

TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION

AUGUST 12, 2020 - 7:00 P.M.

This meeting will be presented as a Zoom Webinar/Meeting.
Information on how to attend will be posted on the Town website at:
<https://www.newingtonct.gov/virtualmeetingschedule>

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA
- IV. IV. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes. Use The Zoom "Raise Hand" Function)
- V. ZONING ENFORCEMENT OFFICER REPORT

Documents:

[7-31-20 ZEO REPORT - JULY.PDF](#)

- VI. REMARKS BY COMMISSIONERS
- VII. PUBLIC HEARING
 - A. Proposed Plan Of Conservation And Development 2030
[PROPOSED POCD 2030](#)

VIII. APPROVAL OF MINUTES

Documents:

[TPZ MINUTES 08JUL2020 REGULAR.PDF](#)
[TPZ MINUTES 22JUL2020 REGULAR.PDF](#)

IX. NEW BUSINESS

- A. Possible Action On Plan Of Conservation And Development 2030
- B. Petition #07-20: Residential Subdivision At 68 Deming Street ("Peckham Farm"). Calvin Roger Peckham And Donna M. Peckham, Owners; Calvin Roger Peckham, Applicant; Bongiovanni Group Inc, 170 Pane Road, Newington CT, Contact.

Documents:

[TP MEMO 07-20 PECKHAM FARM SUB 12AUG2020.DOCX](#)
[APPLICATION 07-20 PECKHAM FARM SUB.PDF](#)
[94112_RENDER-GRADING.PDF](#)
[94112_RENDER-SUBDIV.PDF](#)

SIDEWALK WAIVER REQUEST.PDF
LETTER FROM SSES RE CONSERVATION EASEMENT 20APR2020.PDF
TOWN PLANNER REVIEW COMMENTS PECKHAM SUB 06APR2020.PDF
APPLICANT RESPONSE TO TP COMMENTS 23JUN2020.PDF
TOWN ENGINEER COMMENTS PECKHAM FARM SUBDIV.PDF
APPLICANT RESPONSE TO TE COMMENTS 23JUN2020.PDF

- C. Petition #26-20: Site Plan Modification At 135 Fenn Road. Stanwell Associates LLC, Owner/Applicant; Mario Giguere, 97 Stanwell Road, Newington CT, Contact.

Documents:

TP MEMO TRUSS SPM 12AUG2020.PDF
APPLICATION 26-20 TRUSS SPM.PDF
SITE PLAN 135 FENN ROAD.PDF

- D. Petition #27-20: Sec. 8-24 Referral For Proposed Sale Of Former Barbour Road. Newington Town Council, Owner/Applicant.

Documents:

TP MEMO 27-20 BARBOR ROAD 8-24 12AUG2020.PDF
49 FENN RESOLUTION.PDF
SURVEY.PDF
49 FENN ROAD LOCATION MAP.PDF

- E. Petition #24-20: Zoning Text Amendment (Sec. 3.22.1.C) Regarding Commercial Vehicles In Residential Zones. Town Plan And Zoning Commission, Applicant.

Documents:

TP MEMO RE COMMERCIAL VEHICLES 12AUG2020.PDF
DRAFT CHANGES TO COMMERCIAL VEHICLE REGS 30JUL2020 - CLEAN.PDF
DRAFT CHANGES TO COMMERCIAL VEHICLE REGS 30JUL2020.PDF

X. OLD BUSINESS

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

XII. TOWN PLANNER REPORT

Documents:

TOWN PLANNER REPORT FOR 12AUG2020.PDF
DEVELOPER BONDS OPEN AT 6-2-20 - WORKING COPY 04AUG2020.PDF

XIII. COMMUNICATIONS

XIV. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes. Use The Zoom "Raise Hand" Function)

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Zoning Enforcement Officer Report

Printed: Tuesday, August 4, 2020
for the Month of JULY 2020

115 AUGUSTA DRIVE

07/16/2020 ZEO

MATERIALS, VEHICLE, AND DEBRIS STORED IN TOWN RIGHT-OF-WAY.

Actions and Inspections

Status

- 7 /16/2020 LEFT BUSINESS CARD TO DISCUSS
- 7 /16/2020 VIOLATIONS OBSERVED
- 7 /17/2020 PLAN FOR COMPLIANCE: VOICEMAIL FROM TENANT STATING MATERIALS AND VEHICLE WOULD BE REMOVED TODAY.
- 7 /30/2020 LEFT BUSINESS CARD TO DISCUSS PARKING REGULATION.
- 7 /30/2020 ALL MATERIALS REMOVED. TRUCK REMAINS PARKED IN UN-PAVED PORTION OF RIGHT-OF-WAY.

485 CHURCH STREET

07/16/2020 ANONYMOUS

BACKHOE STORED IN REAR YARD.

Actions and Inspections

Status

- 7 /16/2020 COMPLAINT RECEIVED
 - 7 /22/2020 FOLLOW-UP DISCUSSION AND REQUEST PHOTOS
 - 7 /24/2020 DETERMINED TO BE NON-CONFORMING.
 - 7 /24/2020 DISCUSSION WITH PROPERTY OWNER REGARDING TOWN REGULATIONS FOR BACKHOES.
 - 7 /24/2020 KNOCKED ON DOOR, NO ANSWER. LEFT BUSINESS CARD TO DISCUSS.
 - 7 /24/2020 INSPECTION: POSSIBLE VIOLATION OF COMMERCIAL VEHICLE REGULATION TO BE ADOPTED
-

29 HOPKINS DRIVE

07/28/2020 ANONYMOUS

UNREGISTERED/ INOPERABLE VEHICLE.

Actions and Inspections***Status***

7 /28/2020 COMPLAINT RECEIVED
7 /30/2020 INSPECTION: VEHICLE
APPEARS OPERABLE
AND HAS PLATES.
WILL FOLLOW-UP
WITH POLICE
DEPARTMENT ON
REGISTRATION.

50 KNOLLWOOD ROAD

02/24/2020 ANONYMOUS

SEMI-TRUCK PARKED IN FRONT YARD.

Actions and Inspections***Status***

2 /24/2020 VIOLATION OBSERVED
2 /24/2020 COMPLAINT RECEIVED
2 /25/2020 VIOLATION NOTICE
SENT (10 DAYS)
2 /27/2020 CONTACT WITH
OWNER & PLAN FOR
COMPLIANCE: OWNER
WORKING TO FIND
LEASABLE SPACE TO
STORE SEMI NEAR
HOME.
3 /3 /2020 UPDATE FROM
OWNER: WILL MOVE
SEMI TO DIFFERENT
TOWN AFTER DMV
PROCESSING OF
PRIOR CANADIAN
PLATE.
3 /16/2020 VIOLATION ON HOLD
UNTIL DMV RE-OPENS.
7 /16/2020 LEFT BUSINESS CARD
TO DISCUSS
REGISTRATION
STATUS.
7 /16/2020 ADDITIONAL
COMPLAINT
RECEIVED.
7 /17/2020 PLAN FOR
COMPLIANCE: OWNER
STATED HE WOULD
GET A TEMPORARY
PLATE AND REMOVE
IN 7-10 DAYS.
7 /30/2020 LEFT BUSINESS CARD
REMINDER TO
REMOVE VEHICLE.
7 /30/2020 INSPECTION: SEMI-
TRUCK REMAINS

Violation Notice Sent

Will Monitor

566 NEW BRITAIN AVENUE

07/30/2020 CONNORS

REMOVAL OF LANDSCAPE BUFFER ZONE REQUIRED FROM
BUSINESS ZONE TO TO SINGLE-FAMILY RESIDENTIAL.***Actions and Inspections******Status***

7 /30/2020 EMAIL TO OWNER
REGARIDNG
VIOLATION AND
REGULATION.
7 /30/2020 RESEARCH
7 /30/2020 COMPLAINT RECEIVED

16 STYLES AVENUE

07/05/2020 PRICE

VEHICLE PARKING IN UNPAVED PORTION OF PROPERTY.

Actions and Inspections***Status***

7 /5 /2020 COMPLAINT RECEIVED
7 /7 /2020 RESOLVED

43 WELLES DRIVE NORTH

07/29/2020 ANONYMOUS

HOME BUISNESS WITHOUT PERMIT FROM TPZ, VEHICLES
IMPROPERLY PARKED, AND EXCESSIVE MULTIPLE
COMMERCIAL VEHICLES.***Actions and Inspections******Status***

7 /29/2020 COMPLAINT RECEIVED
7 /30/2020 LEFT BUSINESS CARD
TO DISCUSS.
7 /30/2020 INSPECTION: SOME
ITEMS MAY BE A SIGN
OF POSSBILE HOME
BUSINESS.

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 8, 2020

RECEIVED FOR RECORD
TOWN CLERK
2020 JUL 13 PM 12:07
Thomas O. Haggerty
Town Clerk

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Staff Present

Craig Minor, Town Planner

III. APPROVAL OF AGENDA

Chairman Pane: Do we have any changes?

Craig Minor: Possibly, Mr. Chairman. As I think the Commission knows, I got an e-mail from Amy Berube a couple days ago, asking to have her permit renewed, which is part of the process. I discussed it with the Chairman, and he agreed that we can add it to the agenda tonight, and I contacted Ms. Berube about this and asked her if that was too fast, or if it was okay with her, and never got a reply. I don't think she is in the room, James, can you tell me if she is listening.

James Krupienski: I don't have her showing on here.

Craig Minor: Okay, then Mr. Chairman, you can decide whether you want to proceed without her, or if you want to wait until the next meeting.

Chairman Pane: I'll ask the Commissioners, if there is no objection I just as soon put it on the agenda. I believe it is a very positive result that the Planner has been telling me about, that there have been no problems, so we can get this approved and move on and out of the way. Does anyone have any objection to having this put on the agenda?

Commissioners: No

Craig Minor: Then I suggest we add under New Business, Item B, Petition 25-20, Renewal of Special Permit 34-17 at 173 Indian Hill Road. Amy Berube, applicant.

Chairman Pane: Okay, very good. Thank you Craig.

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

Chairman Pane: If there is anyone in the public who would like to speak, raise your hand, James will get you on.

James Krupienski: You have two individuals, Barbara is on and another individual who does not have a name showing. Nobody has raised their hand yet.

Chairman Pane: Okay, very good. If they do have something, just interrupt me. Thank you.

James Krupienski: Actually one of your panelists who is on tonight has raised their hand. He would like to comment.

Chris DeFrancisco: I just didn't know if it was my turn or not, and I didn't want to get bypassed. I'm on the agenda for later on, but I just wanted to make sure you knew that I was here.

Chairman Pane: Very good, thank you very much for coming in with us. If there is no other public comment, we are going to go to our Zoning Enforcement Officer Report.

V. **ZONING ENFORCEMENT OFFICER REPORT**

Craig Minor: Andrew is texting me on his phone, he is having technical difficulties logging on. James, is he in to the public road?

James Krupienski: Only if his number is 648.

Craig Minor: I think he can hear me, let me see if he texts me. I'm not getting a reply. Mr. Chairman, I suggest that we pass over the ZEO report, and then as he works out his technical problems, then we can go to the report, if that is okay.

Chairman Pane: That's okay.

James Krupienski: So he can hear us Craig?

Craig Minor: I believe so.

James Krupienski: If he wants to give me a call in the office, 665-8550, I'll work him through.

Craig Minor: Okay, I'll text that to him right now. He just texted me, he said his phone is cutting out, and his computer is freezing.

Chairman Pane: No problem, we'll just move that to the next meeting.

VI. REMARKS BY COMMISSIONERS

Commissioner Gill: Just a thought. We were talking about the noise complaint type of thing, and maybe that site, as far as the dogs, might be something that we put on the list of places that might be potential spots where we might have some noise problems.

Chairman Pane: Thank you.

A. TOWN OF NEWINGTON NOISE ORDINANCE

Chairman Pane: I asked Craig to get a report on this, how things are going and whether or not we get a lot of complaints or not, or whether anything is needed. Craig, do you have any information for us?

Craig Minor: I spoke to Chief Clark the other day about this, and what he told me was, well first of all, the Town does not have the machine to check decibel readings. We don't have that capability, but he went on to say that when they do get complaints about noise, he said the vast majority of them are parties, people playing loud music, disturbing the neighbors, that's where he gets most of the complaints. In fact, he was kind of surprised, he did a, he ran a check of his data base as we were talking, and he was a little surprised that he saw that already as of half way through the year, there have been about 140 complaints about noise. As he was looking at them, as we were talking, he said the vast majority were people just complaining that the neighbors were noisy. What he does is, he will send a patrolman out, and the patrolman will ask the offending neighbor just please turn it down, and most of the times the neighbor will do that. On the rare occasion where the neighbor just refuses to be a good neighbor, the police do have the authority to issue a ticket for creating a disturbance. So the Chief feels that he has the control that he needs to deal with any neighbor that is not being a decent neighbor about not being too noisy.

Chairman Pane: That's great to hear. Do any of the Commissioners have any questions for the Town Planner?

Commissioner Sobieski: If I remember correctly, listening to Commissioner Gill say maybe we should maybe put that dog area in the noise complaint, I don't think we have had any issues about dog noise complaints even before the dog day care was approved. I would not want to see, it's only my opinion, but I would not want to see the Commission target any one area. That's all I'm saying.

Chairman Pane: Thank you Commissioner. I was going to bring that up when we talked about Amy's place later, but there have been no complaints over there in the time period that she has been open. I think there was originally, but it was approved, and later on in the meeting you will find a report from Craig that is pretty positive on it. It sounds to me that the Chief has everything under control with this noise ordinance.....

Commissioner Fox: I wish someone would explain to me why we are even discussing the noise ordinance. I don't think it is within our purview at all to worry about complaints on the ordinance. As a matter of fact, I know the Town Council has discussed this within the last year or so, and I would like to see the Town Clerk try to do some research, find that, and let us know what happened.

Chairman Pane: If you don't mind, I'd like to explain, we put it on the agenda because one of the Commissioners asked to put it on the agenda so we could just do a quick review and this gave us the opportunity to have the Town Planner get an update from the Chief, and it does come into play with the

Planning and Zoning once in a while on applications, such as Firestone, or other things, but it appears here that everything is under control with the Police Department and they are doing a wonderful job with trying to control things, and you are absolutely right, the noise ordinance is under the Council control. You are absolutely correct about that. Nobody was intending to make any changes to the noise ordinance.

Commissioner Fox: Okay, thank you.

Chairman Pane: Are there any other questions on the noise ordinance? Is the Zoning Enforcement Officer ready now? James?

James Krupienski: He hasn't contacted me, and I don't see him on the attendees side either.

VII. PUBLIC HEARING:

- A. Petition 10-20: Zoning Text Amendment (Sec. 3.11.8; 3.16.1; 3.17.8; and 9.2.) Regarding Brewery and Brew Pubs. Town Plan and Zoning Commission, Applicant, Continued from June 24, 2020.

Chairman Pane: Could you fill us in with a report for the Commission as to where we stand and I know, I don't know if Anthony is on.....

Craig Minor: He is calling James now.

James Krupienski: I do have him on the attendees, and I can un-mute him if you would like.

Chairman Pane: I just wanted to check to see if he was on. Craig, if you could give us an update.

Craig Minor: At the last meeting, one of the Commissioners asked if we could also add, make a provision for a winery, so I did some research, and it's on my report. Let me just read my report, "At the public hearing on June 24, 2020 it was suggested by a Commissioner that the regulations also allow "wineries." Wineries typically are operated on the same premises as a vineyard, but not necessarily – there can be a vineyard that grows grapes but does not process them into wine, and there can be a winery that processes grapes that were grown somewhere else. So while "vineyards" and "wineries" are related, they need to be treated separately.

"Farm" is defined in the Newington zoning regulations as follows:

FARM: A parcel of land containing not less than 5 acres, and used for raising crops and/or livestock and poultry, and including dairy farms, plant nurseries and green houses.

I think it is fair to say that a vineyard is a type of farm, so no change is needed here. In Newington, farms are allowed by right on at least five acres in any zone – commercial or residential. If somebody wants to operate a vineyard, and they have five acres, they could start a vineyard today. However, the processing of grapes into wine is an industrial activity that I don't think TPZ would want to be allowed by right in a residential zone. So, if a "winery" is something that TPZ thinks might be acceptable in a residential zone under the right circumstances, TPZ should add "winery" to the list of special permit activities allowed in

residential zones. In commercial zones “winery” could be by right or by special permit – whichever TPZ prefers. So that is my finding as to whether we should add winery to the regulations or not.

Chairman Pane: Okay, I'll open it up to the Commissioner comments, and I think Anthony, are you on the line?

James Krupienski: I have him un-muted, but for some reason he is not speaking.

Chairman Pane: Are there any other Commissioners that have any comments on this.

Commissioner Sobieski: Chairman Pane, I was under the assumption that we were going to have this go to a public hearing, and not through Zoom. Myself and Commissioner Fox had asked for this. This is a major change, and I know that we are saying that these Zoom meetings are public hearings, however I understand some of the neighbors may have sent letters in to Craig Minor about this, and they do want to have a public hearing.

Chairman Pane: This is a public hearing Commissioner, and if there are letters, if Craig has letters then he has to read them into the record when we get to the public comments. Craig, do you have letters coming in?

Craig Minor: I have an e-mail that I received this afternoon that I will read.

Chairman Pane: All right, thank you. Are there any comments from the Commissioners?

Commissioner Gill: The only cautionary I see is, did we put a winery into residential, what is to say that they aren't going to want a pub, restaurant, in the same place.

Chairman Pane: I don't think we are proposing to put it in a residential. I think Commissioner Claffey was proposing to have it in the business zones, and come down to the commercial and PD and BT Zones. None of these things are proposed in the residential zone, is that correct Craig?

Craig Minor: That was the point that I wanted to make, a vineyard, you can have a vineyard now in a residential zone but you wouldn't be able to process the wine as a winery. They couldn't have a winery in a residential zone, but if they wanted to grow them, and they owned five acres of land, then they have the right to do that.

Chairman Pane: Do all of the Commissioners understand that?

Commissioner Fox: Getting back to what Commissioner Sobieski said, I have to agree. This is a big change, and there were comments, at the last meeting from a Francis Avenue resident, and so I know, I'm hoping that we can agree to keep this public hearing open as long as we can, until we can have face to face meetings, even if it is during the pandemic and we have to just use the auditorium, spread out, and do something like that. Meetings have been done that way, and while we are doing these Zoom meetings, we aren't getting the public participation we would like, and the public that we do get would not have, they wouldn't be ready to come and speak their mind as they were going to.

Chairman Pane: Well, we're in a public hearing, this has been a public hearing, we have had this open for quite a few meetings. I think Craig, how many meetings have this been open that we have been talking about this?

Craig Minor: This is the third, as a public hearing.

Chairman Pane: The third public hearing, and now all of a sudden you want me not to have the public hearing any more until we can have it in person.

Commissioner Fox: This is not all of a sudden Domenic, we've been going through these things as far as setting up, getting the text amendments done, the wording itself done, but when it came to having a public hearing at this meeting, having gotten a draft suggested motion, that's what set my mind in motion, and I think Commissioner Sobieski would agree with me, I think we should have a face to face meeting before we close this.

Chairman Pane: I disagree with you. I appreciate your feelings, but we have had this open, this has been a public hearing for the last three meetings, and we continued it, so we have had plenty of opportunity for people to comment, and this is something that I think is good for the Town. It offers some flexibility for some new types of businesses and if you, and if I'm not mistaken, it's all by special exception, so they would have to come in again, and you would have to approve it. Am I correct Craig?

Craig Minor: Yes.

Chairman Pane: Okay. Are there any other Commissioners that would like to.....

Commissioner Sobieski: Like I said, I still think we could put it in temporarily, but we should have a face to face meeting. I don't know, I don't know if you have one letter or several letters, so, I just think people are concerned about this. That's all I'm saying.

Commissioner Gill: We've been at this now for I think four meetings now all total, and we've had three with public participation and there hasn't been any public that has come forward, right? We have one e-mail right now, that's going to be read, and see what happens from there.

Commissioner Pane: I think you are right Commissioner Gill, and I hate to prejudge anything during a public hearing. I would like to hear if there are any e-mails or other things, nobody has closed the public hearing yet, we are just going through the process.

Commissioner Lenares: I understand what Commissioner Fox and Commissioner Sobieski would like to do in terms of leaving it open. I don't agree, this has been here for three meetings, of course I would love to hear from the people, but to be honest, we don't know if the people are going to come out in droves, or if there is going to be one e-mail, and we don't actually know if they are going to come out and speak for it or against it. To me, to be honest, I always want to listen to the public and their concerns, but this is not something where I agree a brewery should go into, or disagree or in favor of one or a fan of one, but by the regulations, allow it to go into the zones that we are proposing that they go into, or be allowed to go into, if we had such an application. If it is any comfort to Commissioner Fox or Commissioner Sobieski that none of this could be approved, per se, if one does come before us without a special exception,

without having another crack at it then, and I think their utmost concern is to protect the residents of the town which I think all of us do, and want to do, so we have had this for three meetings, there is nothing pressing, whether it should go away or stay, but how long can we constantly drag it out with the unknown of when are we going to get in front of a table in front of the public. The people have had a chance, and I would venture to say that most of them don't even know these things are going on, I can understand their sentiments about that, but to wait on this, to table it, to keep it open, I would be against that. The language that Craig drew up, in terms of descriptions, but I can't stress enough, in terms of the special exception that they have to come before the Commission, explain everything, residents included. I would be in favor of moving forward with this, I don't think it's a pressing issue, one way or the other, I think it puts the proposed regulations in the correct areas of the town, so that would be my thought.

Commissioner Haggerty: I would add, I don't think that the public input on our decision making should ever be minimized, having said that, this is our third meeting and who knows when we are going to get back into the conference room and if we're not going to conduct business or make decisions unless we're face to face then why are we having meetings.

Chairman Pane: Great point Commissioner Haggerty.

Commissioner Woods: I'm in favor of adding the wineries by special permit, not to residential zones but to the other zones that we are looking to do this, and in light of the Town Manager's letter to us I think that this is something that he is looking for us to do. There is no need to hold this up, there isn't a big outcry, we did hear from one or two people that had some concerns and if we do get an application in those areas we can address those concerns at that point, but we don't even have any applications in front of us yet. Again, I would like to get this moving forward so that we can get our shingle back up that Newington is open and we're willing to do business in light of Covid, and we'll do it on Zoom, we'll do it however we will have to. I don't think any time in the near future we will have a public meeting that will allow 25, 30,40,50 people. I think that is way off. I don't see any reason to delay this.

Andrew Armstrong: Can you hear me? Sorry about the technical difficulties.

Chairman Pane: Andrew, we're in the middle of the public hearing and what we did was, we postponed the Zoning Enforcement to the next meeting. So we will talk with you the next meeting.

Andrew Armstrong: Sounds good, thank you.

Chairman Pane: Commissioner Claffey? I think everyone has brought up good points. This is a public hearing, and we are going to continue with the hearing. We do have a letter here where the Town Planner wants us to try to greet opportunities, and to be more business friendly, and to review our regulations and make things easier for businesses for the Town, so we can grow the Grand List. I think this gives an opportunity for some small businesses that are thinking out of the box, that might merge that along with cigar smoking, or something like that, who knows, and it could be a nice positive thing for some of our business areas. I think we should continue with talking about this.

Commissioner Fox: Just one more comment. I agree that it is a good text amendment, they are all good, I agree with no wineries in a residential zone, and I bow to the majority. It's what we have to do, you're

right. I think we're not getting the public participation mainly because we don't have face to face, but Commissioner Woods and the rest are right, let's get this done.

Chairman Pane: And the public will have a say if something comes in. Let's open it up to the public right now since we have been talking. Is there anyone from the public, James that would like to speak and maybe Craig would read the e-mail that he received.

James Krupienski: At this point, we have four people on, if they would like to speak, they can use the raise the hand in the window, or star 9 on their telephones.

Chairman Pane: Anyone like to speak in favor of this application? Please raise your hand, or dial in. Let's make it easy, anybody would like to speak at all, either in favor or against this? Craig, while we are waiting for the public in case they want to call in, could you read the e-mail that you received?

Craig Minor: This is from Margaret Banach, 145 Starr Avenue. "Due to the government restrictions on gathering, Town residents have not had the opportunity to gather and to learn what proposals have been occurring in town. I would like to suggest that the Commissioners contact newspapers, Newington Life, Hartford Courant, and New Britain reporters to inform them of the proposed zoning language. Please explain that this change would allow the possibility of someone to ask for a permit to open a brewery in any business area in town. I suggest the meeting and vote be postponed until the residents have more information and can participate in a normal way, other than Zoom. Residents are not all familiar with how to Zoom, or may not even have computers. Be careful to include the participation of all residents since this proposal has no urgency to be decided at this time. Thank you for your consideration."

Chairman Pane: Is there anyone James that would like to speak, from the public.

James Krupienski: Nobody so far, I'm going to put the participation info back up. Nobody at this time.

Chairman Pane: Thank you very much. I would recommend that we close the public hearing and move it to Old Business.

Commissioner Woods: So move.

Chairman Pane: If you could hold off for just a second Commissioner Woods. Craig, there was some question that Anthony wanted clarified. Do we have those things addressed in this?

Craig Minor: Right. I'll speak to that. I got an e-mail from Commissioner Claffey this afternoon, and he questioned why the, I'll call it the "name" of this amendment only lists the chapters that are being amended and not every section within the chapter, and my response was, that's the way we do it so that the name of an amendment doesn't get to be that long and confusing, but if the Commission is ready to approve it, in the motion to approve, every chapter, and there are six of them, that we can make some changes to.

Chairman Pane: all right, I just wanted to make sure that we were all set on that?
Commissioner Woods, you were going to make a motion?

Commissioner Woods: I move that we close the public hearing and move it to Old Business for action. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion with six voting YEA.

- B. Petition 20-20: Zoning Text Amendment (Sec.6.2.1.E and 9.2) regarding digital menu board signs. The McDonald's Real Estate Company, Owner/Applicant; Chris Russo, 2507 Post Road, Southport CT, Contact.

Raymond Rizzio: My name is Raymond Rissio and my partner Chris Russo is here with me. We are present and ready to proceed when you are ready for our presentation.

Chairman Pane: If you would like, you could start with a small presentation, I think everyone understands what you are trying to do, but why don't you go over it quickly and then we will go to a Town Planner's report.

Raymond Rizzio: I have represented McDonald's for probably the last twenty five years. McDonald's is a one of the largest fast food restaurant business in the world, and they constantly seek to improve service, timeliness and safety for their customers. When we first started doing McDonald's work I think about 20 percent of their business was through the drive-through. You have an older McDonald's here, and as business proceeded, before Covid, it was basically up to 70 percent of the business, and then, that is what led to the evolution of the double drive throughs so things could continue to move quickly. In situations where you have, restaurants are built primarily for sit down and the effectiveness and the expediting of the cars is important so that cars in the drive through don't block parked cars and the whole thing. So now Covid hits, and we go to 100 percent drive through. McDonald's, as I said, always looking to improve on efficiencies, they have a whole McDonald's University out in Chicago that does nothing but study these drive throughs, it's incredible. They have a team of engineers who go through it. One of the things that they thought it was important to do is to upgrade the ability to educate the consumer while they are in line, make sure that the orders are the orders that the people, or the orders that are given to them at the delivery window, and then make sure that the people can make the decisions quickly so that normally, with McDonald's, from the time you order until you get your food, they strive to have you out in no longer than 180 seconds. So, in doing this, what happens is, we have been doing this throughout the State of Connecticut. We recently were approved in Simsbury, Greenwich, Stamford, we're going all throughout trying to upgrade these signs. In doing this, what we are trying to do is, believe it or not is a reduction in the amount of signage, we have what we call pre-order boards, and then we also have a digital menu board. Now what has happened, and we have encountered this not only in Newington, but in other towns, where we have done text amendments, that towns are typically strict on signage, and the idea, they don't want billboards all over, flying all over, and Newington especially, their sign ordinance is very all encompassing. It doesn't really distinguish between, this is almost more like a directional sign than a advertisement. They are not pointing to the road, they are pointing directly to the driver. They educate the driver so when they order they can move things along, different than if we were advertising McDonald's sales for people driving along on the Berlin Turnpike. These signs don't even face the Berlin Turnpike, they face, in effect, the rear of the property and the drivers that are in line, so the only people reading these signs are already on the property and it is an educational process.

So right now you prohibit any kind of digital signs except for two exceptions. They are time and temperature signs, and then fuel product price signs are the two under Section 6.2.1.E are the only

exceptions. We're coming before you to add a third exception to this rule. That would be digital menu board signs. We would add a section that would say, menu board signs that are located at and utilized in connection with an accessory drive through lane. One digital menu board sign shall be permitted for each accessory drive, limited to fifty square feet and well as one digital pre-browse menu board sign permitted principal use on the premises limited to fifteen square feet.

What is important about that definition, and I think it's important for this Commission to know is that there are no ulterior motives, there isn't going to be any unforeseen consequences or misuse of the sign. It has to be in connection with an accessory drive through lane, a digital menu can only have one per drive through lane, it has to be used and utilized in connection with the drive through lane. So it's not like somebody can turn it around and use it to advertise a sale. So the only thing really, and we spent a lot of time with staff on that, making sure that it's designed only to certain customers, that it is not a distraction to passer bys on the road, and it's only in connection with the accessory use in a accessory drive through in those particular lanes.

We're very well versed in this and I'd be happy to answer any questions. It also reduces light pollution because when you don't have illuminated signs, what they typically had was signs that were lit from the ground and those believe it or not, throw off much more light than you would have from a inside mounted digital because it only lights within the board and basically the light is controlled so that we have shown that we have no light that emits off the premises.

Chairman Pane: Thank you very much for that report, I greatly appreciate it. I think this is something that appears to be very clean and what we are going to do is I'm going to get a report from the Town Planner and then I will open it up to the public. Craig?

Craig Minor: My report just summarized everything that Mr. Rizzio just said.

Chairman Pane: I wanted to give you an opportunity if there was anything else that you wanted to add.

Craig Minor: Nope, that's all.

Chairman Pane: Okay, I'll hold off on Commissioner's comments until after we hear from the public. Is there anyone from the public that would like to talk about this? Craig, we haven't received any e-mails or anything on this?

Craig Minor: That's correct.

Chairman Pane: Thank you. James, you will let me know if someone wants to speak?

James Krupienski: I have one individual on the panel, Mr. DeFrancisco.

Chris DeFrancisco: I wasn't aware of this until tonight, and it's also very reasonable to me as someone who has been stuck in drive throughs before, I think this would be very customer friendly if nothing else, so good luck with it.

Chairman Pane: If there is no other public comment, I'll go to Commissioner comments.

James Krupienski: I do have one individual who has raised their hand, so I will un-mute her.

Cara Santoro: Thank you, and I just wanted to say I sent an e-mail today to Craig Minor that didn't get read.....

James Krupienski: Please state your name and address for the record.

Cara Santoro, 93 Francis Avenue

Chairman Pane: We did read that in right Craig?

Craig Minor: No, that was a different person.

Cara Santoro: I think you read someone else's

Chairman Pane: Do you have that Craig, could you read it?

Craig Minor: I'm looking for it now.

Chairman Pane: Thank you. I'm sorry for that. Was that for this or.....

Cara Santoro: It was for the zoning change which is obviously a little late because you guys pushed it though anyway so it didn't seem to matter that people wanted to have a public hearing and get this postponed because as far as I can figure out you have already had it decided, and it didn't matter what the public said, so....

Chairman Pane: I'm not sure why Craig didn't read the e-mail, he was supposed to read the e-mail and he missed one, he read another one. That was a public hearing that was left open for three public hearings. All it does it give an opportunity for additional small businesses to come in, and you will have a bite of the apple if a business tries to open such a business.

Cara Santoro: So it's already been passed as long as they get a permit which we know is going to happen, so.....

Chairman Pane: No, it's not a done deal ma'm. If somebody is interested, if we approve that, and somebody is interested in running a business, and opening up a small brewery, they have to come in and pass the zoning regulations for that use. It would be a public hearing and you will have an opportunity to discuss that at the time, okay?

Cara Santoro: Right, but the issue was, people wanted it held off until the public was really aware of this and it for some reason it never got postponed until the Covid stuff was over and we can meet with people in the auditorium.

Chairman Pane: I'm sorry, but that has already gone past, and I thank you for your comments and I'm going to ask Craig Minor to read that e-mail into our minutes as soon as we come back to that. Thank you. Is there anyone else from the public who would like to talk about the Petition 20-20, the menu board? If there is no other public, Commissioners? Are there any other comments? I think this is something that we should move to Old Business and act on tonight. I think this is really going to improve

the efficiency, I don't see any drawbacks being a detriment to the residential zone or the Berlin Turnpike. I know that the changes that they recently made at McDonald's, with the drive through, originally I was a little skeptical, but they have really improved the traffic going through there, I have noticed a difference. I have noticed where they have their windows for pick-up, and I'm sure all the drive through windows have picked up and this will help a lot of other businesses besides McDonald's.

Commissioner Fox: I'm sorry, I was still muted. Quickly, I have no problem with this application. In the future we can look forward to more drive through restaurants taking advantage of this. As long as it does not interfere with nearby residents and does not inconvenience them, I agree.

Chairman Pane: Thank you Commissioner Fox. Any other Commissioners?

Commissioner Sobieski: I think it's a good idea as long as the residents are not bothered by the lighting.

Chairman Pane: Thank you. Any other comments? I would ask a Commissioner to close this public hearing and move it to Old Business for action.

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

- C. Petition 23-20: Special Permit (Sec. 3.17.2: Children's Theatre Organization) at 136 Day Street, 136 Day Street, LLC, Owner, Newington Children's Theatre Company, applicant, Chris DeFrancisco, 255 Beacon Street, Newington CT. Contact.

Chairman Pane: The applicant can take the floor right now, how about we go to the Town Planner and have a small report first. Craig?

Craig Minor: As everyone probably knows, the Newington Children's Theatre has been on Mountain Road for several decades and it is in the Industrial Zone, and they would like to move to Day Street, so I have been talking about this with the applicants for quite a while to make sure that their activity, as they hope to grow it, in the near future, that there will be parking for the final product. I'm pleased to say, in my report yes, each of the three phases that they talked about, there will be sufficient parking for each of them. I do want to discuss those phases a little bit, either after the applicant makes his presentation or now, whatever the Chairman would prefer.

Chairman Pane: Go ahead if you want.

Craig Minor: Phase one is just pretty much office space and there is enough designated painted parking spaces in front of the building for phase one. Phase two however involves some additional rooms and there is enough room, parking space in the back of the building but those parking spaces are not striped. It's just a parking lot, so if approved, I would recommend that a condition be that parking spaces be painted in the back. Phase three involves a theatre and as the applicant stated in their narrative as much as a theatre will draw a lot of people and require a lot of parking, there won't be anything else going on in the building at that time. The landlord has agreed, and it's in their lease that for an evening event, as long as the Children's Theatre gives the landlord notice, there will be sufficient parking available elsewhere on

the site, and there is enough parking on the whole site for their third use, for the theatre in back, so I don't see any problems with this application.

Chairman Pane: Okay, thank you. The applicant?

Chris DeFrancisco: Thank you, thank you Craig, thank you to all of the Commissioners for considering this. A lot of what I have to say is in Craig's report but I just wanted to give a little background. I'm the President of the Board of Directors of the Newington Children's Theatre Company so that is why you are hearing from me. The Children's Theatre has been a part of town since 1963 so we're in our fifty-seventh season and we've been on North Mountain Road for the last sixteen years. It became apparent several years ago that we were just outgrowing the space, so we have been trying for several years now to find another location, really hoping to stay in town seeing that we have such roots in this community. We were very fortunate to come across the property owner on Day Street who, I think if you look at our lease, history will show that she was more than reasonable in trying to do whatever she could to make this work for us.

The phases, to just quickly go over what the phases are, we're eventually going to have 11,000 square feet of space there. We are going to start off with 5,000 and then hopefully in the next year or two we will expand to another 3,000 and just a point of clarification, phase two involves what we refer to as a "black box" theatre, it's a small intimate theatre setting, similar to what we have on North Mountain road now. We expect that will hold about 100 people and it will have a stage that we will permanently use for smaller shows and for rehearsals. Craig, your report indicates that the seating is not permanent, the seating will be permanent, it's wouldn't be temporary seating, but according to my map, we would need a net increase of about fifteen spaces to accommodate phase two, but it wouldn't affect the final number where the town is requiring sixty-three spaces because as Craig had said, once we open the large theatre in phase three, and we have the entire 11,000 square feet, our events, if we have an event, it will be in the big theatre and it won't be in the black box. So when it is all said and done, we are looking at a maximum still of the 63 spaces according to the regulations, at least as I understand them, and if you have questions, I can explain my logic behind that. These phases of expansion are going to happen gradually as we are positioned to be able to raise the money to be able to do it, and up until the pandemic, we were on a really good pace to be able to do that, but things will probably be slowed a little bit as far as our ability to grow into the space and how long it takes for us to do that, just because of the financial challenges of not being able to offer regular in person programming, which is a primary revenue source and then also to be able to sell tickets to our shows, we don't have shows, we can't sell tickets, so there is no box office revenue coming in. So it will probably take longer than we had hoped to eventually grow into all of this space, but we have a really accommodating and reasonable landlord, making it possible for us to stay in Newington and reach our long term goals, so we are very thankful for that. She has really made it clear that she intends to do whatever she can do to help us achieve our goals and that includes making parking available. Just for the benefit of those who don't know, when we would have a large show, when the day comes where we have our larger auditorium where we are having 250 people, up to that many coming to a show, those would be on evenings and weekends. Historically the shows are Friday nights, and Saturday nights and then matinees on the weekend. Those would be the only times where we would have that large a demand for parking. When we do have day time programming during the summer, the kids are dropped off, some of the staff will be parking there, but the only real true demand for parking at the highest end would be on those weekends when we have our larger shows. Right now we have been doing our larger shows at the John Wallace Middle School, the theatre has more capacity than we have at North Mountain Road because we outgrew our space. We will continue to look

for partners in the community to handle our larger shows up until we get to the point where we can accommodate the larger shows in our own space when we are able to build that out. I think that is the extent of what I wanted to make sure I let you know, if there are additional renderings, plans, drawings that we can furnish, then we would be happy to do that. One last thing I will say is that I was in touch with the landlord today and she indicated, she had indicated previously when we were negotiating our lease that she intends to have the entire parking area stripped, and she told me tonight that she will have that done by September 15th, which would be well in advance of when we would be able to start phase two.

Chairman Pane: Okay, very good, thank you.

Chris DeFrancisco: Thank you.

Chairman Pane: We'll go to the public. Is there anybody from the public that would like to speak, either in favor or against this application.

James Krupinski: We do have an attendee who has raised their hand.

Chairman Pane: If you would state your name and address for the record?

James Krupinski: She must be having a problem with her microphone.

Kathy Rossini LaPierre, 23 Saddle Hill Circle, Newington: I am very much in favor of the theatre moving to their new location.

Chairman Pane: Very good, thank you very much. Appreciate your comment. Is there anything else you would like to add?

Kathy LaPierr: Nope, just a vote for.

Chairman Pane: Thank you very much. Is there anybody else from the public that would like to speak, and if there isn't, I would ask if there are any Commissioners who have any comments.

Commissioner Lenares: As I read over the comments from staff, Craig and looked over the specifics of phase one, phase two, phase three, with everything here, I would definitely be for this. I have gone to some of these productions since my niece, years and years ago was involved in this theatre group. These people are passionate. They give the children and youth of this town an outlet to go to learn. Some have gone on, I have known other friend's kids, to college to get degrees that started in this exact children's theatre. This is a great group and will be advantageous for us to welcome them to their new spot, and to encourage them to stay in Newington, to try to keep them here. I think it's a wonderful, wonderful, thing for the children of our community. Thank you.

Chairman Pane: Thank you Commissioner Lenares, I agree with you. Any other Commissioners have any comments?

Commissioner Fox: I definitely have to agree with Commissioner Lenares and as a matter of fact am going to go one better, I remember my daughter taking part in the activities of the children's theatre and

fairly recently my granddaughter. I think she was in two plays, one of them Aladdin, but they were terrific, well organized, and we had a lot of fun watching them and seeing what goes on. I heartily approve of this application.

Commissioner Sobieski: I also agree with Commissioners Lenares and Fox, it think it's a great opportunity and a great place for kids. Thank you.

Chairman Pane: Thank you. Any other Commissioners?

I suggest someone make a motion to close Petition 23-20 and move it to Old Business.

Commissioner Fox moved to close Petition 23-20 and move it to Old Business and seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes of June 24, 2020. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YEA.

IX. NEW BUSINESS

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

Chairman Pane: Craig, If you could give us a report on this?

Craig Minor: As some of the Commissioners who have been around for a while may recall a number of years ago we amended the commercial vehicle regulation quite dramatically, and in fact, it got to the point where I think it has become unworkable. I propose a pretty drastic reduction in the verbiage, made it much simpler. Didn't change anything about what was allowed and not allowed, not that I was aware of, but just made it easier and clearer for everybody. That's all I have unless there are any questions.

Chairman Pane: We can open this up to the Commissioners. What I would like to do is leave this on the agenda for a few meetings so we can go through it, make sure that we have everything, we might want to loosen it up a little bit more. I'll open it up to the Commissioners if they have any comments, and remember, we will leave this open for a couple of meetings so we can talk about it. Any Commissioners have any questions?

Commissioner Fox: Through the Chair, Mr. Planner, I think you did a good job, I have only one question. Under 3 b, no problem with the buses, semi-trailers, tractor trailers, the dump trucks, are you proposing, should you or would you propose a limit, I mean, dump trucks range from one ton pickup with a dump body on it, to a tri-axles. Are you saying the smaller one ton dump trucks, or let's say a three quarter ton pick up truck with a dump body on it would be prohibited?

Chairman Pane: Commissioner Fox, that is one of the things that I was most concerned about too because I know that there are a lot of smaller dump trucks from landscapers or other contractors that

sometimes they have to take home, so I think this will be something that we can iron out, but I'll turn it over to Craig.

Craig Minor: What we can do is, currently and I don't have it in front of me, but currently we do allow I think maybe it is a second commercial vehicle by special permit, so maybe what we could do, if the Commission wants to, is to perhaps allow dump trucks by special permit, and then, as you all know, the Commission would have the opportunity to approve or deny based on the merits of a particular request.

Commissioner Sobieski: I have a question. Maybe your recollection is a little better than mine, but didn't we cap this at a five ton (inaudible) truck, I believe that is what we said.

Chairman Pane: I think the biggest concern is that sometimes, we're middle class here and we have a lot of workers here and if somebody has, for instance, if somebody works for H.O.Penn and they are on call, and they have to take their truck home, that's a heavier truck with tools and stuff like that, and I think if somebody is required to take their truck home, and as long as it's not a tri-axle or something, we should try to accommodate them a little bit. I'd like to hear what other Commissioners think, but I think that we have some instances where people are required to take their vehicle home, from work, and that would be my biggest concern. I would hate to hurt somebody's livelihood because of the regulation. Any Commissioners have a comment?

Commissioner Fox: I agree, I don't see any reason why somebody wouldn't be able to take a truck home overnight, maybe get an early start on the next day's trip to the site, and as you said, as long as it's not a, we're not talking about tri-axles. Something that comes to mind, and I'd like to get opinions regarding, when you talk about wreckers, and flatbeds, I know flatbed drivers who work for some of the auto body shops in town, they are on call twenty three and a half hours a day or whatever, so they will take their trucks home. What are your thoughts on that, Craig, or anybody else?

Craig Minor: I don't have an opinion on that?

Commissioner Gill: Two items, as far as vehicles coming home, sometimes it's not every single night, it might be a rotation, and to have a special permit, that would be cumbersome I think for the people to work through. The other item is the backup alarms, that seems to be, there is a lot of equipment that have backup alarms on them and I would venture to say, that could end up into a noise complaint. You have problems with somebody utilizing it, and it's disrupting the neighborhood, then maybe we could address that as a noise complaint.

Chairman Pane: A lot of vehicles have to have that backup, and it's a safety thing, an OSHA thing, so I'd hate to have something omitted just because of a backup alarm.

Craig Minor: Let me pull up the existing regulation.

James Krupienski: Craig, I can actually tell you, I have it pulled up on the screen.

Commissioner Sobieski: If I remember correctly, the original mess started with a backup alarm over on Sunnyside.

Chairman Pane: So you are basically saying any vehicle with a backup alarm is not allowed, Craig?

Craig Minor: No, I'm not, well let me see what the existing regulation says.

Commissioner Sobieski: Do you remember that Sunnyside issue?

Chairman Pane: Yes, I do. I don't recall all of the details, but I do recall it. Occasionally the backup alarm becomes a problem because, but.....

Commissioner Sobieski: That's the reason we had to modify it because the guy was working third shift if I'm not mistaken, and he was going in at some odd ball hour and coming in at two, three o'clock, four o'clock in the morning and was backing up the vehicle and the alarm was going off. I think that is what it was.

Chairman Pane: Can you find it Craig?

Craig Minor: No, but the current definition of commercial vehicle includes any vehicle that is equipped with a backup alarm, and therefore by definition a commercial vehicle. The question is, does the Commission want to allow something that has a backup alarm to be parked in a residential zone on a regular basis?

Chairman Pane: There could be small vehicles that have backup alarms, I mean, I know that there is a passenger, there are certain things that do have backup alarms.

Commissioner Fox: Mini-vans and small cargo vans, they all have backup alarms, and as a matter of fact, some of the larger passenger vehicles have backup alarms now.

Chairman Pane: It's an OSHA safety thing but this is something that the Commission can talk about at our next meeting too. Are there any other comments from the Commissioners on any other aspects of this? The objective was to try to loosen it up a little bit so that we were as tough on these small businesses, but we'll leave this open for our next meeting. We'll leave it on the agenda. Craig, do you have anything else you want to add?

Craig Minor: No.

Chairman Pane: the next thing on the agenda is the Amy Berube application. Craig, do you want to read that?

Craig Minor: I'm sorry, I don't have her e-mail in front of me, but it was a conversational e-mail, she just said, it's that time of year, she would like to have her permit renewed, and that is pretty much all that it said.

Chairman Pane: Okay. This is going to be Petition what now?

Craig Minor: Petition 25-20.

Chairman Pane: Okay, Petition 25-20 Renewal of Special Permit 34-17 (Sec. 3.4.4 Home Business) at 72 Indian Hill Road, Amy Berube, owner and applicant.

Craig, did you check with Andrew to see if there had been any complaints, if you could advise the Commissioners about that.

Craig Minor: Yes, I did speak to Andrew today and he told me that he had not heard any complaints, and I went out the other day, knocked on some doors, talked to some neighbors, and none of them had any complaints.

James Krupienski: Mr. Armstrong is still on the call if you would like to hear from him.

Andrew Armstrong: I have not had any complaints at all for anything for that business.

Chairman Pane: That's good to hear. Thank you very much Andrew. You haven't received any complaints from anything else lately, anything major?

Andrew Armstrong: Nothing comes to mind, no.

Chairman Pane: Later on, on the agenda we have the chicken topic if you are going to be still on, if you could comment later in the meeting I'd appreciate it.

Andrew Armstrong: That sounds good.

Chairman Pane: Thank you Andrew. So, Commissioners, do you have any comments. This is, this could be extended for one year, two years or three years. If there is no objection, there have been no complaints, from any of the neighbors, I would recommend that we move this to Old Business for action.

Commissioner Sobieski moved to move Petition 25-20 to Old Business for approval for three years. The motion was seconded by Commissioner Fox.

Commissioner Gill: If there has been no problem there, why have this on a yearly thing?

Chairman Pane: Correct. Craig, if you could go over with the Commissioners, there is some protection built into this, correct?

Craig Minor: Yes, as originally approved there were four conditions and I'm recommending that those same four conditions be attached to it tonight.

Chairman Pane: Thank you.

The vote was unanimously in favor of the motion, with six voting YEA.

X. **OLD BUSINESS**

Petition 25-20

Renewal of Special Permit 34-17 (Sec. 3.4.4 Home Business)
172 Indian Hill Road
Amy Berube Owner/Applicant

I move to approve with conditions Petition 25-20 Renewal of Special Permit 34-17 (Sec. 3.3.4 Home Business) at 172 Indian Hill Road; Amy Berube Owner/Applicant. This approval shall be for three years and eligible for renewal in accordance with Sec. 3.4.4.E.

Conditions:

1. Same conditions as presented in the motion of stipulation of judgment for Docket #HHDCV186094643S Sub 1A.
The maximum number of dogs allowed pursuant to this home occupation permit is five, which number does not include or limit in any way the number of dogs owned by Ms. Berube.
Overnight stays will be limited to a maximum of two dogs.
The sound of client's dogs barking is not allowed to the extent that it becomes a nuisance and strict protocols shall be used to ensure that barking does not become a nuisance to neighbors.
Existing fence around the outdoor area used by the client's dogs shall be maintained or replaced in a manner equally or more of a buffer between neighboring properties.

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

Chairman Pane: I think this was good, she has not had any complaints over there, and I'm sure she will continue to do a good job.

Petition 23-20

Special Permit Sec. 3.17.7
Childrens Theatre Organization
136 Day Street
136 Day Street LLC Owner; Newington Children's Theatre, Applicant
Chris DeFrancisco, 255 Beacon Street Newington, CT Contact.

Commissioner Fox moved to approve with conditions Petition 23-20 Special Permit Sec. 3.17.7 Children's Theatre Organization 136 Day Street 136 Day Street LLC Owner; Newington Children's Theatre, Applicant Chris DeFrancisco, 255 Beacon Street Newington, CT Contact.

Conditions:

None

Chairman Pane: We have a motion made by Commissioner Fox, seconded by Commissioner Sobieski. We do have a couple of conditions that we should probably put on there. I heard from the Town Planner

and I think one is a copy of the lease for proof of parking, and then also stripping parking spaces in the rear of the building, is that correct?

Craig Minor: Yes, that's correct Mr. Chairman, both of those should be conditions.

Chairman Pane: Does the motioner allow that friendly amendment for the conditions?

Commissioner Fox: Yes, I will amend the motion to include the two conditions that were mentioned by Town Planner Minor.

Chairman Pane: And approved by the seconder?

Commissioner Sobieski: I approve, yes.

Chairman Pane: Thank you. Are there any Commissioners who have any questions? The vote was unanimously in favor of the motion, with six voting YEA.

Petition 20-20

Zoning Text Amendment (Sec. 6.2.1.E and 9.2)

Digital menu Board Signs

McDonald's Real Estate Company, Owner/Applicant

Chris Russo, 2507 Post Road, Southport, CT, contact

Commissioner Fox moved to approve effective upon publication Petition 20-20 Zoning Text Amendment (Sec. 6.2.1.E and 9.2) regarding Digital menu Board Signs McDonald's Real Estate Company, Owner/Applicant Chris Russo, 2507 Post Road, Southport, CT, Contact.

Findings:

1. The Zoning Regulations do not totally address digital menu board which have become very common in other municipalities.
2. Digital menu boards expedite the ordering process by allowing the customer to make his purchase decision prior to arriving at the ordering station.
3. This amendment is not inconsistent with the Plan of Conservation and Development.
4. This amendment has been referred to the Capital Regional Council of Governments and was deemed to present "no conflicts with regional plans and policies or the concerns of neighboring towns"

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

Petition 10-20

Zoning Text Amendment (Sec. 3.11.8, 3.16.1, 3.17.8, and 9.2

Breweries and Brew Pubs.

Town Planning and Zoning Applicant

Chairman Pane moved to approve, effective upon publication, Petition 10-20 Zoning Text Amendment (Sec. 3.11.8, 3.16.1, 3.17.8, and 9.2 Breweries and Brew Pubs. Town Planning and Zoning Applicant.

Findings:

1. The Zoning Regulations do not currently address or permit breweries or brew pub restaurants which have become very common in other municipalities.
2. The amendment is consistent with the business development general goals on page 35 of the Plan of Conservation and Development encouraging development of a wide range of retail business services in industrial sector and land use which will strengthen and broaden Newington's tax base and employment opportunities without adversely affecting residential areas.
3. The amendment has been referred to the Capital Region Council of Governments and was deemed to present no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The motion was seconded by Commissioner Fox.

Commissioner Woods: Mr. Chairman, are we going to add in the wineries to this?

Chairman Pane: I was just going to ask the Town Planner where that was and maybe he can fill us in?

Craig Minor: I didn't add it because we wanted to have some conversation about it. What I heard was that the Commission seemed like they were open with allowing wineries in all of the Business zones, just as you're about to allow brew pubs in all business zones. I'm not sure if you want to do it as of right, or by special permit.

Chairman Pane: By Special Permit, exactly what we are doing with the brew pubs, and I thought we were going to add distilleries too.

Craig Minor: Distilleries is in the (inaudible) that you have, but if you want me to add wineries, let's see, trying to think procedurally how to do that.

Chairman Pane: How about if I withdraw this right now and we add it for our next meeting, or can you make the correction now?

Craig Minor: Let me think about it. Can we table this for now and let me look at it, and then go onto the next item.

Chairman Pane: I'm going to withdraw that motion right now, and I would ask the seconder to withdraw.

Commissioner Fox: I withdraw my second.

Chairman Pane: I'll let the Town Planner think about it, do we have any questions from the Commissioners? Why don't we, are all of the Commissioners in favor of adding the wineries to have this as an option, as a small business. Someone might want to rent a place that is the size of the 5 and Dime and maybe they want to create a little winery in an atmosphere like that, I don't see any problems with it. Any other Commissioners? Commissioner Woods, you are in favor of it, is that correct?

Commissioner Woods: That's correct. I'm in favor of it. I don't see anything different from the brew pub or the brewery or the distillery.

Chairman Pane: Thank you. Is everybody else in favor it?

Commissioner Fox: I have no problem.

Commissioner Havens: I'm all set.

Commissioners: All good.

Chairman Pane: Craig?

Craig Minor: In section 3.11 which is Special Permits allowed in the B Zone, 3.15 Special Permits allowed in the Business-Berlin Turnpike Zone, and 3.16, I'm sorry, 17, Special Permits allowed in the I zone, and if you didn't hear me mention PD that's because whatever is allowed in the B-BT zone is allowed in the PD Zone.

Chairman Pane: So do you need until the next meeting to straighten this out and get it correct and write a correct version of the suggested motion?

Craig Minor: No, with what was just said I think the record will show it was that it was your intent to modify those paragraphs, those sections also.

Chairman Pane: Okay, so I'll entertain a motion back in, can somebody move that motion, and move Petition 10-20 and get a second.

Commissioner Havens: So move.

Craig Minor: Mr. Chairman, I think one way to make it very clear, the Motion is to approve Petition 10-20 Zoning Text Amendments in Sections 3.11, 3.15, 3.16, 3.17, 6.6, and 92. So if we can do that as a friendly amendment to the motion, that would cover it for the winery.

Chairman Pane: Thank you. That is a friendly motion to the seconder, correct? Are there any comments from the Commissioners?

The vote was unanimously in favor of the motion, with six voting YEA.
I think this is good for the Town. Thank you very much.

X. TOWN PLANNER REPORT

Craig Minor: The first item in my report is the status of Deming Farm, as the Commission members know, the original developer defaulted on the project, so the proposed bond money was given to the Home Owners Association and they are in the process of having the road repaired. In fact, their contractor put in a Call Before you Dig, request yesterday so I think that they are scheduled to do that July 13th, so should be next week.

Next item, Outdoor Restaurant Seating, Since the last report, I was able to have the Subway on the Berlin Turnpike put some tables out in front, and I have not had any more since then.

The third item, I just wanted to bring the Commission up to date on where we are with the POCD because we haven't talked about that in a while, so this is just a recap. Your next meeting in July will be the public hearing on the POCD, so as of now, there will be nothing else on that agenda.

Performance Bonds, I've been going through the list of performance bonds, old ones, again, some of the Commissioners may recall we went through this back in '14 and '15 to try to clean out a bunch of them, and we got through a lot of them. There are still about a dozen within the last decade, but then another dozen that go all the way back to 1978. Of the ones within the last decade, I've been able to find what the status is with most of them. A number of them are things like, there's a home on Waverly Drive, back in 2006, when the home was built the contractor put the parking lot, or the driveway too close to the property line. As most of you know, driveways have to be five feet from the neighbor, but the contractor just put it in about two feet from the neighbor's property, and it was never resolved. So that is why we have been holding that \$2,000.00. So a lot of these bonds are that type of situation. I was just working on it today, what I will do tomorrow is send the Commissioners a spread sheet with the status, the ones that are about ten years old, and have the Commission look at it, and then I'll do some more research before your next meeting.

Chairman Pane: Okay, Commissioners comments or questions?

Commissioner Sobieski: What do we do with something that old, if the driveway is two feet from the property line, I mean, we're sitting on this money, either they should move that driveway where it is supposed to be or is it a moot point and should we return the money to the contractor?

Craig Minor: Right, and what I'll do is, I'll bring my file on that particular one. There's actually, it's a long story, and it's a good question. The bond was posted by the developer but the homeowner is the one left holding the bag with this zoning violation. In fact, he was cited by the ZEO a number of years ago and at that time the home owner said that he was going to try to buy some land from his neighbor, but apparently that never happened. Yes, it's a question, does the Commission just want to move on and get these things off the books? There is another one similar to that where the home was built and not everything that was supposed to be done got done, I'm not sure what the record is, and we're still holding \$2,000.00 of that person's money from about, well not that person any more because the homeowner went bankrupt and the property was taken over by the bank. So, I'm not even sure who we should give that money back to. I'll have a detailed report for you at the next meeting, with the details of all of these things that I am now just telling you about orally.

Commissioner Sobieski: The reason I'm asking is that some of these things may never get resolved and why should we sit on this money, it could stay on there forever.

Chairman Pane: That's why I brought it up, I was hoping to clear some of these up. As you can see, some of them are really far back, and it's almost a waste of time for Craig to look into some of the real, real old ones. If we don't find anything major in them, I think that some of these we should just return to whoever posted the bond, and if I'm not mistaken, when bonds are posted, they are posted and they have to receive interest too, don't they?

Craig Minor: I don't think that is the case in Newington. I don't think they get interest on these because I don't think we put the money in an interest bearing account. I can find out.

Chairman Pane: If you could find that out. Any other Commissioners, Commissioner Woods, what do you think we should do with some of these older ones?

Commissioner Woods: I think we should try to give the money back to the rightful owners of it. Some of these, I can't believe some of these go back to 1978. We're holding \$10,000.00 since 2003 on Target for a sycamore tree to be preserved. I think we need to clean this up.

Chairman Pane: I agree with you. Any other Commissioners?

Craig, maybe for our next meeting you could get as much detail as you can, but I think the detail would be on the newer ones that we have, where we do have some detail now. I think some of these older ones, we're just going to make a decision. If some of the people want to drive by some of them, but you know, look at Foxboro, I would assume that Foxboro would have to go to the Association. Is that correct Craig?

Craig Minor: I would agree.

Commissioner Woods: Same as Horizon Hills, that should go to the Association.

Chairman Pane: The parking lot, 27 East Cedar Street?

Craig Minor: That one I have not researched, so I don't know what the story is there.

Chairman Pane: Kimberly Development, I think that is a private development, right?

Craig Minor: That one I haven't done. Zag Machine, I tried to contact the owner a couple of years ago, and since then he has died, and the property has changed hands, and I'm not sure who to give the \$4200.00 to.

Chairman Pane: Some of these old ones, that can't be corrected, or they, you know, I think the ones from 2017, 2019, and 20, we have a handle on those. I think all these old ones, like 2009, LA Fitness, \$5,000.00.

Craig Minor: I contacted them back in 2014 but I never got a response from them.

Chairman Pane: I think the Commissioners will talk about these and at one point we'll just take some of these older ones, and if we have the record of who posted them, then we can check with our legal and find out if we can just send this money back to them if the Commission wants to. Why don't you check with the Town Attorney with some of the things that we should follow on these? Is that acceptable to all of the Commissioners?

Commissioners: Yes.

Commissioner Gill: If there is any way of getting this money that could go back into the Town. Maybe get it to whoever paid for some of the cement blocks and things that we did for the restaurants that was an expense that came from the Town?

Chairman Pane: The concrete blocks actually were donated by Tilcon. They were very generous and they donated the concrete blocks to the Town, and then our highway staff stepped up and did an excellent job moving those blocks around to the different businesses to keep these businesses and restaurants open. We do have an open balance of \$4,096.59 so it seems to me that we will never get it down to zero, we'll have some money in this, but then I would imagine that we would recommend to send it back to the general account, correct?

Craig Minor: I see, you are referring to the first line, open balance, \$4,096.59, I'll ask the Finance Department what that number is referring to.

Chairman Pane: Okay, and there could possibly be something that we just couldn't get a check out to someone possibly, and then I think if there is some money left after we do this extensive research on this, that money, anything old, more just an open balance, I would suspect that we would just turn it over to the Council and see what they want to do with it.

Anyone have any other questions on the performance bonds? I mean, I know that some of these contractors have to request them, but even the last one on Costello Road, that's, isn't that a lot of money to be holding for that contractor?

Craig Minor: Sure, \$66,000 is a lot of money, but if the Commission wants, when I come to the meeting next time, I can bring the breakdown of what led up to that large number.

Chairman Pane: Okay, and they probably have a lot of that completed, and maybe that should be inspected and try to get some of that money back to them. Then we have O'Reilly's, we just released that bond, so that is pending, and then we have the Starbucks one on Fenn Road. I know the owner hasn't come in, but there is no reason if there is, if that property gets inspected Craig, if there are no problems, and there is just cutting a check and sending it back to the property owner, the developer.

Craig Minor: So you want to initiate some of these, sure.

Chairman Pane: I know it's common that they normally request the release.....

Craig Minor: We can look into that.

Chairman Pane: Thank you very much. We'll try to have that possibly on the agenda in case we have some time at our next meeting, and then, I don't think there is anything else because we are going to have the POCD, right?

Craig Minor: Right, as I said, I'm trying to keep the agenda clear of anything other than the POCD.

Chairman Pane: Okay, but if there is something really small that can be taken care of we can always move it to the beginning of the meeting and take care of it and then and then go right into the POCD.

Craig Minor: Sure, we can talk about that.
We have, Andrew has been waiting to give his chicken report.

Chairman Pane: Thank you for reminding me. Andrew, give us your report on chickens.

Andrew Armstrong: All right. At the moment our town zoning regulations prohibit chickens on residential properties of less than five acres. For the past four years or so, the TPZ put the enforcement of this regulation on hold in order to reconsider the regulation. In the past month or so I have received a little bit of an uptick of complaints for chickens. It could be that it is due to Covid, and I will say that I haven't received complaints that are contentious, causing major disputes or anything like that. Most of the time it is just a neighbor asking, hey, my neighbor's chickens are kind of bothering me, is there anything we can do about it. Actually, in all of the time that I have been here, I've been able to resolve everything, just between the neighbors while everything is on hold, but the recommendation in my latest one, I really couldn't give the property owner that if he moved his coop it would still be okay, and I felt like I was walking kind of a fine line, being able to help and assure that we are following our regulations, so that is why I am recommending to TPZ that we consider adopting a regulation for chickens that is clear to the public and can easily be enforced.

On page 2 of the memo, I laid out information from a couple of towns nearby, as well as towns that are similar to Newington, not in size but in density. There are a couple of standards here from different towns, what the minimum acreage is, the maximum number of chickens, how they permit the chickens, and setback requirements.

Then on page 3 of the memo there is a recommendation that I have just kind of phased off of what I have researched, best recommendations with the State, what I found through my enforcement, in talking to other people. I realize that some people will have extreme opinions about this, there are a lot of chickens in town already, but I feel that this Commission will know what is good, and what works.

Chairman Pane: Thank you Andrew. I greatly appreciate you bringing this up, I think it was getting difficult for you, and we did promise to re-look at this. The only concern I have, and I ask you, is you have it as ten to fifteen feet from a property line. Do you think there is room with small lots in Newington where we could get a little bit more than that, and do you think we need more than that or not from the property line.

Andrew Armstrong: That is something that I should probably look into and bring to the next meeting if that is all right. Maybe do a diagram or something like that of a typical lot, what it would look like, maybe that would help everybody be able to make a decision. I think a lot of times people want to have their chickens not so much in the middle of their yard. Another option could be that we could require some type of landscape, fence, buffer if you think that would certainly stop a little bit of noise.

Chairman Pane: I'm just thinking maybe we could get a little more than 15 feet without putting it in their rear yards, but at least giving a little bit more protection for the residents that abut them. If you could look into it, and continue your research, so that we can create the best possible regulation. I would ask Craig, that we put this for scheduling at a later day after July 22nd, when we gather all the necessary information.

Andrew Armstrong: Chairman Pane, just to clarify, with you, were you looking for increased setbacks in the rear or the side, or.....

Chairman Pane: I think the rear, let's see, the rear is 10 to 15 feet from any property line, you have located within the rear portion of the property, 10 to 15 feet from any property. I'll open it up to the Commissioners to see if they agree to see if we should get a little more distance or not, and how they feel about the whole subject. Any other Commissioners?

Commissioner Fox: I have to agree with you Mr. Charman, try to get more than ten or fifteen feet, and I had a thought also, if we are going to require a certain amount of property, like 8,000 square feet, think about abutting property, as you said, the side of abutting property to try to make sure that the abutting properties are not getting much smaller.

Chairman Pane: Any other Commissioners have any comments on this?

Commissioner Sobieski: I agree with Commissioner Pane and Commissioner Fox, (inaudible)

Chairman Pane: Any other comments? I think Andrew really needs this addressed, because he is having problems with , difficult with these popping up, and one particular property, and he probably has a couple of them in limbo now, right Andrew?

Andrew Armstrong: They are not very serious, I just can't provide assurance to someone that yes, still becomes an issue for the neighbor.

Chairman Pane: The other thing is, health requirements and standards and rules. I notice some towns, they make, they also have in there that the coop has to be cleaned out weekly. If you have a chance Andrew, if you go through some of the other towns, and we can pick apart and try to create the best regulation possible, and maybe also look at the distance from the property line so that when we do have this on the agenda, after the 22nd, we'll have some additional information. I would appreciate it.

Andrew Armstrong: Thank you.

XI. COMMUNICATIONS

A. Letter from Town Manager Regarding Economic Development dated June 30, 2020

Chairman Pane: Do you want to go over this letter from the Town Manager? We have a letter from the Town Manager that he sent to all the Boards and Commissions, correct? Do the Commissioners have any comments?

Commissioner Woods: One, Mr. Chairman. I think that this Commission, although we are going to be patting ourselves on the back, I think we have done an excellent job in the last three years of expediting applications through our board as quickly as possible, taking into consideration all of the things that we need to consider and protecting, whether it be an abutting business or abutting residential property. Again, I think we are taking a new approach. I'm glad to see that, and we could probably do a little bit more, but I think we are on the right road.

Chairman Pane: Thank you Commissioner Woods, I agree with you. Any other Commissioners? I think we have been proactive, we've got the LID regulations coming up for approval.

Craig Minor: That will be at your first meeting in August.

Commissioner Woods: This is my third year on this Board, Commission, and when I first got on, I don't know if we ever passed an application at the first hearing, they were always pushed to the second or third, so the rule is typically we pass them on the first night, unless there is an outcry one way or the other.

Chairman Pane: I think it's important to do little things like that to help the small businesses the best that we can and I would encourage our Town Planner and Andrew and our staff that if there are any other things in our regulations that they think could be changed, so there is some flexibility to bend the rules. For instance, Commissioner Woods had a project where, it was a small project and they had some outside lighting I think, and in the regulations stated that you had to have an engineering drawing from a lighting company. Is that correct, Commissioner Woods?

Commissioner Woods: Yes.

Chairman Pane: So if we could change things like that, if there is a small project, and you don't need a professional engineer to draft a huge plan and cost extra money, then I think it will help all the small businesses and help our Grand List and we can become a town known for really having the businesses, concerns for the businesses.

Commissioner Fox: I think one of the biggest complaints that developers have had about this Commission was the length of time that it took to get something through. I have to admit, in the past few years, since Commissioner Woods has been on here, and me also, we've had some I think complicated applications, but still, but I think staff and the Commission here has been working hard to reduce the time. I think that is the key.

Chairman Pane: I think with approving the menu board for McDonald's restaurant, other restaurants can come in and request changes to their menu board.

Commissioner Gill: Now, with the action that we did today, now does that change our regulations, or.....

Chairman Pane: Yes. That changes our regulations and now if I'm not mistaken, any other Dunkin Donuts or any other restaurant that has a drive through in town, could come in and change their menu boards for efficiency if they want to. Is that correct, Craig?

Craig Minor: That's correct.

Commissioner Gill: That's the question I had, thank you.

Chairman Pane: Any other questions from the Commissioners?

Craig Minor: Mr. Chairman, I just want to bring the Commission's attention to my memo because I do mention, the most specific thing that I think the Commission should consider doing which would have a very dramatic effect on how quickly and in fact in any business zone in Newington, and that is the Special Permit process.

As I said in my memo, Special Permits are a problem for developers because there is the uncertainty of knowing whether their project will get approved or not, even if it is a good one. A lot of towns don't require Special Permits for some of the things that Newington does. So that is an area where you could have a significant impact on improving Newington's business friendliness by going through the regs and looking at all the things that require a Special Permit. My favorite example is a restaurant. I think I know why (inaudible) by Special Permit, but since I've been here, I don't think you have ever denied a restaurant. Accessory apartments are another one. You have a pretty good solid accessory apartment regulation, so once someone meets the requirements, why make them go through the public hearing process, which is expensive and a delay, so there are a lot of things in your regs that I think the Commission should reconsider requiring by Special Permit, and that is something the business community would very much appreciate.

Chairman Pane: Thank you very much Craig, those are excellent points and we should think about putting that on the agenda in the near future, to get Commissioner's comments on which ones we could allow, that we feel more comfortable with, and which ones could remain as Special Exceptions. Any Commissioners have any comments?

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

Chairman Pane: Anyone James?

James Krupienski: You do have one, Mr. DeFrancisco.

Chris DeFrancisco: Gentlemen, on behalf of the Newington Children's Theatre, I want to thank you for your consideration of our Special Use Permit, and also to Craig, especially to you for helping guiding us through the process. So thank you Gentlemen, we serve more than 700 families a year on an average, regular year, which this one was not, and we're looking forward to be able to continue to do that here in Newington, so thank you.

Chairman Pane: Thank you Chris, and congratulations on your new move, and we wish you the best of luck.

Chris DeFrancisco: Thank you.

James Krupienski: You have one attendee wishing to speak, I'll un-mute them.

Dana Havens, 113 Stoddard Avenue: I'd like to put my two cents in about the chickens and say if you are going to keep it at 10 to 15 feet, that we also had a green barrier, because a fence is not enough to keep the stink away. That's it.

Chairman Pane: Okay, so you think that more than ten to fifteen feet is needed.

Dana Havens: You know, that really would depend on how the wind is blowing, that's why I'm thinking if you require a line of bushes or something.

Chairman Pane: There is also one town that requires them to clean the area once a week so that it doesn't pile up and I think that may make a difference too.

Dana Havens: I'm not really up on my livestock, I just know it blows over.

Chairman Pane: We will take that into consideration when we bring it up for discussion. Thank you very much for your comments.

Dana Havens: All right. Thank you.

Chairman Pane: Anyone else from the public?

James Krupienski: Nobody else at this time.

XIII. REMARKS BY COMMISSIONERS

None

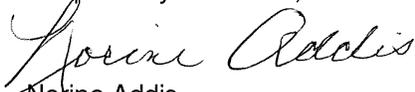
XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank all of the Commissioners, I think the whole board has done an excellent job lately. We've been pro-active, trying to make things easier, we've been, all of us have been very good trying to approve things and move things forward and get them approved the same night, trying to make things as easy as possible for the businesses. I think it's going to help in the long run, and I thank everyone for that.

XV. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commission Fox. The meeting was adjourned at 9:05.

Respectfully submitted,



Norine Addis,
Recording Secretary

NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 22, 2020

Regular Meeting

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

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

Commissioners Absent

Commissioner Woods

Staff Present

Craig Minor, Town Planner

Commissioner Braverman was seated for Commissioner Woods

III. APPROVAL OF AGENDA

Chairman Pane: I don't see that there are any changes, correct?

Craig Minor: Correct.

IV. PUBLIC HEARING

- A. Proposed Plan of conservation and Development 2030
PROPOSED POCD 2030

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NEWINGTON, CT
2020 JUL 28 PM 2:46
M. O. Haggerty
Town Clerk

Chairman Pane: If you could read the procedures for the public hearing I'd appreciate it.

Craig Minor: I'm sorry, I didn't bring the box home with me, I just brought my notes for the public hearing. I'm sorry, I don't have them.

Chairman Pane: All right, we will be allowing public to speak at any time. If the public has any questions James, you can interrupt me. Do we have any public on James?

James Krupienki: At this point, we only have NCTV.

Chairman Pane: Okay, thank you very much.

Why don't we go to Glenn, if you want to give us a short report to start us off?

James Krupienki: Commissioner Claffey has his hand raised at the moment.

Commissioner Claffey: Can people mute if they aren't talking. I heard birds in the background, a few different sounds.

Chairman Pane: Okay, thank you. Glenn, can you give us a brief overview?

Glenn Chalder: I apologize if there are any audio issues going on, I hope it works for the recording. James, if you could start the power point it would be great.

Tonight is the public hearing on the adoption, or for the Commission to consider adoption of the Plan of Conservation and Development. As you know, the Commission has been working on this for some time now, in terms of public meetings and input and because of Covid it seems like it has been a lot longer than perhaps a normal process, but again, tonight is the culmination of the Commission's work over the past year or so in terms of preparing this Plan of Conservation and Development.

The Plan of Conservation and Development as the Commission knows is an advisory document used by the Commission and other town boards and agencies to help make decisions about a community's physical development and also addresses issues related to economic and social development, but the most important part of the POCD is that it outlines strategies to help get us to where a community wants to go in terms of its physical development. What type of community it wants to be! I think at the bottom of the slide you can see the fact that Newington has been preparing plans for its future for years, and many of the recommendations and decisions that became part of that plan have guided the community over the years and again, that is why it is an important document for what might happen over the next ten years.

The Plan of Conservation and Development as the Commission is aware has six main parts to it, but four of them are really the key parts to it. The Plan starts off with introduction, then talks about four major strategic themes; Conservation and things we want to preserve or protect in the community; Sustainability is about how to adapt to future changes that hopefully will occur; Development is how we want to guide growth and change and then the fourth key part is the infrastructure strategy overall. These are services and facilities that help support our community and finally, there is a conclusion to the Plan.

The Introduction, I think a couple of key things in this section of the Plan, population growth in Newington is projected to continue at a slower rate than it has been in the past, but again, with changes going on in the world today, we'll have to wait and see if those projections come to be. Regardless of how the number of people in Newington changes, one of the trends that is pretty remarkable in Newington overall is the changing needs composition of the community. It is not uncommon for other communities in Connecticut to see an aging population, more residents in advanced years, and that starts to change the types of services and facilities a community might anticipate needing in the community in the future. That's a theme I think which actually follows through the Plan in a couple of different ways.

We undertook public meetings and interactions to get feedback from the community and the residents told us that the things that were most important to them was about preserving and enhancing the character of the community, maintaining a strong tax base, enhancing the town center, addressing challenges and opportunities of the transit train station, proposed train station, maintaining community facilities, addressing traffic, and then implementing the POCD overall. For that reason we organized the Plan again, around Conservation, Sustainability, Development and Infrastructure strategies overall.

Under the Conservation strategies there are three key chapters here. The first is how we want to protect natural resources in the community, and every chapter in the Plan, or almost every chapter in the Plan I should say, has a map to identify the location of the particular things that we are talking about in the Plan, recommendations, locations of key resources in the Community. In addition to protecting natural resources in the community this section of the plan recommends preserving open space. The Plan makes recommendations in terms of trying to improve or enhance a greenway within the community, to improve overall character and accessibility and then the third major chapter under the Conservation strategy is community character overall and the resources in town that really contribute to character. Things again that we should try to protect or preserve going forward.

The next major element of the Plan is about Sustainability, and this is sort of two concepts, the first of which is sustainability, and this is how we can be greener in the future and be cognizant of the fact that we could be more efficient and economical in the way that we use a lot of our resources in terms of energy and generating ways of use of water and things like that, and the

Plan advocates for these types of strategies, and also the other part of that is becoming more resilient. The world may change in the future in ways that we can't yet visualize, nobody saw Covid coming, and things like this happen. It's wise for communities to be adaptable and resilient to be able to respond to new challenges and opportunities that come along. This section of the Plan addresses that.

Development strategies in the Plan are really perhaps one of the most important parts when these documents were being prepared for communities in the past, they were called Plans of Development because this is how we might want to guide growth or change in the Community. In the sections of the Plan which address this are first of all to strengthen Newington center. It is the focal point of our community, in many respects the heart and soul of the community and the Plan recommends that we implement strategy to make it a stronger, more relevant place in the lives of people, and because there may be some opportunities that arise there from the properties in the Town Center over the next five or ten years or so, or perhaps even sooner, there is a significant opportunity for Newington to guide growth and development in the Newington Center area.

There is a whole chapter that identifies opportunity sites within Newington, and recommends strategies and directions to take advantage of these opportunity sites. There is a comment in the sidebar of the Plan that it's going to be harder and harder for Newington in the future to grow its Grand List. Our land is mostly developed, so the question is, how do we get more value out of the land that we have, and these opportunity sites may provide an opportunity to grow our Grand List, but also to create strong places or a central place, mixed use, pedestrian use, pedestrian friendly, transit oriented, so this chapter of the Plan addresses those issues. There is a chapter on promoting economic development, which in this Plan talks about not only about business and industrial development but also housing as a way to grow our grand list, and then also a chapter on guiding residential development, addressing housing needs in the community. Those are key and important chapters as well.

The next, last major theme of the Plan is infrastructure strategies, and this is sort of three key areas containing multiple maps, the first of which is addressing community facility needs in the community, continue to maintain what we have, make improvements as appropriate for how the community is growing and changing. There are a number of recommendations related to transportation, both vehicular transportation on the roadway system, managing that for safety and capacity and just for taking care of the pavement that is a major part of our municipal assets, and enhancing walking, biking, transit and rail for the future. Lastly there is a chapter on maintaining and improving utility infrastructure, water, sewer, cellular, five G, wireless services, and also wired internet to improve the capacity of the internet overall.

So the final part of the Plan is the conclusion part if you will, are the recommendations throughout the Plan to use the policies every chapter in the Plan identifies policies, this is the blue box, you see on the screen. Policy sections identify what recommendation or strategy in the Plan is, and then the column on the right identifies the people and partners. These are the people that would be involved or would be responsible for implementing that element of the Plan. Then each chapter also contains action steps, and down at the bottom, we see the pink boxes and these are actual action steps that the Commission can undertake, so policies seem to be somewhat reactive in nature. When a proposal would come before the Commission, or the Commission was deliberating an activity, these are the guidelines you might use, but action steps are actual work items that the Commission can pick up, undertake, and move ahead with, and there are also other boards and commissions that might be involved in that.

So those are the key elements of the Plan. There is a focus on implementation and these recommendations in terms of policies and action steps and for those reasons, I hope it will be a useful guide for Newington in the future, just as past plans have been helpful in the past.

That concludes just an overview of the Plan. I am prepared if the Commission has any questions or any questions from the Community to go into more detail, but that's a quick summary, if you will, of the Plan and the recommendations, so Mr. Chairman, I'll turn it back to you.

Chairman Pane: Thank you very much, Glenn. I'm going to go to Commissioners, to see if any of the Commissioners have any questions?

Commissioner Claffey: I have a few questions, and I don't know how you kind of want to walk through this, because I have read over it again, and looked at a few things, and one of the questions that I came up with in the beginning was on page, on the POCD that I have it's like page 40, 41 where we talked about the importance of mixed use in both, not just buildings, but what the building does. It seems that a lot of focus has been on the town center, downtown, in this POCD, and I'm just trying to understand like, you talk about mixed use buildings are a plus, but we want to discourage a mixed use site. I just want to get your ideas on with our tight constraints of our downtown, it's not like a blank slate or a canvas, most of our downtown is one story right now, there are two story, but I don't think there is much more than two story. Yes, we do have the exception of the apartment building, but you know, with the size that we have to work with in the downtown area, I mean, looking at page 41 there, the first thing that you see there is a mixed use building and most of them aren't three stories, but then when you look at the mixed use site, which is more broader picture, you have a nice compilation of one story, two story and then yes, it gets up to a higher story, but why are you saying get away from the mixed use site and be more encouraged with mixed use building?

Glenn Chalder: I think that, the Town Center is actually not that large an area, it's actually fairly compact. Change that could occur in the town center, actually in the near future are the two sites that may become available for redevelopment. I don't think Newington is ready for what West Hartford did in terms of Blue Back Square, but I think the introduction of a walkable pedestrian friendly area could pay big dividends for Newington overall and the town center area and that really involves a focus on the streetscape. So, the Zoning Regulations right now in Newington today already allow for mixed use buildings of three stories in the town center area, so really all we are talking about is continuing that, possibly even allowing for some additional height here. But a mixed use building makes an effective use of the real estate capacity that is available. We would like to have business uses on the first floor, facing the street, to create street activity, be it restaurants or stores or other things that create an activity area that people, other people want to go visit and spend time and spend money at. That is one of the things that will strengthen the town center. Then the upper floors can be used for residential uses. If remote commuting continues in terms of people working at home, etc., then the down town could be a fairly quiet place, but upstairs buildings will create the opportunity for activity in this particular place. So, the most important part, I think for town centers, vibrant town centers is to have a vibrant street, so that is why, if you have a one story retail building on the street, it really doesn't take advantage of the opportunity to animate the street with people and activities. Generally speaking, a two story building I think would be a step in that direction. I think the idea also in this chapter, and it's just one chapter in the plan, so I don't think it dominates the whole plan, but it really talks about a process, involving residents, property owners, other people, coming up with a vision for the town center so that what happens there is Newington's vision for the center rather than something else. So I want to illustrate the difference here for the Commission in terms of mixed use building versus mixed use site, but more than anything, I would like Newington to pick the center for itself that it would like to have.

Chairman Pane: I can understand that, but correct me if I'm wrong Anthony, but I mean, if somebody came in with a single use building over there, I don't think we should be discouraging them, it's still development. So I think we have to be careful there.

Commissioner Claffey: On that, because I had a few questions on page 42, where you have asked what might be a site plan, what might be a special permit, I don't know if we want to move certain things, because zoning laws are so interchangeable, we can change something just like we did at the last meeting about having special permits for distilleries, etc., I don't know how in depth the Commission feels about flip flopping some of the things that were in red to green and some of the things that were in green to red. One of them, to me and I'm using it because it is Covid, you know, the temporary outdoor seasonal dining. We have a special permit which has been very good for us to control just people putting a patio out, so I don't know how much the Commission, I don't know if any other Commissioners have a comment on changing some of the things on page 42. We can get to that later.

One of the bigger concerns that I have and it comes up in this section on the town center, is parking. One page 46, in one way the policy is to improve the public parking area, but then under the action step it says, evaluate to lower the parking requirements, and I think our regulations already give us the authority, across the whole town, not just specific to one area, to lower parking. On a busy day, you go to downtown Newington currently, it's hard to get a parking space that is close to where you want to be. Usually you have to end up parking in the back, and walking in an amount of time, which is fine for me, but maybe not every resident, and the parking thing, you know, West Hartford did a parking change with their Blue Back and their new, and when they did Blue Back over and now they are having a huge parking problem at Blue Back and it's affecting business and it's affecting growth, so I don't understand why in one way we want to lessen parking, but then you are saying, you need to expand parking, or have better parking. I'm not a proponent for lowering the parking amounts in an action, I'd rather see it as it already is. If a business comes to us and wants to open up, and they already have that right to say, hey, we want to have less parking spaces because here are our numbers, and can we meet them. We've done that in the past, so I'm trying to understand your parking, taking away parking, adding parking.

Glenn Chalder: I think parking is one of the biggest challenges that downtown areas have. So, if we look at the Berlin Turnpike, our parking ratios are built for uses where each site is functionally a lollipop, there is one driveway in, and you park in that parking lot. You want to go to another store, you drive out and go to another one, so each site has to have parking for its peak demand. When you get to a town center area, you have a situation where the residential uses might have some parking, but they are parked at night, and then during the day the businesses use the parking spaces, so we can plan all sorts of efficiencies. Part of my career, I worked for private development companies and then I discovered as part of that process that parking is often the biggest impediment to new development and activity because it chews up so much land area that the space left for a building is not everything that it could have been, so if we can find ways to be more efficient with parking in Newington center, I think we have the ability to spur economic growth and activity there, rather than have people coming to the Commission asking for an exception. It's possible to give them an exception right up front, you are basically giving people the green light for development rather than a yellow or a caution light where they have to come and ask for permission. Development is becoming pretty competitive these days and I think Newington has a strategic location, I think you are poised for growth opportunities, and I think these opportunity sites, one of which is the town center, are an area where we can recast our thinking to try to create new opportunities, so I mean, if you can back off on some of these requirements, in ways which make sense, I think it could serve you well. I think, one of the things I would like to suggest, if there are specific words in here which are too strong, then I think we should soften those verbs and, for example, back on page, when you talk about the chart on page 42, in terms of the green and red, identify those as possible considerations. This is an advisory document. My hope again would be that ten years from now that Newington center is a different place and is functioning as the town center that it used to

be. Nowadays people sort of bypass the town center and go to businesses and things in other locations, and if we could bring some of that activity back, I think it would be a real shot in the arm for Newington center.

Chairman Pane: Anthony, if you could hold off for one second, we have Commissioner Fox with a question, and then Commissioner Braverman after Commissioner Fox.

Commissioner Fox: Thank you. I don't have a question right now about the POCD but I have been wondering if this is a public hearing, why aren't we hearing from the public. I don't think...

Chairman Pane: I don't believe there is any public on right now, I'll check with James. Any public on yet James?

James Krupienski: No public in attendance, we just have NCTV still.

Chairman Pane: Okay, thank you. We will open it up to questions from anybody as soon as we get through. Do you have anything else?

Commissioner Braverman: A point of order, I didn't hear it said that I was seated as a Commissioner because another Commissioner is not in attendance. I just wondered if that was a point of order that I should be making.

Chairman Pane: Sorry for that Commissioner, we'll have you seated for Commissioner Woods. Thank you for bring that to my attention, I appreciate it. Craig, do you have any other questions?

Craig Minor: I just have an observation about the point that Commissioner Claffey brought up about Mr. Chalder's observations, page 26. What Glenn is suggesting is that we continue to try to expand the public parking area, but at the same time, reduce the amount of parking required for each individual business. It's not really a conflict, it's just two different sides of the same coin.

Commissioner Claffey: Wait, let me ask a question. I guess in the downtown there is public parking in the back, that businesses are using as a calculation factor for their business, so like, the businesses that all face Main Street we allow them to use the municipal public parking lot for some of their calculations, so that does become a problem if you then want to say, in five years someone comes in and says, oh I want to put in, like on page 41, a three story mixed use building where the plumbing supply house is, and you know, how are you going to allow them to calculate the parking if the next block over? They can't use the municipal parking lot as a calculation. I don't know how they go hand in hand, or how we can differentiate, if we start to differentiate and say, X percent is for municipal and X percent is for the business, then that is

different than what we currently do, etc., etc. It's a fine line here with parking, because parking is either going to choke your growth, or it's going to help your growth. You're right, like the Berlin Turnpike, we need 500 cars in Lowe's, it's no problem but if you go and try to put 500 cars into the Aldi parking lot, you can't do it.

Chairman Pane: So you are basically concerned Commissioner Claffey that our, that we want to be careful with our parking count in the town center. For instance, if there was a new complex or a new building where the factory is, that's like a block away from the municipal parking, so they probably would have to have their own parking because, maybe they could use a little bit of the municipal, but that municipal parking lot is pretty full and we have taken spaces away from it in the past to create the green space there.

Commissioner Claffey: You're right. If we're using that building to get calculations for business on Main Street, it's really not a proper way to figure out your parking.

Chairman Pane: Okay. Commissioner Braverman, did you have a question?

Commissioner Braverman: One of my questions is, and I know we are talking about the downtown, but the surrounding downtown, the Berlin Turnpike, we have a number of situations where there are big box stores that are closed, and they are empty. You know, the Pier One that is going out of business, I'm just kind of curious as to how that is going to be addressed.

Chairman Pane: I think somebody is moving into the Pier One facility over there, so it's unfortunate that we lost the tenant there, but I think that gradually, hopefully, these empty spaces get filled up again. Are there any questions from any non-Commissioners? Any Councilors have questions or if there is any other public on?

Commissioner Sobieski: I have a question. Glenn, a quick question. Several years ago there was talk about Market Square, trying to make that a one way street with diagonal parking to increase the parking in that area. Did you look at that when you were looking at the down town area?

Glenn Chalder: Not specifically because I think the recommendation that I have for the Commission based on my experience is to undertake community driven planning process, sit down and start to actually look at those types of questions. I'm a big fan of diagonal on street parking, but I think that it's applicability, you really have to get out there and measure the curbing and everything else, and you have to figure out what building heights you are going to have, and how this is all going to function, so I think it's an important thing for a down town area, and I would encourage the Commission to consider that as part of the community planning process.

Commissioner Sobieski: I know when they did that and put the bump outs on, it took a lot of parking away from the businesses and if you want to become business friendly, that might be something to look at. Only a thought.

Glenn Chalder: I think the only thing I would add to that too is that the other thing that is going on these days in downtown areas is making it pedestrian friendly. You can have all the parking spaces in the world, but if it is a hostile environment, people aren't going to want to go there anyway, so you have to find that sweet spot and that balance that works well for the center, and again, I think if some of the sites down there are going to get redeveloped, I think it's an opportunity that comes along once in a century and I think being ready for that, and being ready to work with property owners is going to be the key to success.

Commissioner Sobieski: Like I said, I just thought about that, I hadn't thought about it for a while. If you took Market Square, about 300 feet or so, make it one way, allowing the bank (inaudible)

Chairman Pane: Thank you.

Commissioner Claffey: I have a question for our Town Planner in regards to the plan for Business Development, turn to page 58 and how we recently have been talking about buffers and buffers between residential and business, etc., how, we haven't dived into that too much Craig, but how does the action steps in stuff like that coincide with what we are currently dealing with in our town and how would it be better if we were to say, enact these because there are some sites in town that you might not be able to get the 25 foot buffer, but hey, here's another way to get it done. Does that seem okay with what we are trying to do in town?

Craig Minor: That is what this plan is about, that we sit down and take a closer buffer regulations, and come up with some ways that you could achieve the same goal, which is protect residents from commercial development nearby, both of which are very important to Newington's character and we haven't in the past done a good job of giving developers a clear guidance of what we require in terms of a landscaped buffer between new development and residential neighborhoods.

Chairman Pane: Anyone else have any questions? James, is there any public on? Are there any Councilors, or TPZ representatives that would like to take the floor and have any questions?

Gail Budrejko: I just want to reiterate that I believe Carol and I both gave significant input as this plan was being developed, we've kept on top of it, we've read it, we've commented pretty extensively in the past so it's not that we don't have any interest, it's just that we're curious now to see where this goes. Thank you.

Chairman Pane: I'd like to know Gail, is the Council going to respond back with anything for us, because I would hate to move this forward if we're waiting for the Councilors to respond.

Gail Budrejko: It's been on our agenda for discussion for the past couple of meetings, and the decision of the Council was, we reviewed it, but we want to wait to hear what the results of the public hearings were before we consolidated our position.

Carol Anest: It's on our agenda for Tuesday evening pending this public hearing. Unfortunately, is this being live on NCTV? Is there a way, I mean, maybe I'm the only one, I haven't seen a lot out there about this. There was no press release or anything. Is there a way that we can have one more public hearing and if nobody speaks, I'm just concerned that the public isn't having the change to really weigh in. I mean, ten years ago and you remember Domenic, we had tons of people.

Chairman Pane: You're absolutely correct and I know it was a concern of the Councilors and the TPZ Commissioners that we haven't had many public and with this Covid virus, it's only made it worse, and I know that some people had wanted to possibly create a meeting in person with social distancing to see if that would bring some people out just to hear their comments, and I'm open to any suggestions that either the TPZ representatives or Commissioners have concerning that.

Commissioner Claffey: I think in regards to that concern of the public input, I mean, I don't know what the time frame is or if we can get more public approach to this back in four walls in an L101 type setting. I mean, is there a time frame here Mr. Minor?

Chairman Pane: I would imagine with the Covid, we don't have to comply with any time regulations, even though there is a time regulation, and Craig will tell us if there is a time regulation on this, but

Commissioner Claffey: I mean, when there is a hot button item, we get a good amount of people that come to the meetings and voice their concerns, I mean, I think, can we put it on the agenda for say, September, if we are back in a standard type meeting or maybe they come to a microphone outside the Town Hall to get piped in, I don't know, I don't think this is something that we don't have to close, I think we need to leave it open and find suggestions, leave it open as long as we can and try to get some input through the town web site or a link or through the town Facebook page, not all the private pages, the town's specific page. We're holding a meeting on this date, just to kind of know what is going on.

Chairman Pane: Thank you Commissioner Claffey: Our Town Planner has a comment I think. Go ahead Craig.

Craig Minor: The Executive Order did give us an additional 90 days which gives us a deadline of September 8 which is far enough away that if the Commission wanted to keep the hearing open tonight until the next meeting, you could do that, as long as the Commission votes on the Plan no later than your August 26th meeting, so Mr. Chalder built some flexibility into this in case the Commission decided to keep the hearing open for another couple of weeks, so the answer is yes, yes we can keep the hearing open.

Chairman Pane: Other comments?

Carol Anest: One other thing, can we get a press release or something out on this. I know that the Crier isn't mailing out, but the Rare Reminder is, the New Britain Herald is doing stuff on line, I mean, a lot of people don't know that this public hearing was this evening, it just feels that a lot of this was done like, under the radar, and I know because of Covid, but I really would like to see a little more publicity on this. One last shot, see what happens.

Chairman Pane: What is your opinion of possibly having an outside meeting?

Carol Anest: I agree, I think anything that would bring people to address this would be a benefit, I mean, even if you guys met and then people were able to call into NCTV. I think people aren't really sure that they can call in because you can't call in for TPZ, but I know that there are changes in the regulations because of Covid but I didn't even know that you could call into the TPZ meeting until I asked Craig about that. I think the public needs to be educated more and one more public hearing would help.

Rose Lyons, 46 Elton Drive: The Town web site, to me, is not very user friendly, and it's very hard to find things unless you know exactly what you are looking for. If it were on there, and people could look at it and go over it, I'm watching you and I'm watching along at various times on the Plan, but I'm still, I'd have to sit down and print it out, I don't know how many pages it is, but I'd like to look it over, but in any case, if it can be somewhere on the town website and also when, at budget time I think at one point, I don't know whether they did it this year or not, I asked the Town manager if they could have specific e-mail addresses to e-mail questions to, if people have them, and I don't know with TPZ with this type of thing, if that is allowable or not. Given the Covid situation, it's very hard for the public to participate and I'm just thinking, myself, I've seen people come out before to meetings, not a lot, I'm not saying you are going to get 100 people to a meeting, but at least afford them the opportunity to look at the Plan, have a place where they can ask questions, or give them information through the media. I have not seen anything, and I could be mistaken, about this public hearing and the impact it may have for the next ten years on the residents of this town. Just as a person who has been following this, and was there for the 2020 Plan I would urge you to think about not closing it tonight, give it some publicity, and if nobody shows up, nobody calls rather, nobody writes in, nobody does anything,

then so be it. They had their opportunity. I think to have somebody come back and say, I never knew anything about this, it went through without my knowledge. Like I say, you might not get anyone, but just my opinion, having watched before.

Chairman Pane: I completely understand Rose, and I appreciate your comments. Thank you.

Rose Lyons: Thank you. I hope you all stay safe and stay well.

Chairman Pane: Thank you.

Commissioner Haggerty: Thank you. We couldn't do, what is the normal process by which information about hearings are disseminated I guess. So if this was pre-Covid it wouldn't be an issue, the public would just know about it, and now that it is Covid, the public doesn't know about it. Was something done differently? If we somehow make it public for people to show up in a parking lot, it's assumed that people will show up, but if we make it public then people can sign onto a computer, then nobody will do that. I guess I'm not following that.

Chairman Pane: I don't know if they are not showing up on the computer, and they might not show up in the parking lot either. I think part of it is, there are no big issues like we had the last time, there was a large issue with the open space and Save Cedar Mountain, at the time that we were going through the last Plan of Development. So there were hundreds of people objecting and commenting and I just don't think we have that one big issue right now. I can understand some of the concerns, where they want to make sure that the public is covered here.

Commissioner Gill: Following Rose's request and I think that is a very important part of this. Start conversations on what the people are concerned about, because we will go to this meeting that we are talking about and we're not going to know what they are going to be talking about, and I think if we can get some kind of communication avenue, e-mail address that we could start communicating back and forth.

Chairman Pane: Good point, thank you Commissioner.

Gail Budrejko: Just a comment, similar to what Bryan said. Perhaps if we can get the publicity out there, and it would be good maybe if a tiny little blurb can be created by the Town Planner that could be put on multiple Facebook pages and just say, with the link, also maybe people are still nervous to come out to a public meeting also, even if it is September or October. If they can be invited to send their comments via e-mail, that might be a way, but I also do agree that last time, being one of the hundreds of people who sat in the auditorium, there seemed to be more significant changes to the Plan, and issues at that time, particularly development of the mountain, and there were even some issues about Newington Center, so I'm not sure the public will be as interested because an awful lot of issues that aren't identified in this plan, for example,

a train station, the busway whatever, have already been done, or covered in other meetings and they are part of this plan already, so it's really not an opportunity to comment on the idea per se, but I think the opportunity to provide an easy link and to provide mail-in comments, you know, you can lead a horse to water, or whatever that saying is, thank you.

Carol Anest: One other thing, Glenn, didn't you have an e-mail set up when we did the charette.

Glenn Chalder: I think we did, I'm going to check on that, I think it's POCD @Newington.gov, so I'm going to send an e-mail to that right now and check really quick.

Chairman Pane: Craig, do you have something that you would like to add?

Craig Minor: No, actually.

Commissioner Haggerty: Either way, we have to vote on this and we have one month, max, correct? One meeting to talk about it again, and then the very next meeting it is going to happen, one way or the other?

Chairman Pane: What did you say, by the end of August Craig?

Craig Minor: Yes, unless you have special meetings, the August 26th meeting is the last meeting to adopt the Plan on schedule.

Chairman Pane: But we could go off schedule if we had to? If we felt we wanted to.

Craig Minor: You can, the consequences are, if the Town doesn't meet the deadline, the consequences will impact grants. We would have to explain.....

Chairman Pane: I think with the Covid, we would have plenty of cover because the ninety days for the Covid is really, but hopefully we can get this resolved by the end of August. I think what I should do is discuss with Craig how we can get some news articles out there, possibly with an e-mail address and requesting questions from the public and then we can talk right now if you guys want to hold another public hearing or not.

Glenn Chalder: I just wanted to bring the Commission's attention to something in regards to time frame. I think all of the comments here tonight, I think it makes sense to continue the public hearing. The Council is going to weigh in with comments, they should do that before the close of the public hearings to give them an opportunity to do that. I would be happy to work with Craig and you Mr. Chairman in terms of press releases and all of the other stuff. I did want the Commission to know that OPM has become a little bit more robotic in terms of their approach to the deadline. I believe the question was raised before whether or not there might

be any flexibility in regards to Covid, and the state's response was, we gave you ninety days, if you are going to go over the ninety days, you need to ask for an extension, or you fall into the abyss. I think for the sake of two weeks even, if we were to continue this through, I'm not sure when your meeting is in September, if the Commission wanted to do a special meeting, just need to attach a letter to a grant application during that window, so I think we can continue this to August, continue our efforts, see what we get, and if you want to continue it beyond that, we can do that as well, so whatever your pleasure is Mr. Chairman.

Chairman Pane: Thank you.

Commissioner Lenares: I just want to chime in, I'm not a big echoer of thoughts, but I'm going to echo a lot of people's thoughts. I think the public participation, even though it's on our agenda, I don't know how many people go to our agenda to see what is going on or what not. I think the past couldn't be simpler in regards to what Carol brought out and Rose, I think that we should have this stay open for one more meeting, but in the mean time, make the efforts going forward to getting some press releases going to some of the web pages, whether it be the Newington pages or the town web page directly, doing our due diligence to make sure that the public is informed of what is going on, and give them one more shot for sure, whether it be e-mail, calling in, Zoom meetings. I don't think you are going to get any better response if you prolong this and you go to some forum where people come and meet in person. I think people are still leery of that, and it's their right to feel so, but I do feel very comfortable with having one more meeting with this open, then take into consideration what they say, having the Council weigh in on it, and then wrapping this thing up. I think the velocity of this is because the Plan is really good. The Plan is good, it's specific in some respects and it's vague in another respect where it allows different directions of the Plan to exist in the future. I also think that the hot button issues that you touched on Mr. Chairman, are not here. It's just your regular development going forward and I think it's a good plan. I would be in favor of another public hearing for the public, and then after doing that going through the necessary steps to comply with the ninety days that we were already given, and then wrap it up. Thank you.

Chairman Pane: Thank you. James, we have Patty Foley in the webinar room. Is it possible to connect to her?

James Krupinski: I can connect her for you.

Patti Foley: Good evening, Chairman Pane and everybody there. I want to first, as Chair of the Environmental Quality Commission and Sustainable Connecticut and looking for our sustainable award for Newington. This POCD is an amazing document. I have read it, I want to commend the Commission and staff for working on this. It's tremendous. It is a wonderful document as the last one was ten years ago which really helped steer the community to improve Newington. I'm looking forward to being able to speak out and as you said maybe there is an opportunity in

the few weeks for folks to understand how important it is to speak out on this, but I did want to thank you for all the time and effort for putting this together because I know you have been working on it for almost a year. So, congratulations, I think it's a great plan. It does point to the challenges that are facing Newington which is a good place to start with the Plan. Thank you very much.

Chairman Pane: Very good Patty, thank you. We appreciate your comments?
Commissioner Fox, do you have a question?

Commissioner Fox: It's basically a statement. Like Commissioner Lenares, I'm not one for reiterating overall, I've gone along with people, but you spoke about this as the last meeting, and I think the consensus was that we should keep this going, but as everybody else says, we need to get this in a venue where we can get more public participation. E-mails might be a good idea, but until we get out on social media which right now is the basic mode of communication with Covid and technology, but we need not only to let people know that we are holding public hearings on the Plan of Development and I think the facts that I'm quite aware of, the web site is not really the place. I don't know how much information you can get out to the public on social media but I think the public should be able to view the POCD because if don't see what is in it, they won't have any questions. So we also have to figure out how to get the public to be able to read and know what questions to ask. Thank you.

Chairman Pane: Councilor Budrejko, did you have a comment?

Gail Budrejko: No.

Chairman Pane: I think what we want to do then is, I'll work with the Town Planner and Glenn and we'll try to come up with some publicity to put out, onto the town page and maybe share it with some Facebook sites and maybe a couple of articles encouraging people to send their questions in by e-mail and maybe we can also let them know, and give them directions on how to get onto the web site and review the Plan so that they can read it and we'll see how that works for the next meeting.

Commissioner Claffey: Can we make a motion to keep this open until our second meeting in August for the next discussion on this?

Chairman Pane: Absolutely. You can make that motion.

Commissioner Claffey moved to keep the public hearing open in regards to the POCD 2020 Plan until our second meeting in August, I don't know the date specifically. The motion was seconded by Commissioner Fox.

Craig Minor: I just want to point out that if you continue the hearing until August 26th, that is your deadline. You are going to have to adopt it that night, so that is kind of cutting it close.

Chairman Pane: Let's have it open on the agenda for the next meeting, and then we can decide then if we want to keep it open until the 26th. We could keep it open until the 26th and then at that meeting move it to Old Business and act on it, right?

Craig Minor: You could, but I just think that is cutting it close, that's all.

Commissioner Claffey: Mr. Planner, with all of the times and things, if we keep it open until the next meeting, and have an update of where we're at with everything that everything has asked about the public being informed, is the newspaper going to run an article, is the web site going to post something, at that time we will have a better understanding of where we are with all the concerns of our Commissioners and our Councilors and then we are at a better stand to keep it open until our following meeting. Is that a better plan?

Craig Minor: It is.

Commissioner Claffey: So I will retract my original motion and move that we keep this meeting open for the POCD until our first meeting in August and move it accordingly.

Commissioner Fox: I'll retract my second and I'll second the new motion.

Chairman Pane: Could you go over that one more time Commissioner Claffey?

Commissioner Claffey retracted the original motion, and moved that we keep the Newington 2020 Plan of Conservation and Development public hearing tonight open until the meeting of August 12th, to discuss where we're at with all of the concerns from this meeting and the public concerns.

The motion was seconded by Commissioner Fox.

James Krupinski: Mr. Chairman, before you pass the motion, I have an attendee with their hand raised.

Rose Lyons, 46 Elton Drive: Sitting here watching this, half on my phone and half on the TV, on the TV it is saying public hearing, Newington 2020 Plan of Conservation and Development proposed for adoption. I think Commissioner Claffey also referred to it as the 2020 plan. Aren't we doing the 2030 Plan?

Chairman Pane: It's the 2020 to 2030 Plan, because it was the 2010 to 2020 Plan, so.....

Rose Lyons: Because on the public hearing, on the agenda, it says, proposed Plan of Conservation and Development 2030, Proposed POCD 2030. I just wanted to be sure. Wasn't the 2010 to 2020 referred to as the 2020 Plan?

Chairman Pane: The last plan of development was the 2010 to 2020 Plan.

Rose Lyons: Okay, just for clarification, thank you.

Chairman Pane: We have a motion on the floor with a second by, who as it?

Commissioner Fox: Commissioner Fox.

Chairman Pane: We have a motion and a second to keep this plan open until August 12th meeting and we can determine then what we are going to do with it. Any other questions, comments concerning this motion?

Commissioner Braverman: I just want to make sure that the posting that is on this, the website, the Newington web site, that the POCD get a prominent position in it, so that when people first come to the site they will be able to see the POCD document.

Chairman Pane: I'm not sure, whatever is possible within the IT Department, they will try to accommodate that. I'm not sure if they can, but Craig, can you make a note of that?

Craig Minor: Yes.

Chairman Pane: So we have a motion on the floor, we have a second. There are no other comments. Can we have a roll call vote Craig please?

Craig Minor: Commissioner Claffey – Yes

Commissioner Fox – Yes

Commissioner Havens – Yes

Commissioner Lenares – Yes

Commissioner Sobieski – Yes

Commissioner Gill – Yes

Commissioner Braverman – Yes

Commissioner Haggerty – Yes

Chairman Pane – Yes

Chairman Pane: Okay, so we will leave that open then. Is there anyone in the public, does anyone have anything else? If there is nothing else, I will work with the Town Planner and I will work with our consultant to come up with some articles to get out to the public and try to

encourage them to look up the Plan on our web page and try to share it on social media, and as soon as I come up with something, and I work that out with the Planner and our consultant, then we will have the Town Planner e-mail all of the Commissioners to tell them what the plan is, if that is okay with everybody. If there is no other public participation, or there is nothing else, I'll entertain a motion to adjourn.

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Claffey. The meeting was adjourned at 8:06 p.m.

Respectfully submitted,

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

Norine Addis,
Recording Secretary

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: August 3, 2020
Subject: **Petition #07-20: Residential Subdivision at 68 Deming Street (“Peckham Farm”). Calvin Roger Peckham and Donna M. Peckham, owners; Calvin Roger Peckham, applicant; Bongiovanni Group Inc, 170 Pane Road, Newington CT, contact.**

Description of Petition #07-20:

This application is for approval of an 18-lot residential subdivision at the intersection of Deming Street and Griswoldville Avenue. The parcel is the last significant piece of unprotected former farmland in Newington, with a pond, an 1871 farmhouse, and several circa 1900 farm buildings.

The application has been on hold for several months due to the COVID-19 situation and the design team leader’s reluctance to proceed via Zoom meetings. That issue has been resolved.

Staff Comments:

The Town Engineer and I have both reviewed the subdivision plans and submitted our respective comments to the applicants. My concerns have all been addressed exception for sidewalks, and the Town Engineer has raised several concerns that have not been addressed to his satisfaction.

1. **Sidewalks:** The subdivision plans do not show any sidewalks on the proposed Peckham Farm Drive. Section 3.11 of the subdivision regulations states that

“The Commission shall require sidewalks on all streets, in pedestrian easements and in other places deemed proper by the Commission. Sidewalks shall be provided on both sides of arterial and collector streets, and on one side of local residential and residential access streets as directed by the Commission.”

I had always read this regulation to mean that there must be sidewalks on both of all streets, but that TPZ can allow a developer to install just a single sidewalk on a local street. But after reviewing the minutes for several subdivisions where the sidewalk requirement was waived entirely, it appears that TPZ has for several decades interpreted this rule to mean that sidewalks on local streets are only required if the applicant is “directed” to install them by TPZ.

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

In their request to forego sidewalks, the Peckham Farm applicants correctly state that it has been “the historical practice” of TPZ to waive sidewalks on local streets like the proposed Peckham Farm Drive. I think this practice is unfortunate and a disservice to the people who live and raise families in these subdivisions. Sidewalks create neighborhoods. Sidewalks make it easier for neighbors to get to know each other by providing public space for people to meet. They give children a safe place to learn to ride bicycles and to play games. The applicants have proposed to construct a sidewalk on Deming Street, which is commendable, but it does not serve the immediate needs of the residents of this development.

2. Detention Basin: The applicants want the Town of Newington to be responsible for maintaining and repairing the detention basin on Lots 14 – 18 and related swales and emergency spillway. The Town does not have the staff nor the budget to do this. I asked the Town Engineer, the Parks and Recreation Superintendent, and the Highway Superintendent (all of whom have responsibility for maintaining Town facilities) and they all recommend that this be the responsibility of a homeowner’s association.

3. Other Sidewalks and Crosswalks: The Town Engineer recommended the applicant install a painted crosswalk on Deming Street at Barn Hill Lane, and to extend the existing sidewalk on the east side of Deming Street which currently ends at Winding Brook Lane northward to where the new street will be. The applicant has declined both of these suggestions. TPZ cannot legally compel a subdivision applicant to put sidewalks on existing streets, but TPZ can require pedestrian safety improvements like crosswalks. The Chief of Police supports the creation of this crosswalk.

4. Frontage Calculation for the Cul-de-Sac Lots: The subdivision regulation allows the minimum width (the “frontage”) of a lot situated on a curved road to be measured at the building line, which is 35’ back from the street. Alan Bongiovanni, the surveyor who prepared this subdivision layout, has always taken this to mean a curved line 35’ back from the street, but the Town Engineer believes it means a straight line whose midpoint is 35’ back from the street. The difference is only a foot or so, with the straight line being slightly longer, and in this case does not impact the number of lots that could be created at this site. I have no opinion as to which method is the “right” one, but I wanted to make the Commission aware of the issue in case it comes up for discussion.

cc:
BGI
Town Engineer
Highway Superintendent
Parks and Recreation Superintendent
file



#1980
CR.# 3623

Petition # 07-20

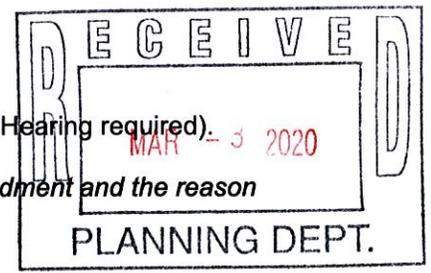
TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION: 68 Deming Street ZONE: R-20
APPLICANT: Roger Peckham TELEPHONE: 860-667-2101
ADDRESS: 6 Judge Lane, Newington, CT EMAIL:
CONTACT PERSON: Roger Peckham TELEPHONE: 860-667-2101
ADDRESS: 6 Judge Lane, Newington, CT EMAIL:
OWNER OF RECORD: Calvin Roger & Donna M. Peckham

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."

Roger Peckham 3-3-2020 Roger Peckham 3-3-2020
APPLICANT DATE PROPERTY OWNER 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).

GRISWOLDVILLE AVENUE (ARTERIAL STREET)



GRAPHIC SCALE
1 inch = 40 ft
NAD 83

THE BONGIOVANNI GROUP, INC.
LAND SURVEYORS
170 Fore Road
Newington, Conn. 06111
TEL: (860) 666-0134
FAX: (860) 666-3830

Date	Revision	Scale	Checked
2-18-20	BTM	1"=40'	AB

Date	Revision	Scale	Checked
6-11-20		1"=40'	AB
3-10-20		1"=40'	AB

REVISE DRAINAGE EASEMENT
CORRECT LOT LINE DIMENSIONS

BARN HILL ACRES - PHASE 3 OCTOBER 1998

N/F THOMAS P. & DEBRA D. HAVERKAMP
LOT 69
VOL. 1081 P. 21
ZONE R-20

N/F BETH A. CURRAN
LOT 70
VOL. 1900 P. 729
ZONE R-20

N/F DOUGLAS M. & ANNA M. HANSON
LOT 71
VOL. 1336 P. 73
ZONE R-20

N/F PAULINA & JOSE DAVID COLON
LOT 72
VOL. 1332 P. 47
ZONE R-20

PROPOSED CONSERVATION EASEMENT
14,153 S.F.
0.3249 AC.

BARN HILL ACRES - PHASE 1 FEBRUARY 1997

BARN HILL ACRES - PHASE 5 JUNE 2000

N/F DENNIS G. DAMATO & JOHN GAZERWITZ
100 DEMING STREET
VOL. 1963 P. 140
ZONE R-20

N/F NELSON & PATRICIA I. FELICIANO
LOT 97
22 WINDING BROOK LN
VOL. 1978 P. 502
ZONE R-20

N/F TADEUSZ G. & GABRIELA W. KUJAWSKI
LOT 98
26 WINDING BROOK LANE
VOL. 1923 P. 284
ZONE R-20

N/F JORDAN S. & DIANA R. JOHNSON
LOT 86
25 STONEWALL CT.
VOL. 2151 P. 114
ZONE R-20

N/F JAMES M. & MARIA L. VINCENZO
LOT 85
27 STONEWALL CT.
VOL. 2261 P. 111
ZONE R-20

Curve Table

Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C1	90°00'00"	25.00'	39.27'	S60° 02' 52"E	35.36'
C2	7°29'25"	525.00'	68.63'	S78° 41' 51"W	68.59'
C3	10°12'16"	525.00'	93.50'	S87° 32' 42"W	93.38'
C4	2°32'03"	525.00'	23.22'	N86° 05' 09"W	23.22'
C5	11°25'48"	475.00'	94.76'	N89° 27' 59"E	94.60'
C6	8°14'17"	475.00'	68.30'	N79° 37' 57"E	68.24'
C7	56°15'04"	25.00'	24.54'	N47° 23' 17"E	23.57'
C8	20°40'11"	65.00'	23.45'	S29° 35' 50"W	23.32'
C9	70°12'05"	65.00'	79.64'	S75° 01' 59"W	74.75'
C10	55°22'47"	65.00'	62.83'	N42° 10' 35"W	60.41'

Curve Table

Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C11	53°18'27"	65.00'	60.48'	N12° 10' 02"E	58.32'
C12	67°08'08"	65.00'	76.16'	N72° 23' 19"E	71.88'
C13	25°48'28"	65.00'	29.28'	S61° 08' 22"E	29.03'
C14	56°15'04"	25.00'	24.54'	N76° 21' 40"W	23.57'
C15	90°00'00"	25.00'	39.27'	S29° 57' 08"W	35.36'
C16	12°27'07"	475.00'	103.23'	S81° 10' 42"W	103.03'
C17	7°46'38"	475.00'	64.48'	N88° 42' 26"W	64.43'
C18	4°41'22"	525.00'	42.97'	S87° 09' 48"E	42.96'
C19	10°12'16"	525.00'	93.50'	N85° 23' 24"E	93.38'
C20	4°46'27"	525.00'	43.75'	N77° 54' 02"E	43.73'

Line Table

Line #	Direction	Length
L1	N20°01'08"E	12.18'
L2	S74°57'08"W	26.80'

Approved by the Newington Town Plan and Zoning Commission as
Petition # _____ 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)

LEGEND

- PROPERTY LINE
- x- FENCE
- BUILDING SETBACK LINE
- EXISTING MONUMENT
- MONUMENT TO BE SET
- EXISTING REBAR
- 5/8" REBAR TO BE SET
- F.Y. FRONT YARD
- S.Y. SIDE YARD
- R.Y. REAR YARD

SURVEY NOTES:

- THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20, AS REVISED.
TYPE OF SURVEY: ORIGINAL SURVEY
BOUNDARY DETERMINATION CATEGORY: RESURVEY
CLASS OF HORIZONTAL CONTROL: A-2
BOUNDARY ACCURACY: A-2
INTENDED USE: SUBDIVISION MAP
- HORIZONTAL DATUM IS BASED ON STATE PLANE, NAD 83.
- SUBJECT PARCEL IS IN ZONE CLASSIFICATION R-20.
- THIS MAP IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE UNDERSIGNED LAND SURVEYOR.

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

SURVEYOR'S SIGNATURE _____ DATE _____
LICENSE NUMBER 14649

MAP OF SUBDIVISION OF PECKHAM FARM
DEMING STREET
NEWINGTON, CONNECTICUT

ORIGINAL SURVEY (SUBDIVISION PLAN)

Sheet 3 of 15



THE BONGIOVANNI GROUP, INC.
LAND SURVEYORS, LAND PLANNERS

July 28, 2020

BGI #94-112

Mr. Dominic Pane, Chairman
Town Planning and Zoning Commission
131 Cedar Street
Newington, Connecticut 06111

Re: Peckham Farm Subdivision
Partial Waiver of Sidewalk Request
Deming Street

Dear Chairman Pane:

On behalf of the Applicant, I hereby request that the Town Planning and Zoning Commission grant a waiver of the sidewalk requirement for the proposed cul-de-sac road as shown on the above captioned project.

The Applicant is proposing to install the sidewalk along the project frontage on Deming Street (an arterial street). The waiver request is for the sidewalks along the Proposed Peckham Farm Road. The waiver is being requested to be consistent with the historical practice of the Commission. In general, most neighborhood streets in the Town of Newington do not have sidewalks. Subdivisions over the last 30 years or so have been required to install sidewalks where they form a network on the major roads in the development. The non-through or cul-de-sac streets have been waived by this Commission; including Deming Farm Drive, Pfister Farm, Packard Way, Winding Brook Lane, Stonewall Court, Fieldstone Path, Deer Path, Barn Hill Lane-east of Deer Path and Meadowview Court.

It has been the wisdom of this Commission to recognize that sidewalks on relatively short, terminal streets are a nuisance to the homeowners and a long-term liability to the Town of Newington with very little public benefit. This proposed cul-de-sac will have the required 26' pavement width which can accommodate both vehicular and pedestrian traffic without conflict.

The granting of this waiver is not in conflict with the 2020 Plan of Conservation and Development.

I thank you and the Commission in advance for your consideration of this request.

Sincerely,

THE BONGIOVANNI GROUP, INC.

Alan Bongiovanni,
President

AB/rab:94112dp

Cc: R. Peckham

SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.

Wetland Delineations Ecological Studies Site Assessments Project Planning Soil Testing

April 20, 2020

ATTN: Alan Bongiovanni, L.L.S.
The Bongiovanni Group, Inc.
170 Pane Rd., 2nd Floor
Newington, CT 06111-5521

**RE: Proposed Conservation Easement
Peckham Farm Subdivision,
Deming Street & Griswoldville Avenue, Newington, CT**

Dear Mr. Bongiovanni:

In accordance with your request, Jennifer Beno, Biologist/Wetland Scientist with Soil Science and Environmental Services, Inc. (SSES) inspected the proposed Conservation Easement area in the southeastern corner of the property. The purpose of the inspection was to observe the existing conditions and vegetation within the upland area adjacent to the small wetland and pond that was previously delineated in that portion of the property. SSES reviewed your plan set titled "Peckham Farm, Deming Street & Griswoldville Avenue, Newington, Connecticut," dated 2-18-20.

The property consists dominantly of an old farm field that is periodically mowed. A house, barns, and paved driveway exist in the western portion of the property. In April 2019, Scott Stevens, Registered Professional Soil Scientist with SSES, delineated a small wetland and pond area in the southeastern corner of the property. The wetland continues off-site to the south. The small wetland and pond area is located down a steep, vegetated slope which separates it from the proposed development area. The vegetation on the slope and at the top of the slope along the existing field is very dense and is difficult to traverse. The dominant vegetation within this area includes locust and black cherry trees, multiflora rose, tatarian honeysuckle, raspberry, silky dogwood, spicebush, autumn olive, bittersweet, grasses, bedstraw, garlic mustard, goldenrod, and dog-tooth violet.

The applicant is proposing to establish a 50-foot wide Conservation Easement between the wetland boundary and subdivision area in order to protect the small wetland and pond by preventing future land clearing, development, and disturbances within the 50-foot wide Conservation Easement area. The majority of the proposed 50-foot Conservation Easement consists of the steep slope and very dense woody vegetation. A small portion

of the proposed Conservation Easement area consists of periodically mowed field. Discarded tree and plant material was observed at the interface of the woody vegetation and the field.

Based on the observed existing slopes and very dense woody vegetation, it is our opinion that the proposed 50-foot wide Conservation Easement should be sufficient to protect the wetland. In addition to the Conservation Easement, the Town still regulates activities that occur within the 100-foot regulated upland review area off of the wetland boundary. The future land owners should be made aware of the restrictions on their land and that wetland permits would be required from the Town for any work within the 100-foot upland review area.

SSES recommends that no future dumping (leaves, grass clippings, pruned brush material, etc.) occur within the Conservation Easement area.

Respectfully submitted,

SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.



Jennifer L. Beno
Biologist/Wetland Scientist



Keith Chapman
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

April 3, 2020

Alan Bongiovanni, LS
The Bongiovanni Group, Inc.
170 Pane Road
Newington, CT 06111

Dear Alan:

Re: Petition #07-20: Residential Subdivision at 68 Deming Street (“Peckham Farm”). Calvin Roger Peckham and Donna M. Peckham, owners; Calvin Roger Peckham, applicant; Bongiovanni Group Inc, 170 Pane Road, Newington CT, contact.

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. Utilities and Improvement Plan (Section 6.3):

a. A sidewalk should be shown on one side of the street. Section 3.11 says that sidewalks on local residential streets are “as directed by the Commission”, and it is my recommendation that this street have a sidewalk. Sidewalks create communities. Sidewalks facilitate neighbors getting to know each other; they give children a safe place to learn to ride bicycles and to play games; they provide public space for small groups to meet and talk; etc.

b. Two street trees per lot need to be shown (Section 6.3.l.v).

2. Grading Plan (Section 6.6):

a. The Grading Plan shows that a significant amount of Lots 1 and 2 are areas of 15% or greater slope, resulting in a substantial amount of cut and fill. You should consider combining these two lots.

b. All lots are required to have a “useable” back yard, which is demonstrated by a 30 square foot area directly behind the house which does not exceed a 5% gradient. Please revise the Grading Plan to show a 30-foot square behind each house with a 5% or less slope.

3. Open Space Improvements (Section 3.9):

a. It is unfortunate that the existing subdivisions to the east and south do not contain any useable public open space that land from this subdivision could be added to, as authorized by Section 3.9, but so be it. However, I do recommend a conservation easement around the existing farm pond in the southeast corner of the development to protect the pond habitat. It has been the practice of the Conservation Commission to include the entire 100-foot upland review area as the conservation easement area, but that may be excessive here. I suggest you have the environmental specialists at Weston and Sampson evaluate the pond and propose an appropriate easement area.

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

Sincerely,

Craig Minor, AICP
Town Planner

cc:
Roger and Donna Peckham
Town Engineer
file

Responses to Planner Comments dated April 03, 2020
Responses by Bongiovanni Group, Inc. 6-17-20

1a. We are seeking a waiver

1b. There is already a note added to plan as per the regulation. We have added an expanded note on sheet 4 calling out a tree species.

2a. The lot grading is not severe enough on those 2 lots to warrant combining them. All of the lots in this proposed subdivision meet or exceed any and all requirements of the Town of Newington.

2b. Backyard useable areas have been added. to sheet 5.

3a. Conservation easement has been added the plans. We are proposing a 50' area outside the pond per the soil scientist's recommendation.



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Keith Chapman
Town Manager

Office of Town Engineer

Gary J. Fuerstenberg, P.E.
Town Engineer

April 17, 2020

Roger Peckham
6 Judge Lane
Newington, CT 06111

BGI, Inc.
170 Pane Road
Newington, CT 06111

Weston & Sampson
273 Dividend Road
Rocky hill, CT 06067

RE: 68 Deming Street - Peckham Farm Subdivision – Engineering Comments

Mr. Roger Peckham,

We reviewed plans titled *Map of Subdivision of Peckham Farm, Deming Street, Newington, Connecticut*, sheets 1 through 15 of 15, dated 02-18-20, revised 3-10-20, prepared by Bongiovanni Group, Inc. (received March 19, 2020).

Provide a landscaping plan with trees (name and size), grass seed mix, etc. Outline planting zone on plan according to sr 3.12.

Since the soil scientist (Scott Stevens) wetland delineation is different than the Town's wetlands map, Conservation Commission may require filing a wetlands map amendment.

Sheet 2 of 15 – Existing Conditions Plan

1. Identify Deming Street.
2. Provide house number for existing house (68 Deming Street).
3. Include soil numbers/ names for 302, 306, and 308 in the soil types legend. Remove soil numbers/names 96, 105, and 114 from legend, if not used.
4. Show existing sidewalks along westerly side of Deming Street.
5. Evaluate potential wetlands located in northeastern portion of site. If wetlands are present, show wetlands and 100 foot upland review area.

Sheet 3 of 15 – Original Survey

6. Change name of sheet to "Subdivision Plan".
7. Report lot frontage as arc length at building line (not tangent length) for lots #8, 9, 10 and 11. Tangent length is longer and misleading compared to shorter arc length. Check all frontage and area calculations.
8. Set a monument at angle points in Griswoldville Avenue (three) and Deming Street (one).
9. Provide detail showing the offset relationship between rebar near the brook and property line (rear lot #11).

Sheet 4 of 15 – Utilities & Improvements Plan

10. See comments for grading plan regarding storm water basin.
11. Expand perimeter fence around the basin to encompass the forebay.
12. Provide fence details.
13. Town will not accept responsibility for maintenance of private drainage. Provide draft documents for maintenance of private storm drainage and appurtenances (not within the street right of way) by HOA.
14. Provide a fixed vertical sediment depth marker in the forebay.

15. Since sidewalk is proposed along the Deming Street, provide sidewalks along the frontage of 100 Deming Street to connect to existing sidewalk in Barn Hill subdivision.
16. Provide sidewalks along the frontage of Peckham Farm Drive.
17. Consider providing crosswalk at Barn Hill Lane crossing Deming Street.
18. Provide crosswalk details conforming to the Town's specifications.
19. Show proposed water services and sanitary laterals for proposed houses on this sheet.
20. Provide street trees on landscaping plan.
21. Delineate planting zone (sr 3.12) on landscaping plan.
22. Show how all lots satisfy the useable backyard area requirement (sr 6.6.d).
23. Remove debris (trash, concrete, metal, plastic, glass, tires, etc.) dumped in northwestern portion of site and in Town of Newington right-of-way.

Sheet 5 of 15 –Grading Plan

24. Provide storage capacity for a 100 year storm in the infiltration/detention basin.
25. Provide one foot of freeboard above the 100 year storm maximum water elevation.
26. Raise the level spreader/spillway elevation to contain the 100 year storm maximum water elevation per the Town of Newington Stormwater Drainage Manual requirement. Adjust level spreader details.
27. Provide a minimum 12-foot wide access at top of berm (around the entire basin) for equipment to perform maintenance of basin.
28. Enlarge proposed drainage easement to accommodate access for maintenance.
29. Provide spot grade (high point) elevations behind proposed houses on lots #4, 5, 6, 7, 8, and 9.
30. Provide proposed contours between proposed houses on lots #2, 3, 4, 5, 6, 7 and 8 to indicate stormwater runoff swales to supplement drainage arrows.
31. Note 1 on the cover page notes house size is not limited. Therefore, provide house and garage with minimum 3,500 square-foot footprint to account for larger structure and patio/pool which are impervious.

Sheet 6 of 15 – Erosion & Sediment Control Plan

32. Revise construction entrance per Town requirements: 20 feet paved apron and 50 feet stone (26 feet wide).

Sheet 7 of 15 – Street Plan & Profile

33. Move CB3 and CB4 to the low point in the road.
34. Provide sanitary laterals for lots #5, 6 and 7.
35. Move water service to be in grass area (not under driveways) for lots #3, 10, and 16.
36. Storm pipe between CB7 and SMH2 is about 5 feet north of the right of way line. Pipe that close to property line cannot be maintained without easement. Provide minimum 10 feet between pipe and property line (provide a structure for change in alignment).
37. Slope between existing sanitary manhole in Deming Street and SMH1 should be 1.89% (not 2.00%).
38. Slope between SMH2 and SMH3 should be 0.80% (not 0.84%).
39. Consider locating storm water structures at nearest station and reporting pipe length to nearest foot.
40. Show easterly right-of-way line of Deming Street on profile.
41. Include symbols and abbreviations (not called-out) in legend.
42. Delineate extent of removal of existing curb along Deming Street.
43. Label curb radius at entrance to Deming Street.
44. Provide 4 foot deep sumps for storm sewer system.

Sheet 8 of 15 – Storm Sewer Plan & Profile

45. See comments in grading plan for storm water basin.

Sheet 9 of 15 – Storm Water Management Details

46. Insert CTDOT drawing referred in general note #1 into this set of drawings.
47. Remove note #4 from general notes.
48. General note #7 should specify the size and pattern of the holes in the catch basin walls. Per CTDOT, add:
“The openings shall be covered with geotextile. Depending on the masonry used in the walls, the openings shall be formed by the insertion of 2” pipes or by leaving two open vertical joints in the masonry.”

Sheet 10 of 15 – Storm Water Management Details

49. Show bottom of infiltration/detention basin and side slope along structure on EOS1 detail. Revise top of frame elevation per grading comments.
50. Revise elevations on level spreader/spillway details per grading comments.

Sheet 13 of 15 – Site Details

51. Provide fence details.
52. Enlarge granite curb detail and font. Clarify first bullet (hyphen) regarding installing concrete continuously along the radius, in lieu of processed aggregate base (inside, outside, both sides).

Sheet 14 of 15 – Erosion & Sediment Control Details

53. Revise construction entrance detail: 20 feet paved apron and 50 feet stone (26 feet wide).
54. Embed straw bales 4 inches.
55. Show straw bale bindings be parallel to the ground.

Sheet 15 of 15 – Erosion & Sediment Control Notes

56. Clean catch basins and all drainage pipes after paving and landscaping are complete. Include in sequence of work notes.
57. Add note: Connecticut licensed land surveyor shall certify to the Town Engineer that erosion and sediment control measures are installed in the locations specified on the approved plans prior to the start of work.
58. Add note: Notify the zoning enforcement officer for inspecting the erosion and sedimentation controls prior to beginning earthwork and after the erosion and sediment measures have been installed.
59. Add note: Notify the zoning enforcement officer for inspecting the new vegetation after vegetation is established and prior to removing any erosion and sediment measures.

Drainage Comments:

60. See comments for grading plan regarding storm water basin.
61. The permeability value used is not the most conservative value. Use the most conservative permeability value in B-5008A.
62. Soil used for permeability testing was obtained from the “upper stratum” at a depth of 4 to 6 feet below existing grade. The bottom of the detention basin will be about 8 to 10 feet below existing grade in the “lower stratum”. Soil from the “upper stratum” will be excavated to grade the proposed basin. The “upper stratum” and “lower stratum” have different density and gradation and, therefore, will have different permeability rates. Test data from the “upper stratum” which will be excavated is not representative of soil from the “lower stratum” which will remain at the bottom of the basin. Provide soil data representative of the stratum at the bottom of the basin which water will infiltrate into. Provide permeability and gradation test data representative of soil from the “lower stratum” at a minimum of 3 locations. Perform permeability testing in the field (saturate soil prior to testing and run test to steady state conditions) at minimum 3 locations in the lower stratum. Coordinate explorations and field testing schedule with Town Engineer.
63. Test borings were performed in August 2019. Depth to water was measured at the end of drilling only – no long-term measurements provided. Depth to groundwater fluctuates with seasonal changes. Install

- minimum 3 groundwater observation wells in the vicinity of the proposed detention basin to measure depth ground water throughout a 12 month cycle. Abandon wells once they are no longer needed.
64. Apply a minimum factor of safety to 2 for infiltration rate to account for siltation/sedimentation and organic material reducing infiltration.
 65. Compute total storage of basin to the spillway elevation (not above the spillway elevation).
 66. Calculate volume of infiltration/detention basin between proposed elevation 144 and 149.5 (not 150).
 67. Hydrograph number 7 (Infiltration Basin) for 2-, 5-, and 10-year storm – the maximum pond elevation (146.31 [2-year]) does not correspond to the maximum pond elevation in the hydrograph (149.40 [2-year]). Please explain elevation difference or revise computations. Note, elevations and times to peak coincide for 25-, 50- and 100-year storms.
 68. Provide hydrograph data for 0 to 10 hours.
 69. What affect do the 50-year and 100-year storms have on the Winding Brook Lane development located immediately downslope of spillway? Confirm spillway water enters the downslope catch basin and does not bypass the catch basin. Evaluate capacity of Winding Brook Lane stormwater system to accommodate water from spillway.
 70. Use impervious area from the watershed area calculations sheet to compute WQV. Do not round area down.
 71. Calculate volume of pretreatment area between elevation 146 and 148.
 72. Some pipes area surcharged. Maximum pipe capacity is full. Recalculate/resize pipes.
 73. Provide outlet protection reference to ConnDOT Drainage Manual Figure 11-15 as backup.
 74. Design pond to emptying within 24 hours after the storm ends. Pond elevation does not recede over time.
 75. Evaluate stormwater runoff in northwestern portion of site (beyond area A, B and C).
 76. Expand post-development area A to include at least the western portion of the house on lot #1.
 77. Expand post-development area B to in include at least the eastern portion of the house on lot #1 and include at least the southern portion of the back yard of lot #3.

If you have any questions, please contact me to review and discuss the above comments.

Sincerely,



Gary J. Fuerstenberg, P.E.
Town Engineer

Cc: Craig Minor, Town Planner
Andrew Armstrong, Assistant Planner, Zoning Officer

Responses to Engineering Comments dated April 17, 2020
Responses from Bongiovanni Group, Inc. 6-17-20 & Weston Sampson on 6-9-20.

Comment: "Provide a landscaping plan..."

Landscaping plan is not required. Note will suffice as stated in 6.3.l.v. We will provide an expanded note on the Utilities & improvements plan

Comment: "Since soil scientist wetland delineation is different..."

No wetlands map amendment is required.

SHEET 2

1. Note added.
2. Note added.
3. Legend has been revised.
4. Sidewalk has been added
5. The entire site was evaluated. No wetlands are present in the northwest corner.

SHEET 3

6. Note added to title block
7. Frontage calculations to remain
8. Proposed Monument symbols added.
9. OK. Offset dimension note added. Detail is not necessary.

Sheet 4 Utilities and Improvements

10. Noted
11. Done.
12. Provided.
13. Town road = Town drainage
14. No longer necessary
15. Sidewalk is not required. That area is beyond the frontage of this property.
16. We are asking for a waiver.
17. No crosswalk will be proposed. Offsite improvements cannot be required.
18. No crosswalk is proposed. Offsite improvements cannot be required.
19. OK. Laterals added
20. Not required. Note 3 is expanded to include more detail
21. Not required. Note 3 is expanded to include more detail
22. 30' x 30' box has been added to sheet 5
23. Will remove trash on our property only. Note added to sheet 4.

Sheet 5 GRADING PLAN

24. Done.
25. Done. 100-yr elevation is 150.38, so the top of basin has been set at 151.5.
26. The prior spillway/level spreader has been removed. A new outlet control structure (OCS1) has been proposed and can convey peak flows for the 2 thru 100-yr storms.
27. This is not required. Maintenance access will be located on the west side of the basin (from Deming Street) where an access gate has been provided.
28. The easement has been enlarged to accommodate the resized basin.
29. Spot elevations behind conceptual houses have been added

- 30. Additional contours between conceptual houses have been added.
- 31. Not going to show oversized houses that won't be built. In our professional opinion, the conceptual houses shown are very consistent with existing houses in the neighborhood.

SHEET 6 EROSION & SEDIMENT CONTROL

- 32. Entrance has been revised. See detail on sheet 14 of 15.

SHEET 7 PLAN & PROFILE

- 33. Catch basins have been moved.
- 34. Sanitary laterals have been added
- 35. Driveway locations are purely conceptual, but laterals have been moved.
- 36. No change to pipe. There is enough room (6.5' from cl to edge of row) to maintain the pipe. Minimum is 5' per Section A.VI.C of the Newington Stormwater Management Guidelines (for pipe under 24").
- 37. Slope has been revised
- 38. Slope had been revised
- 39. Changed to satisfy staff.
- 40. R.O.W. line added
- 41. Added expanded legend
- 42. Note added
- 43. Curb radius notes added
- 44. No change. Three (3) foot deep sumps have already been provided and are in accordance with the Town Drainage Manual Section A.IV.C (6) as well as Addendum 1 to Appendix B "Design of Detention Systems for Small Sites", Section E.

SHEET 8 STORM SEWER PLAN AND PROFILE

- 45. (See responses above)

SHEET 9

- 46. Not necessary. Reference is made to it in the notes and it would create another 2 x 3 sheet for the set.
- 47. Not removed. The note is consistent with the details of "Depressed Gutter Strip" and in accordance with CT DOT requirements.
- 48. Note #7 was removed as it is not applicable to this project.

SHEET 10

- 49. This has been added to the new Outlet Control Structure detail.
- 50. The level spreader/spillway has been removed.

SHEET 13

- 51. Provided.
- 52. Enlarged the detail and removed first note and added as a call out in the detail. If not acceptable, please provide acceptable Town detail and we will revise to match it.

SHEET 14

- 53. Details has been revised
- 54. Detail has been revised
- 55. Notes have been added to Detail

SHEET 15

56. Note 24 added.

57. This note is not necessary. Due to the size of the project, it will require a (CT DEEP) *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*. This permit requirement is reference in the Erosion Control Notes (General Notes Section – Sheet 15 of 15). Under the permit requirements, a stormwater pollution control plan (SPCP) shall be prepared by a licensed professional. The CTDEEP Stormwater Discharge Permit (once approved) requires inspections and monitoring during construction activities as follows:

- Plan Implementation Inspections
- Routine Weekly Inspections
- Monthly Stormwater Monitoring.

What is noteworthy here is that the Plan Implementation Inspections are required to be done at the beginning and end of the construction period by a qualified professional engineer. The Engineer verifies that the measures have been installed in accordance with the plan and directs the contractor to revise/replace if necessary.

58. This note has been added to the Erosion Control Notes (General Notes Section).

59. This note has been added to the Erosion Control Notes (General Notes Section).

Drainage Comments:

60. See responses to grading plan comments.

61. Additional test pits and field infiltration testing were conducted by Welti Geotechnical P.C. on May 20 and May 22, 2020. The testing indicated a variability of soil stratum and infiltration testing indicated that the resulting rates were lower than the minimum required for infiltration. The Town Engineer was contacted and, as a result, the basin has been sized so as not to include infiltration in the design. New testing info has been included in the report.

62. The field investigation (test pits) and field infiltration testing (methods) were coordinated with the Town Engineer. Refer to response to comment #61.

63. Boring #5008 was done on May 28, 2019. The CT DPH manual for septic design states that in CT, the wet season for high groundwater is between Feb 1 and May 31. This boring falls within that timeframe. Other than some soil saturation, no groundwater was observed. For the test pits dug on May 20, 2020, no groundwater or mottling was observed. Some soil saturation was observed, likely due to the recent rainfall events. The latest test pits also fall within the DPH wet season timeframe. Based on two years of wet season testing with no observance of groundwater in the location of the proposed basin, we would consider the evaluations sufficient and monitoring wells not warranted.

64. No longer required. (See response to #61) No credit will be taken for infiltration. The basin will however be constructed and maintained as an infiltration basin to promote treatment of the WQV.

65. Total storage = 118,693 cu ft (at elevation 151.5)

66. No longer applicable.

67. No longer applicable. (See response to #61)

68. No longer applicable. (Hydrograph data can be found in the report)

69. As mentioned previously, the spillway/level spreader has been removed. The proposed detention basin has been designed with the capacity to store the entire volume associated with the 100-year storm. The basin top elevation has been set 1 foot above the 100-year storm elevation of 150.38. An Outlet Control Structure (OCS1) has been designed with 6" and 8" orifices set at varying elevations to control storage associated with the lower volume storms. For the higher volume storms, runoff will flow through the grate opening at the top of the structure. The outlet structure (OCS1) will drain to an existing catch basin (labelled "EXISTING CB") through a proposed 12" HDPE outlet pipe. As-built inverts

and pipe information associated with the existing basin has been provided in Figure 4 and on the plans. The existing 15" HDPE has a slope =3.99%. According to our calculations, this pipe would have a hydraulic capacity = 13.98 CFS. This is sufficient to convey the peak flow of 12.85 CFS associated with the 100-year design storm. There should be a noticeable relief to the adjacent (Winding Brook) development for all storm events due to the significant reduction in overland flow. One other noteworthy consideration is that the proposed (Peckham) roadway drainage system is designed to capture the 10-year design storm. Larger storms will likely start to bypass the 6 CB grates (below Station 2+50) and end up on Deming Street. This is not taken into consideration of the basin design which is sized to take all the site flow from Area B. As a result of this, the basin design should be considered conservative.

70. Done. Please note that in order to meet the requirements for TSS removal, the pre-treatment forebay was insufficient. It was necessary to convert CB7 to a Water Quality Structure (WQS7). Prior to entering the detention basin, some coarse sediment removal shall occur from the use of 3-foot deep sumps with debris hoods on the outlet pipe in all catch basins. The primary means for stormwater treatment will be provided by water quality structure (WQS7). This structure is designed to treat the majority of site runoff and is specified to be a hydrodynamic separator from the CTDOT list of approved products. The structure is capable of removing 80% of total suspended solids (TSS) as well as preventing migration of oils and other floatables. It's location within the proposed roadway also allows for ease of access for maintenance by vac truck. Refer to Appendix E for water quality flow (WQF) and bypass flow for the proposed water quality structure, as well as TSS removal calculations provide by Contech.

71. No longer applicable.

72. One pipe run (Outfall to MH1) is surcharged due to the tailwater in the basin, and not because of insufficient capacity. The "Storm Sewer Tabulation" demonstrates that the capacity (18.9 cfs) is well above the total flow (10.8 cfs). Increasing the pipe size will not eliminate effect of tailwater.

73. Done (included in Appendix D)

74. The detention basin will drain within 32 hours. Refer to the hydrograph reports in the drainage report for more specific info. Less detention time is not feasible as the peak flow would exceed the capacity of downstream conveyance systems. This is consistent with the 72-hour timeframe required by the Town Drainage Manual (See attached Infiltration Basin Detail), and the CT Stormwater Quality Manual (Section 11-P3-8). The CT Stormwater Quality (Section 11-S1-2) also indicates that "Extended detention requires sufficient storage capacity to hold storm- water for at least 24 hours to allow solids to settle out" and "To reduce the potential for mosquito breeding, detention ponds should not be designed to hold water for longer than 5 days".

75. Done. It is not clear why this comment was made. The results indicate that the evaluation was unnecessary/inconsequential. The proposed grading of the development in that NW area clearly reduces the offsite (post-development) drainage area (beyond Area A, B, and C) over that of pre-development.

76. Done

77. Done

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: August 3, 2020, 2020
Re: **Petition #26-20: Site Plan Modification at 135 Fenn Road. Stanwell Associates LLC, owner/applicant; Mario Giguere, 97 Stanwell Road, Newington CT, contact.**

Description of Petition #26-20:

135 Fenn Road is in the I (Industrial) zone. The owner of the property would like to be relieved of the requirement to install a sidewalk in front of his property, which is shown on the site plan that was approved by TPZ on November 13, 2019. There are no other sidewalks on that side of the street nearby.

Staff Comments:

In the Town Engineer's written comments to the applicant dated November 5, 2019, the Town Engineer directed the applicant to add sidewalks on the site plan:

28. Provide 5-foot-wide sidewalk along entire Fenn Road frontage of parcel per TON sidewalk plan.

The Town Engineer felt that sidewalks in this area were warranted due to the site's proximity to the retail building directly to the south, and to the Woodlands condominiums approximately ½ mile to the north. The zoning regulations require sidewalks in the I zone if TPZ determines that they are needed. The applicant's consulting engineer did not raise any objection to the Town Engineer's statement, and the need for sidewalks was never discussed during the meeting.

I have no objection to approving the applicant's request.

Separately, I also recommend TPZ take a look at the rather haphazard sidewalk requirements. Sidewalks are mandated for special permit activities in the R-7 and R-12 zone, but may be required for special permit activities in all other zones. Sidewalks are mandated at by-right activities in the R-D, CD, PL, Workforce Assisted Housing, and B-TC zone, but not in the other zones, which means that TPZ cannot require them at a by-right project (such as a new commercial building) in either the B zone, B-BT zone or PD zone. Sidewalks can be required at restaurants because restaurants require a special permit, but not at a medical office building. This does not make any sense, and should be addressed.

cc:
Town Engineer
file

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



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

LOCATION OF PROPERTY: 135 FENN RD ZONE: I
APPLICANT: STAN WELL ACCOSITES TELEPHONE: 860-665-0000
ADDRESS: 97 STANWELL RD EMAIL: MARIO@TRUSSAFG.COM
CONTACT PERSON: MARIO G. GLENE TELEPHONE: 860-250-2789
ADDRESS: 151 WILLARD AVE EMAIL: MARIO@TRUSSAFG.COM
OWNER OF RECORD: MARIO G. GLENE

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): Delete sidewalks.

SIGNATURE:

	<u>7/20/2020</u>		<u>7/20/2020</u>
APPLICANT	DATE	PROPERTY OWNER	DATE

INCOMPLETE APPLICATIONS WILL NOT BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES BUT IS NOT LIMITED TO: APPLICATION FORM; APPLICATION FEE; SITE PLANS (IF APPROPRIATE) SHOWING LID; WATERSHED ANALYSIS (FOR SITE PLANS); NARRATIVE DESCRIPTION (IF APPROPRIATE).

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: August 3, 2020
Subject: **Petition #27-20: Sec. 8-24 Referral for Proposed Sale of Former Barbour Road. Newington Town Council, owner/applicant.**

Description of Petition #27-20:

This is an 8-24 referral from the Newington Town Council. The parcel in question is a vacant lot which was once a town road, long since abandoned. The abutting property owner would like to acquire it and merge it with his property at 49 Fenn Road and construct a medical office building.

Staff Comments:

TPZ commissioners will recognize this as the site of the “walk-in clinic” that was approved in two phases. Phase One was a small medical office building approved by TPZ in 2011. The developer subsequently learned that the vacant land to the south was Town-owned, so he approached the Town with a request to purchase it. While that request was pending, the owner obtained TPZ approval (Phase Two) to build a slightly larger building on a site that included the Town-owned parcel.

I recommend approval.

cc:
Attorney David Griffith
file

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

cc:
BGI
Town Engineer
file

AGENDA ITEM: VII.C_____

DATE: 7/14/2020_____

RESOLUTION NO 2020-_____

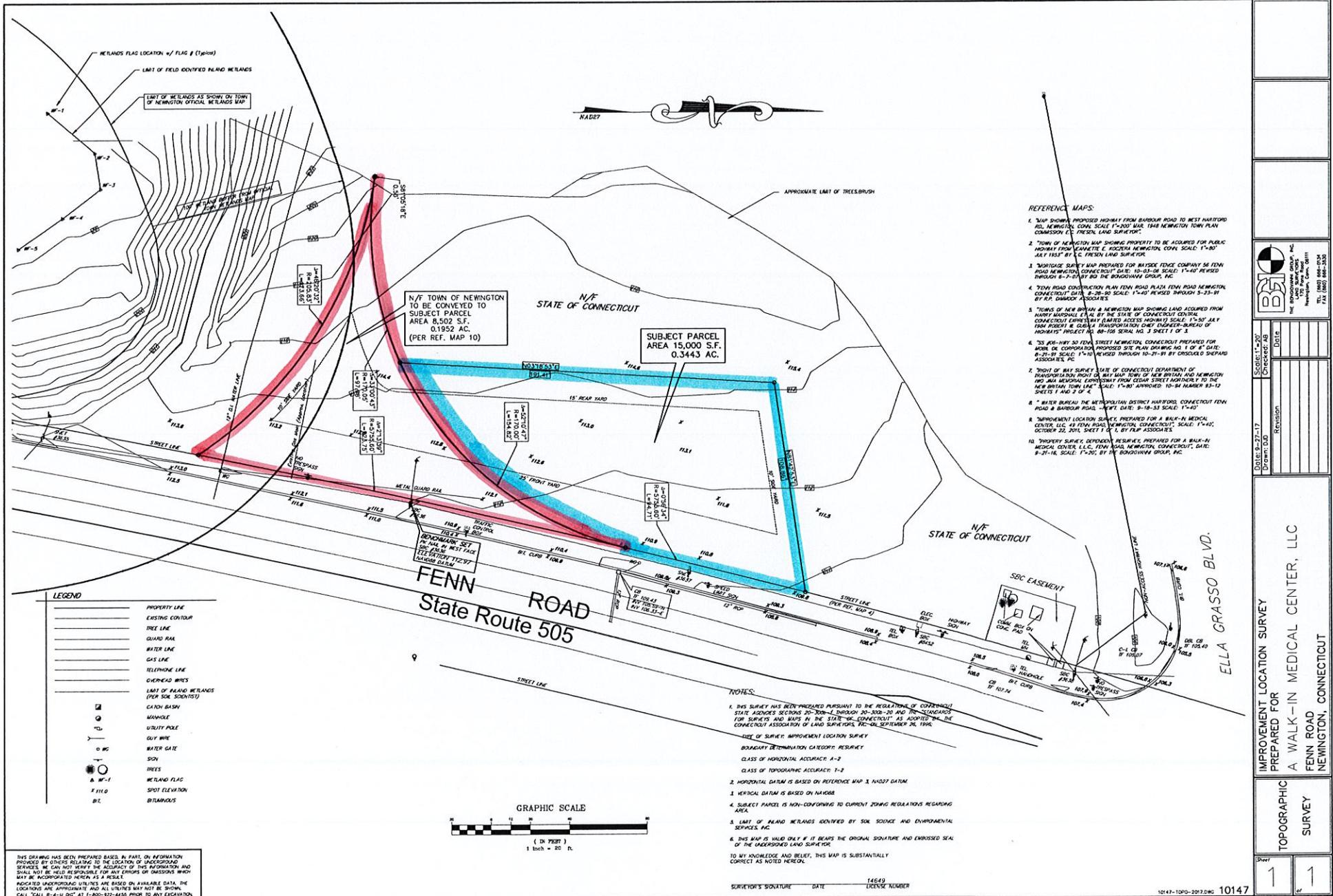
RESOLVED:

That the Newington Town Council hereby directs and authorizes the Town Manager to submit to the Town Plan and Zoning Commission for its report, in accordance with the Connecticut General Statutes, §8-24, regarding the proposed sale of property of Barbour Road, adjacent to 49 Fenn Road.

MOTION BY: _____

SECONDED BY: _____

VOTE: _____



- REFERENCE MAPS:
1. "MAP SHOWING PROPOSED HIGHWAY FROM BARBOUR ROAD TO WEST HARTFORD RD., NEWINGTON, CONN. SCALE 1"=100' MAR. 1948 NEWINGTON TOWN PLAN COMMISSION C.E. FRESH, LAND SURVEYOR."
 2. "TOWN OF NEWINGTON MAP SHOWING PROPERTY TO BE ACQUIRED FOR PUBLIC HIGHWAY FROM MANETTE E. KODZEM NEWINGTON, CONN. SCALE 1"=80' JAN. 1937 BY C.E. FRESH, LAND SURVEYOR."
 3. "MORTGAGE SURVEY MAP PREPARED FOR BAYSECK FENCE COMPANY 56 TEN ROAD NEWINGTON, CONNECTICUT DATE: 10-03-08 SCALE: 1"=40' REVISED THROUGH 8-23-09 BY THE BROADWAY GROUP, INC."
 4. "TENN ROAD CONSTRUCTION PLAN TENN ROAD PLAZA FENN ROAD NEWINGTON, CONNECTICUT DATE: 8-28-90 SCALE: 1"=40' REVISED THROUGH 5-23-91 BY C.E. GUNNOCK ASSOCIATES."
 5. "TOWNS OF NEW BRITAIN & NEWINGTON MAP SHOWING LAND ACQUIRED FROM HARRY MARSHALL ET AL BY THE STATE OF CONNECTICUT CENTRAL CONNECTICUT EXPRESSWAY LIMITED ACCESS HIGHWAY SCALE: 1"=50' JAN. 1940 BUREAU OF CORPORA TRANSPORTATION CHIEF ENGINEER-BUREAU OF HIGHWAYS PROJECT NO. 40-100 SERIAL NO. 3 SHEET 1 OF 3."
 6. "33 JOB-HWY 30 FENN STREET NEWINGTON, CONNECTICUT PREPARED FOR WORK OF CORPORATION PROPOSED SITE PLAN DRAWING NO. 1 OF 2 DATE: 8-21-98 SCALE: 1"=20' REVISED THROUGH 10-29-98 BY CONOVER SHEPARD ASSOCIATES, PC."
 7. "TOWN OF WEST SURVEY STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION ROUTE 10 WEST TOWN OF NEW BRITAIN AND NEWINGTON TWO AND A HALF MILEAL CENTERLINE FROM CEDAR STREET HIGHWAY TO THE NEW BRITAIN TOWN LINE" SCALE: 1"=40' APPROX. 10-16 NUMBER 84-14 SHEETS 1 AND 2 OF 2."
 8. "WATER BUREAU OF THE METROPOLITAN DISTRICT HARTFORD, CONNECTICUT FENN ROAD & BARBOUR ROAD SHEET DATE: 8-18-83 SCALE: 1"=40'."
 9. "IMPROVEMENT LOCATION SURVEY, PREPARED FOR A WALK-IN MEDICAL CENTER, LLC 48 FENN ROAD, NEWINGTON, CONNECTICUT" SCALE: 1"=40', OCTOBER 22, 2015, SHEET 1 OF 1, BY F&P ASSOCIATES."
 10. "PROPERTY SURVEY, DEPENDON RESURVEY, PREPARED FOR A WALK-IN MEDICAL CENTER, LLC, FENN ROAD, NEWINGTON, CONNECTICUT", DATE: 8-21-16, SCALE: 1"=200' BY THE BROADWAY GROUP, INC."

NOTES:

1. THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-308-4 THROUGH 20-308-20 AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1998.
2. TYPE OF SURVEY: IMPROVEMENT LOCATION SURVEY
3. BOUNDARY DETERMINATION CATEGORY: RESURVEY
4. CLASS OF HORIZONTAL ACCURACY: A-2
5. CLASS OF TOPOGRAPHIC ACCURACY: 1-2
6. HORIZONTAL DATUM IS BASED ON REFERENCE MAP 3, NAD83 DATUM.
7. HORIZONTAL DATUM IS BASED ON NAD83.
8. SUBJECT PARCEL IS NON-CONFORMING TO CURRENT ZONING REGULATIONS REGARDING AREA.
9. LIMIT OF BALD WETLANDS IDENTIFIED BY SOIL SOURCE AND ENVIRONMENTAL SERVICES, INC.
10. THIS MAP IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE UNDERSIGNED LAND SURVEYOR.

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

SURVEYOR'S SIGNATURE _____ DATE _____ 14649 LICENSE NUMBER

LEGEND

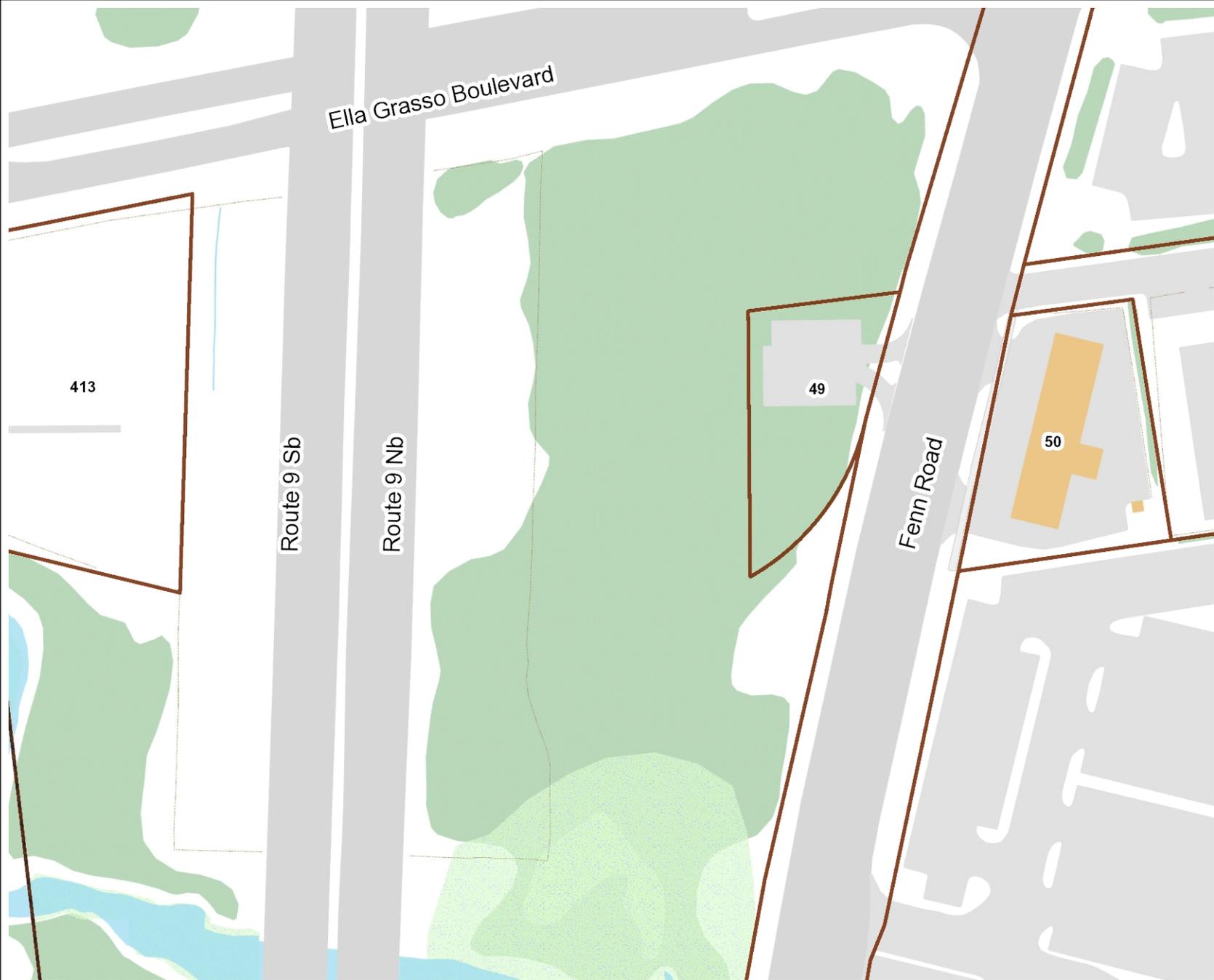
—	PROPERTY LINE
—	EXISTING CONTOUR
—	TREE LINE
—	GUARD RAIL
—	WATER LINE
—	GAS LINE
—	TELEPHONE LINE
—	OVERHEAD WIRES
—	LIMIT OF BALD WETLANDS (PER SOIL SOURCE)
—	CATCH BASIN
—	UTILITY POLE
—	GUT WIRE
—	WATER GATE
—	SOIL
—	TREES
—	WETLAND FLAG
—	SPOT ELEVATION
—	IRREGULAR

THIS DRAWING HAS BEEN PREPARED BASED, IN PART, ON INFORMATION PROVIDED BY OTHERS RELATIVE TO THE LOCATION OF UNDERGROUND SERVICES. WE CAN NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH SHALL NOT BE INCORPORATED HEREIN AS A RESULT.

INDICATED UNDERGROUND UTILITIES ARE BASED ON AVAILABLE DATA. THE LOCATION AND APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN.

CALL "CALL 8-4-U DIG" AT 1-800-922-4428 PRIOR TO ANY EXCAVATION.

Date: 8-27-17 Drawn: DDB	Sheet: 1 of 2 Check: AB
Revision:	Date:
IMPROVEMENT LOCATION SURVEY PREPARED FOR A WALK-IN MEDICAL CENTER, LLC FENN ROAD NEWINGTON, CONNECTICUT	
TOPOGRAPHIC SURVEY	
1	1



Ella Grasso Boulevard

Route 9 Sb

Route 9 Nb

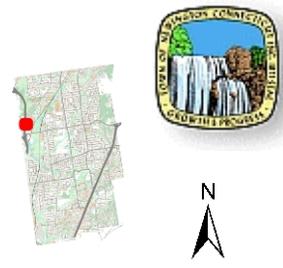
Fenn Road

413

49

50

Former Barbour Street



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.

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: August 3, 2020
Subject: Commercial Vehicles in Residential Zones

Before I go into the changes that I've made since the last TPZ meeting, let me explain what the "Commercial Vehicle" regulation does. The current regulation has so many double negatives that it gets confusing and the reader can easily lose track of what's being said.

Most importantly, the regulation explains what a "commercial vehicle" is in the context of the zoning regulation. The regulation then says that homeowners have the right to keep one commercial vehicle at home without having to get permission from either TPZ or the zoning staff. If the vehicle meets TPZ's definition of "commercial vehicle", it's allowed. If the vehicle does not meet TPZ's definition of "commercial vehicle", it's prohibited. No zoning approval is involved.

The benefit of not going through an approval process is obvious, but the downside is it creates the opportunity for misunderstandings. Homeowners might think their vehicle is allowed when it's actually prohibited, and neighbors might think the vehicle is prohibited when in fact it's allowed. The definition makes clear what type of vehicle is allowed and what types are prohibited.

In a separate section of the zoning regulations, a second commercial vehicle is allowed by special permit. That gives the homeowner who has a legitimate need for a second commercial vehicle the opportunity to make their case at a public hearing, where the neighbors can ask questions and express their feelings about it. The special permit process gives TPZ the authority to approve with conditions, which is something TPZ cannot do for an activity that is by right. It was noted at the last meeting that the special permit process is cumbersome, which is true. But holding a public hearing strikes a balance between preserving the residential character of the neighborhood and letting an occasional homeowner have a second commercial vehicle.

As requested at the last meeting, I added a provision for a dump truck or other prohibited vehicle, provided the owner obtains a special permit.

Attached is the draft with all the deletions and additions highlighted, as well as a "clean" version which is easier to read.

cc:
file

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PROPOSED AMENDMENTS TO “COMMERCIAL VEHICLE” ZONING REGULATIONS

Section 3.22 Accessory Structures and Uses Permitted in Residential Zones

3.22.1 Accessory Structures and Uses Permitted

C. Commercial Vehicles (effective XX-XX-2020):

1. One commercial vehicle not exceeding 15,000 pounds gross vehicle weight and a cargo area not exceeding 200 square feet customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle shall be parked either in the driveway or on some other suitable paved area in the side or rear yard.
2. “Commercial Vehicle” is any motorized vehicle used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:
 - a) Step vans, pickup trucks, cargo vans, box trucks, flat bed or stake bed trucks.
 - b) Any vehicle outfitted with a backup alarm shall be deemed a commercial vehicle.
3. Vehicles permitted to be kept at a residential property in accordance with Section C.1 do not include:
 - a) Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
 - b)** Buses, semi-trailers, tractor trailers, dump trucks, and wreckers.
4. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.
5. See Section 3.4.8 to obtain TPZ permission for a second commercial vehicle or for a vehicle that does not comply with Paragraph 3 of this Section.

Section 3.4 Special Permits Allowed in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission in any residential zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.4.8 A second commercial vehicle as defined in Section 3.22.1C, or one vehicle that does not comply with Section 3.22.1C.

PROPOSED AMENDMENTS TO “COMMERCIAL VEHICLE” ZONING REGULATIONS

[new text is shown in **bold underline**; text to be deleted is shown in ~~**bold strikethrough**~~]

Section 3.22 Accessory Structures and Uses Permitted in Residential Zones

3.22.1 Accessory Structures and Uses Permitted

C. Commercial Vehicles (effective XX-XX-2020):

1. **A One** commercial vehicle **not exceeding 15,000 pounds gross vehicle weight and a cargo area not exceeding 200 square feet** customarily used by the resident for transportation is permitted for each dwelling unit. ~~Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right-of-way. Such vehicle shall be parked either in the driveway or on some other suitable paved area in the side or rear yard.~~
2. “Commercial Vehicle” is any **motorized** vehicle ~~or piece of equipment~~ used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include, **but are not limited to:**
 - a) Step vans, **pickup trucks**, cargo vans, box trucks, flat bed or stake bed trucks, ~~buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.~~
 - b) ~~Heavy-duty earth moving equipment, cement mixers, trenching pipe-laying equipment or other similar type of construction equipment.~~
 - c) ~~Any vehicle with more than 2 square feet of signage affixed to the outside, not including registration and license information identifying the owner/occupant as required by the Department of Transportation and the Department of Consumer Protection.—~~
 - b) ~~Any motorized vehicle which has two (2) or more of the following characteristics :~~
 - (1) ~~Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;~~
 - (2) ~~Exceeds seven (7) feet in height from the base of the vehicle to the top;~~
 - (3) ~~Exceeds twenty (20) feet in overall length;~~
 - (4) ~~Has more than two (2) axles;~~
 - (5) ~~Has more than 4 tires in contact with the ground;~~
 - (6) ~~Used or built to carry more than 8 passengers;~~
 - (7) ~~Designed to sell food or merchandise directly from the vehicle or trailer itself;~~
 - (8) ~~Has modifications or attachments including but not limited to a plow, platform rack, hoist, spreader or hopper.~~
 - c) Any vehicle outfitted with a backup alarm **shall be deemed a commercial vehicle.**

3. Vehicles permitted to be kept at a residential property in accordance with Section C.1 do not include:
 - a) Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
 - b) Buses, semi-trailers, tractor trailers, dump trucks, and wreckers.
4. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.
5. See Section 3.4.8 to obtain TPZ permission for a second commercial vehicle or for a vehicle that does not comply with Paragraph 3 of this Section.

Section 3.4 Special Permits Allowed in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission in any residential zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.4.8 A second commercial vehicle as defined in Section 3.22.1C, or one vehicle that does not comply with Section 3.22.1C.

C. Commercial Vehicles (effective XX-XX-2020):

1. One commercial vehicle not exceeding 15,000 pounds gross vehicle weight and a cargo area not exceeding 200 square feet customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle shall be parked in the driveway or other suitable paved portion of the property.
2. "Commercial Vehicle" is any motorized vehicle used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include, but are not limited to:
 - a) Pickup trucks, step vans, cargo vans, box trucks, flat bed or stake bed trucks.
 - b) Any vehicle outfitted with a backup alarm.
3. Commercial vehicles permitted under Section C.1 do not include:
 - b) Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
 - c) Buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
4. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: August 3, 2020
Subject: **Town Planner Report for August 12, 2020**

1. COVID-19:

A. Outdoor Seating: There have been no new requests for outdoor restaurant seating since the last TPZ meeting, but I did receive three requests for other outdoor activities under tents. The Executive Order that authorizes zoning officials to approve outdoor food and beverage activities also authorizes zoning officials to approve outdoor retail activities. I therefore approved the following:

1. 354 Main Street (Werner's Best): a tent in the parking lot to sell CBD products.
2. 41 Commerce Court (Big Sky): a tent on the adjacent property to provide shelter for people engaged in fitness activities.
3. 155 Lowrey Place (Newington Republican Town Committee): a tent in the parking lot for political campaign activities.

B. Home Businesses:

The zoning regulations allow two types of home business. The first type is strictly by phone, computer, or mail with no customers arriving and no indication that there is a business going on. That type is by right, with no approval by TPZ or the zoning staff. The other type is more intense, with customers arriving and up to one employee. This type of home business requires a special permit from TPZ. It has been brought to my attention that during the COVID-19 pandemic many hairdressers do not want to work in their usual salon, and would like to work from home, with only one customer in the house at a time. This is prohibited in either of the two types of home businesses.

I recommend the regulations be amended to let licensed barbers and hairdressers work from their home, at least for the time being. The amendment could have an expiration date, such as one year. If the Commission agrees with the concept, the public hearing on the amendment could be as soon as September 9, 2020.

2. Outstanding TPZ Performance Bonds:

See attached spread sheet for explanation and status of outstanding performance bonds.

cc:
file

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PERFORMANCE BONDS

Received	Name	Balance	
1978	open balance	\$4,097	
	Windham Associates	\$109	
	Foxboro	\$12,813	
	Horizon Hills	\$8,641	
	Aldrich Estate	\$3,600	
	Parking Lot - 27E Cedar	\$2,000	
	Kimberly Development	\$4,500	
	1994-95 Bonds		
	Zag Machine	\$4,200	
	508-12 Cedar Gallicchio	\$2,500	
	1998-99 Bonds		
	178 Richard St-Crnobrnja ad Brennan	\$320	
	1999-00 Bonds		
	Boyland Development (Hops//IHOP)	\$5,700	
	Jefferson Court (Howard/Sprague)	\$998	
	Mills Construction (63 E.Cedar St.)	\$1,500	
9/9/2003	Peter Niro (Commerce Court Ready)	\$6,000	Old fence never removed per approved site plan.
1/31/2003	Target (Richard St)	\$10,000	Mature sycamore to be preserved.
6/7/2004	Patrick Snow - Boylston St.	\$5,400	04aug2020: 80 Howard; driveway and grass. Recommend release.
6/6/2005	1460 WILLARD AVENUE	\$2,500	28jul2020: Private home; developer never finished site work. Ownership has changed hands 6 - 8 times since then.
3/20/2006	95 Waverly Drive	\$5,000	03aug2020: Private home; builder put driveway in wrong location. Homeowner initially said he would resolve the issue but never did.
7/17/2006	MORETCO INC.	\$3,338	20jul2020: No information available; possibly associated with Town Center façade program.
7/24/2007	Rockledge Drive Subdivision	\$3,150	25nov2013: Developer defaulted on street trees. Ten trees were planted using bond money; developer consented to remainder pay for trees elsewhere in Newington.
3/28/2008	Best Yet Market Lowrey Place	\$7,700	03aug2020: Bond was supposed to be given to new owner. Researching why this did not happen.
8/18/2008	New Meadow Elderly Housing Ph II - New Samaritan	\$2,000	07jul2020: Email sent to developer, requesting information on what the outstanding issue is.
1/30/2009	LA Fitness 3563 Berlin Tpke	\$5,000	31jul2020: Second course of bituminous and pavement markings have been installed; recommend release.
02/13/17	14 FENN ROAD-STARBUCKS	\$9,919	23jul2020: Release requested; pending inspection by staff.

PERFORMANCE BONDS

Received	Name	Balance	
8/28/2019	BOND - OREILLY 3443 BERLIN TPK	\$5,000	24jun2020: Released by TPZ.
3/30/2020	Bond 188 Costello Rd/Brian DiCoccio	\$66,000	31jul2020: Email sent to developer, suggesting partial release.