NEWINGTON TOWN PLAN AND ZONING COMMISSION

August 14, 2019
Regular Meeting

Chairman Frank Aieta called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present
Chairman Frank Aieta
Commissioner Michael Camillo
Commissioner Michael Fox
Commissioner Domenic Pane
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Hyman Braverman-A

Commissioners Absent
Commissioner Anthony Claffey
Commissioner John Bottalico-A
Commissioner Giangrave-A

Staff Present
Craig Minor, Town Planner
Andrew Armstrong, ZEO/Asst. Town Planner

Commissioner Braverman was seated for Commissioner Claffey

III. APPROVAL OF AGENDA

Craig Minor: I have one item to delete. The applicants for the zoning amendment that would allow non-residential parking in a residential zone, they have asked to withdraw their application and they want to re-apply with a full site plan that would show how the abutting neighbors would be buffered from their parking lot. The sketch that they submitted with their application was not nearly detailed as they would like it to be. They would like to withdraw and reapply with a more detailed plan. The hearing is closed, so they would like to start over with a better site plan. There is no action needed by the Commission, they are just withdrawing their application and they will reapply promptly.

Chairman Aieta: Any questions on the change to the agenda? All in favor?

The Commission voted unanimously in favor of the change with seven voting YEA.

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

None
V. ZONING ENFORCEMENT OFFICER REPORT

Andrew Armstrong: Good evening Commissioners, Members of the Public, I'll start off by just noting that I have approved two temporary sign applications since we last met. Connecticut Beverage Mart, 3127 Berlin Turnpike and (inaudible) Brown test, 107 Fenn Road. Each had been previously approved by this Commission and were renewed for three months each. With that, are there any questions on the July 2019 report?

Chairman Aieta: Any questions for the Zoning Enforcement Officer? Anything you want him to be looking at? Thank you.

I just saw that on our agenda, some people came in and missed our change of the agenda. The Giangrave petition, they withdrew their application so it will not be discussed tonight.

Craig Minor: And they will re-apply.

Chairman Aieta: They will re-apply. I see the neighbor here, and her son.

Audience: Thank you.

Chairman Aieta: You’re welcome. I didn’t want you sitting through the whole meeting.

Audience: I appreciate it.

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING

None

VIII. APPROVAL OF MINUTES

Commissioner Sobieski moved to accept the minutes of the July 24, 2019 regular meeting. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with seven voting YEA.

IX. NEW BUSINESS

A. Petition 18-19: Site Plan Modification at 80 Fenn Road, 80 Fenn Road LLC, Owner Montana Nights, Applicant, Merle McKenzie, 80 Fenn Road, Newington, CT, Contact.

Chairman Aieta: We have heard this already and.....

Craig Minor: It was tabled because I did not give the members another copy of the new plan which Mr. McKenzie is asking to have approved tonight. Some members had a question as to what it looks like currently, so in your packet were copies of the plan that you requested with the additional parking and a copy of the plan that was approved last year which was the original.
Commissioner Pane: Do we have a list of what has to be approved by the Town Engineer so that it is just not... do we have an actual list.

Craig Minor: I can read it to you.

Chairman Aieta: Do you see any deficiencies?

Craig Minor: They are all of an engineering nature.

Commissioner Fox: I have a question. You mentioned in the last paragraph here that the engineer had found some discrepancies, e.g., the design is based on an 8” diameter pipe but the plan shows a 4” pipe. Is there anything else?

Craig Minor: I was about to read, at Commissioner Pane's request, the outstanding issues are wheel stops or bollards at the handicapped parking spaces, the engineering department noted that they should indicate the number of parking spaces, not just showing them, but indicate the number of them; provide the erosion and sediment control maintenance logs that should contain information that pertains to, but is not limited to, number one, depth of which silt will be removed from the silt fences; catch basin (inaudible) at the center, number two, E and S measures will be checked for damage, i.e., after a storm event, and number three, any E and S measures should be repaired, etc. Expand the limits of disturbance to include fill at the southwest corner of the property; provide engineering signature and seal by a Connecticut licensed professional engineer, and then there are some comments regarding the storm water report itself which aren’t on the plan, but there are one, two, three, four, five, six items regarding the storm water report. The first one is resolve conflict from Section 4.0 calls for an 8” diameter pipe, the plans show a 4” diameter pipe, as I had mentioned. The next one is the conflict between figure two which shows a 6” pipe connecting a proposed yard drain, but figure three shows an 8” pipe connecting it. Figure 3 calls for a 4” diameter pipe but the plans show an 8”, there is a conflict between figure 5 showing an 8” pipe and the plans showing a 4” pipe; there is a conflict between figure 6, calls for 30” of three quarter inch crushed stone, the lowest finished grade on the plan over the stone trench is 101.60, and the four inch perforated pipe inverted is 97.00. Six inches of crushed stone to the finished grade and six inches of three quarter inch stone along with the four inch pipe, then a whole bunch of numbers, and then finally, the parking lot may not be used for storage of storm water. Calculations report 102.0 for draining, using maximum elevation of 101.6.

Chairman Aieta: Any questions?

Merle McKenzie: I spoke with Craig Minor several times recently, and he said that there were some changes that need to be addressed in that plan. I have no clue as to whether you guys can conditionally approve the plan, assuming that those discrepancies are addressed. I do understand that they have to work that out, but honestly, it’s like you were speaking Russian to me, I don’t know what the hell he just said, so I realize that there are numbers, pipe dimensions in there that are not meeting up as they should, that they need to be rectified, but I’m going to put that back on the guy that did the plan and the owner of the building, it needs to gibe so that all of these numbers make sense, and then once you do that, I don’t know.....

Chairman Aieta: The engineer used some standard detail on the pipe sizes, and some of the sizes that you need are larger than the standard.

Craig Minor: The problem is that there is a disconnect between the engineer that was hired to do the storm water design, and the engineer who actually drew the plans. The two of them are not communicating.
Merle McKenzie: It's my understanding that the first guy is completely out....

Craig Minor: Actually he is still drawing the plans, he's the party that is......

Merle McKenzie: I was just given the new gentleman's name, Joe I think is his name and told to engage him in the services of getting what you guys requested. I did that, and they submitted it, and that is about the extent of the knowledge that I have of this.

Craig Minor: He is the person who was brought on board to design the storm water management system, because your original engineer didn't seem to be up to the task, but your original engineer is still the person who prepared the plans, and that again, that disconnect between the engineer designing the system and the engineer who is drawing it on the paper. This memo is dated July 23, and I don't know if we have heard yet from your engineer in response to it.
These are the kind of minor deficiencies that this board traditionally deferred to the staff to work out.

Commissioner Woods: I was going to bring that up, I'm glad that you did. I think this is something that can obviously be worked out between staff and the engineer.

Chairman Aieta: Okay, you know that you can't start until this is completed and the mylars are signed.

Craig Minor: That is minor, and it doesn't require that he come back to the Commission again.

Merle McKenzie: So, hopefully I'm not putting the cart before the horse, but you guys are going to vote now on whether or not I can move forward, but not begin work until they show you new mylars with the adjustments you need.

Craig Minor: Correct.

Chairman Aieta: Once you satisfy the engineers and the Planner, call me in and I'll sign the mylars so you can start.

Merle McKenzie: Do I need to do anything else other than pass that information.....

Craig Minor: Other than encourage the people that you are paying a lot of money to, to do their job.

Merle McKenzie: I'll do my best. Thank you.

Chairman Aieta: What is the pleasure of the Commission?

Commissioner Fox: I move that Petition 18-19 be moved to Old Business to vote on tonight.

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

Chairman Aieta: We are going to vote on this tonight.

Merle McKenzie: Thank you.

Christopher Costello, 231 Garden Street Wethersfield: I'm here to represent Tilcon on the biennial review. I have copies here that I can pass around.

Craig Minor: The Commission has the full size, but the smaller ones are good.

Christopher Costello: As you can see, the changes are not very remarkable for the past couple of years. We're still in the internal progression of the quarry. The outside frame has not changed at all. The only other major change is that Capitol Pipe six, which is in the southeast corner, we mentioned it was going to be demoed, last time I was here, and actually is was demoed, and other than that, nothing really has changed.

Chairman Aieta: Any questions from the Commissioners on this?

Christopher Costello: The only other thing is that we did come to an agreement with the Police Department on the tower, the radio tower, so.....

Chairman Aieta: They will be coming to us at some point.

Christopher Costello: Yes.

Commissioner Fox: For many years there have been complaints from a certain shop, and I just want assurance that you are controlling the dust.

Christopher Costello: We have done a couple of hundreds thousands of dollars worth (inaudible). DEEP just doesn't come out, they actually drive around the neighborhood for a couple of hours. They have witnessed blasts, and they have had no issues from what they have seen, and actually have a letter here from the DEEP closing out the violations that were issued two years ago.

Craig Minor: Can I have a copy of that for the folder?

Christopher Costello: Yes. We will continue to do the best that we can, we have done improvements, water sprays out of (inaudible) and we continue to use sweepers.

Commissioner Fox: Thank you.

Chairman Aieta: Any other questions?

Craig Minor: Just for the record, I have an e-mail from the Town Engineer that he is satisfied that the conditions have been satisfied. There is a draft motion in the folder.

Commissioner Camillo moved to move Petition 27-19 to Old Business for action tonight. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Aieta: We will be voting on this later tonight.
C. TPZ Discussion of Storefront Window Signage

Chairman Aieta: This has been on the agenda for a couple of months. I’ll open it up for discussion. Anybody?

Commissioner Camillo: I think it’s a good idea, just from a safety factor. In case of emergency, customers, police should be able to see what is happening inside the store.

Chairman Aieta: Anyone else?

Commissioner Woods: Did anyone hear from the Chief of Police, or ask him here, I thought that was what we were going to do.

Craig Minor: We did talk about that, but I thought that someone pointed out that his e-mail pretty much spelled out what his concern was, and that we did not need him and also if you did decide that you wanted to do this, he would be asked to attend the public hearing and put his thoughts on the record for the hearing, but I can ask him to come to your next meeting if you would like, to discuss this before you make a decision about whether to proceed or not.

Commissioner Woods: I’m not necessarily in favor, but I thought that is what people were looking for. I do believe that his e-mail did address the situation. I understand the intent, but where do we go, with shades being on windows. Are we going to try to control all of this? I don’t know how we control this. If it’s two inches away from the inside of the window, is it still a sign, is it still considered….. I think it becomes very, very difficult for the ZEO to try to control something like this. I get the intent, I understand that we are sending first responders in, we want them as safe as possible, but again, are we not going to allow shades on windows if that is the case, what if the window was over five or six feet high?

Chairman Aieta: Were you able to get information from other towns?

Craig Minor: I gave you the regulations, I know all of those Planners. I can call them and ask them, in the real world, how do you deal with actually enforcing this regulation. It looks good on paper, but has it been a nightmare for you, has it been just like any other zoning regulation, I can do that. I can call them and ask for their opinion on it.

Commissioner Pane: I was under the impression that the Planner gave us the impression that we are already enforcing this informally, to a certain degree, and I don’t know exactly what he has for regulations that he is enforcing, but he is doing it informally now, and our objective was just to get something formally in the regulations. Is that correct?

Craig Minor: Yes.

Commissioner Pane: Thank you.

Commissioner Fox: Mr. Chairman, through you to Commissioner Pane, I don’t know how you can enforce a regulation that doesn’t exist, number one, but evidently he is trying to do something. As far as I’m concerned, you know my feelings from the last meeting. I mean, I don’t see how we can enforce this at all. What if somebody puts a shade in their front window of the store, and what if that shade has some writing on it? There are so many pitfalls here and we’re the ones that are going to be falling in. Thank you.

Craig Minor: As far as the current informal system, I think there is very good voluntary compliance because they know that there is the fear of having active regulations if they don’t
voluntarily comply with what is presented, so I think it is the fear of active regulations that is keeping them complying voluntarily.

Commissioner Pane: Maybe before we invite the Chief of Police here, maybe we should have exactly what he is enforcing informally, what he is doing exactly, and also maybe the Town Planner could talk to some of the other Town Planners that he knows, and see how they address it, how they enforce it, and what their regulations are so that we could talk about it one or two more meetings before we have the Chief come in so that we know whether or not we’re going to explore this deeper or not so we don’t waste the Chief’s time. Thank you.

Commissioner Woods: I guess I would like to know, while you are asking, window displays like they used to have in the cities, and some places still do that, so how do they handle that? An actual display that is behind the glass. I know we are looking at those ugly signs that are put up, but I would like to know how the other things are handled.

Chairman Aieta: Let’s move onto the next item.

D. TPZ Discussion of Display and Storage of Retail Merchandise in Parking Lots

Craig Minor: I think this came from the meeting that I was not at, and the Chairman asked that this be put on the agenda for the Commission to discuss. The Commission is concerned that retailers are storing merchandise for sale in the parking lot, and there is some of that going on. Some of that has been approved, actually Lowe’s got approved by this Commission back in the late 2000’s, I found the minutes, for outside storage. Now, they are definitely doing more than they were approved for plus there are some prefab buildings in the parking lot that definitely they were not approved for, so there is some abuse of that process.

Chairman Aieta: The storage that they were approved for was the storage against the building, as you drive in from the turnpike, near the garden supplies.

Craig Minor: There is no record, I mean there were no illustrations that were submitted so reading the words, what was described, some of you Commissioners were there at the time, so you may remember what was presented to you that you approved.

Commissioner Pane: Is that why it is on the agenda because of a complaint that came in on Lowe’s, or is......

Chairman Aieta: It was generated from here.

Craig Minor: It was at the July meeting that I was not at.

Commissioner Woods: I think it had to do with Lowe’s, the buildings that are there, the trailers....

Craig Minor: The out buildings were never approved by TPZ, so I can certainly ask the ZEO to contact Lowe’s about those.

Chairman Aieta: The location that they have is bad. If they had put them at the back end, near the lumber end of the building, they probably wouldn’t be so offensive, but they are right there, right in front of Chick-fil-A. They are using up some prime parking.

Craig Minor: Right, we can definitely put a stop to that.
Commissioner Sobieski: They were in back at one time, along with the trailers. I think last year, or the year before, they were all back there. As you came out where the lumber is, they were all lined up there and the trailers were in front.

Chairman Aieta: Anything else on that?

X. OLD BUSINESS

A. Petition 21-19: Zoning Text Amendment (Sec. 3.5.2 and 3.16.3) to allow non-residential parking in a residential zone. Paul F. and Frank S. Giangrave, Applicant, Attorney Lawrence Shipman, 433 S. Main Street #319, West Hartford CT, Contact.

Withdrawn


Craig Minor: There is a memo in your packet regarding this application and you had two rounds of public hearings, but there wasn’t active discussions among the Commissioners when the hearing was closed, so I have a draft motion for approval, but there is certainly more opportunity for the Commissioners to discuss it if you would like.

Chairman Aieta: I’ll open it up for discussion. Anyone want to weigh in on this? This 72 page report?

Commissioner Camillo: I don’t think anyone has read those 72 pages at all. It would be a good idea to look at them.

Chairman Aieta: I read the 72 pages, and they spell it out pretty much, what you can and what you can’t do. There are some areas that are (inaudible) and need to be discussed. Anyone?

Commissioner Woods: I’ll start. I read through, I don’t know if I read all 72 pages, but I skimmed through all of it two or three times, I didn’t have any objections. I think it is a new way of thinking for us, I don’t know what it could possibly bring down the road, it could be a very good thing for our town. I would like to see this move forward tonight, if possible.

Commissioner Fox: I too scanned it and went through it and there is nothing that I find objectionable. Thank you. I do not object to it and looking at it, I really think this would be a turning point for this town, I mean, if a developer came in that really has our town in his mind, when it is being developed, I think this could be a great boon. It’s a great location for the station, much better than Newington Junction. I’m just really anxious to see this get going.

Commissioner Sobieski: I too am in favor of this. I did read it several times, I didn’t really find anything objectionable in it, I think this would be a big step forward for this town, in trying to get people into it, trying to get businesses back into it, trying to get transit that would relieve some of our traffic issues, I can see nothing but positive issues coming out of this, so I’m in favor of this. Thank you.
Commissioner Pane: I think a train station could be beneficial to the Town of Newington. I think Newington is kind of unique. We don't have one TOD area, we don't have two TOD areas, it appears that we may have three areas that are TOD. I'm not necessarily in favor of the overlay zone. I think that it is an unrealistic feat to accomplish, to have a developer buy all the land up on one side, or the other. I think maybe that it would be worthwhile to redesign the TOD regulation and the PD Zone for the Fenn Road area. I think maybe we should consider designing something that works for all three areas because it would be really good to have some development around all three areas. I've looked around at some of the other stations and they still have industrial property and residential property around those stations. There could be property, part of that property that can't be developed for residential so it would be beneficial to keep it as industrial and still have the train station.

I'm very concerned with the traffic. The State really hasn't shown us what they are going to do to correct the problems on Cedar Street so I also have concerns with our Economic Developer saying that the developers have to have five or six story buildings. I want to make sure that we protect the residential neighborhoods over there so I'm not sure if I would be totally in favor of five or six story buildings. I would have to see it to see what the impact is. I believe that we could convert this to a PD Zone which allows housing and we could have our regulations work for all three areas and they could even be tweaked a little bit more because it is obvious that the TOD regulations that we developed for Fenn Road really hasn't worked yet. I know the economy is tough, but maybe there are a couple of other things that we could do on the Fenn Road TOD to make it more beneficial to the developers to come in. That's pretty much how I feel, I'm in favor of the train station coming. I think we are very unique in Newington that we have three possible areas for development. I think we should have a consistent regulation for all three areas, and I'm in favor of working on that right away.

Commissioner Fox: Thank you Mr. Chairman. I think as far as traffic is concerned, that is a very, very huge problem on Cedar Street and Fenn Road also, but I really think that this railroad station could reduce some of the traffic. You would have millennials that would take a bus, or just walk to the railroad station and not clog the roads and this zoning text amendment is just an overlay and as Commissioner Pane said, if somebody comes in with an industrial development, more power to them, but I don’t think the overlay, I really don’t think that Newington is ready or wants, or TPZ wants, too much more residential in town. I think the impetus on this project should be mostly commercial, retail, research, professional, multi-use and as far as the five or six, maybe I’m wrong, but I don’t remember Andy saying that they would have to have five or six stories, but it could be possible, but that could be worked out.

Chairman Aieta: Anyone else?

Commissioner Pane: I also think that it wouldn’t be in our best interest to rush this through. There is a, there is no funding for this yet, and we’re out a little bit. We have a 2030 plan that we’re working on now, so it might even be beneficial to get some input through the 2030 process. Nothing says that we can’t start the process by working on having all three areas in a PD Zone with similar regulations that we developed for Fenn Road, and then possibly the Planner might want to tweak them a little bit, or maybe we get input from some people to tweak them a little bit. I also think it’s beneficial to get input from the people that we are asking to come out for the 2030 plan. I think that is beneficial for us. Thank you.

Craig Minor: That would be the maximum height, five stories in the MX-2 Zone.
Commissioner Fox: I feel like this is a Pane vs Fox over here. Number one, just because we approve the zoning text amendment and the overlay doesn't mean that we have to get started on it. It’s going to take a while for developers to get interested, and get things going. I think, I really think that it is common knowledge that if we don’t get this thing at least started, at least show some impetus to get going, I don’t think we will get a railroad station. Thank you.

Commissioner Pane: I don’t think we are against it, I'm just not in favor of the overlay zone. I’m willing to work on a regulation that works for all three TOD areas. I think that it is an unrealistic feat to make a developer buy all forty-four acres on that side of the property there, on the south side, I think that is something that is going to be extremely difficult to accomplish and so why not make it easier for the developers.

Commissioner Woods: Again, I would like to see this moved forward tonight, I believe it is in the best interest of the town long term, and that is just my opinion. I think this sends a loud and clear message to the State that we are serious and we would like to see this development happen there, and I think most importantly it will be a catalyst for us to get Cedar Street straightened out down the road, and I think that is the only way that the State is going to do that. I think we all know that we need that. I think it's a good plan, it is pie in the sky, but that's, we have to think big and I'm glad that we are starting to look in that direction, I think there is still a lot of ability of this body when in fact a developer does come in front of us, to be able to tweak and control what is going on there so it fits the neighborhood in our town, and again, I would really like to see this move forward.

Commissioner Braverman: I agree with Commissioner Woods and in fact I think we have to demonstrate that we are in favor of the train station first and foremost, and then whatever development comes later on, that's when we work with the developers and get something suitable for that area, and therefore at least start the process of saying we would like the train station and we should do it now.

Commissioner Sobieski: I would also like to emphasize that the State is going to fix 175 which is a mess. So this is going to give them the incentive to do that. Otherwise, it is just going to sit there and stay clogged as it is, so let's try to get safety out there for people on 175, both for our residents and the general public that goes through, and again, I know that the state is looking for a positive response from us on this so let's put it into the pipeline.

Commissioner Camillo: I'm in favor of the train station, maybe not this type of development. I think we could take a vote on the train station, I think we are all in favor of that and we could work on the development later. Just a thought. That way we’re not saying that we don't want a train station, we do want a train station. This needs to be looked at and Domenic had a very good idea making this a PD Zone.

Craig Minor: When the Economic Development Director talked about this to DOT several months ago he talked about the existing zoning regs that we have for TOD and those regs are not satisfactory to DOT and I believe that they said that they need to see a strong statement by the Planning and Zoning Commission on this to take it as an indication that the Town of Newington is serious about wanting a train station. So, train station vote would be great, but I don’t think DOT would take that as an indication that Newington is serious about wanting a train station at this location because we need to show DOT that we want a train station at this location.
Commissioner Camillo: Yes we want a train station, but what kind of development, we can show the state yes, we want to develop these areas, maybe make it a PD zone for now and we can come back to this. There is more to it than just getting the train station.

Craig Minor: I think that time is of the essence, the town needs to make an indication soon so that DOT can put in their budget for the upcoming budget cycle and so for DOT to commit money to do the drawings, a decision needs to be made pretty much now by DOT to get that funding or not and that decision will be made by the decision that you make tonight.

Commissioner Woods: The gentleman here from DOT at our last meeting was specific that DOT is very interested in putting a train station in Newington and that there are communities that are vying for it, but Newington is their preferred location. Again, I think this sends a strong statement that Newington is open for business and that we would like to see the train station, and the development that will happen after the fact, around it.

Commissioner Camillo: At the last meeting DOT said that Newington was far down the list of stations and they also stated that they didn’t care what type of development, whether it was residential or commercial. That’s what he said.

Commissioner Pane: Near the train station, there is a lot of industrial property and there is also, they brought in some residential along there. I think if you had information that our TOD regulations along Fenn Road aren’t up to the standards that they should be, then I think we should correct the Fenn Road, West Hill and Cedar Street in one comprehensive regulation that works for the State and works for the Town of Newington. Where it doesn’t have to buy, think about this realistically, do you think somebody is going to be able to buy that whole entire side of forty-four acres, with all of the buildings, for redevelopment? It’s more than a pie in the sky. I think we need to have a more realistic plan. I’m not against the train station, and I want to move this forward and I think that if we sent a letter to them and told them that we’re working on a regulation that works and that we are all for the train station in that location, I think that works on a temporary basis. They do not have funding yet, the funding was put in with the tolls and they aren’t addressing tolls yet, so their funding is not even in place, so they can’t form a budget yet because they don’t have the funding associated with it yet.

I just think that we’re rushing the gun on this overlay zone, I see a lot of little things here and there with it, I’m not really in favor of it but I am in favor of the train station, and I think we should develop a regulation that works for all three of our transit areas in town, and it should be consistent, all three areas should be consistent. Thank you.

Commissioner Woods: I guess in answer, not to answer Commissioner Pane question, but statement maybe we will see that the PD works for the town. Again, I think we need to move forward and take action, and get the message back to the state that we are interested in a train station.

Commissioner Camillo: I think we should wait until Anthony comes back next week so he has as a say in this also. He’s on vacation with his kids, I tried to get him to call tonight, but he was going to be out to dinner, but he said that he had a lot to say.

Commissioner Fox: I would like to call the motion, if that is possible.

Craig Minor: There is no motion on the floor yet, so......

Commissioner Fox: I'm sorry.
Commissioner Camillo moved to leave Petition 23-19 open until the next meeting. The motion was seconded by Commissioner Pane.

Chairman Aieta: We will have a roll call vote with the Chairman voting last.

The vote defeated that motion with two yea, and four nay. (Fox, Sobieski, Woods, Braverman)

Chairman Aieta: My vote isn't necessary.

Petition 23-19
Zoning Text Amendment (New Section: Transit Village Design District)
Newington Town Council, applicant
Andrew Brecher, 131 Cedar Street, Newington CT, contact.

Commissioner Woods moved to approve Petition 23-19: Zoning Test Amendment (New Section: Transit Village Design District.) Newington Town Council, applicant, Andrew Brecher, 131 Cedar Street, Newington CT, contact. Effective upon publication.

Commissioner Woods: Want me to read all of the findings?

Craig Minor: What you could do is that someone could second the motion and then we could have a discussion and discuss these findings.

The motion was seconded by Commissioner Fox.

Chairman Aieta: Any discussion on the motion?

Craig Minor: Can I say, by law, the Commission does have to put on the record it’s findings regarding consistencies with this text amendment with the findings that I put in the draft motion, so I listed the number of places that I found that the current POCD addresses or relates to the regulation that is being discussed tonight......

Commissioner Woods: I can read them into the record if you would like.

Chairman Aieta: Go ahead.

Commissioner Woods:

Findings:

1. Consistency with the POCD:

Section 8-3a of the Connecticut General Statutes states that the TPZ must make a “finding on consistency” between a proposed zoning amendment and the Town's Plan of Conservation and Development. The proposed amendment is "consistent" with the following items in the 2020 POCD:

a. Page 24 of the POCD contains the following General Goal: Locate development in places and at densities which support the desired overall character of Newington.” It also contains the following Strategy to achieve that General Goal:
“2. Establish “transit oriented sites” at appropriate locations when transit stations have been established.”

b. Page 25 of the POCD is a map entitled “Community Plan.” The Plan shows a “Transit Oriented” element with a radius of approximately 1000’ centered on 565 Cedar Street, which is approximately the center of the proposed TVDD.

c. Page 33 of the POCD is a map entitled “Residential Development Plan.” The plan shows a “Transit Oriented” element with a radius of approximately 1000’ centered on 565 Cedar Street, which is approximately the center of the proposed TVDD.

d. Page 37 of the POCD is a map entitled “Business Development Plans.” The Plan shows a “Transit Oriented element with a radius of approximately 1000’ centered on 565 Cedar Street, which is approximately the center of the proposed TVDD.

e. Page 51 of the POCD is a map entitled “Future Land Use Plan.” The Plan shows a “Transit Oriented” element with a radius of approximately 1000’ centered on 565 Cedar Street, which is approximately the center of the proposed TVDD.

2. A “Hartford Line’ train station at 565 Cedar Street has more economic development potential for the Town than the site that had been proposed in Newington Junction.

3. Adopting the proposed TVDD regulations will be seen by DOT as an expression of Newington’s interest in a train station at this location. Denial of the proposed TVDD regulations will be seen by DOT as an indication that Newington does not want a train station at this location.

4. Adopting the proposed TVDD regulations does not automatically re-zone the sixty acres in the Design District. The actual implementation of the regulations would only happen if, and when, the property owners wish to take advantage of them. Until then the current PD and Industrial zoning will remain in effect.

That is it for now, unless somebody would like to add something.

The motion was seconded by Commissioner Sobieski.

Chairman Aieta: Any discussion on the motion?

Commissioner Pane: I would ask, Mr. Chairman, if everybody likes this regulation that we still not vote on it yet, and give us a chance to go through the regulations and double check it. Seventy-two pages, and I doubt very much that everybody has gone through it thoroughly and I’m sure there are some things that we could go through and make it a little bit better and make sure that everybody understands it. That’s what I would ask so that we could, nobody here at the table can deny the fact that we are all for the transit and the train station, except this is a big regulation here and I still think that it is too difficult to get accomplished, and maybe there is some things that we could do to tweak this to make it even better and more realistic.
Commissioner Camillo: I also think that we should be looking at the center of town for development, there are seventy-five acres there. If we get a train station, we need people to go somewhere and we can’t just have bedrooms. The town can’t survive on bedrooms. You have medical, look at the towns around us, they have medical buildings all over the place. Industrial, manufacturing, we need that in Newington. For some reason, we are not drawing them in, we need Mr. Brecher to get out there and do a better job. So, if we vote on this, I’m for a train station, what are we going to do to get people to come to Newington? Not to sleep, to work and spend money.

Commissioner Braverman: I think the imperative is “the train station.” The scope of what you had to say is outside of the train station purview right now, but I think we need to be able to demonstrate right now that we need the train station and we need to move forward. Later on we can address the ancillary items that you mentioned which is fine, but we need to be able to put this into action tonight. That’s my opinion.

Chairman Aieta: Motion made and seconded, any more discussion on the motion? Seeing none, please call a roll call vote, the Chairman will vote last.

The vote was in favor of the motion, with six voting Yea, and one Nay (Pane)

Petition 18-19
Site Plan Modification at 80 Fenn Road
80 Fenn LLC, owner; Montana Nights, applicant; Merle McKenzie, 80 Fenn Road, Newington CT, contact.

Commissioner Woods moved to approve, with conditions, Petition 18-19 Site Plan Modification at 80 Fenn Road 80 Fenn LLC, owner; Montana Nights, applicant; Merle McKenzie, 80 Fenn Road, Newington CT, contact.

Conditions:
1. The plans shall be revised to address the Town Engineer’s comments dated July 23, 2019.

The motion was seconded by Commissioner Sobieski.

Chairman Aieta: Any comments or questions on the motion?

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

Petition 27-19
Biannual Review of Balf Quarry Operations and Site Plan Approval.
Tilcon Connecticut Inc., Owner/applicant
Christopher J. Costello 624 Black Rock Avenue, New Britain, CT contact.

Commissioner Woods moved to approve Petition 27-19 Bi-Annual review of Balf Quarry Operations and Site Plan Approval, Tilcon Connecticut Inc., Owner/applicant Christopher J. Costello 624 Black Rock Avenue, New Britain, CT contact.

Conditions:
None
The motion was seconded by Commissioner Fox.

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

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 28-19: Special Permit (Section 3.4.4: Home Professional Office at 944 Main Street, Jeffrey Hedberg Applicant, Jeffrey Hedberg and Jerilyn Nagel Owners, Attorney John Kelly, 56 Cedar Street Suit 209 Newington CT, Contact

Craig Minor: The first petition is for a home professional office at 944 Main Street. This is the house in the town center on the north side of Cedar Street, just past the multi-tenant commercial building, a historic house. It is currently three apartments. The individual that owns it does not live there now, but has plans to move into one of the apartments, use the downstairs apartment as his financial planning office and then rent the third unit to a tenant. He’s also going to be coming to you, just for full disclosure, he is also going to be come to you in a couple of months with a zone change for that property, but at the moment he’s asking for a home business special permit. I recommend that the hearing be scheduled for the next meeting.

Chairman Aieta: Any questions?

B. Petition 29-19: Special Permit (Section 6.13: Accessory Apartment at 102 Moreland Avenue, Victor Gonzales, 102 Ashland Avenue, Newington CT, Owner/Applicant/Contact

Craig Minor: We’ve had a bunch of these. These folks bought this house with an accessory apartment, but the previous owner never got a building permit from the building department and it was like some thirty years ago, so who knows how many owners ago, and this came to light when the current owner came in looking for some building permits to fix it up, and we found that it never got approved, so he is asking for approval for that. I recommend that that hearing be scheduled for the next meeting also.

Chairman Aieta: Okay, any questions?

XII. TOWN PLANNER REPORT

Craig Minor: I just wanted to bring the Commission up to date on the status of the library parking lot that has gotten a lot of attention lately. Actually, when the previous facilities director was let go, the communication, the day to day communication between the town and the library kind of disappeared because the previous facilities director was coordinating all of that so the Town Engineer has had meetings with the library board, they are back on track, I will be working with the library board to prepare an application to come before you to revise the landscaping plan that they want changes to. It might even come to you as soon as your next meeting later this month, that’s the staff’s hope that it will come to you in August, depending on how quickly a plan can be worked out with the library board, and then with the neighbors, because they are obviously, should have some say in this.

Chairman Aieta: Any questions? Anything else on your report?

Craig Minor: No, that’s all I have, thank you.
XIII. COMMUNICATIONS

Commissioner Sobieski: Any time I get something from CRCOG everybody gets it.

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

Chairman Aieta: Anyone from the public wishing to speak?

Dana, 113 Stoddard Avenue: Your position, right in there states why you shouldn’t have voted this through.

Chairman Aieta: What position are you talking about?

Dana: I’m sorry, for the TVDD. Under number three, and then it says, establish transit oriented sites at appropriate location when transit stations have been established. This train station isn’t established. It’s just a glimmer in the eye of the State. There is no funding for it, there is no site plan, so I think you are breaking your POCD or whatever that code is.

Commissioner Fox: Point of order. This was on the agenda Dana.

Dana: Oh, I thought you couldn’t speak to it before, but you could after.

Chairman Aieta: I’ll let her speak.

Dana: That’s all I have to say, you are breaking the POCD itself.

Craig Minor: The POCD doesn’t say to wait until or not do it until a transit station is established,......

Dana: It says when transit stations have been established.

Craig Minor: Right, but it doesn’t say, don’t do it until the station has been established. It’s neutral. It’s also the issue of a transit oriented site at an appropriate location. The POCD talks to the concept and then the Commission has now acted on it. You might say that they acted on it even quicker than the POCD anticipated, but it’s not in violation of the POCD.

Dana: Okay. I disagree.

Chairman Aieta: Anyone else from the public wishing to speak at this time?

Alex, Owner of Lata Motors: Lata Motors is directly across the street from the Balf/Tilcon plant and I just wanted to mention that we went to many meetings regarding the blasting and the dust from the quarry, and nothing changes and we are still dealing with the same amount of dust and blasting, so I just wanted to mention that. Looks like from what I heard, and I hear that at every meeting that Tilcon is spending the money to make things better, they are’t getting better, I’m trying to understand this. The Town is doing nothing to help us remedy this issue. I’m just trying to understand. The money has been spent? For what? Nothing changes. We get as much dust as we did three years ago, and the blasting is destroying our property, cracks in the walls of the building have been repaired multiple times. Just wanted to let you know. Thank you.

Chairman Aieta: Anyone want to comment on his remarks?
Commissioner Pane: It’s too bad that we didn’t hear that before we approved.

Alex: I didn’t understand, the public participation for the agenda, so……

Commissioner Pane: That wasn’t a public hearing, so your opportunity was at the beginning of the meeting, public participation, but I can understand why……

Alex: I didn’t understand how it was set up.

Commissioner Pane: Maybe the Planner can…..

Craig Minor: I’m sympathetic to the gentleman’s situation, this has been going on for decades. There is a Balf/Town committee and I did reach out to the staff person for that Committee which is Fire Marshal Schroeder and asked him if he had any comments or anything to contribute and he did not offer any comments on this application.

Commissioner Woods: Mr. Planner, can you speak to Mr. Costello. I believe there were two DEEP violations that were closed out, can you find out what those were and if in fact they were relative to this gentleman’s complaint, and bring them back up to Tilcon and let them know. I suppose the gentleman would have to file another complaint to DEEP if that was the case.

Craig Minor: It is DEEP who has jurisdiction here. I’ll do that.

Chairman Aieta: You can call the Planner tomorrow to see what he is doing.

Alex: There are two problems there, the blasting and the dust. We contacted DEEP and they are saying that everything seems to be in order. We also contacted the State Police Blasting Division, and they are saying that it is really up to the Town because the town permitted the blasting part. The dust part, I spoke with the Health Department at the last Balf Committee meeting and we agreed to have the dust tested to see what is in that dust because we are inhaling it every day, six days a week, and as far as I understood, as far as I was told the dust was already tested and I said, can you send us the test results, I received a letter from the town, I have it with me here, it has absolutely nothing to do with the testing of the dust. I don’t know why, but I did receive that. So there are two issues here, but you know, no body seems to be doing anything in regards to that. The DEEP says it’s okay, the Health Department says it’s not us, State Police says no, according to the statutes everything is in order, you have to talk to the Town, because the Town produced that, so that is basically it.

Andrew Brecher: Mr. Chairman, Andrew Brecher, Town of Newington, I would encourage Alex to contact the Town Manager’s Office to find out when the next meeting of the, there is an annual meeting of the Town/Balf committee. I believe it is coming up in October. It’s open to the public and if you ask I think you can find out when that meeting is and that would be the place……

Alex: Absolutely. I contact the Town Manager every time there is a blast that feels absolutely abnormal, where the whole building just shakes. I dial a number, I mean, you have to call somebody because it is abnormal, and I don’t always have the time to do that, to be honest with you. I do call the Town Manager, and the lady that picks up the phone, she takes the complaint and says somebody will get back to you, I don’t know, fifteen times I call, and nobody ever calls me. Just to see what is going on. I’m not saying they are going to call
me and fix the problem, but at least get back to me, and say, hey, what is the issue. Nobody ever calls me back, so I guess the result is the next meeting.

Commissioner Camillo: I’m about a mile and a half away from you and about three times a week I feel it too, it shakes our building too. There was something on Facebook this week about the same thing. It happens, maybe their charges should be a little less and more frequent.

Alex: I don’t know the details, but when I am changing oil, my oil is not draining, flowing down Hartford Avenue because there is a law that you guys don’t allow the oil to spill onto the road, and that is a by-product of the business that we do, so there are no complaints, we keep it organized. So, if their by-product, whatever they do, they crush the rock, they crush the stone, they blast, they can do what they want, as long as it is not creating issues to the properties in the area. I’m not saying that I want to close it down. They have to operate in the proper way and the Town needs to control that. That’s about it, thank you very much.

Chairman Aieta: You’re welcome. Anyone else from the public?

XV. REMARKS BY COMMISSIONERS

None

XVI. CLOSING REMARKS BY THE CHAIRMAN

None

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Fox,. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary