

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

April 26, 2023

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 Anthony Claffey
Commissioner Garret Havens
Commissioner David Lenares
Commissioner Jonathon Trister
Commissioner Stephen Woods
Commissioner Stewart Drozd-A

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Town Clerk

Commissioners Absent

Commissioner Gia Pascarelli-A excused

Staff Present

Paul Dickson, Town Planner
Erick Hinckley, Asst. Town Planner/ZEO

III. APROVAL OF AGENDA

No Changes

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

None

V. REMARKS BY COMMISSIONERS

None

VI. PUBLIC HEARING

A. None

VII. APPROVAL OF MINUTES

Commissioner Havens moved to approve the minutes of the April 12, 2023 regular meeting. The motion was seconded by Commissioner Trister. The vote was unanimously in favor of the motion, with seven voting YEA

VIII. NEW BUSINESS

A. Petition 07-23: Certificate of location approval for a gas station at 751 Russell Road, Applicant: Noble Energy Real Estate Holdings, LLC, Contact: Kevin Solli, Owner: HDC One LLC.

Luke Morrow: Good evening. For the record, my name is Luke Morrow, I'm a senior project manager with Solli Engineering with an office in Monroe , Connecticut and tonight I am here on behalf of the owner and applicant, Noble Real Estate Holdings LLC for a gas station location approval for the previously approved site plan special permit for the Noble Energy facility. You had approved it back in October for the Noble facility proposed at 751 Russell Road in Newington. As required by state statutes, I believe it is Section 14-321, each town has it's own entity and can approve the sale of gasoline or motor oil in town, which then, by approval goes onto the state Commissioner for a permit for the sale of gasoline throughout the state. We are here tonight just to present and hopefully get a location approval for the sale of gasoline at the Noble site at 751 Russell Road.

I guess there isn't too much to add to that. As I mentioned, it was approved on October 26th for site plan and special permit. The overall development includes not only gas but it also had EV charging, car wash and an electric vehicle show room as well. We are here tonight just for the sale of gasoline. If there are any questions, I would be happy to answer them for you.

Chairman Pane: Okay, we'll go to the staff in case they have anything they would like to report to us.

Paul Dixon: Just to familiarize the Commission, it's not often a new gas station gets approved. It was noted that this is required by the Connecticut General Statutes, it is not required by the sections that actually establish zoning. This is separate within Motor Vehicles and so the Commission is acting, as an agent of the State of Connecticut. Again, this is a separate type of approval. As noted in the staff report, the actual sections regarding the finding, suitability and criteria were actually developed in 2003 and have been that way, so again, it requires a certificate of location approval for this site. The state statute doesn't have specific criteria on that, however when it did review in the past it was primarily the proximity to schools, proximity to that, even if you were looking at this site, doesn't have that type of proximity. Also, it was found to be, of course it was approved, by TPZ therefore it is compliant with the Newington Zoning

Regulations. That is one of the primary things with this statute, is it compliant with zoning regs and it does require Commission signoff rather than an administrative signoff.

Chairman Pane: ZBA used to do this, and then it came back and the state changes it and sent it back to TPZ.

Paul Dixon: This history on this one, there are two colas that are required by the State. One is for gasoline sales, the other is for repair and sales of automobiles. There is a state statute, repairs and sales of automobiles still stays with ZBA. This says the Zoning Commission, it has flip flopped back and forth to which Commission, I don't, no one truly knows why the State has done it so many times back and forth, repeal sections, reinstate it, and this is one of the areas that the land use lawyers went they meet, determine that this is one of the messier areas of the statutes. It's just been meddled with a little too much, back and forth, back and forth. So, yes, ZBA is still listed as the automobile repair, but the Zoning Commission is for gasoline sales.

Chairman Pane: Thank you very much. Any questions from the Commissioners?

Commissioner Trister: Just in regards to what you said about there being two colas, I remember when we did this months ago there was some concern that during the public participation that there was concern that there was be auto sales at this location. Just want to make sure that there is a separate cola for that, and it's not a blanket cola that could be used for that down the road.

Paul Dixon: This is just strictly for gasoline sales.

Erik Hinckley: They would have to come back for the repairer's license for the EV showroom at some point in the future.

Chairman Pane: Any other questions?

IX. OLD BUSINESS

A. Petition 07-23: Certificate of location approval for a gas station at 751 Russell Road, Applicant: Noble Energy Real Estate Holdings, LLC, Contact: Kevin Solli, Owner: HDC One LLC.

Commissioner Woods moved to approve the certificate of location.

Reasons for Approval

1. The location is consistent with the Newington Zoning Regulations.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. None

XI. TOWN PLANNER REPORT

Paul Dixon: There currently haven't been any major land use petitions received. We are working on finetuning one. The one thing I did want you to see, that I have on the screen, just to give the Commission, I've been updating what is going on with the projects. Cedar Street, everyone can kind of see the progress there, but 3333 Berlin Turnpike, we have kind of a birds eye view of it, taken on 4-21. I have three pictures here, you can just kind of see the site, most people when driving by only see the front building, can't really see the interior of the site. Again, a picture here from looking over the Berlin Turnpike, looking across, you can see the super market in the front, the commercial buildings in the middle, and in the far rear is the residential. The next photo, this is from the rear of the site, you can actually see, bottom left is the start of another building, you can see the other building above it infrastructure being framed out and to the right of that is the next residential building where the tower is built and the foundations and they are working towards that.

On the next slide, it's mid-site, again you have an idea of, these are all of the commercial buildings that are pretty much up. They are working on windows, they are working on all of that at this time, again, closing the envelope and they are proceeding and they even have the area, the center, grading out and getting ready for the patio, so there is progress being made on site, again just I had the opportunity to have these photos and share them with the Commission just so that people and the public can see what is kind of going on outside. It isn't the easiest one to just drive by and see.

Other than that, the cannabis sign regulation amendment has been submitted. The timing on that, because of the CRCOG notice and everything will be June 14th. A public hearing will be scheduled. I did look into the clean air act that was raised at the last meeting and there are requirements for the infrastructure for charging stations and I'm reading through those and looking at what is out there and I hope to have at the next meeting some draft language because there could be slightly different ways we go about it and how we consider it in our zoning regulations, so my plan on that is that at the next meeting to have some draft regulations to look at, to kind of workshop those, through the Commission and then propose a regulation amendment. From there, I have also been looking, with the Town Manager, and other people in the town, there are lots of different grant opportunities for the bi-partisan infrastructure wall. The main one out there right now that the DOT, state DOT and federal DOT is pushing is the (Inaudible) streets for all, it's a five billion dollar program over five years, one billion a year, and they require a planning component with that, so it is something that I am looking into. I attended a webinar, CT Builts, which is our own DOT and I attended a webinar today actually for federal DOT, so I'm looking at that and pulling things together.

Newington Junction, I met with actually the other towns, met with CRCOG yesterday and kind of went over the preliminary findings. We are narrowing down the narrative on that. The interesting trend that I am kind of seeing across a lot of towns is that there are not that many

sites are what we would consider development ready at the black, just because of construction costs right now, everything is a little inflated so going forward hopefully that will come down. Right now it's one of those where a lot of the sites that they have looked at don't potentially qualify but what they are looking at isn't finalized yet. This is kind of a trend across the construction industry right now. What pencils out and what doesn't, doing through there for construction cost and what actually it could sell for. From there, and that is Enfield, Windsor Locks, Windsor, Hartford, Wethersfield, New Britain, Berlin, they are all participating in this as well, not Wethersfield, West Hartford, sorry and all of them are participating in this as well, and that is the summation of my report.

Chairman Pane: Very good. Thank you. Any questions from the Commissioners for our Town Planner?

XII. COMMUNICATIONS

No comments

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

None

XIV. REMARKS BY COMMISSIONERS

Commissioner Claffey: I noticed today I was driving up the pike and again I will reiterate the amount of temporary signs in front of these buildings. There are four, five, six of them at some of the buildings, there are twelve, thirteen banners out, balloons out, and I notice the Puerto Vallarta parking lot being realigned, and changed and a couple of feet of cut taken out on the side.

Erik Hinckley: They are re-paving it, is my understanding, there is no realignment. If they are redoing the curbing and repaving it as far as I know.

Commissioner Claffey: You might want to double check that because there are about three, four, well, I'll let you look at it.

I don't know where we stand with all of the temporary banners and signs.

Erik Hinckley: I have issued a number of permits for temporary banners.

Commissioner Claffey: Okay, what about the flags, the wind wavers, I mean, they are out, every day, seven days a week. There has to be something we can do. Or we change the regulation to allow them to have different types of waivers, close to their building and not right on the right of way, so I mean, we have talked about that for years. It's starting to look a little like a circus.

Paul Dickson: We have had the discussion that the Commission could have, when they consider, you know, it's again, we might not have the desired outcome, and it might. If you permit someone to have them closer to the building, you might see closer to the building permitted and still see the ones out in the right of way and that some proliferation. That is something, if that is something that the Commission wants to look at, we can look at that and see if there is any model for.....

Commissioner Claffey: There are still buildings that have four temporary signs, A frame signs, we're not talking about the four higher ones, because we have discussed that over the past years and we kind of let people put those up, but I mean, you go to Wren Kitchens, for the past year and a half they have had four temporary signs, because they don't want to put any decals on their windows because they want you to see into their store, so instead they put them all out on the sidewalks. I don't see it in any other areas around town.

Chairman Pane: Maybe we will have staff look into that and present something to us at the next meeting on how you think these things can be addressed best.

Commissioner Woods: If we could get an update from our Town Attorney on any of the legal matters that are in front of the Commission?

Chairman Pane: Do you want the Town Attorney here, or just get the information through the Town Planner?

Commissioner Woods: Yes, through the Planner.

Chairman Pane: Okay, then through the Planner if we could just have an update on outstanding legal issues. I think there are some that are taking a long time in court.

Paul Dickson: That could be a possible executive session, if we are going to discuss the issues.

Chairman Pane: Any other comments?

Commissioner Woods: I want to congratulate the Chairman on running a very efficient meeting. It's 7:20.....

Chairman Pane: It's easy to do when there is not anything controversial

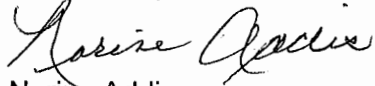
XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Havens moved to adjourn the meeting at 7:20 p.m. The vote was unanimously in favor of the motion.

Respectfully submitted,



Norine Addis,
Recording Secretary