



NEWINGTON TOWN PLAN AND ZONING COMMISSION

REGULAR MEETING and PUBLIC HEARING

Wednesday, February 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 #02-13: Special Exception (Section 3.15.6: Health Club) at 3153 Berlin Turnpike. McBride Properties, owner; Oana Nita, 55 Highgate Road Apt. B5, Newington CT, applicant/contact person.
- b. Petition #03-13: Special Exception (Section 3.15.6: Health Club) at 193 Pascone Place. Frederick and Barbara Alciati, owner; Bionic Athletics Inc, applicant; Michael T. Jordan, 40 Hillside Road, Kensington CT, contact person.
- c. Petition #38-12: Special Exception (Section 3.15.8: Motor Vehicle Service Use) at 2903 Berlin Turnpike. Wex-Tuck Realty LLC, owner; Bismarck Real Estate Partners Inc, applicant; Jason Mikrut P.E., 54 Tuttle Place, Middletown CT, contact person.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; each speaker limited to two minutes)

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. January 23, 2013

VII. NEW BUSINESS:

- a. Petition #39-12: Site Plan Approval ("Firestone Complete Auto Care") at 2903 Berlin Turnpike. Wex-Tuck Realty LLC, owner; Bismarck Real Estate Partners Inc, applicant; Jason Mikrut P.E., 54 Tuttle Place, Middletown CT, contact person.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

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BY *Tanya D Lane*

TOWN CLERK

- b. Petition #40-12: DMV Location Approval (“Firestone Complete Auto Care”) at 2903 Berlin Turnpike. Wex-Tuck Realty LLC, owner; Bismarck Real Estate Partners Inc, applicant; Jason Mikrut P.E., 54 Tuttle Place, Middletown CT, contact person.

VIII. OLD BUSINESS

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING: (February 27 and March 13)

- a. Petition #05-13: Special Exception (Section 3.17.8: Motor Vehicle Service Use) at 476 Fenn Road. Khalid Mahmood, 153 Mansion Road, Cheshire, CT 06410. owner/applicant/contact.
- b. Petition 06-13: Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike (“Plaza Azteca Restaurant”). Hector Angel, owner; Manuel Rubio, applicant/contact.
- c. Petition 07-13: Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3384 Berlin Turnpike, 2601 Berlin Turnpike, and 548 Cedar Street (“Dunkin Donuts”). Cary Gagnon, owner/applicant; Anja Skehan, 66 Cedar Street #300B, Newington CT, contact.

X. TOWN PLANNER REPORT

- a. Staff Report

XI. COMMUNICATIONS

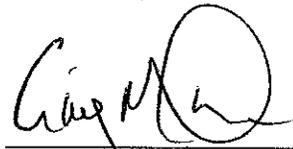
XII. PUBLIC PARTICIPATION (for items not listed on the on the Agenda; each speaker limited to two minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURNMENT

Submitted,



Craig Minor, AICP
Town Planner

**TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION**

APPLICATION FORM

CK# 101

APPLICATION #:	02-13
SUBMITTED DATE:	12/21/12
RECEIVED DATE:	1/9/13
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 3153 Berlin Turnpike ZONE: _____

✓ APPLICANT: Oana Nita TELEPHONE: 860 548 6271

✓ ADDRESS: 55 Highgate Rd Apt B5, North CT EMAIL: oanadr@gmail.com

✓ CONTACT PERSON: Oana Nita TELEPHONE: 860 548 6271

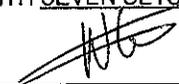
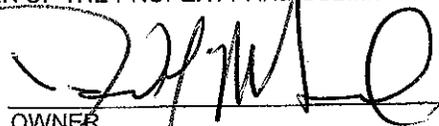
✓ ADDRESS: 55 Highgate Rd Apt B5, North CT EMAIL: oanadr@gmail.com

✓ OWNER OF RECORD: McBride Properties, 3153 Berlin Turnpike

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.15.6 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.			
	12/21/2012		DATE
APPLICANT	DATE	OWNER	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

PREMIUM SPORTS LLC
55 Highgate Rd, apt B5
Newington, CT 06111
Cell Phone: 860 548 6271
email: ladyfitusa@gmail.com



LADY FIT Studio
McBride Plaza - 3153 Berlin Turnpike - File -
Newington, CT 06111

LADY FIT is a women's only, exclusive and private studio where women of all ages and fitness levels are welcomed to enjoy our unique aerobic classes and special training programs without the use of workout machinery.

Our goal is to create a community centered on leading healthy and balanced lifestyle. Every week, our members will enjoy private personal training, weight management and a wide range of group exercise classes such as Piloxing, Interval Training, P90X, mind and body classes such as Beam Fit, Yoga, Pilates, and dance oriented classes such as Zumba. We will offer from one-on-one personal training sessions, to small group classes (3-4 people) and large group classes (10-12 people). We have a class that suits every woman's taste.

Our staff of qualified personal trainers and group instructors is fully dedicated to providing personalized and progressive fitness programming specifically for women and advisory training sessions that can deliver to each member the best combination workout in order to achieve their fitness goals.

Our facility will offer very clean bathrooms with showers, hair and hand dryers, special area for make up and individual keyed lockers.

Thank you!

Oana Nita
Owner

A handwritten signature in black ink, appearing to read "Oana Nita", is written over the printed name and title.

Date
12.14.2012

STAFF REPORT
"Lady Fit Studio" at 3153 Berlin Turnpike

February 6, 2013

Petition #02-13
3153 Berlin Turnpike
Special Exception Section 3.15.6 (Health Club) for "Lady Fit Studio"

Description of Petition #02-13:

This petition is to operate a fitness center at the McBride Plaza at 3153 Berlin Turnpike. It will occupy a vacant space in the south wing of the building. This is allowed by special exception in the PD zone. See attached letter from the applicant explaining the operation.

Staff Comments:

1. Parking: Section 3.15.6 of the zoning regulation puts "health clubs" in the category of "places of recreation". The parking requirements for "Theaters, places of assembly, amusement, recreation and education" are one space for every two seats or one space for each three persons based on the Fire Marshal's rated capacity, whichever is greater, but the TPZ can "modify this standard for recreation uses".

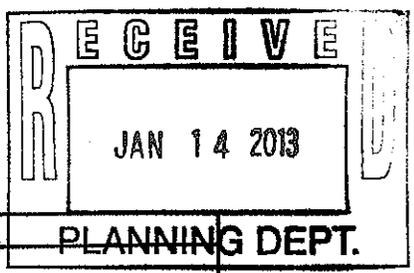
This is an existing commercial building with four other existing tenants. I have visited the site and did not see any apparent shortage of parking. I therefore recommend TPZ find the amount of parking currently available for this unit to be sufficient for this activity.

2. No changes are proposed to the building or to the site.

cc:
file

OK# 1905

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION
APPLICATION FORM



APPLICATION #:	D3-13
SUBMITTED DATE:	1/14/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

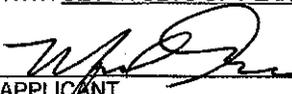
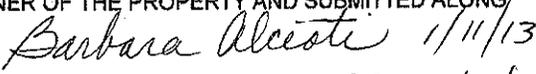
LOCATION OF PROPERTY: 193 Pascone Place ZONE: PD
 APPLICANT: Bionic Athletics, LLC. TELEPHONE: _____
 ADDRESS: 40 Hillside Rd, Kensington, CT 06037 EMAIL: mjordan@bionic-crossfit.com
 CONTACT PERSON: Michael Jordan TELEPHONE: (720)384-5966
 ADDRESS: 40 Hillside Rd, Kensington, CT 06037 EMAIL: m.jordan42@gmail.com
 OWNER OF RECORD: Frederick Alciati and Barbara Alciati

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.15.6 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	
APPLICANT	OWNER
DATE	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

Minor, Craig

From: Felicia Jordan [feliciajordan@me.com]
Sent: Wednesday, January 16, 2013 7:17 AM
To: Minor, Craig
Subject: 193 Pascone

Good Morning,

Sorry for the delay in getting this to you and thanks again for the assistance on getting paperwork in for 193 Pascone.

Please let me know if the information below will suffice. It includes the mission statement for Bionic CrossFit as well as some basic information on CrossFit in general.

Mission Statement:

Our Mission is to provide our clientele with the strength and conditioning needed to better their lifestyles and improve every day function and mobility. It is our goal to provide the very best training consistent with the CrossFit programming to optimize performance and fitness. BIONIC CrossFit will offer a distinct style of fitness training, pulling from multiple schools, philosophies and modalities. The purpose of CrossFit is to provide the greatest, healthiest, and most efficient results possible. The training will be extremely challenging, unique, and creative in ways that sparks inspiration for our athletes. When the athletes are finished each session, they will learn something about themselves and feel invigorated, seeing how much they can truly accomplish when driven. The training at BIONIC CrossFit will develop strength physically and mentally for each student. We believe that strengthening one's body and mind allows a person to reach their fullest potential in all aspects of life.

About CrossFit:

CrossFit is a strength and conditioning program that is constantly varied, high intensity, functional movement. The goal of the program is improving fitness (and therefore general physical preparedness), which is defined as "work capacity across broad time and modal domains." Workouts are typically short—20 minutes or less—and intense, demanding all-out physical exertion. They combine movements such as sprinting, rowing, jumping rope, climbing rope, flipping tires, weightlifting, and carrying odd objects. We also use barbells, dumbbells, gymnastics rings, pull-up bars, kettlebells, medicine balls, boxes for box jumps, and many bodyweight exercises. These elements are mixed in numerous combinations to form prescribed "Workouts of the Day" or "WODs". CrossFit is the principal strength and conditioning program for many police academies and tactical operations teams, military special operations units, champion martial artists, and hundreds of other elite and professional athletes worldwide. Our program delivers a fitness that is, by design, broad, general, and inclusive. Our specialty is not specializing. Combat, survival, many sports, and life reward this kind of fitness and, on average, punish the specialist. The CrossFit program is designed for universal scalability making

it the perfect application for any committed individual regardless of experience. We scale load and intensity; we don't change programs. The needs of Olympic athletes and our grandparents differ by degree not kind.

Why Crossfit: In a departure from a standard gym membership, CrossFit encourages its athletes to meet their goals in a highly focused group setting. Intensity, integrity and an inevitable interdependence create a sense of community. There are no treadmills, mirrors or tanning beds in our "box". We cater to those who seek training that positively impacts their daily functions in life. Whether your goal is to train for a fitness competition, run an obstacle race or to keep up with your children – CrossFit is the place for you.

For more on CrossFit visit www.crossfit.com

Felicia Jordan
720-384-7746

**STAFF REPORT
"Bionic Athletics"**

February 6, 2013

Petition #03-13
193 Pascone Place
Special Exception Section 3.15.6 (Health Club)
"Bionic Athletics Inc", applicant

Description of Petition #03-13:

The applicants wish to operate a "Crossfit" training facility in the vacant building at 193 Pascone Place. This is allowed by special exception in the PD zone. See attached letter from the applicant.

Staff Comments:

1. Parking: Section 3.15.6 of the zoning regulation puts "health clubs" in the category of "places of recreation". The parking requirements for "Theaters, places of assembly, amusement, recreation and education" are one space for every two seats or one space for each three persons based on the Fire Marshal's rated capacity, whichever is greater, but the TPZ can "modify this standard for recreation uses".

This will be the only tenant in an existing commercial building. I recommend TPZ find the amount of parking on site to be sufficient for this activity.

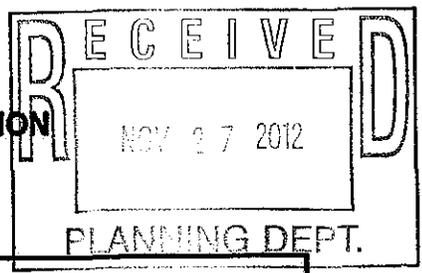
2. No changes are proposed to the building or to the site.

cc:
file

38-12

(fee paid under #38-12)

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION



APPLICATION FORM

APPLICATION #: 38-12
SUBMITTED DATE: 11/27/2012
RECEIVED DATE: 11/28/2012
PUBLIC HEARING OPENED:
PUBLIC HEARING CLOSED:
DECISION DATE:
DECISION PUBLISHED:
COA SENT:
MYLAR FILED:

LOCATION OF PROPERTY: 2903 Berlin Turnpike ZONE: PD - Planned Development
 APPLICANT: Bismarck Real Estate Partners, Inc. TELEPHONE: (214) 872-4091
3000 Internet Blvd., Suite 570 Frisco, TX 75034 EMAIL: robert.vann@guggenheimpartners.com
 CONTACT PERSON: VHB - Jason P. Mikrut, P.E. TELEPHONE: (860) 632-1500
54 Tuttle Place, Middletown, CT 06457 EMAIL: jmikrut@vhb.com
 OWNER OF RECORD: Wex-Tuck Realty, LLC

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.19.1 (3.15.8) of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

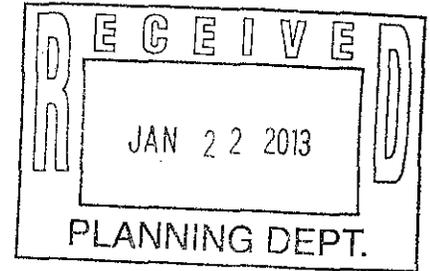
THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

[Signature] 10/25/12 APPLICANT DATE [Signature] 10/31/12 OWNER DATE

NOTE:
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SHIPMAN & GOODWIN LLP®
COUNSELORS AT LAW



Timothy H. Hollister
Phone: (860) 251-5601
Fax: (860) 251-5318
thollister@goodwin.com

January 17, 2013

Mr. David Pruett, Chair,
and Commission Members
Town Plan and Zoning Commission
Town of Newington
131 Cedar Street
Newington, CT 06111

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

Re: Application of Bismarck Realty Partners, Inc. for Special Permit, 2903 Berlin Turnpike

Dear Chair Pruett, Commission Members, and Mr. Minor:

We represent several owners and operators of automotive and auto-related uses in Newington.¹

On their behalf, in August 2012, we filed an appeal in Superior Court challenging the legality of amendments adopted by the Town Plan and Zoning Commission ("PZC") to the Zoning Regulations regarding auto-related uses.²

The Bismarck application seeks a special permit under the Regulations that were amended and are now being reviewed by the Superior Court. Specifically, the Bismarck application lists §§ 3.15.8 and 3.19.1 as the bases; these are the sections addressed in the pending appeal.

¹ Our clients are: Modern Tire Recapping Company, Inc., 3455 Berlin Turnpike; 3455 BTP, LLC, 3455 Berlin Turnpike; Turnpike Motors, Inc., 2550 Berlin Turnpike; East PBE, Inc., 283 Pane Road; Pane Road Complex, LLC, 105-113 Pane Road; Salem Motors, Inc., 105 B Pane Road; American Motor Group, LLC, 105 D Pane Road; and Connecticut Auto Repair, LLC, 113 B Pane Road.

² *Modern Tire Recapping Company, Inc., et al. v. Newington Town Plan and Zoning Commission*, Judicial District of Hartford, Docket No. HHD CV 12 6035007S.

Mr. David Pruett, Chair,
and Commission Members
Mr. Craig Minor
January 17, 2013
Page 2

The purpose of this letter is to advise the PZC that (1) if the Bismarck special permit application is approved and the regulation amendments on which it is based are then invalidated, the special permit will necessarily also be invalidated; (2) if the applicant proceeds with the pending application, our clients reserve the right to bring the PZC proceedings to the Court's attention as additional evidence and illustration of the legal issues raised in the pending appeal; and (3) should the PZC approve the special permit, and Bismarck attempts to proceed with site preparation or construction, our clients will be forced to consider a temporary injunction preserving the status quo until such time as their pending appeal has been fully adjudicated.

Thank you for your attention.

Very truly yours,



Timothy S. Hollister

TSH:ekf

c: Peter J. Boorman, Esq.
John W. Bradley, Jr., Esq.
Modern Tire Recapping Company, Inc.
3455 BTP, LLC
Turnpike Motors, Inc.
East PBE, Inc.
Pane Road Complex, LLC
Salem Motors, Inc.
American Motor Group, LLC
Connecticut Auto Repair, LLC

STAFF REPORT
"Firestone Complete Auto Care"

February 6, 2013

Petition #38-12

2903 Berlin Turnpike

Special Exception Section 3.15.8 (Motor Vehicle Service Use)

Bismarck Real Estate Partners Inc, applicant

Description of Petition #38-12:

The applicants wish to construct and operate an 8,400 square foot "motor vehicle service use" facility at 2903 Berlin Turnpike in the PD zone. This activity is allowed by Special Exception in the PD zone:

For the purpose of this section, "motor vehicle service uses" include but are not limited to those of a limited repairer as defined in Sec. 14-51(a)(4) of the Connecticut General Statutes; the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts as described in Sec. 14-51(b) of the Connecticut General Statutes; and the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes.

The parcel has frontage on the Berlin Turnpike, but is located behind a "Non-Access Highway Line". The applicants therefore propose to access the property via an access easement across the "Bonefish Grill" parking lot to the south.

Staff Comments:

1. I have no concerns with the proposed activity itself, but I do have some concerns with the site plan. Site plan approval is not subject to a public hearing, so the appropriate time to discuss these concerns is during this public hearing.

The applicants have submitted a revised site plan that addresses all of my January 15, 2013 concerns except for three: the overhead service doors, the retaining walls, and the parking lot design.

a. Overhead service doors: Section 6.11.7 states that overhead service doors are not permitted "on the public street side" of a motor vehicle service use. This may be waived by a 2/3 vote of the TPZ when "the natural, topographical, or manmade utilities of the site clearly indicate that the requirement is inappropriate".

The applicants feel that the proposed earthen berm and the existing trees will block the view of the service doors. I told them to submit a profile drawing showing what a motorist would see as he drives past the site. They said they will present such a drawing at the public hearing.

b. Retaining Walls: The site plan shows retaining walls on the southeast and northwest sides of the property, which at the highest point will be approximately 8' high. There is a note which says "Modular block retaining wall to be designed by others". As of this writing no design has been submitted.

I informed the applicants that this is not acceptable, for two reasons: (1) Section 7.4.8.A states that "design calculations by a registered Professional Engineer must be provided for approval of such walls"; and (2) the Professional Engineer who designs these walls might not be able to stay within the limits of the approved site plan, which would force the applicants to come back to TPZ for a modification which would be a waste of everyone's time and money. I highly recommend the site plan be complete before TPZ action.

c. Parking lot design: The building will be served by driveways that connect with the "Bonefish Grill" parking lot at approximately the same place as the Berlin Turnpike driveway, which is also where an additional row of parking spaces begins. The confluence of all these various elements has the potential to create confusion for the various customers driving around the parking lot.

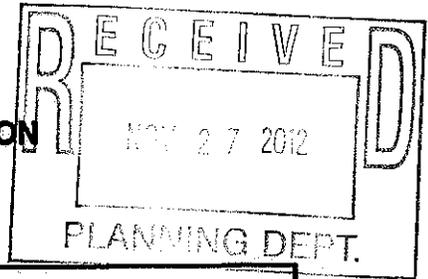
The applicants have agreed to paint a dashed line on the pavement to clearly delineate the implied lanes, and will display a revised plan showing this at the public hearing.

2. The only written comments received from the public is a letter from Attorney Timothy H. Hollister on behalf of the appellants in the "Modern Tire Recapping Company, Inc., et al. v. Newington Town Plan and Zoning Commission" case. His letter advises TPZ that: (1) if the application is approved and the regulation is then invalidated, the approval would be invalid; (2) if the application is approved and the applicants attempt to proceed with construction, his clients "will be forced to consider a temporary injunction"; and (3) his clients reserve the right to bring the application proceedings to the Court's attention as evidence of the issues raised in the appeal.

cc:
file

39-12

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION



APPLICATION FORM

CR # 2848

APPLICATION #: 39-12
SUBMITTED DATE: 11/27/2012
RECEIVED DATE: 11/28/2012
PUBLIC HEARING OPENED:
PUBLIC HEARING CLOSED:
DECISION DATE:
DECISION PUBLISHED:
COA SENT:
MYLAR FILED:

LOCATION OF PROPERTY: 2903 Berlin Turnpike ZONE: PD - Planned Development
 APPLICANT: Bismarck Real Estate Partners, Inc. TELEPHONE: (214) 872-4091
 ADDRESS: 3000 Internet Blvd., Suite 570 Frisco, TX 75034 EMAIL: robert.vann@guggenheimpartners.com
 CONTACT PERSON: VHB - Jason P. Mikrut, P.E. TELEPHONE: (860) 632-1500
 ADDRESS: 54 Tuttle Place, Middletown, CT 06457 EMAIL: jmikrut@vhb.com
 OWNER OF RECORD: Wex-Tuck Realty, LLC

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>11/25/12</u>	<u>A. Goufeno</u>	<u>10/31/12</u>
APPLICANT	DATE	OWNER	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

STAFF REPORT
"Firestone Complete Auto Care"

February 6, 2013

Petition #39-12

2903 Berlin Turnpike

Site Plan Approval for "Firestone Complete Auto Care"

Bismarck Real Estate Partners Inc, applicant

Description of Petition #39-12:

The applicant wishes to construct and operate an 8,400 square foot "motor vehicle service use" facility at 2903 Berlin Turnpike in the PD zone. The parcel has frontage on the Berlin Turnpike, but is located behind a "Non-Access Highway Line". The applicant is therefore proposing to access the property via the "Bonefish Grill" parking lot next door.

Staff Comments:

1. The applicant has addressed all of my concerns of January 15, 2013 in their revised site plans dated January 22, 2013 except for the overhead service doors, the retaining walls, and the parking lot design. See "Staff Report for Petition #38-12". I recommend those issues be resolved during the Special Exception approval process.

2. The parking lot shows 42 spaces (which includes one space for each of the ten service bays). Since this type of use is not specifically listed in the "Parking Standards" table at Section 6.1.1.C, the plan shows the default five spaces per 1,000 square feet of gross floor area.

Another way to calculate the amount of parking for an activity like this is on the basis of service bays. This plan shows 4.2 spaces per service bay, which is at the high end of what other towns require for this type of use.

The applicants submitted a "Trip Generation Study" which also supports the number of parking spaces shown.

3. Copies of the site plans were sent to the Town Engineer, the Fire Marshal, and the Chief of Police ("Legal Traffic Authority") for their review. The Chief of Police had no comments. As of this date I have not received comments from the Fire Marshal. The Town Engineer sent written comments to the applicant on December 5, 2012 and it is my understanding that the January 22, 2013 plans addressed his concerns.

4. While it is not an issue for this applicant, this site plan constitutes a change to the site plan that was approved for "Bonefish Grill". If approved, the operators of "Bonefish Grill" will need to come back to TPZ for site plan modification.

cc:
file

#40-12

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

CR# 2859

APPLICATION #: 40-12
SUBMITTED DATE: 11/27/2012
RECEIVED DATE: 11/28/2012
PUBLIC HEARING OPENED:
PUBLIC HEARING CLOSED:
DECISION DATE:
DECISION PUBLISHED:
COA SENT:
MYLAR FILED:

LOCATION OF PROPERTY: 2903 Berlin Turnpike ZONE: PD - Planned Development
 APPLICANT: Bismarck Real Estate Partners, Inc. TELEPHONE: (214) 872-4091
 ADDRESS: 3000 Internet Blvd., Suite 570 Frisco, TX 75034 EMAIL: robert.vann@guggenheimpartners.com
 CONTACT PERSON: VHB - Jason P. Mikrut, P.E. TELEPHONE: (860) 632-1500
 ADDRESS: 54 Tuttle Place, Middletown, CT 06457 EMAIL: jmikrut@vhb.com
 OWNER OF RECORD: Wex-Tuck Realty, LLC

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) DMV Location Approval

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>Bismarck Real Estate Partners</u>	<u>11/26/12</u>	<u>A. Giordano</u>	<u>11/26/12</u>
APPLICANT		DATE	OWNER	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

STAFF REPORT
"Firestone Complete Auto Care" at 2903 Berlin Turnpike

February 7, 2013

Petition #40-12

2903 Berlin Turnpike

Division of Motor Vehicle Approval for "Firestone Complete Auto Care"

Bismarck Real Estate Partners Inc, applicant

Description of Petition #40-12:

The applicant wishes to construct and operate an 8,400 square foot "motor vehicle service use", which requires the operators to obtain a limited repairer's license from the State of Connecticut Division of Motor Vehicles.

Staff Comments:

Section 14-54 of the Connecticut General Statutes states that:

"Any person who desires to obtain a license for dealing in or repairing motor vehicles in a municipality having a population of no less than twenty thousand shall first obtain...a certificate of approval of the location for which such license is desired from...the zoning commission."

This approval is just a formality, since TPZ approval of the related site plan and special exception effectively indicate TPZ approval of this location. But approval of this petition will clear the way for the ZEO to sign off on their DMV license application when it gets to his desk.

Some Commissioners may recall "location approval" as being the responsibility of the ZBA. Your memory is correct. However, the law was changed four times in four years between 2003 and 2006. It is now the responsibility of the TPZ.

cc:
file

CR # 1033

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION
APPLICATION FORM

APPLICATION #:	05-13
SUBMITTED DATE:	01-11-2013
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 476 Ferns Rd ZONE: I
 APPLICANT: KHALID MAHMOOD TELEPHONE: 860-348-7358
 ADDRESS: 153 MANSION Road WILBY EMAIL: _____
 CONTACT PERSON: ~~FARRUKH RAZA~~ ^{CHESHIRE CT} SAME TELEPHONE: 860-268-9455
 ADDRESS: _____ EMAIL: _____

★ OWNER OF RECORD: → ~~FARRUKH A KHAN~~ Khalid Mahmood

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.17.B of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

★ Farrukh 1-10-13 APPLICANT DATE
Khalid Mahmood OWNER Khalid Mahmood DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

STAFF REPORT
Service Station at 476 Fenn Road

February 6, 2013

Petition #05-13

476 Fenn Road

Special Exception (Section 3.17.8: Motor Vehicle Service Use)

Khalid Mahmood, owner/applicant/contact.

Description of Petition #05-13:

The site is a long-vacant gas station. The applicant recently purchased the property and would like to resume operating it as a gas station/convenience store. This is a "motor vehicle service use" as defined in the new auto-related zoning regulations and is allowed by special exception in the Industrial Zone.

Staff Comments:

Legally speaking the applicant does not need to obtain permission from TPZ to re-open the gas station, because technically the activity was never "abandoned" (as the term is used in land use law) by the previous owner. However, at the time that it closed the gas station was only that – a gas station. The new owner wants to operate it as a gas station/convenience store, which is different enough from the original operation to warrant review and approval by TPZ.

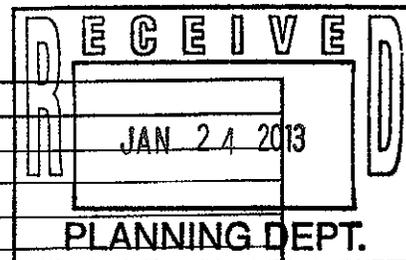
I have no objection to the public hearing be scheduled for February 27, 2013.

cc:
file

**TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION**

APPLICATION FORM

CK# 2896 \$200⁰⁰



APPLICATION #:	06-13
SUBMITTED DATE:	1/24/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 3260 Berlin Turnpike ZONE: _____

APPLICANT: Manuel J. Rubio TELEPHONE: 860.436.9708

ADDRESS: 3260 Berlin Turnpike EMAIL: rubio@artecagroup.com

CONTACT PERSON: Manuel J. Rubio TELEPHONE: 404.719.0757

ADDRESS: 3260 Berlin Turnpike, Newington 06042 EMAIL: rubio@artecagroup.com

OWNER OF RECORD: Hector Angel

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

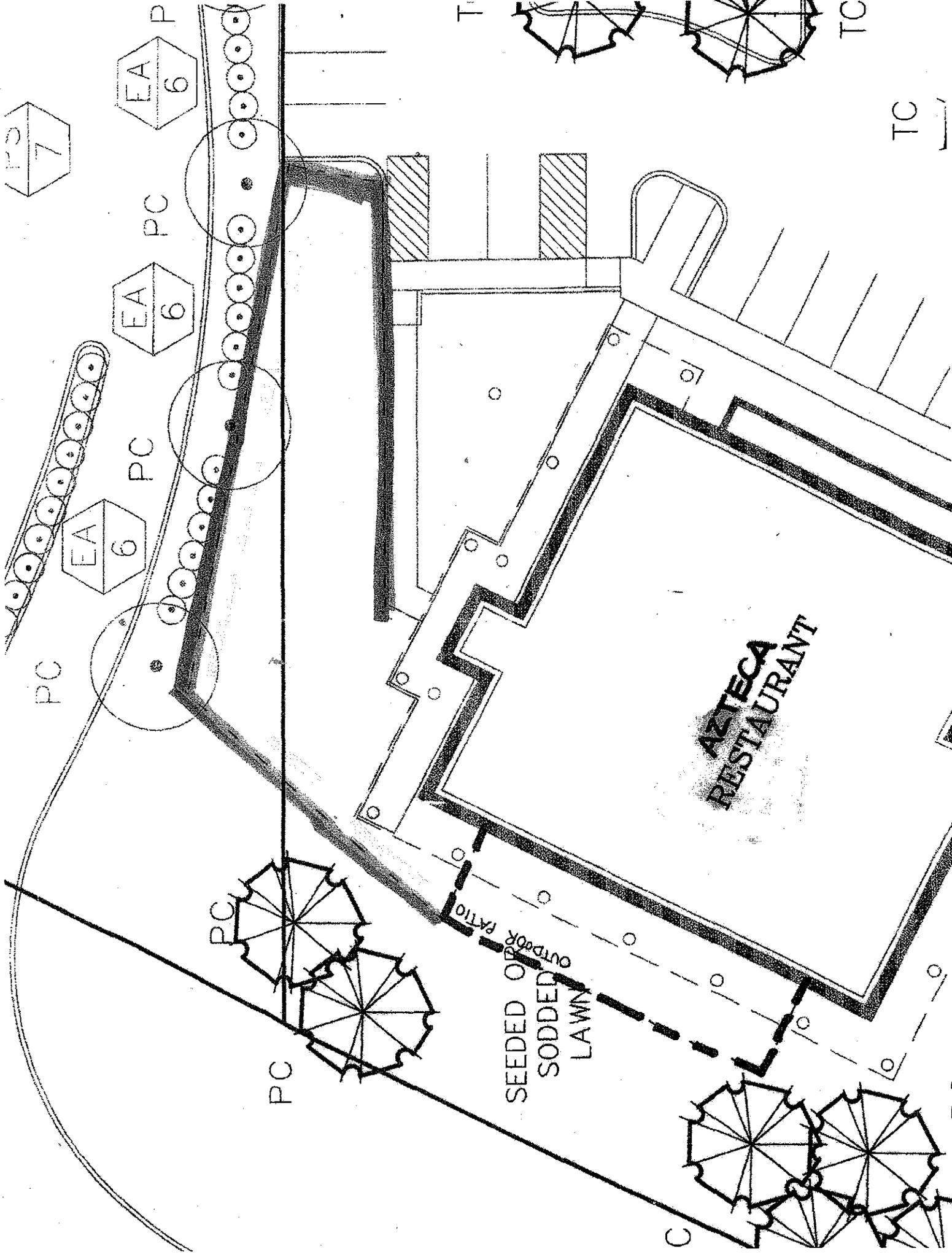
- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.14.1/3.15.3 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) Cinco de Mayo activities, music, food and liquor served within the yard area outside on one day only May 5, 2013

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

Manuel J. Rubio Jan 24 2013 ✓ [Signature] 1/24/13
 APPLICANT DATE OWNER DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



AZTECA RESTAURANT

SEEDED OR SODDED
OUTDOOR PATIO
LAWN

EA/7

EA/6 P

EA/6 PC

EA/6 PC

PC

PC

PC

TC

TC

C

**STAFF REPORT
"Cinco de Mayo"**

February 6, 2013

Petition #06-13

3260 Berlin Turnpike

Special Exception (Section 3.15.3: Outside Restaurant Seating)

Manuel Rubio, applicant/contact.

Description of Petition #03-13:

The owner of the Plaza Azteca restaurant would like to conduct another "Cinco de Mayo" event in May. The zoning regulations do not have a category for temporary special event conducted by a for-profit organization, so I recommend the request be processed under Section 3.15.3, which allows a restaurant with outdoor seating in the B-BT zone.

Staff Comments:

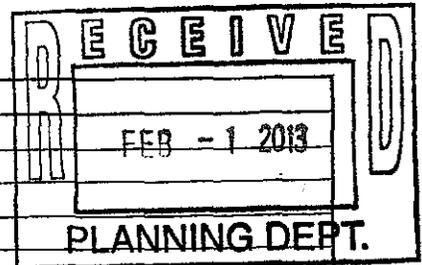
I have no objection to the public hearing being scheduled for February 27, 2013.

cc:
file

ck # 2557

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM



APPLICATION #:	#07-13
SUBMITTED DATE:	2/1/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 3384 Berlin Tpke., Newington → PD
548 Cedar St., Newington → PC
2601 Berlin Tpke., Newington ZONE: → BBT

APPLICANT: Cary Gagnon TELEPHONE: (860) 666-1890

ADDRESS: 66 Cedar St # 300B, Newington EMAIL: cgagnon@carygagnon.com

CONTACT PERSON: Anja Steehan TELEPHONE: (860) 666-1890

ADDRESS: 66 Cedar St # 300B, Newington EMAIL: ASteehan@carygagnon.com

OWNER OF RECORD: Cary Gagnon regarding 548 Cedar St. & 2601 Berlin Tpke.
Albert Rizzo regarding 3384 Berlin Tpke.

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.15.3 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>1/31/2013</u>	<u>Albert Rizzo:</u>	<u>1/31/2013</u>
APPLICANT	DATE	OWNER	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

66 Cedar St. #300B, Newington, CT 06111



Town of Newington
Planning and Zoning Commission

January 31, 2013

Dear Sir or Madam,

We are applying for a special exception per section 3.15.3 for outdoor seating at the following Dunkin' Donuts locations:

- 548 Cedar St., Newington
- 2601 Berlin Tpke., Newington
- 3384 Berlin Tpke., Newington

Additionally to the seating arrangements, we are going to put in area pavers and provide handicap accessibility. Our exterior seating will meet all state, federal, and town requirements. Our reason for implementing outside seating is to make our locations more inviting.

Our experience is that exterior seating is used in the afternoon hours which are off-peak business hours. We see little or no use during our peak business hours. Furthermore, outdoor seating is only being used on a seasonal basis. Hence, parking considerations are negligible.

We made this experience after implementing outdoor seating at other locations - e.g. at our Dunkin' Donuts on 2368 Berlin Turnpike in Newington and 130 South Main St. in New Britain.

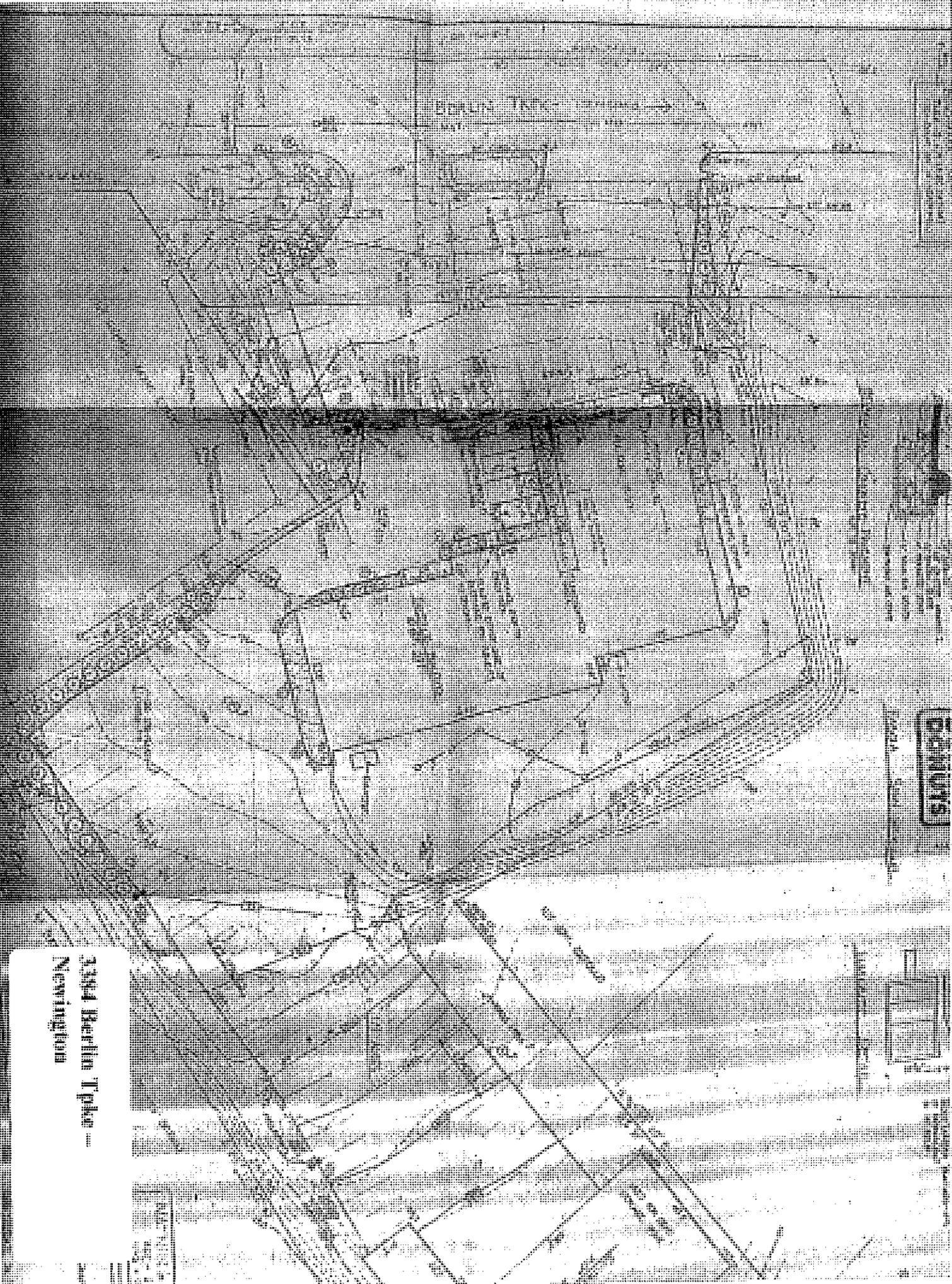
We hope that we can make our locations even more attractive by offering our guests outdoor seating opportunities.
Thank you.

Sincerely,

Cary Gagnon

Ph. 860-666-1890

3200 Berlin Tpk Newington CT



3200 Berlin Tpk
Newington

3200

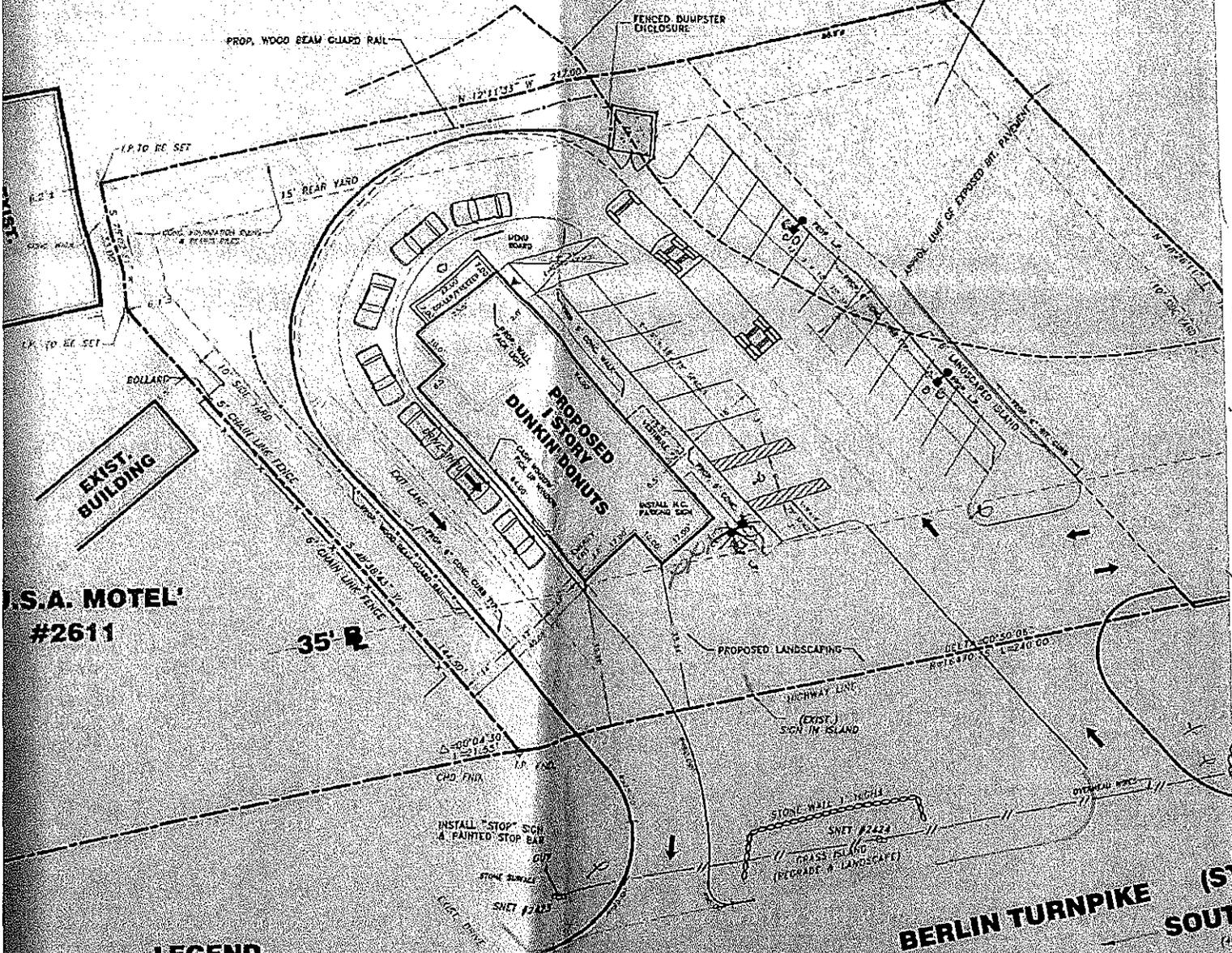
23-147 (ASSESSORS MAP & ROUTING NUMBER-TYP.)

N/F

DANIEL B. FOREST

APPROX. LIMITS OF INLAND WETLANDS
AS SCALED FROM TOWN WETLANDS MAP

NORTHERLY 11,000.50' ST.
PARKING RIGHTS IN COMMON
SEE VOL. 125, PG. 170-N/L



LEGEND

- PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING BIT. CURB
- PROPOSED BIT. CURB

2601 Berlin Tpke -
Newington

APPR
PLAN
CHASS

Handwritten note: 2601 Berlin Tpke Newington

6/1
Charles F. Long, Et Al
Crest Pontiac/Mazda

EXISTING VOLLEYBALL COURTS

n/l
Kills Lone A

EXISTING BUILDING
#512
4-PLAY RESTAURANT
Finished Floor Elev. 106.9'

PROPOSED BUILDING
±1,600 Sq. Ft.
Fin. Flc. El. 108.0'

CEDAR STREET
(State Route #175)

548 Cedar St. - Newington

548 Cedar St Newington

PROPOSED SMALL TRUCK & TRAILER PARKING AREA - SURFACE & PAVEMENT MARKINGS TO BE PROVIDED TO INDICATE PARKING AREA (2 SPACES PROVIDED)

PROPOSED EMPLOYEE PARKING AREA 3 SPACES PROVIDED

PROPOSED SCREENED BUMPSTER AND RECEIVING AREA

AREA RESERVED FOR LOCATION OF EXTERIOR A/C AND OTHER MECHANICAL UNITS, AS MAY BE REQUIRED

PROPOSED WOOD POST GUARD RAIL - 440 L.F.

GRADING ALONG WEST SIDE OF PROPERTY SHALL BE APPROVED IN THE FIELD BY THE TOWN ENGINEER. SLOPE TO BE STABILIZED WITH SEED. WOOD POST PROTECTIVE RAIL MAY BE REQUIRED BY TOWN ENGINEER

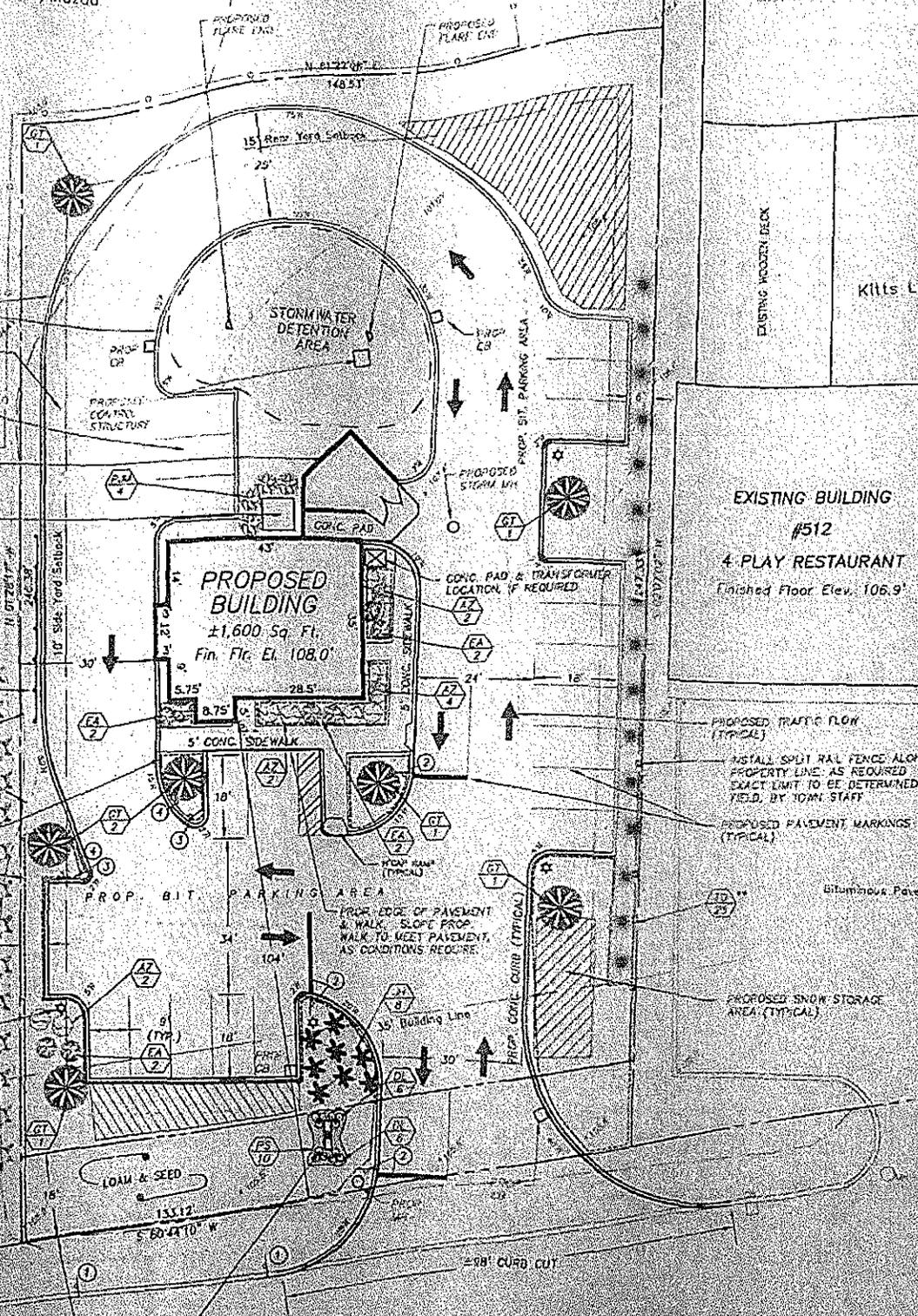
APPROXIMATE LIMIT OF PROP. IRRIGATION SYSTEM AREA (TYPICAL) EXACT LIMITS AND SYSTEM DESIGN BY OTHERS

APPROXIMATE LOCATION OF LEADING WALKER PLANTINGS (TYPICAL)

PROPOSED LAMP POST (TYPICAL)

10' STRIP RESERVED TO THE STATE - OR CONVEYED FOR FUTURE WIDENING OF STATE ROUTE #175 (CEDAR STREET)

PROPOSED SINGLE Pylon SIGN LOCATION WITH RAISED PINE BARK MULCHED PLANTING AREA. SIGN SUBJECT TO RELOCATION AT TIME ROADWAY IS WIDENED



IRRIGATION SYS
FOR ALL LAWN
ALONG PROPR
ALONG FRONT

THE TOWN PLANNING AND
SIGN UNDER PETITION

CODE	BOTANICAL NAME	COMMON NAME
*	JUNIPERUS HORIZONTALIS - WILD	BLUE RUG JANI
AZ	AZALEA	MOTHERS DAY AZALEA

**STAFF REPORT
"Dunkin Donuts"**

February 6, 2013

Petition 07-13

**Special Exception (Section 3.15.3: Outside Restaurant Seating)
3384 Berlin Turnpike, 2601 Berlin Turnpike, and 548 Cedar Street
Cary Gagnon, owner/applicant**

Description of Petition #07-13:

The applicant would like to install some outdoor seating for his customers. Section 3.15.3 allows restaurant with "outside seating areas" by special exception in the B-BT and the PD zones. See attached letter from the applicant.

Staff Comments:

This is a single application for three separate locations, which can be discussed and voted on separately. I have no objection to the public hearing being scheduled for the next meeting on February 27, 2013.

cc:
file