

NEWINGTON TOWN PLAN AND ZONING COMMISSION

April 25, 2007

Regular Meeting

Chairman Vincent Camilli called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:30 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruet
Commissioner Schatz
Commissioner Ancona

Commissioners Absent

Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

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.

Jonathan Reyes: Good evening. I'm here for a parking issue. When I first introduced the idea to Jack, he and I had no idea that there would be a parking issue whatsoever, he had many restaurants here, and never had there been a parking issue. All these restaurants here never had delivery. Ninety to ninety-five percent of my business is going to be delivery. I've got two full time drivers and a part time driver. Consider us like the Domino Pizza of Spanish food. We're a new concept. Everything that we make is under seven minutes. It's faster turnaround, say like a Taco Bell or a McDonalds. Also, a restaurant in the plaza with a salon is ideal. A salon, when I did the math, I did it on a seven day basis, the salon is going to be closed fifty-eight percent of the time that we are going to be open. Friday night they close at 5:30, right before peak hours for a restaurant, Saturday they close at 2:30, right before the rush hour of any restaurant, Sunday and Monday they are closed, Tuesday is their slowest time, and the rest of the week I want to generate the business from the salon and from the rest of the plaza. Also, when the restaurant was there in the past, there was never a light coming out of there. They put a traffic light, recently, as of the last year and a half, there is a brand new traffic light directing traffic coming out of the plaza as you pull out. That's pretty much it, in conclusion, I went to all of the plaza members, they are all excited. I've got a written statement from each of them. The salon says, it will generate new business, new faces for the salon. That's more or less it, guys.

Chairman Camilli: Okay, just hold on, we may have some questions for you. Can you tell us what the hours of operation will be?

Jonathan Reyes: From eleven in the morning to nine o'clock at night, Sunday through Thursday, and from ten thirty to nine thirty, Friday and Saturday.

Chairman Camilli: Okay. The only question that I have, does this meet with our regulations regarding parking, that's the only thing I'm concerned about.

Ed Meehan: I guess I need to know from your sketch, to help the Chairman answer that question, you show like two tables with six seating.....

Jonathan Reyes: Mr. Meehan, that was just a rough, I will do whatever I have to, to comply, if you guys say one table, that's fine, because ninety-five percent of my business is going to be take-out. That's just going to be for people who wait for their food, if anybody is in the salon or in the surrounding area.

Ed Meehan: Where is the front door to get into this, I'm trying to orient, is that what this is?

Jonathan Reyes: I'm sorry, right here.

Ed Meehan: To answer, from the technical side, the parking counts for a restaurant use are based on the area open to the public, so it would be calculated at normally twenty spaces per one thousand square feet open to the public. What the Commission would do in this case is determine if this is like, three hundred or four hundred feet, the ratio of spaces required for that public area. Do you know what this might be, the square footage?

Jonathan Reyes: The square footage is 980 square feet.

Ed Meehan: That's your total lease area?

Jonathan Reyes: That's my total lease area.

Ed Meehan: But this looks like, not quite a third of that. I'm just guessing, looking at....

Jonathan Reyes: That's fourteen feet wide.

Ed Meehan: Fourteen feet wide.

Jonathan Reyes: Yes. And that area is about seventeen feet from door to where the display area starts.

Ed Meehan: Okay. So what is the width of the front, do you know?

Jonathan Reyes: About eighteen feet. I have, it would take me one second, I have it in the folder right back there.

Ed Meehan: So it's about 340 square feet.

Chairman Camilli: We are trying to determine how many tables you can put in there. We don't know yet.

Ed Meehan: This would require about five parking spaces.

Chairman Camilli: It would require about five spaces. How many tables?

Ed Meehan: Well, divided by the square footage.

Chairman Camilli: How many spaces does he have?

Ed Meehan: Well, the whole plaza is calculated in one standard, retail, so normally it is seven spaces per thousand, so the restaurant is actually under the retail calculation.

Chairman Camilli: So he would be okay.

Ed Meehan: He would be okay, and the other, there have been two prior special exception approvals for restaurants, one in 1989 was for a restaurant of almost 900 square feet, it was at the opposite end of this plaza, it was over by unit one, the far easterly end, and that was going to be for, I think it was a yogurt place, at the time, mostly take out. More recently there was another restaurant that was approved, it was called Roasters Poultry Company, again, take out, with only a couple of tables on the site, approved both times, no problems with parking for either of those, and they were both about 900 square feet, so I don't think he is going to have trouble parking.

Chairman Camilli: Okay, how many tables?

