



# TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING AND REGULAR MEETING  
Monday, November 24, 2014

Town Hall Conference Room L-101  
131 Cedar Street, Newington, CT 06111

7:00 p.m.

## A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS

None.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

V. REMARKS BY COMMISSIONERS

VI. MINUTES

a. November 12, 2014

VII. NEW BUSINESS

a. Petition #45-14: Site Plan Modification at 100 Milk Lane ("Saputo Foods"). Saputo Dairy Foods USA LLC, owner/applicant; Stan Bogdan, 100 Milk Lane, Newington CT, contact.

b. Bond Release:

1. Victory Way (Victory Gardens)

VIII. OLD BUSINESS

a. Petition #46-14: Revisions to Section 6.11 (Sale, Rental Service or Storage of Motor Vehicles)

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NEWINGTON LAND RECORDS

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by Tanya D. Law

TOWN CLERK

**IX. PETITIONS FOR PUBLIC HEARING SCHEDULING**

**X. TOWN PLANNER REPORT**

- a. Town Planner Report for November 24, 2014

**XI. COMMUNICATIONS**

- a. Letter from Gary E. Bolles dated November 17, 2014

**XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**

**XIII. REMARKS BY COMMISSIONERS**

**XIV. CLOSING REMARKS BY THE CHAIRMAN**

**XV. ADJOURN**

Submitted,

A handwritten signature in black ink, appearing to read "Craig Minor", written over a horizontal line.

Craig Minor, AICP  
Town Planner

**STAFF REPORT**  
**Site Plan Approval for "Saputo Dairy Foods"**

**November 16, 2014**

**Petition #45-14**

**Site Plan Modification ("Saputo Dairy Foods")  
100 Milk Lane  
Saputo Dairy Foods USA LLC, owner/applicant**

**Description of Petition #32-14**

The applicants have been directed by DEEP to better treat their milky wastewater before it goes into the MDC's sanitary sewer system. This is an application for site plan modification for the small utility building that will contain the wastewater treatment equipment.

**Staff Comments**

I will complete my review of the site plan later this week.

As I reported at the last meeting, this project needs to be approved by the Conservation Commission before TPZ can take final action on them. The applicants have requested the necessary wetlands permit and it is on the Conservation Commission agenda.

This automatically extends your decision deadline, so you do not need to worry about requesting extensions from the applicant.

cc:  
Saputo Dairy Foods  
file

**STAFF REPORT**  
***Auto-Related Uses Zoning Amendment***

**November 20, 2014**

**Petition #45-14:**  
**Zoning Text Amendment (Section 6.11: Sale, Rental, Service or Storage**  
**of Motor Vehicles)**

**Town-Wide**  
**Newington TPZ, applicant/contact.**

**Description of Petition #45-14**

This is the revision to Section 6.11 of the Zoning Regulations that was mandated by Judge A. William Mottolese. His decision upheld Section 6.11 in general, but he struck down the “and other uses as may be determined by the Commission” phrase and the three “waiver” provisions.

Attorney Jack Bradley told us at the TPZ meeting on September 22, 2014 that no public hearing is necessary to enact this amendment. See below excerpts from that meeting:

Commissioner Leggo: On the first part, about changing the wording, shouldn't that be done at a meeting so it is part of an official record that it was done?

Attorney Bradley: I don't think it's required. I'm not saying don't put it in your minutes, this is in the minutes right now. I'm suggesting that you can be in compliance with the judge's order simply by republishing your regulations without the offending language. Now, if you want to have some discussion as to should we make other changes to the auto use regulations, you certainly can do that. When you change regulations you're acting in what is called a legislative capacity; it's different from when you are hearing an application. You can change your regulations whenever time and good sense tell you that they need to be updated. If you think that there are other things that are wrong with the auto use regulations, we certainly can make additional changes. In that case, I would suggest that you have a task force appointed, or act as a committee of the whole to review it, to study it, because the people who complained about it are asking for additional changes. They claim that you made them more non-conforming. They have their businesses, they have valid permits; they can continue doing what they are doing forever. They are protected under the law even though the regulations have changed.

cc:  
file

New text is shown in **bold underline**. Deleted text is shown in ~~**bold strikethrough**~~.

## **Section 6.11 Sale, Rental, Service or Storage of Motor Vehicles** (effective \_\_\_\_\_ )

The Commission may grant a special exception for the sale, rental, service or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of Section 5.2 (Procedures and Standards for All Special Exceptions), Section 3.15 (Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone), and Section 3.17 (Special Exceptions Permitted in I Industrial Zones).

For the purpose of this section, "motor vehicle service uses" include ~~but are not limited to~~ those of a limited repairer as defined in Sec. 14-51(a)(4) of the Connecticut General Statutes; the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts as described in Sec. 14-51(b) of the Connecticut General Statutes; and the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes. Motor vehicle service uses are allowed, by special exception, in the I zone, B-BT zone, and PD zones only.

For the purpose of this section, "auto-related uses" include ~~but are not limited to~~ dealers and repairers as defined in Sec. 14-51 (a) (1), (2), and (3) of the Connecticut General Statutes, car washes, car and truck rental businesses and other uses as may be determined by the Commission. Auto-related uses are allowed, by special exception, in the I zone only.

- 6.11.1 Auto-related uses, motor vehicle service uses, and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line.
- 6.11.2 Auto-related uses and motor vehicle service uses which include repairs shall be entirely within a building and at least 30 feet from any street right of way line.
- 6.11.3 Entrances and exits for auto-related uses and motor vehicle service uses shall be at least 100 feet from a church, school, playground, hospital or any residence. ~~The Commission reserves the right to alter this requirement when, in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission.~~
- 6.11.4 No display, sale, rental, or storage of any motor vehicle is permitted in the required front yard or in the street right-of-way.
- 6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone. ~~The Commission reserves the right to alter this requirement when, in its opinion, the density of the residential zone and the natural, topographical, or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission.~~

New text is shown in **bold underline**. Deleted text is shown in ~~**bold strikethrough**~~.

- 6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.
- 6.11.7 Overhead service doors shall not be permitted on the public street side of an auto-related use or a motor vehicle service use. **The Commission reserves the right to alter this requirement for a corner lot or when, in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that the requirement is inappropriate. Such action shall require a two-thirds vote of the Commission.**
- 6.11.8 The minimum lot area for a parcel containing an auto-related use or a motor vehicle service use shall not be less than one (1) acre. Such uses may be combined with other commercial uses when the total parcel size is not less than three (3) acres.
- 6.11.9 Pursuant to Sec. 14-321 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).
- 6.11.10 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

**Town Planner**

Craig Minor, AICP  
Town Planner

## Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Craig Minor, Town Planner  
**Date:** November 20, 2014  
**Re:** **Town Planner Report for November 24, 2014**

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1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** A written report on the 109 Goodale Drive situation is being prepared by ZEO Mike D'Amato. It will be sent to you under separate cover, and if the Commission wants to we can discuss it during the "Town Planner Report" portion of the meeting.
2. **Old Performance Bonds held by Town:** I will have a report at the meeting.
3. **Newington Junction TOD Committee:** Nothing new to report.
4. **Partial Moratorium on LID Regulations:** If I had been at the meeting last week, I would have reminded the Commission that a moratorium is a type of zoning amendment. All zoning amendments must be sent to CRCOG at least 30 days before the public hearing. That's why this item is not on today's agenda. It will be on the January 14, 2015 agenda.

cc:  
file

Phone: (860) 665-8575 Fax: (860) 665-8577  
cminor@newingtonct.gov  
www.newingtonct.gov

## TOWN PLAN &amp; ZONING DEVELOPMENT BONDS

Project Name/Address/ ID #	Staff Comments	Bond Amount/ Date Funds Deposited	Full Name of Depositor
2 Niro Landscaping 46 Commerce Court #24-02	<ul style="list-style-type: none"> <li>• 6/27/13: Compliance inspection by town staff: landscaping was <u>not done</u>. Letter sent.</li> <li>• 11/25/13: Follow-up letter sent.</li> <li>• 12/4/13: Owner informed me that property is "in receivership".</li> <li>• 4/23/14: Followup letter sent to owner.</li> <li>• 8/7/14: Another letter sent.</li> </ul>	\$6,000 2002	Peter Niro Commerce Court Realty LLC 860-666-1891
4 The Bar 512 Cedar Street	<ul style="list-style-type: none"> <li>• Compliance inspection by town staff: landscaping was <u>not done</u>. Letter sent 6/24/2013.</li> <li>• 9/23/13: Owner will apply for Site Plan Modification; will talk to surveyor.</li> <li>• 11/15/13: Surveyor said owner has not contacted him.</li> </ul>	\$2,500 1995	Anthony Gallicchio, owner.
6 Fountain Pointe 435-485 Willard Avenue #45-06	<ul style="list-style-type: none"> <li>• 5/28/14: TPZ visited site; consensus to waive replanting street trees and to replant arbor vitae and treat surviving ones.</li> <li>• 6/9/14: Owner informed of TPZ decision.</li> <li>• 9/19: Owner claims work is complete.</li> <li>• 10/22: Inspected site: work is <u>not</u> complete. Informed owner.</li> <li>• <b>11/19: Owner submitted photo showing required plantings.</b></li> </ul>	\$5,000 2007	Richard Rotundo, owner.

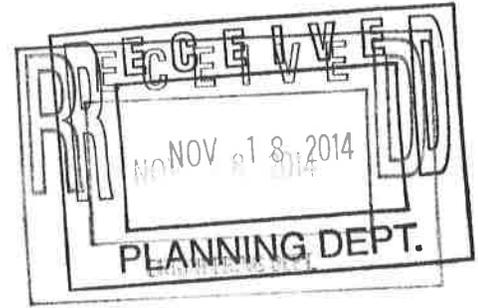
## TOWN PLAN &amp; ZONING DEVELOPMENT BONDS

7	Global Granite 3320 Berlin Turnpike #18-08	<ul style="list-style-type: none"> <li>• Paving and fence not done; letter sent 8/7/2013.</li> <li>• 9/25/13: Left message for owner.</li> <li>• 9/27/13: owner returned my call.</li> </ul>	\$37,000 2008	GGM Properties LLC
18	ZAG Machine 39 Progress Circle	<ul style="list-style-type: none"> <li>• 10/21/11: final course of paving not done.</li> <li>• 5/12/14: Letter sent to owner in New Britain.</li> </ul>	\$4,200 1992	Adam Z. Golas, owner
25	95 Waverly Drive (Lot #23) #01-04	<ul style="list-style-type: none"> <li>• 7/22/13: Residential driveway installed too close to side line. Letter sent.</li> <li>• 9/30: Neighbor agreed to sell strip of land.</li> <li>• 10/10: Owner called; working with surveyor.</li> <li>• 5/15/14: Another letter sent to owner.</li> <li>• 6/10/14: Owner still negotiating with neighbor over price.</li> </ul>	\$5,000 2006	Jaime Ibarrola 860-604-3096
27	IHOP Restaurant 3280 Berlin Turnpike	<ul style="list-style-type: none"> <li>• 11/27/13: TPZ decision: wait until spring, and then consider additional plantings.</li> <li>• 7/9/14: letter sent to IHOP manager, offering trees or equivalent.</li> <li>• 10/8: Owner came to my office to ask for more information.</li> </ul>	\$5,700 2000	Boylan Development Services, Inc.
28	Mills Construction 63 E. Cedar Street	\$1,500	2000	

TOWN PLAN & ZONING DEVELOPMENT BONDS

29	Target Richards Street	<p>Mature sycamore tree to be preserved.</p> <ul style="list-style-type: none"> <li>Inspected site: tree looks healthy (12/2/13).</li> <li>12/11/13: TPZ wants dead pines replaced.</li> <li>5/12/14: Spoke to Ass't Store Manager; was told to call back on Thursday.</li> </ul>	\$10,000 2003	
33	Rockledge Drive street trees #03-01	<ul style="list-style-type: none"> <li>11/15/13: Developer willing to forfeit the bond with no restrictions.</li> <li>12/4/13: Letters sent to all homeowners with offer to plant street trees in front yard.</li> <li>12/11/13: Three homeowners responded affirmatively.</li> <li>7/3/14: Obtained names of five local landscapers, to be invited to bid on project.</li> <li>7/7/14: Letters sent to three homeowners asking for their tree preferences.</li> <li>10/3: Landscaper selected.</li> <li>10/7: Met with landscaper on site to discuss project.</li> <li><b>11/7: Trees planted on four lots.</b></li> <li><b>11/8: Reimbursement requested by a homeowner who installed trees at her own expense several years ago.</b></li> </ul>	\$10,000 7/24/2007	Premier Building and Development

Gary E. Bolles  
28 Burdon Lane  
Newington, CT 06111-2743



17 November 2014

Newington Town Planning & Zoning Commission  
131 Cedar Street  
Newington, CT 06111

Dear Commissioners:

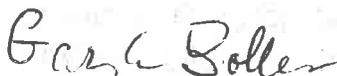
Subject: Petition #47-14 – Review of Zoning Regulations

At your last meeting of 12 November 2014, you began discussion on the review of Zoning Regulations of items that the Town Planner felt needed to be “updated, clarified, or just plain fixed”.

Regarding Petition #47-14, under Staff Comments, I direct your attention to item #9. Section 4.4.6: Prohibits a principal building within 50’ of a wetland. This is already adequately regulated by the Conservation Commission. In researching this, the Town Planner did not go far enough into the Newington Conservation Commission’s regulations regarding this matter. There is absolutely NO provision in the Newington wetland regulations which prohibits a building within 50 feet of a wetland. This Section 4.4.6 needs to remain in your zoning regulations. This should not disappear from your purview.

Also, there has been some confusion as to what constitutes a valid submission of a letter to the Newington Town Planning and Zoning Commission or any other Governmental board or commission. According to the Town Manager’s office, any communication can be mailed, emailed or hand-delivered. Therefore, any of the above are considered acceptable forms of communication and must be shared with all commissioners or representatives of any board or commission. Failure to do so is a violation that will not be tolerated. Thank you.

Respectfully yours,

  
Gary E. Bolles