



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, February 10, 2016

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

7:00 p.m.

A G E N D A

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL AND SEATING OF ALTERNATES**
- III. APPROVAL OF AGENDA**
- IV. ZONING ENFORCEMENT OFFICER REPORT**
- V. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**
- VI. REMARKS BY COMMISSIONERS**
- VII. PUBLIC HEARING**
 - a. Petition #02-16: Special Permit (Section 6.2.2.C: Church Bulletin Board) at 580 Church Street. Southern New England Conference Association of Seventh Day Adventists, owner/applicant; Jeff Linthwaite, P. O. Box 1169, S. Lancaster MA, contact.
- VIII. APPROVAL OF MINUTES**
 - a. Regular Meeting January 27, 2016
- IX. NEW BUSINESS**
 - a. Petition #03-16: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl Lanes). Keystone Novelties Distributors LLC, applicant; CMB Inc., owner; Chris Cook, 201 Seymour Street, Lancaster PA, contact.
 - b. Petition #04-16: Sec. 8-24 Referral of Proposed Sewer Easement at 90 Welles Drive North. Newington Town Council, applicant.
 - c. Petition #05-16: Zoning Text Amendment (New Section 3.19A: TOD Overlay District). TPZ, applicant/contact.
 - d. Petition #06-16: Zoning Text Amendment (All Sections). TPZ, applicant/contact.

RECEIVED & FILED
TOWN OF NEWINGTON
2016 FEB -5 AM 10:11
T. J. Taylor
TOWN CLERK

- e. Petition #07-16: Zoning Text Amendment (Section 3.15; 3.17; 6.11: Auto-Related Uses). Modern Tire Recapping Company Inc., applicant; Attorney Timothy J. Hollister, One Constitution Plaza, Harford CT, contact.
- f. Petition #08-16: Site Plan Approval at 712 Cedar Street (“Starbucks”). Fenn Road Associates LLC, owner/applicant; Attorney Mark Shipman, 433 S. Main Street Suite 319, West Hartford CT, contact.

X. OLD BUSINESS

- a. Petition #41-15: Special Exception (Section 3.2.9: Adult Day Care) at 26 Church Street. New Life Adult Day Care Inc., applicant; Vaishnav Parivar of Connecticut Inc., owner; Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

XII. TOWN PLANNER REPORT

- a. Town Planner Report for February 10, 2016

XIII. COMMUNICATIONS

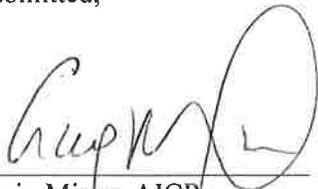
XIV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Submitted,



Craig Minor, AICP.
Town Planner



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: February 4, 2016
Subject: **Petition #02-16: Special Permit (Section 6.2.2.C: Church Bulletin Board) at 580 Church Street. Southern New England Conference Association of Seventh Day Adventists, owner/applicant; Jeff Linthwaite, P. O. Box 1169, S. Lancaster MA, contact.**

Description of Petition #02-16:

The Southern New England Conference Association of Seventh Day Adventists has finished construction of this long-delayed church building, and would like to have a typical sign in front with their name on it. The zoning regulations do not allow a typical sign in a residential zone, even for a church, so with the consent of TPZ the church has applied for a "bulletin board" type sign, which is allowed.

Staff Comments:

Section 6.2.2.C reads as follows:

- C. One bulletin board on church or school property not over 36 square feet in area and located at least 10 feet from the front lot line.

The sign will be 4' x 4', double-sided, which comes to 32 square feet. According to the sketch that was submitted with their application the proposed location is 10' from the front property line. It is well away from the driveway and the side street, so there are no sight line issues.

I have no issues with this application.

cc:
file

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



CR # 16460

Petition # 02-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 580 CHURCH ST ZONE: R-12

APPLICANT: Southern New England Conference TELEPHONE: 978-365-4551
Assoc. of Seventh-day Adventist

ADDRESS: PO Box 1169 S. LANCASTER, MA 01561 EMAIL: JLinthwaite@SNEConline.org

CONTACT PERSON: Jeff Linthwaite TELEPHONE: 978-5024897

ADDRESS: SAME AS ABOVE EMAIL: SAME AS ABOVE

OWNER OF RECORD: APPLICANT

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 6.2.2 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification

* Other (describe in detail, or attach): Permit for installation of a road side sign, indicating the name, denomination, phone number and days of services. SE 6.2.4 signs

SIGNATURE: [Signature]

APPLICANT	DATE	OWNER	DATE
<u>[Signature]</u>	<u>1/15/16</u>	<u>SAME</u>	<u>1/15/16</u>

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE: PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

Minor, Craig

From: Jeff Linthwaite <JLinthwaite@sneconline.org>
Sent: Thursday, January 21, 2016 9:27 PM
To: Minor, Craig
Subject: RE: 580 Church Street Sign Application

Dear Mr Craig Minor, AICP

The Southern New England Conference Association of Seventh-day Adventist and the Three Angels Seventh-day Adventist Church, located at 580 Church Street is applying for permission to have a sign erected on our property.

We have contracted with Bianca Signs located at 99 Newington Ave New Britain, CT 06051 to draft the design.

They have assisted us to design a sign that meets the guidelines of the town of Newington while identifying who we are. We believe this sign will be long lasting and low maintenance. Due to the season, our anticipated installation time frame is late February or early March 2016. We have submitted a rendering of the proposed sign. At some date in the future we anticipate adding LED lighting, being very careful not to affect drivers on Pane Road.

The design we have chosen will display our International church logo, name, phone number and service times. We would like to place the sign on Pane Ave so that it would be visible from traffic passing by both East and West. A portion of the Site Plan showing the intended location of the sign has been provided. The sign would be on the same street as our entrance to identify us clearly to those seeking to find our building.

