

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 23, 2020

Chairman Domenic Pane called the September 23, 2020 Regular Zoom Meeting to order at 7:00 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Domenic Pane
Commissioner Michael Fox
Commissioner Garrett Havens (7:20)
Commissioner David Lenares
Commissioner Stanely Sobieski
Commissioner Stephen Woods
Commissioner Thomas Gill-A
Commissioner Bryan Haggarty-A

Commissioners Absent

Commissioner Anthony Claffey
Commissioner Hyman Braverman-A

Staff Present

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

Commissioner Haggerty was seated for Commissioner Havens and Commissioner Gill for Commissioner Claffey.

III. APPROVAL OF AGENDA

Chairman Pane: I believe we are going to add something, an 8-24 Referral for the Proposed Sale of the former National Welding property. Would that fall under New Business as C?

Craig Minor: Mr. Chairman, that was added to the amended agenda that was distributed on Monday, so not the agenda that was mailed to you, or that you received in hand, but it has already been added under New Business, Item B. Petition 33-20 Section 8-24 Referral of Proposed Sale of former National Welding Property at 690 Cedar Street.

I do have one deletion Mr. Chairman, the public hearing for the zone change, Petition 30-20, the zone change on Willard Avenue, the applicants did not post the signs in a timely manner, so I discussed this with the Town Attorney and he agreed that it should be postponed until the following meeting.

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NEWINGTON, CT
2020 SEP 28 AM 11:29
Domenic Pane
Town Clerk

Chairman Pane: Okay. Very good.

- IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes. Use the Zoom "Raise Hand" function.

None

V. **ZONING ENFORCEMENT OFFICER REPORT**

Andrew Armstrong: Good evening everyone. We are reviewing the August 2020 Zoning Officer Report tonight. Are there any questions on that?

Chairman Pane: Do the Commissioners have any questions? Andrew, it didn't seem like there was a lot in August. Is there any special reason for that?

Andrew Armstrong: Not particularly, no.

Chairman Pane: Okay. If there are no questions from the Commissioners, I want to thank you Andrew.

VI. **REMARKS BY COMMISSIONERS**

None

VII. **APPROVAL OF MINUTES**

Commissioner Fox moved to approve the minutes of the August 26, 2020 and the September 9, 2020 Regular Meetings. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting AYE.

VIII. **PUBLIC HEARING:**

Petition 29-20 Special Permit (Sec. 6.2.5) for Free Standing Sign at 395 Willard Avenue Colchester Properties LLC, Owner, Sign Life Inc., Applicant, Mark DeTulio, 6 Corporate Drive, North Haven, CT, Contact.

Chairman Pane: Is the applicant available. This is for a new sign for the learning center over on Willard Avenue.

Craig Minor: Mr. Chairman, I saw his name as someone who is in the room, Mr. DeTulio.

James Krupienski: I have sent a request to unmute, but have no response yet.

Chairman Pane: Do you want to start off Craig with a small report?

Craig Minor: Yes, this is a conventional free standing sign, and under the Newington Zoning Regulations free standing signs require a special permit from TPZ which requires a public hearing. This is for that new commercial day care building that was approved by TPZ a number of months ago that is under construction. I'm sure you have all seen it on Willard Avenue. Now the operators of the day care would like permission to put up a pedestal sign at the entrance to the new building.

Chairman Pane: It's a very reasonable request. Is the applicant available to speak now?

James Krupinski: Still not showing, I'll attempt again.

Chairman Pane: Craig, the location has been checked and everything?

Craig Minor: Yes Mr. Chairman, and the size of the sign is within the requirements.

Mark DeTulio: This is Mark from Sign-Lite, I just got on. Sorry, tried to get on with my computer but I'm on with my phone now.

Chairman Pane: No problem, if you could explain a little bit about what you are doing and then we'll go to the public?

Mark DeTulio: Sure. What we are looking to do here at 395 Willard Avenue is a free standing, non-illuminated sign. The sign structure is a masonry concrete, actually cinderblock based with a concrete, the upper portion, which is the sign band is kind of a drivet type of stucco finish, very similar to the building façade material, and we are proposing non-illuminated 3/8" thick acrylic letter forms that are of the design that you see here. They will be on the sign band area of this free standing stone base and that is the type of sign that the Learning Center has at many of their other locations throughout Connecticut and pretty much the United States, but that is the free standing sign type that they are looking to get at this location.

Chairman Pane: Is it both a monument sign and a free standing too?

Mark De Tulio: No, it's only one sign. Going by two different names, but just one sign.

Chairman Pane: Okay, very good. I've noticed the base, and it's very nice that it all matches the building, so I think that is going to be a real plus there. Is there anything else that you would like to say?

Mark DeTulio: No, that's about it. The masonry work is done by others. I'm the contractor installing the signs for A and M Sign Company that hired us to get permits and install the signs, but no, it's really cut and dried. That is what they are looking to get at this location.

Chairman Pane: Okay Mark, I understand. Are there any questions from the Commissioners to the applicant?

Commissioner Gill: Is there any possibility of getting addresses affixed to this signage?

Mark DeTulio: Yes, absolutely. It can go in the brick area down below the sign itself. We can put the 395 numbers down below that. As a matter of fact, that has been done in other locations. We just did one in Trumbull, there is another one that we did in Glastonbury that has the address down below, so we certainly do that very easily.

Chairman Pane: Any other questions from the Commissioners? Hearing nothing, I will open it up to the public. Anyone wishing to speak in favor of the application? Is there anyone that would like to speak against it?

If the Commissioners don't have a problem, I think that we should close this petition and move it to Old Business for action tonight.

Commissioner Woods moved Petition 29-20 be closed and moved 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.

Chairman Pane: We will be moving this over to Old Business Mark, and taking care of it tonight for you.

Mark DeTulio: Thank you very much, I appreciate that.

Chairman Pane: Thank you Mark.

B. Petition 30-20: Zone Change from B, I, R-7 and R-12 to PD at 33, 39, and 45 Spring Street, 96, 108, 112, 116, 126, 120 and 129 Willard Avenue; and 230 West Hill Road. Gibbs Oil Company, applicant; Kenneth R. Slater Jr., Esq. 2225 Asylum Street, Hartford, CT Contact.

Postponed.

Chairman Pane: Before I go on, I see Commissioner Havens is on now we can make a note in the minutes that a permanent member, Commissioner Havens in on, and will sit permanently now and Commissioner Haggerty will be the alternate moving forward for the meeting.

IX. NEW BUSINESS

A. Petition 31-20 Site Plan Modification at 100 Milk Lane, Saputo Dairy Foods USA, LLC, Applicant, Catamount Newington LLC. Owner, Scott Manlove, 100 Milk Lane, Newington CT. Contact.

Chairman Pane: Is the applicant here?

Scott Manlove: Yes.

Chairman Pane: Hi Scott, if you could tell us about this, it looks like you are putting in some new equipment.

Scott Manlove: Yes, that is correct. We are going to be installing a new production line at the facility and part of that activity means we have to make some changes to our current milk

receiving area, and then we are going to be putting in some additional walls to create some new rooms, clean rooms, for this new production.

Chairman Pane: Do any of the Commissioners have any questions? Craig, would you like to give us a report on this?

Craig Minor: Yes, I have reviewed the plans, and as you saw, because you all got a copy of them in your packet, these are additions to the back of the existing building so there is no impact on the existing impervious and will not have an impact on traffic to this site. I gave a copy of the plans to the Town Engineer last week, he hasn't had a chance to review it thoroughly, but as I said, there is no additional impervious so there is no impact on run off which is the usual issue that the Town Engineer is usually concerned about, so I don't see any reason not to proceed with this application.

Chairman Pane: Thank you very much Craig. Any of the Commissioners have any questions? I think this is a very small modification to the site plan for their business and there should be no reason why we can't move this forward. I would suggest that we close this and move this to Old Business for action tonight.

Commissioner Fox moved to close Petition 31-20 and move it 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.

Chairman Pane: We will take this up under Old Business. Thank you very much.

Scott Manlove: Thank you.

Craig Minor: Mr. Chairman, we have the 8-24 to discuss.

Chairman Pane: Petition 33-20 an 8-24 Referral of the proposed sale of the former National Welding property at 690 Cedar Street, Town Council, owner/applicant. Go ahead Craig if you want to start it off.

Craig Minor: As everyone knows, this is the property that the Town has owned for a number of years, the town demolished the old building a while ago, and substantially we remediated the site and removed a lot of contaminated soil. They have been looking for a buyer for quite a while and have found an appropriate buyer, a developer out of state, and what he is proposing to do is to build a market rate apartment building of mostly studio and one bedroom apartments, there might be a couple of twos, but mostly studio and ones, which is certainly something that this town needs. It will be right next to the CTfastrack station so probably most of the people living in this apartment building will be people who will take advantage of CTfastrack to get to work in Hartford, New Britain and points in between.

I prepared a draft motion to approve which indicated a number of ways of how this proposal complies with the new Plan of Development so if you could flip to the draft motion under Old

Business, there are three specific aspects of the Plan of Development that I found that relate to this sale. The first one is that the sale of 690 Cedar Street is a land use strategy dated on page 50 of the new Plan of Development, and “it will continue to promote appropriate development of the National Welding site now owned by the Town.”

The second finding that I recommend that the Commission reach is that the proposed use of the property is market rate apartments, primarily studio and one bedroom units. This is accordance with land use strategy and will promote the following residential development goal indicated on page 59 of the new POCD, “provide housing options for a variety of household types, sizes, ages, income groups within safe and stable neighborhoods.”

The third point that I would like to make, a finding that I would like the Commission to reach is that the proposed use is consistent with the “overall housing diversification” on page 64 of the new POCD, namely areas in Newington which maybe best located to assimilate housing options within the community may include areas which are walkable to transit stations, including the Cedar Street Fastrack station.

Mr. Chairman, I believe the Town Manger is present if the Commissioners have any questions for him of the developer.

Chairman Pane: Thank you Craig very much. I think that you did a very good job on this draft motion, and it’s been a long time that this National Welding property has been sitting there, and I definitely think this is an asset for us to move this forward as an 8-24. I’ll open it up for questions from the Commissioners, does anyone have any questions?

Commissioner Woods: I don’t have a question, just a statement, Mr. Chairman. I applaud the Town Manager as well as the Council for moving this forward, it’s been a long time coming. It was a big leap for the Town to take on this property, probably close to ten years ago now, and it’s finally, we’re going to turn it back into, if I remember correctly, it was one of the top ten tax payers for a long, long time when it was National Welding. At least it will be back on the tax roles, I’m very happy to see this and I’m very happy to see that we are finally getting some housing along the busway. I think that is just a wonderful thing.

Chairman Pane: I agree with you Commissioner Woods. Thank you for your comments. Any other comments from the Commissioners, or questions? Hearing none, I don’t see why we shouldn’t be able to move this to Old Business for action for tonight.

Commissioner Fox moved Petition 33-20 8-24 Sale of Property at 690 Cedar Street 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.

- A. Review “Commercial Vehicles in Residential Zones” regulation (Sec. 3.22.1.C) and “Use of Residence for Personal Business” and “Home Occupation and Professional Office” regulations (Sec 3.3.3 and Sec. 3.4.4)

Chairman Pane: I’ll have Craig start us off with a report on where we stand on this.

Craig Minor: For the audience who haven’t been with us the past couple of meetings, this is an issue that TPZ has been working on for the past couple of meetings. The current commercial vehicle regulation is quite wordy and confusing, and so the Commission is trying to streamline it,

improve it, but still preserve the ability for folks to have a commercial vehicle at home, without impacting the residential character of the neighborhood.

So as I said in my memo, I make the following changes to the draft per the comments made by the Commissioners at the September 9th meeting:

- a. Deleted references to maximum weight and maximum cargo area.
- b. Deleted reference to backup alarms.
- c. Deleted the prohibition on dump trucks and wreckers. However, I recommend these vehicles continue to be prohibited by right, but be allowable by special permit. In a dense R-7 or RP neighborhood a driveway can be pretty close to the neighbor's house. Residents should be given the opportunity to raise valid objections.

I didn't get into the Home Business regulations, because we really hadn't talked about that yet.

Chairman Pane: On the Home Business regulations, I think we were all in agreement that we were going to leave that alone. We had no comments on it the last meeting, and I think everyone was satisfied with what we have. I'll open it up to the Commissioners and ask about the Home Business regulation.

Commissioner Woods: I'm satisfied with the Home Business regulation Mr. Chairman.

Chairman Pane: Thank you Commissioner Woods. Is everyone else all right with the Home Business regulation?

Commissioners: All fine.

Chairman Pane: I like the changes that you made Craig on the commercial vehicles. I think that is exactly what everybody talked about at the last meeting. Is there anything else the Commissioners would like to change or discuss on the commercial regulations? One other thing, Craig, does this have to CRCOG?

Craig Minor: Yes.

Chairman Pane: It has to go to CRCOG before we can have a public hearing on it, correct?

Craig Minor: Correct.

Chairman Pane: How long will that take. Two meetings from now which will be the October 21st.

Commissioner Haggerty: I have a question. I see that the vehicles, the backup alarms on the commercial vehicle, that is being taken out. I kind of thought that the pulse of the conversation a couple of weeks ago was that these are a nuisance, especially late at night, or early in the morning. I don't know what anyone else's thoughts on that are.

Chairman Pane: I think the reason that we took it out was, I could be mistaken, but I think the reason we took it out was because there are even small vans with backup alarms and other

vehicles that really aren't commercial vehicles, so what it was, they said any vehicle outfitted with a backup alarm was a commercial and I don't know if that is really necessarily the case. That is the only reason that we took the reference out of the back up alarm.

Commissioner Haggerty: Okay, thank you.

Chairman Pane: Am I correct on that, other Commissioners? How did you.....

Commissioner Woods: I have a couple of things, but Mike had his hand up first, then I would like to go after Mike.

Commissioner Fox: I think by making it a special permit, vehicles that most likely have a backup alarm, kind of takes care of that.

Chairman Pane: That's a good point, that it gives us one bite of the apple one more time. If they come in, and then it gives the opportunity to the neighbors to at least respond to it.

Commissioner Woods: I had an issue with the dump trucks, and again, this is not self serving because while I do own a landscape business, I do not take a truck home, but I think, now a dump truck requires a special exception. I think that is a problem because I think what we are trying to do is to let these little businesses keep a truck in their driveway. Most little businesses are landscape companies, and what do they own? A dump truck. My suggestion, I've got two, one, go back to a weight, if it's over 18,000 pounds then a special exception; and the backup alarms, if we have a commercial vehicle in a residential zone, it needs to have a white noise backup alarm. No where near as offensive. They are required now on most job sites, and they do the job, again, they don't go through your ear drum like.....

Chairman Pane: Is it possible to have, the trucks can be modified with that, correct?

Commissioner Woods: Yes, it's a fifty dollar bill, it's cheap. We have to do it to all of ours now. Most of the newer trucks are coming with it now.

Chairman Pane: Okay, Thank you.

Commissioner Haggerty: Commissioner Woods, what is the magic number with that weight, 18,000 pounds.

Commissioner Woods: The average landscape dump truck right now is 18,000, so it's going to be more like a big six wheeler that has, that hold ten yards of material, or a tri-axle, I believe that should be a permit. I don't believe you should park a tri-axle or a tractor trailer in your yard without coming to us, but the small dump trucks, I think that is what we are trying to do here. The small dump trucks, small pickups. There are businesses who don't warrant any sort of a commercial building to rent, they keep everything in their garage or in their truck or an enclosed trailer, I thought that was what we were trying to do.

Chairman Pane: Yes, and they can't have a second vehicle unless they come into us.

Commissioner Woods: Correct, so you are stopping multiple vehicles. I just think you are going to get inundated with complaints if you strike out dump trucks.

Chairman Pane: The whole purpose of this was to try to clean it up for enforcement and, any other Commissioners have any comments? I think, I agree with Commissioner Woods. I don't have a problem with a small dump truck. If it becomes more than one truck, then they have to come in for a special exception.

Commissioner Sobieski: Commissioner Woods, I have a question. On the light backup that you are referring to, is there anyway, I know that OSHA requires in some areas now, but I was wondering if that could be something that could be put into this regulation. I'm just asking the question, I don't know.

Commissioner Woods: I'm not sure what the question is Commissioner Sobieski.

Commissioner Sobieski: The question is that instead of a back up alarm, could we put the lighting in instead.

Commissioner Woods: OSHA mandates a backup alarm.

Commissioner Sobieski: I realize they require a backup alarm, but I was wondering if we could use this in certain areas, in a residential zone where these vehicles are. That's what I was looking at.

Chairman Pane: I think what Commissioner Woods is getting at is requiring them to, if they are going to have a truck in a residential zone, require them to have the backup alarm that is white noise. Is that correct, Commissioner Woods?

Commissioner Woods: Correct.

Chairman Pane: What that will do is, it still provides the safety of the backup alarm, but it's not as piercing a noise for the residential area. I agree with those changes, I'd like to hear from any other Commissioners so that we can get this corrected and have the Planner send this to CRCOG so we can get this moving along for public hearing. Craig, what do you think about those changes?

Craig Minor: Just one question, one commercial vehicle not exceeding 18,000 pounds, gross vehicle weight?

Commissioner Woods: Correct.

Craig Minor: Okay, thank you.

Commissioner Woods: Again Mr. Chairman, I just want to stress, this is not self serving, everyone knows that I own a landscape business, I am trying to make it a little easier for people who are smaller to earn a living. I don't benefit by this at all.

Chairman Pane: I understand, there are a lot of small, young people that are out there that are just starting businesses, and they have one truck. I remember when I first started, I had one truck, I brought the truck home, and that was it until the business prospered, so I understand completely. It's a working town, and I think that this commercial regulation for vehicles is an improvement over what we had, and an improvement for zoning enforcement moving forward.

Commissioner Woods: Again Mr. Chairman, I think this is another step you are taking, leading us down the path where we are sending out a clear message that we are open for business and we want people in Newington to do business here, and I applaud you for that.

Chairman Pane: Thank you Commissioner Woods. Any other questions from the Commissioners?

Commissioner Gill: As far as the number of commercial vehicles, there are some, well, my instance here is I work for Eversource and we're required now with the pandemic, to bring our vehicles home. So, is there a possibility of maybe writing something in regarding, won't stay this way, but during this pandemic I need to have a second commercial on the property.

Chairman Pane: Okay, completely understand. That would be similar to other utilities that may ask their employees to take their vehicles home, similar to Connecticut Natural Gas, or MDC or possibly people like H.O.Penn and wrecking companies. Craig, do you think we need to change something to do that, or, how do you.....

Craig Minor: Well, no, we've always allowed a home owner to have a second commercial vehicle. They just need to come and ask TPZ for a special permit. We process those usually within two to four weeks at the longest, and in the meantime, the home owner would be allowed to keep it pending approval by TPZ.

Chairman Pane: Okay. Is that, does that answer your question, Commissioner Gill?

Commissioner Gill: Yes, that sounds fine.

Chairman Pane: If there are no other questions, let's move on.

Commissioner Woods: Are we going to move this now back to us after it gets re-written, or is it going to go now to CRCOG? Or is it going to come back one more time?

Craig Minor: What I'd like to do Commissioner Woods, is make the changes that I heard tonight, send a copy of that to the Chairman, for him to take a look at before I send it out to CRCOG to make sure that I captured all of the changes that the Commission was asking for, if that is acceptable?

