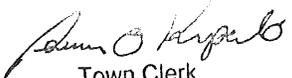


TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
JUNE 10, 2020

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Town Clerk

- I. **PLEDGE OF ALLEGIANCE**
- II. **ROLL CALL AND SEATING OF ALTERNATES**

**Commissioners Present**

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

Commissioners Absent

III. **APPROVAL OF AGENDA**

Chairman Pane: I don't think there are any changes, is that correct?

Craig Minor: Just one reorganization thing Mr. Chairman. When I did the agenda, I clicked and dragged the Approval of Minutes under New Business rather than making it its own item. So please amend the agenda to make Approval of Minutes item Roman Numeral eight.

Chairman Pane: Okay, very good, thank you. If there is no objection, we will change the agenda.

Commissioner Woods: No objection Mr. Chairman.

Chairman Pane: Thank you very much. Now we'll go into public participation for anybody on the line that would like to speak to the Town Planning and Zoning Commission. I think we have two people that want to speak.

Commissioner Claffey: I'd like to send a quick question or concern if everyone is not talking can they mute. So we can limit the background noise. I can hear conversations like a radio or something. Just everyone, if you are not talking, mute or turn off the background noise. Thank you.

Chairman Pane: Thank you Anthony.

- IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda, Speakers limited to two minutes.)

None

**V. ZONING OFFICER REPORT**

Chairman Pane: We have a very light one because Andrew has been taking care of everything informally but he has a couple on here.

Andrew Armstrong: This is a light report for this month. I'm still talking to people to try and resolve situations. Are there any questions on the May 2020 report?

Chairman Pane: I don't have any questions, are there any questions from the Commissioners?

Commissioner Claffey: I just have a question. I know that we are not going out and doing certain things due to the covid but are there any updates. Maybe you could bring them for the next meeting, of things that you are working on during this time that have been resolved you know, administratively or something that would, say back from your following from say November 2019 that through your administration has been resolved, so we can take it off our future list, just so we kind of see that things are getting completed. I know you are working and all that, just to, you know, some people might look and say, there's only two things here, but I and most Commissioners understand it all. I know that there were some things from way back that you might be working on in the future you could just bring it in and say, hey, here's an update on 123 Main Street.

Andrew Armstrong: Sure, I can do that.

Chairman Pane: Any other questions from the Commissioners. That would be helpful Andrew if you could give us a report of the things that you've been working on informally. Do you have anything else?

Andrew Armstrong: Nothing else from me now.

Chairman Pane: You are going to be working with Craig on a couple of things that we are going to be looking into changing.

Andrew Armstrong: Correct. There was a commercial vehicle regulation, and I believe a personal business regulation that the Commission wanted to explore, maybe modify or not. Maybe when we get back in person, so yes, we are working on that as well.

**VI. REMARKS BY COMMISSIONERS**

Commissioner Claffey: The May 13<sup>th</sup> minutes are still incorrect in my packet.

Chairman Pane: We'll talk about that when we get to the Approval of Minutes.

Commissioner Woods: This is really more to the Planner. My packet, again arrived in today's mail so I don't know what's going on, but that's coming later and later.

Craig Minor: Did everyone else get their packets in a timely manner?

Commissioner Claffey: I received mine Craig.

Craig Minor: I'll talk to the Post Master again Commissioner as to why yours is late.

Commissioner Fox: I got mine on Monday but today I got the POCD in the mail.

Commissioner Sobieski: Yes, that's what I got too.

Commissioner Woods: I got the POCD in the mail today, but I got the packet in the mail today too.

Chairman Pane: Okay, we've got to try to mail those out a few extra days earlier, there's not that much on the agenda, we should be able to do that.

Commissioner Woods: Okay, thank you.

Commissioner Gill: I got one packet yesterday and I got another packet today.

Chairman Pane: Thank you.

## **VII. PUBLIC HEARING**

- A. Petition 10-20: Zoning Text Amendment (Sec. 3.11, 3.16, 3.17, and 9.2) regarding Breweries and Brew Pubs. TPZ Applicant. Continued from May 27, 2020

Chairman Pane: You want to give us an update, correct?

Craig Minor: Right, we continued this from the last meeting for a couple of reasons. One was that the Commission wanted me to add the provision for a distillery. So I did that. I think the other reason was the Commission wanted to hold onto it for a while because there was a discussion about allowing food trucks in association with brewpubs. In my memo, I'm suggesting that the issue of food trucks is really more complicated so I'm suggesting that I develop a separate regulation for food trucks for the Commission to take up at its convenience, but not be included in the pre pub regulation. That's my suggestion.

Commissioner Claffey: I have two questions on this. With the addition of distillery, when I look at your packet which is actually your first page of the proposal, what is the reasoning for leaving distillery out of the business zones and the I special permits in the I industrial zone, we do not want distilleries and breweries allowed in those zones?

Craig Minor: As you can see, I put it in the list of permitted uses in the industrial zone but I didn't include it in either the business zone because distillery, it's an industrial use and I don't think of distilleries as the kind of activity where there is a restaurant or a tap room associated with it as opposed to where they are normally. In fact, that's why we're making this amendment, so that we can have the types of brew pubs that people are seeing around the state. So that is why I didn't include it in my list of permitted uses in the industrial, I mean, other than in the industrial zone.

Commissioner Claffey: There's a small distilleries style business in another state, and by the size of our (inaudible), some of the distilleries are small, they don't, they're called small batch distilleries which might be a 200 gallon tank in a small establishment, so I don't know what everyone's take is but some of these distilleries in other towns, communities are as small or as big as a brewery, like the one you know, five churches in New Britain, so what's the consensus of including the distillery, the brewery, the brew pub, everything in all zones?

Chairman Pane: Thank you Commissioner Claffey. I tend to agree with you that maybe it would be nice to leave the flexibility where we could get a small little distillery in the business zone. If it's too big, then they won't apply for that zone, they'll go somewhere else, so.....

Commissioner Claffey: They would have to get a special permit regardless. I mean, I'm just saying do we add it, you know, Mr. Planner like under 3.11.9 put distillery in and then making a .9 to add distilleries.

Craig Minor: I have no objection to that.

Commissioner Claffey: And then the second question on distillery, .....

Chairman Pane: Let's see, Anthony let's see if everyone is in favor of what you're talking about. I'll go to Commissioner Lenares and then Commissioner Fox.

Commissioner Lenares: Thank you. I think it was good work with the Planner in terms of being innovative to break down everything and give us some explanation on the different types. I also think it was extremely innovative of Commissioner Claffey to ask to have these distilleries included. We're way behind the eight ball in terms of the regulations and I think we're getting there, and I think we will be ahead of the curve with the distilleries. So I would be in favor of having them in all of the zones permitted and, as the Commission said earlier, they'd have to come to the Commission for a special exception.

Commissioner Fox: I would have no objection either. I think he did a good job, but I was wondering if anybody thinks you would want to put a limit on the size of the distillery?

Commissioner Pane: I wouldn't favor that because we don't know enough about their business, and why would we want to stifle their business, you know, who knows if they can make 200 gallons, 500 gallons, if they are going to pick a place where they can grow

Commissioner Fox: Point well taken, I agree.

Commissioner Claffey: The second part of this is on the second page where it's the distillery definition Mr. Minor, it doesn't say, and the brew pub in the restaurant, it discusses onsite consumption and I know just tastings are onsite consumption, but in the distillery definition, it doesn't talk specifically to onsite consumption like it does in the brew pub restaurant.

Craig Minor: I didn't include consumption like we did with the brew pub but I have no opposition to adding some sort of language to allow some kind of, I don't know what the word would be but a place for people to buy and consume on the premises in a casual dining sort of atmosphere in a distillery.

Commissioner Claffey: I just didn't want to tie their hands. I wanted to kind of mirror how we broke down brew pub, brew pub restaurants yes, we know they are different and there's different things going on, but they both have open containers and consume them on site. With the Commission's approval I don't think it's something we need to send back for another delay. I think we can trust that the definition will be fine. It's up to you guys but I just don't want to keep holding this off and holding it off. I think everything we've done is great. Those are just my, you know, as I said my two small little concerns. I don't think I personally want to hold something up moving forward, but the Commission does have the final say.

Commissioner Sobieski: My only concern is the zone, because the I zone is near residential and I'd like to make sure that we have enough buffering in there so that's what I'm concerned with. I know Commissioner Lenares brought up John Downey Drive which is all industrial and at least 600 to 1000 feet away from residential on either side. That's my only concern.

Chairman Pane: Under our special exception process I believe our buffering and all the regulations are under 5.2 and would cover the buffering and the other requirements that we just covered. That would all be covered as a special exception as somebody comes in.

Commissioner Sobieski: I would just be concerned with people hanging around outside, yelling and screaming. That's all.

Chairman Pane: I agree with you and we can, we would address each one on an individual basis, depending on the location.

Commissioner Lenares: Both good and bad points by Commissioner Claffey and Sobieski. I would just echo the thoughts that these brew pub and brew pub restaurant regulations and descriptions that Craig prepared, I think should mirror the distillery option as well with the only difference obviously being the spirit that we're talking about. I think they should go hand in hand and once again I just, I can't stress enough that it's going to be ahead of the curve. So I'd be in favor of these being mirrored against each other with the only difference obviously being the type of spirit.

Chairman Pane: Very good, thank you. Any other Commissioner have any comments or concerns?

Commissioner Woods: I have a question. Wouldn't a distillery if it's served then become a (inaudible) Obviously they are making their own, but could they just apply for both licenses?

Chairman Pane: If I'm not mistaken, the distilleries are more of the whiskey and stuff like that compared to the brew pubs.

Commissioner Claffey: I would have to refer back to Planner Minor. I think it all depends, I think that's a good question Commissioner Woods, but going back to this memorandum, he talks specifically about alcoholic liquor.

Commissioner Woods: A distillery is more of a hard liquor than a brew pub.

Craig Minor: If you go to the definitions from the state statutes which are in my memo section 13.1 definitions, this is a state statute. For the interpretation of this chapter, unless the context indicates a different meaning three alcoholic liquor or alcoholic beverage include the four varieties defined in subdivision 518 and 19. I don't have them in front of me, but one of them is beer, but 18 is the one that is spirits, that's something that is hard liquor. It's hard liquor, whiskey, brandy, rum. That's why we needed to come up with a definition of distillery to make a distinction between the different kinds of alcohol that people can get licenses from the state to make.

Commissioner Woods: Okay, I don't, I would not like to hold this up either, I'm looking forward, I just don't want the interpretation of this to impede someone from moving forward, so if we need to get it right before we actually vote on it, I think we should, but again, I think it's a great start.

James Krupienski: Definition number two is alcohol, no number five is beer, number 18 is spirits and number 19 is wine.

Chairman Pane: Thank you very much. So Craig, we still have to have the two separate, is that correct?

Craig Minor: I'm sorry, my wi-fi, I didn't hear what you said.

Chairman Pane: So we are still required to have the two, you heard what James gave you the definitions

Craig Minor: I'm sorry, I can't hear you, I'm going to try another way.

Chairman Pane: Okay, Commissioners, while he is logging on, one of the other things was whether or not we want to give these businesses the option of having a food truck at their location, and some time they will change it up They don't have to have one, but we don't really have any places for food trucks and I thought this was a nice place where we could say to these businesses, if you want to have a food truck included into your plan of special exception and we could plan for that. So, Commissioners how do you feel about having an option for these businesses to have a food truck which there, again, it depends on the location and it still have to go through approval process.

Commissioner Sobieski: I seem to remember that we went through this a couple of years ago and I thought we had designated the entire area where a food truck could park, if they took out a permit

Chairman Pane: This is just another thing for food trucks basically.

Craig Minor: There's another level through a permit that a food truck operator needs to get and that is a printed one from the Police Department. They have a list of roads in Newington where a food truck is allowed by the police, so it's one thing for the Zoning Commission to identify areas of town where the Zoning Commission has no problem with food trucks, but there's also the police list of approved streets.

Chairman Pane: So this is just another avenue for food trucks that if a small brew pub opens up and it's easier for them to have a food truck in there, to have the food then they alternate food trucks someday they might have a lobster, someday they have a different type of food truck. What's the harm on giving him the option of having that provided that it complies with the rest of our special exception?

Commissioner Havens: The police have a list of streets where food trucks can be. We have the TPC saying where they can go, and now you are going to have brew pubs in different spots. Is there any way to de-conflict, the you know, if the police list is different from what the TPZ has said and if the brew pub isn't an area where the police say it can be? Is that an issue?

Craig Minor: Well, it's kind of apples and oranges. Let me take a step back, the planning and zoning commission regulates the use of private property. We don't really regulate what takes place within the street between the curbs of a street, that's what the police regulate so it isn't that the Planning and Zoning Commission allows or forbids food trucks on the road, because you really don't have jurisdiction over that. That's the police department's realm or the town manager or the highway superintendent, but on private property your policy is in the past been not to allow food trucks until now. Now we're talking about allowing food trucks is association with a brew pub.

Commissioner Havens: Thank you. That makes sense.

Commissioner Haggerty: I would just say I think our language should be as inclusive as possible and use the permitting process to make the exemption or exemptions.

Chairman Pane: We have someone from the public who would like to speak.

Cara Santoro, Francis Avenue: Thank you for letting me speak. I speak at a lot of these meetings. What bothers me is that this whole thing sounds like it's already decided, it's great, it's innovative, we've never had a big public meeting because of the Covid and I think that should really be pushed off for the public to participate because you know, most people don't sign into a webinar. I'm used to it, from what I do for work, but most people don't. Most people don't even know this is going on and I would like an answer as to why this is the only area in Newington that's being considered for this.

Chairman Pane: No, no, you're mistaken, we're not considering any special area. This is throughout anywhere in town. This is for any business, PD zone, Berlin turnpike zone....

Cara Santoro: They said Newington Junction.

Chairman Pane: No, I don't think it talks about the junction at all. We were talking about regarding breweries and brewpubs and there's nothing to mention Newington Junction. We're talking about it's being allowed in every zone except for residential zone, it's an incentive for small businesses to start in town, providing that they comply with a special exception and other rules.

Cara Santoro: Of this Commission, right, and we know that this has been brought up before for Newington Junction. I'm not sure, you know, small businesses, so let's bring in more bars and people

drinking. If you spend some time on Francis, up at the top, near Willard, you'll see what goes on here already. The last thing that we need is to put something over here and have another Yahoo area going on top of what already goes on here. There's so much traffic. Now people cut up and down the streets, there's noise at night and I know this is being considered for Newington Junction because it's been on the agenda before when I have spoken. I know, the I Zone, so maybe I can correct you, you're looking for the I zone, which one of them is over here at Newington Junction, and I just think before, this is just a, you know, a broad okay, we're providing this for all of the zones. I think things need to be looked at specifically.

Chairman Pane: Okay, thank you very much.

Cara Santoro: Yeah, you're welcome.

Chairman Pane: Craig, this is for the business zone, PD and Industrial zone, correct?

Craig Minor: Correct, all of those zones.

Chairman Pane: If someone is interested in it, they would still have to apply for a special exception and comply with all kinds of rules for buffering and numerous other things, is that correct?

Craig Minor: Yes, whether they wanted a brew pub or any place where there would be consumption of alcohol on the premises they would need a special permit from you if they want to just open a conventional brewery, which is really just a factory. They would be able to do without a special permit, but anything involving a brew pub, food being eaten, their alcohol being drunk, that would require a special permit from the Commission.

Commissioner Pane: And they would not get automatic outside dining, they would have to go through a process for that, correct? Thank you. I'll open it up to the other Commissioners? Any comments?

Commissioner Sobieski: My only concern is again, like I said, the noise and you said that's going to be regulated, we're going to be able to regulate that. Also, the trash, that's left, you know, it's common that coming out in some areas with the people just dropping stuff on the ground. I would be concerned as to who would be responsible for picking up the stuff after the truck leaves or at the end of the day.

Chairman Pane: That would be the businesses' responsibility for keeping their property clean. It doesn't have to be a brew pub, it could be any business that could cause undue noise and undue trash. I'm out picking up trash around my property four times a day. It's gotten worse lately, so those kinds of things are just normal day to day business things and the noise thing would be taken care of under the special exception.

Commissioner Sobieski: I know McDonald's has people go out in the turnpike early in the morning about 5:30 picking up the median from the trash and stuff. That was my only concern. I just want to bring that up.

Commissioner Claffey: I think everyone you know kind of circles the wagons here and we all have concerns, I just look at it, again, there's open it up to every, the whole town so we know what's going to be a special permit. So you know, I just think we need to move on to get a little up to the times. Thank you.

Chairman Pane: Are there any other comments from the Commissioners?

Commissioner Woods: Your last comments about the food trucks, I support that. I think it's a good mix between the two. I think the only caveat being as long as parking is available for it, I think the two together and I think it would help small businesses and help them keeping their businesses going.

Commissioner Claffey: If this goes through there would be definitely a spot on the application for the food truck, because I would hate to approve something in the future with no food truck and then food trucks start to spear, so I definitely want it specific when we do a special permit that it's specific to, you know, the extras. If the food trucks and extra are granted, we don't have a regulation for that specific mobile machine, but that is part of the whole, it's like, it's like an arm of the business.

Chairman Pane: If they didn't come in for it originally and then all of a sudden to wanted to add it, they would have to come in and modify their request, their site plan. I think I'm correct.

Craig Minor: Yes, they would have to modify their special permit.

Commissioner Claffey: Okay, thank you.

Chairman Pane: Any other Commissioner comments? Craig, do you feel comfortable moving this forward or is there too much for you to add that you want to double check on?

Craig Minor: The one thing that I was going to start to add was to address Commissioner Claffey's suggestion that we make it clear that distillery could also have some kind of sit down, more than just a tasting room. I think the distillery regulation is to mirror the brewery regulation exactly, and the brewery definition talks about tastings being allowed, and tours but not the kind of dining experience, I'll call it that a brew pub would allow. I'm going to suggest we leave the definitions as I presented which would not allow any distillery to have anything more than just a tasting ability.

I'm not sure what a tasting is, but I imagine it's where you walk up to the counter and maybe pay five bucks and like a wine tasting, you pay five bucks and you get to taste some wines, as opposed to the group experience we're talking about where you go in, you buy, you buy a bunch of beer and you sit around with your friends, you drink the beer. I think that's the distinction that I want to preserve here. I don't think we want distilleries to be able to have what I'm calling a dining experience without having to go through the special permit process and the way it's set up, a distillery could open up tomorrow because it's really just a manufacturing activity.

Chairman Pane: Or not, if they include the food truck so that should all be special exceptions for both of these.

Commissioner Claffey: If you go back to the brewery, let's use the example we're talked about on John Downey Drive in New Britain which is a seller of their product and a seller of the product for onsite consumption and off site consumption and that's classified as a brewery. So in our definition, you can only, you can't sit at a brewery and drink their beer. You have to leave the facility.

Chairman Pane: That's not what we want.

Craig Minor: I think it is what you want Mr. Chairman because otherwise every distillery or brewery would have to come before you for a special permit, even the ones that are just a brewery or distillery with no onsite consumption.

Commissioner Claffey: So let me ask you this, Mr. Planner. So you're saying they would come on to the classification of a brew put, is that how you split the definitions up?

Craig Minor: I would create, it that's what the Commission wants, I'll create a new category which I'm going to call distillery pub.

Commissioner Claffey: The first sentence of brew pub and brewery are totally different and you're not talking about storage at a brewery without a brew pub. You're talking about storage, so I guess now you've completely confused me with your definitions, I mean, we're going to have to table it because it's not what.....

Chairman Pane: Go ahead Craig

Craig Minor: What I was going to say to Commissioner Claffey is I'm looking at the definition of brew pub and I'm lining it up with brewery and the first sentence is exactly, let's see, the first sentence is for both of them is a facility use to manufacturing bottling then warehousing and distribution, but they have this bottling and storage of beer products, including tasting. We will work on this.

Commissioner Lenares: I think what Craig did initially was developing these three different classifications of brewery, brew pub and brew pub restaurant and I think they're distinctly different in all of them and a Craig has stressed, if a brewery wanted to come in and brew their own beer, they can do that without any special exception because they're an industry type business and they can do that without our approval because it's just another type of business now going forward. In the evolution of what this brewery has been in the last few years, they have developed into brew pubs where people are sitting down in the facility, buy and tasting them, drinking them, however you want to describe it, but being in the facility and that has developed now and even further. There's brew pub restaurant, so I think Craig did a great job with the three classifications of them and how we require a special exception of them is up to us going forward. I just think that the distillery should have three different classifications as well, because I think you might see this business evolve someday into a distillery pub restaurant where they make their own whiskeys and people can buy them and sit there, with the special exception of course. They can consume them on the facility and have either a food truck be outside if it was a pub type of facility with no indoor type restaurant, or if they went for the brew pub restaurant where there's some indoor facility, they could have their whiskey, consume it and order food within that same restaurant. I just think that distillery should be labeled three ways just like the breweries.

Chairman Pane: Thank you Commissioner, great suggestion. Maybe you can work on this a little longer Craig.

Commissioner Sobieski: My suggestion would be to look into New Britain's regulations. Look at some other towns that have these and let's see, let's try to see how they did them. I mean, I listened to what you said, and some of it makes sense and some doesn't. I know there is one, like I said, in Willimantic and several in New Britain. I'm just wondering how they do it, maybe just use it as a guide line.

Chairman Pane: Thank you.

Commissioner Fox: I agree with Commissioner Lenares about having three distinct definitions of distillers. I have a question, and maybe I'm a little dense but distillery, would we allow them to warehouse and everything for delivery to another retail organization, and the storage, are you are just storing it there for your own use?

Chairman Pane: Could be, it could be for anything, your own use or why can't somebody warehouse their product for distribution?

Commissioner Fox: I'm just asking if there's a difference between warehouse and storage?

Chairman Pane: Craig is going to try to refine and correct some of the definitions and try to refine them for the next meeting.

Commissioner Claffey: Can we just move it along to Old Business, you know, just keep it open so we can bring it up at the next meeting so in the two weeks, like a conditional, and then we just asked Mr. Minor to make those definition adjustments and then move forward at the next meeting?

Chairman Pane: I think we have to leave it open. Craig, is that correct

Craig Minor: I would recommend that you leave it open. Which is not a problem because you can close the hearing at the next meeting and they we'll have it under Old Business and act on it that night.

Chairman Pane: Okay, so I want to make sure that you're in full understanding of what the Commission wants, in favor of Commissioner Lenares and Commissioner Woods stating, giving the option of the food truck in there, so hopefully you have enough information from us Craig.

Craig Minor: Yes, I think I do and if, when I sit down to type it all up, tomorrow or the net day if I realize I'm confused, I'll just give you a call.

Chairman Pane: Pretty good. We'll leave this Petition open, Petition 10-20 we will leave open.

#### **VIII. APPROVAL OF MINUTES**

Commissioner Claffey: The May 13<sup>th</sup> minutes still show me as absent and I was there, so I'd like to change it and that we don't approve the May 13<sup>th</sup> minutes but I don't have a problem with the May 27<sup>th</sup> minutes.

Commissioner Sobieski moved to approve the May 27<sup>th</sup> minutes. The motion was seconded by Commissioner Claffey. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Pane: Craig, you'll make the correction on the minutes for May 13<sup>th</sup>?

Craig Minor: Actually, the only way to do it is to approve the minutes with the correction

Chairman Pane: All right, I'll entertain a motion with the correction that Commissioner Claffey was there.

Commissioner Claffey: You don't have anything in writing that says I was there, so you're going to take the vote on the May 27<sup>th</sup> meeting and there is nothing to say I was there. If you look at the May 13<sup>th</sup> meeting in five years, it's going to say I wasn't there.

Craig Minor: Right, and there is nothing we can do, there's no way we can physically, we can't physically remove the minutes that were filed back on May 22<sup>nd</sup>, they are all in the town clerk's office.

James Krupienski: Anytime that a set of minutes has an incorrect statement or anything in it that a correction is made at the next meeting, so those will be part of this meeting minutes that you are currently holding. Underneath the Minutes approval section the original set of minutes that are filed in the clerk's office under FYI must remain as they are. So the Commission itself will make the physical change during this meeting.

Commissioner Claffey: And it will show a line item in the approval of the minutes that you will modify the May 13<sup>th</sup> minutes.

James Krupienski: Correct.

Commissioner Claffey: Thank you. That's I want it written there like that.

James Krupienski: It will indicate under attendance that Mr. Claffey was indicated as absent, but that was present during the meeting.

Commissioner Sobieski moved to accept the minutes of the May 13<sup>th</sup> meeting with the correction to include Commissioner Claffey being present at the meeting.

Chairman Pane: We have a motion on the floor from Commissioner Sobieski to approve the minutes with the correction that Commissioner Claffey was in attendance.

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

**IX. NEW BUSINESS**

- A. Petition 17-20: Site Plan Approval (Gas Station/Convenience Store) at 4 Hartford Avenue, Dlyala LLC, Applicant, Newington Gas Distributors LL, Owner, Jawa Shalo, 3 Bucks Crossing Cromwell Ct, Contact.

Chairman Pane: Craig, do you want to start off, give us a review where we are?

Craig Minor: We had the public hearing at the last meeting on the special exception which is, as the Commission knows is the conceptual approval of this activity. Now tonight we're going to talk about the site plan and in the agenda packet you got copies of my comments. We've got copies of the town engineers comments also, and I know Attorney Slater, and if Brandon Handfield is here you'll also want to speak to those comments so definitely I would like to turn it over to the applicant to make their presentation.

Kenneth Slater: Mr. Chair, Members of the Commission, there's been a lot of progress since that public hearing and Brandon Handfield can speak to that in a few minutes. I believe the architect is also available to go through elevations, which he was not able to do during the special public hearing. One of the issues I'd mentioned during the public hearing was, I thought there was a question about Section 6.1.1.2 which is the 100 foot distance from the motor vehicle related use to the nearby religious institution, playground, hospital or residence. As I understood it, as I mentioned during the public hearing was a question to how you measure the distance, whether it's from the structure itself or whether it's related to the property itself and that's what I thought the issues were about. I did an analysis and it turns out that we're in agreement on that point, and there's a whole new issue that we understood is in play today that will, I'll get to it in just a moment, but in interpretation of the regulation and apparently the town engineer and the town planner agree with it, and I think you will as well that regulations requires that there would be a distance between the motor vehicle related use entrance and one of those structures. It doesn't matter how close you are to the boundary, what matters is whether you're close to the playground, whether you're close to the residence, so we're in agreement on that, the issue that we, that is before the Commission really is the one that decides but the language refers to a reference to how many feet it is from the religious institution, the school playground, the hospital or residence. Other requirements that you have make it clear when it has to be a certain distance from a zone. There is no religious institution, school, playground, so obviously that wasn't intended to apply to a distance to a particular zone. Also, your regulations, you have several instances where you refer to distances from boundaries and it doesn't say that here either. So I think the language is very clear what intended is you want the entrances and exits from the use to be from a distance from the actual building and I'll come back to this because I think it will be easier to for me touch on the legal issues which are really twofold that we realize are in play this afternoon. If you use, there's an existing curb cut from Hartford Avenue, it

was a former gas station and the use has not been abandoned. So it's a non-conforming use and we presented a plan during the public hearing that we believe is in full compliance and we still do. I'll explain why.

The interpretation of the regulations when you have a multiple use property, in this case there is going to be a convenience store, which is a permitted use and there is no requirement that their entrance be a certain distance from any other use for that commercial use, and it has the related use, and then underlying it all is the fact that regulations that were adopted after the, the existence of that non-conforming use can't prevent the reestablishment of the gas station, so we believe we're in full compliance. To the extent that we're not, the regulations can't be applied to prohibit the reestablishment of the gas station part of the property, but I'll come back to this issue because you'll understand why it's important, and I have another, we have a couple of documents that we can show you after. I'll let Brandon Hardfield take over and go over what he's accomplished with the Town Engineer to address that. I think there were 78 comments that we received just before the public hearing so some good work has been done between them, and so I'll turn the floor over to him to go over where we are.

Brandon Hardfield: For the record, Brandon Hardfield, Civil Engineer. First and foremost, I went through a pretty detailed presentation of the site plan as part of the public hearing and I'm happy to go through that detail again, or just kind of go to the progress since that meeting. I'll leave it up to you, however the Commission would like?

Chairman Pane: Could the applicant just, instead of going over the whole previous presentation just address the new problems or address the engineer's problems.

Brandon Hardfield: Sure. I'm going through the engineers comments and in summary we've responded to them all and are in agreement or can address them all. We simply have a minor plan revision and information with regards to calculations to confirm our design. So, in short, we address Gary's comments and a revised plan can be submitted to the confirm our response. There were a few issues, and I believe Attorney Slater touched on it with regards to the set back from the residences to the gas station into our access drives. That one was left for further conversation today and I don't know if we have it on the plan.

James Krupienski: What document are you looking for Brandon?

Brandon Handfield: Sheet number two.

James Krupienski: You sent through about six o'clock tonight.

Brandon Handfield: I know we can go to the original, let's go to the original first. So again, this is the site layout, no changes have been performed since the public hearing, but we did respond, so on this plan, and I apologize, I have a cursor, so I can point to it, but the proposed convenience store is parallel with the northerly boundary and it's labeled as 20,640 square feet. There is a sidewalk to the south of it, and then right, we're at the center point, but the plans show clearly that's the 100 foot set back from the residences, to the north of our convenience store. So on this plan we do show that 100 foot measurement from the closest residential structures and what we intended on this plan is that the actual gas station use, the pumps, the canopy, the access drive to those pumps, it can feed in the parking and are all further than 100 feet from the residence. So I think what's going to be further discussed today is if you project that line out and the classification of these access drives to the site is what we'll discuss

and how we can, how we can interpret it. We believe we can and will take some information from the Commission on.....

Attorney Slater: Is it possible to pull up those two sheets that Brandon had sent this afternoon that might highlight now so we have a better explanation where the issue is? So in the language that you have in 6.1.1.3 talks about the distance to the entrance and as you can see there, the parts of the radius, the pink color, that's the 100 foot lines from the nearest residential unit. So the question, well, first of all, the backdrop is again what I said before, that entrance from Hartford Road already exists in that form, and then there's no dispute that the gas station was already there, and so although we want to be fully compliant and we think there's a way we can be within the regulations. Even if we are not, in this new regulation that you adopted and impose the 100 foot setback, that can't be used to prevent the reestablishment of the gas station component. Now, if it didn't have a gas station component, the existing entrance to the whole facility is fully in compliance. There was no 100 foot setback for the convenience store, so if there is only a convenience store, then this is fully compliant. If we did not have a non-conforming right to be able to reestablish the gas station, if we only had the gas station on this site, it would not be compliant because we agree that the entrance from Hartford Avenue would be the entrance that would be subject to that. Again, our main position is the fact that you can disregard that specific regulation, for as far as it would prevent the reestablishment of the gas station because of the nonconforming use. But there's another point that I discussed with Craig this afternoon, but I don't think we are in agreement on it but, what I'd like to point out to you is to be careful in the way that you interpret this. This is a relatively small site, but there could be much larger sites in which there are more than one use on the property and is the question in that regulation how exactly the entrance is for the whole plaza, or are we concerned about where the entrance is to the motor vehicle related use and what Brandon had done, is when he showed it met the setback, he was drawing the setbacks again from the canopies and where automobiles would enter to be refueling and definitely that aspect of the use is 100 feet away, so that's the way that he interpreted it.

Chairman Pane: Let me ask the Town Planner. Do you have any problems with this?

Craig Minor: I understand Attorney Slater's point, but my point, when I discussed it with them this afternoon was that if you go back and look at the regulation, it says that entrances and exits shall be 100 feet and I think what that means is entrances and exits to the entire site need to be 100 feet away from the nearest home, not, not the approach to the gas pumps but rather the curb cut.

Chairman Pane: So you don't think that curb cut is 100 feet from the residence?

Craig Minor: Right, if you look at that purple arc, it shows the driveway within 100 feet, but Attorney Slater is suggesting that you don't measure from the house to the curb cut, you measure from the house to the canopies, that's his argument and I don't agree, but I don't disagree strongly enough to try to overcome the argument.

Chairman Pane: You have to remember that he has approval for a gas station in here basically as a nonconforming use and we can't take that away from him. We can't kill this and I believe what he is coming in here with is a huge improvement to compare to what it is today and adding the convenience store and the nice landscaping and bringing the entrance way back from the intersection a little bit. The only thing I might want to add is additional protection for the residence is possibly a screen fence in the

back, depending on how much of the tree line is taken down, and so that we can protect the residence with the proper buffer and everything, which I'm sure the applicant is not going to be worried about.

Kenneth Slater: In light of your chairman, the chairman's comments, I think you are absolutely right. The nonconformity use is what protects us to be able to do what we're doing because if we follow that, if we have to follow this or you didn't agree with my analysis because basically without showing you the image, and I was concerned because if you had a big plaza, and I had Target as an example. The entrance from the Target, there is a residence across from it. I'm not sure it's 100 feet, it might be more than 100 feet, but it's not far away. If the Target had wanted to put in some gas pumps all the way on the other side, and it's in the parking lot, like Stop and Shop and BJ's and it was acceptable to the Commission, it would be hundreds of feet away from that entrance. So my point in what Craig and I were discussing is, I agree with him that the entrance into the building or into this from the road is what you would use if it was the only use on the site. But, if you have a shopping plaza, this is a smaller one than a full shopping plaza, but if he has a plaza with a permitted use, then the distance you wouldn't measure, you wouldn't be able to put the gas pumps behind Target. I think the ability to use the nonconforming use here is the protection and if we did move the entrances, first of all, we should have a right to use the existing curb cut up Hartford Avenue, and the one on Main Street is perfectly located across from another entrance on 2 Main which makes it safer than if we had to push it closer to the intersection. It could be done from an engineering standpoint but it is not, it's not ideal. I think that design that's there, from an engineering standpoint is excellent and I think we have the right to do it as part of the nonconformity and all the aspects of the convenience store are in compliance and we've improved the conformity. It is an improvement over the former nonconforming use.

Chairman Pane: I agree with you.

Commissioner Claffey: The question I have is, is while this was a gas station prior to now being a corner lot, was the curb, I kind of remember that there was no real curb cut, it was just an open curb.

Chairman Pane: Right.

Commissioner Claffey: What happened? It kind of mirrored what's across the street at the Sunoco which on one side is an open curb all the way up to the residential house. So you are putting in a true entrance on this Hartford Avenue which has become the kind of the little bone of contention here with the curb cut, but remember, 15 years ago it was open the whole way. Am I correct, or am I wrong?

Chairman Pane: I think you're correct Commissioner Claffey. It was a wide open entrance on both sides and this is an improvement of the situation that was there years ago.

Kenneth Slater: One thing I'd also add is that if you did require us to move on the Hartford Avenue side, moving closer to the intersection, I don't think from an engineering standpoint, from a general planning and zoning standpoint, moving the entrance closer to the intersection is a good idea. If you did require that, there is a legitimate chance, maybe even a good chance that DOT would not approve that curb cut, and they we'd be in never neverland. We are very confident that in this location, because there's existing curb cuts, they are in the Hartford, our side, and improving it with a design that Brandon Handfield put together is something that the DOT will not have a problem with.

Commissioner Claffey: With the Hartford Avenue curb cuts you made mention of the Main Street curb cut that it aligns with the shopping center across the street. Will they align somewhat like that to mitigate the traffic, and I think it might be in your traffic report, but am I right?

Kenneth Slater: Right.....

Brandon Handfield: For us to answer your question, we push the entrance, the left turn in entrance off of Hartford Avenue as far away from the intersection as we could while still providing access and turning movements and it is generally aligned with the driveways across the street. So, and we also, you know, if you're familiar with the site, there is a small curved island with a large utility pole and sign, we are keeping that utility pole there and that's why there is an island. Because of that utility pole and the existing island condition, we had to maintain that.

Chairman Pane: Any other questions from any other Commissioners?

Commissioner Sobieski: The site looks great to me, though I have a question on page three of the plan. You see that there is a 212 thousand gallon tank in there. The tank that's closest to the Main Street side, you tell me how far that is away from the property line. It looks to me like it's less than 10 feet away.

Brandon Handfield: I will measure that for you right now. Where we show these tanks, that's a little over six feet from the property line.

Commissioner Sobieski: My question is, what is the closest that could be to a property. I know residential can be 10 feet away off the property line.

Brandon Handfield: It's a good question and what we raised with the engineer, because they also asked about that proximity. It's how you ensure the excavation and admittedly those details are going to be design by our environmental fuel engineer and the tank itself, its distribution system to the fuel pumps and all of that information will be provided to the town.

Commissioner Sobieski: Thanks, you know that there's wells in there now to monitor the groundwater would you be maintaining that or would it still be DEEP or would that become your responsibility?

Brandon Handfield: The existing monitoring wells are the new ones.

Commissioner Sobieski: Well, the new ones and the existing, that's my question.

Brandon Handfield: I'd have to defer. I think it would be the same information you'd get as part of the environmental fuel design, how the monitoring is going to occur and how the applicant/operator runs in the higher order.....

Kenneth Slater: The higher order has the responsibility for the contamination that was cleaned up and monitored. It's possible that in the transaction, and I can't speak to it specifically, your owner could take on certain responsibility of that and day to day maintenance and that sort of thing but from a legal standpoint, from DEEP stand point the good news is that it was brought into full compliance with the remediation standards. It just has to be continuing.

Commissioner Sobieski: I just wanted to make sure that these people were not going to get stuck with it.

Jawa Shalo: Can I say something?

Chairman Pane: Yes, absolutely, go ahead.

Jawa Shalo: Hi, I'm Josh. I did want to say that they are our monitoring wells right now. With the construction going on, they will probably be removed of course with all of the digging. There is a newsystem that many gas stations are using now where there's not a well under the ground anymore and we were hoping to us that system instead. A report gets issued every single day and nobody has to actually come pull water or pull anything from the well. It reports, it puts out a report from the office and it's a lot easier. It will save a lot of money.

Commissioner Sobieski: You are talking about the new one that you are going to be putting in?

Jawa Shalo: Yes, that's not.....

Commissioner Sobieski: I'm asking about the existing one that is in there now.

Jawa Shalo: They are not mine. They're the current owners and monitoring wells, I believe the way the law works cannot be transferred easily. It's very difficult to transfer the monitor inbox.

Commissioner Sobieski: I'm not entirely sure how it works either, I just don't want to see you get stuck with something, that's all.

Kenneth Slater: It's a very good point and we'll do our best to make sure she's protected, they are protected.

Chairman Pane: Any other Commissioners have any questions? Attorney Slater, there were two points that you were very concerned with. One was the engineering work on the tanks that the Town Engineer wanted you to perform ahead of time, and he agreed with you that that's not necessary at this time?

Kennth Slater: That's my understanding, can you confirm that Brandon?

Brandon Handfield: Yes, I can come later after a local land use approval.

Chairman Pane: Okay, we have no other issues with the Town Engineer on his report, is that correct?

Brandon Handfield: I do not.

Chairman Pane: Does any other Commissioner have a question?

Craig Minor: Could you discuss the sidewalk issue that the Town Engineer brought up, for a moment?

Kenneth Slater: Yes, the Town Engineer would like my clients to construct a sidewalk on Hartford Avenue in the public right of way. There is a Supreme Court case that said that's not permissible. We can't be required to make an improvement like that. We can be asked, if you're asking us to do that. I mean, it will not connect to an existing sidewalk. It's another expense on a small business person who's trying to make what I think is a great plan. So we would prefer not to be required to do that. That said,

it's important for the Commission to condition it and I'll acknowledge on the record we won't, even though we have a legal right to challenge it.

Chairman Pane: That was on Hartford Avenue?

Kenneth Slater: Correct.

Chairman Pane: Which goes to nowhere on that side of the street.

Kenneth Slater: That is correct.

Chairman Pane: That's a huge burden. I would want to know if that's really necessary. I'll open it up to the other Commissioners, anybody else have anything?

Commissioner Havens: One thing I noticed, that it's actually an old business, but since we were talking about the ground water, you know that the property had been the subject of a long standing environmental remediation. Having not been on the team that long ago, how bad was the contamination, what's the status of it now, will the construction further, you know, make it better, or in any case, make it worse before they start building anything?

Chairman Pane: I'll ask the applicant to address that.

Kenneth Slater: I reviewed, just like you review a legal opinion, the last page first and then you can read the rest of it. The same thing is true about the final environmental report and the good news, it was certified by licensed environmental professionals under the standards, the cleanup standards that it is fully in compliance. With those standards the work that we're doing, if there was any excavation of any soil that was contaminated, to be in compliance there was, would an obligation to dispose of that, in that way, which would make the site better because currently it's fully compliant if no one does anything. So with the construction, if anything, it will make it better if they do encounter any soils that they have to deal with, but the work that they're proposing is consistent with the approvals that were issued. An official environmental professional can sign off on them, so they're in full compliance and there just has to be some additional monitoring and frankly I don't think the work makes any difference at all based on what has happened before, but best case, it's going to improve rather than make it worse.

Chairman Pane: Thank you very much.

Commissioner Claffey: I would agree with Chairman Pane on the sidewalk process. There's no sidewalk there currently, it's an undue burden on those people who are making a vast improvement. That's all.

Chairman Pane: Thank you. Any other Commissioner?

Commissioner Lenares: Just to echo what we've been talking about, I think the including of a sidewalk is useless if it's not going anywhere. That's a burden on the applicant. I'm totally against that. Also, what Attorney Slater said, brought up about Target, I thought it was a pretty good reference point even though we really didn't get into it. I'd hate to see the applicant get "stuck" but that Target reference was good because it allowed that line to come into play or not come into play, and obviously I don't think it does based on some other properties that we have in town. So, if any of the Commissioners are stuck on that, and they feel that a further explanation by Attorney Slater is needed, I think that could help anybody, and if not, no big deal, but Attorney Slater, I thought that was a good point.

Commissioner Sobieski: I think the thing is, we don't need a sidewalk on Hartford Avenue since it goes nowhere and it's an undue burden on the developer, and I also think that there is no issue with the 100 foot buffer, I just don't want him to get stuck with anything that is unduly cost prohibitive to him.

Chairman Pane: I suggest that we close Petition 17-20 and move it to Old Business.

Commissioner Claffey moved to close Petition 17-20 and move it to Old Business, seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

Kenneth Slater: I'd like to say one thing about this, because you have already closed it, and I'm not trying to curry favor on our application but I've participated in a lot of these meetings as town attorney and as an applicant and I just want to compliment you on how well you and your staff and doing, struggling through showing plans and people understanding what the plans are. So, thank you for letting us do it, but I just wanted to take a minute to tell you that you are doing a great job of using this particular platform. Thank you.

Chairman Pane: Thank you Attorney Slater. I appreciate it.

- B. Petition 18-20: Fireworks Tent Sale (Section 3.23..B) at 3164 Berlin Turnpike, Phantom Fireworks Eastern Region LLC, Applicant; Newington VF LLC, Owner, Joshua Nielson, 59 East Street, Vernon, CT. Contact.

Chairman Pane: I believe this was all done last year, but I'll have Craig give us a report on this.

Craig Minor: As the Chairman said, this is a repeat from last year. It's the same location as last year and I did not receive any complaints or problems with it last year. I ran it by the Fire Marshal earlier this week or last week, and he has no objections to the location, so I believe Mr. Nielsen is in the room to speak to this.

John Nielson: Yes, thank you. As the Planner said, it's going to be in the same location as last year, on the turnpike, by Staples. Everything is going to remain the same, it's going to be a 20 x 30 tent and we are going to be open this year from June 24<sup>th</sup>, to July 4<sup>th</sup>, so actually one day less this year. Same product, same assortment of everything that is legal in Connecticut.

Chairman Pane: Thank you. Could you address for the Commission, were you planning on putting any signs up because you are set back from the road just so that we get it on the record, so that everyone knows what you are doing.

John Nielson: I had submitted to Andrew the information on the signs, we will have two signs attached to the tent, that's all we will have for signage.

Chairman Pane: Any questions from the Commissioners? If there are none, I'll entertain that we should move on.

Commissioner Sobieski moved to move Petition 18-20 to Old Business. The motion was seconded by Commissioner Claffey. The vote was unanimously in favor of the motion, with seven voting YEA.

**I. OLD BUSINESS**

Petition 18-20

Fireworks Tent Sale (Section 3.23.1.B) at 3164 Berlin Turnpike  
Phantom Fireworks Eastern Region LLC, applicant; Newington VF LLC, owner  
Joshua Nielson, 59 East Street, Vernon, CT, contact

Commissioner Claffey moved to approve Petition 18-20: Fireworks Tent Sale (Section 3.23.1.B) at 3164 Berlin Turnpike. Phantom Fireworks Eastern Region LLC, applicant, Newington VF, LLC, owner; Joshua Nielsen, 59 East Street, Vernon, CT contact.

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

Chairman Pane: Craig, do you have motions for Petition 17-20 and Petition 16-20?

Craig Minor: No, I don't have motions for the special permit or the site plan. It went more quickly than I thought.

Chairman Pane: Okay.

Craig Minor: I can say that the special permit could be, I would recommend that it be approved with no conditions because I didn't hear any conditions coming out of that. I didn't hear any concerns from the Commission that would result in a condition for approval as far as the gas station itself. I recommend approval subject to the applicants addressing the town engineer's comments.

Chairman Pane: If we approve that, based on the May 27<sup>th</sup> letter, does the applicant have a problem with that?

Kenneth Slater: Brandon, are you still here, because he is the one who spoke directly with the town engineer. My guess is that that is evolved so if the condition is to come to satisfy the concerns of the town engineer, with the exception of the 100 foot distance and the exception of the sidewalk that you have already touched on, I think we are okay with that, rather than tied to the specific report, so just be satisfied the concerns that have been addressed Brandon, if you are still on.

Brandon Handfield: I'm still on, and that's accurate. Everything on that list can be addressed with minor revisions and plan changes except for the sidewalk and setback issues which were resolved at the meeting tonight.

Chairman Pane: So the sidewalk is a comment number?

Brandon Handfield: Comment 2.

Chairman Pane: Okay, and what was the other problem?

Kenneth Slater: It's the 100 foot setback, whether or not that would have required moving the entrance.

Brandon Handfield: Comment 7

Chairman Pane: Okay, so basically you would, Attorney Slater, you would agree to comply with the May 27, 2020 letter from the town engineer with the deletion of numbers two and seven.

Kenneth Slater: That is correct.

Chairman Pane: Thank you. Commissioner Claffey, could you draft a motion for Petition 17-20, Site Plan Approval?

Commissioner Claffey: The only question I have is, with what we just said to minus from the main letter, how will that affect the application if it will affect the April 29 letter dated in the packet?

Craig Minor: I think if you approve it, subject to the May 27, 2020 letter minus the items, that would be fine.

Commissioner Claffey: Let me ask you this Mr. Planner, do the items in your April 29<sup>th</sup> report have any bearing on anything?

Craig Minor: Let me pull that report out. I've already addressed those issues.

Commissioner Claffey: I can make a motion based on Petition 17-20 removing the two items in the date of the letter, basically is what you're asking Domenic, right?

Chairman Pane: That's correct

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, Contact

Commissioner Moved to approve 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, Contact to meet the requirements of the May 27, 2020 letter in regards to the Town of Newington's engineer's requirement list of items, but to retract and remove item number 2, to provide concrete sidewalks along Hartford Avenue and retract item seven regarding the 100 foot distance.

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

Chairman Pane: Very good, the next petition is Petition 16-20, if you could do the same thing, but with no conditions.

Petition 16-20

Special Permit Section 6.11: Service, Sale, Repair, Rental or Storage of Motor Vehicles for a Gas Station/Convenience Store  
4 Hartford Avenue  
Diyala LLC, Applicant, Newington Gas Distributors LLC Owner  
Jawa Shalo, 3 Bucks Crossing, Cromwell, CT, Contact

Commissioner Claffey moved to approve Petition 16-20 Special Permit Section 6.11: Service, Sale, Repair, Rental or Storage of Motor Vehicles for a Gas Station/Convenience Store 4 Hartford Avenue

Diyala LLC, Applicant, Newington Gas Distributors LLC Owner Jawa Shalo, 3 Bucks Crossing, Cromwell, CT, Contact

Conditions:

None

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

Chairman Pane: I congratulate the attorney and the owners and we're looking forward to having you build something really nice there.

- C. Petition 06-20: Subdivision Amendment (Sec. 3.7: Drainage and Storm Water Improvements) regarding LID in residential subdivisions Newington TPZ Applicant.

Commissioner Claffey moved to withdraw Petition 06-20: Subdivision Amendment (Sec. 3.7: Drainage and Storm Water Improvements) regarding LID in residential subdivisions, Newington TPZ, applicant. The motion was seconded by Commissioner Sobieski.

Chairman Pane: Does everybody understand why we're removing this, with drawing this because instead of modifying the LID re discussed removing them all together. Any comments or questions?

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

- D. Petition 9-20: Zoning Text Amendment (Sec. 6.15) regarding LID Stormwater Management at existing developments, Newington TPZ Applicant.

Commissioner Claffey moved to withdraw Petition 09-20: Zoning Text Amendment (Sec. 6:15) regarding LID Stormwater Management at Existing Developments. Newington TPZ Applicant. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

## **II. PETITIONS FOR SCHEDULING**

Craig Minor: We actually received one today but it arrived too late to get on the agenda. I'll have it for you at the next meeting.

## **III. TOWN PLANNER REPORT**

Craig Minor: The first issue was the outdoor restaurant seating we have not received or approved any more outdoor seating since May 27<sup>th</sup>. Subway at 3119 Berlin Turnpike is still pending since we told them that the green next to the Berlin Turnpike was unsafe. We gave them some alternative locations, but we have not heard back from them. I mentioned that Stew Leonard's had asked to put some tables out in front. I went out there and I met with the gentleman, but I haven't heard from him so I don't know if it happened or if he is still thinking about it. That's it, I haven't had any requests since May 27<sup>th</sup>.

Chairman Pane: I just want to congratulate you and all of the town staff. We really got right on top of this. I just noticed that in West Hartford, they just started putting out the protection for the restaurants and I just think that we really stepped it up, the whole Commission stepped it up along with the staff, with the

highway department and everybody to act on this extremely fast for the restaurants, and I think that they really appreciated it. It was that we gave them an opportunity to start their businesses ASAP and by doing it with the staff level, and I appreciate everybody's understanding to get that accomplished.

Craig Minor: On the POCD, a quick update, again the public area has been scheduled for July 22, we went copies of the plan to the Town Council and they received it last week, they physically had it at their meeting last night, but at that point they had only had it for a few days, so there weren't really any comments on it. They have a number of things they can do, they can hold their own public hearing on it, if they wish, and then submit those comments to TPC, they can discuss it and take no action on it, ideally they will look at it, they'll like it and they will send favorable comments to the Commission.

If there are parts of it that they don't like, and they specifically say so, then those portions of the POCD, they would have to be approved by a two thirds vote of the Commission, but I don't see that happening.

Chairman Pane: I have one concern on this, this is the meeting scheduled for virtual zoom and I think this is just too important and I'm wondering whether the other Commissioners think we can put this off a little while until we can have an actual public meeting, and what their thoughts are on that. I'll open it up for discussion.

Commissioner Claffey: We can push it out for now, after we hear what the Governor says for the next phase of opening and opening not just businesses but opening public spaces, and I would be in favor of maybe pushing this out to a date in August, but I would hate to have someone cancel their vacation just to come in and talk about this. Maybe we should see if there are any constraints to pushing this out to September.

My other concern is, has CCROG reviewed this, or anyone to get their opinion on what this looks like, or any independent, other than the consultant working on this?

Craig Minor: Yes, CCROG is required to review it and it's been referred to CCROG. We have sent them a copy. I will contact CCROG and ask them if we can expect comments from them. I think I know what their comments will be, that's it's consistent with everything, but I'll reach out and ask them.

Chairman Pane: Any other Commissioners have a concern about having this public hearing virtual zoom and would you be interested in delaying it, and then the other concern is CCROG. Do we have any, you know, according to Glenn, how much time do we have. I know he's trying to get this completed by a certain date, but....

Craig Minor: Right now it's on track to have the public hearing on July 22<sup>nd</sup>, and I'm assuming that you're going to hear things at the public hearing that is going to want to make you go back and then make some more amendments, and so that it will require another meeting after the hearing before you actually adopt, which will be then in early August. That's pretty much the deadline to adopt this, and that's with the Coven-19 extra 90 days that we got from the Governor now. If you go beyond the deadline and I would have said this even before if we were back in the normal era, and you're going to miss your deadline, the penalty for not updating your plan in a timely manner is, I want to call it a slap on the wrist, but it doesn't have a lot of teeth if you're planning, if you're out of date and you apply for a discretionary state grant, your application for that grant would have to contain a letter from your mother, as I call it, from the manager or the Mayor explaining why you missed your deadline and begging the state to not hold it again us and still approve the grant, but there really aren't any consequences to missing the deadline.

Chairman Pane: Okay. Under the circumstances, because this is such an important document, if the Commissioners agree then we could probably extend it, but I wouldn't want to do it just on my opinion, how do the other Commissioners feel about this?

Commissioner Sobieski: As far as I'm concerned, we should probably extend it a little bit. See how it goes.

Commissioner Fox: I agree, I don't think, it makes it tight, but to bring up something as important as this, the entire town should participate if they wish. So I would, I would suggest we delay.

Commissioner Woods: The only problem with delaying it is, I think it's indefinite. I don't see us coming together as a large group for still quite a while. So how far do you want to push this off? It's September, October, November, then we're right back probably into the seasonal flu again. As much as I want to have the public input and have them participate, I don't see a gathering of 50-75 people in our town hall in the near future. Maybe I'm wrong, but I just don't see that happening.

Chairman Pane: Craig, if we hold this for the July 22, we go ahead with this, is there anything that says that if, say the end of July we find out that things loosen up and we could have more people in a meeting, couldn't we hold the second one. If we find that the performance on the zoom meeting wasn't very good?

Craig Minor: Sure, what you could do is convene the zoom meeting on July 22 and if you notice there are only three or four people in the room then keep the meeting open and have it for real in person if they open up.

Chairman Pane: I think maybe we can do that. I think maybe Commissioner Woods is correct, that we should probably still have the zoom, and then we'll take it from there. If we have to adjust things we could always add an extra public meeting in person if the circumstances allow it, but I agree with the Commissioner we wouldn't want to delay this for too long. Do any other Commissioners have any comments?

Craig Minor: Just an update on the zoning regulations that I'm working on with Andre, the personal business amendment, and the commercial vehicle amendment. Andrew and I are working on that, and we'll have something for you at the next meeting.

Chairman Pane: And then you're going to also give the Commission a list of all outstanding performance bond, you're going to work on that too?

**IV. COMMUNICATIONS**

None

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

None

**VI. REMARKS BY COMMISSIONERS**

Commissioner Gill: I thought we were going to wait until we could meet together on this, in regards to the personal business and commercial vehicles.

Chairman Pane: This is going to take a little while and he's going to work and present us with something and then we'll probably leave it open for several meetings so that we get it right.

Commissioner Gill: Thank you.

Commissioner Woods: Question for the Planner, do we know what's going on the bond that was returned to the development behind Walgreens, it appear nothing has been done. I don't know if you can give us an update, if you have an update.

Chairman Pane: Do you have an update on the Deming Farm development where we returned the money from the bond? Can you have that for the next meeting?

Craig Minor: I can do that.

Chairman Pane: I think it's important to find out what the status is there, whether or not they're going to replace the road or not, they got the money, and it was supposedly very important to them so I think the Commissioners should get an update on that.

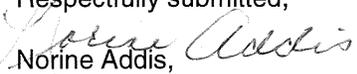
**VII. CLOSING REMARKS BY THE CHAIRMAN**

None

**VIII. ADJOURN**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned.

Respectfully submitted,

  
Norine Addis,  
Recording Secretary