

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

SEPTEMBER 23, 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>

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**Amended AGENDA**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

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

V. ZONING ENFORCEMENT OFFICER REPORT

Documents:

[8-31-20 ZEO REPORT - AUGUST.PDF](#)

VI. REMARKS BY COMMISSIONERS

VII. APPROVAL OF MINUTES

Documents:

[TPZ MINUTES 26AUG2020 REGULAR.PDF](#)  
[TPZ MINUTES 09SEPT2020 REGULAR.PDF](#)

VIII. PUBLIC HEARING

- A. Petition #29-20: Special Permit (Sec. 6.2.5) For Free-Standing Sign At 395 Willard Avenue. Colchester Properties LLC, Owner; Sign Lite Inc., Applicant; Mark DeTulio, 6 Corporate Drive, North Haven CT, Contact.

Documents:

[TP MEMO RE LEARNING CENTER SPT 23SEP2020.PDF](#)  
[APPLICATION 29-20 LEARNING CENTER SPT.PDF](#)  
[EXCERPT WILLARD\\_395\\_SITE PLAN MNMNT LOCATED.PDF](#)

- B. Petition #30-20: Zone Change From B, I, R-7 And R-12 To PD At 33, 39 And 45 Spring Street; 96, 108, 112, 116, 126, 120 And 129 Willard Avenue; And 230 West Hill Road. Gibbs Oil Company, Applicant; Kenneth R. Slater Jr., Esq., 225 Asylum Street, Hartford CT, Contact.

Documents:

TP MEMO RE GIBBS ZC 23SEP2020.PDF  
APPLICATION 30-20 WILLARD AVE ZC.PDF  
NARRATIVE (1).PDF  
ZONE CHANGE MAP AND LOCATION MAP 30-20.PDF  
NEWINGTON JUNCTION GENERAL CONCEPT PLAN.PDF  
PHILLIPS 66 DUNKIN DONUTS SITE PLAN.PDF  
PHILLIPS 66 DUNKIN DONUTS ELEVATIONS 1.PDF  
PHILLIPS 66 DUNKIN DONUTS ELEVATIONS 2.PDF  
PHILLIPS 66 DUNKIN DONUTS SIGNAGE AND GRAPHICS PLAN.PDF

#### IX. NEW BUSINESS

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

Documents:

TP MEMO SAPUTO SPM 23SEP2020.PDF  
APPLICATION 31-20 SAPUTO SPM.PDF  
SAPUTO SITE PLANS SHEETS 1 AND 2.PDF  
SAPUTO AERIAL PHOTOGRAPH .PDF

- B. Petition #33-20: Sec. 8-24 Referral Of Proposed Sale Of Former National Welding Property At 690 Cedar Street. Newington Town Council, Owner/Applicant.

Documents:

TP MEMO 33-20 NATIONAL WELDING 8-24 23SEP2020.PDF  
AERIAL PHOTO NATIONAL WELDING.PDF  
OVERLAY DISTRICT EXCERPT.JPG

- C. Review "Commercial Vehicles In Residential Zones" Regulation (Sec. 3.22.1.C), And "Use Of Residence For Personal Business" And "Home Occupation And Professional Office" Regulations (Sec. 3.3.3 And Sec. 3.4.4).

Documents:

TP MEMO RE COMMERCIAL VEHICLES AND HOME BUSINESSES  
23SEP2020.PDF  
CHANGES TO COMMERCIAL VEHICLE REGS 15SEP2020 - CLEAN.PDF  
HOME OCCUPATIONS.PDF

#### X. OLD BUSINESS

- A. Performance Bonds

Documents:

TOWN PLANNER REPORT ON BONDS 23SEP2020.PDF  
DEVELOPER BONDS OPEN AT 6-2-20 - WORKING COPY 17SEP2020.PDF

#### XI. TOWN PLANNER REPORT

Documents:

TOWN PLANNER REPORT FOR 23SEP2020.PDF

XII. COMMUNICATIONS

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

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

# Zoning Enforcement Officer Report

Printed: Tuesday, September 1, 2020  
for the Month of AUGUST 2020

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## 121 HARTFORD AVENUE

08/12/2020 ALLEN

2 ROOSTERS WITHOUT 5 ACRES.

### *Actions and Inspections*

### *Status*

8 /12/2020 COMPLAINT  
RECEIVED - ZEO OUT  
OF OFFICE

8 /17/2020

8 /17/2020 ADDITIONAL  
COMPLAINT RECEIVED

8 /21/2020 ROOSTERS REMOVED      Compliant

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## 898 MAIN STREET

08/27/2020 PAGE

FENCE LOCATED WITHIN RIGHT-OF-WAY.

### *Actions and Inspections*

### *Status*

8 /27/2020 COMPLAINT RECEIVED

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## 41 ROSEWOOD DRIVE

06/26/2020 CARONE

CHICKENS LESS THAN 5 ACRES

### *Actions and Inspections*

### *Status*

6 /26/2020 ON HOLD FOR TPZ TO  
CONSIDER CHICKEN  
REGULATIONS.

6 /26/2020 COMPLAINT RECEIVED

8 /5 /2020 VIOLATION NOTICE  
SENT - 7 DAYS      Violation Notice Sent

8 /5 /2020 ADDITIONAL  
COMPLAINTS  
RECEIVED. FOX  
ROAMING AREA.

8 /12/2020 RECEIVED PLAN FOR  
COMPLIANCE

8 /17/2020 CONFIRMED  
CHICKENS WERE  
MOVED TO  
ELLINGTON OVER THE  
WEEKEND.      Compliant

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**43 WELLES DRIVE NORTH**

07/29/2020 ANONYMOUS

HOME BUSINESS 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.	
8 /18/2020	PLAN FOR COMPLIANCE: WILL MAKE SURE HOBBIES WILL NOT APPEAR TO BE A BUSINESS AND WILL COMPLY WITH REGULATIONS. WILL MONITOR.	Will Monitor
8 /18/2020	SPOKE WITH OWNER ABOUT COMMERCIAL VEHICLE AND HOME BUSINESS REGULATIONS.	
8 /31/2020	FOLLOW-UP: NO SIGN OF HOME BUSINESS.	Compliant

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NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

August 26, 2020

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

- I. **PLEDGE OF ALLEGIANCE**
- II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

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

Commissioners Absent

Commissioner Hyman Braverman-A

Staff Present

Craig Minor, Town Planner

- III. **APPROVAL OF AGENDA**

Chairman Pane: I don't see any major changes Craig, correct?

Craig Minor: Just two procedural ones Mr. Chairman. I left off Item 4, Public Participation, and Item 10 Town Planner report, so I recommend that they be added.

- IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda, each speaker limited to two minutes. Use the Zoom "Hand Raised" function.

Chairman Pane: Is there anyone from the public who would like to speak?

James Krupienski: At this time we have no public on the meeting Mr. Chairman.

- V. **REMARKS BY COMMISSIONERS**

Commissioner Sobieski: I have a question for the Town Planner and you, my understanding is that Andrew is being transferred, is that so?

Chairman Pane: I don't know about that.

Craig Minor: It's more complicated than that. I don't know if I'm at liberty to go into detail on that.

RECEIVED FOR RECORD  
IN NEWINGTON, CT  
2020 SEP - 1 AM 11: 27  
Domenic O. Pane  
Town Clerk

Chairman Pane: I don't think it's appropriate to go into that now. It doesn't affect us.

**VI. PUBLIC HEARING**

A. Petition 19-19: Proposed Plan of Conservation and Development 2020-2030 Town Plan and Zoning Commission, Applicant, Continued from August 12, 2020.

Chairman Pane: I'll open it up to Commissioners if they have any questions or comments. We have left this public hearing open for a long time, and the only comment that I have is that it's basically a guide so everything in here is a guide and you don't have to follow it to a T. The transit area on Cedar Street, I have problems accepting that we turn over our industrial property all to residential property. In our last plan of development, we had language in there that prevented our industrial property from being turned into residential property and the piece on Cedar Street is probably the toughest site to get approved for housing because of the industrial waste over there. I mean, on Crest Pontiac it was only an auto dealer and you saw what they had to do to clean that property up. Imagine what they would have to do to clean up the industrial waste over on the other side.

I'm in favor of a transit area, a transit station, I'm in favor of that, but I'm wondering whether or not we can accomplish that with still our industrial property, without giving up our industrial property. I'm not expecting anybody to change anything, I wanted everybody to know how I felt on it. We talked about this quite a few times, and I'll open it up for discussion with everybody.

Commissioner Fox: I have to agree that it would not be in our best interest to convert industrial property to residential property, but as you said, this is a guide, and I think if there were any applications we can discuss it and of course if someone wanted to have residential property it might be a little harder to deny them, but I think we can still work around it. Thank you.

Chairman Pane: Thank you. Are there any other Commissioners that would like to speak?

Commissioner Sobieski: I also agree with you, I don't want to turn all of our industrial property into residential, however I believe with the transit station doesn't care whether we left this industrial or residential or whatever we did on it. I agree with Commissioner Fox and you that we don't want to change all of our industrial property.

Chairman Pane: Thank you Stanley. Are there any other comments from any other Commissioners?

Commissioner Claffey: You know, I hold all the concerns that you as the Chairman and the past Commissioners just spoke of, my fear of leaving it in there, and I know it's just a guideline, but there is a legal obligation of a guide line and your basis of saying no to a residential development when your guideline is saying it's okay to bring before us, I know there was, in that area of town, there's that plot of land, plus the plot of land across the street, that they spoke of, the north side and the south side, there's a lot of acreage. I'll go back to, we haven't even been able to build out the Fenn Road side of Cedar Street and my fear back to keeping the residential in there where it currently is a different zoning section, we as a Commission couldn't even come to an agreement across the street when a residential property more recently wanted to come in and put 80 units there on less than ten acres. I don't know how much residential we are going to get to come into a forty acre site that is one hundred percent industrial land now, could almost be a brownfield, I just don't know why then we would want to leave that open and take away a thriving area of our town center in the POCD where you would probably want to keep your town center. If you took, and a developer came in, that amount of acreage at the Cedar Street site would almost take your town center and destroy it to an extent. Putting residential on a, I'm thinking about it, and not hearing any opposition from our town council members who many times wanted to speak about it, but never came to us and gave us what they thought, but then two years ago, the town council was pushing for us to figure out a way for housing not to be across the street. I think you are kind of, the town

could be talking out of both sides of their cheeks. I don't think it's a prime location since there is manufacturing that is slowly developing on a smaller scale in many communities that abut Newington. So, I think it would be hard to allow someone to come in on a guideline and say we want to put housing and not really have a way to say no to them, and then we are back in the same potential lawsuit that we were in, with the site right across the street, so I think in the POCD I think we have to be more focal on the downtown area, and it seems over the many months and almost year that we have been at this, we forgot about the downtown, and we focused on the transit district because that State came and said, hey, we'll maybe put a train station there. The train station is not going to bring people to move into a forty acre area for housing. It's not going to be conducive to that, you won't get enough housing in there, so I think our focal point is to go back toward the center of town where there is housing already there, it's surrounded by single family homes and I just think as a community we missed that and have been focusing on the wrong quadrant of our town to push housing. I'm not in favor of the housing option there, I just think it would add a disaster to that area to be frank.

Chairman Pane: I agree with Commissioner Claffey that the town center has to be protected and I wouldn't want to try to create a second town center. I would like to open it up now.

Commissioner Woods: I'm probably in the minority here, I'm not in favor of taking all of our industrial land and turning it into residential but I think it's important for us to leave our options open. We have land that we need to develop so we can continue to grow our tax base. I think if we have learned anything over the last four or five years, we have not done a good job on that. We don't necessarily get to pick all of the time, what is going to move forward. We can work with developers but we don't know what specific projects will work in the open market and I just don't think we should limit ourselves. There is a fair amount of raw land in that area, that is undeveloped and it's, some of it is industrial, but if someone wanted to come with some sort of housing, I don't think we should be opposed to it, we should at least entertain it. That's just my two cents.

Chairman Pane: Thank you very much, I agree with you to a certain point. That's why I'm not proposing any changes and I know there is raw land there, but I don't know, I've got to wonder whether some of that, and maybe time will tell, is economically feasible to even put housing because of the industrial waste over there, but I guess someday, if somebody is interested, that would be something that they would analyze. One of the other things that you could do over there is, you could create a small industrial park for small businesses. There are not many places for a small business to buy an acre and put up a six or seven thousand square foot building for a small business, so that is a possibility too. You have to remember, the transit people for the State of Connecticut said they didn't care whether there was housing or not, they just wanted to have the option of putting the transit there. I'm open to.....

Commissioner Woods: Mr. Chairman, I'm not really focused on that particular piece, I'm actually thinking a little further west, across from the proposed train station, across from the existing bus station and all of that land, and maybe we could actually work a deal that if the State of Connecticut and Central Connecticut University is going to let that land go, that was the old 291 land, we have access to that through Newington to get to that land. There is a big parcel of land in there that could be, I don't think it is appropriate for housing, but maybe some housing could be in there, but it could make a great industrial park.

Chairman Pane: Thank you very much Commissioner Woods.

Commissioner Lenares: Just to talk about what some of the other people were talking about, I kind of agree with what everyone is saying, and I don't think Commissioner Woods is in the minority at all. I echo some of the things, as well, and more importantly, not to be for or against any particular type of development in any particular zone, but more importantly, not to limit ourselves, in the future in what we could allow or deny, listen to, I think it's important to be specific in this plan which I think in parts it is, and we need something specific where we are big enough to allow options in the future, and like you said Mr.

Chairman, not necessarily in, or Mr. Woods rather, not necessarily in one particular area, but in all the areas going forward, so I think just to weigh in on the plan, and some comments from me, I think it's good, I think it's vague enough to have considerations in the future, but yet specific enough to have protections for the town, the town center and the residents going forward as Mr. Claffey had talked about as well.

Chairman Pane: Thank you very much for your input Commissioner Lenares.

Commissioner Woods: One more point popped into my head, and this is unfortunate, but it is reality that we are dealing with, while we all value industrial land and it does bring obviously very good jobs along with it, unfortunately in the State of Connecticut it doesn't bring a good tax base. It used to and we coveted that because of that factor, but that is gone now, obviously, the State has, all of the personal property and the machinery is now tax exempt. So, we have several pieces of property in this town that they would be on the top ten list, and they start there, then they fall right off because all of their personal property is exempt, but we need to grow our tax base and we need to keep that in mind, and again, I'm not saying all should go to housing, that is not what I'm trying to get at, but we need to enhance our tax revenue. I understand Mr. Chairman that you are not against that, you only voiced a concern, and I share that with you, I'm not actually against you, but I'm just trying to make sure that we do the best we can, and I think we are on the same page. You want to leave it open, but you have some concerns, and I appreciate that.

Chairman Pane: I do think we are on the same page, I'm not suggesting any changes, I just wanted to bring my concerns to the table. Any other Commissioners like to comment on this? This is a public hearing. Is there anyone else James on from the public here.

James Krupienski: No public on for us Mr. Chairman.

Chairman Pane: Okay, if there is no objection, I would entertain a motion to close Petition 19-19 and move it to Old Business for action.

Commissioner Fox moved Petition 19-19 be closed and moved to Old Business. The motion was seconded by Commissioner Sobieski.

Commissioner Claffey: I think the only discussion, maybe back to our Town Planner, that the POCD is a guideline in regards to, and focuses on that area of town that we were just discussing. Does anything in the POCD as we move forward and I know we have done this diligently, but no one brought it up, doesn't conflict with any other areas over there that would hinder what some of the Commissioners said, like Commissioner Woods, you know, would one side of the road be better than the other, or you deny me here, but you approve me over there, I mean, have we looked at all, I just want to make sure that we have looked at all, you know, a guideline is just a guidelines, but then it sometimes blows up in our face.

Craig Minor: As one of the other Commissioners mentioned, it is a guideline and you can use it at your discretion. The exact same project on one side of the street might not be a good thing for Newington on the opposite side of the same street. Every case is just different enough that the Commission in good faith said no to one developer but said yes to what looked like a similar developer a year later, that would stand up in court as long as it was in good faith, and there were legitimate reasons why the Commission said yes to one and no to the other.

Commissioner Claffey: I just really want to make sure we don't get into this dissertation and then we are back to what happened on that same road across the street from the property that we are trying to make more feasible to potential growth. That's all. Thank you.

Chairman Pane: We have a motion and a second. If there is no other discussion...the vote was unanimously in favor the motion, with seven voting YEA.

B. Petition 21-20: Zoning Text Amendment (Sec. 5.3; 6.1; 6.10; 6.15; 7.4; and 9.2) to revoke the Low Impact Development (LID) regulations. Town Plan and Zoning Commission, Applicant.

Chairman Pane: Craig, would you like to give us a little report on this?

Craig Minor: This would basically delete all of the LID regulations that were adopted back in 2014. This basically turns the clock back on LID. It's a public hearing so I imagine that you will be hearing from the public on it. I do want to point out, as I said in my memo, that the CCROG regional planning commission was not in favor of it, because it does not comply with the regional plans in terms of environmental protection. It also conflicts with the soon to be former POCD which talks about protecting the natural environment. I don't know if the new POCD does it to that extent, but the current one does, and that is all in my memo, so it isn't anything the Commissioners haven't heard before or read in my memos. That's all I have Mr. Chairman.

Chairman Pane: Naturally if this gets approved I don't know if we would adjust anything in our 2030 Plan if it references it. We can do that after a public hearing. Is there anybody, James from the public here that would like to speak?

James Krupienski: No one is logged on for the meeting Mr. Chairman.

Chairman Pane: Thank you very much. Any Commissioners have any comments? You have to remember this is, besides an economic, it's the soils in Newington that are not conducive to percolating water at a very good rate. We have a lot of clay soils here in Newington so I think that if there is a site that happens to percolate well, be it a gravel pit or something, then the developer will naturally use some LID general guidelines for the development, but generally speaking, our soils are not, are all clay and just not a good mix for this type of regulation, and it's caused a lot of problems and a lot of expense to developers and I think without this we could possibly get some additional development.

Commissioner Claffey: One question for this petition specifically, Mr. Planner, hypothetically this gets removed later tonight, are there still, to be clear to let everyone know who might be watching this later, or watching this live now, there are still requirements in our zoning regulations and construction regulations that still deal with runoff, home runoff, your business runoff that are still in place like buffering between business and residential, and water can't be drained from your house, technically over the property of your neighbor, etc, etc., so we still have some form of, and I don't want to use the term LID, engineering practices to prevent some of this, not all of it because we know the reason why we are taking it out, the difficulty for some people in this general region of Newington to adhere to it, so are we good to say we still have engineering practices in place for subdivisions, businesses?

Craig Minor: Absolutely. This just turns the clock back to 2014, not 1914, this is going back to your father's storm water management.

Commissioner Claffey: Okay, I just want to make sure that it is clear that there are still things that developers have to adhere to, it's not that they can come in here like the wild west and do what they want.

Chairman Pane: Craig, just because we don't have the LID regulations if some reason a developer wants to use LID engineering practices on his site, nothing says that he can't do that.

Craig Minor: Correct.

Chairman Pane: Okay, thank you. Any other Commissioners have any comments? James, no public, right?

James Krupienski: No public, Mr. Woods has his hand up though.

Commissioner Woods: I agree with you one hundred percent, I think that this needs to be rescinded. I think that while it was very well intentioned, unfortunately it just don't work well in our community with the soils that we have so I think this unfortunately more of a burden to not only homeowners but also businesses.

Commissioner Haggery: Just for my information, what was occurring back in 2014 or even previous to put this in the regulations. Was there something happening to say, hey we have to make a change?

Chairman Pane: I believe there was a grant for \$50,000 and we applied for the grant, we did some work over at Clem Lemire field and then we put the regulation together, is that correct, Craig?

Craig Minor: That's correct, there was money to develop and adopt these regs, so we did, and it seemed like a good idea at the time.

Commissioner Woods: It did, it seemed like a great idea at the time, but I think it has proved that it has caused more of a burden on our applicants than it has helped the environment.

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

Commissioner Haggerty: Yes, thank you.

Chairman Pane: Any other question from the Commissioners?

Commissioner Fox moved to close Petition 21-20 and move it to Old Business. The motion was seconded by Commissioner Sobieski.

Chairman Pane, zoom frozen

Vice-Chairman Claffey: We can move this to Old Business and act on it tonight?

Craig Minor: Yes. Mr. Claffey do you want to call for a vote for the motion that is on the floor?

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

C. Petition 22-20: Subdivision Text Amendment (Sec. 2.0, 3.0, and 6.0: Low Impact Development Regulations ) Newington TPZ Applicant.

Chairman Pane: I'll ask Craig to explain this second part.

Craig Minor: This is the subdivision side of the LID equation so now if this amendment is adopted subdivisions will not have to comply with the LID subdivision regulations for the same reasons that the Commission looks like it is to adopt rescinding the LID, the zoning LID regulations.

Chairman Pane: Thank you Craig.

Commissioner Claffey: The only question I have on 22-20, we had a subdivision come in recently, I think it was Deming Farm, are they going to be under the old rule, or the new rule.

Craig Minor: Frankly, the staff saw the way that the wind was blowing when it reviewed Peckham Farm so we did not hold that applicant to the LID regulations.

Commissioner Claffey: Okay, so it went back to the standard engineering practices.

Craig Minor: Pretty much, yes.

Commissioner Claffey: Okay, thank you, just wanted to make sure. I didn't want to have an undo burden on them moving forward. Thank you. I have nothing else Mr. Chairman.

Chairman Pane: Any other questions from the Commissioners? Is there anyone from the public?

James Krupienski: No one on with us. Commissioner Claffey does have his hand raised.

Commissioner Claffey: One other question, was there anything brought back by the Town Council, no one said in the memo, or when it was sent to the Conservation Commission was there any conjecture, cause for alarm from them?

Chairman Pane: I don't believe that they have responded at all. Craig, have they?

Craig Minor: No, and this would have been the opportunity to do that, at this public hearing.

Commissioner Claffey: Just want to make sure we are covered on that angle. Thank you.

Commissioner Fox moved to close Petition 22-20 and move it to Old Business for action. The motion was seconded by Commissioner Claffey. The vote was unanimously in favor of the motion with seven voting YEA.

## VII. 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: I believe Commissioner Claffey has asked for our home business regulations to run in conjunction with this because they tie together.

