



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, October 26, 2016

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

7:00 p.m.

A G E N D A

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL AND SEATING OF ALTERNATES**
- III. APPROVAL OF AGENDA**
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**
- V. REMARKS BY COMMISSIONERS**
- VI. PUBLIC HEARING**
 - a. Petition #41-16: Special Permit (Section 6.2.4: Free-Standing Business Signs) at 2545 Berlin Turnpike (Artisan Vapors). George Emerson, owner; Image 360/Signs Now, applicant; Randy Hamilton, 2434 Berlin Turnpike, Newington CT, contact. Continued from October 13, 2016.
 - b. Petition #44-16: Special Permit (Section 3.4.4: Home Occupation) at 161-169 Lowrey Place. Tyler English Fitness LLC, applicant; Lowrey Place Realty LLC, owner; Tyler English, 5A Cheryl Drive, Canton CT, contact.
- VII. APPROVAL OF MINUTES**
 - a. Regular Meeting of October 13, 2016
- VIII. NEW BUSINESS**
 - a. Proposed Revisions to Section 6.2: Signs

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2016 OCT 20 AM 9:59

Joan M. Alves
ASST.

IX. OLD BUSINESS

- a. Petition #40-16: Show Cause Hearing to Revoke Special Permit #03-04 at 174 Francis Avenue. American Muscle Inc., permittee.
- b. Petition #38-16: Special Permit (Section 6.2.4: Free-Standing Business Signs) at 2288 Berlin Turnpike and Prospect Street. Parth Patel, owner; Hartford Sign & Design, applicant; Darin Senna, 328 Governor Street, East Hartford CT, contact.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

XI. TOWN PLANNER REPORT

- a. Town Planner Report for October 26, 2016

XII. COMMUNICATIONS

- a. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ.

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

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP *CM*

Date: October 17, 2016

Re: **Petition #41-16: Special Permit (Section 6.2.4: Free-Standing Business Sign) at 2545 Berlin Turnpike ("Artisan Vapors"). George Emerson, owner; Image 360/Signs Now, applicant; Randy Hamilton, 2434 Berlin Turnpike, Newington CT, contact.**

Description of Petition #41-16:

The applicant would like attached an additional sign onto the existing "Sleepy's Mattress" sign at this location. Section 6.2.4 permits a free-standing sign in any non-residential zone.

Staff Comments:

1. The existing free-standing sign is non-conforming, because it is located in what is supposed to be the "landscaping only" area. It was approved back before the zoning regulations prohibited any structures in the front yard setback area on the Berlin Turnpike.

The applicant wants this pylon signage because the angle of the building makes it hard for south-bound motorists to see the building until they are past it. The following is from the applicant's statement:

"The existing pylon sign on this property containing two buildings has only space for one tenant, Mattress Firm. Because the business Artisan Vapor can only have one building sign (channel letters facing south) and that the building is on an angle, it is very difficult for Artisan Vapor to be seen by drive by traffic, especially those heading south. The building is also set back a long way making it even more difficult to be seen. A sign audit was done and it was determined that the square footage allowed for the two buildings combined was not at the max. The original request for a sign to be added to the existing pylon was larger than the one being requested in this petition.

It is our intent to add a double sided lightbox to the existing pylon sign, directly below the Mattress Firm illuminated sign. We will use appropriate fastening hardware which will be fully detailed in drawings that will be provided when the formal sign permit application is filed. This new sign will utilize the existing pole and electricity and will be structurally sound. The new sign will be UL approved. There will still be

adequate clearance below the sign. It is set back very far and is not in the sight line for southbound traffic as the parking lot entrance/exit is north of the sign location. The addition of this sign will still result in being less than the total sign square foot allowance for the entire property."

The Connecticut court has ruled that non-conformities should be eliminated "as quickly as the fair interest of the parties will permit." (Raymond v. Zoning Board of Appeals, 2003). And it could be argued that the rent for this building is lower than it would be if the building had better visibility from the street, so the tenants have already been "compensated" for the lack of visibility. I would only say that while we do not know how many other older signs there are on the Berlin Turnpike in the "landscaping only" area, these 35 square feet would probably not be much of an addition.

2. I asked the ZEO to verify that the amount of signage requested conforms to the maximum amount allowed on the property under the sign regulations. In his opinion it does not.

The applicant based his calculation on the regulation that gives additional signage to a building on the Berlin Turnpike that has a side entrance:

3. Business signs on buildings fronting on the Berlin Turnpike are permitted up to 2 square feet for each linear foot of building frontage on the Berlin Turnpike and 1 square foot for each linear foot of building side perpendicular to the Berlin Turnpike used for business with a public entrance. Total sign area displayed on the building frontage shall not exceed 2 square feet for each linear foot of building frontage.

It is the ZEO's position that this building is not eligible for the bonus because the wall in question (the southern south-facing wall) does not have a door. The applicant, however, feels that since the northern south-facing wall has a door to Artisan Vapor and a separate door to Military Specialties, Inc., the building is eligible. I have told the applicant that the burden is on him to persuade TPZ that his is the correct interpretation. See attached email from the applicant, and the aerial photograph showing the two walls.

cc:
file



CR# 21302

Petition # 41-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 2545 Berlin Tpke ZONE: B-BT

APPLICANT: Randy Hamilton TELEPHONE: _____

ADDRESS: Image360/signs Now 2434 Berlin tpke Newington, CT 06111 EMAIL: Randy@image360newington.com

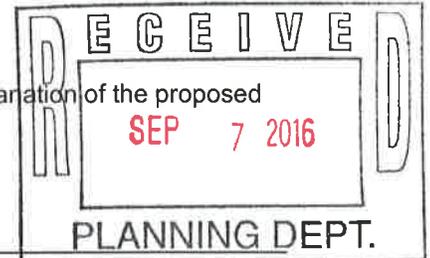
CONTACT PERSON: Randy Hamilton TELEPHONE: 860.667.8339

ADDRESS: 2434 Berlin Tpke Newington CT EMAIL: SAME cell: 860.214.5996

OWNER OF RECORD: George Emerson ge Emerson@hotmail.com

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 6.2.4 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____



SIGNATURE:

<u>Randy Hamilton</u> APPLICANT	_____ DATE	<u>See Attached Letter</u> OWNER	_____ DATE
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

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

PROOF DATE: 10/14/2016 JOB #: 20023 PROOF REVISION: - HEIGHT: 42" WIDTH: 120"
MATERIAL(S): COLOR(S): - SIDES: QUANTITY:

120"W

A 48"H

B 42"H



A = Existing 4'H x 10'L - Sleepy's

B = Proposal 3-1/2'H x 10'L - Artisan Vapor

Existing channel letters on building = 20sf.

Proposed pylon lightbox double-sided, 3-1/2' x 10' (x2 sides) = 70sf

Total Sign S/F Proposed (including existing) = 90sf

Customer Signature

Date

TO PROVIDE FEEDBACK OR APPROVAL

design@image360newington.com

PROOF PROVIDED BY

SARAH KRAMER | GRAPHIC DESIGNER

LEGAL NOTICE: This is a digital proof and final product. Customers with Image360 until paid in full. It is the responsibility of the customer to check all artwork for overall correctness including but not limited to layout, proportion, colors, spelling, grammar and missing or extra items. Approval of this sign proof assumes customer responsibility and any changes made after production has begun may result in further charges. **PROOF POLICY:** The purpose of your proofs is to assure correct spelling, correct numbers, and that colors and general layout are to your specifications. A signed proof will be considered final of artwork. If more than one proof is needed, additional fees may be added. Your signature, whether scan or photograph of handwriting, is required to produce the products described and rendered to the light. We will not produce any item without written approval. 1703 design is the property of Image360. It is submitted for your consideration in the purchase of the products, plans or visual aids described. This design cannot be copied in whole or in part, altered or exhibited in any manner. Exceptions are previously approved artwork accepted by client. Colors are for indication only and not a color match to any substrate, material or computer monitors, etc.

Minor, Craig

From: Randy Hamilton <randy@image360newington.com>
Sent: Monday, October 17, 2016 3:10 PM
To: Minor, Craig; DAmato, Michael
Cc: aminder2@hotmail.com; Swin; geoemerson@hotmail.com
Subject: RE: Artisan Vapor zoning interpretation....

Craig, the building code section that a building with public entrance to the "side" of the building is not really the issue. The building side in fact DOES have a public entrance. The entire property has been consolidated as one property. One pylon sign and calculation of available square footage for the property. If you were to calculate the sign square footage individually, the Mattress Firm signage is well above their allowance (close to 180 s/f when in fact, that individual storefront is only about 55 linear feet and would be allowed maybe 110 s/f. At some point, a decision was made to recognize this property as being ONE property. That said, given that there are multiple tenants in the building that houses both Artisan and Military Surplus, it is really only fair to include all building frontage where "technically" according to the building sec. 6.2.3.A.3, this building side, facing south has a customer entrance.

To give all of the tenants the opportunity to have allowable signage, the owner of the property is supporting our efforts to add the lightbox on the pylon for BOTH Artisan and for Military Supplies, especially given that there can only be ONE pole sign for this entire property. In the past, had Military supplies ever wanted to have a customer entrance to their store from the south side, this entire application would now be a moot point. Both Artisan and Military Supplies have a difficult time with southbound traffic being visible, one because the building is set so far back and the other it is on an angle so by the time a car gets to the driveway, they have already passed the entrance/building. The owner, George Emerson would like to give Artisan added signage so that he can keep the business/tenant. Without proper visible signage, it is difficult to rent out the space. I am sure we all want the business to survive and if George has tenants he too can survive and pay his bills/taxes.

This, in my opinion, is a clear case of trying to be business friendly and if NEEDED, an existing side entrance to the building, being redirected as "the" military surplus side entrance, allows everybody the opportunity to keep moving forward and be in compliance with the total property signage allowance. Hopefully, given the above explanation, you and the ZEO can get closer to agreement that 2545 is eligible for this additional signage.

Thank you for your help on the above. Randy

Randy Hamilton

*General Manager
& Owner*



www.image360newington.com

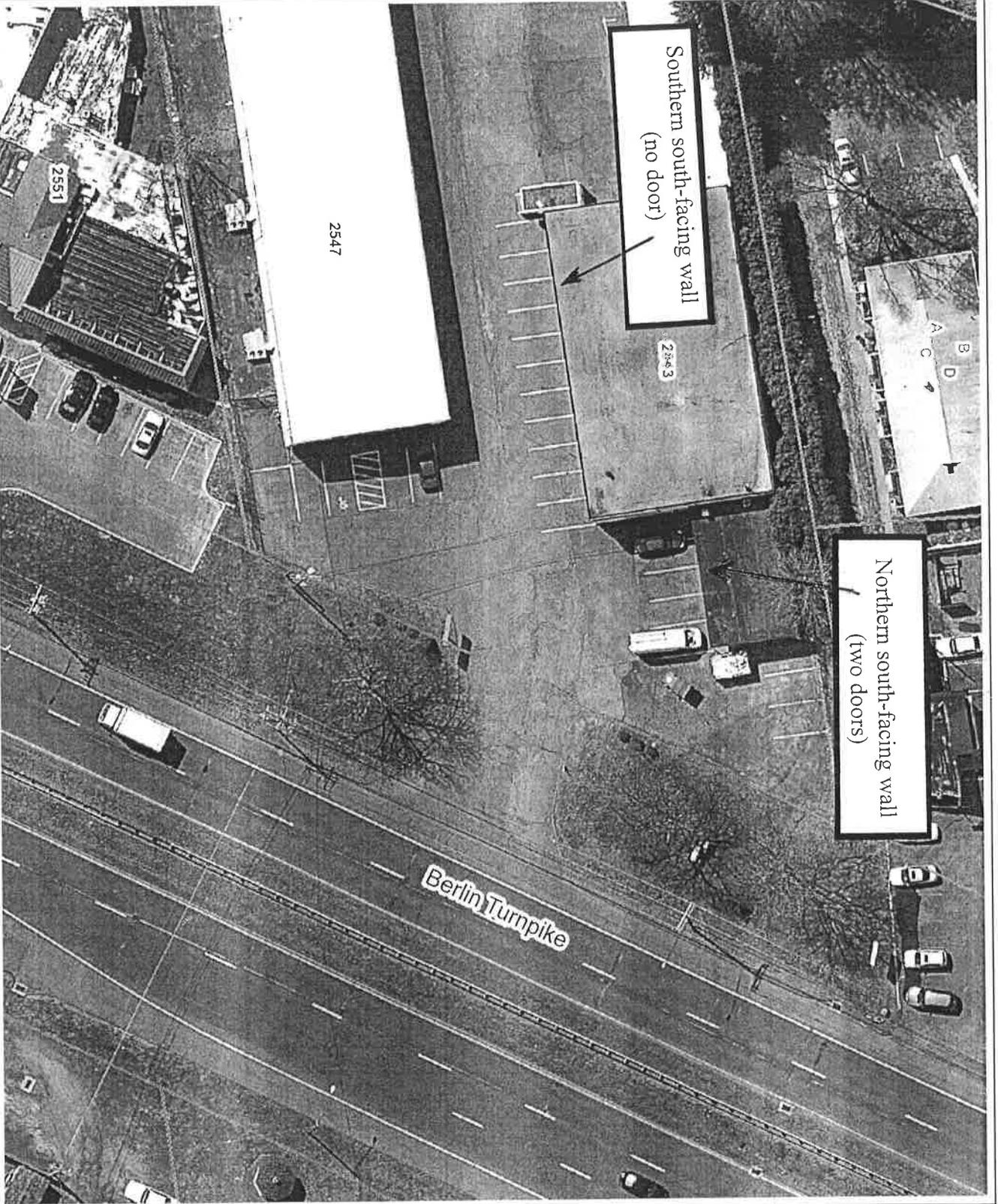
2434 Berlin Tpke, O'Neil Plaza Suite 18, Newington CT, 06111

office: 860.667.8339 cell: 860.214.5996 fax: 860.667.4909

randy@image360newington.com

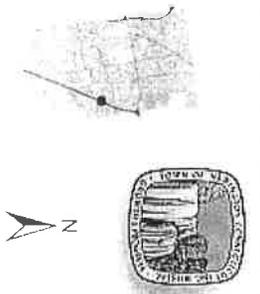
Member: Newington Rotary Club, Chamber of Commerce & Home Builder & Remodeling Association

Mark Your Calendars.....we have reserved September 27th, 2016 for our 5th annual Newington Rotary Golf Tournament benefitting Alex's Lemonade Stand Children's Cancer Foundation.



Artisan Vapor

This map is for planning purposes only. No warranty, accuracy, timeliness and completeness is the responsibility of the provider. Some information may be outdated. Please refer to the local government website for the most current information. The provider is not responsible for any loss or damage resulting from the use of this map. Address as shown on any other document is the best available.



Map Legend

Parcels



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: October 17, 2016
Re: Petition #44-16: Special Permit (Section 3.11.1: Fitness Center) at 161-169
Lowrey Place. Tyler English Fitness LLC, applicant; Lowrey Place Realty LLC,
owner; Tyler English, 5A Cheryl Drive, Canton CT, contact

Description of Petition #44-16:

The applicant would like to operate a fitness center in a portion of the “Best Market” plaza on Lowrey Place. “Places of assembly for recreation, such as health clubs and dance studios” are allowed in the B-TC zone by special permit per Section 3.11.1

Staff Comments:

My only concern was that the amount of parking required for a “place of assembly” might exceed the amount that was required by the prior retail use. Not a problem. The applicants say that there will be a maximum of 28 persons during their “peak hour”, which requires 10 spaces. The space is 5,996 s.f., and when it was retail space it required 30 spaces. So, there is more than enough parking.

cc:
file

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



CR#190

Petition # 44-16

TOWN OF NEWINGTON

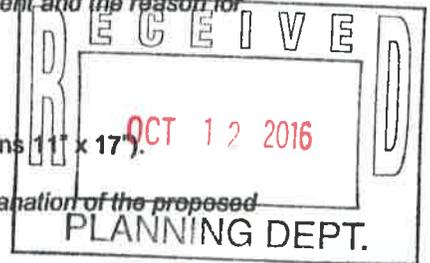
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 161-169 Lowrey Place ZONE: B-TC
 APPLICANT: Tyler English Fitness LLC TELEPHONE: 860-977-9659
 ADDRESS: 5A Cheryl DR, Canton, CT EMAIL: tyler@tylerenglishfitness.com
 CONTACT PERSON: Tyler English TELEPHONE: 860-977-9659
 ADDRESS: 5A Cheryl DR, Canton, CT EMAIL: tyler@tylerenglishfitness.com
 OWNER OF RECORD: Lowrey Place Realty, LLC, 1 Lexington Ave, Boharsville NY 11714

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

- Zoning Map Change from the _____ Zone 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 (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Special Exception per Section 3.16.1 of the Zoning Regulations. *Explanation of the proposed activity is attached (Public Hearing required).*
- Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Other (describe in detail, or attach): _____



SIGNATURE:

	<u>10/12/16</u>		<u>10/11/16</u>
APPLICANT	DATE	PROPERTY OWNER	DATE

INCOMPLETE APPLICATIONS WILL NOT BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES, BUT IS NOT LIMITED TO: APPLICATION FORM; APPLICATION FEE; SITE PLANS (IF APPROPRIATE) SHOWING LID; WATERSHED ANALYSIS (FOR SITE PLANS); NARRATIVE DESCRIPTION (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.

Tyler English Fitness, LLC (TEF) will be leasing approximately 6,000 SF at 161-169 Lowrey Place, Best Market Plaza. The space will be used as a fitness center where personal body transformation coaches will teach fitness and nutrition to small groups and individuals. The space will not be an “open gym” in the sense of LA Fitness or Planet Fitness. Rather, athletic development coaching sessions with a certified and qualified TEF Sports Performance Coach and championship leadership development through TEF internationally recognized performance training program will take place. The programs are designed for people who desire and need more personal attention in an environment that delivers results. Proper fat loss nutrition, accountability and ongoing personal support are integral to TEF. The programs are designed to burn more body fat and deliver a body transformation. They combine strength and metabolic coaching sessions and easy to follow fat loss nutrition programs that are sustainable and lead TEF clients to a body transformation. There is also a focus on recovery and regeneration strategies required for longevity of joints, muscles, overall fitness and sustainable nutrition.

TEF is about building a lifestyle whether your goals are to lose body fat, build lean muscle, feel better in your skin, increase your energy or maybe just enjoy your life a little more. The TEF solution delivers a sustainable daily fitness and nutrition regiment that go hand-in-hand.

The physical space and equipment:

The space will have a front reception area and managers office. The space will have a shower and locker area for men and women. Equipment within the space will include barbells, trap bars, sleds, sandbags and kettlebells. Dumbbells, resistance bands, suspension training systems and med balls.

Programs offered at TEF:

Metabolic Group Coaching

TEF’s Metabolic Group Coaching clients train daily Metabolic Strength and Metabolic Conditioning sessions that rotate throughout the week. In these training sessions clients work in groups of 25 or less and follow a group class with a TEF Coach who demonstrates, instructs and motivates through 45 minutes of high intensity training.

TEF’s ***STRENGTH*** or Metabolic Resistance Training sessions are designed in an alternating set or circuit training format using a wide variety of exercises using bodyweight, dumbbells, barbells, resistance bands, and suspension training systems, kettlebells, med balls and sandbags. The ***STRENGTH*** sessions are designed to provide a strength training program in an intense interval based style.

TEF’s ***METABOLIC*** or Metabolic Conditioning sessions are designed to increase anaerobic and aerobic capacity by performing interval based cardio conditioning

workouts. They use the same tools utilized in their STRENGTH sessions but with the focus being on the conditioning component over the resistance-training component.

Small Group Coaching

Small Group Coaching is a hybrid approach to their Metabolic Group Coaching, offered in a smaller group format to allow for even greater individual attention.

In their Small Group Coaching program their clients train in a more personal setting of 2-8 clients. Clients follow the same structured program but the sessions are individualized to meet the personal needs of each person in the group.

Clients in SGC will utilize more personalized and more advanced movements utilizing all the tools they utilize in their Metabolic Group Coaching with the addition of barbells, trap bars, sleds, and advanced bodyweight, sandbag and kettlebell exercises.

Small Group Coaching is a great combination of metabolic resistance training and metabolic conditioning programmed into a 60 minute training session.

Semi Private Coaching

TEF's Semi Private Coaching clients begin with an individual movement assessment to better allow them the ability to individualize their training program based upon their unique needs. Semi Private Client's then train at the same time as other semi private clients while following their own individualized program under the watchful eye of a Success Coach while in a small group of 2-5.

Champion Sports Performance Program

Champion Membership Includes:

- **Athletic Development Coaching Sessions** with a certified and qualified TEFS Sports Performance Coach.
- **Cutting Edge Program Design** developed by the Best Independent Gym in America's Sports Performance Team to give you the best possible results in the shortest amount of time.
- **Championship Leadership Development** through our internationally recognized performance training program.

Champion Development (10-12)

Athletes will begin to learn and perform basic strength & speed training exercises developing athletic abilities in a group format. They will learn how to become faster, stronger, and move more efficiently, all while decreasing the chances of sports related injury. An environment of teamwork, accountability, and leadership will set the foundation for developing the mental edge in athletics at an early age.

Champion Elite (13+)

Their Champion Elite athletes will receive a personalized athletic development program from one of their qualified performance coaches. The program is tailored to capitalize on strengths, remove weaknesses, and provide the athlete with all resources necessary to become a dominant athlete.

Champion Elite - Collegiate (18+)

Their Champion Elite Collegiate athletes will receive a personalized strength and conditioning program developed to meet the needs of their specific sport. The program will be developed to build greater strength, work capacity and injury prevention while improving mental toughness, speed and power.

Professional

Their professional athletes will receive a personalized strength and conditioning program developed to meet the needs of their specific sport. The program will be developed to greater enhance the athletes performance on the field.

Champion Team Training

Developing strength, speed, and leadership skills while increasing the bond between a team is the main focus of Champion Team Training. Athletes and teams of any sport will receive top-notch programming and instruction while working alongside teammates in a high intensity environment promoting the pursuit of excellence.



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: October 18, 2016
Re: **Petition #38-16: Special Permit (Section 6.2.4: Free-Standing Business Sign) at 2288 Berlin Turnpike. Parth Patel, owner; Hartford Sign & Design, applicant; Darin Senna, 328 Governor Street, East Hartford CT, contact.**

Description of Petition #38-16:

The applicant would like TPZ to rescind the condition that was placed on the special permit that approved last month, and be allowed to put a message on the west side of the sign on Prospect Street. The special permit was approved with the condition that the west side of the sign be blank.

Staff Comments:

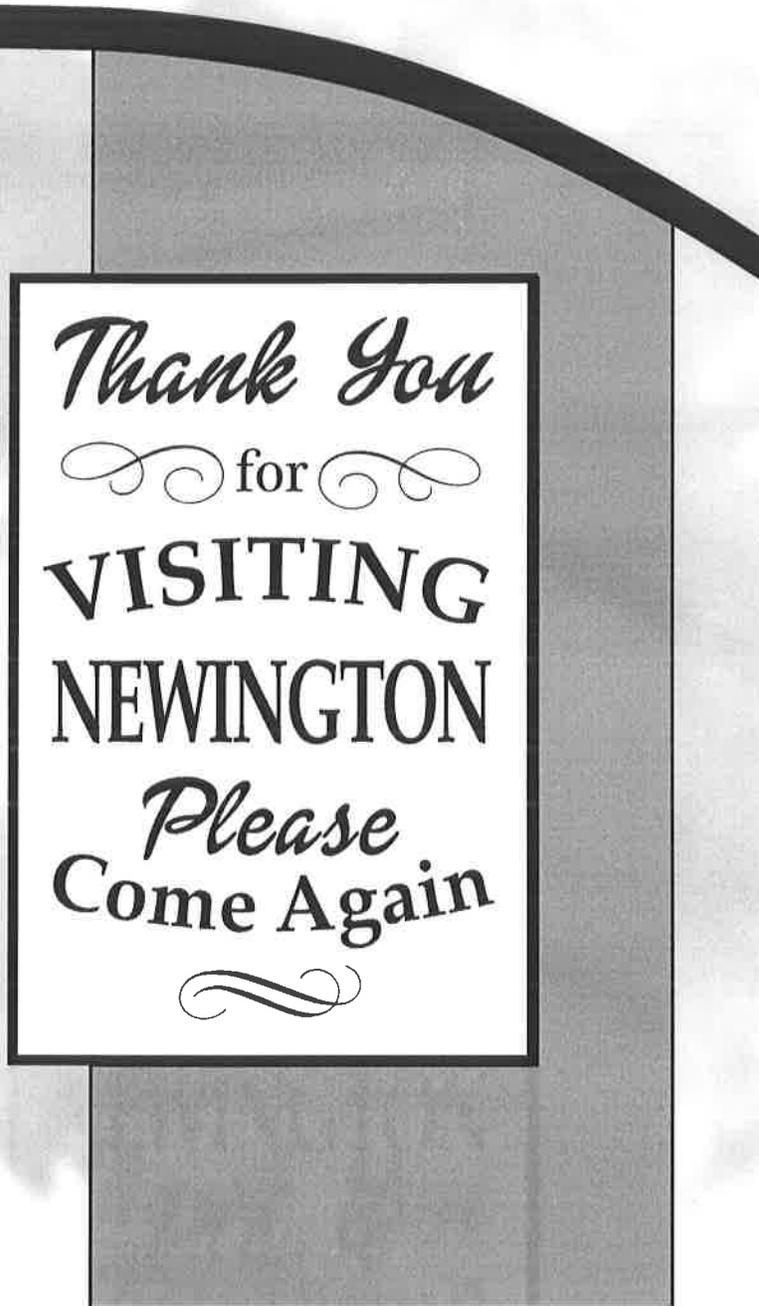
See attached.

cc:
file

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

Signature required to begin production

Date



Thank You
 for
**VISITING
 NEWINGTON**
*Please
 Come Again*

CLIENT:	CONTACT:	DATE:	SPECS:
Medcare_Express	Dr. Parth Patel	5-18-16	one side of small illuminated pylon sign
PROJECT NAME:	WORK PHONE:	START:	
exterior / storefront	860-757-3575	-	
PROJECT LOCATION:	CELL PHONE:	LAST REVISION:	
2288 Berlin Tnpk. Newington, Ct.	860-878-1093	10-13-16	
CLIENT ADDRESS:	EMAIL:	DUE:	
-	ppatel@fastmedcare.com	-	FILE NAME: Medcare_Express_newington_ext_pylon_back_qrt_scl_v3_proof_HSD



Tanya D. Lane
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: Town Planner Craig Minor, AICP *CM*
Date: October 18, 2016
Subject: **Town Planner Report for October 26, 2016**

1. Town Council Exemption from Zoning: At the last TPZ meeting the Commissioners wanted more time to read and think about my memo before discussing it, so it was tabled. Another copy is attached.
2. Open Space Zone regulations: Same as above.

cc:
file

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



Tanya D. Lane
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: Town Planner Craig Minor, AICP 
Date: September 26, 2016
Subject: **Town Council Exemption from Zoning Regulations**

At the TPZ meeting on September 14, 2016 I was asked to draft a TPZ letter to the Town Council asking them to relinquish their exemption from zoning.

Before TPZ does this, there are a few issues that should be discussed.

1. Could TPZ achieve the desired result with less than total zoning compliance? While municipal exemption has been a source of TPZ annoyance for some time, it only came to a head over the Mill Pond Park issue. There might be a way to prevent something like that from happening again without the Town Council having to give up their total immunity to zoning. For example:

a. Create an "Open Space" zone that prohibits development, as TPZ has been discussing. The Town Council then adopts a resolution making the Town Council subject to just that one section of the zoning regulations.

b. Add "Municipal" to Section 3.2.3: State and Federal government buildings. These buildings are allowed in any zone by special permit. The Town Council then adopts a resolution making the Town Council subject to just that one section of the zoning regulations.

2. Be aware of all non-conformities that would result: If the Town Council were to give up its immunity, the staff would need to do an inventory of all municipal property and all use, setback, parking, maximum lot coverage, etc. non-conformities that would suddenly result from that. Ideally someone would do this anytime the zoning regulations are amended in a way that creates non-conformities, but it's the property owner's problem. In this case, the Town is the property owner, so we (the staff) would have to do that.

If the TPZ decides to send a letter to the Town Council, I offer the following draft:

“The Town Plan and Zoning Commission hereby respectfully requests the Town Council adopt a resolution rescinding the resolution passed on May 26, 1970 which exempts municipal property from the Newington zoning regulations. The 1970 resolution reads as follows:

RESOLVED: That all municipal property in the Town of Newington is hereby exempt from the regulations prescribed by the Zoning Commission. This Resolution is enacted in accordance with C.G.S., revised 1968, Section 8-2 as amended.

This request is made with the hope of preventing future Town Councils from repeating the mistake made by the 2013-2015 Town Council when it attempted to construct a Parks and Recreation building in Mill Pond Park. Had the Town Council been subject to the normal rules and regulations, the checks and balances built into the zoning approval process might have prevented the resulting controversy.

The Town Plan and Zoning Commission looks forward to discussing this with the members of the Town Council.”

cc:
file

PL (Public Land) Zoning Regulations

(text to be deleted is shown in ~~bold strike through~~;
text to be added is shown in bold underline)

Section 3.21 Uses Permitted in PL Public Land Zones

In PL (Public Land) zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. Any property not in a PL zone that is proposed to be changed to a PL zone must be owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility.

3.21.1 Permitted Uses:

~~Lands and buildings owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility;~~

A. Passive recreation and other similar open space-type activities.

B. and any Any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. ~~All other uses are prohibited.~~

3.21.2 Special Permit Uses:

A. Buildings or other structures owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility;

B. Active recreation and other similar open space-type activities.

3.21.3 Procedure

A. Before a lot or parcel of land in a PL Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this Section as well as Section 5.3.

B. Any application for change to a PL Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures.

3.21.4 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street right of way the 25 foot buffer shall be measured along the non residential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission record pursuant to Section 6.10.5(c).

PL (Public Land) Zoning Regulations

(text to be deleted is shown in ~~bold strike through~~;
text to be added is shown in bold underline)

3.21.4 Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary lights standards, etc.

3.21.5 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: October 17, 2016
Re: **File #40-16: Revoke Special Permit #03-04 at 174 Francis Avenue. American Muscle Inc., permittee.**

Description of File #40-16:

American Muscle, Inc. has been in violation of Special Permit #03-04 in numerous and substantial ways, over a long period of time. This public hearing was conducted to give the permittees the opportunity to “show cause” as to why their Special Permit #03-04 should not be revoked.

Staff Comments:

The permittee failed to give the TPZ any reason not to revoke the Special Permit. I will have a draft motion for TPZ’s use at the meeting on October 26, 2016.

cc:
file

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Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: October 17, 2016

Re: **Section 6.2: Sign Regulations**

Background:

Updating and revising the Sign Regulations has been a goal of the TPZ for several years. Now that other zoning amendment initiatives are behind us, Chairman Aieta has suggested it be taken up again.

Staff Comments:

At a recent meeting I was asked to draft an amendment that eliminates “temporary signs” from the list of permitted uses, and addresses the problem of cars parked along the Berlin Turnpike that are effectively billboards. See attached.

cc:
file

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PROPOSED ZONING TEXT AMENDMENT

SECTION 6.2: SIGNS

[Text to be deleted is shown in ~~bold strikethrough~~;
text to be added is shown in bold underline]

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 has intermittent internal illumination by mechanical or digital controls 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 permit for a sign advertising a real estate development may be issued for a six month period and may be renewed for an additional six month period.

~~Temporary permits for signs advertising a special event may be issued by the Zoning Enforcement Officer for not more than twenty-five (25) consecutive days per calendar year 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)~~

~~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)~~

~~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.~~

~~Temporary signs shall not be lighted, flashing, digital or rotating, and may be denied if determined by the Zoning 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)~~

- G. No illuminated sign shall be lighted or placed so as to provide glare or blinding effects upon automotive traffic or adjoining residential zones, nor 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 occupant of the premises.
- B. Not more than 2 "for sale" or "for rent" signs not over 6 square feet in area and located at least 10 feet from the lot line.
- 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.
- 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).

6.2.3 Non-Residential Wall Mounted Business Signs:

- A. Business Signs

The following signs only are permitted on a lot:

- 1 All signs permitted in residential zones.
- 2 Business signs provided that the gross area of all such signs be less than 1 square foot for each linear foot of building frontage. Building frontage shall

mean the side of the building with a public entrance facing the abutting public street. (Effective 8-15-07)

- 3 Business signs on buildings fronting on the Berlin Turnpike are permitted up to 2 square feet for each linear foot of building frontage on the Berlin Turnpike and 1 square foot for each linear foot of building side **roughly** perpendicular to the Berlin Turnpike used for business with a public entrance. Total sign area displayed on the building frontage shall not exceed 2 square feet for each linear foot of building frontage.
- 4 Business signs on buildings located within the B-TC District that have deeded land to the Municipal Parking Lot are permitted 1 square foot of sign area for each linear foot of building frontage on a public street and on the municipal lot provided that not more than 50 percent of the total gross sign area is displayed on the building walls fronting on the public street.
- 5 Business signs on buildings located on corner lots shall not exceed 1 square foot for each linear foot of building frontage on the intersecting public streets, except buildings on the Berlin Turnpike may increase sign area as set forth in Section 6.2.A.3.
- 6 Business signs on buildings which provide off- street parking behind the building and provide public access from such off-street parking are permitted an additional .75 square feet of sign area for each linear foot of building frontage provided that this additional signage shall be displayed only on the rear building walls.
- 7 All business signs on structures containing two (2) or more commercial uses or business office uses shall be of uniform size, dimension, composition and location of horizontal sign band. No roof mounted signs are permitted. All signs must attach to a wall within a uniform sign band. (Effective 12-01-01)

B. Industrial Signs

The following signs only are permitted:

- 1 Any sign permitted in residence or business zones.
- 2 Signs provided that the gross area of all signs be not more than one square foot for each linear foot of building frontage displaying such signs, and no signs shall be larger than 900 square feet.

C. Public Land Zone Signs

In Public Land Zones the following signs only are permitted:

- 1 The sign size restriction which most closely matches the use shall be used.

6.2.4 Free Standing Business Signs:

In any non-residential zone, Free Standing Business Signs may be permitted by the commission as a special permit subject to the following conditions:

- A. The sign may not exceed 18 feet in height nor be greater than 150 square feet in area on one side nor 300 square feet on both sides. Only one (1) free standing sign may be permitted per property.

The aggregate square footage of a site's wall mounted business signs and Free Standing Business Signs shall not exceed the square footage permitted in Section 6.2.3.

Only one (1) free standing sign may be permitted per property except on corner lots under one ownership the Commission may grant a second free standing sign when it finds that the frontage length of each intersecting street is at least 500 feet and that the distance between signs, as measured along the street right of way, is not less than 400 feet.

- B. Free standing business signs shall not be located in the right-of-way of any street. Written authorization for a sign location must be presented if the applicant is other than the owner of the proposed sign.
- C. A plan of the sign shall be presented showing size, layout, materials, color and lighting. Such design specifications shall be appropriate to the location and the general neighborhood.

6.2.5 Directory signs:

In any non-residential zone, off site directory signs may be permitted by the Commission as a special permit subject to the following conditions:

- A. The sign may not exceed 12 feet in height nor be greater than 100 square feet in area on one side nor 200 square feet on both sides.
- B. The sign shall not be located in the right-of-way of any street. Written authorization for a sign location must be presented if the applicant is other than the owner of the proposed sign.
- C. A plan of the sign shall be presented showing size, layout, materials, color and lighting. Such design specifications shall be appropriate to the location and the general neighborhood.

6.2.6 Maintenance:

All signs shall be maintained in a safe condition. The Zoning Enforcement Officer shall notify the owner of any sign which is found to be in a hazardous or unsafe condition. If repairs are not made within 60 days the Zoning Enforcement Officer may request the Building Official to order the removal of the unsafe sign. (Effective 12-01-01)

Section 6.1 Off-Street Parking and Loading Regulations

[new] 6.14 Prohibited Use of Parking Spaces

- A. Other than as permitted in Section 3.23.1 (Accessory Outside Use Standards), no object other than a properly registered motor vehicle may occupy any parking space shown on any site plan approved in accordance with Section 5.3.**

- B. In the B-BT and PD zones, the row of parking spaces that is closest to and roughly parallel 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.**



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