NEWINGTON TOWN PLAN AND ZONING COMMISSION
April 13, 2022
Regular Meeting

Chairman Domenic Pane called the regular meeting of the Newington Town Plan and Zoning Commission 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 Garrett Havens
Commissioner David Lenares
Commissioner Jonathan Trister
Commissioner Stephen Woods
Commissioner Stuart Dzod-A
Commissioner Thomas Gill-A

Commissioners Absent

Commissioner Bryan Haggarty
Commissioner Hyman Braverman

Staff Present

Renata Bertotti, Town Planner
Erik Hinckley, Asst. Town Planner/ZEO

Commissioner Gill was seated for Commissioner Haggerty

III. APPROVAL OF AGENDA

No Changes

IV. PUBLIC PARTICIPATION

Jeff Zelek: I don’t know if you can hear this, but we cannot hear anything, we cannot see any of the Commissioners, this is unfortunate since as you know, eighty percent of communication is through body language, it would be nice to see what is going on, and it would be nice to listen in on the meeting. I just wanted to let you know.

David Horrian: That an application include all supportive information and require documentation before being placed on the agenda. This is in direct violation of the zoning regulation that an application be complete before being placed on the agenda. This requirement as well as all zoning rules are there for a reason, and cannot be allowed to be simply ignored. If this change is adopted, an applicant can likely pick and choose what documents he or she would like the Commission to consider, leaving out important items that could result in an application being denied, but the application would still be considered to be okay to go on the agenda. My next concerns are on page 5, Items 1.15, Item C, F, and I. These items greatly reduce the ability to the residents of Newington to have a voice in the public hearing process. Item C eliminates the time limit for presentation by the applicant. Item F reduces the residents time to
speak in opposition by thirty-three percent and it completely removed our rights to respond to the applicant’s rebuttal. The proposed changes to Section 1.15 appear to be an attempt to limit public input on proposals that may change the quality of life in our town and are simply against all democratic principles. Much has been said over the last eight months regarding how unfair the public hearing process is as it gives great leeway to developers and severely limits the rights of tax paying residents. These changes tip the scales even further in favor of developers and must not be allowed. I request that you strike all of the items that I have mentioned here tonight from your proposed changes. Now with the technical issues, I don’t know if you heard me or not, I would like to get some response that you did hear me, if you can text me or let me know. Thank you.

Rachael Correl, 82 Winslow Drive: I just want to say, I couldn’t hear anything that you guys said, so I’m just going on and I stand in opposition to the petition of the development of the houses that are being built on Rock Hole Lane. I am in opposition because I don’t see the reason to change an area that is zoned R-20 to R-12. It seems like it is simply because the developer has deeded five acres of wetlands, which can’t even be developed, which you can’t even walk on because I have been there, as a loophole in order to get special permits to change the zone from R-20 to R-12. It just doesn’t seem acceptable to me. On top of that, not only is that a problem, but the other part is that the entrance is only through Rock Hole Lane. That to me makes absolutely no sense. Why would you have an entrance only there, as opposed up on Church Street. Traffic on Church Street would be the same, irrelevant, but you would increase traffic according to the information that I have read, 215 and I don’t believe they included the houses that are already on Rock Hole, it would be 225 extra on top of Winslow, Allston, and Stonehedge people driving in and out per day, as opposed to simply having it up on Church Street. The other part I don’t really understand is why would you want police officers, ambulance drivers, and fire truck people to actually have to meander through these tight little spaces and then finally get to Rock Hole Lane to provide services for the people on Rock Hole Lane. I am also concerned for future residents, surrounding that. Also, I’m thinking, if I was, if I had a friend that lives on the new Rock Hole Lane, why would I want to meander around through all of these little neighbors, as opposed to just going straight to Church Street to get where I need to get, and the only thing I have to worry about is my own road, which is Rock Hole Lane. The only reason I’m thinking is that probably benefits the developer completely that he can put more houses in this tight little ten acre space as opposed to if it was a straight line from Church Street. That is basically what my main concern is, those two things and if you are going to put it up on Church Street, why would we need a high number of people driving on the road where we walk, where it would change the character of the neighborhood completely by having an extra 200 or so rides per day. Thank you.

Chairman Pane: This is not public participation, this is just public participation for items not listed on the agenda, so......

Cara Santoro, 93 Francis Avenue: I just want to say that I completely agree with everything that David Horrigan said, and with what Rachael just said, we couldn’t hear half of what was going on anyway until she started to speak and I caught David’s part. So I’m not sure what is going on with the mics and all that, but limiting the time that people can speak, and in opposition or for is really you know limiting free speech, and it’s not fair to the Newington residents at all that all these things are getting passed and we’re not going to have a chance to even speak longer than two minutes. I agree with Rachael, what she said about Rock Hole Lane, but the question I have is why are we all of a sudden having all these apartments, all these houses, are you trying to turn our town into a city? If so, you should take a look at what happened in all of the cities, Hartford, New Britain, Waterbury, Meriden, and see what happened to those when they turned them into the big cities, with all of these housing units and I don’t want that to happen here, and I’m sure the rest of the town doesn’t. I’m finished, thank you.

V. ZONING OFFICER REPORT

Chairman Pane: Anyone have any questions for Erik?
Commissioner Woods: the violation for the crushing, is that because he went over the crushing time period.

Erik Hincley: What was approved a number of years ago, and then applicant was applying for a crushing permit, attorney’s got involved, but he finished his operation.

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING

A. Petition 13-22: Special Permit (Sec. 3.4.9) to allow an interior lot at 359 Church Street and 321 Tremont Street (Rear), Applicant and Owner: AA Denofria Bldg. & Dev. LLC, Contact Alan Bongiovanni (Continued from 3/23/22)

Alan Bongiovanni: Mr. Chairman, Members of the Commission, Staff, good evening. For the record, my name is Alan Bongiovanni, I’m a licensed land surveyor in the State of Connecticut. My office is at 170 Pane Road, Newington and I’m representing AA Denofria Bldg. & Dev. LLC in this continued application from a couple of weeks ago.

This application is for a special permit to allow a rear lot, or interior lot per section 3.2.9 of our regulations and the proposal is to construct an interior lot on the west side of the proposed Rock Hole Lane subdivision. This will be known as Lot #1, in the R-12 zone or the R-12 open space the requirements of the lot are that for an interior lot that they have at least a 20 foot wide access way owned in fee by the lot, which it does, and that the lot much have a minimum of one and a half times the minimum required area for the zone, R-12, would be a 12,000 square foot lot, we are required to have a minimum of 18,000 and the entire lot with the access way is almost 42,000 square feet, just under an acre. If you take off the 20 foot access way, we’re still over 37,000 square feet so we well exceed the minimum requirements. As shown on this plan before you we have delineated all the setbacks, rear yard, front yard, side yards, to show how the lot would work. This is an aerial picture of the area, and at the bottom of the screen is Winslow Drive, Rock Hole Lane in the center of this sheet and if you can follow my cursor, the proposed Rock Hole Lane extension, going to the north and then to the east.

Our access way and frontage is on Rock Hole Lane is this location on the west side of Rock Hole Lane, and then going about 197 feet to the heart or the interior of the lot.

At our previous hearing we did hear from the neighbor, Mr. Melnick about screening, he has young children and the desire to put some fencing in there, we’ve shown in red here, and it starts at Rock Hole Lane and goes along the rear of lots 102, 108, and 118 Winslow Drive, a proposed fence. I have talked to Mr. Melnick a couple of times since our last meeting and at the last conversation he requested something in visual screening along the lines of the fence so we are proposing and we would be willing to have the Commission if they choose to make this a condition, we would accept this, that the owner of Lot #1, the interior lot, shall install a four foot high fence along the rear of the properties at 102, 108 and 118 Winslow Drive prior to receiving a certificate of occupancy. Said fence shall be of a durable nature and provide a visual barrier from the neighboring properties. As I had conversations with Mr. Melnick, we didn’t really decide on what was a suitable fence or what they would like, but part of the equation is, who is going to live on Lot #1 and what they would like. I think this note covers the fact that a fence is required, the lot owner will be required to install prior to a c.o. and I think the language that we are at least proposing will cover that. There is a myriad types of fences, there’s wood, vinyl, metal, it could be a combination of decorative fence with maybe some arborvitae so I didn’t exactly define what it has to be, but the fact that it has to be a four foot high visual barrier fence along that rear, and I believe that should suffice. This is only along this area because the driveway is close to the property line. The driveway exit will be at or below the grade of the neighboring properties on Winslow Drive and it is going to provide some protection for the young children, if they were to chase a ball out of their rear yard towards this driveway, so they
wouldn't have a conflict with a motor vehicle, and as Mr. Melnick had requested some visual screening might be a nice feature so that is what we have proposed.

The lot is significant in size, it is much bigger than the zoning requirements, it's a nice wooded area, the entire lot doesn't need to be cleared, but there is enough area to create a nice home site with yards and leave some of the existing trees and buffer area that is on the property.

One of the neighbors had submitted a e-mail to the Planner which was forwarded to me and that was Mrs. Neiman in this location here to the west of the subdivision, her house fronts on Tremont Street, and you can see that this is between her house and where a proposed house would go, it's several hundred feet, it's probably closer to 300 feet, and between this lot and her property the Rock Hole Brook traverses through the property and a good portion of her land is actually on the other side of the brook which is in a natural state and I believe, without permission from the Conservation Commission will stay that way in perpetuity.

This lot will be served by MDC sewer and water, all the utility services will be available for the lot. Some of the items to be considered by the Commission are that it has a minimum of a 20 foot accessway, which this does, that portion of the lot between the street and the part of the lot is not counted towards area, I've already gone over that, it has to be a minimum of one and a half times, we're more than probably three times the minimum requirement for area, driveway has to be a minimum of ten feet, the plans show that, there are several items here pertaining to driveways that are in excess of 500 feet, this is going to be a 200 foot driveway if approved, so those would not be applicable to this request.

Under Section 5.2.6, in reviewing the proposed special permit the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special permit and record it's findings in the records of the meeting. The need for the proposed location; as I said previously, housing nationwide is at a deficit in the U.S., we are currently about four million housing units short, and this is not going to solve that problem but this does help, we do need housing. I know that I get requests from clients all the time, when are lots going to be available, and I know there is going to be a need for this.

Item B, existing and probable future character of the neighborhood, that was not allowed by our State Statutes, that cannot be considered as a special permit any more. The size, location of main and accessory buildings in relation to other structures in the vicinity, this is a single family lot in a single family neighborhood that will comply with all of the setback and bulk requirements of our zoning regulations, so that would cover that issue. Traffic circulation, this is a single family lot. This will generate somewhere in the 8 to 10 trips a day, on a proposed street as part of our other presentation at the last meeting we submitted a traffic report which clearly shows that the existing streets have the capacity to handle the additional cars that this will generate in a safe and effective manner and that is part of the record for this subdivision that has been closed. Sewer and water is available, I did submit to the town a copy of the letter from the MDC. Location and type of display signs, this is a single family residential zone, there are no signs proposed here, they would not be permitted. To protect the neighborhood from general detriment, this is again a single family house, proposed on a single family lot, in a single family neighborhood. It has to comply with all of these building requirements, and zoning requirements and will comply with all of the setbacks requirements, so it's kind of a moot point that we need to provide something additional than what we are already showing. It is consistent with the neighborhood, consistent with zoning, and we feel it would benefit the neighborhood as well as this development. I think that is my presentation, if you have any questions, I'd be happy to answer them. This is not a very detailed application, but again if you have any questions, please, I'd be happy to answer them.

Chairman Pane: Thank you. We'll go to the town staff and ask them if they want to give a report on this.

Erik Hinckley: As stated on the application, this meets all of the zoning requirements for an interior lot.

Chairman Pane: Are there any questions from any of the Commissioners?

Commissioner Claffey: I have two questions, both for the applicant, or excuse me, one for the applicant and one for staff. Mr. Bongiovanni, my question is in regards to the fence that is proposed. Why would
we put that requirement on the homeowner buying lot #1 and not on the developer developing the lot so it is there at the time of the house being c.o. If you c.o. the house without an owner in it, and then it can take five years for the house to sell, and then the residents who butt up to that have nothing that you agreed to.

Alan Bongiovanni: So that was language that I chose. The developer is going to be the builder of Lot #1 and if the Commission has different language that you are more comfortable with, we'd be happy to change that note or be subject to whatever condition you put on regarding that fence. I just felt it was appropriate to put it in, and at the time that the house was built. You don't want to put it in before, because you need to be able to construct the driveway and put the utilities in, and a fence being built prior to the development of the lot would be subject to damage.

Commissioner Claffey: I guess what I'm saying is, why would we put the onus on the potential buyer to put the buffer/fence up and not on the developer.

Alan Bongiovanni: Actually it is on the developer, because you can't transfer it until he gets a c.o. So the developer is the owner of the lot until he gets the c.o. and closes on it with a perspective buyer.

Commissioner Claffey: Okay, and my second question is for staff, any other proper buffer requirements other than just the fence or nothing? Do we have any buffering requirements?

Erik Hinckley: Not for an interior lot or residential to residential. If there was a commercial zone butting up, that would be different.

Commissioner Claffey: I just wanted that on the record, that we don't have any requirement.

Erik Hinckley: Correct.

Commissioner Trister: I am curious, why was the decision made to make that a cul-de-sac and not connect to Church Street?

Chairman Pane: That is on another application, that doesn't have anything to do with the rear lot here, and when we go under site plan, we may have a discussion under the site plan issue.

We're going to the public right now, so if you would like, you can come up and in regards to this, we are talking about the rear lot for this development. Anyone in favor of the petition? Anyone against?

Bill Prentice, Maple Hill Avenue: Back in the day I built a rear lot and had had to have 20 feet, then it was changed to 25 feet, when did it change back to 20 feet? Is that very recent, I didn't hear about that. I know in 1977 I subdivided my property so I could have a rear lot, and I was grandfathered in and I talked to the town.

Chairman Pane: Twenty-five feet for what?

Bill Prentice: For a right of way rear lot.

Erik Hinckley: The right of way is 20 feet and I believe it changed about fifteen years ago. I don't have my regulations with me, I can't look in there and see.

Bill Prentice: Another thing, it looks like the road going in narrows down?
Chairman Pane: The way that it is being proposed by the applicant, it's a little narrower than Rock Hole Lane, and that will come up under discussion under Old Business.

Andrew Melnick: I do want to thank Mr. Bongiovanni for after the previous public hearing we did have discussions about the fence. I'm just concerned about a couple of things. I just wanted to get clarification if I can. Mr. Bongiovanni and I spoke on the phone, we talked about grading, there is a significant grade change between my property and the property behind where they are going to put the driveway. I asked them if they were planning on doing any filling, I'm just concerned about washout, he did tell me they were going to be filling to bring the grade level up where the driveway is, and another question I have is (technical problems) The other question I have is in regards to something we spoke about. I just want to be on the record for clarification, the easement that exists currently at our rear lots to SNET, or Frontier or whoever has taken over the easement, is there anything that is going to go onto the plan to reflect that easement, to show that easement, to show that the easement is going to be nullified, and then I just also want to be on record with, I know it's not germane to this particular application tonight but in regards to the wetlands, the future homeowner of lot one, they are very close to the hundred foot buffer, the upland review area, just wondering about potentially in the future, if that homeowner chooses to place a shed, a pool, how does that affect the wetlands, will they be able to do that, with they not be able to do that, and then the final thing that I have tonight is with the length of the driveway. I know that the applicant has stated multiple times that the lot meet all requirements, however, being that that driveway has a decent distance to it, in the event that there is an emergency back there, will emergency services to able to get to that lot in a timely fashion. We do live in New England, it snows, is the homeowner going to be able to clear the driveway of the snow and ice or would they have to hire a contractor, so my issue is just the access, you know, God forbid hopefully it would never need to be, but if there is an issue back there I know it says it meets all of the regulations, has anyone thought about the practicalities of having residents back there. Thank you very much.

Ron Adorno, 54 Allston Road: Speaking in opposition to the rear lot. We have a developer's plan with the driveway going through several people's backyards, and they will have traffic not only behind them in the back but even more on Winslow with the entrance on Rock Hole. Even with a four foot fence behind there, how is it safe with the driveway going through the edge of existing backyards. It isn't. Either have the developer change the entrance and exit to the development from Rock Hole to Church Street. The cul-de-sac will be put behind these houses on Winslow and won't be any driveway issue going along the back yards. From the staff report of 3-16-22, Section 5.2.6 B, says the existing and probable future characteristic of the neighborhood in which it is located, in Section 5.2.8.D says traffic circulation within the size, amounts, location and access to parking and traffic load are possible circulation problems on existing streets or driveways considering the impact on existing street are affected. I don't think that impact has been looked at, at all. These sections indicated that we need to be sure of the safety of the development, on the development itself and the surrounding streets. The developer again, from these plans for the entrance and exit from Church Street and it solves the safety issue about the extra traffic on Stonehedge, Allston, Winslow, and Rock Hole, and solves the safety issue of the driveway right next to the residents back yards. Thank you.

Jeff Zelek: Lot number one, where a house is being constructed, do I have the right as the property owner to remove that fence, or is it in my deed that I have to maintain that fence in perpetuity? Thank you.

Mr. Silver, 108 Winslow Drive: I just want to reiterate what has been said many times considering the entrance to the development being on Church Street. I've been living in my home on Winslow for about 14 years and I drive through the neighborhood several times a day, and there is not one time that I drive through that I have to go at reduced speed to avoid people with babies, dogs, elderly people walking, there is always congestion on those streets, which is great. I think we might be doing a disservice to the new home owners of that development to have to navigate that on a daily basis. I know there is safety
issues that have been mentioned before but if they are buying a new house and they realize that it is
going to take them an extra few minutes and have to be extremely cautious when trying to get to and from
their new home, it may not be that desirable. Also, just one more thing to the applicant to consider, again,
the feasibility of having that driveway for lot one go on the other side of lot two instead of the backyard of
our properties. Thank you.

Scott Correl, 82 Winslow Drive: Bunch of questions, the process, there is applications at the
Conservation Commission that would make this okay. I'm assuming right now, because one of them that
Mr. Bongiovanni is submitting is changing the wetlands. Right now Lot one is in upland review area, and I
don't believe that you would be allowed to build there, I'm not sure, I'm not an engineer, I don't know all
the regulations. I am a little disappointed with our current Plan of Conservation and Development that
seems to be 99 percent pro development and one percent conservation. The process, it seems like we
are a little out of whack, I realize that there are these applications next week after Conservation
Commission meeting, that relate to this, and they have to pass. I almost feel like we already know that
they are going to pass, which bring me to a statement about the process. I spent a lot of time talking to a
few people at town hall, some people on the phone, and some internet research. I wish the process was
different, it seems like when we get to this state, in front of you guys, and there is a public hearing, it feels
like it is a done deal. The town has done a lot of work with the developer, the developer has done a lot of
work with the town, I hear the presenters say that. There is some concern. I wish the public hearing was
earlier in the process, like when this site plan review hit the town manager's agenda in March of 2021, a
year ago. I think this lot, so I can slip it in like other people have, I think this lot would be much better off a
cul-de-sac that started with an entrance and exit on Church Street. Maybe you could have the driveway
not along the property line, maybe lot one and two could be adjusted so that there wouldn't even be a
driveway along those homes west of Rock Hole Lane. In the end, I'm thankful that it seems that Mr.
Melnick might get his fence, although I'll be convinced when I see it. Thank you for letting me speak.

Chairman Pane: Now is the opportunity.....

Renata Bertotti: Mr. Chair, I received some correspondence, so I will read this, and it is the same letter
that was signed by a couple of people, so, let me just go through this.

"This letter explains our opposition to the above petition due to safety concerns. The plans currently have
23 houses being built. According to the developers study, there will be 217 more cars on the streets of
Stonehedge, Allston, Winslow and Rock Hole. This will affect traffic on all of these streets and will impact
those on Pickens, too. Given the number of houses being built, the number of cars will likely surpass 217
cars because. By the way, this was submitted on Petition 12-22 but then it was also submitted for
petition 13-22 so I have to read it.

"In order to reach Stonehedge Drive the cars will already be on Church Street. There is no reason to
have the cars leave Church Street and drive down several other roads to reach the new development.
Church Street can easily handle 217 cars than our roads. Additionally, the plans show that the entrance
and exit for the construction vehicles is on Church Street, let's keep the residential vehicles on Church
Street too. This is a safety issue for all those living on Stonehedge, Allston, Pickens as well as those
(inaudible). There are many people walking the neighborhood at all times of the day and night, and as
the neighborhood turns over to younger families moving in, there will be more children at risk too. Our
small roads can't safely accommodate 217 or more cars. Traditionally it is safer for the residents of the
new development for the entrance to be on Church Street and police, fire and EMS will be able to get to
those residents much quicker than having to travel down Church Street and then Stonehedge, Allston,
Winslow, having to transfer several corners and waste valuable time. Seconds count in emergencies,
and quicker response can and will save lives and property. The current residents and voters on
Stonehedge also Pickens, Allston and Rock Hole vastly outnumber the potential residents of the new
development. For these reasons, and for the residents of the new development, the access and exits for
the new development needs to be moved from Rock Hole to Church Street. Please share this letter with
the Town Planning and Zoning Commissioners currently voting on this petition."
I received another e-mail from Ms. Neiman of 289 Tremont Street. "This is to all board members. After the public hearing of March 23rd, I had a closer look at the diagram of the proposed development and realized that this directly abuts the portion of my lot which is on the hill and across the brook. My son pointed out to me that rebars marking the property boundary which are not visible on the image shown during the hearing. My property extends further up the hill and abuts the new houses there. I have lived at 289 Tremont Street since August, 1966 when my husband and I contracted for this house. We were offered an extra parcel of land across the brook. We bought it to maintain a buffer between our land and existing and future development. We left it in its natural state for almost 66 years, and my family and I have enjoyed watching wildlife and the screening provided by the extra land. I realize that public participation has been cut off, and during the first hearing some mention was made of some form of screening trees, perhaps but having seen a better image showing the impact on my property, I am asking that a true privacy screening be provided for all seasons. This will benefit not only me and my Tremont Street neighbors, but also my new neighbors to be in the planned subdivision should the proposals be approved. It would have been an added advantage of preventing unintentional setbacks on private property. The question of further erosion along the bank of the brook did come out at the first meeting. What was not addressed was whether there would be any changes to the path of the brook. My property has already been impacted by previous changes to the brook when changes were made along Church Street some years ago. Also having seen how closely these proposals affect my property I must now consider the impact this would have on resale value when the times comes to sell my beloved home. The further request for an interior lot at the rear of 321 Tremont Street will have definite affect. Knowing the scheduled second hearing on this proposal, I hope that consideration will be given to my concerns." Sincerely Ina Neiman, 289 Tremont Street.

Those are the pieces of correspondence received.

Chairman Pane: The applicant has time to try to answer some of these questions and if you are there Alan?

Alan Bongiovanni: Thank you Mr. Chairman. Mr. Prentice spoke first, I don't think there is really anything that I could address in his comments. As was stated for the record, there are two applications here, one is for the subdivision, for the open space subdivision. That was open and closed at the last meeting, so several of the comments that addressed or questions or looking for information regarding that application, that is in the Commission's hand now that the hearing is closed. Mr. Melnick asked about filling, I explained to him, this property, lot #1, lot #2, are lower in elevation than his lot. Our plans detailed that there will be some grading to accommodate this driveway at the rear at his lot, the driveway will probably be about a foot lower than his rear property line. It will be a gentle grade between them, it doesn't require, if you look at the plans, any significant grading to make this happen, so yes, there is a drop in grade to the north of his property but it's not anything that is not so drastic that we can't do it with normal construction practices, and we have detailed that on the plans, and the town staff has reviewed that.

Question about the SNET easement, so this is owned by a large corporation, this is as I said at a previous hearing, it starts and ends on our property. There is no place for a power line or a communications line to go in the future. This was part of a larger easement that as those properties were developed it was at the time Southern New England Telephone Company, they extinguished it because this property was vacant and there was no immediate plan at that time, there was never a request made of the owner of that easement. We don't have any notes on the plans, because one, it doesn't affect the development for this property, and two, it could be a long time in trying to track down who the current owner of that is because of corporate sales and transactions, it be Frontier, it could be another entity for all we know. It's something that we are looking to extinguish, but we don't know when and how long that would take. It doesn't affect the developability of lot #1 or 2 or any of the other lots in the subdivision. Questions were raised about the wetlands, and again, that is beyond the purview of this Commission, those are items that are being taken up on different applications for a different Commission.
Comments or questions from Mr. Melnick about, did anybody look at the length of the driveway and evaluate this. When these regulations were crafted by this Commission public safety, fire, emergency access was all looked into. That is why you have items, you have those items under the interior lot, let's talk about driveways in excess of 500 feet and certain widths and things like that for fire department and apparatus. These regulations were reviewed, these standards were put in place so that you have adequate safety measured in place in interior lots, and we meet those regulations but they have been addressed by public safety and the Fire Marshal's office and where appropriate there are provisions in the regulations to put other requirements on the driveway. Because this is only 200 feet, it's relatively short, this doesn't require any special measure.

Mr. Adorno asked questions really relative to the subdivision application, I won't rehash that. Mr. Zelek asked the question about the perpetuity of the fence. I would imagine that would be a condition put on the Commission that we would note on the subdivision map that this fence must be maintained in perpetuity or at such time that both neighbors don't want it any more. We're willing to accept something that provides some assurance to the neighbors that this will be there for an appropriate time.

Mr. Silver talked about moving the location of the driveway to the other side of Lot #2. Given the proximity to the wetlands, given the actual existing contour and grade of the land, it really doesn't work well there, it would be significant to the upland review area and potentially some of the wetland areas if we were to relocate that driveway to the north side of Lot #2. Where we show it is the most appropriate location, it works well with grading, and there is the least amount of impact to any of the land in that location.

Mr. Correll voiced a couple concerns, and I have heard this in a lot of applications. That, you know, the public feels that when applications like this come before this Commission that the town has worked with the applicant and they are done deals. I think what the public is missing in a lot of applications is, the property owners have rights, they have the right to develop their property for what it is zoned, this is residential property. The land owner has the right to develop this property. They have regulations that we have to comply with, when they do that, they have to work with the town staff because they are the body that reviews these for the Commission. They are not done deals, but there are rights that the owners have to develop the property. Just like everyone else, that is a neighbor here, someone before you come before these Commissions to create a development within the regulations and as a subdivision it is an as of right for this type of application where the developer is entitled to do that. The difference here is we're asking for a special permit for an interior lot. Special permits are not a vehicle designed to create ways for a Commission to deny an application. They are ways for the Commission to ensure that because of the character or the uniqueness of the application, that there are special conditions that they want to make sure that they are addressed, and that is why we are here. We are demonstrating that we have addressed what is required for an interior lot, and that we protect the public health and safety and work within the regulations so that a special permit should be granted.

There were questions about traffic, again, that has gone before this Commission in the previous application or the companion application. Our traffic engineer spoke to that, and I will leave the record as it was submitted.

Lastly, Ms. Neiman's letter talks about buffering and screening, you see there the photograph, the lines in yellow are the property lines, to the left of the screen, the far left is Ms. Neiman's house. From the back of her house to her rear property line is probably in excess of 150 feet. The brook bisects her property. She and her husband acquired additional land so they would have additional buffering in that area, and that was per her statement in the letter. This is all wooded, all wetland or regulated area that if anybody was to do anything would require permission. We have, and we are proposing to leave some of the trees on the property. There is no requirement for buffering between residential use and residential use, so between any neighbor on Rock Hole Lane, or Winslow Drive, or Tremont Street, there is no requirement that one neighbor has to provide screening from another neighbor with the same use. I submit to the Commission that there is adequate screening that exists today, and will exist in the future and any additional screening or buffering is not required, and is not part of our regulations.

With that, if you have any more questions Mr. Chairman, I'd be happy to answer them.

Chairman Pane: The public has the option to rebut. This is concerning the rear lot.
Unknown Speaker: Two questions, why aren’t we accessing from Church Street. Why do we have to do this way, and the second one, where are the people’s rights that are here. Disconnected, we ask you people that we elected, God bless us, we’re in trouble, just like America.

Rachael Correll: The question I have is, you insinuated that we did some kind of research or something on the additional 250, why? But what does that actually mean for Allston, Stonehedge and Winslow? How many times per day will there be vehicles on those roads. There is no number with that, and I would like to know that number.

Chairman Pane: That has to do with the previous plan and that has already been closed.

Andrew Melnick, 118 Winslow Drive: Just asking the Commission if the proposed language that goes into the site plan could be amenable between the future resident of lot #1 and the neighbors presently on the street. So I just ask if we could all work together to get this put into writing I would appreciate it very much. Thank you.

Jeff Zelek: Mr. Bongiovanni stated that by right, the developers, the property owners can develop this property. I’m just curious as to the Zoning Commission, one of the Commissioners, or staff can answer the question if they have the right to develop, what would be a legitimate reason for denial? Thank you.

Scott Correll, 82 Winslow Drive: Defending my wife Rachael who spoke earlier, Mr. Bongiovanni, who I have a lot of respect for, reportedly knows his stuff, he did bring in the traffic report when he was talking about the lot #1. What I would like to say, you guys should have more patience with us, because what I learned talking with Newington town employees, officials, is that I pretty much only have a right to just complain. I’m not an engineer, I’m not a lawyer, but I know development is inevitable, but is this development too much for the space that it is going into? That is why people are upset. So thank you for your time.

Chairman Pane: Anyone else? Any Commissioners have any questions before we entertain a motion to close the public hearing for Petition 13-22?

Ron Adorna, 54 Allston Road; Mr. Bongiovanni said there were issues raised before where really applied to the prior petition, but it is really related. These two are really related, traffic and the driveway. Both issues could be resolved if the entrance and exit was moved to Church Street. As far as public safety and fire saying this is okay, myself and several other neighbors have talked with them, and met with them, and their preference by far is to have the entrance from and exit to Church Street, so I invite the Commission to really, to go and talk with them and ask them what the preferred method is for accessing the development. Thank you.

Rose Lyons, 46 Elton Drive: This is just for clarification for myself, it was late when you had these two hearing two weeks ago, and maybe I misunderstood but I think that someone questioned whether both applications had been closed and you said that they had. Just one was, and not the other? Is that correct?

Chairman Pane: The other application was closed and this one here, we forgot to include the two of them together, so we wanted to have this open again, because it was late, and I made a mistake and so that is why we had this public hearing.

Rose Lyons: Okay, so we thought it was, but it wasn’t, so the discussion at the end of incorrect, both of them were not closed because this one was not included with the other.
Chairman Pane: Correct. Anyone else? I'll entertain a motion from the Commissioners. Commissioner Woods moved to close the public hearing for Petition 13-22 and move it to Old Business for possible action this evening. The motion was seconded by Commissioner Caffey.

Commissioner Lenares: Some of the correspondence that Mr. Melnick, going back and forth as to what was actually stated in the petition for protection, is that going to be something that they are going to have a chance to see before it is voted on?

Chairman Pane: That is something that we will discuss under site plan and we will come up with language to protect everyone.

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

B. Petition 15-22: Special Permit (Sec. 3.19.1 & 3.15.5) and associated site plan to allow a place of physical activity (Swim School) in the PD Zone at 77 and 93 Pane Road, Applicant SBS Realty LLC, Owner, McBride Properties, Inc. Contact Mrutunjay B. Sabarad.

Chairman Pane: I'm going to turn the meeting over to the Vice-Chairman. I am an abutter so I am going to recuse myself from this Petition.

Vice-Chairman Claffey: If the applicant is present, I'd like them to come forward and present their petition here before us.

Brandon Hanfield: For the record, professional engineer licensed in the State of Connecticut with Griffith Consultants, LLC., representing the applicant SBS Realty LLC in the meeting tonight, virtually on Zoom are two members of the applicant, Mrutunjay Sabarad and Felice Acana. John Wick, our project architect is also on. Joe Balkus, our traffic engineer is on, or Molly, his co-worker. So, we have the whole team here.

We do have two applications in front of you. One is a special permit, the other is site plan. If it pleases the Commission I will give the same presentation for both, since they are together and ask that the testimony be entered into both records to keep things short.

So the first sheet you have here, or the title sheet just really quick to orient everybody as to where we are, we are at 77 and 93 Pane Road which is at the south end of town, at the bottom of the Berlin Turnpike. On this screen, Pane Road is up, which would be north, to your right would be S.A. Frink garden center, to your left would be Connecticut Auto Repair and to the west the Stew Leonards property would be just below, off the screen here to our south, and if you went eastbound on Pane Road you would come to the intersection of Berlin Turnpike about 900 to 1000 feet down the road.

I'm going to jump to the survey that was submitted as part of our site plan application, what I did was overlayed the survey on top of the aerial just to give a quick snapshot of what we are dealing with back in 2019. Outlined in orange are our subject properties, that includes both properties that includes 77 to the east, approximately one acre, 93 to the west that is about 1.5 acres totaling about 2.55 acres total. It is zoned PD for a Planned Development District, and the current use is vacant, and there is nothing on it now except for an extensive regrowth of invasive species, mainly due to historical land use back in the early or mid 1990's when this area was approved. So, S.F Frink property was a warehouse I believe by itself; these two properties as well as the property to the east which is storage and then further to the east, which is the car wash, they were all part of a development that was approved for this area so speaking directly to our property, the entire area from about the midpoint south was filled to level it off for future development. Nothing happened since then obviously, but we're here today to come forward with the planned type of development they had at that time.

In terms of, in terms of vegetation, there is no mature vegetation on the property. It does slope away from the road slightly, so it is a gentle slope that was part of the filling operation as we go back, and once we get back, almost to the rear here, the slope goes down into this detention pond. So that retention pond
collects all of the storm water from our site, the S.A. Frink site, the adjacent site to the east, and at least some of the Stew Leonard’s property. That will come up later in our storm water conversation.

The last thing I’ll bring up is Inland Wetlands. There are inland wetlands just off our site to the south, and slightly on it that was flagged by our soil scientist. We did receive approval from the Conservation Commission in March, last month, for our activities but they are represented in all of the plans that you see.

Moving forward, I won’t spend too much time on this plan, we are talking about the general access to Pane Road, so in the center of the two sites, or the dividing line which will be combined as part of this property, we have our main access drive to Pane Road on the south side, that serves a single drive access, 24 feet wide through the site and around our building. In orange you see one building of approximately 11,200 square feet, that is located on the west side of the site, and there is no current development proposed on the east side of the site, however there may be something in the future, there are no plans, but we did leave a spot there for future development.

We’ll speak quickly about access, traffic and sight lines, so we do have adequate sight lines from this proposed driveway location in both directions, it’s on the outside of this curve, so we have good sight lines looking both west and east towards the Berlin Turnpike. A traffic report was performed by VHB, and again, they are on the line and they found that the traffic generated by our site won’t significantly impact the traffic on Pane Road or the adjacent intersections. We can go into detail further on that if there is any question, but I did want to bring that up, that we did a study of Pane Road and the intersections and there is no significant impact.

This is sheet number 3, more detail of the site layout. This shows a higher scale resolution of the proposed development layout so again, coming onto the site we do have a 28 foot wide access drive, with the 24 foot wide driveway through the development, running north to south, and then hooking around the back of the building. We have 64 parking spaces proposed which exceeds the minimum of 56 required for the development. The building itself, again, on the west side of the site, it’s 11,170 square feet. The swim school, which is why we are here tonight, will be located in about 7,000 of the southerly side of the building. The northerly side will be commercial space that is not currently designated so the commercial space will face Pane Road. Access to the commercial space will be on the east side of the building and access to the swim school will also be on the east side of the building, more centrally located. Sidewalks are provided along the entire parking area, connecting with all parking spaces as well the satellite parking area to the south and on the rear of the site we have a pedestrian sidewalk that connects all of the rear doors, or back of the house doors, with the trash enclosure area which is located to the southwest and to the loading area which is located adjacent to the trash enclosure.

Any questions on the layout before I jump to the next.

Real quick to touch on, our utilities, the drainage, the site was graded to meet the contours that were provided to us through that historical land improvement, so we have gentle grading starting at the high point, at Pane Road and gently sloping away to the south from the road. Our building also has the ability to accommodate that gentle grade.

The utilities, we have adequate water, sewer, gas and electric. We have a letter from MDC that was submitted for the record showing that they agree that we have availability for the water and sewer utilities. There was a recent comment I believe from the Fire Marshal related to the fire department connections being in the rear of the building and the connections with the Fire Department can be worked out. The driveway and grading, and the sheet flow is north, away from Pane Road, it will be collected in an internal network of catch basins and piping as well as roof leaders and swale, and direct everything to a treatment, filter bed and sedimentation bank located at the south end of the site. We mentioned before, about existing conditions, there is a retention pond to the south of our property between Stew Leonard’s and us and that retention pond was there before 1992 and during the improvements in 1992 it was expanded for the purpose of this development as well as the car wash and the adjacent property, so that, the retention area was expanded to the west so down here, what we did was determine what level of development that retention was designed for, because it wasn’t specific. What we found is that our proposal is far below what they designed that retention for in terms of volume and storage, so we are below the thresholds that the original design called for, and they also put in this pipe network here, for the direct purposes of us connecting to those basins which discharge to the retention basin, so we did meet
the intent of the improvements and are well below the thresholds that they were designed for. Our main focus here was collection and treatment before discharging so this filter bed and sedimentation can adequately treat the storm water and in accordance with the 2004 water quality manual and Town of Newington standards.

Sheet six of your plan, our focus here was, we wanted to bring in some street trees along that road, again, its pretty scrubby in there now and doesn't look really nice. We will bring in some street trees and some trees around the building itself, so you can see the building here, and if there is ever future development there will mature trees flanking the building.

Coming in from this side, there is a network of internal landscaping, shrubs and ground cover, there are foundation plantings consisting of shrubs, perennials, grasses and as you make you way to the rear of the site, our focus went from landscaping to more of a screening nature, so around the trash enclosure we have some smaller screening trees that parallel the fence, that goes around that enclosure. Then along the property line we have some staggered conifers, spruce trees, fir, a mix of variety that ring the west and south end of the site and what that does is provide the physical and visual barrier to the Conservation easement that exists in this location here as part of the original subdivision. Then as you get to the rear, we have more of a physical barrier from outside our filter bed to that retention area, so we tried to create a separation here, with also leaving room for maintenance of the existing collection system.

The last thing I will speak about with landscaping is, we are proposing to plant a native wildlife conservation mix all along the south and southerly boundaries of the site, so you can see that in this bright green symbol. That will basically be a conservation mix that can be mowed once or twice a year, preferably once, and it will have native species in it that will provide a maintainable barrier and try to fight back the invasive that are likely going to want to come back.

Last, same plan, just took off the color of the landscaping and added in the color for the lighting. You see our lighting focuses entirely on the parking area and driveway area, the pedestrian areas, so we designed these lights to focus in where we wanted them and keep creep from going off of the property and glare off the property. This little section here, it's more of a program mechanism than reality, those lights there are going to have a hard time getting though two layers of screening trees to get any light over there, but it does not take into account trees when we do that software.

The last item I'll present is our erosion control plan. It is comprehensive and in accordance with the 2002 guidelines as well as your town standards and that concludes my site presentation. John is on the line, let's see if he can jump in.

John Wiltke: Unknown, 15 Prospect Street, Milford. This will be a short presentation to familiarize the Commission with the building, starting off with the renderings. In general the building is a single story, known as building A, the only building on the site, it's 11,170 square feet with the three tenants as Brandon discussed. The overall height of the building is 24 feet to the top of the parapet. You are looking at the entrance which shows the vestibule and the two tenants for the commercial space toward the front of the building. The materials we are using are clean, contemporary, siding. I can describe the top color, ivory is a fibrous cement pane, like a hardy panel, the trade name if you are familiar with that. That is the whole top of the building and it's over a vertical architectural metal which is rendered in interstate blue from the company that we have used, and it's also over the store front which is a black charcoal frame with a glass insert. The other entry canopy is, wraps around toward the front and changes the material from the glass, it's the architectural metal panel that is rendered in a silver color so complements that we chose for the building. There is also the store front and large windows towards the street. The rear, in the back are finished in the same material, and they are represented in the architectural package. The floor plan is an overall, the description of the two tenants in the front, 103,102, and then the same splash has been designed to show the nature of the function and how it flows. The next sheet, A-2 shows a larger scale plan which is easier to read. You walk in from the entrance into the vestibule and it opens up to the reception and viewing area that has all windows that separate the pool for environmental comfort reasons and also for visual while the kids are inside taking lessons. We also have a meeting room that will double as a party room, over to the right, just off of the entrance itself. You go to the back of the building as you are going into the changing rooms, the toilets, to the right and there are also some changing rooms to the left which is for staff. That all opens up to the pool area which has
one large pool, 60 x 20 towards the rear with glass towards the back for light, and atmosphere, and then what is called swim lab pools, they are sitting on a slab and they are used for training for more advanced students. In the back corner is the pool equipment and technical and electrical stuff like that we tucked in that back area. With the visibility, we can see what happens in the interior, it's an industrial looking building with some open web that is open to the larger viewing area and swim area. With a sloped roof, that pitches the water and sheets off to a gutter that goes to that drainage system. We also have, towards the front of the building a few support facilities, the office and things that have a lower ceiling and privacy of those uses. The front elevation, I just described what those renderings are. The larger scale gives a better picture of the siding, the panels, and the vestibules and the canopies. The same with the rear, the exterior wall finish is culled out clearly, and the rear shows the function for getting into the water. That is a brief presentation, I can certainly answer any questions that you may have.

Vice-Chairman Claffey: Are you all set, do you have anything else?

Brandon Handfield: For now, I think that is pretty good for our initial presentation, I would like an opportunity to come back and close out and we are certainly open to questions from the Commission.

Vice-Chairman Claffey: We'll go to Renata or Erik for their report and then I will open it up for Commissioner questions, directed at you or your staff.

Renata Bertotti: This went to the Conservation Commission and at that point it had some minor technical comments by the staff which I understand were all resolved at this point. At this point in time, all of the comments by the staff have been addressed to our satisfaction and as far as the Commission is concerned, all that you are looking at is reviewing the criteria of special permit and then since this was presented as a combined application, site plan criteria as well.

Vice-Chairman Claffey: Then everything that was sent back was manageable. I want to give the public an opportunity to speak. Is there anyone in favor of the application? Anyone wishing to speak in opposition to this application? So I will open this up to the Commissioner comments seeing no one for or against this.

Commissioner Woods: Question for the applicant. Is there going to be a sign on the front of this property at some point, you'll come back for that, or is there just a sign on the front of the building as you show on your plans?

Brandon Handfield: We show a monument sign location, just off the driveway. We don't provide the details at this time, so the sign company will likely be coming back to obtain those permits once there is a design and for the size.

Commissioner Woods: More for staff, obviously there will be than sufficient parking, but what happens when the other lot gets developed, or do we worry about that at that time.

Renata Bertotti: I think it will depend on the proposed uses, so as it is right now, I mean we are aware that there is a plan for additional development on this site, which what ends up happening here in regards to the parking depends on the proposed use, so as long as they can develop this and the proposed use meets the minimum parking required, they should be okay to be able to do that subject to the special permit or site plan.

Commissioner Woods: And the pool, one last comment really, I'm assuming that the parking here and the minimum required I think you said was 54, 56, one of the two, that's for the entire building, not just the swim school, correct?

Brandon Handfield: That's correct.
Vice-Chairman Claffey: Any of the other Commissioners have any questions?

Commissioner Trister: Just a question about the architectural plans, the other tenants they have listed as gym one and gym two, is that indicative of what they plan to put there? Is that just......

Brandon Handfield: To be quite frank, it really depends on the likely tenant they get and how it would fit out, so my understanding is that it will be kind of a shell, then whoever wants to come in, it will be fit out from there. At that time, making sure the use is compliant with zoning.

Commissioner Gill: As far as the parking, is the level of parking that they are proposing will fit any piece of tenant there?

Brandon Handfield: So what they based their calculation on was a place of physical activity and a retail space and that is what we developed the parking numbers for.

Commissioner Gill: Okay, the retention pond, is that being lessened, or made smaller, or is it just going to stay.

Brandon Handfield: The retention pond actually is off our site. It's on the adjacent abutter to the south, so the retention pond will not change at all, and that has sufficient storage for our peak flow attenuation. All we are going to do is it will be treated, and we have the means to do that.

Vice-Chairman Claffey: Any other questions? What would the Commission like to do, possibly a motion to close this and move it to Old Business.

Commissioner Woods moved to close Petition 15-22 for a special permit, to be closed for possible action for Old Business this evening. The motion was seconded by Commissioner Lenares. The motion passed unanimously with six voting YEA.

Chairman Pane was seated at the table.

C. Petition 18-22: Special Permit (Sec. 6.2.5) to allow a free standing sign at 4 Hartford Avenue, Applicant Paul Bianca, Owner DYJ LLC, Contact: Jawa Shalo.

Unknown Speaker: We are here for 4 Hartford Avenue for the petition for the sign for the gas station that is being built there. We were here about a year ago for the building, we were unsure what we were going to do with the sign, so we're back now that everything is more solidified. It's going to be right in that corner of Hartford Avenue and Main Street. It is going to be a 15 foot sign, it's going to have, it's a free standing, it's going to have the name of the station, gas and diesel price, so that is going to be our regular price and the diesel price. They are going to be static, they will not be changing, I know it says, cash and credit but we do not plan on doing that.

Erik Hinckley: Just as a point of reference, I know that I asked the question, we are going to have the two prices, it's not going to be just one standard three prices like you typically see.

Unknown: Yes, we are only going to show the regular price and the diesel price. All other prices will be on the pump.

Chairman Pane: Okay, staff have anything?

Renata Bertotti: No Mr. Chair, this is a pretty straight forward application. The sign is going to be illuminated, can you ask the applicant just to explain the illumination?
Chairman Pane: Is this internally lit?

Unknown: It is, on the top where it says Eagles Nest, the name will be internally lit and the numbers and cash and credit are LED lit.

Chairman Pane: Okay, very good. Anything else? We're going to go to the public. Is there anybody wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application. I have a question for the applicant, it has come up several times from some of our previous Commissioners, can you make sure that we have the address on the middle of the sign somewhere, so that for fire and rescue?

Unknown: Do you written out, or just the number?

Chairman Pane: Just the number.

Unknown: Okay, we can add that to the pillar itself.

Chairman Pane: Questions from Commissioners?

Commissioner Claffey: I have one question. Is this a two sided sign or a one sided sign. I see it is it going like east to west or north to south.

Unknown: It will be two sided, but the second side, it will be toward the building, so it is going to be at like an angle, it's not going to be facing Hartford Avenue, or facing Main Street. It's going to be kitty-corner.

Chairman Pane: Any other Commissioners have any questions? I'll entertain a motion from the Commissioners.

Commissioner Claffey moved to close Petition 18-22 and move it to Old Business to act on it tonight. 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 regular meeting of March 23, 2022. The motion was seconded by Commissioner Trister. The vote was unanimously in favor of the motion, with seven voting YEA.

IX. NEW BUSINESS

A. TPZ By-laws

Chairman Pane: I asked Renata to look into this, and I also asked if we could determine when the meetings run a little long so we don't run into the same problem that we had recently. She will give us a brief overview of this, and then we won't take action tonight.

Renata Bertotti: So, to start off, the way this came about, which is, there were some questions as to why are we doing this? So, the last meeting went on until 12:30 at night. One of the issues with that is that everybody was so tired after that meeting and then there were things that were made, the public was tired, the Commission was tired, so the Chairman called me the next morning and said can we look into the by-laws, first of all, we are aware that the way that our agenda is, is different than our rules and
procedures are and that is because the last time that was amended was in 2001. The last time that this document was touched was in 2001, so it is long overdue. The document to look at, to being with, and then, the other fact that really needed to be looked at was how can we do what the Town Council does, at a point in time when the Commission closes the meeting and we can do that in this proposal at 11:00 and if the Commission wants to continue past that time, they would have to vote.

So I will go over all of the changes, that I included in this document and explain why I proposed them. This is the Commission’s document. So if you don’t like something, please feel free to change, this is me suggesting but you can change any of it. This is the Commission’s document, not something that is for the public to change or for me.

So the first thing that I looked at, I wanted to make it gender neutral, recognizing the fact that perhaps at some point in time we may have a Chairwoman. So I changed that, then the next thing that I changed since we are now obviously holding meetings by Zoom and by hybrid methods and all of this other stuff, I included language that actually referenced how we are noticing the meetings, and how we are sending the documentation to you. So some of the stuff that you will see is saying we are doing electronically, in person or hybrid, and then further down in the document I am saying that I will be sending you notice of the meeting by e-mail.

The order of business is important, it lines up generally with how our agenda is today, so we have the Approval of the Agenda, Public Participation, Zoning Enforcement Officer report, Remarks by Commissioners, and one of the Commission members called us and commented that we did not include a roll call. I did not feel that it was necessary to include every single item on the Planning Commission agenda on here, but again, it’s your document. If you feel that is necessary, we can certainly put that in. Then we have public hearings, minutes of the preceding meetings, new business, old business, petitions received for scheduling, town planners report, communication, public participation. So public participation for items not listed on the agenda, so let’s talk about the public participation for a minute. The reason why, on Planning Commission by-laws, I believe is to originally as public participation for items that are not on the agenda, is that you do not hold illegal public hearings. If there is an application on a site plan, and somebody comes up and talks about that item, but the item is a site plan item, that constitutes an illegal public hearing because you haven’t sent a notice, you haven’t advertised to it, etc. So that is a problem. For general matters, general planning matters however, that are not items that you make decisions on, such as site plans or matters that are public hearing matters, you probably can have people talking about which is why you allow public participation for items that are not listed on your agenda. But that is the reason why the Planning Commission lists this as items that are not listed on the agenda. So, that is one of the reasons why, for example, this by-law discussion is not necessarily a discussion that is a discussion that technically is to be discussed, but that one is okay. People can talk about that because it is not something that you will be making decisions on by statute, so if somebody talks about that, it is not a big deal. It’s not public hearing, it’s no something that is going to get us in some kind of big trouble. So, there are these two points on the agenda where there is public participation for items that are not listed on the agenda. If you look further, there is closing remarks by the Chairperson, Adjournment. I included this section, if should be the discretion of the Chairperson whether the order of business shall be varied slightly provided the Commission consents to such variance. I used this language because it is under your public hearing area as well because I feel that this is already something that is practiced. You already sort of change the order of business because your agenda doesn’t reflect 2001 by-laws anyway, so this is happening anyway, and this language is not in your by-laws so we might as well include it. I mean, we are practicing this as well.

When we change the order of the agenda we vote anyway so included the vote by the full Commission is just a smart way to get a consensus by people on these matters.

Here is the one that I am talking about the agenda will be e-mailed, so we will still be sending you packets the normal way that we do, continue to do everything the same, I’m not going to change anything, but primarily because now we are e-mailing everything I wanted to include that language.

I deleted this section here because any item that is proposed within this agenda that doesn’t have supporting information as required by these rules is to be considered incomplete. This paragraph here talks about when do you call an application incomplete. You, as a Commission have the authority to deny an application as incomplete when you don’t have sufficient information to render an informed decision.
So, when you don't have the documentation that is necessary for you to render a decision, that is when an application is incomplete. Those kinds of documents are in your zoning regulations, that should not be in your by-laws, and a bunch of other things on the back of this document that I deleted as also inappropriate in the by-laws, so I deleted them.

I updated this to reflect the current rule, I double checked with James and he referred me to this particular section of the statutes and this is the one where executive sessions are governed by, and then this next five deals with documents that are procedures and matters that should be and are in the zoning regulations, and are and should not be in your by-laws.

Now this is probably the most important part of what we are talking about. So, under the procedures for public hearings, there is the convening by the Chairperson, there is the reading of the notice by the secretary of the Commission, we don’t really, in practice, identify the location by the Town Planner. You never say to me, where is this property, we generally know where the property is. Also, there is not really a statement by the Town Planner where I talk about what the application is. We generally just call the applicant right up and they explain the application. Presentation by the applicant used to be limited to 20 minutes and you can keep the time limit if you wish. However, I feel that it is really ill-advised to time limit any kind of presentation to any type of time limit, because you can have an application that is very simple and it can be described in a matter of minutes, such as the special permit for this sign, that we just had which was explained I would say, in seven minutes. All the questions were answered and it was a simple, straightforward, you know, it’s a sign, it’s 15 feet tall, and it's illuminated, and that was it, versus you can have a project such as 3333 Berlin Turnpike or the National Welding site, which is a large, 20 plus acre project complex development that involves a lot of elements, yet require a long presentation for you, the Commission to actually be informed in order to make a decision and also for the public to understand really what is happening. So the applicant, the presenter has to have sufficient time to address all of the development proposal and then to talk about how they address your regulations. So, it is up to you how you want to do that, but I think limiting applicants time is ill-advised, you as a Commission can guide applicants, if they go off into left field and talk about things that are boring and not applicable, we can always tell them, and direct them to talk about things that matter, so that is why I eliminated that.

The next thing that I changed was, we have to be fair, and we have to be equal. So when people are speaking in support and people are speaking in opposition they have to have equal time, so I made it equal. Whether people speaking in support or people speaking in opposition both have two minutes or three minutes is irrelevant to me, but they have to have equal time, so you can pick, two minutes, or three minutes or five minutes, for each, but they each have to have equal amounts. There is rebuttal by the applicant, I suggest that you do have some kind of time limits to that because generally people will bring in a couple of points and then those can be addressed within a certain amount of time. After the applicant speaks, the applicant has a higher legal standing on an application than neighbors, than any other resident because they are representing a property owner, they are representing somebody who has a property value, who has some kind of value in the application itself. So, in my experience, applicant gets generally the last word. These are your rules however. So if you wish, you can allow the public to speak after the applicant, but if you do that, again it should be equal, so if you allow rebuttal after the applicant speaks, again it should be to both parties, in support and against. So if there is a rebuttal after the applicant’s rebuttal, it should be in support and in opposition for equal time. I added what I think will become my favorite close of this, time of adjournment at 11:00 p.m. and after that I believe everything else is deletion of things that are either statutory things or things that are in regulations. I do not like statutory time lines in Commission by-laws. I don’t even like having statutory language in the zoning regulations. I don’t like zoning regulations that say, you must approve plans in 65 days. I prefer having the zoning regs say, you must approve this by statute, because sometimes statutes change and I just like to have, I don’t like to have to change the zoning regulations every time somebody at the state decides to change them. I hope this explains what was done here. I suggest you take this, think about it, and then we can tweak and modify some of this and take it from there.

Commissioner Claffey: I’m just thinking, we have had times when applicants have come before us in a preliminary setting to get our opinion on what or our take on the potential of said properties that have
been rumored, take 3333 for example purposes only, and I don’t even know if it was them, but someone came and said would you, how should we move about this, is it anything we do can better, like they came for our opinion even though a few weeks later it came as a package and I remember that years and years ago we would have that debate over site plan versus, like tonight, we have the site plan and the building as the same time. Is there anything that we need to put in there when people do come and get our opinion, after they have talked to you, they wanted to get the Commissioner’s opinion.

Renata Bertotti: That is actually allowed for you to do under statutes right now and you can include, if you feel more comfortable, and we advise people all of the time. I think that it is one of the best things for developer to use, a preliminary conversation with the Planning Commission. If there is anything controversial, I will advise an applicant to come in and talk to you because that is the best risk. It is allowed under the statutes.

Commissioner Claffey: When someone sits before us on controversial items, because we have had a lot lately that would help.

Chairman Pane: Any other questions for the Town Planner?

Commissioner Havens: About e-mails, a lot of the e-mails do not have the name associated, and then there is correspondence or in person speaking so then some people send e-mails, and it is a waste of time, and it is unfair.

Renata Bertotti: I did not realize that the person that spoke was the same, I realize it after I read the letter.

Chairman Pane: Normally it’s one or the other.

Renata Bertotti: That was my mistake, I didn’t, after I read the letter I realized that the person had spoken.

Chairman Pane: And as far as the name and address, if I’m not mistaken, they legally don’t have to, we do ask them to give their name and address, but legally speaking somebody does not have to leave their name or address for the record. Renata will address a couple of things, we can think about this and have a discussion. So between now and the next meeting, if you have any questions for Renata get them to Renata so that we can discuss them at the next meeting. Is that alright with everybody?

X. OLD BUSINESS

A. Petition 07-22: Special Permit (Sec 3.19) to allow a residential development in the PD Zone at 35, 67 & 69 Culver Street and 258 Deming Street, Applicant AR Building Co., Inc., Owner: RDTHREE, LLC, Contact Bongiovanni Group, (Tabled from 3/23/2022.)

Chairman Pane: Renata, is there anything you would like to go over on this, with us. This is for the special permit.

Renata Bertotti: Not really, this was a long presentation at the last meeting, I think with regards to special permit the record was pretty clear. The hearing is closed, no new information is allowed as of now, so you know what you know. If you have any questions in regards to clarifying what you hear last time, you can ask me but unless it is something that you heard and you wish to clarify, I can help.

Chairman Pane: Are there any Commissioners that have any questions or want to clear anything up?
Commissioner Lenares: I was absent at the last meeting, so just to let the record know, and staff, Commission, I read the minutes, went over everything, and feel comfortable sitting, voting and talking, just to let everyone know.

Commissioner Claffey: I also want to state that I was not present at the last meeting, but have reviewed the minutes in detail and feel confident with moving forward with what is transpiring.

Chairman Pane: Any other questions? I know this was pretty controversial, I truly think that the people will be surprised at, I think this will be a nice project. I'm in favor of this, I'll entertain a motion.

Commissioner Claffey moved to approve Petition 07-22 Special Permit (Sec 3.19) to allow a residential development in the PD Zone at 35, 67 & 69 Culver Street and 258 Deming Street, Applicant AR Building Co., Inc., Owner: RDTHREE, LLC, Contact Bongiovanni Group, Inc.

Approved:

Move to approve the special permit for residential development

Reasons for the Approval:

The proposal meets the special criteria of Section 3.19 and 5.2 of the Zoning Regulations.

The motion was seconded by Commissioner Havens.

Commissioner Trister: I have a comment, I'm concerned that this project doesn't fulfill our affordable housing need, so considering what Mr. Sweeney said on the last call, really sticking to that regulation in regards to need, and location, in my eyes I don't think it does, so I just want to get that on the record.

After a roll call vote, the motion passed in favor of the motion, with 6 voting YEA and one NAY (Trister.)

B. Petition 08-22: Site Plan Application at 35, 67, & 69 Culver Street and 258 Deming Street, Applicant AR Building Co., Owner: RDTHREE LLC Contact Bongiovanni Group, Inc. (Tabled from March 23, 2022.)

Chairman Pane: This is the site plan and we didn't have an opportunity to speak about this too much at the last meeting, so if, does anyone have any questions concerning the site plan? Any questions?

The site plan covered quite a bit, and there is not going to be clear cutting, is that correct? They are going to selectively cut around the buildings. Is that correct?

Renata Bertotti: They are selectively cutting and my recollection is that they are dedicating fifty-eight percent of the property in a Conservation easement, or fifty-seven percent.

Erik Hinckley: They reviewed that at the Conservation level too, so that is going to be selective cutting where the buildings are going to be.

Chairman Pane: Okay. Everything has been, they have complied with everything Renata?

Renata Bertotti: With the site plan, yes.

Commissioner Woods: How does it work Renata with the Conservation area, how do we have assurances that this is turned over to the town..... Renata Bertotti: My understanding is that they will be dedicating this into a conservation easement, dedicating it to the town, right?
Erik Hinckley: Right, typically there is language in the conservation permit where they have like 60 days within the filing of the conservation final plans, to file the easements unless they are reviewing for the legal description, make sure we are talking about the same properties and that is our standard boilerplate language of the does and don'ts of the conservation easement, no buildings, no removing of material, no clear cutting, no pesticide use, stuff like that.

Commissioner Woods: Before construction, all that is in place?

Erik Hinckley: Yes.

Chairman Pane: Renata, did the Wetlands Commission put any conditions on approval that there would be markers for the conservation area?

Renata Bertotti: The Wetlands Commission has put a number of conditions on that, I don't remember if there were any In regards to markers.

Erik Hinckley: Off hand, I don't believe they required markers on the easement.

Chairman Pane: Notifying the residents that this is now the hundred foot buffer and they are not supposed to do anything within the hundred foot buffer area.

Renata Bertotti: You can require that, however I will just say, this is a residential apartment project managed by the residential apartment company so it is not like a subdivision where you have a number of property owners with sheds and garages that tend to encroach into the easement, so if the Commission wants, we can require markers, but this is a little bit different situation where encroachments are not all that likely.

Chairman Pane: Thank you. Any other questions or concerns?

Commissioner Woods: This will remain an easement, they are not going to turn the property over to the town, it's just an easement?

Erik Hinckley: Just an easement, fee simple to the town.

Chairman Pane: Any other questions or clarifications?

Commissioner Havens moved to approve Petition 08-22 Site Plan Approval for a residential development 35, 67, and 69 Culver Street and 258 Deming St. Applicant AR Building Company, Owner RDTHREE, LLC, Contact Bongiovanni Group.

Reasons for Approval

The proposal meets the site plan requirements in Section 5.3 of the Zoning Regulations.

The motion was seconded by Commissioner Lenares. After a roll call vote the motion passed with six in favor and one opposed (Trister.)

C. Petition 13-22: Special Permit (Sec. 3.4.9) to allow an interior lot at 359 Church Street and 321 Tremont Street (Rear) Applicant and Owner: AA Derofia Bldg. & Dev. LLC, Contact: Alan Bongiovanni.
Commissioner Claffey moved to approve the special permit for one interior lot with the following conditions:

1. Address the comments of the Planning office letter dated March 4, 2022.

Reason for the Approval:

The proposal meets the special permit requirements of Sections 3.4.9 and 5.2 of the Zoning Regulations.

The motion was seconded by Commissioner Woods.

Chairman Pane: There was some language there that we might want to put in there for the fencing, correct?

Renata Bertotti: Mr. Chair, yes I would suggest at the request of the resident you add the language, that a fence be maintained in perpetuity and there is language to that effect on the site plan.

Chairman Pane: Is that acceptable to the motioner and the seconder?

Commissioners Claffey and Woods: Yes.

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

D. Petition 12-22: Special Permit (Sec. 6.8) for an open space subdivision at 359 Church Street and 321 Tremont Street (Rear) Applicant and Owner: AA Denofia Bldg., & Dev., LLC Contact, Alan Bongiovanni. (Continued from March 23, 2022.)

Renata Bertotti: This is complicated because this is a subdivision, not a site plan.

Chairman Pane: Could you explain in our regulations why an applicant is allowed to reduce the square footage of a lot that has an open space subdivision instead of having R-20 lots?

Renata Bertotti: So under the zoning regulations, there are provisions that allow what we call in our zoning regulations, an open space subdivision which means essentially that you can take an R-20 zone and R-20 lot and reduce it to R-12 dimensions in regards to frontage and lot acreage, but only if you dedicate a certain percentage, and it’s a significant percentage, in open space, and designated as open space to the town. This designation is, I’m not sure whether that is easement or dedicated open space

Erik Hinckley: It’s dedicated open space to the town, fee simple to the town.

Renata Bertotti: So what happens is you take the large parcel of land, you cluster these lots together, you put them close together and you make the lots smaller which doesn’t necessarily mean the houses are smaller, the lots are smaller and closer together so that you can take a larger chunk of land that is maintained as more meaningful open space.

Chairman Pane: Thank you.

Erik Hinckley: And that is why the open space subdivision is by special permit.

Commissioner Woods: A lot of conversation has come up as to whether we should connect to Church Street or whether we connect to Rock Hole Lane, and don’t our regulations really require the preferred connection would be Rock Hole Lane, not a main artery, that is what I understand, am I reading them correctly?
Renata Bertotti: So we have regulations that, in subdivision regulations something that says no through traffic, discourage through traffic. Depending on which provision you are looking at, so designing of roads to discourage through traffic, if that is the section that you are referring to, then yes. With that in mind, also previous subdivision planners left two stubs Allston cul-de-sac and Rock Hole Lane extension, as a planned connection for future roads to be extended into this area, so at some point in the past, somebody planned for some development into this area, so I hope that answers your question.

Commissioner Woods: It does, thank you, and I grew up in that area, my parents bought a home there, in 1966 and unfortunately I’m old enough to remember when this parcel was actually farmed and the piece on Church Street was a gravel pit owned by a company, Kimball Trucking. So, I’m in favor of this petition, actually I think that it is a good use of this property, I like that we are continuing to acquire some additional open space. This was not listed in our POCD as an open space and something that we were looking to preserve, so we’re actually getting a little bit of area in land that we might not have in the past and I think that is good. I think the traffic impact is going to be minimal, I think it is actually going to help the neighborhood. I think it’s going to make the neighborhood even more desirable and I am going to vote to approve this and glad to see this move forward. Thank you.

Chairman Pane: I have a question, concerning Allston, the roadway there at the circle is enormous, larger than I have ever seen, is that, that can’t be normal.

Renata Bertotti: The cul-de-sac area?

Chairman Pane: Is there a reason it was made so big?

Erik Hinckley: Back in the day when they had the subbed out road, the town was given the turn around easement for removal of snow and storage of snow. Does it have to be that big today, probably not, but that, I don’t think we can worry about off-site improvements.

Chairman Pane: No, I understand that we can’t put anything on the developer or anything, but I was just wondering, because one of the residents talked about an easement over there that the town had.

Commissioner Woods: One more thing on that, I meant to bring it up and I forgot, but in 1966 Rock Hole and Winslow Drive both dead ended. Edmunds Farm was still there and then from Rock Hole Lane up to Allston, when the farm and dairy was closed down, that land became developed and actually Allston got extended to the north to connect to Winslow so they could bring Winslow up on the west side, so, the original development was by Sheer Development I believe it was 96, 97, 98 homes and it has been added on twice over the years.

Chairman Pane: Then the only other concern I had was, is the proposed development going to be the same width as Rock Hole?

Renata Bertotti: No, so Rock Hole Lane is 30 foot paved, and this road will be 26.

Chairman Pane: And Winslow is.....

Erik Hinckley: 30.

Chairman Pane: Rock Hole seems a little narrower than Winslow.

Erik Hinckley: I got that from the Town Engineer, I didn’t actually go out and measure it.

Chairman Pane: And is the town staff satisfied with the 26 feet that is being proposed?
Renata Bertotti: Yes.

Erik Hinckley: Yes, it was increased from the original 24.

Chairman Paen: Any other questions from the Commissioners?

Renata Bertotti: So if I may, just before you go into the motion, we, in our memo, as you know, because I reported we, the staff, had recommendations with regards, we had some feelings with the connection to Church Street versus going through the neighborhood and engineering and the fire department in particular had both commented on going through the neighborhood, so in your motion, one of the memo reference for the subdivision is from the Town Engineer. His memo includes a comment that talks about efficiency of the access. If you are tonight going to approve this subdivision and include the condition and include the condition with his memo, I will ask that you strike comment number one from his memo, so please include his memo because all of his other comments are still valid, but exclude comment number one. Then the second comment was the question that we discussed at the meeting as well, with regards to the provision of sidewalks, if you approve this without requiring the installation of sidewalks, please strike comment number five from Erik’s memo, again, include the entire memo, but minus comment number five and twelve.

Chairman Pane: These are comments that are in a separate memo dated. one dated March 4th, and one dated April 13th, so the Town Engineer letter dated April 13th, you are asking us, if we are in favor of this, to strike comment one, and then from the Planner’s office, March 4th, we would strike comments five and twelve.

My biggest concern, I’m sure the applicant looked at everything and tried to make the most desirable, my only problem with the entrance on Church Street, if that road was straight and didn’t have that big dip in the road, then I would feel comfortable with it there, but I don’t feel comfortable with it the way that the road is set up.

Anybody else have any comments concerning this?

Commissioner Claffey: Are the numbers right on the striking, you have a town and a one, are they flip flopped?

Erik Hinckley: That is supposed to be one, two.

Commissioner Claffey: Strike one and two. I’m a little confused on what we are striking and what we’re not striking.

Renata Bertotti: There are two memos. The Comments from the Town Engineer, the town engineer included a memo, the memo has about twenty comments. Only comment number one is the comment that needs to be out, everything else is relevant.

Commissioner Claffey: I’m not confident without seeing it presently written, what we are striking, no offense, but……

Renata Bertotti: Do you want me to read it?

Commissioner Claffey: I’m trying to make sure that we have some transparency on this, and strike five, and I have no clue as to what five is.

Commissioner Woods: Number one I believe is the entrance and exit on Church Street.
Erik Hinckley: It's right here.
Renata Bertotti: Oh, he didn't number it, okay.
Erik Hinckley: It's this paragraph. Do you want me to read it?
Chairman Pane: If you could please, read it for the record.
Erik Hinckley: On the public road network with direct access to Church Street, and existing Rock Hole Lane stub to reduce residential traffic and construction traffic through the residential neighborhood, Winslow Drive, Allston Road, etc., reduce emergency response, distance and time, and reduce bus route distance and time. Use of the existing Rock Hole Lane stub at about 4500 feet of distance, 0.85 miles and time.
Commissioner Woods: Mr. Chairman, I would suggest that when we do make this motion, we just make the motion that we approve the site plan as drawn.
Renata Bertotti: I agree, it's less confusing.
Commissioner Woods: The other thing is, I'm pretty sure I believe the construction entrance is Church Street.
Renata Bertotti: Yes it is.
Commissioner Woods: So all construction will come in and out on Church Street and Rock Hole won't be opened up until it is complete. So that neighborhood won't get the construction traffic. Thank you.
Commissioner Woods moved to approve the special permit for an open space subdivision with the following conditions:

1. Address the comments from the Town Engineer in a letter dated April 13, 2022.
2. Address the comments from the Planning Office in a letter dated March 4, 2022.
3. We are approving the site plan as drawn with permanent access to this development from Rock Hole Lane with the construction traffic coming from Church Street.

Reason for the Approval:
The permit meets the special permit criteria of Section 6.8 and 5.2 of the Zoning Regulations. This proposal is consistent with the subdivision regulations.
The motion was seconded by Commissioner Lenares. After a roll call vote the petition was unanimously approved with seven voting YEA.

E. Petition 15-22: Special Permit (Sec. 3.19.1 and 3.15.6) and associated site plan to allow a place of physical activity (Swim School) in the PD Zone at 77 and 93 Pane Road, Applicant, SBS Realty LLC, Owner: McBride Properties, Inc. Contact Mrutunjay B. Sabarad.

Commissioner Claffey: Just a question on Petition 15-22. In our hearing on the agenda it was listed under one number and now you have broken it off, same number, but separate. Do you want it read in separately with the same number.
Chairman Pane: I'm going to recuse myself as I did earlier. Go right ahead.
Commissioner Claffey moved to approve the special permit for a place of physical activity.

Reasons for the Approval:

The application meets the special permit criteria in Section 5.2 of the regulations.

The motion was seconded by Commissioner Woods. The vote was unanimously in favor of the motion with six voting YEA.

Commissioner Claffey: Petition 15-22, Site Plan Section 5.3 in a PD Zone at 77 and 93 Pane Road Applicant SBS Realty LLC Owner, McBride Properties, Inc. Contact Mrutunjay B. Sabarad.

I move to approve the site plan.
Reasons for the approval:

The application meets the site plan criteria in Section 5.3 of the regulations.

The motion was seconded by Commissioner Woods. The motion passed unanimously with six voting YEA.

Chairman Pane returned to the table.

F. Petition 18-22: Special Permit (Sec. 6.2.5) to allow a free standing sign at 4 Hartford Ave, Applicant: Paul Bianca, Owner: DYJ, LLC. Contact, Jawa Shalo.

Commissioner Havens moved to approve Petition 18-22 for a free standing sign at 4 Hartford Avenue.

Reasons for the Approval:

Application meets the special permit requirements in Section 6.25 of the regulations.

Chairman Pane: Staff will make sure the number is on the sign for safety reasons.

The motion was seconded by Commissioner Lenares. The motion passed unanimously with seven voting YEA.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

XII. TOWN PLANNER REPORT

Renata Bertotti: We have only an interior lot on Cedarwood Lane scheduled for the interior lot and re-subdivision which requires a hearing as well. It is one lot, so it's not so big a deal. Under my report, we have a future agenda report which is always here to review, but I want to talk to you about something else tonight.

I started looking into what to do about that word, "character." One of the interesting responses, I actually posted a question on the Planner's website to see if people are like grappling with this, and who is doing, if anybody is doing anything with that. So, a lot of people are actually not doing anything with it because, logistically it is really like a headache to deal with, but a lot of people are worried about it because pretty much every municipality in the State of Connecticut has that word in their zoning regulations, in their POCD so one interesting thing that came up out of some of these conversations was from the Town of Westport where they are saying they are trying to remove it and replace it with other descriptive
language. I thought that was perhaps an interesting approach for us to maybe consider going forward, so when we start looking in our zoning regulations and start looking at that, rather than trying to define “character” which is, you either have to be really vague, or you have to be somehow different for each different district. I think it is probably best to not even have that word and just use physical elements, talk about height, and scale and a bulk of buildings, and talk about development in that kind of terminology. I’m fleshing this out as I am kind of thinking and talking about that, and when we start looking into zoning regulations more we will talk about it, but I think the first test of it will probably come when we start looking into accessory apartments and opt out language. I have a sense that is really like the first time we will be like “oh what about this character”, this neighborhood is different than this other neighborhood, and we will start thinking about that more in that, and it will be more like with public participation. It isn’t definite language, just something I was thinking about.

XIII. COMMUNICATIONS

CRCOG Letters

Commissioner Gill: I just attended my first CRCOG meeting and there are a lot of things going on, but they are kind of same type of problems that we have, people are going in different directions, and they don’t seem to be, have a point of direction, so like accessory apartments, that’s one of the hotbed items that is out there for everyone. The transit district is another, so we have to decide ourselves what we are going to be looking at, and from what I am seeing is that Newington could have four or five transit districts, two buses and two trains. Are we talking about plans, or what is physically there right now. That didn’t make it through the committee, right?

Renata Bertotti: So the accessory apartments, I think there is some confusion with regards to the accessory apartments language and POCD, and the reasons about the bill that was recently passed by the Planning and Development, so POCD was not accessory apartments, that was a bill that was essentially saying, had it passed, allowed zoning for fifty of the area within, and please don’t quote me, because I may be wrong with some of this information, but I think they were saying within half an acre of a station, fifty percent of the area was allowed for zoning up to fifteen units per acre. So that was one bill, that was the bill that didn’t make it through the legislature. The accessory apartment bill passed last year, so that is the bill, if we don’t do something about this, we will, next January have to allow by right, on any lot that has a single family home, at least one accessory dwelling unit, by right. We will have no alternative to say to somebody, no, you can’t have an accessory unit.

Chairman Pane: This is what we were talking about, that we were going to opt out of that.

Renata Bertotti: Right, and that is scheduled for public hearing on May 15, and the planning commission will have to go the Council, but those are two different things. I think sometime people confuse the two.

Commissioner Gill: I did assume that they were two different bills that were out there.

XIV. PUBLIC PARTICIPATION

Jeff Zelek: Not really about any application, specifically, I have two questions for the Chairman regarding our regulations. First question is, Petitions for Interior Lots, what would be valid reasons for denial? Second question for the Chairman is, regarding open space subdivisions, are wetlands and steep slopes included in the open space calculations or is only land that is usable by the public considered in those calculations. Thank you.

Chairman Pane: I’ll refer those to the town staff to look into those.

Renata Bertotti: Off hand, I don’t know, I would have to review them.
Chairman Pane: If you are not comfortable answering them, refer it to the Town Attorney please.

Gail Budrejko, 21 Isabette Terrace: Again, I just wanted to reiterate the comments regarding the regulations, but these are some things, as a resident of town I agree with, and thank you for clarifying the fact that what items listed on the agenda.

One of the things that I am most concerned about is the reduction in public speaking from 3 minutes to 2 minutes. I know it doesn't seem like a lot, but particularly in front of the TPZ, versus the Town Council, but at the Town Council we actually had a lot of debate about this, and we are going to be, in terms of public participation, going to 4 minutes. The point is, in 2 minutes, particularly in a subject that is quite frankly passionate, that people come up before the board, or an issue that is really important to them, and I know passion does not override rules and regulations, and the public doesn't understand that, I think for the most part. It took me years to understand, and as much as a developer has the right to develop their property, people in this town, taxpayers feel that they have a right to express their opinion. I wish there was a way that we could better educate them on really what it means when the regulations override the passion, but we aren't going to be able to do that immediately, but by taking away one minute of time, I really think that diminishes the public feeling that they are being heard. In a town like ours, and the fact that development is happening so rapidly, it just, you know, and the political environment in general, people want to be at least heard and acknowledged, so one minute I think really would be harmful to the reputation of this Commission, as well as what we are doing to the people in town, so I think you should reconsider reinstating the 3 minute, particularly since you are getting rid of the second rebuttal by the public, thank you.

Chairman Pane: I just want to make a statement, this is what has been proposed, but none of the Commissioners have yet to have a chance to comment on this, and we will comment on this at the next meeting, and I'm sure we all have different feelings on it, but I think there is not a Commissioner here that could say that I'm preventing any public from speaking within the time limits. We have always extended the time limits, well beyond what they should be and that is why we had a meeting that lasted until 12:30 at night. So, we, this Commission I think has done a fantastic job allowing people to speak, and we haven't, this is what is being proposed by the Town Planner and staff, and we are going to look at it, and I'm sure we will all have comments on it and we'll go from there. I don't think anyone has made up their mind on whether to change the times or get rid of the rebuttal yet, but we will review that.

I will also ask the Commissioner to review the 11:00 o'clock. If they feel that the 11:00 o'clock is too late, then I'm open to hear a different time.

Commissioner Claffey: Can I also make a suggestion, in regards to the by-laws and rules of procedure, I have been in situations where they have started their meetings a lot earlier. Seven o'clock at night I think is late for a meeting. I would be in favor of starting the meeting earlier, so that it can be done by ten o'clock at night. Starting at seven at night, during the last two and a half years of being on Zoom, we don't get a lot of participation from the residents of the town because the meeting is too late. I think starting at 6:00 or 6:30 would be more relevant to the people in the community, coming home from work, and then to go to the meeting instead of going all the way home and then back tracking into town, I'm more of a proponent of having an earlier meeting. Again, there are a lot of things to do through.

Chairman Pane: We can discuss that option, pro and con.

Renata Bertotti: The only thing that matters is that it is the same amount of minutes for people speaking in support and people speaking in opposition.

XV. REMARKS BY COMMISSIONERS

Commissioner Woods: I want again to applaud you for your ability at all these meetings since I have been on this board, and you as Chairperson to allow the public to speak. Sometimes it is to the detriment
of getting business done. You have two, three, four, five chances, any time anyone wants to speak, whether it is the proper time or not, you allow them that opportunity and I again applaud you for that. This is very emotional for most members of the public. They take the time to come out, we have to hear them. We have to listen to them. It doesn't mean we have to do as they say, but I think this Commission does a really good job. There is, we all know each other well as Commissioners, but we don't talk in between meetings, and yet, we are pretty like minded here. I think we are starting to move the Planning and Zoning and development of this town to a good place. I know there are some people who don't agree with that, and I'm okay with that, but I ask, get involved, if you don't like it, get involved. You just can't sit out in the audience and complain. You really need to get involved, we need your voice. If you want to come here and criticize, that is also about getting involved.

I had conversations with Renata going back a couple of months. We don't follow our rules and regulations, and that bothered me. All she did right now, and she stated this, she was just trying to equal it out. Now, it's job to make sure that we give the public a fair amount of time. Most of the time it doesn't really matter, most of the time if they want to go on for ten or fifteen minutes, the Chairman is going to let them, they need to vent and it doesn't really upset the whole running of the meeting, but at times it does. Particularly our last meeting, when it goes on to past midnight, we actually discussed two petitions in full and closed two petitions, but we never read one into the record, and that was because we were doing too much, too fast and were exhausted. Again, I think the Chair has done an excellent job allowing the public to speak, and it's not easy, because a lot of times it is targeted at him, and it becomes personal, and he has done a pretty good job of just letting that roll off. We don't make decisions here at the table that everybody likes, but I do believe that we follow our regulations and that is what we need to do and will continue to do.

Chairman Pane: Thank you Commissioner Woods. Any other remarks?

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everybody, thank the Commissioners.

XVII. ADJOURN

Commissioner Claffey moved to adjourn the meeting. The motion was seconded by Commissioner Havens. The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Noreen Addis,
Recording Secretary