Commissioner Claffey: Yes, that is correct. I think that both of these in a weird way, in a legal way, we are changing things that kind of should run parallel with each other. If we have them on the agenda, we have them back to back. I don't know the legality of discussing both together.

Chairman Pane: We wouldn't discuss them both together, but if they could both be on the agenda maybe Craig could add that to the agenda for the next meeting.

Craig Minor: There is no problem with you discussing them as one item under New Business, it's just when we get to a public hearing they should be separated.

Commissioner Claffey: One last question if I may Mr. Chairman, looking at this document after the Town Planner's memo dated August 13<sup>th</sup>, when you turn to the next page you see what I think is the new proposed to be discussed, points, my only concern is, in previous years we have run, when we have changed something, we have had the old language and the new language together. This is a little confusing. I know what some of the old language reads but I think when we are changing something this

drastic, we need to show what 3.22.1C.2 was the old definition and what we are thinking is the new definition. I think we need to see it visually, so everyone understands what we are talking about heavy duty earth moving equipment, where before we used to give a physical weight to it, or something like that, you know what I'm saying.

Chairman Pane: I think it's set up isn't it with bold and strike outs.

Craig Minor: Mr. Chairman, last month I did it that way, I gave you the strike outs and I also gave you what I call the clean version. Tonight I only gave you the clean but I will, next meeting I will give you, along with all of the strike outs that Commissioner Claffey is asking for, and the clean version together.

Chairman Pane: Thank you Craig.

Commissioner Claffey: I guess the continuation of that question is, do we want to discuss this at all, or do we want to wait, I think we need to discuss it a little bit. I know we discussed it two weeks ago on truck sizes and I know Commissioner Woods had mentioned that some truck weights had changed with different vehicles. I'm not fully vetted in certain weights, up to a F450 but not a 550, I think they make a 650, I mean those weights get to be pretty heavy. Do we want to discuss it a little bit? Do we want to give it ten minutes?

Chairman Pane: Absolutely, go right ahead. If you have any concerns on it, go right ahead and then Commissioner Woods has something after you finish.

James Krupinski: Before you start Mr. Chairman, would you like me to put last month's markups on the screen?

Chairman Pane: Certainly. Thank you. Go ahead Commissioner Claffey and then Commissioner Woods.

Commissioner Claffey: Most of this can all be wrapped into one as a discussion point, but I think the weight and size of certain vehicles I know in my neighborhood I know I open my door and I look at a plumber who lives across the street and he has a beautiful truck, I mean, he keeps it clean. I have a land surveyor diagonally across from me, has a regular passenger van with the name of the company. It's not obtrusive, the name of the company, it fits in his driveway and they both fit in the driveway, they don't park on the grass, I think my kind of hiccup with this is when we get to a size of vehicle and you know, the use of one vehicle for one commercial vehicle size can be drastically different than the other. How big are we going to get before it gets almost too obtrusive for our residents and neighbors to not have to open their doors to see a tri-axle in the driveway? Because under the rules the dual axle or tri-axle fits under the 15,000 pound weight. I don't know, I think, pick-up trucks and (inaudible), I mean we are a town of many small businesses that use their vehicles, I'm not opposed to that, not at all. I mean, I have a business with a vehicle, it's a commercial vehicle, but it looks like a regular car, but under your guidelines, it's a commercial vehicle. That's okay to have in my yard, but then it's almost okay a 18 wheeler, cab and chassis sitting in the front of the home, in the driveway. It's, I mean, how big are we going to get? How big to they get Commissioner Woods, I don't know.

Commissioner Woods: I think the intent a smaller dump truck, and unfortunately that smaller dump truck while it hasn't really grown in size, it has grown in weight capacity. Those truck now are at 17,500, that is the gross vehicle weight. So, I think if we are going to do this, if we don't make this 17,500, all we are going to do is buy us a lot of headaches. I also think again, Item 2, we then go ahead and define commercial vehicles and I think personally I think we kind of blow it there because then any 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, so that is of right, otherwise we are just

going to have more angry homeowners, and we are going to get angry homeowners anyway because to some people trucks are acceptable and to some people they are not. I think it's a good start, and again, I think the weight definitely has to go up and again, while I have a business myself, I drive a small little pickup truck. I don't drive any commercial vehicles home, none of my people drive commercial vehicles home, so there is no, I'm not gaining anything here, but I do understand the intent of this I believe. There are a lot of small businesses that operate in the Town of Newington, those vehicles do come home, and I don't think most neighbors object to that, and I think that we should make sure that we do allow that.

Chairman Pane: Thank you Commissioner Woods. Any other Commissioners have any comments?

Commissioner Claffey: Can I make a comment on the regulation in our packet, under commercial vehicles, number one, it says in the last sentence, it talks about vehicles shall be parked either in the driveway or on some other suitable paved area in the side or rear yard. Mr. Planner, do we have anything that would contradict, like it's okay for a commercial vehicle to park in the backyard, but a non-commercial vehicle like a passenger car, where people have three or four in their backyard, will that be a violation, will they contradict each other? I feel like sometimes, we go out as a ZEO who goes out and cites somebody for a vehicle parked, a regular vehicle, you know, four tires, sedan size, like a Honda Accord, and he gets cited for parking on the grass, and we've had a lot of debate over what is a suitable paved area. Stone, some people put a block under each tire, are we muddying the waters giving the ability to put two large 17,500 pound vehicles in somebody's back yard? Are we creating another nuisance other than just leaving them in the front of the house in the driveway?

Craig Minor: Currently the commercial vehicle actually, currently such vehicle may be parked on the lot, but shall not be parked in the front yard or in the street right of way. What that means is the plane of the house. Under the current rule that commercial vehicle, that pickup truck, cannot be anywhere in front of the house, even if it is in the driveway, which doesn't make any sense. So what I was trying to do is to come up with regulations that made it clear that a commercial vehicle could be in the driveway, in the side yard or in the rear yard as long it is on gravel, pavement or something, not dirt or mud. Now you raised a good (inaudible) point a minute ago about, well, what about our commercial vehicle regulations. Is this going to create some confusion as to how those are enforced, and I think the answer is yes, there will be some confusion, but I know the ZEO has been out in the past, enforcing people who violate our residential vehicle rules that say that the vehicle has to be operable and if someone has a car that doesn't work, you are not allowed to have it. So, he does cite those people for having an inoperable vehicle, but that is a different section of the rules than our commercial vehicle regulations. I think it is inevitable that there is going to be some confusion.

Chairman Pane: Thank you very much Craig.

Commissioner Claffey: My biggest concern then is the ability to then, you know, I've heard things from people putting new driveways in that Newington is very strict on the five foot property line, when people want to widen their driveway to eliminate the parking on the grass, and if you look at like an R-12 neighborhood like mine, the driveways are tight. They are, some of them are just as wide as the typical car. So, I mean, are we opening ourselves up to having pavement throughout our homes, around potential homes and then even the regulation, which we removed out of the section on LID which we may remove later tonight, so it's like you pave your whole backyard, I don't think we have a lot coverage requirement in our town, so somebody could literally pave their whole backyard up to five feet on three sides. I just think that is not the nature of a residential neighborhood, but our town allows it because we don't have a lot coverage. A lot coverage is something that we don't have because whether you agree or disagree, it has a lot to do with the drainage problems. That is why some communities have lot coverage so the water has a place to go. I just think it is odd that someone might be able to park two 17,500 pound vehicles in the back yard. I don't know, I don't know what everyone else is feeling.

Craig Minor: You have to remember that the second vehicle has to be by special permit and the Commission can say no.

Commissioner Fox: Listening to Commissioner Claffey I think he answered my question, talking about, right now, commercial vehicles would be allowed in the front yard, as long as it is on pavement, side yard or back yard. I think Commissioner Claffey is right, if I had a truck that I wanted to have parked at my house, I would be able to put just a stone driveway in the backyard. I don't know, it's still kind of confusing.

Chairman Pane: That's why we are going to talk about it some more. Any other Commissioners have any comments?

Commissioner Gill: Have we ever had requirements as far as the vehicle needs to be registered and insured and in good operable condition?

Craig Minor: Yes, I think that the standard rule that all cars have to be operable would apply to this also.

Commissioner Claffey: Do we want to add something like that, like what Commissioner Gill just mentioned? To say like, let's take the pandemic. In my industry, I have two vehicles, but I know guys that took a lot of their vehicles off of the insurance and parked them at their house, and they are registered but they are not insured. What about somebody that says, well, I'm not going to operate, but I'm going to keep this big truck, and it's unregistered. Can we use the residential side of the parking thing that Andrew does that has to be registered? Can you use it laterally for a commercial vehicle, or should we put a subsection for registered, maybe not insured, but at least registered. You could have a registered vehicle and not have it like.....

Chairman Pane: If it's registered, it has to be insured.

Commissioner Claffey: But what I'm getting at is that there is value in adding something in as a commercial vehicle because a commercial vehicle is very different than a standard vehicle like, you know, most of the residents of our town have. Is there something we can pull from the other one to cite somebody for an unregistered commercial vehicle in their driveway, or no, Mr. Planner?

Craig Minor: Yes, we could, but I think your point is well taken so I made a note to myself to add that language in here just to be a belt and suspenders kind of thing.

Chairman Pane: Just a reminder, one of the reasons, that one of the whole reasons we're doing this is to clean up is because there has been a lot of commercial vehicle around the houses. We live in a blue collar town where there are a lot of small businesses and we're just trying to make it easier for the residents without hindering and without trying to ruin a neighborhood.

Commissioner Fox: Yes, I think Commissioner Claffey, no offense, but a vehicle is a vehicle and if a vehicle is parked on any property, commercial or residential if it is inoperable, or unregistered or not insured, they should be fined or whatever.

Commissioner Claffey: You could have an uninsured vehicle on your property, and still have it registered.

Commissioner Fox: Yes, agreed.

Commissioner Claffey: Your point exactly what a commercial.....

Commissioner Fox: I think we are making too much of that. A unregistered car on somebody's property is.....(Two people talking at once)

Commissiner Claffey: Some of the vehicles could fall under another guideline in the state.

Commissioner Fox: My point is, if they are not registered, some commercial vehicles, the larger tractor trailers are temporary, I mean, if that is the case, fine, but if it's not registered, it's not registered and it should not be there.

Chairman Pane: Do any other Commissioners have any comments? Craig, you are going to make a couple of adjustments and then we'll have this on the agenda for the next meeting and will you include the home business regulations too at the same time?

Craig Minor: Yes.

Chairman Pane: Thank you very much. I think we have some work to do on that.

### **VIII. PETITIONS FOR PUBLIC HEARING SCHEDULING**

Chairman Pane: There was a non-profit event on New Britain Avenue for the Methodist Church. I talked to several of the Commissioners and I asked Craig to do this administratively, so Craig, could you just fill us in on what is taking place.

Craig Minor: Since you told me that you wanted to do that, I will advise the applicant that....

Chairman Pane: You haven't called the applicant yet?

Craig Minor: I have not.

Chairman Pane: Please call the applicant, I believe all of the Commissioners have no objection, I talked to several of the Commissioners. I'll open this up on the floor right now, and I wanted Craig to do this administratively to get it out of the way. I know I talked to Commissioner Fox, Commissioner Sobieski and Commissioner Woods. Is there any problem with Craig doing this administratively please?

Commissioner Sobieski: I have no problem.

Commissioner Claffey: Let me ask you, I don't read in here, I remember the Methodist Church, they're doing a drive-in movie night?

Craig Minor: Yes, James can you go to their application?

Commissioner Claffey: My only concern is, are we opening this up for other people to not even come here, i.e. the Chamber coming and presenting like, hey we are going to follow the rules, are we doing this for other reasons because of, it seems to me it's like, hey, Covid messed up our usual fund raiser, our silent auction, they hold I think they hold every October or November down in Hartford, and in lieu of that we want to do this here in town.

Chairman Pane: That is what they are doing, yes. Because of Covid, because they were in a hurry, I didn't see a problem with this, so I asked Craig to do this administratively and I would like him to talk to them tomorrow morning and just handle it and get it off our agenda. The chamber has been very good to the Town of Newington and I didn't see any problems with the cars parking at United Methodist, and I'm sure they are going to follow social distancing.

Commissioner Havens: I don't have a problem with it being handled administratively, I'm just more curious, what would be the special permit requirements that they would need to meet for something similar to this if somebody else was to try this?

Craig Minor: Technically, anyone that applies for a special permit has to comply with the entire chapter of special permit requirements. In most cases, a special permit applicant, the activity doesn't rise to the level where the Commission needs to go through the process of first determining whether there was a need for it, and I think there are five findings that you need to make which technically you should make in all cases when there is a special permit. Those requirement, in a case like this one, where they want to have a drive-in moving night, I don't, I wouldn't see the Commission having them go through as much of a process as say, an adult day care would have to go through, or some other activity that could potentially be a problem for that neighborhood.

Chairman Pane: Thank you Craig. Any other questions or comments? Nobody has a problem with Craig handling administratively. Craig, you will take care of that tomorrow?

Craig Minor: Yes.

## **I. OLD BUSINESS**

### Petition 19-19

Proposed New Plan of Conservation and Development  
Town Plan and Zoning Commission Applicant

Commissioner Fox moved to approve effective August 29, 2020 the new Plan of Conservation and Development, Town Plan and Zoning Commission, Applicant.

### **FINDINGS:**

1. The Town Plan and Zoning Commission began working on the new Plan of Conservation and Development November 2018 and has conducted the development of the new POCD at various open meetings of the town Plan and Zoning Commission.
2. The proposed Plan of Conservation and Development addresses all of the requirements in Section 8-23 of the Connecticut General Statutes.
3. Substantial citizen input on priorities and strategies were obtained at a public information meeting held at the Newington High School August 29, 2019.
4. Draft Plan of Conservation and Development was the subject of a public information meeting held in the town hall auditorium on February 26, 2020.
5. The Capital Region Council of Governments submitted the following comments: "The staff of the Regional Planning Commission of the Capitol Regional Council Governments has reviewed this and finds no apparent conflicts with regional plans and policies, The (inaudible) management principles of the state Plan of Conservation and Development, Plans of Conservation and Development of other municipalities in the region or the concerns of neighboring towns. We commend the Town and encourage reducing (inaudible) as well as exploring shared regional services where appropriate. Staff also commends the incorporation of complete streets in the POCD and commits to working with Newington on regional bicycle planning efforts and adoption of a complete street policy."

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

Petition 21-20

Zoning Text Amendment (Sec. 5.3; 6.1; 6.10; 6.15; 7.4; and 9.2)  
To revoke the Low Impact development ( LID) regulations  
Town Plan and Zoning Commission, Applicant

Commissioner Havens moved to approve effective upon publication, Petition 21-20 Zoning Text Amendment (Sec. 5.3; 6.1; 6.10; 6.15; 7.4; and 9.2) to revoke the Low Impact development ( LID) regulations Town Plan and Zoning Commission, Applicant.

FINDINGS:

1. The Low Impact Development Regulations have a negative impact on economic development in Newington that is disproportional to their environmental benefit.
2. The Capitol Region Council of Governments submitted the following comments: The staff of the regional planning commission of the Capital Region Council of Governments has found no conflict with the concerns of neighboring towns. However, CRCOG does not support the removal of Low Impact Development Regulatory language since it entirely conflicts with multiple goals and policies of the Regional Plan of Conservation and Development that specifically call for encouragement of integration of such principles of local regulations. The conflicting CRCOG goals include, but are not limited to, revised zoning and subdivision regulations to address local and regional land use concerns; increase sustainable redevelopment and in fill development efforts; and growing development in harmony with natural resources. Additionally, this appears to conflict with the town's own POCD policies for natural resource strategy that was just submitted for review.

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

Petition 22-20

Subdivision Text Amendment (Sec. 2.0; 3.0; and 6.0; Low Impact Development Regulation  
Town Planning and Zoning, Applicant.

Commissioner Lenares moved to approve effective upon publication, Petition 22-20 Subdivision Text Amendment (Sec. 2.0; 3.0; and 6.0; Low Impact Development Regulation Town Plan and Zoning Commission, Applicant

FINDINGS:

1. The low impact development subdivision regulations have a negative impact on economic development in Newington that is disproportional to their environmental benefits.

The motion was seconded by Commissioner Sobieski. After a roll call vote of the regular members, the vote was unanimously in favor of the motion, with seven voting YEA.

**IX. TOWN PLANNER REPORT**

Craig Minor: The only item I have reported on are the performance bonds that we have been working on the past couple of month. The memo that I sent to the members this afternoon, the latest chart, we're down to just some six items. These were all discussed at the last meeting. A couple of them, I'll go through them.

The first one.....

Chairman Pane: I was just going to say, the first one there is the old chain link fence that was never removed on Commerce Court. I couldn't find it, I drove over there and I didn't see anything wrong over there at all, so I'm not sure why we still have that.....

Craig Minor: Then it might have been removed since I was over there.

Chairman Pane: The next one is Willard Avenue, \$2500 for a private home, developer never finished site work, ownership had changed. I went to this property with Commissioner Woods and everything looked okay, it didn't appear like the driveway was over to one side or the other and frankly Commissioner Woods and I, looking at their front yard there, we couldn't see any problem at all. Commissioner Woods, do I have that correct?

Commissioner Woods: You do Mr. Chairman. I agree with you. I think we should just return the money.

Chairman Pane: I think so too. Then, Waverly Drive, wrong location.....

Craig Minor: Pat Snow put the driveway like four feet, three feet from the property line, and you need five feet, and it was discovered at the time, and to make sure that either Pat or the homeowner fixed it by either literally moving it, or by buying a couple of feet from the neighbor which was suggested at the time, we took this \$5,000 bond to have Pat Snow or the homeowner to fix it, but I guess \$5,000 wasn't enough because it's been sitting there all these year with no correction to the problem.

Chairman Pane: I didn't go to that location yes, and maybe Commissioner Woods, over the next week, would like to check that one out with me and then we could report back to the Commission on that one. Is that all right with everyone? Commissioner Woods, is that okay?

Commissioner Woods: It's fine with me.

Commissioner Claffey: Who was the bond in name of?

Craig Minor: Premier Development, Pat Snow.

Commissioner Claffey: On Waverly Drive, is that still the same homeowner fourteen years later, or has the property changed hands?

Craig Minor: It is the same homeowner.

Commissioner Claffey: Thank you.

Chairman Pane: The next one is the Rockledge subdivision. There was extra money in there, \$3,150.00 after the Town put some trees in there. I think we should return that to the developer even though, years ago he said keep it, I really think it should go back. I'll open it up to Commissioners comments, if anybody has a comment on that one?

Commissioner Woods: Mr. Chairman, I agree with you. If we were going to do something, we should have done it probably thirteen years ago, so we just kind of held onto the money, we're not really doing anything with it, so it doesn't seem to bother us that much either, I think it should be returned.

Chairman Pane: Very good, any other Commissioners have any comments? The next one is the Fenn Road Starbucks. Did staff check this one out in the last two weeks?

Craig Minor: Yes. We are still hold \$9,919 because the final paving course of the access, what I will call the access road between Cedar and Myra Cohen Way, the final top course has not been put down yet which is fine, because it is still a work in progress. A hotel is going to be built someday, the other piece of vacant land will be built on so that is why the applicant has never put down the final course, which is fine, but that is why we are holding this bond.

Commissioner Claffey: That access road, is that just where the people turn in to their property, or that whole road back out to Cedar Street.

Chairman Pane: That \$9,919 doesn't even begin to cover putting a second course on that roadway. Doesn't even come close. I would suggest that we return the \$9, 919 to the developer because that access road is going to be when he comes in with the next development, that is when he is going to do the paving there.

Craig Minor: Right.

Chairman Pane: Any questions from the Commissioners?

Commissioner Claffey: Did the town code finish on the actual Starbucks parking lot and roadway?

Craig Minor: Yes.

Commissioner Woods: I agree with you Mr. Chairman, this money should be returned.

Commissioner Claffey: Let me play the devil's advocate. Are we bonded on another way for that company or right now that road wouldn't have a bond on it. What if it takes two years to get the developer to come, just a question?

Chairman Pane: It's a private access road, it's not a town road, it's a private access road, almost like within the development so when he gets the next building up, he has to put the second course down pretty much.

Commissioner Claffey: Okay, thank you.

Chairman Pane: So if there is no objection, I would entertain us voting on returning Peter Nero's \$6,000, return 1460 Willard Avenue, \$2500; and Rockledge Drive subdivision, \$3150; and the Fenn road Starbucks, \$9,919 and the Waverly Drive I'll inspect for next meeting. If there no objection, is everyone in agreement to returning those one, two, three, four items?

Commissioners: Yes

Chairman Pane: No one has an objection, Craig, would you take care of that? Then we will be down to two items.

Commissioner Lenares: One thing before you go forward. I know you don't need the pat on the back, and neither does Craig, but this list was significantly longer when we first started and it was tedious to listen to all this stuff, so kudos to you for going through this stuff and to Craig for getting rid of this stuff off our plate and getting this money back to the rightful owners.

Chairman Pane: Thank you Commissioner Lenares.

Commissioner Claffey: One question I have, what is up with the Costello Road? Give me an update on that one.

Craig Minor: It's an industrial building, I don't know what the status of it is at the moment, but they have not requested a bond reduction. I invited them to about a month or so ago, when this first came up, but I haven't heard from them.

Commissioner Claffey: Okay, thank you.

Chairman Pane: Do you have anything else, Craig?

Craig Minor: That's it.

Chairman Pane: I know that Craig talked to me today about, in an e-mail about sidewalks for Dakota property. Do you want to fill the Commission in on that?

Craig Minor: Yes. As I think most of the Commissioners recall, the affordable housing project on Cedar Street, opposite the, well, where Crest Pontiac used to be, was denied by TPZ mainly because there was no sidewalk, and if working people were going to be living in that complex and they were going to be taking CTFastrak to work, they need to get there, and there are no sidewalks, so it just seemed unsafe to the Commission. So it was denied for that reason. The applicants appealed to the courts, and, I'm going to paraphrase, what the judge did was, the judge overturned TPZ denial, because the judge, the bottom line is the judge overturned the denial but with the requirement that Dakota go back to DOT and one last time and make a good faith effort to get DOT to agree to allow Dakota, at Dakota's expense, to install a sidewalk along the north side of Cedar Street from the Dakota site to approximately the Fenn Road intersection. So, Dakota's engineers have been working with DOT and they have come up with a plan that they say that DOT has preliminarily approved, which goes as far as actually just the, what I'm calling the Starbucks road, the access way that connects Cedar Street with Myra Cohen Way that we were just talking about a minute ago. The Dakota's engineers have said that they will, that DOT will make a presentation to the Town about this proposal or this design, it will be during the day, and it will be virtual so I'm not sure how many Commissioners will be able to participate which is a little concerning to me because this is something that the Commissioners felt strongly about, so I think they should be involved in this presentation that DOT is going to make, but that's it, I just learned about this today, shared it with the Chairman and as it evolves I certainly will keep the Chairman informed.

Chairman Pane: Thank you Craig for filling us in on that. Please keep me informed of when that meeting is, during the day, I would like to attend that by Zoom or whatever it is and I'm not too concerned that we didn't have too much input. I understand, I think that the developer and the State have worked something out. From what I understand there is not enough room for a snow shelf and DOT is accepting that because of the difficulty of acquiring a snow shelf. I just wanted to bring that to the attention of the Commissioners and I will attend the meeting and update you when I get more information.

Commissioner Fox: I don't have a really good feeling about not being able to attend. I'd like to attend, I don't know if the rest of the Commission feels that way, but personally, I would like to attend that meeting virtually or not.

Chairman Pane: I don't know if we have much to say, it's just an updating meeting, but we will make sure that Craig sends you the same information that he sends me. He'll send it to all of the Commissioners in case anybody else wants to attend it also.

Commissioner Fox: I should hope that we would be able, but no offense to you or Craig or the DOT, but sometimes these things cause a little loss in the transmission, so you don't get everything.

Commissioner Claffey: Can I ask a question?

Commissioner Fox: Let me finish, but that's okay.

Commissioner Claffey: Sorry. We sat in executive session over this and I'd love to get the legal interpretation of where we can speak for or against this, because it sounded pretty confident in executive session that they were only obliged to keep Craig Minor abreast and keep him included in it. I don't recall him saying that we as a Commission could keep talking against or for it. I would love to.....

Chairman Pane: Commissioner Claffey, I think you are correct. We don't have any say on whether we are for it or against it, we asked them to try to get it and they were supposed to keep us abreast of things but they failed to do that, but that is why we are going to have a chance to listen to the State and the contractor.

Commissioner Claffey: Let me, I'm trying to make sure we're getting clear because you are muddying the waters here. We as a Commission were told in executive session that we could not speak, so how could we attend and say anything, to listen in yes, but it seems that everyone here is making a little assumption that they can go to this meeting and discuss it. I'm pretty sure we are cut off at the knees with that.

Chairman Pane: Yes, we don't have any discussion, I don't believe, on it.

Commissioner Claffey: I just want to make sure because we last spoke of this all in executive session and now we are speaking of it outside of executive session.

Chairman Pane: We're just talking about the sidewalk, we're not talking about anything that was in executive session or anything right now. I'm just bringing it to your attention that the sidewalks are being discussed. It was a very difficult thing for the developer to get the sidewalks, it's not the developers land, so the developer was technically only responsible for in front of his own property, but he did agree to set aside some money, and obviously the judge thought it was important just like we thought it was important to have sidewalks down to, down Cedar Street on the north side.

Commissioner Claffey: It's not a mandate though.

Chairman Pane: It's not a mandate, correct. Any other comments from the Commissioners?

**X. COMMUNICATIONS**

None

**XI. PUBLIC PARTICIPATION (For items not listed on the agenda, Speakers limited to two minutes) Use the Zoom "Raise Hand" function.)**

Carol Anest: I want to thank Andrew for picking up some of the signs, but the swimming pool sign is still on the town green, so if somebody can swing by and pick that up I'd appreciate it.

Chairman Pane: Okay, we'll pass that on, thank you.

**XII. REMARKS BY COMMISSIONERS**

Commissioner Havens: Just to follow up with what you and Commissioner Claffey were discussing, the judge is not making them put in the sidewalk, the developer is doing this as a good faith effort, is that correct?

Chairman Pane: That's correct. The developer is not required to do it, you're right.

Commissioner Claffey: I don't want to leave here and then we hear tomorrow amongst the coffee shops that everyone says, oh my God, they are putting sidewalks in, I just want to make it clear that the Commission had a pretty tight lip on this because we were told by our Town Attorney.

Craig, can you send out, or maybe I missed it, an e-mail, the formulated new version of the new brewery/distillery regs so we can put it in our folders?

Craig Minor: What we usually do is after we have amended the regulations, Cindy sends a complete copy, but you're right, we haven't done that yet. How about if I send everybody what I call a clean version rather than give you an entire set of the regulations?

Commissioner Claffey: That's what I meant, just that section.

Craig Minor: Sure.

### **XIII. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: We have been taking some steps in trying to improve things in our regulations and stuff, and one of the other things that has come up is should we, or should we not be approving restaurants by special exception, or do we remove the special exception and just have it approved by right, and also the outside dining. By removing the special exception on both those items, is it possible that could make it easier for restaurants to, and people who want outside dining to come in to us, knowing that by right they can do it and they are not going to get denied.

Commissioner Claffey: The one concern I have is if you remove that for restaurants, would that be able to go anywhere a restaurant could feasible meet the restaurant requirements Mr. Planner? Or, does that open it to like, oh, there's a strip mall opening and it wasn't a restaurant, I just want to go move a restaurant in there.

Craig Minor: To be honest, I wasn't sure what Chairman Pane's point was, I mean, yes, currently restaurants require a special permit, and if someone has a restaurant and wants outdoor dining pre Covid, they have to come to TPZ and get approval for that, but I wasn't sure what Chairman Pane's point was beyond that.

Chairman Pane: My point was to remove the special exceptions so that they don't have that thought that they could get denied, where if they come in and they comply with all of the other regulations, why should it be a special exception. I mean, we've never denied a restaurant that I ever have heard of, that has either come in or dining requirements. We've made them comply with the regulations, but we've never denied them, so I'm just trying to think of ways that we can make it a little easier for businesses basically.

Commissioner Fox: I agree it would make it easier, and I'm sure, and my concern is if it was by right, we would have no recourse if let's say they didn't want to use the proper venting system or something. We could put a stop to that and of course, and if you have to go through a special permit, we are not going to put a developer or a restaurant through the hoops, we're going to be as lenient as we can, but I feel that we still have to make sure that we have some kind of input.

Commissioner Claffey: I guess my question is, if you take out the special requirements, to sit before the Commission, you are not eliminating Mr. Planner, any other standard operating procedure like the parking site plan for new restaurants, and I'll use an example of where the restaurant right across from the CITGO gas station, which is not there, that pizza joint that lasted six or eight months. Where they came before

us and had a lot of issues in trying to get sufficient parking. If we take this special permit out, do we still save, can we make sure the business actually fits that area, or an area. I'm not for or against it, I just want to make sure we aren't pulling everything out so just carte blanche a person could walk in to Main Street and open a 30 seat restaurant, and we have no parking for him.

Chairman Pane: I'll let Craig answer, but we still would have to comply with 5.2 and the other regulations there, the parking regulations, they would still have to comply with everything else.

Craig Minor: If somebody wanted to open a restaurant, in an existing commercial building, then something that Andrew would do would be to make sure there is enough parking for this new restaurant before it could get approved. Now, I'm saying this slowly because there really is no mechanism for Andrew to be able to know that there is a new restaurant coming in because, if it doesn't have to get TPZ approval, usually, or very often, Andrew knows about new businesses because they need to get a building permit because they need to make some change to the building. That is how Andrew finds out about a lot of as of right new businesses that come in. So, that is the downside of allowing things to be as of right, we lose some control. That's true.

A new business, new construction, would have to come before you for site plan approval, but if someone wanted to open up a restaurant in one of those buildings on Market Square, I'm thinking out loud obviously, I think Andrew would be aware of that because restaurants, they have to make so many changes to the building, installation of the ovens and the hoods, and all of that, it's pretty unlikely that Andrew wouldn't get the heads up that a restaurant wanted to move in, and that would give him the opportunity to make sure there was enough parking, that it is in the right zone, etc.

Commissioner Claffey: One last question for Mr. Planner, or anyone else who might know the answer, any of our local communities have any requirements like we do, or are they all, hey, if you fit you get in type of thing?

Craig Minor: That's a good question. I actually put the question to my colleagues on our internet list a month or so ago, and I was surprised, there are a number of towns that do require special permits. Off the top of my head, I think in most cases those were vacation towns with outdoor seating where outdoor seating could become a problem, but I can certainly, if this idea has merit and the Commission wants to discuss it further, that can be part of my report, as to what other towns, how many other towns require a special permit for restaurants.

Chairman Pane: Thank you very much Craig. Councilor Budrejko, if you would like, you can speak now.

Gail Budrejko: I do recall the thought when you were having the discussion about the brewery and the micro pubs, when a couple of the residents indicated that they were concerned about.....

Chairman Pane: We have never denied a restaurant to come in, if they complied with the parking, if they complied in everything else, in the last thirty years, or longer, I have never seen us deny a restaurant and/or outside seating. Maybe we've controlled it, maybe we asked them to do things to comply with our regulations, but we've never denied one, and this was just an attempt to be a little more business friendly, so that if a restaurant, a good restaurant wanted to come into the town, they would know that we are allowing them, but they still have to comply with things. Where if it was by special exception, there is always that doubt that we may not allow them to come in, so it was a method to try to increase business in town.

Gail Budrejko: I just wanted to bring that up, that it was discussed before with the residents. Thank you.

Chairman Pane: Thank you.

Commissioner Havens: As far as what Councilor Budrejko was saying, even if we were to get rid of the special permit requirement, they would still have to meet everything, and, lost my train of thought, but something on the lines, that even if, whether we get rid of it or not, ultimately all of the other departments still have to do their due diligence and make sure that everything is correct. If we were to keep it, you said that we haven't denied anybody, but I'm in favor of keeping it personally, just for the simple fact that we can do our due diligence, we can have a hearing so that the public doesn't feel left out, if they have concerns regardless of what the restaurant is, what kind of restaurant, or where it's going to be.

Chairman Pane: Thank you Commissioner Havens for your comments, I appreciate them. Maybe the thing to do is to have all of the Commissioners think about this and then we can bring it up next time. There is nothing wrong, and I don't object to keeping it, I just wanted to throw it out there, it was one of the suggestions from Glenn, I believe, in our 2030 Plan.

Are there any other comments from Commissioners?

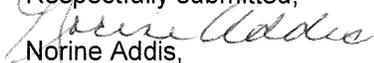
**XIV. ADJOURN**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commission Claffey.

Chairman Pane: I want to thank all of the Commissioners, we did, I think we did a good job on this, and I'll keep in informed if I hear anything else. Good night.

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

  
Norine Addis,

Recording Secretary

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 9, 2020

Chairman Domenic Pane called the September 9, 2020 Zoom meeting to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

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

Commissioners Present

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

Commissioners Absent

Commissioner Hyman Braverman

Staff Present

Craig Minor, Town Planner

III. **APPROVAL OF AGENDA**

Chairman Pane: Do we have anything to change on the agenda?

Craig Minor: No

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

None

V. **ZONING ENFORCEMENT OFFICER REPORT**

Chairman Pane: We are going to delay that because Andrew was out.

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IN NEWINGTON, CT  
2020 SEP 14 PM 2:55  
*Domenic Pane*  
Town Clerk

Craig Minor: That's correct, but if anyone has any questions about it, or they want to convey anything to Mr. Armstrong, I'll be happy to take those questions or comments.

Chairman Pane: Are there any Commissioners that have any questions, or would like to bring anything to our enforcement officer's attention on his report? It's nice to hear that they removed the two roosters from Hartford Avenue and when Andrew is in at our next meeting, you will have him at our next meeting Craig?

Craig Minor: Yes.

Chairman Pane: Thank you.

**VI. REMARKS BY COMMISSIONERS**

None.

**VII. APPROVAL OF MINUTES**

Commissioner Sobieski moved to accept the minutes of the August 12, 2020 meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

**VIII. NEW BUSINESS**

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

Chairman Pane: Craig, maybe you could give us a little bit more history on this, because this was changed a few years ago and it got complicated I think for Zoning Enforcement, so maybe you could give us a brief history, and our objective basically is to try to clean it up and make it a little friendlier.

Craig Minor: I think Mr. Chairman you just said what I would have said, yes, a couple of years ago we took what was then a very complicated regulation, we tried to make it more simple, but I think we made it just as complicated in different ways, so I have taken a stab at simplifying it, which I gave to the Commission at the last meeting and it's in front of you tonight. It's in front of you in two formats; it's in front of you in what I call clean, which is just the way I am proposing that it reads, but I have also given it to you with my strike outs and underlines to show you which language I'm suggesting we delete and what new language I'm suggesting we put in. So, we started the discussion at the last couple of meetings, but I think Commissioner Claffey felt that because the home business regulations are fairly well related to the commercial vehicle in the residential zone regulations, that it made sense to discuss all of them in the same setting, so that is why they are all being presented to you tonight.

Chairman Pane: Thank you. I'll open it up to the Commissioners, if the Commissioners have any comments concerning this. Any comments from the Commissioners on this proposed regulation?

Commissioner Claffey: I guess, starting out right at the beginning, you know, 3.22.1, we talk about accessory structures and uses permitted, and commercial vehicles come under that section, but then I guess, trying to define commercial vehicles, anything that is motorized, under subsection 2, you know, and I'm going to go back and forth here with this concern, and then in number 3 you talk about vehicles being permitted to be kept at a residential property, heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment. It seems to me that, are we specific to or are we going to try to separate this, that there is a difference between a commercial vehicle and a, I don't want to call it a vehicle because equipment, you see what I'm saying Craig? You could have a large commercial.....

Chairman Pane: Let me take a stab at this Commissioner Claffey if I could. I'm sorry to interrupt you but, basically you said we are allowed to have one commercial vehicle but then let's say they wanted something else, they would have to come in front of us under Section 3.4.8 and present to us what else they want to have here.

Commissioner Claffey: Well, I guess this allows, if I'm reading this, this allows you to have one commercial vehicle that is motorized and then in the end of the section, you can also have some form of heavy duty earth moving equipment, cement mixer, trenching pipe laying equipment or some other similar type of construction equipment, and I think that is where we get into a problem, because to me, I could have a commercial vehicle, but I could also have a dual axel dump trailer motorized by hydraulics and then I could come in for a second commercial vehicle. So you could have, technically, enormous types of machines, one is classified one because it has a motor but then a dual axel dump trailer which could you know, can only be used when it is hooked up to the truck in front of it, you see what I'm getting at.

Chairman Pane: First of all, when you say, heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment, and other similar types of construction equipment, you are missing the point. If you go up to 3, it says vehicles permitted to be kept at a residential property, in accordance with Section C.1 do not include the following: heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment. So the heavy duty hearth moving equipment is not allowed, the cement mixers are not allowed, trenching pipe laying equipment are not allowed, construction equipment is not allowed. They have one commercial truck there and then all of a sudden they decide they want a couple of other things there, they are going to have to come before the board and explain to us how they are going to store it, where it is going to be parked.

Commissioner Claffey: So, okay, I get it, but that brings me to a landscaper now who needs to come before us if he wants to have a, I hate to say it, a plow dropped, a nine foot plow, you see what I'm getting at?

Chairman Pane: A plow is a plow, there are residential people that have plows. We would hope that the people would put the plows on the side of the yard, behind the fences, so that it

wasn't obvious, they aren't the most appealing things. What is the problem with somebody having a plow?

Commissioner Claffey: I remember that was brought up about two months ago at these meetings and that language was in this, not in this version but in a past version of this, if I'm not mistaken, Mr. Minor.

Craig Minor: That's correct. I took a stab at this a couple of months ago because we were coming out of the winter and we had had some situations where self employed landscaping contractors brought their snow plows home at the end of the day and just dropped it in their front yard, and that was an issue that, like I said, it was an issue that I took a stab at, at dealing with in the home business regulations because it seemed like an appropriate place to put a piece of equipment that a home business might typically want to have.

Chairman Pane: Any other questions, Commissioner Claffey?

Commissioner Claffey: At the end of Mr. Minor's number 5, comply with paragraph 3 of this section, what are we talking about in paragraph 3?

Craig Minor: What this paragraph 5 does is it gives somebody the opportunity to come in front of TPZ to keep something that would otherwise be prohibited, but this gives them the opportunity to come before TPZ at a public hearing where the neighbors can come and speak, and present his case, why he has a unique situation such that this extra vehicle or prohibited vehicle in his case, because of the way that he is proposing to maintain it would be compatible with the neighborhood at the discretion of the TPZ.

Commissioner Claffey: And one of my last questions, I don't think we should put a poundage on vehicles and my reasoning is in our language, in paragraph one, or subsection C1, we say a vehicle not exceeding X weight and not exceed square footage of cargo area. Then we get into commercial vehicles in number 2, include but are not limited to step vans, pickup trucks, cargo vans, box trucks, flat bed or stake bed trucks. Most of those in A, I would say most of those are under a poundage of 15,000, but you could get, I could go and buy a box truck and put a cab and chassis and put a box on the back, and it could be 18,000 pounds. You would never know the difference. It looks just like a truck I would go buy at the Ford dealership to drive my kids in. So I don't think we maybe don't want to put a weight, because I think the biggest concern in this town, and I wish Andrew was here, but maybe Craig could speak for him, is a lot of our so called truck issues with commercial vehicles are a lot more of these tri-axle dump trucks and large payloaders, like on one of the streets we cited, I think it was Vivian, and it's not really your typically van contractor, plumber or electrician, etc., so I think maybe we should take the weight out. I think the rest of it was great, we kind of taken away B, C and D and wrapped it up with the way Craig has done it, like with paragraph 3,4,and 5, and then, because most pickup trucks that you and I would drive, would have four tires. Some have a dually which is six tires, but anybody could go and buy that. As Commissioners Woods said, or excuse me, Commissioner Woods said it, but in the memorandum Craig talks about, yeah, I could throw two tons of dirt in my pickup truck, but 99 percent of the time, I'm driving my family in it, as a homeowner. So I think it's good, I don't want to put a weight in, I don't know what the other Commissioners think, that's my two cents.

Chairman Pane: I agree with you, I think the weight could become a problem with us, some dump trucks are 15, some are up to 19,5 and there is also, you have the possibility of someone who is on call and has to bring his wrecker home, some of these, I'm in agreement with you, I think the weight classification in number one should come out but then also down in 2B, where it says any vehicle outfitted with a commercial backup alarm shall be deemed a commercial vehicle, I'm wondering if we should take that out, because Commissioner Woods brought up that there are a lot of vehicle out there that have backup alarms that aren't commercial vehicles.

Commissioner Fox: I agree with that, I mean, you could go, using Commissioner Claffey's example, go to the Ford dealer and order a F215 Van which is well within limits with a backup alarm.

Craig Minor: Let me advocate just for a second for keeping it, remember, you can have a commercial vehicle. You are allowed one commercial vehicle and if the one vehicle has a backup alarm, okay, that is the one commercial vehicle that you are allowed to have, so it would prevent someone from having a backup alarm.

Commissioner Claffey: If I may, with this backup alarm, we are making the assumption that this backup alarm deems it to be commercial, and I think what Mr. Fox is saying, and he can correct me if I'm wrong, is that you can go buy that Econoline E250 van for your personal use and it's a big van, they are big vans, and they fit under the weight capacity, but a lot of people put backup alarms on them, just for the safety for the visual and the alarming of people, hey, I'm backing out. I think, if we try to say, you have a backup alarm on that, you are a commercial vehicle, I think that is stretching.....

Craig Minor: Let me try one more thing, and then I'll drop it. A lot of complaints, at one point, it was a neighbor dispute, but one neighbor was complaining about the other neighbor who gets up at 5:00 in the morning and backs his car out of the driveway with the backup alarm and that was very annoying according to the person who called, and yes, I can see how that would be. So that is why I threw this in there, but it's your regulation gentlemen, it's up to you.

Commissioner Sobieski: I'm just a little confused here, where it says under 3B, Buses, semi-trailers, tractor trailers, dump trucks, and wreckers, we're saying those are prohibited. Yet, we also allow someone to come in and take the wrecker home if they are on call, so you might want to modify that, make it a little clearer. It's only a suggestion.

Chairman Pane: That was one of the other points that I had marked out here. I'm wondering if dump trucks and wreckers should be taken out of it. You have a small guy taking a small truck home or a wrecker home and I don't know as those should be classified as not allowed. Any other comments from any other Commissioners?

Commissioner Woods: I have an issue with 3.22.1.2, that first paragraph. I think it's, for me, just too general, and basically it's telling you that any vehicle, whether it's registered as commercial vehicle or not, be considered a commercial vehicle if it is used for business. Like a guy doing a paper route, he's using his car to deliver papers, does that now become a commercial vehicle? If you wanted to have a small dump truck, he now needs to get permission. I like A and B, I don't have issues with that, although I do agree with you Mr. Chairman that you might want to take the wreckers out and possibly the dump trucks. These

are difficult because Mr. Minor I think hit the nail right on the head, most of these aren't really so much to do with the vehicle as to do with the neighbor disputes, that they aren't happy with each other. I would think maybe what we could do, and I don't know if you can regulate this, Craig if you could help me on it, can we make it mandatory if there is a backup alarm, it is now a white noise alarm. It is much less offensive at the early hours or the late hours of the evening. It doesn't seem to pierce through you. Most of the construction jobs that we are on now, they require that.

Chairman Pane: What was that Commissioner Woods? A different backup one?

Commissioner Woods: Yes, they call it white noise. So it's, any of the universities that you work on now, any of the schools, they make it mandatory that you have it on all of your vehicles.

Chairman Pane: Which is not as loud?

Commissioner Woods: It's not as loud, yes. It does make a considerable difference.

Chairman Pane: Are you allowed to have a cutoff on a back up alarm so if you are in a residential zone you can cut it, for instance, if you are backing in and out of a driveway. Is that legal?

Commissioner Woods: You used to be able to do that, Caterpillar equipment used to come that way, it no longer does. You actually, Caterpillar used to come with settings. You could do low, medium, high, they have done away with all of that because of OSHA. Unfortunately, we have several new mini excavators, they not only have a backup alarm going backwards, that backup alarm is whether that machine is going forward, backward or sideways. Any movement on that machine, there is an alarm.

Chairman Pane: So, Commissioner Woods, on 3.22.1, basically you wanted to make it so that the vehicle has to be registered as a commercial vehicle, possibly? Is that what.....

Commissioner Woods: That is what I would like to see, yes, because I think we are going to open ourselves up to a regulation that we can't enforce. Just because we are basically saying, everything is a commercial vehicle if you use it for business, and a lot of people use their cars for business. I'm not trying to pick on you, but I'm trying to help you and help all of us to get a regulation that is effective.

Commissioner Havens: As far as taking out the dump trucks and the wreckers completely, that might be a mistake if we can word it as such where, if someone is bringing it home because they are on call for a day or two, or over the course of a weekend, that's one thing, but we don't want it to get to the point where people are bringing it home just because they can now, and it makes their life simpler. Once or twice a week, once or twice every other week, something like that I think is acceptable, but we certainly don't want people just parking dump trucks, wreckers, in their yards every day of the year.

Commissioner Claffey: My question is really, spawned a new question off of Commissioner Woods, is if we go the route of putting a commercial vehicle that has a registered commercial vehicle, and I agree with him, a lot of people go to work, and do work in their vehicles, you can

classify it that way, but how are we going to differentiate and guarantee because each type of business is regulated by different departments in the State of Connecticut and you can go register, like a commercial vehicle like I use first goes through a different department before you go to DMV, Just like a moving truck, is regulated first, and the DOT and not DMV. So, I agree with you making a commercial vehicle, is it truly based on how your vehicle is insured, or who the ownership of that vehicle is?

Chairman Pane: Commissioner Claffey, isn't there just one plate, a commercial plate, or is there more than one.

Commissioner Claffey: No, there are multiple, like my business, there are six different commercial plates.....

Chairman Pane: That's because it's a livery.

Commissioner Claffey: But the same with a moving van, you can be apportioned, there are different commercial vehicles that are regulated by different departments.

Chairman Pane: So if it was a commercially registered vehicle, and then you could list the type of plates.....

Commissioner Claffey: What I'm getting at is, what defines a vehicle as a true registered commercial vehicle?

Chairman Pane: DMV.

Commissioner Claffey: Not always. I'm not, I agree with Mr. Woods that a standard person like, I could go and get a combination plate and it would be deemed differently than a regular normal plate. It could go on the same exact vehicle.

Chairman Pane: I understand.

Commissioner Claffey: But that vehicle is not registered as a business, it's registered in a person's name, so that's why I'm saying.....

Chairman Pane: So in that particular instance they would not be required to, they could park it because it was a combo. If it had a commercial plate, then obviously they were doing more commercial work and then they would have to you know, apply.

Commissioner Claffey: But you still haven't defined what the Town is defining as a commercial vehicle. That's where I think the hiccup is. There is no set definition.

Commissioner Woods: I don't know if this will help or not, again, I have a lot of commercial vehicles, we all know that. If Stephen Woods went to register one of my trailers, I can register one of my mowing trailers and small (inaudible) trailers and I could register it with a regular plate, but as Stephen Woods, Vice-President of the Stonehedge Landscaping, I can want to register it with a regular plate, I'm going to leave there with a commercial plate. Motor Vehicle won't allow me to register it non-commercially. I don't have any choice in the matter. Now

where the problem is going to come, and Commissioner Claffey touched on it, is the quasi businesses, that really aren't businesses, so I don't know how we eliminate that completely. There is the mechanism at the Motor Vehicle Department to try to help us to try to define commercial versus non-commercial, and I think we need to kind of piggyback off of that.

Chairman Pane: Thank you Commissioner Woods. Commissioner Sobieski, did you have something?

Commissioner Sobieski: Yes, when Mike D'Amato did this, didn't we look at motor vehicle regs to try to figure out how to define this, and I didn't think that they were that helpful. Maybe I'm wrong, but I still remember him stating that when we were working on this.

Chairman Pane: Maybe the Town Planner could look into this for the next meeting, to come up with a better way to define the commercial vehicles.

Craig Minor: I can do that, and yes, Commissioner Sobieski, I do recall Mike D'Amato tried to use some of the DMV's nomenclature and that might be why we ended up getting very complicated, but I'll look into that.

Commissioner Sobieski: If I'm not mistaken, I think the combo plates were what the issue was, because the combo plates had a weight on them, and they are mostly used for people going down the Merritt Parkway.

Chairman Pane: Thank you Commissioner Sobieski. Any other Commissioners have any comments on this? I think everybody is in agreement that we want to try to bring this up a little bit, and we'll have the Town Planner look into how we can define a commercial vehicle and we'll take a good look at it at the next meeting.

If no one has an objection, we'll move onto the second part of this, which is the home occupation businesses. Frankly, I went through this, and I can't see where I would be in favor of changing anything. It is pretty good, but it was nice to pull it out because they sometimes touch upon each other, but I'll open it up to Commissioner comments to see if anybody has any concerns with Section 3.3 or 3.4. Any comments on the home occupation section?

Commissioner Woods: Actually I do agree with you, I think this is pretty well written. It doesn't seem to be causing us any sort of problems throughout the Town, so I think this is one regulation that is actually working and doing a good job. I think we should leave well enough alone.

Commissioner Sobieski: I also concur with Commissioner Woods.

Commissioner Fox: And I agree with all three of you.

Chairman Pane: Thank you Commissioners. Commissioner Havens, did you say you agree?

Commissioner Havens: I didn't say it, but I do.

Chairman Pane: Any other comments: Commissioner Claffey?

Commissioner Claffey: The only question that I had was, and I don't think we have any in Newington, and if we do, and any of the Commissioners know of, and it may be coming down due to the current Covid situation. I think a lot of people are going to be changing the way that they do business. I think a lot of people have seen that, but when we get to the bottom of the home occupation, if you scroll that page down, when you get into home occupations, offices in residences, medical/dental. We touched on it with beauty parlors and we were all against it, but maybe some other of you know if there is any that we have approved that are medical or dental. I only bring that up because I've seen a lot in the west end of Hartford where you have a three family home and over time they have been converted into offices, and some are still homes on the second and third floor and the doctor has an office on the first floor. I guess I'm asking this, is A, if we have any in town, and second because we are looking at, we've already talked about in our POCD with parking and current parking issues at some new businesses trying to come in, so you know, I know it's a broad question, but could this, or would this, need to be looked at further if there becomes, I guess, maybe a dental office doesn't want to be in a five story office building. He wants to buy a three family house and put a dentist on the first floor. I don't think we have it here, but.....

Chairman Pane: The problem with that is you can't grow much because the medical/dental is pretty much for a single operation, a very small operation, just one doctor. I'm not in favor of having a big medical/dental in a residential zone. I think the reason it is in here is in case there was a single doctor that had to have an office and that was all he wanted, if I'm not mistaken. Is that correct, Craig?

Craig Minor: This regulation has been there for a long time, I think it's a holdover from back in the day when a dentist or a doctor or for that matter a psychiatrist, could have a little office in his home. I remember I had a good friend in college whose dad was a dentist and his office was in their home. I really don't think that you see that any more.

Commissioner Claffey: I'm only asking the question, Mr. Chairman. Just because I think we are going to see a big influx of maybe, not in the next six months, but a little later, I know maybe in 2021 of companies that are going to get away from the old office space and figure out other ways to do it. I'm just bringing it up as something to watch. That's all I had on home occupations.

Chairman Pane: Okay, thank you. Any other comments?

Commissioner Sobieski: Don't we have a dental office at the corner of Main and where the old Town Hall was? It's in that brick house.

Chairman Pane: I believe so.

Commissioner Fox: Is that a residence too? I don't think there is a residence there.

Commissioner Sobieski: No, it's a residence, Mike.

Commissioner Fox: Okay.

Commissioner Claffey: As I said, I'm just bringing it up to, it's not a problem in town, I'm just trying to look into the future.

**IX. OLD BUSINESS**

**A. Performance Bonds**

Craig Minor: We have two that have not been dealt with. One is at 180 Costello Road, that is the industrial building that is under construction and as I said in my report, they haven't finished the landscaping or the dumpster pad, but the last time I spoke to them, which was a while ago, they were content to wait until they finished the project rather than request a partial release even though it would have been the lion's share, but they seem to be content to leave that as it is.

The other one is the house on Waverly Drive. I think Mr. Chairman, you said you were going to go and take a look at it to see how you feel about releasing the bond.

Chairman Pane: How did you make out Craig, on the real old ones?

Craig Minor: The really old ones, it's a bit of a challenge to find out, first of all, whether the party that paid the money back then is still the owner, and then, number two, whether they still have the same address. I am finding them, LA Fitness, which was posted back in 2005, I contacted the address, went on line, and found them, and they are still in business and yes, they would like their money back, so I am slogging through them.

Chairman Pane: I just want to, I think the other Commissioners would agree with you that if there is a handful of them that we don't find, and we can't find the rightful owner or the business has gone out of business, then report back to us, and then at the end of this project here, we should take all of the extra money that is in here and send it back to the general fund, send it to the Town Council I guess, and tell them these funds aren't needed in our account any more for the performance bonds. For instance, part of the opening balance, and then there could be a couple of others that you may have a hard time getting a hold of, and if that is the case, then I agree the money should go right back to the Council to be put back into the general fund. On that Waverly Drive, I looked at it, it was a particular house where they turned the garage I think sideways, instead of typically being facing the road. That somewhat caused the problem. I don't think anybody, the neighbor hasn't complained about it or anything. It's not right, I can understand your feelings on it, so I'll open that up to the Commission. If they feel that we should hold onto that, I don't have a problem with that, but we'll see what the other Commissioners want to do with it. Any comments from the Commissioners?

Commissioner Claffey: On Waverly Drive, I mean, has the subdivision plot plan and as built been submitted and approved as is or is it still.....

Chairman Pane: It's all old, it's from 2006. In all reality, when the plans were reviewed by the building department, they could have probably told them, look, if you have your garage this way you're not going to have enough room, so I think part of the blame is there, part of the blame is the builder knew, so there is blame to go all the way around.

Commissioner Claffey: I guess what I'm saying is, on releasing it, it's to a point now where the sales have been done, the deeds have been done, the drawings have been submitted, all the pin points of the survey have been done to release the building permit, or excuse me, the certificate of occupancy, so now it's almost a moot point because we all missed it.

Chairman Pane: They could have held the c.o. back until they corrected it, but that wasn't done.

Commissioner Claffey: Nobody is complaining about it, the neighbor is not mad, but I guess my question now is that, Mr. Planner, does that make 95 Waverly a non-conforming lot possibly because of the setback for the driveway.

Craig Minor: Yes, actually yes. If the owner of 95 Waverly, or a perspective owner asks for a certificate of zoning compliance they would come back cloudy. It would come back with a statement that the driveway is non-conforming. Not that that would hold up a sale or a mortgage but yes, that would be part of the report.

Commissioner Claffey: Okay, I personally don't have a problem with releasing it, but majority rules on this committee so.....

Commissioner Woods: I agree with Commissioner Claffey. I think, when we do this, if we are going to hold money I don't think we should hold money for fourteen years and not really do anything about it. We held the money for a reason, and initially, if there was an issue going on, yet we didn't do anything about it for fourteen years, the only issue that I think exists right now between us and the person that posted this bond, I don't even know if the homeowner is aware of it, and they might be, and my guess is, when they do to sell their house, they are going to correct it. The driveway is going to be cut and it's going to be a little narrower, so they are now in compliance. Again, I guess in the future, if we are going to take money for this, just like we did for the development at the Peckham Farm. We did pull the bond for that, and that money went back and I'm happy to report that I drove by and the road is paved. I would vote to return the money.

Chairman Pane: Thank you Commissioner Woods.

Commissioner Gill: How many feet are we talking about here?

Chairman Pane: It's five feet off.

Commissioner Gill: Is there room to buy that five feet?

Craig Minor: That is actually one of the things that was discussed many years ago. At one point, Ed Meehan, my predecessor, gave up trying to get the builder to fix it, because he was done, he was gone, even though he left \$5,000 behind. My predecessor then went to the homeowner and the homeowner said that he was going to talk to his neighbor about buying a sliver of land from his neighbor to fix the problem, on paper, but that apparently that never happened.

Commissioner Gill: There is \$5,000 there, that we could just spend that \$5,000 and buy the five feet.

Chairman Pane: We can't do that, it's private property there, so we can't buy property for the private properties. It's difficult to try to solve something that is so old. We either hold onto the money, or we give the money back.

Commissioner Fox: I have to agree with Commissioner Woods as far as, number one, returning the money. There is enough money to go around, nothing has been done about it for fourteen years, and if the neighbor is not aware of it, I was concerned about the non-conformance but that is not going to come up unless somebody looks for a mortgage, so I would vote to return it and just get it over with.

Chairman Pane: Okay, thank you Commissioner Fox. So it looks that the majority are in favor of returning this. Is that correct?

Commissioners: Yes.

Chairman Pane: Looks like Craig, we will return the money. Now, does everybody understand and are in agreement that if the Planner finds that some of these businesses are no longer in business, or he can't locate them that, if he has no where to send the money, then it is going to stay in this balance in the performance bonds and then after we get everything straightened out, whatever that total is, we should clear this from the performance bonds and send it back to the Town Council to be put into the general fund. Is everyone in agreement with that?

Commissioner Claffey: The only question I have Chairman Pane is the due diligence and how we are going to guarantee that we have done the proper due diligence.

Chairman Pane: I'm going to leave that up to the Planner along with the consulting of the Town Attorney and I'm sure that maybe the Planner could fill us in now.

Craig Minor: Yes Mr. Chairman, I was thinking about that just now. I think what I'm going to do is, once I have exhausted my efforts to find the rightful owner, I am going come back to the Commission and ask, with the names and actual specifics and then have the Commission vote to move that money to the general fund, with actual names, names of all those bonds, so it is not vague or someone can't say that the record wasn't clear, that it was his money that the TPZ voted to send to the general fund.

Chairman Pane: Very good, thank you.

Commissioner Woods: The only question I have, there are two condominiums here, Foxboro and Horizon Hills, if you can't track down the developer, I think that money should be returned to the association, if that is possible.

Chairman Pane: That's a good idea, Commissioner Woods. I think we can at the, when he brings that back to us, we can make that determination on a case by case basis.

Commissioner Woods: Okay, thank you.

Chairman Pane: Is that all right Craig?

Craig Minor: My computer froze just a Commissioner Woods started speaking but I heard the tail end of it, so I guess what you want is for me to bring them back one by one and then you can discuss each of them?

Chairman Pane: Correct. He was concerned that if there were a few with a condo association and if we couldn't find the owners, whether or not legally we could return it to the association. If we can legally, whether or not we want to do that or not. So, I think once you get more information, you could bring it to us, and then we can act on each one individually.

Craig Minor: Okay.

Chairman Pane: Is that all right with everybody? Does anybody have any concerns?

Commissioners : No.

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

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

Craig Minor: The first one is a conventional free standing sign, this would be for the commercial day care that TPZ approved the site plan for last year. They want to have a commercial sign out in front, so I recommend that the hearing for that be scheduled for your next meeting on the 23<sup>rd</sup>.

Chairman Pane: That sounds good.

- B. Petiion 30-20: Zone Change From B,I,R-7 and R-12 to PD at 33,39,and 45 Spring Street, 96,108,112,116,126 120 and 129 Willard Avenue; and 230 West Hill Road, Gibbs Oil Company, Applicant, Kenneth R. Salter Jr. Esq., 225 Asylum Street, Hartford CT, Contact.

Chairman Pane: Are we going to have Petition 30-20 on the 23<sup>rd</sup> as well?

Craig Minor: That is the applicant's request is that it be scheduled for the 23<sup>rd</sup>. There is no legal impediment to doing that, it's up to the Commission if they want to schedule it for that date or not.

Chairman Pane: I don't see a problem unless there is an objection from one of the other Commissioners. I think we could put both those things on for September 23<sup>rd</sup>.

Craig Minor: Okay, I'll take care of that.

Chairman Pane: Okay, any questions from the Commissioners?

Commissioner Claffey: I have one question regarding Petition 30-20, and it has to do with the paperwork side of that. I know sometimes when we are at a meeting at the town hall, we have the drawings, the big drawings, etc. How efficient are we going to be able to get us, the Commissioners the documents that you can actually see something.

Craig Minor I will mail to you a 8 ½ by 11, maybe legal size, showing the boundaries of the proposed zone, and of course it would be displayed on your computer.

Commissioner Claffey: I'm looking at the drawings that were in the packet that were supplied to you, supplied to us, and you really can't see anything.

Chairman Pane: I understand your point, and I was going to ask for a full set of drawings. I think they have to give you full sets, don't they Craig?

Craig Minor: Yes, if the Commissioners feel they want the 24 x 36, that's not a problem. I can do that.

Chairman Pane: So if there is a Commissioner who would like the full set, or the larger set, to see it, I would be one of them, and I think Commissioner Claffey and if the other Commissioners want a full plan, then request it now and we will get it to everybody.

Craig Minor: Mr. Chairman, I'll just do it. I'll have the applicant give me enough copies, because I'm hand delivering them anyway, so that is not a problem.

Chairman Pane: I think that would come in handy for everybody. Very good. Any other questions?

Commissioner Gill: I was hearing one of the other Commissions, where the Town Manager was talking about proposed streetscapes, possibly in the Briarwood area, the intersection of, where Yann's is, and the question I have is, the new gas station that we approved are they going to be doing streetscaping and is that going to affect, are they going to rip up something within the next two years?

## **XI. TOWN PLANNER REPORT**

Craig Minor: I see from the agenda that I left off Town Planner Report, which will be a good place for me to talk about this.

Yes, Commissioner Gill, a few months ago, the Town Manager and I talked about possibly creating a streetscape project in that area of town, similar to what has been going on in the town center for the past decade or so with curbs, sidewalks, decorative lighting and so forth. We put together a grant application that was submitted to the State. Actually we submitted three different ones, but the one that seemed to have the most traction with the State and the one that Newington liked the best involved the business district down on New Britain Avenue. So, that is the curbs and sidewalks project that we are on the cusp of getting a \$500,000 grant from the State to do, and we will be working on a project down there, so I don't see anything happening in the area that you were asking about.

Chairman Pane: Thank you. I would suspect that you will be working closely with the businesses over there when you get closer to starting that project. I think that is going to be an excellent project for that neighborhood, the small businesses over there, so I'm glad they picked

that area. Any other comments from the Commissioners? Is there anything else on your Town Planner Report, Craig?

Craig Minor: No.

**XII. COMMUNICATIONS**

None

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

None

**XIV. REMARKS BY COMMISSIONERS**

None

**XV. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: I have one. Craig, on the restaurants where we helped them out with the outside dining and everything, should we get a note to them telling them that they can keep this as long as possible, and then into the spring. I'm not sure how you left it with them.

Craig Minor: We left it with each of them that there was an expiration date on their permit, with the full expectation that we would extend it if required, and since then, there have been new executive orders issued by the Governor, so I think your point is well taken, I will contact all of the restaurants and let them know what their rights are under the latest executive order.

Chairman Pane: So that new executive order continues until February or March?

Craig Minor: Yes, that's exactly.....

Commissioner Woods: It's February Mr. Chairman. I think it's the 24<sup>th</sup> of February.

Chairman Pane: If it's okay with the other Commissioners I think we should notify them all that if they need this in the spring time, even if the executive order is lifted, that they can use these blocks into the spring time, until things get back to normal.

Commissioners: Okay.

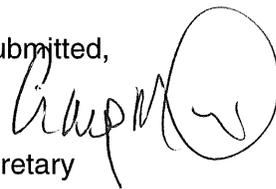
Chairman Pane: So maybe you could address that with the businesses Craig. Thank you. I have nothing else, are there any other comments from the Commissioners? I want to thank everybody, it was a nice short meeting but we got some things accomplished.

**XVI. ADJOURN**

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary

*for* 

# 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:** September 15, 2020  
**Subject:** Petition #29-20: Special Permit (Sec. 6.2.5) for Free-Standing Sign at 395 Willard Avenue. Colchester Properties LLC, owner; Sign Lite Inc., applicant; Mark DeTulio, 6 Corporate Drive, North Haven CT, contact.

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#### **Description of Petition #29-20:**

This is an application for a free-standing sign at the new day care facility under construction at 395 Willard Avenue. One free-standing sign is allowed per address in any commercial zone, by special permit.

#### **Staff Comments:**

I have no concerns with this application.

cc:  
file



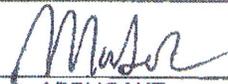
TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
APPLICATION FORM

LOCATION OF PROPERTY: 395 Willard Ave ZONE: CD  
APPLICANT: Signlite Inc TELEPHONE: (203) 239-6799  
ADDRESS: 6 Corporate Drive North Haven CT EMAIL: mark@signlite.net  
CONTACT PERSON: Mark DeTulio TELEPHONE: same as above  
ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
OWNER OF RECORD: Louay Akil

**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 6.2.5 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): \_\_\_\_\_

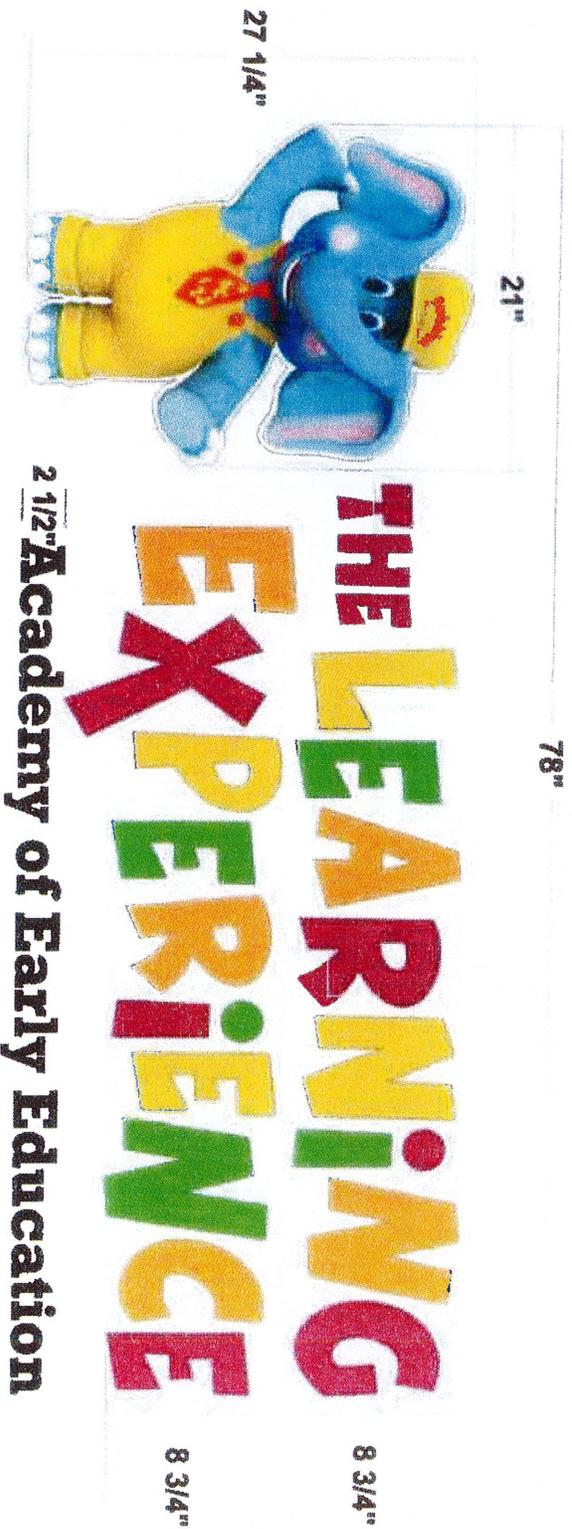
SIGNATURE:

 APPLICANT	<u>8/27/2020</u> DATE	<u>See Authorization Letter</u> PROPERTY OWNER	_____ DATE
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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).

