

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 13, 2024

Chairman Stanley Sobieski called the 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 Stanley Sobieski  
Commissioner Anthony Claffey  
Commissioner Chris Miner  
Commissioner Gia Pascarelli  
Commissioner Stephen Woods  
Commissioner Drozd-A  
Commissioner Peter Hoffman-A

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**Commissioners Absent**

Commissioner Michael Fox  
Commissioner Alan Nafis  
Commissioner Walkama-A

**Staff Present**

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

Commissioner Drozd was seated for Commissioner Fox and Commissioner Hoffman was seated for Commissioner Nafis.

III. **APPROVAL OF AGENDA**

No Changes

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

None

**V. ZONING OFFICER REPORT**

Erik Hinckley: You have the report, are there any questions? Anything in particular?

**VI. REMARKS BY COMMISSIONERS**

None

**VII. PUBLIC HEARING**

None

**VIII. APPROVAL OF MINUTES**

Commissioner Drozd moved to accept the minutes of the February 28, 2024 meeting. The motion was second by Commissioner Hoffman. The vote was unanimously in favor of the motion, with seven voting YEA.

**IX. NEW BUSINESS**

A. Petition 2-24: Site Plan Approval for construction of a 3000 sq. ft. contractor's garage and office in the Industrial Zone (I Zone) at 161 Carr Avenue. Applicant/Owner/Contact James Campbell.

Alan Bongiovanni: Good evening Members of the Commission, staff, for the record my name is Alan Bongiovanni. I'm a licensed land surveyor in the State of Connecticut with an office at 170 Pane Road in Newington. I am representing Jamie Campbell in the application before you tonight. The property is known as 161 Carr Avenue. It's about a 9,000 square foot lot that is in the I Industrial Zone. On the east side is Carr Avenue, to the west is the railroad tracks, and then further west is the City of New Britain, to the north is a small 2500 square foot building that is owned by Mr Campbell that is used as an office for his plumbing and heating and mechanical business, and to the south is a small industrial building that is used as a wood shop.

The proposal here is to create the site plan that we can accommodate a 3,000 square foot building and this is for Mr. Campbell's business, Campbell Heating and Cooling. Basically the store is service trucks inside the building. There is small office space in there to accommodate the different crew members that he has working for him, but for the most part it is to overnight store the vehicles and over the weekend store the vehicles so they are out of the weather, and they are protected. He has another location on Stamm Road, fairly close to this location and over the years he, and most of the other businesses on Stamm Road have been the subject of vandalism and theft and he has for a couple of years now been trying to get to the point where he could build a building as an annex to his business to allow him to store his trucks inside. His uses as a mechanical contractor, plumbing and heating, air conditioning, he is not a typical site contractor where he needs outside storage. The building that he is proposing has a residential style to it and a scale similar to what you have in the neighborhood. There is no outside storage, there is no outside maintenance or work on vehicles.

We are proposing to put two parking spaces to accommodate the employee that comes in and takes a truck out, and brings it back at the end of the day and he leaves. This is the type of neighbor, as we have residential across the street, will make a good neighbor because it is not a business that is not open 24

hours a day, will have no signage on the building identifying it as a commercial establishment, and weekends and things like that, it's going to be a building that sits there and collects taxes for the Town of Newington with no offensive nature to the neighborhood.

We have designed the site, Erik has the plan up on the screen, again with the driveway in the front, accessing two overhead garage doors so that the vehicles can get in and out of the building and then two parking spaces. It will be serviced by public utilities, MDC sewer and water. We have a storm drain system designed for the site where we capture the drainage in the front of the parking lot in a catch basin and then route it around the south side of the building into an underground storm water system that will also renovate the storm water from water quality and then exit into an existing town drainage system that runs east to west and exits near the railroad tracks.

It's a fairly simple site plan. There are building elevations if you take a quick look at that, and Paul is going to get into his report. There are a couple of issues here, where the site may or may not be in compliance with the regulations. One is sidewalks, we are not proposing sidewalks, it is a requirement, a site plan requirement but there are no sidewalks on either side of the street for the entire length of the street. I can say with almost certainty that in the future sidewalks about never be put on that street for any reason, so we think it would be wise not to require Mr. Campbell to install the sidewalks.

The other issue is 6.10.5 that is buffers. Your regulations state that when you have an industrial use adjacent to a residential zone that may require buffering. It says, and I quote; "if in the judgement of the Commission a buffer area is necessary to protect residential areas within or adjacent to the proposed area, the Commission may require landscaping, fencing or other appropriate screening within a required front, side or rear yard in an amount and location appropriate to the need for such screening. As this is such a small site, as this is going to be a very innocuous use, we don't feel that buffering is going to be required. If you look at the other industrial properties to the north and to the south there has never been any buffering required by this Commission when those properties were developed, and we believe it would be a severe inconvenience for this property. Again it is a 9,000 square foot lot, we are proposing to put a 3,000 square foot building on it, so there isn't a lot of flexibility. We did look at minimizing the size of the building, but given the vehicles and the other trailer that he would park in the building, anything smaller wouldn't satisfy his needs. Again, I don't feel that a buffer is required in his area, it is across the street from homes that are probably ten foot above the road, so they are not looking directly at this structure. It is described in the Planner's report as a two story building, it's actually a one story building with some loft area where they can store certain supplies like air conditioner filters and things like that. So in our opinion we don't believe a buffer would be necessary and we hope this Commission finds the same. There is some discussion of when a buffer would be required and it talks about things like outside storage, maintenance of vehicles and equipment and outside, again this is going to be a relatively clean site, it's not going to have much difference appearance other than a little more pavement then your typical residential area would. It would be much cleaner then the properties that you have on the street at this point.

The last issue for this Commission to decide is parking. Section 3.16.3 talks about, no parking shall be required within 25 feet of a residential zone boundary. The zone boundary is Carr Avenue, the west side of Carr Avenue. If we can't have any parking or pavement in that area, it kind of renders the lot useless. I think this is a section of the regulations that has been in the books for a long, long time and it probably hasn't been visited for a long time, but I think it contradicts itself in ways and I don't know that it is a practical application for this site. Having said that, I'd be happy to answer any questions that you might have, again I think this is a fairly simple application, just a couple of issues for the Commission to

consider but I think when you look at the plan, and look at the intent and the use of the property, I think you will find that what we proposed should be adequate.

Chairman Sobieski: Any questions from the Commissioners?

Commissioner Drozd: Are you planning on a dumpster on the property because if trucks are coming back from just having installed filters that are stored in the loft, there should be something.

Alan Bongiovanni: So they have a dumpster located on Stamm Road at their main facility and that is where they will take the refuse. They probably will have a residential garbage and recycling bins on the property, stored inside the building.

Commissioner Drozd: Okay, one other question, has the Fire Marshal said anything as far as storing vehicles indoors?

Alan Bongiovanni: This is no different than many industrial uses that store vehicles inside, I'm sure they will have to meet standard fire codes and fire protection, but there should be no prohibition for this use.

Commissioner Miner: Just really quick, site lighting, off the building, free standing poles, shielded, not shielded?

Alan Bongiovanni: We have proposed two building mounted site lights over the doors on the front of the building with full cutoff features, energy efficient LED type fixtures.

Commissioner Miner: Okay, nothing on the sides or the rear?

Alan Bongiovanni: No, well, we will have on the north side of the building, there will be an egress door there so we will probably have a little light there.

Commissioner Miner: Okay, and the only other consideration is nothing outside in terms of storage at this point?

Alan Bongiovanni: Absolutely not, nothing planned and....

Commissioner Miner: That would be my only consideration for buffering.

Alan Bongiovanni: You can make that a condition of approval if the law allows you to.

Chairman Sobieski: I have a question, a really quick one. The vehicles that are going to be stored inside the building, is there going to be a drain in there?

Alan Bongiovanni: No, floor drain, no.

Chairman Sobieski: What about the catch basin outside, is that, is that going to have an oil/water separator on it?

Alan Bongiovanni: It won't have an oil/water separator and that is not required for water quality or the drainage regulations but it will have, this drainage system will have a snout on it so it will capture any floatables, hydrocarbons so they don't go downstream into the detention system but between those methods there, the deep sump, and then the isolator in the detention system you will receive more than eighty percent total suspended solid removal.

Paul Dickson: Just to note too that this not action for you tonight. The Wetland report is still pending so they have not acted yet so it would be tabled tonight, but the key thing tonight here is the input on buffers, so what staff is asking the Commission for is to kind of make some of those determinations, specifically as noted by Mr. Bongiovanni that sidewalks, are sidewalks required? As I said, in the regulations, when it speaks about sidewalks, sidewalks shall be installed along the frontage of public streets when determined to be necessary by the Commission. So there is a good amount of judgement involved in that regulation. It's not a point blank sidewalks are required, it leaves it to the judgement of the Commission. So that is one item. Again, the other item is the buffer. When it actually says in 3.16.3, it does say, the no parking, which is the third issue that we are going to have to discuss, but no parking within 25 feet and then the buffer requirement of 6.10 is required whenever the use structure, raw materials, outside storage, maintenance area, etc. So it does include the use adjoining the residential zone. So again, this is a small property, the zoning map pretty much does show that the zone does cross the street, there are other areas where potentially it is in the center, and there are some areas that our zoning map or the street actually lacks any coloring in them, it's just kind of separated, so if you look back into the 90's and it looks very similar in this area in how it has been portrayed. I tried to find anything in our zoning regulations saying when there is a zone it shall follow the center line, there is nothing in there, there are only specifics that says when there is a question about the map that the Commission determines where that zone line actually is. So those are the two items that are kind of the discretionary items because when talking about a buffer, it says buffer is required when associated with that section, if you go back to that section it says, when deemed appropriate by the Commission.

Commissioner Miner: They are proposing just one parking space and one handicapped?

Alan Bongiovanni: The applicant could probably suffer through not having the two parking spaces there. It's just inconvenient. They are going to pull a car in, take one truck out, move the car over, the next guy comes in, he has to do the same thing, it's just not practical.

Commissioner Miner: Also is there a requirement for a parking count on this or no?

Paul Dickson: It will be a requirement, industrial is, it's always looked at one per thousand, or the amount of employees, so if you consider if there was only one employee that would be going to this and picking up a truck, and then for the office space, so it typically would require those two spaces depending, so that is why I had a discussion previously regarding, does the Commission consider space in front of the doors as parking spaces? So if those parking spaces weren't there and that is a driveway, it's kind of the same, different on a lot like this. I understand the purpose of the regulation but the regulation is, just states that no parking shall be located with 25 feet of a residential boundary and then it goes into the buffer, so it doesn't say, when not found by the Commission, it just talks about the buffer, the 25 foot buffer shall be measured along the non-residential side. So it is something a little different that adds onto the other

section with the buffer. There is nothing here that really says, when appropriate so it's kind of that older regulation that was noted, but what I would like to do is, I have up on the screen, so in front of you, this is the lot in question that we are looking at. So immediately adjacent to it, this is one of the existing industrial buildings that is there, has been there for some time as you can see, the condition is a little rough. This again was 2019 but I believe it's pretty similar to the condition today. As you can see, pavement out to the road, then I'll try not to make people sick by slowly moving around, you can see the residential houses on the other side of the street. So this is kind of what you are looking at, as noted, they are set up a little bit from this property. Just trying to give you the lay of the land, and then you can see the applicant's current building and then the lot in question, so this is really what we are talking about, it is a small lot. As far as the 25 foot parking, that is something to discuss. If the Commission said okay, we're okay with the removal of that, we can count the parking spaces in front, working with the regulations, the other way is to possibly seek a variance, we know that does take time, effort, and it's not always a guarantee. This is a unique lot compared to what you see in industrial zones. You are picturing big lots, loading bays, manufacturing, you aren't picturing the small, small lots, so it is a little unusual. The Carr Avenue as a road is a little unusual having residential and industrial right across from each other, just separated by a road. So, what I would ask is that first, a determination on sidewalks is discussed.

Commissioner Miner: Based on the existing site conditions of the abutting properties all the way down the street, there are no sidewalks and I think to require the applicant to install a sidewalk on his frontage is kind of pointless because it is a sidewalk to nowhere that is going to take up space.

Chairman Sobieski: Any other Commissioners with questions?

Commissioner Drozd: I agree with Commissioner Miner. This would be like the sidewalks that are now on the Berlin Turnpike, on the corners that don't go anywhere. If the state wants to do that fine, but I don't see that we really need to.

Chairman Sobieski: I'll call for a vote. All in favor?

Paul Dickson: What I would actually recommend, it seems like there is a consensus.

Chairman Sobieski: A vote does not waive the right to put sidewalks in front of the building

Commissioner Claffey: May I speak? Why would we do this, not the end of the whole when Paul is done with everything that he is asking for us to look at? He talked about the buffer too, and as part of the buffer is the sidewalk and I think in the regulations. So are we voting on these individually or are we voting as a whole Mr. Planner?

Chairman Sobieski: We are doing them individually.

Paul Dickson: So what I would maybe recommend too is incorporating them as part of a final motion. I think that may be good too as we look at, but I think it is important right now, seems like there is consensus, so that way, moving forward so the applicant when they develop their plans that they are not

going to spend the time between now and the next meeting working on that, so I think it is just gaining that consensus, but a vote will be held.

Chairman Sobieski: When we hear from wetlands.

Paul Dickson: Yes.

Chairman Sobieski: Okay, any questions on the buffer?

Commissioner Miner: I think the only statement I have for that is, if it is at all feasible I would rather see a little more green space along the right of way and so much in terms of parking if it is not necessarily required, just from the neighboring residential properties looking at lawn versus asphalt on the frontage, and especially if the existing site conditions next door are that of a lawn area I believe on the property that is currently owned by Campbell. The front of it is lawn area, correct?

Alan Bongiovanni: About a third of it is lawn area, there is some pavement there where they can park cars.

Commissioner Miner: Right, but versus asphalt all the way to the right of way. That would be my preference and as far as side buffering I don't think that is really necessary because you have industrial on either side, or commercial on either side. The residential abutters are across the street. To buffer that from visibility I think just by the elevation would feasibly block them, the entire visibility of the entire building.

Chairman Sobieski: Any other Commissioners? I would just like to have a vote on the buffers.

Commissioner Claffey: Mr. Chairman, we haven't spoken on what is proposed for the buffer. Was it just, it looks like on that plan two trees and grass, I don't know, what is the buffer, I haven't seen a drawing, you talked about parking, and it is just a tiny little building for their trucks.

Alan Bongiovanni: If I may Mr. Chairman, we showed the two shade trees along the front of the property, we do have a grass area that is in front of the parking. I think we can probably enhance that with some elevation, a little bit of a berm and then do a nice landscaping job.

Commissioner Miner: That would be ideal.

Paul Dickson: So I will just kind of reiterate again for the applicant as well, it does sound like a full twenty-five foot buffer is not required in the front since it is similar to other uses around it. However potentially some enhancement when it comes back in front of you for an appropriate level of buffering it what is requested.

Chairman Sobieski: Just to give them some guidance, that is all we are doing here.

Commissioner Woods: I just want to be clear, so what we are telling the applicant is that there is no buffer needed on the north and south side of the building, or west side of the building, but to do some sort

of an enhanced landscaped buffer as best they can within the tight spaces that they have and the island in front of the parking spots and the island that kind of juts out where the SNET pole is. Correct?

Alan Bongiovanni: I'm good with that.

Erik Hinckley: Do they want to stay on their own property with the buffering, or the street right of way?

Paul Dickson: Mr. Hinckley asked the question regarding staying on the property with the buffering, in the street right of way, you wouldn't necessarily want a lot of planting since that could cause some issues, so it would be, enhancing it the best that you possibly can within the property and the right of way mostly likely would stay grass, but that is something that we can have an internal discussion with the engineer and public works.

Chairman Sobieski: And the other one was parking?

Paul Dickson: Parking is the trickier one. There is, as far as I can tell, and please review this regulation as well too, I do have it noted in the staff report. I kind of took it directly from it. Again, it just point blank says no parking shall be located within 25 feet of a residential zone. It then goes into a buffer meeting the requirements of 6.10 is required whenever the use, structure, raw materials, outside storage maintenance area etc., but not limited to the foregoing adjoins the residential area. When the zone boundary follows the center line of the street, the 25 foot buffer shall be measured along the non-residential side of the street right of way. So, it said two things at once. It says no parking shall be located within 25 feet and then it says a buffer meeting the requirements. So it is within the Planning, the Zoning aspect of it, but in the Planning and Zoning's jurisdiction to interpret the regulations. This is the way, it does seem separate to me, but I have been here for a year with the town and I have not seen this been applied in multiple different scenarios and how it has been interpreted by the TPZ in the past. Again, they do look separate but that is a discussion that I would like to have with the TPZ.

Chairman Sobieski: Any questions?

Commissioner Miner: The only clarification I think Paul would be, if we were to eliminate those parking spaces as they are currently drawn on the blueprint, and place them in lieu directly in front of the overhead doors, as temporary, does that satisfy? I think we are all, outside of the 25 feet it is more conducive to looking residential. The building itself looks more residential than commercial, is that esthetically more pleasing and is it necessary?

Paul Dickson: I think it would be, if the Commission is, and I have seen cases where, this is a little different than a typical industrial application. For example, when we go to residential yes, we count the driveway as parking spaces. So there are some grounds for looking at thing in the driveway as long it is not obstructing other circulation, as long as the site works, because the neighborhood necessarily would be looking for is, okay, you eliminate those spaces, is that putting additional cars in the road, things like that around it, and it is a pretty narrow street. Now is that is something that the applicant says parking in front of the garage, parking in the driveway, the driveway is going to be required regardless. It is an interesting interpretation of it, but I think that might be a way to essentially look at it, saying, okay you are giving it a more residential look does it still meet the parking requirements, does the Commission count

those parking spaces in front of the garage doors. Again, the applicant wants to talk to his client as to how that works for the utilization of the site. For us to consider too is this site isn't just, we know the current user of it right now, and how they are going to use it, but it is being developed as a stand along industrial property. Another person who needs this small contractor's office, another electrical contractor, another carpenter, anyone else that is in the trades who would need a garage to park their vehicles, and a very small office to do paperwork, could utilize this building in the future. So think about how that is going to work. Again, that is a discussion that I would be glad to hear from the Commission.

Commissioner Miner: Just as a quick follow up to that, so as a condition of the site plan approval and as we are seeing today that there is going to be no outside storage, essentially no outside use, is that something that carries along on a change of ownership down the road, or does that drop off?

Paul Dickson: So it would be clearly stated, that is what I would recommend doing when we get to the phase where you are ready for approval or a vote, but we will, and that is something that can be added, no outside storage will be approved as part of this plan, and then we hold that to site plan conformance, if they add outside storage, come back to the TPZ, or review it with staff and see how it impacts, where it is. There really won't be much room left on this site. You can see, not the current person coming in, but if you had a back actor coming in, piling stuff up on the side, or something that would be something you would have to go after for site plan enforcement, but that is something I think that could be included on the plans, clearly understood as part of the application, that there is no outdoor storage.

Commissioner Pascarelli: I have a question, it's just a follow up and a suggestion about utilizing the area right at the driveway as sort of the suitable parking. Would there, would you imagine them using the parking overnight there?

Alan Bongiovanni: No, if the employee comes to work, they will park to get the work truck.

Commissioner Pascarelli: So I also agree that it seems like a reasonable option.

Commissioner Woods: Do we have a plan that shows us where the actual line is for the residential zone?

Paul Dickson: There is a, I can bring up the GIS.

Commissioner Woods: My question really is, if we need 25 feet, does that start at the property line, so if the property line is 30 feet off the front of the building, from that to the residential zone, do we have 25 feet? If we do, we have met the condition of the regulation, and the two spaces can stay.

Paul Dickson: The two spaces are located within that 25 feet.

Erik Hinckle: They are within 25 feet of the property line.

Paul Dickson: Yes, because the building is set back 30 feet from the property line.

Commissioner Woods: So the zone line runs somewhere down Carr Avenue, not necessarily along the east.....

Erik Hinckley: It appears to run along that right of way line, of the property line.

Commissioner Miner: So I believe those would be located within the 25 feet.

Paul Dickson: The map is up now, and again the zoning map is Carr Avenue as the residential zone, so 161 is right here.

Commissioner Woods: So it doesn't matter, I was going to say, if we flipped the doors to the other side of the building, it still doesn't matter. Carr Avenue is in the I zone.

Paul Dickson: Carr Avenue is actually in the residential zone. So if it was flipped and the zone boundary was on the residential side of it, then it would be a non-issue. If it was down the center line of the road for the buffer, it shall apply to that, but it doesn't specifically say the parking. Again, ideally those would have been two different sections of the regulations, not thrown into one paragraph together for potential interpretation or questions, but you can notice too, in the past, the site we are talking about is 161, and 161 is vacant, 157 the neighboring tenant does have the parking in the rear, and 151 does as well. Again it's the type of building and the topography of the lot, the engineer can speak to that, regarding and then you have ones like this that were just developed out, and have not even a formal driveway, and then you have all of the uses on the site, the one I showed next door which has area in the back but also has parking area in the front which is paved pretty much to the entire street line.

Commissioner Woods: So really the only way to solve this is to eliminate the two spots and just have the driveway entering into the building and the parking will be inside of the building, it that is agreeable to the applicant.

Commissioner Drozd: A question, and then a couple of observations. How many trucks are they going to store in the building?

Alan Bongiovanni: Typically two.

Commissioner Drozd: Only two?

Alan Bongiovanni: Yes, I know he has a trailer and some other, there could be three vehicles in there but only two active in there.

Commissioner Drozd: I ask because in a 3,000 square foot building if you were trying to maximize the building for parking vehicles, in a 3,000 square foot building you can put a lot more than two vehicles.

Alan Bongiovanni: So he has two bays for parking, and they will pull straight in, and I know that he has one utility trailer that he puts in there, so a truck, like a pickup truck will fill up that side, the other side, I know that he has more vehicles than he actually puts on the road every day so any of his vehicles that he is not using, but he typically has, is looking to provide for two crews to work out of that location.

Commissioner Drozd: So will one parking space and one handicapped be sufficient for that if there are two crews.

Alan Bongiovanni: Well what that allows them to do is to at least give the first employee a spot to park, he leaves with his truck and then the next guy can park, there is always going to be jockeying of vehicles but we are trying to avoid anybody that gets there to go to work, leaves his car in the road, pulls his truck out, then parks.

Commissioner Drozd: I also noticed on a Google map or whatever it was, that there was a van parked on the street. So it is really a matter of, they would like to be able to, I would think if they didn't have that availability that he would be out on the street, but noticing two things, one because they are already parking on the street, and two, one parking space and one handicapped, would that be enough and still would leave you jockeying.

Commissioner Woods: Mr. Campbell's business is typically one man per van, so when you think of crew, it's one guy in a van, or one guy in a truck, they don't usually pair up, and if they do, they each to in their own vehicle so there is really, if there is one vehicle leaving there, it is just dedicated to that one person driving it.

Chairman Sobieski: Anyone else?

Commissioner Miner: Is the building bathroom ADA compliant or is it not required.

Alan Bongiovanni: I think it probably will be required to.

Commissioner Miner: You have a handicapped space.

Alan Bongiovanni: That is a regulation that I am going to check, there may be a minimum number of spaces, you may not be required to have a handicapped space, I'm going to verify that, and if that is the case we can also.....

Commissioner Miner: I was just concerned, didn't mean to pigeonhole you. Thank you.

Chairman Sobieski: Okay, any other discussion on parking?

Paul Dickson: Staff would just like to add in, there has been a lot of discussion about those parking spaces. If the interpretation of the regulations is as staff as viewed it, that no parking within 25 feet, that is those spaces are there, that is something that would require a variance to move forward. If there is another interpretation of this regulation, that would be within the TPZ's jurisdiction. You, the TPZ basically can interpret the regulations. Staff does interpret them, the ZEO interprets them as well, this is the interpretation that we kind of viewed it as, because they were separate. If those are still on the site, as they are now, we would view the plan as not compliant with the zoning regulations. So I don't know.....

Alan Bongiovanni: I will discuss with the applicant because he does have property next door. The first thing I want to do is, I want to check the zone line because I thought we reviewed that on an older zoning map and not the GIS because I have found instances where, not just here, but instances where there is a question, and if it is correct, then I will look to my client to maybe remove those two parking spaces and use some of the existing parking on the neighboring property.

Paul Dickson: That would be a question and I can review that section of the regulations for the Commission,. There is the ability for joint parking, and that would have to be a permanent easement for one to the other because I know originally it was kind of discussed in the staff report because when this first came in, it came in as a owner garage and we were questioning if it was just being used as an accessory building, but it is a stand alone building, so it can remain on its own lot. Because it is a stand along building, on its own lot, if it did utilize off site on an adjoining parcel that would have to be permanently logged in as an easement for that. That might be something for the Commission to consider. Again, because this is a tight area, if that is something that sounds reasonable to the Commission, that is something I will look into as well, and you might be that determination that the off site parking could work and I'll go into that as well.

Chairman Sobieski: We'll hold off on the parking then until you make that determination.

Commissioner Miner: I think my preference would be if it is not required, we aren't required to have parking there and this is going to create something that marries to the property next door on a permanent easement, I would rather see it omitted than to put it into a situation of permanently marrying the two together, if it is not required.

Erik Hinckley: We have parking requirements per use so how we calculate it, it may be not required, whether it is truly needed.

Paul Dickson: I have a direction, and will work with the applicant and see what we can work out with the regulations and the parking and the joint use and see what we can get before the next time that it comes before you. Staff would recommend, if there is no more discussion a motion to table the application.

Commissioner Miner moved to table the application. The motion was seconded by Commissioner Hoffman. The vote was in favor of the motion, with six voting YEA and one Nay.

B. Petition 4-24: Site Plan Modification at 67 Pane Road for a contractor's equipment sale/service use in the PD Zone (Planned Development Zone) Applicant BSC Group Inc.  
Owner: Pane Road 67 LLC Contact Frank Vacca.

Francis Vacca: For the record, my name is Francis Vacca, I'm a professional engineer at BSC Group in Glastonbury, Connecticut, 655 Winding Brook Drive.

I'm here on behalf of State Line Properties, the developers of 67 Pane Road for the 67 Pane Road redevelopment. It was the former Frinks property, Frinks Garden Center is now going to become the future of Sunbelt Rentals in Newington. They are moving from the Berlin Turnpike.

We are here tonight to respectfully request site plan approval under Section 5.3.3 of the Newington Zoning Regulations if at all possible. I am going to speak briefly about the erosion sediment control for the site, I will focus mostly on the proposed redevelopment, in particular the parking and other issues associated with the proposed development. I will touch on the drainage and water quality design and I will touch briefly on the utility lighting and the landscaping and screening for the development, everything in accordance with the zoning regulations for the Town.

Just for those people who may not be familiar with the site, the site is located, as identified here in orange with the purple phantom line being the property line boundary. Just to familiarize the orientation, on the eastern side of the site is the Berlin Turnpike, Pane Road runs immediately north of the property. There is a large detention pond immediately south of the development. That detention pond collects essentially all, the majority of the water for all of the Pane Road industrial development, commercial development. Looking immediately south of the bond is Stew Leonards, just to locate everyone.

The existing property survey for the existing site right now, I'd like to briefly mention the fact that under the site condition there was a larger building along the back half of the building and then a smaller green house. The developer secured a demolition permit to remove some of that prior to this meeting, and then so this is the exact orientation and existing condition of the site as it stands. The site is 3.23 acres, there is an existing 11,200 square foot building to remain along the frontage of the property. That is one story with no basement. There are two access points to the site, there is one on the east and there is one along the west which is a shared entrance with 77 Pane Road adjacent to that, and there was originally greater than 35 parking spaces on the site which we are not proposing to maintain. It's not necessary for the proposed use.

There is an existing wetland on the site, that we met with the Wetland Commission, we did request administrative approval, we were granted the fact for it to be administrative approval at this point I am unsure whether or not it has been granted. I have spoken to Erik about that recently.

As far as sedimentation control for the site, the majority of the site drains from the north, near Pane Road, to the south toward the detention pond. To be sure that we are not discharging anything to the detention pond we will be putting perimeter silt fence around the entire area identified here in yellow. That actually has already been installed because due to some of the demolition that occurred on the site, we wanted to ensure that there was no discharge to any of the wetland areas. Further beyond that, we have not yet installed a temporary sediment trap identified here in brown, and then the blue represents what we were considering temporary diversion swales which will direct all flow to the sediment trap prior to discharging to the main discharge point for the site. Those temporary swales will ultimately be created into and be shaped into the proposed design of the site, will remain once the entire site has been developed.

Moving on to the proposed development for the plan, there have been some minor modifications, presumably due to the site plan that you have seen, most notable being the fact that we have shifted the western entrance of the site to the east to ensure that the entire entrance itself is located on the entire property. I can speak about that more briefly later on.,

We are maintaining the existing pavement areas that were shown on the site originally there, being milled and overlaid. There will be new pavement, but the areas associated with those will remain the same. We are adding an additional .83 acres of pavement behind the building as identified by the darker shade of gray right here. there are some additional concrete entrance pads to some of the overhead doors to the building and the parking is identified adjacent on either side of the building. I'll speak about that a little bit later.

We are also installing .69 acres of pervious stone storage again, because this is proposed to be the Sunbelt Rental predominately being a generator storage area with some minor ancillary additional items. There will be some additional storage area required and then to ensure that we have met all of our pervious coverage areas, it was coordinated with the future user that the pervious storage area would be acceptable for the storage of some of their materials.

The green represented on the plan is also identified by the, represents the landscaping area which is part of the PD requirement for this zone to ensure that you achieve an adequate amount of landscaping in addition to additional landscaping that I will speak about later in my presentation.

As far as the design of the site, I'd like to draw your attention to the standard dumpster here which will have direct access for our garbage truck, and it will be screened in accordance with the zoning regulations with the standard six foot fencing and screened. I would also like to point some areas here which identify snow storage and some of our landscaped areas along here and then along a portion of our vegetated water quality swale, which I will speak about a little bit later. This site will also, and this is something that just recently added, we are proposing full site fencing around for the security of the equipment that is going to be there, presumably a six foot chain line fence that is going to be outside of the majority of the screening plantings that will be planted to basically separate our property from 77.

As far as the parking, in accordance with 6.1.1.C, for an industrial manufacturing warehouse and distribution, we are utilizing the top portion of this, which specified that one space per employee on the largest shift. So in coordination with the future operator they will have no more than a maximum of ten employee spaces so there are eight spaces represented on the eastern side, there are seven spaces represented on the western side. Ten of those spaces would be utilized by the employees, and then they are proposing a maximum of five retail spaces. It is considered, there is a small retail portion solely utilized by individuals who are renting or utilizing any of the equipment being stored on site. It is not going to be a retail use where they would go there to purchase something and leave. They would, any of the retail use associated with that portion of the site would be utilized for rental of any of the equipment on site which is why we don't have any need for any additional parking beyond that. I understand that the Planner's, he had to make sure that if they were ever to be sold, there is additional space available for expansion of parking at some point in the future should there ever be a need to increase the parking to meet those requirements.

Again, I mentioned earlier that there was shift to the curb cut, the curb cut to meet the zoning ordinance for, the town ordinance of a 28 foot maximum driveway. This was shifted over from its original shared use to provide a dedicated access to the property number one, for, there will be a truck access which I will talk about momentarily. We wanted to ensure that there was a direct truck access for safety purposes and then also for safety purposes, we wanted to limit any potential interaction between this property and the 77 Pane Road property, so we have moved this over and we have provided an additional 14 foot buffer between our property edge and the proposed access.

I would like to note, actually I'm going to switch to the next, this is our turning movements, so I know it's a bit small to see, but on the left hand side of the screen is the fire department turning access. The largest apparatus the town fire department apparatus would have to enter the site and show circulation and then, speaking about why I mentioned about the main entrance, we are showing the turning movement for a standard WB-67, one of the largest vehicle that you would have, truck vehicle access to show its swing and circulation path. Again, as far as those utilizers of the parking area, it is intended for the eastern side of the site to be dedicated to employee parking and then the western would have the minimal five spaces and handicapped spaces associated with those retail users of the site.

I would like to mention, due to the turning movement for the truck, we are proposing a concrete apron at the very entrance here to be sure that we aren't going to get any shoving of any of the bituminous material as a result of the forces generated by the turning movements of the vehicles, specially on that entrance only.

For water quality design, the entire site sheet flows from the north to the south as stated previously. What we are showing is all of the drainage will be collected by those diversion swales and permanent diversion

swales and will be directed to a water quality swale that will provide our detention and our treatment of all of our flows associated with this development. I would say about 85 percent of the site ultimately discharges to this water quality swale. The black lines that you see here basically provide small check downs to store each individual water quality area, to treat that flow and then the western most portion of the swale will be lower than the outlet point to ensure that again we maintain the storage area here, so that we provide treatment. The only portion of the site that does not enter the water quality swale is a, there is a small catch basin here that collects a small portion of the parking area. This catch basin will have a, it's called a hydrodome, it's a hydro dynamic separator that can get installed into the existing catch basin that is there. It functions similar to the way that a catch basin hood would but it has been specifically to slow flows down and collect additional sediments. I would like to point out that there is an existing water quality structure on site. The top was open, there was actually a question in our reviews when we coordinated with Erik and with Paul, to open the water quality structure to be sure that it was still functioning effectively and we preformed a CCTV inspection of the entire site development, all of the drainage on site, we opened the top of that water quality structure and all of the catch basin sumps have been vacuumed out, so this site is all clean now. I will note as part of the inspection that a root ball was identified in our easement area, the entire site drains to a catch basin where it drains in an easement off site across 77 and 67 and then discharges into the detention pond to the south. There was a root ball noted in the piping here, that has already been discussed with the developer and they are fully on board with accessing this to clean out the pipe and ensure that there is not going to be any potential blocking. This is a potential example of what the water quality swales could look like. They will be fully planted with vegetation. The intent behind that is to provide nutrient uptake to addition to the storm water storage so any nitrates or nitrogen phosphorus will be absorbed through the plantings as they eventually sit there and are stored over time before they are discharged to the standard system. This will provide not only the water quality volume for the site but it will potentially, it will substantially improve the quality of the discharge or the flow exiting the site at this time.

Briefly for utilities we are utilizing as many of the utilities as we can. We are providing an additional transformer that is located in the accordance with Eversource standard. It is outside of the front yard setback. There will be a vehicle maintenance wash water bay inside the building. They are only anticipating washing between one and two generators a day. It's not going to be the same volume of water like a car wash or something like that. We have installed an oil/water separator as a result of that, and that has all been coordinated with MDC. We have submitted the general permit for an industrial discharge use which is now, which took the place of the vehicle maintenance waste water general permit. They have not gotten back to us yet, but that has been submitted to them.

I'm sorry, as far as lighting, the small dots that you see are all standard light poles and are all in accordance with the height requirements for Newington and they are all dark sky compliant. They will be shoe box LED type structures. They are not necessarily decorative but they are not halogen or anything like that. They will be energy star and dark sky compliant. There is no discharge of light over top of the property boundaries. Any flood or anything like that over site will be blocked by any on-site shields in the light fixtures themselves.

As far as landscaping, we have added a bit more landscaping than from the Wetland Commission meeting, we have added some additional based on comments from the Town Planner and we have some additional foundation plantings up front here. We have our standard street trees, we have trees provided

along the rear of the property. The spaces that you see again are provided specifically for the snow storage area. If there is any potential additional snow storage necessary, we can potentially put it over here adjacent to the building temporarily during a storm because there will not be parking on this side and then once the storm is over this can be transported back to the standard snow storage area. I would also like to note that the smaller green areas identified here were provided to meet the requirement for landscaping within the parking area. So this additional landscaping area here and here was provided to satisfy that requirement in addition to provide additional screening, I'm sorry, additional snow storage. As far as the adjacent borders of the property, we will be adding additional screening plantings, evergreens and other such type of trees. On the outside of the fence in this case to provide screening from the adjacent property.

The only other thing I will mention is there is proposed a building sign. It was coordinated to be in accordance with the zoning regulations based on the size of the frontage, I do believe the owners would like to pursue, I should say the users would like to pursue a monument sign, but it has not been formerly presented.

With that, I would like to thank you and again respectfully request approval of the site if at all possible so that the developer can move forward. They are very much looking to get started with work on this property. They are obviously under a time frame, but they are more than willing to work with the Commission to get conditional approval. Thank you very much.

Paul Dickson: Thank you. As far as staff, staff has been working with the applicant, and as far as the wetlands application goes, comments provided at that point focused more on the wetland. We did receive it I believe, this application was dropped off 2/16, last month and then intake on 2/20 because we had a holiday in between all of that, so we did issue comments on the 4<sup>th</sup> of this month, and we did receive comments back pretty much on Friday. Unfortunately it was staff looking at time available, engineering has been a little tied up, Erik has been tied up too with enforcement and issues that have come up that that we do not have a wetlands report yet, approval. Most of the items that we have worked with the applicant have been resolved. There is a lot of improvement that was made to the plan. As you can see, the landscaping, the buffers, it brings it a little closer back to when it was a nursery before of course the nursery was planted. I think at the end of the day, looking at the site, it's going to have those buffers, it's going to have a higher level of aesthetic that we have worked with the applicant and they have put the effort forward. The only issue is we have not had a complete review from the Town Engineer submitted documents, so that is kind of where staff is at with the approval and also Erik, regarding, because he is the wetland agent as well, one of the many hats that he wears, but I do not believe that he has been able to issue, do the review for the wetland review report yet.

Erik Hinckley: No, I have not completed the review. I did start it this afternoon, knowing that the applicant was going to be before the Commission tonight, and I just didn't get a chance to completely finish it, and I will probably have some minor comments. As the Planner stated, it is much improved, the water quality swales are a big improvement for water leaving the site now from what it used to be so that was something that the Conservation Commission was happy with, so we're just moving forward with that from this point. I expect something prior to the next meeting for you that it would potentially acted upon.

Chairman Sobieski: Thank you. Any Commissioner comments?

Commissioner Miner: Just one quick question for you. You indicated that the drainage on the rear lot, the sheet draining to the south, am I correct on that?

Francis Vacca: I'm sorry, say that one more time?

Commissioner Miner: The drainage going to the south, the sheet draining to the south, my only concern is just on the application, and I know we have a very similar business just on Richard Street, is retaining any potential contaminants just from vehicles that are left in storage or equipment that is left in storage, is there any way of containing that before it goes off property would be my only concern.

Francis Vacca: Coincidentally, and I'm going to move this down, beyond my presentation that I have on here, some of the potential equipment that is planned to be stored and coincidentally there is actually on site they are planning to store vehicle secondary containment so the intent behind it is that this can be utilized in the event that there would be any leakage, but to clarify and this is something I stated at the Wetlands Commission meeting, Sunbelt is fully intending on keeping all top quality equipment to be used and they are not expecting that there will be maintenance on site, so there will be fixing any issues such as that. I will note that the way that the stone is intended to be utilized is about 12 inches thick. If there was anything observed that was not contained it would essentially stay localized in the stone and the stone itself could be contained and removed if it was ever identified that there was an issue. If there is an issue that does not, it makes its way past the stone, the water quality swale does function as a storage area to secondary contain that as a secondary option. Again, we do have as I said the individual check dams that would essentially hold those areas and as that continues to go down, there is, there will be a hood in that final, one of the catch basin hoods, in the final discharge point. So as a third and final fail safe to ensure that if there were to be any type of leakage or contamination or things like that, it would be stopped before exiting into the detention basin. The design of the water quality swale with the plantings, they actually thrive on the use of some of these nutrients. Nutrients is not the right word, some of these contaminants. They will be planted specifically to treat some of the nitrates, some of the phosphorus that would come off vehicle wash water or just rain water from the vehicles. They are intended to treat those, so anything that would make its way into the water quality swale, potentially those contaminants will be treated before discharge.

Commissioner Miner: Okay, just one final question, I know that the turnpike facility currently houses some equipment that comes in from flood zones that they bring in. Is there additional storage of those being proposed for future use here as well? The larger generators, two main generator size, larger equipment or just smaller?

Francis Vacca: What I was told was that they do not have any expected hydraulics, anything like that, it would just be the generators. I was not informed of anything in regard to the dehumidification or anything like that, but again, they will plan on maintaining the containment berms and if something like that were to be on site, it could very easily be utilized. They have to place the containment berms somewhere anyway, so basically if equipment of that type were on site, they very easily could utilize the containment berm as an initial primary form of containment in that case.

Commissioner Miner: Just one final question. The sign lighting proposed, with the new residential development that is essentially across the street now, any consideration to day time, night time, occupancy sensor, parking lot site lighting so they essentially stay off and sense motion and activate with motion versus being left on all night long.

Francis Vacca: I'm sure that could be a consideration by the owner's team.

Commissioner Miner: That is a concern, I know that Target has done that same system, and it is relatively successful. Thank you.

Chairman Sobieski: Any other Commissioner comments?

Paul Dickson: So at this point there isn't wetlands approval so the goal is to work with the applicant, it's just a matter of timing. We anticipate that by the time of the next meeting we will have everything wrapped up.

Chairman Sobieski: I will make a motion to table the application until our next meeting pending Wetlands approval. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with seven voting YEA.

**X. OLD BUSINESS**

- A. Partial Site Plan Acceptance and Bond Request for the approved Petition 23-21 at 3333 Berlin Turnpike, Contact: Jamie Anderson.

Tabled from meeting held on February 28, 2024. Anticipated staff update.

1. Partial Site Plan Acceptance and bonding request for 3313-3333 Berlin Turnpike (Meadow Commons – Commercial)
2. Partial Site Plan Acceptance and bonding request for 96-100 Pane Road (Residences at Newington – Residential)

Paul Dickson: This is the partial site plan acceptance and bone request for the approved Petition 23-21 at 3333 Berlin Turnpike. Again, this was at the last meeting,. Currently, I just wanted to give you an update. You also have the people from those developments who have joined us on line. When I put out the agenda I noted that a staff report, a staff update was going to be indicated, so they are here as well if you have any questions. What I would like to do is first just give you an update on what is going on with the process.

Work is continuing onsite, I do have some photos to show you. Today I received an updated phase in plan from the residential component of this project. The updating phasing plan highlights of that, I just received it today, I got a physical copy, I was out there on site, discussing the project with people, so I haven't had full time to review of course. The main highlights of it is that residences and the Meadow Commons commercial users will use Pane Road for entrance and exit. They are still working on the OSTA approval. We have no news on that as well for the commercial side, and again, that will be the major entrance and exit from the site. They are planning on using Pane Road will be the change. The one that you had in front of you at the last meeting, Pane Road was kind of closed off and was going to be contractor only, so that is a change.

The contractor will limit construction deliveries between 8:00 a.m. and 2:00 p.m. to kind of get out of the early morning, number one not to disturb residents and number two to get out of the early morning leaving for work, and then again to be done by the time that people are coming home. Construction deliveries will have a contractor coordinating and providing access safely through the site, so what they plan is that pretty much any delivery to the site will be assisted, you will basically have a flagger in front of it just to make sure there is no issue. So you will have whatever site worker for the developer will be out there, whoever does any to do so. Jersey barriers will be located at the corner of building two to highlight the intersection and the fencing has been pulled back at the corner to provide better sight lines. I have a picture of this area, that was the area we were concerned about because when you opened Pane Road you have a construction area next to it, and if you have fence at a ninety degree corner, you have no sight lines. I thought that would be a potential issue so I raised that with the developer and then a temporary fence has been added to the fire lanes to prevent non-construction travel in that direction. Again, I don't have that up for your review tonight, I didn't have a chance to have it in your packet. We should have it hopefully at the next meeting.

Regarding the bonding, we are still working with the two developers to get that bond language and work with the Town Manager and Town Attorney to do the review. Hopefully we can have it for the next meeting as well, at least say, here is what is in place, here is the language and kind of have that so the Commission understands going forward what type of surety, what is out there for this project for that partial acceptance.

This is the residential building, again looking for that partial acceptance. They have the signs out, and it's getting a lot more cleaned up. You can see more loam has been put in in front of the building, they are starting to level everything out, that was one of the main staff comments too, is you still had all the transitions between the sidewalks, it wasn't quite ready for a residence, to be moved in yet.

At the last update, there was no sidewalk on the interior courtyard. As you can see, it has been poured, so that is again for the amenity space and offices that are down in that area. There are no residences associated with that spot, that is primarily an amenity space.

Around the corner, this is another area where the sidewalk wasn't put in yet, and actually what they are doing, I don't know if I have it on the next slide, or maybe I missed it, but at the end of that sidewalk there are also putting (inaudible) as well, the landscaper should actually be out there within the next week or so I was told. They started putting the loam down, so we are going to see in that leveled off area, so far, so warm, I don't want to curse it, what is out there now, but there is a possibility that the landscaping can start pretty early this year, just by the weather that we are having.

As you can see, this is the one area, that corner is just to your right, you can see there is a little tracking, they cleaned up the site, but of course this is an active construction site. You can see the parking that is over on the left, you have the excavator that is putting in the dirt around there, and just contract work going on. This is the corner that was in question. The new phasing plan that will come to you, that fence will not be where it is located now. It will be behind that light pole. I asked them if they were going to put in any curb or work on that, so we will see what answer, what it comes down to what they plan on doing there, but that is the corner that I saw as a potential issue, potential danger on the site when residents were moving in and you had the two vehicles or construction vehicle coming along.

Again, that is the corner, looking down Pane Road. This is the road that they are planning on utilizing. Looking back on that same road, you see on building two, which would be the next one that they would phase in, they do already have the sidewalks along that extension that leads out to Pane Road, so there is some flatwork that is done on that site, but most of the site is still under construction.

This is the area right down the access drive, that is where the dog park is going to be, just as an FYI, but they were looking at having that in possibly sooner than later and my comment to them was if that dog park is in, I want that entire sidewalk to be accessible because we don't want people with their dogs having to walk down the access road.

So that is pretty much where things are going along the residential. Things are moving, the sidewalks are going in, landscaping is starting, things are being leveled off. At the next meeting, hopefully the applicant will be here to present their phasing plan to you and we'll get some comments during the interim and kind of flesh it out.

So for the commercial side of the development, this is off of the side of CAVA. So on my previous pictures this was a open pit. As you can see, the wall has been installed, there will be a guard rail following. I talked to them, I think they anticipated maybe next week, or in two weeks, but they will have that area closed and cordoned off. The last picture I showed you was a dirt floor, they have completed the underground work in it, and they are actually moving at a pretty good pace. So they might actually exceed their date, I believe they were June if I remember correctly, when they said they might potentially open, so we will see how that progresses.

Again, most of the stuff on the commercial site, as we looked at last time, it was pretty far along, it was pretty well developed. There are just some minor transitions here and there, looking at manholes, and the main thing on the commercial is to get that OSTA approval. That is the biggest hold up, that right in, right out, and having some type of approval and knowing that it is going to be approved to be able to move forward. This is the one I want to highlight, Shake Shack is very far along, I don't have interior pictures but tables, kitchen, everything is pretty much ready and as far as I know, there are very few if any inspections to be done, so they are likely going to be moving in for the training of the staff sometime soon which will be good.

You can see, the building is well constructed, pavement is in front of it, ADA spaces, signage is up and the outdoor dining furniture is in, so it's pretty much there and ready to go. This is a different view, again the outdoor dining associated with Shake Shack, they did bring up some of the levels around it with the loam, again it will need to be planted, but as far as it goes it is pretty secure.

That is my update on that, I do have representatives from the developers if you have specific questions, or if they would like to add anything to my remarks.

Chairman Sobieski: Thank you. I went by the other day and I thought we had told them before and I had made a suggestion that put some type of barrier railing there with barrels to make sure that people going out stay to the right, and not go left. I didn't see that there yet. I hope before they open any business in there that is put in place on a temporary basis until they get OSTA approval.

Commissioner Miner: Have there been any comments back from OSTA that anybody is aware of at this point?

Paul Dickson: I haven't heard much myself, I believe Jaime Anderson is on the line, so if you would like Mr. Chairman, I can have him address that.

Jaime Anderson, 4 Flannigan Drive in Framingham, Massachusetts: We have heard back from OSTA several times. The initial comment was based upon not wanting to have a U-turn at the, heading northbound at the Target store on the turnpike because they thought that we were going to have the Pane

Road entrance open, so that is why we went back to having the Pane Road entrance open, and then they had some more minor comments as of late last week that I know our engineer has actually responded to as of today. They seem to be pretty minor comments, making sure that we are not exceeding any certain square footage of restaurant for instance, so all that data is back into their hands and I know that our engineer is actually speaking with the head of OSTA directly, so we do have his ear and he does fully understand our time frame and our scheduling here because that final ahead of the 27<sup>th</sup> hearing.

Chairman Sobieski: Any other Commissioner comments. As I said, my only concern is going out of that driveway, if you don't channel traffic to the right, you are going to have someone maybe make a left turn, late at night.

Jaime Anderson: I heard that today as well from Paul, loud and clear and we also heard that somehow we can string the barrels together so that they won't get pushed around, so we are going to have two sets of barrels out there. I just did want to hear if there were any final comments from OSTA. We are going to get that binder, we are going to temporarily striped ahead of opening obviously and then will put the barrels in.

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

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

- A. Petition 1-24: Special Permit (Sec. 6.2.5) for a free standing business sign at 240 Pane Road in the PD Zone (Planned Development Zone); applicant: Sign Pro Inc.; Owner: SCHUCO USA LLP, Contact Kristine Braccidiferro
- B. Petition 3-24: Re-subdivision at 250 Cedarwood Lane and 2295 Berlin Turnpike in the R-20 Zone (Residential Zone) and the B-BT Zone (Business Berlin Turnpike Zone), Applicant Reymond Fairez, Owner: Thomas A. Leith, Contact: Reymond Fairez
- C. Petition 6-24: Re-subdivision at 204-208 Church St. in the R-20 Zone (Residential Zone) Applicant and Owner: PAC property Management LLC, Contact: Donald Pac Jr.

Paul Dickson: All of these will be on the 10<sup>th</sup>. We are reviewing plans right now. The free standing sign petition we have been waiting a while for a survey. We actually did receive the survey yesterday on that, so as far as scheduling goes we are looking at the 10<sup>th</sup>, April 10<sup>th</sup>. The subdivisions, we have initial comments from Engineering and we are going to work on those, and again, those are re-subdivisions so they do require a public hearing. These subdivisions are smaller ones, we're not talking about large, I think one is a two lot and one three lot.

Erik Hinckley: No, one is a two lot and the other one is an interior lot.

Paul Dickson: It is kind of a trend that we have been seeing, people looking to maximize their land, but again, we will go into that with staff reviews and when they come for a public hearing.

#### **XII. TOWN PLANNER REPORT**

Paul Dickson: Currently we leave the land use applications on at all times. It's a link people can click on and see what is going on.

There was a discussion on a potential moratorium on cannabis, and looking at the regulations. So I wanted to inform the Commission so I have put a draft copy into CRCOG, Capitol Region Council of Governments, there is a 30 day requirement for any zoning regulation. The statutes aren't as clear on potential moratoriums as exactly how they should be run, but I, whenever I have had a moratorium I run it as a normal zoning regulation because that is the statutory way to do it. It's clear, it's cut, it's even a clearly understood process. So that is what I was looking to do and to put it on the agenda as soon as April 10<sup>th</sup>, but it doesn't necessarily need to be utilized. The point of this, of having it there is, what I planned to do at the next meeting is to kind of coulees what our regulations currently are, identify areas and hopefully give you some visuals and it will actually be on the agenda under the Town Planner report or under an item so we can discuss that, but at least have a discussion about the cannabis regulations, that way it will be out there, noted, and those of the public following along will be able to see the agenda and that this item is being discussed, I have an interest in it and I want to see what is going on. So my plan at the next meeting is to pull that together, have some examples for the Commission, cull out specific parts of the regulation, say okay, here is what we have, here are other potential examples, this is what we are seeing as a trend in the area, or this is what we see as a trend across the regulations and do we want to change this? My goal at the next meeting is really to discuss the magnitude of change that the Commission feels that the regulations don't need, do need. That way, at the next meeting, the larger magnitude that you believe are there, that a moratorium could be instituted while we work on those regulations. If the TPZ finds that the tweaks aren't imminent and large and it can be done during just a process, you do not have to utilize the moratorium, but I want it make it there as a option too because it was discussed. So that is my plan for the next meeting. Just to let you know, and if there are an specific topics that you would like me to look into, now would be a good time to let me know.

Commissioner Miner: I noticed on that CRCOG referral list we were listed one of quite a few municipalities with the cannabis. Are you working with any of them, the planners locally in terms of what they are up to because it looked like it was six or eight towns that were listed as wanting to do something with cannabis. I'm just curious to see if there are others similar to where we are at this point.

Paul Dickson: Currently I have not, but that is my plan between now and the next meeting, just to be able to pull that stuff together, pull those trends, and see what is kind of going on and what our regulations specifically address.

Chairman Sobieski: Any other comments from any of the other Commissioners?

Paul Dickson: What I would like to do after that, I just want to show you a couple of pictures of what is going on right now. This is the swim school at 93 Pane Road. They are continuing progress, they have the lot paved, I have a picture actually of the inside of the pool, there is still a lot of work to be done, but it is progressing. Sidewalks are in, pavement is in, and actually you can see the pool itself is in. It wasn't directly from the owners so it is kind of third party, but one of the workers who I was talking to on the site actually said there has been a whole lot of interest in this use and they are actually booking, well before and they are actually booked out pretty well, so this is actually something that, it's an interesting use, to have a small swim school like that, for parties, for lessons, for everything, but from the initial interest it appears that it will be successful. I hope it is very successful.

The next item is Culver Street, just to give you an update on what is going on with that property. What I am showing you here is we worked with the, when they were doing the land clearing, we worked with them and what they have actually done is expand the tracking pad and expand the lay down area behind. When they first started we had a complaint from a resident regarding a truck, a semi that was actually being loaded on the street so we talked to them on that one, and we worked with him pretty quickly and it was one of those where there was a tree contractor and not the actual site contractor but it was resolved. What they have done is, after that, they striped it and enlarged it so right now you have an enlarged lay down area inside which has worked out well, you can kind of see the site itself is, the tree clearing is complete on the site and what they are doing now is they are working on stripping the top soil, so initial grading is happening, you can see, there is wetland on the northern end of the property, which is a little lower lying wetland, but there is also a wetland pocket with basically a small pond area. In front of you is a sediment control and the erosion control behind it. Sediment control doing its job, and that the wetland is down hill from that. This is from the site, looking north, you have the existing residential property just a little bit of that, a little green space that is left in the right of the picture. That is their backyard. You have topsoil being stripped as well. They originally tried to start stripping from the bottom, it's too much topsoil, it's an old farm, so they are slowly working their way up the hill incrementally. Another picture, that is the topsoil building up.

As far as 550 Cedar Street which has been very quiet, as far as requests for additional inspections, I went to the site today to look, I have spoken to the Building Official, I do plan to reach out to them, and see how progress is going, to see if there are any impediments, but they do have the two buildings that are constructed. They have started working on the site landscaping, they have the path going through, again, additional grass has to be put down, but the building shells are complete and they are working interior still, but the rain garden is in behind that building, nothing is planted yet, and also the bituminous walking trail that goes around the back of the building and connects to the front. This is the area of the site for the third building, where it will eventually go. I hope to reach out to them just to get some information on how progress is moving along because I know there have been some questions, I received a call or two asking what is going on with the property and I know people have been on the list waiting to see, okay when is this going to be opened because we do have a need for affordable housing in this town, so there are people who are very curious about when this is going to open so I hope to get a little bit more information for the Commission. That is all I have under the town Planner report.

### **XIII. COMMUNICATIONS**

Chairman Sobieski: CRCOG letters you have in your packet. Are there any questions on those?

Paul Dickson: Mr. Chairman, if I may, the next meeting March 27<sup>th</sup>, is actually going to be held at the Senior Center in the multi-purpose room. This room is taken up by the voting, early voting and unfortunately when they have early voting, even though they stop at 6:00 they have to close and lock the doors and no one can come in. So this room has been taken off line and we are going to have the same issue come up in October. I have looked for alternative rooms for October and right now I am looking at the A B and C Conference room upstairs because the Helen Nelson room is taken for that day as well, so I'm looking at additional options but just as a point of information, it will come out as a special meeting agenda as it is a different location than originally put into the clerk's office but my goal would be to settle on a location for October and I plan to bring that in front of you to say whether I just file it with the clerk and notify you that the location has been changed and that way that will not be a special meeting.

Chairman Sobieski: Thank you. Any other letters?

Paul Dickson: No, but the CRCOG letters if there are any questions on those please let me know and you can also feel free to give me a call.

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

None

**XV. REMARKS BY COMMISSIONERS**

None

**XVI. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Sobieski: I want to thank you all for coming tonight. It was a very productive meeting I think. We got a lot accomplished.

**XVII. ADJOURN**

Commissioner Miner moved to adjourn the meeting. The motion was seconded by Commissioner Drozd. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,



Norine Addis,  
Recording Secretary