Commissioner Wood: Okay, thank you. I'm fine with that.

Commissioner Pane: When you send it to me Craig, why don't you send it to everybody and in that way, if somebody has a problem they can also check in with you, and then we will get it off to CRCOG.

Craig Minor: Okay.

Chairman Pane: That way all the Commissioners will have a chance to look at it, just in case, I don't want to miss something. Thank you.

X. OLD BUSINESS

A. Performance Bonds

Craig Minor: I've made some progress since our last meeting, I'll start at the top of the spread sheet. These one, two, three, four, five, six seven, items all under 1978 I asked the Finance Department if they had any more information as to who posted these bonds, and unfortunately, no, they don't. So, and the Foxboro, that's \$12,000, that's a lot of money, so I'm not sure what to suggest we do with these, unless they become part of the general fund.

The next one is ZAG Machine for \$4,000, the owner of ZAG Machine passed away last November, so I spoke to the Town Attorney about this, and he suggested that the money be sent to his widow, and I have located her, but I want to make sure I have the right address, and once I'm sure, we will send the check to her.

This 178 Richard Street, that's another one I asked the Finance Department if they knew anything about, because I don't have any information, I couldn't find anything in either the building department's file, for 178 or the P & Z files. It's only \$320 but I'll continue to try to find the rightful owner of that.

The other three items, the Boyland Development, the Jefferson Court and Mills Construction, we have already started the release process for them, to have the Finance Department to send checks to all of those people.

Chairman Pane: What about the one on the bottom?

Craig Minor: Oh, Moretco, I'm still trying to figure out what that one is.

Chairman Pane: Okay, well if we can't find that one, and we have the 178 Richard, if we don't find that, and then we have all of the ones at the top. I think we can get the total of those, and then if you exhaust all of your efforts in trying to find the rightful owner then by the next meeting, I think we should just send this back to the general fund. You have done everything that you could do to try to return this. Any Commissioners have any questions on any of the items that Craig is talking about?

Commissioner Woods: Could we get an opinion from the Town Attorney to see about Foxboro and Horizon Hills, if they could be turned over to the Association?

Chairman Pane: Okay. Craig, if you could contact the Town Attorney and ask him that please?

Craig Minor: Yes.

Chairman Pane: In a very short period of time Craig, we have gone through all of these performance bonds and I want to thank you for doing that. It's nice to get these things finally cleaned up. Are there any other questions from the Commissioners?

Commissioner Woods: I have one Mr. Chairman. Am I to assume that everything that is off the list now is in the process of being paid?

Craig Minor: That's correct.

Commissioner Woods: Okay, thank you

James Krupinski: Mr. Chairman, just a note to Craig. You might want to stop down to my office, I just looked at something and I've actually got something, some old releases here showing for some, this one goes back to Hampton Court from 1976, so I might have some information that might be beneficial to you.

Chairman Pane: That's great, thank you James

James Krupinski: You're welcome.

Petition 29-20

Special Permit (Sec. 6.2.5) for Free Standing Sign at 395 Willard Avenue Colchester Properties, LLC, owner, Sign-Lite Inc., applicant Mark DeTulio, 6 Corporate Drive, North Haven, CT, contact.

Commissioner Havens moved to approve Petition 29-20 Special Permit (Sec. 6.2.5) for Free Standing Sign at 395 Willard Avenue Colchester Properties, LLC, owner, Sign-Lite Inc., applicant, Mark DeTulio, 6 Corporate Drive, North Haven, CT, contact.

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

Petition 31-20

Site Plan Modification 100 Milk Lane Saputo Dairy Foods USA,. LLC, Applicant Catamount Newington LLC; Owner; Scott Manlove 100 Milk Lane, Newington CT, contact

Commissioner Sobieski moved to approve Petition 31-20 Site Plan Modification 100 Milk Lane Saputo Dairy Foods USA. LLC, Applicant Catamount Newington LLC; Owner; Scott Manlove 100 Mile Lane, Newington CT, contact.

Conditions:

None

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

Petition 33-20

Section 8-24 Referral of Proposed Sale of former National Welding Company

690 Cedar Street

Newington Town Council Owner/applicant

Commissioner Woods moved to approve Petition 33-20 Section 8-24 Referral of Proposed Sale of former National Welding Company property at 690 Cedar Street Newington Town Council Owner/applicant.

Findings:

1. The sale of 690 Cedar Street is a land use strategy stated on page 50 of the new POCD adopted on August 29, 2020. Continue to promote appropriate development of the National Welding site now owned by the Town.
2. The proposed use of the property is market rate apartments, primarily studio and one bedroom apartments. This is accordance with the above land use strategy and will promote the following residential development goal indicated on page 59 of the new POCD, providing housing options for a variety of household types, sizes, ages, tenures, and income groups within safe and stable neighborhoods.
3. The proposed use is consistent with the overall housing diversification statement on page 64 of the new POCD. Areas in Newington which may be located to assimilate housing options within the community may include areas which are walkable to transit stations, including the Cedar Street Fastrack Station.

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

XI. TOWN PLANNER REPORT

Craig Minor: I have two items and I'll do the second one first. The new POCD has been printed, they are waiting for me to pick them up at Image Ink and what I will do is I will deliver them to everybody with their next agenda packet, unless somebody really wants it sooner than that, otherwise I'll bring them around on October 14th.

The other item is a fee in lieu in sidewalks idea. This is something that actually I have been thinking about for quite a while, but it came up as a topic at the public works team meeting a few weeks ago. This is a concept where if, for whatever good reason making a developer build a sidewalk that the regulations require, but in his situation, it doesn't make sense, because it may be a sidewalk to nowhere, or for some other good reason, rather than let him off the hook completely, he would deposit money into an account that would be reserved for, at some time in the future, the town to build sidewalks. A lot of towns do this, and I'm just throwing it out there for the Commission's consideration.

Chairman Pane: I think it's a good idea Craig, I don't know if it's a portion of whatever work they were going to do. I'll open it up to the Commissioners, how they feel about it. Any other Commissioners like to talk about this?

Commissioner Woods: I agree, I think it's an excellent idea. I applaud the Town Planner for trying to move this forward. It does not make some sense some times and we seem to lag

terribly behind in repairing our sidewalks, as a community, and maybe this will help that to move forward a little quicker.

Commissioner Sobieski: I would also like to applaud the Town Planner for this forward thinking. I really hope that we can use some of this money to repair some of our deteriorating sidewalks.

Chairman Pane: Thank you, any other comments?

Commissioner Fox: Mr. Chairman, I definitely would like to take a look at it. I mean, we do have one sidewalk issue, and actually it came up at the Council and I'll talk about that under Commissioner Remarks, but Commissioner Woods is absolutely correct and Craig is absolutely correct, it gets confusing. Thanks to Craig for his diligence.

Commissioner Lenares: I think it's pretty innovative, this type of program to put it in something like this. I think I'm in the minority because I don't really love it, but I understand it, and I appreciate everybody's opinion. I just feel if the sidewalk is not valid to be put in a particular area, then it shouldn't be up to the construction end of the deal to have someone contribute to sidewalks that need to be fixed anyway. It's not a big deal, it seems that a lot of the Commissioners like it versus not like it, but just my two cents.

Chairman Pane: Thank you Commissioner Lenares, and I don't know whether or not it would be, it would be whatever we want to set up. It wouldn't necessarily be one hundred percent of the work that they won't have to do, is that correct Craig? Where we could set the value or the proportion any way we want.

Craig Minor: You could certainly set it at less than the full value of the sidewalk. Cromwell had this and in Cromwell we would require the full amount of the sidewalk, but that is at your discretion. To get to Commissioner Lenares position, something that you could do if you wanted to is set it up so this money could only be used for new sidewalks somewhere else. Now, that doesn't solve the problem that Commissioner Woods brought up about our sidewalks breaking and not getting fixed in a timely manner, but for the developer who is a little annoyed that he is having to pay money for sidewalks that aren't even in front of his property, he might feel a little better about it if he knew that his money was going to create a new sidewalk somewhere and not just underwrite an existing expense that the Town should be dealing with in a more up front manner in the first place.

Chairman Pane: I agree with you, I like the idea where the money is set aside for filling in the gaps of the sidewalks that we haven't filled in instead of the maintenance. The maintenance should be the town's responsibility, but there are a lot of gaps out there in the sidewalks, so that is a possibility. I don't think that we should do it for full value, I think we should do it for a portion of the value, so that the developer still sees a savings, possibly. Any other questions from the Commissioners? Would you like to come up with something for y our next meeting and propose it to us, Craig?

Craig Minor: Yes.

Chairman Pane: Thank you very much. Is there anything else on the Town Planner report?

Craig Minor: No sir, that is all I have.

XII. COMMUNICATIONS

None

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

XIV.

Chairman Pane: If there is anyone in the public who might have a question or a comment?

XV. REMARKS BY COMMISSIONERS

Commissioner Fox: I heard that at the Council meeting they were discussing the Dakota sidewalk thing, and I believe the State had come to a resolution, but it seems as if the safety officer for the Town Keith Chapman rejected the sidewalks. I think I saw Keith here, can we talk about that a little bit?

Chairman Pane: I can give you a report on that if you would like. The sidewalk, as you know, was asked if we could look into that. It's not part of the Dakota requirement and it's not a condition for Dakota at all to do. The court didn't make them put the sidewalks in, all they asked them to do was to look into it. So, after having a meeting with Dakota and DOT and I believe Craig was on the line and so was the Town Manager. Unfortunately we weren't invited to earlier meetings and we were invited to the later meeting after they had all the plans. There were some issues that came up on the future of the sidewalks, the maintenance and other issues, but the biggest issue was the following day the Town Manager asked me to go down there and walk the area and just walking that close to Cedar Street was extremely unsafe, and safety was his biggest concern. He had checked with the bus routes, and he could have the bus pickup right there were we have Dakota every twenty minutes, so he felt that it was in the best interest of the Town not to do the sidewalk because of safety and some future maintenance and replacement issues.

I agreed with him, and he did have an idea of possibly going easterly to Dunkin Donuts driveway just to get people over to the parking lot there where they could walk over. There is a possibility that they are going to look at, if in the back of Dakota's property there might be a method where they might bring a sidewalk to Alumni Road in the back of the property, so they are going to look at that too. It was determined that it just wasn't safe to have that walkway going all the way down to the Fastrack and I agreed with Keith for the reasons that he stated.

Commissioner Fox: Okay, so we are talking about a rear entrance that was brought up during the public hearings, and was turned down, but this is just going to be a pedestrian entrance.

Chairman Pane: Yes, it wouldn't be for vehicles in the rear, it would be for pedestrians only, if possible. They are going to explore the possibility of a sidewalk going out to Alumni Road in the rear. If that is impossible, then they are just going to ask them to do the sidewalk to the Dunkin Donuts driveway, and naturally they still have to do the sidewalk in front of their place. That is a condition, so they have to do that, and then there is going to be a bus coverway there, and Keith thought that it would be better served for that property to have the buses, Fastrack come there

every twenty minutes per pickup and anyone who has to get to the Fastrack. He felt that that was a safer method to move the people. I agreed with him.

Commissioner Fox: Okay, I don't have any questions right now, but I'm going to think about that for the next couple of weeks. Thank you Mr. Chairman.

Craig Minor: Commissioner Fox, this will be on the agenda for the next meeting under New Business, maybe Old Business, but this is an issue for the Commission to make a decision on. It will be on your agenda.

Commissioner Fox: Okay, thank you.

Chairman Pane: Is there anything you might want to add Craig, about that meeting and what took place?

Craig Minor: I did talk to Dakota's attorney today about this, so I made him aware of what the Town's concerns are, and that it will be on the agenda for October 14th. I told him that if he, between now and then if he has any information he would like to provide to help the Commission make a decision, that he would be welcome, and that this would be something that the Commission would be discussing at its next meeting.

Chairman Pane: Thank you. Any other questions from the other Commissioners?

Commissioner Woods: What are we going to be discussing if it's not a requirement of the development, I'm getting lost here.

Craig Minor: Okay, can I speak to that Mr. Chairman?

Chairman Pane: Certainly.

Craig Minor: In the judge's ruling, he did specially say that the judge was not making it a condition of approval but he agreed that Newington was right to be concerned about the lack of sidewalks, and he directed Dakota to work with DOT in good faith, that was the phrase that the judge used, to provide Newington with a sidewalk, so it is up to Newington to decide whether it wants the sidewalk or not. It's up to TPZ to decide whether it wants the sidewalk or not. Now obviously you are going to listen to the Town Manager because he is the guy that makes things work every day, but it is TPZ's decision whether to rescind that requirement or not, so that is what the Commission needs to discuss, and presumably agree at the end of the day, but it needs to be the Commission's decision.

Chairman Pane: Thank you Craig. Does that answer your questions, Commissioner Woods?

Commissioner Woods: Is that because we made it a condition?

Chairman Pane: Yes. But the condition isn't upheld in court.

Commissioner Woods: That's where I'm a little confused.

Chairman Pane: There are no conditions on it, we really have no authority to make them do this sidewalks. We have no authority to make them do the sidewalk.

Craig Minor: That's where Mr. Chairman, I respectfully disagree. I think we do.

Chairman Pane: I guess I'll ask the Town Attorney because I don't think it's a requirement. We asked them to look into it, so now, after looking into it, I thought it was very helpful to have the Town manager down there frankly, Commissioners, because he brought in some new ideas that I didn't think about and he brought some things up, and after listening to all of his concerns, I had to agree with him. So if we are going to have this on the agenda for the next meeting, I'll have Craig, if you could have the Town Manager give a small, short report on his reasoning for not having the sidewalks, please?

Craig Minor: Certainly.

Commissioner Woods: Again Mr. Chairman, I think you worked out a pretty good compromise, so we can hear it out and discuss whether we want sidewalks or not, but I like the solution that you came up with.

Chairman Pane: Thank you, Commissioner Woods. Any other comments from the Commissioners?

Commissioner Gill: I have some questions and I don't know where they fall, it's not about this particular parcel.

As far as addresses on signage, would it be, how would we change our requirements so that we require addresses on signage?

Chairman Pane: On that last application that we did, I think they said there was no problem. Craig, if you could remind them to add the 395 to the sign? I think we have to try to catch these things and we can make it a condition when we approve certain things, that we want to see the numbers on the building and we could request a certain size, if we wanted to.

Commissioner Gill: As far as the size, we could use the rules that we have now.

Chairman Pane: I don't think that applicant had any problem with putting the address on the sign, and I think most applicants don't have a problem. We'll just have to stay on top of it, I guess.

Commissioner Gill: We had talked about permits going on line, where is that? Could we just talk about that a little bit, or are we going to look at that?

Craig Minor: I can speak to that. The Town of Newington, like a lot of towns, uses an off the shelf permit application, and it's quite robust and it's mainly for the Building Department. I'm not familiar with it myself, but Andrew is because he uses it all the time. I'm not, but I know that it has modules and the Town can purchase or not, I know that the Town has purchased the module that makes it possible for the building permits to be available on line. We have not bought the module that makes the zoning permits available on line. I can look into it, see how much it would cost and see if the Town would be willing to do that.

Commissioner Gill: I heard, as far as permits, and having problems with getting them done, I think a lot of it has to do with the town hall not being open and this possibly would be a help for the applicant process.

Another quick one is, I hope, trees that are required in a division, or that we require trees to be plants along the roadway. Is there a way of not putting trees underneath the utilities?

Chairman Pane: I think we try to catch these things on the site plan when they come to us.

Commissioner Woods: Mr. Chairman, I can work with the Planner to give him some varieties of trees that will do the purpose and not grow up in the wires.

Chairman Pane: That would be excellent Commissioner Woods. I appreciate that and I'm sure the Commission would appreciate that, and I'm sure Craig would too.

Commissioner Gill: 690 Willard Avenue, not Willard, Cedar, that new apartment going into there, I just want to put a note out there, as we go forward that possibly we might want to put in getting a good path for pedestrian traffic to the college. Not necessarily pedestrian crosswalks, but possibly a bridge over Fenn Road so that it is a safe alley.

Chairman Pane: There is a crosswalk at the road going towards the busway, I believe there is a crosswalk there. I don't see how.....

Craig Minor: Commissioner Gill, your point might be moot, because I know that the developer does not intend to have a lot of students there. I know I said studio and one bedrooms, but his expectation is that these will be working people, young professionals, not a lot of students, that is his expectation.

Chairman Pane: Exactly, on the students, as a matter of fact, I think the property across the street was going to be geared more towards the student housing. Is that correct Craig?

Craig Minor: Yes.

Commissioner Sobieski: In response to Commissioner Gill, I believe there is a bus that leaves Fastrack station and goes up to the college every 15 or 20 minutes. It loops the college.

Commissioner Gill: Okay, thank you.

Chairman Pane: Any other Commissioners have anything else?

Commissioner Fox: Real quick, regarding Commissioner Gill's statements about addresses on buildings, I think it was in the '80's when driving around in the trucks looking for an address, I think we adopted an ordinance or at least a regulation that buildings have markings, showing the address in minimum four inch letter/numbers, so Commissioner's request for the address on the monument sign is good, and I think, I don't know how many people are aware of it, but people probably should be. Thank you.

Chairman Pane: Thank you Commissioner Fox. Any other Commissioner comments?
Commissioner Sobieski, do you want to talk about the problem down on Pane Road, or.....

Commissioner Sobieski: We have that resolved I believe Chairman Pane.

Chairman Pane: I can brief everybody if you would like.

Commissioner Sobieski: That's find, if you wish to do so.

Chairman Pane: Just to keep for transparency, and Craig, there was a complaint that came in about Kamatsu over on Pane Road for loading trucks at night. Commissioner Sobieski brought it to my attention. The Kamatsu property on Pane Road abuts some residential area there and what happened is, they used to be East PBE and then Kamatsu bought the company out, and now the property on Pane Road is acting as a hub for Kamatsu and their operation requires them to deliver parts and stuff and equipment to other locations, and so they happened to come in at 3:00 maybe 4:00 in the morning, and they were loading and they were disturbing the residents right there. After hearing the problem from Commissioner Sobieski, I went over to the former East PBE building, and I talked to the manager, Kevin, and he explained the problem to me and he is going to move the whole operation over to the other side of the building, the far side of the building so that it's another 300/400 feet away from the residents and you will have the building as a sound barrier too. The truck would move over to that side, the farthest away from the residents and he said that he would move everybody over there and do the operation from that side. I think that will correct the majority of the problem, and I notified the resident of what was happening, and I told the resident that if he has any future problems to let me know. The manager at East PBE or Kamatsu also said that they are going to evaluate to see if they could change the timing schedule of the trucks, if possible so that instead of 3:00 in the morning, they change their route and it's 6:30, 7:00 in the morning instead, but he's not sure if he can do that because of the operation.

I asked him to look into it, but until then, please have everything done on the opposite side of the building to try to mitigate any noise for the residents and that's what I told Commissioner Sobieski and I also told the resident who put the complaint in. That's where we stand on that. If you have any questions, I will try to answer them.

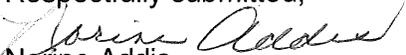
XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everybody for a great TPZ meeting. I think we have been moving along really well. As development comes in, we look at it, and we make sure that it is correct and then we move it forward in a speedy fashion for the developers. I appreciate everyone's input on everything. We've been really working well together and I want to thank everybody.

XVII. ADJOURN

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,


Norine Addis,
Recording Secretary