

NEWINGTON TOWN PLAN AND ZONING COMMISSION

ZOOM MEETING

MAY 28, 2020

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Pane
Commissioner Claffey
Commissioner Fox
Commissioner Havens
Commissioner Lenares
Commissioner Sobieski
Commissioner Woods
Commissioner Braverman-A
Commissioner Gill-A
Commissioner Haggerty

Commissioners Absent

III. APPROVAL OF AGENDA

Chairman Pane: I believe we have the approval of the agenda and if I'm not mistaken the Town Planner would like to make a modification.

Craig Minor: Yes, under Town Planner Report I'd like to add, and I'll discuss it when we get there. We have to appoint a commissioner to what is the housing needs study committee.

Chairman Pane: Without any objection, we'll adjust the agenda for that. Any objections? All right.

IV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes. Use the Zoom "Raise Hand" Function.

Chairman Pane: We're at public participation and just a reminder for everybody to keep your phones on mute. If you raise your hands, I will recognize you or James will recognize you so that you can unmute and speak. We'll open it up to a public participation. Anyone wishing to speak can do so now.

V. REMARKS BY COMMISSIONERS

Chairman Pane: Are there any comments from the Commissioners?

Commissioner Sobieski: I just wanted to let you know that I passed out the last couple of CCROG comments, the status reports activity.

James O. Kypreos
Town Clerk

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Chairman Pane: Thank you Commissioner Sobieski, I did receive that, and I'm sure all the Commissioners received it. We thank you for that. Are there any other comments from any other Commissioners?

Commissioner Fox: I'm just wondering if the outdoor seating approval seems to be going fairly well. I have one question though, these approvals will be stretched out at least into the fall, so even if this pandemic is declared gone, the restaurants will be able to still have that seating.

Chairman Pane: Yes, until they are at one hundred percent seating capacity and then we can gradually take that away, and even then there may be some restaurants that might want to modify or add outside seating and they certainly will have the opportunity come to us and make changes to their site plan. For the future, but right now we're going to play that by ear. We've given them a six month time frame which goes into the winter time, but I'm sure they're not going to use it that far into the winter. We have to play it all by ear and see how the businesses do, I mean when they first open up and they're going to be allowed to probably open up only 50% of their capacity inside. So, they're going to need the outside seating and I would say they're probably going to need it into the fall. Does that answer your question Commissioner Fox?

Commissioner Fox: Yes.

Chairman Pane: Okay, very good. Thank you and Commissioner Claffey I believe has a question.

Commissioner Claffey: No, I just want to make it fully aware that there's been talk, and I've seen some documents that I was not at last meeting, but I was here. I'd like that on the record that I did attend the last meeting and was present.

Chairman Pane: I can certainly have the Planner make those changes for you.

Commissioner Claffey: Thank you.

Chairman Pane: Are there any other Commissioner questions?

Commissioner Woods: I have one. This is actually to the Planner, do we know what's going on with the packet? My packet just got here today. It literally came in the mail today at two o'clock.

Craig Minor: It's been a real crapshoot for the last couple of months. Some of them arrive two weeks late. I don't know why. I can talk to the postmaster and see what I can do differently to have the chance of them arriving in a timely manner.

Commissioner Woods: Thank you.

Chairman Pane: We have a question from an attendee.

Cara Santoro: Thank you for letting me speak. I live on Francis Avenue and I'm sure this is going to come up later on, on the agenda, but I'll speak now. I want to voice that I am against any zone change or development in the Newington Junction area. Seems like this continues to come up, and I think if there ever is a vote on this, or another meeting on it, it should be face to face when a lot of the public can attend and find out exactly what's going on. So I'm against any brewery pubs or change or anything like that. It's going to cause havoc with the traffic on West Hill. Now, it's already bad enough, and I'm not sure why we keep on trying to change the zone. First it was the housing, now it's a brew pub when we have the Berlin Turnpike or it could be more accessible in the center where the factory went out that can make a beautiful place redone like a small little blue back or something. It's walking distance from a lot of houses and I just don't understand why Newington Junction is always on the hotlist, the residents do not want it. There's traffic going up and down like.....and the last thing that we need is another brewery pub or a bar of something which is going to change our neighborhood or be a detriment.

Chairman Pane: Okay, thank you.

Cara Santoro: Well, are there any comments to come back to me.?

Chairman Pane: No, not right now, I don't have any comments back for you.

Cara Santoro: Thank you.

Chairman Pane: If there are no other comments then we will go to Public Hearings.

VI. PUBLIC HEARING

- A. PETITION 16-20: Special Permit (Sec. 6.11: Service, Sale, Repair, Rental or Storage of Motor Vehicles) for a gas station/convenience store at 4 Hartford Avenue. Diyala LLC, Applicant; Newington Gas Distributors LLC, Owner; Jawa Shalo, 3 Bucks Crossing Cromwell, Ct, Contact.

Chairman Pane: Is the applicant here?

Kenneth Slater Jr. Ye, Ken Slater Attorney with Halloran and Sage and also on the line is the owner of the applicant, Jawa Shalo and her husband. I would like to ask the indulgence or advice of the Chairman of the Commission. This afternoon we received the engineer's comments and there's 59 comments in there. In speaking to our engineer, there's a number of them that would require some analysis and also some discussions between he and the Town Engineer. So what we would be requesting or what I'm suggesting if it makes sense to the Chair would be that we proceed with our presentation that we were planning to present and would ask that the hearing be continued so that we have an opportunity to address the many comments that have been added by the engineer. Some time you get an engineer's report that would be very easily incorporated as just a condition of approval assuming that you favorably view our application, but in this case there are some very important substantive ones that the engineer, our engineers need to be able to speak together. Hopefully there would be a meeting of the minds if they discussed it. Is that an approach and a reasonable one from the Commission's side?

Chairman Pane: Yes, that's not a problem. I want the applicant to feel absolutely comfortable with engineering and before we do anything we will have it as Old Business. We won't act on it until you have a chance in your application to review all of the engineer's comments and then come back to our next meeting and tell us whether or not you need them modified or whether or not you can comply with them.

Kenneth Slater: Thank you very much. I will, one of the comments of the engineer was the request the narrative of an analysis of the regulation that deals with a requirement that motor vehicle related uses be located within 100 feet from, and I'm quoting, a religious institution, school, playground, hospital or any residence and based on the regulations, and I've gone through and I've pulled out several instances in your regulations where your regulations showing intent to show that certain activities be away from a certain zone and other instances in which an activity be away from a certain property boundary. This one does not do that. This one requires that the use be located a certain distance from the actual religious institution. If the religious institution was located on a giant parcel and it was on the opposite side of the parcel and someone might wish to have one of these operations at a gas station, like this one, literally a mile away from the actual church. Then that's not what the regulation says. It's not based on zone, it's not based on property line. So what has to be shown, and you'll hear from the engineer in a few minutes, on that it has to make sure that the entrance is at least 150 feet from the residence, which it is. What I'll do, thanks to your generous opportunity to be able to fully comment, the engineer asked for a narrative on that. I'll leave it at that, and turn the floor over to our project engineer.

Brandon Handfield: Thank you. Everyone hear me okay? For the record, Brandon Handfield Consultant and professional for several years in Connecticut and over 20 years of civil engineering. I'll keep it brief, I know you have a tight schedule. I'll go through the existing site, the proposed development, associated improvements and then turn it over for any comments you might have.

That, map #2, is the detailed site layout and what you have in front of you. This is an overlay of the proposed conditions over the existing survey that was prepared for this project and the existing site is about .45 acres. It's at the north, to the north of the intersection of Hartford Avenue and Main Street. Hartford Avenue to the right of the screen, Main Street is to the left of the screen and that is where the property would be for the residential property. Describing actually the current conditions, It's currently (inaudible) to located them all where the gas station was that was demolished. Some of those features still exist even though it was demolished so in terms of the curb cut, they are still there and something that those familiar with the site know is that most of the site is connecting to Main Street and Hartford Avenue. It wasn't perfect, but generally, it's in and all the way, almost to the edge of our property was a large curb cut except for one island for the utility pole in it. On Main Street, the curve kind of generally went from the intersection, where the sidewalk is about halfway up the property. So basically the original development for the gas station was tucked into the front corner and the entire area or most of the area was accessible from, the road. So, on the proposed layout, what we did was we tried to push the sidebar. We will start with the building. We have a proposed convenience store along the northern property line, that's 2640 square feet. In the center of the site and with a canopy over the station of 1500 square feet. The positioning of that was very tight in terms of the setback from the front yards of Main Street and Hartford Avenue in addition to the 100 foot setback. We have

shown dashed lines and labeled so that you can see that it fits within that triangle and complies with the (inaudible).

In terms of access to the site, we've shifted the existing curb cuts as far away from the intersection of Hartford Avenue as we could. So, starting on Main Street, we pushed the access road as far north as we could to access the site suitably. We have a single driveway with in and out access that can make that appropriate along Main Street. Going around the site to Hartford Avenue on the east, there we also push it as far from the intersection as we could. And what you'll notice here is that we have a single entrance and a single out lane for the development and one of the comments that came in from the engineer that I want to have a discussion with is why we did that, typically we would not have separate lanes, but in this case, between those two driveways, there's a significant utility pole that is a main line that carries a number of electric and telecommunication wires. It is a main that runs up Hartford Avenue, so in order to have a single driveway, we would have to relocate that utility pole. So the thought process and design process that we went through, I worked with our traffic engineer Joseph and asked some BHP and made sure we could design these entrance and exit lanes to accommodate the site traffic and trucks that will need to have access to the site, while also maintaining or keeping that utility without disturbing and the expense and extended timeframe to relocate. So that conversation is one I will have with the engineer, but to describe it to the Commission that that was the process we took in design and that we feel it does serve the site and also preserves the existing utility feature. In terms of parking, we have six parking spaces up to the building to the north. There are eight parking spaces adjacent to the fueling pumps underneath the canopy and we have two additional parking spaces to the south adjacent to the air station. In total we have 16 parking spaces which exceeds your zoning requirements. We also want to have a handicapped accessible space, which also meets the ADA requirement.

Pedestrian access in terms of existing pedestrian access, there is a sidewalk along easterly shoulder, a mainstream that sidewalk will be extended, or though where the former curb cut was and then there will be ramps added at the new driveway cut.

Internally the pedestrian access will generally be wrapped around the building so it would be a sidewalk along the front, in the front entrance of the sidewalk, around the west side serving the restrooms and around the rear for the service entrance. That the last item on the site layout, generally is the trash and recycling area which is a dumpster pad.

If you go to the next page, I will be very brief. In general we maintain the existing typography and natural drainage of the site, which was formally developed so that there's a high point along Main Street and it generally flows in an easterly direction towards Hartford Avenue. We've maintained that as much as we could, while also trying to keep the fueling island on a high spot so we don't have storm water rolling across the fueling area. Drainage for the site will be collected with a new underground collection system. It will discharge to the existing system within the right of way. We do have a number of treatment areas on the site to comply with the 2004 storm water quality manual in the town's LED manual. We have a storm water treatment structure before outlet, so there are a number of (inaudible) as a conservative approach. Ultimately the drainage design is partially located within the town right of way and will require the review and approval and we will be seeking that shortly.

Lastly, on this plan utilities in general, these are just service utilities connecting to either the existing mains adjacent to the site or even on the site from the previous development, no extensions are necessary at this time.

We can go to the next sheet for landscaping and lighting. This plan was prepared by Kevin Green or the Landscaping portion of it. In general, it's a combination of screening parking lot landscaping, foundation plantings and planting beds. In terms of the internal lot area for landscaping, we do exceed ten percent requirement required by the regulations, same goes for the total lot area landscaping. We've seen the requirements for this area and in general we're increasing the amount of landscaping that exists on the site as compared to the original gas station development through the establishment of turf, additional landscape areas and planted beds.

I didn't personally see the former development, but from aerial imagery in the old survey, you can see most of the rear lot was a compact of gravel area. We're trying to plan as much as we can and restore vegetative state.

In terms of lighting, what we show on this plan are the area lights that encompass the perimeter of our driveways and parking areas, all of the lights are full mounted area lights LED fixtures or cut off for the 17 foot maximum height. We did not show on this plan the lights associated with the building or the canopy. So we took the approach to make sure our lights provide adequate lighting for the services. The additional lights for the canopy, which are obviously full cut off underneath and the buildings, which will be full cut off. This would highlight the pedestrian areas and direct fueling areas and one of the comments the Engineer provided was that he requested additional information of those lights and we will contact the architect to see what we can do about that.

The last item on my list is erosion control plan even prepared by a professional engineer, licensed in the state and does comply with the guidelines. There are a few comments from the engineer's letter that I would like to address, but we do feel this is an adequate plan for this half acre site.

That is all I have, unless there are questions.

Chairman Pane: Does the applicant have any proposed architectural features that he would like to discuss on the building, you know, what kind of material, what it's going to look like, anything like that?

Kenneth Slater: Just got a message, shortly before the meeting that he was not able to join the zoom meeting, so I guess it's fortunate for the engineering comments because we will have the architect available there. There were elevations that were submitted but I would prefer that he be able to go through that with the Commission, with your Commission's indulgence. It won't take long at the continuation of the public hearing for him to do that.

Chairman Pane: Is there anything else that you'd like to present to us on this?

Kenneth Slater: All I would mention is that you know it is a non-conforming gas station under the law that's been clarified and modified there. There has to be an intent on the owner, or on the part of the owner to abandon a use and knocking a building down or stopping the se, it is not that kind of evidence, so there is an existing non conforming use that could be continued. The beauty of this plan is with the changes of your regulations we

could bring this site into full compliance. Again, we'll address all of the engineering issues and I'll let you know that in more detail. The fact that this does comply with the 100 foot setback because it's more than 100 feet from the residences as required by your plain language, whereas in other places of your regulations if you intended it to be from a lot line or the zone, you would have said so. That would make this a fully compliant plan if your Commission agrees that we've met the requirements of the regulations, so that is all I wish to add. Again, thank you for the opportunity to go through the rest of the engineering and hopefully we'll be able to button everything up by the meeting, which, you know, the engineer have been able to get together.

Chairman Pane: Thank you very much. Before I open it up to the public, I'll ask if there are any Commissioners that have any questions.

Commissioner Sobieski: The plan looks good. I just have a couple of questions. I'm concerned with where you have the driveway going in off of Hartford Avenue, you have two lanes. So you have an exclusive left turn land off the through line that sometimes traffic backs up. Somebody coming down into there may have a problem trying to make that turn because traffic, the backup. I know it was a gas station for years ago, and I don't know if that's been address the same thing on the other side. Other than that, it looks pretty good. I have no other issues other than the safety issue. That's my only concern.

Chairman Pane: Thank you Commissioner.

Commissioner Woods: I don't have a question, but I do have a comment. I think the applicant has done actually a very nice job of getting this building in the site and maximizing the amount of green space which is very important to this Commission. As you now, Mr. Chairman, you worked very hard on that and they seem what they've done the impossible and they are surrounding this entire site with a fair amount of green space. I think they should be applauded for that. It's been a massive blacktop for years and years until they took the building down, and it's just been a gravel mess. But I think they've done a nice job and presenting this Commission with a good use and even better news is that they are also looking to bring it into conformity so it will no longer be a nonperforming use and I applaud them for that too.

Chairman Pane: I agree with you Commissioner Woods. I think this is what appears to be a real asset for the Town. Are there any other Commission questions? All right, I'll open it up to the public. Is there anyone wanting to speak in favor of this application? Is there anyone wanting to speak against this application?

James Krupienski: Doesn't appear. We have no one raising their hands, Mr. Chairman.

Chairman Pane: Thank you very much.

Chairman Pane: I don't that there's any major stuff that the applicant has to show us going forward. If there's no objection, we could close this and just move this public hearing to Old Business and not act on it until the next meeting.

Kenneth Slater: Could I be heard Mr. Chairman. It is certainly my concern with that is after the public hearing closes there's not supposed to be more substantive information if this engineer report was just, you know, I need a little more detail on stormwater management or some ice frost, but there's three items that are at least two of the, Mr. Hadfield comments on which is the reason why there needs to be entrances on both side. That was something that we're trying to resolve with the engineer and another whole handful of comments is a request by the engineer that a bunch of petroleum engineering be done. That is very costly. That would ordinarily be done as part of the building permit approval and not a site plan approval and the applicant is a small business and didn't intend to invest in all of that engineering related to underground storage tanks unless this Commission found that it was favorable if there is any problem with the engineering with the underground storage tanks, if this Commission approved this application it wouldn't be able to get the permits to put the tanks in, so there's really no harm to the town, but if we were left to address the town engineers comments as their stated right, now that would force the applicant to engage in a costly exercise. So we're hoping to be able to address that satisfactorily with the Town Engineer, so new information that we'd have to submit and it would be a favor being able to do that.

Chairman Pane: I understand that and I have no problems leaving it open. I just felt that most of those issues were related to the site plan which is still going to be open, so I don't know if they really relate to the public.

Kenneth Slater: I understand you. Good point, good point. Separately Mr. Chairman I do think that we are greatly concerned about dealing with the site plan, so as far as the public hearing for the special permit, special exception, I don't disagree with you.

Chairman Pane: Okay, and if you could explain the one issue that's really troubling the applicant that sounds like its very costly that has to do with the holding tanks for the drainage. What is that, could you explain that?

Kenneth Slater: It's the underground fuel tanks. There's a requirement that there be wells installed and I'm, I have to admit, I'm not completely an expert on this, because ordinarily I think this would be at the next phase, but the town Engineer wanted the engineering done. To put a number on the table here, in the end the engineering firm that would provide the tanks, we were talking about a half a million dollar investment. That includes the tanks themselves, but they have to engineer it and they have to show that the site would accommodate the well, etc. That was all expected to be invested in after the fact. Among the 59 comments that we received from the town Engineer was that the engineering work be done now.

Chairman Pane: So you would like to have that separated as a condition.

Kenneth Slater: I'm not even sure you need it as a condition. It's like there's a certain aspect of building construction. You're not going to have this as a condition to this approval. There is nothing in the zoning regulations that requires as you know, engineering to be present. There's going to be engineering, it's done in terms of construction, of all kind of buildings.

Chairman Pane: Yes, so this would go along with the, it would go more for the building department and so on, after the fact.

Kenneth Slater: And the fire marshal. Yet to find that all those requirements are there so we wouldn't escape compliance with that. But if you know, this Commission said no use these, folks who again have small businesses would be force to make an investment they'd never have to make, but one that they obviously will if you approve it. They won't be able to avoid scrutiny because it will be reviewed by building officials who can march down to the engineering department, as well as the Fire Marshal, so that's one area of concern. The other is the language in the engineer's report that said they prefer one entrance over two. Mr. Hadfield indicated the reason why, I mean, there's an existing footprint in the existing way that it was managed and Mr. Hadfield will also address the question that Mr. Sobieski had raised about safety of the entrance, but the very expensive nature of that main utility pole would make it very, very costly to engineering in a way to have only one entrance. The Town Engineer used the word prefer. It's not required in the regulations so that one may not be a big deal, either because it's really your Commission that's got to be satisfied with that, not the Town Engineer on that one.

So most of the things that the Town Engineer has on there I think are all site plan related. The big picture, one was whether or not we have to do all of that petroleum engineering in advance of getting site plan approval. Also, whether or not you know you were persuaded to if you're not with the idea that we have to have insurance only one street, then that's an easy one as well. We would take some time with the town Engineer and explain why it was designed this way, and why the traffic safety was carefully, you know, they pay careful attention to the traffic safety consultant with the traffic safety engineer and they prepared a plan that you know, that does comply with their concerns. So those were the two big ones that jumped out at us from reviewing through this. The 59, and I think they still could fall under the category of site plan review as opposed to the big picture special exception for which I think you can close the poll here.

Chairman Pane: Look, okay, I agree with you, and I think the TPC is in a position where they want to make it as easy as possible for developers but still get great products. I think we all agree with you that we can discuss some of these things at the site plan review at the next meeting, so I'll continue and ask if there's no other objection, I'd like to close this public hearing and move it to Old Business, Petition 16-20 if there is no other objection from the Commissioners.

Commissioner Claffey: It's fun to make a motion to move it to Old Business like you stated.

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

Chairman Pane: Very good, so we will move on to Old Business for our next meeting. I want to thank the applicant very much.

- B. Petition 06-20: Subdivision Amendment (Sec. 3.7: Drainage and Storm Water Improvements) regarding LID in Residential Subdivisions. Newington TPZ Applicant.

Craig Minor: This was an issue that came up around December or January of this year. Last year when we had a small, around a four lot subdivision that technically has to go through all of the requirements as a major subdivision, and the Commission felt that it was a little bit excessive and so the Commission, at that point adopted a policy of not requiring more subdivision or subdivisions that didn't involve a new road having to comply with LID with the understanding that it would need to be codified at some point. So that is what this regulation does, it exempts subdivisions of four lots or fewer from having to go through the process and I was working for the Town when the LID regulation was adopted, so I understand the intent at the time was to provide as much LID as possible, but I get it that a small subdivision which the developer doesn't have a huge budget. The existing drainage management regulations already control his run off and sometimes rain swales, rain gardens can do it, but I think it makes sense to exempt small subdivisions from having to comply with the regulations so I encourage the Commission to think about this amendment.

Chairman Pane: Does this cover commercial properties or not because I thought we were going to cover commercial properties because I think that that's been a problem with some of our development. The soils under the residential development is the same soil under the commercial development. We have mostly clay soils. It really doesn't work, and it's become a very very expensive thing for developers. And I think it's been hindering our development and I'd like to open it up to Commissioners for their comments.

Craig Minor: Mr. Chairman, let me answer your question. Yes, I hadn't thought about that but technically the regulations don't make a distinction between....oh no, I'm sorry. We do the way I wrote it. It says residential subdivisions with fewer than five new building lots are exempt. If the Commission feels along these lines, you could delete the word residential and say that all subdivisions with fewer than five lots would be exempt from LID. I'm not sure I would agree with that though Commissioners.

Large industrial manufacturing subdivisions, let's call it an industrial park. At some point the developer, the buyer of one of those what's called an industrial lot is going to have to go through the expensive of designing the LID, so the first new one buys a lot, doesn't get burdened with that.....

Chairman Pane: But you have to remember, we're 95% built out so most of the development is existing industrial areas that didn't have this and then they have to dig up their parking lots, and they don't have the right soils, so I think it's affecting our commercial businesses, but that's just my opinion. But I think Commissioner Claffey has a question.

Commissioner Claffey: I just wanted to clarify, first off in your remarks Mr. Minor you had said in the beginning of this, before we got into the debate, you said for five or fewer for the residential, is it?

Craig Minor: Yes, it's five or fewer.

Commissioner Claffey: Okay, then I would like to get a little more feedback on how we might include more than just residential and put it in there. I mean, I bring up the property over off the Berlin Turnpike where the pizza place across from CITGO gas station, I remember they had a heck of a time before us trying to get as much open space, green space, excuse me and LID. I don't know if that is what Dominic is kind of like, lots or pre-existing condition, that this guy tried

to improve something and the hoops that they had to go through were quite extensive and expensive, and I would like to somehow try to include other things and just, you know, residential because I know that's where it started for like a homeowner who wants to put up a shed and you had to come in with a calculation as LID. Again, that was cumbersome to a resident and that would be the same concept to a developer trying to redevelop.....

Chairman Pane: Exactly, Commissioner Claffey, well said. I agree with you. I think it was Chick-fil-A that had problems and it was overkill and the soils in Newington don't allow for this low impact development. In most of the soils here, and I think it's hindered some of our development, but that's just my opinion. I think there's been some businesses over on Fenn Road and then some of the newer businesses coming in and reworking the individual buildings, that have had a problem. Any other Commissioners have any thoughts on this?

Commissioner Sobieski: My only thing is, I understand, and I have really no issues with the residential issues at all, because I do know that you know the soil in town. It's pretty bad. I really don't have anything with the new construction or redevelopment but according to the way this is written here, and I'm just quoting here, existing surface areas shall not be subject to LID so if we had a building and the building got knocked down, and rebuilds the building with no change to the parking lot, then we don't, he doesn't need to go to LID. If he then starts, tears the building down, finds out he has to go through an issue with the parking lot, either make it smaller or whatever, then he would have to go through LID, am I correct so far?

Craig Minor: Commissioner Sobieski, I think you are talking about the next amendment which talks about.....

Commissioner Sobieski: I thought we were just going to try to combine them both...that's what I'm trying.....

Craig Minor: They are separate, and I think that's part of the problem the Commissioners are having with this is, that they're very different concepts.

Commissioner Sobieski: I can't hear you.

Craig Minor: If you combine them in your mind, then you're going to get hungup there because they are really very different.

Commissioner Sobieski: Okay, that's what I was asking because I thought we were trying to put them all in the same regulation. Okay.

Craig Minor: Now one is in the subdivision book, which is a totally separate set of regulations covered by different Connecticut laws, and then the other is its own regulation, which we haven't gotten to yet.

Commissioner Sobieski: All right.

Chairman Pane: Any other Commissioners?

Commissioner Woods: Thank you Mr. Chairman, I was just getting ready to raise my hand. I agree with both of you, Mr. Chairman and Commissioner Claffey that while I think this is well intended, unfortunately, I think anywhere in the Town of Newington our soils are just not indicative to this type of treatment, so we go through a larger exercise and the applicant has to spend a fair amount of money and it just doesn't really work. We disguise what we are putting in. What were retention basins is our calling them rain gardens, so we fill the rain garden with a very previous typically three feet of sand and at a pretty costly amount of money and the water just sits there anyway. Again, I don't think it's working. I think it would be nice if we had sandy soils, maybe we could do some of this and be recharging the ground a little bit better but I just don't think it's advantageous to use and I think it definitely is hurting us with redevelopment, a lot of the spaces that we have in town.

Chairman Pane: Thank you Commissioner Woods, any other Commissioners like to comment on this? Is there a way to have this written up so it eliminates all LID?

Craig Minor: That's substantially different from what's been presented. I think we would have to have a new public hearing on that, but as I said before, eliminate the word residential if the Commission wants this to apply to all subdivisions, commercial as well as residential. I don't feel that would be a substantial change, someone might, but I would be okay with the Commission deleting the word residential and proceeding with the Commission model without having another public hearing.

Chairman Pane: Is that still going to achieve the same thing?

Craig Minor: It doesn't achieve the goal that you are addressing Chairman Pane when you started speaking, because really what you were speaking to is the development of the site. Here we are talking about the subdivision of the site turning vacant lots into something that someone will develop.....

Chairman Pane: I was just going to say, if you don't feel comfortable with it, and obviously I think if there is no objection from the Commissioners maybe we, after we open it up to the public comments, we might have to redo this if the other Commissioners agree with me that it would be an advantage to remove it all from the regulations. Matter of fact, I think personally that we should make it retroactive. I think there's a handful of developments out there that became so expensive that they didn't get tone and we should allow them to come back in without the LID, if that encourages development.

Craig Minor: Again Chairman Pane, hold that thought for the next amendment because the next amendment talks about development and you made a point to me previously and I think it's a good one, that if you do adopt the next amendment it's no longer requiring retrofitting. What I'll do is I'll go back and look at the last couple of years of approvals and let those owners know that they don't have to do that. But that's a very different thing from the subdivision process.

Commissioner Woods: I would like to use an example for the subdivision which I think we could possibly be facing and that would be two properties right in the center of town. The Keeney property and the old Foodmart property. There is a possibility that that building or all those buildings could come down and it could get subdivided and get moved into either different owners or at least get some divided into different parcels. So, I think, and again, the soils as we

all know in the center of town are definitely not great soils, so I think it would cause an undue burden to an applicant and I would like to see it removed, so I would like to get rid of the word residential and any subdivision.

Chairman Pane: Okay. Craig, I have a question. If we remove the residential, what about commercial buildings coming in?

Craig Minor: Commercial buildings don't come in under the subdivision regulations. Commercial buildings don't come to you as a subdivision. They come to you as a site plan approval.

Chairman Pane: So how would we do something to help that?

Craig Minor: When we get to the next petition.

Chairman Pane: All right, Do the other Commissioners have a problem removing the word residential?

Commissioner Havens: No

Commissioner Claffey: Domenic, question for you?

Commissioner Fox: I don't have a problem except for the fact that I can hardly hear half of the time.

Commissioner Sobieski: I have the same problem.

Commissioner Claffey: Chairman Pane, I just want to, if you guys can clarify, because all of us that are talking, it bounces back and forth between section 3.0 design requirements, which I think are under the residential subdivision requirements, and then we're bouncing over to the next one 6.15 and I'm assuming that is speaking of the requirements as a whole.

Craig Minor: The subdivision regulations are an entirely different book, as you all know, and the process that the Commission goes through in approving a subdivision, the rules are entirely different. They have nothing to do with the zoning requirements and when we talk about the regulations, well, let me leave it at that. It's those are two different, entirely different....

Commissioner Claffey: So explain to me how different they are then.

Craig Minor: Two different bodies, the law.

Chairman Pane: The one that we are on right now is subdivision regulations and it's been suggested to delete the word residential so.....

Commissioner Claffey: But let me, let me ask the other questions to kind of piggyback off what Commissioner Woods brought up is, say down the road you have an area like he discussed in the center of town that could have, we don't know, a residential subdivision dropped in the

center of it. It could happen, so are you saying we want to take, I think what he's getting at is, take it out of both pieces of language.

Craig Minor: And then, a good example. You know, the Foodmart property, let's say, the owner of it wanted to subdivide it into three smaller parcels. Currently they would have to go through LID to do that, and I can see how that would be something of a, you know, probably wasted effort. So that's why I understand the benefit of making this new change, to all subdivisions, not just residential ones.

Commissioner Claffey: Okay, okay, thank you.

Chairman Pane: This is a public hearing, so if there are not other Commissioner comments, I'll ask if there is anybody from the public that wishes to speak on this? Anyone wishing to speak in favor or against this?

James Krupinski: Not so far Mr. Chairman.

Chairman Pane: So no Commissioner has a problem removing the language for all the residential?

Craig Minor: No, don't do that. Now that the hearing is closed once you're done with it, when you get to old business to act on it, motion to approve, with the deletion of the word residential would be the appropriate way to do it.

Chairman Pane: If there is nothing else from the Commissioners, I'll move petition 06-22 to Old Business for action.

The motion was seconded by Commissioner Sobieski.

Craig Minor: Mr. Chairman, do you want to close the hearing first?

Chairman Pane: Close, close the petition 06-20 and move it to Old Business for action. We have a motion and a second, all in favor?

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

C. Petition 09-20: Zoning Text Amendment (Sec. 6.15) Regarding LID Stormwater Management at Existing Developments. Newington TPZ Applicant

Craig Minor: Now this is the regulation that when it's enforced and we don't always enforce it, because there's always the loophole in the law that says that a developer only has to comply with LID to the maximum extent practical and the Town Engineer is pretty reasonable in allowing developers to not provide LID, but with this regulation, and we've always had it, it's that when a property owner comes in for site plan modification of an existing, let's say factory, he wants to add on another wing to the factory, not only does that additional wing have to be approved, but his stormwater management design per LID for the whole property has to be retrofitted to provide LID for the entire site. Now in most cases it's being waived by the staff

because that's just not practical and that just goes above and beyond. But it would make sense to just delete this completely from the regs so that the applicant doesn't have to go to the engineer and ask for it to be.

Chairman Pane: So you are asking just to remove it completely?

Craig Minor: Well, James, can you flip to the next page which is the actual text amendment? What I'm proposing is that we add this sentence, existing and revised surface area. In other words, the rest of the lot for a property that's being, that's coming in for modification, existing under the surface area shall not be subject to LID notwithstanding anything to the contrary, in the low impact development and stormwater manual because that's the manual. That's where it makes it clear to developers that they have to retrofit. So this one sentence in the zoning regs basically takes that out of everything.

Chairman Pane: But they still have to comply with some LID and I'm of the opinion that I want the LID removed because it's a burden on these businesses. We've had, I think there's several of them where we haven't had them do anything because this was such a burden. And you know, I don't think we should be using it for when they make an addition on their existing property.

Commissioner Woods: I agree with the Chairman.

Chairman Pane: Thank you Commissioner Woods.

Commissioner Claffey: I have a concern. I'm kind of with what you are saying, but I have a concern that in 6.1 and 5.3 why we are putting a definition in the body of the language and not at the beginning of the regulation.

Craig Minor: Commissioner Claffey, what do you mean by definition?

Commissioner Claffey: Why don't we delete in your Town Planner report, the 19th, which is the thing before it's attached memo, zoning regulations delete the retrofit requirement, but what is the.....

Craig Minor: That's just what we call it. That's, there's not a technical term that's just what we've been calling it. It's a you know, just a common parlance.

Commissioner Claffey: Is that something? Am I missing that there was never a requirement?

Craig Minor: I don't know how to answer the question. This requirement has always been there and what we need to do is when you

Commissioner Claffey: Hear the term retrofit has nothing to do with just a term?

Craig Minor: Oh no, it's just what I'm calling it. So rather than the phrase unrevealed exiting surface area, help me Commissioners?

Commissioner Woods: I think what he's trying to say Commissioner Claffey is when they revert to an existing review, if you look at a parcel, any parcel with a building on, we're going to add on to the building right now and the building addition would have to come under LID and the rest of the site might have to come under LID and might not depending on the engineers feeling

that day. This would now take the rest of that site and remove it from the regulation. Am I correct?

Commissioner Claffey: I mean, I'm just saying, we're still leaving words in there that are a little confusing, so I appreciate the clarification Commissioner Woods.

Chairman Pane: Any other Commissioner comments?

Commissioner Lenares: I have a couple of thoughts here. I do have some sort of experience with this back when I built my home and for those of you who don't understand the impact of what it could possibly cost the homeowner it was amazing how much money it was going to have to cost in order to comply with these LID regs. I would be in favor of them coming out. I think the existing drainage management regulations that we have within our town I think they're good. And I think they're adequate and I think they're protective of the homeowners of commercial owners that are adjacent or next to those other buildings or homes. I understand the residential versus commercial conversation, but in terms of both of them being applied I would be in favor of removing them because I think the existing regulations are good, adequate to what is going on for protection and I can't stress enough how costly it would have been if I had to comply with all of the things going forward when I did it, years and years ago.

Chairman Pane: Thank you Commissioner Lenares. By making these changes it still does not remove the LID from all residential and commercial and if the Commission was going down that path and full Commission was interested in removing it completely from residential and commercial, what would you recommend we do?

Craig Minor: Then I would say do nothing I'm this close to the hearing and let it die a quiet death and direct me to write an amendment that eliminates LID completely if that's what the Commission wants.

Chairman Pane: What about the earlier petition, will that stay in, or would that cause both of them and let them both die....

Craig Minor: Well, the earlier one is in the subdivision regulations so you would have to amend the subdivision regs if you wanted to delete it completely from the subdivision regs as well. So, yes, I guess by the same token, let that one die quietly and direct me to write an amendment that eliminates LID from the subdivision regs, as well as the zoning regs.

Chairman Pane: All right, let me see if I'm hearing from the other Commissioners? I think Commissioners Woods and Claffey and Lenares agree with me that it's extremely burdensome on the residents and the commercial people. I think it's been hindering our development, and most importantly, our soils are not compatible for this type of drainage.

Commissioner Haggerty: Are you talking about getting rid of the LID completely? Are you going along with that Craig was originally suggesting of removing up until five parcels.

Chairman Pane: I would like to remove it completely from all residential and commercial development. We have other drainage requirements that I think are sufficient and I think this has been hindering some of our development, and our soils are not compatible.

Commissioner Haggerty: Sounds good.

Commissioner Gill: Go. Do we have anything in the pipeline now that this would be in time?

Chairman Pane: I think we have a few things possibly and what I'd like to do is I think it would be important to retroactive when if there's a development that hasn't come in yet, but by removing the LID from their drawings, they could bring development in then, then I think it's a plus.

Commissioner Fox: That's a good question, Commissioner Gill. I can see where the Commission is right now and would be very much against LID. I'm just wondering, and I don't believe I was on the Commission when the LID was thrown in but it seemed as if everybody was really game for it, and now we see not, so maybe in the future we should, as we did with the motor vehicles, really think twice and three times before we do something like this. Let it die a slow death.

Commissioner Lenares: I just want to reiterate what I said before, I mean, I'm no architect or builder, and the only reason I was obviously against what there is, is because I had to pay for it, so I could understand what some of these residential people are going through, and commercial people are going through and it was brought to my attention how bad it was going to be. Take my case, it was to take all of my roof water and then put it into the corner of my property with this little retention area with some sand and, as Commissioner Woods was alerted to earlier, how costly. My architect and my builder were like, why would they want you to do that. There are great regulations that are in place to protect a building on an adjacent lot and they were appalled that I was going, almost going to have to do this, and thankfully I didn't have to because of the obvious amount of money that I would have to have spent. Thank you.

Commissioner Sobieski: I agree, I think we should remove it. I'm just, I was trying to think as to why we had to put it into to start with. I think it was a....

Chairman Pane: I think there was a grant, if I'm not mistaken there was a \$50,000 grant to do it and to have somebody come in and they spent a few dollars and had the regulations made up and they they did some work and finally wanted to give it a try, but I really think it's hindering our business.

Commissioner Sobieski: I agree with you. I think it should go.

Commissioner Woods: I think originally it was one of those things that was well thought out, and they thought that it would work, and I think the regulations actually were written pretty loose where it was left to administer it and unfortunately I think that didn't work and I think it needs to go. So while I think there's you know, the best intentions and I think they're trying to enforce our regulations, but I think the best thing in this particular case is to just take it out.

Chairman Pane: I agree Commissioner, and the biggest problem is our soils don't allow this to drain, our clay soils are prohibiting that drainage, and so the LID works in many other towns okay, but it just doesn't work here in Newington, so if there is no objection, then we'll close Petition 09-20.

Craig Minor: Mr. Chairman, do you want to see if there is anyone in the audience that wishes to speak.

Chairman Pane: Yes, we can do that.

Gail Budrejko: I remember all of the discussions that you know were going on for year and you know past years, months, whatever about this that led and the only thing I'm wondering about is, wasn't it conservation and wetlands, at least a part of it, or party to it. So just as courtesy, I was just wondering whether you should either notify them or let them know that this is going to be done, because you know, there's always been issues about communications between different commissions in town. I know that they would be interested in this, perhaps so just a thought if you can kind of let them know what you're considering, to let them know if you are going to have a public hearing on this.

Chairman Pane: Great point Gail, I agree. I appreciate that and will have the Town Planner notify them. Thank you.

Commissioner Woods: Yes, speaking on the Wetland commission, I believe they can have their own requirements for LID for the permits they have to issue and if in fact, they want to move forward with that, because they tried a few years ago. They didn't bring those motions to the Council, the Council needs to approve it for them to move forward.

Chairman Pane: Thank you Commissioner Woods.

If there is no other discussion, and no further comment, we can close Petition 09-20.

Commissioner Sobieski moved to close Petition 09-20 and the motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

D. Petition 10-20: Zoning Text Amendment (Sec. 3.11, 3.16, 3.17 and 9.2) regarding Breweries and Brew Pubs Newington TPZ Applicant.

Craig Minor: The zoning regulations do not currently allow brew pubs and there are a lot of businesses, a lot of activities that aren't expressly listed in the zoning regs, but we find a way to deal with them. This is different. The typical brew pub, as I said in my memo, is a hybrid of two activities that normally the zoning regulations wouldn't want to take place in the same place, namely manufacturing, which is what the brewery processes and restaurants. We need to amend the regs to be able to create the opportunity for brewpubs if someone wanted to open a brewery in an industrial zone. Other than site plan approval, I'd give them a permit tomorrow because brewery is just another manufacturing activity. But, when you combine a brewery with a sit down café or restaurant, that's okay, but that's something different and that's why we need to jump on the bandwagon and to get a brew pub or more in Newington, we would need to amend the regulations. Now, as I was saying to some earlier today, the regulations have what we call pyramid zoning regs. So if you look at the amendment, you notice that I only proposed changing the special permit phase for the business zone because anything that's allowed in the B Zone is also allowed in the Business Berlin Turnpike Zone, is also allowed in the PDA Zone and I think even the town center zone, so that's why the amendment only references the business zone. This would make brew pubs allowable in pretty much any commercial zone, and pretty much in any zone in Newington.

Chairman Pane: Thank you Craig.

Commissioner Claffey: I have two questions for this. Mr. Planner, you spoke of the sale of alcohol, the manufacture and the food, so I wanted to just get some clarification because you can go into a brewery that just sells its own product with no food, and then you can go into a business that you're saying can do all of that above, sell food, sell their beer that they manufacture on site and still just manufacture and sell it out to distributors, etc., That was my first question. Is that what you're wrapping this all into, so that someone could say, okay, I'm going to open a facility and I'm just using the North Mountain Road as a manufacturing plant. And then they're like, oh, can have a little retail establishment front to sell my beer by the can, by the bottle and then I want to have it where I can drink on site, and then you want to be able to mash in, oh I can sell food or have a restaurant. I'm just trying to clarify it.

Chairman Pane: For this amount of food, food trucks....

Craig Minor: Let me answer just Commissioner Claffey's first point about a brewery that sells some of their product on site, technically, if somebody wanted to open a brewery in Newington today, I'd be fine with that, but I would tell them, you can't sell them and I'll use the analogy of a dress factory. If someone wants to manufacture dresses, they can't automatically retail them from the front of the store. I would probably work with them, and call it a, I don't know, like a some word for it that doesn't, that's not strictly retail, but secondary and accessory to the manufacturing, the sale, even for consumption off premises, it's not something that I would automatically let someone do if they had a brewery in Newington unless we had this rule. This rule would make it possible for them to be able to sell for consumption off site.

Commissioner Claffey: Now let me ask you the second part of the question. Many years ago, in front of Lowe's, there was a restaurant called Hops. Correct me if I'm wrong, but did they manufacture the beer on site so you could come in and get a beer and walk out of the brewery. It was more of a sit down restaurant with a brewery attachment. They sold their own manufactured beer on site. I'm so happy you brought it up earlier about like the exemption of it if it's in a distance, it's included, you know, unilaterally. So, something like that, which is different than a company coming in on you know, maybe wants to come into the old Best Market and put in a manufacturing site of that business and sell beer out of the side door. With this change, you would be able to allow all of the above,, meaning the Hop restaurant example. And you know, new agent brewery company selling their beer with no food.

Craig Minor: Correct. And your earlier point, which is a good one about how Hops was able to operate, that's before my time, so I don't know, my guess is that Ed Meehan wasn't as strict as I am about having things in the right place at the right time.

Commissioner Claffey: Thought with your changes here, proposed changes, we would basically be opening our doors to all of the above, meaning a company that wants to be like a brew pub or being a brew pub that may produce their own, sell their own, and have a restaurant included and or a more traditional new age brew pub, which is they produce the beer in the back, and you buy them in lie, you want into their little 10 by 50 run retail area and you buy a six pack and you're out the door.

Commissioner Claffey: You are saying that you're making this a special exception, they have to come and get a special permit.

Craig Minor: Right, so you have the ability on a case by case basis to approve one but not the other, because you felt one of them would be detrimental to the neighborhood or for some other good reason, but the first one fit perfectly.

Commissioner Claffey: Wouldn't that be like selecting who cannot come and open a business in your town?

Chairman Pane: No, Not necessarily, it might not comply with everything or there could be other issues, maybe and that's why we didn't approve it, but by special exception, at least you have the ability to organize something so that it's not just automatic.

Commissioner Claffey: And the ability to approve it if it meets all of the qualifications.

Chairman Pane: Exactly.

Commissioner Haggerty: What is the language as it's written today? What is legal in Newington? Nothing?

Craig Minor: Right. If someone wanted to open a brewery in an industrial zone, I would give them a permit today, but that's not what people want, they want to operate a brew pub or restaurant.

Commissioner Haggerty: Got it, thank you.

Commissioner Sobieski: My question is to the Planner, maybe we should look at what in the past Hops was. They brewed right on site. And you could have a meal there and stuff like that. Now, I've been out to the Willimantic Brewing and they have the same set up there. I don't remember if they sell stuff out of the store, and the location on 178 in Bloomfield there is a mini brewery there. If there is a lot of interest in this, it would be like a spot destination point, an attraction for people where they can then leave there and do other things within a walking distance. Again, my second thought would be that you're not going to have something like the Hartford distributors, where they have 30 or 40 trucks going in and out just delivering to package stores that would be my question with the traffic volumes no matter where you put them.

Chairman Pane: Thank you Commissioner Sobieski. As far as the Hops was concerned, I was on the TPC back then and when it was presented to us, they got their liquor license and it was just being used in the store, in the restaurant, there was never a problem. It wasn't like somebody was coming off and buying that manufactured beer and leaving the site with it. They were just using it on site. So that was what was going on with Hops.

Commissioner Lenares: I can't stress enough that we talked about that special exception, that the applicant would have to come before the TPZ to get the permitted use, but more importantly, I think we have to give the Planner a little bit of kudos here because we are way, way behind in time for allowing our regulations as they are in town. These brewery pubs or brew pub restaurants, I've seen them pop up in many many towns and they are flourishing. In terms of

success, people are flocking to these places, it's kind of the thing to do now, whether you like it or not, I'm not a big craft beer guy, but people love these places. They go to them on weekends during the week, they take them home, I think it would be awesome. Check to see what other towns are doing, to promote different types of use, like you said, just a brewery, a brew pub, a brew pub restaurant, see what they're doing to take the initiative. To come up with something innovative to maybe attract these things to our town. They're huge in other towns, and I can't stress it enough. If you guys have never been to one, I'm amazed at the number of people. I think by taking the steps forward to make this a special exception that people come before with the special exception I think is great. I think it helps us and help the people around them to make sure that's it's appropriate to where they go.

Commissioner Haggerty: Just to chime in, you know, echoing Commissioner Lenares, is that these things are gold mines and you know, I don't know why anybody would necessarily be against them. Brew and Brew pubs attract good crowds. I don't know why, and other than you know, Commissioner Sobieski presenting a major distributorship but I think those are few and far between.

Commissioner Woods: This is an excellent idea I hope that the Commission moves forward on this, it's probably one of the fastest growing businesses in the state. They attract large crowds, and they usually attract and find a place in an industrial area that has large buildings where they can occupy a large number of people and have some sort of a food component to it, and I've got to think it would be an excellent addition to the town and I'd like to see this move forward.

Chairman Pane: I think there is the possibility where you allow these types of businesses to have different food trucks come in for the food aspect and give them that flexibility similar to the establishment on John Downey Drive where every now and then they'll have a different food truck there and that could be a possibility because we've had a difficult time finding a place for some of the food trucks so this could be an opportunity for the food trucks and breweries and possibly provide them some additional businesses for our grand list.

Commissioner Fox: I do agree, I agree with Commissioner Sobieski that the people really don't want to see another Hartford Distributors in Newington. Some of these craft beers, as you say, but I also would not like to see it confined to just the industrial zone. I mean, one of the residents mentioned that when Keeney Manufacturing is gone, I think that would be a great place, but one thing that I would not like to see are the food trucks. If they are going to want food, they should probably apply for a restaurant permit.

Chairman Pane: Thank you. Just so you know, this is being proposed for all zones, not just one zone, everything except residential.

Commissioner Lenares: Just as this industry develops and evolves I think that initially some of the stuff that happened like with the one that you referred to on John Downey Drive, I don't think initially they were allowed to have food within their building. Maybe it's because of New Britain's regulations, but now that these are becoming more than just breweries there have been other brew pub restaurants. You are seeing some of these facilities open with internal restaurants. I don't think it's an issue that we should be against food trucks. I don't think we should be for them. I think if the applicant would prefer not to have an internal kitchen and to have Chuck's

food truck on site, I think we should be behind it, of course, regulated. Look at what they are proposing. I think that's a great idea. I also think that the vision of just putting them with nothing around it, I don't think it should be deterred from coming to town. Some of these are nestled in some back industrial zones and New Britain and other towns. And that's up to them. I mean, good for them if they think they can make it there. But if we can put them in the middle of something where, yeah, they go to the brewery and then walk to a few other places, I think we should be welcoming this rapidly growing industry to the town as much as we can. You know, regulated special exception permissions, all of that, but we should be opening up to this as much as we can and I can't stress it enough that you know the Planner going ahead and being innovative with this and anything that we can do to get behind that I think we should.

Chairman Pane: Thank you Commissioner. I agree that flexibility is really important and that flexibility will help the businesses, so I have no problem with these businesses having either a restaurant or having the option for a food truck. Personally they usually only do one food truck usually and then they change the food trucks up sometimes and for a food truck sitting next to an industrial building somewhere would not bother me and because we are doing this by special exception we get to look at every aspect of it and put protections in. I'll ask the Planner, do you think that we have to make any modifications to this after listening to the Commissioners?

Craig Minor: I was thinking on this, your point about allowing food trucks, I think what I would like to do is add one more special permit in the industrial zone and that would be a food truck on the premises of an approved brewery So it wouldn't be somebody with a tool and die shop couldn't have a food truck there, but an approved brewery could have a food truck.

Chairman Pane: Okay, sounds good. You want to make those changes and we will keep this open and you can make those changes and present them to us at our next meeting.

Commissioner Claffey: A question clarification Mr. Planner, putting in that additional verbiage for food truck, when you use the word just brewery, would you also include that and brew pubs.

Commissioner Haggerty: I have a quick question to Commissioner Sobieski, what is the (inaudible) distributed that you guys were talking about that you are concerned about?

Commissioner Sobieski: Hartford Distributor in Manchester. Most of that, I think is Budweiser. I forgot how many other companies are in there, and they go on out to all of the package stores and bars and deliver beer and stuff.

Commissioner Haggerty: Your concern was with this potential

Commissioner Fox: Sales distribution point.

Chairman Pane: We have the ability through special exception to allow that where it's appropriate because that would be a big facility, something like that, and I don't think that's really the intent of the regulation. Am I correct?

Craig Minor: Actually if a major distillery wanted to open an industrial zone, that's permitted because it's a manufacturing process and if they were so successful that they put lots of trucks on the street, taking their product around the state or the country, I'm not sure that's a bad thing.

They would only want to put their business on a major street so I don't think that would be a problem. We should have more problems like that.

Chairman Pane: Yes, that would be a plus for the grand list I would imagine.

Craig Minor: Exactly.

Commissioner Claffey: I know that some of these places get so good that they become manufacturers for other small breweries around the state that don't want or can't afford to put up the money to become a manufacturer. There is one in Bridgeport, Two Roads Brewery. They are contract brewers, and also they have everything that Craig is basically putting in front of us, they have that and are very successful and they've gotten bigger and they're in an interesting location down in Bridgeport so I wouldn't want to kind of you know, tie the hands of a manufacturer that may want to come in here and take up one of our many vacant old manufacturing building with the intent of hey, we want to become a distributor for other things. Secondly Craig, this is specific to you, you brought up the word distillery Is there a need? I mean with breweries, I see it in the state. There's many distilleries now in town. Do we need to include that language because it's the same concept? It's just a different product. There are many distilleries that have food trucks that come, is it time that we can grab that same verbiage?

Craig Minor: That's a good question, I think if someone approached me today and said that they want to open a distillery in Newington in an industrial zone, just like I told you earlier with a brewery, I would probably tell that person yes. It's just another manufacturing place, sure come on in. So if you want to be really proactive, I guess I could add a definition of distillery so that if someone does want to do one in Newington it would clearly demonstrate that the TPZ is open to a distillery as well.

Chairman Pane: I think that's a good thing to add, I think that's a great point Commissioner Claffey.

There has been I think there been some small ones that have popped up with food if I'm not mistaken. So it's just another tool in our tool box, where we can try to bring some businesses into town. So if you could do a little bit of research and make some changes to this for our next meeting that would be good. I'm going to open this up for public comment. Is there anybody in the public that would like to speak?

James Krupienski: Nobody Currently Mr Chairman.

Chairman Pane: Thank you.

VII. APPROVAL OF MINUTES

Craig Minor: At the time that I did the agenda, we did not have two minutes. So no action on that but to Commissioner Claffey's comment earlier, I did check with the town clerk and yes, you are there so when we do get the minutes to be approved we can ask Norine to revise them or when we approve them with the correction that shows that Commissioner Claffey was here so they are all correct for the next meeting.

VIII. NEW BUSINESS

Chairman Pane: I believe that the applicant has left, and we're going to be talking about tht at our next meeting. We don't have anything to act on.

- A. Petition 17-20: Site plan Approval (Gas Station/Convenience Store) at 4 Hartford Avenue, Diyala LLC< Applicant; Newington Gas Distributors LLC, Owner; Jawa Shalo, 3 Bucks Crossing Cromwell CT, Contact.

IX. OLD BUSINESS

None

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

Chairman Pane: We have the need to put someone on the Housing needs study and I would strongly recommend Commissioner Woods and he has shown interest in this and I think that is a very important committee. So if there are no objections from the Commission could I have a motion to put Commissioner Woods on this committee?

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

XII. COMMUNICATIONS

Craig Minor: We could give an update on any of the restaurant openings. We have some Mr. Chairman. When I prepared my report a week or so ago, at that point, we had approved seven requests but since then, we've approved I think two or three more. I know I sent an email with the list. The town's most recent ones are Plaza Azteca and Stew Leonards and if anyone has questions about any of them, I'd be happy to speak to you.

Commissioner Woods: I would like to just thank, again, you and the Planner for turning these applications around as quickly as possible so that we can get these businesses back open. I think you've done an excellent job today and I know that you will continue that to keep these businesses open.

Chairman Pane: Thank you. The staff has been unbelievable, the Town Planner, the highway department, the Fire Marshal everybody's been outstanding on trying to get these restaurant up and running as fast as possible and I commend the town staff or all of work that they have done. Do you have anything else Craig?

Craig Minor: Covered the outdoor restaurant seating, we just spoke about a one paragraph update on the POCCD that's waiting for the public hearing in two weeks, and then I spent a couple of pages talking about a couple of regulations that you've asked the staff to look at.

The personal business regulation, which is the way people with small businesses are allowed to conduct them from home, from the kitchen table and the commercial vehicle in residential zone regulations which sometimes become conflicted and sometimes become problematic. So as I said I prepared a long memo discussing the issues. I concluded in part of my memo, I say, I suggest the TPZ consider amending the code for personal business and regulation.

To allow landscaping contractors, so long as no piles and any other heavy equipment is kept either in the garage or on the driveway, and not in the yard. Technically if you're a landscaper you can't have a personal business because by definition you have special equipment and you can't use special equipment and be eligible for the home business regulations and yet that's probably the lion's share of our small operated from the kitchen table business are landscapers so I'm suggesting you consider changing the rule that prohibits special equipment as they would apply to a landscaper, and then the other big thing I'm suggesting is when we amended the commercial vehicle regulation, this is the way that we prohibit people from having inappropriate vehicles in their driveway, and yet still allow contractors with pickup trucks, vans and so forth to drive their van home at night and leave in the morning, but the regulations we came up with quite a while ago, it's become a monster. As I say, it's complicated. It's confusing and we get into a lot of debates with homeowners and with neighbors who don't think we're enforcing it correctly. So I would strongly suggest that the Commission streamline it, and I'd want you to read it yourselves quite carefully first, but I really think it should be streamlined.

Chairman Pane: Okay, I think on this, maybe it might be helpful for us to review some of these things before you come up with them, informally first before we put it on the agenda. Is that possible?

Craig Minor: Certainly.

Chairman Pane: And there was one other thing, going back to the restaurants, Subway requested, and we proposed a location for them. But I think it was the day afterwards there was an executive order to the DOT to allow restaurants to have put seating in a DOT right of way and at the time the Planner and I gave them a different option, but because of that new executive order if the Planner doesn't have a problem with it, or the other Commissioners don't have a problem with it, I would allow them to do that.

Craig Minor: Actually Mr. Chairman I do have a problem with that. I saw the executive order you're referring to, and I believe, I'm pretty sure that order was referring to a situation in, I forget what town, Willimantic or some old town that had a Main street that was also a state road.

Commissioner Sobieski: And the restaurant on Route 66.

Craig Minor: One the sidewalk, which was technically in the highway right of way, and that made perfect sense. On the Berlin Turnpike though with cars going 60 or 70 I think having a table by the side of the road is not a good idea.

Chairman Pane: Let's paint the picture, like the tables next to the side of the road right away. There is over 60 feet wide and it was on the grass area, just off of the parking lot. But if you're not comfortable with it, then we'll keep them with the options that we gave them.

Commissioner Haggerty: A question Mr. Planner, and you're talking about the personal business and landscaping contractors, you know would have heavy equipment with that, could have you know, a backhoe or another loader fall under that category of heavy equipment and if so, does anybody else have any problems with people keeping big giant loaders or backhoes in their driveways. I'm just curious what anybody else thinks about that.

Chairman Pane: I think that's a good point and I think that is something that we are going to have to discuss because that will come up.
A barricaded fence, a screening, you know, there is a lot to this and that's why I think we need to review it informally before we propose something.

Commissioner Claffey: I just want to reiterate, I think it has to be reviewed a little more. What about the classification of a vehicle? I don't think a snowplow is a vehicle. It's a secondary part. And I think it's this is something that I have said for many, many months now, something that I don't think should be taken lightly. I think we need to, you know, hash it out. Get a little bit deeper into this, but also put it on the back burner, per se, but I think this is more geared since Newington has an abundance of small business owner with vehicles, etc. And I don't know how keen it would be to try to discuss this in depth over a zoom. Maybe as the state ratifies and lessens the rules for us to attend in person meetings, I think our first meeting that we can have back at town hall, this needs to be on the agenda and for the public to come in and kind of get a sense of where we as a Commission may stand and where we as a town stand with this. I mean if we built this, Mike D'Amato did most of the legwork on this prior to Andrew coming on board and there are, you know, metro planners and there are some things that can be shaved off that we may have thought would work. But if it now caused a little havoc to the residents of our town, so it's not a small undertaking and I think we just need to discuss it and a lot more in depth.

Maybe after the summer, maybe September when Coven hopefully if possible lets us get back into a regular format where we can have a multitude of residents and business owners come and discuss the issues they may have with it. That's all. Thank you.

Commissioner Gill: All right.

Commissioner Sobieski: I think Commissioner Claffey has a point, it needs to be taken and really looked at. It's going to be a long, not a long drawn out affair, but I think we need to really look at it, and modernize it a little bit, just my opinion.

Commissioner Gill: Okay. Craig, just to consider with the pandemic, Eversource is requiring a lot of their personnel to bring their vehicles home, and they, you know, they have the name on it, and you know some of them are, might fall into a forbidden category.

Chairman Pane: That's a good point Commissioner Gill. There's a lot of companies that require they're either on call and they are required to bring these trucks home, and they don't really comply and I think that's the whole point here is trying to make it, you know, after all,

we're a working group in Newington and we're going to get some vehicles and I don't think we can have a, I think we can do this is a way that helps the residents but still protects the other residents. I think we went a little overboard on some of this before, but I think that Commissioner Claffey has a great point that maybe discussing this as a group, informally and then waiting until we can have a meeting with the public to present this to the public would be the proper way of handling it.

Do any of the other Commissioners have a question or comment? Does the Town Planner have anything else?

Craig Minor: No, that's it. Thank you.

XIII. PUBLIC PARTICIPATION (For Items not listed on the Agenda; speakers limited to two minutes. Use the Zoom "Raise Hand" Function.)

None

XIV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I'd like to personally wish Tom Gill best of luck. I'm glad he's back I know he was in the hospital for quite a while. I did see on TV when you got out, and thank you Tom,. Glad to see that you are back.

Commissioner Gill: Glad to be back.

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: Any other Commissioner comments? I would personally like to thank James for this and for providing all the assistance for this meeting. I greatly appreciate it.

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting seconded by Commissioner Fox.
Meeting adjourned.

Respectfully submitted,



Norine Addis,
Recording Secretary