

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 13, 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 Haggarty  
Commissioner David Lenares  
Commissioner Jonathon Trister  
Commissioner Stephen Woods  
Commissioner Stuart Drozd-A  
Commissioner Michael Fox-A  
Commissioner Gia Pascarelli-A

Commissioners Absent

Commissioner Garret Havens-excused

Staff Present

Paul Dickson, Town Planner

Commissioner Fox was seated for Commissioner Havens

III. APPROVAL OF AGENDA

Paul Dickson: There is one change, looking at how it was published, Petition 21-23 Special Permit 34-17 for a home occupation business under Section 3.4.4 after the home occupation business it should say at 172 Indian Hill Road. This was included in the staff memorandum and staff reviewed the previous applications and at the last approval the item was brought up as an item not on the agenda, so this is more of an administrative function of the TPZ.

Chairman Pane: If there are no objections, we will add that address to Petition 21-23. Is there anything else?

Paul Dickson: Nothing else.

*Domenic Pane*  
Town Clerk

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Commissioner Trister: Was the address on it on the on-line version where anyone could have gone on and read it?

Paul Dickson: It was not on the posted agenda, it was just noted today that the address was not on there.

Commissioner Claffey: So someone could just come here and talk about it, correct?

Paul Dickson: It is not a public hearing, they could not talk about it as an item, you know, they can only talk about items not on the agenda during the public comment.

Commissioner Claffey: That's what I'm saying, the public would not be aware of where this business was, that's all I'm saying. If a person wanted to go and complain, for whatever reason, they would not have known that would be part of the agenda, without the address.

Paul Dickson: It is not on there, correct, again, this is a long established home occupation, and with a home occupation, if we receive complaints, and it is not in compliance then we would, the Commission could call a public hearing to revoke it. The notice of decision would be published in the paper, but the petition for Indian Hill Road is not a public hearing, and again, during the last meeting, I looked at those last minutes of when it was renewed, and it was brought up as an item not on the agenda.

Commissioner Fox: Anyone who follows our meetings and agenda and has any interest when this come about the TPZ room was full and I think if they had any problems, they would have come down, so I see no problem with this.

Chairman Pane: Thank you very much, and we will make that change.

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

Robert Allard: Have we hear anything about when they are going to start construction over there on Culvert Street? Anybody hear anything?

Chairman Pane: We aren't going to go back and forth. We will have it on our Town Planner's report for the next meeting if he has any knowledge of it.

V. **REMARKS BY COMMISSIONERS**

None

VI. **PUBLIC HEARING**

A. Petition 15-23: Special Permit (Sec. 6.2.5) for a free standing sign at 300 Hartford Avenue. Applicant /Contact: Shaddy Kessling, Owner: 300 Hartford Avenue, LLC.

Chairman Pane: Is the applicant on line?

Paul Dickson: I am not showing the applicant on line. They were advised that the hearing was tonight. Unfortunately Erik was speaking with them and he had to leave abruptly today so I don't have any update on that.

The application is for 300 Hartford Road, it is Industrial zoning, and again, what they have submitted is, they originally submitted a plan that was showing the sign that appeared to be in the town's right of way. We contacted the owner and said that they needed to have a survey of the property to show the location of the sign, and they submitted an updated plan, again, hand drawn showing the adjusted placement of the sign. As noted in the staff report the sign itself, the design meets the standards, however the staff does not have the exact placement of the sign, so that is something that is in the staff comments on this application.

This was the building that was formally Capital Pipe.

Commissioner Woods: They used to make trolley parts there, believe it or not.

Paul Dickson: This is the sign design, the pedestal sign shows 300 Hartford Avenue, putting their address on it, typical standard.

Commissioner Lenares: This applicant is not here, and I don't know if there are speakers here or on line in favor of against, but without the applicant giving the applicant the ability for rebuttal why are we even going through. If someone in the audience had concerns or someone on line had concerns, they would not be able to have a rebuttal, I don't really want to go through this twice, why can't we table this until the next meeting?

Commissioner Woods: Commissioner Lenares has a good point if there are questions or concerns about the petition.

Chairman Pane: If there are any concerns from the public we can table this so the applicant has a fair opportunity to come back and rebut.

Paul Dickson: I just want to add for the record, this is a 47 square foot sign, again it has been looked at and does not have an impact on pedestrian or sight lines.

Commissioner Piscatelli: We don't have an official location for this sign?

Chairman Pane: If you were to approve this, you would have a motion that they would not be able to install it without submitting a surveyors map showing the proper location to make sure it is not the right of way.

Paul Dickson: And that is a condition again, that they have a survey and a plan submitted to the ZEO prior to the issuance of the permit and afterwards they would have that site confirmed as an as built with the location showing the right of way.

Commissioner Fox: I agree with Commissioner Lenares but the draft motion kind of takes care of any questions that might arise, and they can't install the sign until the motion is satisfied.

Commissioner Trister moved to table Petition 15-23 and keep it open.

Paul Dickson: The motion is to table and continue to the next meeting.

Chairman Pane: This will be continued to the next regularly scheduled meeting.

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

## VII. APPROVAL OF MINUTES

Commissioner Claffey: Last page the address should be 1932, the back lot that has the violation.

Commissioner Fox moved to accept the minutes of the August 23, 2023 minutes with the correction changing the address from 1994 Main Street to 1932 Main Street. The motion was seconded by Commissioner Trister. The vote was unanimously in favor of the motion with the correction, with seven voting YEA.

## VIII. NEW BUSINESS

- A. Renewal of Special Permit 34-17 for a home occupation Business under Section 3.4.4 of the regulations. Applicant/Contact: Amy Berube, Owner: Amy and Jaime Berube.

Chairman Pane: Would the applicant come forward and give us a little information. I don't believe that there have been any problems.

Amy Berube: I run a very small dog sitting business out of my house. We have a couple of dogs that stay overnight for boarding, and a handful of dogs that come during the week for day care.

Paul Dickson: This was approved under the Home Occupation permit for stipulated judgement for a period of one year and it was then subsequently renewed for three years. Staff has received no concerns, no complaints, about the operation. There have been no issues brought up about the current operation and staff is recommending again that it be approved, renewed for a period of three years just as the last approval subsequent to the conditions of that stipulated judgement.

Chairman Pane: Any questions from the Commissioners?

Commissioner Fox: Is there anyway we can waive the renewal? We haven't had any complaints about it, so my question is there anything that would prevent us from waiving the renewal. In other words, Ms. Berube is a nice person but she has other things to do other than sitting here watching us.

Paul Dickson: The way that the regulations are written it specifies a home occupation for a period of one, two or three years, and there is nothing to indicate a waiver. Again, when the stipulated judgement went through it was for a period of one year with additional years to be considered. Again, the home occupation permit is for one, two or three years. It doesn't provide any waiver conditions.

Commissioner Fox: So we can't like extend it for say five years?

Paul Dickson: There is nothing in the regulation that would allow that.

## IX. OLD BUSINESS

A. Petition 15-23: Special Permit (Sec. 6.2.5) for a free standing sign at 300 Hartford Avenue. Applicant /Contact: Shaddy Kessling, Owner: 300 Hartford Avenue, LLC.

Tabled

B. Petition 21-23: Renewal of Special Permit 34-17 for a home occupation Business under Section 3.4.4 of the regulations. Applicant/Contact: Amy Berube, Owner: Amy and Jaime Berube.

Commissioner Fox moved to approve Petition 21-23 for a renewal period of three years with the following conditions as presented in the motion for stipulation for docket number HHD-CV-18-60946438.

1. The maximum number of clients' dogs allowed on the property pursuant to this home occupation permit is five; which number does not include or limit in any way the number of dogs owned by Ms. Berube.
2. Overnight stays will be limited to a maximum of two dogs.

3. The sound of clients' dogs barking is not allowed to the extent that it becomes a nuisance and strict protocols shall be used to ensure barking does not become a nuisance to neighbors

4. Existing fencing around the outdoor area used by clients' dogs shall be maintained or replaced in a manner to be equally or more of a buffer between neighboring properties

Reason for Approval:

The renewal is for the same activity as approved by Petition 34-17 pursuant to the stipulated judgement with no modifications for use.

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

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

Chairman Pane: I'll ask the staff if they want to discuss any of these.

A. Petition 18-23: Special Permit (Sec. 3.15.3) Restaurant (Table or Counter Services) at 26 Fenn Road (AKA 36 Fenn Road) Applicant: Arif Pal and Basit Ali, Owner: Hayes-Kaufman: Newington Associates LLC., Contact Arif Pal

Paul Dickson: The first one is a restaurant, again, table or counter services, this is actually at 26, 36 Fenn Road is actually the overall parcel, that is the one with Stop and Shop and the large area of multi-tenants. The location that the applicant is looking to go into is actually 26, so that would be on the next scheduled meeting.

B. Petition 17-23: Special Permit (Sec. 6.2.5) for a free standing sign at 550 Cedar Street Applicant and Owner: DPI LLC; Contact: Dan Montanaro.

A free standing sign at 550 Cedar Street, Dakota Partners, Cedar Point, they will be coming in for their free standing sign, the final sign wasn't shown on the site plan, and therefore it has to come back and go through the special permit process.

C. Petition 20-23: Zoning Regulation Text Amendment pertaining to (Sec. 3.13) special permits allowed in (B-TC) Business Town Center Zone. Add Section 3.13.7 accessory drive throughs (Accessory Use to a restaurant bank, pharmacy, and laundromat) Applicant: Newington TPZ, Contact: Paul Dickson

This is actually updated from what you see on the screen in the packet again where it notes the specific uses that it is accessory to. Those will all be on the next agenda, along with the public hearing that was continued tonight so there will be four public hearings.

Commissioner Claffey: One question, on that 36 or 26 Fenn Road, there was a restaurant there, is this the same or a new location?

Paul Dickson: I'll have an answer for you on that, I'm not familiar with the tenants.

Commissioner Claffey: If there was a restaurant there before and it is just changing names or ownership, they don't have to come back unless it is changing from what it was prior.

Paul Dickson: I know that it was reviewed by the ZEO and if it was an existing restaurant once, I definitely will look into that.

## **XI. TOWN PLANNER REPORT**

Paul Dickson: Just to update the Commission, at the last meeting, 1934 Main Street, the zoning officer was out there on the 6<sup>th</sup> of this month, spoke with the people doing repairs on cars on site. We will be following through with enforcement and will need multiple visits, documentation and again, we did witness a car, no shocks, no struts, no tires, missing a driver's side door. And pretty much every car on the lot does have a license plate, so we are working with the police department as well for verification and will be continuing with enforcement. Again, the parking on the lawn adjacent to that, we're continuing to work with them. They know it going forward and at some point may be a willful violation of the regulation if they continue to do it over and over again. We don't ideally go to citations for independent residential owners, however a willful violation of the zoning regulations does require increased enforcement, so we will continue to look at that.

2151 Berlin Turnpike, there is an application now in front of the Conservation Commission for Inland Wetlands. This is the Maple View Motel. They also submitted a site plan modification. What they have submitted is actually below the threshold that would require Commission approval, it is a small garage addition a small dining room addition to the existing residence that is already permitted as part of that hotel/motel in that location, and they are just making the existing patio and making it (inaudible) again, it's a minimal addition to it, and would not trigger bringing it to the Commission. However, they are in front of the Conservation Commission for wetland because they are within the upland review area.

3333 Berlin Turnpike, we spoke of this previously, as you are coming down the driveway, the first small commercial building on your right, coming from the Berlin Turnpike, we are working with the design engineer to come up with a design for a patio next to that one for outdoor dining. Again, we are reviewing it for safety, for that along with the Town Engineer, and if administratively approved will share it with you. Again, we think it is a good thing that more and more in that area are actually creating their own dining district on this site, and there is so much outdoor dining, it kind of says a lot for the vitality and future of that site, so this is an opportunity, with the residents behind it and they can utilize that and it would become an amenity for them as well.

Down on Pane Road, the Pike, we have gotten a little more update from them. They just submitted some outdoor lighting plans, showing a little more detail on their outdoor patio, so we

are reviewing that, and again, the amenities that they are providing for their residents which are always great.

We are continuing to work with the owners of the Keeney building. They are updating their site plan. There was storm water systems that they have had to verify, clean out existing chamber, and again, they are looking at what the uses can be, and will be coming in front of the Commission hopefully in the near future, to, remember what they got approved for, kind of retail in the front, and as they go about their business plan, what the concept is, and what the uses are, so they have things ready in hand when they are ready for applicants. Staff is looking to support their efforts.

We are continuing to work on our streetscape projects, and the current grants putting together the trail grant, the connection between Newington Junction where the trail ends to West Hartford. We are looking at that in conjunction with everything around Newington Junction area, to be put together as one thing. It is an opportunity to look at not just zoning, just the historic area, just biking, trying to pull it together in one unified package.

So those are the items that I wanted to report on, if there are any questions I'll be glad to answer.

Chairman Pane: Will we have an opportunity review the streetscape, the Hartford Avenue area that you are working on now?

Paul Dickson: Yes they will go through their state funded projects under the urban action grants and I'd be happy to share them with you. Currently we are going to be working with land owners, working with them on the plan before we develop the final plan that are submitted to the state for construction. I'd be happy to share those with the Commission.

Commissioner Woods: Is the design in house, or.....

Paul Dickson: The concept levels are being designed in house until the final concept is approved and then likely the engineering department grant final (inaudible).

Chairman Pane: Paul, is there any news on Culver Street? Have you heard anything?

Paul Dickson: I have not.

Chairman Pane: Okay. At the last meeting we talked about non-conforming uses and how it is not really a good idea to create zoning regulations that will cause non-forming. There was a case on the auto regulations where a few years back they took the regulations out and those businesses had to sue the town, and they won. So I was wondering, because it affects the mortgages, the financing, and the property value, so maybe you could put a report together as to why it is not a good idea, when you change regulations, change regulations without creating non-conformity. If we could get report on that I would appreciate it.

Paul Dickson: Yes, okay.



## **XII. COMMUNICATIONS**

Chairman Pane: We have the CRCOG letters. Does anyone have any questions for staff concerning the CRCOG letters?

There is a staff reporting on the draft regulations.

Paul Dickson The memorandum was in your packet. What I did was that I went through and provided a notation to the Commission on the items that were changed. Again, if you would like a copy of the drive through regulations they are going to be on the next meeting and it will be posted on land use.

Item A was removed, this was the very specific requirement regarding streets where the drive throughs were not allowed. That has been removed. Staff also included that there was another drive through approved that was in an area off of the arterials so I wanted to share that again and state when it was approved, and for five years, however it was a bank with a design again on the street and I think you can see that thinking about how the drive through regulations were drafted, and the Commission has been doing this to keep the drive through in the rear, and making it part of the site circulation and make it part of the auto dominated area which is typical of parking lots, and to keep the building as a stronger streetscape and I just wanted to share that with the Commission.

Item B, to add restaurants are encouraged to add outdoor seating and walk-up windows where feasible. I would actually like to continue to look at walk-up windows and looking at more opportunities in the town center. We might have an opportunity to either have more language or add more encouragement for this. I think this would be good actually for current businesses, and actually some new businesses looking to move in, again as we have more and more people who are looking to revitalize and actually build towards the parking area which was a concern of the town center, to have some uses back there, to have more pedestrian interaction, more use of that, people just not wanting to park along the street to get to the front door, that there is more behind.

Item F, the driveway entrance shall be at least 100 feet, that was replaced with driveway entrance and egress locations shall be located to prevent conflicts with intersections and vehicular and pedestrian circulation. Again, on a site by site basis, this would be reviewed by the Town Engineer.

Item G, the litter control plan was removed.

The only thing that wasn't noted in there is I changed this section to site distance, and I was doing it again to prevent any ambiguities.

Chairman Pane: Any questions for the Town Planner?

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

Bob Allard: I just have a question for Paul. Can I get a copy of this drive through regulation, when ever you could, whenever possible, bring it to the next meeting or something? Whenever you get a chance to answer?

Chairman Pane: We will have a couple extra copies at our next meeting, and it will be on our agenda for the next meeting and I will have the staff have a few copies for the public.

Bob Allard: I appreciate it. Thank you.

Paul Dickson: If I can add, they will be available to, we are updating, currently the land use application is where we have all of our land use applications, so for the next meeting it will be on there, and anyone who wants a copy of a regulation can always get a copy from our office, and they are also filed with the Town Clerk.

Rose Lyons, 46 Elton Drive: I sat through multiple public hearings on the renewal or the application that was up for renewal tonight on Amy Berube's petition. I agree with Commissioner Fox, I don't remember any one, maybe one complaint against the initial application and then it went to court and the court decided it, and I guess I was a little confused with Commissioner Claffey asking whether or not the public might have something to say about the renewal of this application when in all of the years that I have been watching and attending TPZ meetings, unless it is a public hearing, you don't get to speak. If somebody had something to say I would think that would have done it by now, and I personally looked at the agenda and saw Amy Berube's name and that is why I wanted to watch tonight to see what was happening. I think, and I could be mistaken that it was said that at the last time it was renewed it was done, not as an agenda item, an administrative procedure. Is there a reason why it has to be on the agenda, and it can't just be done administratively somehow so Ms. Berube doesn't have to come back every three years? It's just something I had in the back of my mind as a question as to why she has to keep coming back. I know you don't answer the questions, but it was just something I was thinking about. Like I said, I've been watching this since the beginning through multiple hearings and just had that question in my mind. Thank you very much.

Chairman Pane: Thank you Rose. Do you want to answer that Paul?

Paul Dickson: As I stated and it might have been confusing the way that I stated it, when I reviewed the minutes, looking through the file, at the last meeting it was brought up as an item not on the agenda, added to the agenda, but it was approved by the Commission. Again, that is because the way the regulations are written.

Chairman Pane: Okay, very good.

#### **XIV. REMARKS BY COMMISSIONERS**

Commissioner Claffey: I just want to clear the air on why I brought up the address, a simple question could arise and not trying to go down the rabbit hole trying to make an exception when every business home owner in town runs a home business under the same regulation. I brought it up purely as an administrative, to make sure we are not breaking a rule or law, it has nothing to do with the address in question, it was just actually because someone could have come here and talked about it after it was over, like at the end of the meeting because it was

taken care of, so in the future should it come up for say a guitar business, a photographer, a CPA, that I was trying to make sure we were doing it correctly.

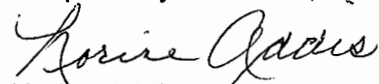
**XV. CLOSING REMARKS BY THE CHAIRMAN**

Chairman Pane: I want to thank everybody, Paul, thank you very much.

**XVI. ADJOURN**

Commissioner Woods moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Norine Addis

Recording Secretary