

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

February 8, 2023

Chairman Domenic Pane called the February 8, 2023 meeting of the Newington Town and Zoning Commission to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

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

Commissioners Present

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

Commissioners Absent

Staff Present

Erik Hinckley, Acting Town Planner/ZEO

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 received in their packet a report from our Zoning Enforcement Officer. Does anyone have any questions for Erik?

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IN NEWINGTON, CT
2023 FEB 13 AM 10:30
Town Clerk

VI. **REMARKS BY COMMISSIONERS**

None

VII. **PUBLIC HEARING**

A. Petition 01-23: Special Permit (Sec. 3.15.6) for a place of physical activity at 28 Fenn Road, Applicant and Contact: Joseph Bermudez; Owner: Robert Goldfeder.

Chairman Pane: Could you just explain what you are doing and then we will go and check with staff. This seems pretty simple but if you could just explain to everybody what you are planning on doing I would appreciate it.

Joseph Bermudez: Thank you everyone for having me tonight. Our plans are to lease spaces 28A and 30C of this shopping plaza here on Fenn Road. We are going to convert those two vacant spaces into an F45 Training Fitness facility. Basically an open plan, the front of the store will be used for training area, where the back will be composed of our restrooms, office and storage. F45 Training is a business that offers group training classes, usually ranging from 15 to 25 folks at a time. It's not like your usual Gold's gym where they have a bunch of equipment everywhere, this is more body weight, agility, focus on cross fit training, exercises that occur. That's pretty much it.

Chairman Pane: Erik would you like to, I'm not sure, if you could just give a staff report, I'd appreciate it.

Erik Hinckley: The Stop and Shop Fenn Road shopping plaza, as pointed out in the staff report since the shopping center is in excess of 50,000 square feet, parking calculations are not really required for this. His hours of operation, which he didn't go over really quick, he opens usually at 5:00 a.m. so there is going to be some overlap time there when the parking lot is empty, and I don't believe parking is going to be an issue at all. It's just going to get a business back in that plaza to keep the vibrancy going and otherwise I think we are good. The only consideration that we had was if in the future they have any intention of serving food or beverages, that is going to be a separate review and approval by special permit, but I don't believe that is the case. They didn't indicate that.

Chairman Pane: Very good. Thank you very much for that report. I appreciate it, and do any of the Commissioners have any questions for our staff or for Joe? Any Commissioners have any questions concerning this before I go to the public?

Commissioner Gill: Yes, I have one question. Is there any outdoor activity that would be going on with crossfit?

Joe Bermudez: No, typically training in all classes are held within the facility.

Commissioner Gill: Okay, thank you.

Chairman Pane: Any other questions from the Commissioners? Hearing none, I'll ask if there is anyone in the public wishing to speak in favor of this application? Hearing none, is there anyone wishing to speak in opposition to this application?

Providing that there is no objection, I would entertain a motion to close Petition 01-23 and move it to Old Business for action.

Commissioner Havens moved Petition 01-23 to Old Business, with the motion being seconded by Commissioner Haggarty. The motion passed unanimously, with seven voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Havens moved to approve the minutes of the January 11, 2023 meeting. The motion was seconded by Commissioner Haggarty. The vote was unanimously in favor of the motion with seven voting YEA.

X. NEW BUSINESS

A. Petition 54-22: Site Plan Modification at 249 Day Street for the expansion of a parking lot and increased number of Eversource vehicles stored onsite. Applicant Mirabelli Automotive, LLC, Contact: Robert F. Ludgin, Owner, 249 Day Street, LLC.

Erik Hinckley: If you just want to do a brief presentation, I put your plans up if you want to discuss them.

Peter Mirabelli: I'm filling in for the engineer, hopefully he will be here later. It was one year ago This was on the agenda, and it was approved and we got approval for parking of fifty trucks. As you may recall, these are supersized trucks with buckets from Eversource to be used in case of emergencies. The idea is that they have these available to people driving in from out of state with their trucks. We are here tonight hoping that you will approve an increase in the size, or the number of trucks that would be allowed. We had fifty approved, and we're asking for approval of seventy-five. However, the plan, as it came out, I think it has spaces for sixty-six, so Jim Cassidy, our engineer thinks that he has worked out everything with staff and he has some very minors that he wanted me to assure that he will continue working on the few items that may be left.

Chairman Pane: Thank you very much. Why don't we go to a staff report?

Erik Hinckley: Just so that everyone is aware that the plan up on the screen, the green area, the portion of the area on the left, the white area, that was previously approved. The gray area is the parking lot expansion, this is the drainage swale because of the wetlands. They have gone through Wetlands and they have been approved, so you can take action, there is no

problem there. The biggest concerns from staff were that we asked for some more plantings along here for an arborvitae screen for the residents on Francis Avenue and we also asked them to put slats in the chain link fence along that Francis Avenue side as well and a little bit up here to help with the screening and the buffering, especially during the months that the leaves are off the trees. The other concern that we have that I talked about with the engineer this afternoon is, there are some poles along Day Street and it appears that, maybe Mr. Mirabelli can speak to this, that Eversource has installed their own overhead lighting there to view their trucks and stuff at night. They are very bright, we've asked the engineer to put on some shields or cutoffs for those to help to reduce any light going across Francis Avenue. The applicant did not install them, so we're going to have to go directly to Eversource to try to work that out.

Peter Mirabelli: I talked to Jim Cassidy about that today and he assured me that he was aware of it, and the idea is, whatever is requested and needed for the pollution from the lighting will be addressed.

Erik Hinckley: Those are the biggest concerns, Mr. Cassidy addressed all of the engineering comments yesterday and he spoke with engineering today so engineering is good with their comments as well.

Chairman Pane: Let me ask a question, if there a reason you didn't carry the arborvitae down farther.

Erik Hinckley: We can, I think the concern was on that corner but.....

Chairman Pane: I'm wondering why that fence there comes to a point and like protrudes almost into the right of way there. Maybe the fence could be pushed back a little bit so it didn't come to a point, and we could bring some landscaping in there. The only other concern is that there is some existing landscaping closer to the road. Will that be removed so we have proper sight lines?

Erik Hinckley: That near the road is probably in the town right of way and I have requested in the past that parks keep an eye on it and keep that mowed. I will remind them. If it's within ten or fifteen feet of the pavement, that is probably the town right of way.

Chairman Pane: It's probably a combination right on the edge there. There should be no reason why they can't clean that whole corner up. I think landscaping would be vitally important to the residential neighborhood there.

Erik Hinckley: I'm sure, since the applicant said they would work with us that if we wanted to extend that arborvitae down roughly to the point, so to speak, I'm sure they would be amenable to that.

Chairman Pane: Okay, very good. Any other questions from Commissioners?

Commissioner Claffey: I have a question, so how many spaces are on this now, because I'm counting and maybe I'm missing some, because I only count sixty-six.

Peter Mirabelli: I counted the same, and I talked to Jim today and he did the same. So even though we asked for seventy-five, these plans show sixty-six.

Commissioner Claffey: So are you asking for seventy-five or are you asking for sixty-six, because if we give you approval for seventy-five and your plans say sixty-six, that's like egg on our face for approving something that is not right.

Erik Hinckley: This is really a site plan modification of the expansion of the parking lot, I think we can make that clear, it's whatever they can fit. If you want to make it sixty-six, it's fine.

Commissioner Claffey: Well I don't see any, what I'm getting at is, I could have sworn what we approved from the last plan, usually you have an overlay of what the major difference between the site plan we approved and the site plan you want to modify.

Erik Hinckley: The green portion, that is the modification, they are adding that parking. They are going to build that parking lot, they are going to add that in, and the drainage swale.

Commissioner Claffey: So fifty, so everything in the light, that was what.....are we giving them approval for seventy-five and I show sixty-six or are we giving approval for sixty-six? My second question is to the Planner. When we approved this last year I remember that there was some still outstanding items that weren't, it was like approved conditionally upon two or three items being finished, were those taken care of?

Erik Hinckley: They completed the majority of it, and the conditional conditions in here is just about the planting of the additional trees are in the motion to make sure those get in.

Commissioner Claffey: So we gave them approval for things to get done, and now they are back with more approval with stuff that still wasn't done since last January.

Erik Hinckley: That is correct. The screening along Day Street did not get planted.

Commissioner Claffey: So we are still looking for stuff that we approved for you a year ago that hasn't been done, but you want modifications for stuff that still hasn't been done, am I clear on that?

Erik Hinckley: To my knowledge, yes.

Commissioner Claffey: Okay.

Commissioner Trister: I just want to clarify, the Inland Wetlands Commission, if they have been approved?

Erik Hinckley: I believe there was a memo, should have been in your packet, it was approved at their December meeting of 2022.

Chairman Pane: Any other questions from the Commissioners? I think that handles everything. This is in our Old Business, so we will address it later on under Old Business.

X. **OLD BUSINESS**

A. Petition 54-22: Site Plan Modification at 249 Day Street for the expansion of a parking lot and increased number of Eversource vehicles stored onsite. Applicant Mirabelli Automotive, LLC, Contact: Robert F. Ludgin, Owner, 249 Day Street, LLC.

Commissioner Lenares moved to approve Petition 54-22 Site Plan Modification Section 5.3.9 for parking lot expansion at 249 Day Street. Owner: 249 Day Street, LLC Referenced site plan modification and wetlands water course application for 249 Day Street prepared by Hallisey, Pearson and Cassidy for 249 Day Street LLC, sheets one through ten inclusive, pages 11-4-22, Revised 2-6-23.

Conditions:

1. The plans shall be revised to modify the planted landscape buffer along Francis Avenue with Emerald Green arborvitae planted with a separate distance of four feet with the total buffer length to be maintained.
2. The Plans shall be revised to address any outstanding comments from the Town Engineer/Fire Marshal.
3. Shields shall be added to the existing pole mounted parking lot lights.
4. A single PDF copy of the final plans with all of the necessary revisions shall be provided to the Planning department.
5. Additional erosion and sedimentation controls may be required by Town Staff if field conditions necessitate.
6. All erosion and sedimentation controls shall be installed and inspected before the commencement of site work.
7. This project shall be constructed in and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
8. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
9. By acceptance of this approval as conditions the applicant/owner and/or their successors and assigned acknowledge to the right of town staff to periodically enter the subject proper for determining compliance with the terms of this approval.

Erik Hinckley: Mr. Chairman, I didn't know if you wanted to discuss the number of vehicles?

Chairman Pane: That should be on there somewhere, noting that it's only 66 parking spaces,

so that would be the maximum and also does the landscaping cover what we talked about and the wishes of the Commission to expand that?

Erik Hinckley: I think we can work with the engineer.

Commissioner Woods: We were specific in our approval that the arborvitae to be planted are Green, excuse me, Emerald Green. That is probably the worst one to pick for there, it should be Green Giant. The Emerald Greens tend to stay very small, very slow growing. This is something that that we are looking to get screening relatively quickly so either a Green Wave or a Green Giant would be more appropriate.

Chairman Pane: Thank you very much Commissioner Woods. So if there is no objection from the Commissioners maybe we should substitute Green Giants as the plants for that.

Erik Hinckley: If that is okay, I will alter that condition to have the Green Giant variety.

Chairman Pane: Is that okay with the rest of the Commissioners?

Commissioners: Fine

Chairman Pane: Okay, and we have the condition that it is only 66 parking spaces. We have the motion read and everybody understands it. Is there a second?

The motion was seconded by Commissioner Woods. The vote was in favor of the motion with five voting Yea and two Nay. (Haggarty, Claffey).

B. Petition 01-23: Special Permit (Sec. 3.15.6) for a place of physical activity at 28 Fenn Road, Suites 28A and 30C. Applicant and Contact: Joseph Bermudez; Owner: Hayes Kaufman, Newington Associates, LLC.

Commissioner Claffey moved to approve Petition 01-23 Special Permit (Sec. 3.15.6) for a place of physical activity at 28 Fenn Road. Owners, Hayes Kaufman, Contact Joseph Bermudez..

Conditions:

1. Any changes to this use including the serving of food or beverages shall require a separate review and approval.
2. Exterior business sign shall require a separate permit from the Planning and Building Departments.

The motion was seconded by Commissioner Havens. The motion passed unanimously with seven voting YEA.

XI. **PETITIONS FOR PUBLIC HEARING SCHEDULING**

Erik Hinckley: I do have one that just came in yesterday. It's going to be for the four family house at 100 Deming Street. They are going to get formal approval for conversion of an older home because nobody could locate any kind of prior approval and the new owner wants to formalize it.

Chairman Pane: What property is this?

Erik Hinckley: 100 Deming Street, part of the old Peckham Farm. The last house that is left, I believe there are four apartments in it now. It's the large red house down there. It's the last piece left. A new owner bought it and he wants to formalize the process because nobody, no prior owner can locate any prior approval. I can't find anything, so they are going to go forward with that. That should be on for the first meeting in March.

XII. **TOWN PLANNER REPORT**

Erik Hinckley: You got in your packet, the changes that we discussed for uses in the Commercial Zone to allow personal services uses, so we added a definition for that and a small text amendment to allow it. If the Commission is good with it, I will do the CRCOG referral and we will get that scheduled.

Chairman Pane: Commissioners, how do you feel about that?

Commissioner Claffey: One question of the personal services, just to clarify that, in what districts?

Erik Hinckley: Just in Commercial. We allow personal services in most, in the Business Districts, but the Commercial doesn't allow it, and that one little strip there along Willard, I think that it would be helpful to them, and I see no reason not to allow it.

Chairman Pane: I have no problem with this, I think it will solve the problems for land owners who are looking for tenants, and I don't see it to be detrimental in any way. As long as there is no objection from the Commissioners, I would suggest that you file that with CRCOG.

Erik Hinckley: Okay, I will do that.

The other item of note is that the new Planner starts on Monday, so we should be seeing him at future meetings.

Chairman Pane: Very good, thank you for that update.

XIII. **COMMUNICATIONS**

CRCOG Letters

Erik Hinckley: The only one of interest that I saw was Farmington placed a moratorium on multi-family buildings and units, so just thought that was interesting. The others had to do with cannabis.

Chairman Pane: Any Commissioners have any comments or concerns?

Commissioner Claffey: Farmington, was that just on certain size lots, or was that.....

Erik Hinckley: Proposed moratorium on multi-family and single family residential developments that create three or more lots or units.

Commissioner Claffey: That is highly restrictive.

Erik Hinckley: It is a moratorium, maybe they are just going to look at it and.....

Commissioner Claffey: Farmington has one, South Windsor has one, there's probably some new term coming in town home/condo living if I had to guess.

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

Bob Tuller: I was wondering, you hear things around town, and I was wondering about the train station. Any new business going on with that? There is a lot of chatter on certain sites that this thing is already in the works and it's just a matter of time, and I would just like clarification as to where we stand on the train station. We are talking about going through, from Hartford to Berlin, we're talking about ripping up the environment going through probably Wethersfield, maybe Rocky Hill, New Britain into Newington to get to Berlin which is only ten minutes away and fifteen to get to the train station in Hartford, so I see absolutely no reason whatsoever under any circumstance that there should be a train station on Fenn Road or Cedar Street in Newington. Absolutely not!

Chairman Pane: I'd be happy to try to answer your question. I believe that there is nothing in the works right now for any train station location, and I'll have Erik Hinckley, our Assistant Town Planner to confirm that. There is nothing in the works. We haven't talked about it, we don't have plans to talk about it. We may be working on a TOD area for the busway areas, but that's it. I don't believe we have talked about the train at all.

Erik Hinckley: No, we have not had any conversations with the State about any location or funding in the last six months that I am aware of.

Bob Tuller: Okay, then that is pretty much dormant then. It's kind of dead in the water so to speak.

Chairman Pane: Yes.

Bob Tuller: Thank you very much, I appreciate the insight.

XV. REMARKS BY COMMISSIONERS

None

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everybody, it was a very productive meeting. Thank you very much

XVII. ADJOURN

Commissioner Haggarty moved to adjourn the meeting at 7:40 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary