



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Thursday, November 12, 2015

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. ZONING ENFORCEMENT OFFICER REPORT
- V. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- VI. PUBLIC HEARING
 - a. Petition #41-15: Special Exception (Section 3.2.9: Adult Day Care) at 26 Church Street. New Life Adult Day Care Inc., applicant; Vaishnav Parivar of Connecticut Inc., owner; Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact.
- VII. REMARKS BY COMMISSIONERS
- VIII. APPROVAL OF MINUTES
 - a. Regular Meeting September 24, 2015
 - b. Special Meeting September 24, 2015
 - c. Regular Meeting October 14, 2015
- IX. NEW BUSINESS
 - a. Discuss Zoning for TOD (Transit Oriented Development).
 - b. Bond Release at 339 Main Street
 - c. Bond Release at 435-485 Willard Avenue

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 NOV -5 PM 3:06

BY *Tanya D. Lane*
TOWN CLERK

X. OLD BUSINESS

- a. Petition #29-15: Special Permit (Section 3.2.5: Convalescent Home) at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.
- b. Petition #28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.
- c. Petition #30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Hartford CT, contact.
- c. Petition #31-15: Zoning Text Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zones) to change the definition of "commercial vehicle". Newington TPZ, applicant/contact. Continued from September 9, 2015.
- d. Revoke Special Permit #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant"). Hector Angel, owner; Manuel Rubio, applicant/contact.
- e. Petition #37-15: Special Permit (Section 3.2.1: Church) at 800 North Mountain Road. Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

XII. TOWN PLANNER REPORT

- a. Town Planner Report for November 12, 2015

XIII. COMMUNICATIONS

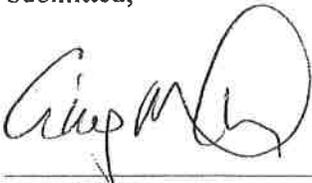
XIV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Submitted,



Craig Mihor, AICP
Town Planner

STAFF REPORT
Adult Daycare at 26 Church Street

November 5, 2015

Petition #41-15:

Special Exception (Section 3.2.9: Adult Day Care)

26 Church Street

**New Life Adult Day Care Inc., applicant; Vaishnav Parivar of Connecticut Inc., owner;
Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact.**

Description of Petition #41-15:

The applicants would like to operate an adult day care in the Vallabdham temple. "Adult Day Care" is allowed by special permit in all residential zones.

Staff Comments:

The zoning regulations do not really place any special conditions on a day care operation (child or adult). Paragraph G says that "the Commission shall review the application with specific attention to the impact of such use on the residential character of the neighborhood" but that goes without saying for any special permit activity in a residential zone.

The application does not state how much floor area the operation will occupy, nor does it say how many clients and employees there will be. The site plan does not show where clients would enter the building. It is not clear if the building will continue to operate as a Hindu temple. I sent an email to the applicants last week requesting this information and have not received a written response, although I did speak with the applicant.

Coincidentally, I had a visit earlier this week from a neighbor who has been experiencing problems with the temple activities: excessive parking lot lighting; persons trespassing on her lawn; use of the PA system inside the building after midnight on weekends; etc. These issues are not directly related to a proposed adult day care operation, but if there are problems with the existing special permit activity, this would be the time to address them.

cc:
Applicant
file

ck #

Petition # 41-15



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 26 Church Street ZONE: R20

APPLICANT: New Life Adult Day care, Inc. TELEPHONE: 978-978-322-0032

ADDRESS: 1251 Pawtucket Blvd #5, Lowell, MA-01854 EMAIL: newlifeadc1@gmail.com

CONTACT PERSON: Sachin B. Patel. TELEPHONE: 603-759-8308 (cell)

ADDRESS: 69 cherrywood Dr. Nashua, NH-03062 EMAIL: newlifeadc1@gmail.com *Preference*

OWNER OF RECORD: VAISHNAV PARIVAR OF CT, 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 the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3-2-9 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>S. B. Patel</u> | <u>10-14-15</u> | <u>[Signature]</u> | <u>10/20/2015</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.

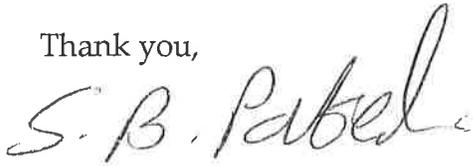
Date October 21, 2015

To,

City Of Newington

My name is Sachin Patel. We would like open an Adult Day Care Center at 26 Church Street, Newington, CT. As I talked to your building department I am sending this request with our company's narrative description & plan along with application form. Please see our philosophy and mission statement.

Thank you,

A handwritten signature in cursive script that reads "S. B. Patel".

Sachin Patel

Philosophy of New Life Adult Day Care

New Life Adult Day Care was founded in 2015 to provide adult medical day care services as an alternative to institutional care such as Nursing Home Placement.

New Life Adult Day Care will provide Adult Medical Day services five days a week from 7:00 AM to 5:00 PM. We would like to open an Adult Day Care Center at 26 Church Street, Newington, CT. Our center setting will offer stimulation and growth for participants with impairments while providing respite for families and caregivers. We are aligned with the following objectives:

- Promote the individual's maximum level of independence.
- Maintain the individual's present level of functioning as long as possible, preventing or delaying further deterioration.
- Restore and rehabilitate the individual to the highest possible level of functioning.
- Provide support, respite, and education for families and other caregivers.
- Serve as an integral part of the community service network and the long-term care continuum.

Mission Statement

New Life Adult Day Care is committed to the Service of the adults with functional health impairment and frail seniors in Newington, CT and surrounding communities.

Above all else, we are dedicated to the care and quality of life of our aging population and adults age 18 and above.

In recognition of this Commitment and Obligation, we will directly provide and advocate for a wide variety of health and social services for our seniors and adults above age 18, at all need levels in the continuum of care.

We include clients and families in all aspects of care and care decisions.

We support the health status and knowledge of local residents; and look to continuously improve quality, service and cost efficiency.

We recognize the desire and ability of all individuals to remain as independent as possible as they do age in place with dignity.

New Life Adult Day Center is a community-based group program designed to meet the needs of adults with functional impairments through individualized plan of care. This structured, comprehensive program provides a variety of health, social and related support services in a protective setting during the day.

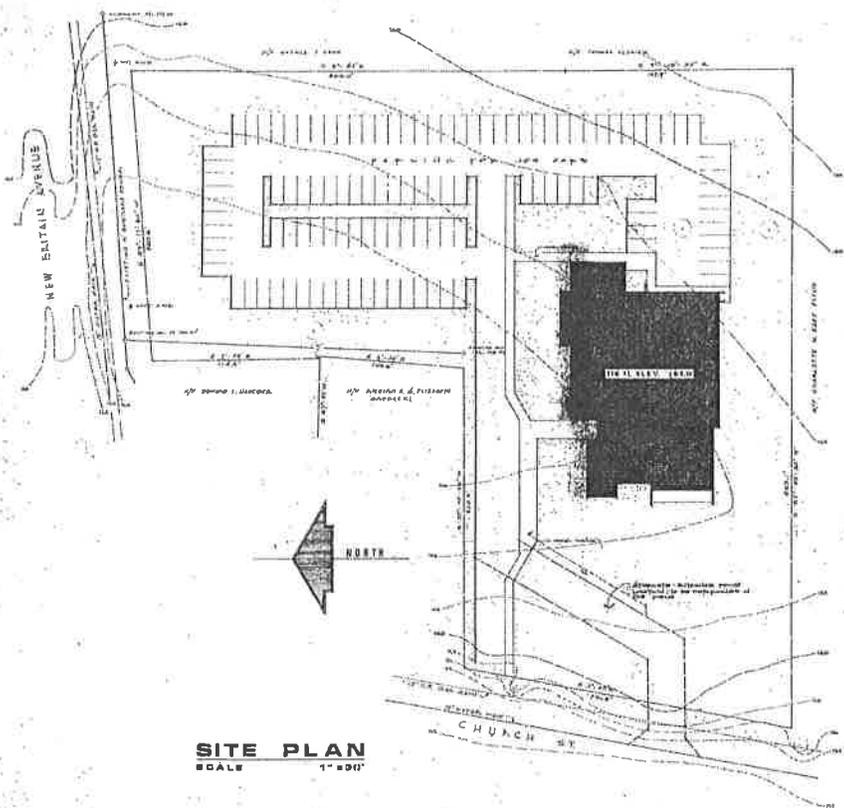
Individuals participating in New Life Adult Day Care attend on a planned basis during specified hours. We propose to assist participants to remain in the community, and this enables families and other caregivers to continue caring at home for a family member with impairment.

Our Care model

We propose the medical model program which may have intensive nursing and rehabilitative services as the primary focus. Participants who attend such programs usually have multiple chronic conditions that require monitoring and/or a nursing intervention, and medication administration at least once during the day.

Services offered

Our Medical model program offers nursing care provided by a registered nurse. The nursing care can include medication administration, wound dressing changes, injections, and overall health monitoring. Our Medical program will also provide or arrange for physical, speech, and occupational therapy. We will also emphasize opportunities for socialization and activities. Additional services that are offered are therapeutic activities; meals and snacks with special dietary accommodations (for example, diabetic or renal diet); curb to curb transportation; social services provided by a licensed social worker; shower or bath; toileting assistance; grooming; and caregiver support. Frequency of each participant's service, as prescribed by his or her attending physician may be from two to five days per week.



SITE PLAN
SCALE 1"=50'

DATE: DEC. 1, 1969
REVISIONS:

W. HUGH & ASSOCIATES
ARCHITECTS
17 NO. MAIN ST. W. HARTFORD,

CONGREGATION B'NAI SHOLOM
SYNAGOGUE
CHURCH ST.
HARTFORD, CT.

SITE PLAN: **A-1**



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: November 5, 2015
Re: **Zoning for TOD**

At a recent TPZ meeting I suggested TPZ conduct a "visual preference survey" (VPS) to find out what type of TOD development would be acceptable. The Commission was very receptive to this idea, so I contacted Glenn Chalder of Planimetrics, the planning consultant who has worked for TPZ on several projects recently to see if he could help us with this. His response was as follows:

I do not have a lot of experience with a stand-alone visual preference exercise and wanted to ask others. You need to have good and bad examples of TOD in addition to good and bad examples of other development patterns to have a meaningful analysis. I don't have that visual library.

The other people [consultants] I contacted have been "tepid" in their responses. I get the sense they believe that the visual preference work needs to be part of a bigger process or the results won't be meaningful. As a result, it seems like this creates a bit of a "chicken or egg" situation for you. I realize just how sensitive this issue is in Newington and it needs to be done well.

Have you asked CRCOG if this is something they can help you with? They may have an "on-call" consultant who can help here.

I would be happy to talk this through with you and sorry I have not been of much help.

I had hoped that developing TOD regulations could be done in several bite-sized pieces, but apparently not. In a follow-up email, he also suggested:

Maybe the PZC could sponsor a 'charrette' process for one of the station sites. If that works out well, you could do the same thing for the other site.

Farmington recently did a "charrette" for the Route 4/Route 10 intersection area in Farmington and there has been some great feedback. I think I heard that the overall budget in Farmington was \$25,000? You should check with Bill Warner on that. You might be able to get some money from CRCOG and or CT-DOT to learn what Newington residents want for these areas!

cc:
file

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



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: November 6, 2015
Subject: Bond at 339 Main Street

When the owner of this formerly-vacant house lot contracted with a builder in 2012 to construct the house for her, for some reason the previous Town Planner agreed to let the Town hold the contractor's \$2,000 cash performance bond. This was a transaction between two private individuals that the Town had no involvement with.

But since we were involved, we could not release the bond until the site was stabilized and the grass was growing. It took over a year for that to happen, but the grass is established so the bond is ready to be released.

cc:
file

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

PROPERTY ACCESS AGREEMENT RE:
COMPLETION, PERFORMANCE BOND FOR GRADING

PROPERTY: 339 Main Street, Newington, CT
BUYER: Nicole C. Kuca
SELLER: Sullo Investments, LLC
CONTRACTOR: OTD Construction Corporation, LLC

THIS AGREEMENT is entered into by and among Nicole C. Kuca (Buyer) and Sullo Investments, LLC (Seller) and OTD Construction Corporation LLC (Contractor) regarding property known as 339 Main Street, Newington, Connecticut.

RECITALS

A. The Buyer is purchasing the Property from Seller with the knowledge that the Property has not graded according to plan.

B. The Seller has agreed to re-grade the Property and has posted a Performance Bond with the Town of Newington in the amount of \$2,000.00 to insure the completion of the grading according to plan and Town requirements.

C. The Buyer is willing to purchase the Property before the Seller or Contractor has completed the grading of the Property as required by the Town of Newington, provided, however, that the Seller and Contractor enter into this Agreement for the completion of the required grading.

Now, Therefore, for and in consideration of the mutual promises herein contained, the parties agrees as follows:

1. The Seller and Contractor have posted with the Town of Newington the amount of \$2,000.00 as a Performance Bond for the completion of the grading of the Property according to plan.

2. The Seller and Contractor shall complete the grading before October 30, 2012 to the satisfaction of the Town. If the grading is not so completed, Seller and Contractor agree that the Performance Bond shall, at the option of the Town, be forfeited to the Town of Newington which shall have the right to complete the grading according to plan.

3. The Buyer shall allow the Seller, its agents, servants and employees, the Contractor, its agents, servants and employees, and/or the Town of Newington, its agents, servants and employees, access to the Property for the purpose of completing the grading at the Property according to plan and Town requirements.

4. This Agreement may be executed in counterparts, each of which is deemed to be an original and all of which shall constitute a fully executed Agreement.

In Witness Whereof, the parties hereto have hereunto set their hands and seals this 20th day of June, 2012.

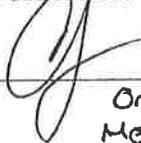
SELLER:
SULLO INVESTMENTS, LLC

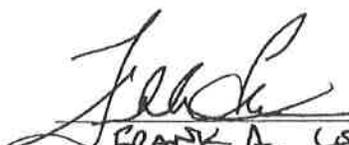
By 

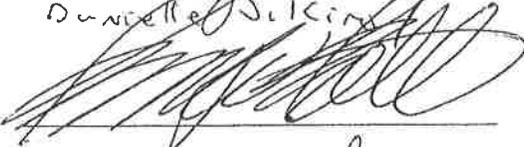
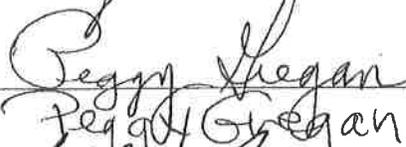
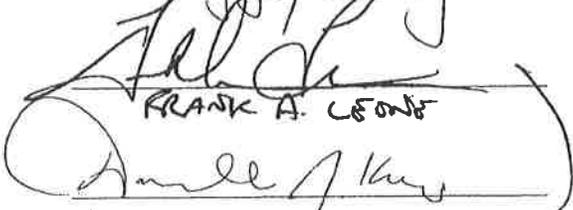
BUYER:


Nicole C. Kuca

CONTRACTOR: OTD CONSTRUCTION CORPORATION LLC

By 
Orlando Thompson
Member


FRANK A. LEONE

Danielle S. King

Peggy Hegan

FRANK A. LEONE

Danielle S. King



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

John Salomone
Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: November 6, 2015
Subject: **Bond Release at 435 Willard Avenue ("Fountain Pointe")**

This project was completed several years ago, but \$5,000 of the performance bond has been retained because the plantings shown on the approved site plan were not in place.

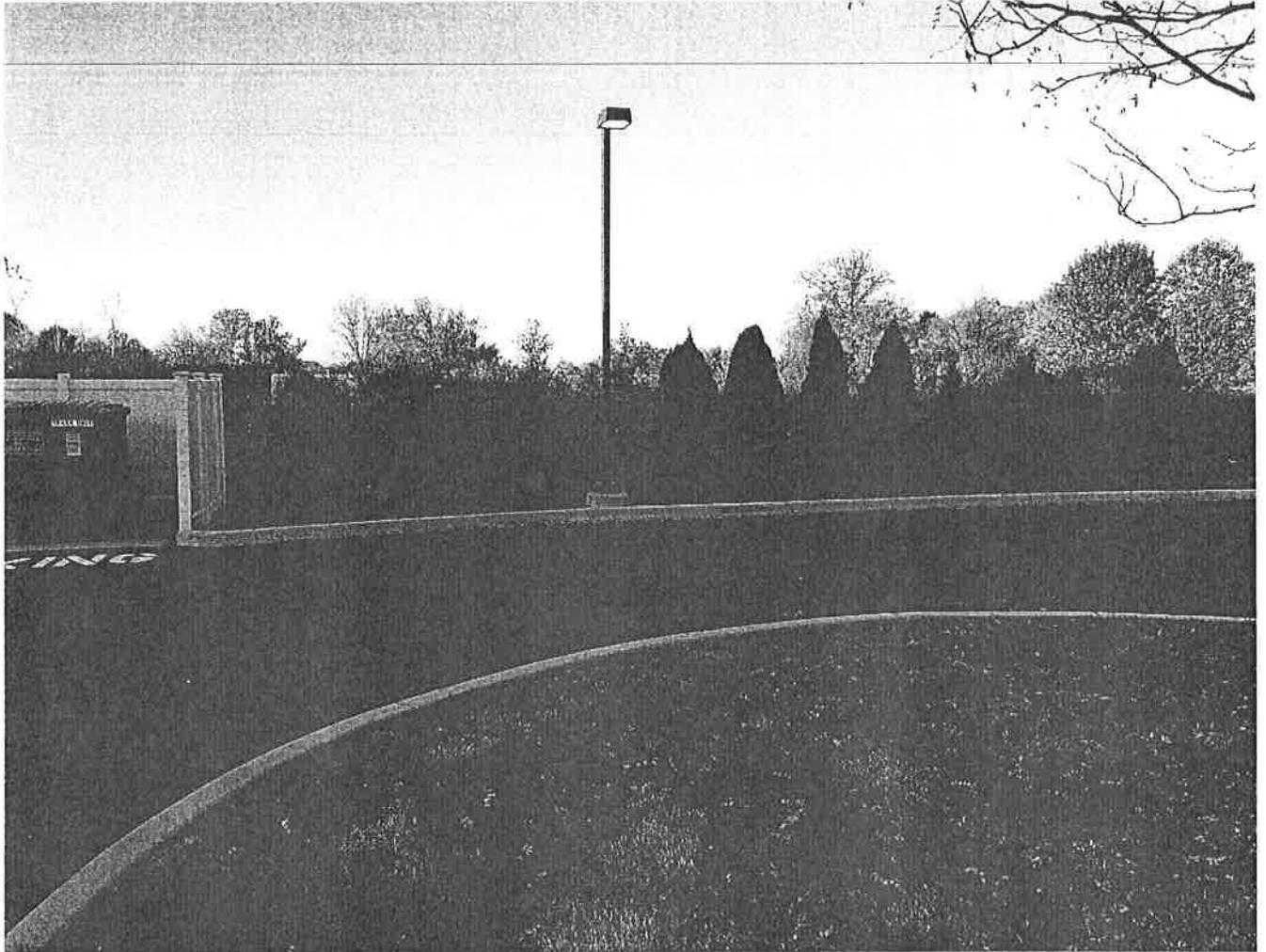
TPZ inspected the site on May 28, 2014. The Commission noted that some of the arbor vitae called for were diseased or missing. The owner subsequently planted additional trees, and his landscaping contractor treated the diseased trees.

At the TPZ meeting on February 26, 2015 the TPZ decided to wait until summer to release the bond, and then subsequently decided to wait until fall. I inspected the site earlier this week, and I can attest that the new arbor vitae have survived and are growing. See attached photo. They are smaller than the others because they are several years younger, but they should eventually catch up.

I recommend the bond be released.

cc:
file

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

STAFF REPORT
Special Permit for Additions to Bel-Air Manor

November 5, 2015

Petition #29-15:

Special Permit (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue (“Bel-Air Manor”).

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #29-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

The issue of the visual impact of the building addition and the new parking lot appears to have been addressed to the Commission’s satisfaction by the applicant agreeing to place a berm and trees across the front of the site, and to delete some of the proposed parking spaces. Some of the commissioners appear to have misgivings about the remaining six parking spaces across the front of the property. That issue needs to be resolved during the discussion under Old Business at the November 12, 2015 meeting.

Section 5.2.6 of the Zoning Regulations reads as follows (my underlining):

- 5.2.6 In reviewing the proposed special exception or permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special exception or special permit and record its findings in the record of the meeting:
- A. The need for the proposed use in the proposed location.
 - B. The existing and probable future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
 - D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.

- E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01)
- F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.

The Commission has considered all of the issues, so in my opinion the application is ready for approval. See attached draft suggested motion.

cc:
Applicant
Bongiovanni Group Inc.
file

DRAFT SUGGESTED MOTION
Special Permit at 238 New Britain Avenue ("Bel-Air Manor")

November 5, 2015

Petition #29-15

Special Permit (Convalescent Home)

238, 256, and 268 New Britain Avenue ("Bel-Air Manor").

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

"I move to approve Petition #29-15: (Section 3.2.5: Convalescent Home) at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

FINDINGS:

1. The TPZ has considered the criteria listed under Section 5.2 (Procedures and Standards for All Special Exceptions or Special Permits) of the zoning regulations and finds the application to be in accordance with those criteria, and specifically Section 5.2.6:
 - A. The need for the proposed use in the proposed location.
 - B. The existing and probable future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
 - D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.
 - E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01)
 - F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
 - G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

STAFF REPORT
Site Plan Approval for Addition to Bel-Air Manor

November 5, 2015

Petition #28-15:

Site Plan Modification (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue ("Bel-Air Manor").

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #28-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

The applicants have addressed most of the items in my letter dated September 16, 2015 with a few minor exceptions that I feel can be addressed as a "condition of approval". The Town Engineer told me orally today that he is satisfied with the plans with the exception of one item which is in my letter to the applicants.

cc:
file

STAFF REPORT
Site Plan Modification for Parking Lot Improvements
at 80 Fenn Road

November 4, 2015

Petition #30-15:

Site Plan Modification (Section 3.16.1: Processing or Assembly of Components or Goods)
80 Fenn Road
Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Wethersfield CT,
contact.

Description of Petition #30-15:

The owner of the building at 80 Fenn Road wants to lease space in the building to a material transport business ("Triumvirate"). The prospective tenant needs to be able to bring trucks to the back of the building where they can be temporarily secured in a locked area. Changes to the parking lot, aisles, and landscaping are therefore needed.

Staff Comments:

The Town Engineer department has received only some of the information from the applicants that they need to confirm that the stormwater management design complies with the LID regulations.

However, Engineering Technician John DiMaria informed me last week that:

Although the plans still need to be revised, I believe that all of the review comments can be resolved by the consulting engineers. The drainage calculations also need to be adjusted to conform to the Town of Newington's regulations. But I believe that the drainage report can be revised to comply with the drainage review comments.

I therefore have no objection to approval with conditions.

cc:
file

STAFF REPORT
"Commercial Vehicle" Definition

November 5, 2015

Petition #31-15:

Zoning Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zone).
Town Plan and Zoning Commission, applicant.

Description of Petition #31-15:

This is a revision to the current definition of "commercial vehicle" as it applies in a residential zone. The proposed amendment was drafted by Assistant Town Planner/Zoning Enforcement Officer Mike D'Amato based on his prior experience as ZEO in the Town of Somers, CT and research he has done on other towns.

Staff Comments:

See attached final version, and the draft suggested motion.

cc:
file

Section 3.22 Accessory Buildings and Uses Permitted in Residential Zones

3.22.1. Accessory Buildings and Uses Permitted

C. Commercial Vehicles:

1. A commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way.
2. "Commercial Vehicle" is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:
 - a. Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
 - b. Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
 - c. Any vehicle outfitted with a backup alarm.
 - d. Any vehicle with more than 2 square feet of signage affixed to the outside, not including registration and license information identifying the owner/occupant as required by the Department of Transportation and the Department of Consumer Protection.
 - e. Any vehicle which has two (2) or more of the following characteristics:
 1. Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;
 2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
 3. Exceeds twenty (20) feet in overall length;
 4. Has more than two (2) axles;
 5. Has more than 4 tires in contact with the ground;
 6. Used or built to carry more than 8 passengers;
 7. Designed to sell food or merchandise directly from the vehicle or trailer itself;
 8. Has modifications or attachments including but not limited to a plow, platform rack, hoist, spreader or hopper.
3. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.

Section 3.24 Prohibited Uses

- 3.24.9 In all residential zones, construction equipment including but not limited to flat beds, stake bed trucks, buses, semi-trailers, tractor trailers, large dump trucks, wreckers, heavy-duty earth moving equipment, cement mixers or other similar type equipment unless operated in conjunction with an approved construction activity.

Section 3.4 Special Exceptions Permitted in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission in any residential zone, subject to the following conditions and the provisions of Section 5.2 and 5.3.

3.4.8 More than one commercial vehicle as defined by Section 3.22.1.C.

Section 9.2 Definitions

YARD: The open space that lies between the main exterior wall of the principal building and the nearest lot line.

STAFF REPORT
Plaza Azteca Special Permit Revocation

November 6, 2015

**Revoke Special Permit #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating)
3260 Berlin Turnpike ("Plaza Azteca Restaurant")
Hector Angel, owner; Manuel Rubio, applicant/contact.**

Description:

An incident occurred on May 5, 2015 at the Plaza Azteca restaurant at 3260 Berlin Turnpike in connection with the "Cinco de Mayo" special event conducted there. The numbers of customers inside the building exceeded safe levels, resulting in an Incident Report filed by the Newington Police Department and the closing of the restaurant by the Newington Fire Marshall. The applicant apparently has not complied with one or more of the "conditions" of Special Permit #16-14. The TPZ is therefore considering revoking the third year of the three-year Special Permit #16-14. The purpose of this hearing is to give the applicant the opportunity to tell the TPZ what happened that night, and to say why the permit should not be revoked.

Staff Comments:

The "show cause" hearing was closed on October 28, 2015. The commission discussed the options, and felt that the best course of action was to revoke the remaining year of this three-year permit due to the permittee's failure to comply with all of the terms of the permit, and due to the fact that the excessive number of people admitted to the event on May 5, 2015 led to the Fire Marshall ordering the restaurant closed.

cc:
file

STAFF REPORT
Special Permit for Church at 800 North Mountain Road

November 5, 2015

Petition #37-15:

Special Permit (Section 3.2.1: Churches and Places of Worship)

800 North Mountain Road

Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact.

Description of Petition #28-15:

The applicants would like to purchase the building and conduct religious services there. This is allowed by special permit in all zones.

Staff Comments:

At the public hearing on October 28, 2015 the following issues were discussed:

1. Sewer Right of Way: The neighboring property owner claimed that there is a sewer right-of-way on the property at 800 North Mountain Road, and he was concerned that the church use could somehow impact that easement.

The deed for the property at 800 North Mountain Road describes the 15 right-of-way as being "for the purpose of laying, constructing, installing and maintaining thereon or under said ROW a sewer line for the purpose of servicing 416 Hartford Avenue". There is no indication of any restriction on the property owner's use of the land above the sewer line.

2. Future Alcohol-related Use: The abutting property owner also asked if, should this application be approved, he would be able to convert his auto-related business to one that serves alcohol at some time in the future.

The only alcohol-related use allowed in the I zone is a "fraternal organization" that holds a liquor license. There are currently two fraternal organizations on North Mountain Road - the Portuguese Club at 730 North Mountain Road, and the Hartford Saengerbund at 719 North Mountain Road. Both of these are within 1,500 feet of 416 Hartford Road, and Section 6.6.3.B prohibits any club from being within 1,500 feet of another club. 416 Hartford Avenue is therefore not eligible to conduct any type of alcohol-related use. Approval of this church will have no impact on the future use of this property.

I see no reason not to approve this application.

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: November 6, 2015
Re: **Town Planner Report for November 12, 2015**

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

None.

2. **Proposed Residential Subdivision on Back Lane in Wethersfield:**

As you know from my report at the last meeting, the parcel in Wethersfield that was rezoned from "AA" to "Open Space AA" earlier this year (over Newington's concerns that it would increase the through-traffic on Cottonwood Road) has now been proposed for subdivision. See attached letter that I sent to the Wethersfield Planning and Zoning Commission reiterating Newington's concerns.

This letter was also forwarded to CRCOG for them to take into consideration when they do their "referral" report to Wethersfield.

cc:
file

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



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

November 5, 2015

Richard P. Roberts, Chairman
Planning and Zoning Commission
505 Silas Deane Highway
Wethersfield, CT 06109

Re: Application No. 1884-15-Z Back Lane & Old Reservoir Road

Dear Chairman Roberts:

The above-referenced application is for a 22-lot open space subdivision on parcels 043011 and 042016 on the east side of Back Lane. The Newington Town Plan and Zoning Commission is concerned with the increased traffic that would result if this application were approved as submitted, for the reason explained below.

According to the subdivision plans prepared by Megson, Heagle & Friend dated October 5, 2015, the road network in this proposed subdivision contains one new street, from Back Lane ("Reservoir Lane") to the adjacent "paper" Reservoir Lane, with two cul-de-sacs. This will be the only way in and out of the subdivision.

Since this development is at the southern end of Back Lane, residents of these 22 new houses and their guests who leave this subdivision planning to go south on the Berlin Turnpike will almost certainly use the private Cottonwood Road and Griswoldville Avenue, rather than access the Berlin Turnpike via Back Lane and Prospect Street. As shown on the attached image from Google Maps, the Cottonwood to the Berlin Turnpike route is .8 miles shorter than the Prospect Street route, with the same driving time.

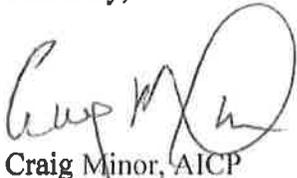
This is a problem because the private Cottonwood Road is a narrow, private street in a gated community. At the moment the gate is broken and does not prohibit access to non-residents. But if the amount of through-traffic were to increase significantly, the homeowners' association will almost certainly fix the gate and prevent access to non-residents. That would be a major inconvenience to everyone in the area (Wethersfield and Newington residents alike) who currently take advantage of Cottonwood Road.

The applicants should be directed to redesign the proposed road network, connecting the proposed "Road A" cul-de-sac in the southeast corner of the site to the existing northern terminus of the south portion of Old Reservoir Road. This would eliminate the need for residents of this subdivision to use Cottonwood Road, and it would also provide them with direct access to the rest of Wethersfield. Furthermore, when the paper Reservoir Lane is eventually

constructed, it would be part of a link connecting the north and south portions of Old Reservoir Road.

If you have any questions or comments, please contact me at (860) 665-8575.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Minor', written over a faint circular stamp or watermark.

Craig Minor, AICP
Town Planner

cc:
CRCOG
file

15011 Ave
Taft Ave

 **9 min**
3.7 miles

 **7 min**
2.9 miles

 **7 min**
2.1 miles

Bertucci's O.

Black Birch Rd
Apple Hill

326

Griswoldville Ave

Deming St

Twenty Rod Rd Park

Google

Lamplog

Midgewo

inwood Ave

176

5

5

Two