

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

August 25, 2021

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

- I. **PLEDGE 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 Thomas Gill-A
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Hyman Braverman-A

Staff Present

Erik Hinckley, Asst. Town Planner and ZEO

- III. **APPROVAL OF AGENDA**

No changes

- IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda; each speaker limited to two minutes.)

None

- V. **REMARKS BY COMMISSIONERS**

None

Domenic Pane
Town Clerk

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VI. PUBLIC HEARING

None

VII. APPROVAL OF MINUTES

Commissioner Sobieski moved to accept the minutes of the August 11, 2021 regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. NEW BUSINESS

- A. Petition 40-21: Site Plan Approval at 129 Willard Avenue; applicant and owner, Gibbs Oil Company, Contact: Kenneth R. Slater, Jr., Esq.

Attorney Slater: Good evening, I hope you aren't tired of seeing us, but we're happy to be back here with what we hope to be the final part of the approval process for the improvement to the Phillips 66 station and the Dunkin Donut restaurant. Happy to report that Mr. DeFusco is here, the project engineer, he's received all of the comments from the town engineering staff as well as the planning staff and he is able to comply with all of the comments with the exception of four, all of which may have come up during the previous public hearing, two of them definitely did. He will touch upon them, but the town engineering staff recommended a radius that can't be accomplished on the site, and they also made a recommendation that I know that we talked about and there is an explanation for, which is the way that the station, the way that the trucks come in and do the filling of the tanks. The engineer's recommendation is not feasible on the site, and the project engineer will explain that in a minute.

With those two exceptions, which were discussed during the public hearing when the special exception, special permit was approved, there are two comments from the planning staff. There was a text that under the ordinary rules that the loading zone would be required, under Section 6.1.2, but that provision applies when the square footage of the building is more than, is 5,000 feet or more, and this one is 4,000 so there doesn't have to be a specific loading zone under your regulations. Another pick up in the ordinary course was that there are screened dumpsters, they are screened, but they are located within the yard setback which ordinarily wouldn't be allowed in your general regulations but in the PD Zone, provided the site plan is approved, a screened dumpster is permitted within the yard, and that is under 4.3.2.A, so we believe the site plan complies fully with the requirements of your regulations, the revised plans were submitted today. I don't know whether the engineering staff has been able to confirm, I know that there has been some back and forth between the project engineer and staff, with some odds and ends that were discussed during the course of the day. Obviously if there were some outstanding issues that the engineering commission hasn't reviewed the final plan, we would be very happy to receive approval subject to final approval of the engineering staff, and with that, we'll entertain any questions, but I will turn it over to Mr. DeFusco to, in particular go over the points that were raised by the engineering staff with respect to the radius and the filling

and confirm as I believe as I just have confirmed, that with the exception of those two points, we've conformed the plans to address all of the comments that have been made to date.

Erik Hinckley: Mr. Chairman, if I may briefly, Mr. Slater is correct on the two items from the planning side, the loading dock and the dumpster, so we have no issues on the planning side. Engineering did not get a chance to complete their review today, so the proposed draft motion has conditions to take that into account if you choose to take action this evening.

Chairman Pane: Thank you.

Attorney Slater: Mr. DeFusco, obviously we can answer any questions that the Commission might have, but I think that the two points that require your overview is the questions raised by the engineering staff with respect to the radius and the filling, because I think the staff needs to get the direction from the Commission to agree that those things can't be complied with so that we can otherwise get satisfactory approval from the engineering department.

Mr. DeFusco: To take the first issue, the twenty-five foot radius on an entry drive would require that the radius becomes (inaudible) at the curb, no point beyond the property which means that the driveway would have to be a minimum of twenty-five feet away from the property line, and this property is not very wide, so that would push the driveway so far over that you would be entering right into the dispensers. There simply is not enough width in this property to accommodate that, due to the existing condition of the lot.

As far as the tanker, the tankers drop only on the passenger side of the truck so in order to get the truck to line up with the tanks which are on the drive through entry side of the building, he has to enter from that northern most driveway, stop at the tanks and then loop around the back of the building and then exit out the southern driveway. This does mean it will have to cross some parking spaces which is very common on these small gas stations, and most of the spaces that it would have to cross are employee spaces already and typically what happens is the truck drive calls ahead and says he is like twenty minutes out, whatever, and they go out and they cone off the spaces just so that they are available for the truck to use when he has to sweep through and leave the site.

The other comment as the try to get the truck in the north driveway and out the south, and there is not enough turning radius because the swept path of the tanker is very large and he needs to get by that dispenser and get out onto the road. The only way that would work is if the tanks were on the opposite side of the site, but then they would be on the wrong side of the tanker. They would be on the driver's side and they don't, they can't drag the hoses under the truck and then fill, that is just not a procedure that they can do, so those are the reasons basically that addresses those two comments.

Chairman Pane: Okay, thank you, and our Assistant Town Planner has acknowledged that the town is in agreement with you on those two items, correct Erik?

Erik Hinckley: I was discussing the planning items, these are two engineering comments that were made, the tanks and the off loading during the special permitting process and I believe

you had asked them to look into putting it on the other side, and I believe they fulfilled doing that and they have discussed the reasoning why it doesn't really work for the flow on that site.

Chairman Pane: Okay, so we have to wait to see what the Town Engineer thinks, okay thank you.

Attorney Slater: We already know that the engineering staff thinks because that was the subject of comments before the special permit review, so we know that they would prefer that, so those are two items that we would like the Commission to provide based on the information that we have provided, some direction to the engineering department because they are asks, not requirements, and they simply can't be complied with, so the engineering staff would like to see the tanks moved to the other side, but for the reasons Mr. DeFusco just explained, it can't happen, so if it is possible for any motion to provide for engineering approval of the submissions with the exceptions of the movement of the tanks, that would I think accomplish the two items that we just talked about. If the tanks stay where they are, then the truck would be obvious on the site, so that's one thing if possible, if you could give guidance to the engineering staff that you were satisfied with the engineers report, otherwise perhaps after they listen to the tape they will revise their perspective if they think it is feasible to move those tanks from one side of the site to the other, despite the filing problems that Mr. DeFusco explained.

Erik Hinckley: Mr. Chairman, the Engineer and the applicant also moved the underground tanks enough to satisfy the Fire Marshal away from that residential property line to the north as well. They did move them a little bit to make that work.

Chairman Pane: All right, thank you. I'm just wondering if we should, before we do a motion with conditions whether or not we would be better served you, as an applicant to not vote on this until we hear from the Town Engineer only so that we can direct the Engineer whether or not, we understand that some things can't be completed and we wouldn't want those things to be a burden on you, so I'm not sure whether or not it's critical that we have a motion tonight, or whether you would be willing to wait two weeks so we can hear from the Town Engineer.

Attorney Slater: Mr. Chairman, we would defer to your judgement on that and we could await their comments.

Chairman Pane: Okay. I appreciate that, only so that we can best provide the necessary information to move this thing forward.

Commissioner Fox: I have to say, I have to agree with you Mr Chairman, as you said, rather than put conditions on it which might be a little tough on the applicant, we should wait until all of the information is in. Thank you.

Chairman Pane: Do any of the other Commissioners have any questions?

Commissioner Woods: Mr. Chairman, I do.

Chairman Pane: Commissioner Woods, go right ahead.

Commissioner Woods: What the applicant just told me is that when they deliver the gas from the tractor trailers, are they going to enter the site in the southbound lane and come around the back of the building and then park parallel with the property line so if the access to the tanks from the tanker is on the passenger side, that is how it is going to have to be, or is there some way to turn the truck around within that lot?

Mr. DeFusco: There actually, there is a sheet in the set that actually shows the movement of the truck, if someone can go to the TD-1 page. So the truck enters from the northern driveway, parks over the tanks and offloads onto the fills, which are just to the north of the truck, loops around and then exits the site and he needs to have a swept path coming out of the southern driveway in order to not turn into on coming traffic, so that is why that pattern needs to be the way that it is shown.

Commissioner Woods: The only issue that I can see with that is, doesn't that cut off access to the drive through lane for that period for the Dunkin Donuts?

Mr. DeFusco: He's parked actually in the by-pass lane so the drive through lane is still available and the truck will be making the deliveries during off hours. He wouldn't do it at peak times when most people are going to be trying to get their coffee to go to work, or on the way home. It would not be in those rush hour times. The conflict with Dunkin Donuts should not be an issue.

Erik Hinckley: You did discuss this at the public hearing for the special permit, you discussed the off loading and that is kind of what you are rehashing now.

Commissioner Woods: I apologize, I wasn't at the last meeting, but again, I think any of us know, Dunkin Donuts, especially through the rush hour, people have one thing on their mind. Are you saying, will they close the dispensing (inaudible) on that northern island when that truck is there?

Mr. DeFusco: That would be up to the individual delivery, the trucker, he may want to cone that off just for additional safety, just at the time that he is parked there. They typically will cone off an area where the hoses are entering the fills so they are less vulnerable to traffic.

Commissioner Woods: Okay, personally I think he would be better off coming in the south entrance, looping around, parking parallel with the edge of the property line, filling the tanks that way, but I'm not totally opposed to this, but I don't, I think there is a conflict with the drive through from what I'm seeing.

Chairman Pane: Thank you Commissioner Woods.

Attorney Slater: Just for the record, the representatives for the operator of the restaurant, who operates several of the Dunkin restaurants, familiar with these plans and the operations and for

the benefit of any member who wasn't here for the special permit hearing indicated that this method of filling and having that open and the practice of having that during off hours worked fine in other similar sites that they have worked with, so for the record, I just wanted to point that out.

Commissioner Woods: Let me just say, if Mr. Gagnon has condoned that, if he is fine with it, then I'm fine.

Attorney Tim Furey: I represent the Dunkin Donuts operator that will be affiliated with this site, and we have two other locations with, three other locations with the gas oriented uses, one with Gibbs Oil in East Granby with a drive up and in any of our locations, they coordinate very well to make sure that the fuel dispensing is not occurring during our peak hours. Even if the truck was there during our normal hours, not the peak hours, the cars will still be able to get through and around the building, but none of the deliveries are ever scheduled during peak hours, so the fact that they can get the vehicle on the site, off the site, and not in this fashion, is one of the safer sites we've seen and been involved with designing in our experience. What they have here is done very safely, will not interfere with our normal operations the way that that has been handled in the past.

Chairman Pane: Thank you very much for explaining that. I appreciate that.

Commissioner Sobieski: First of all, I agree with Commissioner Fox, to wait for the engineering report, just to cover all the bases. Secondly my question was, on the other part of the property, where it splits, the R-12 Zone and the B zone, I thought Attorney Slater was going to have that ironed out because both of these properties are owned by the same people now, or will be.

Chairman Pane: Okay, I'll ask the attorney if he wants to readdress that. We have addressed that in the past, but let's see if we can get another answer on it.

Attorney Slater: From our perspective, the portion of the property where this use is proposed is zoned for this use and I think Attorney Furey was actually on the line and he actually made a clarification, I don't know, Tim you had something during the special permit hearing on that point as well, but if he doesn't have anything to add, my position is the fact that there is only a portion of a larger parcel and is not relevant to whether or not this complies with the standards of the site plan regulations, and the site plan, as we have shown is all zoned for this use, and qualifies for approval.

