



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, January 28, 2015

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

7:00 p.m.

REVISED AGENDA

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS

a. Petition #49-14: Moratorium on Low Impact Development Regulations at Single-Family Residential Properties (Section 6.15.2). Town Plan and Zoning Commission, applicant.

b. Petition #01-15: Special Exception (Section 6.2.4: Free-Standing Sign) at 345 East Cedar Street ("Gospel Hall"). ARTfx Signs, applicant; The Gospel Hall, owner; Max Ballardo, ARTfx Signs, 27 Britton Drive, Bloomfield CT, contact.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES

a. Special Meeting January 14, 2015

b. Regular Meeting January 14, 2015

VII. NEW BUSINESS

a. Possible Moratorium on Higher-Density Residential Development in the CTfastrak Station Neighborhoods

b. Approve Performance Bond Amount for "Newington Ridge Preserve"

VIII. OLD BUSINESS

a. Petition #45-14: Site Plan Modification at 100 Milk Lane ("Saputo Foods"). Saputo Dairy Foods USA LLC, owner/applicant; Stan Bogdan, 100 Milk Lane, Newington CT, contact.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 JAN 23 AM 10:30

BY *Tanya D. Lane*
TOWN CLERK

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

X. TOWN PLANNER REPORT

a. Town Planner Report for January 28, 2015

XI. COMMUNICATIONS

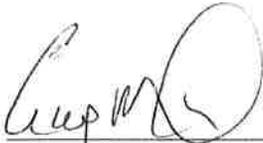
XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURN

Submitted,

A handwritten signature in black ink, appearing to read 'Craig Minor', written over a horizontal line.

Craig Minor, AICP
Town Planner

STAFF REPORT
Moratorium on LID Regulations for Single-Family Projects

January 22, 2015

Petition #49-14:
Moratorium on LID Regulations (Section 6.15.2: Residential Lots)
Town-Wide
Newington TPZ, applicant/contact.

Description of Petition #49-14

If adopted, this moratorium will exempt homeowners from having to comply with the LID (Low Impact Development) regulations for twelve months. During that period the TPZ would revisit the LID regulations, and either modify them or leave them as is but develop tools to assist homeowners with compliance.

Background

Low Impact Development (LID) is an approach to design and construction that allows rain and snow to enter the ground where it falls, rather than conveying it to rivers and streams via a network of pavement, catch basins, and storm water pipes. LID techniques such as rain gardens, drainage swales, and porous pavement have numerous environmental and fiscal benefits. It reduces downstream flooding, increases the amount of water available to wells, minimizes erosion, and supports the natural habitat. In March 2014 the Newington TPZ amended the zoning and subdivision regulations to require that LID techniques be used in any new construction that increases the amount of impervious cover by more than 600 square feet.

There are towns in Connecticut that require LID techniques for single family projects as small as 200 square feet, and there are towns that completely exempt single family projects. The committee that developed Newington's LID regulations realized that complying with these regulations would be a challenge for average homeowners. The 600 square foot threshold was a compromise between committee members who wanted Newington to benefit as much as possible from LID, and the members who were felt it would be an excessive burden on single family homeowners.

The Issue

Selecting the correct LID technique for a given project on a given site requires a considerable amount of effort.

First, the homeowner needs to become familiar with nearly the entire 83-page "Low Impact Development and Stormwater Manual for the Town of Newington". Then, he or she needs to calculate the volume of runoff to be managed, measure the absorption capacity of the soil, chose the correct location for the selected swale or rain garden, and prepare an accurate site plan. None of this is a problem for developers or commercial property owners who have access to consulting engineers, but it is beyond the ability of the average homeowner whose project is big enough to trigger the LID regulations, but too small to warrant hiring an engineer or an experienced contractor.

There are many online LID resources and even an iPhone app for handy weekend project homeowners who just want to do their part to protect the environment and aren't concerned with precision. But they are of very little help to the person who is mandated by the LID regulations to provide a specified amount of stormwater mitigation, nor to the Town staff person who needs to verify that the homeowner has provided the required amount of mitigation.

I have been told by some LID experts that we should just have the homeowner do the best he or she can using the NRCS soil map for Newington, because some LID is better than none. But I have been told by other experts that a rain garden that fails to drain is worse than no rain garden at all because it becomes a poster child for excessive government regulations.

This moratorium is recommended so that the owner of an existing, single family home with a construction project of over 600 square feet will not have to comply with the LID regulations for twelve months. During this period the TPZ will revisit the LID regulations as they pertain to single family projects. Following that review, TPZ will either:

- (a) Revise the 600 square foot threshold, or
- (b) Retain it, but develop tools to assist the homeowner with compliance, such as brochures and handouts or revisions to the LID Manual.

cc:
file

Text to be removed is shown in ~~bold strikethrough~~. Text to be added is shown in **bold underline**.

Hearing Date: _____
Adopted Date: _____
Effective Date: _____

Section 6.15 Stormwater Management (Effective 3/14/14 revised XX/XX/XXXX)

6.15.1 Applicability

Unless modified by the Commission, every application shall provide for a stormwater management system, including low impact development techniques, as specified in this section.

6.15.2 Residential Lots

Any new construction or development on a residential lot which increases the impervious surface area by 600 square feet or more shall demonstrate conformance with the Low Impact Development and Stormwater Manual for the Town of Newington. **See Section 6.15.4.**

6.15.3 New Construction or Development

Any other new construction or development resulting in increased impervious surface area shall demonstrate conformance with the applicable standards for stormwater management as specified in Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington:

- A. Standard 1 – Use of Low Impact Development to Reduce Stormwater Runoff and Pollutants (maximum extent practicable standard).
- B. Standard 2 – Peak Flow Control and Flood Protection.
- C. Standard 3 – Construction Erosion and Sediment Control.
- D. Standard 4 – Operation and Maintenance.
- E. Standard 5 – Redevelopment.

6.15.4 Temporary Moratorium (NEW)

A. Intent and Purpose: The Town Plan and Zoning Commission has found that choosing the appropriate LID technique in strict compliance with the Low Impact Development and Storm Water Manual puts a significant burden on the owner of an existing single-family house, often imposing a financial cost that outweighs the environmental benefits. A temporary, limited moratorium is

Text to be removed is shown in ~~bold-strikethrough~~. Text to be added is shown in **bold underline**.

needed in order to properly develop appropriate amendments to the Manual and/or Section 6.15 of the Zoning Regulations.

B. Activities Subject to this Moratorium:

1. Addition to an existing single-family house;

2. Construction of a detached garage or other residential accessory building.

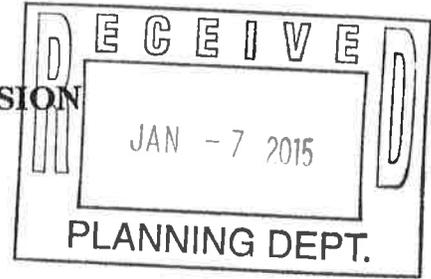
C. Application: The owner of an existing single-family house who wishes to conduct an activity described in Section 6.15.4.B shall not be required to comply with the requirements of Section 6.15.

D. Effective Date and Expiration: This moratorium shall take effect upon adoption by the Town Plan and Zoning Commission. This moratorium shall expire 365 days from adoption.



Petition # 01-15

TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: 345 EAST CEDAR ST ZONE: _____

APPLICANT: ARTFX SIGNS TELEPHONE: 860 242 0031

ADDRESS: 27 BRITTON DR, BLOOMFIELD CT 06002 EMAIL: max@artfxsigns.com

CONTACT PERSON: MAX E. BALLARDO TELEPHONE: 860 242 0031

ADDRESS: 27 BRITTON DR, BLOOMFIELD CT 06002 EMAIL: max@artfxsigns.com

OWNER OF RECORD: PAUL TORNAQUINDICI

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): NEW MONUMENT SIGN PARALLEL TO ROAD, 325 SF, INTENSIVELY ILLUMINATED AND CONTAINING STAGNANT MESSAGE CENTER

SIGNATURE:

	<u>12/24/14</u>		<u>5 JANUARY 15</u>
APPLICANT	DATE	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:
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.

8' - 4 3/16"

7' - 4"

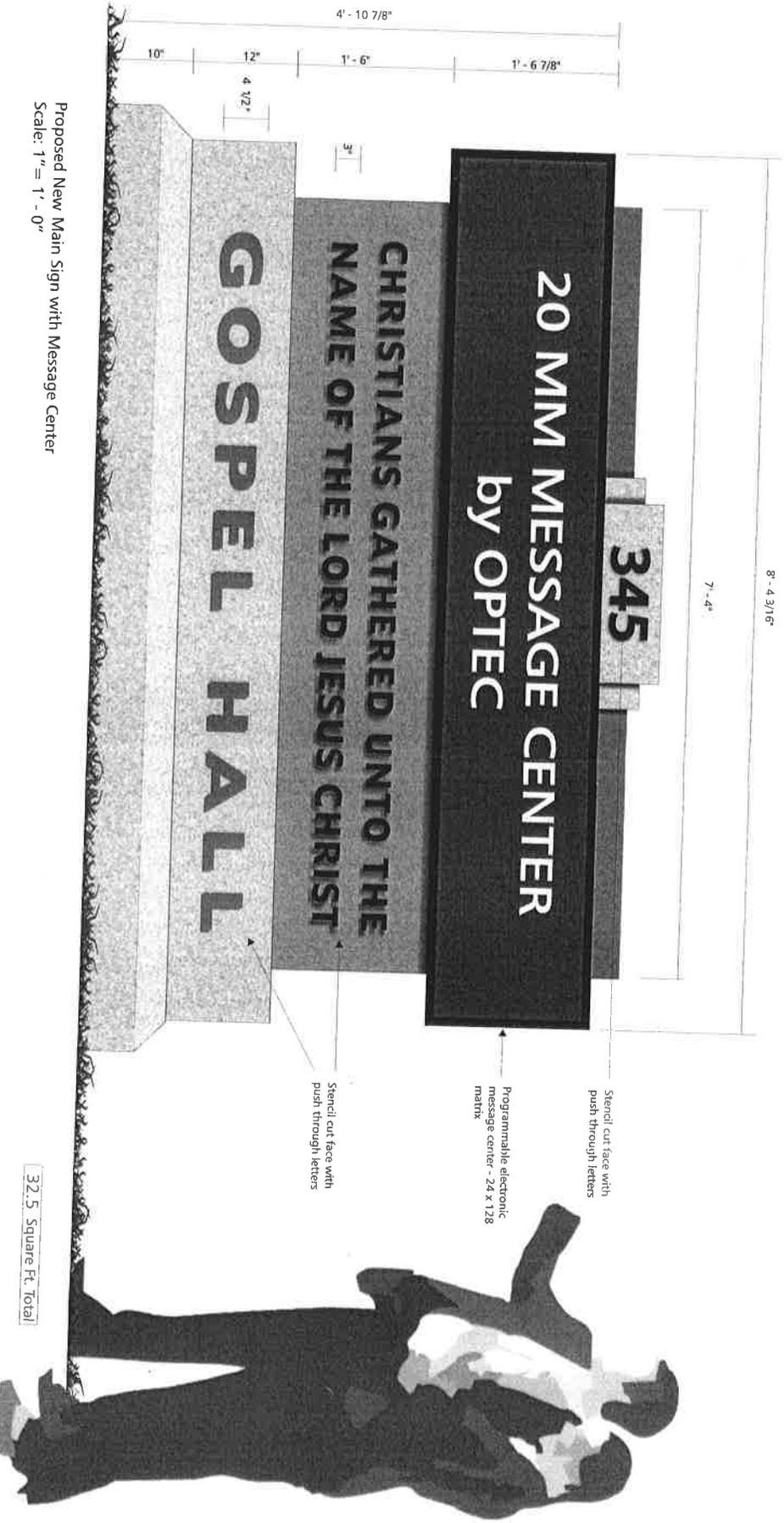
4' - 10 7/8"

1' - 6 7/8"

1' - 6"

4 1/2"

3"



Proposed New Main Sign with Message Center
 Scale: 1" = 1' - 0"

32.5 Square Ft. Total

Stencil cut face with push through letters

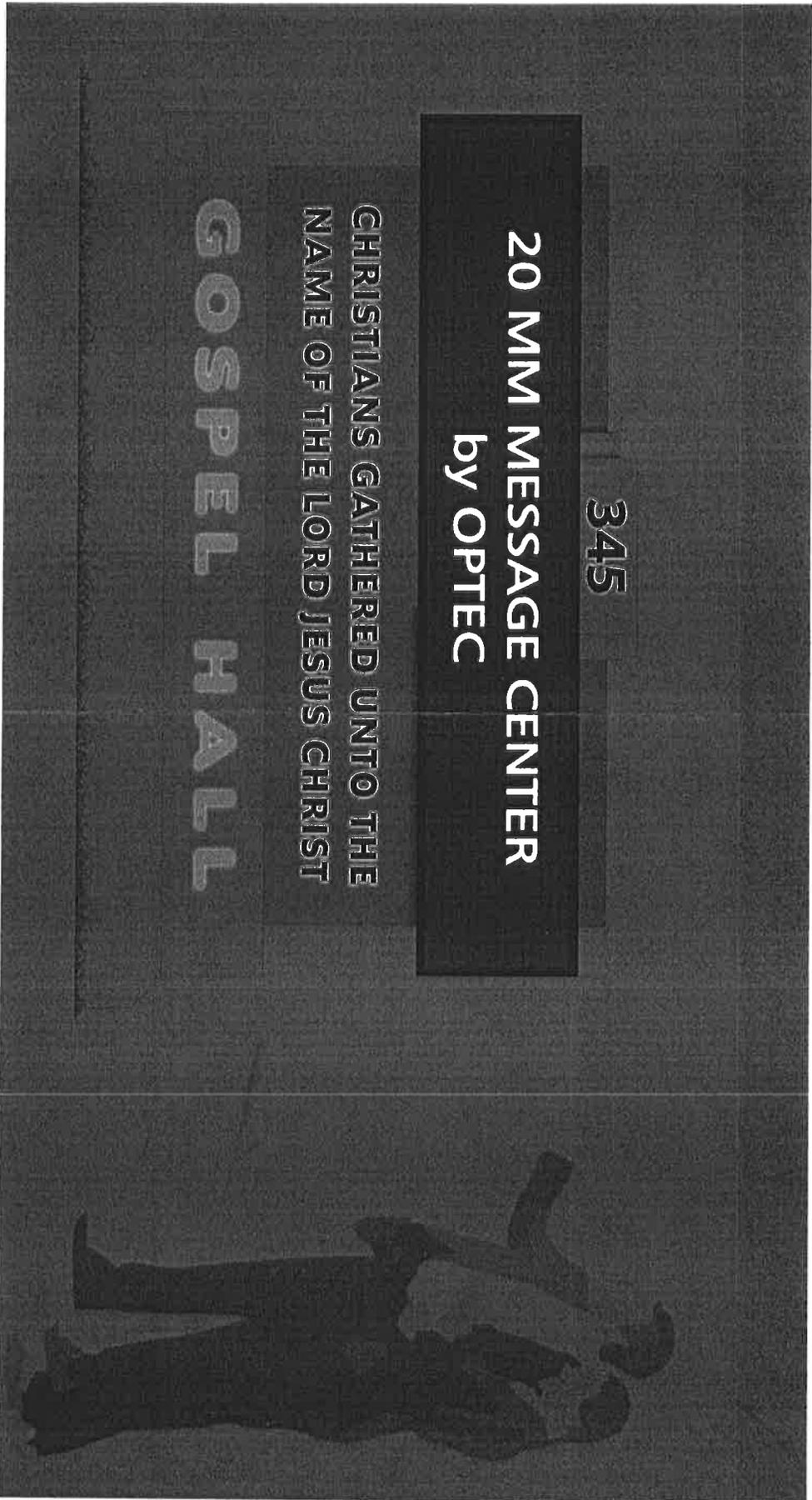
Programmable electronic message center - 24 x 128 matrix

Stencil cut face with push through letters

artfx
 27 Britton Drive, Bloomfield, CT 06002 860-242-0031 800-466-4278 Fax: 860-242-2898 artfxsigns.com
 These plans are copyrighted by ARTFX. Unless purchased for a special price, they are the exclusive property of ARTFX. They are submitted to you for the sole purpose of your consideration as to whether to purchase from ARTFX. A sign may not be reproduced, copied, or otherwise used without the written consent of ARTFX. Your computer is forbidden unless ARTFX receives a reimbursement of no less than \$500 per page. Your assignment of these plans binds you to this agreement.

Project:
 Newington Gospel Hall
 345 East Cedar St., Newington CT 06111

Scale: As Noted
 Date: 11/24/2014
 Drawn by: PH
 Checked by: LR
 Sheet: 1-1



Night View

artfx

27 Britton Drive, Bloomfield, CT 06002 860-242-0031 800-466-4278 Fax 860-242-2898 artfxsigns.com
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Project:
Newington Gospel Hall
345 East Cedar St., Newington CT 06111

Scale:
As Noted

Date:
11/24/2014

Drawn by:
PH

Checked by:
LR

Sheet:
1-1

STAFF REPORT
Free-Standing Sign at 345 East Cedar Street

January 22, 2015

Petition #01-15:

Special Exception (Section 6.2.4: Free-Standing Sign)

345 East Cedar Street ("Gospel Hall")

ARTfx Signs, applicant; The Gospel Hall, owner; Max Ballardo, 27 Britton Drive, Bloomfield CT, contact.

Description of Petition #01-15:

The applicant would like to install a free-standing sign in the front yard of the property. Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

1. The ZEO has confirmed that the size of the proposed sign is in compliance with Section 6.2 (Signs) of the Zoning Regulations.
2. I have confirmed that the location of the proposed sign is on private property and not within the right-of-way of East Cedar Street (CT Route 175). In fact, it is behind the plane of the front wall of the church building.
3. The question has come up as to whether the proposed 1'7" x 7'4" "programmable electronic message center" portion of the sign complies with the zoning regulations, specifically:

6.2.1 General:

- E. As defined in Section 9, a sign which has intermittent internal illumination by mechanical or digital controls that produce an illusion of movement such as, but not limited to, flashing, running, rotating, video graphics, change in color and brightness or scrolling advertisement message shall not be permitted ...

I have been informed that the applicants intend to post a new message every Monday, which will remain in place until the following Sunday. The technology involved is an LED message center manufactured by Optec Displays, Inc. (<http://www.optec.com/>). It is my understanding (but this needs to be confirmed) that the message will be text only, with no graphics or illustrations.

In the language of Section 6.2.1.E, this message will be an "intermittent internal illumination by mechanical or digital controls". But it will not "produce an illusion of movement such as, but not limited to, flashing, running, rotating, video graphics, change in color and brightness or scrolling..." Therefore in my opinion the regulations do not prohibit this sign.

It might be argued that since the “illusion of movement” sentence contains the phrase “such as but not limited to”, the list of examples (“flashing, running, rotating, video graphics”, etc.) is not exhaustive and could include “programmable LED message”. I do not think this would be a valid argument, however.

I have been asked to do some research into the intentions of the TPZ when this regulation was revised back in 2011 after the Walgreens and Stonehedge Landscaping controversy. I will have a separate memo to address that.

cc:
ARTfx Company, Inc.
file

STAFF REPORT
Moratorium in CTfastrak Neighborhoods

January 22, 2015

Petition #03-15:

**Moratorium on Higher-Density Residential Development in CTfastrak Neighborhoods
Newington Junction and Myra Cohen Way
Newington TPZ, applicant/contact.**

Background:

TPZ is concerned about being pressured into approving higher-density residential development in the two CTfastrak station neighborhoods before TPZ has had a chance to develop specialized zoning regulations for these two neighborhoods. This moratorium would be on applications for higher-density residential development in those two neighborhoods.

Higher-Density Residential Uses Permitted Near the CTfastrak Stations:

There are five different types of higher-density residential uses allowed by Special Exception in the area surrounding the two CTfastrak stations. The density ranges from 5.4 units per acre for "alternative residential" buildings, up to 20 units per acre for senior independent and/or affordable age-restricted living. Some of these uses have a high minimum acreage requirement (as much as ten acres), and I have not yet done the research to see if these requirements make the prospect of higher-density development here moot. That is information that TPZ should have before a decision is made on whether to proceed with a moratorium. I will have at least a partial answer to this question at the meeting on January 28.

Before I draft a moratorium, the TPZ should review the different types of higher-density housing to determine which of them are problematic. The types of higher-density housing range from owner-occupied single family detached homes to multi-story elderly apartment buildings. Some of these might not be objectionable to the community or to TPZ.

The five different types of higher-density residential uses are (in decreasing order of density):

1. Senior independent living facilities (Section 3.2.5).
Maximum density: 20 units per acre.
Location requirements: on or within 300 feet of an arterial road.
Minimum lot size: five acres.
2. Affordable Age-Restricted Housing for Seniors (Section 3.7.2).
Maximum density: 20 units per acre.
Location requirements: on a bus line or within walking distance to services.
Minimum lot size: two acres.
3. The conversion of older homes into multiple dwelling units (Section 3.4.7).
Maximum density: 7.26 units per acre.
Location requirements: none.
Minimum lot size: one-half acre.

4. Single-family Entry Level Housing (Section 3.7.3).
Maximum density: 5.8 units per acre.
Location requirements: none.
Minimum lot size: ten acres.

5. Alternate residential building types (Section 3.7.1).
Maximum density: 5.4 units per acre.
Location requirements: on or within 300 feet of an arterial road.
Minimum lot size: ten acres.

cc:
file



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
Date: January 23, 2015
Re: **Performance Bond for “Newington Ridge Preserve” Planned Unit Development**

The developer of this project would like to begin construction of houses within the next few weeks. The private road is not complete, and there is a considerable amount of landscaping and other site plan improvements still to be done, so the developer has agreed to post a performance bond to cover the outstanding items.

The Engineering Department has calculated the value of the outstanding items to be approximately \$190,000. I recommend TPZ approve the performance bond in that amount.

cc:
Town Engineer
Michael Massimino
file

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

DRAFT SUGGESTED MOTION
“Newington Ridge Preserve” Performance Bond

January 23, 2015

Performance Bond
Newington Ridge Preserve Planned Unit Development
Deming Road
Michael Massimino, applicant

“I move to approve the Performance Bond for the “Newington Ridge Preserve” planned unit development on Deming Road in the amount of \$190,000”.

CONDITIONS:

1. The bond shall be in the form of cash, check, passbook or letter-of-credit only.
2. The applicant shall execute a Performance Bond Agreement, to be filed on the Town of Newington land records.

Move/ Second										
	Anest	Leggo	Camillo	Aieta	Serra	Sobieski	Hall	Andrzejewski	Claffey	
YEA										
NAY										

STAFF REPORT
Site Plan Modification for "Saputo Dairy Foods"

January 23, 2015

Petition #45-14

Site Plan Modification ("Saputo Dairy Foods")

100 Milk Lane

Saputo Dairy Foods USA LLC, owner/applicant

Description of Petition #32-14

The applicants have been directed by DEEP to additionally treat their milky wastewater before it goes into the MDC's sanitary sewer system. This is an application for site plan modification for the small utility building that will contain the wastewater treatment equipment.

Staff Comments

This action has been on hold for the past month or so, pending approval by the Conservation Commission. The Conservation Commission approved these plans at its meeting earlier this month, with some slight modifications. The plans in this agenda packet are the ones that were approved by the Conservation Commission.

As I reported at the last TPZ meeting where this application was discussed, there are some minor changes that need to be made to the plan. I have no objection to them being addressed as a condition of approval.

cc:
Saputo Dairy Foods
file

BUCK & BUCK, LLC

98 WADSWORTH STREET, HARTFORD, CONNECTICUT 06106
TELEPHONE 860-527-2677
FAX 860-527-7100

Memorandum

Date: 1/15/15
To: Christopher Greenlaw, P.E., Town Engineer
From: Greg Hunt
Re: Revised Drawing for Saputo DAF system
Comm. 9913-14

Dear Chris,

Attached is a revised drawing that addresses some of your comments from your letters dated 11/4/14 and 12/8/14. I have added some more detailed survey information and revised the vertical datum to NAVD 88. Also, per our earlier discussions I have relocated the proposed 8" PVC sewer line that was adjacent to the north property line to the south side of the existing equalization tanks. Relocating the sewer line reduces the amount of existing trees and brush that needs to be cleared from 4,200 square feet to about 400 square feet.

Environmental Planning Services, LLC is now part of the design team and they will be preparing a restoration plan to compensate for the disturbance and clearing to the upland review area rather than the methods I had spoken about with you earlier (hydrodynamic separator and my ideas for proposed plantings).



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 
Date: January 23, 2015
Re: **Town Planner Report for January 28, 2015**

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:**

a. **44 Pane Road:** As reported by the ZEO at the meeting on January 14, 2014, the owner of the business at 44 Pane Road has been advised that he is not supposed to be using the driveway on the east side of the building. He explained to the ZEO why he was using it, and stated that he was in fact instructed to do so by the previous ZEO. The ZEO suggested he formally ask TPZ to rescind the prohibition on the use of the east driveway. I am in the process of working with the owner on his application.

b. **Table Top Board Games on New Britain Avenue:** As instructed by TPZ at the meeting on January 14, 2014, the staff conducted further research into this proposed business and the history of legal non-conforming uses in this space. It was determined that the proposed business is retail, which is the same use as the previous legal non-conforming tenant and therefore has the right to operate. The operator of the business has agreed to the condition that any proposed special event be reviewed by the ZEO at least 30 days prior, and if the ZEO determines that additional parking will be needed, the operator will arrange for additional off-site parking on an adjacent parcel.

2. **Old Performance Bonds held by Town:** I will have a report at the meeting.

3. **Newington Junction TOD Committee:** No report.

cc:
file