Ed Meehan: Without scaling this off, I think he could probably put four tables in here, at the most. He has a register, and he's telling us he's only seventeen by eighteen, seventeen by twenty, he's pretty limited.

Jonathan Reyes: That's perfect. Thank you so, so much.

Chairman Camilli: Okay. Any questions from the Commissioners? Since this is a public hearing, we can hear from the public. Anyone from the public wishing to speak in favor of this application? Against? I don't think we are going to get any more, we have all of the information. Okay, we are all set. We will close Petition 17-07. We are not going to vote on this tonight, but you are all set as far as what you need.....

Jonathan Reyes: Okay, now what....

Chairman Camilli: We will probably vote on this at the next meeting which would be May 9th.

Jonathan Reyes: Okay, thank you so much.

Chairman Camilli: Thank you. We closed Petition 17-07.

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

None.

IV. MINUTES

April 11, 2007.

Commissioner Cariseo moved to accept the minutes of the April 11, 2007 meeting. The motion was seconded by Commissioner Pruettt. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: On the table there is a brochure, if Commission members are interested in going to a training session on land use law and development, the Capital Region Council of Governments is sponsoring that along with the Connecticut Land Use Academy. Also, last night the Council approved the fee schedule increasing the fees for land use applications that primarily affects this board's work. That's about it.

VI. NEW BUSINESS

None.

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.**

Commissioner Kornichuk moved that 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 be approved with the following design modification completed prior to the chairman signing the plan mylars:

1. The subdivision layout shall be reduced from 10 lots to 8 lots. Pursuant to Section 3.9 of the Subdivision Regulations an area of not less than 21,000 square feet shall be protected by conservation easement along the easterly side of the development abutting the backyards of Vincent Drive. Within this conservation open space area no grading and no clear cutting of trees shall occur unless associated with storm water control required by the Town Engineer.
2. A concrete sidewalk built to Town Standards shall be located along the north side of proposed "Greenes Way."
3. Add notation that existing overhead utilities to 68 and 80 Maple Hill Avenue shall be located underground. This underground service shall be installed prior to the issuance of the first building permit.
4. This existing stone wall along the front of the properties shall be removed and the stone delivered to the Town's Highway yard prior to the issuance of the first building permit as directed by the Town Engineer.
5. The project engineer shall certify that relocated driveways serving properties 68 and 80 Maple Hill Avenue do not exceed the standard 10% grade.
6. All roof leaders for the proposed eight new homes shall be connected to the storm drainage system and shall not "day light" onto yard areas.

7. Add double catch at the perimeter of the property between lots 7 and 9 to collect surface storm water and connect to street system with a 15" pipe and extend a 15" pipe stub to the property to the north. The developer shall grade the area around this basin as directed by the Town Engineer. Drainage easement rights shall be provided to the Town in the form approved by the Town Attorney.
8. Add to the detail Sheet C-7 the detail of the proposed street light.
9. Prior to completing installation of the road subgrade the developer shall conduct additional test holes spaced no greater than 50 feet apart along each side of the right of way to determine the extent of ground water. As directed by the Town Engineer an "edge drain" may be required to divert ground water away from the roadway base.
10. Prior to the installation of the street binder course the project engineer shall certify to the Town Engineer that the storm management drainage system has been constructed in accordance with the approved plan and any additional drainage controls as determined to be necessary by the Town Engineer.
11. Prior to the release of the subdivision bond the Town reserves the right to require the developer add additional drainage control measures such as yard drains, and/or re-grade home site to control the flow of surface storm water onto adjacent properties.

The motion was seconded by Commissioner Fox.

Commissioner Schatz: On this, from what I understand, the drainage system will help the people over on Vincent Drive.

Chairman Camilli: It won't get any worse, as I understand it. Ed, do you, was it going to be better?

Ed Meehan: The feeling of the applicant's engineer and I believe supported by the Town Engineer is that this drainage system in the roadway, with the additional yard drains will intercept the water which flows south, southeasterly through this property from the northern property, towards the back yards of Vincent, and also south of here. By intercepting it, it should reduce, I can't give you a number, it shouldn't make it worse, I think the Chairman was correct.

Chairman Camilli: Also, I think, going along with that, this first provision here about adding the conservation easement, I think that might also help with this water runoff. There is a certain distance there, and I think also would protect the neighbors. I think the big issue here is the drainage, and you are absolutely right, we want to try to protect the neighbors as much as possible, and I think also this conservation easement does that, and also goes along with our Plan of Development. Any time that there is a subdivision, we can call for a ten percent....

Ed Meehan: Up to fifteen.

Chairman Camilli: Up to fifteen percent....

Ed Meehan: This is only ten or eleven, not fifteen.

Chairman Camilli: In a site plan review, we can add that, and I think in this particular case it is well warranted because of the issue of drainage. I don't know how you feel about that, but that's.....Are there any other comments to be made? There were a couple of things that, when Peter was reading this, I think in the first one, Section 3.9, I think Peter said 6.9, and then in

number six, I don't know if these are amendments or just corrections, it says, all roof leaders for the proposed, there are only going to be six new homes, not eight new homes because there are two already there. So, there are eight lots, two lots of which have houses on them, so there would be six new homes. Any other comments?

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

Chairman Camilli: Motion passes.

- 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 (19 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.**

Commissioner Fox moved that 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 (19 detached residential units), PD Zone District be approved the Commission finding:

1. The Commission interprets Section 3.19.2 to permit single family residential detached homes in the PD Planned Development District.
2. The conditions and standards set forth in Section 3.19.2 (B) have been met.
3. It is a condition of this Special Exception approval that all of the single family homes developed and occupied at this location shall be restricted to persons of age fifty-five (55) or over, as set forth in the "declaration of the Community at Deming Farms" Article IX Section 9.1 (b).

The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes.

- 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 (19 Detached residential units), PD Zone District. Inland Wetlands Report required. Sixty five day decision period ends June 1, 2007.**

Commissioner Pruett moved that 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 (19 Detached residential units), PD Zone District be approved based on the following:

1. Site Development plan entitled "Deming Street Development, LLC, Active Adult Community, 119 Deming Street", scale 1" = 40' prepared by A-N Consulting Engineers, Inc., revised dated through 3-20-07.
2. "House Plans prepared for Deming Street Development, 119 Deming Street" prepared by Architectural Design and Drafting Services, LLC, revised dated 3-9-07, showing two (2) single family home designs each with three (3) option front elevations choices.
3. The developer shall contact and coordinate with the Central Connecticut Health District the abandonment of all existing wells and septic systems.
4. The developer shall contact and coordinate with the Newington Building Department geotechnical soils information and the approved method for filling on this property prior to the construction of any buildings and the roadway.
5. A note shall be added plan sheet C-2 stating "If cul de sac is eliminated and the private road connected to Deming Street a decorative stone pier fence entrance shall be installed at the south drive."
6. Label plan sheet and add note for private road name. Also add note that is a private road and not intended for public acceptance.
7. Change note for MDC pump station enclosure from chain link to solid plank fence. Prior to construction provide enclosure detail to the Town Planner.
8. The Inland Wetlands Agency permit, Application No. 2006-24, dated April 18, 2007 is acknowledged and made a part of this approval.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: I have a question on number 5, is there a preclusion there, it says a note shall be added plan sheet C-2 stating if the cul de sac is eliminated and the private road connected to Deming Street, do they get that automatically? I thought that, I mean I think we should probably clarify that a little more, that they would have to come back before us and have that.....

Ed Meehan: Well, yeah, they would have to come back and ask for a site plan amendment to show that they have the sight lines at that location. This is more of an aesthetic criteria, but I see what you are saying. This jumps ahead a little bit.

Chairman Camilli: I think that it just jumps, it sort of assumes that they have that, and they don't have it yet, because we haven't approved it. I'm not trying to be wise, but it's just a technical thing, we're assuming that they will do this, but we're not sure that they have the other one yet.

Ed Meehan: That's correct, they stated that they didn't know how long it would take to get the easement rights from the adjacent property owner, if they can get them, and they can't open this to connect their road until they have safe sight lines. You may want to leave this out and keep it in the back of your mind so if they ever do come back to connect it, I was just looking for some entrance consistency for both the north drive and the south drive.

Chairman Camilli: We could either add to this, or take, or could we not, at the time that they wanted to open it up, put that in then?
I don't know, whatever, maybe, maybe I'm picking.....

Commissioner Ganley: It might be easier, with the approval, just an administrative letter going out reminding them that should they decide to open it up, they have to come back, that should cover us on the record, I would think.

Ed Meehan: Oh, they definitely have to come back.

Commissioner Ganley: Oh, I know that, but just, we have a nice folksy letter saying, by the way, should you get that cul de sac open, and you are looking for the line of sight, remember the line of sight issue that we were referring to, you come back to us, you know, and.....

Chairman Camilli: There's no harm to leaving it in. I don't.....

Ed Meehan: You might want to take it out, it's ambiguous.

Chairman Camilli: You want to take it out?

Ed Meehan: Now that I read it again and think about it.

Commissioner Fox: I agree with the Planner. If it's not in there, then there is no question because what we are doing then is approving the site plan, as it stands with the cul de sac, and our regulations state that if a site plan is going to be amended and this would be an amendment.

Chairman Camilli: So could we have a friendly amendment to take out five. Is that how we do it?

Commissioner Pruet: Make a motion that we withdraw item number five in the suggested motion.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes, so we will remove item five from the petition. Anybody else have any comments?

The vote was unanimously in favor of the motion, as amended with seven voting YES.

Chairman Camilli: Motion passes, as amended.

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.

Commissioner Ganley moved that 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 be approved based on the plan entitled "Subdivision Map Showing Proposed Interior Lot" Sheet 1 of 2, revised 4-10-07 and "Improvement Detail Plan Showing Proposed Driveway and Yard Drain" dated 4-5-2007 prepared by Flynn & Cyr Land Surveying, Inc.

The Commission finds that the applicant has demonstrated that access, unusual character of this narrow deep lot and the historic pattern of land development along Maple Hill Avenue cause difficulty in providing the frontage required for R-12 parcels.

Prior to the Commission chairman signing the mylars for recording the applicants shall address the following conditions:

1. Underground service from SNET pole #2871 on adjacent private property at 56 Maple Hill Avenue shall be obtained and documentation presented to the Town Planner.
2. No utilities shall be located behind the retaining wall and within the 5' off set to the adjacent property at 56 Maple Hill Avenue.
3. The removal of any trees along the common property boundary with 56 Maple Hill Avenue shall be replaced as agreed upon by the abutting property owner.
4. Prior to the construction of the storm drainage line within the Town Right of Way the applicant shall post bond surety as determined by the Town Engineer.
5. The rear of the interior "Lot B" shall be encumbered from future subdivision and the placement of an open space conservation easement area to be shown on the record mylar and contained in the deed stating that no development, grading or removal of trees is permitted. This conservation area shall extend westerly and parallel to the rear property boundary for a distance of 200 feet, approximately 27, 600 sq. ft. in size.

The motion was seconded by Commissioner Pruett.

Commissioner Schatz: I personally am not in favor of interior lots. That is just my opinion. I think, by approving this I think we are doing an injustice to the gentleman at 56. We are taking a lot of those trees down, they are going to plant new ones, but it is not going to be the same. I was up on that property and walked around there, and having a little experience with houses behind houses, and what happens if somebody moves into the front house, or lives in the front house, there's noise. I mean, there is noise. Cars going by, and that particular front house, you would be sitting in the living room, looking out a lovely picture window that is probably six by twelve, into a driveway. So I personally will not support this petition.

Chairman Camilli: Okay, any other comments?

Commissioner Fox: The only thing I can say is, interior lots are kind of a problem, but as the Planner has shown, it meets the requirements and the motion calls for plenty of mitigation of the situation that might occur.

Chairman Camilli: We put that conservation easement in the back there for, because of the terrain there, with the water, drainage, and you know, saw pictures of that, and it's an uncomfortable situation, but sometimes we are victims of our own regulations. I think we are trying to address that in the future. Any other comments?

The vote was in favor of the motion, with six voting YES and one No (Schatz.)

- 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.**

Commissioner Schatz moved that 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 be approved with the following requirements and modifications:

1. Driveway radii on both sides shall be reconstructed to achieve the maximum turning radius possible. The applicant shall provide the Town Planner with a copy of Conn DOT District 1 Curb Cut permit prior to the issuance of the Certificate of Occupancy.
2. The fire hydrant located on the north side of the site driveway shall be relocated 20' northerly.
3. Any changes to the existing sidewalk will require replacement and compliance with Town sidewalk construction standards and ADA standards.
4. This site plan approval is for a wholesale fence storage and distribution use. The applicant has submitted testimony on the business's expected truck traffic stating that this will be a low intensity use. No changes to the use and wholesale operations at this property is permitted without prior approval of the Commission, this includes a different subsequent wholesale business.
5. The plans prepared by BGI Land Surveyors, entitled "Improvement Location Survey prepared for Wayside Fence Company" scale 1' = 40' sheet 1 of 1, revised dated 3-28-07, shall be modified to eliminate the outside storage of the businesses' products in the front yard setback (25') and in front of the building Section 3.23.
6. The abandonment of the existing septic system shall be reported to the Control Connecticut Health District and its discontinuance reviewed by the District.
7. The building's existing roof mounted flood lights shall be removed. Alternate wall pack lights or yard light standards not to exceed 17' and with cut offs may be used.

The motion was seconded by Commissioner Kornichuk.

Commissioner Fox: It may not matter much, but in paragraph 6, that should be Central Connecticut Health District, not Control Health District.

Chairman Camilli: Okay, thank you. Any other remarks?

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

Chairman Camilli: Motion passes.

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.

Commissioner Cariseo moved that 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 be approved based on plans submitted at public hearing April 11, 2007 showing an Arby's pylon sign designed by Peskin Sign Company.

The total sign area approved for this pylon shall not exceed 120 sq. ft., 96 sq. ft. for Arby's and 24 sq. ft., non mechanical reader board.

The area around the base of the sign shall be curbed and landscaped.

The motion was seconded by Commissioner Pruet. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes unanimously.

VII. 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 3.12A 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 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 floor 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 hatchway may project 3 feet in 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 6.1.2 (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, not 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 mran 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 vehicles 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 the 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 feet. The back of any retaining wall shall not be closer than 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 wall.

Chairman Camilli: We have a car show, the second one is Lowrey Place here....

Ed Meehan: Yeah, that's for a zone change. No, that's for the façade changes, at Lowrey and then 18 is the zone change which will affect the setback.

Chairman Camilli: When they say to alter the façade in regards to what....

Ed Meehan: They have submitted plans that show renovations to all of the in-line stores, and I believe that they have at least one wing of the grocery store, they are trying to get the whole façade of the grocery store redone too. There could have been lease issues with that. They had to, at this point, back out the improvements to the Post Office, because that is a different leased property, and they are negotiating with the post office, they have to sign off on any changes and it's taking longer than expected.

Chairman Camilli: Didn't we have a letter on that, to move that forward?

Ed Meehan: Yes.

Chairman Camilli: Has it progressed at all?

Ed Meehan: I drafted a letter and the Town Manger reviewed it and sent it up to Congressman Larson's office, seeking help because what the applicant, not to get ahead too much, but what the developer/applicant wanted to do was try to implement some of the town center, streetscape improvements and provide the drive through area in front for customers to drop off their mail, instead of being out on the street, being inside the site, and then make some other traffic changes there, but he's looking for help with the post office to move it along.

Chairman Camilli: I think the post office was rather unresponsive, right? Un-cooperative, or unresponsive, I don't know what....

Ed Meehan: Slow to respond.

Chairman Camilli: So that is 16-07 and 18-07, those are companion applications. What about our regulations.

Ed Meehan: I haven't heard back from the two regional planning agencies, Central Connecticut and CRCOG yet, but if we hear back, we can put those down. If I get the report back in time for the 9th, if not, they will have to be pushed to the next meeting in May. We published the statutes, and case law required that we publish a thorough announcement of your legal notice and that is why this is quite long, it details every section and the proposed change.

Chairman Camilli: Okay, any questions to comments? Okay, you have already answered the question about the ticket, the ticketing.....

Ed Meehan: The report from the Town Attorney's office, Cathy Hall is here, it was shared with the Council, I don't know what their response was.

Chairman Camilli: Well, it's in their hands. I don't think we can do any more than what we did, so if they want to proceed.....unless Councilor Hall wants to say something.

Councilor Hall: We presented it, and there appears to be support for that, so obviously we have to bring it up as a whole, but we have discussed it, and there is support.

Chairman Camilli: There was something in the paper today, I don't know if you saw, Wethersfield, did you see that? About fining, tag sale....

Commissioner Kornichuk: One hundred dollars per, if you staple.....

Chairman Camilli: Again, it's a question of enforcement, weekends.....

Commissioner Kornichuk: They said they would go right to the door. Most people put it out you know, like Friday.

Chairman Camilli: So I think other towns are also concerned with that kind of thing, but there was also something about charitable organizations, and so forth were dispensed, but they had to pick up the signs, like the next day.

Ed Meehan: Like the book sale signs, the blood drive signs and various organizations. Kiwanis has been good. They put their signs out, they pick them up. Some times you see a lot of contractors.....

Commissioner Kornichuk: Or will buy the house for cash, twenty-four hours.

Chairman Camilli: Okay, well I think we are moving anyway.

Ed Meehan: If we get help on those, automobiles and signs, that are very mobile, you know, a quick ticket if we could do that, would help.

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

None.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: I asked a couple of meetings back, through the Chair, if anybody, our CRCOG representatives, I think it is Tom and Mike, keep you on, CRCOG is looking to get the roster up to date.

Commissioner Fox: You might as well, I go when I can, I don't go every month.

Ed Meehan: I need for forward the names up to the Town Council.

Chairman Camilli: Tom, do you want to be an alternate?

Commissioner Ganley: No, I asked to get off the last time.

XII. ADJOURNMENT

Commissioner Cariseo moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary