, but just in general, and that was my biggest concern. I have no concern with the engineering, I just want to know how he came up with that number, that's all.

Craig Minor: Right.

Commissioner Woods: This has been going on for so long I can't see putting it off for a couple of more weeks would make a difference.

Chairman Aieta: Why don't you get that information and see if we can get a better understanding of what he is doing.

Craig Minor: I will have a copy of the existing site also so then you can then compare.

Chairman Aieta: Put it on the agenda for the next meeting.

Craig Minor: Yes.
B. TPZ Discussion of Window Signage

Commissioner Claffey: I have brought this up numerous times. In regards this I received a memo from Planner Minor in regards to talking about it more. We showed other, again Chief Clark did say there was a safety issue concern of his, but again, I would like to hear from him specifically on that. I don’t want to speak for him. I’m just speaking about what was in the memo.

Secondly, Planner Minor showed some things from other towns, and again none of those towns were directly around Newington which I think is a good thing because sometimes we kind of get funneled into this vision of what the guy next door is doing. So I see that there are some regulations in the State of Connecticut, other towns that do regulate this, and besides being a safety issue, your town starts to look a little distressed with some windows fully coated head to toe, all the windows blocked, it’s on Main Street, right next to Starbucks as an example. There is a nail place, if you look from the Main Street side, head to toe, top to bottom, you can’t see in the building. I’m not saying that you have to, that’s my point, but I’m just using as an example the nail salon next to Giovanni’s Pizza or Georgio’s pizza, I’m not sure which one it is, it just makes the town look a little confusing and we regulate how buildings look, and we regulate the type of construction material to use so the structures appeal to the residents, but then when it comes to a business and completely, just putting verbiage all over, we don’t oversee the verbiage but we are taking some beautiful buildings in our community and making it look pretty distasteful. I have seen some of these other towns that do have the regulation, I’ll use Old Saybrook as an example, if you’re down there, take a ride around and see. Their downtown has almost the same make-up as Newington, with regards to the liquor stores and the bake shops and big box grocery stores, etc., the gas stations and look around and see, they have a regulation that is enforceable, and lastly I think our zoning officer is probably saying, try not to do something, we don’t have any regulations in regards to sign coverage and if I’m not mistaken, we have used that terminology, if it’s not stated, it’s not allowed, so I think it needs to be, I think we need to start having a regulation as to the amount of window signage that gets coverage in a structure.

Chairman Aieta: Commissioner comments on that? I need a consensus as to whether we want to pursue this with another sign regulation or not.

Commissioner Fox: I appreciate your concern for small town charm Anthony, but I have a couple of questions. One, I haven’t heard any complaints from residents, nobody has talked to me and I haven’t heard of any, and number two, I can also appreciate Chief Clark’s concern about being able to see in. For one thing, how do we regulate anything that goes on inside the store or the restaurant, or whatever? How do we determine what is the correct percentage so that a police officer can see what is going on inside in case of an alarm? I really think we are opening a can of worms. I don’t know if we should even touch it. Thank you.

Commissioner Pane: I think it should be explored more, mainly for the public safety and the safety of our police officers. We should take the time to explore and see if we should do something to improve the safety of our police officers and the public safety.

Commissioner Sobieski: I kind of agree with Commissioner Fox. It is already tough enough to have a business in this town, with some of the regulations that we have, and if we start going after what they have inside the business, inside the buildings, is it really conducive for them to say here? I agree that we could be opening a can of worms. Thank you.

Commissioner Claffey: Do you want to clarify asking about what is inside of a building? We as a Commission regulate what residents look at in the neighbor’s yards, we don’t regulate
what is inside someone’s home, but as in other town regulations, like blight, and the facts of life of people having to live next to somebody with three and a half foot grass. I do agree, it will be a hard thing to regulate, but it is, isn’t the town zoning regulations something that we regulate, like an inoperative vehicle, that is in the regulation, we enforce that. The size of the signage, that’s in the regulation, we enforce that, the color of buildings, that’s in the regulations, type of construction material you have to use, the type of efus you have to use,

Chairman Aieta: We don’t regulate color.

Commissioner Claffey: The type of materials we regulate, not as much in more specifically in different facilities, so I brought it up because I just, we go after businesses that have too big of a sign, we go after banners, we go after, I’m speaking specifically of late, of signage that has been attached to the outside of the building, and nothing has even been done because we don’t have a regulation. So if one business can put up a sign on their building that takes up all of the façade, I can see your point inside of the window, but that goes back to Chief Clark’s point where it was attached to the inside of the window and they couldn’t see anything. There are both sides, I agree. I don’t disagree, I would like him to come here and sit and discuss it with us, and if it isn’t a big public safety issue, well, walk away.

Commissioner Fox: I don’t disagree, neither one of us disagrees.....

Everyone talking at once.

Commissioner Fox: Let’s take that 7-11, if we went down to that 7-11, we will see the same amount of signage in there. So, it’s still, to me, it’s like looking at a Christmas tree, and saying it’s a piece of junk. Get it out of there. I don’t want to look at it, so, that’s why I say, there are so many angles to this, I really don’t think we can regulate it.

Commissioner Claffey: You’re right, there are angles, looking at this, mainly the amount of time that we spend on the Berlin Turnpike to keep it clean.....

Commissioner Pane: I think the Commissioners are forgetting that our Town Planner has already told us that he regulates this now, informally, the town regulates this now informally. So the whole reason to look at this again is to get it official in our regulations. If he is already doing it now, informally and why not look at it, tweak it a little bit, and make it official, especially since our Chief of Police said, I would be in favor of regulating signage in convenience/liquor stores. I know it was an issue a couple of years ago when we had the 7-11 clerk and a customer being held hostage. Those are the reasons why I think it is worth at least looking at it.

Commissioner Woods: This is a question for the Planner. How do you enforce a regulation that doesn’t exist?

Craig Minor: It’s, my understanding from talking to Mike D’Amato, I haven’t talked to Andrew about it that much, but in conversations with Mike D’Amato, the merchants voluntarily complied. I’m sure that Mike ran into a few individuals that either did or did not want to and maybe had to be persuaded to, but at the end of the day, most went along.

Commissioner Woods: My issue is, so now they put the sign six or seven feet deep, how are you going to regulate that? Now you are getting into the building. I just see it, from my perspective, as a nightmare for our zoning enforcement officer.
Commissioner Claffey: The towns that you picked, did you speak with them as to how the twenty percent, like Brookfield, they have twenty-five percent coverage, is it a four bay window, explain that, how they figure.

Craig Minor: This was a random survey. I literally just put it out there and the towns that responded are the ones on the report, so if you gentlemen do decide or you don't want to, you are in good company. I did, I was given copies of some of the regulations, I just looked at them enough to make up the chart for you, but if you want, I could bring them to the next meeting. If you decide philosophically what you want to do, and then I'll look at the regs from some of the other towns, I'll do some more research, see if other towns do it, and put together a draft for you to discuss it more, and then if you want, hold a public hearing on it, but philosophically this is something that you have to decide if you want to regulate or not.

Commissioner Claffey: I think we have a Chief Police who wants to regulate it, and put it in writing. The Chief of Police I think has a lot of weight just not to business owners safety but also the general public, I think it's something to draft, to get something on paper, the zoning regs are supposed to be written and enacted, not one planner or assistant planner does it another way, you know, we want to end that. That's kind of how we got the sign ordinance.

Commissioner Woods: I know that you said that you received some of the regulations, but have you read any of the regulations?

Craig Minor: Only enough to be able to put together that chart for you.

Commissioner Woods: Looking at the 25%, so is it 25% of all of the glass or 25% of glass that is in the building, there are so many ways around this.

Commissioner Sobieski: I think we should have Chief Clark come down here and see what he has to say, what he thinks about this. I mean, does he have an issue with certain types of businesses, or is it all? Let's get him down here and see what he actually wants.

Commissioner Braverman: I think the statement from the Chief is a little bit vague, because isn't say what size the sign should be, what if the sign is three feet away from the window and it encompasses everything. I mean, how do you regulate that? Do we become a police state that tells businesses what they can do, inside their own stores? It's a slippery slope. We're asking the police to, you can't have a sign bigger than that, even though we enforce it, they can't look in. You are asking the police to do extra work now. It's a slippery slope in my opinion.

