



NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING
Wednesday, October 23, 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:

- a. Petition #55-13: Special Exception (Section 6.6.2: Liquor Permit) at 32A Fenn Road ("Tango Pizza"). Hayes Kaufman Newington Associates LLC, owner; Baires LLC, applicant; Albert Garrido, 151 Carr Avenue, Newington CT, contact.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. October 9, 2013

VII. NEW BUSINESS

- a. Petition #47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana). Town Plan and Zoning Commission, applicant.
- b. Petition #36-13: Site Plan Approval at 17-23 East Cedar Street. Marissa Gaultieri, owner; Walter Gaultieri, 68 Chestnut Street, Newington CT, applicant/contact.
- c. Petition #56-13: Commercial Subdivision at 365 & 375 Willard Avenue ("Spectrum"). Spectrum Office Condominium Association Inc., owner/applicant; Tamara Kagan Levine, 231 Farmington Avenue, Farmington CT, contact.
- d. Petition #57-13: Principal Building Within 50' of Wetland (Section 4.4.6) at 129 Main Street. Adrienne Brown, owner; Michael Zarotney 412 Goff Road, Wethersfield CT, applicant/contact.
- e. Performance Bond Reduction Request #4 for "Victory Gardens" on Veterans Drive.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2013 OCT 16 P 3:03

BY *Tanya D Lane*
TOWN CLERK

VIII. OLD BUSINESS:

- a. Petition #44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home) at 2125 Main Street. Middlewoods of Newington, owner/applicant; David Lawler, 580 Long Hill Avenue, Shelton CT, contact. Continued from September 11, 2013.
- b. Petition #43-13: Site Plan Modification (Assisted Living) at 2125 Main Street. Middlewoods of Newington, owner/applicant; David Lawler, 580 Long Hill Avenue, Shelton CT, contact.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #58-13: Special Exception (Section 3.15.6: Health Club) at 150-206 Kitts Lane ("Planet Fitness"). TLG Newington LLC, owner/applicant; Brendan Kolnick, 10 New King Street, White Plains NY, contact.

X. TOWN PLANNER REPORT

- a. Town Planner Report for October 23, 2013
- b. HOMEConnecticut

XI. COMMUNICATIONS

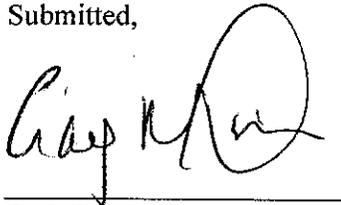
XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURNMENT

Submitted,



Craig Minor, AICP
Town Planner



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

LOCATION OF PROPERTY: 32 A FENN Rd ZONE: PD
APPLICANT: DAIRES LLC TELEPHONE: 860-841-8829
ADDRESS: 151 CARR AVE New. Ct 06111 EMAIL: albertcarrido@taugusop.com
CONTACT PERSON: Albert Carrido TELEPHONE: _____
ADDRESS: 151 CARR AVE New. Ct EMAIL: SAME AS UP
OWNER OF RECORD: ~~Walter Hayes~~ Hayes Kaufmann Newington Associates LLC

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 6.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required). Restaurant liquor.
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

	<u>10/4/13</u>		<u>10/4/13</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.

STAFF REPORT
Serving of Alcohol at "Tango Pizza"

October 15, 2013

Petition #55-13:
Special Exception (Section 6.6.2: Sell or Serve Alcoholic Beverages)
32A Fenn Road ("Tango Pizza")
Baires LLC, applicant

Description of Petition #55-13:

The owner of Tango Pizza would like to serve beer and wine. This is permitted under Section 6.6.2 of the zoning regulations:

"The Commission may grant a permit to sell or serve alcoholic beverages in buildings permitted in non-residential zones, subject to the following conditions, and the provisions of Section 5.2 and 5.3."

Town Planner Comments:

The owner of Tango Pizza did not realize, when he applied for his restaurant Special Exception earlier this year, that he also needs a Special Exception to sell or serve alcohol. Frank Aieta asked him about this during the hearing but I must have been distracted at that moment because I don't remember hearing that. In any event, here is his application.

The regulations require a minimum of 500' between establishments selling alcohol. It is my understanding that there is no other restaurant serving alcohol within 500'.

cc:
file

STAFF REPORT
"Medical Marijuana Dispensary and Production
Zoning Text Amendment"

October 15, 2013

Petition #47-13

**Text Amendment for New Section 6.15 (Medical Marijuana Dispensary and Production)
Town Plan and Zoning Commission, applicant**

Description of Petition #47-13:

The State of Connecticut passed a law last year that allows the production (growing) and dispensing of "medical marijuana". Newington's zoning regulations are silent on this, so TPZ has directed me to draft a zoning amendment to regulated medical marijuana production and distribution in Newington as allowed by that law.

Town Planner Comments:

See my previous Staff Report for the background of this proposed amendment.

I have revised the draft to exclude the PL zone, and to make the distance that a production facility must be from a residential zone 1000' versus 750' to be consistent with the distance from churches, schools and playgrounds.

Just to see what it would do to increase the supply of potentially eligible properties, I have asked the GIS staff to generate another map using 750' as the buffer instead of 1000 feet. I will have that map at the meeting.

cc:
file

DRAFT
Medical Marijuana Dispensary and Production Zoning Regulations
(revised October 15, 2013)

Section 6.15 Medical Marijuana Dispensary and Production

6.15.1 Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities and production facilities. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Newington's neighborhoods, commercial districts, property values and quality of life.

