



# NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING  
Wednesday, February 26, 2014

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 HEARINGS:

- a. Petition #47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana). Town Plan and Zoning Commission, applicant. Continued from February 12, 2014.
- b. Petition #05-14: Special Exception (Section 3.2.8: Charitable and Civic Events) at Newington Municipal Parking Lot. Newington Kiwanis Club, applicant.
- c. Petition #02-14: Zoning Regulations Text Amendment (Sections 5.3, 6.1, 6.10, New 6.16, 7.4 and 9.2) regarding Low Impact Development. Town Plan and Zoning Commission, applicant.
- d. Petition #03-14: Subdivision Regulations Text Amendment (Section 2.0, 3.6, 3.7 and 6.3) regarding Low Impact Development. Town Plan and Zoning Commission, applicant.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. February 12, 2014

VII. NEW BUSINESS:

- a. Petition #56-13: Subdivision at 365-375 Willard Avenue ("Spectrum Office and Technology Park"). Spectrum Office Condominium Association, owner/applicant; Attorney Tamara Kagan Levine, 231 Farmington Avenue, Farmington CT, contact.

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BY *Tanya D Lane*  
TOWN CLERK

**VIII. OLD BUSINESS**

- a. Petition #62-13: Zoning Text Amendment (Section 3.11.7: Fueling Station). Hayes-Kaufman Newington Associates LLC, applicant; Attorney Mark S. Shipman, 20 Batterson Park Road, Farmington CT, contact.

**IX. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- a. Petition #07-14: Special Exception (Section 3.2.9: Child Care) at 795 North Mountain Road. Nguyen Holding LLC, owner/applicant; Hai Xavier Nguyen, 795 No. Mountain Road, Newington CT, contact.
- b. Petition #08-14: Special Exception (Section 6.2.4: Free-standing Business Sign) at 72-82 Pane Road (“Newington Electric”). EBI Pane Road Realty LLC, owner; Sign Pro Inc, applicant; Kyle Niles, 168 Stanley Street, New Britain CT, contact.
- c. Petition #09-14: Special Exception (Section 6.13: Accessory Apartment) at 71 Eddy Lane. Frank and Sally Cefaratti, owners; Attorney Bradley N. Malicki, Halloran & Sage LLP, 213 Court Street, Middletown CT, applicant/contact.
- d. Petition #10-14: Zone Change (Industrial to PD) at 16 Fenn Road. Fenn Road Associates LLC, owner; The Stop & Shop Supermarket LLC, applicant; Attorney Lawrence S. Shipman, 20 Batterson Park Road, Farmington CT, contact.

**X. TOWN PLANNER REPORTS:**

- a. Town Planner Report for February 26, 2014
- b. Bond Reduction at 435-485 Willard Avenue (“Fountain Pointe”).

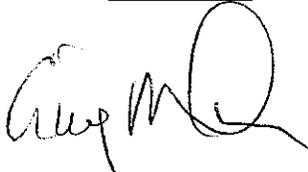
**XI. COMMUNICATIONS**

**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. ADJOURN**



Submitted,

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Craig Minor, AICP  
Town Planner

**STAFF REPORT**  
***Medical Marijuana Zoning Amendment***

February 18, 2014

**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 recently adopted Public Act 12-55, which allows the production (growing and processing) and the dispensing of medical marijuana after obtaining the appropriate license from the Connecticut Department of Consumer Protection. Patients who are receiving treatment for a debilitating medical condition (cancer, glaucoma, HIV/AIDS, Parkinson's disease, multiple sclerosis, damage to the spinal cord, epilepsy, cachexia, wasting syndrome, Crohn's disease, and PTSD) will be able to register with the State and purchase medical marijuana from a licensed dispensary.

Newington's zoning regulations are silent on the production and dispensing of medical marijuana, so a zoning amendment has been proposed by TPZ to regulate medical marijuana production and dispensing in Newington.

**Town Planner Comments:**

The public hearing was kept open to give the Town Attorney more time to review the draft and submit comments on it. As of this writing I have not received anything.

cc:  
file

**STAFF REPORT**  
***Kiwanis Flea Market Special Exception***

**February 18, 2014**

**Petition #05-14**

**Special Exception (Section 3.2.8: Charitable and Civic Events)  
Town Center Municipal Parking Lot “(Constitution Square)”  
Newington Kiwanis Club, applicant**

**Description of Petition #05-14:**

This “flea market” has been conducted by the Newington Kiwanis since 1992. By my records it was first approved by TPZ in 2008 for that year and the next three years, but the Kiwanis did not come back to TPZ for re-approval in 2012 or 2013.

The event takes place in Constitution Plaza (the Town Center municipal parking lot) and attracts vendors and shoppers from Connecticut, New York, Massachusetts and Rhode Island. The Kiwanis plan to fence-off roughly one-half of the eastern portion of the parking lot, and occupy roughly one-third of the western half (unfenced). There will be approximately two food vendors. The Kiwanis will provide portable toilets and additional trash barrels.

The event will run on ten Sundays in the spring (from April 27, 2014 through June 29, 2014) and ten Sundays in the fall (from August 31, 2014 to October 26, 2014). Hours of operation are from mid-morning until 2 pm.

**Town Planner Comments:**

The agenda packet for the last meeting had only the first page of the applicant’s letter to the TPZ. The complete letter is attached.

I have no concerns at this time.

cc:  
William Hall  
file

To: Newington Town Planning and Zoning Commission

From: Kiwanis Club of Newington, Inc.

Subject: Application for renewal of permission to use  
Constitution Square to conduct the Kiwanis Club of  
Newington's Big K Flea Market

Commissioners:

The Kiwanis Club of Newington respectfully requests your permission to continue its use of Constitution Square to conduct its Big K Flea Market.

The purpose of the flea market is to raise funds to benefit Newington area organizations and worthy projects both municipal and private. Some of the recipients in the past and almost annually are:

- Scholarships to the Newington High School Key Club members and the alternative education program totaling \$6,500 per year. They are the principal beneficiary.
- Southfield Children's' Center at Southfield Apartments totaling \$18,000 over the past ten years.
- Newington Student Assistance Fund in the thousands over the past twenty-two years.
- New Britain Corps of the Salvation Army, totaling \$10,000 over the past ten years.
- Newington Girls' and Boys' State of the American Legion in the thousands since 1950.
- Boy Scout troops of Newington in the hundreds.
- Newington Memorial Day Parade Committee, totaling over \$30,000 since 1992.
- Newington Human Services' Food Bank, totaling over \$20,000 since 2004.
- Connecticut Children's' Medical Center Cranial/Facial Dept., totaling \$2,500 since 2006.

Our public relations effort in Connecticut media brings shoppers and vendors to Newington from all over the state and from nearby Massachusetts, New York and Rhode Island. NBC30 and WDRC have covered our openings, bringing recognition to Newington as a civic-minded town.

Kiwanis Club members who share a desire to serve the town are volunteer workers at the market, arriving as early as six AM to

**STAFF REPORT**  
***"Low Impact Development (LID) Zoning Regulation Amendments"***

**February 20, 2014**

**Petition #02-14**

**"Low Impact Development" Regulation Amendments:  
Zoning Regulations Sections 5.3.4, 6.1, 6.10, 6.15 (new), 7.4 and 9.2.  
Town Plan and Zoning Commission, applicant.**

**Description of Petition #02-14:**

Text amendments to the various sections of the zoning regulations that deal with stormwater management.

**Town Planner Comments:**

"Low Impact Development" is a new approach to stormwater management. It mimics the way stormwater is processed by nature and emphasizes using "pervious cover" to let rain and snow melt soak into the soil where it falls, rather than conveying stormwater via pipes and catch basins to rivers and streams that might be many yards away.

The advantages of LID over conventional development are numerous. By allowing rain and snow melt to infiltrate directly into the soil, groundwater is recharged naturally, which benefits the local flora and fauna. It also reduces the amount of stormwater that gets into the MDC sanitary sewer system, which is currently a major problem. Watercourses are not overwhelmed when stormwater is allowed to remain where it falls, which reduces downstream flooding.

The proposed changes to the zoning regulations can be summarized as follows:

Section 9.2 (Definitions): adds the phrases "impervious surface" and "low impact development techniques" to the list.

New Section 6.15 (Stormwater Management): requires LID techniques be used in all new development, not just new development that requires formal site plan approval.

Section 6.1 (Parking): reduces the amount of required parking; requires all new parking that exceeds the minimum amount required to be pervious; revises the "joint use" regulation; revises the parking lot landscaping regulations to include LID techniques.

Section 6.10 (Landscaping): coordinates the use of LID techniques with the landscaping regulations.

Section 5.3.4 (Contents of a Site Plan): requires LID information be shown on a site plan.

Section 7.4 (Design Standards, Site Plan Checklist): requires LID information be shown on a site plan.

cc:  
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NEWINGTON – Low Impact Development Strategies  
**Recommended Zoning Regulation Changes**



## Definitions

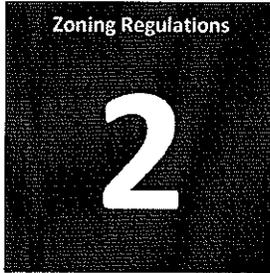
The following definitions are recommended for insertion into Section 9.2 of the Zoning Regulations (Definitions). Deletions are shown as red "strike through" text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

**IMPERVIOUS SURFACE** – Any material or structure on or above the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces include paved parking lots, rooftops, driveways, patios (i.e., solid or open-joint patios or decks with an underlying impervious surface), paved roads, water surfaces (i.e., pools, ponds, fountains, etc.), and highly compacted soils. Impervious surfaces exclude permeable pavement that is designed, constructed, and maintained to allow stormwater to drain through the surface, including porous asphalt, porous concrete, permeable interlocking concrete pavers, concrete grid pavers, plastic turf reinforcing grids, and similar materials or products identified as "permeable" or "pervious" by the manufacturer, however these surfaces may be considered "impervious" by the Town when calculating a parcel's impervious coverage. An underground parking structure shall be considered an impervious surface if there is less than 3 feet of soil cover.

**LOW IMPACT DEVELOPMENT TECHNIQUES** – The application of site design and stormwater management (such as, but not limited to, infiltration of rainwater, treatment of stormwater runoff, and runoff attenuation) in order to mimic the hydrologic conditions associated with an undeveloped site. Such techniques may be found in the *Low Impact Development and Stormwater Manual for the Town of Newington* (2013, as amended), the *Connecticut Stormwater Quality Manual* (2004, as amended), the *Low Impact Development Appendix to the Connecticut Stormwater Quality Manual* (2011, a amended), or other sources acceptable to the Commission.

NEWINGTON – Low Impact Development Strategies

**Recommended Zoning Regulation Changes**



\*\*\* NEW SECTION \*\*\*

## Stormwater Management

The following new section of the Zoning Regulations is recommended in order to apply LID standards to all forms of development (at the present time, Section 7.4 only applies to uses required to get Site Plan Approval). Deletions are shown as red "strike through" text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 6 - SPECIAL REGULATIONS

#### Section 6.15 Stormwater Management

6.15.1 Applicability – Unless modified by the Commission, every application shall provide for a stormwater management system, including low impact development techniques, as specified in this section.

6.15.2 Residential Lots – Any new construction or development on a residential lot which increases the impervious surface area by 300 square feet or more shall demonstrate conformance with the "LID Manual for Individual Residences in the Town of Newington."



6.15.3 Other New Construction or Development – Any other new construction or development resulting in increased impervious surface area shall demonstrate conformance with the applicable standards for stormwater management be as specified in Section 2.1 of the *Low Impact Development and Stormwater Manual for the Town of Newington*:

- A. Standard 1 – Use of Low Impact Development to Reduce Stormwater Runoff and Pollutants (maximum extent practicable standard).
- B. Standard 2 – Peak Flow Control and Flood Protection.
- C. Standard 3 – Construction Erosion and Sediment Control.
- D. Standard 4 – Operation and Maintenance.
- E. Standard 5 – Redevelopment.

6.15.3 Interior Renovation and Change of Use – Interior renovation of an existing building and/or change of use within an existing building shall only be required to conform to Section 2.1 of the *Low Impact Development and Stormwater Manual for the Town of Newington* when:

- A. Such interior renovation or change of use includes an increase in impervious surface area of 300 square feet or more, or
- B. Such interior renovation or change of use results in a requirement for more parking spaces.

NEWINGTON – Low Impact Development Strategies

## Recommended Zoning Regulation Changes



## Parking Regulations

Since parking regulations are a significant driver of impervious coverage, Newington should strive to have parking requirements which are efficient and practical. The following modifications are recommended to Section 6.1 of the Zoning Regulations (Parking Regulations). Deletions are shown as red "strike-through" text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 6 - SPECIAL REGULATIONS

#### Section 6.1 Off-Street Parking and Loading Regulations

##### 6.1.1 Parking

There shall be provided, at the time of application for a building permit for the erection, alteration, enlargement or change in use of any building or land for which off-street parking is required, a plan showing functional required parking space, including the means of access and interior circulation and landscaping.

- A. **Area Requirements** - Area requirements for parking spaces and lots are specified in the Newington Site Plan Checklist. Handicapped accessible parking spaces shall be 15 feet wide with a cross hatch access aisle of 5 feet wide. Two accessible spaces may share a common aisle. The access aisle must connect directly to an accessible route. Accessible parking spaces must be the closest spaces to a building's or uses' accessible entrance. The required number of accessible spaces per total parking lot shall not be less than the standards set forth in the State Building Code. (Effective 12-01-01) Once painted or marked in accordance with the international symbol of accessibility the property owner shall be required to maintain such marked or painted spaces so that they are easily visible to a patron seeking accessible parking. The accessible parking spaces must be designated by a clearly visible sign mounted on a solid base or permanently fixed at the place marked with the symbol and legend "Handicapped Parking State Permit Required Violators Will be fined."
- B. **Parking Spaces for Buildings Used for Residence** - At least two permanently maintained durable, adequately cleared and surfaced off-street parking spaces shall



be provided for every dwelling unit, except as otherwise stated in these regulations. All parking of vehicles shall be on the surfaced area not on the lawn. The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence.. No vehicles shall park between the curb or edge of pavement and the boundary of the Town or State right of way. (Effective 8-15-07)

C. **Parking Spaces for All Other Uses** - Permanently maintained and appropriately-bituminous concrete or equal surfaced (see Section 6.1.1.K below) off-street parking spaces shall be provided as follows:

	Minimum Required Parking Spaces	Parking Threshold
<b>OFFICE-TYPE USES</b>	(may be pervious or impervious surface)	(unless modified by the Commission, any parking spaces installed above this threshold shall be pervious bituminous concrete, pervious concrete, or pervious pavers)
Business offices, financial institutions	6-5 spaces for each 1,000 square feet of gross office floor area	4 spaces for each 1,000 square feet of gross floor area
Business and professional offices located on upper floors	4 spaces for each 1,000 square feet of gross floor area	3 spaces for each 1,000 square feet of gross floor area
Medical and dental offices	7-6 spaces for each 1,000 square feet of gross floor area	5 spaces for each 1,000 square feet of gross floor area
Corporate headquarters and office parks	6-5 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet  Plus 4 ½ spaces for each 1,000 square feet of gross floor area between 10,000 and up to 50,000 square feet  Plus 4 spaces for each 1,000 square feet of gross floor area over 50,000 square feet	4 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet  Plus 3 ½ spaces for each 1,000 square feet of gross floor area between 10,000 and 50,000 square feet  Plus 3 spaces for each 1,000 square feet of gross floor area over 50,000 square feet



	Minimum Required Parking Spaces	Parking Threshold
<b>RETAIL- AND SERVICE-TYPE USES</b>	(may be pervious or impervious surface)	(unless modified by the Commission, any parking spaces installed above this threshold shall be pervious bituminous concrete, pervious concrete, or pervious pavers)
Retail stores, personal service shops	<p><u>7-5</u> spaces for each 1,000 square feet of gross floor area up to 10,000 square feet</p> <p>Plus <u>6-4 ½</u> spaces for each 1,000 square feet of gross floor area between 10,000 and up to 50,000 square feet</p> <p>Plus <u>4-¾</u> spaces for each 1,000 square feet of gross floor area over 50,000 square feet</p>	<p>4 spaces for each 1,000 square feet of gross floor area up to <u>10,000</u> square feet</p> <p>Plus <u>3 ½</u> spaces for each 1,000 square feet of gross floor area between 10,000 and <u>50,000</u> square feet</p> <p>Plus 3 spaces for each 1,000 square feet of gross floor area over 50,000 square feet</p>
Shopping centers of not less than 50,000 square feet gross floor area	<u>5-4</u> spaces for each 1,000 square feet of gross floor area, irrespective of the particular uses (Effective 7-1-2013)	4 spaces for each 1,000 square feet of gross floor area, irrespective of the particular uses
Eating establishments; taverns, cocktail lounges	20 spaces for each 1,000 square feet of floor area open to the public	<u>20</u> spaces for each 1,000 square feet of floor area open to the public
Theaters, places of assembly, amusement, recreation and education	1 space for each 2 seats, or 1 space for each 3 persons based on fire marshal's rated capacity, whichever is greater. The Commission reserves the right to modify this standard for recreation uses	<u>1</u> space for each 2 seats, or <u>1</u> space for each 3 persons based on fire marshal's rated capacity, whichever is greater. The Commission reserves the right to modify this standard for recreation uses
Hotel, motel, tourist home	1 space for every guest room, plus 1 for every two employees	<u>¾</u> space for every guest room
Undertaking establishments	4 spaces for each 1,000 square feet of gross floor area	<u>3</u> spaces for each 1,000 square feet of gross floor area

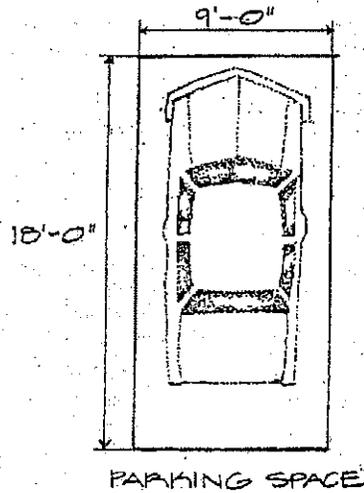


	Minimum Required Parking Spaces	Parking Threshold
RESIDENTIAL-TYPE USES	(may be pervious or impervious surface)	(unless modified by the Commission, any parking spaces installed above this threshold shall be pervious bituminous concrete, pervious concrete, or pervious pavers)
Apartments and housing within PD Zone	2 spaces per dwelling unit	<u>2 spaces per dwelling unit</u>
Apartments and housing units within B-TC Zone	1.5 spaces per dwelling unit	<u>1.5 spaces per dwelling unit</u>
Condominium and town house housing	2 spaces per dwelling unit	<u>2 spaces per dwelling unit</u>
Housing for the elderly	<u>1-0.5 spaces per for each 2 dwelling units</u>	n/a
Boarding and rooming house	1 space for each 2 guests or persons residing on premises	<u>1 space for each 2 guests or persons residing on premises</u>
Hospital, sanitarium, convalescent home or nursing home	1 space for every 3 beds, plus 1 for every 2 employee	<u>1 space for every 3 beds, plus 1 for every 2 employee</u>

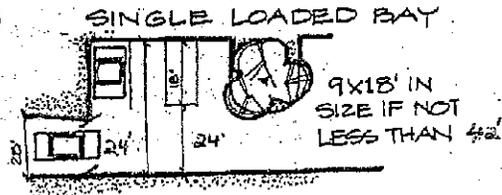


	Minimum Required Parking Spaces	Parking Threshold
<b>OTHER USES</b>	(may be pervious or impervious surface)	(unless modified by the Commission, any parking spaces installed above this threshold shall be pervious bituminous concrete, pervious concrete, or pervious pavers)
Municipal parking lot	Any property which is a part of the Municipal Parking Lot will be permitted to use the 4 ½ spaces per 1,000 square foot gross floor area without regard to the business use of the building.	n/a
Industrial, manufacturing, warehouse, and/or distribution	1 space per employee on the largest shift or 3 spaces per 1,000 square feet or whichever is more applicable as determined by the Commission.	As determined by the Commission.
Home occupations, office in residence (medical/dental)	5 spaces for each 1,000 square feet or fraction thereof of building floor area devoted to such use, but for medical/dental at least 5 spaces plus 1 for each doctor	As determined by the Commission.
Road side stands	3 minimum, plus dwelling lot requirements	As determined by the Commission.
Uses not listed	5 spaces for each 1,000 square feet of gross floor area, but the Commission may vary this requirement on application to it and for good cause shown per Section 6.1.1. J or the Commission may determine that the proposed use is similar to one of the uses listed above and apply the applicable standard.	As determined by the Commission.

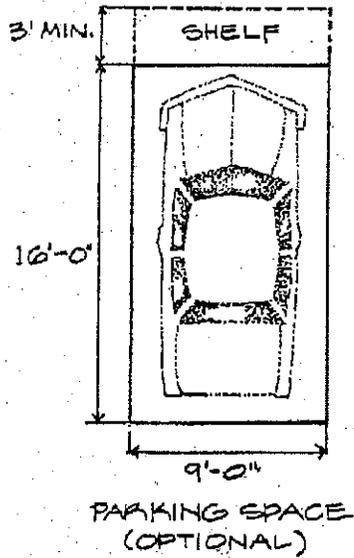
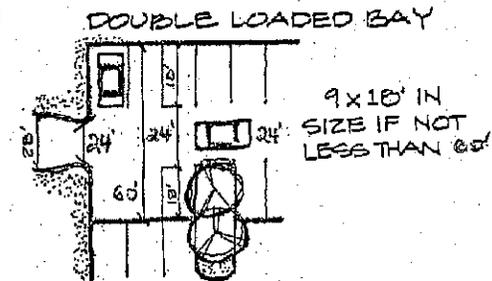
**FIGURE 2**  
**TYPICAL PARKING LOT LAYOUT DESIGNS**



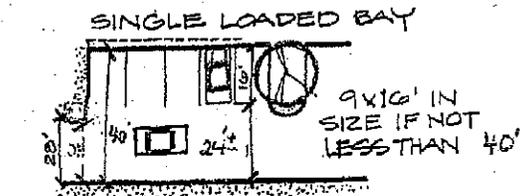
(A)



(B)



(A)



(B)

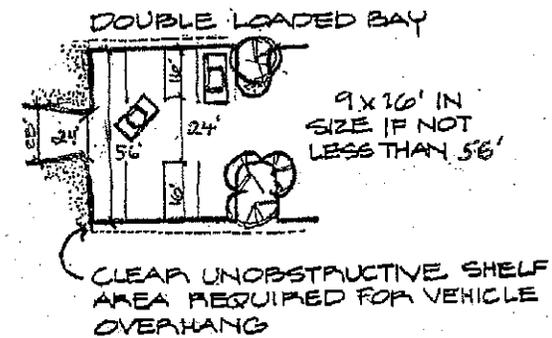
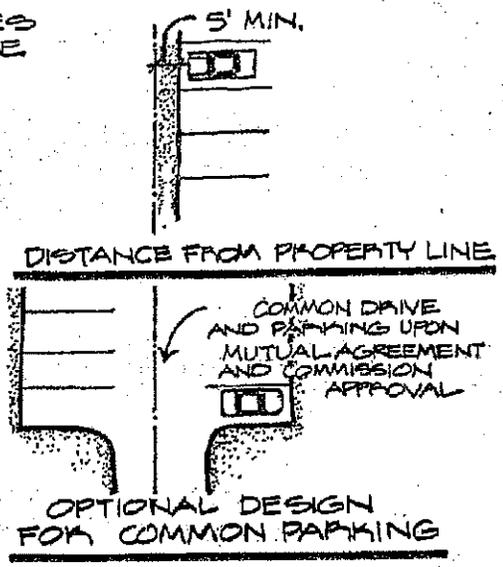
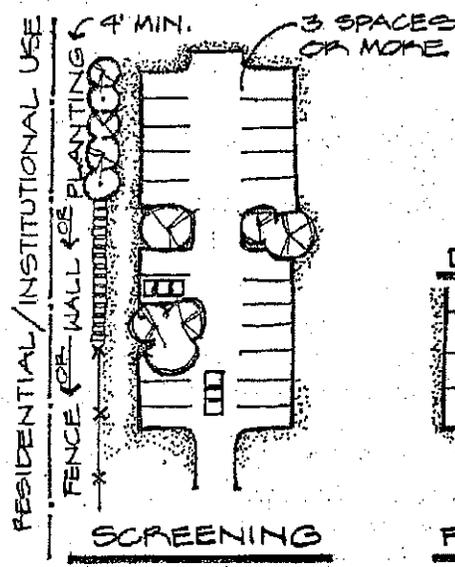
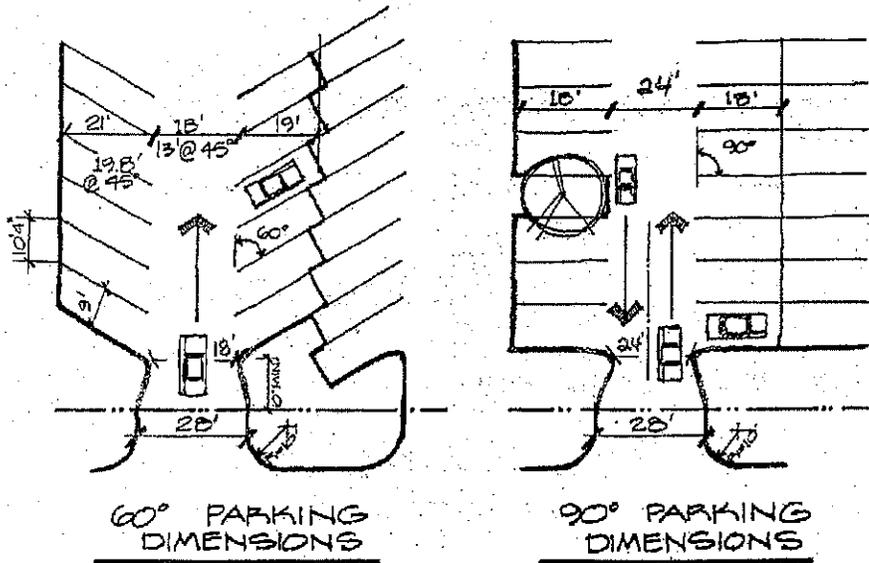


FIGURE 3

TYPICAL PARKING LOT LAYOUT DESIGNS





- D. **Distance from Lot -**
1. On site parking spaces shall be located within 400 feet walking distance to a public entrance in the building which they are intended to serve.
  2. Off-site parking may be permitted on land owned or under a long term lease controlled by the owner of the principal use to which the parking is accessory when approved by the Commission. Off-site parking spaces shall be within a radius of 600 feet walking distance to a public entrance in the building which they are intended to serve.
  3. Employee parking shall be shown on the site development plan and shall be located at the rear or sides of commercial buildings or remote parts of the site or as permitted in paragraph 2 above where it will not usurp public spaces.
- E. **Joint Use -** Joint use of off-street parking facilities may be permitted provided that the area of such facilities shall not be less than the sum of the requirements of the various users computed in accordance with the schedule in this section. Shared use of the same off-street parking facilities may be permitted by the Commission by uses which have different, non-competing times of operation. The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day. Such joint or shared use of facilities must be guaranteed to the Commission by reason of agreements or conditions to which the Commission is a party, so that such joint use may not be terminated without the consent of the Commission.
- F. **Screening -** More than 3 spaces shall be screened by a wall, fence, or compact planting when abutting the side or rear lot line of residential or institutional premises. Such screening shall be at least 4 feet high.
- G. **Lighting -** All parking areas having more than 10 spaces shall be adequately lighted and all lighting fixtures shall be so arranged as to direct light away from residential lots. In general, lighting shall be designed to direct light upon the parking area and not upward or onto adjoining property.
- H. **Distance from Property Line -** Except as limited by specific design standards contained in these regulations parking and drives shall not be closer than 5 feet from the property line, except that common drives and connecting parking may be permitted upon the written agreement between the subject parties, and approved by the Commission, and filed in the land records of the Town.
- I. **Suspension -** At any time that a parking area shall cease to be available for the purposes of off-street parking, the occupancy or use permit for the main use served by such area shall be ~~revoked~~ suspended until such time as the required off-street space is provided, unless the Commission, after hearing, modifies or waives parking space requirements.



- J. Modification - These regulations may be modified by the Commission where circumstances relating to the peculiar and exceptional nature of the uses are such that the specific requirements of the parking regulations do not apply or where the Commission finds that an alternative standard or arrangement will be satisfactory.
- K. Surface Materials – Parking areas required under Section 6.1.1.C shall be surfaced with one or more of the following materials as approved by the Commission and in accordance with specifications established by the Town of Newington:
1. Bituminous concrete.
  2. Pervious bituminous concrete.
  3. Pervious concrete.
  4. Pervious pavers.
  5. Other pervious surface approved by the Commission on recommendation of the Town Engineer.
- L. Deferral of Immediate Installation – The Commission may defer the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use. Before approval of a waiver by the Commission, the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements. The owner shall file that plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.



### 6.1.2 Off-Street Loading Regulations

In connection with every building or part thereof hereafter erected, having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail stores, wholesale stores, markets, hotels, laundries, dry cleaners or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

- A. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.
- B. No such space shall be located closer than 50 feet to any lot in any residential zone unless wholly within a completely enclosed building.
- C. Loading docks and overhead doors shall not be located on the front side of the building facing the public street. (Effective 12-01-01)
- D. Such loading space(s) shall be constructed and maintained in accordance with Section 6.1.1.K of these Regulations.

### 6.1.3 Landscape Requirements

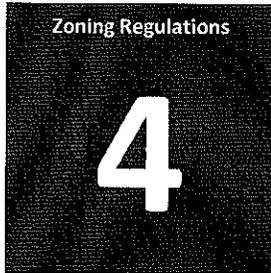
- A. Not less than 10% of the interior of a parking lot containing five or more parking spaces shall be landscaped with trees and continuously maintained. For large retail developments in excess of 40,000 sq. ft. of gross floor space not less than 15% of the interior of the parking area shall be landscaped.
- B. Planting along the perimeter of a parking area, whether for screening, landscaping or buffering, or stormwater management (including low impact development techniques), will not be considered part of the 10% interior landscaping.
- C. Where a parking area abuts the buildings on the subject property, the adjacent border plantings are not considered part of the interior landscaping.
- D. Planting beds shall have an area of not less than 25 square feet, excluding curbing.
- E. Planting beds must be distributed as evenly as possible throughout the parking area.



- F. The parking lot landscaping plan shall show a satisfactory method of storm drainage and planting beds shall be protected by curbing. Such planting beds may, with approval of the Commission, be used for stormwater management (including low impact development techniques) and the requirement for curbing may be modified or eliminated in such situations.
- G. The parking lot landscaping plan shall be drawn to scale, and shall show the plant list giving common names, caliper, height, eventual spread, the quantity of each and, when appropriate, the spacing. Unless modified by the Commission in order to enhance stormwater management (including low impact development techniques) at a specific location, when planted shrubs shall not be less than 18" to 24" in height and trees 2 1/2" caliper at breast height. (Effective 12-01-01)
- H. Ground cover alone is not acceptable. Trees selected will be checked for suitability in regard to eventual spread and adaptability to existing drainage, soil and climate conditions.
- I. Preparation of beds for trees shall be specified. Mulched planting beds shall be provided around all trees and shrubs.
- J. Gravel or stone shall not be used for ground cover unless approved by the Commission for stormwater management purposes (including low impact development techniques) and only when suitably contained within the intended area.
- K. Trees and bushes planted within 5 feet of any parking area shall be of a variety capable of withstanding salt damage.
- L. ~~Whenever~~ When possible, existing trees shall be saved by appropriate welling or mounding.
- M. In order to promote the use of low impact development techniques not to alter excessively the ground water table, the applicant is encouraged to integrate water infiltration areas and water retention areas within the overall design of the parking lot.
- N. The Commission reserves the right to determine the need for, and may require the installation of, irrigation systems to ensure the vitality of landscaped areas of the site. (Effective 12-01-01) Irrigation systems using rain barrels and cisterns may be required by the Commission to the extent practicable.

NEWINGTON – Low Impact Development Strategies

## Recommended Zoning Regulation Changes



# Landscaping Regulations

The following modifications are recommended to Section 6.10 of the Zoning Regulations (Landscaping Regulations) in order to coordinate low impact development strategies with landscaping requirements. Deletions are shown as red "strike through" text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 6 - SPECIAL REGULATIONS

#### Section 6.10 Green Space, Landscaping and Buffer Requirements

- 6.10.1 Minimum Landscaped Area - Notwithstanding other portions of this regulation, no use shall be permitted in any zone which does not leave a minimum 10 percent of the total lot area free of any building, impervious surface material or other structures, not including required yards. Such minimum area shall be planted with grass, moss, ground cover or trees in such a way as to allow natural percolation of rainwater and not to interfere with adequate drainage of rainwater from surfaced or built-up portions, and to promote proper environmental design, including the implementation of low impact development techniques.
- 6.10.2 Location - Generally, the green space will be located in the yard areas and most particularly, in the front yard.
- 6.10.3 Town Center - In the B-TC Zone, the green space may include the landscaped space required in the parking regulation.
- 6.10.4 Berlin Turnpike - On the Berlin Turnpike, the front yard green space and landscape area is most important to the public interest for the preservation and enhancement of property values, the implementation of vegetative low impact development techniques, and the control of traffic function and reduction of hazards.
- A. Alteration and additions affecting 25 percent of the gross floor area or more for business and industrial uses shall make substantial effort to add green space and landscaping, particularly in the front yard.



- B. New construction of business and industrial uses shall provide front yard green space and landscaping of at least 35 feet. The Commission may waive this requirement in whole or in part in accordance with the procedures of Section 6.10.5 ( C ). When requested to waive this standard the Commission will take into account access management measures and parking lot green space enhancements proposed by the applicant and the implementation of vegetative low impact development techniques.

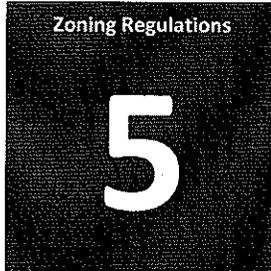
#### 6.10.5 Buffers

Where buffers are required in this regulation, the following standards shall be met.

- A. If, in the judgment of the Commission, a buffer is necessary to protect residential areas within or adjacent to the proposed area, the Commission may require landscaping, fencing or other appropriate screening within any required front, side or rear yard, in an amount and location appropriate to the need for such screening.
- B. A minimum buffer area shall be not less than 25 feet in width and planted with evergreens no fewer than 2 rows nor further than 15 feet apart, with trees planted no more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than 5 feet in height at time of planting. Suitable existing tree cover may be substituted. When the proposed new development abuts existing Town-owned open space or a designated greenway, the minimum buffer area shall not be less than 50 feet in width. Suitable existing tree cover may be substituted when approved by the Commission. (Effective 3-4-2011) Where authorized by the Commission, the buffer area may be used for stormwater management and implementation of vegetative low impact development techniques.
- C. The Commission reserves the right to alter the buffer requirement when, in its opinion, the individual natural, topographical, or manmade utilities of the site clearly indicate that the buffer requirement is inappropriate. The buffer may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission members present.

NEWINGTON – Low Impact Development Strategies

**Recommended Zoning Regulation Changes**



**Content of a Site Plan**

The following modifications are recommended to Section 5.3.4 of the Zoning Regulations (Contents of a Site Plan) in order to ensure that appropriate information is submitted as part of an application to the Planning and Zoning Commission. Deletions are shown as red "strike through" text (e.g. deletion) and insertions are shown as red underlined text (e.g. insertion).

**SECTION 5 - GENERAL REGULATIONS**

**5.3 Procedures and Requirements for Site Plans**

**5.3.4 Content of a Site Plan**

*(note that Sections 5.3.4.A and 5.3.5.B are not in the regulations published on-line)*

- C. Context Key Map: An overall map drawn to a scale of 1" = 200', which can be used as an overlay on Metropolitan District Maps. This map will show the overall design of the development and surrounding property within 500 feet.
1. Data block which gives required zoning information such as height, area and yard requirements, parking, spaces, green space, etc.
  2. Layout of buildings.
  3. Layout of streets and parking.
  4. Lines indicating proposed drainage system with direction arrows.
  5. Lines indicating sanitary sewer system with direction arrows.
  6. Names of abutting property owners.
  7. Proposed open spaces and recreation area, if required.
  8. Inland Wetland and Watercourses showing 50 foot setback area and 100 foot upland review area. (Effective 8-15-07)
  9. Hydrologic soil groups based on information available from the United States Department of Agriculture Natural Resource Conservation Service and/or highly pervious soils as found from onsite soil testing.
  10. Trees with six inch (6") caliper or larger.



11. Area identified on the Natural Diversity Database as maintained by the Connecticut Department of Energy and Environmental Protection.

***No changes proposed to the following sections:***

- 5.3.4.D Architectural Elevations
- 5.3.4.E Plot Plan

- F. **Topographic and Utility Map:** A map drawn to a scale of 1" = 40', preferable on sheets not exceeding 25" by 37", including ruled margins, shall, in addition to the requirements of the Plot Plans, show the following:
  1. All existing and proposed buildings.
  2. Curb lines, curb cuts, edge of pavement, and pavement width.
  3. Existing and proposed sanitary sewers.
  4. Existing and proposed water and gas main systems.
  5. Existing and proposed contours shall be shown in not less than two-foot intervals; but in cases of relatively level land, the contours shall be one-foot intervals. Existing contours in excess of fifteen (15%) percent gradient shall be identified by shading the areas that meet this criterion. (Effective 3-4-2011)
  6. Proposed storm drainage system, showing all low impact development techniques (such as swales, rain gardens, infiltration trenches, etc.) and any structural measures (such as catch basins, end walls, manholes, lengths and sizes of pipes, with invert elevations of each inlet and outlet).
  7. Connections of all springs into proposed storm drainage system as needed.
  8. Location and indications of existing brook channels, and 100-year flood limits.
  
- G. **Erosion Control Plan:** The disturbance of any area exceeding one-half acre shall require an Erosion and Sediment Control Plan to conform with P.A. 83-388 of the Connecticut General Assembly, and Section 8-25 of the General Statutes as amended, and the following requirements:
  2. Existing and proposed boundary and lot lines, with dimensions given in feet and areas given in square feet. Existing and proposed easements and right-of-way for public utilities and other public uses with dimensions given in feet.
  3. Location of all wetlands and water courses on the property and within sufficient distance beyond the property line and the extent of proposed changes in their configurations.
  4. Location of proposed activities.

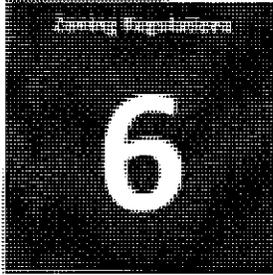
5. Elevation at two-foot contour intervals. If deposition, removal or grading of material is proposed, resulting elevations shall be shown by two-foot contour intervals.
6. Identification of wetland soils, including locations of any soil borings or test holes. Soil types shall be identified in accordance with categories established by the National Cooperative Soil Survey of the United States Department of Agriculture, Soil Conservation Service.
7. A general delineation of the vegetative cover of any regulated area.
8. Bodies of water and high water level for all inundated areas.
9. All drainage appurtenances existing and proposed together with erosion control measures or temporary or permanent soil erosion control measures to be constructed in connection with, or as part of, the proposed work.
10. Details of erosion control measures.
11. Proposed limits of disturbance / compaction and the method of ensuring same.

***No changes proposed to the following section:***

**5.3.4.H Access Management Plan**

NEWINGTON – Low Impact Development Strategies

**Recommended Zoning Regulation Changes**



## Site Plan Review Standards

Section 7.4 of the Zoning Regulations contains a number of technical standards governing site plan applications. However, these standards **would not** be applicable to an activity which only requires a zoning permit. Therefore, it is recommended that Section 7.4 be amended to refer to other Sections of the Zoning Regulations for technical standards related to drainage. Deletions are shown as red "strike through" text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 7 - ADMINISTRATION

#### 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 ConnDOT, 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."



*No changes proposed to the following sections:*

**7.4.2 Map Scales and Sheet Size**

**7.4.3 Property Lines**

**7.4.4 Street Lines**

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

**7.4.6 Driveway and Parking**

- A. For any development requiring site plan approval, all new driveways and parking areas shall be constructed of bituminous concrete pavement 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'.
- 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 ~~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.

***No changes proposed to the following sections:***

**7.4.8 Walls and Slopes**

**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.
  - ~~1.2.~~ All sidewalks shall be made of concrete or pervious concrete or pervious pavers or other materials acceptable to the Town, 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.
  - 4. Curbing shall be concrete or granite for entrance and exit drives and islands in commercial developments. Perimeter parking lot curbing for long straight runs of more than 360 feet may be 6" bituminous curbing upon the approval of the Commission.



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 curbing is required on the perimeter of all private parking lots as determined by the Town Engineer.
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.

***No changes proposed to the following sections:***

**7.4.10 Street Lines and Grades**

**7.4.11 Water**

**7.4.12 Sewer**

**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.

***No changes proposed to the following sections:***

**7.4.14 Utilities**

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



**7.4.16 Headwalls and Channel Protection**

- A. Where the storm drainage sewers empty system discharges into any natural drainage course (brook, river, etc.), headwalls at the end of ~~the~~ any pipe are required together with adequate armor ~~rip-rapping~~ of channel banks to provide protection from water erosion; in general, equivalent to provide 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 ~~rip-rap~~.

***No changes proposed to the following sections:***

- 7.4.17 Snow Removal**
- 7.4.18 Building or Structure Elevations**
- 7.4.19 Fencing**
- 7.4.20 Building Locations**
- 7.4.21 Erosion and Sedimentation Control**
- 7.4.22 Certification**
- 7.4.23 Map Title**
- 7.4.24 (Actual field 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.

***No changes proposed to the following sections:***

- 7.4.27 Certificate of Permits**
- 7.4.28 Sanitary Work**
- 7.4.29 Filing of Approved Plans**

**STAFF REPORT**  
***“Low Impact Development (LID)” Subdivision Regulation Amendments***

February 20, 2014

**Petition #03-14**

**“Low Impact Development” Regulation Amendments:  
Subdivision Regulations Sections 2.0, 3.6, 3.7 and 6.3;  
Town Plan and Zoning Commission, applicant.**

**Description of Petition #02-14:**

Text amendments to the various sections of the subdivision regulations that deal with stormwater management.

**Town Planner Comments:**

“Low Impact Development” is a new approach to stormwater management. It mimics the way stormwater is processed by nature and emphasizes using “pervious cover” to let rain and snow melt soak into the soil where it falls, rather than conveying stormwater via pipes and catch basins to rivers and streams that might be many yards away.

The advantages of LID over conventional development are numerous. By allowing rain and snow melt to infiltrate directly into the soil, groundwater is recharged naturally, which benefits the local flora and fauna. It also reduces the amount of stormwater that gets into the MDC sanitary sewer system, which is currently a major problem. Watercourses are not overwhelmed when stormwater is allowed to remain where it falls, which reduces downstream flooding.

A summary of the proposed amendments is as follows:

Section 2.0 (Definitions): Adds the phrases “impervious surface” and “low impact development techniques” to the list.

Section 3.0 (Design Requirements):

Section 3.7 (Drainage and Stormwater Improvements): adds LID techniques.

Section 3.6 (Street Classification and Improvements): reduces the minimum width for new streets.

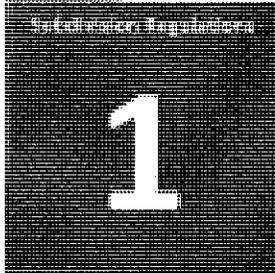
Section 6.0 (Subdivision Plan Application Requirements):

Section 6.3 (Utilities and Improvements Map): adds LID-related items to the list of information that must be included on these maps.

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NEWINGTON – Low Impact Development Strategies

**Recommended Subdivision Regulation Changes**



## Definitions

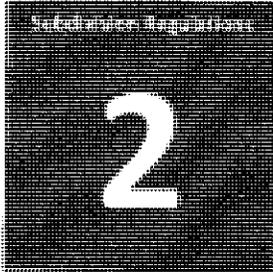
The following definitions are recommended for insertion into Section 2.0 of the Subdivision Regulations (Definitions). Deletions are shown as red “strike through” text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

**IMPERVIOUS SURFACE** – Any material or structure on or above the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces include paved parking lots, rooftops, driveways, patios (i.e., solid or open-joint patios or decks with an underlying impervious surface), paved roads, water surfaces (i.e., pools, ponds, fountains, etc.), and highly compacted soils. Impervious surfaces exclude permeable pavement that is designed, constructed, and maintained to allow stormwater to drain through the surface, including porous asphalt, porous concrete, permeable interlocking concrete pavers, concrete grid pavers, plastic turf reinforcing grids, and similar materials or products identified as “permeable” or “pervious” by the manufacturer, however these surfaces may be considered “impervious” by the Town when calculating a parcel’s impervious coverage. An underground parking structure shall be considered an impervious surface if there is less than 3 feet of soil cover.

**LOW IMPACT DEVELOPMENT TECHNIQUES** – The application of site design and stormwater management (such as, but not limited to, infiltration of rainwater, treatment of stormwater runoff, and runoff attenuation) in order to mimic the hydrologic conditions associated with an undeveloped site. Such techniques may be found in the Low Impact Development and Stormwater Manual for the Town of Newington (2013, as amended), the Connecticut Stormwater Quality Manual (2004, as amended), the Low Impact Development Appendix to the Connecticut Stormwater Quality Manual (2011, a amended), or other sources acceptable to the Commission.

NEWINGTON – Low Impact Development Strategies

**Recommended Subdivision Regulation Changes**



## Stormwater Management

Section 3.7 of the Subdivision Regulations contains drainage requirements. With the proposed *Low Impact Development and Stormwater Manual for the Town of Newington*, this section should be modified to refer to that manual. Deletions are shown as red “strike through” text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 3.0 DESIGN REQUIREMENTS

#### 3.7 ~~Drainage and Storm Water~~ Stormwater Improvements

3.7.1 ~~The developer shall be fully responsible for constructing adequate facilities, including the implementation of low impact development techniques, for the control, collection, conveyance and acceptable disposal of storm water~~ stormwater, other surface water and subsurface water, whether originating within the subdivision area or in a tributary drainage area.

3.7.2 ~~The applicable standards for stormwater management shall be as specified in Section 2.1 of the *Low Impact Development and Stormwater Manual for the Town of Newington*:~~

- A. ~~Standard 1 – Use of Low Impact Development to Reduce Stormwater Runoff and Pollutants (maximum extent practicable standard).~~
- B. ~~Standard 2 – Peak Flow Control and Flood Protection.~~
- C. ~~Standard 3 – Construction Erosion and Sediment Control.~~
- D. ~~Standard 4 – Operation and Maintenance.~~
- E. ~~Standard 5 – Redevelopment.~~



3.7.3 Such drainage and stormwater improvements shall be designed, constructed and maintained in accordance with the *Low Impact Development and Stormwater Manual for the Town of Newington* adopted by the Commission.

**3.7.1 Location of ~~Storm Water~~ Stormwater Facilities**

Drainage facilities shall be located in the street right-of-way where feasible, or in the perpetual unobstructed easements, where necessary. Such easements shall be at least twenty(20) feet in width. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured by the developer and indicated on the map. The applicant may be required to dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Commission. Low-lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways.

**3.7.2 Drainage Discharge**

The discharge of all ~~storm water~~ stormwater from a subdivision shall be into suitable streams or other acceptable and suitable ~~storm water~~ stormwater drainage facilities having adequate capacity to carry the additional water. Where the discharge will be into private property, proper easements and discharge rights shall be secured for the Town by the applicant from all affected property owners. Such easements must be acceptably executed before acceptance of drainage plan and recording of the subdivision map. Upon the recommendation of the Town Engineer, the Commission may require the applicant to design the ~~storm water~~ stormwater management system based on the engineering concept of "0" runoff of post development drainage discharge.

**3.7.3 Discharge into Town ~~Storm Water~~ Stormwater System**

Where a new street intercepts an existing street which has no underground drainage system or insufficient capacity to carry the additional flow, appropriate facilities shall be installed by the developer to intercept and dispose of any drainage from the new street which would otherwise be discharge onto the surface of the existing street or into its drainage system. These improvements shall be the developer's responsibility at no expense to the Town.



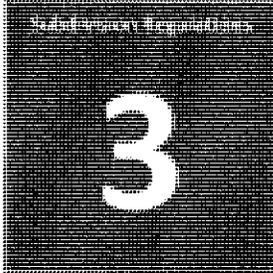
#### 3.7.4 Stream Encroachment Lines

Stream encroachment lines and building lines shall be ~~provided~~ established along any major stream or river for the purpose of preventing encroachment upon and constriction of the natural water channel by buildings, filling operations or other facilities or construction. The width of the channel shall be based on sound engineering calculations anticipating long-range storms and flow, potential and recognizing proper alignment and gradient of the channel. Design shall be computed on the complete upstream development of land based on the existing zoning or the land use as proposed in the Plan of Development, which ever causes the higher run-off, drainage design shall incorporate the recommendations included in studies of "Webster and Rock Hole Brooks, Piper Brook, and South Branch Park Watershed and Town of Newington Comprehensive Drainage Study" and any similar recommendations included in studies of "Webster and Rock Hole Brooks, Piper Brook, and South Branch Park Watershed and Town of Newington Comprehensive drainage Study" any similar future studies where applicable. A note shall be placed on the final map explaining the stream encroachment and building lines and stating the restrictions against encroachment upon the channel in a manner approved by the Commission.

3.7.5 All drainage facilities shall be designed by a professional engineer registered in the State of Connecticut and be subject to the approval and final acceptance of the Town Engineer.

3.7.6 Should field conditions warrant additional drainage installation during construction, the Town Engineer may require this work without plan modifications.

NEWINGTON – Low Impact Development Strategies  
**Recommended Subdivision Regulation Changes**



## Street Requirements

Continuous curbing can be an impediment to low impact development techniques since curbs may preclude water from entering low impact development practices such as bio-retention facilities or vegetated conveyance systems. Paved streets are a major component of impervious coverage and stormwater runoff.

Section 3.6 of the Subdivision Regulations should be modified to allow the requirement for curbing to be modified and to allow for narrower pavement widths as part of new subdivisions. Deletions are shown as red “strike through” text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 3.0 DESIGN REQUIREMENTS

#### 3.6 Street Classification and Improvements

*No changes proposed to the sections 3.6.1 through 3.6.12.*

#### 3.6.13 Street Curbs

Except where modified or waived by the Commission in order to implement low impact development techniques, curbs Curbs are required on all streets and shall meet the requirements set forth in the Standard Specifications attached to these regulations.

*No changes proposed to the sections 3.6.14 through 3.6.17.*



**SECTION 3.0 DESIGN REQUIREMENTS**

**3.6 Street Classification and Improvements**

**3.6.18 Street Design For New Subdivision Streets**

Streets to be dedicated to the Town shall be designed in accordance with the following standards:

**STREET DESIGN CRITERIA**

Street Classification	Minimum R.O.W. (Feet)	Minimum Paved Width (Feet)
Arterial	80' min.	36' min.
Collector	60'-70'	30' 30'-36' min.
Commercial	60'-80'	30' min.-30-36'
Local Residential	50'-60'	26' 30'
Residential Access	50'	24' 28'

If a median is provided on any of the above streets, the impervious surface (minimum paved width) per lane may, with approval of the Commission, be one-half of the above.



Street Classification	Design Speed (MPH)	Minimum Grade (%)	Maximum Grade (%)
Arterial	45	0.6	5%
Collector	35	0.6	6%
Commercial	25	0.6	6%
Local Residential	25	0.6	10%
Residential Access	25	0.6	10%

Street Classification	Minimum Center Line Radius (Feet)	Minimum Sight Distance (Feet)	Curbing Type (A)	Guard Rail Type
Arterial	850	400	Bit. Lip *	Metal
Collector	600	300	Bit. Lip *	Metal
Commercial	300	200	Bit. Lip *	Metal
Local Residential	<del>200</del> 150	200	Bit. Lip	Wood
Residential Access	<del>200</del> 150	200	Bit. Lip	Wood

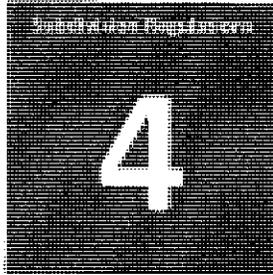
Cul-De-Sac Type	Minimum R.O.W. Radius (Feet)	Minimum Pavement Radius (Feet)	Minimum Grade (%)	Maximum Grade (%)	Curbing Type (A)
Permanent Residential (B)	55 65	45 55	1.5%	5%	Granite
Permanent Commercial (B)	80	70	1.5%	3%	Granite
Temporary	40	40	1.5%	10%	Bit. Lip

**Notes:**

- \* Except in the Town Center Business District -- Granite is required.
- (A) The Town Plan and Zoning Commission may vary the requirement for curbing and/or the type of curbing this standard depending on the existing situation, and the recommendation of the Town Engineer, and the overall desire to implement low impact development techniques.
- (B) The Commission may authorize the installation of a landscaped center island

NEWINGTON – Low Impact Development Strategies

**Recommended Subdivision Regulation Changes**



## Submission Requirements

Section 6.3 of the Subdivision Regulations identifies information to be submitted as part of an application. The information to be submitted as part of an application should be modified to ensure the locations of key resources are identified. Deletions are shown as red "strike through" text (e.g. ~~deletion~~) and insertions are shown as red underlined text (e.g. insertion).

### SECTION 6.0 SUBDIVISION PLAN APPLICATION SUBMISSION REQUIREMENTS

#### Section 6.3 Utilities and Improvement Plan

A Utilities and Improvement Plan shall be submitted drawn to the same scale as the Record Subdivision Plan and shall be prepared by and bear the seal, imprint and signature of a Professional Engineer, licensed to practice in the State of Connecticut, certifying that the "The Subdivision Regulation of the Town of Newington area a part of this plan and approval of the plan is contingent on compliance with all requirements thereof." One final mylar reproducible Utilities and Improvement Plan map approved by the Commission and signed by the Chairman or Secretary shall be filed in the Engineering Department. This map shall bear the seal, imprint and signature of the developer's professional engineer.

The Utilities and Improvement Plan map shall contain the following information:

- a. All lot lines (with accurate bearings and distances).
- b. The width of all streets, rights of way and easements.
- c. Location, and size, design specifications (including rate of slope and flow line elevations at inlets, outlets, structures and grade changes), and construction details for ~~of the~~ existing and proposed storm drainage systems showing:
  - i. low impact development techniques, and
  - ii. rate of slope and flow line elevations at inlets, outlets, structures and grade changes for conventional drainage facilities.



- d. Location, width and type of existing and proposed sidewalks.
- e. Location of all existing and proposed public sanitary and water supply utilities, fire hydrants, monuments, manholes, catch basins and special structures showing flow line elevations where applicable.
- f. Location of existing and proposed easements for drainage, sewage, water and other utilities.
- g. Location of existing structures, which may present special conditions and thus warrant the attention of the Commission.
- h. Stations indicating proposed elevations along the centerline of the street at 50-foot intervals tied in with stations on the profile map.
- i. Seal, imprint and signatures of the Engineer and Surveyor.
- j. Typical section of street, ditches and water courses.
- k. Elevations at 50-foot intervals on all ditches and water courses.
- l. The following notes shall be shown on map:
  - i. Elevations on N.G.V.D. at two (2) foot contour interval (system year shall be noted) for flat areas (less than 3 percent slopes) one (1) foot contour interval shall be shown. The method by which the topography was obtained shall be stated on the plans and certified to by the Land Surveyor.
  - ii. Iron pins to be set at all lot corners and angle points.
  - iii. Designated milestones.
  - iv. Elevation at lot corners and proposed building corners indicate proposed grades to provide proper surface drainage. Arrows indicate direction of surface water flow. Note: building corners only need to show proposed "footprint"
  - v. Town (2) trees per lot as per Section 3.12
  - vi. 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.
- m. The works "Approved by the Newington Town Planning and Zoning Commission" with a designated place for the signatures of the Chairman or Secretary.
- n. Hydrologic soil classes based on information available from the United States Department of Agriculture Natural Resource Conservation Service and/or highly pervious soils as found from on-site testing.
- o. Any tree with six inch (6") caliper or larger.
- p. Any area identified on the Natural Diversity Database as maintained by the Connecticut Department of Energy and Environmental Protection.
- q. Proposed limits of disturbance / compaction and the method of enforcing such limits.
- r. Construction details for utilities and improvements.
- s. The location and extent of impervious surfaces anticipated to be installed as a result of the proposed development.

# GREEN & LEVINE LLP

ATTORNEYS AT LAW

231 Farmington Avenue  
Farmington, Connecticut 06032  
Telephone: (860) 677-7004  
Facsimile: (860) 677-7005

Louis F. Green  
LGREEN@GREENLEVINE.COM

Tamara Kagan Levine  
TLEVINE@GREENLEVINE.COM

October 11, 2013

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

Re: Spectrum Office & Technology Park - Subdivision  
Our File No.: 2012-112

Dear Craig:

Spectrum Office Park consists of two (2) buildings, one known as 365 Willard Avenue ("365") and one known as 375 Willard Avenue ("375"). Each building contains 10 condominium units. All of the units at 375 are owned by Positively Pesach, LLC. The units at 365 are owned by different entities.

The owners of the units in both buildings have agreed that they no longer wish to be operated as one office park. Accordingly, they would like to subdivide the property, and when the subdivision approval is granted, the condominium documents will be amended so that ultimately, 375 is no longer part of the condominium.

Enclosed are the following documents:

1. Subdivision application with signatures from the various owners of the units as well as the condominium association.
2. Check to the Town of Newington in the amount of \$300.00 representing the applicable fee.
3. Twelve (12) sets of the proposed subdivision plan.

Please feel free to call me with any questions. Otherwise, please have this matter placed on the agenda of the next planning and zoning meeting.

Thank you.

Very truly yours,

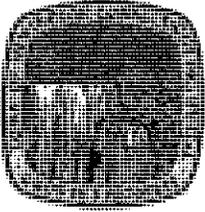


Tamara Kagan Levine

TKL/crv

Enclosures

cc: Spectrum Office Condominium Association, Inc. (without enclosures)



TOWN OF NEWINGTON  
*ckf 2417*  
 TOWN PLAN AND ZONING COMMISSION

Petition # 56-13

**APPLICATION FORM**

**LOCATION OF PROPERTY:** 365 & 375 Willard Avenue      **ZONE:** Commercial

**APPLICANT:** Spectrum Office Condominium Association, Inc.      **TELEPHONE:** 860-677-7004

**ADDRESS:** c/o Tamara Kagan Levine, Esq., Green & Levine LLP  
231 Farmington Ave. Farmington, CT 06032      **EMAIL:** tlevine@greenlevine.com

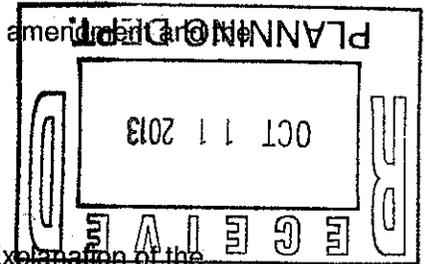
**CONTACT PERSON:** Tamara Kagan Levine      **TELEPHONE:** 860-677-7004

**ADDRESS:** Green & Levine LLP  
231 Farmington Avenue, Farmington, CT 06032      **EMAIL:** tlevine@greenlevine.com

**OWNER OF RECORD:** Spectrum Office Condominium Association, Inc.

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

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



**SIGNATURE:** *Marc C. Abrahms*

<i>By:</i>	<u>Spectrum Office Condominium Association, Inc.</u>	<u>10/11/13</u>	<u>See Exhibit A attached</u>
	<u>Marc C. Abrahms</u> President	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.

**EXHIBIT A**

**LEGAL DESCRIPTION 375**

Commencing at an existing monument (C.H.D.) in the westerly highway line of Willard Avenue with N.G.S. coordinates of N318288.64; E603708.83 which monument is the southeasterly corner of the herein described premises;

Thence running S 81° – 21' – 07" W along land now or formerly of Family Adult Care, LLC, a distance of three hundred thirty-five and no one-hundredths (335.00') feet to a point which marks the southwesterly corner of the herein described premises;

Thence turning and running N 08° – 38' – 53" W along land now or formerly of Newington 2007, LLC, a distance of three hundred ninety-seven and ninety-seven one-hundredths (397.97') feet to an iron pin which marks the northwesterly corner of the herein described premises;

Thence turning and running N 81° – 08' – 07" E along "LOT 2" as shown on said map, a distance of three hundred thirty-five and no one-hundredths (335.00') feet to a monument which is the place of beginning.

Said parcel contains 133,320 square feet; 3.0606 acres.

Together with and subject to the right to construct, maintain and repair a detention basin on adjoining property and to pass storm water and ground water drainage from the above described property to the adjoining property, all as more fully set forth in a certain Easement Agreement by and between Radot, Inc. and Ronald T. Forcier dated April 8, 1986 and recorded in the Newington Land Records in Volume 576 at page 201.

**EXHIBIT B**

**LEGAL DESCRIPTION 365**

Commencing at an existing monument (C.H.D.) in the westerly highway line of Willard Avenue with N.G.S. coordinates of N319090.39; E603586.69 which monument is the northeasterly corner of the herein described premises;

Thence proceeding S 08° – 38' – 53" E along the westerly highway line of Willard Avenue, a distance of four hundred thirteen and no one-hundredths (413.00') feet to a point which marks the southeasterly corner of the herein described premises;

Thence turning and running S 81° – 21' – 07" W along "LOT 1" as shown on said map, a distance of three hundred thirty-five and no one-hundredths (335.00') feet to a point which marks the southwesterly corner of the herein described premises;

Thence turning and running N 08° – 38' – 53" W along land now or formerly of Newington 2007, LLC, a distance of four hundred seventeen and sixty one-hundredths (417.60') feet to an iron pin which marks the northwesterly corner of the herein described premises;

Thence turning and running N 82° – 08' – 17" E along land now or formerly of Piper Brook Condominiums, a distance of three hundred thirty-five and three one-hundredths (335.03') feet to a monument which is the place of beginning.

Said parcel contains 139,126 square feet; 3.1939 acres.

Together with and subject to the right to construct, maintain and repair a detention basin on adjoining property and to pass storm water and ground water drainage from the above described property to the adjoining property, all as more fully set forth in a certain Easement Agreement by and between Radot, Inc. and Ronald T. Forcier dated April 8, 1986 and recorded in the Newington Land Records in Volume 576 at page 201.



EXHIBIT D  
LIST OF OWNERS - 365

<b>Owner</b>	<b>Unit#</b>
AnswersUsa, LLC	2-A
Joseph E. Navin Jr. and Rosemary Navid Dowd	2-B
Guy and Darlene C. Simonian, Trustee	2-C
NIMPC Office Suite LLP	2-D
Theodore & Linda Adamidis	2-E
Theodore Adamidis	2-F
Ditommaso & McMahon, LLC	2-G
Robert A. Ernst	2-H
Wieslaw J. Koziura	2-J
Miton Associates	2-K

**STAFF REPORT**  
**Commercial Subdivision at 365 and 375 Willard Avenue**

**February 18, 2014**

**Petition #56-13:**  
**Subdivision Approval**  
**365 and 375 Willard Avenue**  
**Spectrum Office Condominium Association Inc, applicant**

**Description of Petition #56-13:**

This is a fully developed parcel with two existing commercial office buildings. The owners of the property would like to split it in half so that each building would be on its own separate parcel, with separate owners. No actual improvements are proposed.

**Town Planner Comments:**

I have no substantial concerns with this application, but the plans that were submitted need to show additional information. See attached letter from me to the applicant's attorney.

As of this writing the applicants have not submitted any revised plans.

cc:  
Tamara Kagan Levine  
file



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

February 11, 2014

Tamara Kagan Levine, Esq.  
Green & Levine LLP  
231 Farmington Avenue  
Farmington, CT 06032

Dear Attorney Levine:

**Re: Petition #56-13: Subdivision at 365-375 Willard Avenue ("Spectrum Office and Technology Park"). Spectrum Office Condominium Association, owner/applicant; Attorney Tamara Kagan Levine, 231 Farmington Avenue, Farmington CT, contact.**

I have reviewed the plan submitted in connection with the above-referenced application, and have the following comments.

1. Record Subdivision Plan (Section 6.2):

The plan that was submitted contains a significant amount of information that is not required on the Record Subdivision Plan. I have no objection to this, but the following information needs to be added:

- a. Surveyor's certification that the survey contains "no gaps or overlaps" in relation to surrounding property (Section 6.2).
- b. The title block should be changed from "Subdivision Map" to "Record Subdivision Plan" and renumbered "1 of 2".

2. Utilities and Improvement Plan (Section 6.3):

A "Utilities and Improvements Plan" was not submitted. I understand that both lots are already developed, but that does not relieve TPZ of the responsibility of ensuring that these lots comply with the minimal subdivision requirements. I suggest you address this by taking a copy of the plan entitled "Subdivision Map" and making the following revisions:

- a. The title block should be changed from "Subdivision Map" to "Utilities and Improvement Plan" and renumbered "2 of 2".
- b. The Plan shall bear the seal, imprint and signature of a licensed professional engineer (Section 6.3).
- c. The size of the existing storm drainage system and flow line elevations at inlets, outlets, structures and grade changes (Section 6.3.c).

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

- d. The location of the water supply for Lot 2 (Section 6.3.e).
  - e. The location of the sanitary service for Lot 1 (Section 6.3.e).
  - f. Two street trees should be shown for each lot. If you want to use existing trees to meet this requirement, they should be shown on the plan (Section 6.3.1.v).
- 3. Street Plan and Profile (Section 6.4): Not applicable.
  - 4. Erosion and Sediment Control Plan (Section 6.5): Not applicable.

Please feel free to call me at (860) 665-8575 or [cminor@newingtonct.gov](mailto:cminor@newingtonct.gov). This application will be on the February 26, 2014 TPZ agenda for review and discussion.

Yours truly,



Craig Minor, AICP  
Town Planner

cc:  
✓ The Bongiovanni Group, Inc.  
file

**STAFF REPORT**  
***Shopping Center Fueling Station Text Amendment***

**February 20, 2014**

**Petition #62-13**

**Text Amendment to Section 3.11.7 (Shopping Center Fueling Station)  
Hayes-Kaufman Newington Associates LLC, applicant; Attorney Mark S. Shipman,  
contact**

**Description of Petition #62-13:**

The owners of the Stop & Shop plaza on Fenn Road would like to amend the zoning regulations for fueling stations in shopping centers. This amendment contains two provisions:

1. It would allow a fueling station on land that "abuts and is adjacent to" a shopping center, instead of only being on land that is "located within a shopping center".

2. A fueling station is a "motor vehicle service use" and therefore subject to Section 6.11. The applicant feels that the façade and minimum lot size requirements should not apply to a fueling station, so this amendment exempts fueling stations from Sections 6.11.6 and 6.11.8:

6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.

6.11.8 The minimum lot area for a parcel containing an auto-related use or a motor vehicle service use shall not be less than one (1) acre. Such uses may be combined with other commercial uses when the total parcel size is not less than three (3) acres.

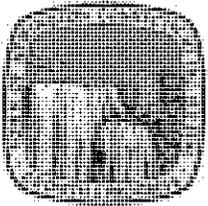
**Town Planner Comments:**

I have no objection to the substance of this petition, but I do have some organizational comments.

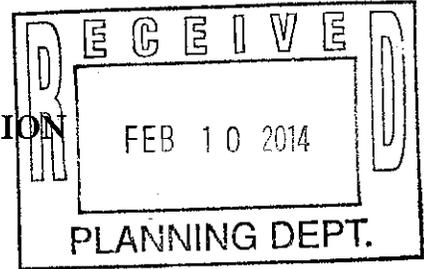
Now that portions of Section 6.11 ("Sale, Rental, Service or Storage of Motor Vehicles") have been found inappropriate by the Court, I no longer recommend moving Section 3.11.7 into Section 6.11. But since gas stations are not allowed in the B zone, this section should be taken out of Section 3.11 (Special Exceptions in the B Zone) and put into the sections where they are allowed: Section 3.15 (Special Exceptions in the B-BT Zone), Section 3.17 (Special Exceptions in the I Zone), and Section 3.19 (Special Exceptions in the PD Zone).

cc:  
Attorney Mark Shipman  
file

#07-14



TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
APPLICATION FORM



LOCATION OF PROPERTY: 795 North Mountain Rd ZONE: \_\_\_\_\_

APPLICANT: NGUYEN HOLDING LLC TELEPHONE: 860-560-8288

ADDRESS: 795 NORTH MOUNTAIN ROAD EMAIL: XNGUYEN@UNIBANKPAYMENT.COM

CONTACT PERSON: HAI XAVIER NGUYEN TELEPHONE: 413-657-4539

ADDRESS: 795 NORTH MOUNTAIN ROAD EMAIL: XNGUYEN@UNIBANKPAYMENT.COM

OWNER OF RECORD: NGUYEN HOLDING LLC

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

- Zoning Map Change from the \_\_\_\_\_ to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.2.9 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

	<u>02-10-2014</u>		<u>02-10-2014</u>
APPLICANT	DATE	OWNER	DATE

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

**NOTE:**  
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Re: Special Exception Zoning for 795 North Mountain Road

To Whom It May Concern;

795 North Mountain Road is located in an industrial park off of Newington Ave. The property is very closed to the Newington Ave, thus this made an ideal location for other business use rather than just for office uses. The lot has ample parking spaces in the back lots per our surveyor drawing. The front of the lot provide enough spaces for drop off and pick up for the kids. The interesting party from the day care center is currently operating their business out of Hartford. They have been in business since 2007 - present. They currently, have 30-40 kids 3+ year old and 14 staffs. They're looking to relocate to 795 North Mountain Rd., because they're looking to expand their business.

I would like to take this opportunity to thank you the town and its personnel for being so helpful in this process. Please feel free to contact me directly if you have further question.

Xavier Nguyen

  
Nguyen Holding LLC

413-657-4539



795 North Mountain Road . Newington . CT . 06111

---

Dear Craig and the Zoning Committee,

In addition to my application, here is the information you requested. The name of the day care center is Little Angels Learning Center located in 75 Zion St., Hartford, CT 06106. They have been in business since 2008. They will be joining me at the public hearing.

The second floor is currently occupied by my business, UniBankCard Payment Systems. we have 4 employees. We do credit card/merchant services for businesses. The remaining space, 2928 sq/ft on the first floor is not currently occupied. The remaining space will potentially lease out to offices/medicals/ non retail business. Please contact me if you have further questions.

Hai Xavier Nguyen

A handwritten signature in black ink, appearing to read "Hai Xavier Nguyen". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

**STAFF REPORT**  
**Day Care Facility at 795 North Mountain Road**

**February 21, 2014**

**Petition #07-14:**

**Special Exception (Section 3.2.9: Child Care Center)**

**795 North Mountain Road**

**Nguyen Holding LLC, owner/applicant; Hai Xavier Nguyen, contact**

**Description of Petition #07-14:**

The owner/applicant would like to rent a portion of this commercial building to a day care operator. Section 3.2.9 allows child care in any zone by Special Exception.

**Staff Comments:**

I have had no contact with the day care operator; only with the property owner/applicant, so I have only limited information on the details of the operation.

The day care will be operated by "Little Angels Learning Center" of 75 Zion Street, Hartford. I do not know how many employees there will be nor how many children they intend to have, but I will have the applicant submit that information prior to the public hearing.

According to the applicant the day care activity would occupy the front half of the building (2984 square feet, single story). The rear half of the building (2928 square feet, two story) would continue to be occupied in the second story by a financial service business, and the first floor is currently vacant.

I recommend the public hearing be scheduled for March 12, 2014.

cc:  
Hai Xavier Nguyen  
file

CR # 316

As required by PA #03-06, \$30 of this application fee shall be paid to the CT Dept. of Environmental Protection

TOWN OF NEWINGTON  
TOWN PLANNING AND ZONING COMMISSION  
APPLICATION FORM

PLANNING AND ZONING COMMISSION ACTION

APPLICATION #:	# 08-14
SUBMITTED DATE:	2/11/14
RECEIVED DATE:	
REJECTED DATE:	
PUBLIC HEARING DATE:	
SITE PLAN REVIEW DATE:	
EXTENSION DATE:	
COMMISSION ACTION DATE:	
PUBLIC NOTICE DATE:	
FIRST 65 DAYS:	
SECOND 65 DAYS:	

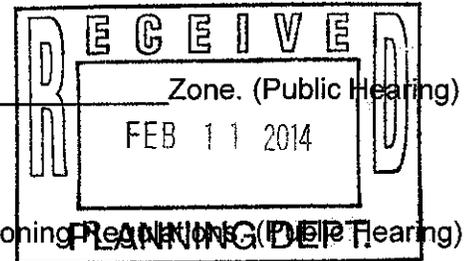
THIS APPLICATION (3-originals and 7-set of plans) SHALL BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION OFFICE TWO (2) WEEKS PRIOR TO A REGULARLY SCHEDULED MEETING. THE APPLICATION SHALL BE RECEIVED BY THE PLANNING AND ZONING COMMISSION AT THE NEXT REGULARLY SCHEDULED MEETING, THE 2ND AND 4TH WEDNESDAY OF THE MONTH (EXCEPT HOLIDAY PERIODS).

APPLICANT: Sign Pro Inc.  
 ADDRESS: 168 Stanley St. New Britain, CT TELEPHONE: 860-229-1812  
 OWNER OF RECORD ON NEWINGTON LAND RECORDS: Ed Ingals / Newington Electric  
 COMPLETE DESCRIPTION OF LOCATION OF PROPERTY: 72-82 Payne Rd. Newington, CT  
 ZONE: \_\_\_\_\_

NAME, ADDRESS & TELEPHONE OF PERSON TO WHOM CORRESPONDENCE AND INQUIRIES SHOULD BE DIRECTED:  
Kyle Niles / Sign Pro Inc. 168 Stanley St. New Britain, CT 06051 TELEPHONE: 860-229-1812

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

- Zone Change to \_\_\_\_\_
- Amendment to the Zoning Regulations. (Public Hearing)
- Filing for Subdivision
- Filing for Resubdivision. (Public Hearing)
- Special Exception as required by Section 6.2.4 of the Zoning Regulations. (Public Hearing)
- Site Development Plan Section \_\_\_\_\_
- Special Permit as required by Section \_\_\_\_\_ of the Zoning Regulations. (Public Hearing)
- Other (Describe in Detail) \_\_\_\_\_

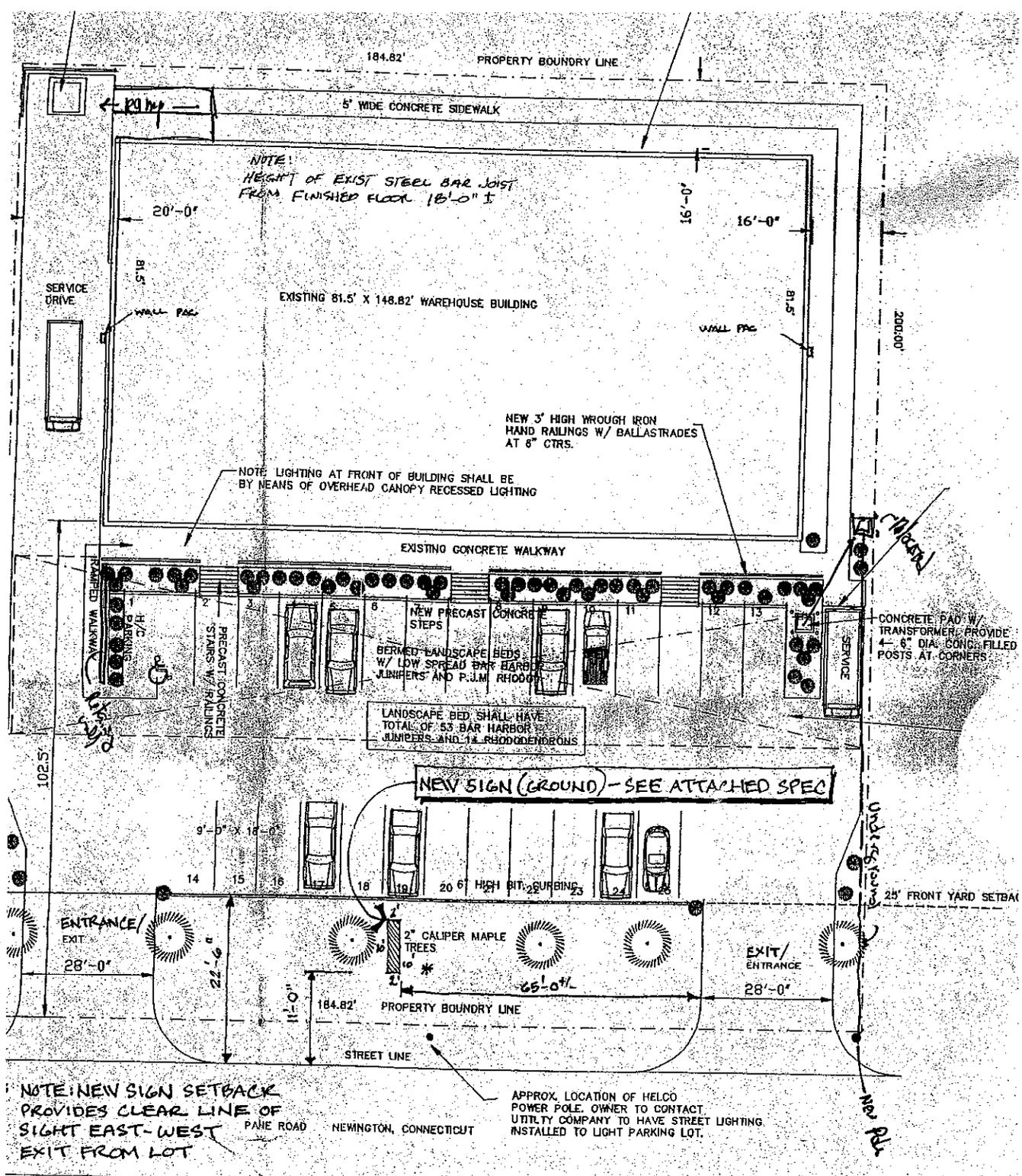


SIGNATURE (S) Kyle@Signpro-usa.com 860-229-1812 x21

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>Kyle Niles</u>	<u>2/5/14</u>	<u>[Signature]</u>	
APPLICANT	DATE	OWNER	DATE

NOTE:  
PROPERTIES LOCATED WITHIN 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.



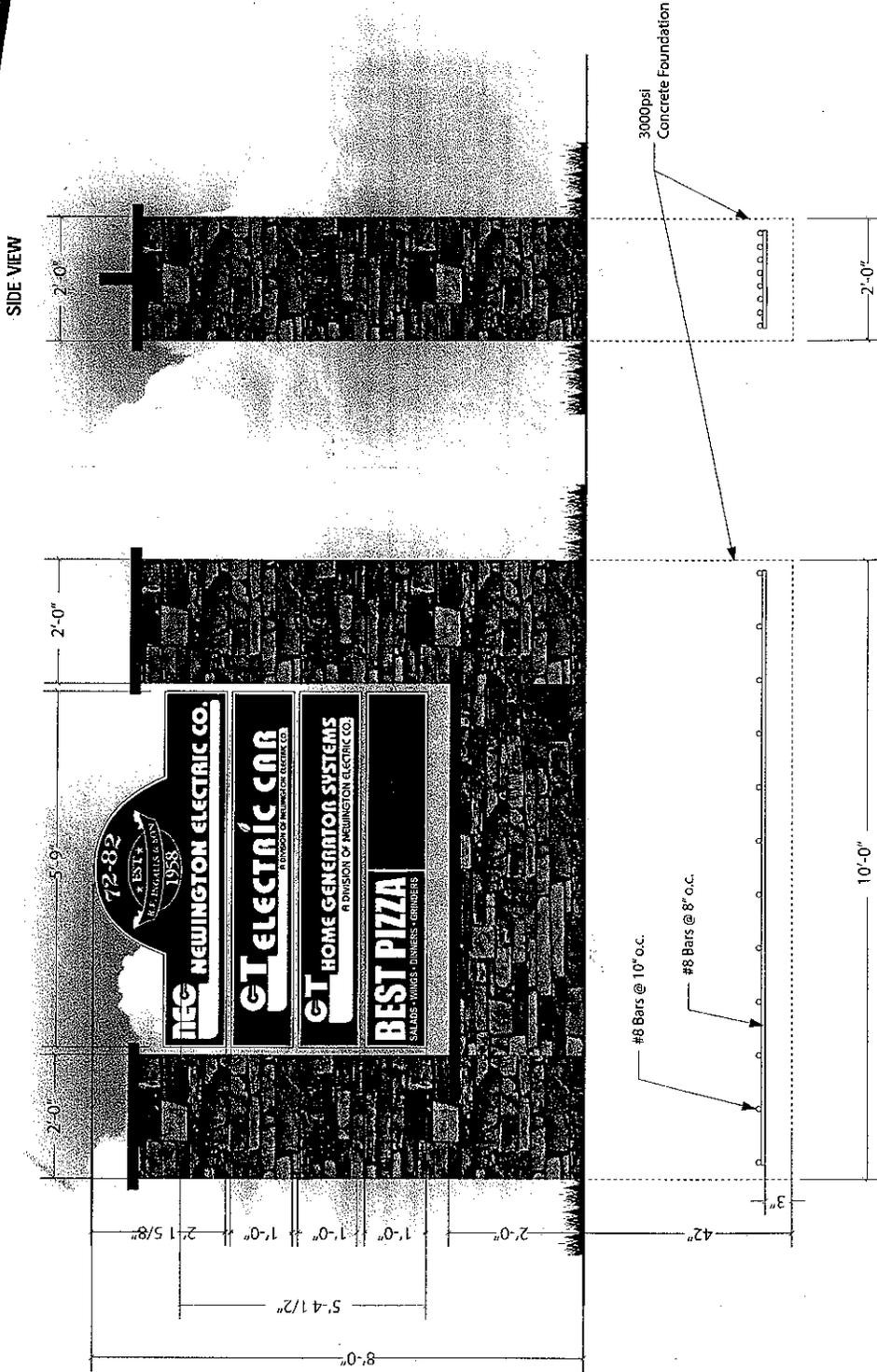
## Site Plan Layout

**NTE J BOFFI**  
**SIGN, LLC**  
 1 Main Street, Avon, CT 06001  
 1.284.1100 f. 860.284.1008

**PROJECT NAME: Newington Electric**

SIGN TYPE: Monument QUANTITY: 1

**A COMPLETE SIGN SERVICE**  
**SIGN SIGN PRO**  
 WWW.SIGNPRO-USO.COM  
 860.229.1812



**PROJECT INFORMATION**

CLIENT NAME: Newington Electric  
 PROJECT NAME: Pylon  
 JOB #: 6773  
 DATE: 10/28/2013  
 PAGE: 1 of 1  
 REVISION: 4 DATE: 1/6/2014

**SPECIFICATIONS**  
 FONT: N/A  
 SIZE: As Noted  
 COLOR: Digital Print

**MATERIALS**  
 NON-REFLECTIVE  
 REFLECTIVE  
 SPECIALTY  
 POLYMER  
 ALUMINUM

**CUSTOMER APPROVAL:**  
 I have reviewed and approve the sign details on this drawing for fabrication and installation.  
 © COPYRIGHT 2013, BY SIGN PRO INC. ALL DESIGNS PRESENTED ARE THE SOLE PROPERTY OF SIGN PRO INC. AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION FROM SIGN PRO INC.

**APPROVAL CHECKLIST - Initial the appropriate line, sign and return by fax or email.**

All approved as is  
 All spelling is correct  
 All colors are correct

**DATE:** \_\_\_\_\_

**NOTE: DRAWINGS ARE NOT TO SCALE UNLESS NOTED OTHERWISE**

**STAFF REPORT**  
***Free-Standing Sign for Newington Electric***

**February 20, 2014**

**Petition #08-14:**

**Special Exception (Section 6.2.4: Free-standing Business Sign)  
72-82 Pane Road ("Newington Electric")  
Sign Pro Inc, applicant; Kyle Niles, contact**

**Description of Petition #08-14:**

The applicant would like to install a masonry free-standing sign in the landscaped area between the parking lot and the street. Section 6.2.4 allows such signs in any non-residential zone by special exception.

**Staff Comments:**

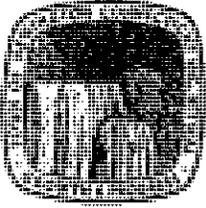
I have not reviewed this proposal completely but the application appears to be complete. I will ask the ZEO to confirm that it does not exceed the total amount of signage allowed for this building.

I recommend the public hearing be scheduled for March 12, 2014.

cc:  
Sign Pro, Inc.  
file

200202

Petition # 09-14



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 71 Eddy Lane ZONE: R-20  
 APPLICANT: Brad N. Malicki, Esq. TELEPHONE: 860-346-8641  
Halloran + Sage, LLP  
 ADDRESS: 213 Court Street, Suite 205 EMAIL: malicki@halloransage.com  
Middletown, CT 06457  
 CONTACT PERSON: Brad N. Malicki, Esq. TELEPHONE: 860-346-8641  
 ADDRESS: same as above EMAIL: \_\_\_\_\_  
 OWNER OF RECORD: Frank A. Sully A. Cefaratti

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

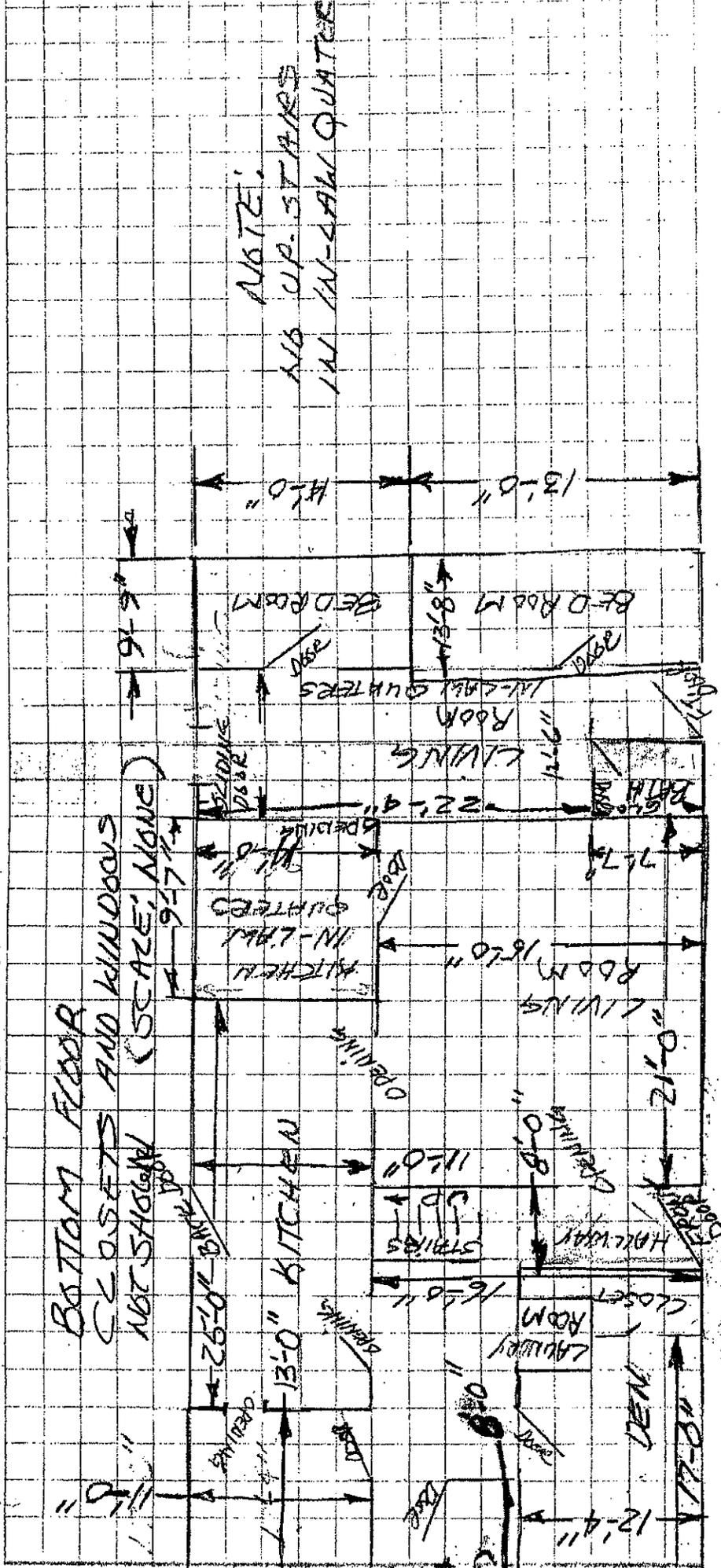
- Zoning Map Change from the \_\_\_\_\_ to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 6.13 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): \_\_\_\_\_

SIGNATURE:

<u>Brad N. Malicki</u>	<u>2/14/14</u>	<u>Frank A. Cefaratti</u>	<u>2-14-2014</u>
APPLICANT	DATE	OWNER	DATE

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

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



BOTTOM FLOOR

CLOSETS AND WINDOWS  
 NOT SAVED (SCALE: NONE)

NOTE:  
 NO UP-STAIRS  
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FILE COPY *asell*

# TOWN OF NEWINGTON

Town Hall • 131 Cedar Street, Newington, Connecticut 06111  
FAX 665-8507 Telephone 665-8500

Certified Mail No. P132 292 014

## CERTIFICATE OF ACTION

OFFICE OF: Town Planner

TO: Mr. Edmond Bala  
71 Eddy Lane  
Newington CT 06111



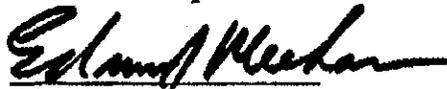
DATE: March 2, 1995

PETITION 5-95 71 Eddy Lane Edmond Bala owner K. Carlson  
Carpentry 47 Greenlawn Avenue Newington CT applicant requests  
Special Exception Section 6.13 Accessory Apartment, R-20 Zone.

At a meeting held March 1, 1995, the Newington Town Plan and  
Zoning Commission voted to approve the above referenced  
PETITION subject to the following conditions:

1. Prior to the issuance of Certificate of Occupancy for this  
apartment a landscape planting bed shall be extended across the  
front of the former single bay garage area.
2. Pursuant to Section 6.13.7 a three(3) year time limit is  
attached to this Exception. It shall be the property owner's  
responsibility to request an extension of this Exception, if  
they so desire.

Certified by:

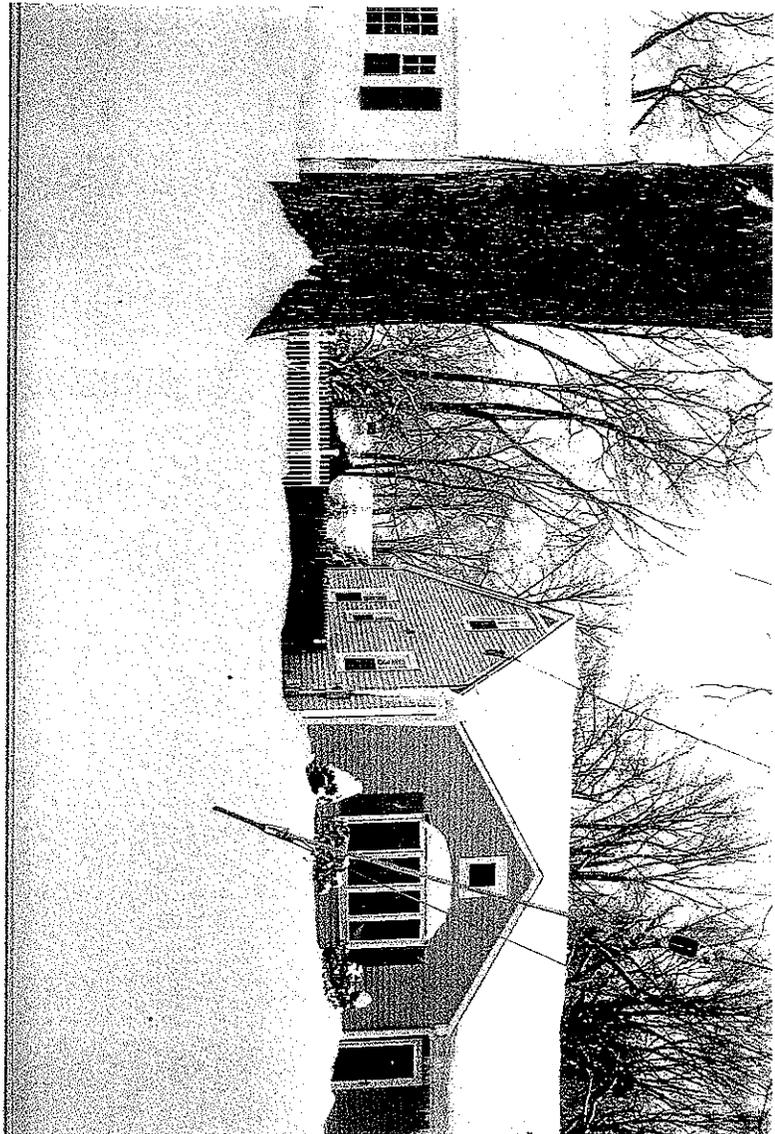
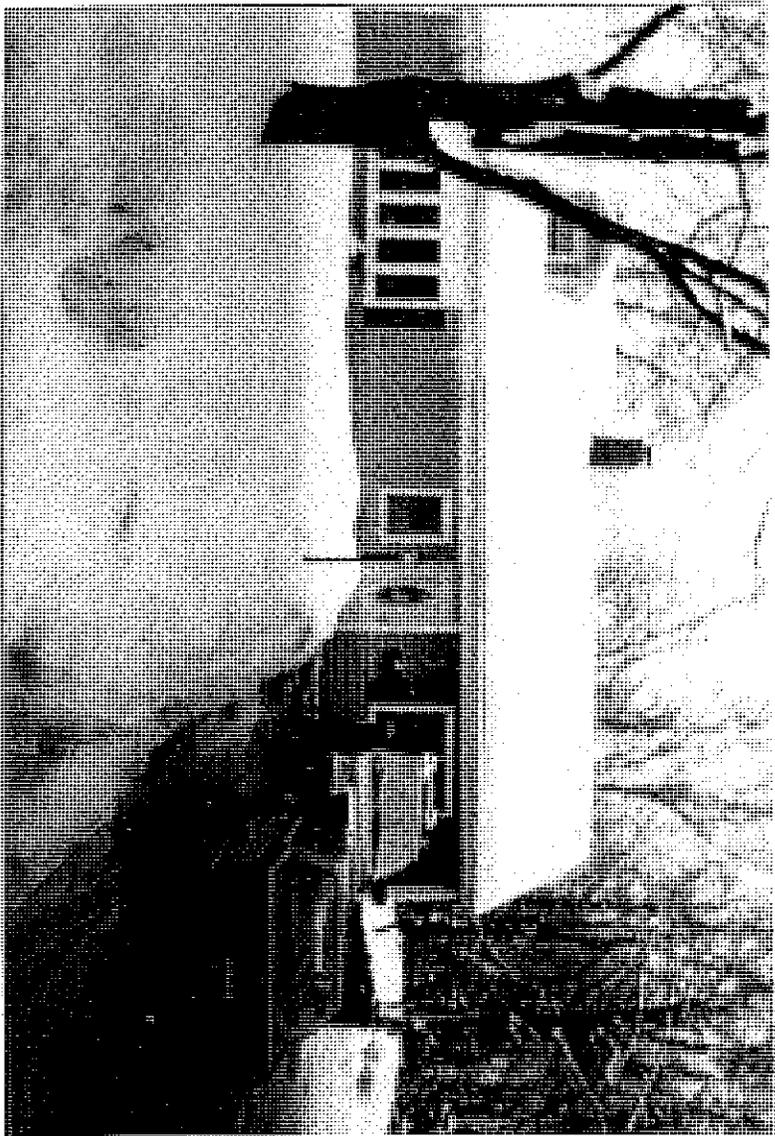
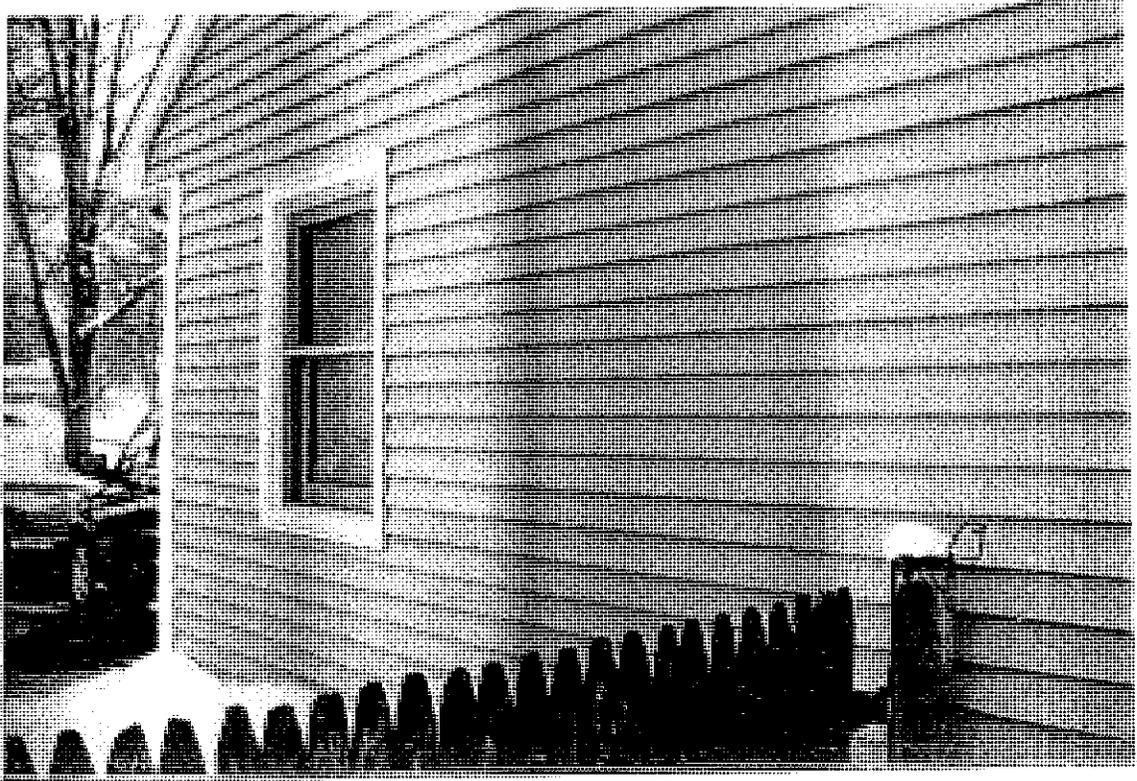
  
Edmund J. Meehan  
Town Planner

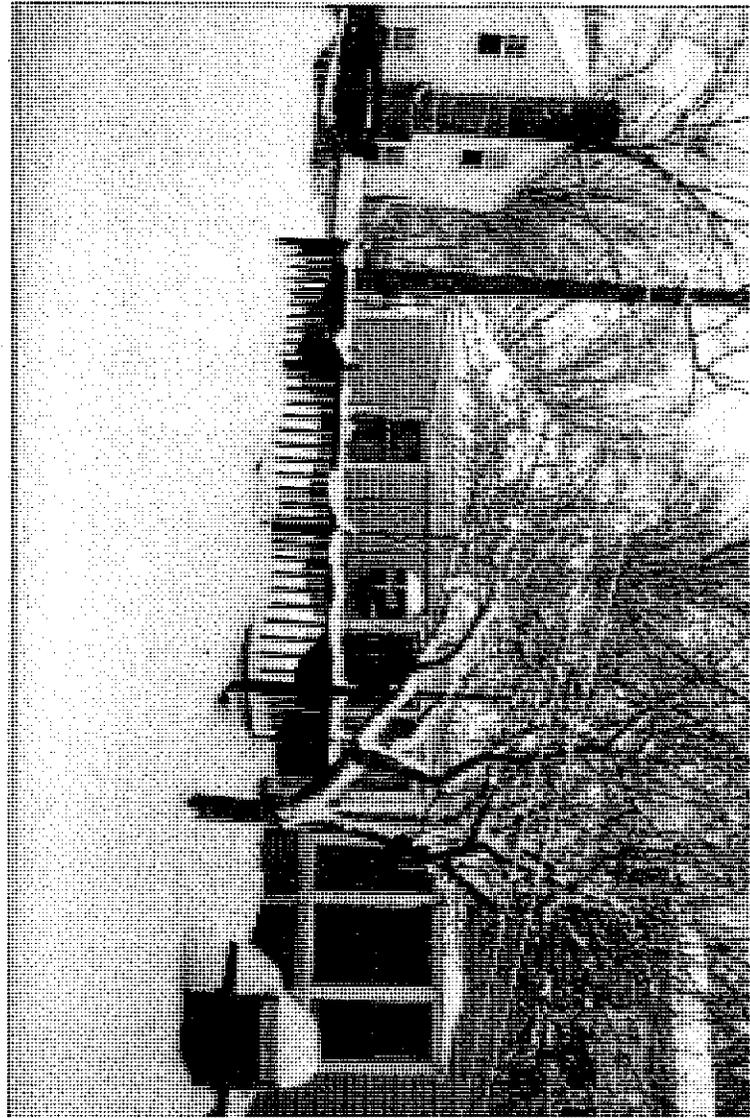
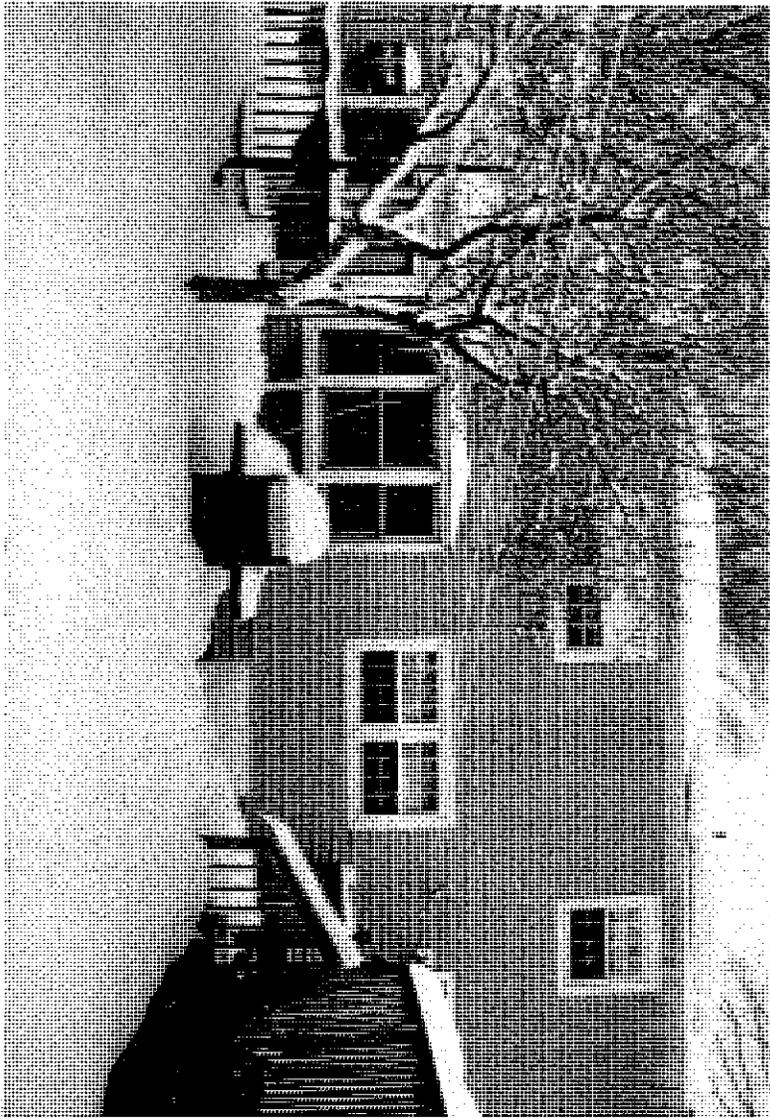
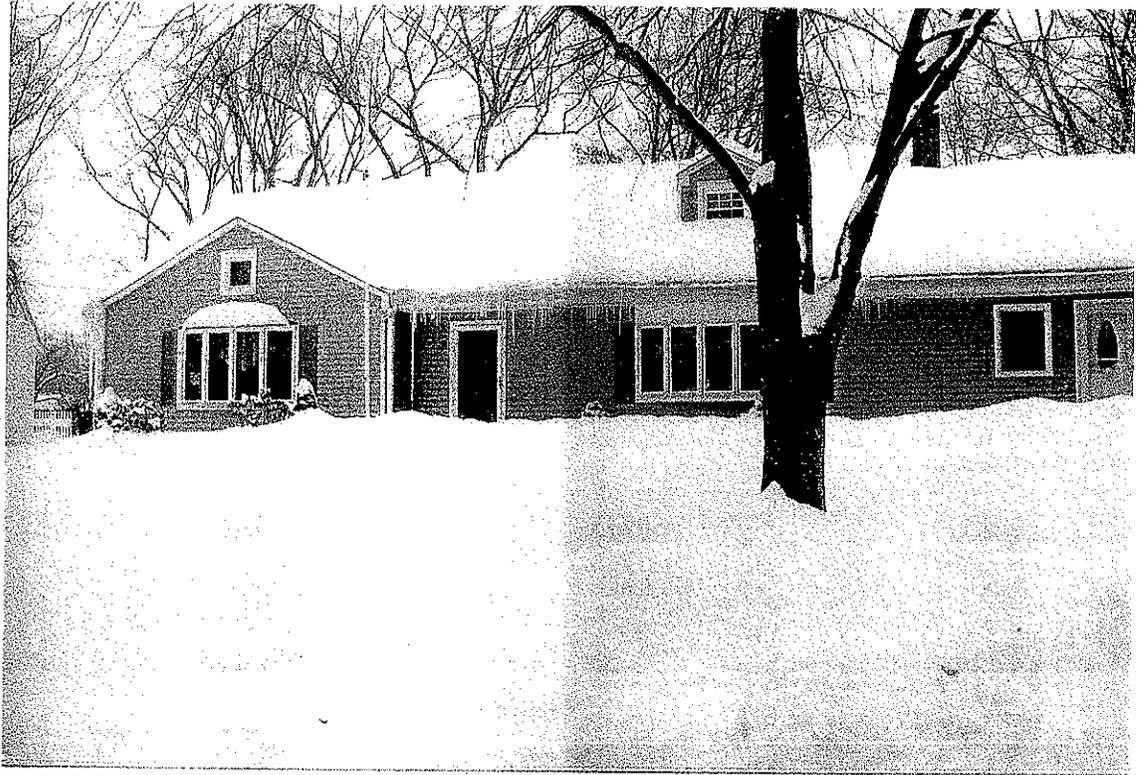
EJM/11

✓ NOTE: This Special Exception will not become effective until  
this Certificate of Action is filed by the applicant on  
the Land Records of the Town of Newington.

cc: K. Carlson Carpentry, 47 Greenlawn Avenue, Newington, CT  
06111

CA3195-1





**STAFF REPORT**  
***Accessory Apartment***

**February 21, 2014**

**Petition #09-14**

**Special Exception (Section 6.13: Accessory Apartment)**

**71 Eddy Lane**

**Frank and Sally Cefaratti, owner; Halloran & Sage, applicant**

**Description of Petition #09-14**

This petition is for an accessory apartment that was previously approved by TPZ in 1995, but the then-owners never filed the Certificate of Action with the Town Clerk. The current owners are in the process of selling the house and want to be able to market it as having a lawful accessory apartment.

**Staff Comments**

This application was filed at the last minute so I have not completed my review of it. The application appears to be complete.

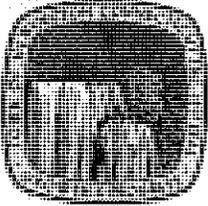
I recommend the public hearing be scheduled for March 12, 2014.

cc:  
file

UR# 13096

TOWN OF NEWINGTON

Petition # 10-14



TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 16 Fenn Road ZONE: I  
The Stop & Shop Supermarket, LLC

APPLICANT: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

CONTACT PERSON: Lawrence S. Shipman TELEPHONE: (860) 606-1702

ADDRESS: 20 Batterson Park Rd. Farmington 06032 EMAIL: larry@shipso.com

OWNER OF RECORD: Fenn Road Associates, LLC

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

Zoning Map Change from the I to the PD Zone (Public Hearing required).

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

Subdivision

Resubdivision (Public Hearing required).

Special Exception per Section ~~\_\_\_\_~~ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).

Site Plan Approval or Modification

Other (describe in detail, or attach): \_\_\_\_\_

SIGNATURE: By Lawrence S. Shipman for the Applicant and Owner

	<u>2/20/14</u>		<u>2/20/14</u>
APPLICANT	DATE	OWNER	DATE

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**STAFF REPORT**  
***Zone Change at 16 Fenn Road***

**February 21, 2014**

**Petition #10-12**

**Zone Change from Industrial to Planned Development**

**16 Fenn Road**

**Fenn Road Associates LLC, owner; Stop & Shop Supermarket LLC, applicant**

**Description of Petition #10-14**

When the owners of this property conducted the "land swap" with DOT that enabled the creation of the access road to the CTfastrak station on Fenn Road, they neglected to also apply for a zone change of the land that they had acquired, which is Industrial. Their plans to expand the Stop & Shop shopping center cannot proceed until the property is re-zoned as PD.

**Staff Comments**

The applicants have not submitted the required map of the requested zone change, nor the list of property owners within 500' as required in Section 7.5.28.4.

TPZ is required to notify New Britain's regional planning agency of the public hearing not less than 30 before it starts. February has only 28 days, so the hearing cannot take place any sooner than April 9. I therefore suggest TPZ schedule the public hearing for April 9 so notification can be sent to the CCRPA, and the applicants be directed to submit the required information immediately.

cc:  
Attorney Mark Shipman  
file



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

**Town Planner**

Craig Minor, AICP  
Town Planner

## Memorandum

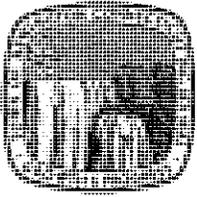
**To:** Town Plan and Zoning Commission  
**From:** Craig Minor, Town Planner *CM*  
**Date:** February 21, 2014  
**Re:** **Town Planner Report of February 26, 2014**

---

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
2. **Old Performance Bonds held by Town:** No report, due to the winter season.
3. **Newington Junction TOD Planning:** Nothing new to report; we are now waiting for the consultant to submit their final report based on input from the TOD Committee's meeting with them last month. I did get a call from the planner at CRCOG overseeing this project with a request for clarification the other day, but that's all.
4. **Revision to Sign Regulations:** A meeting is scheduled for the afternoon of the February 26, 2014 TPZ meeting, so I may have something to report at the TPZ meeting.
5. **Status of "Modern Tire" Appeal:** The attorney for Modern Tire has submitted a settlement proposal to the Town Attorney, as expected, but not in the manner that was expected. I forwarded a copy of it to Chairman Hall. I will have more information on this at the meeting.

cc:  
file

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



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

**Town Planner**

Craig Minor, AICP  
Town Planner

## Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Craig Minor, Town Planner *CM*  
**Date:** February 18, 2014  
**Re:** **Performance Bond Reduction at 435-485 Willard Avenue ("Fountain Pointe")**

---

This project was completed several years ago, but \$5,000 of the performance bond has been retained because the landscaping was not in place.

I discussed this with the developer and inspected the site. He claims that he planted the trees and shrubs, more than once, but they did not survive, and feels that it would be a waste of money to do it again. He is therefore asking TPZ to relieve him of having to provide that landscaping.

See attached aerial photos.

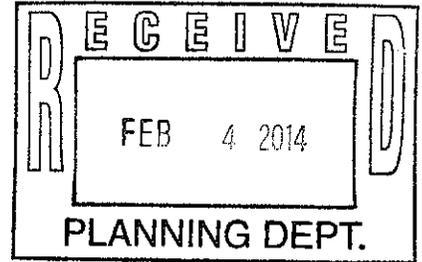
The landscaping in question is not an absolute requirement, so it would not be a violation of the zoning regulations to approve this request.

cc:  
Rotundo Developers  
file

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

# ROTUNDO DEVELOPERS, LLC

838 Brook Street Unit E  
Rocky Hill, CT 06067  
860-563-6134 Phone/Fax  
860-558-5554 Cell



January 30, 2014

Town Of Newington  
Conservation Commission  
131 Cedar Street  
Newington, CT 06111

Attn: Craig Minor

Mr. Minor,

This letter is in reference to the plantings at 435-485 Willard Ave in Newington. I planted various types of greens on the property multiple times but because of the salt used for snow, the plants always died. Because of this, I decided to plant grass which has worked out very well and is aesthetically pleasing.

I am asking the town for relief regarding this matter and requesting that you release the \$5,000 performance bond that was posted with the Town of Newington on November 30, 2007.

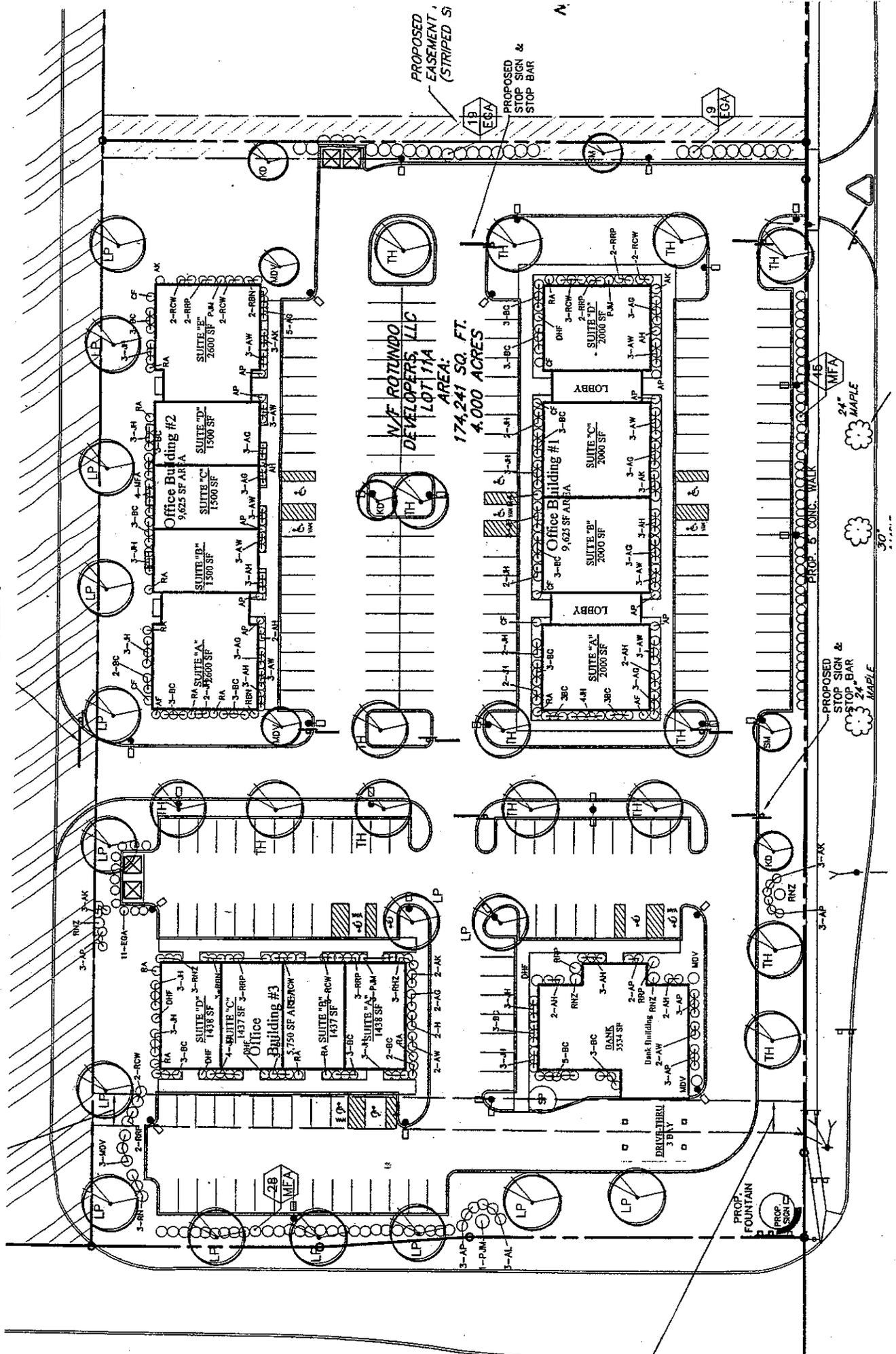
Please do not hesitate to call me if you have any questions.

Sincerely,

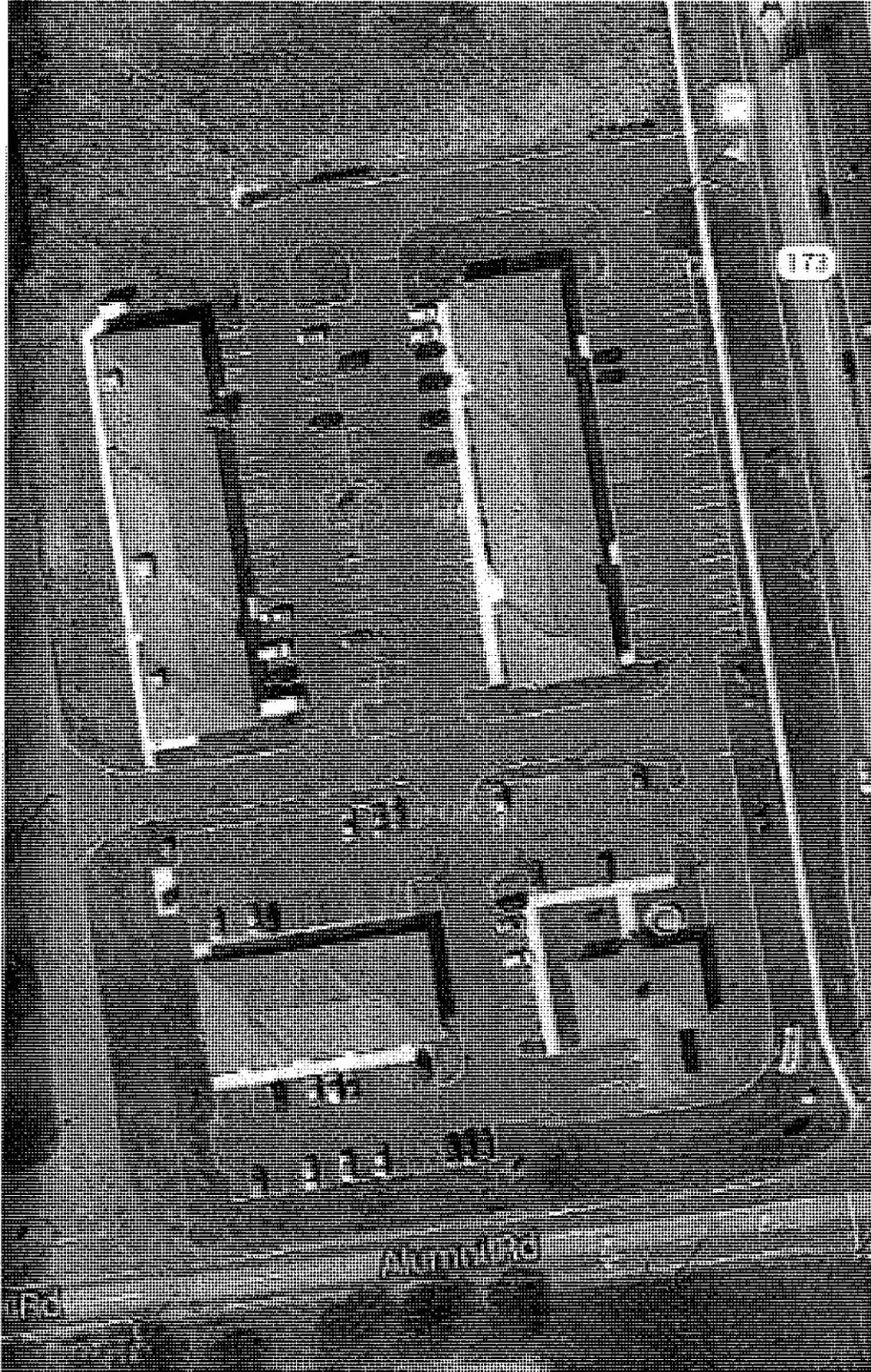
A handwritten signature in black ink, appearing to read "Rich Rotundo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rich Rotundo  
Rotundo Developers, LLC

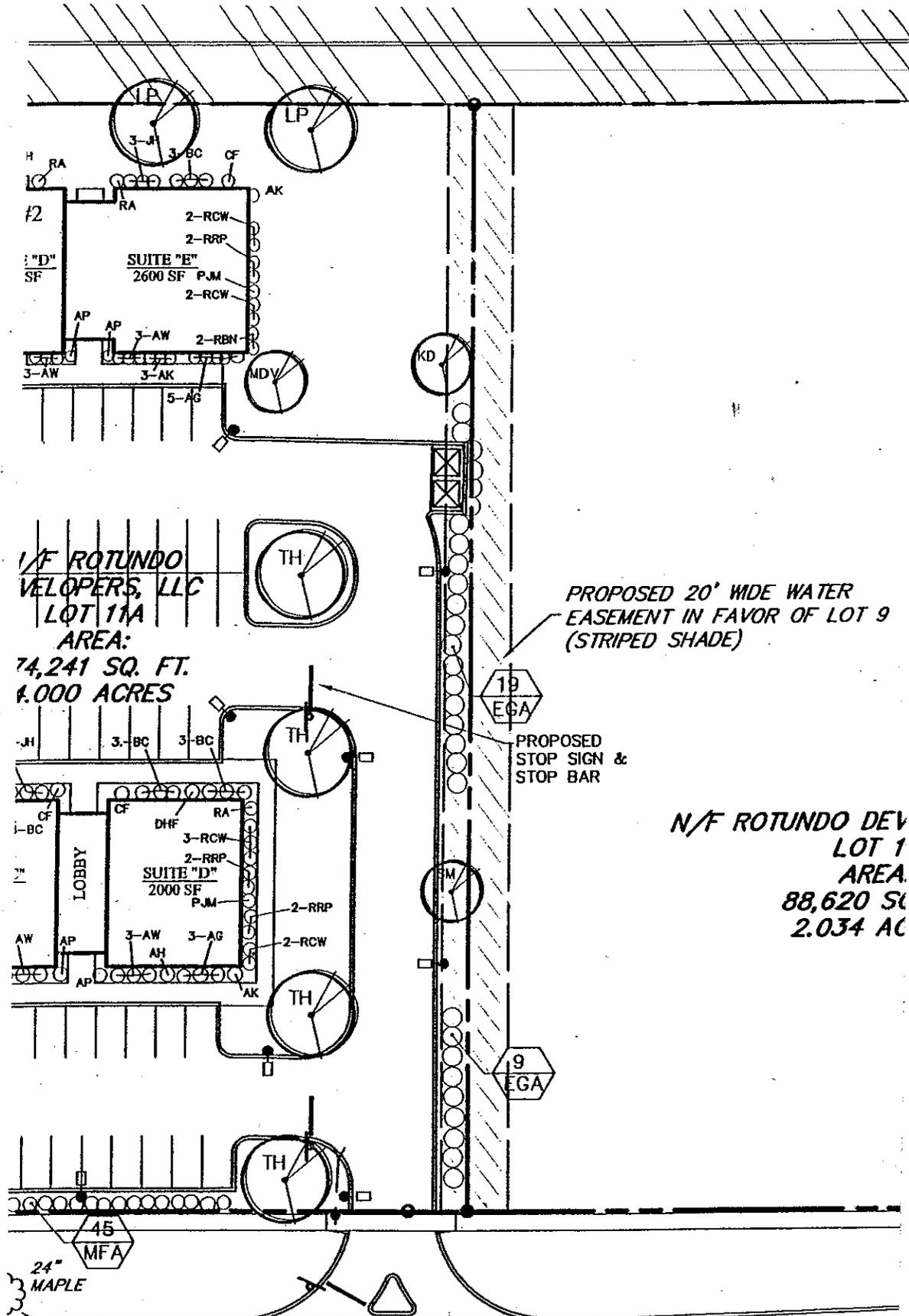
# 435-485 Willard Avenue "Fountain Pointe"



**435-485 Willard Avenue**  
**"Fountain Pointe"**



**435 - 485 Willard Avenue  
"Fountain Pointe"**



**N/F ROTUNDO  
DEVELOPERS, LLC  
LOT 11A  
AREA:  
74,241 SQ. FT.  
1.000 ACRES**

**PROPOSED 20' WIDE WATER  
EASEMENT IN FAVOR OF LOT 9  
(STRIPED SHADE)**

**PROPOSED  
STOP SIGN &  
STOP BAR**

**N/F ROTUNDO DEV  
LOT 1  
AREA:  
88,620 SQ  
2.034 AC**

**24" MAPLE**

**435 - 485 Willard Avenue  
"Fountain Pointe"**