Attorney Furey: So the site adjacent to the south is currently owned by the proposed Dunkin operator here. The Dunkin that is there, shortly after this gets approved will most likely be closed in anticipation of moving it over here with construction, and those of you who have seen the building that Mr. Naples totally renovated that property for the purpose of having ProHealth go in there with one of it's advanced pediatric multi-specialty groups, and they would be responsible to take over the rest of the building that would be renovated in a similar fashion. That property is zoned a little bit differently, but it is a merged property, it's not going to be, can't

be developed in a fashion utilizing the parking area for something different because otherwise the whole building becomes non-compliant, in it's all unified piece. I think we discussed this at the special permit hearing, we may look in the future of consolidating those zones, expanding this zone. Some of the neighbors are interested in participating but we're not there yet. You remember from the zone change application when you didn't to the property across the street, there were more questions, I think the Commission wanted more opportunity to study a more advanced plan. Everyone agreed that this site needed to be, was long in the tooth, and needed to be upgraded, everybody agreed that the site to the south that Mr. Naples owns, they did a great job in starting to bring the standards of the area up, but the Commission wasn't quite ready to make bigger decisions on the overall area, and I think the future zoning of our building to the south and some of the residential properties around it, I think we agreed would be a part of a bigger planning process that you might do going forward.

Chairman Pane: So the zone, R-12 and B-12 has no legal affect on your piece because it is on the adjacent piece of property, basically.

Attorney Furey: Absolutely, one hundred percent correct.

Commissioner Gill: I have a couple of questions. In regards to the sidewalk, is that sidewalk going to be continued to the condo entrance?

Chairman Pane: No, it's only to their property line I believe, I'll ask the applicant.

Attorney Slater: That's correct.

Commissioner Gill: Okay, now how would we get that sidewalk to be.....

Chairman Pane: Maybe in the future, with maybe possible grants for the busway or further development, or we have a sidewalk plan, maybe we would consider doing it ourself, so there are some things that we could do in the future to provide additional sidewalk.

Commissioner Gill: Okay, we're talking about the site plan right now, right? Okay, there is a discrepancy about the fencing in the back, on the west end of that, on plan C-1. They have a chain link fence and a white vinyl.

Chairman Pane: I'll take a stab at this and then I'll ask the applicant. I believe the chain link fence is somebody else's fence right on the property line, and they are going to add a vinyl fence just on their property, but I'll ask the applicant if he could clarify that.

Attorney Slater: That is correct. The chain link is actually not on the applicant's property and the new fence is being installed as a screen since it is a solid vinyl fence.

Commissioner Gill: Okay, that's good. As far as digital signs, were you planning to change that as far as our regs.....

Chairman Pane: That's a great point Commissioner. We talked about allowing the LED signage for the gas stations, but this might be in a business zone, but I believe that is coming up in the near future to change the business zones to allow that.

Erik Hinckley: If I may, you are absolutely correct, we are looking at changing that, however this parcel is rezoned to PD, so the digital pricing would be allowed.

Chairman Pane: Thank you, that answers that, thank you very much. Anything else?

Commissioner Gill: Yes, the free standing sign that is going to be resigned, and put the Dunkin Donuts sign on there, can we get an address on that sign?

Chairman Pane: Erik, have they presented their signage yet or not?

Erik Hinckley: I believe there are some signage sheets in the packet, in the set of plans.

Commissioner Gill: And as far as the removal of signage and lighting, there are a couple of light poles that are on the property, and they don't seem to be indicated as far as they are going to be removed or not.

The environmental system, is that definitely going to go back into place and is it going to be a brand new piece of equipment or is it going to be the one that is there moved over.

Attorney Slater: So far we are calling for a new system, but I think it is still to be determined whether or not it will be required in fact.

Commissioner Gill: Okay, right now, at this time it's not being in use, correct?

Attorney Slater: That I'm not sure.

Commissioner Gill: It's off, I mean, it's completely shut down, electrically it is completely shut down. It's a large service, it's a 480 volt service that goes to that and that's going to be an expensive undertaking with that on the on the back side of the building.

Is there a new pattern, parking pattern on the south entrance between the two buildings? These two pieces of property, and if there is, are they paying for that or, in the parking or....

Chairman Pane: It doesn't matter who is paying for it, it's irreverent. So what is your question?

