



NEWINGTON TOWN PLAN AND ZONING COMMISSION

REGULAR MEETING and PUBLIC HEARING

Wednesday, January 9, 2013

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

7:00 p.m.

A G E N D A

- I. ROLL CALL AND SEATING OF ALTERNATES
- II. APPROVAL OF AGENDA
- III. PUBLIC HEARING
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; each speaker limited to two minutes)
- V. REMARKS BY COMMISSIONERS
- VI. MINUTES:
 - A. December 12, 2012
- VII. NEW BUSINESS
 - A. Sec. 8-24 Referral for Drainage Easement at 26 Mill Street Extension
- VIII. OLD BUSINESS
 - A. Petition #31-12: Special Exception (Section 6.6.2: Sale of Alcoholic Beverages) at 137 Kelsey Street. Adorna Carroll, owner; Tasneem Fatima, applicant; Sheikh Ali 137 Kelsey Street, Newington CT, contact person.
- IX. PETITIONS FOR PUBLIC HEARING SCHEDULING: (January 23; February 13)
 - A. Petition #02-13: Special Exception (Section 3.15.6: Health Club) at 3153 Berlin Turnpike. McBride Properties, owner; Oana Nita, 55 Highgate Road Apt. B5, Newington CT, applicant/contact person.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

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BY *Tanya D Lane*

TOWN CLERK

X. TOWN PLANNER REPORT

A. Staff Report

B. Performance Bonds:

1. Hudson Accessibility Solutions, 151 Rockwell Road
2. LADA Inc, 426 Hartford Avenue

XI. COMMUNICATIONS

XII. PUBLIC PARTICIPATION (for items not listed on the on the Agenda; each speaker limited to two minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURNMENT

Submitted,



Craig Minor, AICP
Town Planner

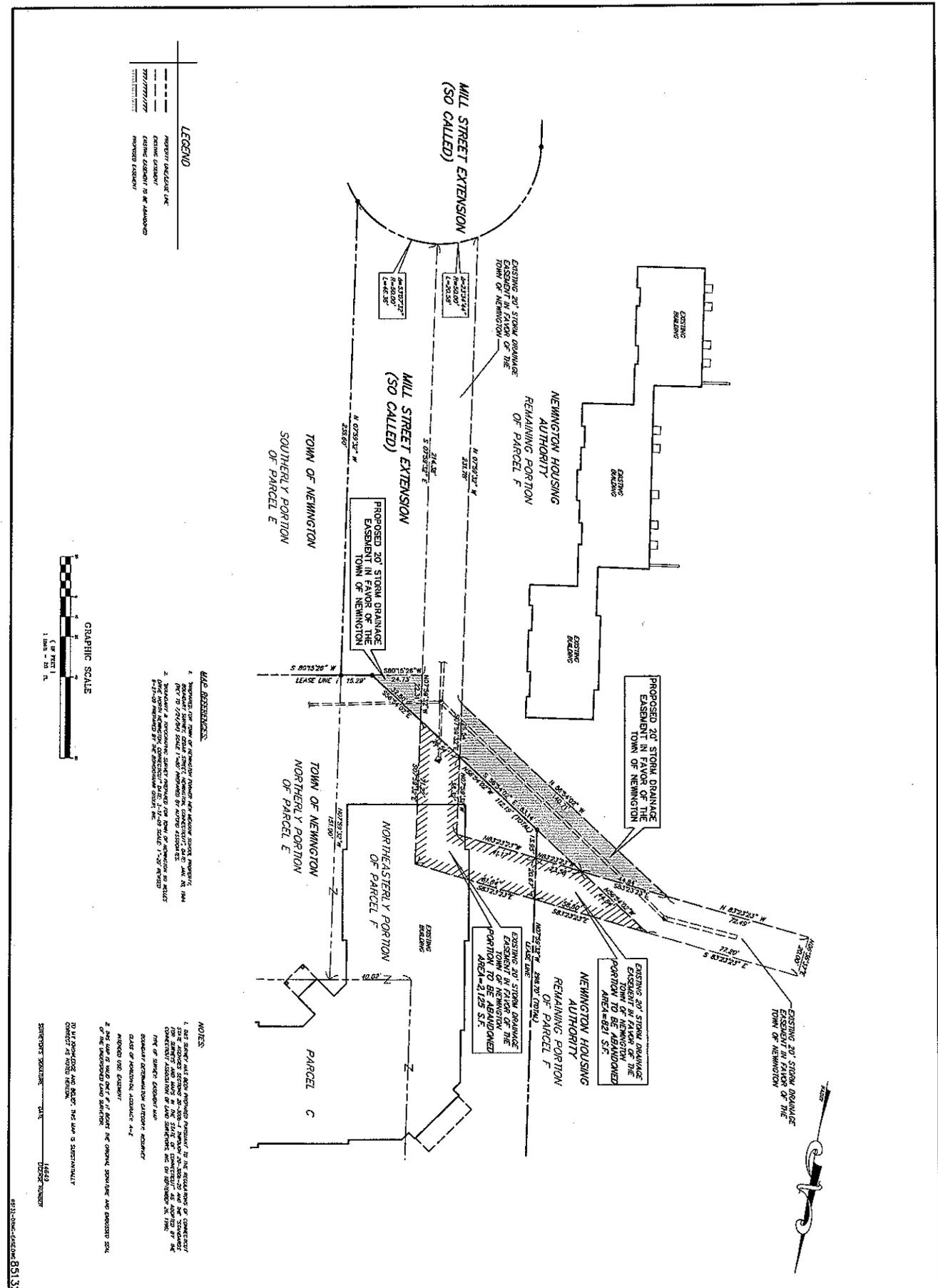
From: Salomone, John
Sent: Tuesday, December 18, 2012 4:22 PM
To: Minor, Craig
Subject: **Re: Stormwater Easement at Mill Street Extension**

Craig,

Please initiate the necessary approval for the Town to acquire an easement to convey storm water from Mill Street.

Thanks.

John Salomone



LEGEND

--- (dashed line)	PROPERTY BOUNDARY LINE
--- (solid line)	EXISTING EASEMENT
--- (dotted line)	PROPOSED EASEMENT
--- (dash-dot line)	PROPOSED ABANDONED



FIELD REFERENCES:

1. SEE SHEET 8513.22 FOR THE REMAINING PORTION OF PARCEL F, PARCELS E AND F, AND THE REMAINING PORTION OF PARCEL C, PARCELS E AND F, AND THE REMAINING PORTION OF PARCEL C, PARCELS E AND F.
2. THE TOWN OF NEWINGTON HOUSING AUTHORITY HAS REVIEWED THIS PLAN AND HAS APPROVED THE PROPOSED EASEMENT RE-ALIGNMENT AND THE ABANDONMENT OF THE EXISTING EASEMENT.
3. THE TOWN OF NEWINGTON HOUSING AUTHORITY HAS REVIEWED THIS PLAN AND HAS APPROVED THE PROPOSED EASEMENT RE-ALIGNMENT AND THE ABANDONMENT OF THE EXISTING EASEMENT.

NOTES:

1. THE SHOWN AREAS ARE NOT INTENDED TO BE CONSIDERED AS A PART OF THE TOWN OF NEWINGTON HOUSING AUTHORITY'S LAND AND ARE NOT TO BE CONSIDERED AS A PART OF THE TOWN OF NEWINGTON HOUSING AUTHORITY'S LAND.
2. THE TOWN OF NEWINGTON HOUSING AUTHORITY HAS REVIEWED THIS PLAN AND HAS APPROVED THE PROPOSED EASEMENT RE-ALIGNMENT AND THE ABANDONMENT OF THE EXISTING EASEMENT.
3. THE TOWN OF NEWINGTON HOUSING AUTHORITY HAS REVIEWED THIS PLAN AND HAS APPROVED THE PROPOSED EASEMENT RE-ALIGNMENT AND THE ABANDONMENT OF THE EXISTING EASEMENT.

<p>DATE: 5-4-12 DRAWN: D.D.</p>	<p>SCALE: 1"=20' CHECKED: J.B.</p>	<p>THE ENGINEERING GROUP, INC. 1400 BAYVIEW BLVD. FREDERICK, MD 21704 TEL: (410) 688-0134 FAX: (410) 688-3230</p>	<p>EASEMENT MAP</p> <p>STORM DRAINAGE EASEMENT RE-ALIGNMENT ACROSS LAND OF TOWN OF NEWINGTON & NEWINGTON HOUSING AUTHORITY 50 MILL STREET EXTENSION NEWINGTON, CONNECTICUT</p>
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8513.22-NEWINGTON-8513.32

STAFF REPORT
Sec. 8-24 Referral at 26 Mill Street Extension

January 2, 2013

Petition #01-13
26 Mill Street Extension
Sec. 8-24 Referral (Drainage Easement)

Description of Petition #01-13:

The Town of Newington recently redesigned the stormwater drainage system on Mill Street Extension at the request of the developers of the "New Meadow" elderly housing project. Apparently HUD objected to the original location, so the Town agreed to move a portion of the pipe onto Newington Housing Authority property (see attached site plan).

The Housing Authority has no objection to letting the Town do this, but it needs to be formalized by executing a stormwater drainage easement in favor of the Town.

I discussed this with the Town Attorney, and it is his opinion that Sec. 8-24 of the Connecticut General Statutes also applies to utility easements like this one. The Town therefore has referred this to the TPZ for a recommendation.

Staff Comments:

I have no objection to the TPZ making a favorable recommendation.

cc:
file

STAFF REPORT

January 2, 2013

Petition #31-12

137 Kelsey Street

Special Exception Section 6.6 (Alcoholic Beverages)

Description of Petition #31-12:

This is a petition for a permit to sell beer at an existing convenience store in the PD zone. The retail sale of alcoholic beverages to be consumed off-premises is allowed by special exception in the PD zone, but not within 500' feet of a similar retail outlet. The building is shared with an existing package store known as "The Liquor Locker". This requirement may be waived by a 2/3 vote of the Commission.

Staff Comments:

1. "The Liquor Locker" Operator: I received several phone calls from the operator of "The Liquor Locker" after the hearing was closed. They say they did not come to the hearing because they did not see the sign. I explained that the hearing is closed, but they can ask TPZ to re-open the hearing. As of today I have not received such a request. I called the operator a few minutes ago and she said that she had asked her attorney to submit the request and did not know why I haven't received it yet. I called the attorney and he is on vacation. At this point we would need the applicant's permission to re-open the hearing.

2. Minimum Separation Requirement: At the last TPZ meeting several commissioners questioned how the A&P Wines and Spirits store at 40 Fenn Road got approved when the Stop & Shop next door was already selling beer. I said I would have to look into this. Commissioner Sobieski emailed me a day later and said that there is a similar situation at 337 Willard Avenue.

I sent Ed Meehan an email asking him if the regulation was interpreted differently back when he was the Town Planner. This is his response:

Craig: I believe the difference is convenience/grocery stores can only get a beer license not a full liquor license so the separation for store and the like has not been applied. The only one I remember is the 7-11 on Willard Ave with a package store in the same complex. Ed

That being the case, no waiver is required.

cc:
file

**TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION**

APPLICATION FORM

OK# 101

APPLICATION #:	02-13
SUBMITTED DATE:	12/21/12
RECEIVED DATE:	1/9/13
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 3153 Berlin Turnpike ZONE: _____

✓ APPLICANT: Oana Nita TELEPHONE: 860 548 6271

✓ ADDRESS: 55 Highgate Rd Apt B5, North CT EMAIL: oanadr@gmail.com

✓ CONTACT PERSON: Oana Nita TELEPHONE: 860 548 6271

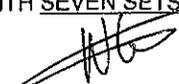
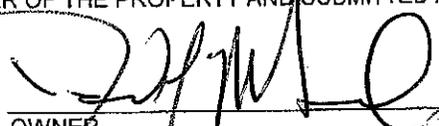
✓ ADDRESS: 55 Highgate Rd Apt B5, North CT EMAIL: oanadr@gmail.com

✓ OWNER OF RECORD: McBride Properties, 3153 Berlin Turnpike

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.15.6 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.			
	<u>12/21/2012</u>		
APPLICANT	DATE	OWNER	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

PREMIUM SPORTS LLC
55 Highgate Rd, apt B5
Newington, CT 06111
Cell Phone: 860 548 6271
email: ladyfitusa@gmail.com



LADY FIT Studio

McBride Plaza - 3153 Berlin Turnpike - ~~File~~ -
Newington, CT 06111

LADY FIT is a women's only, exclusive and private studio where women of all ages and fitness levels are welcomed to enjoy our unique aerobic classes and special training programs without the use of workout machinery.

Our goal is to create a community centered on leading healthy and balanced lifestyle. Every week, our members will enjoy private personal training, weight management and a wide range of group exercise classes such as Piloxing, Interval Training, P90X, mind and body classes such as Beam Fit, Yoga, Pilates, and dance oriented classes such as Zumba. We will offer from one-on-one personal training sessions, to small group classes (3-4 people) and large group classes (10-12 people). We have a class that suits every woman's taste.

Our staff of qualified personal trainers and group instructors is fully dedicated to providing personalized and progressive fitness programming specifically for women and advisory training sessions that can deliver to each member the best combination workout in order to achieve their fitness goals.

Our facility will offer very clean bathrooms with showers, hair and hand dryers, special area for make up and individual keyed lockers.

Thank you!

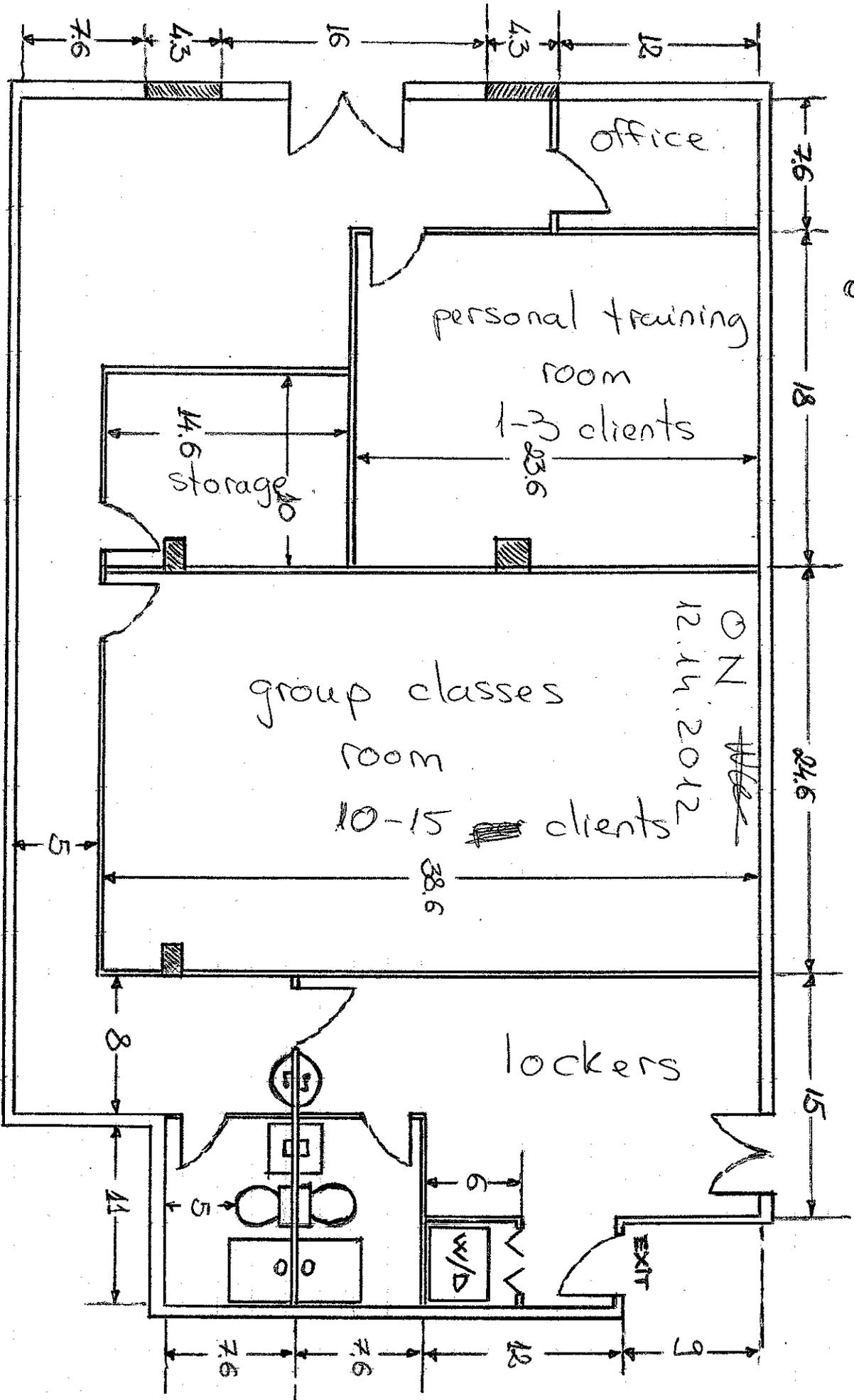
Oana Nita
Owner

A handwritten signature in black ink, appearing to read "Oana Nita", is written over the printed name and title.

Date
12.14.2012

MCBRIDE PLAZA
3453 Berlin Turnpike
Newington CT

SCALE 1" = 8'



2-3 employees

STAFF REPORT
“Lady Fit Studio” at 3153 Berlin Turnpike

January 2, 2013

Petition #02-13
3153 Berlin Turnpike
Special Exception Section 3.15.6 (Health Club) for “Lady Fit Studio”

Description of Petition #01-13:

This petition is to operate a fitness center in the McBride Plaza at 3153 Berlin Turnpike. This is allowed by special exception in the PD zone. See attached letter from the applicant.

Staff Comments:

I don't have any issues with this application, so I recommend the public hearing be scheduled for the next TPZ meeting on January 23, 2013..

cc:
file

Town Planner's Report

January 2, 2013

1. Zoning Enforcement Issues Raised at Previous TPZ Meetings:

a. Façade Changes at CVS on Main Street: I reviewed the files on this project. This project received a special exception to reduce the front yard setback, and it is apparent from the meeting minutes that this approval was based in part on the architectural renderings submitted with the application. Those renderings show white window panels. I discussed this with the Zoning Enforcement Officer, and he will send CVS a letter directing them to paint the red panels white.

b. Weekend Zoning Compliance Visits to the Berlin Turnpike and Newington Center
The Zoning Enforcement Officer will be doing weekend inspections every six weeks or so, beginning the first week in January.

c. Format of ZEO Reports: I have not met with the ZEO and our secretary yet to re-format these reports.

2. Old Performance Bonds held by Town:

I'm spending roughly two hours a week going through the list of outstanding bonds, updating them. In most cases they have in fact already been released, but there are some that are still pending. For example, there is a \$5,000 ten-year-old subdivision bond that actually needs some attention.

3. Status of the "Modern Tire" Appeal of the Motor Vehicle Zoning Amendment:

Town Attorney Jack Bradley reported that the plaintiffs have been directed by the Court to file their brief (describing in detail the basis of their complaint) no later than February 15. Ours is due on March 15, 2013.

4. Status of "Newington Walk" Subdivision (Toll Brothers):

This is on hold pending the outcome of their Conservation Commission application.

5. Newington Junction Planning Study:

I received an email from the consultants. They want to get together sometime in January, and will send me some dates. I will keep you all posted on that, in case anyone wants to attend.

6. Low Impact Development Regulations Project:

We have tentatively scheduled a meeting for the advisory committee on January 11.

cc:
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: TPZ Commissioners
From: Craig Minor, AICP, Town Planner *CM*
Date: January 2, 2013
Re: *Surety Bond Release for Hudson Accessibility Solutions at 151 Rockwell Road*

Background

The above-referenced addition to the existing warehouse at 151 Rockwell Road was approved by TPZ on May 25, 2011. As of February 2012 all of the work was complete except for the final course of pavement, the bituminous sidewalk, grass, and the filing of the certified "as built" survey. A \$54,000 surety (insurance) bond was posted by the developer so that he could receive a Certificate of Occupancy.

On July 19, 2012 the developer requested the release of his \$54,000 bond. I asked the Town Engineer to inspect the site with the Zoning Enforcement Officer to verify that all the work shown on the site development plan was complete.

Their response was that the work is complete, but there was no certified "as built" on file. We contacted the surveyor for the project, and he submitted the required survey.

Staff Recommendation

I recommend TPZ vote to release the surety bond.

cc:
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: TPZ Commissioners
From: Craig Minor, AICP, Town Planner *CM*
Date: January 2, 2013
Re: Cash Bond Release for LADA Motors, LLC at 426 Hartford Avenue

Background

The above-referenced new construction was approved by TPZ on March 28, 2007. As of May 2007 the building was finished, but much of the site work was still outstanding (the parking lot, dumpster enclosure, landscaping, etc.). A \$39,000 performance bond (passbook) was posted by the applicant so that he could receive a Certificate of Occupancy.

On November 1, 2012 the applicant requested the release of his bond. I asked the Town Engineer to inspect the site with the Zoning Enforcement Officer to verify that all the work shown on the site development plan was complete.

The staff's response was that the work was substantially complete, but the handicapped parking sign has not been installed, and top soil was needed behind a section of curb. At its November 14, 2012 meeting TPZ therefore released all but \$5,000 of the performance bond.

At the applicant's request the staff re-inspected the site on December 12, 2012 and confirmed that the handicapped parking sign and top soil have now been installed.

Staff Recommendation

I recommend TPZ vote to release the final \$5,000.

cc:
file