



TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Wednesday, July 8, 2015

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

6:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. REVIEW OF ZONING REGULATIONS

- a. Proposed OS "Open Space" Zone
- b. Section 6.2: Signs
- c. Section 6.3: Flood Plain Regulations
- d. Section 6.4: Removal of Earth Products
- e. Section 6.5: Filling of Land

III. ADJOURN

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2015 JUL -1 AM 9:35

BY *Tanya D. Lerner*
TOWN CLERK

Submitted,

Craig Minor, AICP
Town Planner

STAFF REPORT
Complete Review of Zoning Regulations

June 30, 2015

Petition #02-15:
Zoning Amendments
Town-wide
Town Plan and Zoning Commission, applicant

Description of Petition #02-15:

This is a complete review of the current zoning regulations, looking for fairly simple items that need minor adjustments.

Staff Comments:

1. New "Open Space Zone": See enclosed memo and attachments.
2. Section 6.2: Signs: There was a TPZ subcommittee that spent many hours last year trying to revise the "temporary sign regulations" to make them more enforceable as well as more "user friendly". They stopped meeting when it was decided to do a complete zoning overhaul. The attached is the status quo when they stopped meeting, with one additional change proposed by me just now: a change to the "digital sign" regulation, to make it clear that no backlit nor LED sign of any type is allowed except for "time and temperature" and gas station signage.
3. Section 6.3: Flood Plain Regulations: These regulations are very complex and engineering-driven, so I do not recommend making any changes.
5. Section 6.4: Removal of Earth Products: This section allows the excavation of a basement and related incidental grading "as of right", and allows the (commercial) removal of soil, sand, gravel, etc. by special permit. There are two problems with this.
 - a. The regulation doesn't say what the review and approval process is for "as of right" excavation. There has been at least case where a homeowner wanted to significantly increase the level area of his yard by removing a large amount of earth material, to the consternation of his neighbors. When the Zoning Enforcement Officer told him to provide a professionally prepared site plan for the Town Engineer to review, he questioned the ZEO's authority to do so. This would rectify that.
 - b. The requirements and approval process described in Sections 6.4.3 (Conditions) and 6.4.4 (Approval) probably apply only to Section 6.4.2 (the special permit removal of earth material), but it is not clear. And if it does, then there are no requirements and approval process for Section 6.4.1 (as of right removal). I have proposed some amendments to address this.
6. Section 6.5: Filling of Land: Unlike the "Removal of Earth Products" section, this section does not clearly say whether a landowner can bring in fill – it is stated in a negative way, in the "special permit" section. Also, like the "Removal of Earth Products" regulations, it is not clear if Section 6.5.4 (Approval) applies also to "as of right" filling. The attached amendment addresses that.

cc:
file

[Staff-proposed additions are shown in **bold underline**. Staff-proposed deletions are shown in ~~bold strikethrough~~.]

Section 6.2 Signs

6.2.1 General:

- A. No billboards are permitted and are non-conforming uses that shall be removed and not replaced. (Effective 12-01-01)
- B. No advertising signage is permitted which does not refer to a business or activity located on the same premises. **Merchandise and/or products displayed for sale are considered signage under this section except as permitted in 6.2.1.(F).**
- C. No signs shall be located above the parapet or roof peak.
- D. The placement and erection of any signs shall require a zoning permit and a building permit, except that directional signs not exceeding 3 square feet in area per side may be located within the street right of way without zoning or building permits upon the approval of the Town's Traffic authority.
- E. As defined in Section 9, a sign **which that** has intermittent internal illumination by mechanical or digital controls **(either backlit or LED) that produce an illusion of movements such as, but not limited to, flashing, running, rotating, video graphics, change in color and brightness or scrolling advertisement message** shall not be permitted except: (Effective 6-8-2011)
 - 1) Time and/or temperature sign by means of intermittent lighting, provided that the largest dimension of such a sign does not exceed 6 square feet. (Effective 6-8-2011)
 - 2) Fuel product price sign that is digitally controlled and a component of the business's free standing sign provided that each product per gallon price size does not exceed 1 foot high by 3 feet wide and does not move, flash, run, scroll, rotate or change color or brightness. Digitally controlled product price sign shall not be permitted in the Business Town Center District (B-TC) and the Business District (B) zones. (Effective 6-8-2011)

F. Temporary Signs:

1) A permit for a temporary sign ~~F. Temporary permits for a sign~~ advertising a real estate development may be issued for a six month period and may be renewed for a additional six month periods.

2) Permits for temporary signs ~~Temporary permits for signs~~ advertising a **sale or** special event may be issued by the Zoning Enforcement Officer for not more than **forty (40) twenty-five (25) consecutive** days per calendar year **in increments of not less than five (5) days. upon approval of a zoning permit prior to placement.** A building permit shall not be required ~~for special event signs~~ and only the zoning permit fee shall be charged. (Effective 6-8-2011)

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3) A new business coming to Newington for the first time or an existing business relocating or expanding within Newington may request an additional twenty (20) days of promotional advertising days. (Effective 6-8-2011)

4) Temporary signs shall only be displayed on the property of the business advertising the sales and/or event and cannot be placed in the State or Town street right of way.

5) Temporary signs shall not be lighted, flashing, digital or rotating, and may be denied if determined by the Zoning Enforcement Officer to be a hazard to the public.

~~Temporary signs may be pennants, streamers or banners attached to the building promoting the sale event and ground signs, not to exceed two, not higher than 10 feet and larger than 50 square feet per side. Not more than one ground mounted cold air inflatable sign, not to exceed 18 feet in height is permitted. No roof mounted sign or cold air inflatable tethered to the roof are permitted. (Effective 4-6-2011)~~

6) Permits for temporary pennants, streamers or banners attached to the building or on the ground advertising a sale or special event may be issued by the Zoning Enforcement Officer for not more than forty (40) consecutive days per calendar year in increments of not less than five (5) days. Such banners shall be not larger than 50 square feet per side. Not more than one ground-mounted cold air inflatable sign, not to exceed 18 feet in height, is permitted. No roof-mounted sign or cold air inflatable tethered to the roof are permitted.

7) Temporary signs may be cardboard or plastic, on the ground, not to exceed two, not higher than 10 feet and not larger than 50 square feet per side.

G. No illuminated sign shall be lighted or placed so as to provide glare or blinding effects upon automotive traffic or adjoining residential zones, no shall such sign diminish or detract from the effectiveness of any traffic signal.

6.2.2 Residential Signs:

In residential zones, the following signs are only permitted on a lot:

- A. One sign not over one square foot in area giving the name of the **residential** occupant of the premises.
- B. ~~Not more than 2~~ **One** "for sale" or "for rent" signs not over 6 square feet in area and located at least 10 feet from the lot line. **There is no time limit on such signs.**
- 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.

[Staff-proposed additions are shown in **bold underline**. Staff-proposed deletions are shown in ~~**bold strikethrough**~~.]

- D. Building contractors signs on buildings under construction limited to a total area for all such signs of 60 square feet or temporary on site ground sign not over 6 square feet in area. All such signs must be removed within 5 days after the completion of the building.
- E. For a residential development approved by Special Exception Section 3.7 a monument sign not more than 75 square feet in area on one side, nor more than 150 square feet in area on both sides and located within the building setback lines shall require Special Exception Approval of the Commission. (Effective 8-15-07).
- F. **One sign not over two square feet in area for an approved home occupation or professional office in accordance with Section 3.4.4.B.**
- G. **One sign not over 36 square feet in area giving the name of the church, daycare, or other permitted non-residential activity on the premises that is not a home occupation or professional office per Section 3.4.4.**

6.2.3 Non-Residential Wall Mounted Business Signs [no change]

6.2.4 Free Standing Business Signs [no change]

6.2.5 Directory Signs [no change]

6.2.6 Maintenance [no change]

6.2.7 **Exceptions (effective DD/MM/2014):**

The following types of signs are exempt from the provisions of this regulation:

A. Vehicle Signs

B. Directional Signs, including those not exceeding 3 square feet within the street right of way upon the approval of the Local Traffic Authority.

C. Political Signs

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Section 6.1 Off-Street Parking and Loading Regulations

6.1.1 Parking

There shall be provided, at the time of application for a building permit for the erection, alteration, enlargement or change in use of any building or land for which off-street parking is required, a plan showing functional required parking space, including the means of access and interior circulation and landscaping.

- ~~J. These regulations may be modified by the Commission where circumstances relating to the peculiar and exceptional nature of the uses are such that the specific requirements of the parking regulations do not apply.~~
- J. Other than as permitted in Section 3.23.1 (Accessory Outside Use Standards), nothing may occupy a parking space provided in accordance with Section 6.1 other than a properly registered motor vehicle .
- K. For properties with parking lots on the Berlin Turnpike, the row of parking spaces closest to the Berlin Turnpike shall be reserved for customer parking only. Employee-owned vehicles and vehicles belonging to or under the control of the owner or tenant may not occupy these parking spaces.

Section 9.2 Definitions

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Does not include national or state flags, window displays, graffiti, athletic scoreboards, or official announcements or signs of government.

SIGN, VEHICLE:

Sign on a vehicle of any kind, painted or attached directly to the body of the original vehicle which does not project or extend beyond the original manufactured body proper of the vehicle. Such vehicle must be registered with the State of Connecticut; in motion or parked in an approved parking or loading space at the business location; is capable of movement; and used for transport purposes in the business.

SIGN, POLITICAL:

A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

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6.3 Flood Plain Regulations

6.3.1 Purpose

The flood hazard areas of Newington are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are aggravated by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

It is, therefore, the purpose of this regulation to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruption;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

6.3.2 Reducing Flood Losses

In order to accomplish its purpose, this regulation includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

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- C. Controlling the alteration of natural flood plain stream channels, and natural protective barriers which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters which may increase flood hazards in other areas.

6.3.3 Establishment of Areas of Special Flood Hazard – (Effective 9-20-08)

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), dated 9-26-08, with accompanying Flood Insurance Rate Maps (FIRM) 9-26-08 and other supporting data, and any subsequent revision thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment is obtained. The Flood Insurance Study is on file at the Office of the Town Planner.

6.3.4 Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes, and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This regulation shall not create liability on the part of the Town of Newington, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

6.3.5 Coordination

Before the issuance of a permit, the Commission will determine that the requirements of this regulation are satisfied, that all necessary permits have been obtained from federal and state agencies and the Greater Hartford Flood Commission from which prior approval is required, and shall find that the permit will not adversely affect the flood-carrying capacity of the area of special flood hazard. The applicant shall be responsible for submitting an application to the Newington Conservation Commission, acting as the Town Inland Wetlands Agency. The Commission will not take any action on an application submitted until after the Conservation Commission has rendered a decision. The Commission will consider the report of the Inland Wetlands Agency when deciding activities affecting flood hazard areas. For the purposes of this regulation, "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development increases the water surface elevation of the base flood more than one foot at any point. The applicant shall be responsible for submitted supporting technical data, certified by a Professional Engineer, that no adverse affects will result.

6.3.6 Permit Required

A special permit shall be obtained before construction or development begins within any area of special flood hazard established in these regulations. Application for a development permit shall be made on forms furnished by the Commission and may

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include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- B. Elevation in relation to mean sea level to which any structure has been flood proofed.
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 6.3.7.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. A statement as to whether or not the proposed alterations to an existing structure meets the criteria of the substantial improvement definition.
- F. When base flood elevation data or floodway data has not been provided in accordance with this section, the Town shall obtain, review, and utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the specific standards of these Regulations.

6.3.7 General Standards

In all areas of special flood hazard, the following standards are required.

- A. Anchoring
 - 1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. (Effective 9-20-08)
 - 2. The storage of materials and supplies that would block the flow in any area of Special Flood Hazard is not permitted.
- B. Construction Materials and Methods
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Utilities
 - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

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2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.
 3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 4. Electrical, heating, ventilation, plumbing, air conditioning, equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 5. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water (Effective 9-20-08)
- D. Compensatory Storage – The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. (Effective 9-20-08).
- E. Equal Conveyance – Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. (Effective 9-20-08).
- F. Specific Standards
1. Residential Construction

New construction and substantial improvement of any residential structure shall have the lower floor, including basement, elevated to at least one (1) foot above the base flood elevation.

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2. Non-Residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to at least (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

3. Manufactured Homes - (Effective 9-20-08)

All manufactured homes to be placed or substantially improved in an area of special flood hazard shall be elevated so that the lowest floor is at least one (1) foot above the base flood elevation.

All manufactured homes within a special flood hazard area shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

4. Recreational Vehicles – (Effective 12-4-02)

Recreational vehicles, trailers, campers and similar type vehicles are prohibited from the special flood hazard area unless the vehicle is registered and ready for highway use so that it can be quickly relocated.

5. New Construction or Substantial Improvements (Effective 9-20-08)

For fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.

G. Maintenance of Flood Carrying Capacity

Should data be requested and/or provided, adopt a regulatory floodway based on the principal that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

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6.3.8 Records

The Building Code Administrator shall maintain records of all permits issued, including:

- A. The actual elevation (in relation to the mean sea level, National Geodetic Vertical Datum (NGVD) to the lowest habitable floor (including basement) of all new or substantially improved structures.
- B. For all new or substantially improved flood proofed structures:
 - 1. Verify and record the actual elevation, in relation to mean sea level, National Geodetic Vertical Datum (NGVD); and
 - 2. Maintain the flood proofing certifications required in this regulation.
- C. Maintain for public inspection all records pertaining to the provisions of this regulation.

6.3.9 Alteration of Watercourses

Adjacent communities, the Newington Conservation Commission, the Department of Environmental Protection Water Resources and the Greater Hartford Flood Commission shall be notified of any proposed alteration of watercourses and evidence of such notification shall be made part of the record and hearing.

- A. A maintenance agreement of surety shall be required within the area of the altered or relocated watercourse so that the flood carrying capacity is not diminished.

6.3.10 Interpretation of FIRM Boundaries

The Commission shall determine, where needed, the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The Commission shall refer such interpretation questions to the Town Engineer for technical advice and shall use such base maps and other data which are available to it in making such interpretations.

6.3.11 Floodways

Located within areas of special flood hazard established in this regulation are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. There shall be no encroachment, including fill, new construction, substantial improvements or other developments within the floodway, except for duly authorized and approved flood control measures by state, federal or regional agencies.
- B. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood

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elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

- C. The Town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

6.3.12 Uses Permitted and Interpretation (Effective 9-20-08)

- A. Nothing in these restrictions shall prevent the use of land under flood plain designation for parks, playgrounds, wildlife sanctuaries, any farming use, and for unpaved areas for parking of motor vehicles as accessory to a permitted use.
- B. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The Structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- C. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- D. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

6.3.13 Variance Procedures (Effective 9-20-08)

The Newington Zoning Board of Appeals, established under Article VI, Section 602 of the Town Charter, and authorized by Section 8-6 of the Connecticut General Statutes, shall hear and decide appeals for variances of the requirements of these Flood Plain Regulations in accordance with Section 8.1 of the Zoning Regulations.

6.3.14 Severability (Effective 9-20-08)

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

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6.4 Removal of Earth Products

6.4.1 General

Except as otherwise provided in this section, there shall be no removal, in any zone, of soil, sand, gravel, stone or other earth products, ~~except excavation for basements of structures to be erected on the land forthwith, and except for grading or landscaping incidental to the development of the land, or to grading for public improvements.~~

6.4.2 As of Right

Excavation ~~excavation~~ for basements of structures to be erected on the land forthwith, and ~~except for~~ grading or landscaping incidental to the development of the land, ~~or to~~ and grading for public improvements.

A. **The applicant shall submit a site plan of the area where removal is proposed, prepared by a registered professional engineer, showing the existing and proposed finished grades.**

6.4.3 Special Permit

The Commission may grant a permit for the removal of soil, sand, gravel, stone or other earth products not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

~~6.4.4~~ Conditions

- A. The applicant shall submit a site plan of the area where removal is proposed, prepared by a registered professional engineer, meeting the provisions of Section 5.2 and also showing the existing and proposed finished grades at the conclusion of operations, provisions for drainage, proposed landscaping and type of cover crop, the location of rock faces and exposed bedrock outcropping, and any other features considered necessary by the Commission for adequate study of the proposal. (Effective 3-4-2011)
- B. The plan shall provide for proper drainage of the area after completion. No bank shall exceed a slope of one foot of vertical rise in 2 feet of horizontal distance. No removal shall take place within 50 feet of a property line except when modified by a two-third vote of the Commission. (Effective 3-4-2011)
- C. At the conclusion of operations, the whole area where removal has taken place shall be covered with not less than 4 inches of topsoil and seeded with a suitable cover crop. This requirement may be modified by the Commission where no practical purpose is accomplished by adherence to it.
- D. No equipment not required for actual removal of the material shall be allowed. The processing of earth product is prohibited except when permitted by the Commission and approved by a two thirds vote. (Effective 8-15-07)
- E. The property shall be maintained in safe condition, no ponding of water, steep slopes or any potentially hazardous condition.

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6.4.4 Approval

In passing upon applications for **special** permits under this section, the Commission shall consider the effects of such removal on surrounding property and the future usefulness of the premises when the operation is completed. The Commission may require the applicant to post surety with the Town Manager in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of this section. The Commission may place a time limit upon any **special** permit granted, which in no case shall exceed 2 years. Upon approving a **special** permit, the Commission shall file with the Town Engineer at least one copy of the approved plan of operations, so that no removal may take place except in conformity with this section.

6.5 **Filling of Land**

6.5.1 General

The ~~purpose of this section is~~ **purposes of this section are to** (a) conserve and preserve water storage areas by helping to maintain the ground water level and stream flow, (b) secure the safety of traffic movement, and (c) control any fill operations that may create a safety or health hazard to the public or adjacent property owners, or be detrimental to the immediate neighborhood or the Town.

~~6.5.2~~ **Special Permit**

~~The Commission shall grant a permit for the filling of land subject to the following conditions and the provisions of Sections 5.2 and 5.3. A permit is required except in the following circumstances:~~

- ~~A. Construction of a building for which a building permit has been duly issued.~~
- ~~B. Agricultural or landscaping operations, including pond operations, providing a report approving the operation is provided to the Town Engineer by the Soil Conservation Service.~~
- ~~C. Where such filling operations have been approved by the Commission as a part of a subdivision or a site plan. 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.~~
- ~~D. Within the rights-of-way of the State of Connecticut.~~
- ~~E. Regrading of one residential lot to improve the property, providing the Town Engineer inspects and approves this operation before and after regrading takes place.~~

6.5.2 As of Right

- A. Construction of a building for which a building permit application has been submitted.
- B. Agricultural operations. The applicant shall submit a site plan of the area where the fill is proposed prepared by a registered professional engineer.

New text proposed by staff is shown in **bold underline**. Text proposed by staff to be deleted is shown in **~~bold strikethrough~~**.

- C. Where such filling operations have been approved by the Commission as a part of a subdivision or a site plan. No filling of land shall commence until a building permit for the project has been issued.
- D. Regrading of a residential lot to improve the property. The applicant shall submit a site plan of the area where the fill is proposed, prepared by a registered professional engineer, **showing the existing and proposed finished grades**.

6.5.3 Special Permit

The Commission shall grant a permit for the filling of land subject to the following conditions and the provisions of Sections 5.2 and 5.3. A permit is required except in the following circumstances:

The Commission may grant a permit for the filling of land not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- A. The applicant shall submit a site plan of the area to be filled, prepared by a registered professional engineer, meeting the provisions of Section 5.2 and also showing finished grades at the completion of filling, type of fill material, and proposed access for vehicles and hours of operation, as well as any other information considered necessary by the Commission for adequate study of the proposal.
- B. The plan shall provide for proper drainage of the operation, during and after completion. No bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. Necessary precaution against erosion shall be shown.
- C. At the conclusion of filling operation, the disturbed area shall be covered with not less than 4 inches of top soil and seeded with a suitable cover crop.

6.5.4 Approval

In passing upon applications for **special** permits under this section, the Commission shall consider the effects of such filling on surrounding property and the future usefulness of the premises when the operation is completed. The Commission may require the applicant to post surety with the Town Manager in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of this section. The Commission may place a time limit upon any **special** permit granted, which in no case shall exceed 2 years. Upon approving a **special** permit, the Commission shall file with the Town Engineer at least one copy of the approved plan of operations, so that no filling may take place except in conformity with this section.



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: June 30, 2015
Re: Proposed "Open Space Zone"

As promised last month, attached is a color map of all "open space" parcels in Town. As you can see from the color coding, this map categorizes each open space parcel as one of three types: farmland; park; and "open space" (which I suggest re-naming to "passive open space"). Also attached is a table with detailed information on each parcel.

Obviously there need to be "bulk requirements" for this new zone, so I drafted something (attached). I've indicated 10,000 s.f. as the minimum lot size just to kick off the discussion of how small an open space parcel should be. We should look at the table of existing open space parcels to see how many of them would be non-conforming with regard to size; not that it would be a problem for a parcel in the Open Space Zone to be non-conforming, but we ought to know it.

