NEWINGTON TOWN PLAN AND ZONING COMMISSION
Regular Meeting
June 8, 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 Haggerty
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stephen Woods
Commissioner Stewart Droz-A
Commissioner Thomas Gill-A

Commissioners Absent
Commissioner Jonathon Trister
Commissioner Hyman Braverman-A

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

Chairman Pane: We're all set, everyone is here.

III. APPROVAL OF AGENDA

Chairman Pane: We have a new agenda in front of you, an updated agenda.

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

None

V. ZONING OFFICER REPORT

Chairman Pane: We got the report in our packet, are there any questions for the Zoning Enforcement Officer? Any questions from the Commissioners on this?

VI. REMARKS BY COMMISSIONERS

None
VII.  PUBLIC HEARING:

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

Chairman Pane: Is the applicant here or on Zoom with us?

Renata Bertotti: Mr. Chair, I do not see the applicant in the room or on the line in Zoom.

Chairman Pane: We can come back to it.

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 Mutzabaugh

Chairman Pane: Go right ahead and make your presentation.

Mr. Eric Hanover: There were a couple of questions that were asked and not shown on the submission. The building permit and final inspection required for the tent; that's okay. The storage unit for the fireworks, I guess they were concerned about that and it wasn't shown on there. What we would be having, on both sites, we're going to be having overnight security. We will have a person there who will see what is going on, if anything. On other sites in other states that we have, we haven't had really any concerns, but if the committee wants that, that's fine. Parking of the vehicles, twenty feet from the tent, that's just common with us, we don't want anything close, you know, somebody's hot rods they get, you know, rum, rum, backfiring and all that stuff, we don't want that, so we do, it will be enforced. Signs, that is a must on all of our tents, including our brick and mortar stores. They have to be up and that is all approved by the Fire Marshal when he does his inspection. Now the tents, some of them are anchored with stakes, some of them are anchored with gigantic weight things, full of water. If you ever see a carnival, that is how they do them. The sign requirement, well actually ours are a little bigger, four inch, I think ours are six. We don't want anything shooting off closer than 300 feet, and if they do, they are sent away from the property. Like I tell all of the Commissions that I visit, I hate to use the word, but you can't stop stupid. About four or five years ago if you remember down in Georgia, at the Wal-Mart, guy went in there where they had the fireworks, took and lit it, burned the place down. You know, we do try to control. We only have so many people in. The person in charge keeps an eye on how many people there are and he does watch, or she watches what it going on. Myself, I had a place in Woonsoket I had a guy come in, kind of hit me wrong, and took out his lighter, and he was just, not clicking it, but opening it, so I just asked him to leave, and he did, there were no problems. Usually we talk with the police so that when we call, you know, we aren't calling for fun. If we call you, we've got a problem. So that one about the three hundred feet, yeah, we definitely will have that, no question. All of this is approved by the Council, but yet we still have to be approved by the Fire Marshal himself. He is the last say on everything. So far, all the fire works places that we have had, we haven't had any problems with them. That's about all I have unless there are questions.

Renata Bertotti: Mr. Chair, before you go to the questions, the applicant kind of talked about staff comments and addressed those a little bit. Perhaps it would be helpful to sort of describe the project itself. So if you don't mind Erik, going back to the map and just describe the site location so this is at 95 Fenn road, and the proposed location for the tent site is, as you can see what Erik is like circling the site area. There is also a proposed location for the temporary bathroom, the portable bathroom area, which is that X shown on the other side and then the next picture shows the actual tent with the signage that is on it, so this is what those things normally look like. Everybody is familiar with all of this stuff as you know. In the way of staff report, actually I did say that to the Chair, but the rest of these do not know this, we
failed to issue the abutter’s notices on this, so we will be recommending continuation of the public hearing on this application because that is necessary. We have to keep it open because we didn’t send notices in time to abutting property owners. Aside from that, with some of these staff questions that were raised, the applicant had responded to them in a letter to us, an e-mail that was received, and we will ask that some of these items are actually shown on wha plans, like the diameter on the fence, certain things to actually be shown on this map, but aside from that, the staff comments are pretty much addressed. So technically we do not have issues, this is a temporary use, it happens for so many days around the fourth of July. As long as the Commission is okay, we wouldn’t have a big problem with you approving that.

Chairman Pane: Thank you Renata. We don’t usually require that they have security all night. That would be the applicant’s choice, isn’t it because usually I think they put the fireworks in a container, a shipping container, so I just want to make sure that the applicant knows that you have security, it’s totally your choice.

Erik Hinckley: I believe that was a question from the Fire Marshal, who just said what are you going to throw the fireworks in for protection overnight?

Eric Hanover: I guess the boss says, either or, you know.

Chairman Pane: You can either have a container or have somebody there at night. Very good. Any other questions from the Commissioners?

Eric Hanover: These are all legal fireworks, there are no ariels, any of that stuff.

Chairman Pane: Hopefully this isn’t going to be a problem that we have to continue this to the next meeting. You will still have time, correct?

Erik Hinckley: I talked to them, they will have a little shorter sales, but I think they are going to go through July 10th anyway, is what their proposal is.

Chairman Pane: Okay. Are there any questions from the Commissioners?

Renata Bertotti: When we return for the next meeting we will have a list of proposed things, conditions, and one of the things I, they are common in every single town, and my conditions in other towns where I worked was always that we have to ensure that they leave the site clean after they leave, so one of the conditions is that they pick up after themselves and if they don’t, the next year when they come in with an application we can hold them against them if they violate that condition so there will be a couple of conditions that we will recommend.

Chairman Pane: They have sample signs with the sizes, does mean that there is going to be one of each of these?

Erik Hinckley: I think if you look at the tent you can kind of see, I just brought it up on the screen, you can kind of see......

Chairman Pane: I understand but my question is, are we going to see two of each of these signs or are we going to see one of each of these signs. Sometimes people put them on different, facing different directions and stuff and we end up with duplicate signs, so my question is, you have a sample of five signs here, with the sizes, are you going to put one of each of these?

Eric Hanover: We don’t have external signs, they are on the tent, on the ropes....
Renata Bertotti: I think the answer to your question is, they will have as many signs as they can possibly hang on this tent, unless you restrict it. So if you would like me to include a restriction.

Eric Hanover: The way the rules are, you can have one side with a sign, the other side ain't going to see it. We have one way in, two ways out.

Chairman Pane: It's a very short duration, so I don't think it is going to be a problem. I don't think the other Commissioners have a problem. So whatever signs you hang on there will be fine. Very good, thank you.

Eric Hanover: You will notify the head office about it?

Erik Hinckley: Yes, you will get invited again to the Zoom meeting and they will, if they have you come again, we will see you in two weeks.

Renata Bertotti: By any chance, are you doing the presentation for the other one as well?

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 Street. Applicant: Keystone Novelty Distributors LLC, Owner: Reno Properties LLC, Contact Alex Mutzabaugh.

Chairman Pane: This is pretty much the same thing, except a different location. Erik will pull up the location. This will be in the parking lot, I believe in the excess parking lot.

Eric Hanover: Right, that one the tent is set down from the road, some 27 feet away from the road and is set down.

Chairman Pane: There is no tenant in there at the present time, so I don't see a problem with that location.

Commissioner Woods: Were the abutting property owners notified, can we approve this?

Chairman Pane: No. Any questions for the applicant concerning this location? Any special staff comments on this one?

Renata Bertotti: No, it's the same as the other application, same comments.

Chairman Pane: Fantastic, thank you very much and we will address these in two weeks. Thank you.

Renata Bertotti: I recommend at this time Mr. Chair that you just continue the application, 24-22 until the next meeting.

Commissioner Woods moved to continue the application 24-22 until the next meeting. The motion was seconded by Commissioner Droz.

Commissioner Gill: As far as this, is there a way that we can put this into our regs, I mean it seems to be a pretty standard thing. This is an existing sign, correct? They are just changing it to electronic?

Renata Bertotti: Mr. Chair, if I may, this is in our regulations. We changed our regulations recently to allow conversion, which was previously prohibited to these LED type signs on gas stations, so what they are proposing to do, up until a few months ago wasn't actually allowed to do. The reason why they are coming to you is because this is, signs in general, free standing signs, are special permit use and
significant with the requirements of special permit requires a public hearing by our regulations. So that is actually in the regulation and the process is as such as it requires that sort of action.

Commissioner Gill: We had some conversations about these types of signs and also the electronic menu boards. They seem to be a pretty cut and dry type of thing.

Chairman Pane: Well, we have them in the regulations, like she said so it becomes a public hearing in case there are neighbors who want to come in and comment on it.

Renata Bertotti: It may be the conversation held under different subject on the agenda, however the reason why this is a special permit and the reason why the Commission held it under special permit when we originally talked about this was that, in this particular case we are talking about properties in the B zone. B zones are small parcels surrounded by residential neighborhoods. So that is where the Commission felt, and I agreed that we should have a bit more oversight, so you know, if we are to have the condition, we should do it under a different agenda, but that is the reason why they are doing it this way.

Erik Hinckley: Mr. Chairman, the applicant is now in the room on Zoom.

Chairman Pane: Okay, we have a motion on the floor and before we close it, the applicant make their presentation.

Kara Kennedy: So it’s just for an upgrade to a LED price sign, similar in size of the existing.

Renata Bertotti: Can you describe the location, the address, can you tell us a little bit about the business, like in more detail please?

Kara Kennedy: It’s at 295 Main Street, it’s in the same location as the existing sign, it’s the same footing, it’s the same pole, it’s just changing the boxes from the font to the LED digit.

Chairman Pane: Okay, any questions from the applicant?

Commissioner Woods: Seems pretty straight forward Mr. Chairman

Chairman Pane: Yes. Okay, thank you very much, I appreciate it. As you are well aware, we are going to table this, but then we will vote on this in two weeks.

Kara Kennedy: Okay, sounds good, thank you so much guys.

Chairman Pane: Okay, we have a motion and a second on the floor for continuing this. The vote was unanimously in favor of the motion, with six voting YEA.

Can we have a motion to continue Petition 28-22?

Commissioner Claffey moved to continue Petition 28-22. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Woods moved to continue Petition 29-22. The motion was seconded by Commissioner Claffey. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. APPROVAL OF MINUTES
Commissioner Woods moved to approve the minutes of the May 25, 2022 meeting. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with six voting YEA.

IX. NEW BUSINESS

A. Pre-application Discussion for 1170 Main Street

Joe Ploof: We are looking at 1170 Main Street to possibly put Hanging Hills Brewing Company into the northwest corner of the building here. We are here because there are two churches if I remember correctly within close proximity of the building.

Renata Bertotti: First let's start this, this is a pre-application discussion in front of the Commission. The Keeney factory recently changed ownership and the new owners are interested in perhaps renting one part of it which is located sort of on a back portion where that, and Erik will show, so there is Main Street, the post office is on the other side, so it is, so where they are talking about perhaps occupying space for a brewery would be there. A couple of things that come to mind. First of all, we have, for quite a few years contemplated how great it would be to have a brewery in this location, so having a brewery in Keeney factory is great, however there are two things that I am wanting them to talk to the Commission about. Getting views of the Commission number one, and number two this place is within a thousand feet of a place of worship. Under our regulations the Commission has the ability to essentially issue a waiver of distance requirements for, under sales of liquor. That is how that is regulated, sales of liquor cannot be located within a thousand feet, so you can waive that distance requirement so I wanted them to let you know that ahead of time before they actually apply.

Then the second part is, they are also contemplating using some of our parking because of, and Joe, please jump in at any time, they way they are positioned, the spaces positioned, the back of the building they would like to rent that more towards industrial use of the building because of how the building is set. It lends itself because of the loading docks and things like that. They don't want their brewery people walking around where the trucks are and that kind of traffic. So those are the things that you should probably talk about.

Chairman Pane: The location, across from that empty lot?

Commissioner Woods: If you blow that up, the street from the north I guess the first building I believe is the dry cleaner, so count down, the fourth one is the dentist's building.

Erik Hinckley: This is Attorney Sabatini, the is the dry cleaners that recently closed, and then we are going right down, I think Walter Fasteri owns where Newington Pizza is.

Chairman Pane: The reason I ask is that there is a vacant piece of property there, doesn't that property belong to Keeney?

Erik Hinckley: That is farther down.

Chairman Pane: The applicant can continue please?

Joe Ploof: Thank you for your time, I really appreciate this. You will notice that there is a high-lighted section on Erik's screen here where Hanging Hills Brewery would be. Just to the right of that is an active driveway. On the very bottom of the building there is a lot of parking but unfortunately we don't want people to be able to travel through that area. It would be an active loading dock for Hanging Hills as well as any other potential manufacturing companies that might move into that space. It wouldn't necessarily be a safe walking zone for people. Thank you for bringing that up because I had actually forgotten that w
were here for that as well. We were hoping to be able to use some of the parking on Market Square as well as the parking in the municipal lot, kitty-corner from that building.

Renata Bertotti: Can you just tell the Commission a little bit about your hours and how that works and your load, like how people visit your brewery.

Joe Ploof: Traditionally breweries don't keep bar hours and Hanging Hills would not buck from that tradition. We would not have a full liquor license, we would just be manufacturing our own beers.

Chairman Pane: It's a big building, if you could explain to the Commissioners exactly what you are going to do, you're going, it looks like you are going to cut out an area for this business, provide utilities……

Joe Ploof: I'll go back to the hours really quick and then I'll talk about the space itself. The hours of operation will be five or six days a week, never after ten p.m. unless there was a special occasion and probably never before 12 p.m. so it would be very limited hours. During Monday through Thursday it would more likely be somewhere between four and ten o'clock at the latest, and then as far as the build out of the space, we are looking at about 5,000 square feet of that total building where Erik just had the screen. It would be 5,000 and we would actually have to plumb and run electricity and make sure there was natural gas available in the space for us to run our equipment.

Renata Bertotti: Mr. Chair, the owner of the building, the new owner is also in the room, so they can also talk about you know, other use of the building area and why this location was selected.

Chairman Pane: Certainly, if you would like to discuss that, if the owner would like to discuss some of the other uses and how this works in there and are you leaving the room in case the business needs to expand in the future, things like that.

Roy Stillman: Hello, I am from Building Development International and yes we are the new owners of the property as well as the two plots on Market Square. Good evening and thank you, it's a pleasure to meet you tonight. The, we hope that we will be able to make some modifications to the building that would be more consistent from a planning perspective to the location that the site enjoys in the center of town. This effort to place the brewery there is really a test, a very interesting test to the future identity of many of the uses of the building. Separately we have shown planning a completely reimagined store front on Main Street which is a, in my opinion a very attractive modification to the existing store front. The original building has sort of an art deco type design and it was covered over, over the years. We would be uncovering that and sort of enhancing the lines in the front to the benefit of the streetscape, and that would be intended to be retail. The separate warehouse building, it's DNA is pure industrial warehouse distribution because of the loading docks and the high ceilings. This is really a very interesting puzzle and it would be my goal that over time it would become sort of a public benefit type, and by public benefit I mean attracting local folks that want to have sort of a recreation type experience as opposed to manufacturing areas. It may take a while to fully transition the building to that, but I would hope that it would do so. We are in discussions right now with other users that are very complimentary to a brewery, not involving alcohol sales, but complimentary to the concept of sort of a creative business like micro-brewery. If we can get a critical mass going I think that we would really be able to take a long step in that direction. The center of this building has two floors, and we are of course dealing with the top floor, as to the bottom we are also talking with Planning about some incubator space and that also is very similar. As I said, it may take a while to implement that plan, it may be a hybrid for a while, but that is our long term goal. We think that a brewery is an excellent use and would enjoy outdoor seating, it would enjoy a peaceful access, as was correctly said, we are not going to have people walking in the driveway and risking safety issues and we hope that this will be leading the future of this center of the building. So that is why we asked to present to you tonight, and to get your opinions and hopefully a blessing. Thank you.
Chairman Pane: I have a question. Will you be able to access the brewery from Market Square, so if somebody was walking down Market Square and they decided to go into the brewery, would they be able to access the brewery?

Roy Stillman: We’re actually talking about that and I’m glad you asked. There is that foot path from Market towards where the brewery is planning to be located. I’m under the impression that is private property for the time being but we are hoping in the big picture to be able to open that up to drive foot traffic from Market Square over towards Hanging Hills. Then also, on the Main Street side, there is a, right now it is an unfinished green pathway, there is some gravel, towards Main Street and then it becomes much more green, and that would also encourage foot traffic to be coming to the space, but as of right now, it is totally up in the area because that foot path coming from Market is private property.

Chairman Pane: Where would you have an outside seating area, have room for an outside seating area, I think it’s an excellent idea to have a nice patio outside, where would that be?

Roy Stillman: Yes, outside seating is the way for all breweries now, I mean, not just breweries, but restaurants so it is almost a foregone conclusion that you need it. Where we would put the outdoor seating is just to the, where there is like a little arrow and the doors going into the space there, so the outdoor seating would be on either side of that door.

Chairman Pane: Okay, any other questions from the Commissioners?

Commissioner Woods: There is some access to the site right now, if you, the only access you have would be on the south side of the building which you don’t want to use. It is private property to the north, so you would have to gain, I believe there is a narrow driveway on the Newington Pizza building that is about eight to ten foot wide, but you would have to negotiate obviously with that land owner to see if you could use that piece of property. The piece a little bit further to the west is an active parking lot for the dentist office, so I don’t think you are going to be able to use that as a right of way, because they are confined to only four or five parking spots. I’m not opposed to the idea, but you couldn’t have picked a worse spot in the building to use, but we would love to be able to work with you and hope you do this.

Roy Stillman: Those are very valid points that are kind of going to be technical decisions along the way as to how we get people to be able to walk through, there is like that pathway coming from Main Street, and also what was proposed coming from Main Street was to move the entire brewery towards the storefront side on Market where there is, we’re allowed parking on the building side as well as access from the front, so that, you know, it’s not off the table for us to relocate the space. The reason that we like the current location is because of the loading docks, but again, it’s not the end of the world if we have to relocate. We like the building, we like the downtown location, we do like Newington as a center for business, but we really think those loading docks and the ability to transfer large items and grain deliveries directly to our place of business. And as was mentioned, if you see the space, it’s gorgeous, it’s brick, there are these old bricked up former windows that we would like to open up eventually that would look into the rest of the building. It does offer a lot of aesthetic features that are very helpful to have in a brewery. So I mean there are certain things that we like about it aesthetically but also from a logistical standpoint high ceilings, loading docks, those things will work in our favor to be in that space, but your point is well taken.

Commissioner Woods: On more point, it would be great if you could work something out with the property owner to make that happen, if not maybe you can work with the current property owner to move to the east to where the vacant lots are on Market Square and access it that way. Obviously a little bit longer of a walk, but that might be doable too, however I don’t know what the plans are for the two lots that are on Market Square, or one large lot.
Roy Stillman: Let me add, I personally am in agreement that from an access point the space off of Main Street is easier and we have made that available to Mr. Ploof. He has a different perspective but thinking about the supplies and you would like to be sort of raw industrial nature of the building, but I can tell you that in the end of the analysis Mr. Ploof would like to move to the west of the building, we would be in favor of that and I think it would make customer access easier. Mr. Ploof feels that it would make supply access harder, using discretion if we get that far and what I mean by that is the first step along the road is the blessing of the town, and if we have that, then Mr. Ploof and I will work to find what is in the best interest in the vitality of the project.

Commissioner Woods: One more question, I know of one church because I belong to it, where is the other church? One is at 1075 Main Street which is the Church of Christ Congregational......

Roy Stillman: It’s across the street in the Best Market Plaza.

Commissioner Woods: Oh, there’s a church in there?

Erik Hinckley: Yes, it got approved just before Mr. Minor left.

Commissioner Woods: Oh, I think I do remember that.

Erik Hinckley: I believe it is a Brazilian Church.

Renata Bertotti: If I may interrupt for just a minute, so the point of pre-application meetings is as you know, but perhaps the newer members may not know, this conversation is not binding. So, whatever happens here does not guarantee your vote for or against in the future, or anything like that. However, there are two basic things that you should know the applicant know if you have strong feelings about, and one is whether or not you have some kind of strong feelings with regards to having a brewery or a place that sells liquor within 500 feet of any existing place of worship, so that is question number one. Then question number two, regardless of this particular part of the building is chosen for the location of this brewery whether or not you have a major objection to them using town parking lot or town street as a main provision for their parking because no matter what they end up doing, their preference will be to use off-site parking for this brewery. They are trying to stay on the back side of the building where they will primarily depend on our parking.

Chairman Pane: So there won’t be any parking at all in the alleyway there? Between the two building there, that’s not going to provide any parking.

Renata Bertotti: I think that alley might be too narrow to actually provide parking with like you know......

Chairman Pane: To the front of the building, there is that front parking lot, they would use that wouldn’t they?

Renata Bertotti: Well, you can if you want to, but then you are going like around, around, around the building and I don’t know if people would use that. Zoning does allow it, but it’s a special permit use, on both ends, so I just want to know if this is like something that will be a major objection, they should know that ahead of time.

Joe Ploof: Also, if we did agree to move to the Market Street location, we do have parking available on the Lowry side, there is a large parking lot there, but I did want to add, in our previous location we would have days like where a bus would come through or like 300 people would come by, and it just, it’s sort of unpredictable that way, especially in the summer when you tend to get these waves of people and there will be people who will not be able to park in that main lot, who will end up using the municipal parking. I
just want to make sure that was clear, people will be marking on Market and parking in spaces as close to the brewery as they can.

Commissioner Gill: Another question. Parking is the main thing for me, I feel that you know, if we are going to do something with this building there definitely has to be more parking done to the east of where they are proposing, for any continuation of re-shuffling this building. As far as our parking, our parking I across Market Square and Steve’s, that parking is not our parking. Our parking is way over into the municipal lot, it’s quite a ways away.

Renata Bertotti: Okay, we can decide now if we would rather have empty buildings or if we would rather have busy parking lots. That’s really a decision……

Everybody talking at once.

Chairman Pane: One at a time please. One at a time, finish up Commissioner Gill and then Commissioner Claffey can speak.

Commissioner Gill: There is a lot of land over there that can be put into parking, and not take into the loading dock area.

Commissioner Claffey: I think my biggest concern is, as a Commission, as one member of the Commission is, is on any given day on a weekend on Market Square if there is an event in town or anything like that, our municipal lot is pretty full, I don’t really get the parking and trying to get the guidance to say, yes you can use our municipal lot when there is hundreds of parking spaces on this property. That is my only concern. I’m not saying it’s a bad location for the business, but I’ve been to many breweries where you walk through parking lots on their property, past loading docks to get to the back end of the brewery. That’s my only concern, I’m looking at it you know, trying to push parking on other parts of the community to make a business successful, you are going to rely on someone else’s parking other than the parking they have right here on the lot. I mean, yeah, there are some pedestrian concerns I would have also, but there is ample parking on that block of land in my opinion, as one Commissioner.

Joe Ploof: What parking spaces are you referring to, just so I can understand……

Commissioner Claffey: The lot that goes from Main Street all the way down Lowry Place to the opposite end of the road, which would be the south side, Lowry Place, across the post office, that whole side of the building is parking lot.

Joe Ploof: I agree, we were just talking about if the brewery was not located on the back side of the building, and it was located on the Market Square side, we would have access to that parking, but the problem that we are facing with that corner lot that I do, I might end up having to move, but the reason why that corner lot is problematic is because of the active loading dock, large enough to allow trucks to pass through as well as pedestrian safety. If we shift locations, there is ample parking, the one you just mentioned.

Chairman Pane: Okay, thank you. You know, I don’t have a problem with them sharing some of the parking with the municipal parking lot because I think there is going to be off hours. I don’t think it’s going to be the same hours as some of the existing businesses down there. I wouldn’t want them to depend on it totally, but I have no problem with them sharing some of that space.

Commissioner Woods: I think we need to be forward thinking. I’m taking a leap, this is, I’m going to compare this right now, and this is the very first piece of what I’m am seeing, to West Hartford Center. It’s got to start somewhere. This is a walkable downtown. That is what we are trying to create. There is not
a business in West Hartford, there might be one or two, and they have three or four parking spaces if you are lucky, they don’t have any parking, it’s all municipal parking. You get out of your car and walk up to a half, three quarters of a mile to get to the restaurant, bar, shop, whatever you are going to. I love the idea, maybe we can work out something and maybe we can condition it that you can use that southern side of the building for parking, and then you create a sidewalk along Main Street, which is already there, but to come down on the north side of the building to access it. We have to start somewhere and I think I know what you are looking at. My guess is the inside of this building is spectacular and it’s going to look really, really nice once you do it all up for a brewery. I get that, but boy, you are picking a hard spot to get to but I would like to be able to continue working with you as one of the Commissioners on this to try to make it come true.

Joe Ploof: Thank you.

Chairman Pane: Any other questions from the Commissioners?

Commissioner Haggarty: This is going to be a brew pub on site consumption?

Joe Ploof: Yes sir.

Commissioner Haggarty: Two points, Commissioner Woods totally stole my thunder with the whole West Hartford parking and the other, and I’m not concerned about parking at all, I mean, if you get the patrons close enough, they will figure it out. They are going to visit the brew pub for the brewery, the atmosphere, people, you get them close enough, they will figure it out. Like Commissioner Woods just said, in West Hartford, you are never parking in front of where it is you want to go. You are parking remotely, and then taking the heel, toe express. So I think parking is fine and it will work itself out, it’s a non-issue. As far as being within 500 feet of a place of worship, I also think that is a non-issue. We just allowed a dispensary, adult cannabis within a couple hundred feet of a residential zone, I think allowing a brewery within 500 feet of a worship, is, I personally I think it is an antiquated regulation, but no concern on my end about that at all. Those are my only two points.

Chairman Pane: Thank you.
Commissioner Woods: I agree, you have Roosters across the street, which has a full bar, you have T.J's and then you have establishments that are much closer. I have no issue with that at all, and I believe I can speak for most of the members of the church, they aren’t going to have any issue with it either.

Chairman Pane: I don’t have an issue with it either, my biggest concern was making sure that you pick the right location for access so that you are successful. We want to make sure that people can get there and a nice patio area I think would be a big hit. Any other questions from the Commissioners? Town Planner?

Renata Bertotti: No

Chairman Pane: I hope we were able to provide you with enough information. I think it’s a fantastic idea and we hope that you continue looking at it.

Joe Ploof: Thank you guys so much, thank you for your time and this is really an informational meeting for me so I appreciate it very much.

Chairman Pane: Thank you very much.

Roy Stillman: Thank you from my perspective. I appreciate the opportunity to be here.

B. OLD BUSINESS
Chairman Pane: We have Petition 26-22, CGS 8-24 Mandatory Referral John Patterson Parking Lot Expansion. So we are just going to move this favorably, and at the last meeting we talked about it and it didn't get moved unfortunately, but it did not delay the process or anything, correct?

Erik Hinckley: That's correct.

Commissioner Woods moved a favorable referral under this CGS Connecticut General Statutes 8-24 for site improvements including adding of 30 new parking spaces, site lighting and grading at John Patterson Elementary School 120 Church Street

Findings:

The proposed site improvements address the school needs and are consistent with the Plan of Conservation and Development.

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

Chairman Pane: The next three petitions under Old Business have been continued.

A. Petition 24-22: Special Permit (Sec. 5.2.7) to modify an existing freestanding sign to allow for LED prices at 295 No. Main St. Applicant Kara Kennedy, Owner: 295 Main Street Newington LLC, Contact: Kara Kennedy

D. 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 Mutzabaugh

E. Petition 29-22: Special Permit (Sec. 3.23.1.B) an accessory outside use to allow a tent event for fire work sales at 205 Kelsey Street. Applicant: Keystone Novelty Distributors LLC, Owner: Reno Properties LLC, Contact Alex Mutzabaugh

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 31-22: Zoning Regulations Amendment (Sec. 4.4.5) to remove the setback requirements for detached mechanical units. Applicant: Newington TPZ, Contact: Renata Bertotti

Renata Bertotti: Mr. Chair, we have put in an application for the zoning regulation amendment to regulate outdoor units. The Zoning Board of Appeals most frequent variance request is the setback request, variance for a set back relief for the installation of AC Units, condensers, things like that. So once you have something that goes to the ZBA over and over and over again, essentially it tell you that it is something that you should probably make a regulation for. This is what we drafted and will present to you in a month. It goes to first to CRCOG.

B. Petition 32-22: Zoning Regulations Amendment (Sec 6.16) pertaining to the concentration of retail and micro-cultivator uses, Applicant, Newington TPZ, Contact: Renata Bertotti.
Renata Bertotti: This one is a little bit more controversial and I wanted to talk to the Commission about it a little bit. So we had passed, last year and last year the first part and then again this year the other zoning district, our cannabis regulation, so right now we allow, we previously allowed medical dispensaries and we allowed the medical producers and then we added the micro-growers and we allowed hybrid and normal cannabis retailers in PD Zones, Berlin turnpike zone, Micro cultivators are allowed in PD and Industrial zones. When I presented these new amendments to you, I told you that under State cap, there was a rule that says that retailers and micro-cultivators were capped one for 25,000 people in the community, so Newington could have had only one retailer, they didn't cap hybrids but they capped at the time, retailers and they capped micro-cultivators. A number of towns around us have moratoriums while they were working on their cannabis regulations. That is kind of, those are coming to an expiration end. A couple of weeks ago, without any notice at all, through some pretty like secluded implements, the State Legislature passed a rule which eliminated this cap of 25,000 persons. That got me really worried because first of all, I told you that you shouldn't worry about anything because there was a cap, so that regulated how many we could have, and then second of all, I worry that now towns around us that have moratoriums will just say no, will restrict sales and production and then the towns that do allow, like we, will end up under really big pressure to allow entry to these kind of establishments. So we drafted a regulation amendment which essentially will propose to limit what we have right now. I just, across the board put a limit to two hybrid, and combined hybrid and retailers and one micro-cultivator just in case we get one, but that is the reason why I'm proposing this new amendment. I think we should, I will explain this in a hearing, but we probably should think on it a little bit, see what happens around us, and then in a few years, reassess. If this is really not a problem, then we can change our regulations and add more places if you are okay with that. That was a little like, where did this come from?

XI. TOWN PLANNER REPORT

Renata Bertotti: On the future agenda, we've got the next meeting the items that were moved from this meeting. We have 65 Coles Avenue, and 4 Hartford Avenue. 4 Hartford Avenue is modifying access, that is the new gas station at the intersection and this was actually requested by the State so they will be presenting that to you as a site plan modification. The other thing I wanted to talk to you about before I turn it over to Erik was, I got a grant, and I told you this some months ago to do Newington Junction Historical project which is, I wanted to do something about promoting those historical homes around Newington Junction and that was really, if we are looking at the TOD District out there, that is going to be different than the district near Cedar. That neighborhood is different, so we might as well start by the preservation of historical area and then we would be like designing, if we end up doing the TOD, designing the TOD around that. So that will be presented to the Council next Tuesday and then I will share, that with you. I didn't do it, we hired a consultant and she is just brilliant, she is like amazing. I got really lucky. So we will have that report and recommendations and then we'll see what we can do like seeking funding going forward from there. I reached out, because I hadn't heard, talking about Newington Junction, I haven't heard anything from CRCOG in a pretty long time about the study that they were doing on that, so I reached out to them recently and they said that they were delayed because other towns did not provide them the information they were seeking so they just go what they needed and they were going to be scheduling a meeting, so I should have some kind of update on that to you in July. That ends my report for this meeting.

Chairman Pane: Thank you. Go ahead Erik.

Erik Hinckley: I just am going to touch on some topics and things we discussed in my training, that I had two separate weeks of. So, and these are topics that a lot of other towns experienced and they attorneys that were teaching were hammering home some of these points that boards and Commissions should be aware of.
Many appeals of land use decisions are pretty much based on procedural errors. A lot of times at the staff level, with dates and cutoffs and things like that. Other times, from your perspective, from a Commission level, reasons for that are discussions and evidence entered into the record after a public hearing is closed, and stuff like that, conditioning approvals on off site improvements, those are pretty big for getting appealed.

Renata Bertotti: Before you go further, Erik went to school, and I asked him to summarize for you what he learned as a part of education, so that is what we are doing right now. This is from the attorneys that teach this stuff, go over some things that are, it’s a good refresher, I think it’s a good reminder, like don’t talk after the hearing is closed, no new information to be entered into the record……

Erik Hinckley: And they are citing case law, so there is case law out there. Time limits on applications are also very important, and again, those are all at the staff level, but one that you should be aware of, especially for TPZ, site plan approval that goes beyond 65 days with no decision, automatically approved.

Renata Bertotti: So if we failed, if we miss a deadline, people can just walk out and it’s approved.

Erik Hinckley: Site plans and zoning regulations, they should always be approved, where you have the purview and more discretions under special permit so there are separate of things that are in our regulations and the public brings them up as well, but those are the things that you have more discretion about.

Definitions within the zoning regulations are extremely important. If they are very vague or undefining even and you go to court, it is then pretty much up to the judge. They will look at common law or whatever surrounding towns are doing with the definition, and then okay, that’s what we like, and that’s what you may end up being stuck with, so that is also very important.

Renata Bertotti: and that is a big area in our regulations that we need to work on. We have the most random things defined and the things that really need to be defined we lack.

Erik Hinckley: Substantial evidence, that is what all your decisions should be as a land use board. All your decisions should be based on the evidence provided, not speculation or hearsay, stuff like that. Conflict of interest is another big one, you know, most of you are aware of it, always trying to avoid the appearance of conflict of interest if you can. We at staff cannot make you recuse yourself, the public can’t make you recuse yourself, that is really up to you, what you feel you need to do, or not do. Starting in 2023 Land Use Board members are going to be required to have four hours of training and OPM is going to be setting up some course work classes, whether it is virtual, whether we have somebody in like we have the Land Use Academy in and do some sessions, stuff like that. It’s undecided. We talked about inclusionary zoning which is big right now and that is any zoning regulation that promotes development of affordable housing. Some of the ways that you can do that, you can do it with deed restrictions, density, reduction and/or payments into a housing trust. Those are ways that you can use that.

TPZ cannot render a decision on applications where Wetlands are involved until the final decision has been made by the Wetlands Agency.

Renata Bertotti: Oh, this is okay, let’s stop here. So there was a comment that was made, and I actually misinformed you at the meeting publicly on this. So, some months ago, I reached out to the Town Attorney, our Town Attorney and asked for an opinion on this because I used to work in a town that had combined Planning and Wetland Commission and I never had to deal with these dates between the two agencies. I never had to actually, after all these years that I did that, so the Attorney issued an opinion but the opinion was like out of context I suppose. It wasn’t, it was not really, whatever. So, I advised you that it was okay to render a decision on the Planning, on the site plan and planning matters before you got the final opinion or the final decision from the Wetlands, and that was inaccurate. So that is not right, I gave you the wrong information on that.
Erik Hinckley: For some of you that may not realize, approved variances run with the land, not the property owner. We have had cases where somebody says, well I got it over here, I'm just going to move it, it doesn't work that way. This is another big one, if the town is under ten percent of their affordable units and by 8-30 a developer can come in and zoning is not the one to pick a parcel, we're going in here and this is what we are doing, we are going to lose in court.

Meeting minutes are not required to be verbatim.

Chairman Pane: We are keeping them verbatim.

Renata Bertotti: Our meeting minutes are decent.

Chairman Pane: I think that, I'm shocked that they are saying that they are not required to be verbatim, but I think it is important to keep them verbatim.

Erik Hinckley: The appointment of the ZEO, myself, must be accepted and approved by TPZ, also by Inland Wetlands as an agent at some point.

Renata Bertotti: We did not, we have to do that. We have to probably fix that at some point because I don't think that, I think that somehow in the Town of Newington the ZEO got appointed by the Town Manager, but that is not statutorily is not correct.

Erik Hinckley: This has happened that a not appointed ZEO as lost in court because......

Chairman Pane: We can take care of that.

Erik Hinckley: We talked a lot about, which really doesn't affect Newington but a lot of coastal tidal wetland stuff which is quite a bit of information, Connecticut has a lot of coast line, rivers and lakes. Non-conforming uses, intensification is generally permissible, and an extension or expansion is not. Local regulations are going to apply.

Renata Bertotti: And we have to write zoning regulations on that.

Chairman Pane: If anything, we would like to see the non-conformity be reduce, even though there is still non-conformity as long as some of it has been reduced, right?

Erik Hinckley: Yes, if we can reduce as much as we can. One of the discussions was second story additions, like in Newington we have a lot of single family houses, an old house five feet from the property line, they want to go vertical, a lot of towns have put in regulations about vertical expansion is okay, you have to meet the existing roof line, etc. We don't have any regulations about that, so if I ever get one, coming down the pike, we would probably kick it over to ZBA and see how they feel about it. When we re-write the regulations, if this is what we want to do, we should include that, or something because I think it is going to come up.

Lastly, this is probably more for Wetlands, but you guys, site walks are considered a meeting and must be property noticed with minutes. If the public is not allowed, or invited on the site by the applicant, it shouldn't even be held.

Chairman Pane: Correct, the public has to be invited.

Erik Hinckley: Those were some of the big topics and there was probably case law on pretty much every point that I said. Talked about trying to help staff.
Commissioner Woods: Let's say if we decided to do a site walk, the applicant has to agree for the public? Since they are not automatically granted because we are having a public meeting?

Erik Hinckley: The attorney said, the applicant may say, my insurance isn't going to cover it. You're going to have a site walk, they don't want the public there, then you aren't going to have a site walk and you make your decision moving forward. That was their opinion, and even if, another thing, FOI considers even two of our people go to a site, as a meeting. So, either we are all there, or nobody is there kind of situation.

Chairman Pane: But each individual Commissioner, there is nothing wrong with them going to take their own, if each individual Commission went to look at a site.

Erik Hinckley: They discussed that, they said it's not the best idea, everybody should go.....

Chairman Pane: I'm saying, even in general when things come up on the agenda, at least I do, I go around and I check the place out. I think some of the other Commissioners do too, but I understand what you are saying. If you were going to have a site walk, it's best to do it as a meeting instead of individually. I understand that.

Erik Hinckley: In the past, based on prior town attorney's opinions or whatever, that is how they have done it. Each Commissioner goes by themselves and does their own thing, that's the way they have done it and that's the way they have kind of been told.

Renata Bertotti: So I think that the distinction is, if you are there by yourself, truly by yourself, not interacting with property owners, asking questions, that is a real thing. If you are there walking around with your notebook, writing notes, and then reporting on what you have seen and observed at the meeting, in front of the public, then that's cool, that's all good.

Commissioner Woods: Or the Chairman's recommendation, if you have time, stop by between now and the next meeting.

Chairman Pane: The training requirement for the Commissioners, is require next year, 2023?

Renata Bertotti: It is required four hours, over a period of two years, and it is going to include some training and procedures, fair housing, you know, housing in general, all kinds of matters.

Chairman Pane: They have things that they want to cover?

Renata Bertotti: Yes, and it's going to be created by the organizations, Planning organizations are working on it.

Chairman Pane: They don't know if it will be a zoom application or .......

Renata Bertotti: It's going to be a combination would be my guess. It's only four hours and frankly, I think it's high time for something like that to be, I mean, Commissioners, need training, not just the procedural stuff, but need training in these planning matters. Like that is something that everybody should want to have.

Chairman Pane: Absolutely.

Commissioner Woods: When I first got on the Zoning Board of Appeals, back in the '80's, we would have at least once or twice a year, a training session for an hour, hour and a half. We would have a special meeting, they would go over different topics.
Chairman Pane: We did it on the TPZ years ago too. Every year we would have the Town Attorney come in and go over a few things, especially since there was always some new Commissioners.

Renata Bertotti: I wish we could do that more often, would like to have it done each year.

Chairman Pane: Okay, fantastic. Any other Commissioners have any questions?

XII. COMMUNICATIONS

Chairman Pane: Does any one have any questions on the CRCOG letters?

Commissioner Claffey: The West Hartford Planning and Zoning about the proposed new transit orientated district, I just, are we following that, I mean, I don't know where they are, but I think it is kind of close to the Newington Junction site, and if I had to guess, I think it's the Elmwood area that they are talking about changing, more transit mixed use which is also where we are speaking of, well, we are not far from that area, our town line is probably less than a quarter line.

Renata Bertotti: I was following that, but I think at one point they were talking about more towards where the mall is. I will ask.

Commissioner Claffey: That's the only reason, because it is so close to where one of ours is.....

Renata Bertotti: I don't know where this specific one is, I'll call tomorrow and ask.

Commissioner Claffey: I mean you can follow up with an e-mail or even at the next meeting.

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

None

XV. REMARKS BY COMMISSIONERS

None

XVI. CLOSING REMARK BY THE CHAIRMAN

None

XVII. ADJOURN

Commissioner Woods moved to adjourn the meeting. The vote was unanimously in favor of the motion. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Norto Addis,
Recording Secretary