



NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING
Wednesday, March 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 March 12, 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. Continued from March 12, 2014.
- 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. Continued from March 12, 2014.
- d. 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.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. March 12, 2014

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 MAR 20 A 10:53

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.
- b. Petition #14-14: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl Lanes). Keystone Novelties Distributors LLC, applicant; CMB Inc, owner; Chris Cook, 201 Seymour Street, Lancaster PA, contact.
- c. Performance Bond Approval for "Harvest Ridge" (Shady Hill Lane). Bradford Allen, owner/applicant/contact.

VIII. OLD BUSINESS

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #15-14: Special Exception (Section 6.13: Accessory Apartment) at 244 Walsh Avenue. Calvin and Marisa Cross, owner/applicants; Donna-Jean Dargie, 1331 Silas Deane Highway, Wethersfield CT, contact.
- b. Petition #16-14: Special Exception (Section 3.15.3: Temporary Outdoor Seating) at 3260 Berlin Turnpike ("Plaza Azteca"). Kleban Newington LLC, owner; Manuel Rubio, 3260 Berlin Turnpike, Newington CT, applicant/contact.

X. TOWN PLANNER REPORTS:

- a. Town Planner Report for March 26, 2014

XI. COMMUNICATIONS

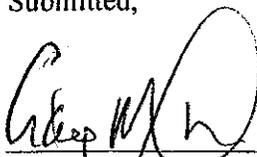
XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

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 20, 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 but he told me earlier this week that he will have them for you at or before the meeting.

At a previous meeting, Commissioner Aieta asked if the Sec. 8-7d "decision deadline" rules apply to a TPZ-initiated petition. I replied that I did not think so, but would look into it. The answer is no. Subsection (d) of Sec. 8-7d of the Connecticut General Statutes states that

"The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning commission, planning commission or planning and zoning commission regarding adoption or change of any zoning regulation or boundary or any subdivision regulation."

cc:
file

STAFF REPORT
Day Care Facility at 795 North Mountain Road

March 20, 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:

As of this writing the applicant has not submitted any new information or revised maps.

cc:
Hai Xavier Nguyen
file

STAFF REPORT
Free-Standing Sign for Newington Electric

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

The "Notice of Public Hearing" sign has been in place for the required ten days.

During the public hearing on March 12 the question came as to whether the existing trees are required to remain. According to the tax assessor's information the building was built in 1960 but there is no TPZ-approved site plan on file so I don't know if the trees were a requirement. There is no zoning regulation that specifically requires trees - just landscaping in general.

cc:
Sign Pro, Inc.
file

STAFF REPORT
Church

March 20, 2014

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.

Description of Petition #09-14

This petition is a request to use 8000 sf of the existing 30,681 sf commercial building at 37 Ann Street as a church. This use is allowed by Special Exception in any zone.

Staff Comments

According to the site plan on file, this building is divided into three spaces: 5,940 sf of "storage space", 12,600 sf of "warehouse space", and 7,900 sf of "retail space". The applicants would like to occupy the former "retail space".

The site plan that was approved by TPZ on April 11, 2007 shows only 43 actual parking spaces and 20 "deferred" spaces. Apparently the owner was able to demonstrate that the proposed furniture business would not need the standard 7 space per 1,000 sf of floor area, so TPZ agreed to let them defer the construction of 20 spaces.

"Churches" are required to provide one parking space per two seats. The applicants have not stated how many congregants they have. My understanding is that the rest of the building is vacant, but if it were used for warehousing/distribution as it was in the recent past, it would need either 68 parking spaces (one space per 1,000 sf) or one space for every employee on the largest shift.

If there were an active use going on in the rest of the building I could calculate how many spaces are available to the church, but I can't do that here because there is no absolute number of spaces required for warehousing; it can go as low as one space per employee or as high as three spaces per 1,000 sf of floor area. We need to know how many seats the applicants intend to have, so that we can make an informed decision as to whether there will be enough left for the future occupant of the vacant portion.

cc:
Stephen Cianci
file

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

March 20, 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

As I reported in my previous memo, 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.

The site plan shows a driveway from the existing CTfastrak road serving the fueling station and the rest of the shopping center. The CTfastrak road has not been turned over to the Town yet, but to the best of my knowledge that is merely because it hasn't been a priority for either the State or the Town. In my opinion the CTfastrak road is a "street" in this context.

I have asked the Town Attorney to research this and to offer his thoughts on it.

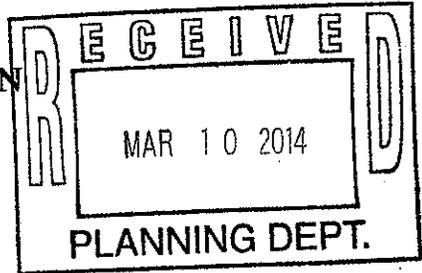
cc:
Attorney Mark Shipman
file

02#3218

Petition # 14-14



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: 56 Castello Road ZONE: PD

APPLICANT: Keystone Novelties Distributors, LLC TELEPHONE: 717-394-1078

ADDRESS: 201 Seymour Street Lancaster, PA 17603 EMAIL: ccook@keystonenovelties.com

CONTACT PERSON: Chris Cook TELEPHONE: 717-394-4078

ADDRESS: 201 Seymour Street Lancaster PA 17603 EMAIL: ccook@keystonenovelties.com

OWNER OF RECORD: CMB, 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 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): Outside display of products Intended for sale (Fireworks) per section 3.23.1 from 6/25/14 to 7/5/14.

SIGNATURE:

 APPLICANT	<u>3/3/2014</u> DATE	<u>SEE ATTACHED L.O.P.</u> OWNER	 DATE
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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.



Keystone Fireworks

201 Seymour Street, Lancaster, PA 17603

800 390-0844 Fax (717) 290-7774

www.keystonefireworks.com

THIS AGREEMENT IS MADE BETWEEN **CMB Inc. d/b/a T-Bowl** as Lessor with Keystone Novelties Distributors, LLC as Lessee, for the purpose of allowing the retail sale of approved fireworks from the following premises: (hereafter the "Location").

Address 56 Costello Road

Cross Streets Berlin Turnpike

Address _____

Location Name Newington

City/State/ Zip Newington, CT 06111

Municipality Newington

1) Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a Retail Fireworks Tent or outlet on the premises during the term of this agreement. The term of this agreement shall include setting the tent no sooner than June 20 and removal no later than July 10. The actual dates for the sale will not exceed:

June 26 through July 6, 2014

2) Following the term, this lease will automatically be renewed under the same terms and conditions as set forth above and below, for each season through 2016.

3) Following the term, the Lessor hereby grants the Lessee First Rights of Refusal to match any bona fide offer to lease the location for fireworks sales during the forthcoming renewal year.

4) Lessor will have the right to void this lease if the above described property is sold or developed for any purpose other than the sale of fireworks by providing 90 days written notice.

5) Lessor shall provide access to electricity for the tent if it is available on the property.

In return, Lessee agrees to the following terms and conditions:

1) Keystone Novelties Distributors, LLC shall pay to Lessor rent in the amount of  check on or before June 20 of each year. A W9 must be on file unless check is written out to a business name.

2) Lessee shall provide liability insurance coverage and post with Lessor, prior to occupancy, a certificate of insurance evidencing liability insurance in force covering the operation on the retail outlet. Lessor shall be held harmless from any claims arising from the maintenance or operation of the outlet. Insurance coverage will be in an amount not less than \$1,000,000.00.

3) Lessee guarantees that the premises will be returned to its original condition including the patching of any stake holes and removal of trash and supplies.

4) This Lease Agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required by law. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this lease agreement automatically becomes null and void. If the local municipality having proper jurisdiction over this outlet limits the sale of fireworks or implements policies inconsistent with state statutes, then this Lease Agreement is subject to revision.

5) Lessee shall have the right to void this agreement up to 90 days prior the commencement of the selling period each year.

LESSOR INFORMATION (Please Print)

ADDITIONAL INSURED INFORMATION

Name CMB Inc.

Name _____

Address 56 Costello Road

Address _____

City/State/Zip Newington, CT 06111

City/State/Zip _____

Phone 860-666-6150 Fax _____

Email _____

Kendaly Bress
Lessor _____ Date 10/23/13

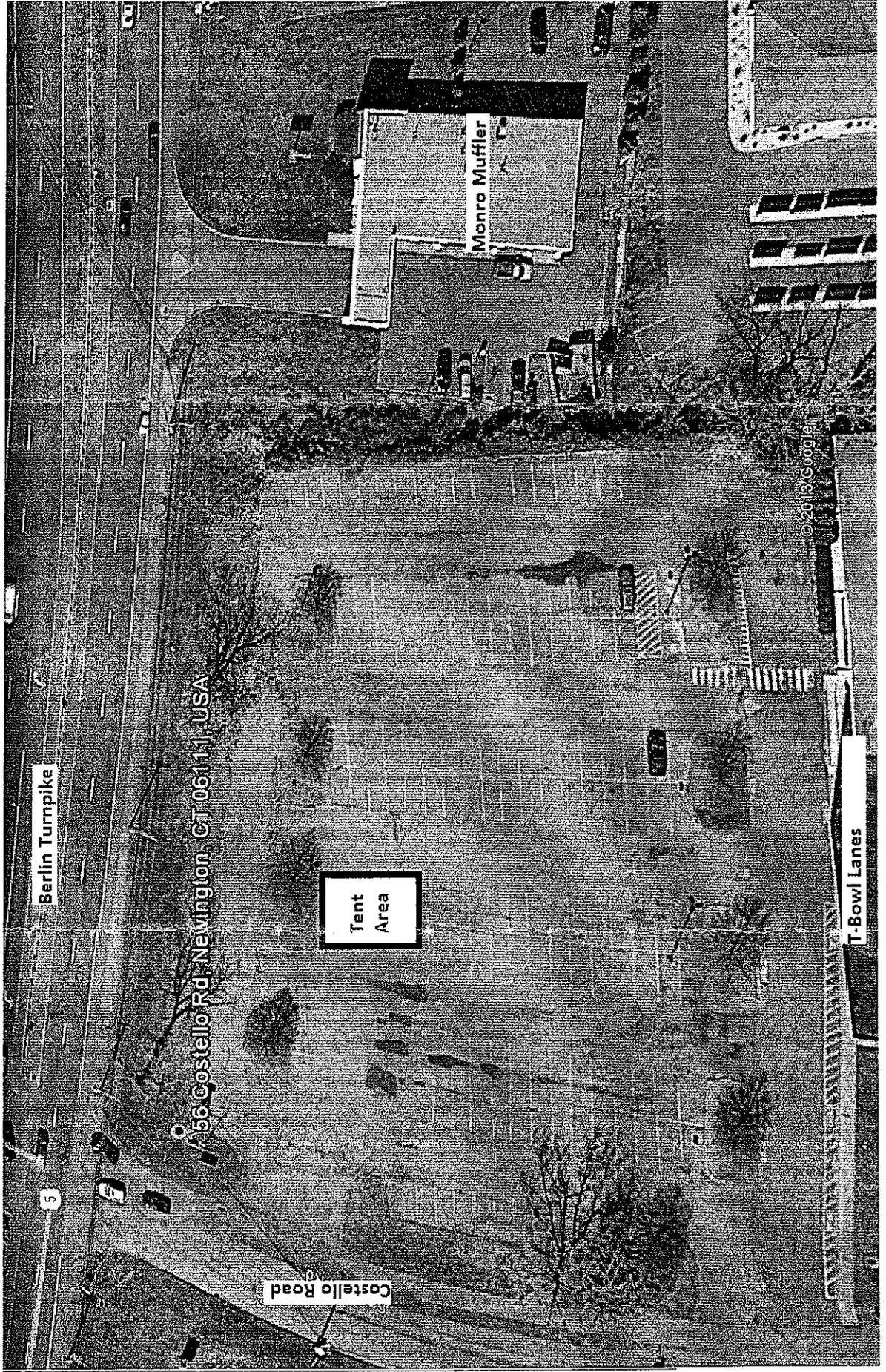
[Signature]
Keystone Novelties Distributors, LLC _____ Date _____

<input type="checkbox"/> \$125 LL Cert	<input type="checkbox"/> \$75 LL Cert	<input type="checkbox"/> \$50 LL Cert	<input type="checkbox"/> \$150 + \$100 each year Cert	<input type="checkbox"/> None
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Location Name: Newington

Address: 56 Costello Road Newington, CT 06111

Notes:





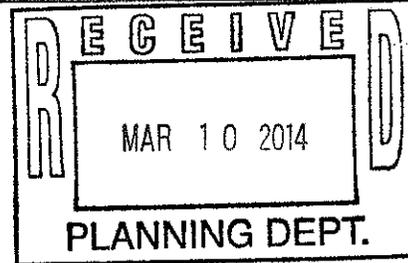
Keystone Novelties, LLC

Keystone Fireworks

www.keystonefireworks.com
201 Seymour Street, Lancaster, PA 17603
(800) 390-0844 Fax (717) 290-7774

March 4, 2014

Town of Newington
131 Cedar Street
Newington, CT 06111
Attn: Craig Minor



Craig,

We are in the process of planning for our Fourth of July tent sale for 2014. This year we will be at 56 Costello Road (T-Bowl Lanes). I have included in this package everything that I believe is necessary for the purpose of applying for the Town Plan and Zoning Commission Hearing. In this envelope I have included the following:

- A completed Town Plan and Zoning Commission Application Form
- A copy of the letter of permission
- A site plan showing the location of the tent
- A copy of our insurance certificate
- A check for \$175 to pay for the application

The set-up will be for the period from June 25 through July 5. The tent will be put up a few days in advance and removed as soon as possible after July 5. Of course, we have "No Smoking" signs placed at the entrance and will have a fire extinguisher. If I have not included any fees, please contact me and I will send a check to cover the costs.

I hope that this information is helpful to you and I thank you again for your consideration. Should you have any questions or if anything has change, please call anytime at 717-394-1078. Thank you.

Cordially,

Chris Cook
Field operations Manager

STAFF REPORT
“Keystone Fireworks” Tent Sale

March 20, 2014

Petition #14-14:

TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale

56 Costello Road (T-Bowl)

Keystone Novelties Distributors LLC, applicant

Description of Petition #14-14:

Keystone Novelties is requesting TPZ permission to sell fireworks from the T-Bowl parking lot on the corner of Costello Road and the Berlin Turnpike, from June 25, 2014 through July 5, 2014. Section 3.23.1 states that

“Products and equipment intended for sale may be displayed in front of the principal building, but not in the required frontyard setback area, when approved by the Commission.”

Staff Comments:

This applicant was approved for this use at this same location last year under Permit #32-13.

The Fire Marshal has approved the tent location.

cc:
Chris Cook, Keystone Novelties
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: March 20, 2014
Re: **Performance Bond for Shady Hill Lane ("Harvest Ridge")**

The owner/developer of the "Harvest Ridge" subdivision (which is actually the completion of Shady Hill Lane) is ready to begin construction, so TPZ needs to establish the amount of the performance bond.

The Engineering Department staff has analyzed the project and has computed the total cost at \$347,131.74 (say, \$350,000). I will have the detailed spread sheet at the meeting if anyone wants to review it.

The owner would like TPZ's permission to post this bond in three phases (see attached email from the owner to me). Phase I would include the blasting and all items directly related to blasting. Phase II would include construction of the road, up to and including the binder course. Phase III would be the wearing course and all remaining site work, and incidentals such as the corner pins, certified as-built, etc. Since the subdivision mylar has already been filed with the Town Clerk (i.e. the Town is already potentially liable for completing the road if the lots are sold and the developer goes bankrupt or is otherwise unable to finish), I see no reason to deny this request.

cc:
Bradford Allen
Town Engineer
file

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

From: bradford.allen@comcast.net
Sent: Wednesday, March 19, 2014 10:13 AM
To: Minor, Craig
Subject: Harvest Ridge - site bond

Craig,

As we spoke yesterday, I learned from my bank that in order to post a bond using a letter of credit, I would need to put up in cash, the entire amount of the bond in addition to a 1.5% fee. As a result, I have an appreciation for the financial burden I am facing with the Harvest Ridge subdivision bonding requirements. I would need to have approximately \$694,000 (2 x \$347,131) plus upfront MDC fees, a contingency amount for the unexpected, in addition to the land purchase.

I worked to split the project into logical phases in an attempt to make fairly equal phases. I believe the logical phases are blasting, development up to and including the road binder (includes all utilities and drainage), and the balance (includes final road surface, sidewalks, landscaping, and misc items). As I categorized the items into the phases, I came up with \$109,221, \$184,293, and \$53,617 for each of the phases respectively. I have included a spreadsheet of the items I categorized in each phase (note the 4 tabs on the spreadsheet).

The bonds for the first phase and the last phase are not problematic for me as the first bond is relatively short in duration and early in the project and the last bond is not a large sum relatively speaking. The second phase is still problematic for me as twice the \$184,293 plus phase 1 costs, upfront MDC fees, and a contingency amount for the unexpected still makes it difficult for me by tying up a great deal of money that I could apply to the development.

As a result, I would like to ask TPZ for consideration to allow me to bond the first phase including Rock Excavation and Blasting, Site Work, and Erosion and Sedimentation Control as outlined in Chris Greenlaw's bond worksheet which I believe from our conversations is the phase that provides the most anxiety due to blasting. Once that phase is complete and validated by the town, I believe the project will be more on par with recent projects such as the Carrier development off of Deming Road or the new subdivision off of Maple Hill Ave.

I would like to ask TPZ for consideration to allow me to then develop the site up through the road binder including utilities and drainage which I think is what the other two mentioned projects were enabled to do. Upon completion of that work to the town's satisfaction, I would apply for and bond the remaining work including the final road surface (Bituminous), sidewalks (Concrete), Landscaping, and Miscellaneous items as outlined in Chris Greenlaw's bond worksheet similar to the bonding requirements of the other mentioned projects.

In their decision making process, I would ask TPZ to consider the burden the Harvest Ridge bonding requirements are as they are written today. I would also like the opportunity to provide the committee with my background, experience, and answer any questions they may have for me. I think this will help the committee gain confidence in me and my ability to complete development of Shady Hill Lane.

Please call me with any questions you may have.

Thank you.

Brad Allen

*Allen Home Builders, LLC
175 Lamentation Drive
Berlin, CT 06037
860-729-2809
bradford.allen@comcast.net*

CR # 5498

Petition # 15-14



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

LOCATION OF PROPERTY: 244 Walsh Avenue ZONE: _____

APPLICANT: DONNA DARGIE TELEPHONE: 860 883 5419

ADDRESS: 25 MIAMI NEWINGTON EMAIL: DONNA.DARGIE@CBMOVES.COM

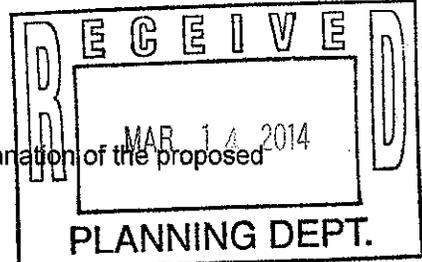
CONTACT PERSON: DONNA DARGIE TELEPHONE: _____

ADDRESS: _____ EMAIL: 860 883 5419

OWNER OF RECORD: CALVIN AND MARISA CROSS

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>Donna Dargie</u>	<u>3/14/14</u>	<u>Signature file cap</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).

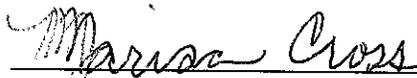
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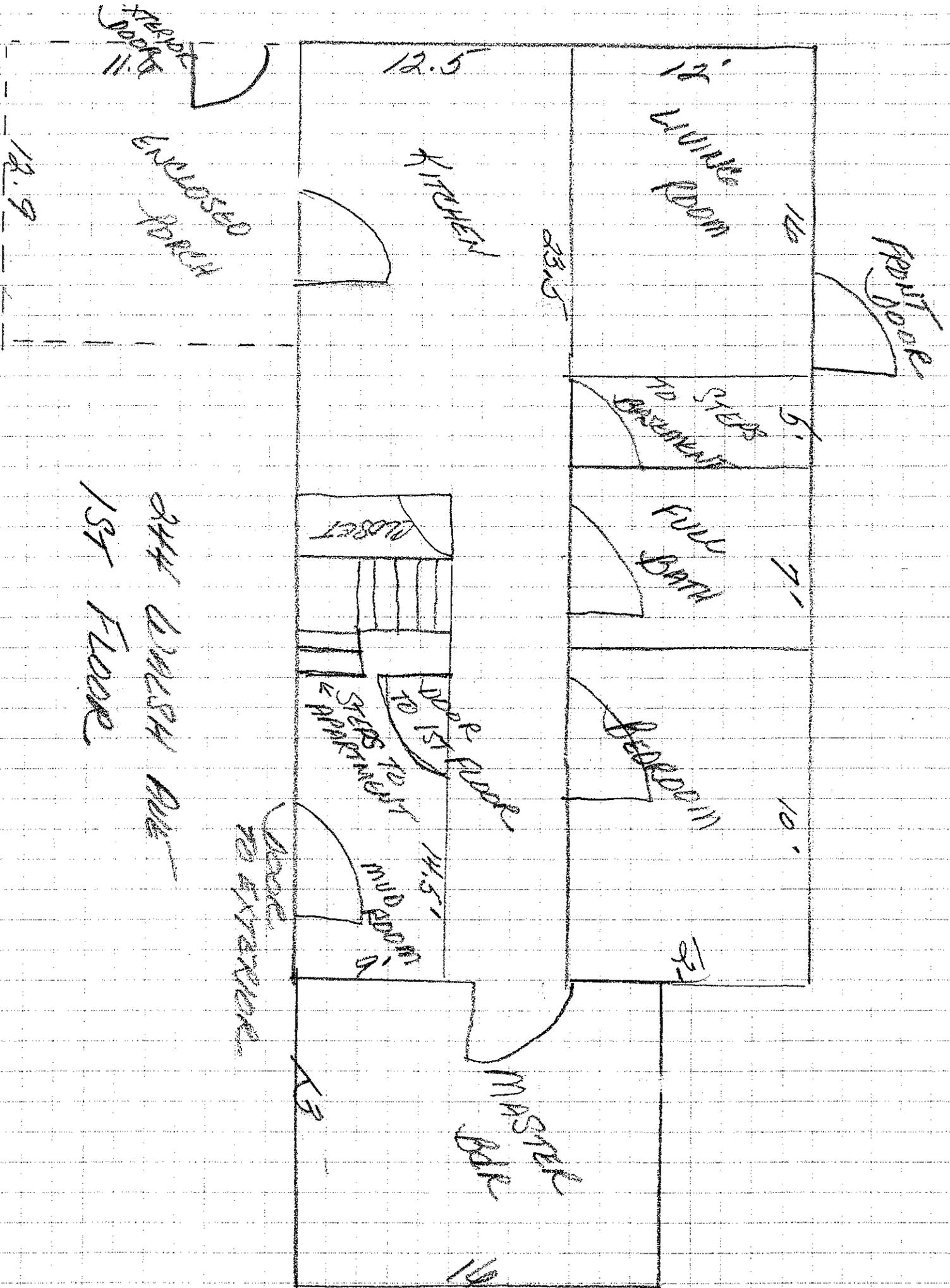
To the Building Department of Newington

We, Calvin and Marisa Cross, are requesting approval of the second floor apartment as a legal in law apartment. When we purchased the home in 2005, we were told that the second floor was legal and copies of all the appropriate permits were given to us.

We lived on the first floor and Marisa's parents lived in the upstairs apartment. A couple of years ago, we had a fire in that apartment. As a result, we have had to replace everything because of all the smoke damage. After all the work was complete, an inspector reviewed the work so that we could get a certificate of occupancy. (we still have not received that co) Soon after, we received a letter from the town saying that our assessment was increasing almost \$20,000. In the course of appealing that new assessment, it was discovered that the "in-law" apartment was never approved. We are currently trying to sell our property and really need to resolve this as potential buyers have full disclosure and it is certainly hampering our efforts. Thank you for your prompt attention to this matter.

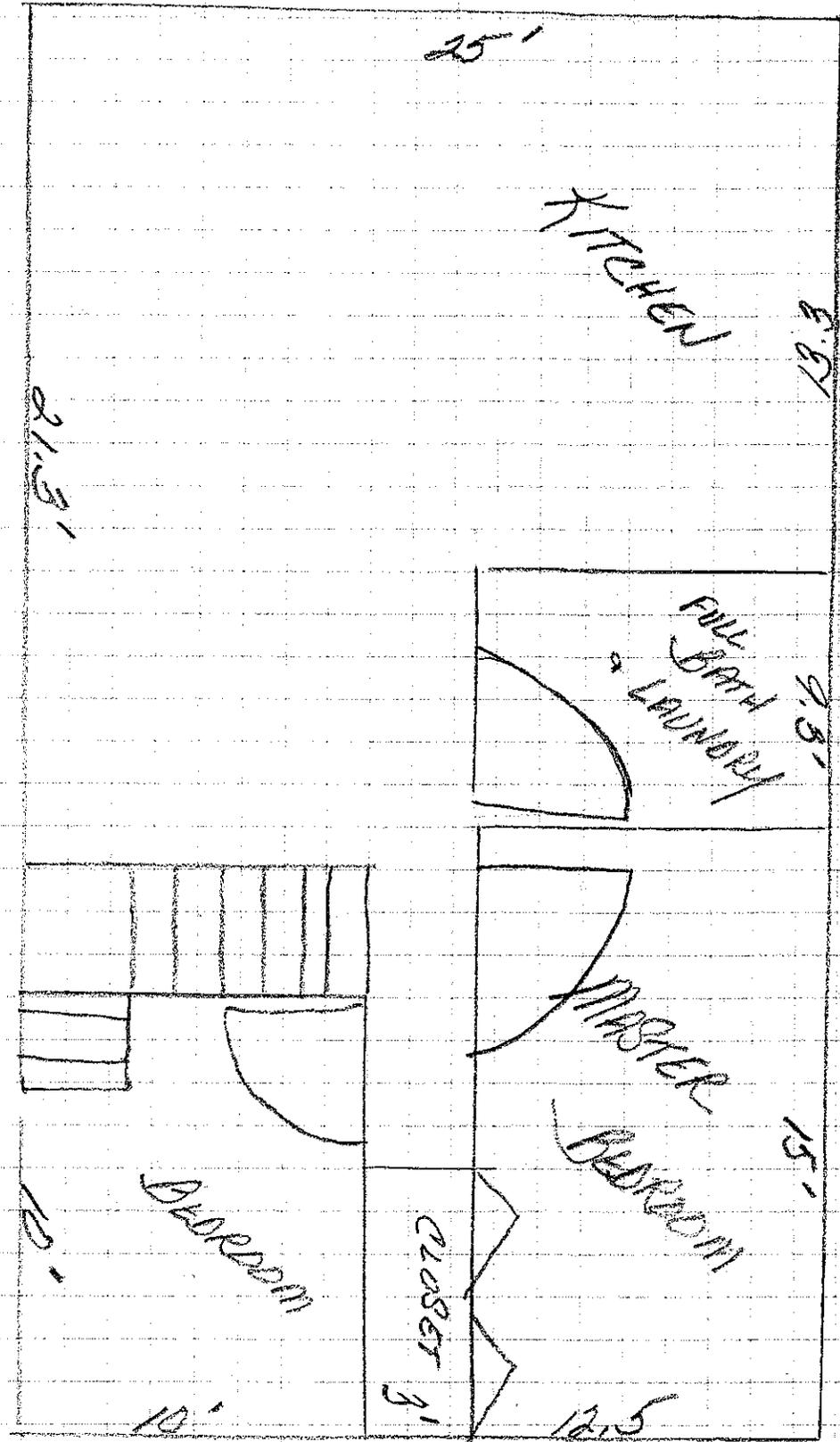


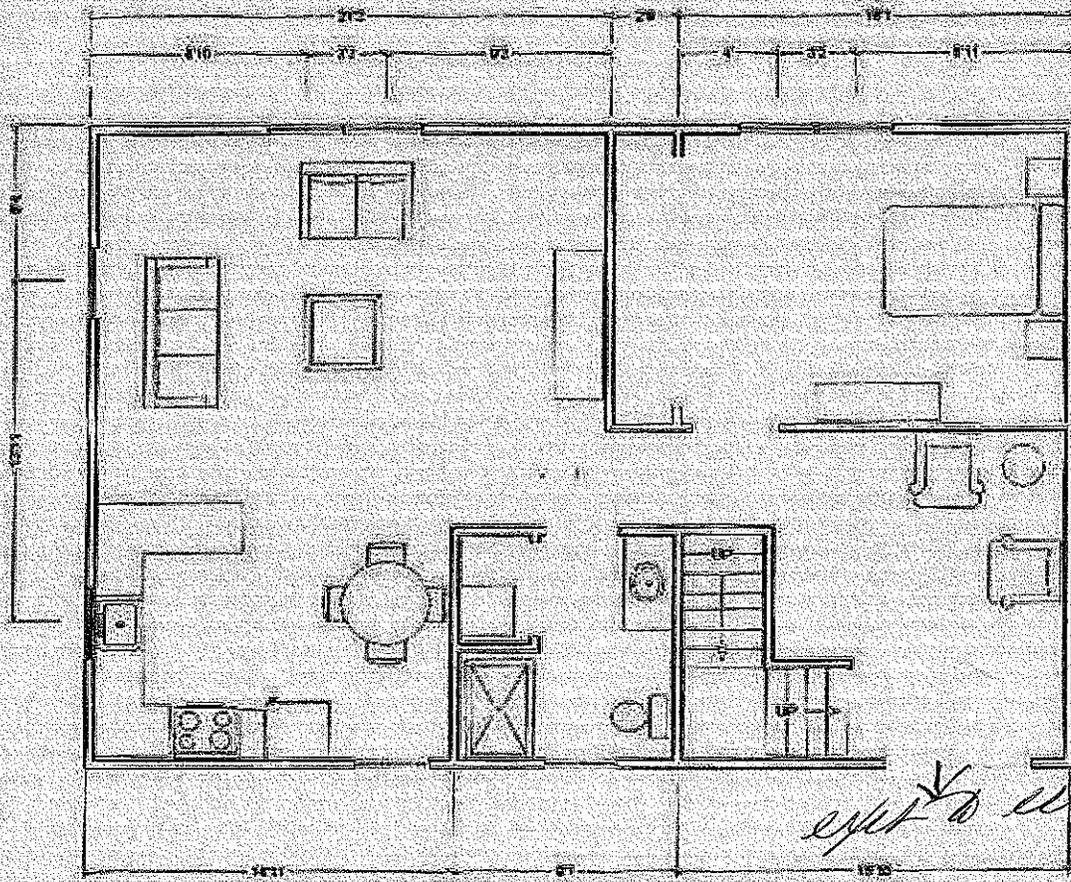




244 DUNSMuir BLVD
 1ST FLOOR

4088 MARKS APARTMENT
244 W. BUSH AVENUE





exit to exterior
access to 1st floor

STAFF REPORT
Accessory Apartment

March 20, 2014

Petition #15-14

Special Exception (Section 6.13: Accessory Apartment)

244 Walsh Avenue

Calvin and Marisa Cross, owners; Donna-Jean Dargie, contact.

Description of Petition #15-14

This petition is for an existing, un-approved accessory apartment. According to the owners the apartment was there when they purchased the house in 2005. Only recently did they learn that the apartment had not been approved by TPZ. They are now looking to sell the house, so the lack of TPZ approval is an issue.

Staff Comments

This is a two-story house, with the accessory apartment occupying the entire second story. According to the tax assessor's file the main house is 26' x 39' (1014 sf), with a 12' x 12' enclosed porch and a 13' x 16' add-on bedroom. The total habitable floor area comes to 2,380 sf.

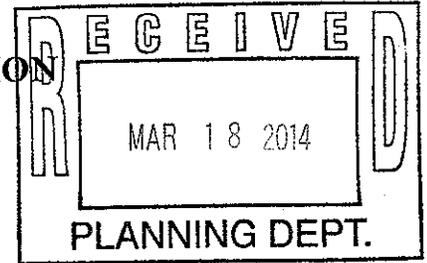
The sketch submitted by the applicant shows primary access to the apartment from a downstairs mud room with an exterior door to the outside and an interior door to the rest of the house. However, at 1014 sf, the apartment is 42.6% of the total floor area. The maximum allowable is 30%.

I have informed the applicants of this.

cc:
Donna-Jean Dargie
file



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: 3260 Berlin Tpke ZONE: _____
APPLICANT: Manuel J. Rubio TELEPHONE: 860-436-9708
ADDRESS: 3260 Berlin Tpke EMAIL: rubio@artecagroup.com
CONTACT PERSON: Manuel J. Rubio TELEPHONE: 404-719-0757
ADDRESS: 3260 Berlin Tpke EMAIL: _____
OWNER OF RECORD: Hector Angel

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 3.15.3 ^{BR} 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): Cinco de Mayo

SIGNATURE:

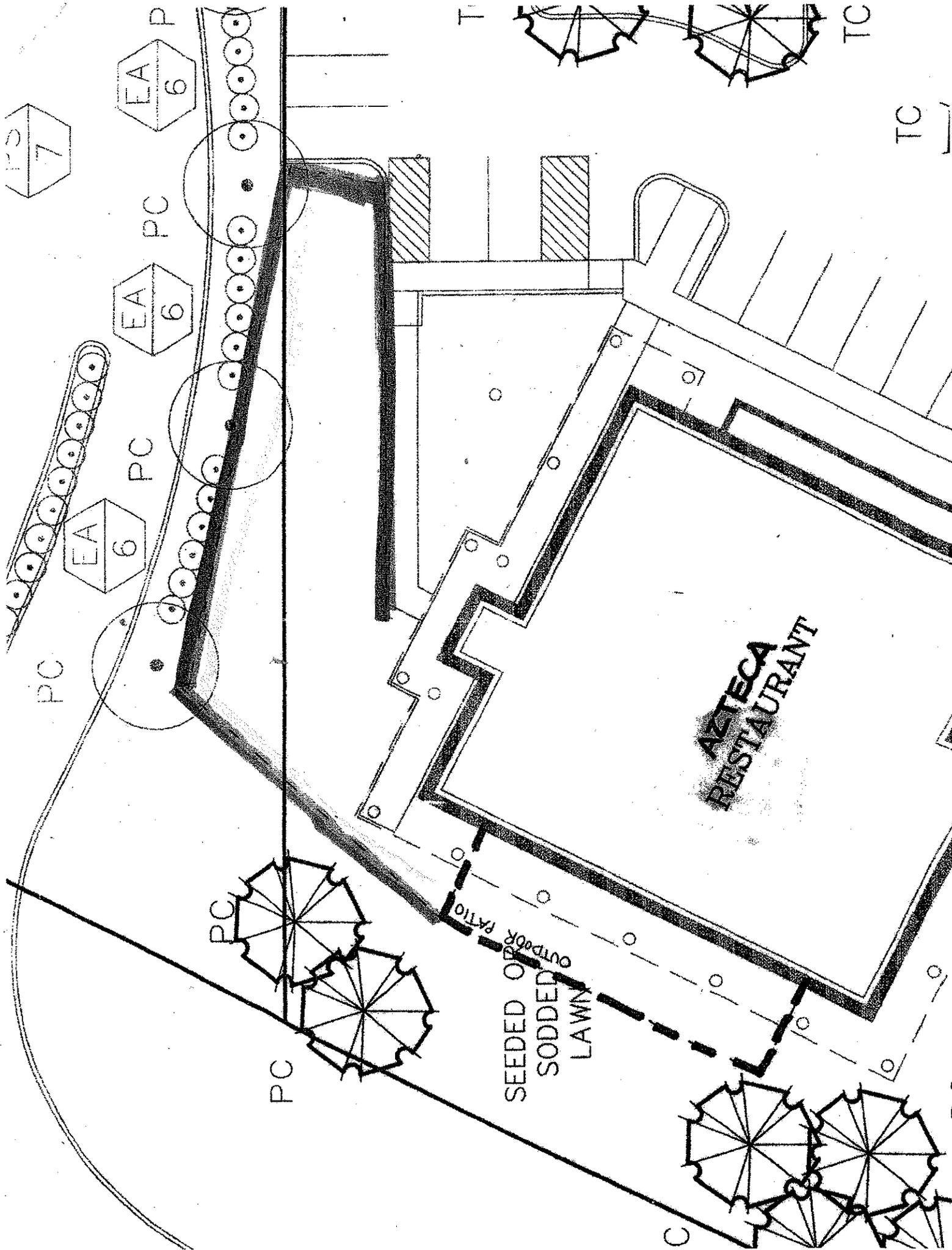
<u>Manuel J. Rubio</u>	<u>8/13/18</u>	<u>[Signature]</u>	<u>8/13/18</u>
APPLICANT	DATE	OWNER	DATE

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.

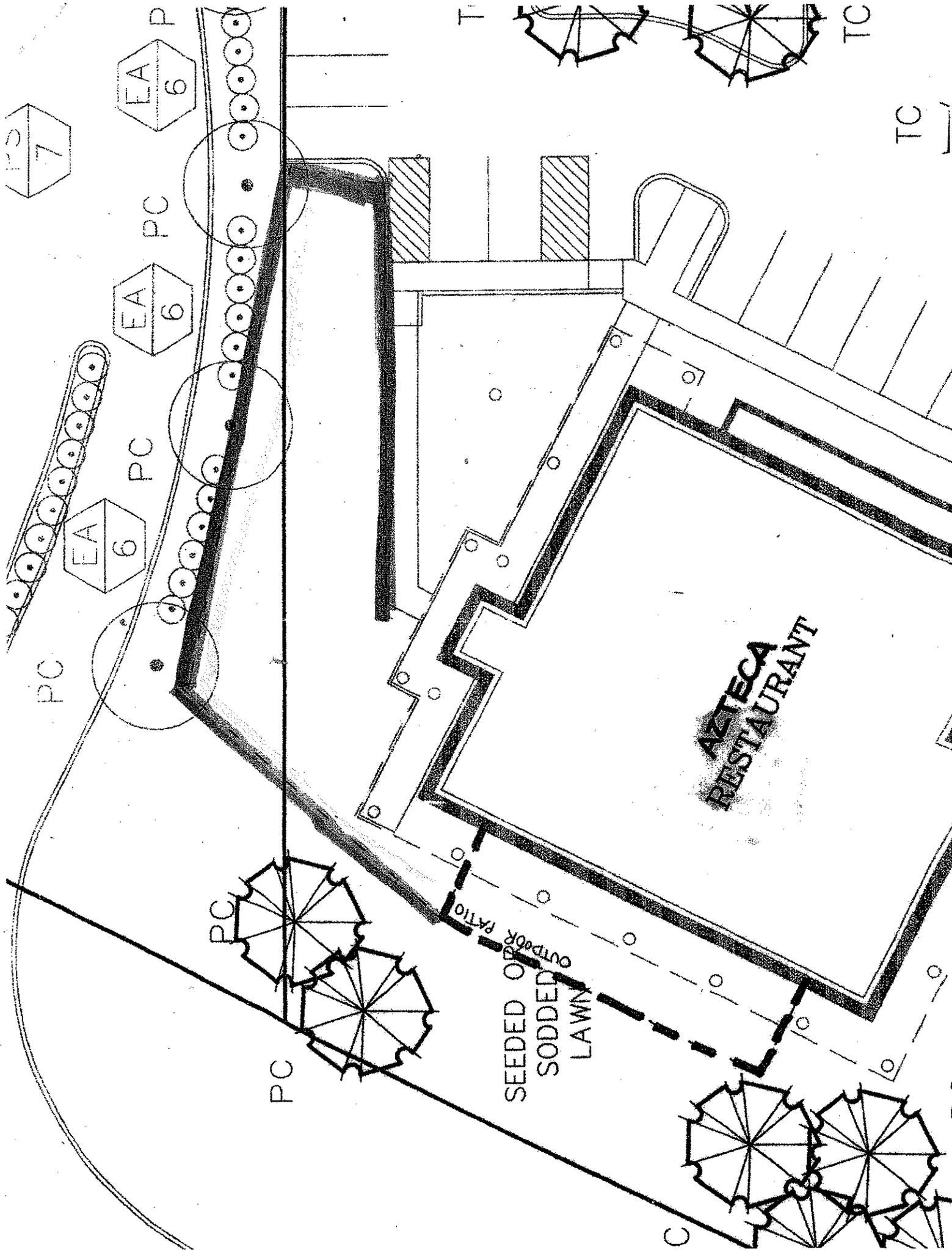
App Application fee not paid 3/18/14



**AZTECA
RESTAURANT**

SEEDED OR
SODDED
LAWN

OUTDOOR
PATIO



**AZTECA
RESTAURANT**

SEEDED OR
SODDED
LAWN

OUTDOOR
PATIO

**STAFF REPORT
"Cinco de Mayo"**

March 21, 2014

Petition #16-14

3260 Berlin Turnpike

Special Exception (Section 3.15.3: Outside Restaurant Seating)

Manuel Rubio, applicant/contact.

Description of Petition #16-14:

The owner of the Plaza Azteca restaurant would like to conduct another "Cinco de Mayo" outdoors event, the same as last year and the year before.

Staff Comments:

I recommend the hearing be scheduled for April 9, 2014.

cc:
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
Date: March 20, 2014
Re: **Town Planner Report of March 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:** I was just informed today that the consultants are ready to make their final presentation to the Committee. I've asked Councilman Borjeson (chairman of the Committee) to let me know when he would like it to take place.
4. **Revision to Sign Regulations:** I sent the latest draft to the subcommittee members. If you're not a member and you would like a copy, let me know.
5. **Status of "Modern Tire" Appeal:** Nothing new since my last report.

cc:
file

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cminor@newingtonct.gov
www.newingtonct.gov