

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Wednesday, April 25, 2007  
Conference Room 3  
TOWN HALL  
**NOTE TIME CHANGE: 7:30 p.m.**

A G E N D A

I. ROLL CALL

II. PUBLIC HEARINGS

- A. Petition 17-07 451 New Britain Avenue, Jonathan Reyes, 161 First Street, New Britain, CT 06051, applicant, Newington LLC owner, request for restaurant use Section 3.11.6 B Zone District.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes)

IV. MINUTES

April 11, 2007

V. COMMUNICATIONS AND REPORTS

VI. NEW BUSINESS

VII. OLD BUSINESS

- A. Petition 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111, Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District. Public Hearing closed February 28, 2007. Sixty five day decision period ends May 4, 2007.
- B. Petition 74-06 Assessor's Map SE 307, 1987 and 2169, known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114, represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Special Exception Section 3.19.2 (23 detached residential units), PD Zone District. Public hearing closed March 28, 2007. Sixty five day decision period ends June 1, 2007. Inland Wetland report required.
- C. Petition 75-06 Assessor's Map SE 307, 1987 and 2169, known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114, represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Site Plan Approval Section 5.3 (23 detached residential units), PD Zone District. Inland Wetlands Report required. Sixty five day decision period ends June 1, 2007.
- D. Petition 05-07 42 Maple Hill Avenue, Antonio Pinho and Jose Pinho owners and applicants, represented by Antonio Pinho, 52 Wolf Pit Road, Farmington, CT 06032, request for Special Exception Section 6.7 Interior Lot, R-12 District. Hearing closed April 11, 2007. Sixty five day decision period ends June 15, 2007.
- E. Petition 13-07 56 Fenn Road, Wayside Fence Company, 63 Third Avenue, Bayshore, NY 11706, c/o Alan Bongiovanni, 170 Pane Road, Newington, CT 06111, request for Site Development Plan approval Section 5.3. Wholesale fence storage use, I - Industrial Zone. Sixty five day decision period ends May 18, 2007.

- F. Petition 15-07 3207 Berlin Turnpike, formerly Roy Rogers, American Sign, Inc., 614 Ferry Street, New Haven, CT 06513, attention: Tony LaFo applicant, Cruise Nights of Newington, LLC owner, request for Special Exception Section 6.2.4 pylon sign, PD Zone District. Hearing closed April 11, 2007. Sixty five day decision period ends June 15, 2007.

**VIII. PETITIONS FOR SCHEDULING (TPZ May 9, 2007 and May 23, 2007)**

- A. Petition 14-07 Market Square, Newington Chamber of Commerce, 1046 Main Street, applicant, Town of Newington, owner, Chamber contact, David Johnson, 3153 Berlin Turnpike, Newington, CT 06111, request for Special Exception Section 3.2.8 for “car show event”, B-BTC Zone District. Schedule for public hearing May 9, 2007.
- B. Petition 16-07 Newington Shopping Center Lowrey Place applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111, Newington Center, LLC, owner, request for site plan modification to alter building façade “Town Center Design Guidelines” and reduce parking ratio from 6 spaces to 3.5 spaces per 1,000 sq. ft. gross floor area B-TC, Section 3.12 A Town Center Overlay District. Schedule for presentation May 9, 2007.
- C. Petition 18-07 Newington Center, LLC applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111, request for zone amendment to Section 3.12.A.5, Town Center Village Overlay District to reduce building setback standard for properties on Lowrey Place from 25’ to 15’ B-TC Business Town Center Zone District. Schedule for public hearing May 9, 2007.
- D. Petition 19-07 Newington Town Plan and Zoning Commission, applicant, proposes amendments to the Zoning Regulations affecting the following sections:
1. Section 3.11 Special Exceptions Permitted in B-Business Zones
    - Section 3.11.3 Sale, service, rental or repair of motor vehicles. “Delete”.
  2. Section 3.12.4 Buffer
    - Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone”
  3. Section 3.12 A Town Center Village Overlay District
    - Section 3.12.A.4 (c) Add “monument ground signs shall be colonial in design made of brick and shall not exceed a total height of 12 feet.”
  4. Section 3.13 Special Exceptions Permitted in B-TC Business Town Center Zone.
    - Section 3.13.1 Residential Buildings (c) change density from 1,000 sq. feet of land area for every dwelling unit to “2,500 square feet”.
  5. Section 3.15 Special Exception Permitted in B-BT Business Berlin Turnpike Zone.
    - Section 3.15.4 Drive through restaurant window service. “Delete”
  6. Section 3.16 Uses Permitted in I Industrial Zone
    - Section 3.16 1 (F) Auto Related Uses “Delete” and move to Section 3.17 to clarify auto related uses will be regulated by Special Permit.

