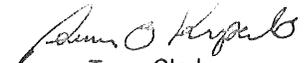


TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION

JUNE 24, 2020

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Town Clerk

- I. **PLEDGE OF ALLEGIANCE**
- II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Chairman Pane  
Commissioner Claffey  
Commissioner Fox  
Commissioner Havens  
Commissioner Lenares  
Commissioner Sobieski  
Commissioner Gill-A

Commissioners Absent

Commissioner Woods  
Commissioner Braverman-A  
Commissioner Haggerty-A

Commissioner Gill was seated for Commissioner Woods

- III. **APPROVAL OF AGENDA**

Chairman Pane: I think we have one modification that the Town Planner asked us to consider which is a performance bond. Where would you like to put that Craig?

Craig Minor: Under Town Planner report.

Chairman Pane: So without any objections, we will put that on the agenda under Town Planner's report.

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

James Krupienski: We have Barbara who is a regular now, and we will unmute her.

Chairman Pane: Absolutely, you can unmute Barbara. Barbara, you can state your name and address for the record.

James Krupienski: I think she may be having the same problem that she experienced at last night's town council meeting where we can't hear her. She was just at our last meeting and we had no problems, I'm not sure what the problem is with this one.

Chairman Pane: All right, did you have anyone else wishing to speak?

James Krupienski: No, that's the only one that raised her hand.

Chairman Pane: No way to get a message to her, right?

James Krupienski: She can call me at the office, 860 665-8550 if she would like to and we can get her onto the microphone.

Chairman Pane: Very good. If she calls in, just interrupt, and we'll put her in. Okay, if there is no other public participation, and as I said Barbara, if you can hear us, please call into James and he will try to get you on the line for your public participation.

**V. REMARKS BY COMMISSIONERS**

None

**VI. PUBLIC HEARING**

- A. Petition 10-20: Zoning Text Amendment (Sec. 3.11, 3.16, 3.17 and 9.2) Regarding breweries and brew pubs, Newington TPZ Applicant, Continued from June 10, 2020

Chairman Pane: We'll ask Craig to give us a staff report on that.

Craig Minor: At the last meeting, the hearing was kept open to give me the opportunity to add language that would make distillery pubs, if there is such a thing, to the regulations, and to add language to allow food trucks to the draft, so that is what I did, and if anybody has any questions, I'd be happy to answer them.

Commissioner Claffey: Just a question I have, I reviewed it, it looks fine, but two questions that I have for Craig is why are leaving out distillery and brewery in the B-Business Zones or is that included in 3.15 when you say B-BT zone?

Craig Minor: Okay, good question. This got a little tricky, because while distilleries and breweries, which are industrial operations are allowed in the industrial zone, we wouldn't want to have a, I'll call it a stand alone distillery or stand alone brewery in the BT zone, so that's why it is broken out the way that it is.

Commissioner Claffey: So a distillery that can fit in with the requirements, that still has to come before us for a special permit, is not allowed to try to get into a business zone where a building may fit all of their credentials?

Craig Minor: I think once you start peeling off, some industrial activities that are allowed in the business zone, where do you stop?

Commissioner Claffey: Why would you want to make our zoning laws assume that a distillery is only good for an Industrial zone? We don't know how, you could have a distillery that is size X or you could have a distillery that is size Y, just like you could have a grocery store size X and you can have a grocery store size Y. I mean,....

Chairman Pane: I agree with you. Also, if we just hold it to the Industrial zone I notice that the one problem is you are eliminating the PD zone. So, is that really fair to a Planned Development zone which is usually in a very commercial area? I think what Commissioner Claffey is saying is that if we allow it in B-BT and all of the PD and Industrial zone, it's either going to fit or it's not going to fit, depending on the size of the operation.

Commissioner Claffey: And they still would need to come before us for a zoning special permit. I think that is what we talked about at the last meeting on June 10<sup>th</sup> was all of these people still have to come before the Commission unless they meet all of those requirements.

Craig Minor: Maybe I misunderstood Commissioner Claffey's point. The way that I have written the draft is brew pubs, let me try this way, if all of these have a restaurant component to them, then they would be

allowable in the BT zone. It's only a standalone brewery or standalone distillery that I'm not suggesting be allowed in the commercial zones.

Chairman Pane: Can't we determine that on a per case basis as they come in, if they meet the requirements great, if they don't and they are oversized, of course a business is not going to come into an area that doesn't fit into that particular area, and they still have to comply with all of the other requirements of 5.2 and 5.3, so we do have protection.

Craig Minor: You can do that, if that is the Commission's preference.

Chairman Pane: I understand your point. Usually distilleries and breweries are very big operations, correct, Craig?

Craig Minor: Not so much as big as much as intense. Mass production, odors, delivery, trucks coming and going possibly all hours of the day and night, not exactly the type of thing that you want in your town center zone, I don't think.

Commissioner Claffey: Let me ask you, with that said, in our town zone, look at all of the restaurants that are down in there, have delivery trucks and movement, a lot of equipment in and out of these restaurants. Cisco trucks at all hours of the night, I mean, I think it's odd, so let me just throw this out there, and Craig can answer it, what if a brewery wanted to come in to somewhere over off Fenn Road where the new Starbucks is, they would still have to come before us, but would they fit within the zoning of that zone? That's an overlay.

Craig Minor: Yes, the PD Zone.

Commissioner Claffey: But right now it wouldn't be allowed.

Craig Minor: As I drafted the regulation, yes it would be allowed.

Commissioner Claffey: But where is the PD Zone in our Section 3.11 or 3.15 or 3.16?

Craig Minor: The PD Zone, the way that the zoning regulations work, anything that is allowed in the B-BT zone, the Business Town Center zone, if it is allowed in that zone then it is also automatically allowed in the PD Zone. This is what I told you, what we call pyramid zoning, if it's allowed in one, it's allowed in the higher one. So that is why I only put text in here for the B-BT zone.

Chairman Pane: Craig, is the Industrial zone the last zone?

Craig Minor: In the regs, it's somewhere in the middle of the regs.

Commissioner Sobieski: Craig, why don't you just put the PD zone in?

Chairman Pane: What Craig is saying is that it is like a pyramid, anything that is allowed in B-BT then it's allowed in the other zones, but the Industrial zone is separate.

Craig Minor: I can certainly add that one sentence to the PD zone to make it clear to people looking at the PD zone regs, will go straight to the PD zone regs and will see that it is allowed there. I can do that, that's fine.

Chairman Pane: How do the other Commissioners feel about Commissioner Claffey's asking to have breweries and distilleries in all of the zones, and then having the individual businesses coming in and making sure that they comply with everything.

Commissioner Claffey: Let me just add to this, reading the brewery definition, more than the distillery definition, it doesn't say anything about the size of the facility. So you could have a small batch facility, like I have said now for almost two months, that could have a 200 gallon vat, why should he be, or she be designated that they can't come in to downtown Newington and open and fit within, let's say a restaurant the size of 5 and Dime. I've been to them, I have been to some establishments that are even about the same size as the 5 and Dime restaurant, or what's the name of the burger joint right next door, it's small batch, they have like two or three vats that literally would sit in a 10 x 10 foot facility. I'm just saying, I think, I don't know, just reading it, you're talking warehousing and distributing beer products, this includes tasting, tours, retail and wholesale sales, so you are telling a retailer that he can't sell his product in your business zone.

Chairman Pane: Any other Commissioners?

Commissioner Sobieski: I also agree with Commissioner Claffey. I think it should be allowed in the center.

Chairman Pane: Thank you. Any other Commissioner comments?

Commissioner Fox: Yes, I kind of agree also, I don't see any reason why we can't have it. We're well protected either way.

Chairman Pane: Commissioner Fox, you are absolutely correct. We have plenty of protections in there. Any other comments from any other Commissioner? Do we have any other questions concerning any of this?

Commissioner Claffey: I think that was the only thing, definitions look great, adding the food truck section just so they have options looks great, I think it looks great.

Chairman Pane: Okay, we'll leave this open, and we'll have Craig make those changes and we will leave it open for one more meeting just in case there is any public comments if that is okay with the Commissioners.

Commissioner Sobieski: I have a question, do we have a time frame on this? Yes or no?

Chairman Pane: It's sixty-five days but we are well within it, I believe.

Craig Minor: The time does not apply to Commission initiated changes.

Commissioner Havens: I just noticed, on the second page of the petition, it lists a section under wine. Are we going to have to eventually come back and do something for a winery?

Craig Minor: Commissioner Havens, there is no petition, are you looking at something else?

Chairman Pane: Maybe the definitions of a winery?

Commissioner Havens: Under Section 30-1 on your sheet Craig, right after your memorandum, the second page after your memorandum.

Craig Minor: The state statutes, got it.

Commissioner Havens; It lists wine there, I'm assuming you put that there just for information, but do you think that there is any reason we shouldn't throw that in also as far as it goes with the brewery or distillery just to have ourselves covered?

Chairman Pane: Not a bad thought, Craig, what do you think?

Craig Minor: Wine, a winery and we've all been to them, they are out in the country where the grape vineyards are, so I'm thinking out loud here, but they are pretty different from breweries or distilleries which are pretty mechanical and technical.

Chairman Pane: Or do we say a wine pub or something?

Commissioner Claffey: The closest winery that I know from where we are standing in Newington is Simsbury, right over the Simsbury/Bloomfield line. It's an old barn and they converted it, I've never run into one where there is one in a business zone or any of the zones that we are talking about. In Newington, I think the only place you might be able to put one is the farm across from Mill Pond. It's a good question, but I don't know if we're.....

Commissioner Havens: I brought it up only because I saw it there and it occurred to me, and if we can save ourselves some headaches further down the road.....

Chairman Pane: Why don't we think about that, and Craig, why don't you think about it, and see if it might apply and then you can comment on it at the next meeting.

Commissioner Sobieski: I have one question. I have been to wineries before and I know that they are on the property where the grapes are grown, but is there, I'm not familiar with the one in Bloomfield, do they get their wine from somewhere else and then sell it from there, or have a tasting there? That's my question.

Commissioner Claffey: Some will grow it on site and bottle a set amount of gallons on site, and then they send their receipt out to a larger vineyard in another state or also in Connecticut. That's the smallest one I have ever seen, in Simsbury.

Commissioner Sobieski: So basically you are saying Anthony, that somebody could have a winery, or a wine tasting here and have it shipped in from Portland or where ever else. That's what I was questioning.

Commissioner Fox: That was my thought also, when you talk about a winery, they are usually part and parcel of the vineyard but what if someone wanted to open up a facility here and they would import the product needed to make wine, would that be considered a winery?

Commissioner Claffey: It could be classified that, it could come out to, you bring up a great point, it could be.

Commissioner Fox: Maybe we would need a separate regulation for the winery. I don't know who would want to open up a winery, or a facility to make wine anywhere in town, I suppose it's possible, but.....

Chairman Pane: Great points, and maybe we'll think about it over the next couple of weeks and Craig can propose something in case there is a possibility of bring in that type of business. If there are no other objections, or there is no other comment, we'll leave Petition 10-20 open and we'll go on to the next thing.

## **VII. APPROVAL OF MINUTES**

Commissioner Sobieski moved to approve the minutes of the June 10, 2020 meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

## **VIII. NEW BUSINESS**

- A. Petition 21-20: Zoning Text Amendment (Sec. 5.3; 6.1; 6.10;6.15;7.4 and 9.2: Low Impact Development Regulations ) Newington TPZ Applicant

Chairman Pane: Craig, if you could give us a report on that?

Craig Minor: As the Commission can see, it took seventy-five pages just to print all the places where LID is in the regs currently and needed to be deleted, so that is what I did. It was pretty straight forward, I didn't have to do as much cutting as I was afraid I might have to, to turn back the clock, but that is what happened, it turns back the clock to what the stormwater management rules were back before we adopted LID.

Chairman Pane: If somebody, they still have to control the water coming off of the property through other methods, but if a particular property finds that their property is suited for Low Impact Development Designs, they could still use that if their property was suited for that, correct?

Craig Minor: Absolutely. In fact, now that you mention it, since a lot of projects have to go through the Wetlands Commission before they come to you, I think if a developer would propose to voluntarily use LID techniques, that would probably make him points with the Wetlands Commission. So if you have that property you probably would want to use LID voluntarily.

Chairman Pane: Now Wetlands only covers areas within, what is it?

Craig Minor: It's the wetlands, and then everything within 100 feet of a wetland.

Chairman Pane: They wouldn't have say on anything that is outside of that 100 foot buffer area.

Craig Minor: Correct

Chairman Pane: Any comments from Commissioners?

Commissioner Sobieski: I have one, Craig, on page four 7.4.7, can you just check, I thought it was NAVD 86 or 84. You have 88 here. That's my question.

Craig Minor: I'll check to make sure we have the current....

Commissioner Sobieski: Yes, because I thought we went from 27 to 83 to 84. I don't think they have gone any farther than that.

Chairman Pane: Any other Commissioners have questions? Craig, this is still going to CCROG, is that correct?

Craig Minor: Yes, that's correct. This one goes to CCROG.

Chairman Pane: This one goes to CCROG and the next one doesn't go to CCROG, okay. This has been sent to CCROG, correct?

Craig Minor: No, not yet.

Chairman Pane: So once you get the input from us tonight, then you will send it off to CCROG, is that correct?

Craig Minor: Correct.

Chairman Pane: Any other comments from Commissioners? We can move this to Old Business while it is at CCROG, or should it stay as New Business?

Craig Minor: Once you tell me, once you give me, once you give me my marching orders tonight, I'll then send it to CCROG, and you know that you can't have your public hearing until a month after I send it to CCROG, so there is plenty of time to schedule the public hearing, we don't have to do that right away.

Chairman Pane: Okay, so this stays on the agenda, or this comes off and comes back on as a Public Hearing?

Craig Minor: Yes, or one step in between if the Commission wants to, I can bring it back at the next meeting under Applications for Scheduling but let's not do that, you tell me to send it to CCROG and will schedule the hearing as soon as possible.

Chairman Pane: That is what I would like to do, exactly what you just said. Any objections for doing that from the Commissioners?

Commissioner Sobieski: Do you need a motion to that effect?

Craig Minor: Yes, please.

Commissioner Sobieski moved to refer Petition 21-20 to CCROG and then schedule a hearing for next month. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion with seven voting YEA.

B. Petition 22-20: Subdivision Text Amendment (Sec. 2.0, 3.0 and 6.0: Low Impact Development Regulations) Newington TPZ Applicant

Craig Minor: So again, this takes out all of the language that was put in a couple of years ago to put the LID burden on developers, this removes that burden. Now this, because it doesn't go to CCROG, you could have your hearing on it at your next meeting, but you might want to do them the same night.

Chairman Pane: Yes, let's do them the same night, I think that would be appropriate. Is that all right with the other Commissioners?

Commissioners: Fine.

Chairman Pane: Does anyone have any comments on the language that he has drafted up for, or crossed off for this, pretty straight forward.

**IX. OLD BUSINESS**

None

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Zoning Text Amendment (Sec. 6.2.1E and 9.2) regarding digital menu board signs. The McDonald's Real Estate Company, Owner/Applicant, Chris Russo, 2507 Post Road Southport CT, Contact.

Chairman Pane: This will be on the schedule for the next meeting?

Craig Minor: That's what I'm suggesting that we do it at the July 8<sup>th</sup> meeting because I'm trying to keep the July 22<sup>nd</sup> meeting clear from regular business because that is the night that we are having the public hearing on the POCD.

Chairman Pane: Okay, sounds good to me, and then you are also going to move Petition 23-20 to July 8<sup>th</sup> too.

- B. Petition 23-20: Special Permit (Sec. 3.17.7: Children's Theatre Organization) at 136 Day Street, 136 Day Street LLC, Owner, Newington Children's Theater Company, Applicant, Chris De Francisco, 255 Beacon Street, Newington CT, Contact

**XI. TOWN PLANNER REPORT**

Craig Minor: The first item is the status of the street at Deming Farms, I contacted the, I sent an e-mail to the Chair person out there, HOA, a couple of days ago, but I have not heard back from her so I don't know what the status is of the road that they are supposed to finish.

Chairman Pane: It's more than just the road right? They either have to build that sidewalk or they have to come back to us and waive the sidewalk, and they have to fix the grade behind houses one and two, and any other requirements that weren't done.

Craig Minor: That's correct.

Also, restaurant seating, at the time I typed this memo a couple of days ago, since then I have been contacted by the Subway gentleman, he does want to put some chairs out in front, also I will be sending him an approval probably tomorrow, and there is a new pizza place on the corner of Main and Cedar, next to Starbucks, and he wants to put a couple of tables out in front, and I told him, that's fine, I just need confirmation from the landlord that it's okay with the landlord, but I don't see any problem with that one.

Moving on, I can give you an update on the POCD, we're waiting for the Town Council to give us their comments on it, if they choose to, and then I'm reminding the Commission that the original deadline to adopt the POCD was June 8<sup>th</sup>, but with the executive order, 7-1 gives us an additional 90 days, so now the new deadline is September 8<sup>th</sup> of 2020. Now the public hearing has been scheduled for July 22<sup>nd</sup>, and we spoke about this at the last meeting I think, and there was some concern that doing it by Zoom might not really get as much public involvement as possible, so I think the plan is, open the public hearing as a Zoom meeting, and if the Commission feels that there wasn't much participation, then we can talk about it, maybe we shouldn't talk about it before hand, but we can then possibly make arrangements to continue the public hearing in a physical setting, where folks are sitting six feet apart with masks and so forth, but we can make that decision at the end of the July 22<sup>nd</sup> hearing if the Commission want to continue it.

Chairman Pane: I agree with you, we can wait on that decision until the 22<sup>nd</sup>, and we see how the meeting goes virtually. Do all of the Commissioners understand that, if we feel after the 22<sup>nd</sup>, if we have to, then we can talk about having another public hearing. Any comments?

Commissioner Claffey: I have a comment on something different so finish your concern on the POCD.

Chairman Pane: If there are no other comments on the POCD, any other comments? Okay, Commissioner Claffey, go right ahead, what's your question?

Commissioner Claffey: One question that I had on the restaurant approvals, I don't know if I received the updated lists of one's that have been approved, the only reason I ask is that I was driving on the pike today and looked over at Mykonos and just noticed that between last week and this week, they put up two large tents. One of them extends into the parking lot and just more of a question that I'm asking, we have no real authority here except what you are doing, which is great. If we have the list, and we see that something is getting larger and larger, we should be bringing it to your attention Craig.

Craig Minor: I'm glad that you did, because I didn't know that they had done that. They were one of the first, they put those plastic bubbles over.....

Commissioner Claffey: It wasn't bothering me, it was just like, whoa, that wasn't here yesterday.

Chairman Pane: It's possible that they have been working with the Fire Department because they had problems with their bubbles and stuff, and then they had a tarp up and then after the tarp came that nicer tent.

Commissioner Claffey: I just want to be clear to the Commission, I didn't bring it up to, I just saw it, and I just wanted to be sure we all knew what was going on. I don't care that they do it, I just wanted to make sure we all know.

Chairman Pane: Okay, no problem, I'll have Craig check into it. Any other questions? Craig, would you finish with your Planner's report?

Craig Minor: The next item, as the Commission knows, the staff is working on some amendments to the regulations, we're working on the personal business regs, I haven't made any progress on that since the last meeting, but I did make some progress on the commercial vehicle regulation. As the Commissioners who have been on the Commission for a while know, we have a very complicated commercial vehicle regulation. So I, as you can tell, I have streamlined it quite a bit. I think one of the reasons that the existing regulations are so confusing is because there are some double negatives in there, which makes it confusing to the reader whether, gosh, am I reading about something that is allowed, or am I reading about something that is prohibited, if it is not some other way. So, that's why I scrapped it and established some straight forward rules.

Chairman Pane: Why don't we have this on the agenda for discussion at our next meeting, just for discussion under New Business and we can talk about it for a few meetings before we put in actually on our agenda for, we'll probably have to put it on for a public hearing.

Craig Minor: Okay, I can do that.

Chairman Pane: I notice that you have done a lot with the outstanding performance bonds. We have a list of things in the back here.

Craig Minor: Right, the one that I actually, the one that was in the agenda packet was the wrong one. I sent James at 4:40 this afternoon a correct one, and he is displaying it now. The one that James is displaying, if you start from the bottom, you see there is the bond for 188 Costello Road from March of 2020, that is the most recent one, and I put a note on that one that it is under construction. Then the next one above that, from 2019 is the O'Reilly Car Parts which we will be talking about later tonight. You can work your way up through reverse chronological order from Starbucks, they haven't asked for a bond reduction since 2017, I'm not sure why, they forgot about it, but I doubt it because I'm sure Mr. Hayes knows where every penny of his is, and then, LA Fitness, I wrote to them back in 2014, letting them know that we are still holding \$5,000.00 of their money, and I never heard back, so I may try again.

Chairman Pane: Yes, we're going to have to go through these and if there are not outstanding issues, then we can just cut the checks and send them to them, I mean, you have \$10,000.00 at Target from 2003, I mean, there is no reason for us to be sitting on \$10,000.00 for Target. Everything is completed over there. Then, I notice some, like ZAG Machine, they just sold the building, so you know, we have to address that, and these are just too old. If you could give us a little more detail on each one of them, and then the Commission can talk about them, and the easy ones we should start taking action on, and the others we can get additional information. Do any of the Commissioners have a question on the outstanding performance bonds?

Commissioner Sobieski: I have a question. Do we know what is missing on each one of these, I mean, like Jefferson Court has been there for twenty years now maybe.

Craig Minor: The really old ones, off the top of my head I don't remember what the hold up was, but in pretty much all of them, when the Commission went through this exercise back in 2013, 2014, there was

reason for all of them, why the money was still here. That's what I'm doing now, researching as to why we will have the money.

Commissioner Sobieski: I think some of those, if I remember correctly Craig, was the fact that trees weren't planted. Some people didn't want them and you had to canvas to see if the trees should be planted or not.

Craig Minor: I'm sure you are right, we'll check into all of them. Now, O'Reilly's Car Parts, they have completed the site, they have done everything they are required to do, and the reason that we are holding a \$5,000.00 bond is some time ago, they had finished all of the work on the building, and they were ready to open for business, they were ready to get a c.o. from the Building Inspector, but they hadn't finished all of the landscaping and all of the parking stuff, so that's why the ZOE allowed them to open for business, but took a \$5,000.00 bond, as I said to make sure that they finished the minor improvements and they have now been finished, so the ZEO is now recommending that the bond be released.

Chairman Pane: Any questions from the Commissioners?

Commissioner Claffey: I have a question. I want to make sure I'm clear on this, I'm going to bring up a sore subject, on the Commission, that the Firestone, we held a bond on that to make sure that the grass grew in and the trees grew in, and all of that. I just want to make sure that we are good with releasing this, it seem like from 2019 to now, I'm assuming that they just did it a few days ago, weeks ago.

Chairman Pane: No, they did it a while ago and it has grown. I didn't see any dead plants over there. Andrew, our Zoning Enforcement Officer, and Assistant Town Planner went over there and he has inspected the entire property and he gave Craig the okay on it, and I took a drive by this afternoon when I found out that we were adding this to the agenda, I didn't see any dead plants, the grass was growing good, but great point Commissioner Claffey that it is good to double check on the plants on everything, absolutely. Craig, that's correct, right?

Craig Minor: Yes.

Chairman Pane: Any other Commissioner comments, if not, I'll suggest a motion for this performance bond.

Commissioner Sobieski moved that the performance bond for 3443 Berlin Turnpike, O'Reilly's Auto, be returned to the owner. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Pane: Craig, is there any other business?

Craig Minor: No, that's all I have.

## **XII. COMMUNICATIONS**

Commissioner Sobieski: I sent out all of the recent information from CCROG.

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

Chairman Pane: If anyone from the public is listening, maybe Barbara is still on the line.

James Krupienski: Barbara is one the line, but she did contact me and unfortunately did indicate that she was having problems. At this point I don't believe she has anything she would like to say at this time.

Chairman Pane: Thank you very much James.

**XIV. REMARKS BY COMMISSIONERS**

Commissioner Claffey: I have two items that I wanted to discuss. One is, I noticed a lot of social media posts about noise ordinances and late night noise. I wanted to see, I know that sometimes it falls under the Police Department, they go out and they inspect the noise compliant and I know that there are a separate set of laws and regulations in regards to what they can do, when they can do it, how they do it, and I just wanted to figure out from the Commission or get it as a talking point for a future meeting. We don't have to debate it tonight, but I'd like to have it added for a future meeting of how we can maybe take the noise ordinance and maybe put part of it underneath the zoning regulations with a decibel reader for the zoning officer, so that the Newington Police get a zoning noise violation at ten at night, and they report it once or twice a week to TPZ, and then they go out and check it. It could be a business that is operating loud machinery, etc., etc., I know it's a lengthy kind of thing, but some local jurisdictions have regulations that co-mingle between the Police Department and Fire Department and TPZ. I think this might be one where some noise issues might fall under zoning, with Police help, but I don't think the police officer should have to stand there with a decibel reader to see that the construction equipment that the guy is illegally using at night, other than for them to say for that person to say stop doing what they are doing because they are in violation of the hours of noise, and then refer it over to TPZ or the Zoning Officer and they go out and have that discussion with that property or business and then say, okay, it's a manufacturing business that is running machinery late at night, which they might be able to do, but it's over the noise ordinance. I think the police have better things to do than to hold a decibel meter up in the air. Maybe refer things like that to the Planning Department. I think it's something that we need to look at that doesn't have to be discussed at length tonight.

Chairman Pane: Thank you Commissioner Claffey. I agree with you, there are definitely some problems there. I think the noise falls under a noise ordinance, if I'm not mistaken, correct Craig?

Craig Minor: Yes.

Chairman Pane: So that ordinance falls under the Council?

Craig Minor: Yes, the Council writes the ordinances and then the Police Department enforces them.

Chairman Pane: Could we put this on our agenda just to review it and make recommendations?

Craig Minor: If you want.

Chairman Pane: Does that work for the other Commissioners?

Commissioner Havens: I think we can look at it and then say either yea or nay, leave it along, it's going well, or no, we need to make some remarks, I mean, we work well with the other departments and they work well with us, so.....

Chairman Pane: I think one of the biggest problems is that we don't have a decibel meter to measure anything, and it's very difficult for residents and businesses, I mean they would have to hire someone privately, I mean, like that Firestone case, they had to hire somebody privately and the town couldn't check anything. If the town could have checked it, it might have avoided things. So I think it's worth having it on our agenda, take a look at it and then make recommendations possibly to the Council.

Commissioner Claffey: The second item I want to bring up, is to see if interdepartmentally we can discuss, currently we go to the town web site as a contractor or home owner, or whatever and we can pull a building permit on line, we can download all the information, upload all the info to the building department, then you need to go over the zoning application which kind of mirrors what your building application was, but our residents, myself included, has to snail mail my zoning application. I think it's time that we bring that up to the 21<sup>st</sup> century where a contractor or homeowner or business owner can do

their zoning stuff right on line and submit it, just like you can do with the building inspection department and then we are given back, okay, you are missing this, you are missing that. These two departments are under the same umbrella, and I think we should have the same option. I think it's kind of a slow process to have to submit a zoning application for a pool via the mail, but I can submit the pool application to the Building Department on line. It just seems odd.

Chairman Pane: Thank you Commissioner Claffey. Craig, could you answer to any of that.

Craig Minor: Yes. The Building Department application forms that you can complete on line are part of a package that the Town of Newington purchased, Permit Plus I think is the name of the product. A lot of towns use it, and they do have a zoning permit module that the Town could buy, I'm not sure how much we could customize it, but let's assume that the format would be acceptable to us, but there is a charge for that module, but I can find out how much it cost.

Commissioner Claffey: Craig, is there anything, I know that the IT Department was a big help with the GIS mapping, I remember under the last zoning officer D'Amato where he could just do things for clients or customers and they could go on line and have everything in that zone. Is that kind of what you are getting at, or.....

Craig Minor: What you are remembering was, yes Mike D'Amato put together a really neat tool that citizens, or appraisers, or potential businesses could use to find something in the zoning regulations that they were concerned about. That product is still on the shelf, it hasn't been rolled out yet, I think the IT Department had other things that took priority, but that is different, but as I say, I will find out how much it will cost to digitize our application.

Commissioner Claffey: And one other thing regarding our Zoning Office/Building Department you could maybe answer for me, just so I can have a personal clarification, is that department, now with the Town Hall currently closed, but employees are still working, is that department taking any type of appointments, or are they just telling people to send stuff in.

Craig Minor: I'm sorry, the Building Department?

Commissioner Claffey: No, Zoning and Building, I wanted to drop the application off, and I was told no, I have to put it in the mail because there are no appointments, so I'm just trying to get a sense, I know that being closed is safe and greater, but if a contractor wanted to drop off his zoning packet, could he call the office and someone could just take it from him from the door?

Craig Minor: Yes, I have done that in fact.

Commissioner Claffey: Could we inform our staff that that is allowed by you?

Craig Minor: Make an appointment, sure.

Commissioner Claffey: Appreciate it, thank you.

Commissioner Gill: To go back to the noise complaints, just a question on the enforcement agent. If he is going to be going out at ten o'clock at night, how is that going to fill into his time?

Chairman Pane: That's a good question, and I think we need to look into it, it's possible that it might have to stay with the Police Department, maybe it has to be possibly given over to the Fire Department. You're right, sometimes those things are going to be late night, checking them out, so that is something that we should discuss.

Commissioner Sobieski: Just to follow up on Commissioner Gill, I think they have to be certified to do the reading and you know, somebody gets called in, I think the Town says they have to be paid four hours. I don't know how that applies to the Fire Department. I'm just saying, where this is going to reside, you need to have that person certified to use this piece of equipment.

Commissioner Gill: As we go along here, maybe we should find out how many items we're talking about. I mean, is this happening ten times in a year, or does it happen two? How many real complaints are there out there?

Chairman Pane: All good questions, we'll have to get that data from the Police Department once Craig puts together some information for us. I did notice what Commissioner Claffey was talking about. There was a resident that had a neighbor that was playing loud music all day, into the night, but we don't know how loud it was, and it kept on continuing and continuing, so there are some isolated problems out there. I don't know if there are a tremendous amount of them, but we can certainly get that information from the Police Department.

Commissioner Claffey: I have one more thing. Mr. Planner, did we get an update on the goings on being the tattoo parlor building on the Berlin Turnpike. There were some piles of dirt, right when Covid started hitting, you guys talked about it.

Craig Minor: No, I don't have anything recent for you, but I can find out.

Commissioner Claffey: Okay, cool. Thank you.

Chairman Pane: Any other questions for the Planner.

Commissioner Gill: Bonefish building, there was some scuttlebutt about Hen's Bar-b-que possibly going in there? Do you know anything about that?

Craig Minor: No, I got a call from Commissioner Sobieski this morning, or someone, asking if I knew anything about it. No, no, I'm always the last to know these things.

Commissioner Sobieski: Craig, it wasn't me, because I was at the doctor's office this morning.

Commissioner Fox: It was me Craig, yesterday I called you. It's nice that Facebook knows what is going on before either you or the Chair or any of us know.

Chairman Pane: Any of the other Commissioners have any questions? Comments?

**XV. CLOSING REMARKS BY THE CHAIRMAN**

None

**XVI. ADJOURN**

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Claffey. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

  
Norine Addis,  
Recording Secretary

