

NEWINGTON TOWN AND ZONING COMMISSION

Regular Meeting

August 12, 2020

Chairman Domenic Pane called the Zoom meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m.

I. **PLEGE OF ALLEGIANCE**

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

Commissioners Present

Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Hyman Braverman-A
Commissioner Thomas Gill-A

Commissioners Absent

Commissioner Bryan Haggerty

Staff Present

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

III. **APPROVAL OF AGENDA**

Chairman Pane: I don't believe there are any changes

IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda, speakers limited to two minutes. Use the Zoom "Raise Hand Function.)

Chairman Pane: We will go right into Public Participation. Is there anyone from the public wishing to speak

Carol Anest: This is for Craig, there are still a lot of signs around town, the HR 40 Window Replacement, the swimming pool signs that are in the town right of way. Can somebody go around and pick those up. That kind of contributes to the blight of the town. They are still up, and I had requested this previously. I don't know if anybody can do that.

Chairman Pane: We can get that addressed, thank you very much Carol. Is there anyone else from the public that has any questions or concerns? Andrew, could you just make a note of what the Councilor has asked us to do so we can take care of that next week? We'll go right into the Zoning Officer's report.

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Town Clerk

V. ZONING ENFORCEMENT OFFICER REPORT

Andrew Armstrong: Good evening everyone. Does anybody out there have a question on either the June 2020 or the July 2020 ZEO report?

Commissioner Claffey: I only received the July one, I don't see a June one. Couple of questions that I have, some of these, like 85 Knollwood, I know we have been dealing with that with Covid, but are we going to start citing them or are we just going to let it happen.

Andrew Armstrong: They were on hold due to the Covid, and then we got another complaint which kind of kicked it back up. They were, and simultaneously the DMV reopened so now they are able to go out and get the permit or whatever it was that they needed, I believe it was a commercial to drive permit, something of that nature, to drive.....

Commissioner Claffey: To move the vehicle?

Andrew Armstrong: They did have a plan actually to get rid of the vehicle, but they did need to get that to get rid of it.

Commissioner Claffey: So that is the plan, complete removal, right?

Andrew Armstrong: Right

Commissioner Claffey: Secondly, at 43 Welles Drive North, I guess this is a whole question about different things, we are citing possible business issue, multiple commercial vehicles, what are we classifying a commercial vehicle as, that has signing on it, I mean, there are a lot of places around that have commercial vehicles....

Andrew Armstrong: Currently we are still going under the current commercial vehicle rules, but considering that we are about to undergo a change, my thinking was to speak with the person, let them know about our current rules, and hope that they will be in compliance, and let them know about the upcoming rules as well. When I was out there I didn't really see anything that stuck out significantly and so that is why my approach is to talk with them, let them know about the rules so if there is anything that they can change that they would be in compliance.

Commissioner Claffey: So when you went out there, are you just looking at the single house, or are we looking to our left and right, seeing vehicles parking on the grass at 37 Welles Drive North. An RV that has sat there for as long as I have been in the neighborhood, over a year now. I'm just trying to get how this wraps into how we are dealing with things, are we singularly looking at a property and not looking left or right, or are we still kind of doing it the old fashioned way where we only come out when called. I guess I just don't, and I know that we are in the midst of changing rules so there's a lot that I see that I don't even call in any more because I don't even know how we are doing things.

Andrew Armstrong: I'm following up as best I can. I got a compliant on this particular one, so I wanted to address it and.....

Commissioner Claffey: So when you are standing in the driveway and a foot to your left is another violation, another property, we're not dealing with that? I'm just trying to figure this out.

Andrew Armstrong: I didn't see that particularly on that day. I apologize.

Commissioner Claffey: If it is, I'm using this as an example, it's nothing against you or what you are doing, I'm trying to understand how we are moving forward. We are trying to enforce, we're trying to change a rule, and like the home business and commercial vehicles sometimes go hand in hand and I just wanted to make sure we were all on the same page as we move forward. We're trying to modify

some language and at the same time we are trying to enforce something and I think it kind of puts a bad precedent on knowing that the Commission is trying to change something and we're zinging these people with complaints. Or are we just tracking, okay there is a violation on said property that has to do with what you previously said, which I believe is the way to handle it, I guess I want to get some clarification from everyone else on the Commission.

Chairman Pane: It's important that we want to enforce the regulations as consistently as possible, I think everybody has talked about that in the past and it is difficult since we are going to be looking at some of those regulations. I think Andrew is trying to do the best he can, if he missed something over there, Andrew, you can go back and address it. Do any other Commissioners have a comment on the zoning? I appreciate your comment Anthony, it goes back to consistency, I think that is important. Is there anything else that you have Commissioner Claffey?

Commissioner Claffey: No, that was it, I just wanted to make sure that we aren't singling anybody out, and I haven't sent any of my complaints in because really, don't take this the wrong way guys, it's not my position to do that. I have seen a lot of anonymous things, and I think one comment that I have, if it came in from a neighborhood complaint, next door, that we put neighbor, or if it comes in from DPW, we put DPW, instead of anonymous. As a Commission, we read the report and say, okay, this is a neighborhood issue, the police saw this, DPT saw this, as we move forward instead of putting anonymous, I know some neighbors want to stay anonymous, I want to stay anonymous at times, but I'll put my name out there, but I think if we can hone in on the report and say, oh, it's a neighbor, okay, I got it, I don't need to know the neighbor, and secondly on that, on some of the home businesses, what we are trying to cite them, can we try to differentiate if it is a residential property or a commercial property? I mean, if you think there is a business operating out of it, can we put in the report what type of business you think there may be operating? I may give better clarification to people's thoughts. Thank you Andrew.

Andrew Armstrong: I put home business and I think you can only have a home business in a residential zone, and I guess to address, to address the other aspect of working with people when we are in the midst of a change to the regulations, I'm going out there to speak with people in person just so it is easier to understand it and hear from me that even though we are undergoing a regulation, they can hear both sides of it, where we are coming from, what the rules are now, and where we are heading.

Chairman Pane: Thank you Commissioner Claffey, thank you Andrew.

Craig Minor: I just want to say for the benefit of the audience who may not have watched our last few meetings, the ZEO is very, very consciously these last few months in taking a larger approach to zoning enforcement because of COVID, and that is the policy of the Planning and Zoning Commission, so it isn't that Andrew isn't looking left and right, it's that he's, like I said, taking a different approach at the moment and vigorously enforcing the violations when there is a complaint or a problem, but for the most part, he is kind of backing off until the COVID crises is past, and that is the TPZ's policy.

Chairman Pane: Any of the other Commissioners have any comments? Thank you very much Andrew, appreciate the report.

Andrew Armstrong: Thank you everyone.

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING

A. Proposed Plan of Conservation and Development 2030

Chairman Pane: Before we go to the public I think we are probably going to have to leave this public hearing open until our next meeting because I don't think it would be appropriate for us to close it until we hear from the Town Council and I believe they are going to present something to us at our next meeting, hopefully.

If any of the Commissioners have any comments on the 2030 Plan? Is there anyone from the public that would like to speak about the 2030 Plan? Glenn?

Glenn Chalder: Yes, Mr. Chairman.

Chairman Pane: We're still within the time if we act on this at our next meeting on the 22nd is it?

Glenn Chalder: I'm not sure of your next meeting date Mr. Chairman.

Chairman Pane: Our next meeting date is the 26th. That's the date that we would have to have it done by, right?

Craig Minor: That is the last regular meeting before the deadline.

Chairman Pane: The deadline is when then?

Glenn Chalder: September 9th Craig

Craig Minor: Thank you.

Glenn Chalder: Let me confirm that. It was June 9th Mr. Chairman, and the Governor's executive order gave us ninety days, so it's probably not exactly not exactly September 9th, but that is close enough.

Chairman Pane: It appears then that we will have two more meetings to act on this. Our next meeting in August, and then again, we meet September 2nd.

Glenn Chalder: Do we know Mr. Chairman if the Council is going to submit a report?

Chairman Pane: I believe Councilor Anest, if you could fill us in, I'd appreciate it.

Carol Anest: We had it on our agenda for three or four meetings. None of the Councilors had any comments, we were happy with it, we were satisfied with it. At our last meeting last evening, we didn't even have it on our agenda, so what would you like from us for your next meeting so you can proceed.

Chairman Pane: I thought it might just be a comment coming back from the Council that they are satisfied with it, or unless they have anything that they want changed, or any recommendations. If you don't mind, Councilor Anest, I'm going to go to Gail to see what she has right now. Gail, if you would like to speak, I'd appreciate it.

Gail Budrejkko: We, actually the Council we all read the report, there were no outstanding issues, but we were waiting to hear if there were any substantial concerns brought forth by the public, so that is why we didn't provide anything to you because we were waiting to hear what may have occurred in the public hearing, so assuming that, I do believe that you did publicize on several of the web sites, I know it was in the Town Crier, in the New Britain Herald, that this was open for comment. It appears that there is not going to be any substantial input at this point from the public, so definitely if you need the Council, as Carol indicated, we can just say we agree with the contents and go forward.

Chairman Pane: That would be great if you could have some sort of response back to us for the next meeting, and I think we are going to use all the meetings that we can, if it's not a problem Glenn and the Town Planner, we will plan on acting on this at our first meeting in September. Maybe if there are no other comments, we could even act on it during our next meeting after hearing from the Council and move it forward and get it off our plate. Does that sound all right with everybody, and do any of the other Commissioners have any thoughts on it?

Commissioner Woods: I think it's a good plan Mr. Chairman.

Commissioner Fox: Actually, having been involved with POCD before I think, shoutout to Mr. Chalder, I think this is one of the best that TPZ has put together, so if you want to keep it open, that's fine, but I'm very happy with it.

Chairman Pane: All right, any other Commissioner comments? I want to thank everybody, and James, do we have anybody from the public that might be interested in speaking? Obviously not.

VIII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes of the July 8th and July 22nd regular meetings. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

IX. NEW BUSINESS

A. Possible Action on Plan of Conservation and Development 2030

Chairman Pane: Glenn, do you have anything else that you would like to address on this? (No response)

B. Petition 07-20: Residential Subdivision at 68 Deming Street (Peckham Farm") Calvin Roger Peckham and Donna M. Peckham, Owners, Calvin Roger Peckham Applicant, Bongiovanni Group Inc. 170 Pane Road, Newington CT, Contact.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record my name is Alan Bongiovanni. I'd a licensed land surveyor for the State of Connecticut with offices at 170 Pane Road here in Newington. I'm representing Calvin Roger and Donna Peckham in this application before you for twelve acres of land in the R-20 Zone situated at the southeast corner of the intersection of Deming Street and Griswoldville Avenue.

This is the remnant parcel of the larger Peckham Farm that was subdivided in the mid to late '90's, and as I said, this is in the R-20 Zone, it's twelve acres of land and we are proposing a single family subdivision within that zone, creating 18 single family lots at a minimum of 20,000 square feet and going up from there. The road, the proposed road is going to be a cul-de-sac street, starting at Deming Street going easterly about 850 feet terminating in a cul-de-sac. That road placement is opposite Deming Farm Drive. It is the optimal placement for sight line, for traffic geometry, it's best as an intersection rather than having a short off set intersection, and it works very well for the design.

The existing property is mostly hayfield. There is an existing farm house on the property, and a few small barn structures located on lots 17 and 18. The house will be razed for the construction of the road and the development and eventually the barn will be razed as well off of Lots 17 and 18. The property is serviced by MDC sanitary sewer and water, we did receive a letter and submitted it to Mr. Minor that there is availability for both services from the MDC. Electric, gas, telephone service, they are all available right there on Deming Street.

The road way design is fairly simple. We did our best to work with the contour of the land. The land slopes from the north to the south, and then somewhat in a southwesterly direction so what we did when we designed the grade of the road, of course working within the Town standards, for subdivision design, for roadway design, we balanced land so that the northerly lots have a minimal amount of cut into the hill, and then the southerly lots a minimal amount of fill required to develop those lots and driveways and garages above the road, there will be walk-outs along that side.

I'd like to mention at this point that we do have a small wetland in the southeast corner of the property. It's a man made farm pond and it's been there for decades. It was created by the Peckham family to provide for the farming operation. It is spring fed, there is some surface runoff, that leaves that pond, but for the most part it is spring fed. We did go before the Conservation Commission and got an acknowledgement that we are proposing this subdivision with wetlands on the property, our proposal is not to affect any land within the wetland zone, within the hundred foot regulated area, so it wasn't necessary per se, an approval process by the Wetlands Commission but more of an acknowledgement that this subdivision is going to happen.

Along those lines, Mr. Minor had requested that we, our wetland biologist, soil scientist (inaudible) to preserve (inaudible) and the report came back, and I submitted that as well, it recommends a fifty foot Conservation easement around that pond, and primarily what that does is it preserves a stand of trees that are north and west of the pond, which provide a good buffer to that area. They stabilize the slope, anywhere from eight to thirteen feet from the farmfield down to the pond area, and we believe that is a good solution to preserving that pond and the character around it as well as keeping the soil stabilized.

There are no restrictions on these lots, they are typical R-20 lots, as the Commissioners are aware, a subdivision in accordance with the town subdivision regulations in the prescribed zone, is an as of right development so we have done our best to meet and/or exceed all of the requirements of the Planning and Zoning Commission for this development.

We have submitted a request for sidewalks on Peckham Farm Drive, it has been the position of the Planning and Zoning Commission over the last several decades, probably at least four that terminal streets have limited public benefit for the sidewalk, and they quite often become a nuisance. The home owner where the sidewalks front their property, where winter maintenance is an issue and then also there is the issue that there is long term maintenance and liability of the Town. At some point, twenty, twenty-five years down the road, many of these sidewalks are going to need repair, and that typically is the expense of the town. The roadway is designed to meet the Town standards, it's 26' wide pavement so we believe there is adequate room for vehicular and pedestrian traffic on this cul-de-sac street without any conflicts of the two.

We have designed a storm water system for the property. Currently the water from the property for the most part runs from the east to the southwest and currently it is unabated, it's a open hay field and it drains from both parts of land of Nelson and Patricia Feliciano and that is a lot on Wynding Brook Lane. That portion of development was designed and built forethought had been put into development for this property, so there was drainage installed to accommodate this as well as an easement in favor of the Town of Newington. We designed the storm drainage system that attenuates any increase in runoff in a proposed detention basin at the rear of lots 14, 15, 16, 17, and up to 18 that will reduce peak flows from the current situation existing conditions for the 2, 5, 10, 25, 50 and 100 year storm events, and significantly. I think it's an average of about a fifty percent reduction of what actually gets to those properties, or onto that property at this point, and will detain it, meter it out in a show fashion, so that all of the water will leave the site, but not affect anybody downstream.

One of the features of this property is that it is fairly well drained soil, good permeable sand and gravel, it's not as consistent as I would like, where it is everywhere you test, it has the greatest permeability but it will allow a lot of the storm water held in that detention basin to actually percolate into the ground, filter itself through the sand and gravel and then work its way into the ground water table. As we are perched

up on a hill here, at that low section there, we think the ground water from our borings and testing, is down about eighteen feet in that area. The cross section of soil will filter the water very well, but our design was conservative. We did not use or factor the benefit of that. We know it's going to happen, we know it is going to happen fairly well but we didn't take credit for that in our design. That basin, as it sits, even if the soil didn't drain we'll accommodate again a 2 to a 100 year storm within the confines of that basin, with a metered outlet.

Beyond that, we have designed, going out towards Deming Street, a overland relief area so if some catastrophic event ever happens, or something affected the outlet or we had a 1000 year storm, the water would flow out to Deming Street, then down Deming Street in a southerly direction towards the water course, so it wouldn't have any damage to any of the neighboring properties from this development. We have done a very comprehensive erosion and control sediment plan that is part with a narrative that I think accommodates best management practices, regulations of the State of Connecticut as well as DEEP and we're very confident that the plan that you have before you meets and exceeds all of the regulations that would cover this type of development.

Having said that, I'd be happy to answer any questions that you might have.

James Krupienski: It appears that Chairman Pane's screen is locked up at the moment.

Commissioner Sobieski: I have a question. On the easement for the drainage pipe coming down into the pond, lots 17 and 16, what is closest to the house on Lot 17? It looks kind of close to me, the plan here doesn't really show.....

Alan Bongiovanni: You are talking about separating distance from the house to the top of the slope?

Commissioner Sobieski: No, I'm talking the easement between, looks like there is a pipe running between lots 16 and 17. What my question was is, how far away is the house on Lot 17 from the easement.

Alan Bongiovanni: It's shown about 13 feet away. The easement itself is 20 feet parallel to either side of the property line.

Commissioner Sobieski: Okay, that 's what I was wondering, thank you.

James Krupienski: Who is the Vice-Chair person for the Committee?

Commissioner Claffey: That would be me, Anthony.

James Krupienski: Okay, you are now on board Anthony, until Chairman Pane comes back in.

Vice-Chairman Claffey: All right. Are there other questions from the Commissioners? Any questions from anyone else?

Commissioner Woods: I'd like to hear from the Town Planner and have him go over his comments.

Vice-Chairman Claffey: That would be good. Can you go over this Craig?

Craig Minor: Yes, James, do you want to display my report? The report from me to the Commission and it would be dated probably early August.

My first comment of substance was regarding sidewalks. What the applicant said (totally overshadowed by music)

James Krupienski: We can switch back to the Chairman now.

Commissioner Claffey: We are at the Town Planer report, Commissioner Woods wanted the opinion of the Town Planner from his report dated August 3rd.

Craig Minor: Mr. Bongiovanni rightly pointed out that it has been the custom of the Commission to not require sidewalks on short residential street of this sort. That has been the Commission's practice. I have a personal opinion about sidewalks, everybody has an opinion, that's the great thing about opinions, but it has been the Commission's practice not to require sidewalks on short streets, and this is a typical street that in the past the Commission has waived the sidewalk requirement.

Chairman Pane: Thank you. Commissioner Woods, does that answer your question about sidewalks?

Commissioner Woods: Yes it does, I actually don't agree with the Town Planner on sidewalks, on these short streets I don't think they are necessary. I think it does cause a burden both for the home owner and the town. Personally, I believe that we do a lousy job on maintaining our sidewalks throughout the community, and while it would be nice if we could have sidewalks that were somewhat useful, I don't think this sidewalk really is getting any kind of use, other than maybe by an occasional person walking their dog in the neighborhood.

Chairman Pane: I agree with you, I had some concerns with it, and I have no problems with waiving the sidewalks in the development and to go one step farther, the sidewalks that he is proposing on Deming Street are actually going to go nowhere, because there is a residential lot that somebody else owns, and the elevations of the property, if a sidewalks was going to be put they would have to have a wall, so I just don't see any of that happening over there. I think that is a burden and those two houses would have to do quite a bit of sidewalk removal just on Deming, and nobody would be using it. We also have to keep in mind that across the street, the Deming Farm Drive, if I'm not mistaken, they are going to be coming in and asking for a waiver of their sidewalks also on that street, isn't that correct, Craig?

Craig Minor: Yes.

Commissioner Fox: I have to agree with you and Commissioner Woods that we don't need sidewalks that go nowhere and I have a question on your paragraph number two, detention basin.

Craig Minor: Does anyone else want to talk about the sidewalks before we move on.

Commissioner Sobieski: If I'm reading this correctly, sidewalk should be on both sides of arterial and collector streets. This is neither of those, so there should really be any discussion. I agree with Commissioner Woods and Commissioner Fox.

Chairman Pane: Thank you. Any other Commissioners have any concerns concerning the sidewalks? Is everyone in agreement that we are waiving the sidewalks on the main development and also eliminating them on Deming Street.

After a roll call polling of the Commission members it was the decision of the Commission that the sidewalks on Deming Street and in the new development be waived.

The next paragraph, Commissioner Fox wanted to talk about the detention area. Is that correct?

I believe what is going to happen with the detention area is that it is going to be fenced in, there is going to be a gate from the property owners, and each property owner is going to be responsible for cutting the grass in the detention area at least twice a year so that the trees won't grow in there, and then the Town will be responsible for cleaning out the, any sediment every ten years, on the equipment that is in there for the drainage. Is that correct Mr. Bongiovanni?

Alan Bongiovanni: It will be planted with a wet meadow mix, it's a combination of grassy plants that are planted that should be maintained in about a 12 inch height, they will be allowed to grow and cut down to a 12 inch height twice a year. What you don't want to happen is have woody plants start to grow and have it start to look like some of the other detention basins. This is going to a type of grassy plants that will provide (inaudible) for the storm water to percolate and allow the basin to function at a higher level than if it was just grass. One of the functions of the storm water system is that we have deep sumps as required by the regulations. We also have a hydro-dynamic separator as the storm water enters this basin. What that will do is to remove at least eighty percent of the (inaudible). The maintenance from the Town would be a very minimal amount of maintenance, maybe once every ten years, maybe once every twenty to thirty years that you would actually have any sediment to remove from the bottom of the basin, so although it is going to be town drainage, the drainage function would be maintained by the town, the actual grass around would be maintained by the home owners, so it's not a everyday occurrence that the town has to dedicate time and money to maintain this structure.

Chairman Pane: Mr. Bongiovanni, it's common that all detention areas that involve drainage, when you are building a public road always get transferred over to the Town and the only thing different that we are doing is that we are trying to solve the maintenance problem by having the residents cut the grass. Is that correct?

Mr. Bongiovanni: That's correct. Every subdivision in the Town of Newington that has ever been constructed during the era where storm water detention was required, the ownership went to the Town of Newington.

Chairman Pane: Commissioner Fox, does that answer all of your questions, or do you have anything else.

Commissioner Fox: It doesn't answer any of my questions, I'm sorry. Mr. Bongiovanni, who is going to inspect the basin to ensure that the grass is cut and how, is this going to be the Town inspecting it, is the Town going to be responsible for actually maintaining the pond? How are they going to get onto, into there, going through private property and even if they could, from what I can see, a couple of years ago, Mr. Chairman, you'll remember this, we had two where we actually had to go to the Council to have them put the town on a schedule to inspect them.

Mr. Bongiovanni: Through to Chair, a response to Commissioner Fox. If the Town already has a program to inspect all of the other detention facilities that it has responsibility for, I think it would be an easy thing to add this to it. Our design calls for an access way as part of the easement, right from Deming Street, so you don't have to go through the front yards and things like that to get to this area, but you know, if somebody pulled up, walked fifty feet from the car along the edge of the road, and walked up to the basin, they could see, twice a year that this has been maintained. If there is some additional language or enforcement that you would like to have us incorporate, I'd be happy to entertain that. This is nothing out of the ordinary. This will have language so that the homeowners will know that they have to do this. The actual maintenance, if somebody with a weedwacker on each individual lot would probably spend a half an hour twice a year to do this. Doesn't require large equipment, doesn't require specialized equipment. It's going to be tall grass and mixed seed to performance height.

Chairman Pane: Craig, do you have something?

Craig Minor: Yes, I had put together a draft motion of approval a couple of hours ago when it was looking like this might move forward and one of the recommendations that I have in the approval is that the applicant submit a maintenance agree and easement where all of these details will be spelled out so it is clear what the Town is responsible for and what the schedule would be so that there would be no confusion down the road.

Commissioner Fox: Okay, I have the greatest amount of respect for Mr. Bongiovanni and I have confidence but who is saying that the highway department is keeping up the program that was presented, but I leave it up to you Mr. Bongiovanni, if you say it is going to be done, it's going to be done.

Craig Minor: As you saw in my report, at the time the staff was not in favor of taking over the detention basin, but I spoke to the Town Manager and he is in favor of the Town being responsible for the basin, so we'll just make it work.

Chairman Pane: The Town Engineer has accepted this too, correct?

Craig Minor: Yes.

Chairman Pane: This is a development by right, and he has to put the drainage in, so I think he is going above and beyond by having the residents maintain the grass area because that has always been the difficult thing for the Town to do, so I think it's a nice happy medium between the development and the Town. Commissioner Fox, do you have anything else?

Commissioner Fox: No, thank you.

Chairman Pane: Mr. Bongiovanni, would you like to have more information on what Mr. Minor was proposing?

Alan Bongiovanni: Being verbalized I think is fine, I don't have an issue with that. We created an easement to make this happen and any scheduled maintenance that is spelled out I think is for everybody's benefit. The Conservation easements and if we put in there language about the maintenance by the home owners, it will be public knowledge.

Chairman Pane: There is also the fifty foot conservation easement around the wetlands area to protect the woodlands, if that is not marked out, is it possible, if the other Commissioners think it is needed, could we have the developer mark out the Conservation easement so that the residents around the area are very familiar with it and they are aware of it so that we have no problems, or hope to avoid any problems.

Alan Bongiovanni: As we have done in several other communities, we use 4 x 4 pressure treated posts, maybe every fifty foot with a little plaque "Beyond this point is a conservation easement No intrusion without permission from the Town of Newington" and put a telephone number for them to call. So when they walk in their back yard, they are going to see a permanent marker that says, ahah, there is something over here.

Chairman Pane: Very good. How do the other Commissioners feel about having the applicant add that to the 50 foot conservation easement area?

Commissioner Woods: I think it is a good idea. I've seen them in several communities, they are usually painted a color, either red or a color that will stand out, so they can easily be seen, and they seem to work good and people tend to respect them. They aren't obtrusive, there is only one every fifty, sixty feet. I think it might help.

Chairman Pane: Any other comments from the Commissioners?

Mr. Bongiovanni, is that is something that we can add, I would greatly appreciate it and I think the Commission would appreciate it and I'm sure the Conservation Commission would appreciate it.

Alan Bongiovanni: Not a problem.

Commissioner Woods: I just have one other comment. Back to the basin, you are talking about mowing it twice a year so I would just recommend that you not use a conservation mix, use more of a meadow mix that will withstand the two mowing because most of the conservation mixes are annuals, so if you cut it twice a year it won't allow it to go to seed, so the plants won't be able to establish themselves. If you use a meadow mix, much easier to maintain and it will actually look better, especially if you use fescues, they only get to be 12 maybe 15 inches tall, and then cutting twice a year will keep the brush from growing.

Alan Bongiovanni: Thank you, and actually it is specified as a meadow mix rather than a conservation mix. I mis-spoke earlier.

Commissioner Woods: Okay.

Chairman Pane: Mr. Bongiovanni, the plans are small, what kind of street trees are we proposing there. Sometimes the street trees have a tendency of splitting very easily, what are you proposing?

Alan Bongiovanni: Our proposal is sugar maples, it's a native tree to the northeast. They are readily available, they are a hardy tree, they have roots that grow deep as opposed to some of the maple species, provide good shade, like I said, they are a hardy, sturdy tree. For a number of years, in the '90's and the early 2000's, everybody used the Bradford pears. If you drive by the Lowe's shopping center, see how many Bradford pears are still in original shape. It's unfortunate that we didn't know that at the time, but we learn from our mistakes, and we're going to go back to something tried and true, that would be the sugar maple.

Chairman Pane: Thank you. One of the other problems in some of the other developments in the past not all of the street trees were placed. Some of the residents didn't want them, things like that, one way or another, we are going to be able to have these trees, two trees per lot, is that correct?

Alan Bongiovanni: That is correct, that is a requirement of the regulations. If the Commission, in your motion, wanted to stipulate that they must have two trees per lot that may reinforce that. I know in some cases the home owner said, well, I wanted a Bradford pear, or I wanted a red maple. I like having the consistency of the trees with the street trees, it gives a nice feel to the neighborhood, and we're not opposed to any language that the Commission chooses to add to strengthen that they have to be put in.

Chairman Pane: Thank you very much. Any other Commissioners have any questions? Mr. Minor, do you have the motion?

Craig Minor: I put together a draft motion an hour or so ago when I found out that the issue with the detention basin had been resolved, and Alan, I mailed this to you an hour or so ago, so you should have it in your in basket.

Alan Bongiovanni: I did review that Mr. Chairman, and we don't have any issues with the proposed motion.

Commissioner Woods moved to move Petition 07-20 to Old Business for action this evening. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Pane: Mr. Bongiovanni, we are going to take this up later in the meeting and I want to wish you and your applicant good luck on your project. I think this is a great development for that area and I wish you good luck on it.

Alan Bongiovanni: Thank you Mr. Chairman, thank you Commissioners.

- C. Petition 26-20: Site Plan Modification at 136 Fenn Road Stanwell Associates, LLC,
Owner/Applicant: Mario Giguere, 97 Stanwell Road, Newington CT. contact.

Chairman Pane: I'll have the Town Planner give us a report on this.

Craig Minor: The applicant is in the audience, but if the Chairman would prefer, I can speak to it. I'd be happy to do that.

Chairman Pane: I'd appreciate it.

Craig Minor: As the Commissioners may recall, when this site plan on Fenn Road was approved a few months ago, the Town Engineer had recommended sidewalks, and the applicant's consultant, being a cooperative kind of guy, put them on the plans. So that is what was approved. Then it came to the Chairman's awareness and some other people that the plans included sidewalks which, I don't want to say sidewalks to nowhere, but perhaps in an area of town where they are not needed at the moment. The applicant and I discussed this, off-line, and he asked what could he do to not have to put in the sidewalks. I suggested that we go through the site plan modification process, and if the Commission agrees, I'm not going to have the applicant submit a revised site plan, that's kind of waste of money, but the staff will know that the sidewalks have been waived, that we are not going to require him to finish them before we issue the c.o. I put a copy of the site plan in the packet, so the Commissioners can see what I'm talking about, you can see the sidewalk along the bottom of the page.

Chairman Pane: Does the applicant have anything more that you would like to add?

Mario Giguere: No, not really.

Chairman Pane: Any questions from the Commissioners?

Commissioner Woods: I'm actually in agreement that these sidewalks shouldn't go in. I don't think we want to encourage pedestrian traffic there. There is that small retail plaza just to the south, but nobody is walking there, it's a drive destination. Again, I don't see the purpose of these sidewalks, they aren't going to do any good at all.

Chairman Pane: Thank you, anybody other Commissioners have any comments?

Commissioner Sobieski: I agree with Commissioner Woods.

Commissioner Claffey: One thing I have, is there any, outside of the sidewalk change Mr. Planner, was there anything else modified excessively from our previous approval.

Craig Minor: I'm not aware of anything else that the applicant might want to change. Mr. Giguere, do you have anything else?

Mario Giguere: At this moment no, it was the sidewalks I was looking at.

Chairman Pane: Any other Commissioners have any questions or comments?

Commissioner Claffey: I have one question. Looking at that site plan, where the parking spaces are, is that a retaining wall that is going in? Is there large elevation change from what is out there now? I drove by it once and with COVID I kind of hung out in the center of town more than venturing out.

Mario Giguere: There is a big elevation change from what it currently was to what it is now. Where the building starts, all the way to the secondary driveway, there is a five to six foot drop in elevation. So there is going to be a big change in elevation.

Commissioner Claffey: Mr. Planner, you may know this better than I, we're taking in, the run off and everything, there is no other outstanding planner changes. I don't remember seeing that retaining wall on the original plan. Did I misspeak on that?

Craig Minor: It's not a retaining wall, it's not a wall, there is no structure, but there is quite a drop in grade from the edge of the parking lot to the swale that you see.

Commissioner Claffey: Let me ask the applicant. Did they put a concrete wall in?

Mario Giguere: No, there is no wall there, it's a water retention (inaudible) about 2 feet wide, four feet deep, and it's lined with stone and dirt in the center so the water will go in there and disperse slowly over time. There is no wall at all over there.

Commissioner Claffey: All right, thank you.

Chairman Pane: Any other questions from the Commissioners? If there is no objection, I think we should entertain a motion to move this to Old Business and act on it tonight.

Commissioner Sobieski moved to move Petition 26-20 to Old Business for action tonight. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with seven voting YEA.

- D. Petition 27-20: Sec. 8-24 Referral for Proposed Sale of former Barbour Road.
Newington Town Council, Owner/Applicant.

Chairman Pane: If I could have the Town Planner give us a report on this?

Craig Minor: Yes. As some of the Commissioners who have been around for a few years may remember this is the site of a walk-in medical clinic that the Commission approved in two steps over the years. The first phase was actually before I got here, for a small walk in clinic on the blue parcel which Dr. Calle owned, and has always owned. Then I guess at some point after that got approved he became aware that the triangular parcel in red, town owned property which used to be a road, was vacant and if he were to acquire it, it would give him more room to work with. So that is what he is in the process of doing, and the Town Council has referred it to TPZ to make a recommendation back to the Council was to whether the Town should sell this triangular in red parcel to Dr. Calle. My recommendation is yes, my recommendation to the Commission is that it should recommend that this transaction take place.

Chairman Pane: And we have approved a development that includes both parcels, is that correct?

Craig Minor: Yes, that is correct.

Chairman Pane: Any Commissioners have any comments or questions on this?

Commissioner Woods: It's all starting to come back to me now Mr. Chairman, I thought we already approved this, but now I remember we approved a change in the land and the buildings based on if he bought the property, because he wasn't going to buy the property if we didn't approve it. It's all coming back to me now. I think we should make a recommendation to the Council that we should sell this property to Dr. Calle.

Chairman Pane: Thank you. Any other Commissioners have any questions? Hearing none, I'll entertain that we move this to Old Business, Petition 24-20 for action tonight.

Commissioner Fox moved to move Petition 24-20 to Old Business for action tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

- E. Petition 24-20: Zoning Text Amendment (Sec. 3.22.1.C) Regarding commercial vehicles in residential zones. Town Plan and Zoning Commission , Applicant

Chairman Pane: I'll go to the Town Planner for a report on this, and then we'll go to questions from the Commissioners.

Craig Minor: Thank you Mr. Chairman. This is a staff recommendation. This regulation has been on the books in some form for many years and it was amended by TPZ a number of years ago, because the original version was unworkable and created a lot of confusion and guess what, so does the fix. It is also unworkable. So, I, with no modesty, said, I'll be able to fix this and what the amendment that I proposed does continues to allow people to have one commercial vehicle at home, a vehicle that they use on a regular basis, and if they wanted to have a second one, they can come to TPZ for a special permit, which means a public hearing and the neighbors get to weigh in on it, all of which I think you want to be able to preserve the residential character of the neighborhood. So if the second commercial vehicle makes sense, then someone can ask for it. It's a two page memo, and I'm not going to try to paraphrase it, but I'll stop talking now and the Commissioners have any questions, I'll answer them, but again, the rule has always been that you can bring one commercial vehicle home with you, the problem has been over the years what commercial vehicle are you allowed to have and what are you not allowed to have.

Commissioner Claffey: I think one of the questions that I have is, outside of your write-up here, there were deeper changes to this, outside of asking for a second vehicle. I just want to make that clear, am I correct?

Craig Minor: Well, no that's always been there, the second vehicle has always been in the regs.

Commissioner Claffey: No, what I'm saying is, prior to any second vehicle when we debated this at length for two years ago when we changed it, what I'm saying in now you have made some drastic proposed changes to those changes.

Craig Minor: I'm wacking away vigorously at a lot of verbiage, but I think the final result is consistent with what you will currently allow, just much clearer.

Commissioner Claffey: I guess I'm confused because it seems like you are more pushing the second vehicle by special permit than the Commission looking at the actual changes that you make.

Craig Minor: I don't know why you came to that conclusion.

Commissioner Claffey: Because the packet shows multiple things removed and removed and removed and we haven't discussed any of them as a Commission like this, but you know.....

Chairman Pane: We're going to have to talk about this Commissioner Claffey, there is no question about it because I have a concern on whether or not 15,000 pounds is really the weight that we go by and there are probably a few other things, but.....

Commissioner Claffey: We went away from 10,000 pounds and now we are going to up it to 15,000 pounds, I agree with you, that is a drastic change, I mean it's an over seven ton truck that you can have in your front yard or your back yard or your side yard.

Craig Minor: I think 15,000 is more in keeping with what kinds of vehicles that people actually have now. I tried to base this on reality.

Commissioner Woods: That 15,000 actually needs to go up to 17,500, that's the typical F-550 or the Super Max GMC, that is what the vehicle weight is, and that is your average truck that we are talking about being parked in these driveways. So if you did a 15,000 pound vehicle, most of the vehicles that we are trying to allow in, are not going to fit this regulation.

Chairman Pane: We also have to keep in mind that this is a working town, and there are people who work for different companies that are required to take their vehicle home and then go back, let's say for instance an H.O. Penn truck, somebody could be on call, take their truck home, and that's going to be even heavier than 17,500, so how tough are we going to be on things like that. I'm not expecting an answer now, but I think we have to look at all the scenarios so we can try to get this as best as possible, keeping in mind that we are a lot of workers in town and there is the possibility of large trucks going home. We have them now.

Commissioners Woods: The other thing Mr. Chairman, with Item 2 C, which is any vehicle outfitted with a back up alarm shell be deemed a commercial vehicle. That's a pretty broad statement.

Chairman Pane: I had a problem with that too because there are some cars with back up alarms, and there are small vans with back up alarms so I don't know if I want to use a back up alarm as a being a commercial vehicle. Any other Commissioners have any comments on this? I think we are off to a pretty good start, Mr. Minor and I think the Commissioners need to go through this a little more so that eventually we can put this up for a public hearing and get it addressed.

Commissioner Claffey, Do you have anything else?

Commissioner Claffey: No, no.

Commissioner Sobieski: A resident had a backup alarm on his vehicle and was backing it up at 3:00 o'clock in the morning, waking people up with the alarm, and I think that is what brought this to a head, I think it was on Sunnyside if I'm not mistaken. So my question is, I guess, I know any commercial is required to have a backup alarm, so (inaudible)

Chairman Pane: Mr. Minor, Andrew is not on any more but has he filled you in on any concerns in the past with this, on the types of trucks and things like that?

Craig Minor: I'm sorry, my wi-fi is intermittent right now. Could you repeat the question?

Chairman Pane: Just, have you gotten any feedback from Andrew on how bad this, how much of a problem we have with the commercial vehicles being at home.

Craig Minor: He and I have talked about this quite a bit, but I haven't asked him that question but I will do that.

Chairman Pane: Okay. Thank you. I know some Commissioners wanted to have more of an in-person meeting to go over this, is that still the thought of the Commissioners, or do the Commissioners think after reviewing this a little longer we could address this through our normal procedures through ZOOM?

Commissioner Claffey: The question I have is, this week we are talking about the commercial vehicles at home and last meeting we were talking about the home based businesses, I mean, a lot of people with home based businesses, this coincides with their home based business, so I think truly the home based business changes and the commercial vehicle changes need to run together, not at one meeting talk about one and at the next meeting talk about the other.

Chairman Pane: Great point. I think the Town Planner can arrange that.

Craig Minor: Yes.

Chairman Pane: Thank you very much. If there are no other questions or concerns with this, we will move forward.

X. OLD BUSINESS

Petition 07-20

Residential Subdivision at 68 Deming Street (Peckham Farm)
Calvin Roger Peckham and Donna M. Peckham, Owners,
Calvin Roger Peckham, Applicant,
Bongiovanni Group, Inc.
170 Pane Road, Newington CT, Contact

Commissioner Havens moved to approve with conditions Petition 07-20 Residential Subdivision at 68 Deming Street (Peckham Farm) Calvin Roger Peckham and Donna M. Peckham, Owners, Calvin Roger Peckham, Applicant, Bongiovanni Group, Inc. 170 Pane Road, Newington CT, Contact

Conditions:

1. The plans shall be revised to address the Town Engineer's remaining concerns as of August 12, 2020, if any.
2. The applicant shall post a performance bond for the proposed road in amounts to be determined by the Town Engineer in the form of cash or a letter of credit.
3. The applicant shall submit a conservation easement for the farm pond in the southeast corner of the site to be reviewed by the Town Attorney.
4. The applicant shall submit a maintenance easement agreement for the detention basin and related improvements to be reviewed by the Town Attorney.
5. The above conditions must be satisfied prior to endorsement of the subdivision plans by the TPZ Chairman.

Craig Minor: Mr. Chairman, do you want to add a condition about the conservation easement markers?

Chairman Pane: Yes, I was thinking of adding that to number 3 somehow.

Craig Minor: Just make it number 6.

Chairman Pane: Number 6 will be that the fifty foot conservation easement shall have markers spaced appropriately around the area.

Commissioner Woods: I would say 75 feet. I think we should put a number on it.

Chairman Pane: Is Mr. Bongiovanni still on?

James Krupienski: I believe he left.

Chairman Pane: I think he said every 50 or 60 feet or so.

Commissioner Woods: How about not to exceed 75 feet?

Chairman Pane: Not to exceed 75 feet apart, okay. That sounds good. Could you read that back Mr. Minor?

Craig Minor: The applicant shall install conservation easement markers at intervals of not to exceed 75 feet.

Chairman Pane: Thank you. Is that acceptable to the, Commissioner Havens, the motion maker?

Commissioner Havens: That is satisfactory. I was also going to ask are we going to add seven, the fact that we discussed the two trees per lot staying that way, and not being adjusted?

Chairman Pane: We can do that. That two street trees must be planted per lot.

The motion was seconded by Commissioner Sobieski. After a roll call vote the motion passed unanimously with seven voting YEA.

Petition 26-20

Site Plan Modification at 135 Fenn Road
Stanwell Associates LLC, Owner/Applicant
Mario Gigure, 97 Stanwell Road Newington CT, Contact

Commissioner Lenares moved to approve Petition 26-20 Site Plan Modification at 135 Fenn Road Stanwell Associates LLC, Owner/Applicant, Mario Gigure, 97 Stanwell Road Newington CT, Contact

The motion was seconded by Commissioner Havens. After a roll call vote, the motion passed unanimously with seven voting YEA.

Petition 27-20 Sec. 8-24

Referral for Proposed Sale of Former Barbour Road
Newington Town Council, Owner/Applicant

Commissioner Havens moved to approve Petition 27-20 Sec. 8-24 Referral for Proposed Sale of Former Barbour Road Newington Town Council, Owner/Applicant.

The motion was seconded by Commissioner Fox. After a roll call vote, the motion passed unanimously with seven voting YEA.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

Chairman Pane: We have one or two, correct Craig?

Craig Minor: The only application that I received was the one that I discussed with you Mr. Chairman, and you said to put it on next week's agenda.

Chairman Pane: Right, and that is the only one that we have so far?

Craig Minor: Correct.

Chairman Pane: And do you want to fill them in on what that is?

Craig Minor: Yes, the Chamber of Commerce wants to hold a movie night, just as a fun thing for the town to do. They have gotten the permission of the Methodist Church on the corner of New Britain Avenue and Church Street to conduct it. I don't have the paper work with me because I didn't think we were going to take it up tonight, but the event will be in late September, so there is no rush to schedule the hearing.

Chairman Pane: Okay, then we are also going to have, we are going to continue to have the commercial vehicles in residential zones, and home businesses on our agenda.

Craig Minor: Yes, now there is an item that has been kicking around for quite a while, that is ready for public hearing at your next meeting and that is the LID amendments that the Commission wanted to do to delete LID from the regulations. That is ready to go forward, and that will be on the agenda for the next meeting on August 26th.

Chairman Pane: And that will be a public hearing, correct?

Craig Minor: Correct.

Chairman Pane: And that has already been to CCROG correct?

Craig Minor: Correct.

XII TOWN PLANNER REPORT

Craig Minor: The second item in the report is the status of bonds that I have been working on, so we should talk about those.

Chairman Pane: One thing in your Planner Report for the outdoor seating, just so the other Commissioners know, the 155 Lowry Place is inaccurate, that location didn't work out and we're doing it in the town center at Constitution Square instead and I believe that the Town Manager is opening that area up for either party.

Are there any comments or questions on the Town Planners report, if not, I'd like to get into the performance bonds so we could maybe take some action on the performance bonds.

Craig Minor: I forgot, Item B in my report. It was brought to my attention that there are people who are hair dressers and barbers that work in salons who are currently not working because of COVID and so it was suggested that maybe we might want to, for the time being, liberalize our home business regulations. So I have suggested at the moment, the Home Business regulation specifically prohibits barbers and hair dressers, I'm not sure why, I can imagine why, but they specifically prohibit them, and I'm suggesting that maybe we amend the regs, for now to allow barbers and hairdressers to work at home, if the Commission thinks that is a good idea.

Chairman Pane: How many calls have you gotten on that?

Craig Minor: Actually call from people, none, because most people don't realize that this is even a possibility, but I did get a call from a Town Council person asking me to think about it, and the more I thought about it, I thought it was worth bringing back to the Commission.

Chairman Pane: I know a lot of places are now open and they are just practicing social distancing, either allowing one or just a few people in, so I'm not sure if this is a problem or not. I'll open it up to the Commissioners. Is there any Commissioner that has any concerns on this?

Commissioner Claffey: You start opening up this, it's not part of an executive order from the state government like the restaurants, and I think if you start opening up this, you start opening up Pandora's box. I know when I go to the barber I have to make an appointment like any other person, I go to a restaurant I have to make a reservation, I think you would be opening up a Pandora's box on home businesses here that could come and hurt us. Secondly, they are regulated by the Department of Health so, if you start this, you are going to have to call the Department of Health and see what is going on there with what their feelings are, so I think you have a lot more than just, oh, let's let it happen and then we will try to put the brakes on. Once you open it up, you are never going to close it down. Thank you.

Chairman Pane: Thank you for your comments, Commissioner Claffey, I appreciate them. Are there any other comments from the other Commissioners?

Commissioner Fox: I have to agree with Commissioner Claffey wholeheartedly, that's a little too much to ask, for a salon at home which are not approved by our regulations and having the health department in and out and in and out, so I would rather not see it.

Chairman Pane: Any other Commissioners have any comments? I suggest that we keep a close eye on it Mr. Planner to see if it really affects anybody. Maybe we could go to the performance bonds, if there are no objections.

There are quite a few old ones, from 1978, a bunch from '78, 94-95, 98-99, and 99-2000. There are all these really old ones, where you have no comments, it's because they are too old, is that correct?

Craig Minor: No, it's because I haven't gotten to them. I'm working from the most recent to the oldest, so if we could scroll to the bottom and work our way up, I'll explain the status of them.

Chairman Pane: Okay, Fenn Road Starbucks?

Craig Minor: They have requested a bond release and the staff is in the process of inspecting it and hopefully recommending releasing the remaining bond.

Chairman Pane: I've been by there, I don't see any problems. Have they been over there yet or not?

Craig Minor: Yes, they had one or two inspections, and then Andrew went on vacation but he'll be back in a day or so, and he will resume inspecting it.

Chairman Pane: Okay. The next one is the, what happened to Costello Road?

Craig Minor: That's a good question. I'll just tell you, I contacted them, and asked them if they wanted to apply for a bond release, I have not heard back from them. That was a couple of weeks ago.

Chairman Pane: We can just release it, can't we?

Craig Minor: Well, no, because I don't know if it is ready to be released.

Chairman Pane: They are holding \$66,000, it's been done for a while, get the inspectors over there and return \$60,000 to these guys if everything is good and we can retain a little bit if there is something necessary by the engineers. Let's get over there and check that out.
The next one up is the LA Fitness.

Craig Minor: LA Fitness has been around since 2009. This is a strange situation. The bond, we're holding that bond because according to my files they never finished the second course of black top, but I was looking at it the other day and it certainly looks like the blacktop, so I recommend that we release that.

Chairman Pane: I would recommend that too. Is there any objection to releasing \$5,000 to LA Fitness from any of the Commissioners?

Commissioners: No objections.

Chairman Pane: Okay, why don't we take care of that Mr. Minor.

Craig Minor: The next, the elderly housing, I was speaking to those folks and they are at a loss as to what that \$2,000 was for.

Chairman Pane: Since it is so long ago, twelve years, if there is no objection from the Commissioners, I would recommend that we return that money to whoever posted it. Now, all of these have to be returned to whoever made the check out, correct?

Craig Minor: I'm glad you brought that up because this next one is a little squirrely. Best Yet Market, we're holding a \$7700.00 bond for work that was never done by the previous owner. So, when (inaudible) guys bought the market and reopened it, a couple of years ago, at that time, I remember working with the Town Attorney and the Economic Development Director to see who this money should go to, and I was directed, or advised that the money should go to the new owner, and I thought it had, so I was surprised when I saw from the Finance Department that we were still holding onto that \$7700.00. It was supposed to go to the new owner of Best Yet Market.

Chairman Pane: So that would go to Lowry Place LLC. I think and I believe it should be returned to the new owner. Is there any objection from the Commissioners?

Commissioners : No

Chairman Pane: I know they are out of state, but Nick Gallichio from, manages the place Craig, so if you don't have an address, I suggest you get it over to him to give to the owner.

Craig Minor: Okay, I'll look into that.

Chairman Pane: The next one up would be the Rockledge subdivision.

Craig Minor: Right, now this is \$3,150 left from a \$10,000 bond. This was the subdivision where the developer did not follow through on the street tree requirements. He tried to pass the buck to the home owners and people didn't want trees and so what I did a couple of years ago was, we hired a local landscaper put in a bunch of trees for the home owners that did want them, and there was still some \$3000.00 left, so I spoke to the developer and he was fine with letting that money be used somewhere else in town. So I recommend that we keep that and maybe turn it over to maybe the Parks and Rec Department or someone who can use it somewhere else in town.

Chairman Pane: Do we keep it in this account here, because it looks as if you have an opening balance of \$4000 too, right?

