

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 27, 2022

Chairman Domenic Pane called the July 27, 2022 regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

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

Commissioners Present

Chairman Domenic Pane
Commissioner Bryan Haggarty
Commissioner Garret Havens
Commissioner Jonathan Trister
Commissioner Stephen Woods
Commissioner Hyman Braverman-A
Commissioner Stuart Dzod-A
Commissioner Thomas Gill-A

Commissioners Absent

Commissioner Anthony Claffey
Commissioner David Lenares

Staff Present

Renata Bertotti, Town Planner

Commissioner Gill was seated for Commissioner Claffey and Commissioner Braverman was seated for Commissioner Lenares.

III. **APPROVAL OF AGENDA**

No Changes

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

None

V. **REMARKS BY COMMISSIONERS**

None

Domenic Pane
Town Clerk

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VI. **PUBLIC HEARING:**

- A. Petition 31-22: Zoning Regulations Amendment (Sec. 4.4.5) to remove the setback requirements for detached mechanical units. Applicant Newington TPZ, Contact Renata Bertotti.

Renata Bertotti: You have received in your packet the regulation amendment. It is something that I had wanted to propose for probably several months. After I had been here about a year, I realized that one of the most frequent applications that ends up in front of our Zoning Board of Appeals is an application for the location of mechanical units, such as air conditioning, compressor units and things of that nature which are currently required to meet our normal setbacks. People normally do not have space next to their house because there are many locations, specifically where they cannot go next to the house to also meet the side and rear yard setbacks, frequently side yard setbacks. Because of that, we have drafted a regulation amendment which I will read that says, and it is located under Section 4.4.5 residential zoning districts and it says, under subsection E: "Detached mechanical units in R-7, R-12 and R-20 zones. Propane tanks, mechanical equipment, generators and similar components less than fifteen (15) square feet in size and located in a side or rear yard shall not be required to adhere to setback requirements provided no portion of the unit is located further than ten (10) feet from the principal structure or closer than five (5) to a property line. A plot plan shall be provided to verify location. For corner lots, the front yard shall apply only to the portion of the property where the main dwelling entrance is located and the general direction in which the principal building faces, as determined by the Zoning Enforcement Officer."

This is exactly the kind of thing that we want to do with our zoning regulations where we have a lot of requests for relief of our rules that means that generally there is something in that rule that we need to take a look at, review and correct. We feel that five feet is a sufficient setback, the modern compressors and the modern AC units are much quieter than what used to be twenty or thirty years ago, which was the general sentiment as to why they were needing to meet like normal setbacks. We also received a letter from the Zoning Board of Appeals in support of this proposal. That really all there is to this small amendment to the Zoning Regulations, it's pretty straight forward.

Chairman Pane: Very good. I'll go to questions from the Commissioners for the staff. Anybody have any questions.

Commissioner Gill: As far as generators, are we to understand that the generator can be put farther away from the house? How far away from the house can it be located?

Renata Bertotti: Under our regulations, we are saying no more than ten feet away from the house, and the intent of that really to not have these random, because this covers a number of detached units, meaning that we would not want to have people locating all kinds of mechanical equipment all over their yard. That is not the intent of this regulation. This is really for generators, AC units, things like that.

Commissioner Gill: Okay, because the concern I have is locating the generator farther away from their house where it ends up to be closer to somebody else's property. There are requirements as far as a generator and the air conditioning unit that it can only be a certain distance away from the house. I think it should be put into there that the unit needs to be as close to the house as it can be by the requirements of the piece of equipment.

Chairman Pane: I think because of the side yards that is generally what is happening. A lot of these older houses, I notice that people have been coming in for waivers because they don't have enough room on the side yard. You are correct, a generator can be X amount of feet away from the house, but if it is too far, we wouldn't want it too close to the neighbor. Then in this regulation, she is claiming that it can't be any closer than five feet to the property line.

Commissioner Gill: Okay, and the new air conditioning units need to be farther away from the house than what they used to be, but they are, like Renata said, they are extremely quiet.

Chairman Pane: Any other questions for staff?

Commissioner Trister: I have a question about the language choice in the proposed regulation. AC units, AC condensers, is there a reason we are not specifying that specifically in the regulation, we just have mechanical equipment, AC compressors, that kind of thing, but what else does mechanical mean?

Renata Bertotti: I think we kept it more general because I don't know what kind of mechanical equipment is in the future. We are seeing all kinds of changes when it comes to these energy types of things. So I suppose we could be very specific and just limit this to generators and AC units and then modify our regulations if something comes up in the future. I have a sense that there are a lot of things that might be coming down, elements and mechanical things.

Commissioner Woods: I am assuming that these are for whole house generators, permanently installed? We're not trying to regulate something that is in your garage that you only wheel it out to use it for the storm?

Chairman Pane: This is for a permanent installation.

Commissioner Woods: That's what I thought.

Renata Bertotti: We don't regulate temporary location for like twenty-four hours of use, things like that.

Chairman Pane: Any other questions? We'll go to the public for the public portion of this. Anyone from the public wishing to speak in favor of the petition? Anyone wishing to speak in favor or in opposition?

Commissioner Braverman: What will the impact be to the insurance of the homeowner due to the location of the generator?

Renata Bertotti: I don't know, but I don't know that is affected by whether that location is secured by the variance or by the regulation.

Commissioner Braverman: Okay, just curious.

Chairman Pane: Anyone else?

Commissioner Haggarty: I'm not really familiar with stand-by generators or the size of them or how much you are trying to power, but it's fifteen feet, is that too restrictive for a whole home generator?

Renata Bertotti: I wouldn't think so, but.....

Chairman Pane: That would provide plenty of room. Any other questions? Anyone from the public?

Commissioner Havens moved to close Petition 31-22 and move it to Old Business for consideration tonight. The motion was seconded by Commissioner Haggarty. The vote was unanimously in favor of the motion with seven voting YEA.

VII. APPROVAL OF MINUTES

Commissioner Havens moved to approve the minutes of the July 13, 2022 regular meeting. The motion was seconded by Commissioner Woods. The vote was unanimously in favor of the motion with seven voting YEA.

VIII. NEW BUSINESS

A. TPZ to comment on the greater Hartford Mobility Study.

Chairman Pane: We received this in our packets and I think Renata is going to give us a briefing on this.

Renata Bertotti: It depends on how you would like to pursue this. We provided you the plan and you were provided a link for an on-line version of the website. There are over one hundred recommended alternatives, there are four that are location specific to Newington, but then there are like a bunch of other recommendations that include pedestrian and bicycle improvements that are more general in nature that also do apply to Newington. There are improvements to policy type of things that also could apply to Newington so unless you have reviewed those recommendations yourself and are prepared to comment and the only way I can see that happening is my pulling up the web site and going one by one tonight. I think it is perhaps more

efficient if you review the website my yourself and come prepared essentially comments yourself, so if you haven't had a chance to do that yet, perhaps you will have that for the next meeting. I will say that the recommendations tend to be general in nature and they are somewhat vague, for example, Route 175, one of the recommendations is reconstruct Route 175 which on that wording, we need something that the Commission feels is a great idea to do. Depending on what the DOT is thinking on the reconstruction of Route 175 implies. Then that implementation of that recommendation could trigger certain things that we may not be in support of. So what I would recommend, is review those, keeping in mind that they are general, and then when you provide your recommendations that this is a good idea, but we want to have input once you come up with something that is like going to create bike lanes and sidewalks then maybe that would be great, we would love that, but if this is something that is going to include roundabouts, then who knows how the community would feel about that. That maybe something that we need to think a little bit more about. I think that is the best that I would tell you.

Chairman Pane: Is the web information listed in here?

Renata Bertotti: It is, and I can send you the link and I can even show you, if you give me a second.....

Chairman Pane: At your convenience, send us the link and if the other Commissioners, I've read most of it, but not all of it, and I haven't looked at the link yet, maybe we could continue to do that and then have it on the agenda for the next meeting to discuss in more detail.

Renata Bertotti: The website is very east to follow. If you go to the main screen, then go to alternatives and then click on it and then it is by the category, you can look by the location specific, you can look by what you want to look at, like bicycle stuff, it's well designed and user friendly for sure, but I think we need to frame our comments carefully.

Chairman Pane: Any questions concerning the Greater Hartford Mobility Study, so we will leave that on the agenda and will discuss it at our next meeting.

IX. OLD BUSINESS

Petition 31-22: Zoning Regulations Amendment (Sec. 4.4.5) to remove the setback requirements for detached mechanical units. Applicant Newington TPZ, Contact Renata Bertotti.

Commissioner Havens moved to approved Petition 31-22 Zoning Regulations Amendment (Sec. 4.4.5) to remove the setback requirements for detached mechanical units. Applicant Newington TPZ, Contact Renata Bertotti.

Findings:

1. Proposed amendment is consistent with the Plan of Conservation and Development.
2. The effective date of this regulation shall be fifteen days from the date of publication of the notice of decision.

The motion was seconded by Commissioner Gill.

Commissioner Haggarty: Mr. Chairman, is the comment from the ZBA going to be part of the regulation about generator testing? The testing of generators conforming to local noise ordinances?

Chairman Pane: I think that can be added so that they don't run the test programs at odd hours. In other words, some people start them up weekly, so they don't start up at 5:00 in the morning, or late at night, they have to comply with the noise ordinance. Is the acceptable to the maker?

Commissioner Havens: It is acceptable.

Chairman Pane: And to the seconder?

Commissioner Gill: Yes.

Chairman Pane: It would be finding number three, or a condition?

Renata Bertotti: You will approve the regulation amendment with modification that we add the language to address that any testing of generators conform to the local noise ordinance.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

Renata Bertotti: We don't have anything officially to schedule, but I do anticipate having some applications coming up.

XI. TOWN PLANNER REPORT

A. Newington Junction Historic Loop Report

Renata Bertotti: So this report is produced as a result of the grant that we received earlier this year. We got \$10,000 and hired a consultant to look at the Newington Junction area and see if we can somehow promote that particular district and the homes that are located in it for this historic value and just cultural and historic value of that entire area. The consultant produced a report which I was frankly very happy with. The report includes a bit of history, and I really recommend that you read this because it is quite interesting and it is, and even the people who

know of Newington's history didn't quite know the information that she was able to find and provide, so it is quite interesting.

She also lists a number of properties that are of significant value. She is not listing all of the properties that are of historical value, but she is including a sort of sample of them. Then, the bulk of this report is a list of recommendations. The main recommendation, and this is actually the original idea going into this project was how can we promote this and how can we use this to include this historical area to have it as an education for children and make it something that we as a town can be proud of and can use as an element of ownership. Our consultant talks about these interpretative panels which are essentially signs that include information on this area that would be located in five different sections around Newington Junction area, and those signs would then include some other elements like you could use with your phone and you could take a tour and be informed on what you were walking by, and things like that. So we will definitely look into getting an implementation grant which is the second step of this project and it was a planned second step to try to see if we can try to see if we can get some money for these interpretative panels.

She also includes other recommendations, including how to work with schools, how to create this as a, something that we could have as a destination that we could advertise on social media and the town web site. She talks about the importance of local historic districts and in particular in our case because when you have designated historic districts, that generally implies regulations, it implies that you have an historic commission that has to vote whenever there is a change to any home or any property that is located in that district. We feel by creation of this district through interpretive signage and some other measures we could create a district, a neighborhood that is not designed as an historic district commission but still provides the feel and elements for this area. So like, you walk in, you see the sign, you know where you are. That could, we hope entice people in the area to just keep their homes in better repair and showcase that section.

Some other recommendations that the consultant provided us was to create a preservation plan and this is town wide preservation plan, that we could then perhaps include in our POCD, that could be something that we could consider. She talks about creation of historical district map and cultural resource maps, and she started a resource inventory. This is another thing that I know that I will want to look for grants for. There are grants available for these kind of things and as a Town we are so abundant with these historic houses, we really should take a good count and at least be aware of what we have.

Lastly, she talks about perhaps considering about becoming a certified local government, getting the certified local government status for the town which would open us up to some, and that would imply that perhaps a town owned property would have to be regulated historically so we could take one of our properties, one of the properties that the town owns, designate it as an historic district, and use that to become a certified local government which would open up to other grants and other funding.

In the fall of this year, along with a bunch of other outreach things, we will also do an outreach to the property owners, in this area of town and get somebody from Preservation Connecticut to talk to the homeowners, hopefully there will be some interest there about what avenues are available at the state level and Preservation CT level for the property owners to obtain, to preserve their homes.

So that is what this report is about.

Chairman Pane: Thank you very much Renata, I think that report was very informative and love the idea of signing some of the properties and I hope that we can implement something like this. I think it would be really nice for the town to showcase the historical homes without putting a burden on the homeowner by making it a registered area. I think it's a great idea.

Commissioner Trister: I think, I like the idea of the codes, specifically think about taking a walk with the family, walk past something and I think it's a great idea and I'd like to see it implemented for sure.

B. Future Agenda Form

Renata Bertotti: Right now the only thing coming up is an applicant before the Zoning Board of Appeals for construction of a second floor addition that is close to the property line. What actually happened is the house is already within the setbacks, so the property owner plans to build a second floor and they need a variance because that whole portion of the house is encroaching.

XII. COMMUNICATIONS

A. CRCOG Letters

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

None

XIV. REMARKS BY COMMISSIONERS

None

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Woods moved to adjourn the meeting. The motion was seconded by Commissioner Havens. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,


Norine Addis, Recording Secretary