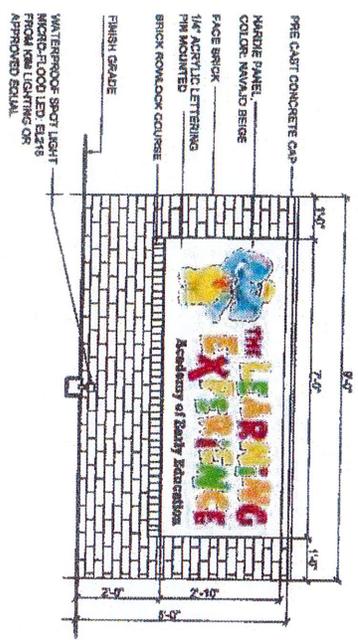
# The Learning Experience - Monument Signage

Laser Cut 3/8 in. Acrylic Lettering  
Pin Mounted to Monument  
Magenta, Yellow, Orange, Green, Black



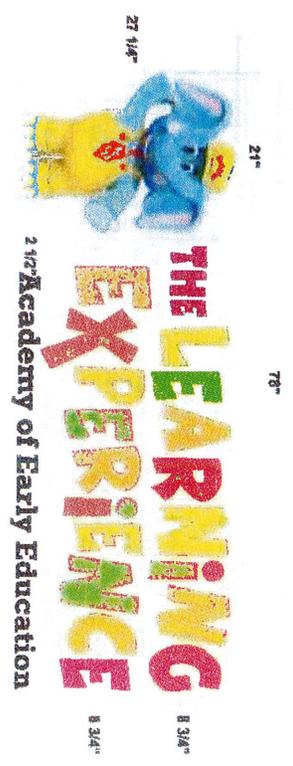
**A&F Sign Company LLC**  
22710 Gravel Hill Road, Georgetown, DE 19947  
(973) 278-3707 (302) 313-6768 [afsignco@gmail.com](mailto:afsignco@gmail.com)

**4 MONUMENT SIGNAGE ELEVATION**  
SCALE: 1/2"=1'-0"



**3 MONUMENT SIGNAGE ELEVATION**  
SCALE: 1/2"=1'-0"

**MONUMENT SIGN IS  
DOUBLE SIDE SIGN**



The Learning Experience - Monument Signage

Laser Cut 3/8 In. Acrylic Lettering  
Pin Mounted to Monument  
Magenta, Yellow, Orange, Green, Black  
Double Side Sign

3/8" Laser Cut  
Acrylic  
Lettering

3/16" Threaded Stud / Pin  
Drilled & Tapped to  
Back of Acrylic Letter  
Stud Inserted in Hole  
Filled with Adhesive

Dimensional Lettering  
Pin / Stud Installation Method



EIFFS / Masonary

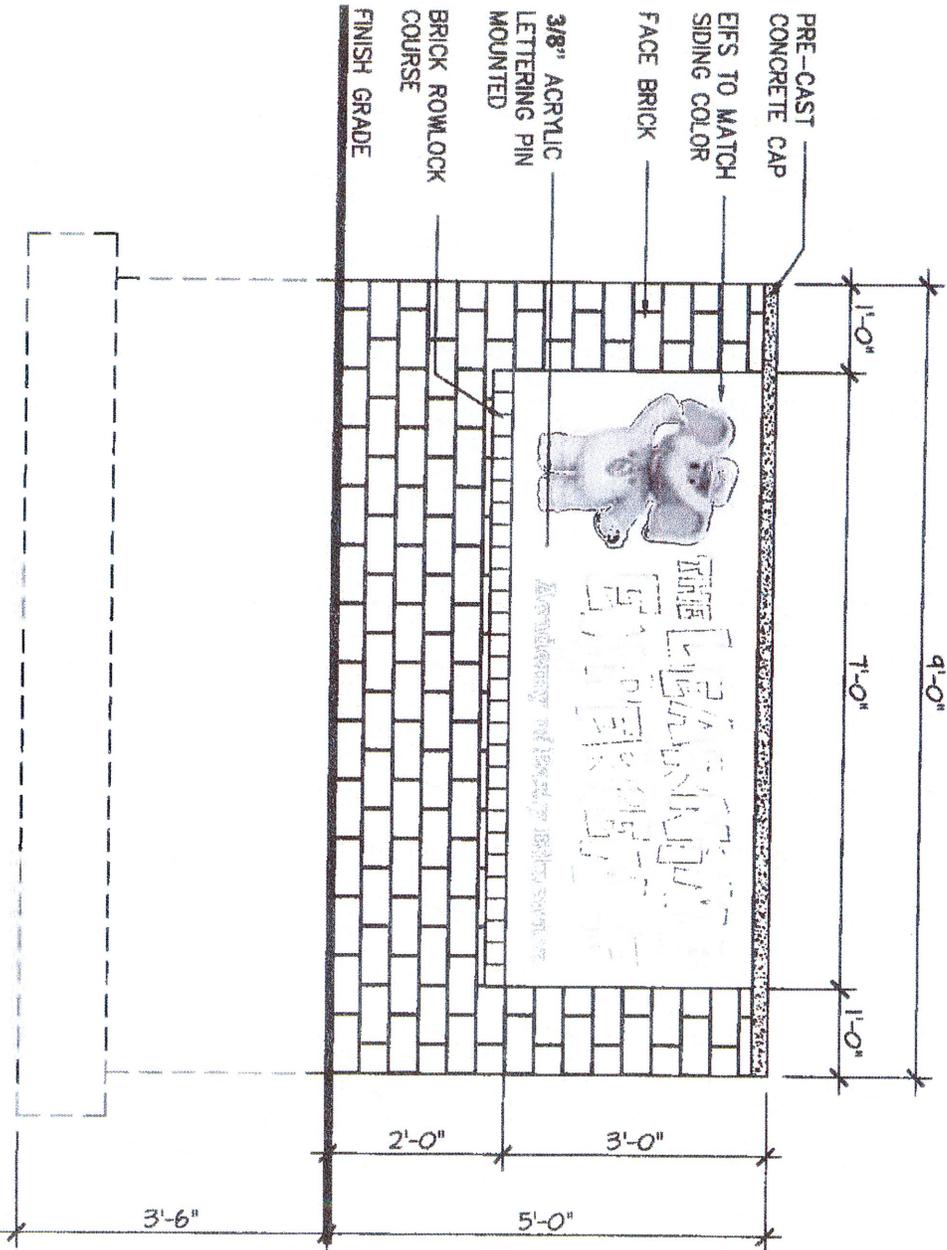
The Learning Experience  
395 Willard Ave  
Newington CT 06111



A&F Sign Company LLC  
22710 Gravel Hill Road, Georgetown, DE 19947  
(973) 278-3707 (302) 313-6766 a&fsignco@gmail.com

**MONUMENT  
SIGN  
LETTERING**

**Project Specific Architectural Plans Supersede Below Drawing  
 Provided for informational Purposes Only**



**A&F Sign Company LLC**  
 22710 Gravel Hill Road, Georgetown, DE 19947  
 (973) 278-3707 (302) 313-6768 aesignco@gmail.com

EXISTING BUILDING

EXISTING 35' WIDE DRIVEWAY  
REMOVED IN FAVOR OF  
PARKING DEVELOPERS, LLC  
05/19 PG. 322

PROPOSED 10,000  
BUILDING  
Fin. Floor 89

MONOLITHIC CONC.  
CURB AND WALK

WALK FLUSH  
W/ PAVEMENT

TACTILE  
WARNING  
TILE 150.0'

RE-LOCATE  
LIGHT  
STANDARD

46.0'

SAWCUT PAVEMENT  
AND REMOVE BIT.  
AND CONC. CURB

PROPOSED STOP  
SIGN & STOP BAR



BENCHMARK  
NAIL SET IN  
UTILITY POLE  
ELEV=89.22

CONC.  
CURB

SAWCUT  
EXIST. WALK  
(APRON) AT  
NEAREST  
EXPANSION  
JOINT

60' WIRE

SBC  
3206

EXIST. 5' CONC. WALK

PAVEMENT WIDENING  
(SEE DETAIL SHEET  
16 OF 16)

SAWCUT PAVEMENT  
AND REMOVE BIT.  
AND CONC. CURB

CONC. ISLAND TO  
BE REMOVED AND  
STOP SIGN AND

REMOVE EXIST. WALK TO  
NEXT EXPANSION JOINT  
NORTH AND REPLACE WITH  
TOWN OF NEWINGTON

Distance:  
8.000'

15'R

Distance:  
5.000'

Distance:  
30.278'

35'R

SAWCUT PAVEMENT AND  
REMOVE BIT. AND CONC. CURB

EXTRUDED CONC. CURB

BIT. PAVEMENT

5'R

S08°38'53"E 2

TACTILE WARNING TILE

PROPOSED CONC. WALK

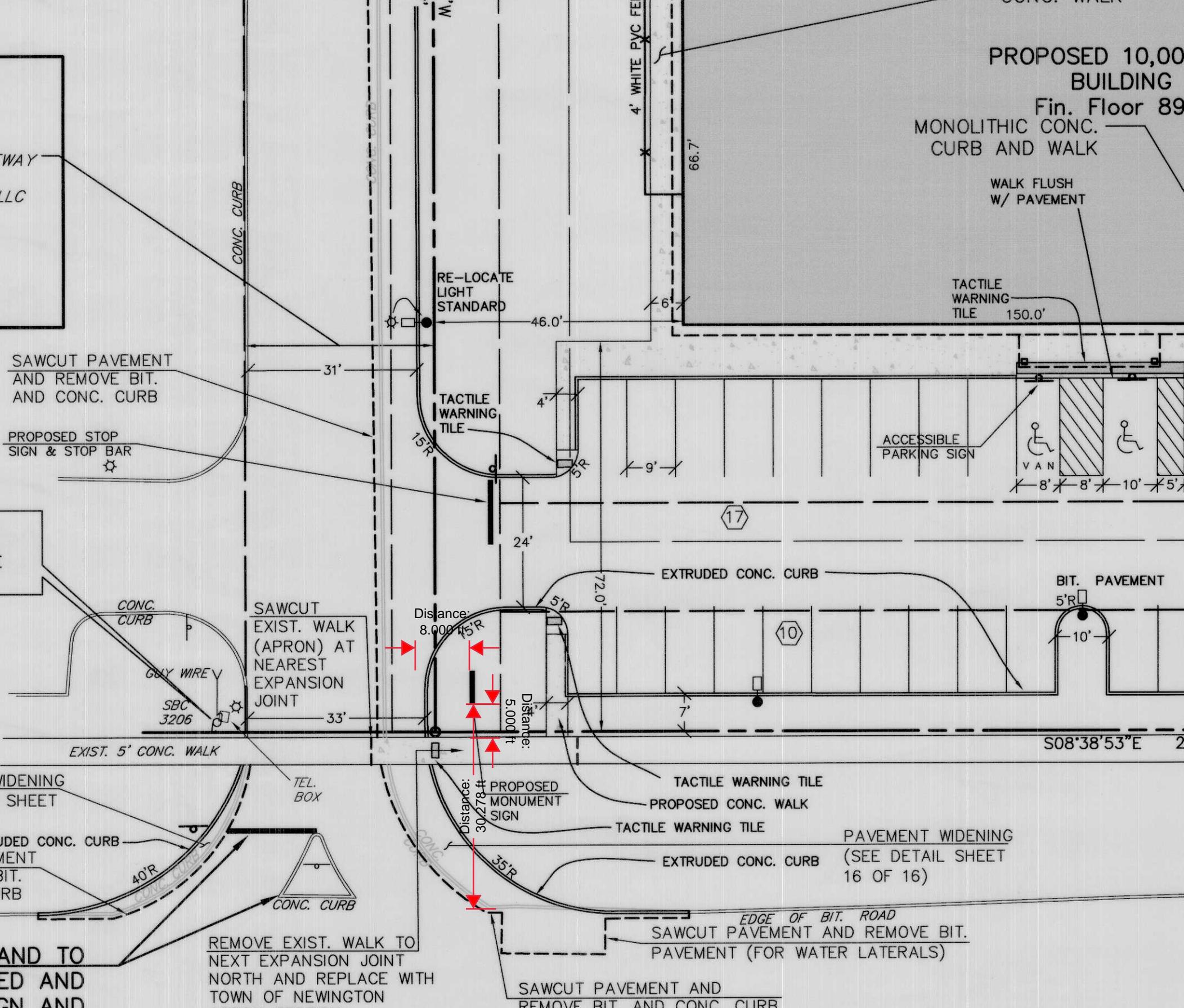
TACTILE WARNING TILE

EXTRUDED CONC. CURB

PAVEMENT WIDENING  
(SEE DETAIL SHEET  
16 OF 16)

EDGE OF BIT. ROAD  
SAWCUT PAVEMENT AND REMOVE BIT.  
PAVEMENT (FOR WATER LATERALS)

SAWCUT PAVEMENT AND  
REMOVE BIT. AND CONC. CURB



# 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:** September 17, 2020  
**Subject:** Petition #30-20: Zone Change from B, I, R-7 and R-12 to PD (Planned Development) at 33, 39 and 45 Spring Street; 96, 108, 112, 116, 120, 126 and 129 Willard Avenue; and 230 West Hill Road. Gibbs Oil Company, applicant; Kenneth R. Slater Jr., Esq., 225 Asylum Street, Hartford CT, contact.

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#### **Description of Petition #30-20:**

This is a petition to change the zone for nine parcels on the east side of Willard Avenue between the CTfastrak station and Spring Street, and two parcels on the west side of Willard Avenue at the intersection with West Hill Street. The total area is 10 acres. The current zoning is a mix of R-7 and R-12, Industrial, and Business zones; the requested zoning is Planned Development.

#### **Staff Comments:**

I will withhold making any substantial comments until after the applicants have made their presentation, and members of the public have commented on it. I will simply say at this point that the application is substantially complete, in that they have submitted: (1) a narrative explaining the benefits of the zone change; (2) a map of the area to be changed; (3) a conceptual site plan showing how the east side of Willard *could* be developed if all of the individual property owners work together; and (4) a set of site plans showing how the Gibbs Oil property *will* be developed if the zone change is approved.

This area is identified in the new POCD as part of “Opportunity Area D – Newington Junction”. The POCD describes “Opportunity Areas” as

“areas of Newington where the locational attributes may have changed in a material way, and this presents a situation where the community can investigate and discuss possible land use options for the future in order to build on strengths, overcome weaknesses, seize opportunities, and address constraints.” (Page 47).

cc:  
Applicant  
file

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



Petition # 30-20

### TOWN OF NEWINGTON TOWN PLAN AND ZONING COMMISSION

#### APPLICATION FORM

LOCATION: See Attached Map ZONE: B; I; R-7; R-12  
 APPLICANT: Gibbs Oil Company TELEPHONE: 800-352-3558  
 ADDRESS: 129 Willard Avenue, Newington, CT 06111 EMAIL: ABelandcatamountmanagment.com  
 CONTACT PERSON: Kenneth R. Slater, Jr., Esq, TELEPHONE: 860-297-4662  
 ADDRESS: Halloran Sage LLP 225 Asylum St. Htfd, CT 06103 EMAIL: slater@halloransage.com  
 OWNER OF RECORD: See Attached List

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

- Zoning Map Change from the B;I;R-7;R-12 Zone to the PD Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_ . *A copy of the proposed amendment and the reason for amendment is attached* (Public Hearing required).
- Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Special Permit per Section \_\_\_\_\_ of the Zoning Regulations. *Explanation of the proposed activity is attached* (Public Hearing required).
- Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

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

	<u>8/27/20</u>		<u>8/27/20</u>
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).**

## **The Proposed Newington Junction PD Zone:**

### **Transit Oriented Development for Newington's Future**

The proposed zone change for subject properties in the Willard Avenue/Spring Street area to a Planned Development ("PD") district, reference herein as the "Newington Junction PD Zone," would provide substantial benefits to the Town of Newington.

Chief among these benefits of creating a unified PD zone in the vicinity of the Newington Junction CTfastrak station would be to authorize the creation of Transit Oriented Development ("TOD") in the Newington Junction PD Zone in accordance with the Newington Plan of Conservation and Development. The advantages of TOD generally would include the maximization of residential, business and leisure space within walking distance of CTfastrak to establish a symbiotic relationship between the maximization of the use of public transport with a concomitant reduction in the use of personal automobiles while benefiting economic development and modern residential lifestyle. This change would enable the combination of lots within the zone to support vibrant multi-use development such as that shown in the attached conceptual plan.

TOD is supported as a development strategy recommended in the new 2020 Plan of Conservation and Development. The plan lists as one such strategy, the establishment of "transit-oriented sites at appropriate locations when transit stations have been established."<sup>1</sup> The 2020 plan also identifies the Subject Area as a "Transit Oriented" area.<sup>2</sup>

The advantages of TOD were cited in a March 2018 *Pilot Study* ("Pilot Study") prepared for the Connecticut DOT and the City of Hartford regarding TOD. For example, the Pilot Study states that "TOD that offers a complete lifestyle. . . has been shown to support vibrant communities. When these communities are bolstered by a well-connected network of transportation choices. . . they promote active, healthier lifestyles and reduce the reliance on personal automobiles. Moreover, TOD residents have better access to employment centers and expanding economic opportunity."<sup>3</sup>

The advantages of TOD are not simply aspirational; having provided real economic benefits to Connecticut municipalities. For example, a recent CTMirror.org article describing the economic benefits of TOD near the New Britain CTfastrak station states as follows:

Downtown New Britain is steadily coming back. Streets have been revamped and redesigned. . . a downtown park has been spiffed up, and historic buildings are being refurbished for housing and other uses. A new development, two five-story buildings with about 160

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<sup>1</sup> 2020 Plan at p.24.

<sup>2</sup> *Id.* at p. 33.

<sup>3</sup> *Pilot Study* at p. 4.

residential units and 20,000 square feet of retail space, is underconstruction. “More downtown buildings have been sold in the last two years than in the last 20 years,” said longtime city development director Bill Carroll, a New Britain native. “It’s a beautiful thing to see.” What’s driving this revival? The bus [i.e., CTfastrak].<sup>4</sup>

Meriden is another Connecticut Municipality that has embraced TOD. A publication of Meriden 2020 describes how “[a TOD] zoning district incorporating form-based regulations was formally adopted in 2013 for the area within one-half mile of the [a 2018 Meriden Transit Center]. The regulations were designed to encourage moderate and high-density mixed-use development within walking distance of the transit area, create a friendly and safe environment for bicyclists and pedestrians, and protect existing neighborhoods integrating new development in a context sensitive manner.”

This area of Newington near is well-suited to benefit economic development and vibrant residential opportunities near the transit stations. The Newington Junction PD Zone currently already contains a mix of Business, Industrial and Residential Districts and uses. The requested zone change would create a unified PD district where the commission receives and approves a concept plan that can include business uses authorized under Section 3.14 of regulations, special permit uses authorized under section 3.15 such as theaters, hotels and restaurants, including drive-through restaurants, and mixed use development with residential units location above first floor retail, office or service uses. Section 3.19.

Also included are more specific concept plans with respect to upgrading the Phillips 66 gas station to include a drive through Dunkin Donuts restaurant as authorized in the PD zone. The ability to utilize property designed drive-through food and beverage services has proved invaluable during the current pandemic and is consistent with the transit oriented economic development in association with the Newington Junction station.

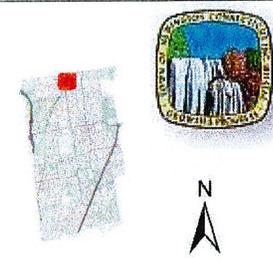
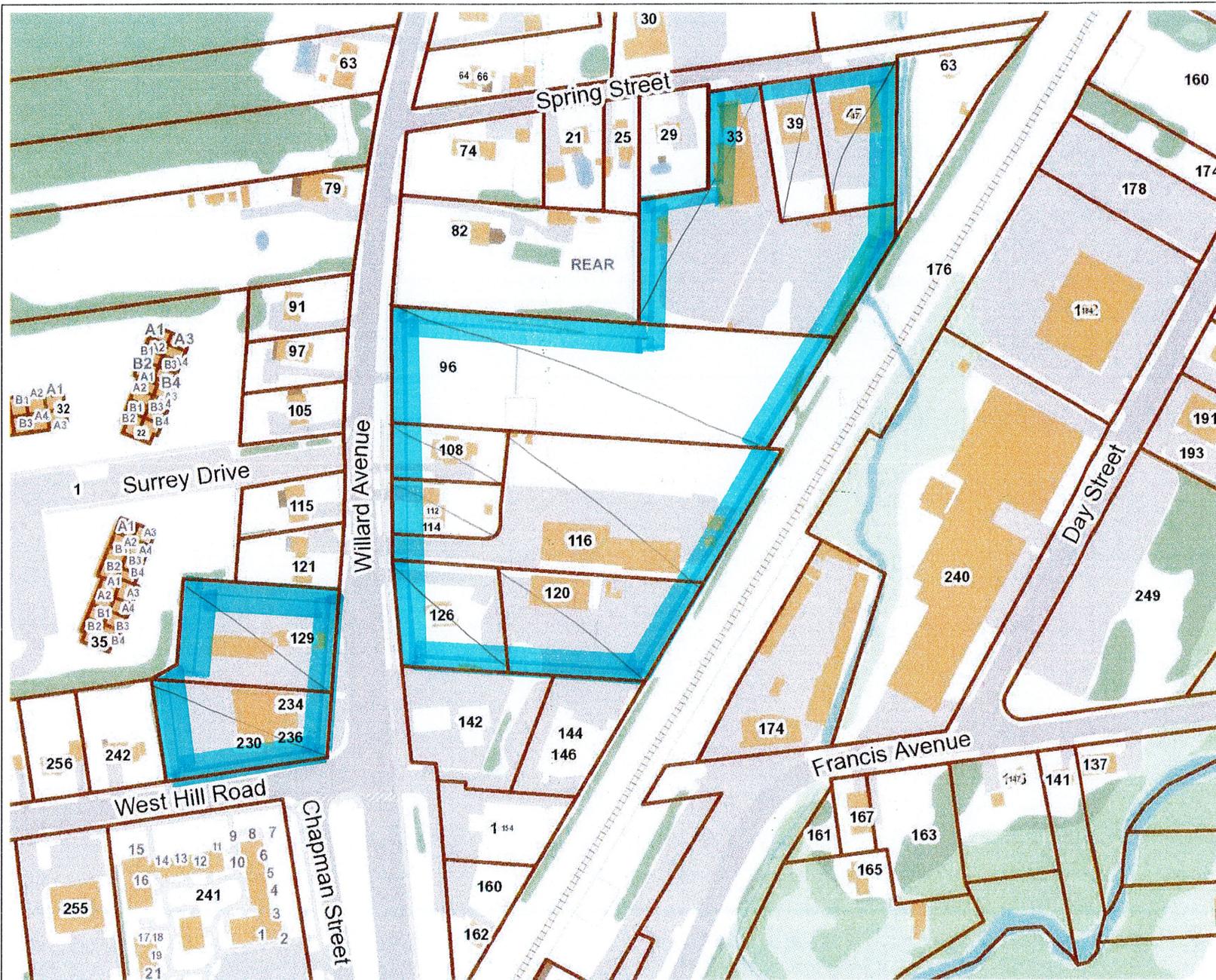
It is notable that the historic residential homes in located on Willard Avenue in the near the various existing commercial, industrial, and residential uses in the neighborhood are excluded from the proposed zone to protect their residential status. The PD zone includes special buffering requirements for development near a residential zone. Section 3.18.4.

This unified district would encourage TOD by providing developers with a single palette of development options in the Newington Junction PD Zone, thereby enabling synergies with both the CT Fastrak station and adjacent developments and provided the Commission with the tools to protect existing nearby buildings and uses.

---

<sup>4</sup> *Back to the Future with Transit-Oriented Development; CTMirror.org, July 29, 2019.*





**Map Legend**

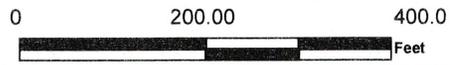
Parcels

**SA SEMAP LEGEND**

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

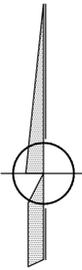
Printed 8/28/2020 4:20:03

# Gibbs Oil Zone Change

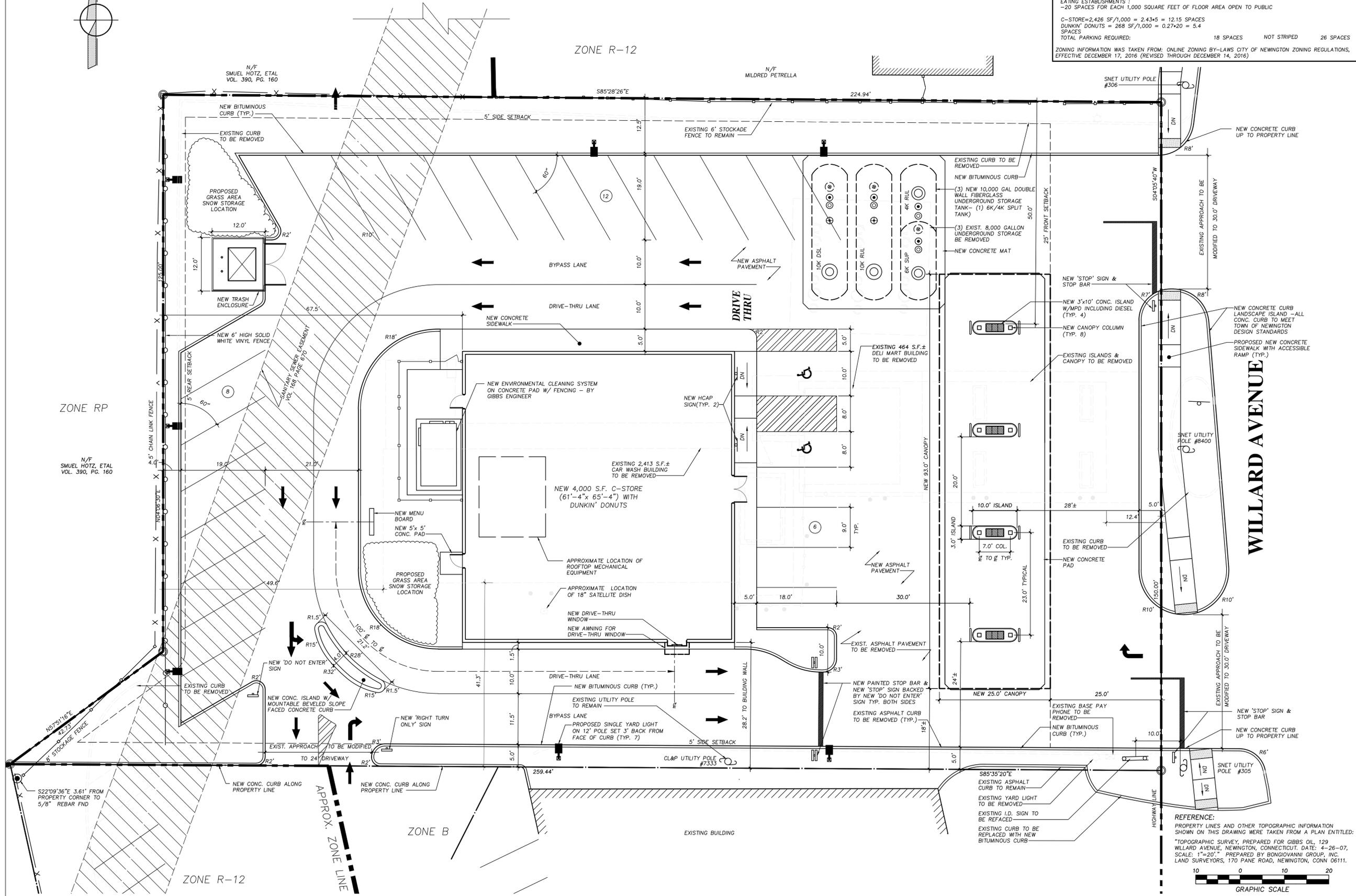


*This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone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





ZONING DATA			
<b>ZONE: BUSINESS (B)</b>			
<b>BUILDING SETBACKS:</b>	<b>REQUIRED:</b>	<b>EXISTING:</b>	<b>PROVIDED:</b>
MINIMUM FRONT YARD	25'	12.4' (CANOPY)	25.0' (CANOPY)
MINIMUM SIDE YARD	5'	41.3' (BUILDING)	28.2' (BUILDING)
MINIMUM REAR YARD	5'	49.6' (BUILDING)	67.5' (BUILDING)
<b>BUILDING REQUIREMENTS:</b>	MINIMUM LOT AREA	10,000 SF	34,233 S.F.
	MINIMUM LOT FRONTAGE	50'	150.0'
	MAXIMUM BUILDING HEIGHT	2 STORIES/35'	18± 24'
<b>PARKING REQUIREMENTS:</b>			
RETAIL SERVICES : -5 SPACES FOR EACH 1,000 SQUARE FEET OF GROSS FLOOR AREA			
EATING ESTABLISHMENTS : -20 SPACES FOR EACH 1,000 SQUARE FEET OF FLOOR AREA OPEN TO PUBLIC			
C-STORE=2,426 SF/1,000 = 2.43*5 = 12.15 SPACES			
DUNKIN' DONUTS = 268 SF/1,000 = 0.27*20 = 5.4 SPACES			
TOTAL PARKING REQUIRED: 18 SPACES NOT STRIPED 26 SPACES			
ZONING INFORMATION WAS TAKEN FROM: ONLINE ZONING BY-LAWS CITY OF NEWINGTON ZONING REGULATIONS, EFFECTIVE DECEMBER 17, 2016 (REVISED THROUGH DECEMBER 14, 2016)			



REV	PER	DATE	DESCRIPTION
1	ALM	10/13/16	REVISED PER CLIENT COMMENTS
2	ALM	02/06/17	REVISED PER CLIENT COMMENTS
3	ALM	03/24/17	REVISED PER CLIENT COMMENTS
4	ALM	03/29/17	UPDATED PER RELOCATED TRASH ENCLOSURE
5	ALM	5/25/2017	REVISED PER TOWN PLANNERS COMMENTS
6	ALM	10/10/2017	REVISED PER TRAFFIC REVIEW COMMENTS

**AYOUB ENGINEERING**  
 ENGINEERS & ARCHITECTS  
 ADDRESS:  
 414 BENEFIT STREET  
 PAWTUCKET, RHODE ISLAND 02861  
 401-728-5535

**GIBBS OIL COMPANY**  
 PROJECT ADDRESS:  
 NEWINGTON, CT  
 129 WILLARD AVENUE  
 SHEET DESCRIPTION:  
**SITE IMPROVEMENT PLAN**

PREPARED FOR: GIBBS OIL COMPANY  
 PROJECT NO. 3008.116  
 SCALE: 1"=10'  
 DRAWN BY: PA  
 DATE: 10/12/16

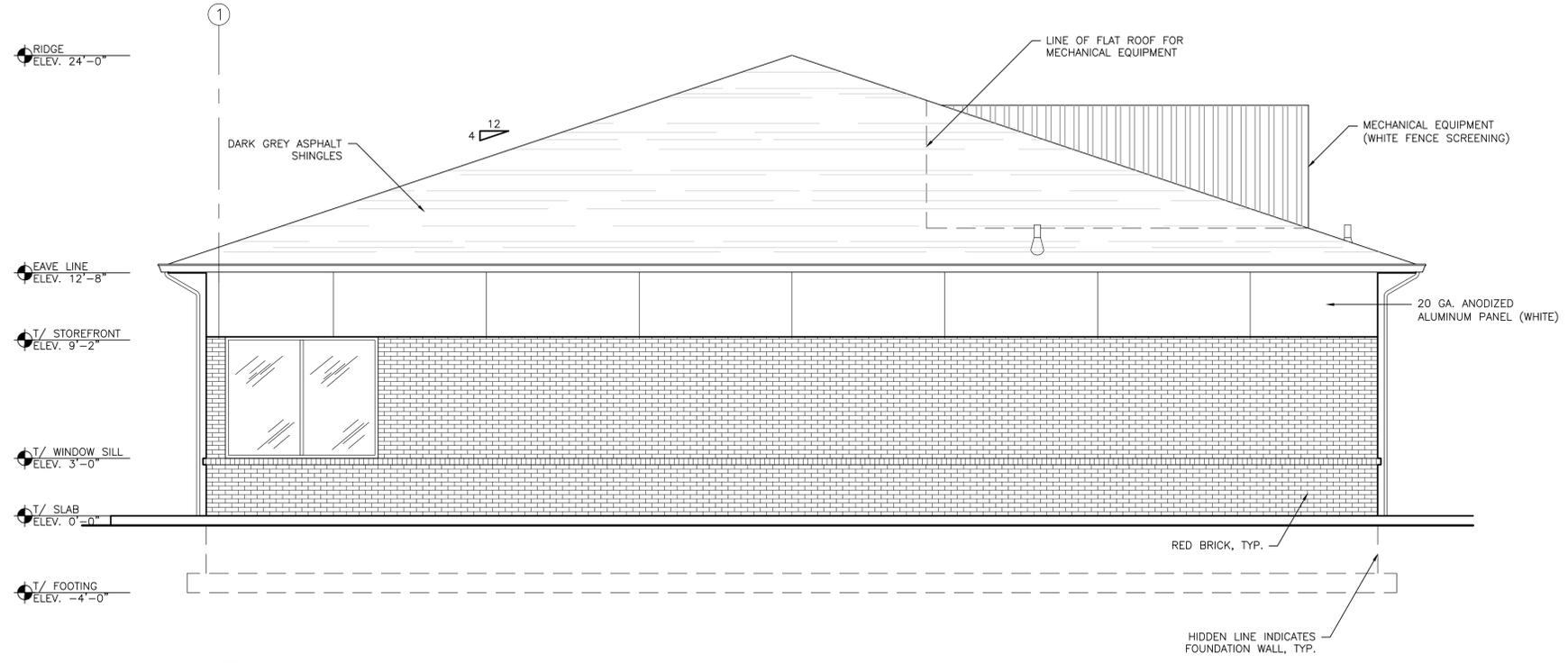
SHEET NO. **C-1**

AYOUB ENGINEERING EXPRESSLY DISCLAIMS ANY RESPONSIBILITY FOR MONITORING, INSPECTING, OBSERVING, OR SUPERVISING CONSTRUCTION SERVICES, OR THE MEANS, METHODS, SEQUENCES AND TECHNIQUES OF CONSTRUCTION OR FOR JOB SITE SAFETY AND PROGRAMS FOR THE PROJECT DEFINED BY THE PLANS FOR WHICH THIS CERTIFICATION IS AFFIXED. AYOUB HAS NOT BEEN RETAINED FOR NOR SHALL IT HAVE ANY CONTROL OVER OR BE IN CHARGE OF ACTS OR OMISSIONS OF ANY CONTRACTOR, SUBCONTRACTOR, OTHER AGENTS OR EMPLOYEES OR OF ANY OTHER PERSONS PERFORMING PORTIONS OF THE WORK.



1 FRONT ELEVATION  
A2.0 SCALE: 1/4" = 1'-0"

NOTES:  
1. 1" INSULATED CLEAR ANODIZED GLASS WITH BLACK ANODIZED ALUMINUM FRAMES & TEMPERED GLASS AS REQUIRED BY CODE.



2 RIGHT ELEVATION  
A2.0 SCALE: 1/4" = 1'-0"

REV	PER	DATE	DESCRIPTION
1	AIM	02/06/2017	REVISED PER CLIENT'S COMMENTS
2	AIM	02/16/2017	REVISED PER UPDATED SIGNAGE PACKAGE
3	SMP	03/10/2017	REVISED PER UPDATED CO-BRAND LAYOUT
4	SMP	03/29/2017	UPDATED PER RELOCATED TRASH ENCLOSURE

**AYOUB ENGINEERING**  
ENGINEERS & ARCHITECTS  
CORPORATE OFFICE:  
414 BENEFIT STREET  
PAWTUCKET, RHODE ISLAND 02861  
401-728-5533

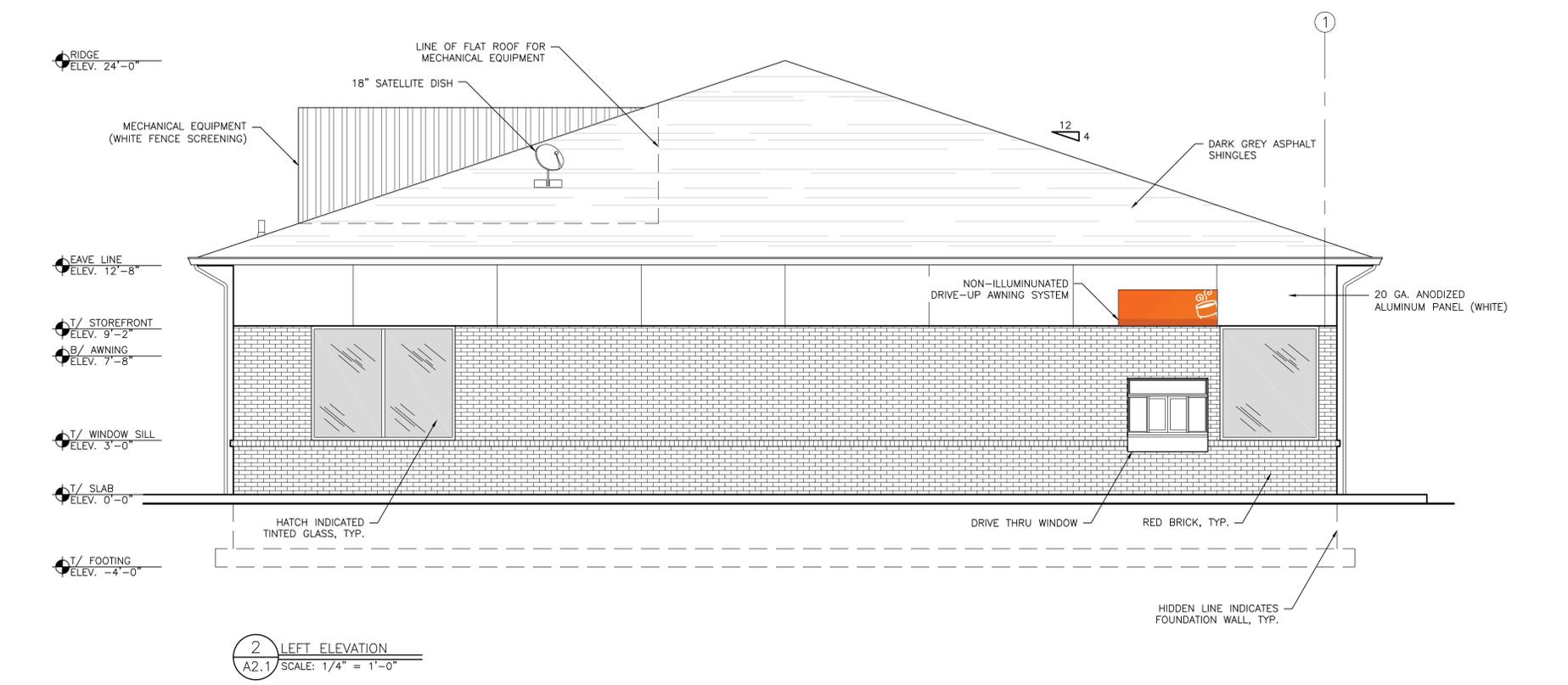
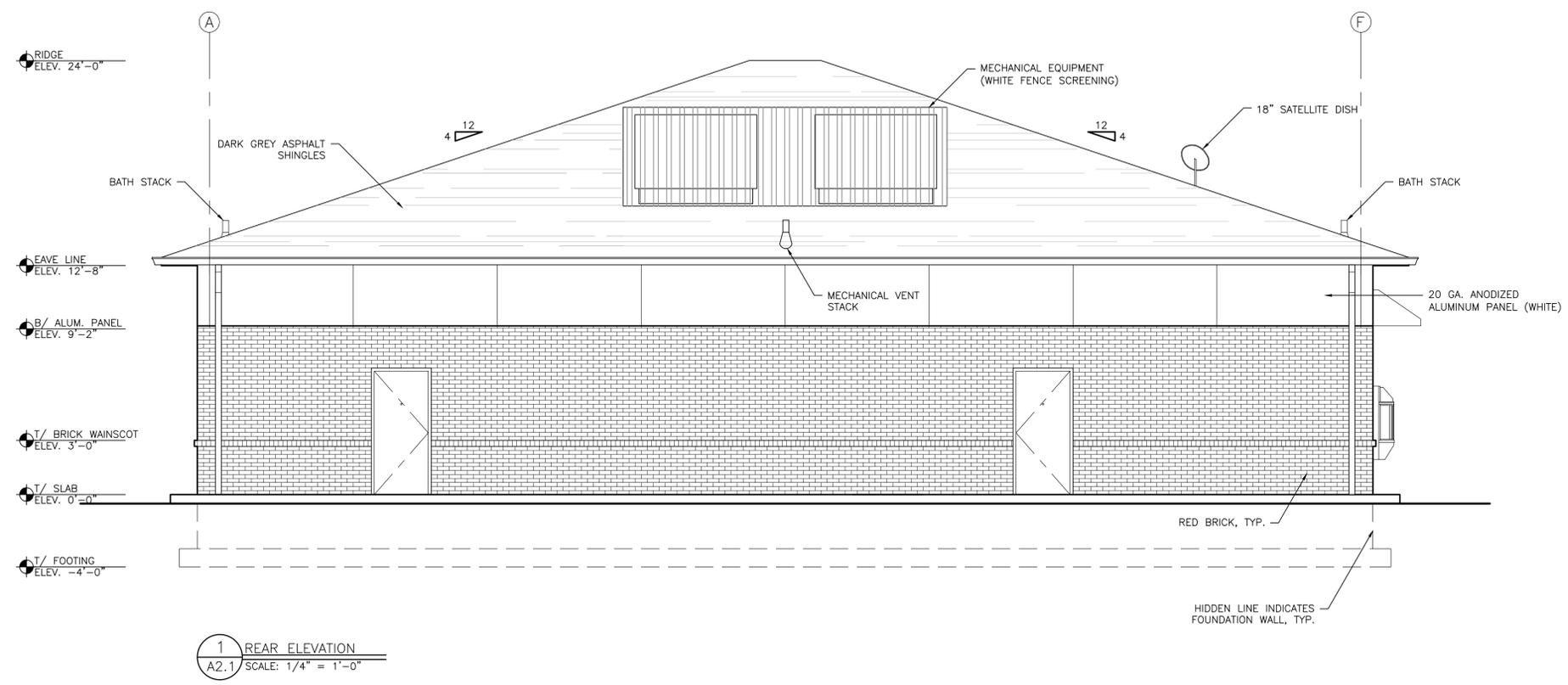
PREPARED FOR  
**GIBBS OIL COMPANY**

PROJECT ADDRESS  
**NEWINGTON, CT**  
128 WILLARD AVENUE

SHEET DESCRIPTION  
**EXTERIOR ELEVATIONS**

PROJECT NO.	3008.116	SHEET NO.	A2.0
SCALE:	AS NOTED		
DRAWN BY:	HAL		
DATE:	02/03/2016		

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REV	PER	DATE	DESCRIPTION
1	AIM	02/16/2017	REVISED PER UPDATED SIGNAGE PACKAGE
2	SMP	03/10/2017	REVISED PER UPDATED CO-BRAND LAYOUT
3	SMP	03/29/2017	UPDATED PER RELOCATED TRASH ENCLOSURE

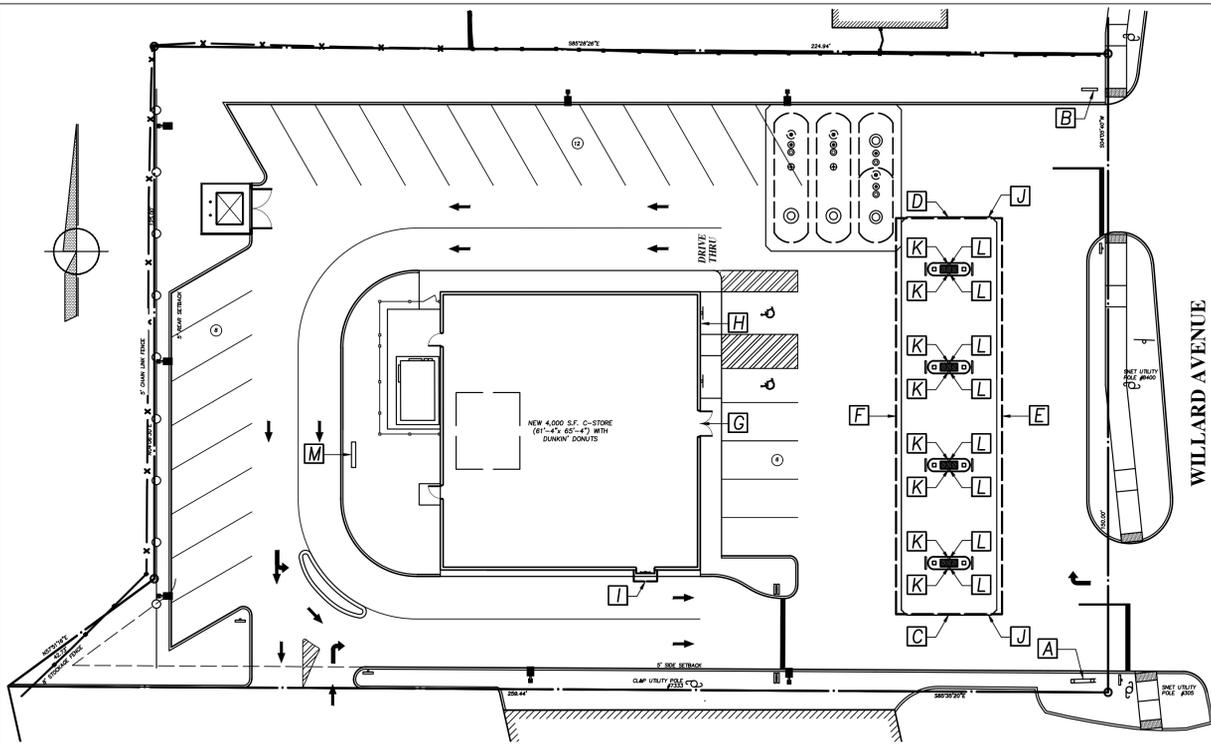
**AYOUB ENGINEERING**  
ENGINEERS & ARCHITECTS  
CORPORATE OFFICE:  
414 BENEFIT STREET  
PAWTUCKET, RHODE ISLAND 02861  
401-728-5533

PREPARED FOR  
**GIBBS OIL COMPANY**

PROJECT ADDRESS  
**NEWINGTON, CT**  
128 WILLARD AVENUE

SHEET DESCRIPTION  
**EXTERIOR ELEVATIONS**

PROJECT NO.	3008.116	SHEET NO.	A2.1
SCALE:	AS NOTED		
DRAWN BY:	HAL		
DATE:	02/03/2016		



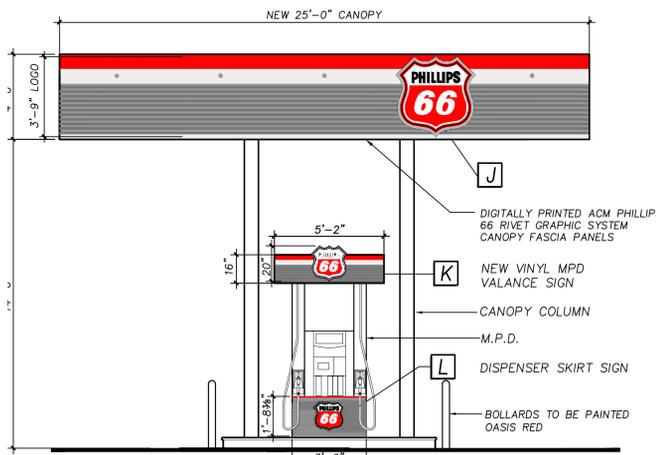
**PROPOSED SITE PLAN**

REFERENCE:  
PROPERTY LINES AND OTHER TOPOGRAPHIC INFORMATION SHOWN ON THIS DRAWING WERE TAKEN FROM:  
\*TOPOGRAPHIC SURVEY, PREPARED FOR GIBBS OIL, 129 WILLARD AVENUE, NEWINGTON, CONNECTICUT. DATE: 4-26-07. SCALE: 1"=20' PREPARED BY BONGIOVANNI GROUP, INC. LAND SURVEYORS, 170 PANE ROAD, NEWINGTON, CONN 06111.

SCALE: 1"=20'

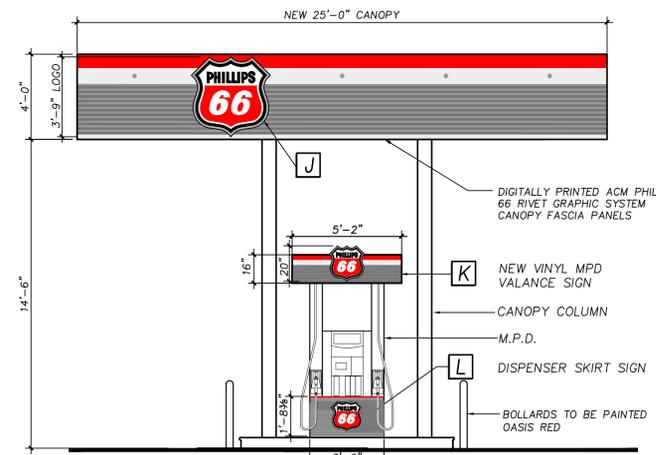


PROPOSED SIGN SCHEDULE							
MARK	DESCRIPTION	SIZE	AREA	QUAN.	SQUARE FT.	INT. ILLUM'D.	REMARKS
A	I.D. SIGN	5'-0" x 12'-4"	61.7 S.F.	1	61.7 S.F.	YES	TO BE REFACED
B	DIRECTIONAL DRIVE-THRU	2'-6" x 1'-2"	2.9 S.F.	1	2.9 S.F.	YES	PROPOSED
G	"FOOD MART" (BLDG.)	10'-0" x 2'-0"	20.0 S.F.	1	20.0 S.F.	YES	PROPOSED
H	"DUNKIN DONUTS" (BLDG.)	10'-0" x 2'-0"	20.0 S.F.	1	20.0 S.F.	YES	PROPOSED
I	CANOPY DRIVE-THRU SIGN	2'-8" x 2'-0"	5.3 S.F.	1	5.3 S.F.	NO	PROPOSED
J	CANOPY SIGN	3'-9" x 3'-9"	14.1 S.F.	2	28.2 S.F.	YES	PROPOSED
K	DISPENSER VALANCE SIGN	1'-9" x 5'-2"	9.0 S.F.	8	72.0 S.F.	NO	PROPOSED
L	DISPENSER SKIRT SIGN	1'-8 3/4" x 3'-6"	6.5 S.F.	8	52.0 S.F.	NO	PROPOSED
M	MENU BOARD	6'-6 1/4" x 5'-2"	33.7 S.F.	1	33.7 S.F.	YES	PROPOSED
TOTAL PROPOSED SIGNAGE:			295.8 S.F.				



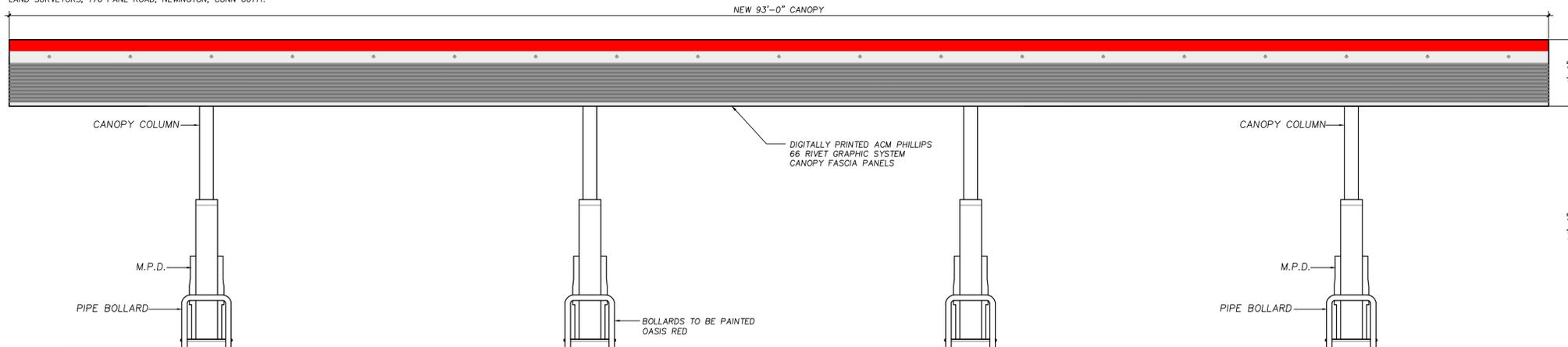
**C PROPOSED CANOPY LEFT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



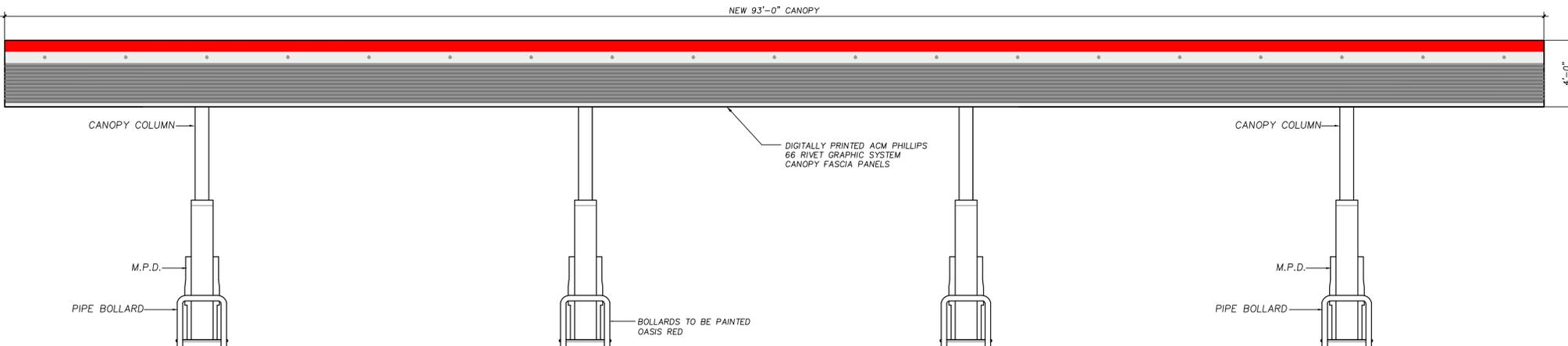
**D PROPOSED CANOPY RIGHT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



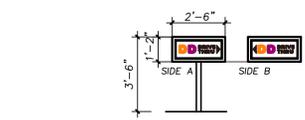
**E PROPOSED CANOPY FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



**F PROPOSED CANOPY REAR ELEVATION**

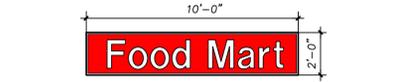
SCALE: 1/4" = 1'-0"



**B PROPOSED DIRECTIONAL DRIVE THRU**

AREA=2.9 S.F.

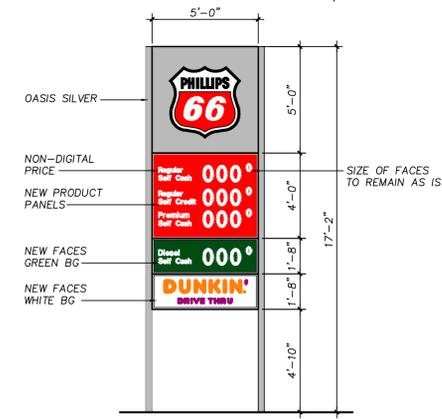
SCALE: 1/4"=1'-0"



**G PROPOSED BUILDING SIGN**

AREA=20.0 S.F.

SCALE: 1/4"=1'-0"



**A PROPOSED ID SIGN TO BE REFACED**

AREA= 61.7 S.F.

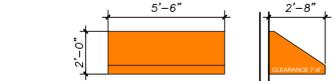
SCALE: 1/4"=1'-0"



**H PROPOSED BUILDING SIGN**

AREA=20.0 S.F.

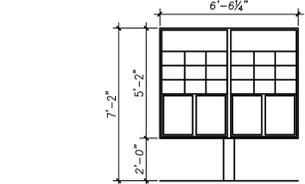
SCALE: 1/4"=1'-0"



**I PROPOSED CANOPY DRIVE-THRU**

AREA=17.8 S.F.

SCALE: 1/4"=1'-0"



**M PROPOSED MENU BOARD**

AREA=33.7 S.F.

SCALE: 1/4"=1'-0"

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REV	PER	DATE	DESCRIPTION
1	AJM	02/06/2017	REVISED PER CLIENT'S COMMENTS
2	AJM	02/16/17	REVISED PER UPDATED SIGNAGE PACKAGE
3	AJM	3/29/17	UPDATED PER RELOCATED TRASH ENCLOSURE
4	AJM	05/25/17	REVISED PER TOWN PLANNERS COMMENTS
5	AJM	01/21/20	REVISED PER UPDATED GRAPHICS STANDARDS

**AYOUB ENGINEERING**  
ENGINEERS & ARCHITECTS

ADDRESS:  
41/A BENEFIT STREET  
PAWTUCKET, RHODE ISLAND 02861  
401-728-5533

PREPARED FOR  
**GIBBS OIL COMPANY**

PROJECT ADDRESS  
**NEWINGTON, CT**  
129 WILLARD AVENUE

SHEET DESCRIPTION  
**PROPOSED SIGN & GRAPHICS PLAN**

PROJECT NO.	3008.116	SHEET NO.	
SCALE:	AS NOTED		
DRAWN BY:	FA		
DATE:	02/03/17		

**SG-2**

# 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: September 15, 2020  
Re: Petition #31-20: Site Plan Modification at 100 Milk Lane. Saputo Dairy Foods USA LLC, applicant; Catamount Newington LLC, owner; Scott Manlove, 100 Milk Lane, Newington CT. contact.

---

### **Description of Petition #31-20:**

Saputo Dairy Foods would like to construct several new/replacement dairy silos and liquid holding tanks next to the southeast corner of the existing factory building at 100 Milk Lane.

### **Staff Comments:**

As you can see from the site plan, these structures are to be located on existing impervious pavement so there will be no increase in stormwater runoff, and will be immediately adjacent to the factory building so there will be no impact on truck movements.

As of this writing the Town Engineer has not provided his review comments.

cc:  
Applicant  
file

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

Petition # 31-20

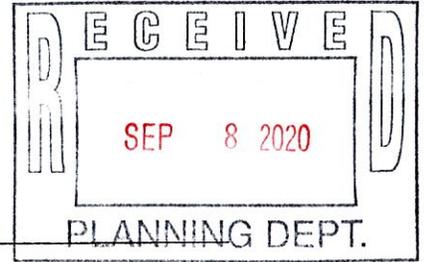
CHK# 58481



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 100 Milk Lane ZONE: I

APPLICANT: Saputo Dairy Foods USA, LLC TELEPHONE: \_\_\_\_\_

ADDRESS: 100 Milk Lane, Newington, CT 60110 EMAIL: \_\_\_\_\_

CONTACT PERSON: Scott Manlove TELEPHONE: 860-594-3728

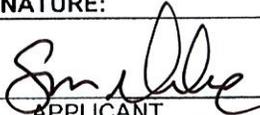
ADDRESS: \_\_\_\_\_ EMAIL: Scott.Manlove@saputo.com

OWNER OF RECORD: CATAMOUNT NEWINGTON LLC

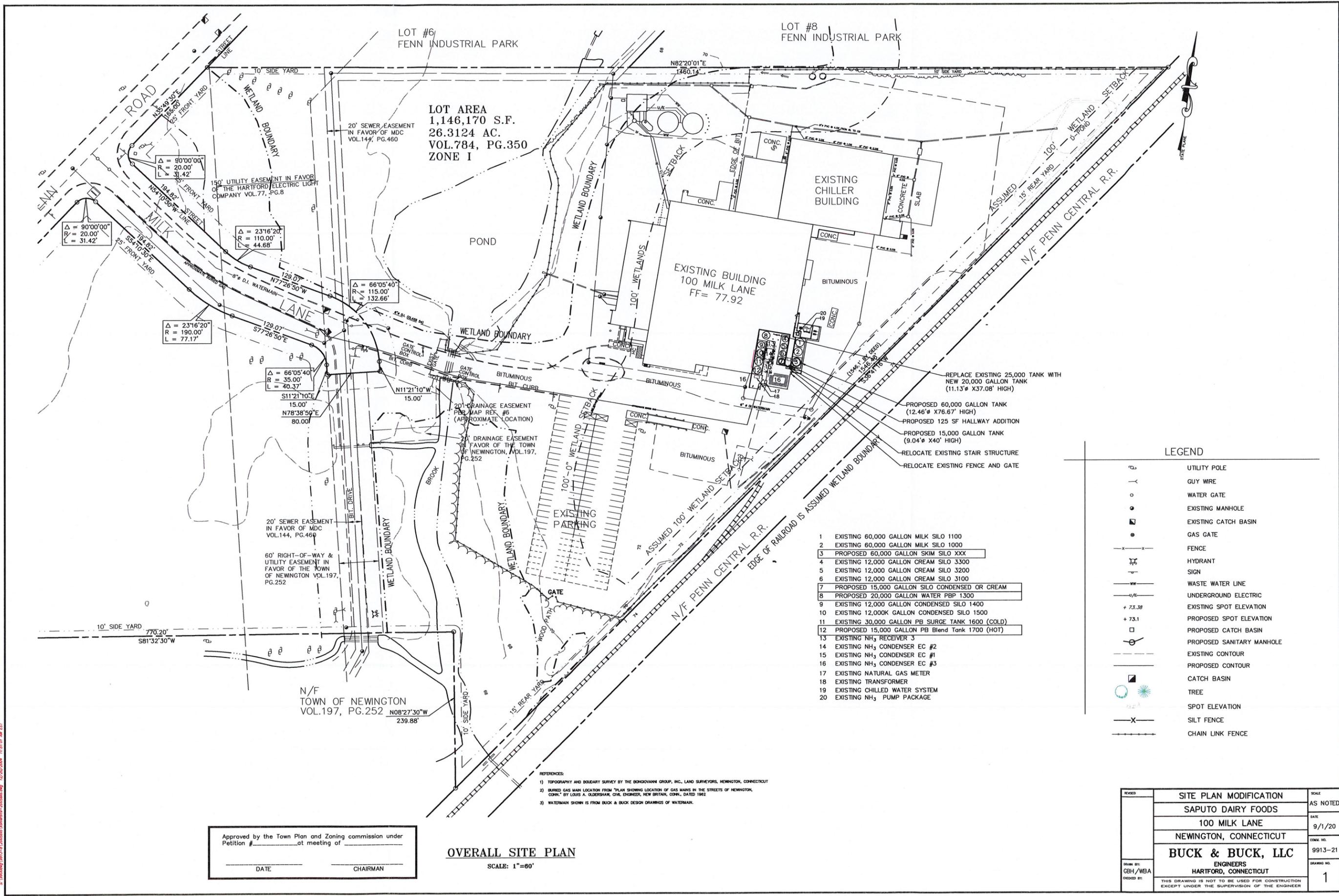
**THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):**

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

SIGNATURE:

 APPLICANT	<u>9/4/2020</u> 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).



LOT AREA  
1,146,170 S.F.  
26.3124 AC.  
VOL.784, PG.350  
ZONE I

EXISTING BUILDING  
100 MILK LANE  
FF= 77.92

- 1 EXISTING 60,000 GALLON MILK SILO 1100
- 2 EXISTING 60,000 GALLON MILK SILO 1000
- 3 PROPOSED 60,000 GALLON SKIM SILO XXX
- 4 EXISTING 12,000 GALLON CREAM SILO 3300
- 5 EXISTING 12,000 GALLON CREAM SILO 3200
- 6 EXISTING 12,000 GALLON CREAM SILO 3100
- 7 PROPOSED 15,000 GALLON SILO CONDENSED OR CREAM
- 8 PROPOSED 20,000 GALLON WATER PBP 1300
- 9 EXISTING 12,000 GALLON CONDENSED SILO 1400
- 10 EXISTING 12,000K GALLON CONDENSED SILO 1500
- 11 EXISTING 30,000 GALLON PB SURGE TANK 1600 (COLD)
- 12 PROPOSED 15,000 GALLON PB Blend Tank 1700 (HOT)
- 13 EXISTING NH<sub>3</sub> RECEIVER 3
- 14 EXISTING NH<sub>3</sub> CONDENSER EC #2
- 15 EXISTING NH<sub>3</sub> CONDENSER EC #1
- 16 EXISTING NH<sub>3</sub> CONDENSER EC #3
- 17 EXISTING NATURAL GAS METER
- 18 EXISTING TRANSFORMER
- 19 EXISTING CHILLED WATER SYSTEM
- 20 EXISTING NH<sub>3</sub> PUMP PACKAGE

LEGEND	
	UTILITY POLE
	GUY WIRE
	WATER GATE
	EXISTING MANHOLE
	EXISTING CATCH BASIN
	GAS GATE
	FENCE
	HYDRANT
	SIGN
	WASTE WATER LINE
	UNDERGROUND ELECTRIC
	EXISTING SPOT ELEVATION
	PROPOSED SPOT ELEVATION
	PROPOSED CATCH BASIN
	PROPOSED SANITARY MANHOLE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	CATCH BASIN
	TREE
	SPOT ELEVATION
	SILT FENCE
	CHAIN LINK FENCE

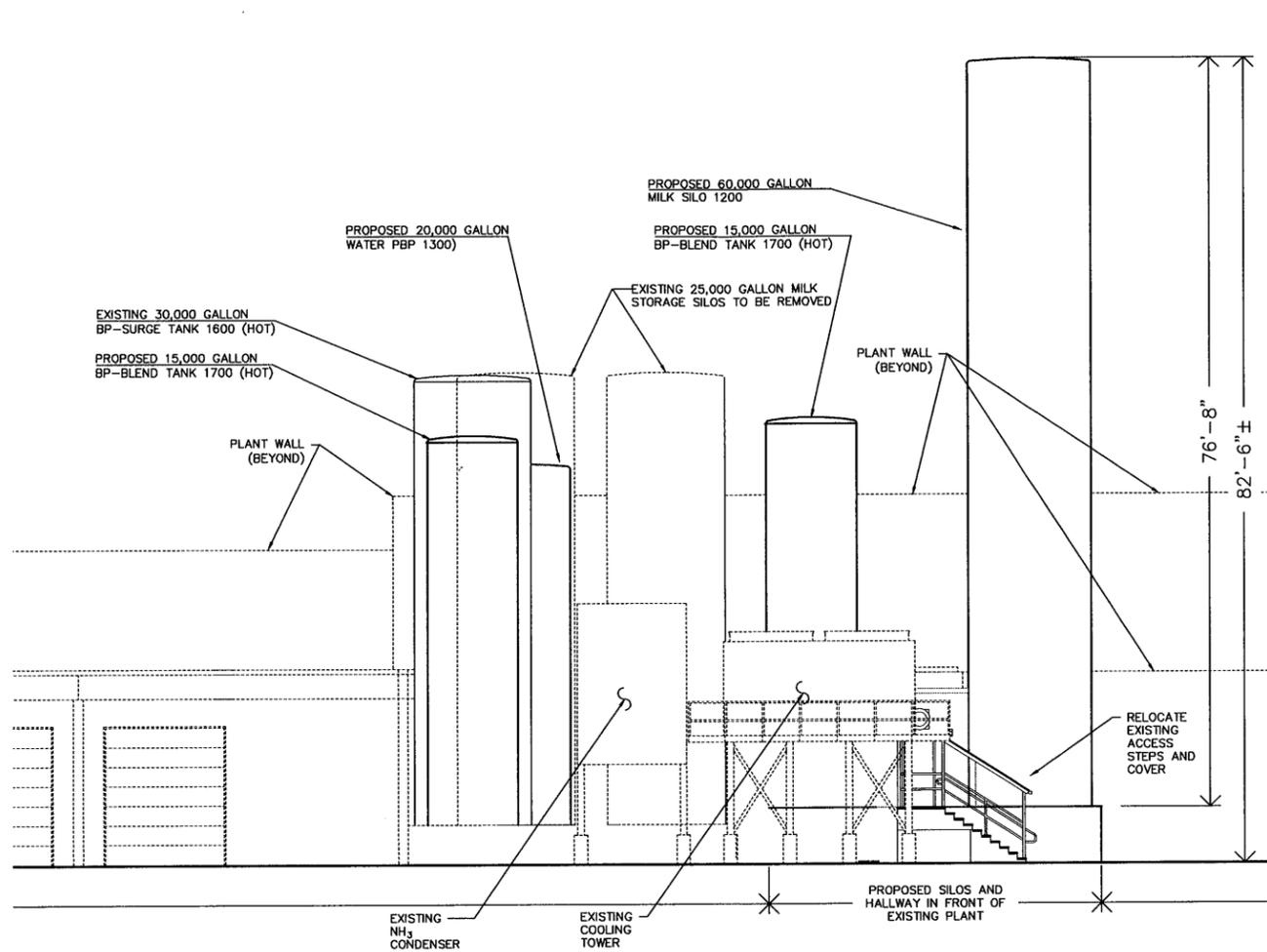
REFERENCES:  
 1) TOPOGRAPHY AND BOUNDARY SURVEY BY THE BONGIOVANNI GROUP, INC., LAND SURVEYORS, NEWINGTON, CONNECTICUT  
 2) BURIED GAS MAIN LOCATION FROM "PLAN SHOWING LOCATION OF GAS MAINS IN THE STREETS OF NEWINGTON, CONN." BY LOUIS A. OLDERSHAW, CIVIL ENGINEER, NEW BRITAIN, CONN., DATED 1962  
 3) WATERMAIN SHOWN IS FROM BUCK & BUCK DESIGN DRAWINGS OF WATERMAIN.

Approved by the Town Plan and Zoning commission under  
 Petition # \_\_\_\_\_ at meeting of \_\_\_\_\_  
 \_\_\_\_\_ DATE \_\_\_\_\_ CHAIRMAN

**OVERALL SITE PLAN**  
 SCALE: 1"=80'

CHECKED   DRAWN BY: GBH/WBA CHECKED BY:	SITE PLAN MODIFICATION		SCALE
	SAPUTO DAIRY FOODS		AS NOTED
	100 MILK LANE		DATE
	NEWINGTON, CONNECTICUT		9/1/20
		CONTRACT NO.	9913-21
<b>BUCK &amp; BUCK, LLC</b>		DRAWING NO.	1
ENGINEERS HARTFORD, CONNECTICUT		THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION EXCEPT UNDER THE SUPERVISION OF THE ENGINEER	

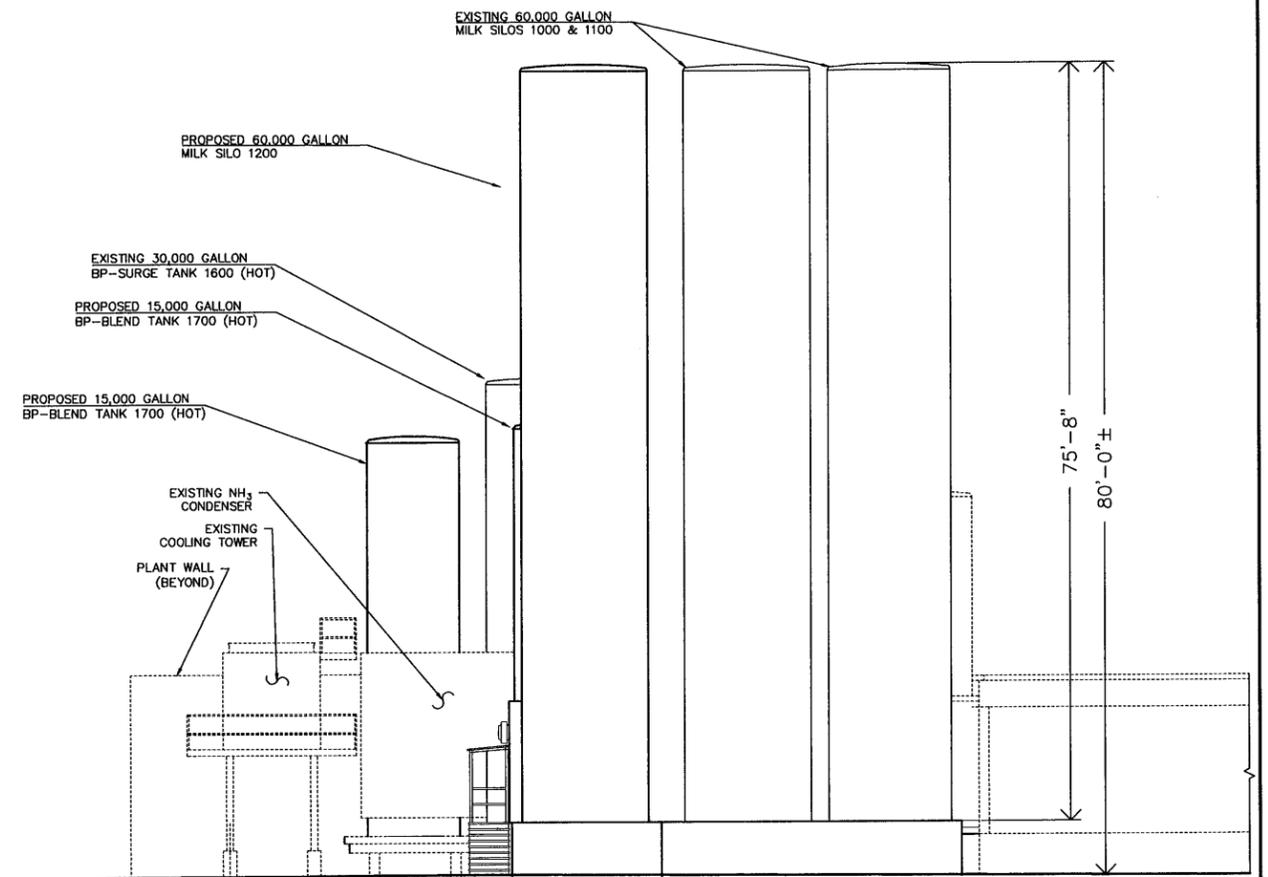
1:10/20/2019 10:11:11 AM C:\Users\jwheeler\OneDrive\Documents\20190913\100 Milk Lane\100 Milk Lane.dwg 12/20/2019 11:30:07 AM 237



PARTIAL SOUTH ELEVATION

OBSCURED FROM VIEW THIS ELEVATION

- EXISTING 12,000 GALLON CONDENSED SILO 1500
- EXISTING 12,000 GALLON CONDENSED SILO 1400
- PROPOSED 20,000 GALLON WATER PBP 1300
- EXISTING 12,000 GALLON CREAM SILO 3100
- EXISTING 12,000 GALLON CREAM SILO 3200
- EXISTING 12,000 GALLON CREAM SILO 3300



PARTIAL EAST ELEVATION

OBSCURED FROM VIEW THIS ELEVATION

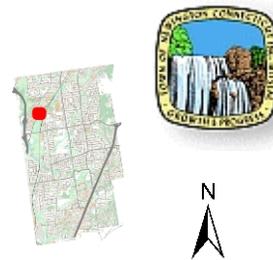
- EXISTING 12,000 GALLON CONDENSED SILO 1500
- EXISTING 12,000 GALLON CONDENSED SILO 1400
- PROPOSED 20,000 GALLON WATER PBP 1300
- EXISTING 12,000 GALLON CREAM SILO 3100
- EXISTING 12,000 GALLON CREAM SILO 3200
- EXISTING 12,000 GALLON CREAM SILO 3300

Approved by the Town Plan and Zoning commission under  
 Petition # \_\_\_\_\_ at meeting of \_\_\_\_\_  
 \_\_\_\_\_ DATE \_\_\_\_\_ CHAIRMAN

REVISION	SILO AND ACCESS HALL ELEVATIONS	SCALE
	SAPUTO DAIRY FOODS	1/8" = 1'-0"
	100 MILK LANE	DATE
	NEWINGTON, CONNECTICUT	9/1/20
	<b>BUCK &amp; BUCK, LLC</b>	COM. NO.
	ENGINEERS	9913-21
DRAWN BY: WBA	HARTFORD, CONNECTICUT	DRAWING NO.
CHECKED BY:	THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION EXCEPT UNDER THE SUPERVISION OF THE ENGINEER	2



# Saputo Dairy Foods



## Map Legend

Parcels

### BA SEMAP LEGEND

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

Printed 9/15/2020 1:52:04

*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 Plan and Zoning Commission

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: September 21, 2020  
Subject: **Petition #33-20: Sec. 8-24 Referral of Proposed Sale of Former National Welding Property at 690 Cedar Street. Newington Town Council, owner/applicant.**

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### **Description of Petition #33-20:**

This is a Sec. 8-24 referral from the Newington Town Council regarding the proposed sale of the “National Welding” property at 690 Cedar Street.

Sec. 8-24 of the Connecticut General Statutes reads (in part) as follows:

“No...legislative body shall...locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building...until the proposal to take such action has been referred to the [planning] commission for a report.”

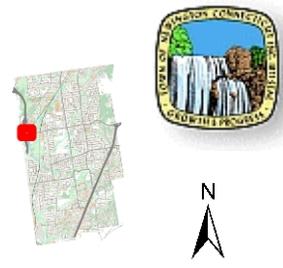
### **Staff Comments:**

The “National Welding” property is Industrial-zoned (within the Cedar Street TOD Overlay District). The Town acquired it through foreclosure in 2008, and subsequently demolished the abandoned factory building and substantially remediated the site. The Town has been looking for a suitable purchaser for several years to develop the property in a manner that would be beneficial to the Town.

As I write this memo the Town Council is set to vote to approve the sale at a special Town Council meeting scheduled for Tuesday, September 22. Information on the proposed buyer and the intended use of the property will be available at the TPZ meeting on Wednesday, September 23.

cc:  
file

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townplanner@newingtonct.gov  
www.newingtonct.gov



**Map Legend**

Parcels

**BA SEMA P LE GEND**

- Centerlines
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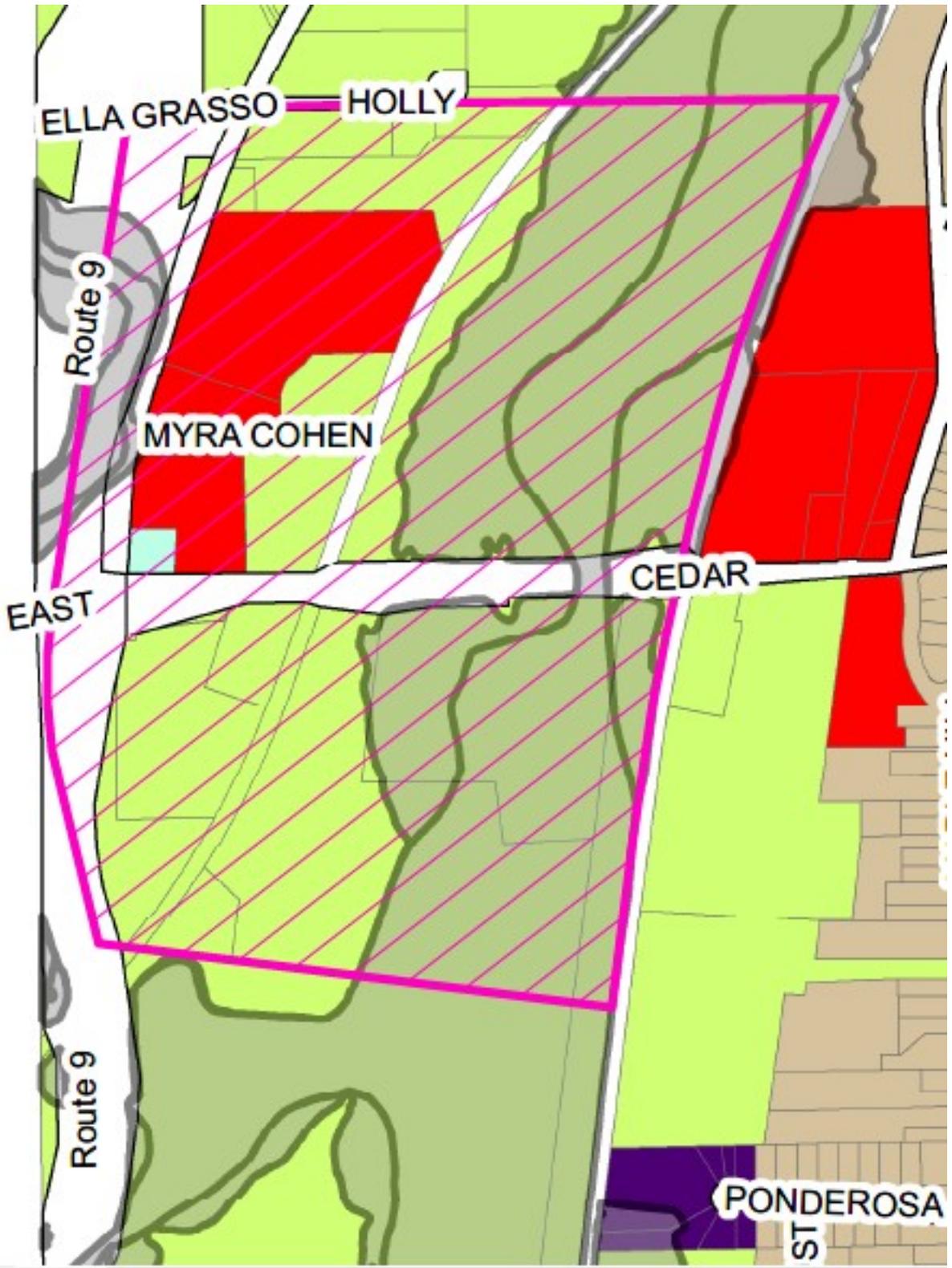
# Former National Welding Property



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W



# 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:** September 15, 2020  
**Subject:** **Commercial Vehicles and Home Businesses in Residential Zones**

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I made the following changes to the draft, per the comments made by Commissioners at the September 9, 2020 meeting:

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

I still have not suggested any changes to the Home Business regulations, pending the Commissioners' discussion.

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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 on a regular basis. 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 non-passenger vehicle that does not comply with Section 3.22.1C.

## **Section 3.3     Uses Permitted in All Residential Zones**

In residential zones, buildings, structures and lots may be used and structures may be altered or erected for the following uses.

### **3.3.3       Use of residence for personal business purposes:**

The use of a residence by the occupant for business purposes is permitted subject to the following requirements.

- A. No business is conducted on the premises except by mail, telephone or data terminal.
- B. No persons other than members of the resident family are employed in such activity.
- C. No external evidence of the business is visible.
- D. No business signs are erected.
- E. No pedestrian or automobile traffic other than that normally generated by a residence is permitted.
- F. See Section 3.4.4 (Home Occupation and Professional Office) to obtain approval of a proposed business that exceeds these requirements.

## **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 exception. 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.

### **3.4.4       Home occupations and professional offices, such as, but not limited to, TV and radio repair, doctors, attorneys, accountants and architects in a dwelling subject to the following conditions:**

- A. The dwelling shall be the full time residence of the person or persons conducting the home occupation or office; and there shall be no more than one non-resident person or employee engaged in the conduct of the office or occupation.
- B. No evidence of the occupation or office shall be visible outside the dwellings, except an announcement sign not to exceed 2 square feet is permitted.
- C. The floor area for conduct of the occupation and/or office shall not exceed 25 percent of the floor area of the dwelling.
- D. Any parking proposed or required in excess of 2 cars shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.

- E. Zoning Permit: The home occupation or office shall not be detrimental to the health, safety, welfare and property values in the neighborhood, and to ensure this condition a zoning permit will be issued for 1, 2 or 3 years, starting on the approval date. The permit may be revoked for due cause after a public hearing. The permittee must apply for permit renewal and pay a permit fee. The permit shall become null and void if not renewed. Renewals shall be applied for no later than 45 days prior to the expiration of the permit. The permit shall continue in force until the renewal is acted upon by the Commission. Permits are not transferable.
- F. For the purpose of this section professional offices do not include personal service uses such as, but not limited to, barbers, hair salons, and nail salons. (Effective 12-01-01)

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**HOME OCCUPATION:** Any use customarily conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and carried on by the residents of the premises and no more than one non-resident employee.

Such use must occupy a floor area not more than 25% of the floor area of the dwelling unit; must not create a nuisance, odor, noise, glare, vibration, or safety hazard noticeable off the premises; there shall be no outside storage of material or display of stock-in-trade; no exterior evidence of the activity carried on shall be visible from outside the building; and shall not include the sale of articles not made or assembled on the premises.

<i><b>OTHER</b></i>	<i><b>PARKING REQUIREMENTS</b></i>
Home occupations, office in residence (medical/dental)	5 spaces for each 1,000 square feet or fraction thereof of building floor area devoted to such use, but for medical/dental at least 5 spaces plus 1 for each doctor

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## **Town Planner**

**To:** Town Plan and Zoning Commission  
**From:** Town Planner Craig Minor, AICP  
**Date:** September 17, 2020  
**Subject:** **Outstanding Performance Bonds**

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TPZ has, over the past few months, voted to release all but the very oldest (and the newest) performance bonds.

At the meeting on September 23, 2020 I will share with the Commission what I have been able to find out about the remaining bonds on the attached spreadsheet.

cc:  
file

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## PERFORMANCE BONDS

<u>Received</u>	<u>Name</u>	<u>Balance</u>	<u>Description</u>	<u>Released by TPZ</u>		
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				
	<b>1994-95 Bonds</b>					
	Zag Machine	\$4,200				
	<b>1998-99 Bonds</b>					
	178 Richard St-Crnobrnja ad Brennan	\$320				
	<b>1999-00 Bonds</b>					
	Boyland Development (Hops//IHOP)	\$5,700				
	Jefferson Court (Howard/Sprague)	\$998				
	Mills Construction (63 E.Cedar St.)	\$1,500				
<b>7/17/2006</b>	<b>MORETCO INC.</b>	<b>\$3,338</b>	<b>20jul2020: No information available; possibly associated with Town Center façade program.</b>			

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Planner

**To:** Town Plan and Zoning Commission  
**From:** Town Planner Craig Minor, AICP  
**Date:** September 17, 2020  
**Subject:** **Town Planner Report for September 23, 2020**

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1. “Fee in Lieu of Sidewalks”: Newington’s sidewalk requirements are frankly a hodgepodge. New construction of some types of businesses require sidewalks, but not others. New construction in some zones require sidewalks, but not in other zones. And to make it more complicated, sidewalks can be waived in some cases but not others. Similarly, sidewalks are mandated on some new subdivision streets, but not others, and where they are required, they can be waived. The developer who is able to persuade TPZ to waive his sidewalks lucks out over the developer who is not so fortunate.

What some towns do to level the playing field is have clear and rational sidewalk requirements, but where new sidewalks are not appropriate, the developer pays a “fee in lieu of sidewalks” into a sidewalk fund that the Town can only use to build new sidewalks elsewhere.

This was discussed at the last two Public Works Team staff meetings, and the consensus was that I should recommend TPZ adopt a “fee in lieu of sidewalks” policy. If TPZ is interested in this, I would be happy to present something for its consideration at the next meeting.

2. POCD Printing Update: The new POCD is at Image Ink for printing. I will probably deliver one to each Commissioner with the next TPZ agenda packet.

cc:  
file

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