TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Thursday, November 12, 2015

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

6:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. REVIEW OF ZONING REGULATIONS

a. Discuss Reinstating Previous Auto-Related Use Regulations

b. Section 7.4: Standards, Site Plan Check List

III. ADJOURN

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS
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BY
TOWN CLERK

Submitted,

Craig Minor, AICP
Town Planner

STAFF REPORT
Complete Review of Zoning Regulations

November 9, 2015

Petition #02-15:
Zoning Amendments Town-wide
Town Plan and Zoning Commission, applicant

Description of Petition #02-15:
This is a complete review of the current zoning regulations, making minor adjustments. A single public hearing will be held on all of these changes in the near future.

Staff Comments:

1. Discuss Reinstating Previous Auto-Related Use Regulations:

See attached. This represents my understanding of the consensus of what TPZ asked for at the previous meeting.

2. Section 7.4 (Design Standards, Site Plan Check List):

This is a strange section. It contains information and requirements that should be, and in some cases are, contained in Section 5.3.4 (Contents of a Site Plan). But it has been in the regulations for several decades so I assume the TPZ at some point felt it was appropriate.

The only substantial changes I made were to any "waiver" language. In most cases I simply deleted it, except for the following:

> 7.4.11 Water
>
> The water supply system of any building used for human occupancy shall be connected to Metropolitan District Commission system or, where appropriate the New Britain Water Department system unless waived by the Commission ~~**after consultation with the Newington Public Health Coordinator.**~~ **upon the recommendation of the Central Connecticut Health District.**

There is no "Public Health Coordinator" anymore; this function is performed by the Central Connecticut Health District (CCHD). There are parcels in town that are still served by private wells, which I think should be allowed to continue, but I felt that "recommendation" was stronger than mere "consultation". This puts the burden on the applicant to get an actual recommendation from the CCHD.

7.4.12 Sewer

The sanitary system of any building used for human occupancy shall be connected to the public utility system, if available. A public sanitary sewer system shall be considered available to a building when the property line is located within 200 feet of an existing public sewer or when a new sewer line within 200 feet of the property line will be operational prior to the issuance of a Certificate of Occupancy. The Commission may waive this requirement ~~**after consultation with the Newington Public Health Coordinator.**~~ **upon the recommendation of the Central Connecticut Health District.**

Same comment as above. There are areas in Newington that have well-drained soil which is suitable for an on-site septic system. Again, I felt that "recommendation" was stronger than mere "consultation with".

7.4.15 Cultural Features including Flood Plains, Inland Wetlands and Slopes.

D. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. These areas shall be kept in their natural condition and not modified ~~**unless waived by a two-thirds vote of the Commission. (Effective 3-4-2011)**~~ **unless approved by the Commission pursuant to a special permit in accordance with Section 5.2.**

This change makes it possible for an applicant to alter steep slopes, but only after going through the special permit process (i.e. a public hearing, and subject to subjective criteria).

cc:
file

AUTO-RELATED USES

Type of Activity	Allowed by Special Permit in	Allowed As of Right in	Prohibited in	Comments
New car dealership	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
Used car dealership	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
gas station (with or without convenience store	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
car wash	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
rental agency - cars stored on site	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
rental agency - cars not stored on site		I zone; PD and B-BT zone.	B and B-TC zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
tire sales and service	B-BT zone; PD zone	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
brakes, oil change and tune-up	PD zone; B-BT zone	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
body shop	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
engine repair	PD zone if not on Berlin Turnpike	I zone	All B-type zones; C zone	"Allowed AOR" still requires site plan approval of new construction.
window tinting, detailing, radio/speaker installation		All B-type zones; PD; I zone.	C zone	"Allowed AOR" still requires site plan approval of new construction.

New text proposed by staff is shown in **bold underline**. Text proposed by staff to be deleted is shown in ~~**bold strikethrough**~~.

Section 7.4 Design Standards, Site Plan Check List

The Commission shall use the following standards of the review of plans submitted to the Commission for review and action pursuant to Section 5.3 of these Regulations. The construction of any improvements shown on any such plan shall be in accordance with these standards.

7.4.1 Design Manual and Construction Standards

A. The "Low Impact Development and Stormwater Manual for the Town of Newington" shall be used as a design manual for stormwater management.

B. The following documents shall be used for construction standards:

1. The current CTDOT publication, as amended, "Standard Specifications for Road, Bridges and Incidental Construction,"
2. Town of Newington, "Specifications for Construction of Roads,"
3. Town of Newington Zoning Regulations,
4. Town of Newington Subdivision Regulations, and
5. Connecticut Landscape Contractors Association's "Standard Specifications for Planting Trees, Shrubs, Vines, etc.".

7.4.2 Map Scales and Sheet Size

All individual site plans and subdivision plans shall be drawn to a scale not to exceed 1" = 40'. The maximum sheet size shall not exceed 24" x 36".

7.4.3 Property Lines

A. All exterior boundary lines and interior property lines or lot lines shall be shown with a length and bearing for each line. Bearings shall be for a traverse in a clockwise direction. (Class A-2, Transit Survey.) The map shall be certified by a Connecticut registered Land Surveyor.

B. All abutting properties shall be shown with distances and names of current ownership as shown in the Office of the Town Assessor.

C. A north arrow shall be shown on each sheet of plans and referenced as True, Magnetic, Grid, etc.

D. The National Geodetic Vertical Datum is required. When such points are inaccessible, the Town Engineer shall approve any other points.

New text proposed by staff is shown in **bold underline**. Text proposed by staff to be deleted is shown in ~~**bold strikethrough**~~.

7.4.4 Street Lines

A. All street lines for either existing or new streets must be shown on maps with lengths and bearings for a traverse in a clockwise direction. All curve data shall be shown.

B. At all principal points on street lines, such as block corners, PC's and PT's of curves shall be permanently monumented using concrete survey monuments with brass or bronze discs permanently marked or punched. Minimum monument size is 4"x 6"x 36".

C. Front and rear property lines shall be marked using metal pins.

D. All front building setback lines shall be shown with reference to the street lines. Indicate whether this setback line is a standard in accordance with the Zoning Regulations or if such line has been established by the Commission.

7.4.5 Rights-of-Way, Easements or Stream Encroachment Lines

A. Lengths and bearings of the centerline and each sideline are required together with the established widths. Bearings shall be shown for a traverse in a clockwise direction.

B. The use of the reserved space must be given, such as: sanitary, gas, water, etc. The applicant shall submit documentation of easement holder for proposed uses of the right-of-way (R.O.W.)

C. Where a R.O.W., easement, or encroachment crosses street or property lines, the location of the centerline and sidelines must be shown together with tied distances from property corners or street monuments.

D. In all areas where roads or streets or any other type structure is in cut or fill, show slope easement rights to provide for a minimum 2:1 slope outside of standard right-of-way widths.

E. Stream encroachment lines where crossing property under development, must be shown and must comply with those lines as officially adopted by the State of Connecticut Environmental Protection Agency (Mill Brook and Piper Brook), or Town of Newington (Rock Hole Brook and Webster Brook).

7.4.6 Driveway and Parking

A. For any development requiring site plan approval, all new driveways and parking areas shall be constructed in accordance with Section 6.1.1.K. Driveways shall conform to Town of Newington Specifications for Private Streets and Parking Lots. See typical cross-sections in Section 6.

B. Each parking space shall be shown. See typical details in Section 6.

C. ~~**Unless otherwise approved by the Commission (such as for implementing low impact development techniques or other reasons),**~~

~~**driveways shall be at least 28' in width from the face of curb, but unusual, adverse field conditions may be recognized by the Commission and the minimum width may be reduced to 24'.**~~ **Driveways shall be at least 28' in width from the face of curb.**

D. Maximum permitted grade for a driveway is 10%. Maximum grade for a parking area is 5%. Cross pitch on any driveway shall not exceed 5%.

E. No parking will be allowed within a street right-of-way unless specifically authorized by the Town in order to provide additional public parking within the B-TC district.

F. Horizontal and vertical control for driveways shall conform to Residential Street requirements. Where driveways intersect with streets or other driveways, the radius of the gutter shall be a minimum of 25'.

7.4.7 Elevations, Grades, Existing and Proposed

A. All elevations are to be on North American Vertical Datum, NAVD 88.

B. Contour lines are required on all plans or maps. Both the existing ground and the proposed finish grading must be shown and clearly labeled as to each type. Contour lines shall be shown at an interval of 2 feet, except where area is almost level (less than 1%). On level areas, "spot" elevations may be used. Contour lines must extend at least 50 feet into adjacent properties to depict actual conditions. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. (Effective 3-4-2011)

C. Unless modified by the Commission in order to implement low impact development techniques, minimum continuous slope across grass shall be 1%; minimum slope across pavement shall be 0.6%; and maximum slope across parking lot shall be 5%.

D. Show existing and proposed ground elevations for finishing grading at all corners of buildings and structures except for individual residences.

7.4.8 Walls and Slopes

A. Maximum earth slopes shall not exceed 2:1 (2 feet horizontal to 1 foot vertical). Where steeper slopes are needed, retaining walls or rip-rap are required. If the difference in grade at a property line exceeds 3 feet, then a retaining wall with fence at top is required, unless sloping can be done with the property itself.

Where a retaining wall is proposed it shall be topped with a suitable barrier or fence with a minimum height of four (4) feet. The back of any retaining wall shall not be closer than five (5) feet to an adjacent property boundary line.

B. Retaining walls shall be designed to provide footings below the frost line in the ground. Where the total height of the retaining wall exceeds 4 feet

or retains unbalanced fill, design calculations by a Registered Professional Engineer must be provided for approval of such walls.

C. The regrading of the property shall not result in the removal of natural exposed rock faces and bedrock outcropping, except that the Commission may permit removal when necessary and 2:1 (2 feet horizontal to 1 foot vertical) slope can be achieved by terracing to ensure stabilization and replanting as determined by the Commission. (Effective 3-4-2011)

7.4.9 Sidewalks and Curbs

A. Public Streets

1. All sidewalks and curbs in public streets shall be constructed to the standards of the Town of Newington.

2. All sidewalks shall be made of concrete or pervious concrete or pervious pavers or other materials acceptable to the Town, be at least 4 feet wide, and designed in accordance with the Town's construction standards and the American with Disabilities Act.

3. The requirement for curbing on a public street may be modified or waived by the Commission in order to implement low impact development techniques.

B. Private Property

1. Curbing in commercial developments shall be concrete or granite for entrance and exit drives and parking islands.

2. A 6" continuous bituminous curb is required on the perimeter of all private parking lots.

3. For a development approved by the Commission as a site plan or special permit, the requirement for curbing in a private parking area may be modified or waived by the Commission in order to implement low impact development techniques.

4. For other development not requiring approval by the Commission, the requirement for curbing in a private parking area may be modified or waived by the Town Engineer in order to implement low impact development techniques.

5. Curbing is not required for parking space adjacent to driveway for individual residences.

7.4.10 Street Lines and Grades

A. The minimum right-of-way width for any proposed street is shall be in accordance with the Subdivision Regulations. Other rights-of-way may be greater in width when required by the Commission.

B. For existing streets, the adopted street line grade shall be used. For new streets, the street line grade shall be designed in such a manner as to avoid the formation of deep cuts or high fills.

C. A plan and profile shall be submitted to the office of the Town Engineer to a scale of 1" = 40' horizontal, and 1" = 4' vertical, for approval of new streets and main private driveways. On all plan sheets, the finish grade shall be shown at 50 foot intervals at the street line, at each side of driveways and at each property corner. Adequate site distance shall be provided.

7.4.11 Water

The water supply system of any building used for human occupancy shall be connected to Metropolitan District Commission system or, where appropriate the New Britain Water Department system unless waived by the Commission ~~**after consultation with the Newington Public Health Coordinator.**~~ **upon the recommendation of the Central Connecticut Health District.**

7.4.12 Sewer

The sanitary system of any building used for human occupancy shall be connected to the public utility system, if available. A public sanitary sewer system shall be considered available to a building when the property line is located within 200 feet of an existing public sewer or when a new sewer line within 200 feet of the property line will be operational prior to the issuance of a Certificate of Occupancy. The Commission may waive this requirement ~~**after consultation with the Newington Public Health Coordinator.**~~ **upon the recommendation of the Central Connecticut Health District.**

7.4.13 Storm Drainage

All work shall be done in accordance with *Town of Newington Low Impact Development and Stormwater Manual* specifications. Hydraulic calculation must be submitted to the Town Engineer at the time of application for site plan development.

A. Standard State of Connecticut catch basin with sump required.

B. 12" minimum pipe size required for catch basins within the site.

C. 0.5% minimum acceptable grade for pipe.

D. 2.0' minimum cover over pipe except in street where 2.5' of cover is required.

E. On state highways and Town of Newington streets, the minimum size shall be 15" R.C. pipe.

F. Design storm system to handle the surface run-off from a storm having a 10-year frequency. Use 5 minute time of concentration for small parking lots. Large parking lots may require other standards, as determined by the Town Engineer. The computation shall consider all drainage areas contributing to the site, whether within the site or outside of it, based on

upstream development from existing zoning or Town's Plan of Development for most intensive use.

G. Show all roof drains -- type, size, location and point of connection to storm sewer. Specify invert elevation at point of connection. This requirement applies to all building structures except single-family housing. Roof leaders shall be piped (underground) into the on-site drainage system.

H. Where the proposed storm system is to be connected to an existing State of Connecticut drainage system, computations shall meet State design standards.

I. Drainage agreement must be signed where private connection is made into Town of Newington system.

7.4.14 Utilities

A. All existing utilities in the street and in right-of-way shall be clearly shown. This includes both the horizontal plan and the vertical profile. Included within this group are electrical and telephone underground wires or ducts.

B. All proposed utilities shall be located underground ~~**but the Commission may waive or modify this requirement due to adverse field conditions upon a two thirds vote and a statement of its reasons**~~.

C. All exterior mechanical equipment shall be shown whether on the roof or ground mounted.

D. Lighting

1. Lighting for parking areas, drives and general use shall be in fixtures with shielding or cut-off which direct the light to its intended location. No light shall be directed off the premises.

2. Lighting attached to commercial or industrial buildings to illuminate service bays, loading docks or similar purposes, shall be in fixtures which direct the light toward the intended use area. Spotlights and bare bulbs are not permitted.

3. Lighting for multi-family residential uses shall be located in decorative fixtures. Poles for lighting fixtures shall not exceed 17 feet in height. Lighting attached to buildings shall be decorative and intended primarily for safety. No bare bulbs or spotlights are permitted.

~~**4.**~~ Overall height of base, poles or standard and fixture for lighting in all non-residential uses shall not exceed 17' from the surrounding ground. ~~**The Commission may grant a height waiver for parking lots in excess of 100 cars.**~~

~~**5. Hi-pressure sodium type fixtures are preferred.**~~

7.4.15 Cultural Features including Flood Plains, Inland Wetlands and Slopes.

A. Show location and type of trees 6" diameter and larger, either existing or proposed, and all evergreens including shrubs. For area of solid woods, show outline of forest land parts.

B. Include location of all existing fences and structures, existing or proposed, in the site plan.

C. Show in detail any low areas that will not self-drain (swales) and location of all swamp areas.

D. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. These areas shall be kept in their natural condition and not modified ~~**unless waived by a two-thirds vote of the Commission. (Effective 3-4-2011)**~~ **unless approved by the Commission pursuant to a special permit in accordance with Section 5.2.**

7.4.16 Headwalls and Channel Protection

A. Where the storm drainage system discharges into any natural drainage course (brook, river, etc.), headwalls at the end of any pipe are required together with adequate armoring of channel banks to provide protection from water erosion; in general, equivalent to 50 S.F. of rip-rap for a 15" pipe and increase this amount proportionately for larger sizes of pipe.

B. Designs for headwall or end walls shall be submitted to the Town Engineer for approval. Where water velocities are high (more than 3 F.P.S., aprons with energy dissipating devices may be required together with adequate armor.

7.4.17 Snow Removal

Provisions shall be made for the storage of snow from parking areas within the site, in a location which is both appropriate and not required for other purposes. The area shall be shown on the plan as "Snow Storage Area".

7.4.18 Building or Structure Elevations

On all site plans, the finished first floor or top of foundations elevation together with basement floor elevation, must be shown. ~~**For subdivisions, these elevations may be required where questions arise as to surface or sanitary drainage for low lying areas.**~~

7.4.19 Fencing

A. Substantial fencing (chain link not less than 4' high) shall be required in all areas close to pedestrian or vehicular traffic where hazardous conditions exist. This includes the top of high retaining walls, headwalls, top of steep embankments, or near vertical embankment into stream courses. The determination of any fencing requirement will be made by the Commission based upon the particular situation or location.

B. Fencing in non-residential uses shall not exceed 4' in height in the front yard, subject to Section 4.4.2, nor 8' in height in side or rear yards. Fencing in locations outside of yard areas shall not exceed 12' in height.

C. Fencing in residential uses shall not exceed 4' in height in the front yard, subject to Section 4.4.2, nor 6' in side or rear yards or elsewhere on the site.

D. Fencing on corner lots shall not exceed 4' in height along the two (2) front sides of the property and may only be increased to 6' in height starting at the rear street side corner of the dwelling unit. The fence height and placement cannot impede corner visibility and shall conform to all applicable traffic standards as determined by the Town Engineer (Effective 10-3-08).

7.4.20 Building Locations

A. Buildings shall be located showing the required front yard setback distance from the front property line and the closest distance from the building to each side of the lot or area. Locating one building from another is not acceptable when two or more buildings are included.

B. Overall dimensions and proposed gross floor area of each building must be shown including any irregular areas or jogs.

7.4.21 Erosion and Sedimentation Control

The "Guidelines for Soil Erosion and Sediment Control," Connecticut DEP, January 1985 will be used as the minimum standard for the design of erosion and sediment control measures.

7.4.22 Certification

Residential, Commercial and Industrial Site Plans: The seals of a Professional Engineer, Land Surveyor and Landscape Architect, licensed to practice in the State of Connecticut, must be stamped or embossed on each sheet where each shall have responsibility in the development of the site plan as outlined in the Rules and Regulations of the associated Board of Registration.

7.4.23 Map Title

There shall be a Title Block which shall contain the following information:

1. ~~**Location**~~ **Street Address** of property
2. Owner of property, **and the name of the** developer **if different**
3. Date
4. Scale
5. Name(s) or Person(s) making map

7.4.24 Actual field conditions may be different or changed from those conditions assumed in the preparation of this plan, and in such circumstances, the Town Engineer may direct that certain modifications or amendments be effected and constructed to ameliorate such changed conditions.

7.4.25 Additional requirements may be stipulated by the Commission for sidewalks, curbing, retaining walls, pavement construction, stormwater management, etc. on those site plans on which it has conditional approval, if it finds that unusual or special conditions of the property warrant such changes.

7.4.26 These requirements may be modified or reduced by the Commission if it finds that unusual or special conditions, including increasing the utilization of low impact development techniques, warrant a waiver from the strict interpretation of these standards.

7.4.27 All work in connection with such site plan shall be completed within five years after the approval of the site plan. The Certificate of Approval of such site plan shall state the date on which such five-year period shall result in automatic expiration of the approval of such site plan. "Work" for the purposes of this Subsection, means all physical improvements required by the approved site plan.

7.4.28 Filing of Approved Plans

Plans which require the signature of the Chairman prior to filing shall not become effective until the following steps are completed:

A. a) a transparency of the Certificate of Action is affixed to the original plan mylar; b) the conditions are noted and incorporated onto the plan; c) the mylar original is signed by the TPZ Chairman; and d) a mylar copy of the signed mylar original is filed in the Town Plan and Zoning Office.

B. Special Exceptions will not become effective until the Certificate of Action is filed by the applicant on the Land Records of the Town of Newington.

C. The Commission reserves the right to require, in addition to mylar fillings, the submission of plan data in Connecticut State Plane Coordinate System NAD83, units: US Feet for incorporation into the Town Planning Department's GIS data base.

7.4.28 Signature Block

Approved by the Town Plan and Zoning Commission under Petition #_____ at meeting of _____

_____ _____

Date Chairman