

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

December 10, 2025

I. **PLEDGE OF ALLEGIANCE**

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

Commissioners Present

Commissioner Michael Fox
Commissioner Joseph Harpie
Commissioner Gia Pascarelli
Chairman Stanley Sobieski
Commissioner Stephen Woods
Commissioner Peter Hoffman-A

Commissioners Absent

Commissioner Robert Cain
Commissioner Craig Miner
Commissioner Rice-Davis-A

Staff Present

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

Commissioner Hoffman was seated for Commissioner Cain.

III. **APPROVAL OF AGENDA**

Paul Dickson: No changes to this agenda, but we did receive two more applications, and I wanted to let the Commission know about them. We did have Petitions for Scheduling on there but we did receive an 8-30g application for 103 Louis Street, so that is an 8-30g for 41 units. We just got it in and we received it on the 8th, Monday so it just came into our department again per the statutory received those received over 24 hours prior to this meeting, I'm working on scheduling with them right now going through that process and working on an initial review and then we will get our comments back out to the applicant and that information will be posted on our current application since it has been received so that will be on our website under current applications, I'll get that out tomorrow with an

RECEIVED FOR RECORD
IN NEWINGTON, CT
2025 DEC 17 AM 11: 19

John O'Byrne
Town Clerk

application packet, the plans and then we will go through this process again. The other one we received, 40 Commerce Court for Progressive. If you remember, they came in for a special permit to convert the Progressive to an automotive specialty use. They are coming in to actually do that modification for the overhang area, they had to decide, actually converting that to building space, that just came in recently, we will review it to see if it hits the threshold for coming to the Commission. They are also under the Wetlands for application for that because of the upland review area so either way they are going to Wetlands. If it does not meet the requirements I will report to you on what it is, if it doesn't go over the percentage increase and if not requiring any more parking or it's not doing any of that, so I will do that analysis and schedule it accordingly. So those are two other items that we did receive.

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

Jeff Rodrigues: Good evening, I live at 1307 Main Street. I'm here tonight to talk about accessory dwelling units or ADU's. My wife grew up in town, and we have lived in our house since 2015. We have two kids in elementary school, multiple relatives in town and don't ever plan on leaving our house. We love our 100 year plus old house and we have invested a lot of time and money repairing, updating, customizing it to fit us. That is home ownership. One of the main goals for home repair or upgrade we have made have been accessibility, since both my wife and her father have neurological disorders that will progress in the future. The one thing our house is missing is a garage. As my wife and I discussed our options we agreed that a detached garage located behind the house with an apartment above it would be a great fit with the character of our house and the layout of our lot. We could also build it to be fully accessible as new construction with accessibility in mind is much easier than modifying a one hundred plus year old building. The accessory apartment could be used for our aging parents, if they need or for ourselves should we need it in the future. Under our town's current zoning regulations there is no way for us to legally build this on our property. The many reasons for this including setbacks, lot size, square footage, building heights, etc. Here is the frustrating part, when I researched the history of my house I found a detached two car garage with an apartment above it, exactly what we would like to build once existed on my property. It was built prior to 1940 and was in use for at least 25 years. It had the address of 1311 Main Street. Maybe some of you actually remember that building, but I don't. The original owner of our house lived there until she passed. There are still remnants of the foundation next to my driveway.

In 2021 the State of Connecticut and Public Act 2129 reformed zoning and allowed for ADU's as of right. On May 25, 2022 the Planning and Zoning Commission opted out of this Public Act. Since then, neighboring towns that also opted out have updated their regulations on ADU's. Currently the implementation of the Town Center Master Plan is being discussed and debated by this Commission. One of the goals of that plan is to

increase housing density to better support a business in the town center. Allowing for ADU as of right especially around the Town Center furthers this goal without the need for corporate developer owned rental complexes. Instead, ADU's benefit local contractors and individual home owners. Additionally it opens up the potential for new state funding under House Bill 8002 which was signed into law two weeks ago. I urge the Commission to either opt back in to Public Act 2129 or quickly address and amend our zoning regulations to match the town center master plan goals and allow for ADU's as of right. Thank you.

Bill McCarthy, 206 Churchill Drive: What I want to lead off on is something that is going on right up from Connecticut Fastrack. The Town of West Hartford is planning on having a meeting, an informational meeting at the Community Center on December 17th at 6:30 pm. regarding an 8-30g condos for sale, 54 units, for home ownership on an old manufacturing piece of property that they bought. Sounds like they are planning on putting in a nice little project there. The price I think they are estimating \$150,000 to \$200,000 for the units which is a very good price. I plan on going to the meeting, it's going to be Wednesday night the 17th at 6:30 p.m. at the Elmwood Community Center.

That meeting last night, the Town Council meeting, there were a lot of committee appointments and stuff like that and I just wanted to encourage everybody to come to the Committees . I haven't been to see you in quite a while, it's nice to see everybody up and about.

Tying in with the 8-30G and available properties I know you were working on, or have an inventory available of unused property or underused property that are in the Town of Newington. Then, the whole zoning thing, I know that the Kitts Lane property, I don't think the Kitts Lane property ever really got re-zoned and it's still in the turnpike zoning even though the are going to build the 8-30g apartments there. The new one is nice to hear about, but I think overall we were or you were looking at an inventory of the different properties that are still available within the town for development and we have to consider working on our zoning regulations. The other thing, CasaDoro, I drove, I was sitting in Price Shopper today and I know that it already went through you guys and was approved and now it is going to go, reapplied to the Wetlands Commission, or the Conservation people and they have to do their thing again but in the starkness of the winter, it looks poor. I think that Casa Doro can do some really good work in improving that property. I don't know if it had to come to you after it goes to Conservation if it has to come back to you and you have already completed your investigation and application review and just a shout-out to Chris for Garfield Street. I think those guys did a wonderful job, I saw buses down in the parking lot again today.

The Community Center in West Hartford, it's upstairs on the right hand side, in room 24 and that's at 6:30. Thanks. Nice to see everybody, Happy Holidays.

Chairman Sobieski: Paul do you have a list of available properties?

Newington TPZ Commission

December 10, 2025

Page 4

Paul Dickson: There was an older one when I first started that we started to look at. It does need to be updated so that it something we can look at but it's, most of the time it's not us advertising that this is available.

Chairman Sobieski: I was just wondering, to get an answer on that.

Chairman Sobieski: Anybody else?

V. ZONING OFFICER REPORT

Commissioner Woods: Anything on Maple Hill Avenue?

Erik Hinckley: Yes, we are in court, there is an appeal pending with the attorneys, I think it is on the judge's calendar for the 15th for some sort of action.

Commissioner Woods: Is anyone keeping track of how many appeals we have had?

Erik Hinckley: On this one, on this action?

Commissioner Woods: Yes.

Erik Hinckley: You can follow along, and I think this is the first on this.

Commissioner Harpie: You have a cease and desist on Clarendon? Are they cooperating at all or.....

Erik Hinckley: I have not talked to the gentleman in a couple of months. I will reach back out to him, and from here it would be a fine situation.

Commissioner Harpie: Was that cease and desist brought to him by a marshal or

Erik Hinckley: It goes certified mail and regular mail to his address. He doesn't live there, it's a vacant lot. He lives in New Britain.

VI. REMARKS BY COMMISSIONERS

Commissioner Woods: Just want to follow up on Mr. McCarthy's comments about CasaDoro. We did not approve anything for CasaDoro, except the initial building other but that lot I believe is what he was talking about, obviously that has to go through wetlands before we can take any kind of action. This Commission has not done anything with that

Newington TPZ Commission

December 10, 2025

Page 5

lot. The Conservation Commission, if they approve it, then it comes to us, if they deny it, it doesn't come to us.

Paul Dickson: And their last application, they withdrew.

VII. **PUBLIC HEARING:**

A. Petition TPZ-25-22: Special Permit for free-standing sign (Sec. 6.2.5) at 77 (AKA 77 & 93) Pane Road in the PD (Planned Development) Zone. Applicant/Contact: Gary Dayhash, Owner: SBS Realty, LLC.

Paul Dickson: So I will jump in again and read it in the long form: Newington Town Plan and Zoning Commission Notice of Public Hearing December 10, 2025 at 7:00 p.m. Notice is hereby given that the Newington Town Plan and Zoning Commission will hold a public hearing in the Council Chambers Room 103 at Town Hall, 200 Garfield Street, Newington, CT on Wednesday, December 10, 2025 to consider the following petitions: Petition TPZ-25-22 Special Permit for free standing sign (Sec. 6.2.5) at 77 (AKA77 & 93)Pane Road in the PD (Planned Development) Zone. Applicant/Contact: Gary Dayharsh, Owner: SBS Realty, LLC. This public hearing will be a Zoom Webinar/Hybrid meeting. Information on how to attend will be posted on the town website at: <https://www.newingtonct.gov/virtualmeetingschedule>. These petitions and related material are available for public inspection at the Town Planner's office, Town Hall Room 204 and through the published agenda at the Town Plan and Zoning Commission agenda center: <https://www.newingtonct.gov/AgendaCenter/TownPlaning:Zoning>. Persons who require an accommodation to participate in this public hearing should contact the /Town Planner at 860-665-8578 or townplanner@newingtonct.gov not less than 24 hours before the public hearing. Submitted Paul Dickson Town Planner. This ran in the Rare Reminder November 27 and December 4, 2025.

Gary Dayharsh: Good evening. I was before this Commission months ago to discuss the signage on this property and the result of that was that we were able to count the side of the building which faces the parking lot as the frontage of the building and therefore used that dimension to calculate the allowable signage for the project. Here tonight to ask for approval of the free standing sign, the size of which is the result of that previous approval, so once this is done, the signage on the property will be maxed out. The sign, as indicated on the screen up there as far as the location goes, it would be a metal sign with die cut letters internally lit colors as you can see there, and I believe that all the signage, after this is approved will conform with all town regulations.

Commissioner Harpie: As far as you know, is this the final design?

Gary Dayharsh: It is the final design, the only thing that could change would be that the white panel at the bottom that's been reserved in case the Pickleball space becomes different users then there would be an additional sign below there, but within the same size.

Commissioner Fox: What is the sign made of?

Gary Dayhursh: The sign is, has a steel structure covered by aluminum that is die cut for the letters. There is then colored plastic put inside of that sign, internally lit, and that is what shows the colors that you see on the drawing.

Commission Fox: What kind of lighting do you have? LED?

Gary Dayharsh: There will be LED lights within the cabinet.

Commissioner Fox: Okay, thank you.

Commissioner Woods: Just a question about the lighting? I didn't think we allowed internal lighting.

Paul Dickson: In the town center, no. For the other signs I believe that we do.

Commissioner Woods: I'm fine with it, but it says specifically the town center and the overlay district not internally lit.

Paul Dickson: There are some sign regulations that go into how many nits and how, and things like that so that is the only thing as staff would consider for the applicant just to make sure whatever you have for sign design, that you don't overdo the lighting.

Erik Hinckley: I would just add, the survey up there, this is an as built survey, that pad is already poured for the foundation for the sign and this is generally in the same location on the approved site plan, approved on that site plan. They just didn't follow through with that, and it's approximately fourteen to fifteen feet by scale from the edge of the road.

Paul Dickson: As noted in the staff report the Town Engineer reviewed the location and does not see any issues with sight lines.

Chairman Sobieski: Is there anyone who would like to speak in favor of this? Anyone wishing to speak in opposition?

What is the pleasure of the Commission?

Commissioner Woods moved to close the public hearing and move it to Old Business. I think it's already in Old Business. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Pascarelli's name was spelled incorrectly in the beginning of the minutes and should be Pascarelli. Her motion was to accept the minutes with the correction. The motion was seconded by Commissioner Harpie. The motion passed unanimously with seven voting YEA.

IX. NEW BUSINESS

- A. Petition TPZ-25-22; Special Permit for a free standing sign (Sec. 6.2.5) at 77 (AKA77 & 93) Pane Road in the PD (planned Development Zone) Applicant/Contact Gary Dayhash. Owner: SBS Realty, LLC.

Commissioner Woods moved to approve TPZ 25-22-25 the free-standing sign at 77 (AKA77-93) Pane Road.

Reason for Approval:

This application meets the requirements of the Special Permit Criteria.

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

- B. Petition TPZ-25-23: Biennial review of Balf Quarry operations and site plan at the Balf Company 301 Hartford Avenue in the I (Industrial) Zone. Applicant/Contact Christopher J. Costello, 652 Black Rock Avenue, New Britain CT: Owner The Balf Company (Tilcon Connecticut, Inc.)

Paul Dickson: So Chris Costello, the applicant has actually joined us on line.

Chris Costello: I'm the environmental land manager for Tilcon, representing Tilcon for its biannual quarry review. I'm assuming that you can see the site plan.

Paul Dickson: I'll just remind the TPZ that the reason that the applicant is here tonight is a requirement of the 1989 agreement between the Town of Newington and the Balf Company. Newington TPZ Commission

December 10, 2025

Page 8

It does recognize Balf's right to continue operating the quarry on Mountain Road and Hartford Avenue and again it's a biannual review that Balf agrees to submit to the Town Plan and Zoning Commission updated site plan showing proposed uses, proposing structures and planning perimeter area of excavation if any and a statement of its intended operations for the ensuing two years. That is the reason it is in front of you. It's not a typical site plan application. This is kind of one of those by agreement, they come in every two years, show you what has been done, show you general area of the quarry. I do have some pictures. Myself and the Town Engineer both went to the site with Mr. Costello. It's pretty much exactly as I remember it two years ago, a little more excavation along the floor area that they are doing, but there has been no further encroachment further out, primarily going downward as it has been doing for years.

Chris Costello: There really is not much that is going on there.

Paul Dickson: Chris, as we are getting the plan up, if you would like to go through the documentation, a little bit too about what has been done over the last two years prior and then the plan for the next two years.

Chris Costello: Not much has happened over the past two years. In 2024 we didn't excavate any stone and the asphalt plant did not operate. This past year we removed a little bit of stone about two hundred thousand tons, primarily for concrete production and the asphalt plant ran for three or four months, didn't produce much either. We expect the same thing for the next couple of years. The primary crushing unit that we have we have not operated, we have been hiring an outside company with a portable just to crush stone like I said, for concrete production. The spec of this stone in this quarry is the best stone we have for concrete so we are just using it for that, and that is what we are going to do probably for the foreseeable future.

Paul Dickson: If the Commission has any questions we can run through the plan.

Commissioner Woods: Out of curiosity, how far does the basalt go out of the ground, do you know?

Chris Costello: No, I do not know that. I don't know how deep it goes, I could get that information.

Commissioner Pascarelli: This sounds fine, it's the same moving forward there is not much change, but my question would be, we do have a board or Commission that also, for the neighbors of the quarry, if there are no concerns from them, and we would know that, right?

Paul Dickson: I believe we tried to have that meeting last year, a quorum couldn't be met so, I think that was the year prior too. So that will be moving forward, getting a quorum, getting people seated on that.

Commissioner Harpie: Do you project out the life of this quarry?

Chris Costello: I don't know the answer to that either but I can find that out as well.

Commissioner Harpie: If you point out to us what areas you no longer mine?

Chris Costello: We mine in the same area that we have been. There are no areas that we no longer mine.

Paul Dickson: I can point out to the Commission too since I have been there and seen it too, and I have control over it, it's in front of me, so you kind of see, that is the quarry in the center and I do have some pictures too, so you can see where they highlighted the excavated area so between '23 and '25 it's primarily been again, advancing this face that is in the bottom of the quarry. Working with Mr Costello and looking at the area as it has been described, that as this continues to move over, you can see they have moved over, over the years, starting here and then they continued to move over, so once they reach, because they have a system of getting down to the bottom, again you have the ramps to get there so that kind of limits you a little, and then the future of that will be figured out, how that gets worked out. Right now the ramp system leads all the way down into the quarry and then they are advancing the face towards this direction right here. It would be south.

Commissioner Harpie: I know back then, I guess there was an odor that was emanating from the quarry, and I guess you resolved that. You have always been good to your word and very professional in your management of it, so I don't have any questions beyond that.

Paul Dickson: We tried to highlight for the Commission, that this was the same as the last update. As we noted, the primary crushers where you can see over here are not operating any more, these are the historic crushers on site. They have been replaced for the last several years with a temporary crushing unit that is actually brought in and then brought out so the machinery is not there all year round, but that is conducted right here on site and then the bituminous plant I believe is right here on site.

First picture, these pictures are taken from the bottom of the current excavation of the quarry, this would be looking south and you can kind of see the tiers and the ramp system that is how it has been excavated down. The lower tier is actually the access road. Next, again looking south, looks like we shifted from the other one, with the other face of the quarry again the area of the water that settles in the bottom. They do have all their discharge permits and as noted in their application materials and that is handled by the

state and federal agencies, not within our purview. That would be Russell Road on top there, and this is where the ramp kind of comes into the excavated area and then that would be, to the left side the Jordan Lane area. Previous excavation and the issues that came up but that has been resolved obviously, that is looking towards the Jordan Lane area on the left and Russell on the right.

This is taken again, up on top of the ramp leading down, but you can see this is the bottom and that is the current excavated face, that they move in the direction south and there is still some left on the floor there before going down to another level, but that is how they have been doing it over the last several years, they are just continuing that face that you see.

The next one is a panorama just to give you the same thing, left to right, this gives you a good open view of the bottom of the quarry and this is the area where typically where the stone crusher goes. You see the wide open area, it's adjacent to where the stone is currently stockpiled.

One more picture, same thing, stockpiled to the right and then to the left is when you would go down into the quarry and the last one, the crushing area. Again as you can see, it is just kind of left there, used when it is used and when the machines are not there they go elsewhere. That is all I have for the photos just to give you an idea of what it looks like at the quarry since most people have not been in there.

Commissioner Harpie: Just curious, how many acres involved in that?

Chris Costello: I think it's 200, 225 somewhere around there.

Commissioner Woods: It's a big piece of property.

Commissioner Harpie: So when the day comes that this can't be mined any longer, is there some condition of what went on there that limits any kind of development like a land fill situation?

Paul Dickson: I think that is a discussion that the Town will need to have some time in the future. There is nothing that I am aware of at this time but that will be something again, that is an Industrial Zoned property.

Commissioner Pascarelli moved to accept Petition 25-23 for the biennial review of the Balf Quarry operations and site plan dated May 17, 2019, revised December 1, 2025 prepared by J.R. Russo & Associates pursuant to the Town of Newington and Balf Company Agreement, dated April 26, 1989.

Reason for Acceptance:

The review complies with the 1989 agreement between the Town and Balf Quarry.

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

C. Petition TPZ 25-26 CGS 8-24 Referral - Disposition of a portion of the
Griswoldville Avenue Right of Way abutting 125 Waverly Drive, (+/-2208 sf)

Paul Dickson: So this is a town petition. You have in your packets a memo from John Altshula the Town Manager to myself dated December 3rd regarding the 8-24 referral for 125 Waverly. So owners, this is a different one, recently you did the 8-24 regarding the spur on Budney Road. This is a little different that this is a portion of a right of way that is being requested, so the background on this is the owner installed a fence, they installed a fence on town property, they were informed that it was town property and they removed it, which is good, back to the property line but they would really like to have a larger lot for their family so they approached the town with this request. So this is referred to you by two different mechanisms, both the 8-24 referral but also for the 1989 policy for the town regarding basically selling undersized lots. This is a little different but that is the policy we have in place. It has been utilized for right of ways, looking at potentially twelve feet of this right of way so in the staff memo I kind of go through as far as the Plan of Conservation and Development goes they don't normally get this granular, but I have included two different things for consideration. Again, this is an area that is identified or at least appears to be when you look at the pedestrian plan for POCD, the red line is kind of covered up with Griswoldville Avenue. It's assumed that the plan was to potentially run a sidewalk there but again in talking with the Town Engineer there is at least 40 feet now, maybe a little more, they are requesting twelve so you are left with 25 to 28 even if we are counting for differentials and without it actually being surveyed saying it is 30, 25, 27 but we are really looking at 25 feet minimum left over on the right of way, so talking with the Town Engineer he did not see any potential issues with being able to put a side walk in that area. We discussed it with Eversource, Eversource needs 15 feet around the pole to maintain their infrastructure so that would be left over. The gas company has zero interest in putting gas on Griswoldville Avenue. Their loop currently runs in a different direction and the Town Engineer has discussed this with them primarily around that there wouldn't be enough demand on Griswoldville with only a couple of houses to run the gas line down there when they have an existing loop going through. The one organization we have not heard officially back from is the MDC. Initial discussions with the Town Engineer that they do not anticipate a near future project but again we have received no written communication to that effect, so we don't have anything yet and that was one thing in talking with the Town Engineer and the Town Manager, the biggest question of course that comes up when you are potentially giving up right of way is, is there any need for any facilities within there. Once it is transferred over, getting it back becomes a easement process, so again, this is new in front of you tonight, it is something we have discussed with the property owner

Newington TPZ Commission

December 10, 2025

Page 12

through the removal of the fence and the request through the Town Manager's office so again, the (inaudible) likely sidewalks, the bicycle plan does not show any potential desire for a bike

infrastructure down this street, may change in the future or not, but the current POCD has no recommended bicycle routes in this area, not even suitable, shows the Berlin Turnpike as less suitable but hopefully one day that grant may get dislodged or get renamed or something happens along the Berlin Turnpike and we can look at those facilities along the Berlin Turnpike. This is in front of you for both the 8-24 referral and also per the 1989 policy with the Town. That policy does request that the TPZ provide any additional recommendations so this is a little more unusual 8-24 when you are talking about a small, like a 12 foot sliver. You can see the large right of way that is there, and this mostly persists through of Griswoldville Avenue. It's an interesting historic street that, the maps that we have on this are primarily older maps to the point where there was a rendering plant out there at one point and this right of way has actually been changed a little, at one point the street wasn't located in the right of way, it was meandering so this is classic New England just making a road where a road makes sense, so it has been realigned over time, especially when you get down closer to the Berlin Turnpike it's very much narrowed. That was primarily done with the construction of the Walgreens on the Berlin Turnpike. It was a very wide right of way but then as you get closer to the Berlin Turnpike it narrows right down. It jumps right in to the sidewalk that is in front of Walgreens and right along pretty much the road on the northern side. So there is a little bit of facility from the Berlin Turnpike that connects to the other sidewalks, but there is nothing down Griswoldville Avenue. So if the questions, looking for any additional information, again as a reminder in an 8-24 referral any time a town sells land is a trigger for an 8-24 and also anytime a town narrows a right of way, a street or a right of way, is also a trigger for an 8-24 so this checks two of the boxes on that.

Chairman Sobieski: I have a question, Paul. The MDC has not responded at all. Would it be feasible for us to contact them again, I'm just asking.

Paul Dickson: The town Engineer has.....

Chairman Sobieski: There probably is enough land left there after the sale, but I think the MDC needs to be notified.

Commissioner Woods: They just replaced the water line.

Chairman Sobieski: Oh they did.

Paul Dickson: The one thing that is missing there is MDC sewer, so some of those are still on septic. So that is an older part of town, so that is one of the rare areas that is still on septic in Newington and most of the time those facilities do get installed in the road. Again, Newington TPZ Commission

December 10, 2025

Page 13

the Town Engineer when I talked to him, it's like okay, where you at when we sent the e-mail to more than one person at MDC and hasn't received anything back formally from them yet, but in

talking to them, nothing official, they do not anticipate any project in the near future, but we don't have enough (inaudible)

Commissioner Harpie: So it's my understanding that this party that is asking the Town to do this was in violation initially for a fence they put up. As far as the zoning violation was concerned, they turned it around very quickly.

Erik Hinckley: I met with the contractor on site a couple times.....

Commissioner Harpie: Was that something you picked up on or the neighbors complain?

Erik Hinckley: A neighbor had complained, I went out there took a look, it did affect the sight line, it was originally, he had a six foot fence all the way around and we had to drop it because he was on a corner lot and whatever, and they we discovered, we didn't even realize that the right of way was the way it was there, but we looked at the survey and he was well off of his property.

Commissioner Harpie: So what happens if we say go ahead and the council votes on this and then a year down the road MDC says, whoops, we do have a right away, the fence comes down or.....?

Paul Dickson: It becomes, typically what I have seen is if a structure goes in,

Both talking at once.

Commissioner Harpie: From my own experience, there is no tolerance for violating the right. It cost the town \$250,000 at one point to find that out. So I personally have a problem with supporting it without MDC's letter, we need an answer.

Commissioner Hoffman: I kind of agree. We really should have everybody sign off on this before we give them the go ahead.

Commissioner Woods: MDC does not have right of way.

Paul Dickson: It's the Town of Newington's right of way.

Commissioner Wood: I don't have a problem with this my guess is that they are not going to put sewers there, there are not enough houses. It would cost the residents a fortune so I don't think it will ever be used for anything.

Newington TPZ Commission

December 10, 2025

Page 14

Commissioner Pasarelli: We're going to vote on this tonight, or could we possibly table it?

Paul Dickson: You do have the option to table it. My quick math on that with the 8-24 to look for the 35 days to issue a report should fall on the next regularly scheduled meeting date of 1/14 so 35 days from today. That is actually part of the 8-24 statute.

Commissioner Woods: If we don't act on it, it is considered recommended.

Paul Dickson: Just to reiterate again, beating a dead horse on the 8-24 but the way this mechanism works it's basically to advise and if the TPZ positively recommends it, then it can be approved the normal way through the Council. If the TPZ does not recommend it, then it requires a two thirds majority of the Council to pass. So that is really the trigger, so the TPZ can never say no, you can't do that, it just brings it from one level to another.

Commissioner Woods: You can give MDC another chance, but I guess they don't want to respond, it will take them two years to respond to this.

Chairman Sobieski: I would like to have some type of response from MDC because I know, past experience with MDC all of a sudden they need something and it turns everything into disarray. So we can table this tonight until the next meeting.

Commissioner Woods: We only have until the next meeting and we should act or it just goes through.

Chairman Sobieski: We will know by the next meeting, trying to reach out to MDC one more time.

Paul Dickson: I know Chris has reached out twice, to two different , gotten the verbal, not likely, they don't anticipate, but no one is responding.

Chairman Sobieski: I'd like to get something from them in writing that way if something happens I don't want the Town to be liable.

Commissioner Woods: The Town wouldn't be liable, MDC doesn't have a right of way. So if they decided to do something then they would have to negotiate with the land owner to make that happen, so we're out of it. If we decide and the Council decides to move this forward it's between them and MDC.

Paul Dickson: From the planning perspective, this is we're talking about bike routes and there is provision for the actual infrastructure of the town so it's kind of closely related to that type of jurisdiction, or review talking about the POCD. I did not drill down into

individual, talking about every utility but provides those general statements, to provide for utilities, to provide for future planning. Most of the time, MDC does run stuff in the roads, I can ask the Town Engineer to keep after them.

Chairman Sobieski: I would feel more comfortable with that. Can I have a motion to table this until the next meeting.

Commissioner Harpie: So move.

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

X. OLD BUSINESS

None

XI. PETITIONS RECEIVED FOR SCHEDULING

- A. Petition 25-24: Special Permit to allow live entertainment with an existing restaurant with alcoholic beverage sales permitted pursuant to N.Z.R. Sections (3.17.6) and (6.6) at 217 Kelsey Street in the PD (Planned Development) zone. Applicant/Contact: Mariela Barreto Perdomo, Owner: Reno Properties II L (Applicant received on 11/24/25 -65 Days to open public hearing by 1/28/26)

- B. Petition TPZ-25-25 Special permit for a change of use from a convenience store to a liquor store pursuant to N.Z.R. Section (6.6.2) at 1125 Willard Avenue with the B (Business) Zone. Applicant, Owner, Royal 1125 Willard Avenue LLC, contact: Nibesh Paudel and Madhu Aryal. Application received on 12/10/25 – 65 days to open public hearing by 2/13/26)

Paul Dickson: You have the two petitions that are listed and I'm going to bring the other one up under the Town Planner report.

Erik Hinckley: We have two petitions, the first is to allow live entertainment within an existing restaurant 270 Kelsey Street, Prime Burger so I can sign off on their entertainment liquor permit. They currently do not have approval for that.

The second item that is coming up is the quick stop at Robbins and Willard Avenue want to convert the convenience store to a straight liquor store. The restaurant that is attached to it will stay in place, it's just a conversion for the use. Those public hearings are tentatively scheduled for January 14th meeting.

XII. TOWN PLANNER REPORT

Paul Dickson: As noted I have to dig into the housing bill, CRCOG is working on synopsis and what I'm looking to do is to get as many synopsis together for you, again looking for something that is as close to a straight legal analysis as I can find and if I find other ones that encompass the whole gambit I think it would be good to actually put them together and then hopefully at the next meeting we can have a discussion regarding what this does, what this means for us, what is this going to do to some of the regulations? There are going to be questions again with the town. From my initial reading of it the 8-30J plans that are required are being replaced by the new housing needs analysis. Again, we will have the opportunity as a town to work with CRCOG or to generate our own. That is something that I will be bringing to the Town Manager and will be bringing ultimately to the Town Council regarding that type of plan. I believe the 8-30J plan normally goes through, correct me if I'm wrong but has been adopted by the Council in the past. So that is again, a town plan and this will be a newer type of plan, we don't know what the allocations are yet we actually have to do the work to come up with those numbers and then we will have to figure out what that is. My goal at the end of the day is to be in the room as much as possible, kind of have discussions about that, because I think having the town's input, I think every town needs to be in the room at the CRCOG level when they are working on this because it does affect us all. We discussed it briefly today at CAZIO and some discussions primarily around certain things in this law that likely will be needing a change regarding parking. It was interesting talking about the whole, if it is under 16 units you don't require any parking analysis, if it's over 16 you can require a parking analysis but you can choose, it seems like it is put in the Commission's purview that you have a choice, but not a choice. Right now it's either you go with what you have, the one space for studio in one, and the two spaces for two and above or the developer is able to do a parking needs analysis. Sounds like the Commission is kind of mandated to use whatever is the lesser of the two. The way it is written does cause some concerns, general public health and safety concerns, same ones we have discussed as applications have come in front of us. My biggest thing is can our fire truck fit in there, can we respond, that is going to be what I am looking at, especially for how this can impact us because at the end of the day, life and safety is the key, that's the point, that is one of the primary points of the zoning regulations is health and safety. Again, I will keep working on that, I don't know if you have anything else.

Erik Hinckley: You guys also got the memo that I briefly touched on earlier about the request from the Zoning Board of Appeals to review the side yard setbacks specifically in the R-12 Zone. AS it was re-zoned at one point from the R-10 and all of those existing garages became non-conforming and houses. I can say that the bulk of the Newington ZBA

applications that we typically get now are to add onto those garages that were perfectly fine when they were built. They were permitted, met the setback requirements, and now they don't. You can't allow an expansion of a non-conformity, so ZBA, and I just put some quick stats together from ZBA from about 1977 forward about how many variance applications were received for that type of thing and you can see they have approved a lot, but not all of them. There are some people who walk away unhappy, it's what ZBA does, taking them on a case by case basis. Don't know if you have any thoughts on this or want to consider it. It will potentially reduce the types of applications from this zone in particular.

Commissioner Woods: I personally think that we should. I sat on the Zoning Board of Appeals eons ago, and we were hearing them back then. It was, every neighbor around me has it, but I can't have it. I get it, it fits our new zoning regulations but it doesn't fit the neighborhood.

Erik Hinckley: Part of their argument is now by re-zoning it created a non-conforming, the town created a non-conforming and they are living with it.

Commissioner Woods: It's something to consider, maybe if the garage was permitted as required and they want to add on to it, fine.....

Paul Dickson: I have actually seen regulations that allow a vertical expansion, so that is an easy one to address this specific thing, or depends on how deeper you want to go into it, from a timing perspective the, we will be looking at the zoning regulations sooner than later. I do have to clear a couple of grants that I am working on right now. I can report that we are meeting with West Hartford on a regular basis to get that rec trails grant through. Again it is actually published, we have it, they have it, but right now getting two of our towns to have the processes together, that is kind of, we're going to get through that step and get this thing published and out for proposals and complete that study. Again, it's primarily an engineering study, we're not proposing building anything at this time, we would have to go for another grant to do that type of project, but that is something that I need to get going and get in place for us to get to that next step of getting that connection. Basically from the Fastrack up to West Hartford and connecting it to Trout Brook and working through there and creating a better network for both towns at the end of the day, so it came to be that we got ours and they got theirs the next year. I have been working with the Planners even more now since I have been here almost three years. So now we actually have good working relationships and I think we might see more cooperation.

I'll put this up exactly as we received the application: This is from Premier Real Estate Services LLC for site plan approval 41 rental apartment homes under CGS 8-30g, 103

Louis Street, Newington, CT. So, again, that would be received and as I noted earlier we are going to through the process, review it, get comments back out to them, meet with them, and then schedule from there.

Commissioner Harpie: In the zone change, none of that stuff could be grandfathered?

Erik Hinckley: No, the garage was built legally but if they want to do an addition to the garage, not a vertical, they just want to add another bay to the garage that would be (inaudible) a non-conformity, I can't grandfather that in, that would have to go through the Zoning Board of Appeals.

Paul Dickson: No, there is no, it was okay in the old zone, but the new zone is different because then zoning would go all the way back to the first, which would be fun to work with someday to actually have a zoning booklet but no.

Erik Hinckley: Then people would have a choice of the regulations, no, I like the '54 version.

Commissioner Harpie: Some of these applications want to add a room above the garage if they have it now?

Erik Hinckley: Some do, and some just want to add on to the side of the house that was conforming before and now they are going to encroach into the side yard setback.

Commissioner Pascarelli: My comment would be if our Planner has, when you have time, I would like to see a recommendation on what the changes could look like from your perspective for the town and helps people out and kind of meets everybody in the middle for these variances.

Chairman Sobieski: I have one quick question, do we know, I don't want to nail anyone down, but do we know approximately how many properties this involves?

Erik Hinckley: The R-12 Zone is thirty-four percent of all properties in town. The ones that we are talking about, honestly are those in subdivisions in the north end of town, so when they were built like that, Crestview, Mountain View, up in that area. The newer ones that were built after the true R-12 regulations are fine.

Chairman Sobieski: I'm just wondering, looking at the number that have come in.

Paul Dickson: I don't want to overpromise, but I'll work with our GIS technician to see what we can do to visualize, if we can make it work and get a good visual what parts of the town, it's a little bit of the town, but you could get the history, what was re-zoned, the original,

how much is conforming, nonconforming even within that, it kind of gives you a case line on how much is affected. I think that is important when ever we do a zoning change.

Chairman Sobieski: It is, and I wanted to have some idea, I kind of figured out that it was the north end of Newington that was developed earlier, but, and some of the center maybe, but I don't know for sure, I'm just curious. I'd like to know.

Paul Dickson: This sounds like the TPZ has some interest in doing this

Erik Hinckley: When we have the next ZBA meeting I will ask them for some recommendations that they may have.

XIII. COMMUNICATIONS

Discussed under Town Planner Report

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

Rose Lyons, 46 Elton Drive: I just don't know if this is allowed or not, but I just want to put my two cents in about the reviewing the regulations that now have to go before ZBA. My next door neighbor recently went and appeared before the ZBA and was granted the exception to go ahead and do the addition to build up on his garage. I personally think that it is a great idea, I know it's more work, but I think it's a great idea to give people that live in older homes like in my area, in the north end of town, the option to go up as long as it is not too overpowering for the neighborhood. We want to try to keep these young people, at least I do, and that is why I went and testified and I was in favor of it, so if you could just take a look at it, and if it is in the realm of possibility, I'd like to see you do it, if not, it's not a work I understand, but that being said, I wish you all a healthy and happy holiday season.

XV. REMARKS BY COMMISSIONERS

Commissioner Harpie: With the advent of all of this new housing legislation would it make any sense to have one of the law firms that you know, that you have worked with, for land use and zoning like Halloran & Sage for example to just kind of walk through this thing with you and us and whoever else because it seems to me from the sessions that I have been at the Legislature, it's not even a question of intelligence, it's just the way the bill is scattered into fifty-six some odd sub-bills and the application of you know, no single counsel can do anything about this now, even if they have a great idea, I guess. It seems to me that there are an awful lot of dangerous points in it. Take the homeless for example, there is no

transition housing left for them, so they are going to be on the street. The towns are going to be surprised that they are going to sleep on a bench, or sleep in the park? To provide a portable shower and things like that are not conducive to helping them. It just isn't. I worked with them a number of years ago in Louisiana, they are not the kind of people who, there is a mixture of real issues and some fabricated but most of them have significant issues. That is not really resolved by the bill. The conversion of commercial properties to residential might be a good concept but you don't want to end up like Bridgeport where you have such a mixed zone where you have a house and then a 40,000 square feet gun company. I think this needs a lot of looking at in fairness to all of us, and then we will go with whatever you say. It will take some pressure off of you, and I know that you like to work a thousand hours per week, but this would cut it down to 900. Thank you.

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Sobieski: Everyone have a great holiday, and thank you very much for showing up to participate tonight.

XVII. ADJOURN

Commissioner Woods moved to adjourn the meeting. Seconded by Commissioner Pascarelli. The meeting was adjourned at 8: 15 p.m.

Respectfully submitted,



Norine Addis
Recording Secretary