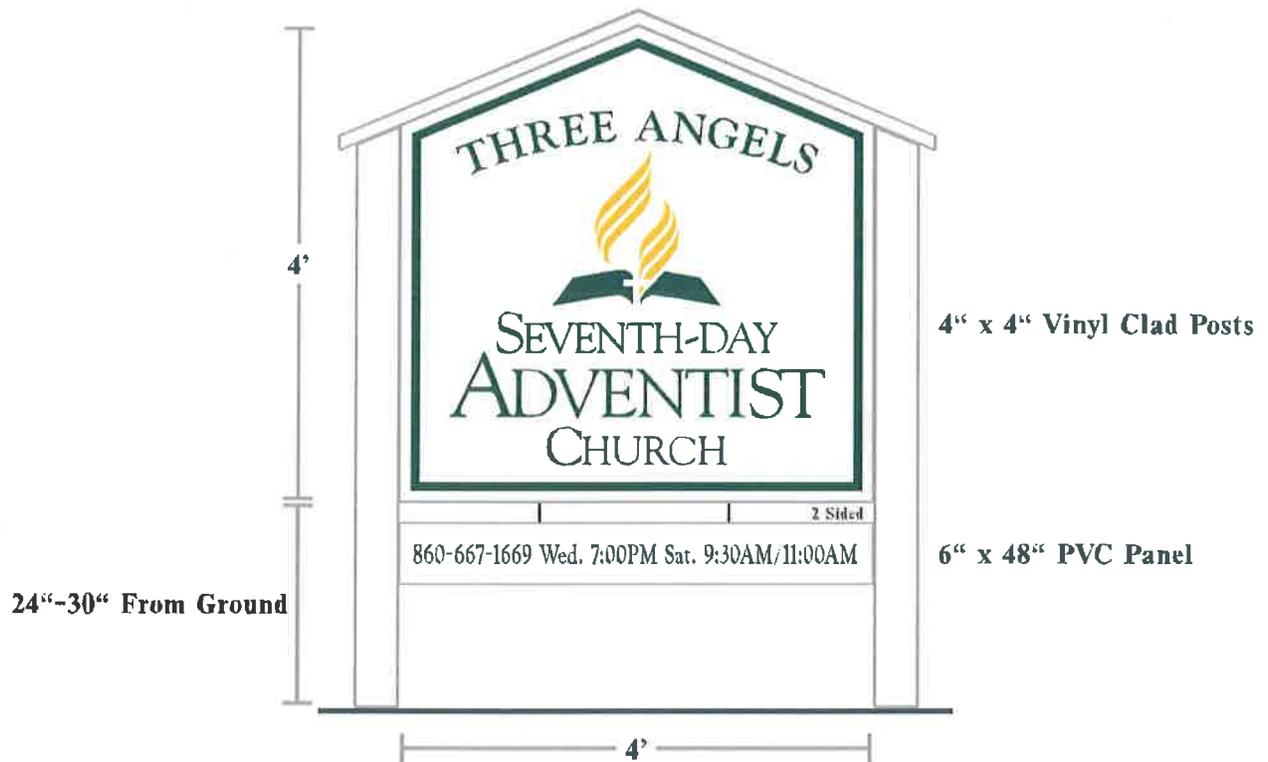
We believe that to serve the community best a sign identifying who we are how to contact us and our service times is essential. It is our goal to install and maintain a sign that is an attractive and functional addition to the property.

Sincerely;

Jeff Linthwaite
Property Manager
SNECA of SDA

-----Original Message-----

From: Minor, Craig [mailto:CMinor@NewingtonCT.Gov]



- Colors to Match Sketch
- Routed Sign Foam Material; 2" Thick; 15lb
- Painted Letters



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: February 5, 2016
Subject: **Petition #03-16: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl). Keystone Novelties LLC, applicant; Chris Cook, 201 Seymour Street, Lancaster PA, contact.**

Description of Petition #03-16:

Keystone Novelties is requesting TPZ permission to sell fireworks from the T-Bowl parking lot on the corner of Costello Road and the Berlin Turnpike, from June 23, 2016 through July 5, 2016. Section 3.23.1 states that

“Products and equipment intended for sale may be displayed in front of the principal building, but not in the required front yard setback area, when approved by the Commission.”

Staff Comments:

This applicant has been approved for this use at this same location for the past four years. They have multi-year (2013 through 2016) written permission from the current property owner, but since this is where Ashley Furniture is slated to go I have told the applicants to make sure this permission is still valid.

The Fire Marshal and the Police Department have reported that there were no problems last year.

If nothing derogatory comes up at the meeting, I recommend approval with the same conditions as the past two years:

Conditions:

1. Prior to use of the tent, the applicant shall obtain approvals from the Newington Fire Marshal and the Building Department.
2. The applicant shall not place any temporary signs on the ground anywhere in the Town of Newington.

cc:
file

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townplanner@newingtonct.gov
www.newingtonct.gov



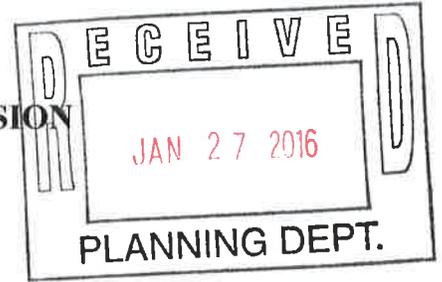
NR# 2925

Petition # 03-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 56 Costello Road ZONE: _____

APPLICANT: Keystone Novelty Distributors, LLC TELEPHONE: 717-394-1078

ADDRESS: 201 Seymour Street Lancaster PA 17603 EMAIL: ccook@keystonenovelties.com

CONTACT PERSON: Chris Cook TELEPHONE: 717-394-1078

ADDRESS: 201 Seymour Street Lancaster PA 17603 EMAIL: ccook@keystone novelties.com

OWNER OF RECORD: CMB, Inc.

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section _____ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification

Other (describe in detail, or attach): Outside display of Products intended for sale (CT Legal Sparkler Products) per section 3.23.1 from 6/23/2016 to 7/5/2016

SIGNATURE:

 APPLICANT	<u>1/15/2016</u> DATE	<u>SEE ATTACHED LOP</u> OWNER	_____ DATE
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:

PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



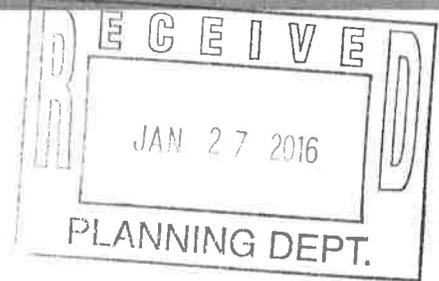
Keystone Novelties, LLC

Keystone Fireworks

www.keystonefireworks.com
201 Seymour Street, Lancaster, PA 17603
(800) 390-0844 Fax (717) 290-7774

January 15, 2016

Town of Newington
131 Cedar Street
Newington, CT 06111
Attn: Craig Minor



Craig,

We are in the process of planning for our Fourth of July tent sale for 2016. This year we will be at 56 Costello Road (T-Bowl Lanes). I have included in this package everything that I believe is necessary for the purpose of applying for the Town Plan and Zoning Commission Hearing. In this envelope I have included the following:

- A completed Town Plan and Zoning Commission Application Form
- A copy of the letter of permission
- A site plan showing the location of the tent
- A copy of our insurance certificate
- A check for \$175 to pay for the application

The set-up will be for the period from June 23 through July 5. The tent will be put up a few days in advance and removed as soon as possible after July 5. Of course, we have "No Smoking" signs placed at the entrance and will have a fire extinguisher. If I have not included any fees, please contact me and I will send a check to cover the costs.

I hope that this information is helpful to you and I thank you again for your consideration. Should you have any questions or if anything has change, please call anytime at 717-394-1078. Thank you.

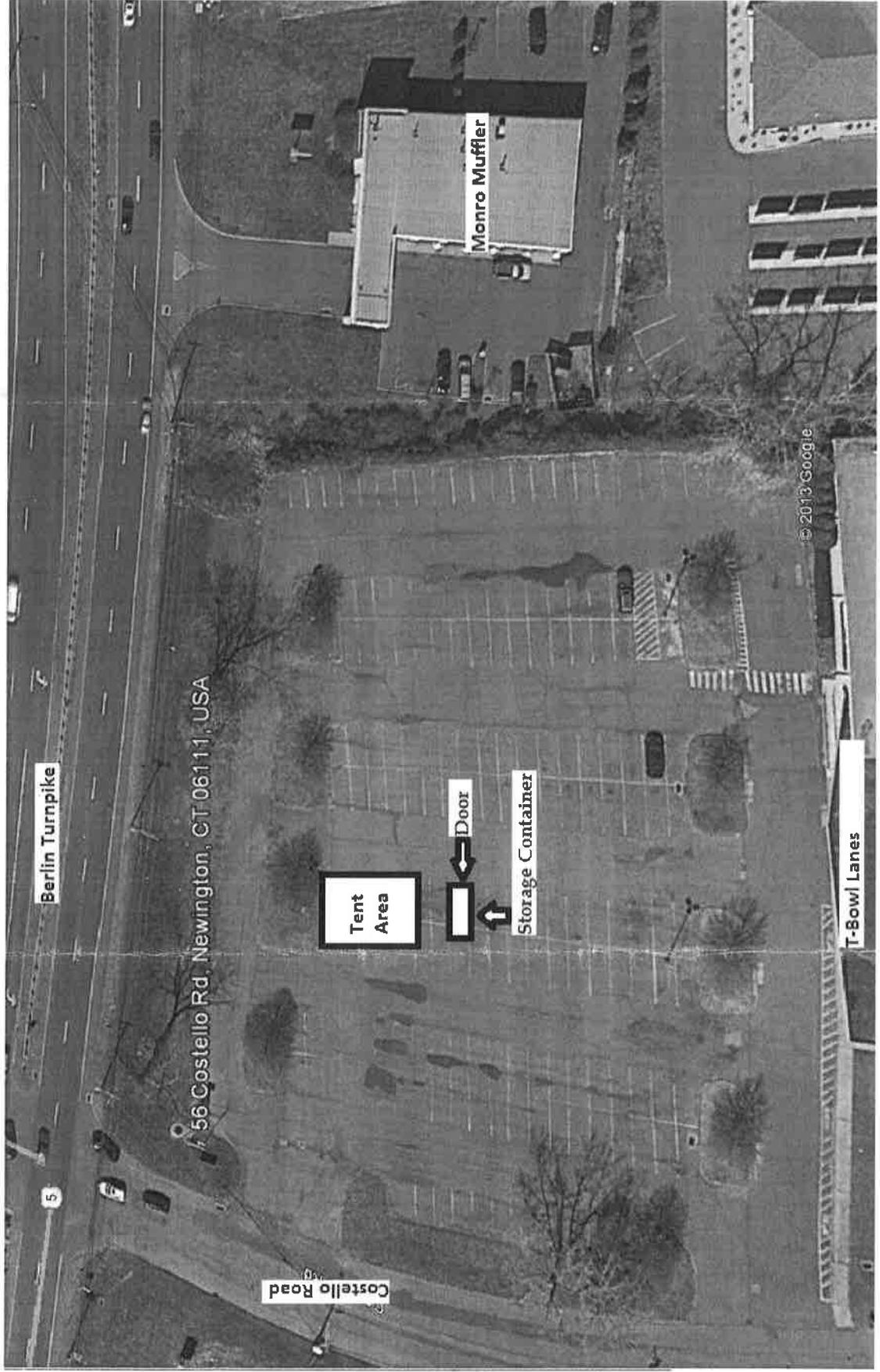
Cordially,

Chris Cook
Field operations Manager

Location Name: Newington

Address: 56 Costello Road Newington, CT 06111

Notes:





Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: February 4, 2016
Subject: **Petition #04-16: Sec. 8-24 Referral of Proposed Sewer Easement at 90 Welles Drive North. Newington Town Council, applicant.**

Description of Petition #04-16:

Connecticut General Statutes Sec. 8-24 states that before the Town may sell, buy, improve, or grant easements on land owned by the Town, the proposal must be referred to the Town Plan and Zoning Commission for a recommendation. The MDC (Metropolitan District) has requested an easement on Town-owned property at 90 Welles Drive North to install a new sewer pipeline. The Town Council has therefore referred this request to TPZ for a recommendation.

See attached memo from MDC to the Town Engineer; a memo from the Town Engineer to the Town Manager; the location map; and the compensation calculation.

Staff Comments:

In order to alleviate sewer backups on Cedar Street, the MDC plans to install a new 18" sanitary sewer line from the Willard Avenue area to the existing Mill Brook sewer trunk line. This will require permission from the Town (an "easement") to use town-owned property located on the north side of Cedar Street across from Town Hall. The legal address of the property is 90 Welles Drive North.

Responding to a Sec. 8-24 referral typically includes doing a review of the 2020 Plan of Conservation and Development to determine the proposal's consistency with the Plan. While improvement of the Town's sanitary sewer system is not listed as a General Goal or Strategy in the "Utility Infrastructure" chapter of the 2020 Plan, this project is not "inconsistent" with the 2020 Plan. It does not appear to conflict with any future land use in that area.

cc:
file

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



Memorandum

DATE: December 29, 2015
TO: Christopher Greenlaw, P.E., and John Salomone
FROM: Adam J. Thompson, P.E. *A.T.*
CC: Adam Feldman, P.E.
RE: *Town of Newington Easement Conveyance Information*

John and Chris:

The purpose of this memorandum is to explain the Newington requirements of an easement required to install a section of relief sewer on town property near Mill Brook.

In order to relieve sewer backup conditions along Cedar Street, the MDC will need to install a relief sewer that ties into the Mill Brook Trunk Sewer. The properties along the north side of Cedar Street will be directly tied into the new relief sewer from Mill Brook to Old Farms Road. This will provide more storage for those residences, as they are on the low side of the road, and reduce the instances of backups dramatically.

From Willard Road to the downstream tie in location at the Mill Brook trunk sewer, there are significant utility conflicts and elevation issues that require us to acquire minimal easements from 5 private property homeowners, the Catholic Church Diocese and the Town of Newington. All parties have agreed in principal and most are in the process of receiving payment for said easements. The easement awards were calculated using a real estate appraisal and were overwhelmingly well received by all the participants.

We plan to advertise the project in the winter of 2016, so anything we can do to assist or help in getting this easement conveyed would help greatly.

We need from the Town of Newington: (all are attached in this package)

- The Real Estate Tax Conveyance Form (executed).
- The Sewer Easement Form (executed).
- The Temporary Construction Easement Form (executed).

The Sewer Easement Form (Permanent Easement) and the Easement Map and Legal Description will be filed on the land records while the Temporary Construction Easement will be discarded at project completion.

Please let me know should you have any further questions.

Adam J Thompson



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Office of Town Engineer

Christopher Greenlaw P.E.
Town Engineer

Memorandum

To: John Salomone, Town Manager
From: Christopher Greenlaw, Town Engineer *CKG*
Date: December 30, 2015
Re: MDC – Project 2011-73, Water & Sewer Improvements at Cedar Street and Willard Avenue.

The MDC has finalized plans for utility improvements with regard to the above referenced project. The project proposes the installation of both a new 20” water main and an 18” sewer main to enhance water service and reduce sewer back-ups, therefore providing benefits to the health, safety and environment for the residents of Newington. The sewer main will extend from the “Trunk Line” (at Mill Brook) west on Cedar to the Old Farm Drive subdivision and the water main will be installed from Veterans Drive south and west to complete a loop in the vicinity of the Old Farm Drive as well. The project is estimated at ten (10) million dollars (5 million each).

Understanding the (geographic) enormity of this type of construction project, coupled with the complexity of traffic - volume (30K & 17K ADT) on Cedar Str. and Willard Ave. respectively, the D.O.T. has recommended the MDC utilize an alternative construction schedule. Therefore, to accomplish the required improvements (specifically at the Cedar\Willard intersection), the MDC proposed a night time detour for an anticipated period of 3-4 weeks. Included for your review (attached) is the proposed “Maintenance & Protection Plan” (MPT plan) and a request for a waiver with regard to the noise ordinance. This plan will require the review of both the DOT and Town of Newington - Legal Traffic Authority (L.T.A.) and Chief of Police.

In order to establish the connection of a new 18” sanitary sewer line to the trunk line, the MDC has proposed a utility corridor requiring easements from private homeowners. Additionally, the MDC is requesting a conveyance of easement(s), both “Temporary Construction” and “Permanent” from the Town of Newington. This proposed easement area resides as 90 Wells Drive (adjacent to Cedar Street at Mill Brook) specifically illustrated with supporting documentation in the attachment. In advance of this request, the MDC has acquired the appropriate Inland Wetlands Permit to facilitate the activities as proposed. Per our recent discussion, may I offer these documents for Council review and 8-24 referral to TPZ. The MDC is prepared to attend the next regularly scheduled Council meeting to offer insight to: Project Orientation, operations, timeline, “Clean Water Initiative”, benefits to stakeholders and questions,

Compensation Calculation
90 Wells Dr N – Town of Newington

\$124.00 divided by 14 months = \$8.86/month (\$9.00 rounded)

580 divided by 30 = 19.33

5.33 times \$9.00 = \$47.97 (\$48.00 rounded)

\$124.00 plus \$48.00 = \$172.00

Temporary: \$172.00

Permanent: \$353.00

TOTAL: \$525.00



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: February 4, 2016
Subject: Zoning for Transit Oriented Development (TOD)

The attached draft TOD zoning regulation has been filed with the Town Clerk and with CRCOG, in accordance with state law. Several additions were made to the last version (definitions, boundaries, etc.) so please take a look at it and let me know if there are any objections.

I recommend the public hearing be scheduled for March 9, 2016.

cc:
file

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

Section 3.19A Transit-Oriented Development (TOD) Overlay District

1. General:

a. The Transit-Oriented Development (TOD) Overlay District is an overlay of certain Planned Business (PD) and Industrial (I) zones, to encourage transit-oriented development of parcels on Cedar Street, Fenn Road, and streets adjacent to Fenn Road that are generally within walking distance of the CTfastrak station on Myra Cohen Way.

b. The use of land, buildings and other structures within the TOD Overlay District shall be established and conducted in conformity with either the underlying zoning classification of the Planned Business Zone (PD) and the Industrial Zone (I), or the special requirements of this Section. This is not intended to prohibit any use otherwise permitted in the PD and I zones. Rather, its purpose is to give property owners the ability to use proximity to CTfastrak to leverage development of greater community and/or economic value.

c. The TOD Overlay District is bounded on the north by Holly Drive/Ella Grasso Boulevard; on the east by property of the National Railroad Passenger Corporation (Amtrak); on the south by a line parallel to and approximately 2000' south of Cedar Street; on the west by CT Route 9.

2. Purpose:

a. The purpose of the TOD Overlay District is to promote high quality development within walking distance of the CTfastrak station on Myra Cohen Way which will grow Newington's grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities.

b. Such development shall be in accordance with the 2020 Plan of Conservation and Development's "General Goal" of locating development in places and at densities which support the desired overall character of Newington, including smaller mixed land uses adjacent to transit stations (Page 24 of the 2020 Plan of Conservation and Development).

c. This purpose will be achieved through the following specific objectives and uses:

1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
2. Dining and entertainment clusters.
3. Biotechnology, aerospace engineering, information technology, and other advanced technologies.

3. Definitions:

a. "Mixed-use development" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more of the following type of uses:

1. Retail (including dining and entertainment)
2. Office
3. Industrial (including research and light manufacturing)
4. Residential

Newington Town Plan and Zoning Commission
Proposed Zoning Text Amendment

b. "Dining and entertainment cluster" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more restaurants, bars, theaters, or entertainment venues.

4. Incentives:

a. Development proposals that contain any of the above "specific objectives and uses" may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced front, side, and rear yard setbacks.

b. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.
2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the proposed activity enhances pedestrian access in and around the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.

5. Procedure:

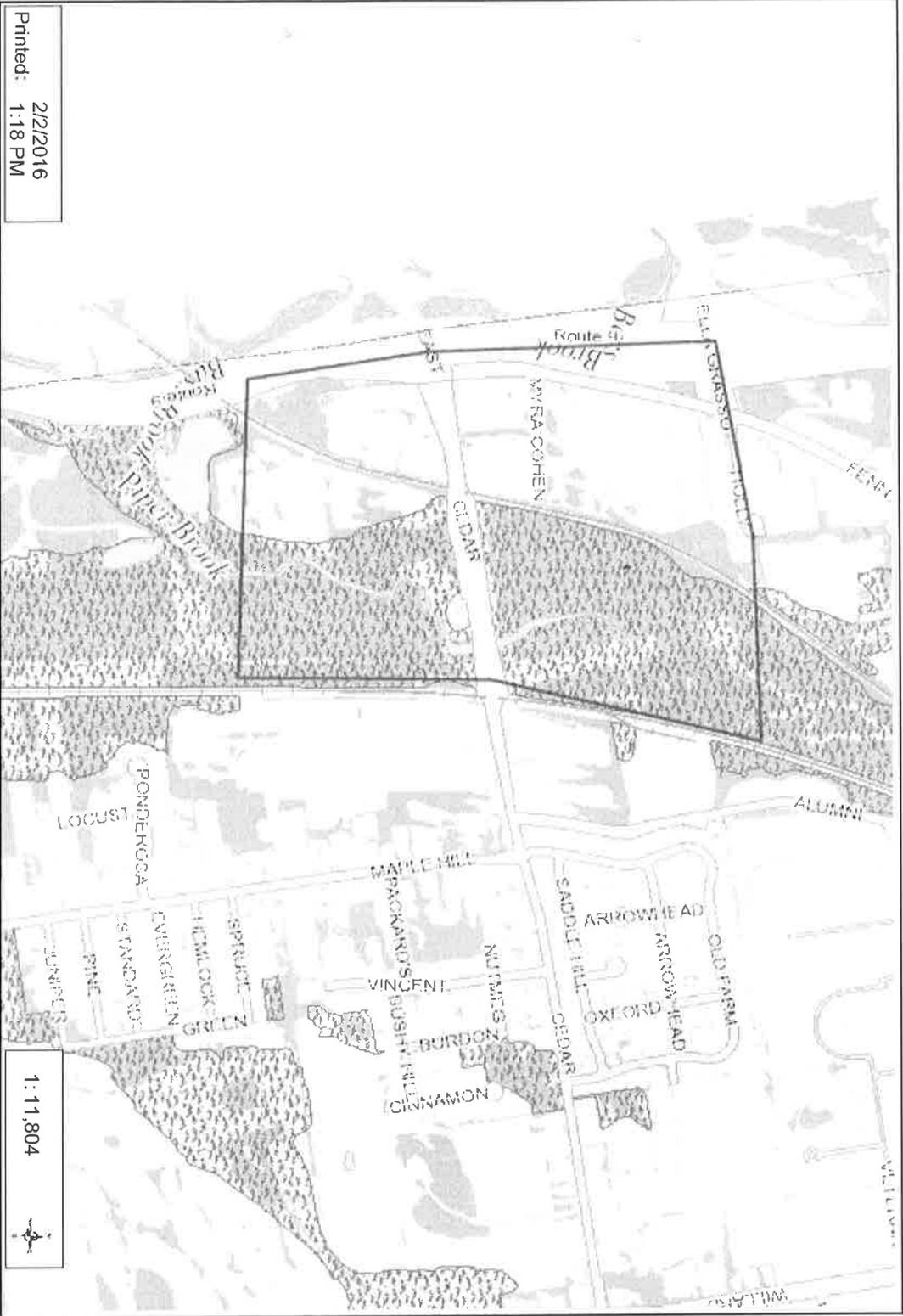
a. Any application for approval of an activity that complies with the underlying PD or I zoning shall be processed in accordance with Section 3.16, Section 3.17, Section 3.18, or Section 3.19 as appropriate.

b. Any application for approval of an activity that does not comply with the underlying PD or I zoning but includes one or more of the "specific objectives and uses" listed above shall be processed in the following manner:

1. The applicant shall apply for a TOD Special Permit in accordance with Section 5.2.
2. The application shall include a detailed description of the activity, and how it promotes the purpose of the TOD Overlay District.
3. If the application proposes to utilize any of the above incentives, the application shall include detailed descriptions of the following:
 - A. The need for or benefit of the proposed activity;
 - B. Architectural or functional compatibility with adjacent or nearby buildings and activities; and
 - C. Public amenities included in the proposed activity.
4. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations.



TOD Overlay District



Printed: 2/2/2016 1:18 PM

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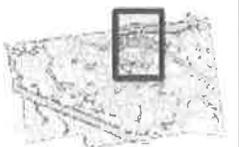
983.66

1,967.3 Feet

1:11,804



This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington retains any liability for any actions taken or not taken based on this map. THIS MAP IS NOT TO BE USED FOR NAVIGATION AND IS NOT CONSIDERED SURVEY QUALITY.



Legend

- Rail Road Line
- Hydrography**
- Water
- Swamp area
- Stream
- Vegetation Area

Notes



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP 
Date: February 4, 2016
Subject: **Petition #07-16: Zoning Text Amendment (Section 3.15; 3.17; and 6.11: Auto-Related Uses). Modern Tire Recapping Company Inc., applicant; Attorney Timothy J. Hollister, One Constitution Plaza, Harford CT, contact.**

Description:

This is an application to amend the Auto-Related Uses zoning regulations (Sections 3.15, 3.17, and 6.11). According to the cover letter this application is "in connection with efforts to settle a pending lawsuit, *Colleen Bielitz, et al. vs. Wex-Tuck Realty, LLC et al.*, to which the Town Plan and Zoning Commission and the Town of Newington are parties..." That lawsuit pertains to the Firestone Complete Auto Care store that recently opened at 2897 Berlin Turnpike. TPZ's attorney in the Firestone case is aware of this application.

Staff Comments:

This application literally came in today, so I have not had the chance to review it enough to make any comments on it.

As you know, zoning text amendments must be referred to CRCOG for review and comment not less than 30 days before the public hearing. The earliest meeting to hold the public hearing is therefore March 23, 2016. I recommend the hearing be scheduled for that date.

cc:
file

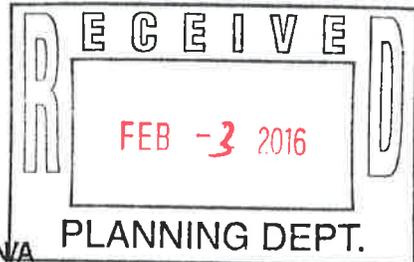
Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner@newingtonct.gov
www.newingtonct.gov

ck# 288468

Petition # 07-16



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: N/A ZONE: N/A
APPLICANT: Modern Tire Recapping Company, Inc. TELEPHONE: _____
ADDRESS: 3455 Berlin Turnpike, Newington, CT 06111 EMAIL: _____
CONTACT PERSON: Timothy S. Hollister, Esq., Shipman & Goodwin LLP TELEPHONE: 860-251-5601
ADDRESS: One Constitution Plaza, Hartford, CT 06103-1919 EMAIL: thollister@goodwin.com
OWNER OF RECORD: N/A