Craig Minor: I'm not sure what you are referring to Mr. Chairman.

Chairman Pane: At the very first line it says.....

Craig Minor: I have no idea what those ancient ones are and I'm quite frankly not spending a lot of time on them, it's the more recent ones that I am working my way through. I recommend that we spend the money, that we use it for landscaping, and that is what the developer said he was fine with us doing.

Chairman Pane: Let's leave it in here and then we can talk about it at a later date on the best locations to spend it. Is that all right with the other Commissioners?

Commissioners: Yes.

Craig Minor: Now, MORETCO, I couldn't find anything in my records as to what MORETCO was, there was nothing, and then, just serendipitously the Planner who is working for the New Meadow Elderly Housing is Mike D'Amato, who the Commission remembers used to be the assistant Town Planner here. Mike, as a happy coincidence had with him some record that he brought with him from Newington and he had a cryptic reference to MORETCO incorporated where the original \$30 or \$40,000 bond had been released in about a half dozen phases to Mylon and McBrun. There must have been some part of the town center project that they were the contractor for, so I'm pretty sure it is their money. I'll get to the bottom of it, and we can give it back to them. I'll have a more detailed report next meeting.

Waverly Drive, \$5,000, the house, when it was built, the driveway was put in the wrong location, and the developer said he would take care of it, and never did, and he is now gone, the home owner said that he would try to acquire a couple of feet from his neighbor, so the five feet minimum would be met, and he never did.

Chairman Pane: Whose money is it?

Craig Minor: Who posted the bond? The original developer who put the driveway in the wrong place in the first place and never fixed it. So, I recommend that we keep that and find some good use for it.

Chairman Pane: All right, I want to check it out, but you are saying that the original developer posted that bond.

Craig Minor: Premier Development, yes. Now Premier Development was also the developer for 1450 Willard Avenue. Again, a single family home that was not built correctly and so a bond was posted, back in 2005 and since then the house has gone through several changes of ownership. The grading was never done, and again I think we should find some good use for that \$2500 since the developer is long gone and the original home owner is long gone.

Chairman Pane: The developer is not long gone, he's still living in town, or he lives in Wethersfield and he still has property in town, so I'd like to go look at the property and see if there is anything that stands out and then maybe act on that at the next meeting.

Commissioner Woods: I can meet you there Mr. Chairman, if you would like.

Chairman Pane: Certainly.

Craig Minor: Next one, Boylston Street, again Pat Snow Premier Development, he was surprised that we were still holding this \$5000 of his, when I brought it to his attention, and I went out there the other day and the work is done. It was probably done many years ago, so I don't know why this has been hanging around. I recommend that we release that one.

Chairman Pane: If there is no objection, I agree with you Mr. Minor that we should release that \$5400 to Patrick Snow. Is there any objection?

Commissioners: No.

Chairman Pane: Then the next one is Target, \$10,000 for a tree. I don't know whether the tree is there or not, Mr. Minor, do you have a report on that?

Craig Minor: It was still there a few years ago which was the last time this Commission went through a blending of the bonds, and at the time, the Commissioners had some questions about other landscaping and therefore never took any action on it, but the sycamore certainly survived the development progress which was the reason for the bond.

Chairman Pane: Do you know who posted the \$10,000? The Developer?

Craig Minor: I can find out exactly who posted the bond, but who else would it have been but the developer?

Chairman Pane: You know, there could be instances where we return these checks to them, and we don't have their addresses, or they come back to us, so we have to be careful there. Do you want to research who that is going to and make sure we have a name and address?

Craig Minor: The Finance Department is very diligent about that also. Not releasing money other than to the rightful owner.

Chairman Pane: Is there any objection from the Commissioners about releasing this \$10,000 to the developer on this property?

Commissioners: No.

Chairman Pane: The next one is Commerce Court, \$6,000.

Craig Minor: He was supposed to remove this fence as part of his site plan approval back in 2003 but he never did, and again, years ago when we went through this process, I contacted him, we had a number of conversations but it never got anywhere and he never, still hasn't removed the fence as far as I know.

Chairman Pane: I didn't get a chance to look at that one either, so if there is no objection, I think some of the Commissioners should go down and check that out, see if it is a problem, or if it's not a problem at the next meeting we could make a determination as to whether we should release this or not. Is that all right with everybody?

The ones beyond this you haven't researched yet, is that correct?

Craig Minor: Correct.

Chairman Pane: I'm wondering if the Commissioners think that you know, some of these, the really old ones, instead of researching them, we just release them all?

Commissioner Claffey: How do you release the HOPS? They aren't even in business any more are they?

Chairman Pane: Well, it's probably who ever developed it.

Commissioner Claffey: That could be.

Commissioner Woods: I have no problem with releasing that money. If it has been this long and we haven't done anything, either spending it or trying to correct a problem, we should give it back to whoever posted it.

Chairman Pane: Now the ones that are on like Foxboro, or Horizon Hills, is it possible that those are from the associations or do you think those are from the developer at the time?

Craig Minor: Probably a hodgepodge of different things.

Chairman Pane: I guess it doesn't matter because the checks have to go back to whoever posted it and if there is no objection I think this would save the Planner a lot of time and research and I would propose that we just return and make an attempt to return all of funds that are listed here to whoever posted them. Is there any objection to that from the Commissioners?

Commissioners: No objections.

Chairman Pane: Any other concerns? All right then Mr. Minor we will do that.

Commissioner Lenares: I could be in the minority with this, I'm not sure, I'm just throwing this out there, but before I give my opinion on this I give you a lot of credit for spear heading this bond release of all this money that is being held or already done, or so old that we don't have any records, I give you credit for trying to clean this up. To Craig, having to do all of this, I feel sorry for you, but you are doing a great job of getting it done and getting it out of the way, getting it cleaned up. You went through every line item starting at the bottom of the screen and you asked if any of us had any problems, and no one chimed in because I don't think anybody has any problems, is this really something that should be coming to our meeting when releasing these bonds? I feel that Craig does a great job of researching them, to find out if was met, done or not done, do we have to go back and forth with each one of these?

Craig Minor: Yes, Commissioner. The Zoning Regs specifically say that TPZ has to vote to release the bonds that are for site plans.

Commissioner Lenares: Done deal, thank you so much for the clarification, and I look forward to the rest of them.

Chairman Pane: Usually the procedure is, when there is a bond release on something Craig would tell us about something and then the Commissioners would, before the next meeting maybe take a drive over and check the place out, and then we would discuss it at the next meeting and then we would release all or a portion of the bond. Usually the engineer will also recommend release or retaining some of the bond.

XII. COMMUNICATIONS

None

XIII. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes. Use the Zoom "Raise Hands" feature.

None

XIV. REMARKS BY COMMISSIONERS

None

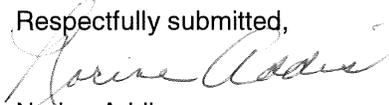
XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I think that we have been doing a pretty good job, we've tried to move things as fast as possible for the small amount of development that is coming in, and I think that is important, and I think it is important to keep in mind that we don't require unnecessary things and create a hardship, so I commend all of the Commissioners, and staff also.

XVI. ADJOURN

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:51 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary