NEWINGTON TOWN PLAN AND ZONING COMMISSION
Regular Meeting
February 9, 2022

Chairman Domenic Pane called the regular Zoom meeting of the Newington Town Plan and Zoning Commission to order at 7:05 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF Alternates

Commissioners Present
Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Bryan Haggerty
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Jonathon Trister
Commissioner Stephen Woods
Commissioner Thomas Gill-A

Commissioners Absent
Commissioner Hyman Braverman-A

Staff Present
Renata Bertotti, Town Planner
Erik Hinckley, Asst. Town Planner, ZEO

III. APPROVAL OF AGENDA

No Changes

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

None

V. ZONING OFFICER REPORT
Erik Hinckley: You see the report before you, and we got a couple of things cleared up; the 26 Church Street, the lighting issue was resolved. Any questions from the Commission?

Commissioner Claffey: I have a question. Have we gotten any new sign permits? I haven’t seen a lot of signs popping up, but I haven’t heard, like a business coming in and saying, hey, we want to put up a new temporary sign on our sidewalk, in front of our store?

Erik Hinckley: I really haven’t had any temporary sign permits, maybe a couple late last year but nothing as of yet this year.

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING

A. Petition 01-22 Special Permit (Sec. 3.17.8) and Associated site plan to allow storage of motor vehicles at 249 Day Street. Applicant Mirabelli Automotive, LLC, Owner 249 Day Street, LLC., Contact Robert F. Ludgin

Robert Ludgin: I’m representing the applicant and I’m joined here by Peter Mirabelli who is the owner of two companies, one is Mirabelli Automotive LLC, which is the applicant, and the owner of the property is an LLC, 249 Day Street LLC, which he is also the sole owner.

The application is pretty straightforward in terms of, this is an empty lot and it has been used for parking for about 75 years, but the goal here is to accommodate his relationship with Eversource, which as you probably saw in the paper, they are doing a lot to prepare for being ready on a quick basis to solve problems of power outages across the state from hurricanes and storms and wind and whatnot. As part of that effort, they have purchased a lot of new lift trucks with booms and buckets and the purpose of this application is so that Mirabelli can rent space on that parking lot to Eversource to part 50 of those trucks there with the idea that they are just across the street from Mirabelli Automotive so that they can service those trucks and always have them ready.

As you can see, there is a map that has been worked on, in great detail to show the site, to show what, there is a wetlands area that has been the subject of a Conservation Commission hearing, and approval, and there has also been a ZPA hearing and approval of a variance of the fencing, so that it can be six foot high all the way around to protect the security of those vehicles. You should have in our packet a letter signed by some of the nine or ten of the neighboring property owners, all in support of this special permit application. The goal is, if we get the approval that the trucks can be parked there, I think each one is worth about a quarter of a million dollars, by putting 50 of them there, and Eversource will register them with a Newington address and that should add a sizable amount of change to the tax payments to the town, by having the trucks there.

The more important part is, by having them there they can be serviced and be always ready and available for linemen that they bring in from out of state, instead of having them drive their
trucks from far away, they can fly in and use these trucks. The use is hardly different from what has been going on for 75 years, it just is more intense and because the trucks are of such great value there is a need for a security fence. That is what the application is all about.

Chairman Pane: I'll go to the Town Planner and then to questions from the Commissioners.

Renata Bertotti: Overall, as the applicant stated, this area has been used for parking for quite some time. This proposal will provide some additional landscaping along the Day Street, which I am really in support of because it is quite needed. Right now there is kind of an uninterrupted curb cut that follows the entire front of this property, so I find the proposed landscaping on Day Street to be an improvement. The use itself, it is parking of trucks, I don't know how that compares to parking that traditionally had been here, but it is obviously a parking lot, so there was obviously something that was parking there anyway. The property is fenced, there is barbed wire on top of this fence. We will, as you will see in our motion, recommend that the barbed wire be removed because it is in excess of height that is allowed and this is currently going through the wetlands approval but the Wetlands Commission has issued a finding of non-significant impact, or essentially has not required a public hearing on this. We discussed these kind of situations previously. You can act on the site plan as advised by our Town Attorney with conditions on the application, and that is all of the staff report. Later, when you get into public comments, I will have the public letter to read as well.

Chairman Pane: Questions from the Commissioners? I have one for the applicant, I noticed that some of the trucks are there now, are all 50 located on the property now, or just half, if you could clarify that for me?

Peter Mirabelli: Only half of them are there. The other half are across the street.

Commissioner Havens: First I must say, I drive by there quite frequently, and the landscaping that they plan to add will only make it better looking, even with the fence it is a thousand percent improvement from what it used to be. I have one questions, in the notes that were attached with the information, there is a note saying that the two six foot fences on the front side was approved by a 5-0 vote of the Zoning Board of Appeals. Are we still going to try to make them reduce the height?

Chairman Pane: I think the height is at 7 feet now because of the barbed wire.

Renata Bertotti: Yes, the barbed wire was placed on top of the six foot allotment.

Chairman Havens: So the barbed wire has to fall within the six foot height?

Renata Bertotti: I would prefer that they not have a barbed wire fence period, but that is your decision. I think one enforcement matter is that the variance was specific to height, and they can't exceed the height itself.

Commissioner Claffey: One question that strikes me, and it's for the Planner to clarify, in the memorandum, on the second page, service, sale, repair, rental or storage of motor vehicles, I guess, I'm having a little concern with 6-11-4, I'm sorry, 6.11.5, sorry, I guess I'm having an issue with how close that is to a residential zone on Francis Avenue.
Renata Bertotti: Erik and I reviewed that section, for clarification the way that we understood that, and this special permit it for, so, the original car repairer, Mirabelli, is a car servicer. They are allowed to have across the street, under a different section of the zoning regulations, parking for the vehicles that they sometimes service, as long as they own this lot across the street. So this special permit was given to an operator of service, across the street, which will not be fixing vehicles on this lot where the vehicles are just to be parked. So, this particular permit, right now that you are looking at, is essentially for this provision to be allowed to park across the street on a lot that is owned by the vehicle repairer and servicer operating under Section 3.17.8. and therefore, because they are not going to be repairing on this lot, that provision of 100 yards did not apply.

Erik Hinckley: That is under Section 6.1.1.D.2, it talks about as long as the additional property is within 600 feet of the repair area, which it is.

Commissioner Claffey: So you are telling me that 6.1.1 has nothing to do with what we are looking at right now. Why it is even in this section of our zoning regulations?

Chairman Pane: Because it is an accessory use of the Mirabelli business, right?

Erik Hinckley: That seems fair, yes.

Commissioner Claffey: Well what seems fair, and what is actually right seem to be two different things tonight. The way I'm reading it, I'm reading that under our zoning code, storage of motor vehicles is under 6.11 because the owner is 249 Day Street LLC, right?

Erik Hinckley: Yes.

Commissioner Claffey: The owner is not technically Mirabelli LLC, right?

Erik Hinckley: Yes.

Commissioner Claffey: The owner is 249 Day Street, LLC, right?

Erik Hinckley: Yes.

Commissioner Claffey: The owner is technically not Mirabelli LLC which is down the street. They don't have to be the same companies to work, right?

Erik Hinckley: I think it is owned by, or controlled by, I think is the language.

Renata Bertotti: You know what, we had this whole discussion about this, if you wish, we can, the Commission can table this decision if you wish tonight. I know that the applicant is under some kind of time pressure, but one way to resolve this would be to table and give us until the next meeting and we can write up our reasoning as to how we came to the conclusion that this section applied in this case, but I know, I can remember Erik and I sitting in my office, creating this memo and discussing this specific section.
Commissioner Claffey: Even under the 6.11 there is 6.11.3 in this, because we zoned an area there as a religious institution down the street from there.

Erik Hinckley: But it is more than 100 feet away.

Commissioner Claffey: You sure? Because they park right across the street.

Erik Hinckley: From property to property I did measure that with the GIS and it was in excess of 100 feet.

Commissioner Claffey: Again, you view some things under 6.11 and then other times we’re looking at things in a different section that we don’t even have in front of us, so.....

Renata Bertotti: I’m not discussing this on the fly right now as Erik Is, because he wrote this, so unless the applicant can respond or you can give us some time, we need to table this.

Erik Hinckley: The applicant may have some comment on it.

Robert Ludgin: Well, first of all we talked about this issue before with staff and Mirabelli is leasing the space to 249 Day Street LLC, so it does control the property which we believed was sufficient to satisfy the code, and as the Town Planner indicated, there is a time pressure that my client is trying to respond to from Eversource because they purchased the trucks and sent them in, and as he indicated, he has some parked there now and some across the street but he was under pressure from them to get them all parked there as soon as possible. As far as the barbed wire is concerned, that was not something that my client came up with on his own, but rather that was a request from Eversource for security purposes. From their point of view that was very necessary part of the fencing.

Chairman Pane: How would you answer that you are not supposed to exceed the six feet? You only got a variance to go six feet high.

Robert Ludgin: You’re right and I think that what they are going to have to do is design the fencing so that the barbed wire meets that height requirement. You are under the impression that that is workable, right?

Peter Mirabelli: Yes.

Commissioner Claffey: My second item is, to be discussed is, the applicant has stated that this is about Eversource. It doesn’t matter, if Eversource went away tomorrow if we change this, you could have any trucks there. I don’t know why, maybe the Planner can enlighten me, why we’re talking about a specific company that is going to use the property, when storage, all we are doing is changing the zoning for that lot to allow the use of stored vehicles. That means any vehicle could be stored there, it could be an eighteen wheeler, it could be an ice truck, it could be a dump truck, why are we so pigeoned into this Eversource, personally I don’t think it should
even be around, I mean the point of Eversource and spending money in our town has nothing to do with this, and kind of shades of gray line of why this is getting changed. So, I mean, I'm trying to understand why, we're really here just to change the lot to a use of stored vehicle usage, that's it. Doesn't matter who wants to store their vehicle there. The circus could come here and store their vehicles there, which is fine. I'm just trying to understand why we are pushing Eversource, Eversource, Eversource.

Renata Bertotti: My understanding is that this lot has been always a parking lot, just for a different property. The reason it is before you right now is, that this is being used by an out of vehicle repairer and therefore that particular use which is further down the street, requires this particular type of permit in order to operate an off site parking lot. This has nothing to do with Eversource as far as we are concerned.

Commissioner Claffey: That's what I'm trying to understand Ms. Planner, is this......

Chairman Pane: It's for the use of storing vehicles, whether......

Everyone talking at once.

Commissioner Claffey: This could change tomorrow and Mirabelli could put, or whomever he wants to lease that to, could put any kind of truck there.

Chairman Pane: Yes, you are right.

Commissioner Claffey: Let me rephrase that, 249 Day Street, LLC.

Commissioner Woods: I have a comment. Again, I grew up in this neighborhood, on 77 Main Street, so I'm extremely familiar with it. This is obviously the annex parking lot to the old Ajax Manufacturing plant which is across the street which has been vacant for quite a while until this new owner, I think it is two separate corporations, one is Gagnon Real Estate on one side of the road, which is the building and the other side is 249 Day Street, LLC. It has been used as a parking lot as long as I can remember, and I moved to Newington when I was six months old, I don't see this as being out of line with the use, it borders right on the edge of the Industrial zone which is Day Street. I'm glad to see this piece of property being utilized, and I think there is no reason for us not to move forward with it. They are making some improvements to it, and the Planner brought it up, she's right, right down if you drive down Day Street, there is no curb cut, it's just a parking lot, you can drive in and out anywhere. So they are bringing it into a more conforming lot, more formal lot, that has a formal entrance and personally I don't really care what trucks or vehicles they park in there, again, I think it is a decent use. I think if Eversource wants to put 50 trucks there, I think personally that it is fantastic. It will help them respond much quicker to emergencies, but again, I'm okay with Mirabelli parking vehicles in there. If there were vehicles that were going to be stored from car wrecks or like that, I think you might want to have the fencing with privacy slots in it or more buffered landscaping around it. Other than that, I don't see any issue with this moving forward.
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Commissioner Claffey: To Commissioner Woods, your point exactly, is that if we make this change, that can happen, meaning, and it's great to have the trucks here, and I'm not against it, but what I'm saying is that it is coming across that that is the only thing that can ever be there. To your point, this could change in two years and we could have cars that are damaged, wrecked, just sitting there. That's all, I'm trying to understand really, we're not changing this specifically for Eversource trucks, we're changing the zoning for any truck or type vehicle.

Commissioner Woods: I understand that Commissioner Claffey.

Commissioner Trister: I agree with what Commissioner Woods just said, I mean, I drive by there all of the time, and I think it is already being used that way, so I think even if in a couple of years it's a different kind of truck, I mean, they are already there anyway, sounds like it will be a lot nicer with what they are doing anyway. I don't see an issue with this at all either.

Commissioner Haggarty: I don't have strong opinions either way, I guess I'm mostly interested in what the local residents will say, because you mention anything about Day Street and that certainly produces a lot of chatter, so I'm just curious of what the local residents will say about a big parking lot being formalized, because anything can be parked there.

Chairman Pane: Commissioner Claffey has a point that this could be used at a later date for something else so we should decide whether or not it should be treated no matter what is going to be there, whether the Commission wants to see some slats, privacy slats for the fence. I have a couple of issues, some of the existing plantings near the roadway, it appears like it could block the sight line, and would like to see some of that cleaned up and I would like to see some landscaping continued around the front like they proposed farther down. Other than that, I think it is an improvement for the area, and if there is not objection, we can go to the public to see if they have any comments.

Commissioner Woods: I was just going to ask the Planner I believe the property is owned by the same person on each side of the street who is an electrical contractor, would there be anything that he would need if he was using this to park equipment across the street?

Chairman Pane: If I'm not mistaken, and Renata can answer this, but I believe the person across the street sold the property, so the property has been sold to 249 Day Street LLC, so Mr. Gagnon would not be able to park anything over there.

Commissioner Woods: I wasn't aware of that Mr. Chairman, thank you.

Chairman Pane: Are there any other questions? I'll go to the public. Is there anyone from the public wishing to speak in favor of this? We did note that there were some letters for approval.

Stu Droz, 74 Glenview Drive: I drove past the property today, and I do have to say, what Mirabelli has done versus what it looked like recently looks great. My only question would be
with the neighbors which support the lot being used as a parking lot, storage for emergency vehicles for Eversource, obviously love the idea of emergency vehicles which in a round about way might help Newington being on Newington property. My question is how quickly would these neighbors pull their support is, based on the fact that they are an emergency vehicle, three in the morning, fifty, because that is the number that we are talking about, fifty diesels get warmed up at three in the morning to be used for emergency purposes when all the out of state crews come in, jump into those trucks. Obviously, you are talking about a significant amount of noise being very different from the noise that is there now, which is pretty much during regular business hours, I mean, I don't know, but I'm assuming that Mirabelli is not working on trucks at three in the morning. Starting fifty trucks to go out in the middle of a storm, would that quickly take away the support of the neighbors who are quite literally directly across the street. I think it's a great direction to move in, I think they have done a great job on improving the property over what it was in the very recent past, my only concern would be the three in the morning for emergency vehicles and they need to warm up, that's all.

Chairman Pane: Anybody else wishing to speak in favor?

Renata Bertotti: If I can read into the record the letters, so our office received, it's one template letter and it was signed by seven neighbors. I'll read the letter and then I will read all of the names and addresses into the record.

"The Honorable Members of the Newington Town Planning and Zoning Commission:
Regarding 249 Day Street, pending application by Mirabelli Automotive LLC, 249 Day Street LLC Owner. I am the owner of the property neighboring 249 Day Street. The property I own is at, (and I will read all of the addresses in a minute) I am aware of the hearing scheduled for February 9th regarding the above mentioned special permit application. I understand that Mr. Mirabelli, the owner of both Mirabelli Automotive LLC and 249 Day Street LLC is seeking your permission to use the area for parking some 50 Eversource owned brand new utility repair trucks consisting of buckets and hydraulics. It would not make sense for our town to turn away this opportunity to generate significant tax revenues by having those fifty new trucks registered with motor vehicle department as garaged here in Newington. Their combined seventy percent assessed value may be in eight to nine million dollar range. With our town's current mill rate, of 38.81 that could bring the town an annual payment of over $300,000 and not require any town services. Furthermore the area in question has been used continuously for at several decades for parking of automobiles and trucks. I have no objection to this special permit application, indeed I am enthusiastically in favor of it. Signed: Freddy Ortiz, 17 Day Street, Carl Marotta, 145 Francis Avenue, Raymond Gagnon, 240 Day Street, Raymond Zista, 184 Day Street, Matthew Criedel, 134 Francis Avenue, Angelo Muir, 141 Francis Avenue, Austin and Alex Muir, 124 Francis Avenue.

Chairman Pane: Anybody else wishing to speak in favor of this application? Is there anyone from the public wishing to speak in opposition to it? Anyone wishing to speak in opposition? If there is no objection I suggest that we close this petition.
Commissioner Woods moved to close the petition and move it to Old Business for further discussion. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Woods moved to approve the minutes of the January 26, 2022 special meeting and the January 26 regular meeting. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion with seven voting YEA.

IX. NEW BUSINESS

A. Petition 02-22: Site Plan Modification at 16 Fenn Road; Applicant, Vincent Porzio, Owner, 16 Fenn Road Realty, LLC, Contact, Mark S. Shipman.

Mark Shipman: I'm not going to take a lot of your time, the staff report is pretty comprehensive in the sense that there is very little, if any, well, there is a difference between the original site plan and what is presented tonight. The only change is that instead of going through to the shopping center, the roadway will end at the private drive. I don't know if you want to put up the site plan, but it was never intended that the private drive be an entrance and exit for this site. If you are coming from the south, you can make a right hand turn before that at the signalized intersection, and if you are coming from the north, it would be foolish to try to fight the traffic at a non-signalized intersection when you can go a few hundred feet and turn in otherwise. The original plan did show a passage between the property and Stop and Shop by entering the private drive. Stop and Shop asked that that not be so, they are concerned about impeding the truck traffic which brings them supplies and didn't want people crossing. It was originally opened, we thought for their benefit to provide additional customers for the shopping center, but Stop and Shop did not want that open. Perhaps at some future date they might change their mind, but that is the only change. Rather than taking a lot of your time with presentations, I have Mr. Chris Francis here who can answer any questions and we have submitted a revised traffic impact statement and I think staff has, in a very short manner, articulated that there is little substantive change.

Chairman Pane: Thank you. Renata, do you want to state anything for the record.

Renata Bertotti: We reviewed this for the technical zoning regulations, engineering had no issue with this so I really don't have much else.

Chairman Pane: Do any of the Commissioners have any questions for the applicant or for Renata?

Commissioner Twister: Just a quick point of clarification, this request was initiated by Stop and Shop, this wasn't the applicant's decision, this was Stop and Shop requesting that we do this?
Chairman Pane: Are there any further questions? If there is no objection, we’re all set and will move this to Old Business.

Commissioner Havens moved Petition 02-22 be moved to Old Business. The motion was seconded by Commissioner Twister. The vote was unanimously in favor of the motion, with seven voting YEA.

X. OLD BUSINESS

A. Petition 52-21: Zoning Text Amendment (Sec 3.22.1) to define and allow commercial vehicles as an accessory use in Residential Zones. Applicant and Contact: Newington TPZ (Tabled from 1-26-2022)

Chairman Pane: Renata, is it possible to put up some of the text from last time?

Renata Bertotti: This will show the clean version of the proposed text.

Chairman Pane: Do you have the version of what we are taking out? Do you have that version too? Just in case the new Commissioners wanted to see that first and then go to the new one. It shows what we are taking out correct.

Erik Hinckley: The one up now is the clean version, that’s the one on the screen right now.

Chairman Pane: Do any Commissioners have any questions concerning this? I left this open purposely last meeting because I know that Commissioner Woods and Vice-Chairman Claffey were very involved in setting this regulation up and designing it and modifying it a long time ago, and then we were supposed to have it on the agenda, then it got missed by the wayside by our previous Planner. So I wanted to make sure that those Commissioners were comfortable and the others also on this before we did anything and if any Commissioners have any questions?

Renata Bertotti: What you see on the screen right now is an actual proposal, so if you adopt this regulation, this is what will be in the regulations. The commercial vehicles will be allowed, the commercial vehicles are currently allowed as of right, and they are defined, but they are, in the current regulations they are, the definitions are full of double negatives. So, there is a long list of what commercial vehicles are but then there is a separate list of what cannot be allowed, so many things that are listed as okay are also listed as not okay, and it’s really confusing when a normal person reads that like whether or not something is allowed. So, that is all cleaned up and right now what you see is what would be allowed. There were questions from the public in regards to, will I be allowed to have plowing equipment, you know, that is in the regulations that would be included. Yes, you are allowed to have that. Vehicles permitted to be kept at the residential property do not include heavy duty earth moving equipment, cement mixers, trenching equipment, buses, semi-trailer, tractor trailers, talking about really large vehicles. There are provisions that allow you to get more than one commercial vehicle under special
permit section, so this is the gist of it. If we adopt the regulations, this is what will happen, what you see on the screen right now.

Commissioner Claffey: My only concern I have is under 3.22.1.C, when we talk about allowing people to park these vehicles in their rear yard. It basically says you can park any type of car in your back yard. That is where it kind of, I was driving down Walsh Avenue today and there is a house that has a pickup truck and two construction trailers and it has been in their side yard, and I'm not throwing anyone under the bus here, but it has been there for four years. It definitely is not our new people that are on staff, but what I am getting at is once you start putting things in the back yard, vehicle wise, it starts to become more of an issue, becomes storage for these places, and I know it's confined to a lot of areas, you can't put a vehicle back there, like my house, you can't drive a vehicle, I have 7 ½ on one side with a fence and everything else, I think it's kind of weird that you can go and park all of these vehicles back there. That is my only concern, other than that I think it looks very good. Again, I understand with some of the lots, like you look on Richard Street, these deep lots, I get it, and the actual parking area for the garage is behind the home, so I get that, I'm just not in favor of that.

Chairman Pane: Are we requiring, if it is parked on the side or the rear, aren't we requiring it to be screened?

Erik Hinckley: I don't believe that language is in here.

Renata Bertotti: Not for commercial vehicles. I think the screening requirement applies for recreational vehicles.

Chairman Pane: Why wouldn't it apply to commercial vehicles too. If you are going to park them in your side or rear yard, I think that is a good point, then it should be screened.

Commissioner Claffey: By zoning, certain vehicles are allowed back there now, and certain vehicles now aren't allowed back there. I'm just trying to make it consistent.

Chairman Pane: Renata, this doesn't cover RV's?

Renata Bertotti: That is a different section, no this doesn't cover RV's. This is a whole different section. This does not include any requirement for landscaping. I do not agree or disagree with you in regards to the landscaping, frankly I didn't think about it. It was never part of this revision that you kind of worked on a lot before I ever came on board.

Erik Hinckley: If you are looking for clarification, Section 3.3.2 discusses the RV's in residential zones. That specifically points out trailers, campers, recreational vehicles.

Commissioner Claffey: That is right where we talk about, if you are going to put a boat or recreational vehicle you have to have something for the adjoining property. Now, a commercial vehicle, which I understand we have a lot in this town, don't get me wrong, it's easier to park a
commercial vehicle in your back or side yard than it is to park your boat or trailer, like a utility trailer that you might use to move dirt and debris down to the city dump, or pick up stuff, so it would seem like it should be consistent. We all have neighbors who have a boat, and most of them park theirs very nicely and diligently, but now you are going to open it up to, well, now you can have a commercial vehicle back there with nothing.

Erik Hinckley: If I can just interject something, the vehicles that we are talking about in 3.3.2 are not allowed to be parked in the front yard. A commercial vehicle can be parked in the front yard. It can be parked in the driveway.

Commissioner Claffey: But in 3.22.1 you can't park a commercial vehicle in the back yard.

Erik Hinckley: But it can also be parked in the front yard.

Chairman Pane: I think what Commissioner Claffey is saying though, is if the resident decides to park it in the side or rear yard, then maybe we should be consistent with our RV regulation and just provide some sort of side screening similar to the RV regulations. Is that what you are saying?

Commissioner Claffey: Yes, they should just mirror each other even though they are separate sections, and you are going to have bigger commercial vehicles. You could have a three quarter ton dump truck technically that you drive for transportation that falls within the regulation to park in your yard, which I'm fine with.

Commissioner Woods: I like it although I am agreeing with Commissioner Claffey on 3.22.1 but I think we might be able to clean it up if the Planner agrees if we take, in the first sentence, and the second sentence, “such vehicles shall be parked in the driveway.” Take out either period. No or on some other suitable paved areas in the side yard. I'll give you an example where I live and I know of several others. I don't have parking in front of my house. The parking is between the rear of my house and my detached garage, and I think there are a lot of areas. I think that is what this is trying to address. I think we just need to get rid of the second part of that, and then it is clear. It needs to be parked on a paved surface, I don't think it is going to be an issue for most people. I don't think most are going to want to park a commercial vehicle in their backyard, on their lawn, I just don't. Why don't we just take it out so there is no confusion. In your driveway, or it has to go.

Renata Bertotti: I think Mr. Woods suggestion probably is better than requiring landscaping. I can see some problems with requiring landscaping, in particular in front of the property. First of all, the intention of this regulation is different than what is the intention of the regulation for RV's. You are talking about people who take home vehicles that they work with to be parked overnight. Presumably they take them with them in the morning. So these are not to be vehicles that are parked for like six months straight without being moved, such as an RV or a boat or something that is more like a fixed thing that should really be screened.
Commissioner Claffey: Under number five it says that you can ask for an exception for 3.22.1 to get a second vehicle. No where does it say that the second vehicle is a special permit.

Renata Bertotti: It does in Section 3.4.8, doesn’t it say that?

Commissioner Claffey: No, it just says in our current code, it says go to, in Section 3.22. It’s missing the verbiage that says if you want that second vehicle, it’s actually a special permit.

Erik Hinckley: You are correct on that, it doesn’t point you to a special permit application.

Commissioner Claffey: Just a simple sentence.

Renata Bertotti: That would need to be cleaned up.

Chairman Pane: It might be worth it to hold up on this and clean up the language.

Erik Hinckley: If I could clarify one thing, 3.4.8……

Renata Bertotti: No, it is a special permit……

Erik Hinckley: It is a special permit in residential zones, if you go to the heading of 3.4.

Renata Bertotti: This whole section is special permit in residential zones.

Commissioner Claffey: So you are actually saying, going….okay I see what you are saying. Okay, you’re right. I had the page opened and I was just going between, I just went to 3.4, I didn’t even think.

Renata Bertotti: This just proves my point that we have to fix these regulations, if we are getting ourselves confused……

Commissioner Claffey: Well technically under line item five it should just read, see Section 3.4 to obtain TPZ permission. It shouldn’t even read 3.4.8. In the reading of 3.4 you are going to have to find that section on your own, as an applicant. It’s confusing it itself. I saw that and then it goes back to 3.22, but now I see you get permission under 3.4 not 3.4.8.

Commissioner Woods: I was just going to say on this topic, do you want to limit that second commercial vehicle if someone needs it to a weight, a GBW, that it can’t exceed or……

Commissioner Claffey: We talked about that a while ago, like years ago, and I think it went on deaf ears because the vehicles keep changing. I think one of the points was take a standard pickup truck now, or a standard dually truck now, they could be over the GBW weight. If we put a number into our code and then a guy just has one to have one is in violation because of the weight of the vehicle.
Commissioner Woods: But only in reference to the second vehicle. We don't have weight limitations for the first, for the second. This keeps it so that you can't get the tractor trailer, or a tri-axle. That's all. If we have to clean it up, we can also chew on that for a week.

Renata Bertotti: We can't make changes like that now. The hearing is closed, we can make modifications to things that are before us that are discussed like as part of the record, but not new kind of changes.

Chairman Pane: I have a question, if somebody wanted to put a tri-axle in their yard, they wouldn't be able to do that, correct?

Renata Bertotti: What is a tri-axle?

Chairman Pane: A large dump truck with multi axles.

Erik Hinckley: I would say under 3A, Heavy duty equipment does not include heavy duty earth moving equipment, those items are not included.

Chairman Pane: Okay, so we do have that protection. That's what I wanted to point out to the other Commissioners. We are protected there, that would be considered heavy equipment. Are we going to make any changes to the language at all on this?

Renata Bertotti: We had at the last hearing that one change would be to parking of one commercial vehicle customarily used to exclude any potential like occupational issues of commercial nature on a residential lot, so we recommended that as part of the motion, but that I believe was the only thing that we discussed at the last meeting. I do not believe that this discussion would produce any proposals for change. We talked about modification under subsection five, but the way that read back, it is okay. Eventually we will have to correct like all of the zoning regulations and restructure the way they are, but for now, I think that we can leave......

Chairman Pane: What about parking in the side and the rear yard. Are we going to modify that language, and are we allowed to modify that?

Renata Bertotti: Yes, you ae allowed to modify after the close of the public hearing. It is your regulation, and you can modify it, you just can't make a substantial change.

Chairman Pane: So is everybody in favor of modifying that C.2, who would it read Renata?

Renata Bertotti: The parking of one (1)......

Erik Hinckley: I would think kind of like Commissioner Woods said, such vehicles shall be parked in the driveway or a suitable paved surface, paved area.
Renata Bertotti: In the driveway or paved area, but not suitable paved area.

Chairman Pane: If it is in the driveway, the driveway is a paved area, I think that would cover us, right?

Renata Bertotti: So the vehicle shall be parked in the driveway. That's it?

Erik Hinckley: In the driveway on a paved area.

Chairman Pane: Is that what all the Commissioners are in favor of? So, without objection, I we have a motion . . . .

Commissioner Claffey moved to approve the text amendment with an effective date of February 22, 2022.

Reason for Approval

The proposed regulation amendment, as amended, clarifies and defines commercial vehicles and their allowed uses within the residential zone.

The motion was seconded by Commissioner Woods. The vote was unanimously in favor of the motion after a roll call vote, with seven voting YEA.

B. Petition 01-22: Special Permit (Sec. 3.17.8) and associated site plan to allow storage of motor vehicles in 249 Day Street. Applicant, Mirabelli Automotive, LLC, Owner 249 Day Street, LLC. Contact Robert F. Ludgin.

Chairman Pane: We can do a few conditions on here, for instance Renata, you want to make sure that the fence is modified not to exceed the height that was allowed, correct?

Renata Bertotti: Correct.

Chairman Pane: Okay, that is on there already, anything else? Did you get a chance Erik to look at the sight lines on the front where some of the brush is by the road?

Erik Hinckley: I had the LTA and the Town Engineer both review the site for safety issues, they both had no problem with it. They just recommended that some of the brush in the town right of way be cut at the appropriate time.

Chairman Pane: It's pretty close to the road.

Commissioner Lenares moved to approve the special permit with the following condition:
1. The applicant shall remove the barbed wire on top of the fence to reduce the fence height to six feet per the approved variance issued by the ZBA.

Reasons for the Approval:

1. As proposed, this application meets the special permit requirements as in Sections 5.2 and 6.11 of the regulations.

The motion was seconded by Commissioner Haggarty. After a roll call vote, the motion passed with a 6 voting Yea and 1 Nay (Claffey).

Commissioner Haggerty: A question, was there any opposition to the Petition during the public hearing?

Chairman Pane: No, no opposition. It kind of surprises you because every other time that we talk about that area, we do hear from the public.

C. Petition 02-22: Site Plan Modification at 16 Fenn Road, Applicant Vincent Porzio, Owner, 16 Fenn Road Realty, LLC, Contact Mark S. Shipman.

Commissioner Claffey moved to approve site plan modification at 16 Fenn Road.

Reason for the Approval

As proposed this application meets the site plan requirements of Section 3 of the Site Plan Regulations.

The motion was seconded by Commissioner Havens.

After a roll call vote, the motion passed unanimously with 7 voting YEA.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

Renata Bertotti: We have one petition scheduled for public hearing, it's a petition to modify the zoning regulations pertaining to residential buildings in the PD Zone regarding hiring of third-party consultants at applicant’s expense, requiring a direct site access to Berlin Turnpike, requiring a traffic impact analysis, and reducing building height to 2 (two) stories in the PD Zone. This is tentatively scheduled for the first meeting in March.

XII. TOWN PLANNER REPORT

Renata Bertotti: I will start by talking through my current planning application, the future agenda report. So coming up, the one thing for interest for the public will be that we have an application that was scheduled for February 9th, Weber Nursery application, and a lot of neighbors had
called our office and I think intended to attend that meeting tonight. We re-scheduled that application because there were some changes, and meanwhile what happened is that the applicant withdrew the original application for special permit and re-filed a different application for the site plan. So, this is going to be in front of the Commission still on February 23rd, which is what we did tell many of the neighbors, however this is going to be a site plan application so it will not include a public hearing. I just wanted to notify the public of that change because I know that this is a matter of some interest.

We have an application, I talked to the Commission about this several months ago, there are a couple of provisions in the way that we regulate parking and driveway design that are in conflict from one section of the regulations to another section, and we are trying to fix those, so those are scheduled for the next meeting as well. There is an application for a place of worship to go on 425 New Britain Avenue, at the next meeting and then there is an application for a housing development at the intersection of Pane Road and Maselli Road. That is all scheduled for the second meeting in February. Like I just said, this application for the zoning amendment will be scheduled for the first meeting in March.

The second item I wanted to talk to the Commission about tonight was, in addition to talking about accessory apartments, I think it is really important that we start talking defining this character of the neighborhood. I think that is another section where we are out of compliance with the State of Connecticut statutes, and we have to do something about that. I feel very pressured to fix that in our zoning regulations, so I was wondering if the Commission would be interested in me bringing to you a drafted, a preliminary draft of the proposed definition of the character of the neighborhood and discuss this at the next meeting. Now this is not going to be a proposal yet, I don’t want to assume that I know what the character of the neighborhood in Newington is, but I am going to draft something and have this conversation started so we can start working on this sooner.

Chairman Pane: That sounds like a good plan Renata. Maybe we could make in our regular agenda instead of having a special meeting again, an early special meeting on that one thing. I think.....

Renata Bertotti: This was going to be a normal meeting agenda item.

Chairman Pane: Any questions from the Commissioners concerning that? Is everyone in favor of that?

Several times tonight the regulation on the RV’s came up, 3.3.2, if it is possible, do you think we could add that to your long list of things that we could look at the regulation and review that section and make sure everybody is happy with it? Not necessarily right away, but if we could just get it on your list.

Renata Bertotti: We can add that, and as a matter of fact, this is another thing that at some point we will talk. We have several large applications that are probably going to be rolling though my office so I don’t want to, and I already have several text amendments that are pretty pressing, so I don’t want to over committee or over promise and then not deliver, but another thing we should be discussing is in our Plan of Conservation and Development, we have 140 so
odd action items that are, you know, we need to sit down and go over those and have some kind of understanding, on of which, so this will be on my list and we will talk about it.

XIII. COMMUNICATIONS

CRCOG Letters

Commissioner Claffey: This was about the West Hartford CRCOG. I know it did get into mixed use development TODD, so I don’t know if this is something we want to watch a little closer, because it does affect us, especially because of Connecticut Fastrak.

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

Igor Bochenkov: Thank you. I know that my application was scheduled for hearing and I tuned out for like 30 seconds and I wasn’t quite sure what the result of the agenda item was. If you don’t mind filling me in or repeating it?

Chairman Pane: It is on the agenda, and is coming in the beginning of March. You can always call the Town Planer any time, but your application is scheduled for the beginning of March.

Igor Bochenkov: Okay, thank you so much.

Rose Lyons, 46 Elton Drive: I just wanted to publicly thank Renata for her patience with my multiple e-mails going back and forth about our affordable housing count here in Newington. I know that the Department of Housing puts out a report yearly, but looking at the report, it is based on the census of 2010 and I’m hoping that soon they will come out with the 2020 census in comparison with the number of dwelling units and affordable housing we have here to come up with a percentage of affordable housing here in Newington. Once again Renata, thank you so much I know I have a lot of questions and you have a lot of patience, and I just wanted to Commission to know how nice you have been to me. Thank you.

XV. REMARKS BY COMMISSIONERS

Commissioner Gill: In regards to 16 Fenn Road, we have approved the site plan, has that gone any farther?

Renata Bertotti: 16 Fenn Road is under construction, I think they have poured the foundation and they are well under construction. That is the car wash, is that the site you are questioning?

Commissioner Gill: Yes.

Renata Bertotti: They have poured the foundation and they are well under way.
Commissioner Gill: From the drawings that we have here, there is no lighting in that driveway that we talked about today.

Renata Bertotti: I don’t remember how that was approved, that driveway belongs to the property next door to that, so the driveway is not on this site.

Chairman Pane: That driveway is not part of their land.

Renata Bertotti: And I don’t remember without looking at the approved site plan whether or not, when we were approving that there was installed lighting in that driveway or not.

Commissioner Gill: Because we had talked about the lighting and also the possibility of a sidewalk. Now the sidewalk that is on Fenn Road, that is a sidewalk up there, right?

Erik Hinckley: It is going to be installed as part of this process.

Commissioner Gill: Okay. The telephone pole that is at the end of that sidewalk, to the south, is that going to compromise that sidewalk there?

Erik Hinckley: I’m sure they are going to have to deal with that when they are starting to work there and the utility company is going to get involved, and they will have to figure it out.

Commissioner Woods: Renata mentioned that she is going to write a character of the neighborhood of the town. Is it one neighborhood for a town, and how do you do that?

Renata Bertotti: The state statutes only allow to define the character by the specific sites and architectural things. So I think I will have to write something to the effect, of the character of the neighborhood as per, you know, surrounding land uses, surrounding buildings, bulk, height, and you know, I’ll have to think about it is done, but it will have to be something that what you call element of buildings and developments around the property we are talking about. It has to belong to the elements of site plan and elements of buildings, but not elements of people.

Commissioner Woods: Good luck with that, I look forward to reading it.

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everyone for attending the special meetings, I know it is hard to attend early meetings and have our regular meeting so I want to thank everybody and I want to thank the staff.

XVII. ADJOURN

Commissioner Woods moved to adjourn the meeting. Meeting was adjourned at 8:35 p.m.
Respectfully submitted,

Nonine Addis,
Recording Secretary