We also need to know if there are any uses taking place on any of these parcels that is not allowed under the draft regulation, so that we don't unknowingly create any non-conforming lots with regard to use. We can do this by examining these parcels on Google Maps, and by conducting a "windscreen" (drive-by) inspection.

cc:
file

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[new] Section 3.22: Uses Permitted in OS (Open Space) Zones

In Open Space Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other:

- 3.22.1 Planting and cultivation of any crop including flowers, fruit, vegetables, forestry, nurseries, and field crops whether for personal or commercial purposes.
- 3.22.2 Municipal playgrounds, recreation areas, and parks.
- 3.23.3 Designated **passive** open space in residential developments.
- 3.22.4 **As an accessory use**, educational activities accessory and incidental to any of the above permitted uses.

[new] Section 3.23 Special Exceptions Permitted in OS (Open Space) Zones

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 Sections 5.2 and 5.3.

- 3.23.1 Golf courses

SECTION 4.5

TABLE B: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS NON RESIDENTIAL USES (Effective 12-01-01)

ZONE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT⁴
B	10,000 S.F.	50'	25'	5'	5'	2 stories/35'
B-TC	10,000 S.F. ²	100' ¹	25' ³	none w/common walls, but at least 10' if provided		3 stories/35'
B-BT:	20,000 S.F.	100'	35'	10'	15'	3 stories/35' ⁶
<u>OS</u>	<u>10,000 S.F.</u>	<u>0'</u>	<u>25'</u>	<u>5'</u>	<u>5'</u>	<u>2 stories/35'</u>
I	20,000 S.F.	70'	25'	10'	15'	3 stories/45'

PD ZONE USES:

Retail/Comm	1-ac.	70'	35'	10'	15'	3 stories/35'
Office	1-ac.	70'	35'	25'	25'	5 stories
Industrial	1-ac.	70'	35'	10'	15'	1 story
Residential	5-ac.	70'	35'	25'	35'	4 stories
CD Zone Area:	2 ac.	150'	35'	25'	25'	3 stories ⁵
PL	-----	70'	35'	20'	25'	-----

ACCESSORY BUILDING IN NON-RESIDENTIAL ZONES: (A.) Shall not exceed 15' maximum height except parking garages and (B.) Shall be located only to the rear of or side of the principal building. (Effective 12-01-01) (C) and located at least 5' minimum distance from lot line (Effective 8-15-07).

1. Frontage not required if lot is part of the Municipal Parking Lot. (See Section 3.12.3 for requirements)
2. Minimum lot not required if part of Municipal Parking Lot. (See Section 3.12.3 for requirements)
3. Except as may be permitted by Section 3.12.A.5
4. Maximum height as defined in Section 9. In Industrial Uses mezzanine area are not counted as a story.
5. Except as permitted by Section 3.20.8
6. Except as permitted by Section 3.14.1.C. (Effective 1-15-07)

Open Space Parcels

	A	B	C	D	E	F
	Owner	Physical Address	Zoning	Land Use	Parcel ID	Acreage
1	CHURCH OF THE HOLY SPIRIT	183 CHURCH ST	R-20	Exempt	C0001000	10.06806379
2	ST MARYS ROMAN CATHOLIC	626-652 WILLARD AVE	R-12	Exempt	S0050500	17.75424892
3	EMMANUEL BAPTIST CHURCH OF	569 MAPLE HILL AVE	R-12	Exempt	E0008400	5.65119671
4	APPLE HILL HOMEOWNERS ASSOCIAT	80 CORTLAND WAY	RP	Private Open Space	A0112880	1.92250017
5	DEER RUN HOME OWNER ASSOC INC	22 PEPPER BUSH LN	RP	Private Open Space	R2471160	2.32704805
6	GALLICCHIO JAIME	347 CEDAR ST	R-12	Private Open Space	G1105820	3.09760441
7	EDDY FARM PRESERVATION, LLC	851 WILLARD AVE	R-12	Private Open Space	A9800200	12.31091748
8	APPLE HILL HOMEOWNERS ASSOC	89 APPLE HILL	RP	Private Open Space	A0112900	0.49324969
9	BROOKS EDGE HOMEOWNERS ASSOC INC	1 BROOKS EDGE DR	RD	Private Open Space	A2010800	0.78703632
10	NEWINGTON TOWN OF	49 ROCKLEDGE DR	R-20	Private Open Space	A2010983	0.18237528
11	APPLE HILL HOMEOWNERS ASSOCIAT	51 APPLE HILL	RP	Private Open Space	A0112890	0.48238288
12	EDDY FARM PRESERVATION, LLC	275 CEDAR ST	R-12	Private Open Space	A9801015	11.24956528
13	HIGHLAND MEADOW HOME OWNERS ASSC	10 HARRIS DR	R-20	Private Open Space	A9300740	0.32359877
14	EDDY FARM PRESERVATION, LLC	873 WILLARD AVE	R-12	Private Open Space	E0923400	27.02879403
15	HIGHLAND MEADOW HOMEOWNERS ASSO	410 NEW BRITAIN AVE	RP	Private Open Space	A0001365	12.3452829
16	HIGHLAND MEADOW HOMEOWNERS	182 HARRIS DR	RP	Private Open Space	A9300720	0.71168646
17	HIGHLAND MEADOW HOME OWNERS ASSC	10 HARRIS DR	R-20	Private Open Space	A9300740	0.00002863
18	NEWINGTON TOWN OF	116 PFISTER DR	R-20	Private Open Space	A2010961	0.1783649
19	DEER RUN HOME OWNERS ASSOC INC	44 PEPPER BUSH LN	RP	Private Open Space	R2471155	3.13024813
20	DEER RUN HOME OWNERS ASSOC INC	35 PEPPER BUSH LN #REAR	RP	Private Open Space	R2471164	0.98995443
21	WILLOWS HOMEOWNERS ASSOC INC	42 WILLOW LN	RP	Private Open Space	P2436100	5.93118502
22	DRACHENBERG RONALD ETAL	70 CULVER ST	R-20	Private Open Space	H1298800	9.90127229
23	NEWINGTON FOREST HILLS ASSOC	18 ADAM DR	RP	Private Open Space	A9501350	1.53998522
24	EDDY FARM PRESERVATION, LLC	755 WILLARD AVE	R-12	Private Open Space	A9800100	4.53153919
25	APPLE HILL HOMEOWNERS	72 CULVER ST	RP	Private Open Space	A0112860	0.87857276
26	DEER RUN HOME OWNERS ASSOC INC	81 PEPPER BUSH LN	RP	Private Open Space	R2471153	1.21870283
27	RIDGEBROOK HOMEOWNERS ASSOCIAT	50 PEBBLE DR	RP	Private Open Space	R2523500	5.9076246
28	NEWINGTON TOWN OF	85 RESERVOIR RD	R-12/R-20	School and public building	N0044500	25.29864382
29	NEWINGTON TOWN OF	100 CHURCH ST	R-20	School and public building	N0045000	64.48324892
30	NEWINGTON TOWN OF	160 SUPERIOR AVE	R-12	School and public building	N0046000	12.83288718
31	NEWINGTON TOWN OF	30 THOMAS ST	R-12	School and public building	N0043500	13.52263539
32	NEWINGTON TOWN OF	155 HARDING AVE	R-12	School and public building	N0042500	17.21796234

Open Space Parcels

	A	B	C	D	E	F
34	NEWINGTON TOWN OF	605 WILLARD AVE	R-12/PL	School and public building	N0046500	62.50365931
35	NEWINGTON TOWN OF	1450 WILLARD AVE	R-20	Parks and recreation	C0048030	7.8544781
36	NEWINGTON TOWN OF	2075 MAIN ST	R-20	Parks and recreation	C0048020	7.85570285
37	NEWINGTON TOWN OF	51 KELVIN RD	R-20	Parks and recreation	N0040700	8.47130813
38	NEWINGTON TOWN OF	150 NEW BRITAIN AVE	R-12	Parks and recreation	N0034200	6.94791776
39	NEWINGTON TOWN OF	15 NEW BRITAIN AVE	R-20/I	Parks and recreation	N0034100	52.72823038
40	NEWINGTON TOWN OF	10 NEW BRITAIN AVE	R-12	Parks and recreation	N0039300	6.88120407
41	NEWINGTON TOWN OF	123 GARFIELD ST	R-12	Parks and recreation	N0035500	33.19570515
42	NEWINGTON TOWN OF	111 GOLF ST	PL	Parks and recreation	N0023500	126.2861746
43	NEWINGTON TOWN OF	356 WALSH AVE	R-12	Parks and recreation	N0039200	4.29017709
44	NEWINGTON TOWN OF	56 CEDAR ST	B-TC	Parks and recreation	N0041500	2.11977725
45	NEWINGTON TOWN OF	150 STARR AVE	R-12	Parks and recreation	N0038500	3.95921336
46	NEWINGTON TOWN OF	7 SEYMOUR AVE	R-7	Parks and recreation	N0038000	3.98329287
47	NEWINGTON TOWN OF	1989 MAIN ST	R-20	Parks and recreation	N0034000	16.80342303
48	NEWINGTON TOWN OF	28 WOODBRIDGE RD	R-12	Open space and conservat	N0032500	4.38708688
49	NEWINGTON TOWN OF	1664 MAIN ST	R-12	Open space and conservat	N0034500	0.7009614
50	NEWINGTON TOWN OF	1211 MAIN ST	B-TC	Open space and conservat	N0019500	0.32256374
51	CONNECTICUT STATE OF	326 MAIN ST	R-12	Open space and conservat	C0004000	5.3235877
52	NEWINGTON TOWN OF	50 GROVELAND TER	R-12	Open space and conservat	N0044000	0.39963056
53	NEWINGTON TOWN OF	62 CLARENDON TER	R-12	Open space and conservat	N0017000	0.04086074
54	NEWINGTON TOWN OF	27 THOMPSON ST	R-12	Open space and conservat	N0035000	0.126973
55	NEWINGTON TOWN OF	12 GREENLAWN AVE	R-12	Open space and conservat	N0048118	0.09933874
56	NEWINGTON TOWN OF	42 ELLIOTT LN	R-12	Open space and conservat	N0029750	0.1545125
57	RESERVOIR DEVELOPMENT CORP	119 KIMBERLEY RD	R-12	Open space and conservat	R2509250	5.88484657
58	NEWINGTON TOWN OF	30 CHESTNUT RD	R-20	Open space and conservat	N0028500	0.11399023
59	NEWINGTON TOWN OF	571 MAIN ST	R-12	Open space and conservat	N0029000	0.03874006
60	UNKNOWN OWNER	40 WELLES DR NORTH	R-12	Open space and conservat	A2010978	0.45316839
61	NEWINGTON TOWN OF	300 LAMP LIGHTER LN	RD	Open space and conservat	N0016600	2.89149307
62	NEWINGTON TOWN OF	194 CULVER ST #REAR	R-20	Open space and conservat	S2625710	2.631566
63	NEWINGTON TOWN OF	1958 MAIN ST	R-20	Open space and conservat	N0033500	0.24361012
64	NEWINGTON TOWN OF	109 ELLSWORTH ST	R-12	Open space and conservat	N0029400	0.44583354
65	NEWINGTON TOWN OF	68 MOUNTAIN RD	R-20	Open space and conservat	N0031700	4.879771
66	METROPOLITAN DISTRICT THE	38 MOUNTAIN RD	R-20	Open space and conservat	M0010600	0.35558604

Open Space Parcels

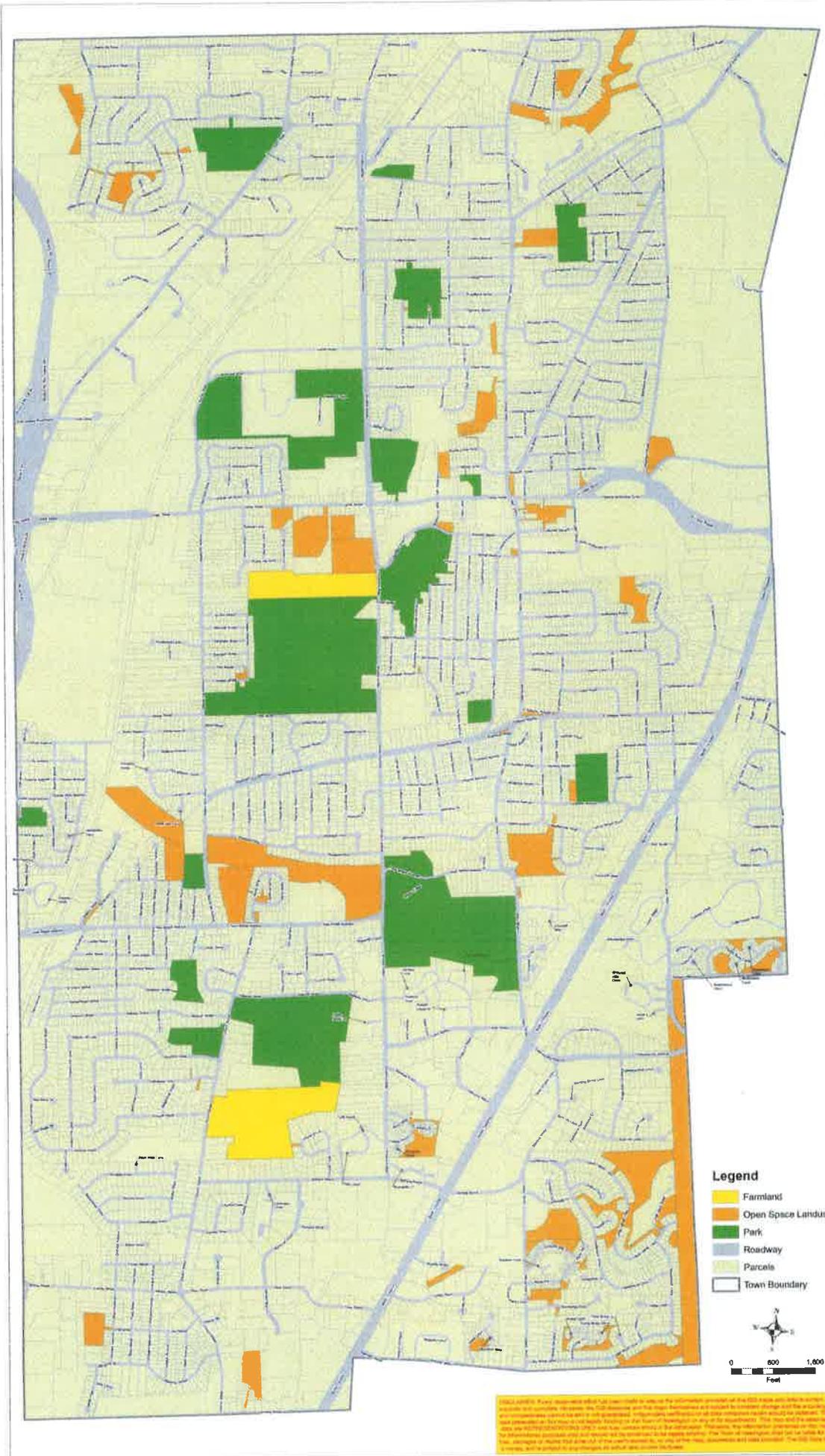
A	B	C	D	E	F
67	NEWINGTON TOWN OF 5 GRANDVIEW DR	R-20	Open space and conservat	N0029450	0.19736212
68	NEWINGTON TOWN OF 55 BUDNEY RD	PD	Open space and conservat	N0029480	1.84098585
69	NEWINGTON TOWN OF 175 LAMP LIGHTER LN	RD	Open space and conservat	N0018500	4.89544456
70	NEWINGTON TOWN OF 1920 MAIN ST	R-20	Open space and conservat	N0039500	15.101629
71	NEWINGTON TOWN OF 980 MAIN ST	R-12	Open space and conservat	N0033000	0.74156574
72	NEWINGTON TOWN OF 51 BOULEVARD	I	Open space and conservat	N0029510	0.03396477
73	NEWINGTON TOWN OF 24 MIDDLEBROOK RD	R-20	Open space and conservat	N0040600	0.29343997
74	NEWINGTON TOWN OF 303 LAMP LIGHTER LN #REAR	RD	Open space and conservat	N0016500	0.93152949
75	NEWINGTON TOWN OF 11 FIFTH ST	R-7	Open space and conservat	N0030500	0.15359597
76	NEWINGTON TOWN OF 114 SUPERIOR AVE	R-12	Open space and conservat	N0045500	1.35030837
77	NEWINGTON TOWN OF 10 BECKLEY ST	RP	Open space and conservat	N0028550	0.03557128
78	NEWINGTON TOWN OF 1693 MAIN ST	R-12	Open space and conservat	N0037500	0.17513861
79	NEWINGTON TOWN OF 190 FOREST DR	R-12	Open space and conservat	N0040650	6.85325236
80	NEWINGTON TOWN OF 56 WELLES DR NORTH	R-12	Open space and conservat	N0031000	0.12971484
81	RAMBLEWOOD INCORPORATED 402 KITTS LN	R-12	Open space and conservat	A2009013	3.8072473
82	NEWINGTON TOWN OF 26 TWENTY ROD RD	R-12	Open space and conservat	A9710000	44.83806659
83	RAMBLEWOOD INCORPORATED 402 KITTS LN	R-12	Open space and conservat	A2009013	3.24905878
84	CONNECTICUT STATE OF 699 MAIN ST	R-12	Open space and conservat	A2010972	7.44233355
85	UNKNOWN OWNER 641 NORTH MOUNTAIN RD	R-12	Open space and conservat	A2010969	14.59055797
86	NEWINGTON TOWN OF 90 JEFFREY LN	R-20	Open space and conservat	N0029600	0.20661996
87	NEWINGTON TOWN OF 56 TOM-LIN RD	R-12	Open space and conservat	N0985800	0.11170625
88	NEWINGTON TOWN OF 447 CONNECTICUT AVE	R-12	Open space and conservat	Z3288800	0.09380619
89	NEWINGTON TOWN OF 36 WELLES DR NORTH	R-12	Open space and conservat	N0031500	0.15650093
90	CONNECTICUT STATE OF 493 MAIN ST	R-12	Open space and conservat	A2010973	1.42212101
91	NEWINGTON TOWN OF 57 JUNIPER ST #REAR	R-12	Open space and conservat	N0026080	0.43899305
92	NEWINGTON TOWN OF 38 ROCKLEDGE DR	R-20	Open space and conservat	A2010984	0.22481088
93	NEWINGTON TOWN OF 120 GARFIELD ST	R-12	Open space and conservat	N0047600	1.00057966
94	NEW MEADOW ELDERLY HOUSING, INC 50 MILL ST	R-12	Open space and conservat	H0047250	2.25533279
95	NEWINGTON TOWN OF 1050 MARKET SQ	B-1C	Open space and conservat	N0020500	5.46027114
96	NEWINGTON TOWN OF 194 CULVER ST	RP	Open space and conservat	S2664952	0.10988469
97	NEWINGTON TOWN OF 51 JUNIPER ST #REAR	R-12	Open space and conservat	N0026070	0.20006776
98	NEWINGTON TOWN OF 282 CHURCH ST	R-20	Open space and conservat	Y3257200	54.29150823
99	NEWINGTON TOWN OF 145 LITTLE BROOK DR	RD	Open space and conservat	N0029800	8.57681701

Open Space Parcels

	A	B	C	D	E	F
100	NEWINGTON TOWN OF	84 LAMP LIGHTER LN	RD	Open space and conservat	N0018000	18.58273487
101	NEWINGTON TOWN OF	121 LONG ST	R-12	Open space and conservat	N0030000	5.53563903
102	NEWINGTON TOWN OF	63 MAPLE HILL AVE #REAR	R-12	Open space and conservat	N0042000	6.0845154
103	NEWINGTON TOWN OF	485 MAPLE HILL AVE #REAR	R-12/1	Open space and conservat	C0048070	16.51441613
104	NEWINGTON TOWN OF	51 GROVELAND TER	R-20	Open space and conservat	N0029470	0.12282399
105	NEWINGTON TOWN OF	329 MAIN ST	R-12	Open space and conservat	N0017500	0.02731392
106	CONNECTICUT STATE OF	29 BROOKSIDE RD #COR	R-12	Open space and conservat	N0007200	3.43824485
107	NEWINGTON TOWN OF	88 STAMM RD	R-12/1	Open space and conservat	N0029500	0.75862924
108	NEWINGTON TOWN OF	154 EAGLE DR	R-20	Open space and conservat	N0040500	5.99841863
109			R-20	Open space and conservat	C0048170	40.10836614

Town of Newington

Open Spaces Land Use



Map by
Department
of Information
Technology
GIS Services
Division
Date: 4/30/2015

