



NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING
Wednesday, March 12, 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 26, 2014.
- b. 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.
- c. 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.
- d. 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.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. February 26, 2014.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 MAR -5 A 10:38

BY *Tanya D. Lane*

TOWN CLERK

VII. NEW BUSINESS:

- a. Petition #11-14: Site Plan Approval (Fueling Station) 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.

VIII. OLD BUSINESS

- a. 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.
- b. 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.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #12-14: Special Exception (Section 3.19.4: Fueling Station) 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.
- b. Petition #13-14: Special Exception (Section 3.2.1: Church) at 37 Ann Street. 37 Ann Street LLC, owner; Cedar Mountain Church, applicant; Stephen Cianci, 199 Back Lane, Newington CT, contact.

X. TOWN PLANNER REPORTS:

- a. Town Planner Report for March 12, 2014

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,



Craig Minor, AICP
Town Planner

STAFF REPORT
Medical Marijuana Zoning Amendment

March 5, 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:

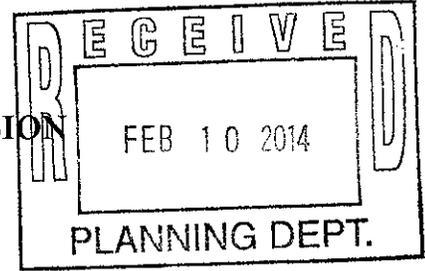
The public hearing was kept open to give the Town Attorney time to review the proposed amendment. As of this writing I have not received his comments.

cc:
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:
 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.



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", written over a horizontal line.

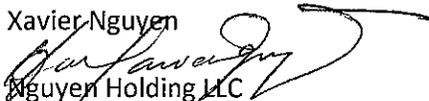
Re: Special Exception Zoning for 795 North Mountain Road

To Whom It May Concern;

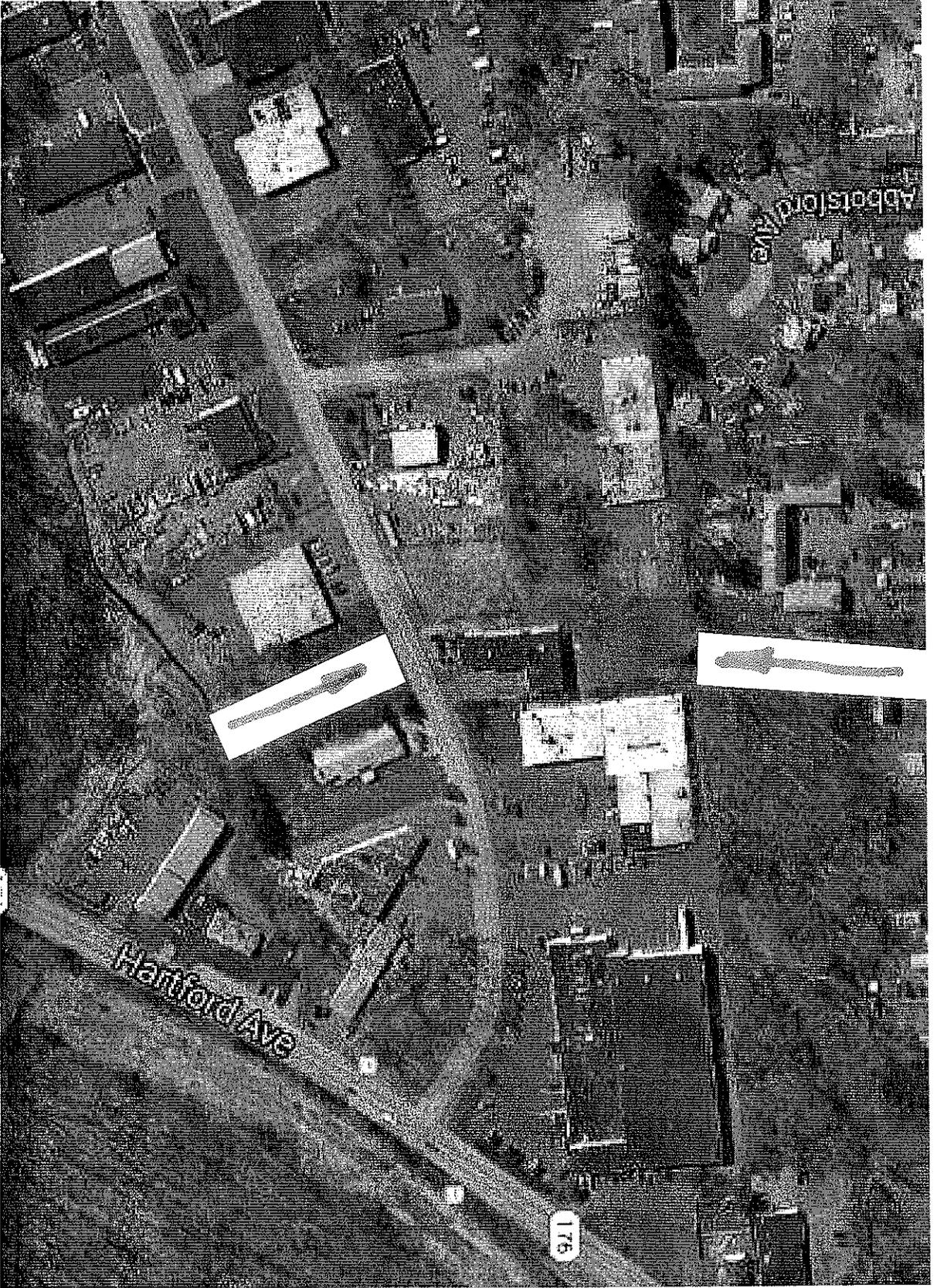
795 North Mountain Road is located in an industrial park off of Newington Ave. The property is very closed to the Newington Ave, thus this made an ideal location for other business use rather than just for office uses. The lot has ample parking spaces in the back lots per our surveyor drawing. The front 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



North Mountain Road

STAFF REPORT
Day Care Facility at 795 North Mountain Road

March 5, 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:

The day care will be operated by "Little Angels Learning Center" of 75 Zion Street, Hartford. The applicant just today gave me three copies of their "Parent Handbook" and their "Staff Handbook" which I will look through before the hearing. According to the applicant they have between thirty and forty children aged 3 and up, and fourteen employees. They are looking to relocate so that they can expand their business.

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

I have two concerns with this application:

1. Play Area: There is no outside play area shown on the site plan. I believe this is a state requirement.

2. Parking:

The regulations do not specify a minimum amount of parking for a day care operation. Other towns commonly require one space per employee on the largest shift, plus one space for parent parking for every 5 to 15 children (it varies between different towns). Based on 14 employees and 40 children, plus one parent space per ten children, they would need 18 spaces.

The site has 31 parking spaces. This leaves only 11 spaces for the existing financial services business (which needs 18 spaces per the requirement for "office") and the vacant area, and it does not allow for any increase in the number of children. The unstriped paved area behind the building could be striped to create a few more spaces, possibly as many as 13.

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

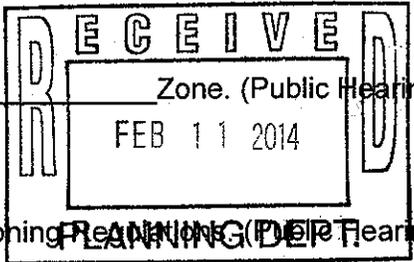
COMPLETE DESCRIPTION OF LOCATION OF PROPERTY: 72-82 Payne Rd. Newington, CT

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

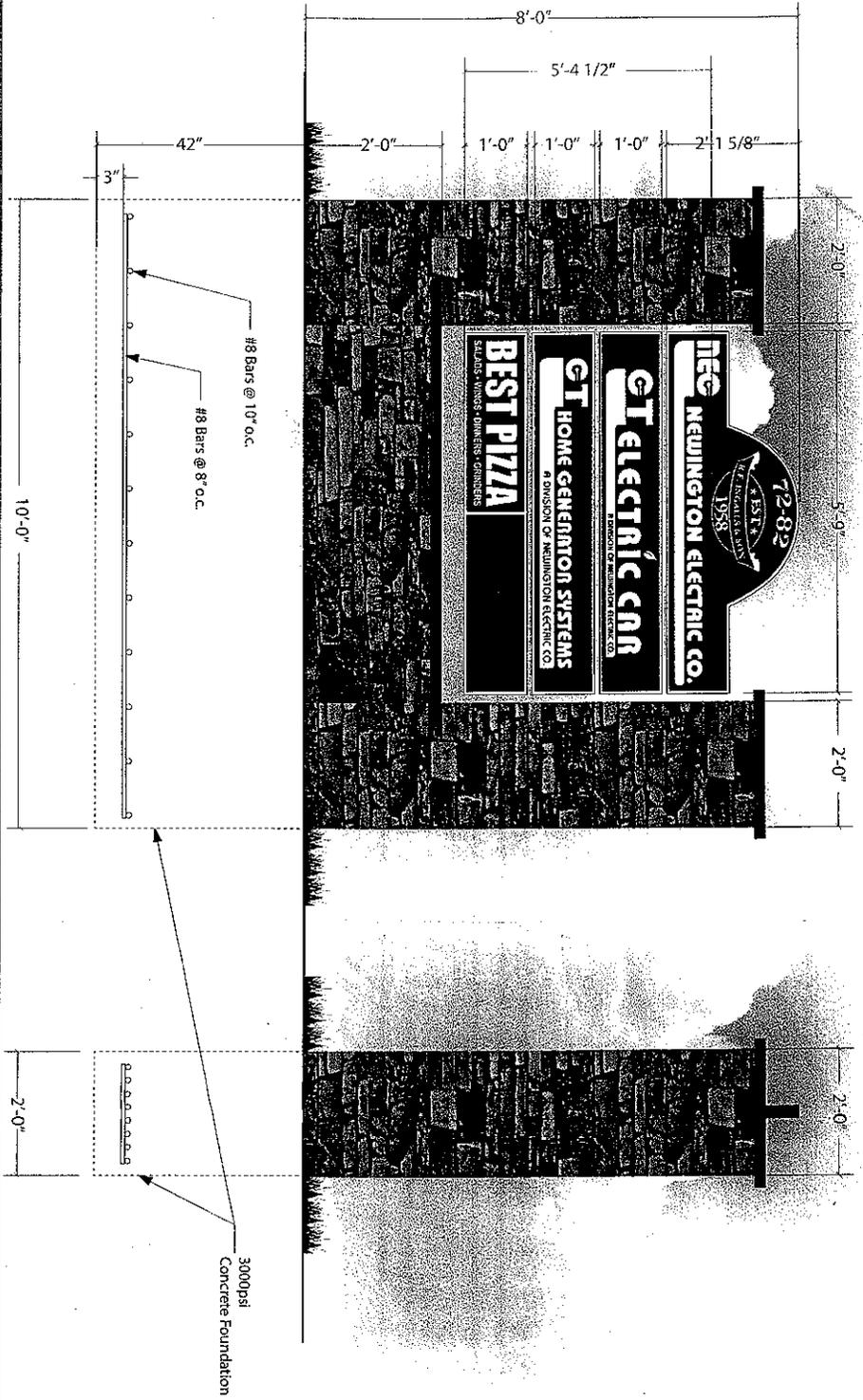
<u>Kyle Niles</u>	<u>2/5/14</u>	<u>[Signature]</u>	_____
APPLICANT	DATE	OWNER	DATE

NOTE:
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PROJECT NAME: Newington Electric

SIGN TYPE: Monument QUANTITY: 1

SIDE VIEW



PROJECT INFORMATION

CLIENT NAME: Newington Electric
 PROJECT NAME: Pylon
 JOB #: 6773
 DATE: 10/28/2013
 DESIGNER: Joel Moret
 SALESPERSON: Don Nagel
 PAGE: 1 of 1
 REVISION: 4 DATE: 1/6/2014

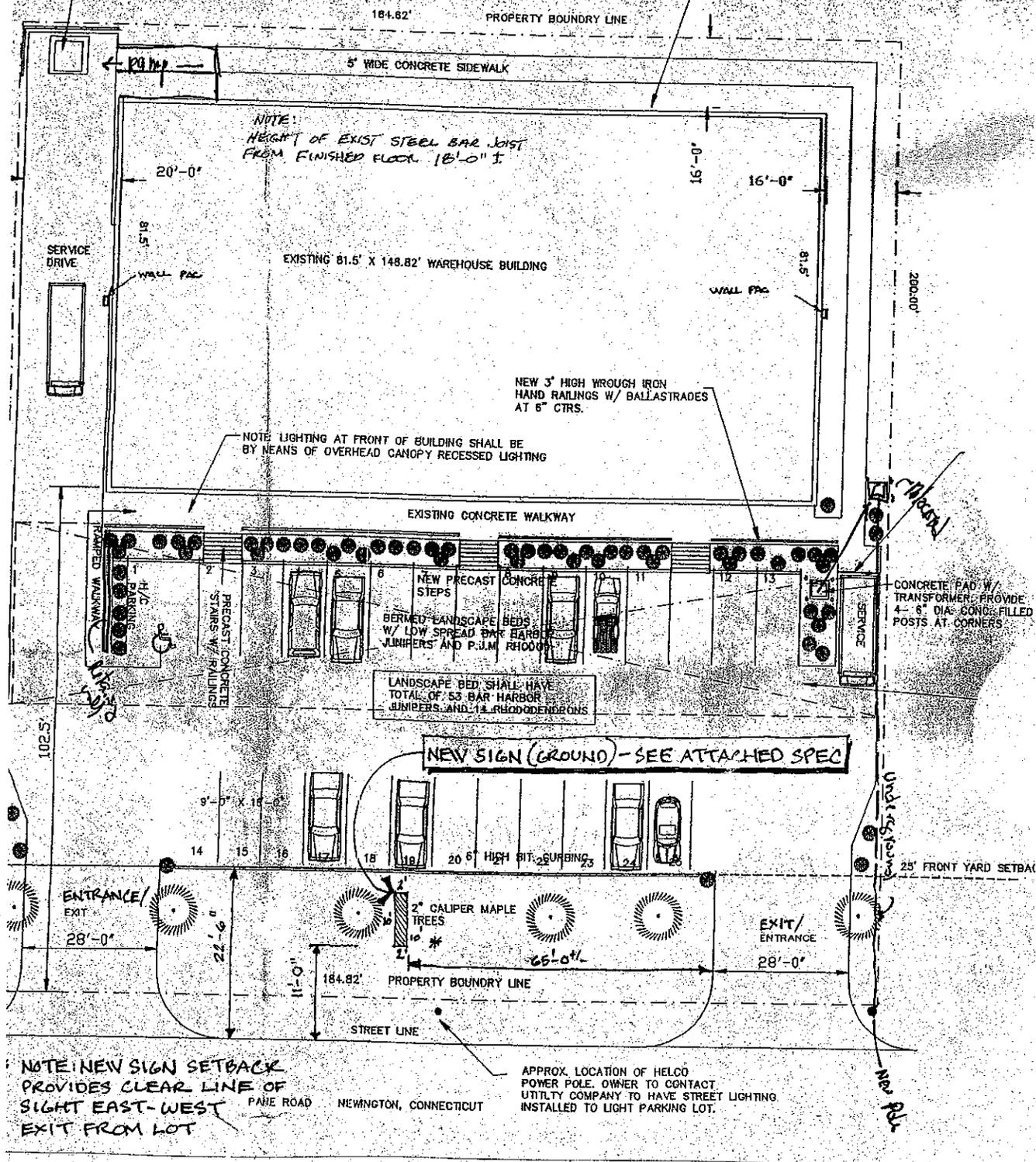
SPECIFICATIONS
 FONT: N/A
 SIZE: As Noted
 COLOR: Digital Print
 MATERIALS
 NON-REFLECTIVE
 REFLECTIVE
 SPECIALTY
 POLYMER
 ALUMINUM
 NOTE: DRAWINGS ARE NOT TO SCALE UNLESS NOTED OTHERWISE

APPROVAL CHECKLIST - Initial the appropriate line, sign and return by fax or email.
 Art approved as is
 All spelling is correct
 All colors are correct
 All dimensions are correct
 Art is approved with noted changes
 Changes noted, provide revision
CUSTOMER APPROVAL: _____
 I have reviewed and approve the sign details on this drawing for fabrication and installation.
 DATE: _____
 © 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.



A COMPLETE SIGN SERVICE
SIGN PRO
 W.W. SIGN PRO - USA.COM
 860.229.1812





2
A-1

Site Plan Layout

1" = 20'-0"

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

STAFF REPORT
Free-Standing Sign for Newington Electric

March 6, 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 reviewed this proposal and I visited the site, and I do not have any concerns with it. I have asked the ZEO to confirm that the proposed sign does not exceed the total amount of signage allowed for this property.

The "Notice of Public Hearing" sign was not in place when I visited the site on March 5. I have advised the applicant that he needs to put up the sign immediately. I recommend the public hearing be continued.

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. Saily 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): _____

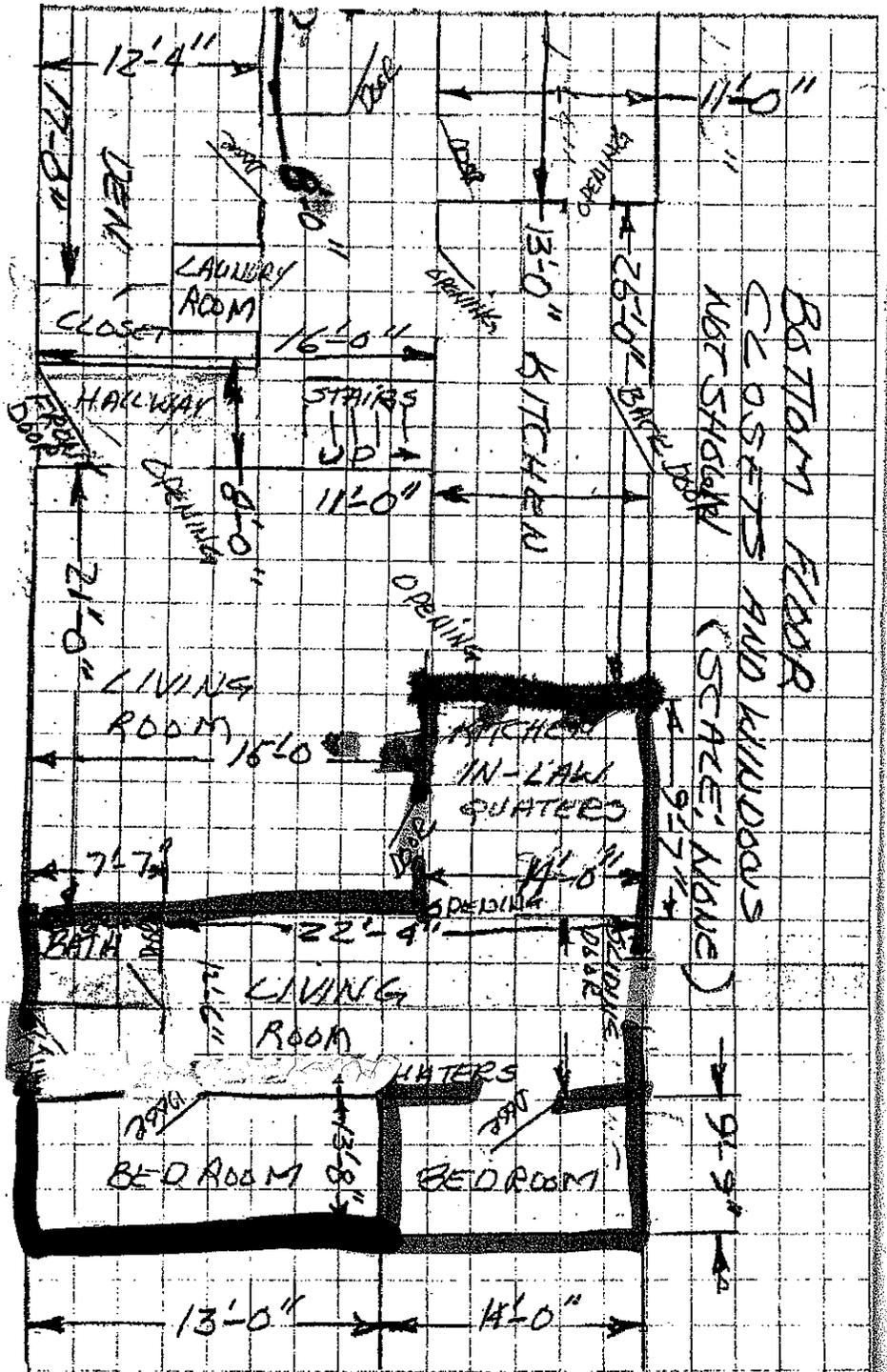
SIGNATURE:

	<u>2/14/14</u>		<u>2-14-2014</u>
APPLICANT	DATE	OWNER	DATE

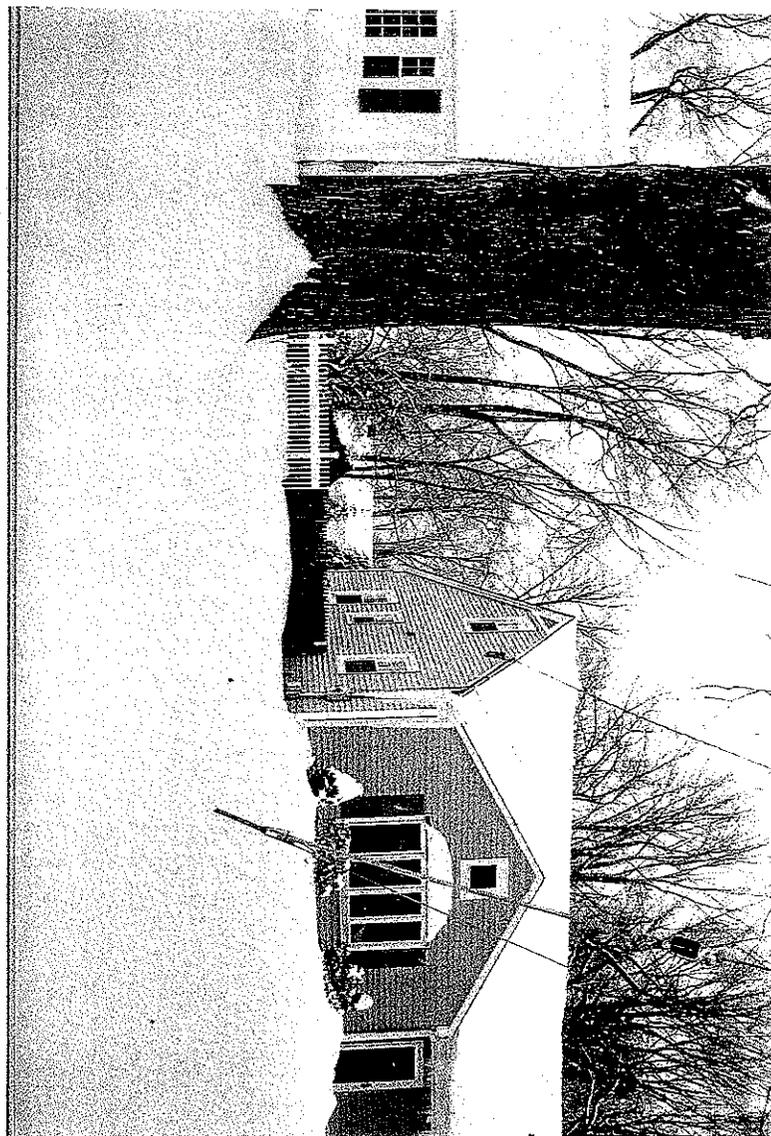
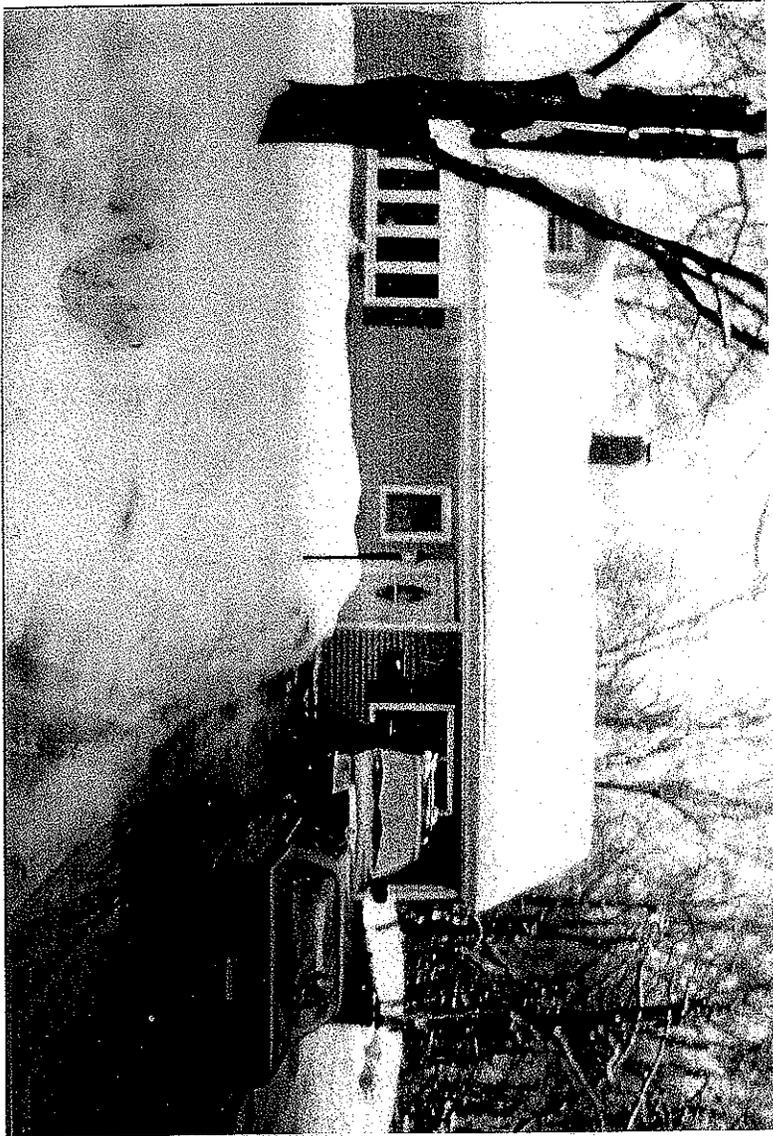
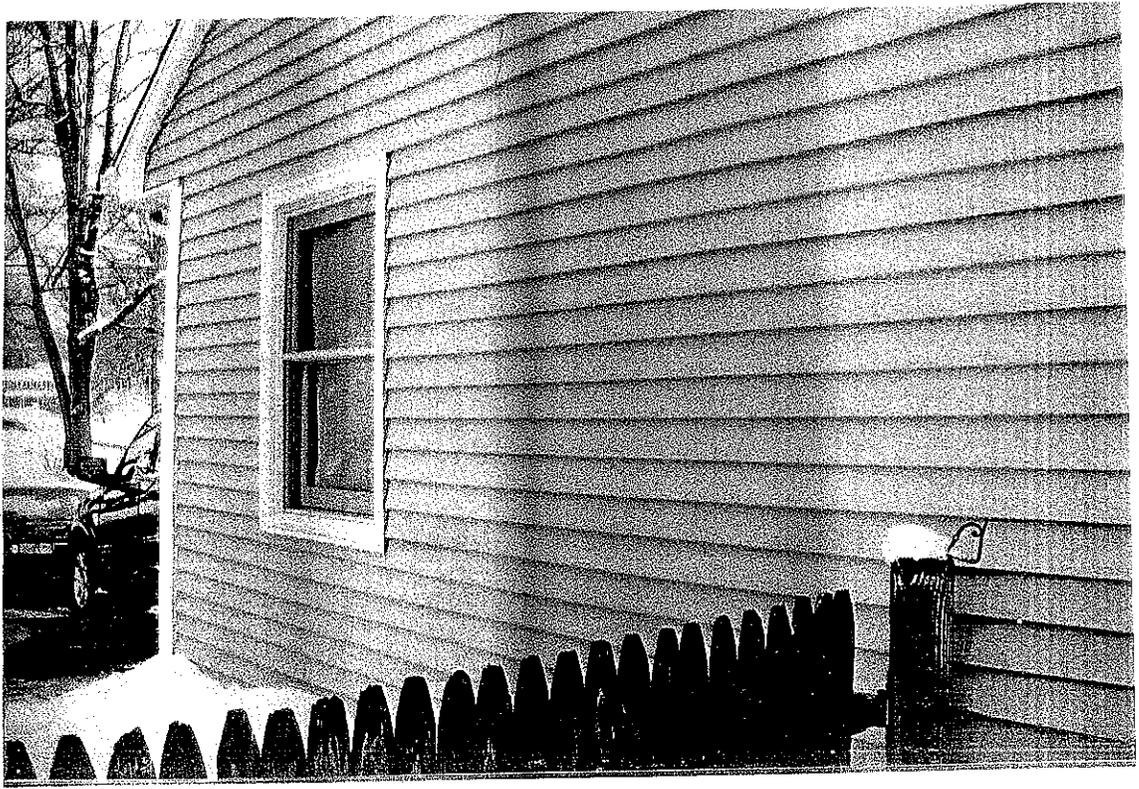
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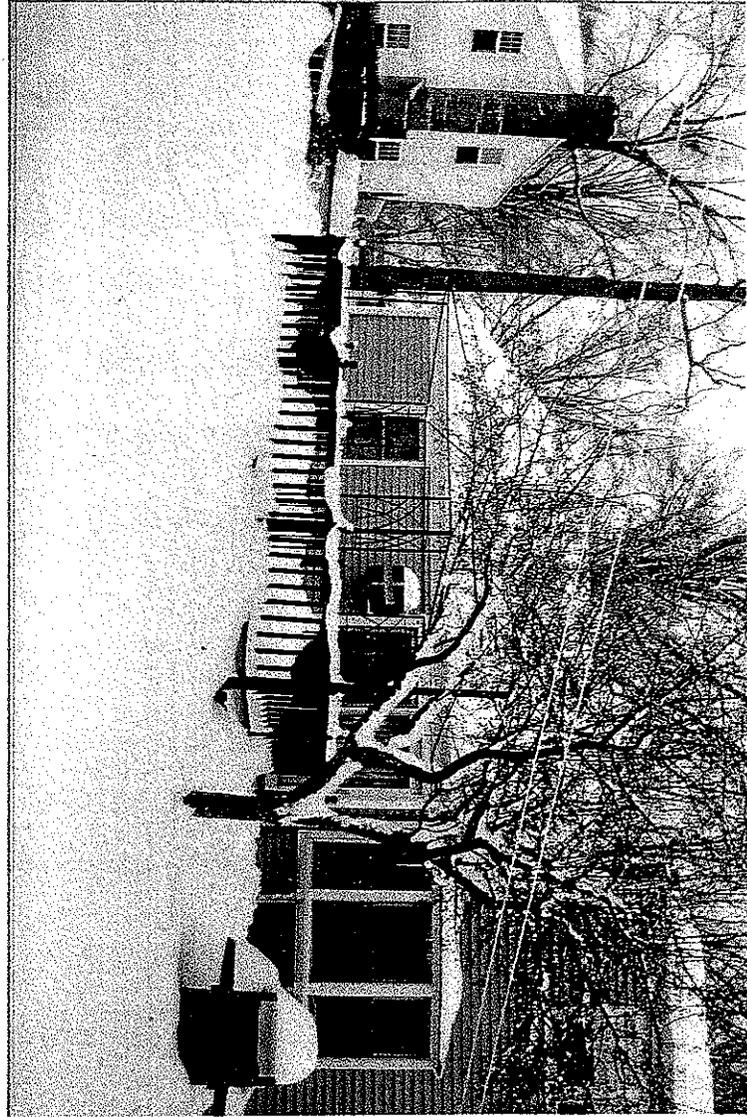
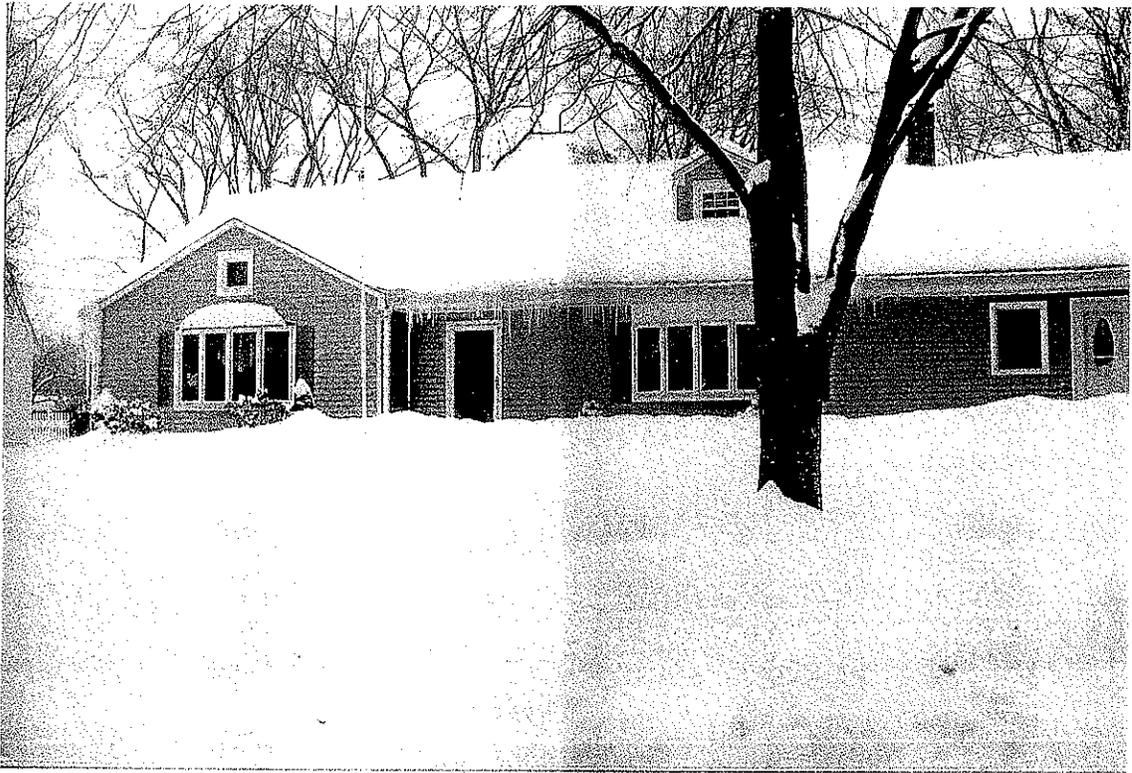
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NOTE:
ALL UP. STAIRS
IN IN-LAW QUARTERS





STAFF REPORT
Accessory Apartment

March 6, 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 is a single-story house with a partial second story. According to the assessor's file there is a total habitable floor area of 3056 sf.

The sketch submitted by the applicant shows the "apartment" as containing 682 sf, which is less than 30% of the total floor area, and greater than 500 sf (the minimum allowable for an apartment). The sketch also shows interior access to the apartment from the house, as well as its own front door and back door.

I have no objection to this application.

cc:
Attorney Brad Malicki
file

13096

Petition # 11-14



TOWN OF NEWINGTON

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 ~~III~~ to the ~~II~~ 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 ~~VI~~ 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

	2/20/14		2/20/14
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).

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STAFF REPORT
Site Plan Approval for Fueling Station at 16 Fenn Road

March 6, 2014

Petition #11-14

Site Plan Approval (Fueling Station)

16 Fenn Road

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

Description of Petition #11-14

This is the proposed fueling station that precipitated the zoning text amendment which was approved by TPZ last month. It is on a separate parcel from the parcel that contains the Shop & Stop shopping center, but this is allowable under the amended Section 3.17 (Special Exception in the PD Zone). The parcel is partially zoned Industrial and partially zoned PD, so the zone change that the applicants requested last month needs to be approved before this site plan can be approved. As you know the public hearing on the zone change has been scheduled for April 9, 2014. This project also requires a Special Exception, which has been requested and needs to have its public hearing scheduled.

This project involves inland wetland "regulated activities", so no final action on the site plan can be taken by TPZ until the Conservation Commission has acted on it. The inland wetlands application will be "received" by the Conservation Commission at their meeting on March 18, 2014.

Staff Comments

I have not completed my review of the site plan, but there is one issue that the TPZ needs to address now. The site plan is too bulky to mail, so I will distribute them at the meeting.

The parcel is on the corner of Fenn Road and the CTfastrak road, which I understand is intended to become a Town road. The site plan shows only a 15' sideyard on the CTfastrak side of the parcel; the required sideyard for a corner lot in the PD zone is 35'.

A related problem is that the fueling station regulation states that:

- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.

Even if the CTfastrak road were not intended to become a Town road, the site plan does not comply with the second sentence in the above regulation.

I recommend TPZ make a decision (before taking any other action on this site) as to whether the CTfastrak road should be reflected on the site plan as if it already were a Town road.

cc:
Attorney Mark Shipman
file

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

March 6, 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:

There were two issues that came up during the public hearing that impact the final language of the amendment.

1. The “threshold” for new impervious cover that would require some form of LID abatement for residential uses (Section 6.15.2: Residential Lots) and interior renovation/change of uses (Section 6.15.4: Interior Renovation and Change of Use) was increased from 300 sf to 600 sf. This would reduce the number of homeowners from having to submit a plot plan (to “demonstrate conformance with the LID Manual...”).

2. The table in Section 6.1.1.C (Parking for All Other Uses) was discussed while I was out of the room, but Glenn Chalder called me the next day and told me about it. He then sent the following email:

The way the parking tables (pages 5-8) in the booklet currently read, an applicant proposing to develop or redevelop property in Newington will be mandated to install pervious pavement on some of their parking spaces unless this is modified by the Commission. We do not believe this is necessary and now suggest that the PZC delete the third column in this table (Parking Threshold). Any future applicant will be required to address the LID standards and may elect to use pervious pavement but should not necessarily be required to use pervious pavement. We believe that many applicants will choose to use pervious pavement because it provides parking spaces and LID benefits but do not believe the regulations should mandate this approach.

So in summary, here is what we suggest for when the TPZ adopts the LID changes to the zoning regulations:

1. Change the impervious square footage threshold from 300 square feet to 600 square feet (proposed Section 6.15.2) [page 2 of the booklet]
2. Change the impervious square footage threshold from 300 square feet to 600 square feet (proposed Section 6.15.3.A) [page 3 of the booklet]
3. In the parking tables (Section 6.1.1.C), delete the third column in this table [pages 5-8 in the booklet]

cc:
file

STAFF REPORT
"Low Impact Development (LID)" Subdivision Regulation Amendments

March 6, 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:

I don't think there were any issues that came up during the public hearing.

cc:
file

#13096



TOWN OF NEWINGTON

Petition # 12-14

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 PD Zone (Public Hearing required).

- Zoning Text Amendment to Section
Subdivision
Resubdivision (Public Hearing required).

Special Exception per Section 3.17 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

Signature lines for Applicant and Owner with dates 2/20/14.

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.

STAFF REPORT
Special Exception for Fueling Station at 16 Fenn Road

March 6, 2014

Petition #12-14

Special Exception (Section 3.19.4: Fueling Station)

16 Fenn Road

Fenn Road Associates LLC, owner; Stop & Shop Supermarket LLC, applicant; Attorney Lawrence Shipman, contact

Description of Petition #12-14

"Fueling stations" are allowed by special exception in the PD zone. See my comments on the fueling station's site design under Petition #11-14.

Staff Comments

The zone change that the applicants have requested is scheduled for a public hearing on April 9, 2014. I therefore recommend the public hearing for the special exception also be held on April 9, 2014.

cc:
Attorney Mark Shipman
file

Petition # 13-14

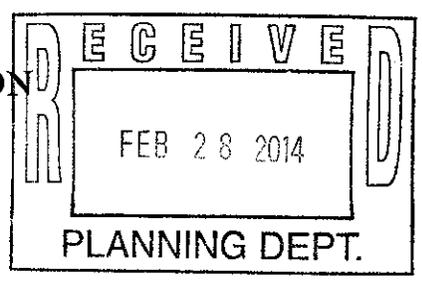
cash

TOWN OF NEWINGTON



TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 37 Ann Street ZONE: PD

APPLICANT: Cedar Mountain Church TELEPHONE: 860-921-2349

ADDRESS: PO Box 310956, Newington, CT 06131 EMAIL: info@cedarmountainchurch.org

CONTACT PERSON: Stephen Ciara TELEPHONE: 203-916-2939

ADDRESS: 199 Back Lane, Newington, CT 06111 EMAIL: Steve@drivingreign.com

OWNER OF RECORD: Barry Rustig

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 3.2.1 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required). \$200 cash 2/28/14 ARD
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

<u>Steph Ciara</u>	<u>2/12/14</u>	<u>Barry Rustig</u>	<u>2/18/2014</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.



February 12, 2014

To the Newington Town Plan and Zoning Commission:

Cedar Mountain Church is new church being planted in Newington CT. We are a daughter church of Allison Park Church, Allison PA, under the Reach Northeast Church Planting Initiative. We are seeking rental property in the town of Newington for the operation of our church. To this end, we are in the process of working with Barry Lustig, owner of 37 Ann Street, LLC, to rent 37 Ann Street for the church use. We understand this requires a special exception per section 3.2.1 of the Zoning Regulations, to allow use of this property by an assembly. We are requesting this change of use for 37 Ann Street by the commission.

Our usage of the building will be in an 8000 SF dedicated retail space, the former "Dining Furniture Showroom." We will be meeting during non-competing times of operation with 37 Ann Street, LLC. i.e. Sundays while business is closed and/or a weeknights after business hours. Due to the non-competing times of operation we request shared use of the same off street parking per section 6.1.1E. The site plan shows 63 parking spaces (20 are deferred). Barry is in discussion with a contractor to expand the parking to a minimum of the 63 spaces shown on the site plan. Therefore, 63 spaces is the current planning number that Cedar Mountain Church is using for the calculation of "chairs" allowable by code. i.e. We understand the code allows for 2 chairs for every parking space as a ratio.

Rev Stephen Cianci 2/12/14

Applicant, Rev. Stephen Cianci, Lead Pastor

Barry Lustig 2/18/2014

Barry Lustig, Owner of 37 Ann Street, LLC

Web: www.cedarmountainchurch.org, e-mail: info@cedarmountainchurch.org

Phone: 860-912-2439, PO Box 310956, Newington, CT, 06131