

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 22, 2023

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Bryan Haggerty
Commissioner Garret Havens
Commissioner David Lenares
Commissioner Jonathon Trister
Commissioner Stephen Woods
Commissioner Stewart Drozd-A
Commissioner Thomas Gill-A
Commissioner Gia Pascarelli-A

Commissioners Absent

Staff Present

Paul Dickson, Town Planner
Erik Hinckley, Asst. Town Planer/ ZEO

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

John O. Haggerty
Town Clerk

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VI. PUBLIC HEARING

A. Petition 04-23: Zoning Regulation Amendment (Sec. 3.20.1) to include personal services as a permitted use in Commercial Development Zones (CC), Applicant: Newington TPZ, Contact Erik Hinckley

Erik Hinckley: This request, there are a couple of Commercial Developments, along down there on Alumni Road, there are commercial condos, professional offices, and currently personal services are not allowed in that district. The owner of the property had a few potential tenants for that building, and we couldn't give them a zoning permit so they inquired about potentially allowing personal services within that zone. This was brought to you in the fall, we had a brief discussion about it. The other commercial zones in town, the largest one is up by the mall, where Dick's is, and that is all retail and stuff like that. Where this district is along Willard Avenue, it's right across from a lot of residential. I felt that it was a good use in that zone to help get some of those empty spaces occupied. I don't see any detriment to it, so we added this and we also added a definition of personal services as well, so if in the future they have potential tenants we will be able to get them the zoning permit and get them moving through and get them occupied.

Chairman Pane: Very good. Was this required to go to CRCOG?

Erik Hinckley: Yes, there was no regional significance.

Chairman Pane: Any questions from the Commissioners for staff?

Commissioner Haggarty: Permitted uses by a special permit or by right?

Erik Hinckley: By right. A permitted use, no special permit

Chairman Pane: This is something I think that will help a lot of those businesses over in that area which were having a difficult time renting some spaces. Any other questions from the Commissioners?

Paul Dickson: Mr. Chairman, if I may, the only thing I would like to add is I did review, as part of any zoning regulation, or map amendment, it is to be reviewed with compliance with the Plan of Conservation and Development, so for the record, that review was done. This is a very fine grain zoning amendment so it doesn't really get into that depth except part of the overall goals of the economic development section is for overuse of existing properties where appropriate so that a lot of the POCD talks about the opportunity to reuse, especially as noted earlier, by Mr. Hinckley, there are area, and there are people who want to go into these areas that are vacant, and they are having problems renting them out as they are now, so this is consistent with the Plan of Conservation and Development.

Chairman Pane: Very good. Thank you Paul. Any other questions. Since this is a public hearing we will open it up for the public. Anybody wishing to speak in favor of Petition 04-23? Anybody wishing to speak in opposition? Hearing none, I would entertain a motion to close Petition 04-23 and move to Old Business for action.

Commissioner Haggarty moved to close Petition 04-23 and move it to Old Business for action. The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion, with seven voting YEA.

VII. APPROVAL OF MINUTES

Commissioner Trister: I have a correction Mr. Chairman, on page four, at the bottom there is an exchange between Chairman Pane and Commissioner Drozd that I actually believe that that was me. I'm pretty sure it was me and I just wanted to make sure that was corrected correctly. That exchange at the bottom of the page with Commissioner Drozd should actually be me.

Chairman Pane: On all of those?

Commissioner Trister: Yes, on the ones that say Commissioner Drozd, it should actually be me.

Chairman Pane: Okay, can I have a motion with those corrections please?

Commissioner Havens moved to accept the minutes of the March 8, 2023 meeting with the corrections, seconded by Commissioner Lenares. The vote was unanimously in favor of the motion with seven voting YEA.

VIII. NEW BUSINESS

None

IX. OLD BUSINESS

A. Petition 04-23: Zoning Regulation Amendment (Sec. 3.20.1) to include personal services as a permitted use in Commercial Development Zones (CC), Applicant: Newington TPZ, Contact Erik Hinckley.

Commissioner Trister moved to approve the regulation amendment with an effective date of April 12, 2023.

Reasons for the Approval:

This is consistent with the Plan of Conservation and Development. Personal services are permitted within the business zones, as of right. By allowing this use in the CC Zone it will open more opportunities for businesses within the under utilized zone.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 05-23: Special Flood Hazard Permi at 105 Brookside Road for the replacement of an existing MDC Pump Station. Applicant: Metropolitan District of Connecticut (MDC) Contact Lindsay Strole, Owner: Milagros and Ramon Del Valle.

Erik Hinckley: We have one petition coming up for the flood hazard permit for the MDC pump station replacement. That will be upcoming at your next meeting.

XI. TOWN PLANNER REPORT

Paul Dickson: Just to keep you up to date; the Cedar Street Dakota property is continuing on pace. They have pretty much the shells of the club house, the building in the back is mostly complete, I think there is still some work to do on the roof, and they are starting the other building that is behind Dunkin Donuts. So that is continuing on pace.

3333 Berlin Turnpike, we've been working with the site developer, staff is working with them on the reconfigure of an area that was previously a sidewalk, into a fifteen by fifteen patio. That fits within the realm of administrative approval, and we are working with them through engineering and planning to tighten up those plans.

As you may have noticed, Bertucci's, 2929 Berlin Turnpike, we have received calls. We actually spoke with the owner and reached out to them regarding the cutting down of the trees. The building is on the market, he has some interest in the property, and our goal is to work with them to see what they are going to bring in for a proposal, hopefully sometime soon so we can work with them on the landscaping, getting a lot of that back into place, but if there is an imminent development, trying to work with them to try to get that all together so do something so it doesn't have to get done twice. Again, they were notified by a notice about cutting down all of the trees, but our goal is to work with the developer, either getting them all back, they were quite overgrown, there was one that was dead, there was one that was dying and there were some that could have used a little trimming, they kind of went a little whole hog on removing some of them, but again, our goal is to work with them on the development that could come into place and it seems like there is some good interest in the property which is good.

As far as the streetscape grants that we talked about at the last meeting, I'm continuing to follow up and the tracking of those, the two business districts, streetscape improvements. We are reviewing the prior proposals and existing conditions and modifying the plans for things that have been built in that area or other areas of opportunity again before finalizing them and getting them out to engineering drawings, we have another opportunity to fine tune it. Our goal is of course to work on fine tuning it, meet with the business owners, in that area, talk with them about their concerns, and then finalize and move forward to get some of that going.

On that note, the Town is continuing to pursue hiring a Town Engineer. As James reported I believe at the last Town Council meeting, that there is a potential applicant, and they are working through that process so hopefully everything goes well, they can be brought on board, and I can get another partner in crime to get anything done which will be fantastic, especially with the street scape projects that will help out immensely.

National Welding, 690 Cedar Street, that is just about to the finish line, it is waiting on one final piece of the agreement and James is working with the developer right now regarding that, so that is the spark project over there.

The Keeney building, we met with the developer I believe it was last week to go over discussion of what is going on with the plans and any concerns that he has, so my goal is to work with him, again on the presentation to TPZ and the plans, and what the future is and try to help him with figuring out with problematically what he needs to do and what he needs to come back to the Commission for and just to keep things moving along. He is going to be working on the façade and some interior improvements and actually he is going to be presenting at a special meeting on April 6th to the EDC to discuss plans for the building. It will be similar to the presentation that was given to TPZ. It may have new information, I don't have exactly what he is going to present, but he is going to be presenting to them on April 6th.

That is my report.

Chairman Pane: Very good, thank you. Any questions from the Commissioners?

XII. COMMUNICATIONS

None

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

None

XIV. REMARKS BY COMMISSIONERS

Commissioner Claffey: I have a few things, three things I want to ask. One and two are the same, both going on at 1910 Main Street and 1934 Main Street. 1934 is more and more cars now, they are all the way over into the woods to the right of the property. I don't know what it is with cars and why it seems to be a growing problem in our town. Those two properties, and third, do we know what it going on, they just clear cut all the trees behind the CITGO gas station on Brockett Street, is there something going on there? The fourth thing is what are we doing, and I don't know if it is with us or in correlation with building or environmental, but these people that come into our town and start development and they just put mud everywhere across our town. From Cedar Street to the Berlin Turnpike, we stay on them for sign permits, make sure they come in and get their banners approved, but it seems like they can just muddy our waters daily, so those are my concerns.

Chairman Pane: Okay, the first concerns, 1910 and 1934 Main Street, those are things that were brought up previously weren't they?

Commissioner Claffey: Yes, they have been brought up, I mean, 1910 has been a violator for years, and it seems that he keeps parking more and more and putting more accessory structures up, it seems tent style garages, so I don't know. That's a bigger concern than just Main Street, but those are two of the biggest that I have seen of late.

Chairman Pane: We'll have staff look into those and maybe have some answers on any one of the other items.

Erik Hinckley: As far as the property behind the CITCO, that property is owned by the CITGO station and a representative came in a couple of months ago before Mr. Dickson started and they are putting it on the market, and he mentioned that they were probably going to clear it. I asked that they try to leave as much buffer as he could between the residential properties and that, but you know, there is no site plan so that there is not a whole lot of teeth there in our regulations, so they are bring in their clean up, we assume they are going to market and don't know the use. It is zoned as Business-Berlin Turnpike, we've had a couple of residents call as well.

Commissioner Claffey: Is it owned by them, is it part of the CITGO station lot or is it it's own separate....

Erik Hinckley: It is a separate parcel. They just owned both parcels.

Commissioner Claffey: You bring up another point with that buffering, like, can we put that on the agenda? We've talked about it for years, about like the business buffering, getting a certain buffering style to our regulations. I mean.....

Chairman Pane: Did they cut the buffer down?

Paul Dickson: The original site plan has a single line of trees and that is kind of what is there now, so they didn't cut the buffering down. Again, what was previously there wasn't a multi-stacked buffer and it is my intent to reach out to the owner and see if there is anything that can be done again, since it is not shown on a site plan, can't make them.....

Commissioner Claffey: I understand that, but what I'm getting at is, for at least ten years I have heard they old buffer problem, like, we don't have anything in our regulation, or not strong enough.

Paul Dickson; We do.....

Commissioner Claffey: I understand that, but it seems like it comes up and then at the end, at our meeting, the biggest concern is how are we going to assist the neighbors who now you

know, put a fence up, and we have had lengthy discussions on what we could do or could not do and it seems like it is just, it doesn't really come before us where we have a set plan. It brings us back to that property down off of Church Street, that business behind a couple of houses and parking issues, and then there was a buffer issue, I don't know, maybe I'm just sounding a little old fashion but it seems like another, here we go, someone comes and maybe we can update our regulations a little more so at the end when they clear cut it and put a building there, or whatever, that we have some teeth in our regulations to protect the residents a little more from the, from everything, that's all.

Chairman Pane: Thank you Commissioner. Which location is this?

Erik Hinckley: This is Brockett and Kitts, behind the CITGO station, there is that empty lot., right up to the back of the CITGO.

Chairman Pane: That's the buffer, that's for the residential neighborhood there. They can't even build there, it's a twenty-five foot buffer area.

Erik Hinckley: No, it's a larger area than that.

Chairman Pane: A whole lot, what kind of lot, what's it's zoned?

Erik Hinckley: It's zoned as Business-Berlin Turnpike. I'll bring it up on the map and you can look at it.

Chairman Pane: Did they clear all the way to the residential property?

Erik Hinckley: Yes, they own all the way from the back of the station to Kitts. We are talking about this parcel right here. Here is the gas station, and there was nothing, as far as the gas station, there was nothing approved for this lot. This gas station has a buffer along here, as they should, that was approved, that is in place, they are cutting this lot.

Chairman Pane: What is that zoned?

Erik Hinckley: Business-Berlin Turnpike.

Chairman Pane: Right across from the residential?

Erik Hinckley: Yes, and I told the original owner when he came in, or the representative, I said, we are, whatever comes in, we are going to want strong buffering along the Kitts Lane side, and I even said, we may even have you use the same driveway entrance or access, so again, depending on the use, they are just starting to market it.

Commissioner Claffey: I only bring it up because all we kind of have left now is these in-fill little lots, and this is a prime example of you know, people get mad at the Commission, "you don't do

anything for us, you don't help us" and then we wake up on day and trees are gone, and that it what happened here. I fill up my car at that gas station, came in one day, and oh my God, they are clearing lots. I assumed it was something that they were going to put up for market, kind of like what just happened at the Bertucci's lot, and I get it, those trees, half of them were dead, anyway, so just more of a conversation piece for our new Planner and be something to kind of wrap our head around and we're going to see it more and more as these developments, of the interior lots.....

Chairman Pane: The only problem I see is if it doesn't get developed right away, there's, it's all clear cut and now and there is no buffer for the residents.

Commissioner Claffey: The buffer they have is, all it is, is tree trunks and the branches don't start for ten or fifteen feet up the trunk, so it's really just sticks of trunks along Kitts and along Brockett there. I'm glad some residents voiced their concerns, that's all.

Chairman Pane: Thank you. Any other Commissioners?

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I don't have anything.

XVI. ADJOURN

Commissioner Havens moved to adjourn the meeting at 7:26 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary