

NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 11, 2023

Regular Meeting

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

I. **PLEDGE OF ALLEGIANCE**

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

Commissioners Present

Chairman Domenic Pane  
Commissioner Bryan Haggerty  
Commissioner Garret Havens  
Commissioner David Lenares  
Commissioner Jonathon Trister  
Commissioner Stewart Drozd-A  
Commissioner Thomas Gill-A  
Commissioner Gia Pascarelli-A

Commissioners Absent

Commissioner Anthony Claffey-excused  
Commissioner Stephen Woods-excused

Staff Present

Erik Hinckley, Acting Town Planner/ZEO  
Michael D'Amato, Planning Consultant

Commissioner Droz and Commissioner Pascarelli were seated for Commissioners Claffey and Woods.

III. **APPROVAL OF AGENDA**

No Changes

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

None

RECEIVED FOR RECORDS  
NEWINGTON CT  
2023 JAN 17 AM 9:37  
Domenic Pane  
Town Clerk

**V. ZONING ENFORCEMENT OFFICER REPORT**

Chairman Pane: You have all received the zoning enforcement report. Does anyone have any questions? I know the wind wavers get to be a problem and keep continuing to be a problem. Do you think that if we, as a Commission talk about it and whether or not maybe instead of having them in the right of way or having people putting them in the right of way maybe if we allowed them next to a building, one, or something would that that relieve the problem possibly?

Erik Hinckley: Possibly, but some of the offenders that we are talking about usually have four or five out, so I don't know if one would satisfy but it might be something that you might want to consider.

Chairman Pane: I think we need to do something because it is a continuing thing, I mean it doesn't go away.

Erik Hinckley: No, it doesn't appear to.

Chairman Pane: Think about it, and if you have any ideas on how we should handle that, we can talk about it at the next meeting. Are there any questions, does anyone have anything on the zoning enforcement?

**VI. REMARKS BY COMMISSIONERS**

None

**VII. PUBLIC HEARING**

None

**VIII. APPROVAL OF MINUTES**

- A. Minutes of November 9, 2022
- B. Minutes of December 14, 2022 Special Meeting
- C. Minutes of December 14, 2022 Regular Meeting

Commissioner Havens moved to approve the minutes of the November 9, 2022, December 14 2022 Special Meeting and the December 14, 2022 Regular Meeting. The motion was seconded by Commissioner Droz. The vote was unanimously in favor of the motion, with seven voting YEA.

**IX. NEW BUSINESS**

- A. Petition 48-22: Site Plan Modification for a parking lot expansion at 60 Prospect Street, Applicant: Parotta Management Co., LLC, Owner: Prospect Street Tennis Center, LLC, Contract: Peter Parrotta

Chairman Pane: Do you want to explain a little about what you want to do.

Peter Parrotta: We have had this property for many years and we just realized over the last couple of years that we need additional parking for our customers and future customers and we had the space and we thought we would apply. I've seen the modifications, I've seen your comments, all of them are acceptable, I don't think we have had any problem with them. Brian is here from Bongiovanni and he can kind of go over any of the technical details for you if you wish, but from my perspective, it's something that we need to do and we have the land to do it.

Chairman Pane: Thank you. We'll go to a staff report.

Erik Hinckley: It's a pretty straight forward as a parking lot expansion. There are a couple of minor outstanding engineering comments have to do with lighting details that need to be included in the final plan and I believe there is one question on the drainage that the engineering department is waiting for. I don't see any problem with approving this if you choose to do this.

Chairman Pane: Can we, do we have exactly what the issues are from the Town Engineer so that we can just specify them?

Erik Hinckley: We can refer to the letter dated January 5, 2023 with the comments from the Town Engineer as of that date.

Chairman Pane: Would you like to read that into the minutes?

Erik Hinckley: If you think it is necessary, I can.

Chairman Pane: I'd appreciate it.

Erik Hinckley: The outstanding comments that I am aware of are to provide a photometric plan indicating light spillage onto the abutting properties, provide a scale grading plan showing the pipe network, create a pre and post development flow table to show zero increase runoff for all storms, use WQV and WQF equations and calculations and compare the WQV and the WQF provided for storm water management.

Chairman Pane; Thank you. Do the Commissioners have any questions? You are comfortable taking care of the engineering comments?

Peter Parrotta: Yes, the Hesketh Company is the engineer and he is addressing those comments.

Erik Hinckley: You will not get the mylars until all of those comments have been addressed for you to sign off on.

Chairman Pane: We will move that over to Old Business for further action. That is on our agenda for Old Business.

- B. Petition 52-22: Site Plan Modification. Proposed Building Addition at 46/48 Commerce Court. Applicant ADM Properties, LLC, Contact: Bruno Zavarella, Owner: ADM Properties, LLC.

Chairman Pane: Is the applicant here? Could you come forward and explain a little bit about the project?

Bruno Zavarella: You have the plans I believe. Zavarella occupies what I would call the west part of that shaded area since '99, and there have been a couple of expansions done, and we basically expanded as far as we could and now we need more space so we acquired the property behind us, which is 46 Commerce and now plan to build an addition between the two to give us an extra 7,000 square feet. We've added parking on the north side and an area for a 30 yard dumpster pad and then we will fence in the area where the 30 yard dumpster is so that whole area is like a whole fenced area on the north and east side. That's it, that allows us to stay in Newington.

Chairman Pane: There is a grade between the existing building and the building in the rear. I notice that you have different grades.

Bruno Zavarella: Right now, the addition will be at the grade of the current west side building, and that will build to the building on the other side. The other building is being occupied currently by Standard Doors, and they will remain there.

Chairman Pane: So where the dumpster is being proposed, there were cars parked on that side, so now they are going to be in the parking spaces over, the new parking spaces?

Bruno Zavarella: Well, where the dumpster is being proposed, there was never parking there. Right now it's grass.

Chairman Pane: No, but across from the dumpster.

Bruno Zavarella: That parking was always there.

Chairman Pane: And that is staying there, right?

Bruno Zavarella: Yes. The new parking is west of the dumpster, if you see the spaces there.

Chairman Pane: Any questions from the Commissioners? Staff?

Erik Hinckley: The original plans are displayed with the lot merger as well, and you, that really is not your purview. They are going to file a lot map to merge the two parcels, and that is one of our conditions. Again, they seem to meet all of the requirements to help stay in business, but you know, the addition is basically just connecting the buildings, it's going to be one parcel now,

they are adding additional parking to meet the parking requirement and the landscaping requirement will also be met. There are a few outstanding minor engineering comments again.

Chairman Pane: Okay, do we have a letter referencing that?

Erik Hinckley: Yes, January 5, 2023 as well.

Chairman Pane: I see we have two different outstanding comments from the Town Engineer, but then at item 9, any modifications from the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer. What is the difference between the two sections there? Or does the letter clear it up?

Erik Hinckley: No because actually there are no drainage comments on the letter. So I think in the future, if you want to strike that, we can certainly, I mean, it has been reviewed for drainage. He did provide a grading and drainage plan, they are actually adding a small basin and the grading to it, so if you are comfortable we can certainly strike that.

Chairman Pane: And then reference the January 5<sup>th</sup> letter from the Town Engineer with the outstanding comments.

Erik Hinckley: Which are provide a (inaudible) table, continuous bituminous curb along the perimeter of the parking lot per zoning regulation, provide details for proposed lighting, and provide the curb detail. Those are all pretty minor, we just haven't seen the detail yet, that's all. We know there is a wall type there, we just need the details so there is no bleed off on the other side.

Chairman Pane: Very good, any questions from the Commissioners?

Erik Hinckley: Strike that condition, or you will talk about it when.....

Chairman Pane: Yes, we'll talk about it, and if it's not needed, then we will strike it and then use the reference to the January 5, 2023 letter for 1B. Thank you very much. This is also on Old Business and we will address it then.

C. Petition 53-22: Site Plan Modification at 203 Costello Road. Applicant: Norman Nadeau, Contact Norman Nadeau, Owner: 203 Costello Road, LLC.

Chairman Pane: Is the applicant here, or on line?

Erik Hinckley: They don't appear to be. We did speak to them earlier, they said someone would be here.

Chairman Pane: Do you want to fill everyone in on that?

Erik Hinckley: Basically what they are applying for, we approved this, I think last year. The building was built, I went out on an inspection and they have chosen to do some modification to the fence. As originally approved it was around the detention pond in front. They chose not to

do that and so I said, this is what is on the approved plan, so I have to bond you for those items, and it's quite a bit of linear footage, I think like a \$14,000 bond.

Chairman Pane: Right, they had a gate, and then it went up the other side, and they decided not to put all of it in.

Erik Hinckley: Then the other thing is like the other recently developed property there, we approved concrete curb, but they put in bituminous like the other ones did. So I just want you to be aware of that and look at that. The Town Engineer in the past gave the other two properties a pass on the concrete curb so.....

Chairman Pane: Okay, so any Commissioners have any questions. Very simple. I went up there, it does look very nice, the property looks very good. They have landscaped it, and I think it is a real asset to the Town. We can talk about it more during Old Business unless anybody has any questions.

Commissioner Pascarelli: Did anyone ask the owner why they made those changes?

Chairman Pane: I think the curb, it is a little easier to put in bituminous curbing in instead of concrete, and then the fencing, I think they just decided not to have so much. They had the whole property fenced in and they just made the modification.

Erik Hinckley: Right, so if you look up on the screen, what they originally, what you originally approved, here is the fence around that pond and then there was a gate here and then it went all the way back here and then back up to the corner of the building. What they actually fenced was from the building, to put the gate here, and then they just kind of boxed it around this way, so they did not do it here, around the pond. That was, they said we didn't have to provide you that, and I said, understood, but you showed it on the plan and it was approved that way, so going forward, that is what we have to do.

Chairman Pane: So a lot of times they come in and they want to modify something that was proposed, and that is basically what this is.

Erik Hinckley: They are doing it after the fact, they didn't realize they were going to have to get into having to post a bond and everything.

Chairman Pane: Okay, any questions? Thank you Erik.

**X. OLD BUSINESS**

- A. Petition 48-22: Site Plan Modification for a parking lot expansion at 60 Prospect Street, Applicant: Parotta Management Co., LLC, Owner: Prospect Street Tennis Center, LLC, Contract: Peter Parrotta

Commissioner Drozd moved to approve Petition 48-22 Site Plan Modification, Section 5.3.9 Prospect Street Tennis Center applicant, Zone B-BT.

Reference Plans, Site plan prepared for Prospect Street Tennis Center, LLC, Bongiovanni Group Inc., Sheets one through four inclusive

Modifications and Conditions: The plans shall be revised as follows:

- A. To address any outstanding comments by the Town Engineer.
- B. To modify the location of a pole mounted lighting fixtures to a distance of at least three feet from the edge of the parking lot to accommodate for vehicle overhang.
- C. To include an updated detail of the proposed lighting, including the maximum density
- D. An updated photometric plan shall be provided under revisions required under Number one, three. A paper and a digital PDF copy with all of the necessary revisions shall be provided to the Town Planner's office for review.

The motion was seconded by Commissioner Havens

Chairman Pane: We discussed a few minutes ago about condition 1A to reference the letter dated January 5, 2023. Is that agreeable to the motioner and the seconder?

Commissioners Drozd and Havens: Yes.

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

- B. Petition 52-22: Site Plan Modification. Proposed Building Addition at 46/48 Commerce Court. Applicant ADM Properties, LLC, Contact: Bruno Zavarella, Owner: ADM Properties, LLC.

Commissioner Lenares moved to approve Petition 52-22 site plan modification for a building addition at 46-48 Commerce Court, Owner and Applicant ADM Properties LLC, referenced plans proposed addition and lot merger at 46-48 Commerce Court, property owned by ADM Properties, prepared by the Bongiovanni Group, sheets one-eleven inclusive, prepared 12/5/22 and revised 12/19/22.

Conditions:

- 1. The plans shall be revised as follows:
  - A. To include details investigations of all proposed exterior lighting to demonstrate compliance with Section 7.4.14 B.
  - B. To satisfy any outstanding comments from the Town Engineer in referencing the letter January 5, 2023.
- 2. Prior to the permit of construction or the issuance of a zoning permit a separate lot merger shall be filed with the office of the Town Clerk.
- 3. A single PDF copy of the final plans with all necessary revisions shall be provided to the Planning Department.
- 4. A zoning permit shall be obtained prior to the commencement of work

5. One electronic and paper PDF copy of the final as built survey showing structures, pins, driveways, final elevations and spot (inaudible) shall be submitted prior to the issuance of a certificate of zoning compliance.
6. Additional erosion and site and sedimentation controls may be required by Town Staff if field conditions necessitate.
7. An erosion control and sedimentation control bond shall be posted with the Town before the commencement of site work.
8. This project shall be constructed in accordance with the final plans, minor modifications to the plans that result in lesser impacts may be allowed subject to staff review and approval.

Now, should I include number nine as the, striking nine?

Chairman Pane: You don't think we need nine?

Erik Hinckley: It's basically, the drainage has been reviewed by Engineering and it's kind of known if they change anything else going forward, it just means if they are doing any kind of major changes out there, we are going to have to see it. I don't really foresee that.

Commissioner Lenares:

9. By acceptance of this approval of the conditions the applicant/owner or their successors acknowledge the right of the town staff to periodically enter upon the subject properties for the purpose of determining compliance with the terms of this approval.

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

C. Petition 53-22: Site Plan Modification at 203 Costello Road. Applicant: Norman Nadeau, Contact Norman Nadeau, Owner: 203 Costello Road, LLC.

Commissioner Pascarelli moved to approve site plan modification for 203 Costello Road, prepared for 203 Costello Road, LLC. Revised 8/24/22

Conditions:

1. Any modifications beyond those described by this application shall be reviewed by the Town Staff.

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

## **XI. PETITIONS FOR PUBLIC HEARING SCHEDULING**

Erik Hinckley: There are none, I have talked to two applicants that are expecting to file special permits some time in the future, but as of now, nothing.



## **XII. TOWN PLANNER REPORT**

Erik Hinckley: What I would like to discuss, I had a request from a property owner who owns, as you can see, the parcels in yellow are the commercial district, these are on Willard Avenue, these are the commercial condos just north of Alumni Road, and this is where Hartford Hospital has their eye surgery center. The question has come up, the applicant has had a couple of different personal service types of businesses that want to go in here, such as hair salons, tattoo studios, stuff like that. By our regulations, we allow professional services in the commercial district zone. Personal services are not currently allowed, so he is requesting that we think about, can he come forward with a text amendment, and what you are going to see here, there is like five parcels here that are the commercial district. In town, on Willard Avenue, you have all of these up by the mall, Southeast Road, which has retail in it, which is technically not allowed in commercial district, so and then the other parcel is Emanuel Church on New Britain Avenue, another commercial district.

Chairman Pane: Which isn't going to change.

Erik Hinckley: Which isn't going to change, correct. So, they are offering to come forth with a text amendment asking if personal services can be included within the commercial zone.

Chairman Pane: Should we just do the text amendment, and correct the retail thing and add the other things, instead of having them come in?

Erik Hinckley: That is one option.

Chairman Pane: Since the retail has to be corrected too, to make everything comply, right?

Erik Hinckley: Make it comply if you added it in. Or the other option potentially may be to rezone it, rezone the parcels to something that is conducive to that as well, maybe just to a business zone or something like that. Either way, if we do a re-zone, we are going to have to do about a dozen parcels in town.

I think the impetus for this at one time, because at one time if you read the regs they are talking about a lot of research centers and stuff like that, so I think they were hoping, in the early 2000's to have a place, like a Farmington area where is someone wants to put in a research development kind of thing we would have a place where they could go, and obviously that didn't materialize to date, not that it wouldn't ever, but, if you just add personal services in and leave professional services in there as well, you will get a mix. I think particularly in this area where it is going to be utilized on Willard Avenue, you have a lot of residential around there, and I think it would go hand and hand, honestly.

Chairman Pane: Why don't we have them come in and present that and then we can always fix the retail at a later date.

Erik Hinckley: Do you want to have a discussion with them, and then possibly proceed with a text amendment.

Chairman Pane: You could have them just bring in the text amendment, if there is no objection.

Erik Hinckley: Also, in our regs we don't define professional services versus personal services so that is probably something that we should.

Mike D'Amato: We could probably go back later and re-classify that area like a business zone as opposed to professional/personal. These are changes that would allow the property owners to rent their spaces easily to more people and that is beneficial.

Erik Hinckley: Then the only other thing that you as a Commission would be somewhat concerned with is if we get into professional services and personal services, you know, this is a commercial condo, how is the parking going to work? You are going to, obviously they have parking there, is it going to be enough to handle all of these businesses, and we may not know until it is full.

Mike D'Amato: A lawyers office and a hair salon isn't going to create too much additional parking.

Chairman Pane: Right, we aren't talking food operations, it's only for personal services, a hair salon, a tattoo parlor.....

Erik Hinckley: I can let them know that you are amenable to it.

Chairman Pane: Would you feel more comfortable if we put the text amendment in ourselves, and correct the whole thing and get a definition at the same time.

Erik Hinckley: They probably want it sooner than later, it might just be easier to correct the personal services right now and then we can.....We'll have in our regs and we can address it as we hit it. Commercial section is still on our listening section as well.

Chairman Pane: I don't want to hold them up, I think it's important for the property owners to get their buildings rented, and I personally don't see any problems with either of those types of businesses going in there on Willard Avenue with a mix of professional services.

Commissioner Haggarty: Why not just change the zone to Business zone? Why modify the regs, not that they can't be modified but why not just change the zone to a Business zone?

Chairman Pane: Can you repeat that?

Commissioner Haggarty: Why not just change the zone to a Business Zone?. It seems to be more appropriate anyway.

Chairman Pane: It wouldn't be only that, you would be changing all of the CD Zones.

Erik Hinckley: You would have to look at them all. You would have to look at them and make a consideration.

Chairman Pane: What else does the business zone allow?

Commissioner Haggarty: There is a business zone located north of this property which I believe is the 7-11.

Chairman Pane: Yes it is. That would allow food and all that.

Erik Hinckley: So as of right in the Business Zone, retail, trade, banks, personal shops and stores, business or professional offices, clubs, fraternal organizations. Those are all as of right.

Chairman Pane: Whatever the Commission feels is best is fine with me. If you think changing it to a business zone, how many other places in town do we have? Have you done any research to see all of the Commercial Zones.

Erik Hinckley: Again, up by the mall, where there is currently a Dick's, we have a hotel, I think Barnes and Noble is up in that area, and then you also have a Sleep Number bed, so they are all in that little pocket. A lot of the property in the rear is wetlands and a drop off. The Church, Emanuel Christen and then the only other pieces that are zoned are on East Cedar Street that the town acquired a couple of year ago, the Market pieces. Those are all the commercial district, so they are under our control now.

Chairman Pane: And Emanuel Christen, is that on Maple Hill Avenue or New Britain Avenue?

Erik Hinckley: New Britain Avenue, right across from Fleetwood, up on the hill.

Chairman Pane: So maybe we should take the easiest route first and let them come in with a text so that they can get their tenants in, and then we will put that on our list of things that we need to correct.

Erik Hinckley: For the future, and you could look at tweaking all of the regs. If you change this to a business zone, we can massage it to work this stuff in.

Chairman Pane: Okay, sounds good. Anything else Erik?

Erik Hinckley: I sent an e-mail out for the Connecticut Bar Association annual land use seminar, if you are interested, just e-mail me and let me know so I can get everyone registered. This is an all day thing on a Saturday, virtual, it's the one that used to be held at Wesleyan. It's usually a very good , it's usually a very good, I saw all of the topics and there are some very good, like forty minute sessions and they are all done by attorneys so they are very knowledgeable and they can usually cite recent cases that have been heard, so we have an idea of what stuff is going on. If you could let me know in the next couple of weeks so I can get that done if anyone is interested.

**XIII. COMMUNICATIONS**

CRCOG Letters

Erik Hinckley: Most of the letters dealt with cannabis stuff and ADA.

Chairman Pane: And you didn't receive any calls on the opening on Tuesday?

Erik Hinckley: I did not. I know the police were contacted to provide traffic control as needed and I don't know if they were called on Tuesday. I didn't hear anything one way or the other.

Chairman Pane: I guess no news is good news.

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

None

**XV. REMARKS BY COMMISSIONERS**

Commissioner Gill: Just on the wavers and A-frames, we had started talking about a-frames and moving them closer to the buildings.....

Chairman Pane: Yes, we have a regulation that allows them to be, have one next to their door, and if anybody has them out by the street, in the right of way, that is not allowed.

Erik Hinckley: You can have hiring signs out there, that is allowed, but the A-frames are supposed to be within five feet of the door of the business. I've actually picked up a few a-frames, I have them in my car, so if they are out there, I'll snatch them.

Commissioner Gill: I'm pretty sure West Hartford has some major issues with ADA compliance when they, through Covid they had allowed blocking off sections of sidewalk and it ended up that there was not the footage that is required and I don't know where it sits right now, but I thought we should make sure, some of the places putting out an a-frame are on Main Street and putting an a-frame between the building and the stone walls there, there is definitely not.....

Chairman Pane: I think staff looks at that and makes sure that we have sufficient room for the walkway and pedestrians.

Erik Hinckley: When they come in to get the permits we have a discussion with them about keeping the access way open and traversable. If I get complaints, I will go out and address them.

Commissioner Gill: We should do something with the wavers being closer to the building. I've been pushing to get the address of the building on the piece, either the a-frame or the waver so we know right away where the thing belongs. It's another thing that they have to abide by, as we are going forward.

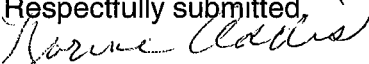
Chairman Pane: Okay. Any other Commissioners have any comments?

**XVI. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: This was a fast meeting, and I want to thank everybody for coming and thank the public and thank you Erik.

**XVII. ADJOURN**

Commissioner Havens moved to adjourn the meeting at 7:45 p.m.

Respectfully submitted,  
  
Norine Addis,  
Recording Secretary