NEWINGTON TOWN PLAN AND ZONING COMMISSION

April 27, 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 Bryan Haggarty  
Commissioner David Lenares  
Commissioner Jonathan Trister  
Commissioner Stephen Woods  
Commissioner Thomas Gill-A  
Commissioner Stuart Dzod-A

Commissioners Absent

Commissioner Garrett Havens  
Commissioner Hyman Braverman-A

III. APPROVAL OF AGENDA

No Changes

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

Rose Lyons, 46 Elton Drive: I'm asking for maybe instead of the two minute across the board, you consider maybe a three minute because the fact of the matter is, if you are passionate about something and you want to speak about it, figure it out, they don't come out that often, in a year and a half, the people from Culver Street and the people from Church Street, we came out about Dakota and things like that, but the norm is not to have twenty people speaking for three minutes, it's just an observation that I have seen over the years with different people speaking, probably going to get the same people over and over again, but just something to think about.

The other thing, during public hearings, I have found in the past the Chairman now and in the past have been very lenient about this, and offering their opinions. When you have the opportunity to say yes to the petition or the application, or no to the application, there are some, like myself that are there and just want to ask a question and have no opinion one way or the other, other than a comment or a question, I think that has happened in the past on Culver Street, people who called in, didn't have an opinion one way or the other but if you don't do that option, especially over Zoom, you don't know when to raise your hand and it's nicer to be right here, and while like I say, you are very accommodating right now who is to say
five years from now, if someone else is sitting in the Chairman’s seat that they are going to be that accommodating. Last, but not least, thank you for everything you do, and one quick question if I may, someone asked on Facebook, and I’m just going to ask tonight, I don’t believe that you can count affordable housing on our list of affordable housing until it is actually occupied. It’s not in projected projects, like someone asked what the projected project at Dakota is going to mean to that count, and I just wanted to be sure that what I’m thinking is correct, that you can’t count it until it is actually has a certificate of occupancy.

Chairman Pane: You are absolutely correct. Dakota has not counted in our housing until it is constructed and they have a c.o. Thank you Rose.

Jeff Zelek: On April 13th the Zoning Commission approved Petition 12-22 which was a special permit for open space subdivision at Church Street and Tremont Street and they did so without the Wetland Commission having rendered a decision. This is a violation of the general statute, Chapter 124, Section 8-3, and it is also a violation of the Newington subdivision regulations, Section 7.2 and the TPZ regulations Section 6.3.5. All three regulations are very clear, they state that the decision of the Zoning Commission shall not be rendered until the Wetlands Agency have submitted a report and made it’s final decision. To the Town Planner, it is their responsibility to coordinate the Wetlands and Zoning permits to ensure that the Zoning Commission does not act without the Wetlands Commission having rendered its decision. It is the Zoning Commissioners responsibility to know the regulation and to know when and what not to act. The abutters to the Church Street subdivision now have grounds for appeal, as well as legal action against the Zoning Board. To the Chairman, I would like to ask the Commission to respond as to how it plans to address these violations that were committed by the Commission.

Igor Bochenkov, 20 Cobblestone: My comments are addressed to the Town Council representatives on this Commission. Residents urge you to review this Commission’s actions and its many violations of state and town regulations, and to act within its authority given to you to make sure this Commission corrects its erroneous ways and goes back to representing residents of this town. Thank you.

V. REMARKS BY COMMISSIONERS

None

VI. NEW BUSINESS

A. Petition 17-22: Site Plan Application at 165 Stamm Road, Applicant and Contact, Mike Demaio, Owner, MRD Property Holdings, LLC.

Alan Bongiovani: Good evening Mr. Chairman, for the record, my name is Alan Bongiovanni, I’m a licensed land surveyor in the State of Connecticut, my office address is 170 Pane Road here in Newington.

The application that is here before you tonight is for Mike Demaio, City Paving, his holding company is MRD Property Holding at 165 Stamm Road. It’s a little over one acre of land as part of the Stamm Road Industrial Park, in an I Industrial Zone. Mr. Demaio and his family have owned this property for probably somewhere over 30 years and have used it as their facility for their paving business. It has been a fenced property, with outside storage for the entire time that they have owned this property and as this point in time they would like to construct a building on the property to facilitate their use, store their vehicles inside, things like that as their business has grown over the years. Toward the front of the property, the
eastern portion of the property there is an existing curb cut onto the property right where the proposed driveway is, and we are proposing again a 40 x 100 foot, or 4000 square foot building to house their paving business. It's a small site construction. The majority of the site is not going to be disturbed. We were before the Wetlands Commission last month, the reason being is that there is a drainage ditch or what is known as Webster Brook along the back of the property between that property and the railroad tracks and with that there is the associated hundred foot upland review area. The only work that we are doing within the upland review area is actually creating a water quality basin so that it will improve the water quality that leaves the site now. The site is basically impervious, it's pavement and compacted millings that they have deposited over the years and this will basically be installed to renovate the storm water prior to entering the brook, so it is an improvement from an ecological perspective. Other than that, all the improvements are really related to the eastern portion of the site which is again, the proposed driveway, associated parking and the building in this location. There is city sewer, there is a lateral already in for the property that will be going out toward the west, toward the railroad tracks and the city water will be coming out from Stamm Road.

We have prepared the plans of course with the town's regulations and we received comments from the Town and responded. There are one or two little housekeeping items that we still need to do. We have provided a landscaping plan that dresses up the front of the property, nice landscaped islands and some shade trees that will give it a nice professional appearance. We have handicapped parking space in the front of the building. Currently the fence encloses the entire property, we're going to remove that front portion of the fence and then bring it back behind the office portion of the site so that you have some parking in front of the fence for employees that come in, and then everything behind that fence would be screened from the public view, equipment, materials, things like that on the site. Site lighting is provided by building mounted lights, as this is a construction company there is really not much night time business that takes place here, so it is more for security and safety lighting for the property. It's a fairly basic site plan. We meet or exceed all of the requirements of our regulations. Our parking requirements, we are required to have a total of 12 spaces, we have provided 14 parking spaces, we meet the interior landscaping and the total parcel area landscaping requirements as well.

Submitted with the application, architectural elevations of the building, it's going to be a steel structured building, on the front façade and the south side half way up on the building will be a masonry split face block and then a steel panel on the upper portion of the building. I apologize that I did not submit colored renderings, but as I understand they are going to be in the gray tones and it should be an attractive building when it is completed. I think that is it, if you have any questions, I would be happy to answer them. I'm not sure that there is much that is very unique. It is in conformance with our regulations and it does meet the requirements of the Town of Newington.

Chairman Pane: Very good. Thank you very much. Any questions from the Commissioners?

Commissioner Drozd: You mentioned a curb cut, I'm assuming they are planning to widen that, and second question, do they plan on having any signage?

Alan Bongiovanni: That is correct. This is not the type of business that you would go shopping around, I think being understated is probably an advantage. I know that there has been a lot of problem with the theft of equipment, Cadillac converters in the area, so I'm not sure at this point that they are planning on putting signs up. The applicant will have the opportunity to have some signage as part of a building permit. If they do choose to do some signage we will come back as a special permit under another application.

Chairman Pane: Very good. Staff have anything?
Erik Hinckley: As Mr. Bongiovanni pointed out, the lot has been used historically for the business and now they are putting up a building, a 4,000 square foot building. They are going to improve the entrance, the concrete curbing, it's going to be more standardized per our regulations, they are going to improve the water quality leaving the site, and as mentioned, they have been before wetlands and the memo is in your packet as well that no public hearing was required and they will take action at their next meeting.

Chairman Pane: Okay. Thank you.

VII. OLD BUSINESS

A. Petition 17-22: Site Plan Approval at 165 Stamm Road, Applicant and Contact, Mike Demaio, Owner, MRD Property Holdings, LLC.

Chairman Pane: Are there any questions from the Commissioners for the applicant or staff? Renata, would you explain to us the procedure and why it is okay to vote on this application, or another application before Wetlands makes its decision. Could you just run that by us, for the Commissioners and myself?

Renata Bertotti: Yes. So with regards to this specific one, this is a site plan application. The statutes require a report from the Wetlands Commission to the Planning Commission at the time the Planning Commission acts. There is nothing specific in the statutes that says what the contents of that report are, so a report that says there is significant impact, or not significant impact, a public hearing is required, or not required, has been rendered sufficient by lawyers' precedent, including our Town Attorney. I believe in October or November of last year I had specifically asked that question of our Town Attorney and have in writing received a response that it is appropriate for the Planning Commission to act on a site plan independently provided they have a report from the Wetlands Agency, they do not have to have a decision from the Wetlands Agency.

What Mr. Zelek is talking about is a situation where there was actually an action on a special permit/subdivision, where we didn't verify, I did not reach out in that particular case to the Town Attorney and ask whether or not that same logic would have applied as well. There is a provision in our subdivision regulations that specifically says that you cannot or should not be rendering a final decision, or your decision until a final decision by the Wetlands Agency is made, so by that standard, yes, that decision was inappropriate, and we have missed that just in a slew of, completely being buried by Culver Street residents, Church Street residents, like unbelievable amount of work load that we have had. That being said however, again the precedent and the reason why you are asked to get that report, the reason why that tool exists in the state statutes to begin with is to tie in the Wetlands Permit together with the Planning permits in the way of not missing out, the notion that there are wetlands on site that are developed for land use development. So before Wetlands regulate, before Wetlands became an enforcement, people would submit applications for land use development and completely ignore the fact that there were wetlands on site. So now, that is why that rule exists, so applications won't be made at the same time. These are two separate agencies that have two separate jurisdictions that act under two separate chapters of statute. You are acting under 124 and 126, and they are acting under 440, they are completely discreet. So, that is why I believe still that it is independent. I will say though Mr. Zelek has been appealing to members of the public to submit appeals to the decision of the Planning Commission. What that essentially means is he has been inviting the public to sue the Planning Commission, but he hasn't done that himself. That puts me in a position where I am sort of legally challenged. I have been advised by the Town Attorney not to respond to that myself, so I will not do that.
Chairman Pane: I just wanted you to clarify it for all of us, and I appreciate your answers. Are there any questions from the Commissioners? Everybody understand?

Commissioner Woods: In the past I thought, that typically we would put in a stipulation that it was dependent upon approval from Wetlands. I think we have done that in the past, and maybe we just, we have been very busy here for the last several months. Can we do that, pending the approval?

Chairman Pane: I don’t believe it is needed though, because if they don’t get Wetland ……

Renata Bertotti: If they do not get wetlands approval, they can’t continue, so it really doesn’t matter. Chairman Pane: At one time though, I think you remember we used to not, we used to wait……

Commissioner Woods: Correct.

Chairman Pane: But now we don’t have to wait because……

Renata Bertotti: I will also point this out, the subdivision of land means you draw a line on a map and you create lots. A development proposal means you can build something. A wetland permit allows you to build and disturb the wetlands. So, if you don’t get a wetlands permit, you don’t get to touch that area. If you don’t get your development permit you don’t get to build anywhere, so it is all independent. I mean, wetlands permit cannot stop subdivision developments, these laws are created, but if you do not receive your wetlands permit you can redesign your development plan and then you will have to go back to the Planning Commission for a site plan modification because your development permit has changed.

Chairman Pane: Thank you very much Renata.

Commissioner Claffey moved to approve the site plan modification at 165 Stamm Road with the following conditions:

1. Address all comments from the Town Engineer in a letter dated April 13, 2022.

Reasons for the Approval:

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

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

TPZ By-laws

Renata Bertotti: Mr. Chair, if I could go over again, and I know we went over this the last time, but I would like to, one more time, go over the changes that I made if you don’t mind.

Chairman Pane: I absolutely don’t mind.

Renata Bertotti: The first thing that I showed was this Chairman to Chairperson, and then his to their to kind of align with that, and scrolling I changed stuff to reflect the electronic sense of how we are dealing with agendas and meetings and things like that, that we are doing meetings in hybrid and Zoom and that sort of thing.
The next thing that I worked on was the order of business and I aligned the order of business to follow the process on our agenda. I did that assuming that you liked how your agenda currently is, so I just took our agenda and realigned the order business, and everything on here is exactly the same as it is on our current agenda. On the bottom of this I added this language that says that the Chairperson can, at his or her discretion, change the agenda, and that is normally the process. Sometimes we add business, sometimes we strike out business or change the order of business by the vote of the Commission. I just added that in this language here.

I included in here that we will be sending e-mails in the agenda because that is what we do, and this is a deletion, and I prepared this document about all of the deletions because I have heard some comments about the stuff that I removed and what is an incomplete application, and there were questions about that. I wanted to go over all deletions sort of separately and just show that one document and explain each one of why I did that.

Then the last thing here, or not, second to last, is this part I just conferred with James and this is accurate. I confirmed with James that this is a proper general statutes for the section that deals with all of these executive session matter, so we changed that. Then the one that created a lot of comments last time and it was commented on tonight as well, was the, when we have hearings. So with that, I rearranged the order again to reflect how we actually conduct our public hearings. I explained last time around, we don't really as the Town Planner to identify the property, we generally know where the property is and since I have worked here nobody has asked me where it is. There is no statement of issue that the Chairman does, we generally just turn to the applicant and they do the presentation. We talked last time about the duration of that presentation and whether or not that time should be limited. I talked to some extent whether or not, in my opinion, I don't think that should be limited, it is up to you whether you decide to do that. There is the Town Planer report, I changed, as we had last time and people testified instead of limiting everybody to two minutes, I just reversed and made them, people who talked in favor were limited to two minutes and people who opposed were given three minutes. Then I said let's give everybody two minutes, and then after the last meeting I just said, okay, let's give everybody three minutes. So those in favor and in opposition can speak for three minutes. Rebuttal by the applicant stays at five minutes and I still suggest that you keep the rebuttal by the opposition out. Then the time of adjournment, the Commission wanted to talk about this, whether 11:00 o'clock was appropriate time or whether that was too late, and how you want to handle that. That definitely is an item that you will want to get to in your discussion. Let me just go over these deletions before we get into that. Now, on this, under 1.8, that is that section in the middle of 1.8 under deletions. It says, any item proposed for the agenda does not have with it supporting information and documentation as required by these rules shall be considered incomplete and not ready for consideration. You went to training, and in that training you were told what was calling applications incomplete. First of all, the Town Planner really doesn't get to say an application is incomplete. You as a Commission, there are certain documents that you can require. They are in your regulations, but when the application is truly, objectively complete if you can understand what the proposal is, and if the public can understand what the proposal is. If you are satisfied with the information that is given to you to the effect that you can say I clearly understand what this is, and that this is going to be, and I'm okay with voting on that, then the application is not incomplete. So, what this kind of language, and in your by-laws you can have whatever you want, this really is not a binding document but when you have these restrictive kind of language in your regulations, like that is kind of bureaucracy, that is kind of inflexibility that really creates problems for people. When we say you must have an A-2 Survey for every special permit application, and then you end up having a special permit application for something that doesn't require anything that is of any significance and anything that normally common sensibly require an A-2 survey and you end up costing somebody like $12,000 for a survey of surveying nothing. So, anyway that is why I propose that we don't have this kind of language in here.
The following procedures regarding applications for subdivision site plan and special exception. This is a little bit more of the same. There are requirements in our regulations under several sections where we go into quite a bit of detail when we spell out what is required to be submitted with a site plan application, with a special permit application, and in particular with site plan applications. For us, the staff to figure out, is the drainage pipe going to be capable of carrying what kind of storm water drainage, etc.; is this curb going to be sufficient to satisfy, I don’t even know what curbs really do, but you know, so we have all of those rules spelled in our regulations. It shouldn’t be in your by-laws, this is a regulatory matter. I cannot, and I can tell you right now, I will never say an application is not complete. If I get an application written on a napkin and somebody pays me a fee, I went through enough training that I will take it. I will never say, go away, and practically, what this section does, it says it is our ability, or we can say to the applicant, this is not ready to be on the agenda for you, we do that all of the time. We reschedule and we tell people I don’t think you are ready to go in front of the Commission because we will tell them that they are not ready and will be embarrassed. People normally agree, but some say, you know what, I’m willing to be embarrassed, and then okay.

All of this stuff here, the date of receipt, the appeal, the 35 days to schedule a hearing, the, like all of this stuff is directly in general statutes. This should not be in your by-laws, it has nothing to do with anything that you can moderate, change or regulate in any kind of way. The general statutes are completely out of your power.

The site plan is presumed approved under general statutes. You also don’t get to decide that. If you don’t act within the time allotted to you, it is presumed approved. Certificate of Approval has expired, I don’t even know what this is, oh, this is if we don’t send a notice, that is also in the statutes. The decisions are in statutes.

The Commission may, as a condition of approval require a bond. Such language actually changed in the statutes in 2011, so this whole bonding provision changed significantly so I don’t even know if this is accurate.

So I am proposing that we clean this up because it shouldn’t be in this document. Then, lastly this section, 117 deals with how we process things in our office. So all of this is about how when something is brought to us, we review it, we put it on the agenda, we present it to the Commission, how the public hearing is scheduled which again is function of what we do, which shouldn’t be in your by-laws.

Lastly, there was that note about pre-application meetings, which I was reminded to actually look at that language in the state statutes and I actually was wondering if I should keep that in the by-laws because I thought that the statutes said that you should have a rule that say you need to have a rule to have pre-application, but the statute say you don’t need to have a rule. Under the general statutes, you may hold a pre-application meeting, period, so you don’t even have to have that in any kind of regulation of your own. With all that, I still suggest, it’s your by-laws, you can do what you wish, but my suggestion is to clean that up and delete it.

Chairman Pane: Thank you. Any questions for Renata?

Commissioner Drozd: When we were going over the items that you are striking, what are your thoughts on eliminating the zoning enforcement report and......

Renata Bertotti: I did not eliminate I just changed the order, so if you go, if you look at that list, if they are stricken, just look up, I just changed the order.

Commissioner Drozd: Okay, sorry about that.

Commissioner Trister: Why would there be the redundancy in the by-laws when it is already in the regulations, is it a situation that it was in the by-laws first and then got out, or visa-versa?
Renata Bertotti: I don’t know.

Chairman Pane: These by-laws have been around for a long time, they haven’t been changed, so I would assume that it was thought it was needed in the by-laws and now I understand that we don’t need it in the by-laws since it is in the regulations.

Commissioner Woods: For the public hearing, I think I would like to see it stick with three minutes for people in favor and anyone opposed and I’m fine with the applicant having five minutes to rebut but that is it, then it is over because it needs to stop, you have the rebutter rebutting the rebuttal, it just keeps going, we hear the public and I think we all take them very seriously, it doesn’t mean we do what they say, at times we definitely listen to them and hear them. Some of our meetings go on a little too long, the Chairman has been excellent as far as I am concerned allowing people to speak. The only other thing with the public hearing is still in there, the Chairman, along with the Commission can vary those times slightly, but we don’t. So, if it is a packed house, we really pay attention as best we can to try to keep the meeting flowing, so I don’t know, maybe you can’t exceed one minute. Most of the time it’s not a problem, but with fifty, sixty people in here and they all want to talk, and have the right to talk, but then we can’t do anything.

Chairman Pane: I looked up what the legislators do, they have, keep the remarks short, three to five minutes is usually enough, be sure to, not to exceed any announced time limits. If other speakers have already made your point, you can say that you agree with them, or want to associate yourself with the remarks that one or more previous speakers made. Your views and your name will be clearly on the record. So, trying to consolidate as much as possible. I don’t think we run over the time limit on a lot of occasions, but you are right, on certain public hearings, when there is a tremendous amount of people in the room, I’ll have to watch the clock a little closer and maybe ask people not to repeat themselves and wrap their remarks up a little faster.

Commissioner Woods: I’ve sat in your chair, so I, it’s not easy to tell somebody who is out here and passionate, for whatever the cause is, for or against, to stop them. It’s not easy to do, and I applaud you for doing it, but I just think we need to make sure it doesn’t keep on going. I love your recommendation, one rebuttal and then it is over.

Chairman Pane: Okay, and keeping it at three minutes.

Commissioner Woods: As long as it is equal.

Commissioner Gill: A lot of the e-mails, again they bring it up in the public discussions. There is probably no way of getting around that, but…….

Renata Bertotti: There is a way of getting around it. I think sometimes we miss because somebody’s name is here, and then the e-mail, and we don’t make a connection that it is the same person until after, but……

Erik Hinckley: On the forms, the standard forms like you did for Church Street, yeah, we have those and if the people want to speak we could say, we have their letter too, so you can either, it might be up to the Chairman if you want to read the letter and then speak again when they are going to say the same thing. I mean, we can try to keep a better handle on it, but……
Commissioner Woods: I think the public has to know too, you have done an excellent job of when the e-mails come in ahead of time, you pull them together and get them to us so we have them well before the meeting, we are able to read them. I think most people don’t realize that. If we do read them into the record, some of the time, not all of the time, but we have all had those. They are e-mailed to us and we get two or three packets of them as they come in.

Commissioner Claffey: After we are already in a public hearing, and we have to re-seat an alternate, or someone has to re-seat out in the past, due to property line disputes, do we have to reemphasize that if the public hearing is underway, because someone wont recuse themselves until after it is usually presented in a public hearing. You seat, for example I’m not here and you seat Commission Gill, but then after the public hearing starts you get to say the second item under Public Hearing, now say Commissioner Lenares had to leave the hearing, or recuse himself, do you have to have that in that procedure of public hearing, the seating or re-seating of a Commissioner due to recusing? I am just throwing it out there, I don’t now. I don’t think it would be an issue, but I know some people in the public seem to like to make it an issue every week, or every year.

Renata Bertotti: I think that you should look at the section of your by-laws that deals with seating of alternates, that explains how that process works. I don’t necessarily know how the process should work the best without looking at my Robert’s Rules maybe.

Commissioner Claffey: I think we have a fair job of doing it in the past, as people get more tech savvy and want to say that we didn’t dot our i, or cross our t, and then, there, I don’t see any issue with it, but sometimes bring in, like we had our training and a lot of that was brought up at that time, and procedurally....

Chairman Pane: So Renata, do you want to add something on that, or do you think it’s necessary or not.

Commissioner Woods: You guys do a very good job, typically you appoint after you announce early on that you will appoint whoever......

Commissioner Claffey: I just want to make sure at least, I don’t think we are going to have a problem, I just want to make sure.....

Chairman Pane: And are you in favor of both Commissioner Woods and myself of keeping three minutes for both for and against?

Commissioner Claffey: I’m fine with that, and the only other question I had was on the time, the length of meetings that, I’ve been on many as an alternate, late, back years ago, my proposal would be maybe the 10:30, but we kind of know from the agenda like how late we are going to go, and do we wait until 10:00 and say, hey maybe we want to end this at 10:30, or do we have to make that decision at 7:00 when we start the meeting? Procedurally, I’d like to have an end time.

Chairman Pane: Well, that is what this does here, the meeting shall adjourn by 11:00 p.m., extending the Commission meeting past 11:00 p.m. shall require an affirmative vote by the majority of the members of the Commission present and voting. All applicants are on notice that any item not completed by 11:00 p.m. or not reached by 11:00 p.m. may be postponed or rescheduled at the Commission’s decision. We can change that to 10:30 if the Commission wants.

Commissioner Woods: I think the Council is 10:30, right?
Chairman Pane: I'm not sure. If we get out by 11:00 I think we are okay, but......

Commissioner Claffey: I'm fine, but I didn't know what other people thought, because we don't talk outside......

Renata Bertotti: I have experience with this. The Town of Manchester had 11:00 cut off time. Sometimes depending on which application was before you, and what kind of time frame we were in. Sometimes we were at the end of the process and we really didn't have more time. We would stay until 1:00, because of that. And sometimes it was ten of eleven, and the applicant had like plenty of time left, and the Commission would just say, no we are tired, we are going home. So they would not proceed. They met bi-weekly like you do, and that was reasonable. It's not like you have to wait a month, they had plenty of time to still act on those.

Commissioner Claffey: I'm fine with that, I know we don't talk about this outside of here, that is why I wanted to bring it up here. I think 11:00 is reasonable, I think I can count on one hand the number of times we went past 11:30 at night, I think maybe it was twice.

Commissioner Woods: It's really a tool to help you schedule, you know we are going to have at least one long one, and it could be very detailed, you are more than likely not going to put on another one that is close to the same time frame. You will push it off to another meeting, then it gets backed up, and I'm in favor of this time line, at 11:00 or 10:30, I could do either, but in fairness to the applicant if they came at 7:00 and they think they are going to get on, and here it is quarter of 11:00 and we're wrapping up one and they just sat here for three and a half, four hours, and they have to go home.

Renata Bertotti: It doesn't quite work like that. First of all, when we are scheduling I don't always know exactly what is going to happen at the hearing. You don't know what will happen, you may kind of think you do, but things are unpredictable, you may get 20 people or two. The other thing is that applicants have their own commitments, their own agreements with commitments, so they may have sort of like ten commitments, that have nothing to do with us or the meeting that I don't even know about, so if we say to them, you are scheduled at such and such a date, and they have their team aligned for that night, they will try to get on for that night. They will be sitting here until 2:00 a.m. because they have something invested in that night, so it's not just me, it's a little bit of me, a very little bit.

Commissioner Claffey: I think the language that gives the latitude to, we're getting near that time frame, and kind of feel the room, because you are right, I think there have been times that we have gone late, made decisions that may not have worked out in the applicant's favor, and then they didn't have enough time to come back to us because of the obligations that we don't know of anyway, we just find out after the fact like, oh, they didn't do it because......so I think there has to be some latitude but.....

Renata Bertotti: I think the time limit is good because it discourages jamming agendas. If you have an applicant who has the ability of not sit here, and they know it is going to be controversial and late, and nobody wants to be in front of the entire, there is too much risk for everybody.

Commissioner Lenares: Just in cleaning up all this stuff, I'm not sure where you found the time to do this, but it's a good thing. With the recent meetings we had we were so focused on three minutes, three minutes because we have had these things come up lately to us with all of the activity that happened, keeping it equal. The having an end time does kind of look forward to closing things off which is a good thing, I think, I guess I missed the meeting that went very long, but even though they might want to sit
here until 2:00 in the morning, I am not willing to stay here until 2:00 in the morning, I will make that on the record. We have jobs we have to go to in the morning, so having that discretion as the Chairman, staff, I think it’s a good thing like you said, and I think overall what you did just cleans it all up and it’s very fair and it’s simple, it’s good. I am in favor all of it. However the time, whether it is 10:00 or 10:30, I think 10:00 is a good number. It’s three hours into the meeting, and if you have to go another hour, hour and a half that’s fine, but you can’t be at 11:00 and then go another hour or so, so it’s something to look at.

Chairman Pane: It gives us the flexibility if we know it’s only going to be another 30 minutes, but if we know it’s going to be hours, we can say, hey we’re wrapping this up.

Commissioner Woods: Do we have the ability to limit an applicant in speaking?

Chairman Pane: We’re not limiting them, they could come back at the following meeting.

Commissioner Woods: No, I mean when they are making a presentation? We used to allow 20 minutes, right?

Renata Bertotti: Without, I think you have the ability to recognize, to tell them what you want to hear. Applicant is presenting a project, they want you to approve their project, so if they sense and if they sense that they are boring you to death, they, and you know you kind of communicate that to them, I would imagine that any intelligent person would take your advice and wrap it up. If they are off in left field, talking about things that are not relevant to the application, you can direct them, and I would certainly advise that you do that. Nobody wants to sit here and listen about things that are not relevant to why you are here.

Commissioner Woods: I get what you are saying and in person maybe, but on Zoom it is more difficult, I think Zoom, Mr. Bongiovanni made a presentation today, I thought it was excellent, he got some points, he was probably up there for fifteen minutes, and there are also times when it is a large application in front of us, there is a lot of detail, you aren’t going to do it in ten or fifteen minutes, might take thirty or forty minutes, but sometimes they go on for an hour and a half and like 3333 Berlin Turnpike, had a large different components there, a large piece of land, so if you limit them to twenty minutes they may not be able to say all that you want to know.

Renata Bertotti: But I think that is information that is necessary to hear so sometimes an application may have to take an hour because you, the Commission are looking at the site plan so you must understand the drainage, the traffic, the sidewalk, the landscaping, the buildings, and then you have the housing component, so special permit so you have to understand these kind of occupants that you are expecting here, and we had jobs and commercial activities, so it’s complex, it involves a lot of information so it might take, time doesn’t decide.

Commissioner Lenares: Things have come up lately in front of us, but I don’t think it is a lot of times the public doesn’t go over three minutes and if they do, two minutes or three minutes, and the people presenting usually don’t go longer than twenty minutes, and if so, it’s okay, like you said, it’s probably a big deal and worth it, but taking out the twenty minute thing is good, if it deserves it, he should have it.

Chairman Pane: Any other questions. Do we have to make any other changes, right now its at three minutes for each of those.
Renata Bertotti: The copy that is displayed on the screen that was changed, amended as April 27th or 26th, so that is the latest version.

Erik Hinckley: Right here, it says three minutes.

Chairman Pane: The time, you want to address it as 10:30, saying that we are……

Renata Bertotti: It will be a modification that you want to end at 10:30 and I will change that.

Chairman Pane: I guess if it was going to be just a little longer after 10:30, then……

Renata Bertotti: You can only do that if everyone agrees to do that.

Chairman Pane: We could go a little longer than 10:30. So is everybody in agreement with 10:30, that doesn’t mean that we will end it at 10:30 but we will address it at 10:30 and we may end it at sometime between 10:30 and 11:00, or we may end it right at 10:30 if we know that the presentation is going to be really long.

Renata Bertotti: You will have to vote to continue the meeting past 10:30.

Erik Hinckley: So if you guys have one item of business left, you can take care of it by 10:35 or 10:40, call it a night.

Chairman Pane: So everyone is in agreement with that. We will change 11:00 to 10:30.

Renata Bertotti: And I will just say, we have to be out of here by 6:00 a.m. tomorrow morning because they are shutting the power off in this building and doing something.

Commissioner Woods moved to the changes to the TPZ by-laws as shown on the revised by-laws dated April 27, 2022, with the following changes agreed by the Commission:

1. The Commission will now adjourn at 10:30 p.m. unless a majority of the members vote to extend the meeting past that time.

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

VIII. PETITIONS FOR PUBLIC HEARING SCHEDULING

Renata Bertotti: We have just one application that we received and it’s an application for a hybrid cannabis retail store. It is the same operation as was approved, a combination of medical marijuana dispensary/adult recreational cannabis retail store. It is proposed for the location at the intersection of Main Street and the Berlin Turnpike.

IX. TOWN PLANNER REPORT
Renata Bertotti: I do want to show the future agenda now because the next meeting, May 11th, we are going to have the accessory apartments application, so it is going to be a hearing to discuss the revisions to accessory apartments, so again, I will remind you nobody, I haven't discussed with you in detail any of these proposed changes which normally I would have presented to the Commission under discussion items and we would over that proposal, but as I had spoken to you before, because this is proposed with the opt out provision, I wanted to align this proposal with the statute language and I know that we are going to meet opt out, I know, it's impossible to me, so I'm doing the hearing for both things together and I wanted to actually get the public in the room and see what are our biggest issues with the sort of the most closest provision to the state statutes, kind of similar regulations so that we can see how can we clean up our accessory apartment regulations and get, and still opt out, and get the best regulation that we can, so that is the objective. So what I am proposing will likely create like, people will be why are you doing that, and why did you do this, and perhaps some of you will have some questions, but it is pretty like, I'll explain it, some of it is essentially just because the state says so, some of it actually has some logic behind it. So we will do that hearing, and if we decide at the hearing, at the next meeting, if we decide to do anything with that, then the next step will be to go and have a hearing with the Council as well.

The application at 49 Fenn Road was originally scheduled for this meeting, but they didn't put up their sign in time, so we had to bump them to the next meeting, which will make the May 11th meeting probably longer than it should have been, but this is kind of how some meetings end up being longer than they should, so that change is scheduled for that meeting.

Then this hybrid cannabis retail store is scheduled for May 11th.

We have a mandatory referral for a parking extension at John Patterson school. This is going to be like early on, on our agenda it's a 8-24.

Conservation Commission is reviewing the Church Street property. They opened a hearing and held the hearing open so they are still in process with that as well as the Stamm Road application and then our next meeting in May we have a small subdivision on Cedarwood Lane, it's just to create one interior lot, and we have one Zoning board of Appeals application coming up in June as well. So that is the line up.

Chairman Pane: Thank you very much. Any questions for the staff?

X. COMMUNICATIONS

CRCOG Letters

Renata Bertotti: I had attended a meeting with the Greater Hartford Mobility Study together with our Town Engineer and I will send to the Commission a link to the study, so they are in phase two, of the DOT doing a mobility study which frankly I haven't been involved in this at all, this is the first meeting that I have attended, so I'm not quite caught up with what the study involves, trying to understand where they are at this point, but what I will tell you is that they are soliciting public input and with that in mind, I will provide you with a link, if you have time please review the website and if you want to comment or if you feel you would like to comment, please provide your comments to them. They do have some information there about 175 going through Newington and some research they are doing in that section.

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

Rose Lyons, 46 Elton Drive: Thank you for considering the three minutes for the public hearings. I guess the third option of not in favor not opposed didn't go over, but I'll still call in and ask and hopefully I
will be provided the opportunity to speak. Just wondering, updates on pending projects and what brought that to mind was that listening to the Conservation Commission getting bits and pieces, listening here you get bits and pieces, what pertains to this particular Commission, and then last night at the Council meeting there was a discussion about pending projects here in town which I thought was great because there were some things brought up that I hadn't heard of before. The thing that took me back a little bit was the proposal for the gas station and convenience store and car wash and electric vehicle showroom on the Frisbee property. Talking about hearing, there have been hearing here on the property for, I want to say ten to fifteen years and the first one was the gas station and we're back to the gas station. I was just wondering, you don't have to answer me, who to talk to to get updates on these things. When I see things thrown out on Facebook, speculations, guessing, I usually say, call the Town Manager, call the Town Planner and get a legitimate answer because in my opinion, I listen to what you have to say, I might take it differently, I may not know exactly what is going on, and I think the residents want to know more about what is happening here in town.

There was a public hearing a couple of weeks ago on the gas station on the corner of Main Street and Hartford Avenue. When I went by after the hearing there was still a sign up but it was behind the silt fencing, so some of these things the public doesn't get to see, and one thing I still don't understand is having a public hearing on a special permit and then bringing in the site plan into the special hearing, and I have been coming to these meetings for a long time, and as much as Renata has tried to explain it to me, if I don't understand it, I bet 90 percent of the people who come here don't understand it and I think when you talked about Culver Street and the project there and the special permit and the site plan, I thought I heard people saying, well, you can't talk about it on this particular application, even though we are talking about the site plan, and you have to wait, and then I know there is no public comment on the site plan, so maybe educating the public a little, if you have the ability to speak to this, but you can't speak to that. We are going to ask about it, but that is something for our own information. I think about it as you are talking about your by-laws. Thank you.

Chairman Pane: We sometimes group things together, to make it easier for the Commissioners, but as all of the Commissioners know, we are not, the public doesn't get to speak about a site plan, but we let the presenter sometimes make the presentation on both the public hearing and the site plan because they tie into together.

Gail Budrejko, 21 Isabelle Terrace: Just a comment regarding the public hearing on the 11th, about the accessory apartments. I know what the issues are, people who, a few people who have been coming to these meetings and I know the potential impact it can have on Newington but I think for the most part, the public doesn't know about this legislation, or this proposal, and about the opt out, about the impact it can have on our town, whatever. Culver Street drew a lot of people because it was in the neighborhood, Tremont, Church Street because it was in the neighborhood, Connecticut Avenue because it was in the neighborhood, but there is nobody who, I don't realize at all what this accessory thing is and my concern is, if you are looking for public input, having the presentation and the public hearing on the same night, you aren't going to get the public to come out I don't think. I don't know if there is a way you can put information out ahead of time or else have the presentation on the 11th, and the public hearing the next meeting, I just don't think you are going to get the input that you are looking for because I don't think most people really understand it or know what it going on.

Chairman Pane: We can always leave the public hearing open for more than one night to make sure that we get the public input and maybe staff might want to do like a Rare Reminder article or something to the public on what we are having. Is that possible? What is the date that is being proposed, the next meeting?
Renata Bertotti: The 11th, two weeks.

XII. REMARKS BY COMMISSIONERS

Commissioner Woods: I think Councilor Budrejko actually brings up a good point, on trying to get it out, I think probably the biggest problem that we face right now as a nation is no local news. Twenty-five years ago we had the press, there was always a reporter in this room, all night, and if not tomorrow, the next day there would be an article, an unbiased article. Now Facebook is biased. It is definitely biased, one way or the other it is biased. That is where people are getting their news, so again I don’t think we will ever see it back again but I think it is hurting us as a nation, I really do. We depend on that, and I don’t think we realized how much, that got the word out.

Commissioner Claffey: I have to agree with Rose Lyons that the information that the Town puts out, and I’m not speaking of individual privately held Facebook social media groups, we all know what goes on in town and a good use of it is our Parks and Recreation Department. They use their social media channel that is run by them, you know exactly what is going on. To Rose’s point, I think the Town, the people who run the Town of Newington Facebook page, needs to start using that more to promote the meetings that we hold, so people can see it from an unbiased town site. Like, tonight we have TPZ, tomorrow night we have the ZBA, the next night, you know, I couldn’t tell you whenever, and I’ve lived in this town on and off for 15 or 20 years, when our Town Council people meet. I want to look at it from an unbiased point and we have that ability in town and I’ve been saying for years, we do not use it, and those that do, they get great input. Parks and Rec is a prime example, on a Thursday night in the spring you will see four, five hundred people in Mill Pond, so if we could start asking the town to use this a little more we could see more than Mr. Bongiovanni, who we like to see, but to Rose’s point, to the ones that are listening, does a horrible job of informing the residents.

Commissioner Gill: As far as the Frisbee property, where is that?

Commissioner Woods: On Cedar Street, the rock pit that is kind of up there for a while.

Commissioner Gill: Last year I spoke to Renata that last year that property was being used and then at the Crest Pontiac property I see a temporary fencing going up and another one, the Stamm Road, our debacle, where is that?

Chairman Pane: It’s a law suit.

Renata Bertotti: It’s in court, and we shouldn’t be talking about that.

Chairman Pane: Would you ask the Town Attorney if we could have an update for our next meeting possibly?

Erik Hinckley: Sure

XIII. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: Thank you everybody
XIV. **ADJOURN**

Commissioner Claffey moved to adjourn the meeting. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

[Signature]

Norine Addis,
Recording Secretary