Commissioner Gill: Well, is there going to be arrows, or anything put onto the other property?

Chairman Pane: So is there going to be traffic markings? Is that what.....

Commissioner Gill: Yes.

Chairman Pane: I would imagine that there is, I'll ask the applicant. It's on the blueprint that there are traffic markings.

Erik Hinckley: I believe that sheet shows markings down in the corner. B-1 shows the arrows on the pavement.

Attorney Slater: Yes, on the drive through and also the exit.

Commissioner Gill. Okay, thank you. The sign, the entrance sign I guess the drive through entrance on the north corner on Willard Avenue. Is that sign going to be illuminated? I'm concerned about, it is close to the residential, just wondering if there is going to be any, if it is going to be a major you know, lighted sign. I know it's not that big, it's only about three and a half.....a drive through sign.

Attorney Slater: It's a directional sign to indicate where to go for the drive through lane. It is intended to be illuminated, it's a very small sign, and it's low to the ground.

Commissioner Gill: Okay, that other thing, some of your lighting is not LED as far as some of the plans show. They have 400 watt metal high lights, I'm assuming that is just from a different pole design. On the overhang, the 66 sign is that going to be illuminated?

Attorney Slater: On the canopy? Yes, we have indicated that to be internally illuminated.

Commissioner Gill. Okay. I've been noticing a lot of canopies, they are putting signage up there, gas prices, and they are very very bright, I just wanted to make sure we're, we talk about that before it actually happens. Thank you.

Commissioner Claffey: Can you go to sheet C-1, go back to the site improvement plan there. That's the best one to look at. Can you zoom in on the handicapped spaces on C-1? My only concern here, not that it would ever happen but your eight foot space isn't for a van, the ten foot space is for a van, a handicapped van which goes out the side with a lift. I would be concerned, there doesn't seem to be a curb or anything between the drive through lane and that handicapped hash mark. Is it flip flopped, and you have the eight foot space in the wrong location, and the ten foot space in the wrong location? Not that it is going to happen, but a van would pull in, they only exit on the passenger side, the ramp goes down and it's going to be right in the drive through lane possibly.

Erik Hinckley: If I may, and the engineer can speak to this, I believe the eight and eight is a van sized space, and the ten and five is for vehicles, but I'm sure the engineer can confirm that.

Attorney Slater: I think the intention was that has the striped access to the ramp at the bottom, so that would be for a van use and that gives plenty of room for the exit on the passenger side.

Commissioner Claffey: Okay, so what is the difference of the ten foot space and the eight foot space?

Attorney Slater: There is a requirement to have a ten foot space and a five foot space as a parking space on sites per Connecticut regulations.

Commissioner Claffey: Okay, so if a ramp van pulls in in the ten foot space, on the right hand side and he throws out his ramp, pretty tight for someone to roll out in a wheel chair and not get clipped by a car in the drive through lane. Just saying, the ramp plus three foot for a wheel chair, there's your eight feet. It just seems odd to me that we have a hashed up handicapped space without a barrier between a drive through lane.

Chairman Pane: So Anthony if I could ask you a question, basically the hashed space on the other side of the ten foot, instead of being three foot it should be a little wider you're saying.

Commissioner Claffey: I find it hard in a parking lot that a hashed space is in a drive though lane without a barrier. There is no curb, no bars, no nothing.

Chairman Pane: The hashtag on the other side is eight foot wide.

Commissioner Claffey: I understand that. Purely for safety, to me as a Commissioner, seems odd that the handicapped with its accessible hashed off area has no barrier between the drive through lane. That's all I'm saying, and you know how the drive through lane is going to be, it's going to be up to there, it just seems to be a little flakey that it's, that the ten foot space isn't closer to the entry to the actual business to give someone more space with a van that only exits out the right side. That's all I'm saying, it can go like that, it just doesn't sit well with me, kind of like the tanker thing, but again, I'm just saying it looks odd to me. It's probably fine, but that's all I'm saying.

Chairman Pane: Maybe they can relook at it and see if there is a different way since we aren't going to be voting on it tonight. Are there any other questions?

Commissioner Fox: What is on the south side of the entrance, I'm asking, can the handicapped spots be put on the south side of the entrance?

Mr. DeFusco: We would have to take a look at that and normally we would want the spaces the closest to the door, so that is how they are positioned.

Commissioner Fox: Maybe you could take a look at that?

Mr. DeFusco: We'll take a look.

Chairman Pane: Thank you. Any other questions from the Commissioners? Erik, do you have anything else to add as staff?

Erik Hinckely: No I do not.

Chairman Pane: I think it would be in the best interest of the applicant if we just moved this to Old Business and we get a report from the Engineer next meeting and we finalize this. I don't want to delay it, but I think it would be best. Actually we can just move this to Old Business for the next meeting.

Commissioner Sobieski moved Petition 40-21 be moved to Old Business for the next meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Pane: Thank you very much and we will see you in a couple of weeks.

IX. OLD BUSINESS

Chairman Pane: We are going to group these together and.....

Erik Hinckley: Mr. Chairman, you can group them together for any presentation or questions and then when you vote on them, they shall be voted on separately.

Commissioner Claffey: You just want them read like that, it seems like.....

Chairman Pane: We are reading them so we can discuss them. Then, after the discussion if we have a vote, we'll vote on them separately.

- A. Petition 24-21: For a subdivision at 285 Connecticut Ave, Applicant and Contact; Larry Webster, Owner, JCB Management, LLC.
- B. Petition 27-21: For a subdivision at 293 Connecticut Ave, Applicant and Contact; Larry Webster, Owner, JCB Management, LLC.
- C. Petition 26-21: Special Permit (Sec. 3.4.9) and Associate Site Plan to allow interior lots at 285 Connecticut Ave., applicant and contact: Larry Webster, Owner, JCB Management LLC.
- D. Petition 28-21: Special Permit (Sec. 3.4.9) and Associate Site Plan to allow interior lots at 293 Connecticut Ave., applicant and contact: Larry Webster, Owner, JCB Management II LLC.

Erik Hinckley: Chairman Pane, if I may briefly, the public hearings for all of these applications have been closed. You had some questions about drainage, the applicant submitted revised

drainage plans, they have been approved by the Town Engineer and here we are. So I guess if there are any further questions, the applicant can answer them.

Chairman Pane: Okay, lets have the applicant talk about the drainage briefly that was approved by the Town and then we will see if there are any further questions.

Alan Bongiovanni: Thank you Mr. Chairman. For the record, my name is Alan Bongiovanni, I'm a licensed land surveyor in the State of Connecticut. My office address is 170 Pane Road here in Newington. As you recall, and as was mentioned earlier we made the presentations on these two projects earlier this summer for the special permits for both lots. We talked about this being two parcels of property, each about 2.6 acres, each one we are proposing to divide into three lots, two each subdivision, the south subdivision having one lot full frontage and per our regulations, two interior lots and the same thing for the north parcel.

The property will be served by MDC sewer and water. We are proposing one central driveway for the site. We worked with the Planner on this layout, we think it serves the piece very well.

The property rises from Connecticut Avenue towards the west, the midpoint, if we could have sheet 8.....in the meantime I'll continue with my recap and presentation, so the property rises from the east and Connecticut Avenue, about a quarter of a way into the site towards the west where you have a water course in the back. For the record, we were before the Inland

Wetlands Commission, we did receive approval for both of these subdivisions by the Wetlands Commission. The main outstanding issue at our last presentation was the drainage. We met with the Town Engineer, talked about concepts and how to best service this piece of property.

The idea was, from the Town Engineer's perspective, is mitigate any increase in run-off and in doing that could we also create some water quality, and we have done that as you can see in the back of, to the west and the back of lots 3N and 3S, we have created a water quality basin. We've designed swales around the north and the south property line to direct the surface flow.

At the rear of the house on lot 1S you will see there is a permanent stone check dam and also along the north property line just to the right of the water quality basin. What is going to happen is that the water will sheet flow into that area, it will go into the water quality basin, it will, it has a pervious berm section in there, so the water will sit there for a short period of time, an hour or less in a large storm, and then will seep out through that. It will be filtered through that pervious berm section and then run into the water course as it does now.

This has been reviewed by the Town Engineer, we did receive a letter that he does approve of the plans as submitted, and I think that is it. If you have any questions, I'd be happy to answer them, I think we touched on most of the bases.

Chairman Pane: Thank you very much Mr. Bongiovanni for that review. I appreciate it. Do any Commissioners have any questions concerning the site plan? Any questions? Pretty straight forward, I appreciate you answering the drainage questions.

Commissioner Sobieski: A quick question, looking at Lot 2N for instance, there is a final grade of 72.3, but where Whitefield's property is, it's 70, and I'm looking at the next property down here, Carlyle, looks like it's 66. Do you have a way of keeping the water on this property away from these two houses?

Alan Bongiovanni: If you look just above lot 2N where it says 72.3, and we show arrows to the right of that, and then to the left with grading, those are going to be swales that are going to be graded into the lot so that everything south of that will either be directed up towards the street or toward the water quality basin in the back. The last twenty feet, it currently flows in their direction and will continue to flow in their direction, we won't divert that water, but the water from our house, from our yard around the house will not flow in that direction. We will actually remove some of the flow that goes into that lot to the north, on all of the properties to the north as we have swaled along the north and south property lines.

Commissioner Sobieski: The other thing, this water is flowing up toward Connecticut Avenue, it will stay out of the (inaudible). Is that correct?

Alan Bongiovanni: It will, what we have done is we have actually shown a catch basin, so you have some water that does flow towards Connecticut Avenue, that water as you see between Lot 2N and 1N, it swales to the east towards Connecticut Avenue, then between the houses and comes out towards the driveway, the driveway is pitched to the south, and we have a catch basin to intercept it there. There will be a private drainage agreement with the Town if this is approved so we can operate that drainage and it will go into the town system.

Commissioner Sobieski: Thank you.

Commissioner Claffey: Just quickly and correct me if you have gone over it, but when you exit onto Connecticut Avenue, I know that site goes up at a great steep angle and then levels off and tiers back toward the back of the property, when that road gets cut in, and I'm looking at 8 of 13, am I looking at this right, we're at like, 66 feet, elevation 66, and what is the street elevation currently? I'm more, because there are no sidewalks on that side, and it looks like, just to the naked eye looking down that it is a standard exit, but I know how high that currently is, where one of the driveways is. I'm just looking for sight lines for vehicles.

Alan Bongiovanni: So, the elevation of the proposed driveway is going to be considerably less than what the existing grade is. I think the existing grade, as you leave Connecticut Avenue, go west onto the site is probably eight to ten percent. We're at three or four percent with our final design. That was a comment by the Town to see if we could lower the grade, which we did, but where the cars would stop, the elevation that is proposed to be 66, the center line of road in that area is generally 66. It rises to the north and then it goes down to the south. We have a very straight tangent of a level grade along the roadway and your sight lines probably would exceed 500 feet in either direction.

Commissioner Claffey: Okay. I was looking between page 7 and 8, and that was my question, you answered it, thank you very much.

Chairman Pane: Do any of the other Commissioners have any questions? I think you have done an excellent job on the site plan Mr. Bongiovanni and everything has been approved by the Engineer and staff, correct Erik?

Erik Hinckley: That is correct.

Chairman Pane: So if there is no objection I think we can have the first motion put up for Petition 25-21.

Commissioner Claffey: One question. Were there any conditions on the subdivision prior to tonight's meeting.

Chairman Pane: No there were not.

Commissioner Claffey: Thank you.

Commissioner Claffey moved Petition 25-21 for a subdivision at 285 Connecticut Avenue, Applicant and Contact Larry Webster, Owner JCB Management LLC. Make a motion we approve the subdivision at 285 Connecticut Avenue.

Reason for the Approval:

The proposed subdivision meets the requirements of Newington Zoning and Subdivision regulations.

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

Petition 27-21 for a subdivision at 293 Connecticut Avenue, Applicant and Contact Larry Webster, Owner JCB Management II LLC.

Commissioner Lenares moved to approve the subdivision at 293 Connecticut Avenue

Reasons for the Approval:

The proposed subdivision meets the requirements of Newington Zoning and Subdivision regulations.

The motion was seconded by Commissioner Claffey.

Chairman Pane: Any comments or questions?

Commissioner Fox: Maybe I read it wrong, but have we gotten all of the staff comments?

Chairman Pane: Yes.

Commissioner Fox: Okay.

Erik Hinckley: All the staff comments were approved and the engineering comments were all addressed and approved as well.

Commissioner Fox: Okay, I'm still not sure, but.....

After a roll call vote, the motion passed by a vote of 5 in favor and 2 abstentions. (Fox, Sobieski)

Commissioner Claffey: How do you abstain when you voted for the other one?

Commissioner Fox: I wanted to abstain, but maybe I got distracted and it went too fast, I apologize.

Petition 26-21 Special Permits (Sec. 3.4.9) and associated site plan to allow interior lots at 285 Connecticut Avenue. Applicant/Contact Larry Webster Owner JCB Management LLC.

Commissioner Lenares moved to approve Petition 26-21 for the creation of two interior lots at 285 Connecticut Avenue.

Reasons for the Approval:

The proposed petition meets the interior lot requirements in Section 3.4.9 and the general special criteria in Section 5.2 of the Newington Zoning Regulations.

The motion was seconded by Commissioner Claffey.

The roll call vote was in favor of the motion with 5 voting YEA and 2 abstentions (Fox/Sobieski)

Petition 28-21: Special Permit Section 3.4.9 and associated site plan to allow interior lots at 293 Connecticut Avenue: Applicant and contact Larry Webster; Owner JCB Management II, LLC.

Commissioner Lenares moved to approve the special permit 28-21 for the creation of two interior lots at 293 Connecticut Avenue.

Reason for Approval:

The proposed petition meets the interior lot requirements as in Section 3.4.9 in the general special permit criteria in Section 5.2 of the Newington Zoning Regulations.

The motion was seconded by Commissioner Claffey.

The roll call vote was in favor of the motion with 5 voting YEA and 2 abstentions (Fox/Sobieski)

Alan Bongiovanni: I would like to say really quick it was a pleasure working with the town staff. Erik, Renata and Gary all were very, very accommodating but stood by their guns and the

applicant was able to come to a solution that satisfied the staff and I think will be a good product for the Town of Newington. Thank you.

Chairman Pane: Thank you Alan, that's great to hear because that is something that we have been trying to improve and I'm really proud of the staff for working with the businesses in a friendly way, but achieving exactly what we have to achieve. Thank you very much, it's nice to hear that.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 39-21: Special Permit (Sec. 3.4.9) to allow an interior lot at 268 Willard Avenue; Applicant Glenda Lara, Contact; Jessica Lara, Owner: Glenda and Jose Lara

XI. TOWN PLANNER REPORT

- A. Future Agenda Form

Erik Hinckley: I think we're good. We'll be busy, probably a busier meeting the next couple coming up.

XII. COMMUNICATIONS

Chairman Pane: Everyone receive their CRCOG letters? Are there any questions

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

None

XIV. REMARKS BY COMMISSIONERS

None

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everyone for a very efficient meeting, glad we were able to get through it and want to wish everybody a good night. I want to thank NCTV and I want to thank James and Erik, thank you very much for putting everything together.

XVI. ADJOURN

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Claffey. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Norine Addis".

Norine Addis,
Recording Secretary