Chairman Aieta: Would you see if you can get the Chief to come in?

Commissioner Claffey: Maybe not just the Chief, maybe all first responders, fire, EMS, they have a right, we have a law on the books that says the address should be on every building, that doesn't get enforced.

Commissioner Camillo: You talk about color, they changed the panels on CVS, and we made them change back.

Craig Minor: That was in the Town Center Zone where you have a little more control.

Chairman Aieta: So why don't you put something together so we can discuss it, all of these issues that we are bringing up, to come up with regulations they would have to be so (inaudible) to cover all of the different things, that they would be useless. Then it would be
basically up to the enforcement officer to make the determination, it's not going to be cut and dried. That is why I have a problem with regulations that aren't black and white. I don't like the gray regulations where something could slip through because they were so vague. If we can come up with a regulation that is black and white that does this, this and this, but it doesn't sound that way.

Craig Minor: What I would like to do is give you copies of the regs I have, they aren't more than a few pages at the most, I think most of them are like a page.

Chairman Aieta: Yes, why don't you do that before we have the Chief come in. I think he is going to come in and say exactly what he said in that memo, and I don't want to have him come here every other meeting because we can't make a decision on our own zoning regulations. We had him in here before, he came in, said something and left. He's not going to say anything different.

Why don't you come up with something we can look at and make a determination as to whether we still want the Chief to come in and explain what he meant, but I think it's up to us if you want to pursue this, to the extend of how we want to regulate it.

IX. 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: I am going to recuse myself for the same reasons stated in the past.

Chairman Aieta: This has been around for quite some time, and I think it is time that we vote on it and move this off of the table.

You have a draft suggested motion

Commissioner Camillo moved to approve, effective upon publication; 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.

Findings:

1. **CRCOG Referral per Sec. 8-3b of the CGS:** The amendment was referred to CRCOG on it was found to contain "no apparent conflict with regional plans and policies or the concerns of neighboring towns."

2. **Consistency with POCD per Sec. 8-3a of the CGS:** TPZ must make a "finding on consistency" between a proposed zoning amendment and the Town's Plan of Conservation and Development. The proposed amendment is consistent with the Business Development General Goal on Page 35:

   "Encourage the development of a wide range of retail business services and industrial sector land uses which will strengthen and broaden Newington's tax base and employment opportunities without adversely impacting residential areas."

The motion was seconded by Commissioner Fox.

Chairman Aieta: Any comments, any additions?
Commissioner Woods: I won't be supporting this, I think it is too restrictive, I don't think I am going to be in the majority but I wanted by make myself clear.

Chairman Aieta: We have only made two changes to the original.....

Craig Minor: As I said in my memo, "This amendment reinstates the auto related zoning regs as they were prior to 2007. It eliminates the restrictions to the auto related businesses added in 2012 mainly the lot sizes and the prohibition on roll up doors facing the street. It does not require any more of a separation between auto-related businesses and residential zones than was required prior to 2007.

Chairman Aieta: And that is what you are concerned with, you are against the separation, you think it should be closer to the residence zone than what it is?

Commissioner Woods: I think there is an issue between the proposed auto use and the residential zone it could be addressed through the site plan application.

Chairman Aieta: Without requiring a specific distance? That is the only thing that you object to?

Commissioner Woods: That is my concern, yes.

Chairman Aieta: I'm on the other size of that, I want more distance, to be perfectly honest with you, when we regulate a squawk box at a drive though to 300 feet, we're going to regulate 100 feet for an auto use for air horns.

Commissioner Woods: I don't believe that you have any other distance requirements.

Craig Minor: Liquor, maybe marijuana.

Commissioner Woods: Some of that was changed and even the marijuana, some was changed.

The vote was in favor of the motion with four voting YEA and three opposed. (Woods, Claffey, Camillo.

Commissioner Braverman was seated for Commissioner Pane.

Chairman Aieta: For the record, Commissioner Braverman has been sitting for Commissioner Pane for all the discussions for this particular petition.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

Craig Minor: No everything that I was going to discuss has been covered

XII. COMMUNICATIONS

Commissioner Sobieski: Everything I get I pass along.
XIII. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes.)

None.

XIV. **REMARKS BY COMMISSIONERS**

Commissioner Woods: Is it possible that we could have a digital recorder?

Craig Minor: The reason, you see me fumble on the slides and I haven't been trained on the machine, but I spoke to the Town Clerk the other day, and asked him to come down and give me some person training on that machine.

Commissioner Pane: I have some concerns with some of the things that have been going on over at the library property. I'm more concerned about whether the residents are going to have their concerns taken care of, so I'd like to have the Town Engineer come in at our next meeting to discuss the problems over there so that we could help get those things corrected so the residents feel more comfortable. As you know, there was an 8-24 on that property, they came in, they presented a plan to us, and then that plan, which was accepted by the residents, was never carried out. The plan was changed, and when they changed the plan, they never sent us another 8-24. This is a similar problem that is happening at the town hall building. We did an 8-24 on the town hall back in '17, the architect told us that the road would never be encumbered, and now we find it is. So I think we have a problem with 8-24's coming to us. When an 8-24 comes to us and a plan is presented, they shouldn't be changing that plan after the fact.

Craig Minor: The parking lot site plan was actually approved by this Commission for site plan approval, the site plan process. As Commissioner Pane rightly pointed out the library, and I say the library because this is their property, it's a joint venture, but still, it's the library's property. They applied for the site plan approval, they received site plan approval. They have not constructed the buffer in accordance with the site plan. Now, we know why, because they want to make a change to it, and.......

Chairman Aieta: When are they going to come in?

Craig Minor: I don't know. I talk with them every couple of weeks or so,

Chairman Aieta: It was about a month ago two representatives from the library came up and they talked about coming in, and all of a sudden they dropped the ball. If they want to get it done, then they better make application and do whatever they are supposed to do. Domenic has a good point. We're not satisfying the residents living with the conditions that they are.

Everyone talking at once.

Chairman Aieta: We have to get to the bottom of this, we have to get this straightened out. Just because it's the town, that should be even more encouragement for us to make sure it is done right. I mean, the town is doing stuff, whatever they want without any oversight.

Commissioner Woods: It's not the library, it's the town, the town is doing and paying for that work. Granted, I understand the library holds the land, but they contracted with the town, or the town had a contractor who has since been thrown off the job.....
Craig Minor: Part of the problem is the hold up with the final plantings because the library has said that they want to put them some where else. But the library hasn’t come to you for permission to do that. That is why....

Commissioner Woods: I think they want to, but I think the issue is the interpretation of what is proposed. The twenty-five foot buffer somehow is now, you need to leave twenty-five feet of space and the plants come in twenty-five feet. I understand, I’ve been on the property, I know. The buffer usually goes from the property line in twenty-five feet, I believe that space, between Hart Lane has to be left along for twenty-five feet to the library property, then they plant their buffer. All you want to do is take that buffer and put it on the property line which I think would benefit the homeowners there because they would get more privacy. Again I think you could give more back to the homeowners, fix the drainage.

Commissioner Pane: I agree with you, this is the town’s problem. The Town Engineer needs to come in, tell us all of the problems, I mean, the original plan that came to us, the 8-24,

Everybody talking at the same time.

Commissioner Pane: They came in with a site plan, what I’m saying is, that site plan changed and they never came back to us. That parking lot was supposed to have more drainage, it was designed different, and then they changed that. After we gave them permission to build it, they changed it, and that is why the residents have problems over there. The Town changed the plan that we approved.

Craig Minor: No, that’s not correct.

Commissioner Pane: Why do you say that?

Craig Minor: Because they haven’t built what TPZ approved. It hasn’t been built yet, so it hasn’t been built correctly or incorrectly, it hasn’t been built at all because the library doesn’t want to build what we approved. But they haven’t come in with plans so that you can either say yes or no. I don’t know what the holdup is. I talked to them a couple of weeks, but I will tell them that the Commission wants a resolution.

Chairman Aieta: Anything else?

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

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

Respectfully submitted,

Nonne Addis,
Recording Secretary