

NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 13, 2021

Regular Meeting

Chairman Domenic Pane called the January 13, 2021 regular Zoom meeting to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

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

Commissioners Present

Chairman Domenic Pane  
Commissioner Anthony Claffey  
Commissioner Michael Fox  
Commissioner Garrett Havens  
Commissioner David Lenares  
Commissioner Stanley Sobieski  
Commissioner Stephen Woods  
Commissioner Hyman Braverman-A  
Commissioner Thomas Gill-A  
Commissioner Bryan Haggerty-A

Commissioners Absent

None

Staff Present

Renata Bertotti, Town Planner  
Eric Hinckley, Asst Town Planner, Zoning Enforcement Officer

III. **APPROVAL OF AGENDA**

Chairman Pane: Are there any changes to the agenda?

Renata Bertotti: 8-24 Referral for a gift of land to the Town of Newington at 70 Culver Street, Petition 2-21. If we can add a new item under New Business, if we can issue it under New Business tonight, that would be great.

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

None

V. **ZONING ENFORCEMENT OFFICER REPORT**

Chairman Pane: Before we get into the report, Mr. Hinckley is here with us, I just want to make sure that we touch upon it a little bit. I want to make sure that Mr. Hinckley doesn't get the wrong impression from us. I think, moving forward and I think the Commission should talk about this, is that, unless there is a real safety concern, I wouldn't be bothering some of these businesses for some of these violations with what is going on with how well the businesses are doing. I just think that it is a time, and maybe Mr. Hinckley you, am I correct, that is how you are proceeding or have been directed by proceed.

Eric Hinckley: Yes, the Town Manager, especially with signs, wants the give the businesses every opportunity they can get to enhance their business, etc., and to keep them viable for the foreseeable future while we are going through these issues.

Chairman Pane: Thank you very much, and I think the majority of the, I think everybody on the Commission agrees with that. I'll open it up to the Commission to see if they have any questions for Mr. Hinckley on what he has reported, or questions or comments on what we have been discussing.

Commissioner Claffey: My question, I was a proponent, some of these things are safety issues, that's the only concern I have concerning in ground banners, is they are a safety issue for cars, fine if you are out and about. Other than that, I'll just go on the direction of our Town Manager. I have a couple of questions on the report. I don't know how we are doing it, maybe it should be discussed, but I'm going to use one for example, 260 Stamm Road, it's on page 3 of 4, it's purely for an example, but it has some good meat to it. How are we handling, and I know this report is not generated, I mean, it's generated by Eric, but it's not, it's a system. The system I think I have a problem with, like if you look at 260 Stamm Road, we were out, we looked, we gave him an extension and from looking at the report, to me, the last contact you had with them was back on the fourth of December. We're at the thirty day, and it seems like, is there any way to get like what the update is, say within a week of our meeting so we kind of have some more meat to it? Like to me, if I just look at some of these dates, it's like the beginning of December, the middle of December, just that monthly thing brought up to within.....

Eric Hinckley: That's the way, it's a monthly report. The first thru the 30<sup>th</sup>, so yes, when you get it, you are missing some information because they have to post it on the web site, so it gets run on the last day of the month and posted and it gets put into the agenda packet and everything else because once we put it in the agenda packet there could still be information that you might be missing like three or four days out.

Commissioner Claffey: I just used, maybe Stamm Road is not a good example, because it seems like it is a little more in legality status now.

Eric Hinckley: I can tell you, there are about three or four more entries for that, and they actually, on the agenda I believe they have applied for an auto use permit going forward. So it's a work in progress.

Renata Bertotti: If I may, try to answer this in a more general sense than this specific situation. When we do enforcement we always allow a certain amount of time for compliance, so when the first visit happens, then we give them, depending on the violation, so many days to comply. If they don't, we issue a notice of violation which I believe is seven or ten days to comply, and then after that there is a cease and desist citation, and all of it comes with a specific time. Once you give somebody ten days to comply, if the meeting happens in between, normally the Zoning Officer would not be going out there during that time period, but the idea behind all enforcement is, and this is my firm belief, being that I started this career with the enforcement to begin with, is if we do not follow through we better not even begin because we are definitely sending a wrong message. So, once we start, we do follow through and I will make sure that continues. It's just a matter of where in the process we are.

Commissioner Claffey: I guess I asked that because there are some properties that I have to assume, on a monthly report, never get reported to us that they have been finalized. I brought this up prior to both of you being here in our town, but I know that there are violations that kind go off this list without us seeing them, because if you completed, sometimes, would it make the list? It seems like the lag date time is what throws me off with like, 366 Maple Hill Avenue, like when would be the next time you would be going out there to inspect it if you granted an extension. Would you go out on the fifth, it doesn't say anything to us, you granted an extension for what?

Eric Hinckley: Understood, and yes, I have been out there since, and some of these are going to fall off, if I go next week in January, you will see it on the January report that I was there, and I did XYZ, so it will be there.

Chairman Pane: Are there any other questions or comments from the other Commissioners concerning the Zoning Enforcement?

Eric Hinckley: Domenic, if I may, I do have a letter here from a business owner that they wanted me to read tonight if I could? This is from Barbara Parfatti at 3320 Berlin Turnpike. She did remove her waiver when I asked her to. "To Town Planning and Zoning, to whom it may concern: Friday, December 11<sup>th</sup> I received a phone from Eric Hinckley from this department informing me that I had to take down the waiving flag. I understand that all towns have rules that they have to abide by, for safety and driving distinctions or for other various reasons. However, I am asking if there can be an exception made. My business is set far back from the road with a long driveway. All of my existing clients and new clients use that waving flag as a landmark to find my salon. They have all thanked me for putting it up, and thank God it's there because they said they would have missed the turn. Times are hard enough these days with one more thing holding businesses like mine holding back. On behalf of my business neighbors and myself, I am asking you to please make an exception and allow us to keep the flag and signs on the side of the road. Our business is suffering now due to Covid and the shutdowns, and can't afford to suffer even further. Please consider my request, thank you for your consideration.

Chairman Pane: I have no problem with that, as a matter of fact, I think you should go back to the owner and anybody else that you have asked to remove those flags and tell them that they can put them back out. I have no objection with it, but I would like to hear from the other Commissioners to make sure that they have no objection.

Commissioner Woods: I have no objection Mr. Chairman, I think that is a great idea. Especially after the report that Renata gave us last month on the possibility of how many businesses we could possibly lose. That is scary. So I think we need to bend over backwards at this point.

Commissioner Fox: I have no objection as long as there is no safety hazard involved and it's not in the right of way. I think with Refletions, it's not going to do anything.

Eric Hinckley: The ones that are put back, I'll make sure they are a little more behind the curb. I won't let them put the A-frames right out on the side of the road, but the waivers, they can put those back up.

Chairman Pane: Okay, even the A-frames, as long as they are not creating a sight line problem or a hazardous situation, I have no problems.

Commissioner Lenares: I was just going to echo what you just said. I understand that the regulations are in place, and I understand the times that we are having, so I feel for you Eric, but it's good business to do what we are doing. The right of way thing, I understand it, I'm behind it and I applaud the regulation, but if it is a sight line violation, that's a big difference, so to help these businesses, I don't envy your job at all, but I appreciate what you are doing to help the businesses out, so I think that is great.

Chairman Pane: There are a handful that you have to go back to, right?

Eric Hinckley: The ones that I touched base with, I will definitely go back.

Chairman Pane: Just tell them that they may be illegal, but you can keep them up.

Commissioner Claffey: I guess my only concern is, the ones that are in the right of way, are we asking them, if they are in the right of way, move them off the right of way, but again, I'm going to revert back to the DOT right of way requirements, and we really need to know, we as a town come in and say, yeah, you can put it, then he moves it five feet back and then the state comes along and rips it out, so I think we still, but I think we really need to get in contact with the state DOT right of way people and just confirm that we are deviating from what we have on the record. Nothing to do with the business, but I'd hate for them to move it, then the DOT comes through and takes it and then they are calling Eric, you just told me to move it, now it's gone.

Chairman Pane: Point well taken Commissioner Claffey. I'll have Mr. Hinckley can communicate with the DOT and inform them that we are not enforcing anything due to the Covid

and actually if the businesses put something out there, as long as they know that we don't take it. Rather than having the Zoning Officer and whose job is really to enforce zoning regulations, we are going to be reaching out to all of the businesses, and I will start with the ones that Eric has notified, and I will tell them that at this time that the Town has decided not to enforce that. So it kind of alleviates us for having some liability outside of what we would have wanted. So let me actually inform them, and then as far as the state goes, if they are enforcing within their right of way, that is their decision to do.

Chairman Pane: I think the State has more important things to worry about right now than a few signs in the right of way.

Commissioner Sobieski: My suggestion is, District One, Kevin Campbell, he is the one that orders that the signs be removed, just tell him what you are doing, get some kind of okay from him, that is all you really need.

Chairman Pane: Renata can handle that with the Zoning Enforcement Officer. I think it's fantastic that the staff is reaching out to all of the businesses, I think that is an excellent idea. We need to do whatever we can to help the businesses in the town.

**VI. REMARKS BY COMMISSIONERS**

None

**VII. PUBLIC HEARING**

- A. Petition 39-20: Zoning Test Amendment (Section 3.19.A.4: Transit Orientated Development (TOD overlay district) to provide height, area and yard requirements for TOD Zone. Fenn Road Associates, LLC, Applicant/Owner: Mark S. Shipman, 433 S. Main Street, Ste. 319, West Hartford CT, Contact

Chairman Pane: The applicant, Attorney Shipman, is he on?

Attorney Shipman: I represent the Fenn Road Associates, LLC who have requested a text change, originally he asked for changes to the height, area and yard requirement and after a discussion with staff, we indicated that we would be happy to limit that to just area restrictions, to reduce the area requirements to the same of those in the B-BT Zone. The purpose of that we think is consistent with your Plan of Conservation and Development and the needs of the Town to create more opportunities within the TOD zone by making the area required for businesses be less than an acre that is now the hallmark. We, in my discussion with the Planner we could cite to you the variants of the Plan of Conservation and Development. The Plan, under strategies suggests that you want to maintain strength and strengthen the existing town center, establish transit oriented (inaudible) where transit stations have been established and enhance and improve the quality of development at major commercial gateways, Cedar-Fenn being one

of them. Consistency with the state plan and concentrate and develop transit sites along major transportation corridors to support the viability of transportation options and land issues. There is a finding there that two new transit stations are envisioned in Newington and recommend the establishment of development. Finally, the implementation suggested that land use regulations, the zoning and subdivision regulations reflect and implement plan recommendations. The Commission should undertake a review of those regulations in the near future and make whatever revisions are necessary to implement the plan recommendations. The Plan should be used by the Town Plan and Zoning Commission when it makes decisions on zoning amendment, map changes, setting density standards, (inaudible) use and building lot criteria. As far as we are concerned, these provisions made it clear that Newington is counting on the transit orientated development to enhance and continue future growth. The revisions that we suggest maximize the opportunity to promote in the TOD zone. That is what the proposed change seeks to do, and to maximize the area that can be developed in that zone. I don't think it requires a lot more discretion, it is self explanatory. An acre in these area, which are small development areas is a large plot of land. The applicant is in the process of proposing a mixed use development in connection with his sites, which will enhance both the tax case and opportunities within the Town. Thank you.

Chairman Pane: Thank you very much Attorney Shipman. I appreciate you comments and at this time I'm going to turn it over to our Town Planner to give her staff report on this.

Renata Bertotti: As Attorney Shipman indicated, when this regulation amendment was first discussed this was what we had thought of, myself included, because I did meet with the applicant and we discussed how this proposal should be submitted. I will admit, this was the first week when I worked in the Town, so I wasn't very familiar with the requirements of the Berlin Turnpike zone, but, so after the application was submitted, and we conducted the review, I realized that, in my opinion reducing the size of the lot area is very compatible with the TOD zoning district.

To some extend we should at some point look at the requirements of the PD Zone itself when it comes to the minimum lot size because it may be more than perhaps the zoning district intended to do to begin with, but more certainly with TOD, the point of TOD is to allow perhaps more intense development in a compact kind of setting, so reducing the lot area absolutely makes sense. However I did note, in my opinion, reducing, by marrying this to the Berlin Turnpike it would also reduce the allowed building height which that would not make sense for the TOD. As well as the frontage size would increase, and that also is not consistent, at least not in my opinion, for the TOD zone. Now, in order for the applicants to accommodate the development that they have planned for this property, they do not, they don't care, in part, either height or the frontage. To them, it's good either way. I just think, for us, when you review the regulations, it makes sense to consider what the TOD is about, and therefore I recommend in my draft motion that you exclude anything in regards to the change in the allowed height in the building or allowed frontage for the lots, and just simply approve the reduction of the lot area in the TOD District.

Chairman Pane: And that all works for the applicant, correct Renata?

Renata Bertotti: It's my understanding that it does.

Chairman Pane: Are there any questions from the other Commissioners on this for the Town Planner or for the Applicant?

Commissioner Sobieski: A couple of questions, we're basing the lot reduction size on the fact that people are going to be using the bus, am I correct?

Renata: No, we are basing the reduced lot area based on the fact that the purpose of the TOD zoning district calls for a development of a more dense, compact development so you do not physically need a large lot in order to accommodate parking and building, and all of this other stuff. It's all meant to be more compact development of a higher density.

Commissioner Sobieski: Okay, so my question is people are going to use the busway and go to whatever is going to be built there, where are they going to park?

Renata Bertotti: We do have requirements for parking in the TOD District too, so the requirements for parking do not change based on the size of the lot.

Commissioner Sobieski: The other question, are there going to be sidewalks on that side of the road?

Chairman Pane: Sidewalks are part of a site plan issue at a later date. Correct Renata?

Renata Bertotti: Yes Mr. Chair, this is just a regulation amendment proposal. For all that it's worth, anywhere we, in the future, apply the TOD regulation, this would also apply, so this is not specific to this particular development, this particular site. It is a matter of, does this meet our POCD, does it meet the purpose of the zoning regulation for that district, and does it make sense. Those are the three things that you are looking at right now.

Commissioner Sobieski: I understand, I was just concerned, that's all.

Chairman Pane: Thank you. I would be concerned about that too. Later on when a site plan comes in, we will make sure that there are adequate sidewalks.

Commissioner Sobieski: The other thing, I was at Starbucks the other day and the line was wrapped all the way around Fenn Road, so we may have a traffic issue at some point.

Chairman Pane: Okay, Thank you. Do any other Commissioners have any questions?

Commissioner Claffey: One question, I'm reading the comments and how it coincides back to the reference like commercial corridors and the Berlin Turnpike, are there any other areas outside of this specific location in town where we go ahead and make this change here that it

can come and be useful or beneficial or the reverse of useful and beneficial to other development in town, in different zones, all the commercial, industrial, all, you know, everything. Can it hurt, or help?

Renata Bertotti: This amendment only applies to the TOD area. Right now, as far as I know, the only area that has this overlay is the area that you are all talking about, by Starbucks and the bus station, and that. If the TOD overlay was to be located as an overlay zone elsewhere this would also apply. Further I think, in further discussions we should also look at the PD Zone and perhaps some other zoning districts and evaluation whether our lot area requirements are too high, but that would be a separate kind of an issue.

Commissioner Claffey: I just wanted to make sure, I was reading though your thing and I agree with what you are saying, I just want to make sure we're not confusing other Commissioners or if there are any other questions, that this is specific to that section of town, and in the future we may need to review other areas that could be beneficial by doing what we are doing over in this section of town.

Chairman Pane: Thank you Renata for answering his question. Are there any other questions from the Commissioners? If there are no other questions, I'm going to open it up for the public. If there is anybody from the public that would like to speak in favor of this? Or against?

James Krupienski: No one is responding if they are interested in speaking at this time.

Chairman Pane: Okay. I'll go back to the applicant to find out if there is anything else that he would like to add?

Attorney Shipman: No, the only thing, in respect to the last question, what we are really doing here is making the TOD zone consistent with other business zones in the community. It's unusual now and this will make it consistent with other areas where you are looking to have businesses.

Chairman Pane: Thank you Attorney Shipman.

Renata Bertotti: If I may add also, because I forgot to do that, this text amendment was referred to CRCOG, and we sent notifications to New Britain. We haven't heard anything from New Britain, and CRCOG did not have any concerns with regards to the application.

Chairman Pane: Thank you. I think this is going to be an asset to the TOD area, and I would suggest somebody making a motion to close 39-20 and move it to Old Business for action.

Commissioner Claffey moved to close Petition 39-20 this evening and push it to Old Business to act on it tonight. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.



- B. Petition 41-20: Special Permit (Section 6.6: Sale of Alcoholic Beverages; Trans Berlin Corporation, Owner, Rene Lopez, 2434 Berlin Turnpike, Newington CT, Applicant/contact.

Chairman Pane: If the applicant could state their name and address for the record, and give us a small presentation? Renata, would you like to fill the Commissioners in on this?

Renata Bertotti: I can. As you can see, this application was handled by Eric Hinckley in my office. The proposal is essentially to allow sales of alcoholic beverages in an existing restaurant which is the restaurant in the Plaza on the Berlin Turnpike at 2434. It's a long one story I believe building with a bunch of store fronts, this restaurant being one of them. Our regulations require a special permit for liquor permit and this is one of those examples where we feel that this is essentially a no brainer to be approved. It meets all of the distance requirements that are specific in our regulations for the sale of liquor because we have some specific requirements for this use itself and then we also have a general section that lists a bunch of criteria for the Commission to review when it comes to any special permit.

In our opinion it meets all of the specific as well as the general criteria. If you agree with us, that will be great, if you have any questions you are welcome to ask them, but again, this is a pretty straight forward kind of a use in a commercial building on the Berlin Turnpike and there are no distance issues here.

Chairman Pane: Thank you Renata. This is in the O'Neil Plaza building.

Commissioner Claffey: The only question I have is Petition 41-20, the owner is, of Trans Berlin is Thomas O'Neil, we just need to make sure it is written properly, as owner of the property and she is Rene Lopez as a tenant and the applicant. It's read in, just working has to be done on the petition.

Renata Bertotti: I believe we have addressed that, we have reached out and have received a letter from the owner authorizing the applicant to apply.

Eric Hinckley: The owner did sign the application.

Commissioner Claffey: Okay, thank you.

Chairman Pane: Any other questions from the Commissioner? Pretty straight forward. Would the applicant like to say something? Do you have anything else you would like to add?

Rene Lopez: No, just appreciate you hearing this.

Chairman Pane: We have a new business, how long have you been there?

Rene Lopez: Almost a year.

Chairman Pane: Is there anyone from the public that would like to speak, either in favor of against this?

Renata, is this a full liquor, or is it beer and wine?

Renata Bertotti: Yes, just beer and wine.

Chairman Pane; Thank you.

Renata Bertotti: I will just add, there are no changes that are indicated to either their hours of operation or anything with regards to the exterior of that building. So, we are just allowing them essentially to sell beverages, liquor in the restaurant.

Chairman Pane: Very good. Seeing that there is no public out there that wanted to speak, if there is no other comments or questions from the Commissioners, I'll entertain a motion to close this public hearing and move it to Old Business.

Commissioner Fox moved to close Petition 41-20 and move to Old Business for action tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

#### VIII. APPROVAL OF MINUTES

Commissioner Sobieski: I have a question on the minutes. On page 7, six paragraphs down, it should read, Berlin Turnpike varies from 250 and 300 feet, not 650. Most of the businesses would be in the state of right of way then.

Renata Bertotti: If Commissioner Sobieski could just repeat this, I did not .....

Chairman Pane: Yes, it's one, two, three, four, five six paragraphs down, where it says "Commissioner Sobieski, he says, on the second line, he says, the right of way on the Berlin Turnpike varies between 650 to 33 hundred, it should say 250 to 300.

Renata Bertotti: Okay, thank you.

Chairman Pane: I'll entertain a motion to approve, as amended.

Commissioner Sobieski moved to accept the minutes of the December 9, 2020 meeting, as amended. The motion was seconded by Commissioner Claffey. The vote was in favor of the motion, with six voting YEA and one abstention (Fox.)

Commissioner Sobieski moved to approve the minutes of the Special Meeting of December 9, 2020 seconded by Commissioner Claffey. The vote was in favor of the motion, with six voting YEA and one abstention (Fox.)

**IX. NEW BUSINESS**

- A. Petition 40-20: Site Plan modification at 50 Mill Street Extension, (New Meadow Elderly Housing, Elderly Housing Management Inc., Owner/Applicant Stephany Seguro 127 Washington Avenue, 5<sup>th</sup> floor, North Haven, CT contact.

Peter Parent: Good evening Mr. Chairman, Peter Parent of CHA Associates representing the applicant.

Chairman Pane: Maybe you could tell us a little bit about why you need the parking spaces and a little bit about the facility. Is it an assisted facility or just a, maybe you could tell us about the facility.

Peter Parent: The existing facility if the 32 unit elderly housing, it's not necessarily an assisted living facility. It's aged restricted housing, elderly housing, however you want to phrase it, but it is not an assisted living facility. Based on my visits there, it seems to be a pretty active senior community, hence the reason why they are in need of additional parking. The town regulations require a half a space per unit which only require about 16 spaces actually. Existing, they have 21 and they have a lot of issues with unavailability of parking which leads to people parking in places where they shouldn't, causing some safety issues. We are asking to add 8 additional parking spaces, four on the southwest corner of the existing parking lot, one in the northwest corner of the existing parking lot, and then 3 additional spaces off of the hammerhead turnaround from Wells Drive North. Those three spaces are envisioned to be staff parking or visitor parking and not general resident parking due to the additional travel distance around to get to these spots. So with the additional impervious area we did do some additional drainage work and in conversations with the Town Engineer, I was informed that you had recently repealed some of the LID regulations, so we may be re-tooling some of this drainage to meet the standard of the storm water manual but not necessarily try and force LID measures in where the soils don't necessarily support them.

Chairman Pane: What about the sidewalk area? Was that something that you felt necessary, or the owner felt necessary to correct, or was that a recommendation or.....

Peter Parent: In discussions with the owner, they indicated that delivery trucks and some of the larger vehicles have a little bit of trouble navigating that turn around and then making the double turn to make the corner, so we tried to soften that corner a little based on that discussion with them.

Chairman Pane: I've been over there, taken a good look at it, I've had a Commissioner talk to me and was extremely concerned with cutting into the existing buffer there at the end of the hammerhead. So that was a concern, and then my biggest concern was a tremendous underground work for just a few spaces. Seems awfully unnecessary. I personally think that you could easily gain five spaces over at the, over where you had four spaces and instead of

doing underground work, maybe just a permeable paving stone, and then three additional spaces if you make a small modification at the southern end of the hammerhead. That way none of that buffer area is disturbed. I'm going to open it up to the Commissioners and then make a recommendation to the staff.

Commissioner Claffey: One question I have is, is it at full capacity, the elderly housing, the 32 units?

Peter Parent: Yes, to my knowledge it is full.

Commissioner Claffey: Okay, and then, go ahead if someone else has a question.

Commissioner Sobieski: I have a question on the hammerhead, where you want to put your additional spaces, will that interfere with the town plowing in that area? That truck is going to take the south from the north and push it to the south.

Chairman Pane: I think they push everything to the north. They don't, I don't think they push anything to the south. I think they go in and they probably push it a little towards those parking spaces, so, yes, it's possible it could come in the way. I really don't recommend putting the parking spaces there, because the residents, half of the buffer gets destroyed, and I know the residents over in that area are going to be upset.

Commissioner Woods: Just a couple of questions and maybe one concern. That center island, while I understand why they want to do it, the traffic going around is probably coming up on it, but I would like to see some green space left. Maybe if they could take a third of it, reduce the size of the circle but still leave a planting bed or some green space in there, I think it would look much better, and I'm struggling also with the amount of underground drainage that is going to be required to pick up these eight spaces. I think there is something that we need to be able to do to work with this applicant to bring this into a more realistic project for them. My opinion.

Chairman Pane: Thank you Commissioner Woods. I agree with you. It seems like a lot of unnecessary work.

Commissioner Claffey: Going hand in hand with, my biggest concern is with the buffer. Those trees on the northeast corner of the building, that buffer pretty much goes from where, if you look at your plan, if you are looking at page 2, a clear look, the buffer there is one that I wish every developer would use as an example because it is buffered at a height, and the trees now have grown to their highest, they are pine trees, and when you come down Welles Drive, you see the building because they are tall pines, but you don't really know what is over there. Removing that buffer, you would be removing probably thirty feet, forty feet of trees, so that is a concern that I have, Another concern of being in that area, and I'll be point blank and clear, I live on Welles Drive, this doesn't affect me, yeah, I walk by it, and I see it, but the bigger problem is how, maybe from the management side, how they have grown, because there is a parking problem there, more recently it has come up, probably in the last month, I don't know if

it is Covid related, with more companions and home maker style people visiting the site, as you know, how things have changed and people get care now, so there are a lot of times on this site that the lot, the spots for the residents are never full. So, I don't know if it is just a staff problem, I mean, there is a parking issue in this whole area, unfortunately now these people are dealing with it but the biggest concern is, like Stanley says, where are you going to put the snow, because they put it at both ends of the hammerhead. There are multiple trucks that use that hammerhead, both town trucks and private trucks, so you know, it's a big concern with that hammerhead. I'm trying to understand how the hammerhead coincides with the property line.

Chairman Pane: It appears that it is on their property, the hammerhead. The Town must maintain it.

Commissioner Claffey: Okay, the plan doesn't look like there is a lot of green space, but to Commissioner Wood's point that center island, it looks nice now, I think they have a tree planted on it, they have been having some trees die over there, so, but it does have a lot of green space and you know, removing that center island, I side with Commissioner Woods. But again, I don't live there, I just walk through there. The buffer is the biggest issue I think, that I have and I know with site plan modification it doesn't go to the public but you will have some disgruntled residents I think.

Commissioner Woods: Just a comment on the snow. I understand the concern. The concern for snow storms is typically temporary, and when a storm comes, it is typically plowed, but almost always after the fact, loaders come in, and they can relocate the snow within the property limits, usually with no problem at all. They will find a spot, I wouldn't let that make up your mind one way or the other. The snow will be removed. There is enough green space on there within an hour or two, with a loader the day after a storm, it will definitely be placed in the right areas.

Commissioner Claffey: What I'm hearing is that the snow is not removed by the owner of the property.

Commissioner Woods: Again, the town comes in with their snow blowers and they blow and get rid of the snow in the town center and the town streets. I see at the last storm we had they were going up and down the streets to make sure it was all pushed back, so I think they can accommodate it. It shouldn't be a determining factor.

Commissioner Fox: I was just going to lend my voice to those who are worried about the buffer. But listening to Commissioner Woods, I have to agree with him, I don't think the snow will be that much of a problem, it's moved out right away, but as far as buffer, the trees, the vegetation, I have to agree with those points.

Chairman Pane: Do the Commissioners understand that instead of having the parking going where it is now on the hammerhead, if you turned it and you put it on the southern end of the

hammerhead there are some bollards there and then there is a sidewalk. There is room right there for three cars on the southern end, and that way you wouldn't have to cut into the buffer area. The buffer would remain untouched. Does everybody understand that?

Commissioner Claffey: Again from seeing two cars parked there for the past month, you could, you would have to make some modifications to, not to the, there would be some modifications to the buffer but not as much, but my concern is, that hammerhead is there for a reason, it's not there for parking.

Chairman Pane: I understand, we're just trying to help out. They need eight parking spaces, and I don't want this to cost them an arm and a leg with all of the underground work, but I also in the same respect I want to respect and protect the residents there, so I understand you comments that you don't want to cut into the buffer, so I think to move them on the southern end of the hammerhead, there is still plenty of room to make the turn and the trucks to make their turns, and it would be only a small modification to make it a little bit bigger.

Commissioner Claffey: When was the hammerhead put in? Five years ago, ten years ago, twenty years ago?

Chairman Pane: I'm not sure, why?

Commissioner Claffey: I don't know if there are any restrictions, I don't know this, that's why I'm asking the question, are there any restrictions on the use of that hammerhead that was agreed upon between the Town of Newington and the owners of said property, because the town has to gain access to their property to put it in.

Eric Hinckley: If I may, that hammerhead was installed when the unit was built, so there was site plan approval for that at some point in the past. The hammerhead was included on that.

Commissioner Sobieski: My question is, do the school buses go down Welles Drive North?

Commissioner Claffey: The only school bus that comes down Welles Drive, I've lived there for a year and a half, my kids go to school, Anna Reynolds and Martin Kellogg, the only school bus that comes down Welles Drive North is for handicapped children. The school bus stops for Anna Reynolds, for regular school buses at Main Street and Welles Drive.

Commissioner Sobieski: Is that the small mini-bus?

Commissioner Claffey: Yes, it's the mini-bus that comes down, turns around in there and then the only other trucks that turn around in there are garbage trucks and town plow trucks and occasionally one like UPS size. I've never seen an 18 wheeler down there. To Eric's point, I guess I would like to see some more info, how this was approved with the hammerhead. It just seems odd. It was a great time to put a hammerhead in, but I just want to

make sure there are no other restrictions against the hammerhead when the original site plan was approved. I assume that there is not, but if I assume, we might be wrong.

Chairman Pane: Okay, Thank you, point well taken. I have a question for the applicant. I would suspect that you don't necessarily want to put all this underground work in if you don't have to, is that correct.

Peter Parent: That's correct. We came tonight to get your input, but we're hoping to be able to submit a revised set of plans to the Town Engineer for review to reduce the amount of underground detention based on the feedback you provided on the LID requirements.

Chairman Pane: What I would like to propose is that Renata, work on this with staff, and before the, before any changes are made on the plan, try to come up with a different proposal to add the necessary spaces, possibly exploring three of them at the southern end of the hammerhead and Renata can check with the Town Manager and the Highway Department and make sure that the hammerhead is still large enough to accommodate the trucks that are necessary to go down there. Then Renata can speak with the Town Engineer and possibly talk to him about converting the pavement over to a permeable brick and maybe that will help. I have no problems with the sidewalk, I agree with Commissioner Woods that right now the island is just dirt, if there is a problem with tires going over it, I can understand maybe reducing the size of it a little, but I would like to see the middle of it planted with flowers possibly at different times. It's a beautiful asset for the front of the building there so I would ask the applicant to consider that, and work with the Town Planner to come back in two weeks with something that is a little bit more reasonable hopefully.

I'm going to go now to Renata, the Town Planner, because she hasn't spoken about this at all. And then I will go back to Commissioners comments.

Renata Bertotti: Mr. Chair, I really don't have too much to add. As designed right now, the application meets the site plan requirements. That being said, they designed this under the impression that we still had a LID regulations, which require a significant cost of installation of this underground drainage. The applicant should consider and I know that they had contacted the client and obviously they are going to be interested in that, and consider redesigning some of this to minimize any kind of runoff impact to a point to where they need you know, lesser if any improvements to the storm water drainage. As far as location of parking spaces, we can talk about that. They can consider what you had recommended. I agree that it would be nice to maintain some buffer if we can. However, that needs to kind of fit the operational needs as well as what you are talking about, so when they revise it, we will refer it out to all of the other departments for review and then we will see you next meeting.

Chairman Pane: Can we put some requirements on them not to change any maps, so we know exactly what we are doing. I don't want the applicant to go through any unnecessary expenses until we know exactly what the changes are going to be.

Renata Bertotti: They have to change maps in order for us to understand the impact.

Chairman Pane: I understand that, but until the Commission approves it, they can, sometimes you end up doing it more than once, I'm just trying to save them some money.

Renata Bertotti: We will work with them, we still if we can red line some stuff and the impact to the storm water that way. I'm not sure if that is possible or not.

Commissioner Claffey: My question is more for the Planner, Eric, I'd like to just get some more info when this was approved however many years ago, and if it's under any special permit because it seems like it's a little, I just want to make sure there is nothing underlying from when it was approved before. There is nothing in front of us, we don't require that, but again, I think it's an odd way to get to somewhere, to go out and about and come down through a neighborhood, to come in the back side of the property to get there.

Renata Bertotti: We can provide you that history.

Eric Hinckley: Now that I think about it, I think it's a leased parcel. I believe it is leased from the Town.

Commissioner Claffey: I think there is more to this than what we see, I just want to see it all out there because I know site plan modifications, we don't require a public hearing, so again, I'm just trying to cut all angles as a person who lives there as a resident and as Vice-Chairman of this Commission. I want to make sure our ducks are in a row as we approve things for our community. Thank you.

Chairman Pane: I'm sure staff will, and can run this by the Town Manager also and make sure that he doesn't foresee any problems and any other departments and get the best information for you. I just think that every time a small business had to come in and if they had to do all this work, they would be out of business for a lousy seven parking spaces, so I'm concerned about it. I hope that staff works with them and tried to make this seven or eight parking spaces as reasonable as possible. Are there any other comments from Commissioners?

Commissioner Gill: This is a lease piece of property?

Eric Hinckley: I believe that, yes, when I first started here maybe 14 years ago, they were developing that parcel and I believe it is leased, I believe it is a 99 year lease, don't hold me to that, I'd have to check.

Commissioner Gill: The land to the south, is there something going on with that in the future?

Eric Hinckley: Not that I'm aware of, that's owned by the Housing Authority. The open field.

Commissioner Gill: Just a thought, if it's a leased piece, possibly them getting more land and having more parking to the south.



Chairman Pane: I think the piece to the south is for future, a future project possibly, so we don't want to put some parking in the middle of that. I think we want to stay on the parcel that they are leasing from, right now. I think, if they are leasing it, they will check with the leasee, which is the town, and make sure that they have no objections to what is being done.

Commissioner Sobieski: I was going to make a suggestion, when they reconfigure where they are going to add the five spots to the west, maybe expand it a little bit more and start going around that angle there and you will probably get another three in there. You're probably looking at eight spots, so that would pick up the additional spots they need. I do agree with you Chairman Pane that we do need to put in, we need to limit it to put in rock because that, permeable pavement doesn't work, especially when you stand on it.

Chairman Pane: Thank you. Is everything clear with the applicant? Do you have any questions?

Peter Parent: No, I think we are good. I appreciate the input and we're happy to work with the Town Planner and the Town Engineer to get something that you folks will feel comfortable with.

Chairman Pane: Just trying to prevent any unnecessary expense and get you the necessary spots. Any other Commissioners have any questions?

Commissioner Lenares: I didn't want to echo or elongate this conversation but all of the Commissioners brought up some good points. Chairman Pane, what you had talked about was trying to obviously work with the applicant as much as you good in respect to the buffer and the residents I think is so important. I think all of the comments kind of echo those thoughts, and like you said, as far as the drainage is concerned, maybe it was because of the original LID requirements but why go through all of that, and if you can maintain that buffer for the residents that Commissioner Claffey had mentioned on Welles Drive North and allowing the parking, I think it is a multi-level interest going on here, but I think all can be captured by working with the applicant, and them working with the Town. It's almost an easy one to do as long as everyone is willing to cooperate.

Chairman Pane: Thank you very much Commissioner Lenares. I appreciate your comments Are there any other comments from any of the Commissioners?

Renata Bertotti: Mr. Chair, a matter of procedure. Does this Commission act to table items or do you just wait.....

Chairman Pane: It will move to Old Business at our next meeting.

Renata Bertotti: Okay, and then you will table it?

Chairman Pane: Well, I'm hoping next meeting we can get this resolved and we can vote on it at the next meeting.

Renata Bertotti: Okay.

Chairman Pane: So this will naturally, Petition 40-20 will go to Old Business for the next meeting and hopefully by next meeting you will have this all worked out with the Town Engineer, staff, Town Manager, everybody and you can present something to us, and we can look it over and hopefully all the Commissioners are happy with it, and then we can act on it, next meeting.

Petition 02-21: Referral under CGS 8-24 Acceptance of Donation of Approximately ten acres of Land located at 70 Culver Street.

Chairman Pane: This was referred to us from the Council. I'll have our Town Planner, Renata give us a report.

James Krupienski: Mr. Chairman, I'll be happy to handle that. Let me pull up the mapping for that. The family itself is looking to specifically donate ten, just over ten acres of land of open space area. The specific area itself, we're looking at an abutment of residential property all around. The site itself has a large amount of wetland area, so there is no proposal for any development and they family has requested that the property be left in perpetuity in its natural state, and we actually received a request through the Superintendent of Parks and Grounds if any park, trail systems were placed, he would request that language is included in there and agreed to by the family, that the trail system itself is handicapped accessible. The Council is planning on holding a public hearing on the 26<sup>th</sup> of January, just before your next meeting and hope that they would act on it by that meeting. So, at this point, I will leave it for the Commission to discuss and if you have any questions that I can answer, I'd be happy to do it.

Chairman Pane: Thank you very much James.

Commissioner Claffey: Can you zoom that picture out a little bit? So where is the, okay I see it.

James Krupienski: This whole parcel, let me go back to the main mapping. The entire parcel area is the parcel in question. We back up to the Apple Hill development as well as Candlewyck and Cambridge Drive. The parcel would be accessed directly off of Culver Street.

Commissioner Claffey: Okay, I know where Culver is, behind Lowes.

James Krupienski: It would be off of Deming, yes, Deming and Griswoldville.

Commissioner Fox: The only question I had was answered was answered in that the donors requested, actually demanded that the property stay as it is in perpetuity and so open space, no construction on it, that was my only concern.

Commissioner Woods: The question for the Town Clerk, I missed your comment about the walking trail, I only heard walking trails and handicapped accessible. Can you repeat that?

James Krupienski: Certainly can. The family upon their request to donate the land to the town has requested review of any changes to the site. Should we decide to add walking trails or anything of that type to it, they're first requesting that they be consulted about it, and then the Superintendent of Parks requested if we do go forward with that, that we make sure that they are handicapped accessible for access by anybody in the community.

Commissioner Woods: Then this question will probably go back to you, can they make that sort of request while giving a piece of property to the town? As long as it is accepted, it would be the town's, would that be like a stipulation.

James Krupienski: Correct, that is one of the two stipulations, the second stipulation that they have asked for is to name it the Halter Family Preserve as well, and that is something that we can address on the Council side.

Commissioner Woods: I'll just finish with, I think it's a wonderful gift, it looks like the Council is more than likely to accept it, and I don't think this Commission is going to have a problem with it and what a great way to pick up ten acres of open space in perpetuity. It's a wonderful gift and my thanks to the family. I hope the rest of the Commissioners will agree that this is definitely a project that we should move forward. Thank you.

Chairman Pane: You're welcome, and I agree with you. It is a wonderful gift from the family and it will make fantastic open space for the town.

## **X. OLD BUSINESS**

- A. Petition 39-20: Zoning Text Amendment Section 3.19.A.4 Transit Oriented Development (TOD Overlay District) to provide Height, Area and Yard Requirements for TOD Zone. Fenn Road Associates LLC., Applicant/Owner, Mark S. Shipman 433 S. Main Street, #319 West Hartford, CT, contact

Commissioner Gavens moved to approve Petition 39-20 the proposed amendment to the zoning regulations to reduce the minimum required lot area to 20,000 square feet and

### **WITH THE MODIFICATIONS**

1. No change to the existing regulation regarding the max building height.
2. No change to the existing regulation regarding the minimum lot frontage.

### **REASONS FOR THE APPROVAL**

Reducing the minimum required lot area to 20,000 sq. ft. in TOD is consistent with the Town's Plan of Conservation and Development (the Plan) and congruent with the purpose of and interest to the TOD zone as stated under the Section 3.19.A.2 of our zoning regulations which reads in part: "Such development shall be in accordance with the 2020 POCD's "General Goal"

of locating development in places and at densities which support the desired overall character of Newington, including smaller mixed use land uses adjacent to transit stations (Page 24 of the 2020 POCD.

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

Petition 41-20: Special Permit (Section 6.6) Sale of Alcoholic Beverages) Trans Berlin Corporation Owner; Rene Lopez 2434 Berlin Turnpike, Newington CT Applicant/Contact

APPROVE:

Commissioner Lenares moved to approve Petition 41-20 Special Permit to allow the sale of alcoholic beverages at 2434 Berlin Turnpike.

REASONS FOR THE APPROVAL

The proposed activity meets the special permit criteria in Sections 6.6.4 and 5.2.6 of Newington's Zoning Regulations.

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

Petition 02-21: Mandatory Referral under the CGS 8-24 for the acceptance of donation of approximately ten acres of land located at 70 Culver Street.

FAVORABLE REFERRAL:

Commissioner Fox moved to issue a favorable 8-24 referral to the Town Council.

REASONS:

"Newington will continue to protect its environmental resources; particularly its wetlands and Cedar Mountain. Identifying additional open space and striving to create an open space system will be a priority as will the stewardship of the community's land resources. Newington will continue to maintain its historic resources; housing stock, public buildings, parks, schools and infrastructure at the highest quality possible (pp4).

Preservation of open space can help protect environmentally sensitive areas, provide wildlife habitat, preserve lands for recreational use, provide fiscal and economic benefits, protect community character, and enhance quality of life. The overall goals are to:

Create a town wide open space network,

Protect environmentally sensitive areas  
Protect the small-town character that is here now and provide a sense of space and  
Relief from intensive development (pp 25)

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

**XI. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Petition 42-20: Special Permit (Section 3.4.4 Home Occupation) at 92 Old Musket Drive, Erika Whetzel, 92 Old Musket Drive, Newington CT, Owner/Applicant/Contact.
- B. Petition 43-20: Re-subdivision at 712 Cedar Street, Fenn Road Associates, LLC Owner/Applicant; Mark S. Shipman, 433 South Main Street #319, West Hartford, CT, Contact.
- C. Petition 01-21: "Special Permit (Section 3.17; Auto Related Use in I Zone) at 260 Stamm Road, Integra Realty Associates LLC, Owner, Jerzey Sajdowski, 260 Stamm Road, Newington CT Applicant/Contact.

**XII. TOWN PLANNER REPORT (Tape failure)**

Renata Bertotti discussed with the Commission at length the plans for the Newington Junction area and the steps that should be taken to notify the residents, business owners and renters in that area of the planned meeting to determine what should be included in the discussions of upgrading the area. Renata will investigate the cost of notifying anyone within a quarter mile of the Junction and a half mile of the Junction.

Commissioner Sobieski reminded the Commission that there should be a copy available of the original proposal for the Newington Junction, and at least the area that was notified the last time should be notified again.

Renata will check and see if such a plan is still available.

Renata indicated that she would like to have something to show to the area residents, not just asking what they wanted without having a plan in place for them to approve of or disapprove. She reminded the Commission that it is difficult to schedule a meeting without having some idea of what the Commission would be presenting because the invitation to the residents would be vague and it would be difficult to get ideas from the public without having a starting point of a plan. The presentation should be a starting point for a discussion on what the area residents felt would fit into the Newington Junction area.

At the next meeting the cost of notifying the area residents will be discussed along with what other areas should be included in the notification and how the area will be notified, letter, post

card, e-mail, and also how the Commission would notify those who do not have access to e-mail and are not familiar with the Zoom procedure.

Renata also indicated that she had regulations available for the keeping of chickens in residential areas, but that during the winter months, no one really was too interested in adding chickens to their area. Chairman Pane indicated that the Commission could discuss the regulations in the next few months.

**XIII. COMMUNICATIONS**

**A. CRCOG Zoning Reports**

**XIV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes. Use the Zoom, Raise Hand feature)**

Rose Lyons, 46 Elton Drive spoke about the quick approval that the Commission had been giving to some of the petitions before them. She said that in the past Petitions would be discussed but not voted on until the following meeting. She felt that it might be good for the Commission to take more time on some of the applications.

She also spoke about the Newington Junction and the fact that the people in the area definitely were against the original Newington Junction study. She reminded the Commission that it was definitely a residential area, and the residents were in fact wanting to keep it that way, and not have any businesses intrude on their area.

**XV. REMARKS BY COMMISSINERS**

None

**XVI. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane in response to the comments by Ms. Lyons said that the Commission was doing everything that they could do enable applicants to have an easier time when filing petitions and that there was nothing that had been done in the past meetings that was not done with that goal in mind.

He also thanked the Commissioners for their attendance and their ability to understand the difficulties applicants sometime face when filing their petitions.

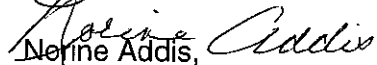
**XVII. ADJOURN**

Commissioner Claffey moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 9:40 p.m.

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Respectfully submitted finally

  
Nerine Addis,  
Recording Secretary