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Sections 3.15, 3.17, and 6.11. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section _____ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

Modern Tire Recapping Company, Inc.
By: [Signature] 2/1/16 N/A
APPLICANT DATE OWNER DATE
Robert S. Amenta, President

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK



SHIPMAN & GOODWIN LLP®
COUNSELORS AT LAW

Timothy S. Hollister
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Fax: (860) 251-5318
thollister@goodwin.com

February 3, 2016

HAND DELIVERY

Mr. Frank Aieta, Chairman,
and Commission Members
Plan and Zoning Commission
Town of Newington
131 Cedar Street
Newington, CT 06111-2644

Mr. Craig Minor
Town Planner
Town of Newington
131 Cedar Street
Newington, CT 06111-2644

Re: Application of Modern Tire Recapping Company, Inc. to Amend Sections 3.15, 3.17, and 6.11 of Zoning Regulations of Town of Newington

Dear Chairman Aieta, Commission Members, and Mr. Minor:

Our client, Modern Tire Recapping Company, Inc., hereby submits this application to amend Sections 3.15, 3.15.8, 3.17, 3.17.8, and 6.11 of the Zoning Regulations of the Town of Newington. The text attached contains both new provisions and minor changes to the existing regulations, so we have presented the amendment as a substitute rather than in redline format.

Background And Purpose Of This Application

This application is made in connection with efforts to settle a pending lawsuit, *Colleen Bielitz, et al. vs. Wex-Tuck Realty, LLC et al.*, Docket Number HHD LND CV 14 6055381S, to which the Town Plan and Zoning Commission and the Town of Newington are parties, and in which the plaintiff parties include residential property owners who live adjacent to or near an automotive repair facility at 2987 Berlin Turnpike, and other auto-related businesses in Newington's B-BT and PD Zoning Districts.

Prior to 2007, Newington's Zoning Regulations allowed auto-related uses in those two zones, as well as the I Industrial Zone, by special permit. In 2007, the Town Plan and Zoning Commission ("TPZC") eliminated auto-related businesses as a special permit use in the B-BT and PD Zones, allowing them only in the I Zone. This change made all existing uses in the

B-BT and PD Zones non-conforming, and subject to prohibitions and limits on expansion, rehabilitation, or modification, as set forth in Section 5 of the Zoning Regulations.

In 2012, the TPZC adopted an overhaul of the auto use regulations. The amendments:

- created two categories of uses, "motor vehicle service uses" and "auto-related uses," with the first category purportedly corresponding to General Statutes § 14-51(a)(4) ("limited repairer" licenses) and the second corresponding to §§ 14-51(a)(1) to (3) (new and used car dealer and "general repairer" licenses);
- made each category a special permit use in the B-BT and PD Zones, but subject to a list of prohibitions intended to protect residential abutters and neighbors;
- allowed the TPZC to waive these prohibitions on a case-by-case basis; and
- stated particularized requirements for these special permit uses, such as a minimum lot size of one acre except when the auto use was combined with a commercial use.

These 2012 amendments, in addition to presenting issues about the legality of the waiver provisions, and giving the appearance of having been drafted specifically to accommodate the Wex-Tuck Realty property at 2903 (now 2987) Berlin Turnpike, were problematic because of vague and inconsistent wording. For example, after defining "auto-related" and "motor vehicle service" uses, the amendments used a different phrase, "any use relating to motor vehicles," in § 6.11.5, without explaining whether this was the same as "auto-related" or "motor vehicle service." This subsection also required a 100 foot setback from a "church" or "playground," not defined. In addition, the amendments' use of the general and limited repair categories of §§ 14-51(a)(1) to (4) made no sense, because that statute governs state licenses for automotive uses, not land use categories. Lastly, the 2012 amendments kept every existing automotive business in the B-BT and PD Zones that did not or could not comply with all of the amendments' prohibitions and requirements as a non-conforming use, subject still to Section 5's limits on expansion and modification.

In April 2013, the TPZC granted a special permit for an auto repair facility at 2987 Berlin Turnpike, thus approving that facility a specially permitted use while leaving other existing uses non-conforming. That approval was specifically based on a waiver granted under § 6.11.7, because the plan allowed overhead garage doors to face a public street.

In May 2013, the TPZC rezoned the property directly west of 2987 Berlin Turnpike from commercial to residential. This change rendered the facility that the TPZC had just approved by

special permit a violation of § 6.11.5 as amended in 2012, which prohibits "any use relating to motor vehicles" within 100 feet of a residential zone.

In January 2014, Superior Court Judge Mottolese invalidated the waiver provisions of §§ 6.11.3, 6.11.5, and 6.11.7 of the 2012 amendments. In January 2015, the TPZC formally repealed the invalidated provisions, thus leaving the Town of Newington with three strict prohibitions on all new uses, but *without* the ability to provide relief from these restrictions.

Proposed Regulation Amendments

The proposed regulation amendments are intended to: (1) restore the pre-2007 regime by making existing automotive-related uses specifically permitted uses in the B-BT and PD Zones (thus allowing the TPZC to use the full extent of its special permit discretion to regulate such uses); (2) eliminating the distinction among auto-related uses based on General Statutes § 14-51(a), by making all four subsections part of the definition of "auto-related uses"; (3) retaining many of the protections of residential uses adopted in 2012, but with better-drafted definitions and standards; (4) adding a provision making noise ordinance compliance and enforcement part of the regulatory standards; and (5) establishing a single minimum lot size, of one acre.

The proposed amendments, being part of an effort to settle the *Bielitz v. Wex Tuck Realty* lawsuit, are also drafted to try to accommodate the anomalous situation of the now-operating Firestone facility at 2987 Berlin Turnpike. Plaintiffs Bielitz, et al. have asserted in their court case that the special permit issued in 2013 for that facility was voided in 2014 by Judge Mottolese's ruling that the waiver provisions of §§ 6.11.3, 6.11.5, and 6.11.7, adopted in 2012, were void when first adopted. The 2013 special permit was based on a § 6.11.7 waiver. Thus, Bielitz, et al. are contending that the Firestone facility does not today have a valid zoning approval, and must obtain one if it is to continue operating. This will require a regulation amendment addressing §§ 6.11.3, 6.11.5, and 6.11.7.

We look forward to presenting this application to the Commission.

Very truly yours,



Timothy S. Hollister

TSH:ekf
Attachments

c: Modern Tire Recapping Company, Inc. (w/ att.)

Proposed Zoning Regulation Amendments February 2016

Note: The proposed text amends the existing regulations with new provisions and revised wording, so it is presented as a SUBSTITUTE rather than in redlined format. The existing regulations are attached.

Section 3.15 Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.8 Auto-related uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations.

Section 3.17 Special Exceptions Permitted in I Industrial Zones

- 3.17.8 Auto-related uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations.

Section 6.11 Auto-Related Uses

For the purpose of this section, "auto-related uses" are those listed in Sec. 14-51 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.

- 6.11.1 Any auto-related use in existence and commercial operation as of _____, 2016 [effective date of amended regulation] shall be deemed a conforming use, not subject to Section 5 of these Regulations, and any expansion, modification, repair, or rehabilitation of the existing use shall require a special exception and site plan approval in accordance with Sections 5.2 and 5.3 of these Regulations.
- 6.11.2 Equipment used in an auto-related use, such as a fuel dispenser, shall be located at least 30 feet from any public or private street right-of-way.
- 6.11.3 If an auto-related use includes repairs or services, such repairs or services shall be entirely within a building, which building must comply with setback requirements for the zone in which the use is located, and at least 30 feet from any public or private street right-of-way.
- 6.11.4 Entrances and exits to or from a public or private street for an auto-related use shall be at least 100 feet from a school, religious use, hospital or residence.

- 6.11.5 Display, sale, rental, or storage of any motor vehicle shall be permitted except in any public or private street right-of-way.
- 6.11.6 No portion of any use relating to motor vehicles shall be within 200 feet of a structure used as a residential dwelling or a residential zone unless all automotive service occurs completely within an air-conditioned structure.
- 6.11.7 Wall signage shall be uniform in size, design and lighting. The applicant shall submit proposed architectural elevations to the Commission for review. Architectural style and design shall blend harmoniously with neighboring structures.
- 6.11.8 Any auto-related use approved subsequent to _____, 2016 shall not have any overhead service doors facing either a public street, a structure used as a residential dwelling, or a residential zone. Auto-related uses operating prior to _____, 2016 that have existing overhead doors that do not meet this requirement shall not be permitted to increase the number of overhead doors facing a public street, a structure used as a residence, or a residential zone, and any such use that is within 200 feet of a residential dwelling or zone shall be equipped and operated so that no more than one overhead door may be opened at one time, except for emergency purposes.
- 6.11.9 All auto-related uses shall be operated at all times in compliance with the Town of Newington's noise ordinance, which shall be enforced by the Commission and the ZEO as to auto-related uses. The Commission shall have the authority to impose approval conditions to ensure compliance with the noise ordinance.
- 6.11.10 The minimum lot area for a parcel containing an auto-related use shall be one (1) acre.
- 6.11.11 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).
- 6.11.12 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)



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP 
Date: February 4, 2016
Subject: **Petition #08-16: Site Plan Approval at 712 Cedar Street ("Starbucks"). Fenn Road Associates LLC, owner/applicant; Attorney Mark Shipman, 433 S. Main Street Suite 319, West Hartford CT, contact.**

Description:

This is an application for site plan approval of a Starbucks restaurant with drive-through on the south corner of Fenn Road and Myra Cohen Way. The legal address is 712 Cedar Street, and the site will be accessed from both Cedar Street and Myra Cohen Way. There was no cover letter submitted with the application.

Staff Comments:

These plans arrived today so I have not had the chance to do anything other than glance at them.

Restaurant with drive-through requires a special permit. This site was previously approved for a similar restaurant with drive-through, and a special permit was issued on April 11, 2008. The new site plan is effectively the same as the original one (attached), so in my opinion a new special permit is not necessary.

cc:
file

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townplanner@newingtonct.gov
www.newingtonct.gov

02/19/18

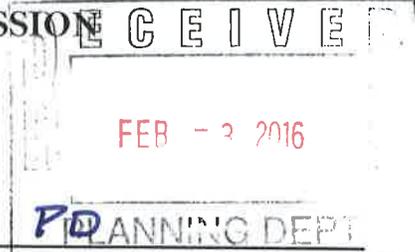
Petition # 08-16



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION RECEIVED

APPLICATION FORM



LOCATION OF PROPERTY: 712 CEDAR ST. ZONE: PLANNING DEPT

APPLICANT: FENN ROAD ASSOCIATES, LLC TELEPHONE: (860) 646-0131

ADDRESS: 1481 PLEASANT VALLEY RD. MANCH. CT EMAIL: rich@hayesdevelopers.com

CONTACT PERSON: MARK S. SHIPMAN TELEPHONE (860) 606-1701

ADDRESS: 437 SOUTH MAIN ST. STE 319
WEST HARTFORD, CT 06110 EMAIL: _____

OWNER OF RECORD: FENN ROAD ASSOCIATES, LLC

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section _____ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

<u>FENN ROAD ASSOCIATES, LLC</u> by <u>[Signature]</u> APPLICANT <u>MARK S. SHIPMAN</u> DATE <u>2/3/16</u>	<u>SAME</u> OWNER _____ DATE _____
--	---------------------------------------

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
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Memorandum

To: Town of Newington
Engineering Department
131 Cedar Street
Newington, Connecticut 06111

Date: February 3, 2016

Project #: 42159.00

From: Rod Szwelicki
Land Development

Patrick O'Leary, P.E.
Principal

Re: Stormwater Management Memorandum
Proposed Starbucks Development
712 Cedar Street
Newington, Connecticut

Project Summary

The approximately 4.45-acre Site is located at 712 Cedar Street in Newington, Connecticut (See Figure 1). The parcel can be identified by the Town of Newington Tax Assessor's Office as Map 13, Block 2, Lot 0 and is located in the PD-Planned Development zone. The Site is bounded by a parcel containing a CTDOT access road to the north, Cedar Street (CT Route 175) to the south, Fenn Road (CT Route 505) to the west, and an undeveloped parcel of land to the east. The Site is currently undeveloped and mostly pervious grass cover with some broken bituminous pavement and gravel along the Cedar Street frontage. Currently, the Site is accessed through an existing curb cut on Cedar Street (CT Route 175) and an access easement through the northern bounding CTDOT property which contains a signalized curbed cut onto Fenn Road (CT Route 505).

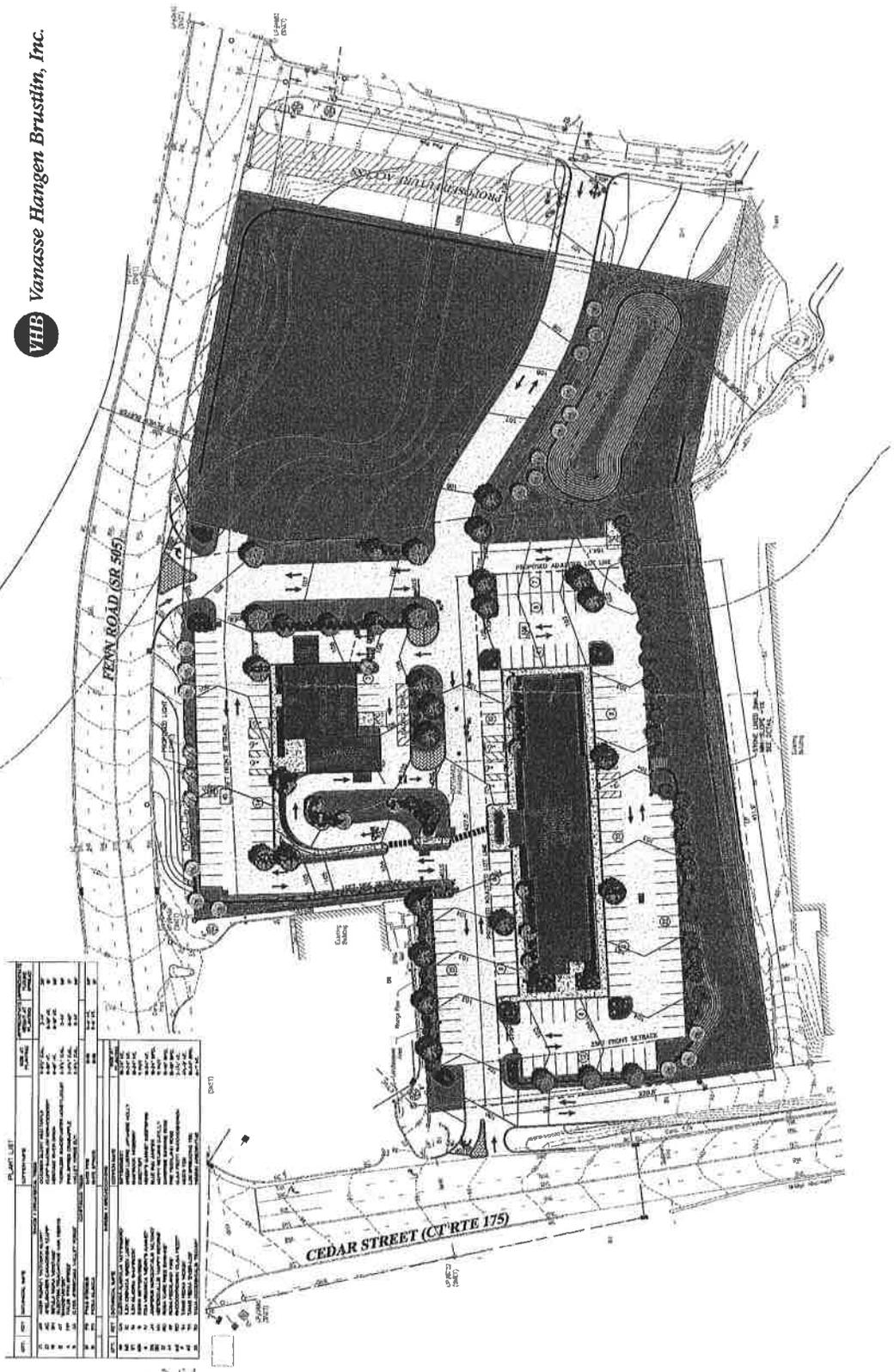
The proposed development of the Site includes the construction of an approximately 1,820 SF Starbucks restaurant building along with drive thru, drive aisles, parking spaces, landscaping and associated utilities. The proposed Site will be accessed through the same locations as under existing conditions, with the curb cut onto Cedar Street (CT Route 175) to be reconstructed.

Original 2008 plan

Proposed Retail
Newington, Connecticut

Site Plan Exhibit

VHB Vanasse Hangen Brustlin, Inc.



NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY SITE PLAN	10/10/07	JHB	JHB
2	REVISIONS TO PRELIMINARY SITE PLAN	11/15/07	JHB	JHB
3	FINAL SITE PLAN	12/10/07	JHB	JHB





Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: February 4, 2016
Subject: **Petition #41-15: Special Exception (Section 3.2.9: Adult Day Care) at 26 Church Street. New Life Adult Day Care Inc., applicant; Vaishnav Parivar of Connecticut Inc., owner; Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact.**

Description of Petition #41-15:

The applicants would like to conduct an adult day care operation in the Vallabdhram temple at 26 Church Street. "Adult Day Care" is allowed by special permit in all residential zones.

Staff Comments:

"Adult Day Care" is an activity allowed per Section 3.2.9 in all zones by special permit. There are some conditions that apply to day care per Section 3.2.9, and several conditions that apply to all special permit activities. These were covered in my previous memo.

The following excerpt from Section 5.2 pertains to all special exception applications. I recommend TPZ discuss and make a "finding" on each of these criteria prior to making a motion, so that the "findings" may be part of the motion.

- 5.2.6 In reviewing the proposed special exception or permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special exception or special permit and record its findings in the record of the meeting:
- A. The need for the proposed use in the proposed location.
 - B. The existing and probable future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.

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www.newingtonct.gov

- D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.
- E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safety accommodate any increase in drainage. (Effective 12-01-01)
- F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
- G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

cc:
file



Tanya D. Lane
Acting 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: February 5, 2016
Subject: Town Planner Report for February 10, 2016

1. Zoning Enforcement Issues Raised at Previous TPZ Meetings

a. Vallabhdham Hindu Temple:

I have advised congregation president Roger DeSai that the TPZ would like him or a delegate to come before TPZ prior to the next major event to discuss crowd control, off-site parking, police coverage, etc. The next such holiday is "Holi" in late March. This is a festival holiday and traditionally involves bonfires and the tossing of colored powder into the air, so I specifically recommended he address these customs in his presentation.

I also advised their attorney of the changes to the "Memorandum of Understanding" that were discussed by TPZ at the last meeting. He said he would discuss them with his clients.

2. Town Center Streetscape Phase VI

The three project options were displayed and discussed at a public information meeting on February 3, 2016. The options will be presented to the Town Council later this month, and the Council will make the decision as to which one to construct. The options are available for public viewing on the Town website under "News & Announcements".

3. Solar Panels at Corbin Russwin in Berlin

Earlier this week I met with a representative of Entersolar, the solar panel vendor that is installing the solar panels on grounds of the Corbin Russwin plant on Episcopal Road in Berlin (Church Street in Newington). We met on site, and I showed him the area that we would like to be screened with arbor vitae. He said that he would have to talk to the owners (Corbin Russwin) but that he did not think it would be a problem. He did say that the owners might prefer to have the row of arbor vitae on the north side of the east-west driveway, rather than between the driveway and the panels, because they might interfere with the row of mature trees along the south side of the driveway.

cc:
file

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