NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

May 25, 2022

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 Garrett Havens
Commissioner David Lenares
Commissioner Jonathon Trister
Commissioner Stephen Woods
Commissioner Hyman Braverman-A
Commissioner Thomas Gill-A

Commissioners Absent

Commissioner Stuart Drozd-A

III. APPROVAL OF AGENDA

Chairman Pane: I believe we are going to add an 8-24.

Renata Bertotti: If you could add to the agenda the mandatory referral under 8-24 for the addition of the parking area at Patterson school under New Business please.

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

None

V. REMARKS BY COMMISSIONERS

None

VI. PUBLIC HEARING

A. Petition 19-22: Zoning Regulation Amendment (Sec. 6.13 and Sec. 9.1) pertaining to
Accessory apartments and to opt out of accessory apartment provisions of PA 21-29/SB6107. Applicant Newington TPZ Contact: Renata Bertotti (Continued from May 11, 2022)

Chairman Pane: This is a public act, 2129 it passed in July. It states that the zoning must allow one accessory dwelling unit, one accessory apartment along side or within a single family house without the need for a public hearing or a special permit. Newington may opt out of this requirement through a two step process requiring action by the town Planning and Zoning Commission and the Town Council. Newington already allows accessory apartments in an R-20 and R-12 zone, however the way that our regulations treat this use is not consistent with the provisions of the above mentioned public act. I'm going to turn it over to Renata for a short, brief report and then we will go to the public.

Renata Bertotti: I presented in detail about this at the last public hearing and I will just summarize tonight as needed. Essentially the regulation by the state is that if we don't do anything at this point we would be required to, the zoning officer would be required to allow a unit, whether it is attached or detached on any lot that allows addition by setbacks. So the unit, would have to meet building codes, fire separation, distances, and zoning setback requirements but not necessarily some other zoning requirements that we have in our accessory apartment regulation. We currently have an accessory apartment regulation that requires a special permit, it only allows for attached units, we allow accessory apartments in R-12 and R-20 zones. I have prepared regulation amendment which I have also presented to you at the last meeting. I'll briefly just go over some of the things that I included in it, so this provision, this draft that I prepared essentially says that we could consider allowing one attached accessory apartment as of right unit. That is something that is in compliance with this public act, with the state statutes right now. It could also consider a detached accessory apartment on lots that are for example 40,000 square feet, it could allow detached apartments on lots that are less than that size by special permit, and I think this is a bit extreme, probably bit more than what, I don't know that for sure, that is why we have public hearings, but I have a sense that this might be in excess in what the community is prepared to accept. I also, in conjunction with this regulation amendment included a map which I will show to you shortly that kind of shows the areas of town with certain lot sizes, and then show what we can and cannot consider going forward. I included some other regulations, but essentially what I would like the conversation tonight to be is you had some time to look at the proposed amendment. I would like you to give me a feedback on that amendment and I would like to understand whether or not the public and the Commission feel that we feel that it is appropriate to allow attached and detached accessory apartments in R-12 and R-20 zones. We now require a special permit period, if we are okay to allow that, then we do not need to opt out. Then we need to revise our zoning regulations different than what I did and get in line essentially with the state statute. If we do not feel that is appropriate for the town like Newington, then we need to opt out, and then we need to take some time and look at our accessory apartment regulations and we have some time. Once we opt out, then we have time to actually look at our regulations and nit-pick on little things in it, and refine it as we desire and modify it the way that we feel is appropriate. So, the next thing, I will not go because I did that the last time, I will not go through each section of the zoning regulations, but I will show this map that I am talking about because I think is a relevant thing and a good decision making matter.

If you look at these maps, all of this that is in light green are lots, all these lots are larger than 20,000 square feet. Then there are areas that are subtracted. These are areas of flood plain, and wetlands so if you look at these lots you end up in some sections where you could have neighborhoods that are pretty populated. These are lots that are 40,000 square feet. The purple ones, the 40,000 square foot lot is almost an acre. Some of those are schools, some of those are parks, some of those are just residential lots that are large. Those could be appropriate for consideration of additional structures, even if it is a detached structure. So, going forward I think we could think of situations where perhaps, and this would
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be probably my recommendation to do, we should consider attached units, either as of right, or as of right after like 20,000 square feet on a lot. Those should be allowed, we have had the regulation that requires a special permit and we have had only a few of those approved. In fact, there was not a single application for those. I think we should allow those as of right, at least on the lots that are larger than maybe 20,000 square feet. I think we should consider allowing detached units on lots that are larger than 40,000 square feet, and those could be perhaps allowed by special permit. So, those are some things to maybe think about and going forward if we are thinking about asking for special permit for anything, then an opt out is a mandatory thing, so I guess that is what I recommend.

Chairman Pane: Any questions from the Commissioners for Renata?

Commissioner Woods: On the larger lots, 40,000 and bigger, could it be more than one unit if the zoning regulations allowed for it, or is it limited to one?

Renata Bertotti: My draft is one, we could consider more than one by special permit again, that is up to the Commission, but my proposal was for one. If we opt out, the state has nothing to do with us any more. If we opt out we create our regulations the way that we want.

Chairman Pane: Any other questions? We'll open it up to the public. Anyone wishing to speak concerning this petition 19-22? Anyone in favor? Anyone in opposition to it?

Michael Fox, 1901 Main Street: I have been following this opt out since I was a Commissioner, and I've had mixed emotions through the whole thing. This is, our accessory apartment regulations right now have become of obsolete because of this public act, and it seems to me that although we do want to see housing, we do want to see affordable housing rather than 20,000 lots, I see this as a loss of local responsibility for one thing. Talking back and forth, there are so many things that can go wrong with it, like if we were to stay in and let's say I wanted my kids to sell their house and move in, I could clear a part in the middle of my two thirds acre property, and the Commission couldn't do anything about it. As far, if we were to opt out we would still have to, if I'm not mistaken, we would still have to do our regulations as far as accessory apartments are concerned. At least this way, we wouldn't see little 1,000 square foot apartments popping up somewhere. We went so far awhile ago to change to allow businesses on the first floor of a multi-story home, in a residential district and while so far, I really didn't like that, I thought we would be opening up a can of worms, but things have settled down, and the only application that we have had for that was the one person who had asked for it, but I don't see anything good coming out of going along with this public act. I would rather see have you people take a look at some changes that our Planner would make, and so far in the couple of years she's been, I really haven't had any problems with what she does and I think neither have you. So I'm for opting out and once the regulation, the text amendments come up before you, I'll probably have an opinion on that too. Thank you.

Chairman Pane: Once this Commission decides to opt out, it will go to the Town Council and they will hold a public hearing and then they will have to make a decision. As far as the regulations, this Commission can, once we opt out, we could leave the regulations alone or we could look at them and make minor modifications or we could make major modifications.

Renata Bertotti: I did receive correspondence......

Rose Lyons, 46 Elton Drive: In listening to this and in the past, I have not changed my opinion, I do not think we should do this, I think we should opt out of it. One thing that came to mind is that I live in the north end of town, and they are pretty small lots here and people do have sheds, I have a shed, actually I
have two, and before we build an accessory apartment next to me, it probably would be right on top of me. I don't know what the restrictions are but I'm finding even during the winter people are burning wood and if someone has problems with the smoke and stuff. I have a terrible time trying to breathe when the smoke is coming in my windows, and I'm thinking, not only would they be able to burn wood in their own homes, they could burn wood as heat in the back yard. I think we are too small of an area to be having little pop up accessory dwelling units, so my vote would be to opt out, I don't get a vote, but my opinion would be to opt out and come up with our own regulations. Thank you.

Gail Budrejko, 21 Isabelle Terrace: I think the main reason that I am in favor of opting out is it's difficult for me to envision what the 169 towns in our state, each one is very different in terms of density, in terms of population, in terms of rural versus urban and I find it hard to comprehend how one state regulation can really be appropriate for each community, so as much as I do support accessory dwelling units I think it is important to tailor the construction and regulation of them to the community itself, so that would be my reason for thinking we should opt out because one size fits all does not fit 169 towns in our state. Thank you.

Chairman Pane: Anyone else wishing to speak, either for or against this petition?

Renata Bertotti: I'll read this into the record, "Hello, my name is Kiana and I am currently an architecture student at Pratt Institute. I grew up in Newington for most of my life. I attended elementary school through high school so it is where I got most of my early education as well. I also worked at the local library for a few years. I have a deep connection to Newington. Currently I have been working with Segregate Connecticut this past year as a creative contributor. Simultaneously learning about land use policies and how they impact affordable housing, the environment and the community. I have gotten to learn more about the need for accessory dwelling units, the utilization of minimum lot sizes in Connecticut and (inaudible) orientated communities. Overall, I think Newington could benefit greatly from better utilizing accessory dwelling units. They may use the existing housing infrastructure, and have lower costs. This is especially useful for younger people which aids in finding affordable housing. It would allow more young people to move in and stay in town which seems hard for people like me otherwise. It is also an efficient and environmentally conscious way of looking at housing. It especially would benefit younger people such as students who do have to consider costs when coming out of school, most likely also dealing with student loans. It would be an attainable, affordable housing option especially for younger population. I have seen in other towns who embraced them and it seems like they are setting themselves up to attract younger people in a bigger way. I would like to have my town show that kind of interest in people like me."

Chairman Pane: Anyone else wishing to speak? Hearing none, I'll go to the Commissioners. Would you like to close this petition 19-22 and move it for discussion, or would you like to leave it open?

Commissioner Woods moved to close Petition 19-22 and move it to Old Business for possible action tonight. The motion was seconded by Commissioner Havens.

Commissioner Gill: So we would do the opt out after we do this?

Chairman Pane: We would discuss the opt out after this vote. This is just a vote to close it, and then we would have a discussion about whether we want to send this to the Council for an opt out.

Commissioner Gill: So are there any changes to the regs right now?
Chairman Pane: She showed us the regulation changes that were possible, but we, that's not on the agenda right now. We would take the changes for the regulation up at a later date, after the Council decides to either opt out or not.

Renata Bertotti: You can give me comments on the amendment regulations either now or after the close of the public hearing as a comment on the regulation amendment. There will be plenty of opportunity for that either or, the only people that will not be included to give public comment on the regulation amendment will be the public. Even after we close the public hearings no matter what happens, we will re-open another public hearing on the text amendment because I will hold another hearing on the regulation amendment. This is a big regulation amendment, it will impact a huge area of town. I will, I can't have this as something that is just done kind of without people having enough access to it.

Chairman Pane: Any other discussion?

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

B. Petition 23-22: Special Permit (Sec. 6.16 to allow a hybrid retail location for adult use cannabis sales at 2903 Berlin Turnpike, Applicant: Verano (CTPharma Newington, LLC as subsidiary) Owner: GLM1867 Realty LLC, Newington Realty Inc., Contact Rain Theobald. Continued from May 11, 2022.

Reno Ferrl, Verano, Rocky Hill Connecticut: We are here as a follow up from the last meeting. The abutter notices hadn’t been sent out, so we carried the meeting until this week. We do have our traffic planner here to address any concerns or comments or additional supporting information on the site, and the use.

Chairman Pane: If you would like to present new information, or if the traffic expert has any new information that he would like to present, that’s perfect.

Reno Ferrl: There are a couple of point that we would like to address, starting first and foremost with the traffic which seemed to be the overwhelming concern from the folks who called in, so Kermit here has prepared some comments.

Kermit Wha: What I am going to do is, since the last hearing I will address the public comments. I notice that they are seeking answers from the applicant about traffic and also there is one comment from the Commission regarding the comparison of the trips, where they compare with the previous restaurant use so if I may, first address the comments about the trips. The last time, we are looking at three peak hours, weekday morning, weekday afternoon and Saturday peak hour. We are looking at 51, 91 and 138. Again, that is more than the previous restaurant but the topic of comparison was raised, I think it will be helpful to look at, the tenant before the previous restaurant, what I am talking about is Krispy Kreme. That was obviously about twenty years ago. I looked at the assessor’s map and that was the building for the Krispy Kreme. It is now the Urgent Care facility. It was built in 2002, exactly twenty years ago. Obviously it was designed for Krispy Kreme so it can be able to compare our trips to the Krispy Kreme trips to look at, although they are located in two separate buildings, both development on this site, including the Urgent Care and the car place, and also the Krispy Kreme when they came in, twenty years ago, they are the most traffic intensive buildings on the site. If you compare our number 51, 91, 138 with Krispy Kreme I estimated the Krispy Kreme traffic based on the version of the trip generation manual of transportation engineers which is a technical standard using traffic study, and also based on the square
footage of the building which is currently occupied by the Urgent Care. Their morning peak hour trip is 380. The afternoon trip is 132, their Saturday trip is 231. Now if you compare those three numbers with our 51, 91, and 138 our numbers are really only a fraction of theirs. Our morning trips will be thirteen percent of the Krispy Kreme trips, for the afternoon our number if sixty-nine percent of the trips and our Saturday number if sixty percent of the Krispy Kreme trips. The argument that I am making here is really that the site was designed for a more traffic intensive use twenty years ago, and we are occupying the site with two other tenants and all of the trips from these three buildings, we are still generate fewer trips than Krispy Kreme, when this site was built twenty years ago. That is the first point I want to make, addressing the Commissioners comment.

The other two comments that I heard during the public hearing, during the public comment portion of the hearing was one is the commenter mentioned that she did not, she said we didn't look at transfer rates. Actually that is incorrect, the basis of a trip generation is an IT survey of other dispensaries in the country, specifically on page 8 3.2 A 5 in the appendix of the report I included the IT pages for the dispensaries, the dispensary data for the peak hours. The second comment from the public hearing was she said we did not show turning volumes for our driveway. That also is incorrect. I refer to page 8,9,to page A17, again in the appendices, these are the volume figures for the traffic, all the existing and future turning volumes at the driveways. So that is all I have, unless the Commission has any additional questions.

Chairman Pane: Any questions from the Commissioners?

Commissioner Claffey: I have one on the parking. It is also shared with the Firestone I believe?

Yes or no?

Reno Ferrl: No it's a separate owner.

Commissioner Claffey: Even though the ingress and egress is the same.

Mark Sensi: No, we share parking with the Urgent Care and we have worked on the parking where we are going to mark off six spaces, six extra spaces for the Urgent Care plus whatever they have now out of the parking for the former Bonefish Grill.

Commissioner Claffey: but were the trip counts for the Firestone taken into consideration, egress, ingress on the Main Street because that is the only way out of the property.

Kermit Wha: Yes Commissioner the trips are included in the existing scenarios, so the Firestone and Urgent Care trips are included in the analysis.

Chairman Pane: Any other questions from the Commissioners?

Could you explain to us how you are going to handle the traffic maybe the first two months or so? Just for the public and the Commissioners? If there is a newness to it, it could be very busy in the beginning, so how would you handle that, would you explain it?

Reno Ferrl: What we have done is that we have spoken already with Sgt. Dean to make sure that we had a relationship with the Police department and we are willing to take on the responsibility of maintaining traffic in cooperation with the Newington Police Department. I just wanted to take a moment to call to your attention that it's, the likelihood that this site is going to be a new site, that it is going to be an exciting site, it's probably, it's not realistic because up to 3.17 miles away we have Fine Fettle who has been operating here now for three years. They are a good operator, good corporate citizen. I know they run a nice organization, they are going to open up before we are, so they are going to have traffic way
before we are. There are a total of five dispensaries located within twelve miles of our proposed site, that will be open before we are. Those are the existing dispensaries, Fine Fettle in Newington, in Meriden, Healing Corner in Bristol, Prime Wellness in South Windsor, and Care Leaf in Hartford. They will all be open before us, definitely. They are converting through a hybrid process, and we’re doing a joint venture, it’s a longer process. So that being said, in addition there will be approximately 63 dispensaries from the existing eighteen medical dispensary operators and four producers. Each producer can open up two dispensaries. So there will be eight that can be created from the producers, and then each of the eighteen dispensaries can open two dispensaries, so there will be thirty-six potential dispensaries, new ones from those opportunities. Plus there will be lottery grants, twelve retail for hybrid, plus there is another opportunity in Section 1.9 applicant, that is where the applicant pays the three million dollar application fee and they can open a production facility and two dispensaries so there are thirty eight applicants through the Section 1.9 process, so all in, we could have potentially up to 154 dispensaries in the State of Connecticut through the first process, the first leg of this lottery, so I don’t think we are going to be (inaudible) at that point. The New York state line, we’re also surrounded, Massachusetts, everybody sees the big long lines in Massachusetts, when they first opened, that was the first northeast New England state to adopt adult use sales, so it was a novelty. It was like when Colorado first came on back in 2014. That was years ago, nobody is coming from out of state into Connecticut and purchasing cannabis. The New York border is forty miles away as the crow flies, forty miles from Newington, they have an adult use program which probably will be open before ours, and then Massachusetts border is twenty-five miles from Newington and they have an adult use program. Nobody is coming here to our store.

I can elaborate on the traffic management program if it pleases the Commissioners. So, if the queue starts to extend from the parking lot on the two sides to exit, police officers will be posted at the affected locations to direct traffic for circulation. For delays upon exit, our flagger can direct patrons to turn right out of the driveway, they will be instructed to turn around in a predetermined location, to route them back onto Main Street going in the correction direction to exit. The flagger on site will direct the flow of traffic during the first week of opening and additional weeks if needed. We would like to consider contracting off duty officers if that is a service that the town would appreciate. There is a park and ride location across the turnpike on Griswoldville Avenue that we would utilize during the initial weeks for employee and overflow parking, if there is a need. I don’t think there is going to be a need. We’re preparing for it, just in case. Additional staff will be on site, to assist with customer questions and to direct them to the designated areas, staff wears uniforms and will be badge appropriate for customer assistance. Our traffic management plan will be reviewed with the local police for their input, like I said, we’ve already met Sgt. Dean. Any cost associated with public safety officials direct traffic in the first thirty days will be paid by Verano as per senate bill 1201 which is stated here, but basically we are on the hook for all of those expenses.

Chairman Pane: Any questions from the Commissioners? If there is nothing else and there is no objection, is there anyone from the public wishing to speak in favor of Petition 23-22? Anybody in the room or on Zoom.

Laurie Dabowski: I live at 2107 Main Street. I have some questions. Last time when we went through this with Krispy Kreme and the Bonefish Grill, people were parking up and down Main Street making it very difficult for us to exit and enter our driveways. People were parking on Louis Street and crossing. Now are you going to allow parking on Main Street during this procedure?

Chairman Pane: We’ll answer when you finish with your questions.
Laurie Dabowski: Okay, my second question is even, he said all of the traffic would be turning right, so that means that you are sending all of the traffic down into the residential neighborhood and not up to the highway? Then, I'm worried about the traffic study, that says that it is not a good study that there are a lot cars, it's not acceptable for residential neighborhoods to have that much traffic coming into it, and it's not acceptable for safety issues. Now how are you going to stop that from happening?

Chairman Pane: We will try to answer those questions for you. As far as parking on Main Street, they are not going to allow people to park there or Louis Street. They are going to half to be directed to a different area and then I'll let the applicant answer the other two questions after the rest of the public speaks.

Michael Fox: I remember when I was in the service in the sixties, we all had a film, there was a film that we had to watch. If you were ever in the service, even if you weren't in the service I think it was called Reefer Madness, and according to these films anybody that smoked marijuana would go absolutely nuts. Jumping forward now to the twenty-five century I don't see that happening. I think, as the applicant said, right now Connecticut residents are going to New York and to Massachusetts for their marijuana and whether or not this dispensary gets built, it's still going to happen. Notwithstanding the complaints about again about marijuana being addictive and this that and the other thing, it's here, it's going to stay, and I see no reason why we shouldn't approve this application. After all, it's really, it's a little competition for the people across the street, can't hurt anything, and there haven't been issues and I think it would be good for Newington. I really don't think, and I don't live too far from that corner and I remember the events that the speakers was talking about, it was a mess. I personally don't see that happening, but I do approve of this, and good luck if you get it.

Daniel Stars: Hi everybody I go by Danni, I am a user of cannabis, recreationally and medically, I'm also a veteran myself. I'm here today hoping that this company comes to Connecticut. I have worked in the legal cannabis industry in Massachusetts for the last three years, serving most specifically those who are socialized to be applicant and in areas that are just disproportionally hard on drugs. So while we are comparing notes about doughnut shops I know that the question about traffic at the last two meetings didn't come up during the Urgent Care conversation when they wanted to open, so the needs are very similar. Let me explain to you why I believe that. I have post traumatic stress disorder, I have depression, I am a single parent and I have been losing my job due to Covid, I had to move to Connecticut because of that, and I couldn't afford housing in this area, even with my disability rating that I get from the VA. I was an alcoholic, you have a whole of alcohol availability in this town, there is no cannabis availability for me in this town. I have to travel to other states, out of my way and I really can't do that because I'm a single parent, so what do I do with daughter. She is three years old and I left the military for her and she is thriving today. So when you hear these gentlemen up here who have already paid millions of dollars, which is absurd in itself, who want to run a business that is helping people of this town, and not only of this town, the surrounding ones. Connecticut is already too late to the market, and it is an extreme example of how wonderful it is going to be, not only providing jobs, it is providing education, and considering education of people in Connecticut about the use of marijuana and how it has help me to this day, a year and a half sober from alcohol and without it, I would not. So, please take that into consideration, it's just not about the company, it's a much broader scope. Among the states and the federal government, and on the town level, how we have spoken about this for several meetings. So, thank you for your time today, I appreciate it.

Unknown, 63 Fox Run Court: I have never spoken before but it is important for me to be here because of this particular topic. I am not in favor of this dispensary being opened, it literally is in my back yard so as I exit I'm speaking about the intended consequences that may not just be traffic related. I think also, since
there are already five within a twelve mile radius, so I'm kind of like, why one more? If there is another one that is just a mile away, that is going to be opening soon, why one more? I'm just concerned as a person who lives that close, and leaving my house during rush hour is difficult, pulling out of the intersection right there where they are talking about taking that right, and heading down into town, it is really difficult to take that left from that area, as well as taking a right, if you are just going onto the Berlin Turnpike. Traffic is important to me, as well as the unintended consequences of having a dispensary that close to my house, compared to the other one which is not that close to residential areas. There is a shopping plaza that is right next to me, there is the Urgent Care Center but there is never traffic coming out of there. I'm lived here for the past four years, and haven't ever had issues with that. I appreciate all of the things that were said earlier and I appreciate your service and I thank you for that. I know that there are benefits for the use of it, however with so many popping up, he gave multiple examples of many dispensaries that are actually going to be opening within the next couple of months, and it is literally just down the street. I'm curious as to why the need for another one if there is one a little more than a mile down the street.

Chantel, 50-52 East Cedar Street: The traffic I'm extremely worried about. Already for my area, especially east Cedar Street just from the New Britain traffic just going to the Berlin Turnpike, it is terrible. I work in health care, I do work for Hartford Health Care, and I'm a visiting nurse around the Wethersfield, Rocky Hill, Cromwell and Glastonbury area. I'm traveling on the road 24/7. Traffic for me is terrible, I am extremely worried about the traffic. That is just horrible to me, 24-7, it's just a lot of traffic. My next door neighbor just had a car that crashed into her house, so to this day I'm extremely fearful that just sitting in my living room, charting at night for my patient, that I could possibly just attract traffic the way people drive, I seen people in front of my house fall asleep in their car, I just think this is going to add extra traffic. Sorry, I hear you because I'm in healthcare, but I'm just worried more about the traffic and I'm just thinking, why Newington? The Berlin Turnpike is just, it's a lot already. Thank you.

Chairman Pane: At this time the applicant has the change to rebut and answer some of the questions.

Kermit Whu: The first question about parking, what if someone parks on Main Street? You know, if there are no parking signs and if they block traffic, they can be towed, I mean, I just think that is common sense, we only have two lanes if you park on the street and you are affecting traffic someone should call the cop and tow it.

The second question about right turn, we are not asking everyone only if there is a police officer directing traffic at the exit driveway and people are really doing a rush during the first two weeks, people have difficulty waiting three, two three minutes getting out, especially a left turn which would be difficult and I think at that point we recommend that the officer just direct people to make a right turn, go make a U-turn down the street and that seems to be the logical way to do it.

As far as the character on Main Street, if you listen to the previous commenter's comment, almost that Main Street is a local street, it is not. It is not a local street, it is not a local street, it is not a connector, it is actually a numbered state highway. Route 167. It is a main corridor for through traffic so it's not some ones backyard. I don't think we are doing anything wrong if we temporarily direct people to make a right hand turn, travel north on Main Street and make a U-turn. I think that is what the function of this road is. Thank you.

Reno Ferrl: I just want to mention when the Krispy Kreme came to town, there were only two Krispy Kremes in town at that point, and Krispy Kreme has a reputation of showing up and creating long lines and they do a lot of promotions and they want lines at their business. That is kind of their business
model. Whether they are operating in Minnesota or Connecticut or if they are in Canada, Columbia, or even Moscow, google Krispy Kreme and traffic and they come up together. There are hundreds of articles, so that is not what we are going to be.

I do want to mention, one of the questions that was asked, and I do appreciate it, why two in Newington? Well, not every dispensary is cookie cutter, we’re all different businesses, we’re all different brands, we offer different services, we offer different products, it’s apple and android, it’s different restaurants on the Berlin Turnpike, it’s Best Buy and the computer stores. Really it’s another opportunity for the patients and customers to try another company, another service. There is also a three percent tax benefit to the municipality, to the town that hosts the businesses, so that three percent coming from two dispensaries will be directed to Newington, to be used at Newington’s discretion within the rules of the cannabis bill.

Chairman Pane: Well we have the recreation, is that how it works, does it automatically......

Reno Ferrl: The majority is going to be adult use sales, there will be no tax on the medical because it is medicine, we don’t tax it today, we won’t tax it in the future, but the majority of the sales will be, I want to say there is a UConn study that quoted between four and six hundred million dollars a year annually to the adult use side of the business and then around two hundred million for the medical side, so as I said, the majority will be adult use sales.

The unintended uses, this is very important, there is no consumption on site. We don’t want customers using on site, we maintain security cameras, and surveillance, we don’t want anybody using on site. If they are caught, they will be asked not to do it again, if they do it again, they can’t be our customer any more. It is that serious and severe that the Department of Consumer Protection regulates that very, very, very closely. We are going to have licensed pharmacists running the site. They are licensed by the Department of Consumer Protection, their licenses are at risk if they violate the rules and requirements of maintaining that very strict licensing compliance.

This business that we will be opening here, this is a partnership, this is a social equity joint venture, so Verano is partnering with a social equity applicant who will own fifty percent of the enterprise and will participate in fifty percent of the profits and fifty percent of the work so this is a joint partnership with someone who meets the criteria, the social equity applicant and the State of Connecticut on this cannabis program.

Chairman Pane: Thank you very much. The public has one last chance if they would like to speak.

Commissioner Braverman: My question is, have we done any study on the affect on property values? Has it been looked at, and what impact will it have to adjacent property that is in town.

Chairman Pane: Thank you. We can discuss that later in the meeting. I don’t think there way any impact. Renata, do you have anything to say about it?

Renata Bertotti: No, but I can answer that under public hearing so it is not new information. There is no study that I have done with regards to that, but I did think about this because it is a novelty use and we did talk about this to some extent when we did adoption of the zoning regulations for this. As you know, and as I reminded you at the last hearing, the zoning regulations for this use were adopted very recently. We discussed the locations and where this use was to be allowed, and originally we allowed it in the Berlin Turnpike zone, then we discussed to some extent whether the PD zone was an appropriate zone and by adoption of that zone the Commission the Commission considered the impact to the neighbors. So, it is inappropriate at this point to turn around and look at these kinds of impacts. So that is one point. This particular location and this particular object, this is a restaurant that has been empty for a while. It is my understanding that inside this restaurant that is fully equipped, there is like ovens and I don't know
what else, but if there was a sit down restaurant that would want to go there because it is so equipped, it is like a key turn facility, somebody would have gone there, so there is, for whatever reason, apparently there is no interest of a, another sit down restaurant to go into this location. The other uses that are low traffic generation uses are for example office uses, that really we haven’t received any interest in anybody to open a new office space in, this is not even Newington, this is from my prior employment, I have not had any interest in anybody opening a new office in probably at least five years. That market is just not there any more. Some low generation retail uses are places like furniture stores, they don’t tend to generate too much traffic, that is a very specialty kind of business. Advance Auto Parts, places like that, they don’t tend to generate tons of traffic but they are very specific. Then other low traffic generators that we get a lot of requests for are self storage units. Now options in this location that seem to be, do you really want to have an empty building which negatively impacts residential neighborhoods around. There are studies proving that. There are mathematics showing like actual studies that show negative impact to the residential community or you can have something that is such a low traffic generator that is perhaps a storage building. That is really not desirable. Then I was thinking perhaps another use that could be interested in a location like this would be a fast food restaurant, but that wouldn’t be something that over time sustains higher traffic generation. This seems to be something that will generate traffic at the beginning but then it will dissipate over time, hopefully. A fast food place I believe would probably maintain that for a longer period of time. So that is sort of my assessment of the impact to the neighborhood.

Chairman Pane: Thank you very much. We have one more opportunity for the public, so if anybody wishes to speak, please come forward, state your name if you would like for the record.

David Marsden, Maple Hill Avenue: I happen to be a member of the Economic Development Commission and I’m also a realtor. Not that that means anything to any of you, but what I have noticed as a realtor is that property has been vacant for many, many months, several years now. I’m not even sure how long it is, and it looks like not a lot of people are stepping up to take it over and bring us the opportunity to have an incoming producing, tax paying entity. All well and good for anybody on the Commission to sit there and say, well, wouldn’t it be nice to have an Advanced Auto Parts there, wouldn’t it be nice to have a fast food store there, but believe me when I tell you, they had plenty of time to call and see it and make an offer on it if they had interest, so where are they? I would say if somebody is sitting in the background with somebody in their pocket, it would be a better operator than this one sounds like it is, then let them bid. So, having said that, I think and I wasn’t coming here to vote in favor of either one of them, I want you to know that right off the bat, I should be home having my glass of wine, getting ready for sleep, but I’m not, I’m here to say I’m willing to tell you that I feel that this is a good thing for the neighborhood. If you can just work out the traffic issues, your ins and outs and rights and lefts, and all the other things that have to come about, when your traffic study people are stepping up to the plate, telling you what we need to do, I vote in favor.

Chairman Pane: Thank you. Is there anybody that has their hand up?

Danni: I just want to address the neighbors behind this facility that is proposed, to make them understand the abuse of alcohol and oxy that has ravaged the area and the nation for years. Since it is already recreationally legal, all the people who need this medication and feel like me, who have tried 25 different medications for my untreatable diagnosis, this is the one that worked, and if I was in the situation like I am myself, as a Connecticut resident, very close by here, I don’t have an option and what you have left an option with is a large multi-state operators who get people products without thought, who have the money to make 150 dispensaries in the area and you have a person here who is trying to include a social justice side to it while providing somebody like myself with the regulated cannabis industry that has been lab
tested, so I know that I am not getting something that is moldy. I know that I'm not getting something with a different drug inside of it. I know that I can use this plant that is being written about in novels throughout ever state in the country, trying to figure out how to regulate and I am here to remind the neighbors of the impact on that, and that potentially the drivers and things that you are worried about have nothing to do with this. It's already happening in your neighborhood and it's not even open yet. That's all I have.

Elaine Matulis, 2116 Main Street: I directly abut this property and as I spoke before I am opposed to this and I think one of my biggest objections is the traffic patterns that would go in and out of that property. All the traffic would go onto Main Street and make the congested area that much worse. If they wanted to try to re-direct exits onto the turnpike, and also I think when you look at this site, this is just not an ideal site for this type of operation because of the traffic pattern. There are many other locations on the pike that would be suitable for this, like if you take Pascone Place or any part of the part of the Budney Development is, south of that, or if you look at other areas further up the pike beyond where Aldi's is and beyond that, where the traffic patterns are much different. It's going to create a nightmare, we've had people parking on the lawns of our property, from before with Bonefish Grill, and the use will be that much worse with this operation, so I would like the committee to respectfully look at this location for this particular use and make the determination that if they do want to come into town and there already is a dispensary further up the pike, and there are others in the area, that the public need is being met with that but this particular location just is not suitable for this type of use because of the traffic pattern problems. I'm just very opposed to it and a special permit is based upon a particular use for that property that would not be detrimental to the neighborhood and this would be extremely detrimental to the neighborhood. The zoning was changed on the property that I own to make it residential and then you are asking for something like this to go in. It just isn't consistent with the zoning and I just don't think this type of operation with this type of traffic pattern would be in such close proximity to residential property. Thank you for your consideration.

Chairman Pane: Is there anyone else who hasn't spoken that would like to speak? Any questions from the Commissioners? If here is no objection......

Commissioner Havens: Is there no capacity to turn out of the property southbound onto the pike?

Chairman Pane: They cannot turn onto the Berlin Turnpike directly, they have to direct everybody to the light and people will be taking a left if they want to get onto the Berlin Turnpike, so I think it will be a mixture of turning.

Commissioner Woods: But like they said, only if there is an overflow. My guess is the officer will have them turn right if he feels that it is not safe.

Chairman Pane: I'll entertain a motion to close this petition and move it to Old Business.

Commissioner Woods moved Petition 23-22 be closed and moved to Old Business for possible action tonight. The motion was seconded by Commissioner Lenares. The vote was unanimously in favor o the motion with seven voting YEA.

C. Petition 21-22: Special Permit (Sec. 3.4.9) to allow an interior lots at 105 Cedarwood Lane, Applicant: Cynthia Ziegler, Owner: Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact: Alan Bongiovanni.
D. Petition 22-22: Re-subdivision at 105 Cedarwood Lane: Applicant Cynthia Ziegler, Owner, Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact, Alan Bongiovanni.

Chairman Pane: Renata, can we group Petition 21-22 and 22-22 together.

Renata Bertotti: We can group them together so Mr. Bongiovanni will present these together, but the votes obviously are going to be separate.

Alan Bongiovanni: Good evening, for the record my name is Alan Bongiovanni, I'm a licensed land surveyor in the State of Connecticut and my office address is 170 Pane Road here in Newington. We have two applications before you, one is for a re-subdivision and that is subdividing the existing house lot at 105 Cedarwood Lane, that currently is about 2.1 acres of land and it is an R-40 zone and we are going to divide the north portion of the property into create about a 36,000 square foot lot. This whole development, this application are basically for one single family house in the R-20 zone. We are asking for an interior lot because of the frontage on Cedarwood Lane. It provides for the 20 foot required access strip owned in fee by the proposed lot, to access the main lot itself. This is a pretty unique situation in that there is already an existing driveway, shaded in gray here, that services 99 Cedarwood Lane through an easement that will be a new driveway to service the new house as well as 99 Cedarwood Lane. WE do have our own twenty foot access if something was to change in the future, and it will also be used for the utilities that service the property.

These lots are not characteristic of the lots in Newington and they are up on Cedar Mountain, and there is the ridge line protection zone, that is along the western edge of the property. Per Section 4.4.6 D single family homes are allowed within the setback area, just to show you what it is going to look like, this is the existing house at 105 Cedarwood, on the bottom, on the north is the 99 Cedarwood and if we drew a line between them this house is going to be situated in the same location with respect to the ridge line. Both of the existing houses can't be seen from the western part of town so we're not going to be obstructing or clearing the ridge line. It will still have the same appearance if this house is to be built, as it does today.

The lots will be served with MDC sewer and water, minimal grading, there is some clearing required to accommodate this house but it meets the requirements. It is a nice location for a house, we have received comments from Planning and Engineering and we have addressed all of those comments. We have received favorable reports from Michael D'Amato who reviewed the plan, and I talked with our Town Engineer today and he is satisfied that we have addressed the comments as well. Again, this is not a major development, it is for a single family house, I think my presentation kind of covers that, if you have any questions, I'd be happy to answer them.

Chairman Pane: Commissioners, do you have any questions for the applicant? I'll go to the public, pretty simple application, looks pretty good, anybody wishing to speak either in favor of against this petition?

Commissioner Havens moved to close Petitions 21-22 and 22-22 and moved them to Old Business for possible action tonight. The motion was seconded by Commissioner Haggarty. The vote was unanimously in favor of the motion, with seven voting YEA.

E. Petition 25-22: Special Permit (Sec. 3.4.7) for a conversion of an older home into a multiple dwelling home at 44 East Cedar Street, Applicant/Owner/Robert J. Santerre
Chairman Pane: I'm going to have the Town Planner discuss and give us an update on....oh, okay come forward please and tell us what this is concerning. From what I understand this is a home that has already been converted and we are just trying to get the paperwork straightened out if I'm not mistaken.

Robert Santerre: Correct. I received this from Mike D'Amato last week, it was asking like application summary, and they asked for a few things and I did e-mail them off to Mike D'Amato. The structure of the home and showing where all the bathrooms and bedrooms and kitchens were. I'm trying to sell my home and when I bought back in 2006 I thought I bought a multi-family that was grandfathered in over the years. I learned a lot about the house in the last three months. I probably should have filled out an application at the zoning department I've been there so much. So, I'm here today, I filed for a special permit for multi-use. I'm trying to move into Mom's house to help take care of her because things are going on over there, that I have to keep a close eye on, so for this to go through I've done a lot of footwork over the last couple of months. I have affidavits from previous owners, I have been here making copies of everything in that folder. When I bought the place it was multi-use. I have had three kitchens, three bathrooms, I had to evict somebody out of the place when I moved in because they lived in the other dwelling for twenty-five plus years. Unfortunately I went to the court house to try to get records of this, and nobody keeps records. They burn them, do whatever, so it's been a lot of work trying to get the proper information so I can continue with what I am doing and close out my house in a proper fashion here. It's been put off a couple of extra, two months, but it is what it is, so with this special permit, I mean, I filled out all the criteria that the town would need to have this as a multi-family, so I guess I'm asking the town to look at this and grant me the multi-purpose use for my house so I can move on.

Chairman Pane: Okay, I understand. Let's turn it over to Renata if you would like to clarify anything.

Renata Bertotti: So it is our, the house was built I believe in 1904 and there is an old garage which we don't know exactly when it was built, but it's old. The applicant approached us and actually, not the applicant but I believe either the lender or buyer approached our zoning officer and requested a certificate of zoning compliance. Now in order for us to issue a certificate of zoning compliance we have to be able to prove that this is a legally non-conforming multi-family home, which we were not able to establish because we did not have records showing that this was built as a two family home in 1904 or that it was legally converted to some sort of zoning permit process so when Mr. Santerre approached us with this request we were not able to comply, so the only way to legalize this is through either processing this conversion which is a special permit, by the Commission, or appealing the decision and going the ZBA route, which we did not feel is necessary because this house meets the requirements for the old house conversion. There are two units, within the house and the floor plans meet the requirements of the zoning regulations, and then there is a unit within the garage that is a third sort of non-conforming unit as well, so that is the situation right now.

Chairman Pane: Thank you. Are there any questions from the Commissioners? Seems pretty simple. I'll open it up to the public. Is there anyone from the public wishing to speak either in favor or against this. Seeing none, I will entertain a motion from the Commissioners to close Petition 25-22.

Commissioner Woods moved to close Petition 25-22 and move it to Old Business for action tonight. The motion was seconded by Commissioner Claffey. The vote was unanimously in favor of the motion, with seven voting YEA.

VII. APPROVAL OF MINUTES
Commissioner Claffey moved to approve the minutes of the May 11, 2022 meeting. The motion was seconded by Commissioner Havens. The motion passed unanimously with seven voting YEA.

VIII. NEW BUSINESS:

8-24 Referral for Parking Lot at John Patterson School.

Lou Jacamocci: Good evening everyone. The plan design that you are looking at was the fourth iteration of our design concepts that we were considering here. We have significant immediate parking multi-year parking problem where we have a need for around 105 cars to be parked on the premises and we have 75 parking spaces. In addition, we have very difficult queuing lines for all of the cars for daily drop off. Right now all the students are dropped off at the front door of the school, you get about three cars in the driveway and then everybody is up on Halloran Drive going back to the stop sign which adds more congestion to the intersection of Church Street and Halloran Drive. With our first iteration of this, we were looking at doing just more parking at the south side of the lot and as we looked at it, the other issues were, can we do something about the problems with the queuing and student safety and try to get as many cars as possible off the road and through the Board of Ed property to manage traffic much better and safer for all of the kids that are there. So as it turns out, the Church Street side entrance is going to become a one-way in feature of the parking lot. Then, the area going behind the building is just a continuation of the existing of the existing parking spaces that are there. Then you have the ninety degree turn that goes straight up from there which will be the basic path to travel. We are going to put a new sidewalk in all along that area which will become the primary student drop off area every day. We can carry about 18 cars in the queue simultaneously here which would keep all of those cars off of the intersection area and what would happen is when we build through the final cutout and the curb cut for the path through to the front driveway they would then be going across to the far side entrance and then discharge on Halloran Street a hundred yards down the road from the intersection of Church and Cedar. This has multiple benefits, we had two minor ADA issues that everybody wanted to deal with, one is to get all of the handicapped spaces at the front door of the building, and the second at the very bottom of the screen on the left is the stoop, this location has a little walk off from the cafeteria which is a step down, it's an ADA barrier, so with the way that this is going to be rebuilt and filled it is going to allow us to achieve ADA compliance in that part of the building along the whole sidewalk system. This will also integrate with the solar power project that we have for that school The area for the, where the inverter is going to go is going to be just above the area where the current transformer is, just tucked inside the sidewalk, a little farther up, the grassy area is where it will sit and we have been working with the engineers on that to get proper integration for all of this. So, the traffic, excuse me, the parking count will go to 105 regular spaces plus five ADA spaces. You will pick up the queueing area, for all of the cars and in addition, it will be a significant for relief on the weekends because with all of the cars for student and child activities out on the playground in back a lot of times the cars find their way onto the playground area on the far side of the building, which doesn't have any measures of protection or managing traffic because it was not designed for that. Here, by being able to have a better overall parking configuration we are trying to discourage individuals from you know, taking their car somewhere it shouldn't go. We will be building in with signage and the measures of asking people to be better citizens as part of this because now we can provide resources here.

What happens in the end is the totality of all of the paved surface. Besides building the new area, we are going to do a mill and overlay for the south side and the north side parking lots, so one contiguous improvement and it will be one and done for the activity. The overall response to this we presented it to the Town Engineer and he was fine with it, his office was fine with all of the refinements and the plan itself. This was submitted to the local traffic authority agent, Officer Dean of the PD, and he was fine,
thought it was great that we were getting the traffic off and away from the intersection of Church Street. So that is a quick overview.

Chairman Pane: Let me go to the Commissioners, see if anyone has any questions?

Commissioner Claffey: I used to go to Anna Reynolds with my two sons and there is a queueing problem there too, but the only question I have is, in the morning you seem to be coming off Church but you are not utilizing any of the rest of the new parking to queue?

Lou Jacamocci: Well we will just because the load of the building, when they queue in from the Church Street side they will either take parking behind the building or go where they do now.

Commissioner Claffey: In the afternoon, I've never watched in the afternoon but how it queues up now, I think this is a great improvement.

Commissioner Haggarty: Yes, I used to drop my kids off there for afternoon pre-school and it was always a total show there. Is there any signage directing people to enter the property via Church as opposed to Halloran?

Lou Jacamocci: When we are a little further along we have worked with both Officer Dean and Mike Morgan who is our security officer for how they would want to design the signage, and we have security officers at every building, so they are knowledgeable as to where exactly the problems are and the best way to approach the signage that we need.

Commissioner Haggarty: So you are not closing off the horseshoe on Halloran. That is staying open, correct?

Lou Jacamocci: Correct. Realistic daily management by the security officer who will park his car in that entrance way while the major queueing and drop off activity is occurring, so it really creates a nice one way flow, until all of the cars get back onto Halloran, closer to John Wallace.

Chairman Pane: Any other questions? Are you having any lighting there?

Lou Jacamocci: Yes, there will be five light poles installed as part of this, we have two right now that come down, because of the adjustments of the design and there will be three along the perimeter of the left side of the new parking area and then two are on the lower part. We are also putting up about a dozen wall packs around the west side and the other side of the building.

Chairman Pane: Will it be possible if there are no events going on that they are not all on as the impact to the residents across the street? What is the policy?

Lou Jacamocci: It's eleven o'clock when they go off, shut down for the night. In working with our designers on the project, these were supposed to have a lower profile. The wall pack lights are realistically just for the sidewalk area and into the first area of walking across the parking lot. The lights that are on the left side will be beamed toward the school so it will illuminate the parking areas.

Commissioner Gill: I have a couple of questions. I wasn't aware that we were going to go through this tonight, so I did have some notes that I forwarded to engineering and the communication that I got back was to contact the Board of Ed for some of the questions. So there is no traffic study that was done?
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Lou Jacamocci: No, it was all the observation of the security team that works for the school district, our district wide officer Mike Morgan, who is a former police officer, as well as the local authority everyday security officer assigned to that building.

Commissioner Gill: As far as, is that area going to be filled or is it going to be (inaudible).

Lou Jacamocci: In the area when there is the parking lot, on the west side of the building, that has a fall that goes down about two feet in elevation so along the sidewalk area it will be raised about one foot to make up the difference we need for ADA compliance. You will have the curb drop off and the elevation will probably be about a foot and a half higher than what the current shape is.

Commissioner Gill: I was asking, if we are doing cutting, how deep are the conduits?

Lou Jacamocci: Everything has been surveyed and measured and everything is addressed as being fine. They are all....

Commissioner Gill: Are they putting conduit in to get, to move the overhead?

Lou Jacamocci: Yes, and those will go underground as far as this, and when I was at the Town Council meeting and having this discussion yesterday they asked to consider putting additional conduit in and possibly facilitate adding in a charging station or electric cars at later date.

Commissioner Gill: That was one of my questions also, because there is available right now projects with the state and you can get funds to even pre-wire, not necessarily have to put it in right away, but definitely if we could put the conduit in, underneath there....

Lou Jacamocci: I did order the architect on this project to incorporate that and I started making calls and didn’t get any response from Eversource today.

Commissioner Gill: There are bollards behind the transformer right now, and it looks like they are taking those out and putting less bollards in there?

Lou Jacamocci: No, there will be more. What it is going to be is, the transformer itself will be protected per Eversource requirements and there will be additional bollards put in to cordon off the area where we are going to put the two dumpsters that we use everyday with a chain link fence with the mesh privacy feature to give a better look, and that is also going to be part of the solar power enclosure for the equipment that they put.

Commissioner Gill: Okay, because the bollards that were shown on the drawing were far apart from each other and with the dumpsters, the dumpsters could get into the space, get to the transformers but you are saying that it is going to be protected.

Lou Jacamocci: We will make sure that it is not an issue.

Commissioner Braverman: With regard to the EV prepower, whatever, do you know what level the charging stations will be at?
Chairman Pane: There is nothing being proposed right now, they are going to look into it to see if there are any grants or something possible that they could apply for and then they will be in some appropriate ones I believe.

Lou Jacamocci: There is a significant different between the power draw for a bus compared to a regular automobile. I'm not quite up on that stuff right now.

Commissioner Braverman: A full charge or a trickle charge, I mean there are different levels of charging.

Chairman Pane: I think it is unknown right now, they will look into it and hopefully they can add a few if they can get some grants for it I believe.

Any other questions?

Commissioner Gill: Security cameras? You are putting up poles, have your security people looked at whether they wanted to position, move some cameras to that area, and again....... 

Lou Jacamocci: Again, they haven't made any decision if they want to put cameras on the light poles, the power of the cameras that we have right now are tremendous. We have no problem being able to get a quality shot from where they are mounted on the side of the building to cover the parking lot so they may not request that.

Commissioner Haggarty: Do you have the ones that read license plates?

Lou Jacamocci: If necessary, with the resolution that they offer. Once we get in the point of the project where Mr. Morgan might want to make an adjustment on that with the cameras we'll be fully prepared to do that.

Commissioner Gill: You'll have to more conduit in so that it is available.

Chairman Pane: If there are no objections, I'll entertain a motion to close this 8-24 and move it to Old Business for action.

Commissioner Claffey moved to close Petition 8-24 and move it to Old Business for action. The motion was seconded by Commissioner Trister. The vote was unanimously in favor of the motion, with seven voting YEA.

IX. OLD BUSINESS

A. Petition 19-22: Zoning Regulation Amendment (Sec. 6.13 and Sec. 9.1) pertaining to accessory apartments and to opt out of accessory apartment provisions of PA 21-29/SB6107. Applicant Newington TPZ Contact: Renata Bertotti (Continued from May 11, 2022)

Chairman Pane: I'll start it off, I'm all in favor of opting out, I don't think that it is a good thing to destroy our single family homes and have apartments either attached or detached to every house. I think we offer two families in a couple different zones right now and we also offer accessory apartments in the regulations and I don't have a problem with the regulation we have right now. I'm willing to look at it and maybe modify it, I'm open to that, but I'm definitely in favor of sending this to the Town Council and having them hold a public hearing so that we can get more people involved and possibly opt out of this.
I'll open it up to the Commissioners for your thoughts on the text amendment and/or opting out. I'll go down the line, Commissioner Claffey?

Commissioner Claffey: I can't agree with you more.

Commissioner Lenares: I have the same opinion. I had asked questions about what opting out means and there was some confusion that by opting out of the state regulations that we were going to be against not allowing, not having accessory apartments and that is not true. So opting out I think is the best way for our town to proceed. As Gail said earlier, we have 169 towns, and to have a policy for all of them is a little bit much because each town is different from each other. Going forward, looking at the accessory apartment use and provisions it might be a good idea keeping them the way that they are, some discussion, changing them, modifying them, who knows, but yes, opting out would be my vote.

Commissioner Haggarty: I totally agree we should opt out.

Commissioner Gill: My thought is to opt out.

Commissioner Woods: I think Public Act 21-29 is very well intentioned, but when it comes to reality and we have probably twenty-five to thirty percent of our housing stock that is maybe under a thousand square feet or at a thousand square feet, I'm not quite sure how that works. So I don't think right now we have any other option but to opt out.

Commissioner Havens: I also support opting out. I don't think the nature of the town needs to be dictated by the state capitol.

Commissioner Trister: I disagree. I think we should stay with it and not opt out. I think the state statute is consistent with the Plan of Conservation and Development and I think it would be good for our affordable housing.

Chairman Pane: I believe in affordable housing too, and that is why we are allowing some apartments to come in, hopefully with more affordable housing. I just think that the, we end up having no single family homes in town any more. We would, it would be like not having zoning regulations.

If there are any other comments?

Commissioner Woods: I think the likelihood of that happening is probably rare, but I do see your point, it could happen. If it by right, and I don't know how you add an accessory apartment to an 800 square foot home, I just don't know how you get a kitchen and a bedroom .......

Chairman Pane: Well, everybody has enough room in their backyard, as long as they meet the setbacks, they could put a 20 x 20 shed up, and have one room and a bathroom and have a detached place.

Renata Bertotti: You can design your regulations, you can design coverage requirements and certain setbacks and things. The idea of the public act is that you cannot render anything more constrictive for the accessory dwelling unit than you do for the single family house. So whatever the rule is for the single family home, it has to be the same rule for the accessory dwelling unit. So if you have certain setbacks for the house, those are the same setbacks for the unit as well. You can't demand mandate whether it is attached or detached, you can't mandate like it has a (inaudible) door, there are certain rules but you can't create certain zoning regulations.
Chairman Pane: I think you are right Commissioner Woods, I mean it may not happen all at once, but by right, anytime it could happen on a street, and I’m surprised that there is not more public out here, especially from the Culver Street people, because they were all very concerned about affecting their single family homes. So I’m shocked that nobody else has come out here. They were thinking that it could change the schools, it could impact the town tremendously, with too many apartments, well, just imagine how this could affect the town, so.....

Commissioner Woods: I would agree with you, I mean the potential could be catastrophic as far as I’m concerned. I just don’t know how it works, with, not only small homes, but on small lots, it would take a lot of work on the town to pull out the R-12 and some are not even R-12, they are R-7, so while I think it is very well intended, in a perfect world it all works out, but we don’t live in a perfect world. Maybe we could do something down the road but what I’m curious about Renata, if we, let’s say we opt out, the Council buys into that, has the public hearing, and agrees with us, is there a period of time where we do need to go back and look at this, or once we opt out, the state is fine with that?

Renata Bertotti: Once we opt out we have our regulations, there is nothing in the state statutes right now that says that this opt out is tied to any kind of penalty or anything. That may change in the future, there may be a different law that forces us to do something, I’m not sure what is going to happen, but essentially the rule is either we default to the state rules or we have our own rules. In order to have our own rules we have to effectively opt out of the state rules stated on the record, you have to establish what are the reasons for the opt out, both the Council going through the same process and doing that December 31 of this year.

Commissioner Woods: Do you know, is there a trend yet as to how communities are going? I’m assuming most communities are opting out.

Renata Bertotti: So many communities have actually just not done anything, in particular smaller rural communities haven’t done anything. That is possibly because some of the towns such as Coventry, Bolton, they have larger lot sizes, so if you have a town where the lot size is a minimum two acre lot, then you can have these kind of things. There are a number of town that have done exactly what you are trying to do, clean up their existing regulations, remove some of the provisions for a special permit, make it better, make it more affordable for people, more accessible for people, but opt out because there are some things that they just did not like in the public act, which is what I would like to see in our regulations. I would like to see our regulations better, but still be our regulations.

Commissioner Haggarty: Renata, there is nothing currently in the regulations that says that you can not have an accessory apartment, meaning they are allowed via permit in a residential area. The accessory apartment cannot exceed, I’m trying to think how I want to phrase the question, there is no wording that says that you absolutely cannot have an accessory apartment? You need to have certain minimums.

Renata Bertotti: So in our current zoning regulations there are requirements. First of all the accessory apartment has to be attached, then there are certain language things about the doors, that do not meet state criteria, we do require a special permit, that is also not allowed by the public act, and then we have some language in there with regards to extending the special permit, so we require people to like register and then extend it. There are other provisions that are also not in compliance with the state statutes, so we can, if the Commission wants, we can keep our regulations, but in my opinion, it is not really a very good regulation and the reason for that is, if you don’t have people applying to have this use, that probably means that something is wrong with your regulation, like if in two years nobody came in and said
may I apply for an accessory apartment, in this housing condition, when like we really are under pressure with affordable housing, that means something is not right with our regs.

Commissioner Haggarty: Is there at least a pathway laid out for everybody who has a residential property to at least have the ability?

Renata Bertotti: It probably should be reviewed, it's probably not very good.

Erik Hinckley: And it applies only to R-12 and R-20, not all residential zones.

Commissioner Haggarty: So if you live in a R-7 zone, you cannot have an accessory apartment?

Renata Bertotti: Correct.

Chairman Pane: Isn't an R-7 two family?

Erik Hinckley: A lot of them are, yes. They are permitted for duplexes, but they area like on ten acres and there is nothing left in Newington that will hit that target.

Commissioner Woods moved to opt out Newington of the mandatory standard procedures identified in Public Act 21-29 related to the regulation and approvals of accessory dwelling units.

Findings:

1. The Town Planning and Zoning Commission has currently considered a criteria listed within Section 6 of Public Act 21-29 it finds that with additional review and approval criteria beyond those afforded within the public act are necessary to ensure the development patterns be consistent with the town's Plan of Conservation and Development.

The motion was seconded by Commissioner Haggarty. The vote was in favor of the motion, with six voting YEA and one NAY (Trister.)

B. Petition 23-22: Special Permit (Sec. 6.16 to allow a hybrid retail location for adult use cannabis sales at 2903 Berlin Turnpike, Applicant: Verano (CTPharma Newington, LLC as subsidiary) Owner: GLM1867 Realty LLC, Newington Realty Inc., Contact Rain Theobald.

Chairman Pane: So this applicant complies with all of the setbacks and separation I believe. It's an existing building that is there, I don't believe, at least in my opinion we are going to have the same experience as the Krispy Kreme, I don't believe that is going to happen. If there is a large draw to it in the beginning they are going to take care of it with the necessary traffic off-duty police, or police, so I have confidence in that. I'll open it up to the Commissioners for discussion.

Commissioner Trister: I’m in favor of this, I tend to agree with what the applicant said regarding traffic, it's the novelty state wide probably will have been worn off to some extent by the time that they are ready to open, and I really appreciate the social equity aspect of it. I appreciate the impact on the drug war and how these dispensaries and legalization sort of (inaudible) this around, so I'm in favor.
Commissioner Woods: I agree with Commissioner Trister that this is a good use of the property. I think the property needs to be re-used again, it sat vacant for too long, and while it does abut a residential neighborhood I think what happens if it sits for much longer a restaurant is going to go in there, and if a restaurant goes in, it’s going to probably look for a drive through window, and that would probably be the worst thing in the world for any abutting property owners as far as I’m concerned. I think it’s a good use, I think we are here, it’s, we amended our regulations to allow this use, and I’m happy to see this come to town.

Commissioner Claffey moved to approve Petition 23-22 Special Permit Section 6.16 to allow a hybrid retail location for adult use cannabis sales at 2903 Berlin Turnpike, Applicant Verano, Owner GLM 1867 Realty LLC, Newington Realty Inc., Contact Reno Theobald, subject to the ten conditions listed in the memo from M D’Amato dated May 2, 2022.

This approval is granted in conformance with reference plans as may be modified by the Commission and this approval and the following conditions by modifications.

Reference Plan one: traffic impact study prepared by K.W. H Enterprises LLC dated 032022 pages 1-54 inclusive.
Two: Application Plan narrative prepared by Verano, pages 1 through 24 inclusive

Findings:
The application satisfies the criteria of Section 6.1.6, 5.2 and 5.3 of the zoning regulations.

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

Chairman Pane: This is fairly simple, I think it’s a nice lot of there, I don’t have any problems with this. Do any of the Commissioners have any?

Renata Bertotti: Petition 21-22 really should be voted on first.

A. Petition 21-22: Special Permit (Sec. 3.4.9) to allow an interior lots at 105 Cedarwood Lane, Applicant: Cynthia Ziegler, Owner: Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact: Alan Bongiovanni.

Chairman Pane: So I’ll entertain a motion.

Commissioner Haggarty moved to approve Petition 21-22, Special Permit Section 3.4.9 to allow an interior lot at 105 Cedarwood Lane, Applicant: Cynthia Ziegler, Owner: Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact: Alan Bongiovanni, subject to the eight conditions listed in a memo from Mike D’Amato dated May 17, 2022. This approval is granted subject to the conformance with the reference plans as may be modified by the Commission in it’s approval and the following conditions modifications
Reference Plans One; Re-subdivision plans, sheets 1 through 3 prepared by BGI dated 2.25.22 and revised 5.18.22.

Findings:
The application and revised plans dated 5.18.22 meet the special permit criteria of Section 5.2 and the interior lot criteria of Section 3.4.9 of the Newington Zoning Regulations.

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

Petition 22-22: Re-subdivision at 105 Cedarwood Lane: Applicant Cynthia Ziegler, Owner, Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact, Alan Bongiovanni.

Chairman Pane: Renata, this is concerning the sidewalk waiver, or......?

Renata Bertotti: There is a sidewalk waiver motion in there, yes.

Commissioner Haggarty moved to approve Petition 22-22 re-subdivision at 105 Cedarwood Lane, Applicant Cynthia Ziegler, Owner Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact Alan Bongiovanni subject to the conditions listed in a memo from M.D. Damato dated May 17, 2022. This approval is granted subject to the conformance with reference plans and may be modified by the Commission in its approval and the following condition modifications Reference Plan One: Re-subdivision plans sheets 1 through 3 prepared by BGI dated 2.25.22 and revised 5.18.22.

Findings: This application and revised plans dated 5.18.22 are in compliance with the design standards of Section 3 of the Newington subdivision regulations.

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

Chairman Pane: Then we have our sidewalk motion to grant waiver to Section 3.11 for sidewalk installation.

Petition 22-22 : Re-subdivision at 105 Cedarwood Lane: Applicant Cynthia Ziegler, Owner, Estate of Francis C. Callahan AKA Francis Callahan and Cynthia Callahan, Contact, Alan Bongiovanni in accordance with Section 4 of the subdivision regulations.

Findings: The issues of this waiver meets conditions A through E of Section 4 of the subdivision regulations.

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

A. Petition 25-22: Special Permit (Sec. 3.4.7) for a conversion of an older home into a multiple dwelling home at 44 East Cedar Street, Applicant/Owner/Robert J. Santerre

Commissioner Woods moved to approve Petition 25-22 Special permit, Section 3.4.7 for the conversion of an older home into a multiple dwelling home at 44 East Cedar Street, Applicant/Owner Robert J. Santerre subject to the findings and one provision listed in a memo from M. DaMato, last revised 05-19-22. This approval is granted subject to the conformance with the reference plan and may be modified by the Commission in this approval and the following condition:
FINDINGS:

1. Issuance of this approval will support the goals established by the Newington POCD by encouraging reverse housing stock and continuing to invest in residential properties.
2. Property contains a detached structure built to prior to the adopting of zoning regulations which includes a single existing non-conforming dwelling unit.

CONDITIONS:

1. Prior to the occupancy of any units, five parking spaces shall be striped or designated within the driveway parking area and shall be continually maintained.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 24-22: Special Permit (Sec. 5.2.7) to modify an existing freestanding sign to allow for LED prices at 295 Main Street, Applicant: Kara Kennedy, Owner: 295 Main St. Newington LLC, Contact, Kara Kennedy

B. Petition 28-22 Special Permit (Sec. 3.23.1 B) an accessory outside use to allow a tent event for firework sales at 95 Fenn Road. Applicant Keystone Novelty Distributors LLC., Owner, 95 Fenn Road LLC< Contact Alex Mulzabaugh

C. Petition 29-22 Special Permit (Sec. 3.23.1 B) an accessory outside use to allow a tent event for firework sales at 205 Kelsey St. Applicant Keystone Novelty Distributors LLC., Owner, 95 Fenn Road LLC< Contact Alex Mulzabaugh

Chairman Pane: We have a few things under Public Hearing Scheduling, nothing special I don't think so we will go right into the Town Planner Report.

XI. TOWN PLANNER REPORT

Renata Bertotti: Let me share the future agenda, so coming up on June 8th, you will have….Erik has the Zoning Board of Appeals application, a setback variance application, and on your agenda coming up you will have the two fireworks sales and the free standing on the gas station on Main Street and then there will also be a pre-application item that I am going to bring to you for discussion. That's all. The Conservation Commission is going to vote on Church Street, which they still haven't done, the Church Street subdivision. Fifty-five Holmes has submitted an application for site plan modification for the parking lot and that is what we have so far.

Commissioner Woods: Is that the old Sears Warehouse?

Renata Bertotti: Yes.

Commissioner Woods: That's what I thought.
Renata Bertotti: So we will now go with the opt out to the Council. I had spoken to James and they think the ways that it works is that it goes under schedule and it gets accepted first, and then it gets scheduled and then once it goes through their process for the opt out, we are going to resume with you the talk about the actual regulation amendments.

Chairman Pane: We have plenty of time for that regulation.

Renata Bertotti: We have any time we want. It doesn’t matter, we have functioning regulation, the dead line that matters is the opt out deadline. That is the one that I really want to take care of preferably before I go on vacation. So that is the deadline for me. That’s really it.

XII. COMMUNICATIONS

Commissioner Haggarty: The first one, Suffield is doing retail cannabis in residential zones?

Renata Bertotti: A number of communities have been having a moratorium on cannabis and those are now coming to an end. I think what is happening here is they had the moratorium that came to an end, and they are doing the amendment and apparently they are, I don’t think this is a residential zone. This is like some kind of zone but I doubt it is a residential zone.

Erik Hinckley: That R-45 might be something else in that town. Could mean retail.

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

Rose Lyons, 46 Elton Drive: Pleased to see that you opted out on the accessory dwelling units. I hope that when it goes to the Council that this is put out to the public more than it has been in front of TPZ. As for Culver Street neighborhood not showing up, nobody else showed up either, and I think unless it is in their backyard wherever it might be, people tend not to show up. I can only imagine that there is a handful of people on Zoom watching this meeting right now so like I say, I hope that when it goes to the Town Council that other people will be paying attention and speak up, either for or against, whatever the case may be.

I’m just trying to think back to Bonefish and this has nothing to do with the marijuana dispensary, but I think Bonefish was vacant for a long time because they wouldn’t give up the lease. They wanted certain type of a restaurant in there but I’m glad to see that there is something going in, and last but not least, I keep hearing an old familiar name, Mike D’Amato being mentioned tonight. Just wondering, is he back in the planning department, if so, welcome back Mike, you were missed. Thank you and have a good evening.

Chairman Pane: Mike D’Amato is working as a consultant right now for the Town of Newington to pick up, so we can get all of our things accomplished.

XIV. REMARKS BY COMMISSIONERS

None

XV. CLOSING REMARKS BY THE CHAIRMAN
None

XVI. **ADJOURN**

Commissioner Woods moved to adjourn the meeting. The motion was seconded by Commissioner Havens. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

[Signature]

Nonne Addis,
Recording Secretary