7. Section 3.16.3 Buffer
  - Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone”
8. Section 3.17 Special Exceptions Permitted in I Industrial Zones
  - Section 3.17.2 Retail stores “Delete”
  - Section 3.17.4 Retail stores over 40,000 sq. ft. “Delete”
9. Section 3.18.4 Buffer
  - Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone”
10. Section 3.19 Special Exceptions Permitted in PD – Planned Development Zones.
  - Section 3.19.2 (B) (2) Site area amend to add “such computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, geologic or topographic conditions, inland wetlands and flood hazard areas render any portion of the site unsuitable for use by the residents of the development, such portion of the site will not be used in computing the total number of dwelling units permitted and shall be set aside as conservation open space.”
11. Section 3.20.5 Buffer
  - Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone”
12. Section 3.21.3 Buffer
  - Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone”
13. Section 4.4 Modifications to Height, Area and Yard Requirements.

Amend to clarify

  - Section 4.4.5 (A) Projections  
“Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more that 2 feet into a side yard but not within 5 feet of a side property line. A porch or a hatchway may project 3 feet into the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 foot projection into the front yard setback”
  - Table A: Schedule of Height, Area and Yard Requirements Non Residential Uses amend to clarify reference to Accessory Building in Non-Residential Zone to add “(C) at least 5’ minimum distance from lot line”.
14. Section 5.3 Procedures and Requirements for Site Plans

- Section 5.3.4 (C) add “8. Inland Wetland and watercourses showing 50 foot setback area and 100 foot upland review area”.
- Section 5.3.4 (E) add “dumpster enclosures, and mechanical equipment”.

15. Section 6 Special Regulations Section 6.1 Off-Street Parking and Loading Regulations.

- Section 6.1.1 (B) Parking Spaces for Buildings Used for Residences. Amend to clarify “All parking of vehicles shall be on the surfaced area not on the lawn”. The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence.”

16. Section 6.2 Signs

- Section 6.2.2 Residential Signs (E) Amend to read “Residential uses approved by Special Exception in the R-12, R-7 and RD zone, ground signs not more than 75 square feet in area on one side, nor more than 150 square feet in area on both sides and located within the building setback lines shall require Special Exception approval of the Commission.
- Section 6.2.3 Non Residential Wall Mounted Business Signs
- Section 6.2.3 (A) 2 Amend to clarify “Building frontage shall mean the side of the building with a public entrance facing the abutting public street.”
- Section 6.2.4 Free Standing Business Signs Section 6.2.4 (A) Amend to clarify “only one (1) free standing sign may be permitted per property”.
- Section 6.2.5 (B) Amend to delete reference to “approval by Traffic Authority”.

17. Section 6.4 Removal of Earth Products

- Section 6.4.1 General Amend to add “No removal of any earth products or grading for site development shall commence until a building permit for the project has been issued. This condition may be waived by a two-thirds vote of the Commission.”
- Section 6.4.2 Special Permit amend to read “The Commission may grant a permit”.
- Section 6.4.3 Conditions (B) Amend to require slope limits “of one foot of vertical rise in 3 feet of horizontal distance.”

Amend to limit removal “within 50’ of a property line unless waived by a two thirds vote of the Commission”.

- Section 6.4.3 Conditions (D) Amend to “prohibit the processing of any earth product except when permitted by the Commission” and approved by a two-thirds vote.
- Section 6.4.4 Approval Amend to require the filing of plan of the operation and site restoration with the Town Engineer rather than Building Inspector.

18. Section 6.5 Filling of Land

- Section 6.5.2 Special Permit (C) Amend to delete “grading or removal” amend to add requirement “that no filling of land shall commence until a building permit for the project has been issued”. This condition may be waived by a two-thirds vote of the Commission.

- Section 6.5.4 Approval Amend to require the filing of site plan of filling operations with Town Engineer rather than Building Inspector.

19. Section 6.7 Interior Lots and Single Family Homes.

“Delete”

20. Section 6.11.5

Amend to add the following clarification “When the zone boundary follows the centerline of the street the buffer shall be measured from the street right of way within the residential zone”.

21. Section 6.11.7

Amend to reflect P.A. 06-133 changes to Section 14-54 CGS effective 6-6-2006, which delegates the approval of location for dealers and motor vehicle repairers to the Planning and Zoning Commission rather than the Zoning Board of Appeals and to delete reference to section 14-55 CGS which has been repealed.

22. Section 6.13 Accessory Apartments

“Delete”

23. Section 7.4.8

Delete and insert following new standards:

Maximum earth slopes shall not exceed 3 to 1 ( 3 ft horizontal to 1 ft vertical). Where steeper slopes are needed retaining walls are required. If the difference in grade at the property line exceeds 3’ then a retaining wall with a fence on top of the wall is required.

Where a retaining wall is proposed it shall be topped with a suitable barrier or fence with a minimum height of at least 4 ft. The back of any retaining wall shall not be closer that five (5) feet to an adjacent property boundary line.

Where the total height of the retaining wall exceeds 4 ft or retains unbalanced fill, design calculations by a Registered Professional Engineer must be provided for approval of such walls.

**IX. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

**X. REMARKS BY COMMISSIONERS**

**XI. STAFF REPORT**

**XII. ADJOURNMENT**

Submitted

Edmund J. Meehan, Town Planner