

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 14, 2022

Chairman Domenic Pane called the September 14, 2022 regular meeting of the Newington Plan and Zoning Commission to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Chairman Domenic Pane
Commissioner Bryan Haggerty
Commissioner Garret Havens
Commissioner David Lenares
Commissioner Jonathan Trister
Commissioner Stuart Droz-A

Commissioners Absent

Commissioner Anthony Claffey-excused
Commissioner Stephen Woods-excused
Commissioner Hyman Braverman-A
Commissioner Thomas Gill-A-excused

Staff Present

Erik Hinckley, Asst. Town Planner and ZEO

Commissioner Droz was seated for Commissioner Claffey

III. **APPROVAL OF AGENDA**

No Changes

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

None

V. **ZONING ENFORCEMENT OFFICER REPORT**

Chairman Pane: Everyone has the report from the Zoning Enforcement Officer, it looks like he has been busy. Are there any questions from the Commissioners?

RECEIVED FOR RECORD
NEWINGTON, CT
2022 SEP 19 AM 9:41
Domenic Pane
Town Clerk

Commissioner Haggarty: I have a question, the 260 Stamm Road, this was a gentleman that was operating an automobile sales and service without state and local approval.

Erik Hinckley: He has no auto related use permit for that site. This has been ongoing on this site since 1984. What he does now is he buys total vehicles, mostly Impreza and Prius, and what he does is he disassembles them, doesn't matter what year, and he puts all of the parts for one vehicle in a crate and they go to either Poland or the Ukraine, he ships them overseas. He doesn't have the auto related use permit and he has had some issues with the DMV in the past.

Commissioners Haggarty: Thank you.

Erik Hinckley: Along those lines today we removed seventeen vehicles from the site, and they are being stored at the highway garage. All the cars from the outside of the building are gone now, but the inside is completely stuffed with vehicles still as well that we could potentially take, but we kind of made a statement to start and we are holding to see if he wants to pay the towing and storage fees to recover the said vehicles. He also is storing vehicles on another property currently on Stamm Road that were sought after.

Chairman Pane: Any other questions from any of the other Commissioners? Is there anything you would like to add Erik?

Erik Hinckley: No, I think that is pretty much it, for some reason we had a lot of chicken and rooster complaints this month, they got them in the spring, grew up in the summer and found out that half of them are roosters, so, kind of busy, a lot of calls on different things.

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING

- A. Petition 35-22: Special Permit (Section 3.17.6) for recreational use (gym) in the industrial (I) Zone at 190 Fenn Road, Applicant: Topside Athletics LLC, Owner 190 Fenn Road LLC, Contact Kevin Witchey.

Chairman Pane: If you would like to come up to the microphone, state your name and tell us a little bit about what you plan on doing.

Kevin Witchey: We operated for the general public as well as personal training. Currently we are looking at relatively small classes that will provide a value, more coaching, more one on one training, also creating more comradery.

Chairman Pane: Would you just go over the hours of operation?

Kevin Witchey: Right now we are looking at Monday through Saturday, roughly 5:00 a.m. to 9:00 a.m. and then in the afternoon it will be roughly 4:30 or 5:00 to 7:00 p.m.

Chairman Pane: In the afternoon after it gets busy, you may add more time. There is nothing wrong with that. Do the Commissioners have any questions?

Erik Hinckley: From the staff report there is ample parking there for what he is talking about. It does meet the requirement. I think it is a good use in that area, and it's going to re-occupy that building.

Chairman Pane: I agree, I think it's a great use for the building.

Commissioner Haggarty: I have a question. Is there intention to eventually expand outside the building. I just thought there was a comment about instruction occurring outside.

Keven Witchey: No, we don't plan on doing any outdoor activity. We might have cool down, have members walk around the building, but we're not doing any instruction.

Erik Hinckley: We just put that comment in there so in the future he might create some space that is usable.

Chairman Pane: If there is nothing else, we will go to the public. Is there anybody on line wishing to speak in favor of this application? Is there anyone wishing to speak in opposition? Okay, thank you very much. I'll entertain making a motion to close Petition 35-22 and move it to Old Business for action tonight.

Commissioner Havens moved to close Petition 35-22, seconded by Commissioner Lenares and to move it to Old Business for action this evening. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Havens moved to accept the minutes of the August 10, 2022 regular meeting. The motion was seconded by Commissioner Droz. The vote was unanimously in favor of the motion, with six voting YEA.

IX. NEW BUSINESS

None

X. OLD BUSINESS

- A. Petition 35-22: Special Permit (Section 3.17.6) for recreational use (gym) in the industrial (I) Zone at 190 Fenn Road, Applicant: topside Athletics LLC, Owner 190 Fenn Road LLC, Contact Kevin Witchey.

Commissioner Havens moved Petition 35-22 Special Permit (Section 3.17.6) for recreational use (gym) in the Industrial (I) zone at 190 Fenn Road. Applicant Topside Athletics LLC., Owner, 190 Fenn Road LLC, Contact Kevin Witchey.

CONDITIONS:

1. If any instruction is to occur outside, parking aisles and portion of the building immediately adjacent to the main entrance shall remain free of obstructions at all times.
2. This approval shall not be valid until the Certificate of Action has been filed in the land records.

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

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 36-22: Special Permit (Section 3.17.6) for recreational use (Training Institute and Gym) in the Industrial (I) Zone at 385 Stamm Road, Applicant: Pro Performance Network, Owner: RPG Stamm LLC. Contact Kevin Rival.

Chairman Pane: We have only one petition right now, we may have another one, this is for a gym down on Stamm Road:

Erik Hinckley: There is one for a home occupation, a photo studio on Atwood Street that came in after the agenda was published but it will make the next meeting.

XII. TOWN PLANNER REPORT

Erik Hinckley: I left on the table, we have some things that we have discussed in the past few meetings over the last few months, we have revised some regulations about RV parking and I left a draft there for you to look at and review, and we also added a section about the temporary events that we had discussed about tent sales, fireworks sales and things like that. This is language that we could, if you guys are okay with it, amenable to it, we can schedule it for a text amendment. If you want to review them and have some additional comments, that's fine, we can discuss some of those this evening.

The one that is in blue, that's the one that is about the RV's and then the one with the red, that is for temporary events, and that is all, an entirely new section.

Mike and I had talked about the temporary events at one of the prior meetings, so that is why the draft language potentially and then the stuff for the RV's, if you even think you want to tweak it, or not.

Chairman Pane: So why don't we go through this, starting at 3.23.4, Temporary events. Approval for a temporary event or use may be obtained in accordance with the standards below:

- A. Temporary event which can be conducted on a subject property in a manner in which is in keeping with the general use and scale of the property and surrounding neighborhood including, but not limited to, temporary retail sales, promotional or community events and fund raisers which meet the following criteria may be approved by the ZEO following the issuance of a zoning permit.
 - 1. The portion of the property to be occupied by event does not exceed fifty percent of the parcel area or parking spaces.
 - 2. For public events which involve the sale of alcohol the principal use of the property is not a restaurant, bar or similar establishment.
 - 3. Such event or use does not expand any non-conformity that may exist on the property.
 - 4. The operation of the event will not impede on sight, vehicle or pedestrian traffic.
 - 5. Any on-site entertainment does not include amplified sound
 - 6. Following any necessary reviews by the Fire, Police and Building Departments any comments or concerns presented have been satisfactorily addressed by the applicant.
 - 7. For any event in which the size, scale or operation may exceed the intent or criteria above, the ZEO may refer such application to the Commission for review.

- B. A major temporary event may be allowed following the issuance of a special permit by the Town Planning and Zoning Commission. Such activity shall include, but not limited to, any temporary event or use which:
 - 1. Does not meeting the criteria of Section 3.23.4 A
 - 2. Involves the sale of alcohol to the public
 - 3. Is to be conducted within an area of more than one acre.
 - 4. Is planned to host more attendees then would reasonably be accommodated beyond parking facility.

- C. Any approval granted by the ZEO, Town Planer, Town Plan and Zoning Commission shall require the property owner's acknowledgement that such approval is temporary in nature and therefore willfully terminated following the cessation of such event or use.

Chairman Pane: I'll open it up for questions, or comments on what is being proposed. I think it serves the purpose where not all of the small temporary things coming in where we have to review.....

Erik Hinckley: Right, again if someone wants a spot sale for a weekend or the fireworks sale, those are the big ones, PC Richards does some big sales, Bob's does some once in a while, at least we will have some criteria to work with, like this is fine, I can sign off on it as the Zoning Permit, we will put an end date on it, and we move forward. The bigger event, fund raisers, that might be selling alcohol or stuff like that or we think are going to be pretty big, then you will at least have a review, and if you are comfortable then you can move forward.

Chairman Pane: Any questions from the Commissioners, what do you think?

Commissioner Lenares: I think it's great, it twofold, it obviously alleviates them to having them come in front of us. When these tent sales come in, like the fireworks, they have worked with you before they get here and you give us this thing all mapped out, just to sign off on, just as a formality, so it avoids us from having to go through it. Obviously you have to do it, we appreciate it, but it also puts some structure for them down on paper for them to abide by, I think it's great, on both sides.

Erik Hinckley: And the other thing is, if they come in after, short dated or something, that would avoid the advertisement requirements that we have for the special permit, so this way there is a little more latitude, as long as they meet these requirements I can issue the zoning permit and....

Commissioner Lenares: And obviously you drafted all of this?

Erik Hinckley: Mike and I, Mike did most of the work. It may need to be tweaked in a year, we'll find out. The last couple of years there have been the fireworks, and I think I had one tent sale because I think PC Richards came in, you gave them a special permit for three or four years, for their annual tent sale. Mike, do you have any input on the tent sale one?

Mike D'Amato: I didn't have anything else.....other than.....

Erik Hinckley: The only thing we had a question on was the size, if you have more than one acre, and I told them....

Mike D'Amato: What I drafted was a couple of things like if you have events that go on for several hours during the day, a car show say every Saturday for four months....so we are trying to create something with a duration that wouldn't overly restrict something that was occurring with a stop and start time, and then obviously there have been certain operations on the Berlin Turnpike for example that created a large demand on town services, I sort of drafted that sort of regulation.

Chairman Pane: Yes, basically it is to be conducted within an area of more than one acre, so anything that is really big is going to be coming back to the Planning and Zoning Commission for review. But, number four kind of covers that too, is planned to host more attendees than

would be reasonably accommodated by the on premises parking facility, that means that the whole thing is too big. That is another reason why it is coming back to us. So, I have no problem with this, the way that it is written. Any other Commissioners have any further questions?

Commissioner Havens; I agree with the previous comments, I think this is a great idea. It streamlines, like Erik was saying, some people may miss the cut-off date for a temporary permit and with it down in writing there is continuity as Mike was saying, it is easier to people to stick to the rules and make sure the cross the t's and dot the l's. Does this have to go to CRCOG?

Erik Hinckley: A text amendment, yes it will have to go to CRCOG.

Chairman Pane: I think it looks fine, I have no problem with it. The next thing was the re-writing of the boat, which I think starts at D. I asked them to look at this to try to make it a little easier. Starting at D, it says, no boat, trailer, camper, recreational vehicle may be parked in any side yard without providing a six foot fence or plantings installed between any permitted vehicle and the adjoining property. So, they are adding fencing to that. And then, E, it says, no boat, trailer, camper, or recreational vehicle which is more than 25 feet in overall length, or eight feet in height may be parked or stored in the rear yard without the issuance of a zoning permit demonstrating compliance with the following criteria:

1. A plot plan indicating location of the vehicle that is to be stored, including information relating to property lines, easements, well or septic has been provided.
2. Continuing screening of not less than eight feet in height shall be provided
3. The subject vehicle shall not be parked or stored within fifteen feet of the dwelling, or within ten feet of the property line.

F. No boat, trailer, camper, recreation vehicles shall exceed an overall length of 45 feet.

Chairman Pane: So the only question I have is, if you store a camper or a boat on your side yard, and you have a fence, that is six inches or a foot off your property line, you can park your boat or your camper with no requirements on how close it is to the property line.

Erik Hinckley: Well, there is a five foot rule for parking a vehicle.

Chairman Pane: Okay, so there is an inherent.....

Erik Hinckley: There is a five foot rule, is it strictly enforced, honestly no, because in some of these R-12 places to back in a 35 foot one on the side, it's not happening. They aren't going to get it.

Chairman Pane: So I'm wondering if whether or not, why we came up with a ten foot property line when it goes into the rear yard? Why we are proposing that? I'm wondering if it is going to be difficult for people to comply with.

Mike D'Amato: There is no rationale behind it other than, if you want to park a 35 foot motor home in your yard you want to stay away from your neighbor. We went through by class code to give us an idea. Probably, there is a significant amount of long large, you aren't talking hundreds, there are probably fifty that are, so if you are living in a densely area populated of town, and if you have a 35 foot motor home and are parking it right on the property line, and you are going to be looking at it 24/7, so there is no other rational behind that other than trying to avoid conflict. The other thing that I mentioned here, the reason for a plot plan, they need to understand those things.

Erik Hinckley: They don't want to park that on their own septic field or tank and not realize it.

Mike D'Amato: The 45 foot length actually ties to your residential certification of driving the RV, so you are not going to have someone trying to park a 53 foot trailer or a semi truck or something.

Erik Hinckley: So the other thing that Mike was speaking about, not that it has any bearing, but is actually a note, you probably are aware that we had that big fire on Audubon a couple weeks ago, there was an RV there, parked on the property line that caught fire as well, and it got so hot it melted the siding on the adjoining house, not that that is always going to happen, but you know, these are inherent, they have fuel in them, they have propane, so if it goes up, it's going to go.

The other thing is, currently we are capping it at 35 feet, so we don't know how many of these that are over 35 feet currently may be stored out of town, so if we change this to 45 feet, we may get an influx, like, oh, I can bring this back to town, and we may get a few more vehicles or trailers and as Mike says, a lot of these large trailers are actually owned by landscape type guys, which is fine, it is what it is, part of their business, some of them have them at the homes already probably, others just store them elsewhere. So we don't know if it would create an influx and some neighborhood angina if somebody sees three or four just pop down the road, we don't know.

Chairman Pane: Okay, Commissioners, questions?

Commissioner Droz: I would have two quick observations. One is, you are saying that the campers wouldn't be able to be more than eight feet in height, is that the way I'm reading this?

Chairman Pane: No, if they are over eight feet in height they can be parked in the rear?

Commissioner Droz: Overall length or eight, the ten is crossed out, eight feet in length or height may be parked or, so are you reducing it from ten to eight or are you increasing from eight to ten?

Chairman Pane: Even ten is kind of short because the legal limit, isn't it like 13.2 or something?

Commissioner Droz: Thirteen the fifth wheel changes the tow behind, so thirteen with an air conditioner, question mark?

Erik Hinckley: the other thing, the screening in the back yard, we're requesting eight feet and let's think about how long is it going to take to get to eight feet if they plan arborvitae because you can't put an eight feet fence up in a residential property.

Commissioner Havens: Can you do that with a special permit?

Erik Hinckley: It would have to be a variance.

Chairman Pane: Having a six foot fence or six foot trees so actually the trees are going to grow so if there is a thirteen foot camper there, you are not going to see it after I would think.

Erik Hinckley: Just to play devil's advocate here, somebody brings one of these in and the neighbor is really bad and they are going to look and say, well this is supposed to be eight feet high. We're not going to get there, so that's.....

Commissioner Droz: No, I was referring that it shows the height of the camper being eight foot as a max.

Chairman Pane: You can see that as a problem because a lot of stuff is up to thirteen feet.

Commissioner Droz: They aren't going to be less than eight feet.

Erik Hinckley: You know, there are streets that you can drive down in town now, or I got a call for a particular street, it's only a question, I drove down there and counted eight RV's in side yards, none of them had screening, so.....

Commissioner Droz: My only other question would then be involving width of side yards. It is written, and I think I am reading this correctly, fifteen feet away from the dwelling plus the width of the camper, which is eightish, plus another ten feet off the property line, are we going to have properties with thirty-five feet between the house and the property line in Newington, that many?

Erik Hinckley: You may, in the rear yard, but I understand what you are saying, yeah, then they are going to be trashing their own yards.

Chairman Pane: They aren't going to be able to comply and most people have these within a few feet of their garages. It is what it is, but they are storing them on the side of their house or they are parking in the back. I wanted to make this a little bit easier so that zoning enforcement isn't going out and measuring. It's either in the side yard, and it's screened, or it's in the rear yard and screened. Then, this is the maximum length, trying to keep it as simple as possible. Any other questions?

Commissioner Havens: Just to play devil's advocate, what if you had a twenty-three foot Minnie-Winnie type? All bets are off, you can park it wherever you want?

Erik Hinckley: Well, I think the intention is to still not.....

Chairman Pane: To park it in the side yard.

Erik Hinckley: You still can't park it in the front yard, it's not supposed to be in the driveway. Now, a couple of calls that I do get in the spring, I get people saying, oh, they have it parked in the driveway. Yes, they are taking it out, they are getting it ready for the summer season, and there are people that during the summer season, yeah, they go on their trip, they come back and they will leave it in the front yard for a week until they take off on another trip. They are not always going to put it into the side yard or the back yards, and I do get a little beat up on occasion on that because they are reading it to the letter of the law, a lot of people are angry about it and I try to work with people as much as I can during the season, but there are still people who will go out in the fall and the winter as well.

Commissioner Havens: Can you put something like that in there that, you know, like two days or, but then you are going to be running around.....

Erik Hinckley: I think the more you put in there, well he's had it out there for three days, I can't get out there to look at it, for another two, and then it is gone, it's like when people park on the grass in front of their house. They do it all the time and then.....

Mike D'Amato: A lot of folks, whether the vehicle is on site or off site, when they are going on a trip, they need to have it in their driveway for a couple of days to pack it up, load it up, and at the end, they would clean it, so even if they are storing it in the proper locations, but if you have a forty foot house on wheels, you have to pack it all up, it takes time.

Chairman Pane: I don't know if we have really had a problem with that, too much, maybe an occasional call.

Erik Hinckley: Usually they come in the spring when they first pop up, or maybe somebody just bought one and they bring it home in the spring, and then the neighbors.....

Commissioner Haggerty: I have a question, is it true that there are no height or length requirements when parking in the side yard? Is that true? If that is true, why would you park your vehicle in the back yard where you would need eight feet of screening versus six feet of screening in the side yard.

Erik Hinckley: Because depending, if you can squeeze it in the side yard most people are going to choose to do it in the side yard I would think. Again, I think we are trying to protect the neighbors, they have to look at it in the backyard.

Chairman Pane: I think, whether it is in the side yard or the rear yard we still have to protect the residents, whether, either way so I think we should have a uniform, make the screening the same, whether it is the side yard or the rear yard.

Erik Hinckley: The catch all here is not requiring a zoning permit in the rear yard.

Commissioner Droz: As long as you are under twenty-five feet and eight feet in height you do not need a permit, correct?

Erik Hinckley: Yes, as far as storing it in the side yard, you don't need one.

Chairman Pane: So if it is over 25 feet and it is in the side yard, it can't be, you need a permit?

Erik Hinckley: No, only in the rear yard.

Chairman Pane: So only in the rear yard you will need a permit.

Mike D'Amato: In excess of twenty-five feet, just to clarify.

Erik Hinckley: So if you just park your tow behind back there, your pop-up, it's fine.

Chairman Pane: I think we need to re-look at the height thing, because a lot of these campers, especially the ones that are drivable are thirteen feet, so why don't we, if you would just review that one more time and then we will bring it up at the next meeting to review it. Anybody else have any suggestions? Keep in mind, try to keep it as simple as possible for enforcement.

Erik Hinckley: Honestly, if someone goes to store it in their back yard, they are just going to put it in their backyard. They are not going to call me and say, hey do I need a permit to do this? No one is going to do that. But their neighbor who gets upset will call and say, hey they didn't get a permit, and then we start the process. That is how it is going to go I would think.

Chairman Pane: Do you have anything else under Town Planner report?

Erik Hinckley: There will be a couple of applications, we received one, it's not a public hearing but a site plan modification at 705 North Mountain, the Loctite building. They are going to be converting to self storage, and then the empty lot across the street they are going to be building a new building there. Those will be on the next agenda.

XIII. COMMUNUICATIONS

CRCOG Letters

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

None

XIV. REMARKS BY COMMISSIONERS

None

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: These short meetings are nice, I'm sure we will get some long ones eventually so don't worry, we will get long ones.

XVI. ADJOURN

Commissioner Havens moved to adjourn the meeting which was adjourned at 7:40 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary