

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

October 25, 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 Garret Havens
Commissioner David Lenares
Commissioner Jonathon Trister
Commissioner Stephen Woods
Commissioner Michael Fox-A
Commissioner Gia Pascarelli-A excused

Commissioners Absent

Commissioner Anthony Claffey
Commissioner Bryan Haggarty
Commissioner Stuart Drozd-A

Staff Present

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

Commissioner Fox was seated for Commissioner Claffey and Commissioner Pascarelli was seated for Commissioner Haggarty.

III. APPROVAL OF AGENDA

No Changes

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

None

RECEIVED FOR RECORD
NEWINGTON, CT
2023 OCT 30 AM 11:12
TOWN CLERK

V. REMARKS BY COMMISSIONERS

None

VI. PUBLIC HEARING

- A. Petition 22-23: Special Permit (Sec. 6.2) for a free standing sign at 712 Cedar Street, Applicant: Lauretano Sign Group; Contact Alyson Ibbotson, Owner: Gold Coast Properties CT. LLC.

Alyson Ibbotson: The application is for a special permit for a ground sign for Woodspring Suites. There is a site plan showing the location of the sign, facing Cedar Street. There is also a design plan showing what the sign would look like.

Chairman Pane: Would you like to add anything else before I go to a staff report?

Alyson Ibbotson: If you have any questions, I would be happy to answer them.

Erik Hinckley: As shown, the sign is completely on private property and is also outside of the easement that runs along Cedar Street as part of the town easement. The sign meets the signage regulations and in regards to their wall signage which has all been incorporated to meet the requirement. We see no issue with the proposal.

Chairman Pane: Are there any questions from the Commissioners for the applicant or for staff?

Commissioner Woods: The sign, I'm assuming, is it internally illuminated? It does say it is illuminated on the front page of our packet.

Alyson Ibbotson: It is internally illuminated, but the background does not light up, it's just the logo that lights up, it's cut through push through letters so Woodspring Suites would light up, and extended stay hotel would also be lit.

Chairman Pane: Since this is a public hearing if there is no objection we will go to the public. Is there anybody wishing to speak in favor of this application? Is there anyone wishing to speak in opposition to this? Before we close this and move on, I have one question for staff. Is it, would it be appropriate to have the address on the sign, or not? Just a question.

Erik Hinckley: Absolutely, we can make it a condition that the address be on the sign.

Paul Dickson: There is no specific requirement for it, however a lot of applicants have added it in the past for EMS and help with that, so if the applicant is not opposed to having the sign revised, I think that would be the thing to do.

Alyson Ibbotson: That can absolutely be added.

Chairman Pane: Okay. It might be appropriate for emergency situations. Are there any other questions? I'll entertain a motion from a Commissioner to close Petition 22-23 and move it to Old Business for action.

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

- B. Petition 24-23: Special Permit (Sec. 6.6) for Alcoholic beverage service with live entertainment for an existing café/lounge at 2143 Berlin Turnpike (AKA 2137 Berlin Turnpike) Applicant and Contact: Cynthia Callahan Owner: Bowl-O-Rama Realty, LLC.

Amber Dodge: My family has owned and operated Bowl-O-Rama for the last sixty years. We are coming to you tonight because our liquor license which has always been classified as a bowling alley which permitted live music in the past, in 2023 the State cut down the amount of classifications for liquor licenses, so they gave us a café permit liquor license which does not allow live music, so we are looking for special permission from the zoning board to have the application because we are looking to do karaoke every Friday night, 9:00 to midnight which is what we have done for many years, and all local bands one to two times a month on Saturdays from 8:00 to 11:00 p.m.

Chairman Pane: Very good. Why don't we go to a staff report on this and we will go to the questions from Commissioners.

Paul Dickson: So as noted, they do have a permit to serve alcohol, when we researched the property because it has been there since the mid-seventies, there was no permit, there was no special permit that I could find that indicated one way or the other about live entertainment. The Commission has in the past has had live entertainment as part of their approvals. The hours, as reviewed seem reasonable, typically along the line of other alcohol service in the area. You can see the applicant's floor plan that they included, but what I did actually from here, what you can see, I have some photos, and many of you may be familiar with the inside, so this is looking at it from the left side, the southside, looking north, so this is the space we are talking about. You can see the tables, the bathrooms are to the rear, and all of the entrances are to the right, out to the front of the building, and then that door that you can see on the left is the entrance into the bowling alley, so if we go to the next photo, looking from the opposite direction, you can see that the space was recently remodeled, it looks great, bathrooms to the rear, again those entrances to your left. Kind of keep that in mind, they stop right about the bar area. So, going to the next photo, this is the same table that was in front of you, right next to the door to outside, and at the end there is the area that they are looking to utilize for live entertainment, it doesn't interfere with flow through this space. Staff did discuss with the Fire Marshal, they actually have no comments to offer and they will just work with the applicant during their normal renewals. So they were good with the space. Again, the plan is, you can see the setup right now, it is most likely the karaoke setup. There is actually a pull-down screen on the back, and that one table, the lone table against the wall is where the person operating the karaoke would typically sit and

then that would be removed and the area kind of reconfigured for a band there, but again, staff sees no issues with it, it's a long standing Newington business and we have not received any complaints at all about the establishment.

Chairman Pane: Very good. Thank you very much. Any questions from the Commissioners? We will go, since this is a public hearing, we will go to the public. Is there anyone from the public wishing to speak in favor? Anybody wishing to speak in opposition? I'll entertain a motion.....

Commissioner Woods: If we approve this, do you need to go back to the State to change your license?

Amber Dodge: Yes, there is a form.....

Paul Dickson: They need this approval first.

Chairman Pane: Thank you. Any other Commissioner?

Commissioner Fox: I don't think I have to say this, because I don't have any questions, but a town without Callahan Bowl-O-Rama, I mean, Paul said the seventies, try the fifties. I'm definitely in favor of approving it.

Chairman Pane: Any other comments or questions? I'll entertain a motion to close Petition 24-23 and move it to Old Business.

Commissioner Fox moved to close Petition 24-23 and move it to Old Business which was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with seven voting YEA.

VII. APPROVAL OF MINUTES

Commissioner Fox moved to approve the minutes of the September 27, 2023 meeting. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. NEW BUSINESS

A. Pre-Application Discussion for 2661 Berlin Turnpike

Phil Silverman: I'm here for Chillax, LLC and this is a pre-development meeting prior to seeking a special permit site plan approval to operate a hybrid marijuana establishment for retail sale of adult use marijuana and for the sale of medical marijuana at 2661 Berlin Turnpike.

I think, I'll just try to give you a quick overview, I know the Commission has some experience with these types of facilities, so I don't want to over burden you with things that you are already

aware of, but I just want to give you sort of the basics. This is in the Business-Berlin Turnpike Zoning District which is appropriate for this type of business. It's about 4200 square feet of space in what was formerly a Pier One import business and it seems to be appropriate in this area in terms of the area having retail and office buildings as such, it should fit right in. We are proposing minor modifications to the building and the site.

You can see, there is access and egress through two curb cuts here, and we have done a traffic study that has been provided to you. There haven't been any accidents in this area, so we aren't planning on making any changes in terms of access or egress from the site, or anything about the circulation or the pavement markings because we think that they all work pretty well, and in terms of the fact that there haven't been accidents.

In terms of signage on the site, there is a Pier One sign on a pylon, we will replace that with the same of this company, haven't determined the DBA that they are going to operate under just yet, but that pylon sign will be replaced. There will be signage on the building, I think channel lettering as well with the same name of the company.

The windows will have sort of a security film on them, so that we restrict the visibility within the building, you don't want people sort of loitering and trying to look inside.

The landscaping that is there, we won't change it, we will be revitalizing it, it needs a little help and then we will maintain it as necessary.

Parking, so there is 265 in the complex, I think there are about 75 that are associated with this building, but we are entitled to use any of the 260. There are only 48 required, so this is about as good parking as you find for these types of uses as you will find anywhere.

Loading occurs in the rear of the building. There is a door, we secure that, you know, loading is pretty simple, the product comes in in totes, it's literally, it's very well choreographed, you know when they are going to arrive, there is radio contact with the people delivering, it takes all of about two minutes to get in out, get it into the door, so that will occur through a door in the rear. In terms of trash, there is an enclosed dumpster in the rear that is already existing, that will be secured, it will be locked. We don't put any marijuana waste in that, any marijuana waste goes into basically, it is separated, kept in a secure area in the facility and is returned to either the cultivation or manufacturing place where it came from to be taken care of there.

I will just remind everybody, there is no on-site consumption at this site.

Next we will go to the floor plan, so again, you are pretty familiar with these because just about anywhere in the country where these types of facilities operate, it is all the same kind of setup.

You have a secure vestibule, you have to come in, you have to show your ID before you can get buzzed into the actual sales area, so that is the same everywhere, there is room for up to eleven sales stations here, two would be dedicated to medical sales. The entire facility is a limited access facility so obviously customers, if you are coming for our retail sale you have to be 21 years of age, medical, you have to have the medical card, but even within the facility there is restricted access. Somebody who is charged with being part of the reception area has no need to be in the secure vault for example, they wouldn't be able to get into that vault. It's all done by key card. That way you can sort of keep people where they need to be, and they get no further access than that.

In terms of traffic, there would be somewhat of an increase from the current use, it's approximately 28 coming and going, and in the weekday peak hour in the afternoon and on a

Saturday you get about 50 coming and then 50 going at the peak hour, more than what was presently there. Again, ample parking. These trips tend to take between eight to ten minutes so people are in and out very quickly, we don't expect any major traffic tie-ups with people trying to get in and out of the lot.

In terms of security, this is all state mandated, so you have seen this before. There are cameras in the interior and the exterior, you have a 360-degree view around the facility, see everybody who is coming, everybody that is going, and then there is a camera in every room where marijuana is handled or stored. There are alarms on all of the windows, doors, and there are panic alarms and duress alarms throughout the facility as well. During business hours there is on-site security personal, and the facilities are monitored 24/7 by off site security.

Finally, these retail facilities are not the subject of odor complaints from neighbors, that is more of a cultivation facility where that happens. All of the product is packaged off site, in sealed packaging and then there is pressurized HVAC systems and filtration and so I don't expect that there will be any odors that will cause a nuisance to abutters.

So those are the basics, I'd be happy to take any questions, comments, any ideas you have, we certainly want to talk further about it and hear your thoughts.

Chairman Pane: Commissioners have any questions? Staff?

Paul Dickson: Staff has done a preliminary review because it is not a full application, and the numbers seem to work as far as zones, distances, all of that, the one thing that we would do during application is go out, look at the site, work with any applicants, what could be updated, improved, since it has been some time that that space has been empty. So it probably could use some potential upkeep, but I think that is where we would focus when the application came in.

Commissioner Fox: I just want to thank you for bringing this, pre-app in front of us today, it is a kind of controversial issue and we appreciate the comments and we now welcome a certain number of people who wish to voice their opinions. Thank you.

Commissioner Trister: From the aerial, what is the distance from the facility to the Churchill condominiums? I know that we determined that there is a distance.....

Erik Hinckley: One hundred feet between residential and the end of the facility.

Commissioner Woods: Does this require a state permit also, and do you have that permit already, or will you get that permit after?

Phil Silverman: They are in the process with that, I can find out for you for the next meeting where exactly where we are.

Commissioner Woods: So it is required.

Phil Silverman: Yes, yes, no question.

Commissioner Woods: We had concerns when we approved the last one, how the parking was going to be atrocious and according now to Facebook, there are like two cars in the parking lot. The big rush I guess is over because there are a number of these places now where people can go.

Phil Silverman: My firm is a national firm that does this all over the country and you do see an initial surge and then enough of these places pop up, it's sort of becomes like a local liquor store.

Commissioner Woods: A service obviously some people need. That's good.

Chairman Pane: Any other questions from the staff or Commissioners? I want to thank you very much, it was very helpful and I appreciate you coming in.

IX. OLD BUSINESS

- A. Petition 22-23: Special Permit (Sec. 6.2) for a free standing sign at 712 Cedar Street, Applicant: Lauretano Sign Group; Contact Alyson Ibbotson, Owner: Gold Coast Properties CT. LLC.

Commissioner Woods moved Petition 12-23 for a free standing sign at 712 Cedar Street.

Reason for Approval:

The proposed application is compliant with the Town of Newington zoning regulations.

The motion was seconded by Commissioner Havens.

Erik Hinckley: You need to add a condition for the address on the sign.

Chairman Pane: If that is okay with the maker.

Commissioner Woods: To add 712 Cedar Street to the free standing sign.

Chairman Pane: That is acceptable to the maker and the seconder. Is there any other discussion?

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

- B. Petition 24-23: Special Permit (Sec. 6.6) for Alcoholic beverage service with live entertainment for an existing café/lounge at 2143 Berlin Turnpike (AKA 2137 Berlin Turnpike) Applicant and Contact: Cynthia Callahan Owner: Bowl-O-Rama Realty, LLC.

Commissioner Havens moved to approve with condition Petition 24-23 Special Permit 24-23 for the service of alcoholic beverages with live entertainment at 2143 (aka 2137) Berlin Turnpike with the following condition:

The approval is for alcoholic beverage service with live bands and karaoke.

Reason for Approval:

The proposed application is compliant with the Town of Newington's zoning regulations.

The motion was seconded by Commissioner Fox.

Commissioner Woods: When this is approved, and I believe that it is going to, they are going to have to apply for a different liquor license, different style.

Paul Dickson: All they will be doing actually is adding an endorsement to their existing liquor license.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

Paul Dickson: There are two for scheduling, one we worked with the applicant for 85 Kitts Lane. If you remember, there was a pre-application, the applicant kind of changed their business and the one who is taking over has operated other banquet halls in the past, so they will be coming in for November 8th.

The other one that was received is for the conversion of the bank drive through to Dunkin on East Cedar, so that would be scheduled for November 20th. We just got the information this week, we will go over that with the applicant and keep working on that, so those are the two that will be upcoming.

XI. TOWN PLANNER REPORT

A. Current Land Use Applications

C. PA 152 Family and Group Child Care Homes

Paul Dickson: I will report on the current land use applications, see what is there, what we have going on, and then Public Act 152 for family and group child care homes, as depicted in the staff report, I kind of went through with a brief summary of that. The reason why this is also in front of you tonight, the State of Connecticut sent out letters to all municipalities that basically by December 1st we need to certify whether we do comply or whether we don't comply and what date by we will comply with the regulation. So again, the public act requires that no zoning regulations shall treat any family child care home or group child care home located in a residence licensed by the Office of Childhood Development in a manner different from a single

or multi-family dwelling. And then also, the zoning regulations shall not prohibit the operation in a residential zone of any family, child care or home or group child care home, located in a residence or require any special zoning permit by special zoning exception.

So I reviewed, and this is not unusual to require a special permit, many towns had it for child care, but the state act just says basically you can't require a special permit for the uses in a residence, and that you can't treat them any different than a single or multi-family dwelling. So the uses that we are talking about here are family child care home, which is basically not less than three, not more than 12, and this is in a private residence and the same for group child care home, which is not less than seven or more than 12, so these are the ones that are, the State has put legislation saying, these shall be permitted in residential zones, can't require a special permit, and that you can't have any more considerations for them other than you would have a single family, multi-family dwelling.

So to kind of get into, what does the state do, so these are the license requirements for family child care homes, so just have an understanding, smoke detectors, fire extinguishers, having emergency contacts, protecting electrical outlets, any weapons stored must be locked, stored away from ammunition, water temperature, rabies vaccination for dogs and cats, clean and sanitary, no dangerous items for children, protection of stairways, and then there are other regulatory requirement for outdoor space. So the State reviews each one of these coming in for a license, so they are the main licensing agency. So there would still be some oversight, as for the permits granted, so it will be in the State's hands rather than in the Town's hands when it comes to these specific in homes, in residences. The recommended changes, this is open for discussion, so adding uses permitted in any zone; family child care home, or group child care home accessory to a residence in a zone permitting either single, two family, or multi-family uses, and again, no announcement signs shall be permitted up to two square feet. That is no different than any other residential requirement that we have. And, all these uses shall be approved by the State of Connecticut, Office of Early Childhood prior to the issuance of a zoning permit. We require an issuance of a zoning permit for home occupation, so it's not anything that is too unusual. We require a zoning permit for a shed, so again, we aren't treating it differently than a single family residence. I will also be talking to the Town Attorney to make sure that they concur with that interpretation. There might be some slight changes but this is kind of the concept of putting it in uses permitted in any zone. So that is the way that the Newington regulations are kind of structured. The uses permitted in any zone, in residential zones or in other zones. The issue that we have is that we permit multi-family condos in residential zones, but don't have residences after them, there are some ones that permit that, and as far as a condo or multi-family goes, we can't treat them differently, we have to permit them.

So that is kind of the state's edict going forward, that is the requirement, so this is kind of the first thought, and the second is to go into the current zoning, change what was group care homes before and then I proposed changes to group care homes not located in a residence, because you can have a group child care home that is located in an office building, is located in any other type of building, so that would still come in for a special permit. You know, you aren't in a residential zone, I think that would still be in the Commission's purview of looking at how appropriate it is, you wouldn't want it in the middle of an industrial area, with trucking all around it, with no outdoor space so child care centers, which are a lot larger, would have a lot more of an impact than just adult day care centers. Again, this changes the front a little bit, but doesn't

change the body of the regulation. If the Commission would like those changes, I can do it, and then going onto the next page, this is what we would be removing, so this is how the special permit process went for existing residences. Again, one or two family detached dwelling and a very specific requirement for floor areas, not to exceed twenty-five percent, parking and there was a lot of discussion again about parking, these are smaller types of uses within a residential home.

Chairman Pane: So basically those types of uses wouldn't be required to even come in front of us, is that correct?

Paul Dickson: Correct.

Erik Hinckley: Except for a zoning permit and I wouldn't issue that until I got the paperwork to do it.

Paul Dickson: What the state might require is a letter from us saying, yes, this is permissible in this zone, a zoning compliance letter which goes along with the applicant, and once they get their permit, we would say okay, here's the letter and the letter would say, please provide the permit to the town, we would issue the permit, file it, and know at least, since they are no longer in front of the Commission, we would know the concentration in area.

Chairman Pane: Let me see if I can get this straight. If somebody lived in a condo, they could have the same opportunity are you saying?

Paul Dickson: That's correct, yes.

Commissioner Woods: I think that is the intent of this, but still all we see, so now they are now in change of everything.

Paul Dickson: They would determine how much space they have, what is appropriate for the amount of children, not to pack them into a small area, so again, there is already a license requirement.

Commissioner Woods: And how they would do it in a condo, I have no idea, but now they have the ability to try.

Chairman Pane: Any other questions from the Commissioners? I like the way that you handled this, this will work out good and we will still have the ones that possibly to into a commercial building, or an office building, and we will be able to look at those.

Paul Dickson: It's interesting in a way that we are kind of moving back to the person on the block who would watch a certain amount of kids, that's how I grew up too. There might be opportunities where there are three or four children or something like that and they want to formalize it. So again, the State is going to be in charge.

XII. COMMUNICATIONS

Paul Dickson: There are no communications but I have a couple of photos, just to update, I was out at 3333 today, it's kind of a mixed site right now, still very heavily construction oriented. It's a little rough. They are working at getting that center parking done, they are working toward getting as much pavement as they can get done before the plants close for the season which will be coming probably in the middle of November, towards the beginning of December. If we get a warmer part of the year in the later part of the year, it will be great for everyone who is working on construction right now, but you never know what the weather is going to do. You can see there are some trees in there, and there are some that they are holding. They do have temporary landscaping so we have been working with them, the plans are going forward. They are looking at getting a substantial amount of site work done before the end of the year, or at the end of the year, but again, we are just going to keep working with them and see where they get to and keep supporting them as we can.

You can see, looking here that it is a very active site, you have processed gravel in part of it, paved for part of it, dirt for the other. The residential buildings, the key thing is actually there, the utilities are actually all going in, you can see that the back building has not started the frame yet, it's just the two residential buildings, and the third, the fire hydrants are in, I think they are just waiting for some final paperwork to move forward with the energizing of the system, and then a fire watch will no longer be required for those buildings because water will be in. So they are close, moving in that direction, and as you can see, they are putting in pipe behind, building B, around near Shake Shack. Again, still a lot of work happening on the site.

Other than that, they are moving ahead on Pane and Maselli, siding is going up, but there's not enough site work to update with some photos.

Commissioner Woods: Did you notice that all of the Call before you Dig signs up on Culver Street, so something is going to start there. I don't know what. Now that they have settled, I would assume that they would be starting some kind of activity that they can do this year.

Paul Dickson: We have had conversations with them, hopefully it's not denuding the site and then leaving it over the winter. That is always a concern of mine.

Chairman Pane: Any other questions?

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

Rose Lyons, 46 Elton Drive: First of all, I'd like to ask anyone watching or who might be watching later on, that if you have spoken on Facebook about the medical marijuana facilities here in town, and there has been a lot of chatter about it, they should come to this table and speak out to the Commission, because they are not going to hear you unless you are sitting here. I was the only one around when I think Chairman Pane and probably Commissioner Fox were the ones that I can remember being here when the regulations were first made up, so if

you have something to say, come and say it. I want to thank the Town Planner for the update, I would love to be here someday and hear about 690 Cedar Street, other than they are going into executive session. I think that project has been around as long as I have been waiting for Alumni Road to be taken care of as well.

The other thing I was wondering about, and I know that you can't answer right now is, the project I think it's five or six residential homes on Connecticut Avenue. That is another one that has been brought up, but in any case, thank you very much Chairman Pane for being so tolerant of me for all these years, I appreciate it, take care and have a good night.

Chairman Pane: Thank you Rose. I don't think anything has happened on Connecticut Avenue, I'll check with staff.

Erik Hinckley: My understanding with Connecticut Avenue is the developer that got it approved, Larry Webster is looking to move the project. There is an interested party and has been in negotiations with him.

Chairman Pane: Very good. Thank you for the update.

Commissioner Havens: A question, on the approval of the site plan, is it transferable to the next person who buys it or do they have to come back or present the plan a second time?

Paul Dickson: It is transferable and actually it is good that you brought that up, we are looking at a time frame, it is getting close and we will make sure that they come before the Commission because there is a lot of effort and money spent going through the process and if it is applicable for an extension, and they need it, we will look at the time frame.

Chairman Pane: Very good. Anyone else from the public looking to come forward?

XIV. REMARKS BY COMMISSIONERS

Commissioner Woods: Anything new on Maple Hill Avenue? I don't know the number but you know what I'm talking about.

Erik Hinckley: We had a pre-trial conference a few weeks ago, with the judge and his attorney and Paul and I and I was asked to provide documentation to the opposing attorney just last week and that is good to go, and there is a trial date set for December.

Commissioner Woods: Do you have a docket number because I tried looking for it and I can't find it.

Erik Hinckley: It is there. It's a long list, but it is there. If you search his name and mine it will come up.

Chairman Pane: That particular piece of property, it took a long time for it to get on the court docket. It took us all this time just to get scheduled for December so that was the sticking point. I'm glad it is moving forward.

Any other questions from Commissioners?

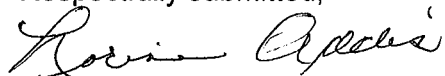
XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: This was a good meeting, I appreciate it.

XVI. ADJOURN

Commissioner Fox moved to adjourn the meeting at 7:50 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary