

TOWN OF NEWINGTON  
**TOWN PLAN AND ZONING COMMISSION  
REGULAR MEETING**

January 8, 2020 - 7:00 P.M.

Town Hall - Conference Room L101

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**AGENDA**

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA
- IV. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes)
- V. EXECUTIVE SESSION - Bielitz V. Wex-Tuck Realty

Documents:

[TP MEMO TO TPZ 08JAN2020.PDF](#)  
[MEMO OF DECISION BIELITZ V. WEX-TUCK 13DEC2019.PDF](#)

- VI. ZONING ENFORCEMENT OFFICER REPORT

Documents:

[ZEO REPORT - DECEMBER 2019.PDF](#)

- VII. REMARKS BY COMMISSIONERS

- VIII. APPROVAL OF MINUTES

Documents:

[TPZ MINUTES 11DEC2019.PDF](#)  
[TPZ MINUTES 11DEC2019 SPECIAL.PDF](#)

- IX. NEW BUSINESS

- A. Petition #41-19: Residential Subdivision At 55 East Robbins Avenue. Dornelas Home Improvement LLC, Owner/Applicant; Helton Dornelas, 65 Wood Pond Road, Farmington CT, Contact.

Documents:

[TP MEMO 41-19 EAST ROBBINS SUB 08JAN2020.PDF](#)  
[AERIAL PHOTO.PDF](#)  
[APPLICATION 41-19 EAST ROBBINS SUB.PDF](#)  
[TP REVIEW COMMENTS DORNELAS SUB 18NOV2019.PDF](#)

- B. Petition #01-20: Residential Subdivision At 890 Willard Avenue. Cross Construction

LLC, Owner/Applicant; George Flores, 151 Maple Hill Avenue, Newington CT, Contact.

Documents:

[TP MEMO 01-20 BUDNEY SUB 08JAN2020.PDF](#)  
[AERIAL PHOTO BUDNEY ESTATES.PDF](#)  
[APPLICATION BUDNEY ESTATES SUB.PDF](#)  
[TP REVIEW COMMENTS BUDNEY SUB 30DEC2019.PDF](#)

- X. OLD BUSINESS
- XI. TOWN PLANNER REPORT
- XII. COMMUNICATIONS
- XIII. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes)
- XIV. REMARKS BY COMMISSIONERS
- XV. CLOSING REMARKS BY THE CHAIRMAN
- XVI. ADJOURN

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## **Town Plan and Zoning Commission**

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: December 31, 2019  
**Subject: Colleen Bielitz et al. v. Wex-Tuck Realty LLC, et al.**

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On December 13, 2019 Judge Marshall Berger issued his final ruling in the long, multi-faceted legal proceeding against Firestone Complete Auto Care at 2897 Berlin Turnpike that began in 2012.

Judge Berger ruled that since Firestone's special permit and site plan approval were previously ruled by the Court to be invalid, the Firestone store must close within sixty days of the date of his decision and remain closed until Firestone obtains a new special permit and a new site plan approval from TPZ.

TPZ is a party to this lawsuit, so Town Attorney Ben Ancona will be present at the TPZ meeting on January 8 to discuss it with the Commission.

cc:  
file

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www.newingtonct.gov

DOCKET NO. LND CV-14-6055381-S : SUPERIOR COURT  
COLLEEN BIELITZ, ET AL. : LAND USE LITIGATION DOCKET  
V. : AT HARTFORD  
WEX-TUCK REALTY, LLC, ET AL. : DECEMBER 13, 2019

MEMORANDUM OF DECISION

On August 30, 2018, this court issued a memorandum of decision on the parties' cross motions for summary judgment concerning a special exception issued by the codefendant, the Newington town plan and zoning commission (commission), for a Firestone Complete Auto Care Center (Firestone facility) at 2897 Berlin Turnpike in Newington. As noted in that decision, this litigation involves three cases and multiple decisions, primarily issued by the court, *Mottolese, J.T.R.*, which were incorporated by this court. Now, this court incorporates its August 30, 2018 memorandum of decision in ruling on the plaintiffs' revised complaint, filed April 5, 2017, seeking a permanent injunction. Thus, the court will not repeat the history of this litigation.<sup>1</sup>

The August 30, 2018 memorandum of decision discussed—but did not adjudicate<sup>2</sup>—the last

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<sup>1</sup> It is noted, however, that two of the coplaintiffs, Colleen Bielitz and Laura Bielitz, are no longer parties to the litigation. As they no longer own or reside at 2110 Main Street in Newington and in light of the parties' stipulation filed on July 3, 2019, the court granted the defendants' motion to dismiss the action as to these two coplaintiffs on August 1, 2019. Nevertheless, the court allowed them to testify at the August 21, 2019 hearing.

<sup>2</sup> Instead, the court scheduled a hearing allowing evidence to be presented on the issue of irreparable harm.

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2019 DEC 13 PM 12 33  
OFFICE OF THE CLERK  
SUPERIOR COURT

issue remaining in this case, i.e., whether a private party seeking injunctive relief must prove irreparable harm when the zoning process and the resulting special exception have been adjudicated to be void. Our land use law has addressed some aspects of this question, but it has never confronted the exact question particular to the facts of this case.

The plaintiffs assert that the defendants' permit is void and, therefore, the plaintiffs need not prove irreparable harm under *Wellwood Columbia, LLC v. Hebron*, 295 Conn. 802, 824, 992 A.2d 1120 (2010). In *Wellwood Columbia*, the court held, "When a municipality has acted in excess of its delegated powers, the plaintiff is not required to show that he has been irreparably harmed by the ultra vires act or that damages are not available in order to obtain relief. Rather, ultra vires acts by municipalities are void ab initio."<sup>3</sup> *Id.*

The defendants counter that the plaintiffs are required to prove irreparable harm. They cite *Steroco, Inc. v. Szymanski*, 166 Conn. App. 75, 89, 140 A.3d 1014 (2016). In *Steroco*, the court held that "[i]n addition to establishing standing to seek injunctive relief in a private enforcement action, a plaintiff in such an action must establish: (1) that injury from failure to grant an injunction is imminent; (2) the injury is substantial; (3) the injury is irreparable and there is a substantial probability that unless an injunction is issued the party seeking it will suffer irreparable harm." (Internal quotation marks omitted.) *Id.* Additionally, they assert that the void action of the commission does not excuse the plaintiffs from having to prove irreparable harm.

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<sup>3</sup> See also *Center Shops of East Granby, Inc. v. Planning & Zoning Commission*, 52 Conn. App. 763, 775, 727 A.2d 807 (1999) ("[O]ur Supreme Court has recognized that when action by a municipal entity is subsequently found to be invalid, it is as if that entity never met or voted. . . . In other words, the meeting was void ab initio—'[f]rom the beginning' or 'from the first act.'" [Citations omitted; internal quotation marks omitted.]), *rev'd on other grounds*, 253 Conn. 183, 757 A.2d 1052 (2000).

This court does not take issue with the traditional recitation of law set forth in *Steroco*; however, because of the factual predicate of this case, *Wellswood* applies. On January 21, 2014, in *Modern Tire Recapping Company, Inc. v. Newington Town Plan and Zoning Commission*, Superior Court, land use docket at Hartford, Docket No. LND CV-12-6035007-S (57 Conn. L. Rptr. 525), Judge Mottolese held that the regulations, upon which the defendants' special exception was based, were invalid and void ab initio. The defendants did not file a petition for certification. Hence, it is established law in this case that there is a zoning violation. See *Total Recycling Services of Connecticut, Inc. v. Connecticut Oil Recycling Services, LLC*, 308 Conn. 312, 322, 63 A.3d 896 (2013) (“[t]he law of the case doctrine expresses the practice of judges generally to refuse to reopen what [already] has been decided” [internal quotation marks omitted]). Further, it is undisputed that the Firestone facility was constructed and that the use was commenced and continues without a valid special exception.<sup>4</sup>

If Newington had instituted this litigation, it could have relied on Judge Mottolese's decision that the regulations and the special exception were void. It would have undisputedly had

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<sup>4</sup> In a letter dated January 17, 2013; counsel for the plaintiffs wrote to the commission in connection with the possible ramifications of a void legislative and administrative decision (pleading [pl.] # 260.00, pp. A-30-A-31). In a letter dated July 31, 2014, counsel urged the commission to require the defendants to seek a new permit (pl. # 260.00, pp. A-171-A-173). The subject property was conveyed to the defendants in August of 2014, and the plaintiffs sent another letter, dated September 3, 2014, requesting action by the commission (pl. # 260.00, pp. A-176-A-178). The defendants executed a ground lease on October 1, 2014, and construction commenced on November 10, 2014 (pl. # 278.00, pp. 2, 5).

Notwithstanding the plaintiffs efforts to have a restraining order issued, a hearing in the present case was not held until March, 2015. On the second page of Judge Mottolese's October 20, 2015 decision, the court noted that “the defendants elected to proceed with the construction of the facility to completion during the pendency of this litigation at their own risk and so by completion of the trial, the facility was ready to open for business.” The court did not address, however, the instant issue.

no burden to prove irreparable harm. “The rationale underlying [the] rule that the complainant is relieved of his burden of proving irreparable harm and no adequate remedy at law is that the enactment of the statute by implication assumes that no adequate alternative remedy exists and that the injury was irreparable, that is, the legislation was needed or else it would not have been enacted.” (Internal quotation marks omitted.) *Conservation Commission v. Price*, 193 Conn. 414, 429, 479 A.2d 187 (1984). This reasoning does not change simply because the plaintiffs are private persons.

In the present case, the legislation is the town’s comprehensive plan. See General Statutes § 8-2; see also *First Hartford Realty Corporation v. Plan & Zoning Commission*, 165 Conn. 533, 542, 338 A.2d 490 (1973) (“[t]he comprehensive plan is to be found in the scheme of the zoning regulations themselves”). Newington’s comprehensive plan required a special exception for motor vehicle uses such as the Firestone facility. Without a special exception, one cannot build and operate such a use. Because the defendants constructed the facility and are operating it without a valid permit, it is illogical to require the plaintiffs to prove that they are irreparably harmed because of the defendants’ illegal activities. The sole fact that the defendants have no permit and are thus operating unlawfully is sufficient proof of irreparable harm.<sup>5</sup> To require more,

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<sup>5</sup> “[O]ur case law is clear that nearby property owners specifically and materially damaged by the violation of zoning regulations may bring private zoning enforcement actions directly to the Superior Court, without first applying to municipal zoning authorities.” (Internal quotation marks omitted.) *Steroco, Inc. v. Szymanski*, supra, 166 Conn. App. 88. In the present case, certain plaintiffs were not parties to the appeal of the special exception, but were involved in the administrative process. Nevertheless, as the initial administrative action was declared void, this is an exception to the collateral attack rule. See *Upjohn Co. v. Zoning Board of Appeals*, 224 Conn. 96, 104-105, 616 A.2d 793 (1992) (“[T]here may be exceptional cases in which a previously unchallenged condition was so far outside what could have been regarded as a valid exercise of zoning power that there could not have been any justified reliance on it, or in which the continued maintenance of a previously unchallenged condition would violate some strong

defeats the land use regulatory scheme by allowing a party, such as the operator in this case, and the municipality to flout a decision of the court. Newington and the defendants cannot ignore the court's ruling and violate the comprehensive plan.

This case is complicated by the fact that the commission has not taken any action as to the illegal permit or use.<sup>6</sup> It is the commission's function to protect the public interest. *Rommell v. Walsh*, 127 Conn. 16, 21, 15 A.2d 6 (1940) ("under most, if not all, of our municipal charters, the function of protecting and advancing the public interest in establishing and maintaining a proper and adequate zoning system is entrusted to certain boards, which, in that respect, exercise a large discretion"); see also *Andross v. West Hartford*, 285 Conn. 309, 331, 939 A.2d 1146 (2008) ("[t]his court has suggested that, when injury is shared by the community, the proper party to vindicate public interests may be the attorney general, the state's attorney or the town itself"). Commencing a traditional enforcement action is discretionary under our law. *Greenfield v. Reynolds*, 122 Conn. App. 465, 472-73, 1 A.3d 125 ("[i]n sum, we conclude that the specific relief sought by the plaintiff, namely, the enforcement of zoning regulations, being an act that is to be performed wholly for the 'direct benefit of the public' and not in a 'prescribed manner without the exercise of judgment or discretion as to the propriety of the action' . . . is a discretionary and not ministerial act" [citation omitted]), cert. denied, 298 Conn. 922, 4 A.3d 1226 (2010). As Newington has decided not to enforce its comprehensive plan; the plaintiffs have taken on that burden. See *Wheeler v. Bedford*, 54 Conn. 244, 249, 7 A. 22 (1886) ("But suppose the

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public policy. It may be that in such a case a collateral attack on such a condition should be permitted.").

<sup>6</sup> This court notes that the commission recently amended its regulations concerning motor vehicle uses. Exhibit 500.

authorities are unwilling to institute proceedings. Where, then, will be the ample remedy? They are not bound to redress the plaintiffs' private grievances. They act solely for the public, induced by public considerations, when they act at all. 'Adequate remedy at law' means a remedy vested in the complainant, to which he may, at all times resort, at his own option, fully and freely, without let or hinderance. This has been held many times by the Superior Court."); see also *Schomer v. Shilepsky*, 169 Conn. 186, 194, 363 A.2d 128 (1975) ("[t]hough the primary responsibility for enforcing zoning regulations rests with the zoning commission, where a violation results in special damage to an individual, the injured party has a right to seek injunctive relief").

"The requirement of a comprehensive plan is generally satisfied when the zoning authority acts with the intention of promoting the best interests of the entire community." (Internal quotation marks omitted.) *Konigsberg v. Board of Aldermen*, 283 Conn. 553, 585, 930 A.2d 1 (2007). The plaintiffs are members of the community which the zoning regulations are designed to protect. As the plaintiffs have standing, they should be able to rely on the court's holding that the regulations and the special exception are void—without more.

Additionally, Newington's inaction does not negate the general purpose of General Statutes § 8-12. The statute, in relevant part, provides that "[i]f any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of this chapter or of any bylaw, ordinance, rule or regulation made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal

act, conduct, business or use in or about such premises. . . .”

Further, it is not a question, as suggested by the defendants, of allowing just any person to commence litigation<sup>7</sup> without some nexus to the zoning violation. In the present case, the plaintiffs are aggrieved as indicated by the evidence of noise in the February 3, 2017 stipulation and the resulting judgment (pls. ## 249.00 and 249.86) and the testimony received at the August 21, 2019 hearing concerning the impacts of the building’s lights. Such evidence, including the testimony concerning noise created by tire removals, meets the required burden to prove injury and irreparable harm.

Though the plaintiffs have proven the elements for a permanent injunction, it is almost of no moment. For regardless, the court must resolve the question of what to do about a building and a use that continues to have no valid special exception. It must be noted that the plaintiffs are not seeking an order that the defendants’ building be demolished or that the configuration of the garage doors be modified—something they might properly seek if the issue was simply a violation of a lawfully issued permit. Even if they were, an order making specific structural changes such as the permanent closure of the garage doors facing the plaintiffs’ residences would not resolve the issue of the lack of a valid special exception.

It is this lack of a lawful permit that dictates the remedy. While certain changes have been made recently to the regulations, the defendants must apply for and obtain approvals that will satisfy the regulations. Accordingly, the subject business must close within sixty days of this

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<sup>7</sup> This is allowed, however, in any matter concerning some aspect of a liquor license and a zoning application. *Jolly, Inc. v. Zoning Board of Appeals*, 237 Conn. 184, 186-87, 676 A.2d 831 (1996) (“[i]n accordance with existing precedent, any taxpayer in a municipality has automatic standing to appeal from a zoning decision involving the sale of liquor in that community”).

decision and remain closed until the defendants have obtained the required zoning permits.

  
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Berger, J.T.R.

# Zoning Enforcement Officer Report

Printed: Tuesday, December 31, 2019  
for the Month of \_\_\_\_\_

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## 145 ALUMNI ROAD

12/29/2019 TPZ - CLAFFEY

SEMI-TRUCKS PARKING AND/OR IDLING ON TOWN OWNED PROPERTY.

### *Actions and Inspections*

### *Status*

12/29/2019 COMPLAINT RECEIVED  
12/30/2019 RESEARCH

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## 2095 BERLIN TURNPIKE

ON FIRE GRILL/THE FLYING MONKEY

11/26/2019 ZEO

THE FLYING MONKEY: TEMPORARY SIGN WITHOUT PERMIT.

### *Actions and Inspections*

### *Status*

11/26/2019 VIOLATION OBSERVED  
11/27/2019 EMAIL TO BUSINESS REGARDING TEMP SIGN REGULATIONS  
11/27/2019 VERBAL WARNING WITH EMPLOYEE - MANAGER NOT AVAILABLE  
12/2 /2019 INSPECTION: NO VIOLATION

Compliant

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## 2608 BERLIN TURNPIKE

GALAXY CARPET

12/02/2019 ZEO

(2) DIGITAL SIGNS THAT PRODUCE SCROLLING AND/OR MOVEMENT.

### *Actions and Inspections*

### *Status*

12/2 /2019 VIOLATIONS OBSERVED  
12/3 /2019 VIOLATION NOTICE SENT (48 HOURS)  
12/10/2019 SIGNS REMOVED - NO VIOLATIONS  
12/10/2019 SPOKE WITH MANAGEMENT AND AGREED TO RESOLVE.

Violation Notice Sent

Compliant

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## 102 HAWLEY STREET

12/11/2019 ANONYMOUS

RECREATIONAL VEHICLE PARKED IN FRONT YARD WITHOUT PROVIDING BUFFER AND VEHICLE PARKED ON UNPAVED PORTION OF PROPERTY.

### *Actions and Inspections*

### *Status*

12/11/2019 COMPLAINT RECEIVED  
12/20/2019 INSPECTION: VIOLATIONS  
12/31/2019 VIOLATION NOTICE SENT (10 DAYS)

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## 14 HOWARD STREET

12/30/2019 ANONYMOUS

TEMPORARY STRUCTURE WITHIN FRONT YARD (DRIVEWAY).

### *Actions and Inspections*

### *Status*

12/30/2019 COMPLAINT RECEIVED

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**1307 MAIN STREET**

11/06/2019 ZEO

OFF-PREMISE MONUMENT SIGN CONSTRUCTED IN RESIDENTIAL ZONE WITHOUT PERMITS BY CHIMNEY CHAMPS.

***Actions and Inspections******Status***

11/6 /2019 VIOLATION OBSERVED

11/7 /2019 VERBAL WARNING &amp; AGREEMENT WITH CHIMENY CHAMPS "CHUCK" - WILL BE REMOVED.

11/27/2019 VIOLATION NOTICE SENT (7 DAYS)

12/2 /2019 INSPECTION: NO VIOLATION

Will Monitor

Violation Notice Sent

Compliant

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**1591 MAIN STREET**

12/09/2019 ANONYMOUS

TRAILER STORED IN FRONT YARD

***Actions and Inspections******Status***

12/9 /2019 COMPLAINT RECEIVED

12/10/2019 INSPECTION: TRAILER STORED IN SIDE YARD ON GRAVEL AND PROVIDES REQUIRED LANDSCAPE BUFFER. NO VIOLATION.

Compliant

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**42 SUMMIT STREET**

12/31/2019 ANONYMOUS

MULTIPLE UNREGISTERED VEHICLES.

***Actions and Inspections******Status***

12/31/2019 COMPLAINT RECEIVED

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

December 11, 2019

Chairman Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

**I. PLEDGE OF ALLEGIANCE**

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

Commissioners Present

Chairman Domenic Pane  
Commissioner Anthony Claffey  
Commissioner Michael Fox  
Commissioner Garrett Havens  
Commissioner David Lenares  
Commissioner Stanley Sobieski  
Commissioner Braverman-A (7:10)  
Commissioner Thomas Gill-A  
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Stephen Woods

Staff Present

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

Commissioner Haggerty was seated for Commissioner Woods

**III. APPROVAL OF AGENDA**

Craig Minor: There is an amended agenda on the table when you come in, which includes under New Business to discuss the old POCD. That is the only change.

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

Rose Lyons, 46 Elton Drive: I wasn't planning on coming tonight, but I had a phone call, special request that I show up, so I'm here, plus my daughter needed something at CVS, but I really wanted to come to welcome all of the new members and say a special thank you to have Commissioner Lenares come back to the table here, it's nice seeing his smiling face. I don't know if he will be smiling all of the time when I keep asking questions at the end of a meeting but we'll see how it goes. Thank you.

Chairman Pane: Anyone else? Any other public participation?  
We will go to the Zoning Enforcement Officer's Report.

*Bryan O. Haggerty*  
Town Clerk

2019 DEC 16 AM 11:29

RECEIVED FOR RECORD  
NEWINGTON, CT

**V. ZONING ENFORCEMENT OFFICER REPORT**

Andrew Armstrong: Good evening everyone. Before I do the report, I have two new temporary signs to report. Verizon Wireless at 3680 Fenn Road and Lowe's at 3270 Berlin Turnpike is asking for a banner and one that was previous approved by this Commission at 3127 Berlin Turnpike for Connecticut Beverage Mart. With that, are there any questions on the report?

Chairman Pane: Let's take care of the temporary signs before we go into the zoning report. Does everybody understand the temporary permits?

Commissioner Claffey: The one for Lowe's, the banner.....

Andrew Armstrong: Until 12/24/2019.

The Commission approved the temporary signs requested by a unanimous vote.

Chairman Pane: Does anyone have any questions on the Zoning Officer's report?

Commissioner Claffey: 35 Main Street, that guy has been out there for four years.

Andrew Armstrong: I've been to the property a few times and gathered some information and now are trying to put the puzzle pieces together if you will, my next step will be to send them a letter and then speak to them about what is going on in terms of coming into compliance.

Commissioner Claffey: 584 Main Street, where is that? Past East Robbins?

Andrew Armstrong: No, it's actually on the north side, it's near D & D Automotive. Their attorney has requested to appeal that, on December 3<sup>rd</sup> and so we are in the process of scheduling that appeal. This home is located across the street from D & D. It's a residential home, but (inaudible)

Commissioner Sobieski: Andrew, real quick, I know there was information on Facebook about Lowe's, are we all straight with that?

Andrew Armstrong: Yes, they have applied for the banner. What occurred was, there were two prior complaints from a Commission member for banners on the site, earlier this year and then this time was the third time and I had already sent them the regulations prior to this, and they got a letter regarding the banner. As it turns out, the signs were something that they had been already approved for, and so the inflatables are compliant and they are as requested as the temporary sign.

Commissioner Sobieski: The reason I am asking is that I received a couple of phone calls on it, and I looked at Facebook and I saw that there was a remark by somebody on Facebook that the Town apologized. Is that true? I'm asking the question.

Chairman Pane: I'll take that question. I went out there after seeing it on Facebook and I reached out to Commissioner Woods and we thought that, I also reached out to the Zoning Enforcement Officer on that morning of the next day, and there was a little bit of a misunderstanding there. I went and talked to the manager of the store, and I told him that as long as he got the paper work to the Town he could go ahead and refocus things back out there, because we didn't want to wait, we thought it would be more business friendly to

approach him and talk to the manager, so that is what I did. I did touch base with the Zoning Enforcement Officer and he has since received the information from Lowe's.

Commissioner Sobieski: I don't want to keep hammering business, it's tough enough out there.

Chairman Pane: Absolutely.

Commissioner Sobieski: The other question I have, just asking a question in general, do you have a route that you follow, like every Monday, Wednesday and Friday. I know Commissioner Pane had asked that years ago, I was just wondering.....

Andrew Armstrong: Yes, I try to do most of the main roads including the turnpike two or three times a week at least. I also go to specific homes and follow up on various complaints. I try to get at least all of the major roads.....

Commissioner Sobieski: I'm really concerned with the turnpike because you know if you have something in the state right of way you can give them a call and have them give you a hand removing that.

Commissioner Claffey: I have a question on Beckers, 3311 Berlin Turnpike, are you talking about the temporary sign that they bolted to the front when they changed the company name? I'm kind of confused, I have never seen anything stuck in the ground. I've just seen the material out in front, and I didn't know if there was.....

Andrew Armstrong: The banner was the last remaining violation which they did get approved at the last TPZ meeting. They also had some items out for display but they are in compliance at this time.

Chairman Pane: Very good. Thank you very much.

**VI. REMARKS BY COMMISSIONERS**

None

**VII. PUBLIC HEARING**

**A. Petition 40-19: Renewal of Special Permit #33-15; Child Care at 82 Candlewyck Drive, Agnieszka Haim, 82 Candlewyck Drive, Newington CT Owner/Applicant/Contact**

Chairman Pane: Is the applicant here? Would you come forward?

Agnieszka Haim: My name is Agnieszka Haim and I would like to ask you to renew my permit for my day care.

Chairman Pane: I'll turn this over to the Town Planner to give us a brief report.

Craig Minor: Sure. The petition is for a day care in a home, and in fact, the regulations don't normally require an applicant to come back to the Commission to have it renewed, it's usually a staff process. When this one was originally approved back in 2013 there had been some concern by the neighbors as to the impact of parents dropping off their kids, parking on the street, access to driveways, and such, so the Commission when they approved it originally

stipulated that the applicant come back, have another public hearing, two years later, three years later, whatever, and be sure that there weren't any problems with it, which they did several years ago. There were no comments in opposition to renewing the permit, but it was renewed, but it was renewed again with the requirement that she come back to re-renew that once again there be a public hearing. This is why we are having a public hearing tonight. I asked the Zoning Enforcement Officer earlier today if there had been any complaints over the year about this operation and no, there had not been any.

Chairman Pane: Okay, so this is the second request.

Craig Minor: Exactly.

Chairman Pane: And there have been no complaints since 2013 since she began this?

Craig Minor: Correct.

Chairman Pane: Good, thank you. Can we remove that requirement?

Craig Minor: That's up to you. Special permits, you have a lot of latitude, you can approve with no expiration, then what the staff will do is after a year, the staff will monitor it and make sure that there are no problems, and then the staff will approve it again.

Commissioner Havens: How long is the approval?

Chairman Pane: Usually two years, we could extend it to four years, or we could remove it altogether completely.

Commissioner Lenares: Is that something we can remove, I mean, we have a history with it, there have been no problems, is that something that we can say we will leave it on staff and if there is an issue, staff will do it, bring it to our attention, but for her to come back every two years doesn't seem like it is business friendly.

Craig Minor: Right, if you approve it with no conditions, then the staff will take that to mean that staff will decide whether to renew it or not.

Commissioner Claffey: But if they have a violation within that, the next year, what is the procedure if you have no return date?

Craig Minor: That's why I think it would be good for the Commission to approve it with a condition that the staff, that the applicant approach the staff in two years, three years, whatever you want, for the staff to then renew it, and if we have received, if the staff has received complaints, then I will bring it to the Chairman's attention and the Chairman can advise me if he wants to bring it to the whole Commission.

Chairman Pane: But you don't do that to any of the other ones?

Craig Minor: Yes, the normal process is for the ZEO to monitor it.

Commissioner Claffey: So it would be, they come to you, and if there are no problems, you are just bringing it like Andrew does with a new temporary sign permit, hey, we are renewing XYZ, there have been no complaints, there is no need, and if there is an issue, then you bring it to our attention.

Commissioner Sobieski: Is this how we do all of the others?

Craig Minor: No it's not. This is unusual. Normally once the Commission approves a day care, at that point the regulations say that renewal will be handled by the staff. This was unique, this was approved when the Commission was concerned about parking and that is why the Commission imposed a special, unique condition that it come back to you for renewal and not to the staff.

Commissioner Sobieski: So my question is, since there haven't been any issues, in the last two year, why not just let the staff handle it. We don't want to segregate this from the rest of the daycares.

Chairman Pane: I agree Commissioner, and I think that is what some of the other Commissioners are agreeing to. This is a public hearing so I will turn it over to the public. Anyone wishing to speak in favor of this petition come forward. Anybody wishing to speak against this? Okay.

Commissioner Sobieski moved that the application be closed and moved to Old Business for action tonight. The motion was seconded by Commissioner Fox. The motion was unanimously approved with seven voting YEA.

#### **VIII. APPROVAL OF MINUTES**

Commissioner Sobieski moved to approve the minutes. The motion was seconded by Commissioner Havens. The motion was approved unanimously with seven voting YEA.

#### **IX. NEW BUSINESS**

##### **A. Review Current POCD**

Chairman Pane: I had the Planner put on there the review of the current POCD, not everybody has received the, all of the documents so the Town Planner is going to make sure that all of the Commissioners have all of the documents necessary and then we will talk about it. I'm going to ask the Town Planner to have it on our agenda for our first January meeting. So, if you could make yourself familiar with the old plan, and then with the new plan so we can start reviewing it, that would be good.

Commissioner Sobieski: There are no Petitions for Scheduling, so that is an open date, right?

Chairman Pane: Yes.

Commissioner Fox: I think on the Town Planner's report for the past couple of meetings, at my request I think it was, we talked about inclusionary housing, and I'm wondering if maybe after we take a look at the (inaudible) talk about that before we even, put something like that into the new POCD.

Chairman Pane: We can have a more in depth conversation about it, absolutely.

Commissioner Fox: Thank you.

Chairman Pane: You're welcome.

X. OLD BUSINESS

Chairman Pane: I'll entertain a motion for Petition 40-19.

Commissioner Sobieski moved to approve Petition 40-19 with no conditions. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Pane: The motion passes unanimously, congratulations and you are all set.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XII. TOWN PLANNER REPORT

Craig Minor: There are a couple of things I want to bring to the Commission's attention. First I want to advise the Commission that the Newington Ridge Preserve Home Owners Association has received a check for the performance bond so they can do the repairs to the road and the grading next spring.

Commissioner Claffey: So they are okay, we released the bond, and they are okay with the vacant lots and how they are positioned off, and pretty much separated, I mean, you just talked about the road and the grading, but there were other items on that list, I want to make sure it is all inclusionary.....

Craig Minor: The only thing we were concerned about was the road and the grading behind two of the units. The actual construction of some of the units that have been held up for years, that's between them and the Building Inspector.

The affordable housing moratorium, I'm sure the Commissioners know that the Town Council has decided to proceed with the request for a moratorium. At this point, the application packet isn't complete, there are some documents I still need to put together, I will then submit it to the Town Clerk, and I will file a couple of legal notices. If somebody submits a petition within twenty days, asking that there be a public hearing on this request, then there will be a public hearing conducted by the Town Council. The minutes of that public hearing would be included in the application packet.

I also mentioned in my memo that there is money, the Commission has budgeted money to do the affordable housing plan which in a sense has nothing to do with the affordable housing moratorium, rather this affordable housing plan is required, all towns are supposed to have one and this will be the Commission's way of addressing the shortage of affordable housing in Newington. First analyzing how much affordable housing there is, but also possibly suggesting places in the Zoning Regulations that could be amended to encourage more affordable housing on your terms as opposed to the literally invasive of the housing application that the Commission received last year which did not comply with our regulations. What would be good is for the Town to write new Zoning Regulations themselves which would encourage affordable housing on your terms, rather than on the affordable housing industry's terms, so we can work on that later this year.

Finally, I mentioned that there are a number of items in the Zoning Regulations that need to be fixed, some little things, I specifically avoided anything controversial which maybe I'll come back to at your next meeting. If the Commission has no objection, I will prepare an actual

draft of these four text (inaudible) and bring it to you for your next meeting to discuss, and then if the Commission wants to we can go right to the Public Hearing and referrals.

Commissioner Claffey: I have a question, on A through D, can you explain, just in a few minutes, don't belabor it, but A and B, like directional signs, what do you mean by directional signs?

Craig Minor: Literally, a sign with an arrow and maybe a word or two like parking or exit or something of that sort.

Commissioner Claffey: On the public roadways or....

Craig Minor: In parking lots. The zoning regulations only allow directional signs in the right of way, as long as the Police Department signs off on it, but it doesn't allow them anywhere else in the parking lot where they might actually be more useful. So....

Commissioner Claffey: So the Fenn Road Stop and Shop Plaza, near the Stop and Shop, they've got that main entry in, and right now there are no signs that tell you that you are at the base, by the stores, you're saying that right there you could have a sign placed that says, Exit?

Craig Minor: Yes.

Commissioner Claffey: But they are not anything other, they are not directional signs for stores or businesses, just purely how to get, traverse in and traverse out of a business complex.

Craig Minor: I understand your question, yes. These signs would not say, Burger King that way, no it would say, Parking that way, or Customer Pickup that way, information for....

Commissioner Claffey: Like the signs for Customer Pickup that are already installed.

Craig Minor: Those kind of signs, yes. Signs that are not advertising, but are information for motorists who are already there, driving around looking for the loading dock, that kind of sign.

Chairman Pane: This is good, to look at this, but I'm wondering if we should hold off just a little bit because we have so much on our plate with the 2020 Plan. What do you think Commissioners?

Commissioner Sobieski: Craig, they are called cardinal directional signs, you can use that so it's a little easier. That's what we used to use at DOT with the arrow pointing this way, with EXIT underneath. They are cardinal directional signs. This way you are not confusing them with anything, and yes you may very well be right to hold off on this a little, but you might just want to use that and go on the web page and see the DOT sign catalogue that is out there and see what a cardinal directional sign looks like, so there won't be any confusion.

Commissioner Claffey: the only question I have is, I have brought up over the past two years some issues that I have with the changing times, like how many cars are allowed, not allowed, ample parking, not ample parking, and I brought up specific issues on commercial vehicles. I think it is something good to look at, because if we let it go, I don't know if it is something to act on, but is there a way to like work it without, I hate coming here and saying, Oh, we have the POCD to do so we're going to put everything on the back burner, and then we are caught behind the eight ball after the POCD is done.

Chairman Pane: We have a very tight schedule with the POCD to comply with some deadlines and we will have some free time during the waiting period when the POCD gets sent to CRCOG and when it gets sent to the Council. So we will have some time in between then when we can schedule this. So, it's not going to be long, and the Planner can prepare everything for us, and maybe get it to us earlier to review.

Commissioner Claffey: What I'm asking is, if there are other items, to bring them, I mean this could go from a four item list to going deep.....

Craig Minor: I meant tonight. Tell me tonight if there are any others that you want, I wasn't planning on keeping this open for the Commissioners over the next six months for drabs and drabs.

Commissioner Claffey: I guess, I mean, I never heard anything about Item B, like have there been complaints coming in? We had this fight two years ago and we spent two and a half years fighting the parking problem on residential streets with commercial vehicles, and now we want to change that it seems.....

Craig Minor: No, not change anything.

Commissioner Claffey: But we have a specific, it took months, Mike D'Amato took months upon months to try to draft.....

Craig Minor: Right, this doesn't change anything. It puts two regulations that deal with the same thing that are in different places in the book into one place.

Commissioner Claffey: What I'm saying is, we changed the commercial to have one vehicle, that met all these stipulations, if you met A but you didn't meet C,D,E, you couldn't have a vehicle. If it was ten thousand pounds or more and had a back up alarm, and more than twelve wheels, but now it is saying someone could fit that requirement with Truck A for a vehicle for their business, and then they could come in with another vehicle.....

Craig Minor: Which is what the rules currently allow. The problem is the second one is buried somewhere else in the Zoning Regulations.

Chairman Pane: He's just trying to get everything in one area in the regulations.

Commissioner Claffey: We did omit that regulation when we changed the commercial vehicle regulation.

Craig Minor: No, actually it was added afterwards I think.

Commissioner Claffey: But it wasn't part of the original change, under ZEO D'Amato. I never remember seeing or hearing about you can have two commercial vehicles.

Craig Minor: You can have the second one by special permit.

Commissioner Claffey: But that wasn't in the list.....

Chairman Pane: I don't remember, but when he brings this all in to get it all in one area, you can review the topic at that time. You can talk about it then.

Commissioner Claffey: Well I guess I can't because he wants the items tonight.

Craig Minor: Additional items.

Chairman Pane: Any additional items.

Craig Minor: If the Commission is aware of any other revisions that should be made.

Chairman Pane: If there is any other additional items between now and the next meeting, let the Town Planner know.

Commissioner Fox: I agree Mr. Chairman that we have a lot on our plate, but the one question that I have, on B, is that I went to 3.22.C.1 and I remember talking about signage on trucks, the size of the trucks, I don't see, I know that there are a few around town that even the side yard, some may even be in the front yards, so I think we need to square that way also.

Craig Minor: I wasn't planning on re-visiting anything that the regs currently allow or prohibit, this is just organization.

Commissioner Claffey: The Commissioner who sat here, and he's not here tonight, Woods, said you can do one thing with a commercial vehicle in your backyard, but you can't have it in your front yard or side yard. An eighteen wheeler you can park in your backyard, but you can't have it in the front. Who the heck wants to park an eighteen wheeler, why should we allow eighteen wheelers in the backyard? I think this is a bigger item than what we are giving it at this time, that's all I'm saying. It's not like, oh, let's just change this to make it right, I think there are other problems, and I brought it up multiple times, and if gets addressed, it gets addressed, and if it doesn't.....

Chairman Pane: We'll look at the organization of it, and then I think the, as far as that one item is concerned, we'll have to get all the Commissioners familiar with what it is and then we can take it up at a later date. So between now and the next meeting, if there is something that you are concerned about, just let the Town Planner know.

Craig Minor: And I can take this out if the Commission thinks that the issue with commercial vehicles deserves more attention than just the housekeeping thing that I requested. I can leave it off if you would like.

### **XIII. COMMUNICATIONS**

Commissioner Sobieski: I believe that I did send out the last CRCOG thing to everybody, okay, just want to make sure that that went out. Thank you.

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

Rose Lyons, 46 Elton Drive: Anybody new here, don't be fooled by the shortness of this meeting, it's not normally like this. Be prepared because they are a lot longer. If you see more than Gail, myself, Carol, and Barbara in the audience, you know that there is a long agenda ahead of you, but in all seriousness thank you all for giving your time and I wish you a Happy Holiday and Happy New Year.

On another note, there is a lot of chatter on Facebook about businesses in town, an issue with Lowe's and things like that. I know that the, that you have the right to speak and say what we have to say, but I'm hoping that there is some way that through the administrators of these Facebook pages, or someone can do something about cutting these conversations

short. There was a negative comment about a new business in town, there were 491 comments. Granted, most of them were good ones, but people just see the initial post and they don't go through the whole thing. I don't know what the answer is, I know that Facebook is the new way to communicate, but seeing what happened over the weekend to two different businesses, what does it say about Newington? If someone is looking to come to Newington and they go a Facebook page and they see all of this negativity, it's not good for anybody. I think no matter what party you belong to, or what your thoughts are, agree with me, don't agree with me, what we are looking to do is to promote Newington, not to knock it down and tear it apart, so with that, I'll say thank you and again, Happy Holidays.

Chairman Pane: Is there any further public participation?

**XV. REMARKS BY COMMISSIONERS**

Commissioner Sobieski: I forgot to e-mail you the rotary issue information about Barbour Road and Fenn. I did give a copy to Craig a while ago, he has it. If he wants to scan it and send it to all of the Commissioners as to when the rotary was taken out, how it was taken out. It was taken out because the Town of Newington went to the DOT and asked for a construction project to remove it and widen Fenn Road which is what the DOT did under Compass, it was called. A lot of things happen over the years where the Town has asked the State to come in for projects, Maple Avenue is one of them, Church Street is a different project, they were all done under what they call (inaudible). Thank you.

Commissioner Fox: I just want to congratulate you Chairman Pane, Commissioner Claffey and our new Secretary, to welcome the new members.

Commissioner Claffey: Where are we Mr. Minor on any action you may have on the Cedar Street property, the affordable housing? Have we been kept in the loop?

Craig Minor: The last contact I had with the principals of Dakota, they were focusing their efforts on getting their tax credits, and they weren't working on the sidewalk issue, but now that the application has been submitted, there is no reason for them not to resume pursuing the sidewalk issue. I remind them that they promised, to use a naïve word, but they promised to keep us involved with that. I will remind them.

**XVI. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: I want to thank everybody for the nomination of Chairman, I appreciate it. I want to welcome all of the new members and I think that moving forward that we need to be very considerate of our regulations to be a little more business friendly, so we will be going over that with some of our regulations and our signs. Rose had a comment about Facebook, we can't control Facebook, but we can try to do the best we can here and be business friendly.

**XVII. ADJOURN**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

  
Norine Addis, Recording Secretary

NEWINGTON TOWN PLAN AND ZONING COMMISSION

December 11, 2019

Special Meeting

Chairman Stanley Sobieski called the special meeting of the Newington Town Plan and Zoning Commission to order at 6:45 p.m. in the Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

**I. PLEDGE OF ALLEGIANCE**

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

Commissioners Present

Commissioner Anthony Claffey  
Commissioner Michael Fox  
Commissioner Garrett Havens  
Commissioner David Lenares  
Commissioner Domenic Pane  
Chairman Stanley Sobieski  
Commissioner Thomas Gill-A  
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Stephen Woods  
Commissioner Hyman Braverman-A

Staff Present

Craig Minor, Town Planner

**III. ELECTION OF OFFICERS FOR 2020**

Commissioner Claffey nominated Commissioner Pane for the Office of Chairman, seconded by Commissioner Havens. There were no other nominations for Chairman so the secretary cast one ballot for the office.

Commissioner Lenares nominated Commissioner Claffey for the office of Vice-Chairman seconded by Commissioner Havens. Commissioner Fox nominated Commissioner Sobieski but there was no second and the nomination was withdrawn. The secretary cast one ballot for Commissioner Claffey.

Commissioner Havens was nominated for the office of Secretary by Chairman Pane, the motion seconded by Commissioner Lenares. The secretary cast one ballot of the office of secretary.

**IV. SETTING OF REGULAR MEETING DATES FOR 2020**

Craig Minor: The meeting dates are set for the second and fourth Wednesday of every month with a couple of exceptions, and as modified so as not to conflict with any holidays. The dates are in the packet, and the one re-scheduled is April 6<sup>th</sup>. ( See attached.)

*Thomas O. Haggerty*  
TOWN CLERK

2019 DEC 16 AM 11:29

RECEIVED FOR RECORD  
NEWINGTON, CT

Commissioner Claffey: What holiday is that?

Craig Minor: That conflicts with Passover.

Commissioner Claffey: We meet on a Monday in November?

Craig Minor: That has been your custom, so as not to be meeting the day before Thanksgiving.

Commissioner Claffey: And we only have one meeting in December?

Craig Minor: Correct, that has also been your custom, not to meet a second time in December.

Chairman Pane: Are there any other questions on the schedule?

Commissioner Fox moved to approve the meeting dates for 2020, seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Claffey: I have just one question on the schedule. I was thinking about as we get the packet of changes and applications, what is the standard, we get the e-mails from your office that the agenda is set and then sometimes, a day or two before, we get an amended agenda, or a new agenda, what is the standard.....if someone comes in late and there is like only one item on the agenda and we want to add it?

Craig Minor: We can talk about that in the future, but my normal procedure is to get the agenda out with the materials no later than Thursday of the week before the meeting to make sure you have the whole packet over the weekend to read and question. If something comes up at the last minute that needs to be taken up by the Commission at that meeting, I will talk to the Chairman, make sure the Chairman has no objection to adding it at the last minute and then depending on what it is, like a last minute request to have public hearing scheduled for some special permit activity, I would usually not go through the confusion of filing an amended agenda. I just let you gentlemen show up and, well, I talk to the Chairman first, and then you show up and see that there was a special permit for a day care added to the agenda, just for scheduling. If it is something substantial I will go through the process of actually amending the agenda, filing the agenda with the Town Clerk.....

Commissioner Claffey: But there is no set time, like if the Monday before our Wednesday meeting, a person came in and wanted to get on the agenda, there are no guidelines?

Craig Minor: There are guidelines, yes in fact the by-laws specifically say that anything that comes in more than either two weeks or ten days before the meeting doesn't go on the agenda, but I try not to be too draconian about that, but to use common sense, and with conferring with the Chairman, whether to add something, a last minute item or not. The by-laws do give us the ability to say to someone, sorry, you missed the deadline, you will have to wait until the next meeting.

Commissioner Fox: Section 1.8 of the by-laws talks about as the town planner said before, must be submitted 14 days prior to the meeting and to be placed on the agenda, any information relating shall be filed at least 14 days. Additional agenda items that are not within the fourteen day period, no less than seven days prior to the next regularly scheduled

meeting. A staff person or Commission member must make a request to the Chairman stating the reasons for the agenda addition.

Chairman Pane: I think he realizes that and on occasion while we have put things on the agenda just to be a little bit more friendly, as long as it wasn't a major deal. I think that's pretty much the rule. Any other questions?

**V. APPOINTMENTS TO CRCOG REGIONAL PLANNING COMMISSION**

Chairman Pane: The next items is the appointments to CRCOG, the regional planning commission and Stanley Sobieski has said that he would remain on that and I believe his service is still going on, is that.....

Commissioner Sobieski: I'll get you an answer for during the week.

Chairman Pane: We are comfortable with you staying on that CRCOG Commissioner Sobieski, you have done an excellent job with it.

Commissioner Sobieski: Like I said, the by-laws were changed to a two year term, so that is what I have to check. I'll talk to Emily and get you a copy, I thought I gave you a copy back in October.

Craig Minor: And the current alternate is Commissioner Woods.

Chairman Pane: I have talked with Commissioner Woods and he is fine with continuing also.

Craig Minor: Okay.

Commissioner Sobieski: His term would be two years also.

Chairman Pane: Okay, that covers everything.

**VI. ADJOURN**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 6:55 p.m.

Respectfully submitted,



Norine Addis,  
Recording Secretary

## Town Plan and Zoning Commission

### 2020 Meeting Dates

Meets on the 2<sup>nd</sup> & 4<sup>th</sup> Wednesdays at 7:00 p.m. – Conference Room L-101, except where noted below.

Jan. 8	Jan. 22	Feb. 12	Feb. 26
March 11	March 25	<i>April 6 Monday</i>	April 22
May 13	May 27	June 10	June 24
July 8	July 22	Aug. 12	Aug. 26
Sept. 9	Sept. 23	Oct. 14	Oct. 28
Nov. 11	<i>Nov. 23 Monday</i>	Dec. 9	<b>Jan. 13, 2021</b>

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: December 31, 2019  
**Subject:** Petition #41-19: Residential Subdivision at 55 East Robbins Avenue. Dornelas Home Improvement LLC, owner/applicant; Helton Dornelas, 65 Wood Pond Road, Farmington CT, contact.

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### **Description of Petition #41-19:**

This petition is to split the developed lot at 55 East Robbins Avenue in two, with the existing house to remain on one of the lots.

### **Staff Comments:**

55 East Robbins Avenue is located on the southwest corner of Flagler Street and East Robbins Avenue. The existing house was built in 1928. The property consists of two parcels from the 1925 "Miami Heights" subdivision which were merged by a previous owner when the previous owner constructed an accessory building in the southwest back corner (As an aside: if the previous owner had not built the accessory building, the current owner would not need to go through the subdivision process to split the lot in two.)

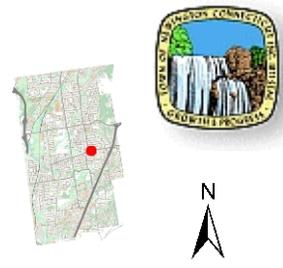
There are numerous, substantial deficiencies with the plans that were submitted which I described to the applicant back in November, with no response. The 65-day deadline is fast approaching. I have advised the applicant that he needs to give TPZ his permission to go past the deadline, or TPZ will have no choice but to deny the application "without prejudice". As of this writing I have not heard back from him.

cc:  
Dornelas Home Improvement LLC  
Town Engineer  
file

Phone: (860) 665-8575 Fax: (860) 665-8577  
townplanner@newingtonct.gov  
www.newingtonct.gov



# 55 East Robbins



## Map Legend

Parcels

### BA SEMA P LEGEND

- Centerlines
- Local Roads
- Major Roads
- Highways
- Buildings
- Pool
- Deck
- Railroad
- Sidewalks
- Driveways
- Paved Road
- Streams
- Marsh/Wetlands
- Water
- Vegetation

*This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.*





\$330

Petition # 41-19

TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION

OK #5350  
APPLICATION FORM

LOCATION: 55 EAST ROBBINS AVENUE ZONE: R-12  
 APPLICANT: DORNELOS HOME IMPROVEMENT LLC TELEPHONE: 860 214 9175  
 ADDRESS: 65 WOODBOND ROAD FARMINGTON EMAIL: HELTONDORNELOS@HOTMAIL.COM  
 CONTACT PERSON: HELTON DORNELOS TELEPHONE: 860 214 9175  
 ADDRESS: 65 WOODBOND ROAD FARMINGTON CT 06107 EMAIL: HELTONDORNELOS@HOTMAIL.COM  
 OWNER OF RECORD: DORNELOS HOME IMPROVEMENT LLC

**THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):**

- Zoning Map Change from the \_\_\_\_\_ Zone to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. *A copy of the proposed amendment and the reason for amendment is attached* (Public Hearing required).
- Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Special Permit per Section \_\_\_\_\_ of the Zoning Regulations. *Explanation of the proposed activity is attached* (Public Hearing required).
- Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

"I hereby consent to site inspections before, during and after construction to verify proper functioning of the erosion and sediment controls and of the stormwater management design."

<u>Helton Dornelos</u> APPLICANT	<u>11/07/19</u> DATE	<u>Helton Dornelos</u> PROPERTY OWNER	<u>11/07/19</u> DATE
-------------------------------------	-------------------------	--	-------------------------

**COMPLETE APPLICATIONS SUBMITTED NOT LESS THAN 14 DAYS BEFORE THE NEXT TPZ MEETING MAY BE PUT ON THE AGENDA. A COMPLETE APPLICATION CONSISTS OF: THE APPLICATION FEE; SITE PLANS (IF APPROPRIATE); STORMWATER MANAGEMENT ANALYSIS (FOR SITE PLANS); NARRATIVE EXPLANATION (FOR SPECIAL PERMITS).**



2. Utilities and Improvement Plan (Section 6.3) The plan is missing the following information:

a. A note certifying that "The Subdivision Regulation of the Town of Newington are a part of this plan and approval of the plan is contingent on compliance with all requirements thereof." (Section 6.3.

b. All lot lines with bearings and distances (Section 6.3.a).

c. Location of all existing and proposed sanitary and water supply lines (Section 6.3.e).

d. Iron pins to be set at all lot corners (Section 6.3.1.ii).

e. Elevation at proposed building corners (Section 6.3.1.iv).

f. The endorsement block revised as described above (Section 6.3.m).

g. Construction details (including erosion and sediment control measures) for proposed utilities (Section 6.3.r).

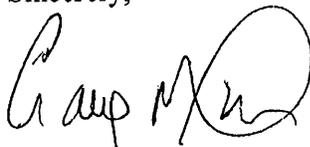
h. A grading plan, including existing and proposed elevation contours at 2' intervals (Section 6.6i). While the Subdivision Regulations might not expressly call for it, a potential house location (with minimum front, side, and rear yard limits) and a driveway location should be shown.

3. You need to submit a letter from the Metropolitan District Commission indicating the availability of public sewer and public water.

4. The comments of the Town Engineer will be sent under separate cover.

If you have any questions or comments, please contact me via email at [cminor@newingtonct.gov](mailto:cminor@newingtonct.gov) or call me at (860) 665-8575.

Sincerely,



Craig Minor, AICP  
Town Planner

cc:  
Oswald Blint Surveying  
file

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: December 31, 2019  
**Subject:** Petition #01-20: Residential Subdivision at 890 Willard Avenue. Cross Construction LLC, owner/applicant; George Flores, 151 Maple Hill Avenue, Newington CT, contact.

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### **Description of Petition #01-20:**

This petition is to subdivide the large developed lot at 890 Willard Avenue into four small lots, with the existing house to remain on one of them.

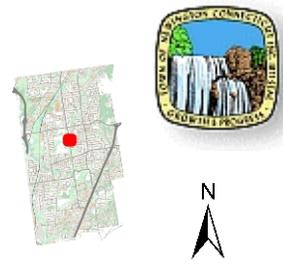
### **Staff Comments:**

890 Willard Avenue is located on the southeast corner of Cross Street and Willard Avenue. The existing house was built in 1944. The parcel is comprised of about a dozen narrow parcels from a 1912 subdivision which were merged into a single lot many years ago. The existing house sprawls over several of the old parcels, as does the existing driveway and an accessory building. (As an aside: if the previous owners had not merged the dozen lots by putting the driveway and accessory building on them, the current owner would not need to go through the subdivision process to split them off.)

I have reviewed the plans and had some minor comments for the applicants (attached). As of this writing the Town Engineer has not completed his review.

cc:  
Cross Construction LLC  
Town Engineer  
file

Phone: (860) 665-8575 Fax: (860) 665-8577  
townplanner@newingtonct.gov  
www.newingtonct.gov



**Map Legend**

Parcels

**BA SEMA P LEGEND**

- Centerlines
- Local Roads
- Major Roads
- Highways
- Buildings
- Pool
- Deck
- Railroad
- Sidewalks
- Driveways
- Paved Road
- Streams
- Marsh/Wetlands
- Water
- Vegetation

Printed 12/23/2019 4:07:05

# Budney Estates



*This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.*

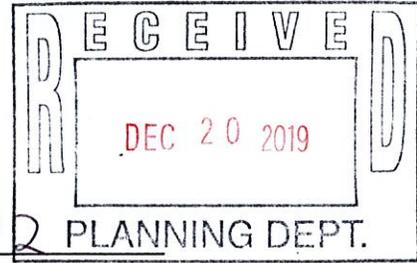




\$ 4770 CR# 9119

Petition # ~~112/119~~ 01-20

TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION



APPLICATION FORM

LOCATION: 890 Willard Avenue ZONE: R-12 PLANNING DEPT.

APPLICANT: Cross Construction LLC TELEPHONE: 860-214-4816

ADDRESS: 580 Broad St Bristol, CT 06108 EMAIL: george.flores615@yahoo.com

CONTACT PERSON: George Flores TELEPHONE: 860-214-4816

ADDRESS: 151 Maple Hill Ave, Newington, CT 06111 EMAIL: ADAMOS1163@GOL.COM

OWNER OF RECORD: Cross Construction

**THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):**

- Zoning Map Change from the \_\_\_\_\_ Zone to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Special Permit per Section \_\_\_\_\_ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

"I hereby consent to site inspections before, during and after construction to verify proper functioning of the erosion and sediment controls and of the stormwater management design."

	<u>12-19-19</u>		<u>12-19-19</u>
APPLICANT	DATE	PROPERTY OWNER	DATE
<u>George Flores / cross const LLC</u>		<u>George Flores mgr. cross construction</u>	

**COMPLETE APPLICATIONS SUBMITTED NOT LESS THAN 14 DAYS BEFORE THE NEXT TPZ MEETING MAY BE PUT ON THE AGENDA. A COMPLETE APPLICATION CONSISTS OF: THE APPLICATION FEE; SITE PLANS (IF APPROPRIATE); STORMWATER MANAGEMENT ANALYSIS (FOR SITE PLANS); NARRATIVE EXPLANATION (FOR SPECIAL PERMITS).**

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

December 30, 2019

George Flores  
151 Maple Hill Avenue  
Newington, CT 06111

Dear Mr. Flores:

**Re:     Petition #01-20: Residential Subdivision at 890 Willard Avenue. Cross Construction LLC, owner/applicant; George Flores, 151 Maple Hill Avenue, Newington CT, contact.**

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I have reviewed the plans submitted with the above-reference application. My comments are as follows.

The Town Engineer will submit his comments separately.

1.   Record Subdivision Plan (Section 6.2) The plan is missing the following information:
  - a.   The zoning classification needs to be shown (Section 6.2.f).
  - b.   The subdivision regulations call for a TPZ endorsement block on this sheet (Section 6.2.n), and every sheet. While we do allow information to be consolidated when appropriate, my understanding is that individual endorsement blocks is a State requirement. Also, the endorsement block on the cover sheet contains the statutory reference for site plans approvals; the citation for a subdivision approval is different.

**Approved by the Newington Town Plan and Zoning Commission as  
Petition #01-20 at the TPZ meeting on \_\_\_\_\_.**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Chairman**

**Pursuant to Section 8-26c of the Connecticut General Statutes all work  
in connection with this approved Subdivision shall be completed by**

\_\_\_\_\_  
**(date of approval plus five years).**

2. Utilities and Improvement Plan (Section 6.3) The plan is missing the following information:

a. The Utilities and Improvement Plan needs to be prepared by and bear the seal, imprint and signature of a CT-licensed PE, certifying that "The Subdivision Regulation of the Town of Newington are a part of this plan and approval of the plan is contingent on compliance with all requirements thereof." (Section 6.3).

b. See the note above about a TPZ endorsement block (Section 6.3.m).

c. The drainage plan does not appear to have been designed using low impact development (LID) techniques.

3. You need to submit a letter from the Metropolitan District Commission indicating the availability of public sewer and public water (Section 6.1.h and 6.1.i).

If you have any questions or comments, please contact me via email at [cminor@newingtonct.gov](mailto:cminor@newingtonct.gov) or call me at (860) 665-8575.

Sincerely,

Craig Minor, AICP  
Town Planner

cc:  
The Bongiovanni Group, Inc.  
file