NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING
Wednesday, November 13, 2013

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

7:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARING:

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

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

a. October 23, 2013

VII. NEW BUSINESS

a. Performance Bond Reduction Request #5 for "Victory Gardens" on Veterans Drive.

VIII. OLD BUSINESS:

a. Petition #47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana). Town Plan and Zoning Commission, applicant.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

a. Petition #59-13: Special Exception (Section 6.2.4: Free Standing Business Sign) at 665 New Britain Avenue ("C&C Janitorial Supplies"). 665 CC Associates LLC, owner; C&C Janitorial Supplies, applicant; Grace Cafe, 665 New Britain Avenue, Newington CT, contact.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2013 NOV -8 A 9:34

BY Tanya D Lane
TOWN CLERK

b. Petition #60-13: Special Exception (Section 6.13: Accessory Apartment) at 18 Homecrest Street. Miguel Braga, owner/applicant; Jessica Dornelas, 350 Silas Deane Highway, Wethersfield CT, contact.

X. TOWN PLANNER REPORT

a. Town Planner Report for October 23, 2013

XI. COMMUNICATIONS

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

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURNMENT

Submitted,

Craig Minor, AICP
Town Planner

STAFF REPORT
Planet Fitness

November 7, 2013

Petition #58-13
Special Exception (Section 3.15.6: Fitness Center)
172-206 Kitts Lane
Brendan Kolnick, contact.

Description of Petition #58-13:

The owner of the building wants to lease a portion of it to Planet Fitness for use as a fitness center. A fitness center is allowed by special exception under Section 3.15.6: "Places of recreation such as health clubs, bowling alleys, and amusement enterprises..."

Staff Comments:

This petition is to operate a "Planet Fitness" facility in the shopping center at 172-206 Kitts Lane. It will take the space that was previously occupied by the former "Office Depot" store, between the "Bob's Store" and "Petco".

Whenever a special exception use is proposed in close proximity to one or more existing uses, care should be taken to ensure that the special exception use does not present any detriment to the surrounding uses. In this instance the adjacent uses are conventional retail, so there does not appear to be any potential for conflict. A fitness center typically has much broader hours of operation than retail, but I don't see any problem with that here.

The shopping center is over 50,000 s.f., so per Sec. 6.11.C as amended on June 26, 2013 there is adequate parking for this new use.

cc:
file

ck# 12958 # 58-13

RECEIVED
OCT 15 2013
PLANNING DEPT.

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

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

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

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

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

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

OWNER OF RECORD: TLG Newington, LLC

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

o Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).

o Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).

o Subdivision

o Resubdivision (Public Hearing required).

X Special Exception per Section 3.15.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).

o Site Plan Approval or Modification

o Other (describe in detail, or attach): _____

SIGNATURE: , pres

APPLICANT DATE OWNER DATE

TLG Newington, LLC, By: Yale Realty Services Corp., Managing Agent
By: Yale Paprin, President

TLG Newington, LLC, By: Yale Realty Services Corp., Managing Agent
By: Yale Paprin, President

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

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

MINTZ LEVIN

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

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

October 11, 2013

RECEIVED
OCT 15 2013
PLANNING DEPT.

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

Re: Application for Special Exception

Dear Newington Town Plan and Zoning Commission:

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

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

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

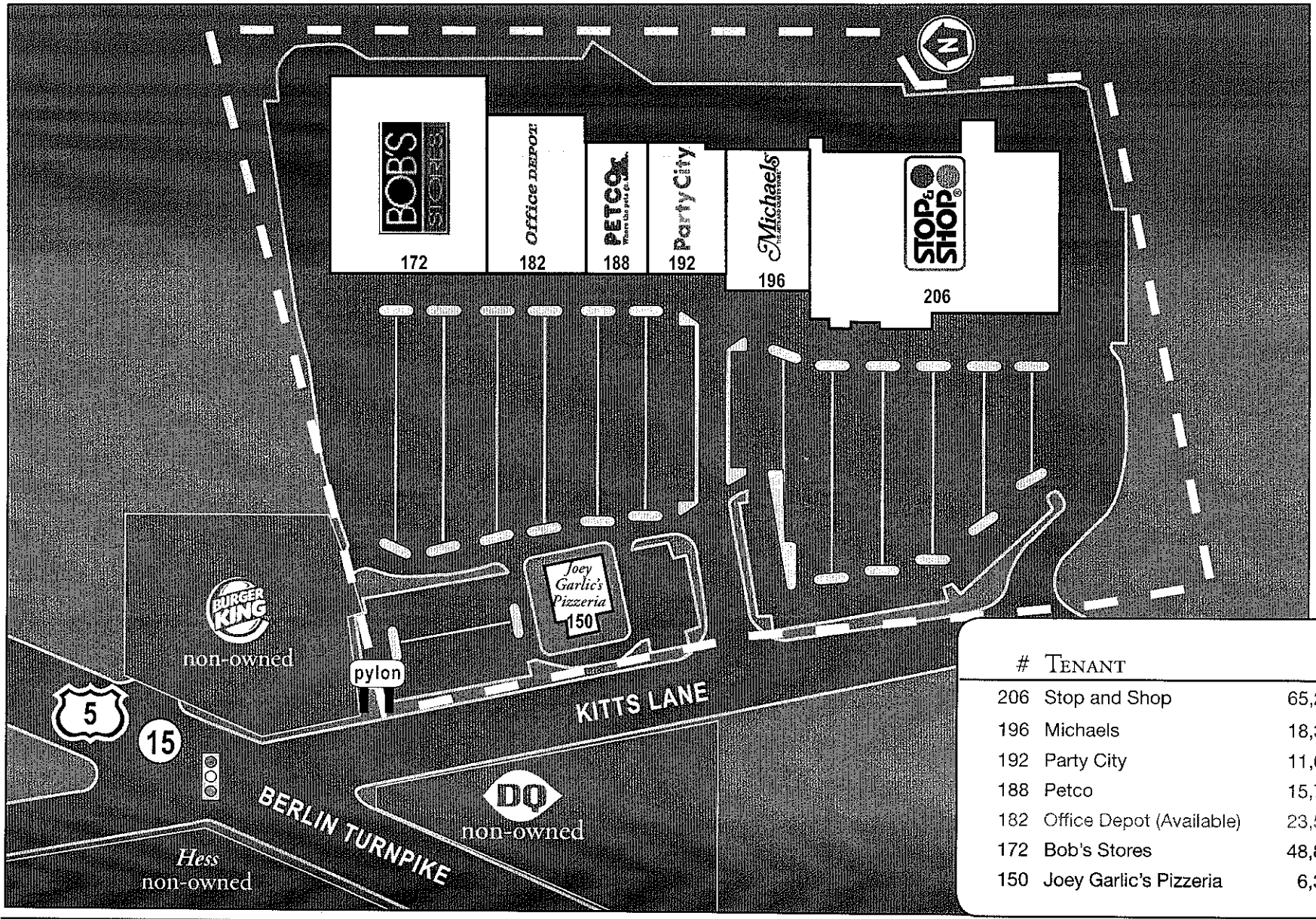
Please contact me with any questions or if more information is required.

Sincerely,

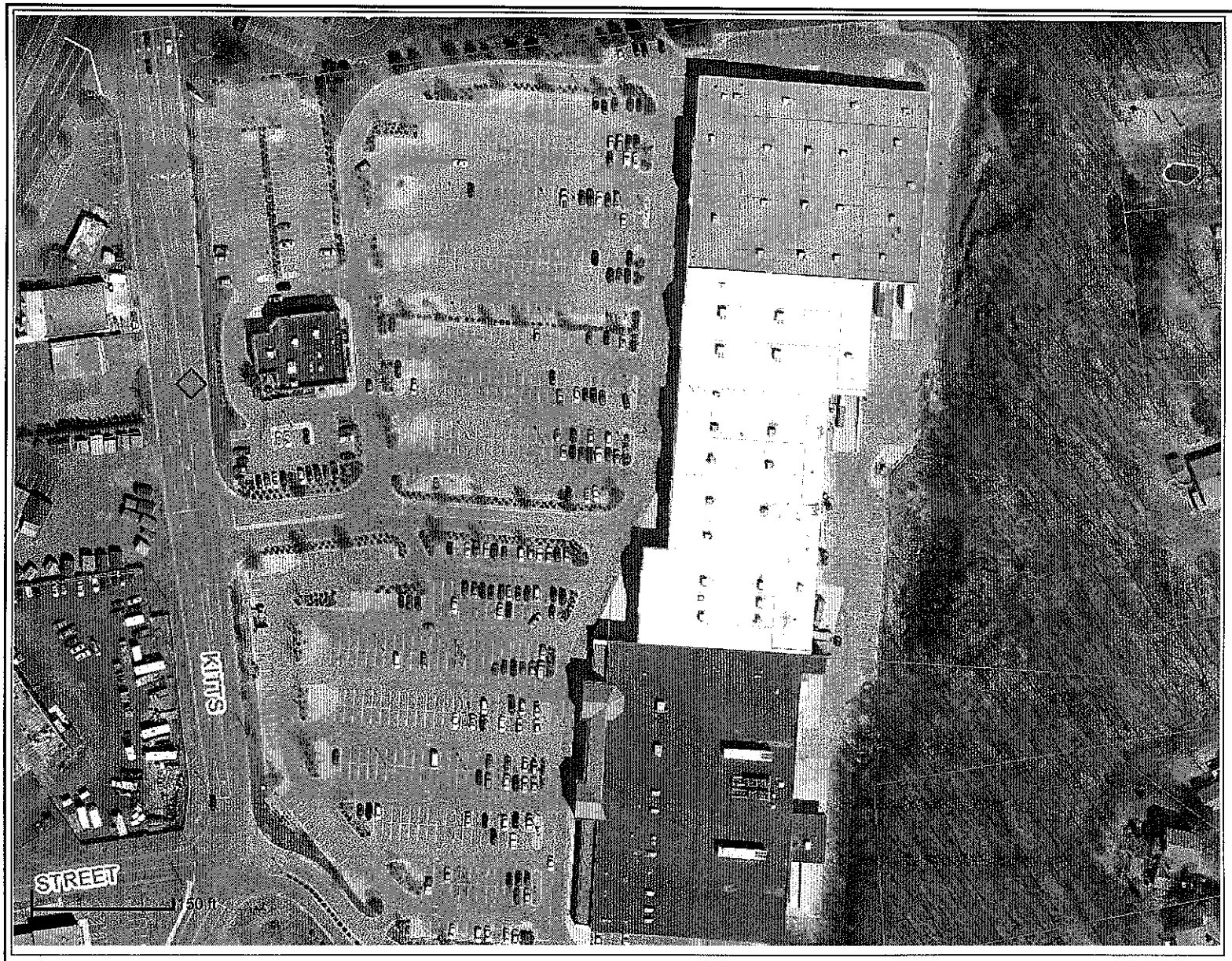
Stuart A. Offner

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

Newington Commons
Newington, CT



#	Tenant	SF
206	Stop and Shop	65,243
196	Michaels	18,301
192	Party City	11,684
188	Petco	15,733
182	Office Depot (Available)	23,520
172	Bob's Stores	48,884
150	Joey Garlic's Pizzeria	6,359



Markup Line

Markup Polygon

Neighboring Towns

Parcels

2009 Color Aerial Photo

Red: Band_1

Green: Band_2

Blue: Band_3

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

Town of Newington, CT

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

Wed Oct 16 13:37:53 EDT 2013

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission

From: Craig Minor, Town Planner

Date: November 8, 2013

Re: **Performance Bond Reduction #5 at "Victory Gardens"**

The previous bond reduction request was denied by TPZ at the meeting on October 23, 2013 because all site work was not complete, despite the applicant's claim. The sidewalk in the southeast corner of the site had not been poured, and the landscaping along the southeast property line had not been planted and hydro-seeded. That work was actually done the following day. It has been inspected by the town staff and a final report is forthcoming.

The bond is currently $90,173. The Engineering Department recommends withholding $1,250 to cover two outstanding documents (the final as-built and the Engineer's certification of the drainage). I recommend retaining an additional $4,776 (5% of the landscaping) to ensure survival of the planted trees and shrubs and the establishment of the hydro-seeded lawn areas.

My recommendation is to release $84,174.

cc:
Town Engineer
file

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

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

November 8, 2013

Petition #47-13
Text Amendment for New Section 6.15 (Medical Marijuana Dispensing and Production)
Town Plan and Zoning Commission, applicant

Description of Petition #47-13:

The Connecticut legislature adopted Public Act 12-55 last year, which allows the production (growing) and dispensing of "medical marijuana" following the issuance of a license from the Connecticut Department of Consumer Protection. Newington's zoning regulations are silent on this, so TPZ directed me to draft a zoning amendment to regulated medical marijuana production and dispensing in Newington.

Town Planner Comments:

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

This draft limits the growing (production) and dispensing of medical marijuana to just the Industrial zone, and to industrial zoned sites that are at least 1000' feet from any church, school, or playground as well as at least 1000' from any residential zone.

A copy of the final draft is attached, with two technical corrections:

a. The Public Act that authorized the growing and dispensing of medical marijuana is PA 12-55, not PA 12-155;

b. I inadvertently used the word "distribution" instead of "dispensary" in two places.

cc:
file

PROPOSED
Medical Marijuana Dispensary and Production Zoning Regulations

Section 6.15 Medical Marijuana Dispensary and Production

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

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

A. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-55 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies;

B. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Public Act 12-55 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

6.15.3 Applicability:

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

1. I Industrial Zone

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

A. No medical marijuana dispensary facility or production facility shall be allowed within 1,000 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;

B. No medical marijuana dispensary facility or production facility shall be allowed within 1,000 feet of any other site containing a medical marijuana ~~**distribution**~~ **dispensary** facility or production facility;

C. No medical marijuana ~~**distribution**~~ **dispensary** facility or production facility shall be allowed on a site that is less than 1,000 feet from any property that is zoned for single-family residential use as a permitted use.

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

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

6.15.5 Sign and exterior display requirements:

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

6.15.6 Off-Street Parking requirements:

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

6.15.7 Security Requirements:

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

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

6.15.8 Conditional Approval:

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

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

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

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

6.15.9 Connecticut Department of Consumer Protection Approval:

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

STAFF REPORT
Free-Standing Sign for C&C Janitorial

November 8, 2013

Petition #59-13:
Special Exception (Section 6.2.4: Free-standing Business Sign)
655 New Britain Avenue ("C&C Janitorial Supplies")
C&C Janitorial Supplies, applicant

Description of Petition #52-13:

The applicant would like to add a line to the bottom of the existing "C&C Janitorial Supplies" sign, increasing the total area by 7.8 square feet. Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

This will make the sign slightly larger, but will not increase the height nor the width. I will ask the ZEO to confirm that it does not exceed the total amount of signage allowed for this building.

I recommend the public hearing be scheduled for November 26, 2013.

cc:
file

Ck #5410

Petition # 59-13

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 665 New Britain Ave **ZONE:** Industrial

APPLICANT: CCC TELEPHONE: 860-594-4200

ADDRESS: 665 New Britain Ave EMAIL: grace@ccsupplies.com

CONTACT PERSON: Grace Cafe TELEPHONE: 860-594-4200

ADDRESS: see above EMAIL: see above grace@ccsupplies.com

OWNER OF RECORD: 665 Associates LLC

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

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

SIGNATURE:

Grace Cafe	10-22-13	Grace Cafe	10-22-13
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.

JANITORIAL SUPPLIES

October 24, 2013

Request to update our company sign to let the public know that we sell Generators, Firewood and Pressure Washers.

The sign consists of adding under the current sign a plastic ¼" thick 16"height x 70" width with 3"letters per attached copy.

C&C JANITORIAL SUPPLIES

665 New Britain Ave.

- Snowblowers
- Lawn Mowers
- Ice Melt
- Generators
- Firewood
- Pressure Washers

16"

70"

JANITORIAL
SUPPLIES
665 New Britain Ave.
NOTICE
PUBLIC HEARING
TOWN OF
NEWINGTON
CALL 665-8575

STAFF REPORT
Accessory Apartment

November 8, 2013

Petition #30-12
Special Exception (Section 6.13: Accessory Apartment)
18 Homecrest Street
Miguel Braga, owner/applicant

Description of Petition #30-12
This petition is for an accessory apartment in the house at 18 Homecrest Street. Accessory apartments are allowed by special exception in the R-12 and R-20 zones only.

Staff Comments
The proposed apartment will be below the first floor, with a "walk in" entrance in back. The house is built on a slope so the living area of the proposed apartment is, on average, above grade and therefore complies with the Building Department's requirements.

I recommend the public hearing be scheduled for November 26, 2013.

cc:
file

CR# 1502

TOWN OF NEWINGTON

Petition # 60-13

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 18 Homecrest Street **ZONE:** R-12

APPLICANT: Miguel Braga TELEPHONE: 860-324-1226

ADDRESS: 18 Homecrest, Newington, CT 06111 EMAIL: _____

CONTACT PERSON: Jessica Dornelas TELEPHONE: 860-563-7510

ADDRESS: 350 Silas Deane, Wethersfield, CT EMAIL: jessica@dornelaslaw.com

OWNER OF RECORD: Miguel Braga

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

o Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).

o Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).

o Subdivision

o Resubdivision (Public Hearing required).

XX Special Exception per Section 6.13, 5.2 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).

o Site Plan Approval or Modification

o Other (describe in detail, or attach): _____

_____.

SIGNATURE:

Miguel L. Braga	10/7/2013	Same	
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.

October 25, 2013

RE: 18 Homecrest Street, Newington, CT 06111

I, Miguel Braga, of 18 Homecrest Street, Newington, Connecticut being duly sworn, depose and say that:

1. I am over eighteen and I believe in the obligation of an oath.
2. On June 21, 2013 I purchased the property on 18 Homecrest Street, Newington, CT (hereinafter referred to as "The Property".
3. I live in The Property and I intend to reside in The Property the entire duration that I own it.
4. If approved by the Newington Zoning Commission, my sister will reside in the in law apartment in the lower level.
5. I will not allow anyone besides my sister to reside in the in law apartment.

Miguel Braga

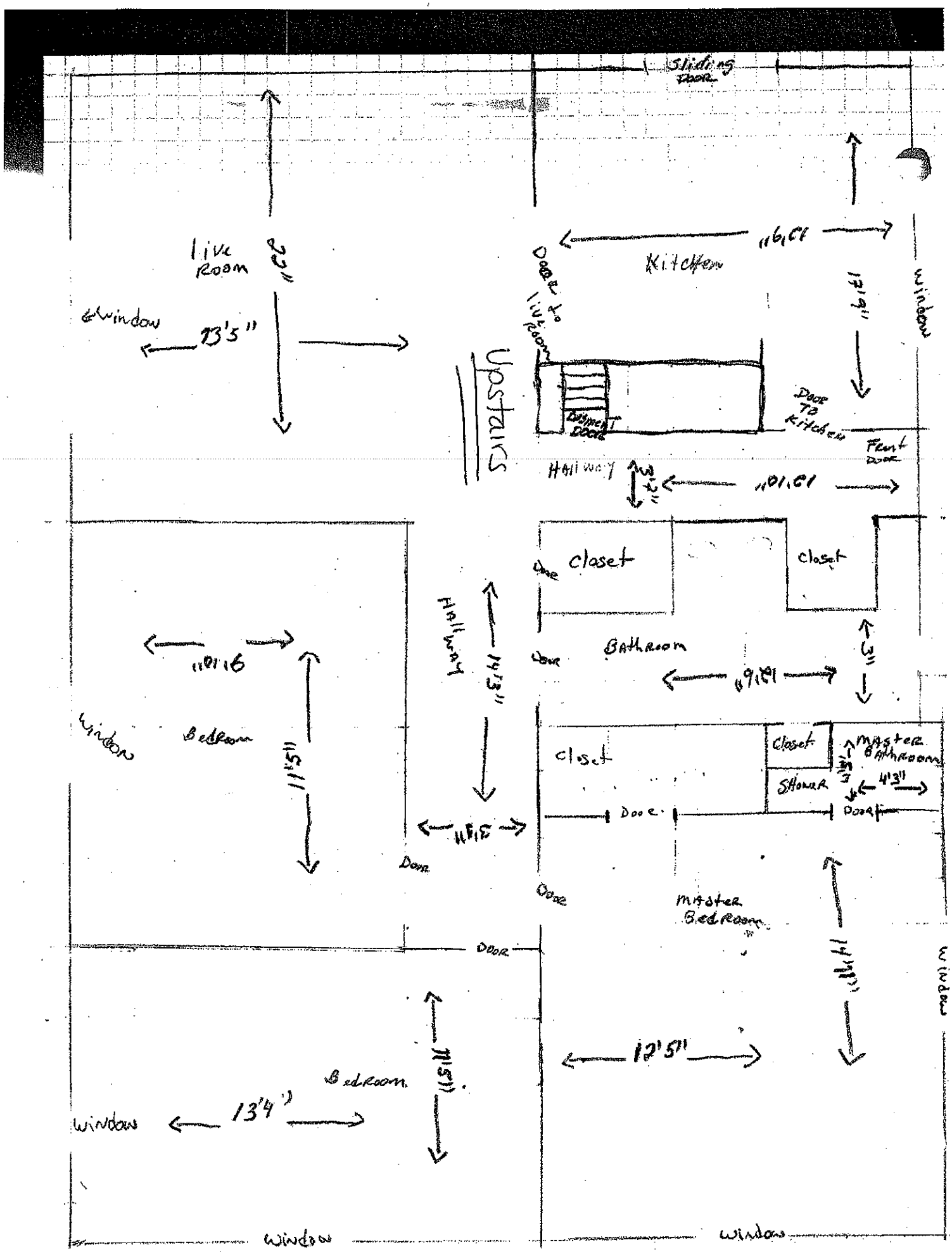
Miguel Braga

STATE OF CONNECTICUT)
)
COUNTY OF HARTFORD) ss. Wethersfield October 25, 2013

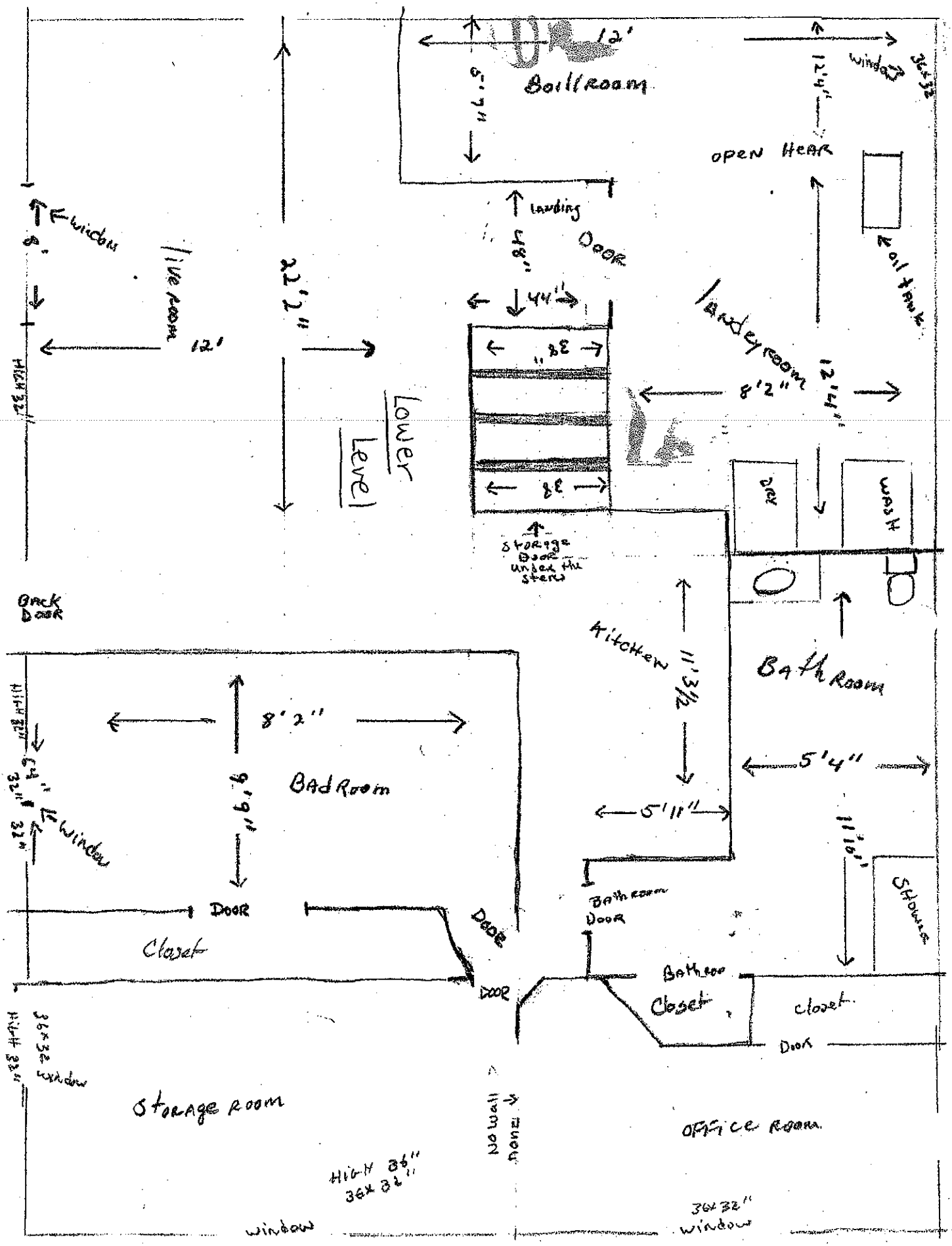
Personally appeared, Miguel Braga as aforesaid, Signer of the foregoing instrument who acknowledged the same to be his free act and deed, before me.

Jessica Dornelas

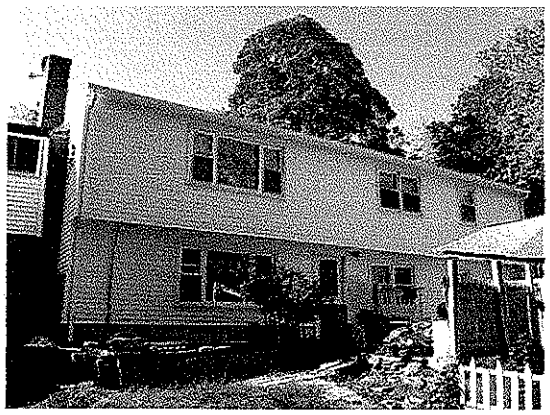
Jessica Dornelas,
Commissioner of the Superior Court



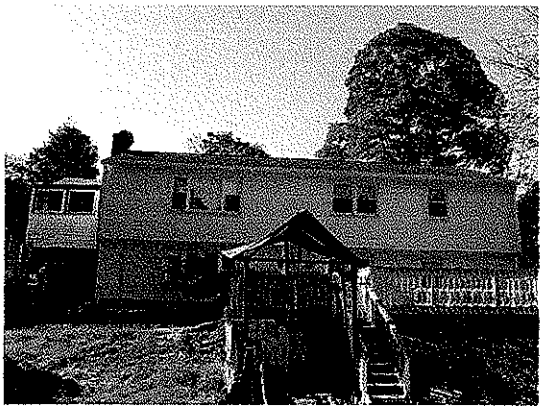
Sliding Door
Live Room
22"
Window
13'5"
Kitchen
Door to Live Room
17'9"
Window
Upstairs
Door To Kitchen
Front Door
Hallway
Closet
Closet
Door
Bathroom
Door
3"
Hallway
14'3"
Window
Bedroom
11'5"
Closet
Closet
Master Bathroom
Shower
4'3"
Door
Door
Door
Door
Master Bedroom
Door
14'11"
Window
12'5"
Bedroom
11'5"
Window
13'4"
Window
Window



12'
Boill Room
5'7"
12'4"
window
36x32
open Hear
landing
48"
Door
oil tank
window
8'
live room
12'
22'2"
44"
38"
Landey room
8'2"
12'4"
High 32"
Lower Level
38"
Dry
Wash
Storage Door under the stairs
Back Door
Kitchen
11'3½
Bath Room
8'2"
High 32"
64"
32"
32"
window
9'9"
Bad Room
5'4"
5'11"
11'10"
Shower
Door
Closet
Door
Door
Bathroom Door
Bathroom
Closet
closet
Door
High 32"
36x32 window
Storage room
No wall
Office Room
High 36"
36x32"
window
36x32"
window



18 Homecrest, Newington- Rear



18 Homecrest, Newington- Rear #2