

# NEWINGTON TOWN PLAN AND ZONING COMMISSION

Wednesday, June 27, 2007  
Conference Room 3  
TOWN HALL  
7:00 p.m.

## A G E N D A

### I. ROLL CALL

### II. PUBLIC HEARINGS

#### A. Petition 19-07 Newington Town Plan and Zoning Commission, applicant, proposes amendments to the Zoning Regulations affecting the following sections. Hearing continued from May 23, 2007.

##### 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 than 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.

24. Section 7.4.29 (c) Filing of Approved Plans

Amend to read: “All data must be submitted in Connecticut State Plane Coordinate System, North American Datum 1983 (NAD 83), Units: U.S. Feet”.

25. Section 8.1.4 Dealers and Repairers

“Certificate of Location Zoning Board of Appeal” delete and assign to Zoning Commission per Public Act 06-133, effective June 6, 2006.

B. **Petition 21-07 – 179 Meadow Street, Faye H. Karanian, owner and applicant, request for Special Exception Section 6.7.2 Interior Lot, R-12 District. Continued from May 23, 2007.**

C. **Petition 22-07 – 2237 Berlin Turnpike, Bianca Signs, Inc., attention: Paul Bianca, 99 Newington Avenue, New Britain, CT 06051, applicant, McBride Properties, Inc. owner, request for Special Exception Section 6.2.4 Free Standing Sign, B-BT Zone District.**

D. **Petition 25-07 – Newington Lions Club Annual Carnival, Newington High School north parking lot, 605 Willard Avenue, Len Montanari, 31 Frederick Street, Newington, CT 06111, representing the Lions Club request for Special Exception Section 3.2.8 for July 24<sup>th</sup> to July 28<sup>th</sup>, R-12 District.**

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

IV. **MINUTES**

June 13, 2007

V. **COMMUNICATIONS AND REPORTS**

## **VI. NEW BUSINESS**

- A. Petition 24-07 475 Alumni Road, Newington Business Park, LLC, c/o Quadrelle Realty Services, One West Avenue, Larchmont, NY, owner and applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037, request for site plan approval, warehouse occupancy, 60,000 sq. ft., I Industrial District. Continued from June 13, 2007.
- B. Petition 26-07 28 Garfield Street, Delta Building Corporation, 269 Main Street, Cromwell, CT, 06416, applicant, New Center Corporation owner, request for site plan approval for reuse of 12,528 sq. ft. building for office furniture sales office and display, B-TC Zone District.

## **VII. OLD BUSINESS**

- A. 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. Extension granted.
- B. 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. Public hearing closed May 9, 2007. Sixty five day decision period ends July 13, 2007.
- C. Petition 23-07 – 723 New Britain Avenue, Randall Bobb, 122 Hebron Road, Bolton, CT 06043 applicant, 715 ½ New Britain Avenue Corporation, 855 Lexington Avenue, New York, NY, owner, request for Special Exception Section 3.17.2 for restaurant use. I Zone District. Public hearing closed June 13, 2007. Sixty five day decision period ends August 17, 2007.

## **VIII. PETITIONS FOR SCHEDULING (TPZ July 11, 2007 and July 25, 2007)**

- A. 2007 Balf Company Site Plan Update and Statement of Operations 2007-2009, Frank T. Lane, Director of Real Estate & Environmental Compliance, The Balf Co., P.O. Box 310903, Newington, CT, 06131-0903. Schedule for presentation July 11, 2007.
- B. Petition 27-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 applicant, WEX-Puck Realty, LLC owner, request for Special Exception Section 3.19.1 Restaurant Use, PD Zone District. Schedule for Public Hearing July 11, 2007.
- C. Petition 28-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 applicant, WEX-Puck Realty, LLC owner, request for Special Permit Section 6.6 Liquor Permit Restaurant Use, PD Zone District. Schedule for Public Hearing July 11, 2007.
- D. Petition 29-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 applicant, WEX-Puck Realty, LLC owner, request for Site Plan approval, 6,000 sq. ft. restaurant use, PD Zone District. Schedule for presentation July 11, 2007.

- E. Petition 30-07 Fenn Road at intersection of Cedar and Fenn, Fenn Road Associates, LLC, owners and applicant, 1481 Pleasant Valley Road, Manchester, CT 06042, represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040, request for Special Permit Section 6.4 Removal of Earth, I (Industrial) Zone District. Schedule for Public Hearing July 11, 2007. Inland Wetland Agency Report Required.

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

**X. REMARKS BY COMMISSIONERS**

**XI. STAFF REPORT**

- A. Bond Reduction – Rockledge Drive Subdivision, Premier Building and Development.

**XII. ADJOURNMENT**

Submitted

Edmund J. Meehan, Town Planner