6.15.2 Definitions. For use in this section of the Regulations:

A. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-155 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

B. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Public Act 12-155 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

6.15.3 Applicability:

A. Medical marijuana dispensary facilities shall be permitted only in the following zones, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

1. I Industrial Zone
2. ~~PL Public Land Zone~~
3. ~~B Business Zone~~

B. Medical marijuana production facilities shall be permitted only in the following zone, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

1. I Industrial Zone

6.15.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

A. No medical marijuana dispensary facility shall be allowed within 1000 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;

B. No medical marijuana production facility shall be allowed within 1000 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or any school, playground, park or child day care facility, or any other site containing a medical marijuana production facility;

C. No medical marijuana production facility shall be allowed on a site that is less than **1000 feet** from any property that is zoned for single-family residential use as a permitted use.

D. No medical marijuana dispensary facility or production facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary facility or production facility;

E. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.15.5 Sign and exterior display requirements:

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18". No graphics of any kind will be allowed, and the text will be limited to the street address of the facility.

6.15.6 Off-Street Parking requirements:

A. Required off-street parking shall be in compliance with Section 6.1 of these regulations.

6.15.7 Security Requirements:

A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.

B. The hours of operation for medical marijuana dispensary facilities and production facilities shall be limited to between **7:00 a.m. and 5:00 p.m.**, all days of the week.

6.15.8 Conditional Approval:

A. Special Exceptions shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).

B. The conditional approval shall become ~~automatically~~ finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued permit.

C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued permit within six months of the date of the TPZ's conditional approval.

1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection permit has been filed, indicating the expected decision date of the Department of Consumer Protection permit.

6.15.9 Connecticut Department of Consumer Protection Approval:

A. The applicant shall provide the Town Plan and Zoning Commission with a copy of the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed permit.

CF# 3188

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	#36-13
SUBMITTED DATE:	6/17/13
RECEIVED DATE:	6/26
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 17-23 East Cedar St. ZONE: BTC

APPLICANT: Walter Gualtieri TELEPHONE: 820-666-9813

ADDRESS: 68 Chestnut Rd Nahn Ct EMAIL: Walter.gualtieri@gmail

CONTACT PERSON: Walter Gualtieri TELEPHONE: 820-666-9813 820-4903792

ADDRESS: 68 Chestnut Rd Nahn Ct EMAIL: marisa.gualtieri@g-mail

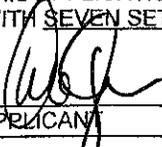
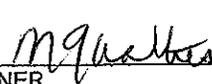
OWNER OF RECORD: Marisa Gualtieri

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 _____ 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.

	DATE		DATE
APPLICANT		OWNER	

NOTE:
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STAFF REPORT
Site Plan Approval at 17-23 East Cedar Street

October 15, 2013

Petition #36-13:
Site Plan Approval
17-23 East Cedar Street
Walter Gaultieri, applicant

Description of Petition #36-13:

The owner of this property would like to construct a commercial building on a parcel that faces the municipal parking lot. The parcel is in the B-TC "Town Center" zone so a significant amount of additional information is required to make a complete application.

The applicant has not submitted the information required. The decision deadline (including extensions) has arrived, so I recommend the request be denied without prejudice.

Town Planner Comments:

Section 3.12.A.3 of the Zoning Regulations states that:

"All applications...that require site plan...approval within the Business Town Center Zone shall include the information contained in Section 3.12.A.4."

The list of information required by Section 3.12.A.4 is attached, but here are three major items:

- B. Streetscape Facades: Detailed drawings showing design, color, texture and type of materials of proposed building façade facing the public street and, if applicable, the municipal parking lot drawn at a minimum scale of 1 inch equals 8 feet.

- E. Location: The placement of new or substantially improved buildings in relationship to surrounding properties, public views from roadways and nearby public spaces and parking.

- G. Compatibility: A statement of the proposed new building's or substantially improved building's compatibility with the surrounding area, with the design guidelines adopted for the Town Center Village Overlay District area, or with the "Connecticut Historical Commission – The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised; and the Town and the Town Center Design Component set forth in the Newington Plan of Conservation and Development, 1995 - 2005.

I have sent several letters and emails to the applicant asking to meet with him to discuss this material, with very little response. I must therefore recommend the application be denied without prejudice.

cc:
Walter Gaultieri
file

Section 3.12.A.4 **Application**

Applications for site plan and/or special exception approval within the Business Town Center Zone shall include the following information. The Commission, upon the written request of the applicant, may waive some or all of this information if it determines it to be unnecessary to process the application. A waiver by the Commission shall require a two-thirds vote of the members present.

- A. Description of materials: Color and texture of major building materials, exterior wall elevations of all adjacent structures, drawn at a minimum scale of 1 inch equals 8 feet. In lieu of drawings photos may be submitted.
- B. Streetscape Facades: Detailed drawing showing design, color, texture and type of materials of proposed building façade facing the public street and, if applicable, the municipal parking lot drawn at a minimum scale of 1 inch equals 8 feet.
- C. Signs: Detailed drawing showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity. The uniformity of the signs, placement and size consistency with adjacent signs shall also be presented. Monument ground signs shall be colonial in design, made of brick and shall not exceed a total height of 12 feet. (Effective 8-15-08)
- D. Utilities: The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.
- E. Location: The placement of new or substantially improved buildings in relationship to surrounding properties, public views from roadways and nearby public spaces and parking.
- F. Lighting: The design, location and illumination of buildings and light standard fixtures and their consistency with Town Center light styles.
- G. Compatibility: A statement of the proposed new building's or substantially improved building's compatibility with the surrounding area, with the design guidelines adopted for the Town Center Village Overlay District area, or with the "Connecticut Historical Commission – The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised; and the Town Center Design Component set forth in the Newington Plan of Conservation and Development, 1995 - 2005.



John Salomone
Town Manager

TOWN OF NEWINGTON COPY

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

Certified Mail # 7196 9008 9040 2058 2877

October 10, 2013

Walter Gaultieri
68 Chestnut Street
Newington, CT 06111

Dear Mr. Gaultieri:

**Re: TPZ Petition #36-13: Site Plan Approval at 17-23 East Cedar Street.
Marissa Gaultieri, owner; Walter Gaultieri, 68 Chestnut Street,
Newington CT, applicant/contact.**

As of this writing I still have not received any of the material requested in my letter to you dated June 19, 2013. Without that material it is impossible for the TPZ to evaluate your proposal and make an informed decision on your site plan.

The effective deadline for TPZ to act on your request is at its next regular meeting on October 23, 2013. I will have no choice but to recommend TPZ deny your application without prejudice.

Please call me at (860) 665-8575 if you wish to discuss withdrawing your application.

Yours truly,

Craig Minor, AICP
Town Planner

✓ cc:
file

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



TOWN OF NEWINGTON
CT# 2417
TOWN PLAN AND ZONING COMMISSION

Petition # 56-13

APPLICATION FORM

LOCATION OF PROPERTY: 365 & 375 Willard Avenue ZONE: Commercial

APPLICANT: Spectrum Office Condominium Association, Inc. TELEPHONE: 860-677-7004

c/o Tamara Kagan Levine, Esq., Green & Levine LLP
ADDRESS: 231 Farmington Ave. Farmington, CT 06032 EMAIL: tlevine@greenlevine.com

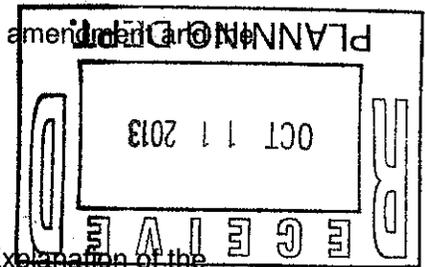
CONTACT PERSON: Tamara Kagan Levine TELEPHONE: 860-677-7004

ADDRESS: Green & Levine LLP
231 Farmington Avenue, Farmington, CT 06032 EMAIL: tlevine@greenlevine.com

OWNER OF RECORD: Spectrum Office Condominium Association, Inc.

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

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



SIGNATURE: Marc C. Abrahms
Spectrum Office Condominium Association, Inc.

APPLICANT	<u>Marc C. Abrahms</u>	DATE	<u>10/11/13</u>	OWNER	<u>See Exhibit A attached</u>	DATE	
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
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GREEN & LEVINE LLP

ATTORNEYS AT LAW

231 Farmington Avenue
Farmington, Connecticut 06032
Telephone: (860) 677-7004
Facsimile: (860) 677-7005

Louis F. Green
LGREEN@GREENLEVINE.COM

Tamara Kagan Levine
TLEVINE@GREENLEVINE.COM

October 11, 2013

VIA HAND DELIVERY
Mr. Craig Minor
Town Planner
Town of Newington
131 Cedar Street
Newington, CT 06111

Re: Spectrum Office & Technology Park - Subdivision
Our File No.: 2012-112

Dear Craig:

Spectrum Office Park consists of two (2) buildings, one known as 365 Willard Avenue ("365") and one known as 375 Willard Avenue ("375"). Each building contains 10 condominium units. All of the units at 375 are owned by Positively Pesach, LLC. The units at 365 are owned by different entities.

The owners of the units in both buildings have agreed that they no longer wish to be operated as one office park. Accordingly, they would like to subdivide the property, and when the subdivision approval is granted, the condominium documents will be amended so that ultimately, 375 is no longer part of the condominium.

Enclosed are the following documents:

1. Subdivision application with signatures from the various owners of the units as well as the condominium association.
2. Check to the Town of Newington in the amount of \$300.00 representing the applicable fee.
3. Twelve (12) sets of the proposed subdivision plan.

Please feel free to call me with any questions. Otherwise, please have this matter placed on the agenda of the next planning and zoning meeting.

Thank you.

Very truly yours,



Tamara Kagan Levine

TKL/crv
Enclosures
cc: Spectrum Office Condominium Association, Inc. (without enclosures)

STAFF REPORT
Commercial Subdivision at 365 and 375 Willard Avenue

October 15, 2013

Petition #56-13:

Subdivision Approval

365 and 375 Willard Avenue

Spectrum Office Condominium Association Inc, applicant

Description of Petition #36-13:

This property is developed with two existing commercial office buildings. The owners of the property would like to subdivide it, so that each building is on a separate parcel. No additional improvements are proposed.

Town Planner Comments:

This application was submitted late last week so I have not completed my review of it.

However, there are two legal issues that I have brought to the applicant's attention which need to be resolved before the TPZ can take even any interim action on it.

1. Resubdivision: I have asked the applicant's attorney to verify whether this is a subdivision, or a resubdivision. As veteran Commissioners know, the division of a parcel that was created after the adoption of subdivision regulations is by definition a "resubdivision". There is no substantive difference between a subdivision and a resubdivision, except that by state law a resubdivision must have a public hearing. That is why I have asked the applicant's attorney to confirm this, so we know whether to schedule a public hearing or not.

2. Inland Wetlands: By state law, a proposal to subdivide a parcel that has wetland anywhere on it (even if there will be no impact on that wetland) must be submitted to the Conservation Commission for review and comment before TPZ can act on it. The detention basin in the northeast corner of this site shows on the Newington wetlands map as a "wetland". I have conveyed this information to the applicant's attorney and I am waiting for her response.

cc:
Tamara Kagan Levine
file

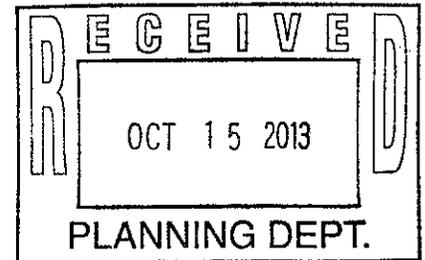
#57-13

Connecticut Real Estate Properties LLC.

412 Goff Rd.

Wethersfield, CT 06109

860 205 6060



October 14, 2013

Re: Application 2013-12AA 129 Main St. Newington, CT 06111

In accordance with zoning regulation section 4.4.6, the above referenced project falls within 50ft of a neighboring wetland and requires a vote from the planning and zoning commission. This project has been previously approved by both the planning and zoning and conservation commissions in 1981. Recently, the proposed project has been thoroughly reviewed by the conservation commission and a wetland permit for construction was approved and granted on September 5, 2013.

This proposed development on the property is for the construction of a single family residence. The house will be located on the Southern portion of the property and will be serviced by public utilities. All of the work to be completed will be conducted outside of the wetland areas. The areas affected by regulation 4.4.6 are on the South-Eastern and South-Western edge of the property. It was determined that there will not be any adverse impact or effect on the abutting wetland or watercourse.

Thank you for your time and action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Zarotney".

Michael R. Zarotney

Connecticut Real Estate Properties LLC

STAFF REPORT
Construction of House within 50' of a Wetland

October 15, 2013

Petition #57-13:
Principal Building within 50' of a Wetland
129 Main Street
Michael Zarotney, applicant

Description of Petition #57-13:

The applicant is a real estate agent seeking to secure the necessary permits to build a house on this property on behalf his client, the seller.

The site where the house is to be built is within 50' of a wetland. Per Section 4.4.6, such construction requires approval by the TPZ.

Town Planner Comments:

Section 4.4.6 of the zoning regulations reads as follows:

- SECTION 4.4 Modifications to Height, Area and Yard Requirements
- 4.4.6 No principal building shall be placed or constructed within 50 feet of a regulated inland wetland or watercourse as shown on maps entitled "Designated Inland Wetlands and Water Courses of the Town of Newington" or on a detailed soils map certified by a soils scientist and approved by the Newington Conservation Commission. This setback standard maybe modified upon the receipt of a favorable report from the Conservation Commission and a two thirds vote of the Commission. (Effective 4-30-99)

This project has received "agent approval" from the Conservation Commission (attached). I have discussed this with the Town Attorney and it is his opinion that this constitutes the required "favorable report from the Conservation Commission".

By way of background, this development was approved by the TPZ many years ago when the lot was subdivided. However, the house was never built, and the zoning regulations were subsequently amended to include Section 4.4.6.

I recommend approval.

cc:
Michael Zarotney
file

Minor, Craig

From: Craig Wilbur [cwilbur@pinck-co.com]
Sent: Tuesday, October 15, 2013 9:02 AM
To: Minor, Craig
Cc: mwolahan@wihed.org
Subject: Victory Garden Escrow release spreadsheet Oct 2013
Attachments: 1817_001.pdf

Craig

Please find the escrow reduction spreadsheet for October 2013. Please add to the PZC agenda for this month.

Thanks

Sent from Samsung tablet

----- Original message -----

Subject:FW: Attached Image
From:"McNaboe, Mike" <MMcNaboe@enterbuilders.com>
To:Craig Wilbur <cwilbur@pinck-co.com>
Cc:

Craig

October escrow billing for VG

Mike

Michael McNaboe, Sr. Project Manager
Direct Tel: (860) 466-5116
www.enterbuilders.com

ENTERPRISE
BUILDERS



From: canon@enterbuilders.com [mailto:canon@enterbuilders.com]
Sent: Tuesday, October 15, 2013 9:56 AM
To: McNaboe, Mike
Subject: Attached Image

10/16/2013



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 *CM*
From: Craig Minor, Town Planner
Date: October 16, 2013
Re: **Performance Bond Reduction #4 at "Victory Gardens"**

We have received the developer's monthly request for a performance bond reduction, in the amount of approximately \$ 81,552. The performance bond is currently \$90,172 and if this request is approved it would leave \$ 8,620 which is approximately 1.5% of the original bond. This is therefore effectively the final reduction.

At the TPZ meeting on September 25, 2013 several Commissioners expressed an interest in visiting the site before the final reduction/release. This might be the time to do it. Our Bond Agreement with the developer requires us to act on reduction requests "within 30 days of verification of the work being completed", so if the TPZ wants to do an inspection before approving this reduction request, it should be before the November 13, 2013 meeting. As of this writing the town staff has not inspected the site to verify this reduction request, but that will be done prior to the TPZ meeting on Wednesday.

cc:
file

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

STAFF REPORT
Modification to Middlewoods Assisted Living Facility

October 14, 2013

Petition #44-13:

**Special Exception (Section 3.2.5: Senior Independent Living Facility)
2125 Main Street
Middlewoods of Newington Inc, applicant**

Description of Petition #44-13:

The owners of this assisted living facility would like to increase the floor area of the building by constructing a 4750 s.f. addition within the existing interior courtyard. Any substantial change to an existing Special Exception activity requires a public hearing and a revised Special Exception. The applicants have also submitted site plans for TPZ review and approval as Petition #43-13.

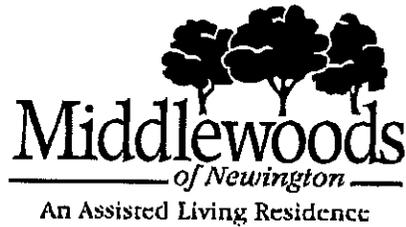
Staff Comments:

The vote on this petition was tabled at the last meeting for lack of specificity on the fence.

See attached letter from Executive Director Kathy Braga (signed by neighbors Edward and Lorraine Dubowsky) stating where they have agreed the fence should be, how tall and what it should be made of.

I will reference this letter in the Draft Suggested Motion.

cc:
Middlewoods of Newington
file



2125 Main Street
Newington, CT 06111
860-667-1336
Fax 860-594-0734
www.umh.org

October 16, 2013

Craig Minor
Newington Town Planner
131 Cedar Street
Newington, CT 06111

Dear Craig,

This letter is to inform you of the discussion had between Middlewoods of Newington, represented by me, Kathy Braga, and Ed and Laurie Dubowsky, owners of the property located at 2121 Main Street, Newington.

As discussed at the Town Planning and Zoning meeting, each party has agreed to the following:

- The fence will be located on the Middlewoods of Newington property
- Beginning at or around the Hemlock tree located on the Dubowsky property, a 6 foot high, approximately 70-foot long, cedar, stockade fence will be installed. It will run along the property line toward Louis Street, ending approximately at the corner of the Dubowsky shed.
- The fence will begin 7 feet closer to Main Street off the deck of the Dubowsky house.

Please feel free to contact either party with any questions regarding this agreement.

Regards,

Kathy Braga

Edward Dubowsky

Lorraine Dubowsky

STAFF REPORT
Modification to Middlewoods Assisted Living Facility

October 14, 2013

Petition #43-13:

Site Plan Modification

2125 Main Street

Middlewoods of Newington Inc, applicant

Description of Petition #43-13:

The owners of this assisted living facility would like to increase the floor area of the building by constructing a 4750 s.f. addition within the existing interior courtyard.

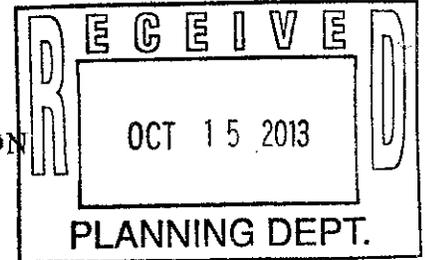
Staff Comments:

See my comments under the Special Exception #44-13.

cc:
file



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



150-206 Kitts Lane
LOCATION OF PROPERTY: Newington, CT 06111 ZONE: B-BT

APPLICANT: TLG Newington, LLC TELEPHONE: 914-289-0100
c/o Yale Realty Services Corp.

ADDRESS: 10 New King St., White Plains, NY EMAIL: _____
10604

CONTACT PERSON: Brendan Kolnick TELEPHONE: 914-289-0100

ADDRESS: 10 New King St., White Plains, NY EMAIL: bkolnick@yalerealtyservices.com
10604

OWNER OF RECORD: TLG Newington, LLC

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.15.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE: _____

APPLICANT: _____ DATE: _____ OWNER: _____ DATE: _____
 TLG Newington, LLC, By: Yale Realty Services Corp., Managing Agent
 By: Yale Paprin, President

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

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

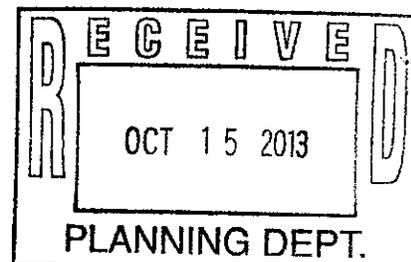
MINTZ LEVIN

Stuart A. Offner | 617 348 4411 | saoffner@mintz.com

One Financial Center
Boston, MA 02111
617-542-6000
617-542-2241 fax
www.mintz.com

October 11, 2013

Town of Newington
Newington Town Plan and Zoning Commission
131 Cedar Street
Newington, CT 06111



Re: Application for Special Exception

Dear Newington Town Plan and Zoning Commission:

This firm represents TLG Newington, LLC (the "Applicant") in their application for a Special Exception pursuant to Section 3.15.6 of the Newington Zoning Regulations. The Applicant owns the property located at 150-206 Kitts Lane in Newington (the "Property"), which is located in the B-BT Business Berlin Turnpike Zone under the Zoning Regulations.

The Applicant has negotiated a lease with Planet Fitness, a national franchise of fitness centers, to use the property for a health club. Under Section 3.15.6 of the Zoning Regulations, places of recreation such as health clubs may be permitted by special exception in the B-BT Zone.

Pursuant to Chapter 225-1 of the Newington Code of Ordinances, enclosed please find a check in the amount of \$200.00 for the application processing fee.

Please contact me with any questions or if more information is required.

Sincerely,

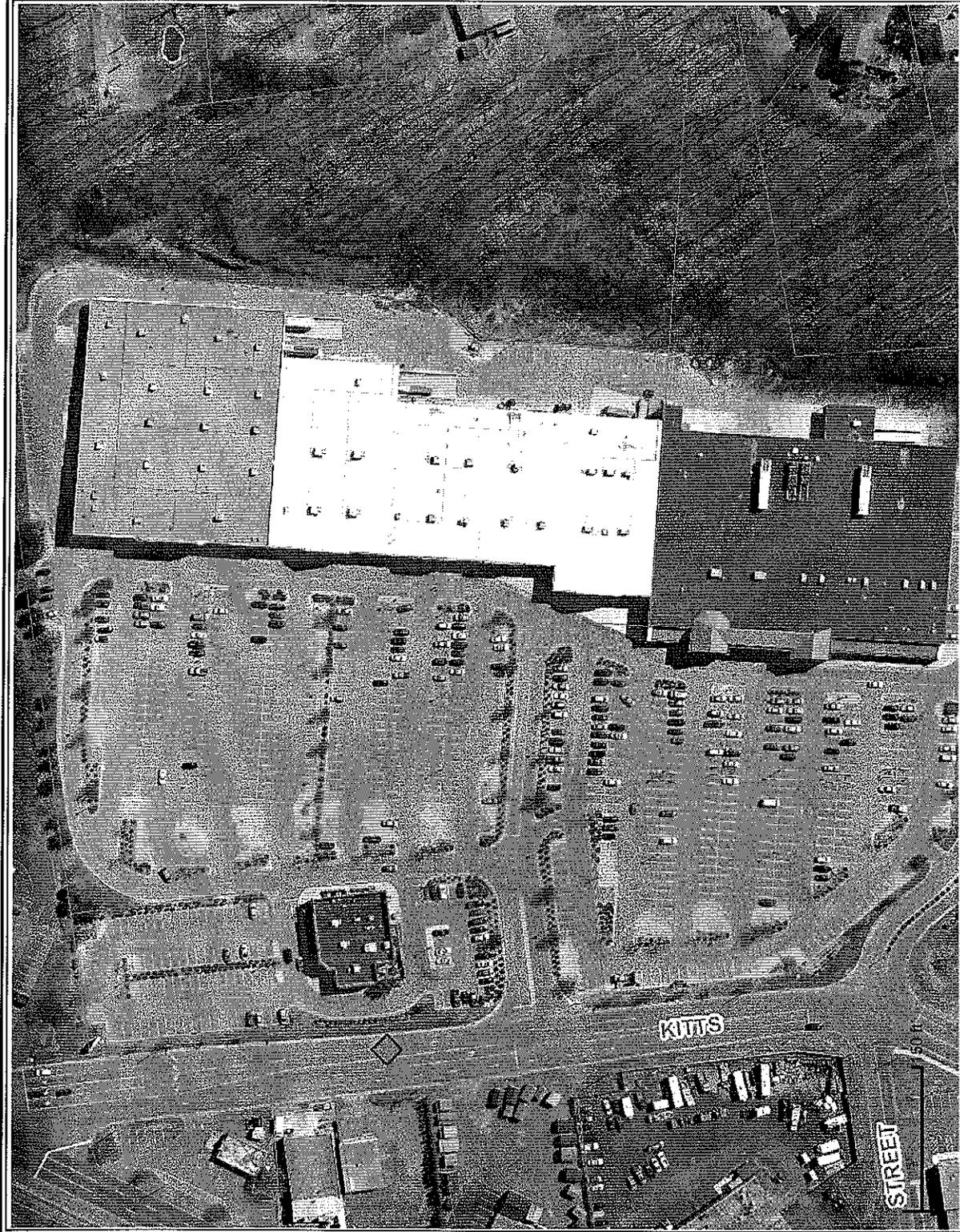
A handwritten signature in black ink, appearing to read "Stuart A. Offner".

Stuart A. Offner

cc Vincent Sabatini
Sabatini and Associates, LLC
One Market Square
Newington, CT 06111

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

BOSTON | LONDON | LOS ANGELES | NEW YORK | SAN DIEGO | SAN FRANCISCO | STAMFORD | WASHINGTON



Markup Line

Markup Polygon

Neighboring Towns

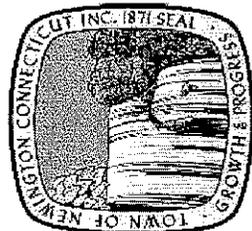
Parcels

2009 Color Aerial Photo

Red: Band_1

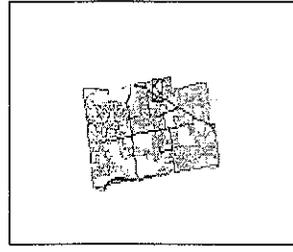
Green: Band_2

Blue: Band_3



Town of Newington, CT
 Dept. of I.T.
 GIS Services
 131 Cedar St.
 Newington, CT 06111

DISCLAIMER: Every reasonable effort has been made to assure the information provided on the GIS map and data is current, accurate and complete. However, the GIS database and the maps themselves are subject to constant change and the accuracy and completeness cannot be and is not guaranteed. Independent verification of all data contained herein should be obtained. The data presented on this page is not legally binding on the Town of Newington or any of its departments. This map and the associated data are REPRESENTATIONS ONLY and may contain errors in the databases. Therefore, the information presented on this page is for informational purposes only and should not be construed to be legally binding. The Town of Newington shall not be liable for any loss, damages or claims that arise out of the user's access to, or use of the map, documents and data provided.



STAFF REPORT
Planet Fitness

October 16, 2013

Petition #58-13

Special Exception (Section 3.15.6: Fitness Center)

150-206 Kitts Lane

Brendan Kolnick, contact.

Description of Petition #58-13:

The owner of the building wants to lease it to Planet Fitness for their use as a fitness center. This is allowed by special exception in the B-BT Berlin Turnpike zone.

Staff Comments:

I recommend the public hearing be scheduled for the next TPZ meeting on November 13, 2013.

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: October 15, 2013
Re: **Town Planner Report of October 23, 2013**

-
1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
 2. **Old Performance Bonds held by Town:** See attached.
 3. **Newington Junction TOD Planning:** The TOD Committee has not met since my last report.
 4. **“Low Impact Development” Regulations Project:** The LID Committee met on October 9, 2013 and received a presentation from the consultants on their proposed regulatory amendments (to the Zoning Regulations, Subdivision Regulations, and Inland Wetland Regulations), and on their “Low Impact Development and Stormwater Management Manual” which will be the “bible” for doing low impact development.

The Committee agreed that the next step should be a joint special meeting of TPZ, the Conservation Commission, and the Town Council where the consultants can give town officials a summary of the project. November 26 was suggested as a possible date. This would be followed by a presentation for the general public sometime during the first week of December, and a more detailed review of the changes at the December TPZ and Conservation Commission meetings, respectively. Public hearings on the amendments could be held during late January and continue into February if required.

5. **Revision to Sign Regulations:** The Sign subcommittee has not met since my last report.

cc:
file

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

10/16/2013

TOWN PLAN & ZONING DEVELOPMENT BONDS

Project Name/Address/ID #	Staff Comments	Bond Amount/ Date Funds Deposited	Full Name of Depositor
<p>2 Niro Landscaping 46 Commerce Court #24-02</p>	<ul style="list-style-type: none"> Compliance inspection by town staff: landscaping was <u>not done</u>. Letter sent 6/27/2013. Owner responded 6/26: out-of-town; will respond more fully upon return in August. Left phone message 9/24/13. 	<p>\$6,000 2002</p>	<p>Peter Niro Commerce Court Realty 860-666-1891</p>
<p>4 4 Play Sports Bar 512 Cedar Street</p>	<ul style="list-style-type: none"> Compliance inspection by town staff: landscaping was <u>not done</u>. Letter sent 6/24/2013. Owner responded 7/8: wants to attend TPZ meeting to ask for relief. Owner will apply for Site Plan Modification (9/23/13). Spoke with owner's surveyor re doing the above (9/30/13). 	<p>\$2,500 1995</p>	<p>Anthony Gallicchio, owner.</p>
<p>6 Fountain Pointe 435-485 Willard Avenue #45-06</p>	<ul style="list-style-type: none"> Owner is working on the outstanding items. 	<p>\$5,000 2007</p>	<p>Richard Rotundo, owner.</p>

10/16/2013

TOWN PLAN & ZONING DEVELOPMENT BONDS

7	Global Granite 3320 Berlin Turnpike #18-08	<ul style="list-style-type: none"> Compliance inspection by town staff: paving and fencing not done. Letter sent 8/7/2013. 9/25/13: Left message for owner. 9/27: owner returned my call. 	\$37,000 2008	GGM Properties LLC
15	LA Fitness 3563 Berlin Turnpike #42-07	<ul style="list-style-type: none"> 8/27/13: Compliance inspection by staff; final paving not done. 	\$5,000 2009	Newington-Berlin Retail LLC
18	ZAG Machine 39 Progress Circle	<ul style="list-style-type: none"> Inspected 10/21/11: final course of paving not done. 9/30/13: letter sent to owner; returned by Post Office. 10/11: ED Director recommended I try to contact owner in New Britain. 	\$4,200 1992	Adam Z. Golas, owner
25	95 Waverly Drive (Lot #23) #01-04	<ul style="list-style-type: none"> Residential driveway installed too close to side line. Letter sent 7/22/13. 8/1: homeowner will try to work out with neighbor. 9/30: Owner called; neighbor will sell him a strip of land. 10/10: Owner called; trying to contact surveyor to draw plans. 	\$5,000 2006	Jaime Ibarrola 860-604-3096

10/16/2013

TOWN PLAN & ZONING DEVELOPMENT BONDS

26	Newington Professional Center (Reno Properties) 1268 and 1300 Main Street #15-10	<ul style="list-style-type: none"> 7/31/2013: Compliance inspection by town staff: grading deficiencies noted. 8/1/13: Email sent to owner; he replied that he will have his construction manager address this. 	\$20,000 09/12/2011	Newington Professional Center C LLC
27	Hops/IHOP Restaurant 3260-3280 Berlin Turnpike	\$5,700	2000	
28	Mills Construction 63 E. Cedar Street	\$1,500	2000	
29	Target Richards Street	Sycamore tree? Nothing in files.	\$10,000 2003	
30	Premier Financial 141 Maple Street	\$5,000	2003	
31	MORETCO ?	No info on file as to who this is.	\$3,338 2006	
33	Rockledge Drive street trees #03-01	\$10,000 In default (street trees). Owner has agreed to forfeit the bond, with no restrictions.	\$10,000 7/24/2007	Premier Building and Development



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: October 16, 2013
Re: "Incentive Housing Zone" Technical Assistance Grant

The State of Connecticut is offering another round of grants to encourage TPZ commissions consider "Incentive Housing" in their towns. This is the third time it's come up - first during Ed Meehan's tenure, and a second time last January which morphed into "Senior Affordable Housing" that was rejected by the State. It is being offered again, so I was asked by Chairman Camerota to put it on the agenda for discussion.

"Incentive Housing" zones are areas that have been identified as suitable for moderately dense (six units per acre) residential development, with the goal of creating housing for families of moderate income. One-fifth of the units in an Incentive Housing development must be made "affordable" by the developer, which in Newington means they cannot cost more than \$1,600 per month for principle, interest, taxes and insurance.

The "incentive" for towns to adopt IHZ regulations is financial: the State will give the Town \$2,000 for each dwelling unit approved in an "Incentive Housing" zone, and an additional \$5,000 for every house (\$2,000 per apartment) that actually gets constructed.

The minimum densities are:

- 6 units/acre for single-family housing;
- 10 units/acre for duplex or townhouse housing;
- 20 units/acre for multifamily housing;

These densities are "as of right", which means that they are subject only to site plan or subdivision procedures, and not to special exception procedures, requirements or standards.

The funding can be used to hire a consultant to help Newington decide if Incentive Housing is right for Newington, with no obligation. The Cromwell TPZ received an IHZ technical assistance grant and hired Planimetrics to do research into Cromwell's housing market. When Planimetrics presented the data to the TPZ, the Commission decided that Cromwell's affordable housing problem was not significant enough to do Incentive Housing. The process stopped at that point, and Cromwell was never asked to return any funds.

cc:
file

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

Minor, Craig

From: Connecticut Planning Professionals [CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU] on behalf of David Fink [david@PSCHOUSING.ORG]

Sent: Friday, October 11, 2013 1:22 PM

To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU

Dear Planners and fellow land-use professionals,

Because they're aware that an increasing number of municipalities are actively seeking to create smaller, denser, more affordable homes for downsizing Baby Boomers, Millennials, municipal workers and others, the state announced Oct. 10th that it will provide a new round of HOMEConnecticut pre-development funding and encouraged cities and towns to apply by Jan. 31. The new round of \$20,000 grants are designed to assist planners and other municipal officials with the identification of sites, legal work, design work and other tasks necessary in the creation of Incentive Housing Zones. The first round of grant awards went to 10 municipalities: Ridgefield, Brookfield, Stonington, N. Stonington, Haddam, Durham, Milford, Fairfield, Canton and Burlington. The state issued the following release:

Dear Mayors, First Selectmen, and Town Managers:

Department of Housing is pleased to announce a second round of pre-development funding under the Incentive Housing Zone (aka HomeCT) program and those towns seriously considering applying are encouraged to apply by **January 31, 2014**. Please note that resolutions from the Legislative Body and Zoning Commission are required and therefore, municipalities are encouraged to schedule meetings to have these resolutions in place before this deadline.

The availability of additional funds in the amount of \$2.0 million is for pre-development costs associated with the Incentive Housing Zone program. DOH is seeking applications from municipalities who wish to create Incentive Housing Zones or assist private developers with their incentive housing development that will result in the creation of mixed-income housing units. The applications must meet the criteria established by CGS Section 8-13 (m-x), as amended. Under the first round of pre-development funding, DOH awarded 10 municipalities with \$20,000 for various activities such as drafting IHZ regulations, design standards, identifying parcels, outreach, etc. so that these municipalities can identify locations for creation of IHZs and adopt the IHZ regulations that will facilitate in creation of affordable housing.

Pre-Development Grant Application and Instructions provides details such as types of pre-development costs allowed, criteria to be used to prioritize applications, required documents, etc. This application is available at the following link (scroll down to "Application Process" at this link and the first link is the application):

<http://www.ct.gov/doh/cwp/view.asp?a=4513&Q=530592>

If you have questions about this announcement, you can contact Dimple Desai at (860) 270-8012 or by email at dimple.desai@ct.gov.

Evonne Klein
Commissioner
Department of Housing

If The Partnership can assist municipalities or developers in any way, please feel free to contact David Fink, Policy Director, 860-244-0066 or david@pschousing.org.

10/16/2013