

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

August 9, 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 Anthony Claffey  
Commissioner Bryan Haggerty  
Commissioner Garret Havens  
Commissioner David Lenares  
Commissioner Jonathon Trister  
Commissioner Stephen Woods

Commissioners Absent

Commissioner Stuart Drozd-A  
Commissioner Michael Fox-A  
Commissioner Gia Pascarelli-A

Staff Present

Paul Dickson, Town Planner

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: Erik has put together one and given it to us. Are there any questions for staff?

RECEIVED FOR RECORD  
IN NEWINGTON, CT  
2023 AUG 14 AM 11:00  
*Domenic Pane*  
Town Clerk

**VI. REMARKS BY COMMISSIONERS**

None

**VII. PUBLIC HEARING**

None

**VIII. APPROVAL OF MINUTES**

Commissioner Havens moved to accept the minutes of the July 28, 2023 regular meeting. The motion was seconded by Commissioner Connolly. The motion passed unanimously with seven voting YEA.

**IX. NEW BUSINESS**

None

**X. OLD BUSINESS**

A. Petition 12-23 Site Plan Modification to improve building access at 1242 Main Street  
Applicant and Owner, Contact; Peter Vournazos.

Chairman Pane: We will go right to a staff report on this.

Paul Dickson: To report to the Commission, the Town Council last night filed a Certificate of Action for the referral for final and approved the easement. They have approved that the Town Manager will work with the Town Attorney to draft the easement and he is authorized to execute any documents. That was the primary item that was waiting on the last agenda. As a reminder to the Commission, again the application is for façade improvements to the rear of the building, new store front windows, a new door and as is noted, the patio and ramp so staff recommends approval of this application as provided in the draft motion.

Chairman Pane: Very good. Any questions from staff?

Petition 12-23: Site Plan Modification to improve building access at 1042 Main Street,  
Applicant/Owner/Contact: Peter Vournazos.

Commissioner Woods moved to approve the site plan modification to renovate the rear façade and install a concrete patio and ramp at 1042 Main Street.

Conditions:

1. Prior to the signature of mylars the owner must obtain required easement to install the ramp and stairs and update the plan specifying the recorded document.
2. The applicant must submit details for approval of the proposed signage on the awning prior to building permit approval.

Reason for Approval:

The building renovations will enhance the under- utilized portions of the rear building that abuts the municipal parking lot in the B-BT Zone.

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

**XI. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- A. Petition 11-23: Zoning Regulation Text Amendment pertaining to (Sec. 3.15) Special Permits Allowed in B0BT Zone to add Section 3.15.17 Banquet Hall, and (Section 9.2) to add definition for banquet hall. Applicant: Newington TPZ, Contact: Paul Dickson
- B. Petition 13-23: Special Permit (Sec. 3.2.8) for a child care facility at the Temple Sinai at 41 West Hartford Road, Applicant; Tiffany West/Around the Clock 4 Tots, LLC., Owner/Contact Tiffany West.

Paul Dickson: We went over them the last and they are all pretty straight forward.

**XII. TOWN PLANNER REPORT**

Paul Dickson: the land use applications are of course located on the web page. Again, to give everyone an update on current projects, one just to kind of show what was presented at the Town Council last night, the fire department has added detail to their sign that adds better architectural element from the town standards to kind of tie it in a little more, so that is just for your information. We are working with them.

Moving forward, there is action on 227 Pane Road, you can see significant progress has been made on the framing of the building, the front building is up and being closed in, and then you can see, from the rear of the site, that the parking lot has been created and that the rest of the buildings are progressing as well too. So there is good progress on that site.

93 Pane Road, just letting you know, this the swim school, the site has been leveled, drainage structures are in, and the foundation has been poured, so they are continuing forward.

3333 Berlin Turnpike, the last time I showed the picture of the grocery store, it was kind of wide open and only a concrete shell. You can see they are making progress, closing it in, they have the entrances identified and moving forward so they are making progress on the shell. This is

another building the last time I showed that was kind of just a shell, this is when you are coming down the driveway, first building on the right from the Berlin Turnpike, you can see it is well progressed on the outside of the building, and again, we expect people to be moving forward in the near future with fit out permits for this building.

This is the one that is next to that, down from it slightly, you can see it is kind of finished off, they were working on this the last time I was out there, this is a slightly different detail and the area around this entrance, which is nice to have a little variation, they have the wood around this area, a little bit of a different entrance, and to give you an update, this is the first building they were constructing, sided, being finished, so good progress is being made there. Directly across from it, the second building, this was just a foundation the last time it was shown, so you can see, they are making significant progress, and this is the foundation, and you can see some of the garages being constructed, and this is for the third residential building towards the rear of the site. So again, they have the foundation, they are working on that, working on the garages, and continuing to make progress. So all buildings are under construction now.

Update on 550 Cedar, we can see it driving by, but you can notice that the base pavement is down in many areas, the drainage is in, site lighting is in, so they are moving forward on this project, as noted, they were trying for late fall, towards the end of this year, to get occupancy going at the building, they are making good progress with the building. They have the entrances constructed and working on the back building and this is the building to the right of that, parallel to the property line between the that and the neighbor. The third building has not gone under construction yet, but as you can see with these two, they have made good progress. That is just kind of an update on current projects.

The next part of the report is to go through, I was asked at the last meeting or two meetings ago when drive through was proposed for staff to take a look and look into what we could see for regulations and also to look at what regulations we currently have and come up with some potential suggestions. What I did was, I did research and didn't find anything specific to our business town center that had drive through regulations, so I looked beyond it. One thing to note, drive throughs are in the media, kind of back and forth, but one item that I did find in Connecticut, there have been downs, Middletown in 2003, these are areas that are kind of like our Berlin Turnpike, and some of our other commercial areas where they allow drive throughs. Brookfield has updated their regulations to allow it, Killingworth, and also West Hartford in that BG zone in 2021, and that area around Main Street, again, that second general business area, not Blue Back square but the general business area that has the Trader Joe's and everything, or Whole Foods actually out there, they allow drive throughs as well, and that was in 2021, so there has been mixed media on it but there has been some recent precedent in Connecticut where people have been looking at drive throughs.

What I did, looking beyond our local area is to look for a publication. I found the publication that I included, the Zoning Practice that I thought kind of went through thoughtfully about drive throughs, the history of it, all the different components and ways to kind of address concerns, walkability, stacking, all those different items, so I'm going to kind of go through it briefly if I can. One I thought that was suggestive was to have a purpose on the front of it. This is not difficult and the regulations in front of every section to have a purpose. It's something to consider. Again, the purpose is just to provide that guide and what the reason for the regulations are for,

noise, lighting, visual impact, more safer and more efficient vehicular traffic and pedestrian circulation, and reduce conflicts between queued vehicle and traffic.

One zoning regulation that the article points out was actually in Standish, Maine which I found interesting. This is kind of in their village district, which typically does not permit drive throughs but they actually have a drive through regulation in their form base, even though they cite the drive through windows located behind a screen by the building, minimize impacts on pedestrian activity and then stacking of cars not permitted in access driveways, and they provide the graphic that you see on your screen, kind of showing in their zoning regulations how they were looking for drive throughs within their kind of design district.

Again, the main components of it are building design, so this is actually accomplished in the town center overlay district, there are design requirements that would be required and all the buildings should be thoughtfully designed there, and that is already in the regulations, so building design is covered. Access, there is a lot of consideration of access that they talked about, again, not obstructing vehicular traffic, to and from required parking. A lot of these items are part of review when the traffic report comes in and we do have traffic requirements. Again, stacking, these are all taken right from it. The main item to take away from it is, stacking, and actually the way that our regulations are in the business turnpike, part of the traffic report that they have to submit, as part of an application, has in it that they have to do an analysis of stacking and an analysis of the amount of cars. So that was the biggest take away from this part is that no two drive throughs are exactly the same, every independent use that uses it is going to have a different volume and they need to be looked at for the volume of that specific use, and that is through the traffic report and through the application and through the Commission's review. They even noted that looking at the time of operation for how long it takes to place an order, for how long it takes to get the order should actually impact where these ordering windows to where your pickup window is, so it is site specific for the use.

Noise is a consideration, modern technology has made it a little better, we don't have the loud speakers of the old days that just kind of blasted things out, crackling. They did recommend, sometimes there are setbacks, sometimes there are decibel levels, something that the Commission can consider.

Lighting is not a specific issue, however lighting can be a general issue. This might be something to be looked at in the future. I haven't heard too many lighting complaints here in Newington so that has been good so far.

Again, walk up service is another thing that is talked about, and maybe to encourage in an area that is walkable to the town center. While that might not be in this regulation itself, might be something for the Commission to consider, might have already been considered as an accessory anyway, but might be something that is encouraged again, as people walk through the town center, having the ability to walk up to a window, perhaps something there, it's basically a drive through for people.

Rebuilding or replacement, there was a discussion in the article about when that drive through is changed over, or enlarged, a new use comes in, special permits tend to stick with the land, so approved as a drive through, if that volume changes, how the Commission may have a mechanism in there to say, if you are increasing the size of the building, you have to review the traffic and make sure that how that site is designed is capable to support that new use, so that is another item that was raised. Again, submission requirements, it talks about litter clean up

plans, that is something that I have actually done in the past, in other regulations, and again, the traffic study is already in the B-BT special permit uses but it might be good to have one more specific constraint specially about drive through restaurants.

That is kind of going through that article, those are kind of the key points, to look through again, that was in the packet so the article is there for anyone to read.

These are the current Berlin Turnpike requirements again, it talks about the traffic impact analysis, the driveway location space, at least 150 feet from a corner intersection, again that is a fast road, and considerations for that, and windows located only on one side, minimize conflicts between doorways and pedestrians, and again, the service menu shall be located not less than 300 feet from residential structures.

So that is in the Berlin Turnpike zone. In the PD there is no requirement for that 300 feet.

So, in response to the Commission's discussion at the last meeting, I have kind of taken some of the items that we have already had and taken items from that Zoning Practice, and looked at some options for drive through requirements, and also other regulations, including West Hartford's specially drive through restaurants shall be located on lots having frontage on arterial roads, not to permit them within the interior of the town center, Lowery, or anything like that, the applicant shall submit a traffic impact analysis, this is a more specific one to drive throughs, again, volume of customers, stacking lane needed for the anticipated volumes, turning movements, capacity and level of service.

This is an item to consider looking at the standard options too, the siting of drive through windows must be located behind and screened by the principal building, and must be positioned to minimize conflicts with doorways and pedestrians, and in event of redevelopment of the site, with an existing drive through, the Commission may allow for an existing drive through window to be utilized at the current location with the provision of adequate landscape screening with a minimum height of three feet, and again, that is taken from that Zoning Practice, so it is an item for the Commission to consider. Again, drive through restaurants must include indoor service, there is a movement in the drive through industry, and this is more of a Berlin Turnpike high traffic, high volume consideration, but drive through restaurants are moving to drive through only. Dunkin, Taco Bell, again with the Town Center, from staff's point of view might be appropriate again, to have both, if we do allow drive throughs to so that pedestrians there can also enjoy the same restaurant. Again, that is not just not an auto dependent use.

The entrance and egress locations, I left it at 100 feet, it's a different area than the Turnpike, and the Commission can consider whether they want that in there or not, again from a corner intersection, I think the Commission may want to limit the number of driveways to adjacent properties and/or inter-property driveway connection where reduction of curb cuts are to improve safety. When you improve safety, it is both vehicular and pedestrian in the area, the less curb cuts, the safer it is.

Again whether there is a consideration for the ordering menu's to be located not less than X feet from any residential structure. That can be discussed, or whether we want to consider a decibel limit, kind of as noted. I can look into that further if the Commission would like that included. Again, in the event that the gross floor area for the drive through restaurant is expanded by 25 percent or more, the applicant shall submit an application for modification to the special exception which must include a traffic analysis report for the requirement A, of this section.

Again, this is kind of a draft, so these are for your consideration based on our discussion last time, so I would like to hear from the Commission your thoughts.

Chairman Pane: Commission members?

Commissioner Woods: I like the idea of the walk-up window, the pedestrian friendly window. I think that is a great idea because now they definitely discourage it. If you are trying to walk up to a drive through window, there is a line, and especially being in the town center, I think that is a good thing to promote, so I like that. I think we need to be really careful with our setbacks, if we do allow this in the downtown center just because we have residential property everywhere. This particular piece, there are apartments right there and I don't know to be honest with you, the houses there, I don't know if they are zoned residentially or if they are commercial buildings. But in our main drag there, Main Street, right next to the florist business, there are people that live there, there is an apartment level on the back side, and while they used to be houses, there is still a mix of those behind that turn into store fronts, sure I want to make sure we don't box ourselves into this corner for that, but on the decibel thing, I would be the first on to agree with you that it used to be horrendous. I don't use drive through windows, I hate them particularly because I like my coffee a certain way and I want to see them do it. Don't want to get the wrong one, but they are used a lot. There are peak hours, so it's probably from seven, eight o'clock in the morning to maybe ten, and then it trickles down, so let's say there are 25 cars, or maybe 15, in line, and it goes down to one or two. Maybe it will pick up a little at lunch time and then maybe again mid-afternoon, but it's a short span, although they do a lot of business, specifically Dunkin Donuts. It's interesting to me that the building that we are talking about, that kind of brought this all up, it was originally built as a dry cleaners and the Commission allowed a drive through. I would think a drive through for a cleaners would be way less than a restaurant, especially today, I mean drive throughs weren't that common and now there is where probably 70 to 85 percent of the business is done. I think it is something that we really need to look into, and try, maybe we do it by special exception. That way, because there are going to be some areas where it could be up against a residential property and if there is an apartment or a home owner, I don't blame them for not wanting that speaker going, or the cars going. I don't have a problem if it is by special exception. I think it is something that we should look into.

Commissioner Claffey: The only question I have on it, how it correlates because of the two way speakers with our banks locally in the downtown area that either abut or the perimeter of these properties, like say Liberty Bank, Webster Bank that abut some apartments, Liberty Bank I think abuts some residential property, how do those regulations correlate with your proposed, you know, as we look into this, because you know, you go up to a pharmacy and you talk right at the window, like a CVS or Walgreens, but at some of these banks like the one by the post office, it's way set back, it's a two way speakers between the two, so are there correlations with that with, you had spoken about decibel levels, signage, although the signage and the menu board is a separate issue, but is there any correlation between how we would look at that? Just a thought.

Paul Dickson: I can look into that. Each one of those was approved under a different special exception, under a different amount of time. I haven't seen anything specific about decibels

when it comes to the actual intercoms, the hours are a little different, banker hours are typically very limited.

Commissioner Claffey: I understand, but there is definitely some queuing, I've seen a lot longer queuing at the CVS downtown, I know it is a separate style of drive through, but there are times when you can't even pull into that parking lot because of it. Doesn't happen all of the time, it's various time, and the different styles of drive through. I think the bank would be the closest match because there is a two way speaker and there are some that abut some residential and I just want to make sure we are thinking about those too, and not just restaurant focused, based on noise, etc., etc.

Chairman Pane: Any other Commissioners have anything?

Commissioner Connolly: I think it is a good idea, certainly more volume than a bank would be, but certainly not the volume of a fast food restaurant, that I would be very concerned about. I think that is a good location for a potential Dunkin Donuts, off of Cedar Street, but if McDonalds wanted to come in, I think that would be a terrible idea. I think you had said a couple of meetings ago, if we go down this road, then it would happen by special exception, it still might even have trouble saying no to someone like McDonalds wanting to come into the bank area. Is that true, or can you comment on that.

Paul Dickson: So the main way we would look at that, when you look at special exceptions, special exceptions are a use that is allowed however under the specific criteria which again, other than a site plan, which is looking at the four corners, if they meet the requirements within, for administrative, a special exception will look at the impact beyond, so I think that is the importance in the criteria if the Commission chooses to go that way, that those criteria should be able to be looked at, and the importance is the traffic study. What is going to be the amount of queuing, what is going to be the amount of impact, but again, when looking at a special exception, that yes, if a special exception is granted and permitted in that zone, it gives those owners, the property owners the opportunity to apply for it, is will they meet those criteria, so that is the importance of the criteria.

Commissioner Woods: Following up on what Commissioner Claffey said, I do think it is a good point for the pharmacies, although I don't know that I would waste too much time with the banks, because I think the drive in tellers, in three to five years time that they will no longer exist. Most banks are doing away with them now. There is still going to be a drive up but it will be an ATM. So, if you are talking, you are talking to yourself, which we all do at times, I get that, but all of the banks are moving away from that teller, and the Bank of America is a perfect example, while there are, it looks like drive up tellers, it's just an ATM machine in there. That's all that there is.

Paul Dickson: And actually to that, most of the banks are also moving to the virtual power, where they have someone sitting in some building that is somewhere where they can service multiple funds that are actually piled up on the screen and you can do your banking through there and talk with them. One of the credit unions that I previously worked with, they moved a



lot of it over to it, and you know, there is some consternation for some of the people who were going there for years, that different way, but I can see it moving toward that. So what I am hearing is sort of a consideration to look at this, this is for discussion as just a drive through regulations in the area, and in that way, if we kind of look at restaurants and have something more specific to them, but if we are just looking at a drive through, the main part comes down to, what is the volume? What is the business that is going to be there, and that is why, it's a little unusual for the regulations, I haven't seen it that often, but as proposed when someone increases the floor area, it changes, that is when it should get re-reviewed, because it could be it could be a drastically different type of user going into there.

Commissioner Woods: We don't allow any drive through windows by right, it's all by special exception?

Paul Dickson: Correct, and this would be proposed by special exception as well, because each lot is going to be very different.

Commissioner Woods: As I remember, it was pretty controversial when CVS came in, twenty-five years ago. That raised a stir, and I think Commissioner Claffey raised an excellent point, the drive through at the pharmacy, that is not going to go away.

Paul Dickson: What I have on there is that actually the DOT functional classification of roads that you see up there, so the arterial roads are East Cedar and Main in the green, and everything that is in yellow, would not be eligible. The zone we are talking about is in the dep purple just to put up and town center zone, again that dark purple is the land we are talking about.

Chairman Pane: I think the screening aspect that you have there incorporated in there is important, not only will it screen the site of things it will also prevent the noise from traveling too, so I think that is a good aspect to have in the regulations. Any other comments for the staff?

Paul Dickson: Then my direction from here is to just draft the regulation, propose it, taking into the considerations, is that something that the Commission would like me to submit, or is this something that the Commission would like to see another time in it's final drift.

Commissioner Woods: I'd like to see a draft of it, and I also would like to see a map like this because I think we do need to limit and have a setback for residential, but I want to see how it impacts the area that we are talking about before, I think the Commission should really see it and make sure we don't box ourselves into a corner.

Chairman Pane: Anything else?

Paul Dickson: In two weeks from now, I will have that draft ready for the TPZ.

Chairman Pane: Fantastic, thank you very much.

**XIII. COMMUNICATONS**

CRCOG letters, no questions

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

Rose Lyons, 46 Elton Drive: I am kind of a little bit late at the beginning of the meeting, and I have to say that the Zoom meeting is faster than the NCTV video, so just an observation after listening to the Town Council meeting last night, and the discussion about the sign at the Fire Department, and I know that the town is exempt from the TPZ regulations, but also I believe that there is an administrative letter 35, and I believe Paul may have mentioned it last night but I'm not sure because I was in and out of the meeting, I had some other things going on here, but I don't believe that the TPZ would have anything to do with the standards for the town owned facilities but it would come from the Town Manager's office, but I'm hoping that there is some type of input from our Town Planner if that administrative letter is reviewed, I think it goes back to 2004, and perhaps there can be more uniformity in the center of town. I know that when the Parks and Rec sign on the town green was taken down, it did not conform with this letter, but then again, it was not designating anything other than showing what was coming up and allowing people to advertise coming events and things like that, and there has been talk in the past of signs on the other side of the Berlin Turnpike as well, and I forget whether it was Joint Committee on Community Safety or some other commission that was established, I think there should be some sort of uniformity with all of the town buildings. I notice that even with the Town Hall, I don't think there are any signs going in there, other than sandwich board signs, but in any case, it was just something that I have been looking at for a while and just thought about it and just wanted to give some input on that. Also, I was in the municipal parking lot area the other day, and I know that the Parks and Rec Department has been oversight of that area, and I mentioned at the Town Council and I'm going to mention it to you, only because we spent 1.8 million dollars on that municipal parking lot, we took property by eminent domain, and made a focal point, and that focal point now is being used as an area for concerts and things like that which is good and I think that is nice for the community, but having the picnic tables all around there, even not just in the summer, but in the winter too, I don't think it is something that should be done. I don't know if you have any control over it or not, maybe it is something I should bring up with Parks and Rec. but in any case I thought I would say what I had to say, so I don't have to go on Facebook and say it, and so it is on the record, and I thank you for your time and I'll let you get back to your meeting so you can call it a day. Thank you

Chairman Pane: Thank you. Anyone else wishing to speak?

**XV. REMARKS BY COMMISSIONERS**

None

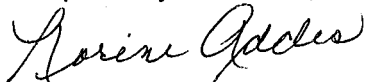
**XVI. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: I want to thank everyone, I think we had a very good meeting and thank NCTV

**XVII. ADJOURN**

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

Respectfully submitted,



Norine Addis,  
Recording Secretary