



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, March 9, 2016

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

7:00 p.m.

A G E N D A

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA
- IV. ZONING ENFORCEMENT OFFICER REPORT
- V. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- VI. REMARKS BY COMMISSIONERS
- VII. PUBLIC HEARING
 - a. Petition #05-16: Zoning Map Amendment and Zoning Text Amendment (New Section 3.19A: TOD Overlay District). TPZ, applicant/contact.
 - b. Petition #09-16: Special Exception (Section 3.2.8: Charitable and Civic Event) for the annual "Farmers Market" at the Municipal Parking Lot. Town of Newington, owner; Val Ginn, 56 Farmingdale Road, Wethersfield CT, applicant/contact.
 - c. Petition #12-16: Special Exception (Section 3.2.8: Charitable and Civic Event) for the Charter Oak Firebirds' "Classic Car" event at 3120 Berlin Turnpike (Panera Bread). Charter Oak Firebirds, applicant; Newington VF LLC, owner; John Lyon, 174 Coe Avenue, East Haven CT, contact.
- VIII. APPROVAL OF MINUTES
 - a. Regular Meeting February 10, 2016
 - b. Regular Meeting February 24, 2016

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2016 MAR -3 PM 4:02

BY *Tanya D. Lane*
TOWN CLERK

IX. NEW BUSINESS

- a. Petition #08-16: Site Plan Approval at 712 Cedar Street (“Starbucks”). Fenn Road Associates LLC, owner/applicant; Attorney Mark Shipman, 433 S. Main Street Suite 319, West Hartford CT, contact.
- b. Discuss Rear Lot regulations.
- c. Discuss Food Truck approval process.

X. OLD BUSINESS

- a. Petition #03-16: 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.
- b. Petition #11-16: TPZ Approval (Section 3.23.1: Outside Use) for Food Truck at 2199 Berlin Turnpike (S&N Discount Liquors). Ferida Mohammed, owner; Luis Vallejo, 26 Monte Vista Avenue, Newington CT, applicant/contact.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #06-16: Zoning Text Amendment (Sections 2 - 4). TPZ, applicant/contact.

XII. TOWN PLANNER REPORT

- a. Town Planner Report for March 9, 2016

XIII. COMMUNICATIONS

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

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: March 2, 2016
Subject: Petition #05-16: TOD Overlay District Zoning Map Amendment and Zoning Text Amendment (New Section 3.19A). TPZ, applicant/contact.

Background:

This proposed "TOD Overlay District Regulation" was created to promote desirable transit-oriented development (TOD) within walking distance of the CTfastrak station on Myra Cohen Way. It is an "overlay" zoning district because the underlying zones (Industrial and Planned Development) are unchanged - property owners who want to develop their land in accordance with the current zoning regulations still can; but property owners who want mixed use, pedestrian-friendly projects that take advantage of the proximity to the CTfastrak station can do so. It also provides incentives for TOD projects that promote the goals of the district.

Summary:

The purpose of the TOD Overlay District is "to promote high quality development within walking distance of the CTfastrak station on Myra Cohen Way which will grow Newington's grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities." To achieve this, the regulation calls for three general types of new construction: mixed-use development; dining and entertainment clusters; and advanced technologies. All of these activities are currently allowed in the PD zone. So to encourage them, the regulation offers incentives that result in greater density (that is, more usable floor area). To be eligible for these incentives the project must possess certain characteristics: amenities that are available to the general public; improved pedestrian access in and around the District; functional compatibility with existing buildings; etc.

The boundaries are defined as roughly ½ mile from the CTfastrak Station on Myra Cohen Way. ½ mile has been well-established as the maximum distance that people will readily walk on a regular basis.

All TOD projects will be subject to the Special Permit approval process, which involves input from the neighbors and the general public in a public hearing environment.

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

Comments:

The TOD Overlay District regulation acknowledges the fact that the real estate development sector will react to the influx of CTfastrak riders by wanting to build TOD projects. Newington needs to be “ahead of the curve” on this, or risk getting the wrong kind of development. The TOD Overlay Zone regulation establishes a system of rules and incentives that will ensure Newington gets the kind of TOD that Newington wants.

The regulation also strikes a balance between allowing property owners to “keep what they have” in terms of permitted uses and giving them the ability to create transit-oriented development if they wish to.

The TOD Overlay District regulation and map were posted on the Town Planner website and filed with the Town Clerk and with CRCOG, and have been mailed to all property owners in the district and immediately adjacent to the district. As of this writing I have not received any written comments on the proposal.

TPZ members will recall seeing a map prepared by Town staff showing vacant and under-utilized parcels, and inland wetlands and watercourses within ½ mile of the CTfastrak station. I have asked the GIS department to revise that map to coincide with the proposed boundaries of the TOD Overlay District. I hope to have that map available at the public hearing.

cc:
file

Section 3.19A Transit-Oriented Development (TOD) Overlay District

1. General:

a. The Transit-Oriented Development (TOD) Overlay District is an overlay of certain Planned Business (PD) and Industrial (I) zones, to encourage transit-oriented development of parcels on Cedar Street, Fenn Road, and streets adjacent to Fenn Road that are generally within walking distance of the CTfastrak station on Myra Cohen Way.

b. The use of land, buildings and other structures within the TOD Overlay District shall be established and conducted in conformity with either the underlying zoning classification of the Planned Business Zone (PD) and the Industrial Zone (I), or the special requirements of this Section. This is not intended to prohibit any use otherwise permitted in the PD and I zones. Rather, its purpose is to give property owners the ability to use proximity to CTfastrak to leverage development of greater community and/or economic value.

c. The TOD Overlay District is bounded on the north by Holly Drive/Ella Grasso Boulevard; on the east by property of the National Railroad Passenger Corporation (Amtrak); on the south by a line parallel to and approximately 2000' south of Cedar Street; on the west by CT Route 9.

2. Purpose:

a. The purpose of the TOD Overlay District is to promote high quality development within walking distance of the CTfastrak station on Myra Cohen Way which will grow Newington's grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities.

b. Such development shall be in accordance with the 2020 Plan of Conservation and Development's "General Goal" of locating development in places and at densities which support the desired overall character of Newington, including smaller mixed land uses adjacent to transit stations (Page 24 of the 2020 Plan of Conservation and Development).

c. This purpose will be achieved through the following specific objectives and uses:

1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
2. Dining and entertainment clusters.
3. Biotechnology, aerospace engineering, information technology, and other advanced technologies.

3. Definitions:

a. "Mixed-use development" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more of the following type of uses:

1. Retail (including dining and entertainment)
2. Office
3. Industrial (including research and light manufacturing)
4. Residential

Newington Town Plan and Zoning Commission
Proposed Zoning Text Amendment

b. "Dining and entertainment cluster" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more restaurants, bars, theaters, or entertainment venues.

4. Incentives:

a. Development proposals that contain any of the above "specific objectives and uses" may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced front, side, and rear yard setbacks.

b. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.
2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the proposed activity enhances pedestrian access in and around the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.

5. Procedure:

a. Any application for approval of an activity that complies with the underlying PD or I zoning shall be processed in accordance with Section 3.16, Section 3.17, Section 3.18, or Section 3.19 as appropriate.

b. Any application for approval of an activity that does not comply with the underlying PD or I zoning but includes one or more of the "specific objectives and uses" listed above shall be processed in the following manner:

1. The applicant shall apply for a TOD Special Permit in accordance with Section 5.2.

2. The application shall include a detailed description of the activity, and how it promotes the purpose of the TOD Overlay District.

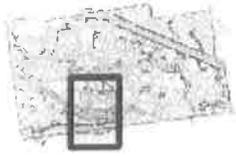
3. If the application proposes to utilize any of the above incentives, the application shall include detailed descriptions of the following:

- A. The need for or benefit of the proposed activity;
- B. Architectural or functional compatibility with adjacent or nearby buildings and activities; and
- C. Public amenities included in the proposed activity.

4. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations.



TOD Overlay District



Legend

- Rail Road Line
- Hydrography
 - Water
 - Swamp area
- Stream
- Vegetation Area



1:11,804



Printed: 2/2/2016 1:18 PM

This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington refuses any liability for any actions taken or not taken based on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION AND IS NOT CONSIDERED SURVEY QUALITY.

1,967.3 Feet

983.66

0

1,967.3

Notes

Notes



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP *CM*
Date: March 2, 2016
Subject: **Petition #11-16: Special Exception (Section 3.2.8: Charitable and Civic Event) for the annual "Farmers Market" at the Municipal Parking Lot. Town of Newington, owner; Val Ginn, 56 Farmingdale Road, Wethersfield CT, applicant/contact.**

Description of Petition #11-16:

The applicant wants to operate the ninth annual "Farmers Market" in the center of Constitution Square municipal parking lot. This is the same location as in previous years. It was approved by TPZ for three years in 2010, and again for three years in 2013. The applicant is looking for another three year approval.

Staff Comments:

Section 3.2.8 allows civic events such as this in any non-residential zone:

"3.2.8 Charitable and Civic Events.

The use is for charitable purposes or for the direct support of said local charitable, civic or religious group; provided that such use shall be limited by such restrictions and/or conditions as the Commission may impose. Any permit so authorized shall be for such times as the Commission may determine is reasonable, but in no case longer than 10 days."

This is the same application as in previous years. I contacted the Fire Marshal and the Police Department, and there were no problems with the operation last year.

cc:
file

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

Petition # 11-16



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

LOCATION OF PROPERTY: Municipal Parking Lot ZONE: _____
APPLICANT: VAL GINN TELEPHONE: 860-716-9086
ADDRESS: 56 Farmingdale Rd EMAIL: Val@Jmnlgas.com
CONTACT PERSON: Same TELEPHONE: Same
ADDRESS: Same EMAIL: Same
OWNER OF RECORD: Same

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): To hold Farmers Market -
Municipal Parking Lot - Center Green

SIGNATURE:

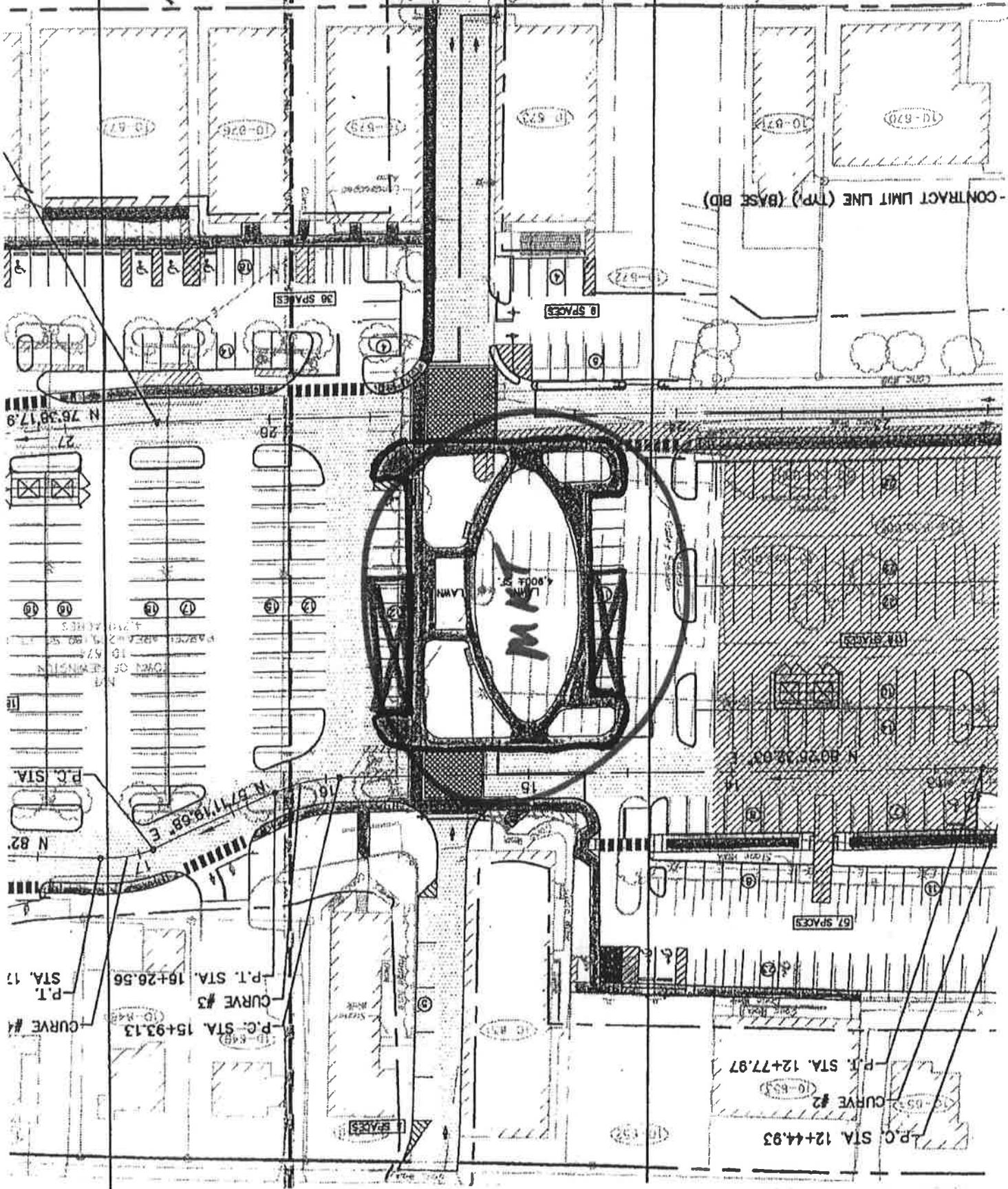
<u>Val Ginn</u> APPLICANT	<u>2/5/16</u> DATE	<u>VAL GINN</u> OWNER	<u>2/5/16</u> DATE
------------------------------	-----------------------	--------------------------	-----------------------

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.

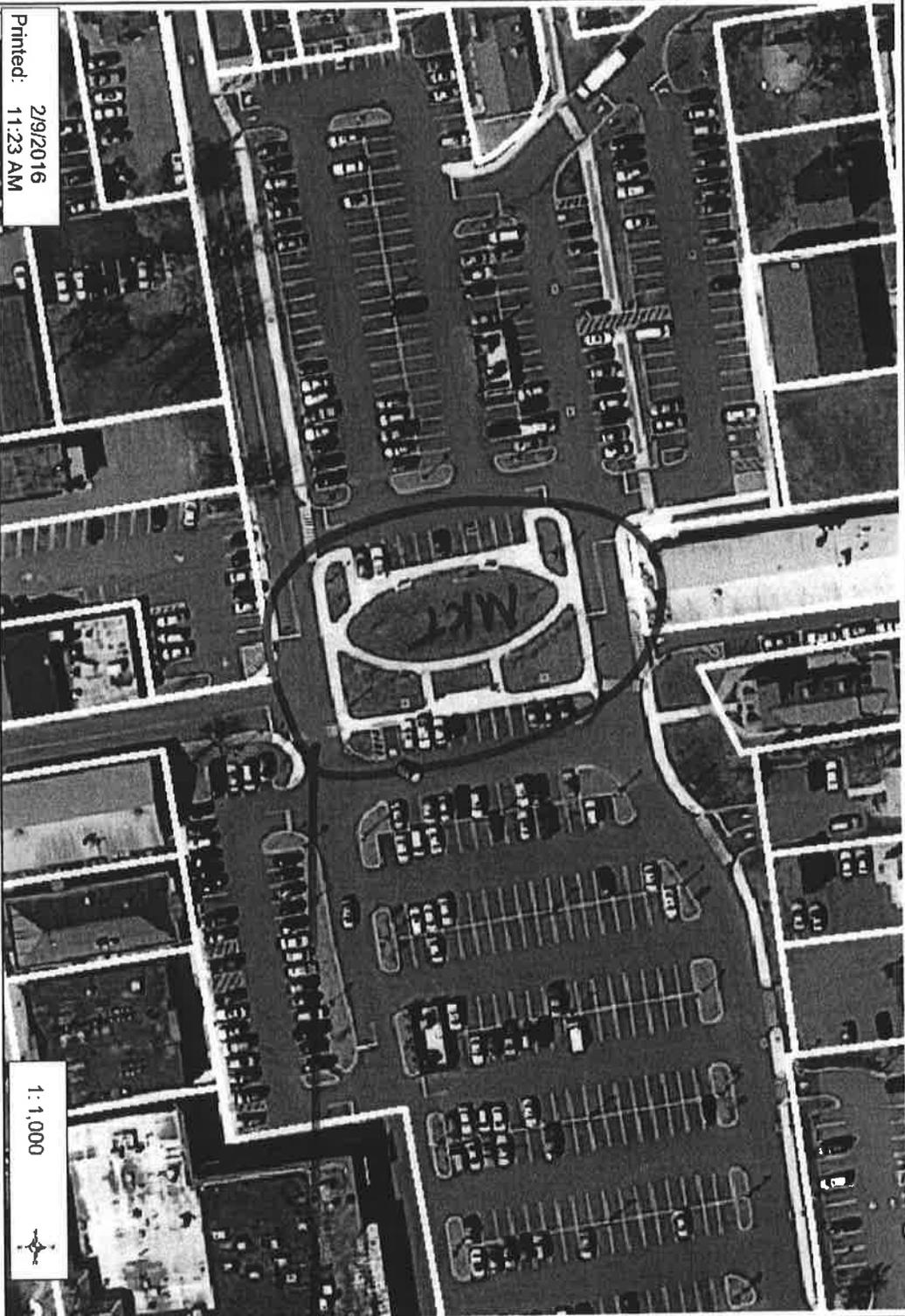
BID WEST SIDE ←
Market Square

-CONTRACT LIMIT LINE (TP) (BASE BID)





Constitution Square



Printed: 2/9/2016 11:23 AM

166.7

0

83.33

166.7

Feet

1: 1,000

This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington includes any liability for any actions taken or not taken based on this map. THIS MAP IS NOT TO BE USED FOR NAVIGATION AND IS NOT CONSIDERED SURVEY QUALITY.



Legend

- Parcel
- 2012 color aerial photo
- Red_Band_1
- Green_Band_2
- Blue_Band_3
- Rail Road Line
- Hydrography
- Water
- Swamp area
- Stream
- Vegetation Area

Location of Market

Notes

Notes



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: March 2, 2016
Subject: **Petition #12-16: Special Exception (Section 3.2.8: Charitable and Civic Event) for the Charter Oak Firebirds' "Classic Car" event at 3120 Berlin Turnpike (Panera Bread). Charter Oak Firebirds, applicant; Newington VF LLC, owner; John Lyon, 174 Coe Avenue, East Haven CT, contact.**

Description of Petition #12-16:

The applicant organization would like to continue with their classic car shows during the summer and fall of 2016 and 2017 (two years). The event will take place in the Panera Bread parking lot, with "overflow" parking on the grass between the parking lot and the Berlin Turnpike. These events are a fundraiser for children's charities. See letter dated February 12, 2016 submitted by the applicants (attached).

This activity is allowed in all zones by Special Permit, per Section 3.2.8 of the Zoning Regulations:

- 3.2.8 Charitable and Civic Events
The use is for charitable purposes or for the direct support of said local charitable, civic or religious group; provided that such use shall be limited by such restrictions and/or conditions as the Commission may impose. Any permit so authorized shall be for such times as the Commission may determine is reasonable, but in no case longer than 10 days.

Staff Comments:

I asked the Police Department and the Fire Marshal if there were any problems last year, and there were none. Subject to the outcome of the public hearing, I have no objection to approval.

cc:
file

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

CR# 1335

Petition # 12-16



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

PANERA BREAD

LOCATION OF PROPERTY: 3120 BERLIN TRKE ZONE: PD

APPLICANT: CHARTER OAK FIREBIRDS TELEPHONE: 860-620-2898 (c)

ADDRESS: 174 COE AVE, EAST HAVEN CT EMAIL: charteroakbirds@yahoo.com

CONTACT PERSON: JOHN LYON TELEPHONE: 860-314-1258

ADDRESS: 130 TOWN HILL RD, TERRYVILLE CT 06485 EMAIL: CLLYON@SNET.NET

OWNER OF RECORD: PANERA BREAD

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 3-2.8 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:

 APPLICANT	<u>2/11/16</u> 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, 2016

Town of Newington

Planning and Zoning

Ref: Renewal of 2015 Certificate of Action / Petition 23-15 Attached

Request for 2 Year Permit 2016 / 2017 for continuation of the Charter Oak Firebirds Charitable Car Event held at Panera Bread, 3120 Berlin Turnpike, Newington CT

Explanation of Proposed Activity

Charter Oak Firebirds is a classic car club founded 11 years ago to promote the restoration and enjoyment of classic cars. We are also an organization dedicated to helping CT children's charities through funds raised holding car shows. Over the past years, we have donated all of our season's donation proceeds to Ct Children's Medical Center, Yale Pediatric, Hole in the Wall Gang Camp, and the Solnit Adolescent Rehab Center.

We seek formal approval for a 2 year Special Exception Permit to hold 12 such events throughout the summer and fall of 2016 and 12 during 2017 at the Panera Bread location at 3120 Berlin Turnpike, Newington. This event has been held at this location for 9 years. The shows are the first and third Saturday of each month, running from May through October, and taking place from approximately 3:30 PM until 8:30 PM each time.

The event is held with the permission and support of Panera Bread, and has been expertly run by the experienced members of the Charter Oak Firebirds for 9 years. We do not know of any incidents of injury, police complaint, or property damage of any kind, and it is a friendly family oriented event.

The club complied with the conditions set forth in the Certificate of Action from Newington Planning & Zoning dated 7/9/15 and installed prior to each event a temporary fence to keep cars from parking close to the Berlin Turnpike and to keep spectators a safe distance from traffic areas. (Picture Attached)

The club does carry event insurance, and makes every effort to keep the event safe for everyone. We maintain an open access to Panera Bread's handicapped parking for any patron's of Panera who require it, and keep the fire lane and building access open for any emergency.

Proposed Dates for 2016: 5/7, 5/21, 6/4, 6/18, 7/2, 7/16, 8/6, 8/20, 9/3, 9/17, 10/1 and 10/15* There are no "rain dates" - inclement weather results ion cancellation of event.

We appreciate your consideration of our request for a 2 year extension of our permit.

Charter Oak Firebirds

Attachments: Site plan, Pictures, 2015 Certificate of Action, \$250 Permit Application Fee

BERLINTURNPIKE

← TEMPORARY FENCE →

N 22' 2" 30" E 526.05'

WIDE EASEMENT STRIP VOL 165 PAGE 659

APPROXIMATE PROPERTY LINE

10' WIDE EASEMENT STRIP FROM ROAD BELT

OVERFLOW PARKING

SHOW CAR PARKING

SHOW CAR PARKING

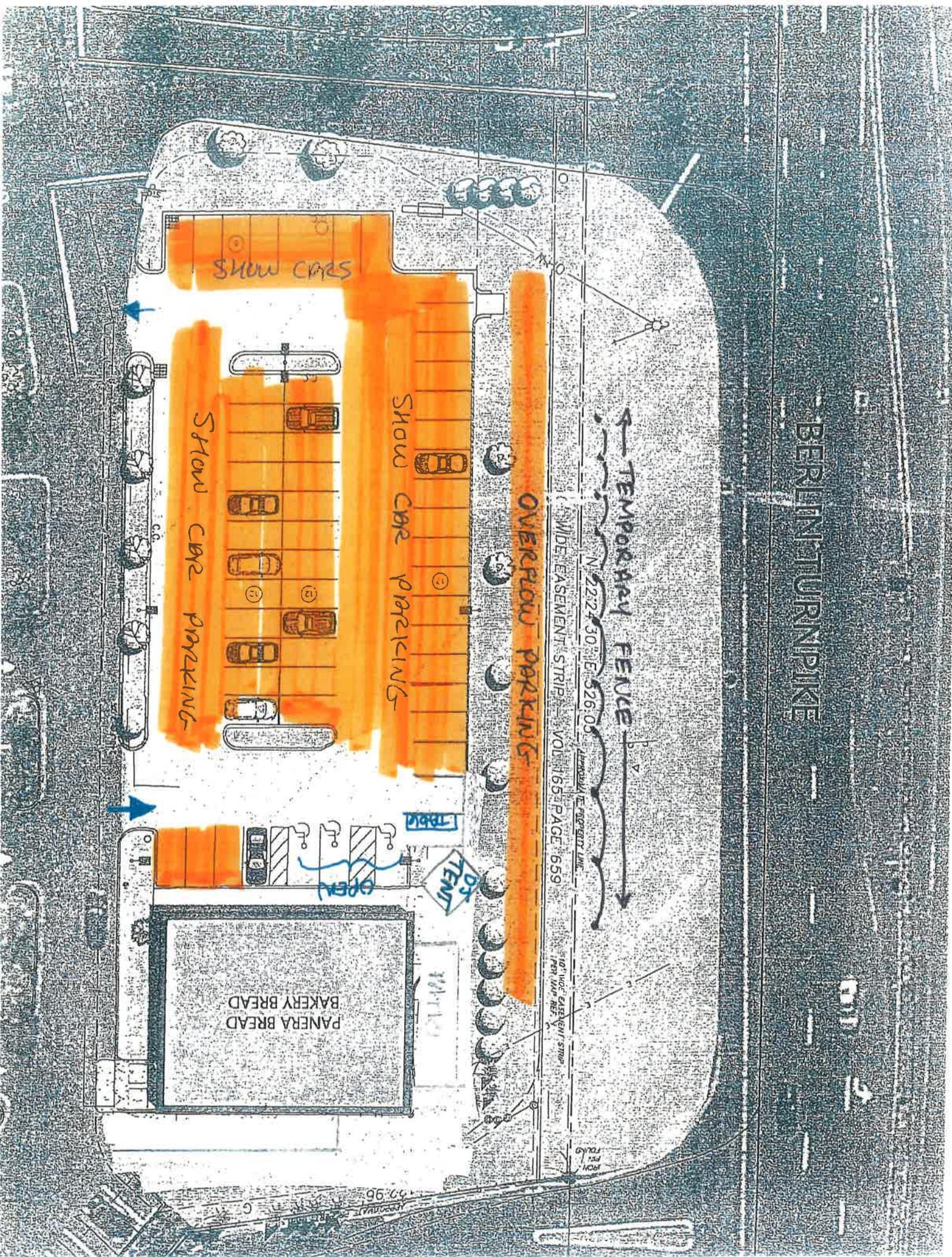
SHOW CARS

PANERA BREAD

DS TENT

TBBB

OPEN







John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

Certified Mail:

July 9, 2015

CERTIFICATE OF ACTION

Brad Benoit
President, Charter Oak Firebirds Club
174 Coe Avenue
East Haven, CT 06512

Re: Petition #23-15: Special Exception (Section 3.2.8: Charitable/Civic Event) at 3120 Berlin Turnpike (Panera) for classic car event. Charter Oak Firebirds, applicant; Newington VF LLC, owner; Brad Benoit, 174 Coe Avenue, East Haven CT, contact.

Dear Mr. Benoit,

This is to inform you that the above-referenced petition was approved, with conditions, at the regular meeting of the Town Plan and Zoning Commission on July 8, 2015. A legal notice to that effect will be published in the New Britain Herald on or about July 10, 2015.

The conditions are as follows:

1. The dates of the event shall be as indicated in the letter dated May 22, 2015 that was submitted with the application.
2. The applicant shall install and maintain yellow plastic barricade tape on stakes to keep all participants, spectators, and vehicles on the property.

This Special Exception will not become effective until you have filed this original Certificate of Action on the Land Records of the Town of Newington. The recording fee is \$53 for the first page, and \$5 for any additional pages.

Yours truly,

Craig Minor, AICP
Town Planner

cc:
ZEO
file

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



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP 
Date: March 2, 2016
Subject: **Petition #08-16: Site Plan Approval at 712 Cedar Street ("Starbucks"). Fenn Road Associates LLC, owner/applicant; Attorney Mark Shipman, 433 S. Main Street Suite 319, West Hartford CT, contact.**

Description:

This is an application for site plan approval of a Starbucks restaurant with drive-through on the south corner of Fenn Road and Myra Cohen Way. The legal address is 712 Cedar Street, and the site will be accessed from both Cedar Street and Myra Cohen Way. There was no cover letter submitted with the application.

Staff Comments:

1. I have reviewed the plans and found a few minor deficiencies which I have conveyed to the applicants (attached). As of this writing they have not submitted any revised plans.
2. The Town Engineer has reviewed the plans and found several deficiencies, including the absence of any LID techniques (attached). To the best of my knowledge the applicants have not addressed this yet.
3. I sent the applicants an email suggesting that they eliminate the exit on Cedar Street, because it provides no apparent benefit and is therefore an unnecessary traffic hazard (attached). The applicant's attorney has informed me that they respectfully decline to take my suggestion. While the Office of State Traffic Administration (formerly the STC) has the final say over all curb cuts on a state road, I think there is value to a host Town indicating its objection to an unnecessary curb cut on a major road like Cedar Street.
4. "Restaurant with drive-through" requires a special permit. This site was previously approved for a similar restaurant with drive-through, and a special permit was issued on April 11, 2008. The new site plan is effectively the same as the original one (attached), so in my opinion a new special permit is not necessary.

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

5. I have given careful consideration to whether this site plan promotes or hinders the new TOD Overlay District, and if it could be modified to be more “TOD” without unreasonably impacting the applicant’s wishes. My conclusion is that it is probably as “TOD” as the regulations allow us to make it. Specifically:

a. I would not normally recommend approval of a site plan with drive-through in a TOD zone. However, as I mentioned above, the applicant was granted a special permit for a drive-through restaurant at this location in 2008. An argument could be made that the special permit is voided by this new design, but in my opinion the benefits do not outweigh the costs of what would surely be a legal confrontation with the applicant.

b. I would not normally recommend approval of a site plan in a TOD zone with pavement between the building and the street, but again, this site is already approved for a drive-through.

c. Sidewalks will probably be required in all future TOD projects, but there is already a sidewalk across the street (Myra Cohen Way), so I am satisfied with having the applicant install a crosswalk to it.

d. It would have been nice for the building to contain a mix of uses, but the TPZ’s expressed intent is to give property owners the right to choose whether to develop their land as a TOD or as permitted by the underlying zoning. A single use building is allowed in the PD zone.

cc:
file



02/19/18

Petition # 08-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION RECEIVED

APPLICATION FORM

FEB - 2 2016
PLANNING DEPT

LOCATION OF PROPERTY: 712 CEDAR ST. ZONE: PD

APPLICANT: FENN ROAD ASSOCIATES, LLC TELEPHONE: (860) 646-0131

ADDRESS: 1481 PLEASANT VALLEY RD. MANCH. CT EMAIL: rich@hayesdevelopers.com

CONTACT PERSON: MARK S. SHIPMAN TELEPHONE: (860) 606-1701

ADDRESS: 437 SOUTH MAIN ST. STE 319 WEST HARTFORD, CT 06110 EMAIL: _____

OWNER OF RECORD: FENN ROAD ASSOCIATES, 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 _____ 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>FENN ROAD ASSOCIATES, LLC</u>		<u>SAME</u>	
<u>by [Signature]</u>	<u>MARK S. SHIPMAN</u>	<u>OWNER</u>	<u>DATE</u>
APPLICANT	DATE <u>2/3/16</u>		

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.



Memorandum

To: Town of Newington
Engineering Department
131 Cedar Street
Newington, Connecticut 06111

Date: February 3, 2016

Project #: 42159.00

From: Rod Szwelicki
Land Development

Patrick O'Leary, P.E.
Principal

Re: Stormwater Management Memorandum
Proposed Starbucks Development
712 Cedar Street
Newington, Connecticut

Project Summary

The approximately 4.45-acre Site is located at 712 Cedar Street in Newington, Connecticut (See Figure 1). The parcel can be identified by the Town of Newington Tax Assessor's Office as Map 13, Block 2, Lot 0 and is located in the PD-Planned Development zone. The Site is bounded by a parcel containing a CTDOT access road to the north, Cedar Street (CT Route 175) to the south, Fenn Road (CT Route 505) to the west, and an undeveloped parcel of land to the east. The Site is currently undeveloped and mostly pervious grass cover with some broken bituminous pavement and gravel along the Cedar Street frontage. Currently, the Site is accessed through an existing curb cut on Cedar Street (CT Route 175) and an access easement through the northern bounding CTDOT property which contains a signalized curbed cut onto Fenn Road (CT Route 505).

The proposed development of the Site includes the construction of an approximately 1,820 SF Starbucks restaurant building along with drive thru, drive aisles, parking spaces, landscaping and associated utilities. The proposed Site will be accessed through the same locations as under existing conditions, with the curb cut onto Cedar Street (CT Route 175) to be reconstructed.

100 Great Meadow Rd, Suite 200
Wethersfield, CT 06109
860-807-4300



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

February 19, 2016

Lawrence S. Shipman
433 South Main Street Suite 319
West Hartford, CT 06110

Re: Petition #08-16: Site Plan Approval at 712 Cedar Street ("Starbucks"). Fenn Road Associates LLC, owner/applicant; Attorney Mark Shipman, 433 S. Main Street Suite 319, West Hartford CT, contact.

Dear Attorney Shipman,

I have reviewed the plans submitted for the above-reference application. My comments are as follows.

1. Contents of Site Plan (Section 5.3.4):
 - a. The architectural plans need an endorsement block (Section 5.3.4.B).
 - b. The distance and bearings of all boundary lines need to be shown (Section 5.3.4.C.2). These should be shown on Sheets C-1 through C-8.
 - c. Monuments need to be indicated at all corners and in tabular form (Section 5.3.4.C.7). These should be shown on Sheets C-1 through C-8.
 - d. Names of abutting property owners needs to be shown (Section 5.3.4.C.8). These should be shown on Sheets C-1 through C-8.
 - e. The Town Engineer will review and comments on the stormwater management design (Section 5.3.4.D.6).
2. Off-Street Parking and Loading Requirements (Section 6.1):
 - a. No lighting plan was submitted (Section 6.1.1.G).
 - b. Please confirm that the site plan complies with the interior parking lot landscaping requirements of Section 6.1.3.A.

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

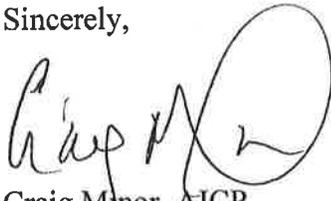
3. Other:

a. Please provide documentation from CTDOT showing its permission for the proposed driveway to Myra Cohen Way.

b. Please submit a detail showing the proposed sidewalk ramp at the driveway to Myra Cohen Way. Also, please consider installing a painted crosswalk to connect the proposed sidewalk with the existing sidewalk on the opposite side of Myra Cohen Way.

If you have any questions or comments, please contact me via email at cminor@newingtonct.gov or (860) 665-8575.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Minor', written over a large, light-colored circular scribble.

Craig Minor, AICP
Town Planner

✓cc:
file
VHB
Town Engineer



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Office of Town Engineer

Tanya D. Lane
Acting Town Manager

Christopher Greenlaw P.E.
Town Engineer

February 12, 2016

Fenn Road Associates, LLC
1481 Pleasant Valley road
Manchester, CT 06040
Attn: c/o Patrick O'Leary, P.E.

RE: 712 Cedar Street

Mr. O'Leary,

This office has performed a review of plans entitled: "Site Plans, Proposed Starbucks Development, 712 Cedar Street, Newington, Connecticut" dated February 3, 2016, prepared by Vanasse Hangen Brustlin, Inc.

The following preliminary comments as they pertain to the submitted drawings are as follows:

Drainage Comments:

1. Please review the Town of Newington's L.I.D. and Stormwater Drainage Manuals (available on the Town's website) in order to comply with the Town's requirements and format for this submittal.
2. Provide a stormwater analysis/pipe sizing (DOT format) for Myra Cohen Way.
3. Provide outlet protection calculations for the outfall at the northeasterly corner of the site.
4. Provide flow calculations at points of analysis located at the south end of the detention pond, namely, the north end of the 36"rcp and the north end of the 18"rcp.
5. Provide treatment train to achieve min. 80% TSS removal prior to stormwater exiting the site. Deep sump catch basins need to be inspected 4 times per year, and cleaned when sediment is half the distance from the bottom to the lowest invert. And only when they are "offline" can they be used for 25% TSS removal.
6. Provide lengths and slopes for all storm pipes on the plans.
7. A stormwater agreement must be submitted prior to connecting to the Town stormwater system.
8. Indicate sources and outfall of all piping for the yard drain in the southeasterly undeveloped area of the site.

Plan Comments:

9. Provide additional existing spot grades in the vicinity of the southwesterly corner of the property.
10. Add a right turn only sign (words and arrows) at the exit stop sign and on the island at Cedar Street.
11. Demonstrate a typical delivery/service vehicle turning path on the plans.
12. Revise all round corner radii to accommodate the Town of Newington emergency vehicle.
13. Provide a permit from ConnDOT to perform work within CT Route 175 right of way.
14. The sidewalk from Myra Cohen Way/Fastrack access drive shall be placed west of the existing curblin pc.
15. Provide property lines on the topographic survey (Dwg. Sv-2).
16. The construction entrances (add another at Cedar Street) shall be as designated on the anti-tracking apron detail in the Town's Stormwater Drainage Manual.
17. A CT licensed Land Surveyor shall certify that all E & S measures have been installed according to the plans prior to the start of the work.
18. The Zoning Enforcement Officer shall be notified prior to the beginning of construction and prior to removal of any E & S measures to inspect all sedimentation and erosion control measures.

Inland Wetlands Comments:

19. Overlay the Town of Newington existing inland wetlands and upland review lines on the plans.

If you have any questions, please feel free to contact me to arrange an appointment for an opportunity to review and discuss the above comments.

Phone: (860) 665-8570 Fax: (860) 665-8577
engineering@newingtonct.gov
www.newingtonct.gov



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP *CM*
Date: March 3, 2016
Subject: Interior Lot Zoning Regulations

Description:

Prior to 2007, interior lots (lots that do not have the minimum amount of frontage on a town road) were allowed in Newington, by Special Permit. Section 6.7 was deleted from the zoning regulations in 2007 as part of a major revision to the zoning regulations. The TPZ is considering re-instating them.

Staff Comments:

I am collecting information from other towns that allow interior lots. I will try to have a partial report for you at the meeting.

cc:
file

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



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP
Date: March 3, 2016 *CM*
Subject: **Food Trucks**

The question of how the Town of Newington regulates hot dog carts and lunch wagons has come up. To answer this question we need to first make a distinction between food vendors on Town property (such as a lunch wagon parked on the side of the road, within the right-of-way) and food vendors on private property (such as a hot dog cart in a gas station parking lot):

a. Lunch wagons in the street are regulated by the Police Department's "Vendor's Permit" process, per a Town policy which was established back in 1992 (see attached). There are roughly seven locations in town where food trucks are allowed to be. The operator needs to obtain a license from the Central CT Health District, and then a Vendor's Permit from the Police Department. This process does not involve the TPZ, although in years past vendors would informally come before TPZ so that TPZ was aware of them.

b. Unlike with many towns, there is nothing in the zoning regulations that specifically addresses food vendors on private property. The history of TPZ approval of them is slim:

1. In 2011 the TPZ informally gave permission for a food truck on the grounds of the Newington skating arena for the benefit of patrons of the skating rink. There was no application and no permit – it was all done orally during the "Public Participation" portion of the meeting.

2. In 2015 the TPZ gave a liquor store owner on the Berlin Turnpike permission for a hot dog cart under Section 3.23.1: (Accessory Outside Use Standards), in large part because the merchant said that the cart would be operated by his college-student son during summer recess. The permit expired at the end of the summer.

Many cities and towns in America are experiencing an explosion of food truck popularity. While restaurant owners often complain that their lower operating costs give food trucks an unfair competitive advantage, they are often the "gateway" for a future restaurant owner, and when properly regulated can make a significant contribution to the vitality of a commercial district.

I suggest TPZ consider developing zoning regulations that allow, by special permit, hot dog cart-style food vendors on private property under specific circumstances (sufficient parking; safety; well-removed from a restaurant with the same cuisine; etc.).

I also suggest TPZ ask the Town Manager to revisit the list of streets where food trucks are allowed, and to update the food truck policies.

cc:
file



Central Office: 505 Silas Deane Highway, Wethersfield, CT 06109 Phone (860) 721-2822 Fax (860) 721-2823
Berlin: 240 Kensington Road, Berlin, CT 06037 Phone (860) 828-7017 Fax (860) 828-9248
Newington: 131 Cedar Street, Newington, CT 06111 Phone (860) 665-8586 Fax (860) 665-8533
Rocky Hill: 761 Old Main Street, Rocky Hill, CT 06067 Phone (860) 258-2770 Fax (860) 258-2767

www.cchd.org



Itinerant Vendor / Mobile Vendor / Hot Dog Cart Food Service Requirements



This information is designed to supplement the Central Connecticut Health District's (CCHD) pre-operational Food Service Establishment Guidance packet with specific regard to mobile / itinerant vending. Additional information is also available by contacting CCHD at (860) 721-2822. A pre-purchase review and inspection of your cart, vehicle, or trailer is also available by appointment.

Basic Requirements

A Food Service License from CCHD is required and valid for operation within the Health District's four member towns. However each town has its own specific ordinances, zoning regulations, and police department requirements for itinerant vendors. All food and beverage products offered for sale must be from an approved source. Prepared food products must be obtained from a licensed facility or approved by CCHD. Home preparation of food products is prohibited. When prepared food products are offered for sale, the licensee must have in his possession verification of the source from which the product was obtained. Food service vehicles must bear the name and address of the licensee legibly on the side. A current food service license from CCHD must be affixed to the unit in a visible location when in operation. A Qualified Food Operator (QFO) is also required when potentially hazardous foods are prepared and / or hot held.

To qualify for a CCHD Food Service License as a mobile / itinerant vendor the following criteria must be met:

- 1.) The food service unit must be mounted on wheels or other method of movable design.
- 2.) The unit must be self-contained; gas, water, and sewage holding tanks must be attached to the vehicle.
- 3.) The food service vehicle must be moved on a daily basis. If the operation is not moved every day, it is considered permanent and must comply with the requirements for employee toilet and hand washing facilities that are connected to conventional water supply and sewage disposal system.

Town Ordinance / Zoning / Police Department / Location Vending Information

Newington: Itinerant vending is allowed at pre approved sites in the public right of way (street). Police Department permit required to park at approved sites. Additional information can be obtained by calling the Newington Police Department at (860) 666-8445, or the Newington Planning and Zoning Department at (860) 665-8575.

Wethersfield: Itinerant vending allowed at sites approved by the Wethersfield Planning and Zoning Department. A Wethersfield Police Department Peddling and Soliciting permit is also required. Additional information can be obtained by calling the Wethersfield Police Department at (860) 721-2900, or the Wethersfield Planning and Zoning Department at (860) 721-2837.

Rocky Hill: Itinerant vending allowed at sites approved by the Rocky Hill Planning and Zoning Department. A Rocky Hill Police Department Solicitors License Certificate is also required. Additional information can be obtained by calling the Rocky Hill Police Department at (860) 258-7640, or the Rocky Hill Planning and Zoning Department at (860) 258-2766.

Berlin: Itinerant vending is allowed at sites approved by the Berlin Planning and Zoning Department. A Berlin Police Department Solicitors License is also required. Additional information can be obtained by calling the Berlin Planning and Zoning Department at (860) 828-7066, or the Berlin Police Department at (860) 828-7093.

Design Requirements

- 1.) All food service units must be designed so as to protect food product from air borne contamination during periods of display and / or service. Food contact surfaces and equipment should be NSF approved or equivalent and constructed of durable, non-porous materials, which are smooth and easily cleaned. Units equipped with open cooking facilities (grill, stove, fryer, etc.) or where operations involve potentially hazardous food preparation must be completely enclosed; customer service window(s) must be equipped with screens.
- 2.) All food service units must be provided with hand washing facilities. Vehicles offering a variety of potentially hazardous food products or operations involving food preparation must be equipped with a hand washing sink with hot and cold running water.
- 3.) When food service operations involve the handling and / or preparation of potentially hazardous food products, the service unit must be equipped with a three (3) compartment sink and hot and cold running water. The sink(s) must be of sufficient size to submerge the largest preparation utensil. CCHD may allow the use of a two (2) compartment sink where food preparation activities are minimal.
- 4.) Refrigeration units whether iced, gas or electric must be capable of maintaining potentially hazardous foods at a temperature of 45 degrees Fahrenheit or less. All refrigeration units must be equipped with a thermometer.
- 5.) Hot holding units must be capable of maintaining potentially hazardous food at a temperature of 140 degrees Fahrenheit or higher. The licensee must have a thermometer in his possession for the purpose of checking holding temperatures. Hot holding units shall not be used for bringing cold foods to service temperature unless designed for this purpose.
- 6.) Water used on food service units must be obtained from: A.) A municipal or public water company, B.) A private well supply which has been tested and approved by CCHD. Winter operation may require a heated trailer unit so that water lines and holding tanks do not freeze.
- 7.) Vehicles equipped with running water must be provided with a water tight waste holding tank which has a capacity equal to 1 ½ times the volume of the potable water storage facility. Waste water must be disposed of in a manner approved by CCHD.
- 8.) The licensee must provide a waste and / or trash receptacle for disposal of refuse and paper waste outside the vehicle.



MEMORANDUM

TO: Keith Chapman, Town Manager

FROM: Ed Meehan, Town Planner *Ed Meehan*

DATE: May 2, 1994

RE: STREET VENDING

BACKGROUND

In April 1992 we adopted administrative criteria for regulating licenses to vendors selling food from carts within the Town right of way. (attachment A). Our purpose in adopting this criteria was to establish standards for vendor location, traffic safety and hours of selling.

We took this action because of the complaints received from restaurants who pointed out that cart vendors with little or no overhead were unfairly parking close to their establishments and because some vendors were parking so as to cause traffic hazards.

Prior to adopting this criteria we had been trying to control vendors by requiring them to move at least 2000 yards every hour. This standard was established by Town Manager Curry. (attachment B).

PROBLEM

Our attempts to limit vendor location is becoming more difficult to enforce as more street vendors want to come to Newington. Added to this increased demand is the problem that permitted locations on Fenn and Maselli/Pane Roads are no longer useable because of changes in traffic or adjacent property owners complaints.

Itinerant vendors require considerable staff time to license, inspect and keep track of. Many business owners feel they are at a disadvantage because vendors do not have to pay taxes and codes expenses. One vendor has even placed table and chairs adjacent to their cart for customers.

Food vendor licenses and permits will only generate approximately \$500 to \$600 in revenues next fiscal year.

RECOMMENDATION

Option 1 Prohibit vendors

Amend Chapter 11 Article II to prohibit vending (food,

merchandise etc.) in any public right of way, town or state, within Newington. Also add to this section that vendors shall not set up carts, booths, tables or sell from vehicles parked on private property. The exception to this prohibition could be Christmas tree sales.

Option 2 Increase Vendor License fee

Amend Chapter 2, Article IX, Section 2-94, Police "Vending license" to require vendors selling within the public right of way to pay a fee of \$500 per year. In conjunction with this increased fee we should re assessed the street vending administrative criteria to better determine appropriate location for vendors.

cc: Bob Cosgrove, Public Health Coordinator
Lt. Fred Casioppo, Police Department

Attachment A

STREET VENDING
Effective April 1, 1992

REGULATIONS FOR THE ISSUANCE OF STREET VENDOR LICENSES AND
CRITERIA FOR LOCATIONS WITHIN THE PUBLIC STREET RIGHT OF WAY
AND ON PROPERTY OF THE TOWN OF NEWINGTON.

PURPOSE AND INTENT

These regulations are established to provide control over the use of public street right of ways by vendors. The intent is to protect the health and safety of the public who travel within Newington and to insure that vendors who locate within the public right of way do not create traffic hazards or pose a nuisance to motorists and adjacent private property owners.

PART I DEFINITION AND PROHIBITIONS

As used in this regulation the term "street vendor" shall apply only to those persons who sell prepared food from carts or registered motor vehicles. The sale of general merchandise, goods and wares within the public right of way or on town property shall be prohibited.

PART II LICENSE REQUIRED AND FEES

Pursuant to Chapter 11, Article II, Section 11-11, Chapter 8 1/2, Article II Sections 8 1/2-17, and Chapter 2, Article IX, Section 2-94 of the Newington Code of Ordinances street vendors and their employees shall obtain a license and pay the required fees to Police and Newington Health Departments. The license issued by the Chief of Police shall be conditioned on compliance with these regulations and may be revoked at his discretion upon notice.

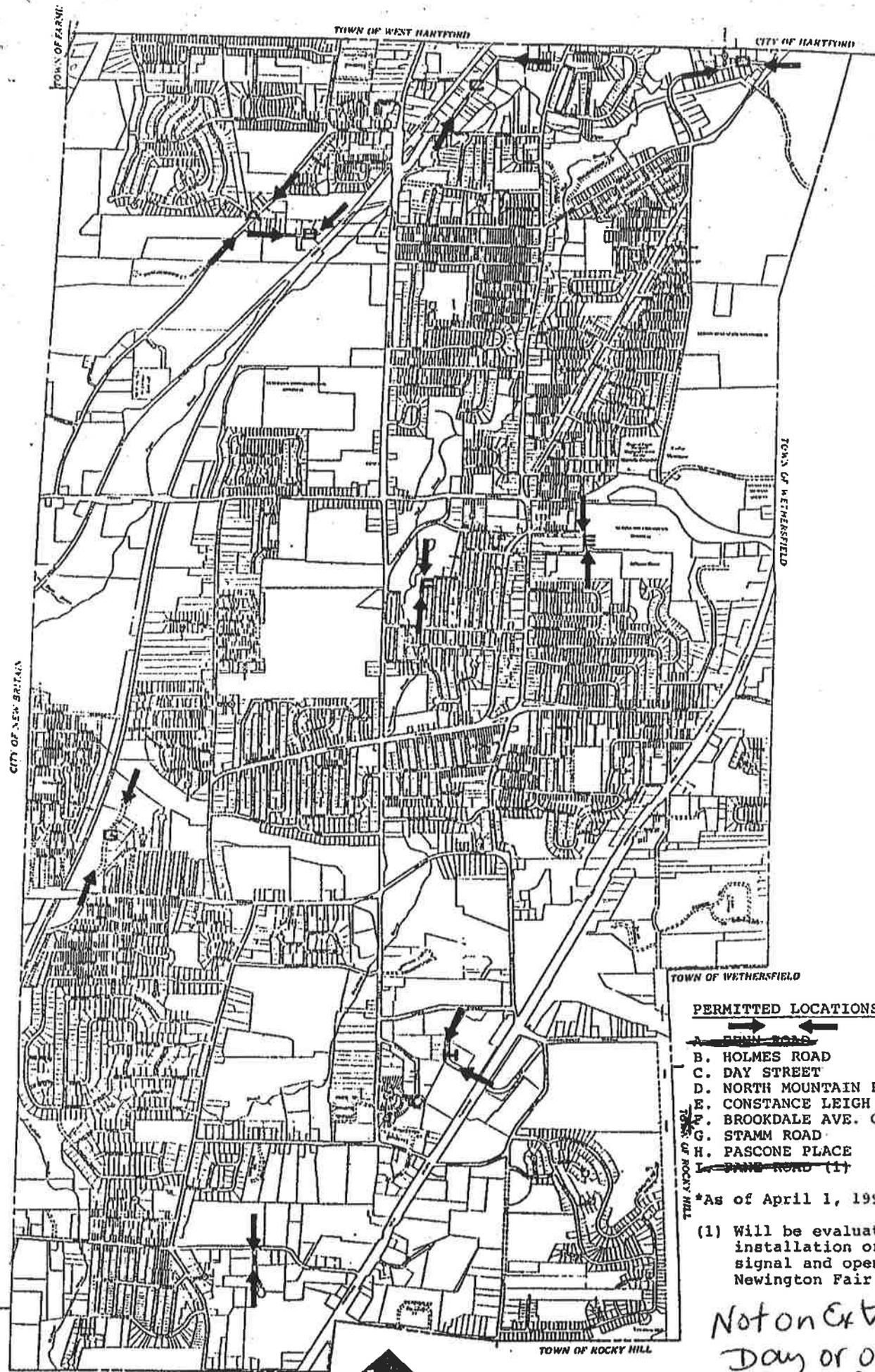
To secure a street vending license a prospective vendor shall first apply to the Newington Health Department for a food service permit and secondly apply to the Police Department for a vending permit.

PART III LOCATIONAL STANDARDS

1. The location of street vendors shall be limited to those sections of the public street right of way shown on the attached map. The specific location of individual street vendors within these areas shall be at the discretion and approval of the Chief of Police who shall make this determination based on the safety of the motorist, the vendors and their customers.

2. Vendors shall not locate within a 1000' radius of the front door of a restaurant, or other establishment where prepared food is provided for sale to the general public. Vendors shall not locate on street right of ways adjacent to Newington park and recreational facilities where prepared food services are available and for sale to the public.
3. Vendors operating within a public right of way, shall not park so as to obstruct traffic or to cause a traffic hazard or to block a driveway or in violation of any temporary or permanent "no parking" sign. If a traffic hazard is created by his/her presence within a public right-of-way, a vendor must move immediately on the order of a police officer or be subject to arrest.
4. Vendors operating within the public right of way shall not set up earlier than one half hour after sun rise and must vacant the public way one half hour prior to sun set.
5. The Chief of Police reserves the right to require such additional conditions that he deems appropriate to insure public safety. Street vending locations may be modified by the Chief of Police when adjacent land use, traffic patterns and road conditions may impede the public safety.

Attachment: Street Vendor Location Map



PERMITTED LOCATIONS *

- A. ~~BEHN ROAD~~
- B. HOLMES ROAD
- C. DAY STREET
- D. NORTH MOUNTAIN ROAD
- E. CONSTANCE LEIGH DRIVE
- F. BROOKDALE AVE. CUL DE SAC
- G. STAMM ROAD
- H. PASCONE PLACE
- I. ~~BEHN ROAD (1)~~

*As of April 1, 1992

(1) Will be evaluated upon installation of traffic signal and opening of Newington Fair Shops

Revised May 8, 1992

Not on Extrawanza Day or other when selling food in park

M E M O R A N D U M

Attachment B

TO: Chief Thomas Ganley
FROM: Peter M. Curry, Town Manager
DATE: November 2, 1983
SUBJECT: Roadside Vending

PMC

Newington Police Dept.

The attached announcement should be provided to each and every applicant for a Peddler's License under Chapter 11 of the Newington Code. In addition, a special effort should be made by anyone issuing a license to impress upon the applicants that the receipt of a license to peddle is not an exemption from zoning regulations. The zoning regulations of the Town of Newington shall apply and these zoning regulations make it illegal to do any roadside selling along the Berlin Turnpike or to set up temporary sales facilities such as trailers, carts, wagons, cars, trucks and vans on private property. The issuance of vending licenses has lately been a source of much misunderstanding by the peddlers of stuffed toys, paintings, produce and jewelry.

It is the responsibility of the Police Department when vending is observed to enforce the provisions of the zoning regulations which are, in effect, an ordinance of the Town of Newington. If the Zoning Administrator (Building Inspector) is available, he should be called in. If he is not readily available for enforcement action, the Police Department should handle the matter directly. Itinerant vendors should be given a short period of time in which to comply with an order to cease and move, usually no more than two hours.

Attachment

cc: William Burkhart, Acting Building Inspector
Members of the Town Plan & Zoning Commission

(over)

ATTENTION VENDOR LICENSE APPLICANTS AND LICENSEES

1. Holding a license to vend within the Town of Newington does not exempt a person from the Zoning Regulations of the Town. The Zoning Regulations prevent vending from temporary buildings, automobiles, vans, trailers or other impermanent facilities.
2. An itinerant vendor may operate within a public right-of-way provided he/she does not spend more than one hour at any one location. A "location" is defined as at least 2,000 yards apart.
3. No vending from impermanent facilities is allowed on any private property within the Town of Newington.
4. When operating within a public right-of-way, an itinerant vendor may not park so as to obstruct traffic or to cause a traffic hazard or to block a driveway or in violation of any temporary or permanent "no parking" sign. If a traffic hazard is created by his/her presence within a public right-of-way, a vendor must move immediately on the order of a police officer or be subject to arrest.

(b) Violation of any provision of sections 21-35a to 21-35k, inclusive, shall constitute an unfair or deceptive act or practice as defined in section 42-110b.

(P.A. 76-281, S. 8; P.A. 83-243, S. 3.)

History: P.A. 83-243 increased penalty from fifty dollars and sixty days to five hundred dollars and ninety days and provided that violations of Secs. 21-35a to 21-35k, inclusive, shall constitute an unfair trade practice.

Sec. 21-35i. Regulations. The commissioner of consumer protection may promulgate such regulations as he finds necessary to administer and enforce the provisions of this chapter.

(P.A. 76-281, S. 9.)

Sec. 21-35j. Exceptions to applicability of chapter. The provisions of this chapter shall not apply to or affect sales or persons conducting such sales pursuant to an order or process of a court of competent jurisdiction or to any sheriff, constable or other public or court officer or to any other person acting under the license, direction or authority of any state or federal court selling goods, wares or merchandise in the course of their official duties or to end of the season sales or to sales limited to closing out a particular brand or line of goods.

(P.A. 76-281, S. 10.)

Sec. 21-35k. Advertising media exempt from chapter; when. Nothing in section 21-35b or 21-35h shall apply to acts done by the publisher, owner, agent or employee of a newspaper or periodical, or radio or television station in the publication or dissemination of any advertisement, where such publisher, owner, agent or employee does not have actual knowledge of the false, misleading or deceptive character of the advertisement.

(P.A. 76-281, S. 11.)

CHAPTER 408

HAWKERS AND PEDDLERS

Sec. 21-36. Definitions. "Hawker" or "peddler," as used in this chapter, means any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle.

(1949 Rev., S. 4683.)

Sec. 21-37. Town ordinances. Any town may make reasonable ordinances with reference to the vending or hawking upon its public streets or upon any state highway, except limited access highways, within such town or any land abutting such streets or highways of any goods, wares or other merchandise at public or private sale or auction, or to the vending or peddling of such articles from house to house within its limits, including the imposition of a fee, not exceeding two hundred fifty dollars a year, applicable with respect to any person engaged in such vending, hawking or peddling, for the privilege of so vending, hawking or peddling such merchandise. Any ordinance adopted pursuant to this section which requires a permit may require that no such permit shall be issued to any person who has not obtained a permit to engage in or transact

busine
that an
place
garden
deliver
approv
for fut
in this
statuto
as emj
person
pursua

(1949

Histor
to any "p
payment
state high
person b

Ordin
construed
Cited.

Sec.
hawke
more t

(1949

Sec.
person,
carry o
jewelry
propert
person,
chapter
to loan
of prop

(1949

Sec.
police
on the
such pr
city res
grant st
person
authori

business as a seller within the state in accordance with section 12-409 and shall require that any permit issued pursuant to such ordinance shall be conspicuously displayed at the place the activities are undertaken. This section shall not apply to sales by farmers and gardeners of the produce of their farms and gardens, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation. Nothing in this section shall be construed to limit in any manner the transportation commissioner's statutory authority concerning state highways. Nothing in this section shall be construed as empowering any municipality to prohibit, regulate, control or impose a fee on any person operating any business on any state-highway or land abutting any state highway pursuant to a contract with the state.

(1949 Rev., S. 4684; 1957, P.A. 13, S. 91; P.A. 79-545; P.A. 84-289.)

History: P.A. 79-545 raised from twenty-five to two hundred fifty dollars limit on fee which may be imposed, applicable to any "person" rather than "team or vehicle" and exempted the taking of orders for merchandise for future delivery when full payment not required at time of solicitation; P.A. 84-289 inserted references to town control, and limits on town control, on state highways, provided that permits be issued only to persons with sales tax permits and that permits issued pursuant to this section be displayed.

Ordinance must be reasonably definite and fee reasonable. 67 C. 29. Power to license lawful business to be strictly construed; milk dealers. 67 C. 541. Licensing of fruit peddlers by city ordinance upheld. 80 C. 478. Cited. 4 CA 261, 263, 264.

Sec. 21-38. Penalty. Any person who engages in the business of a peddler or hawker without complying with the provisions of any such ordinance shall be fined not more than fifty dollars.

(1949 Rev., S. 4685.)

CHAPTER 409

PAWNBROKERS

Sec. 21-39. License required. Loans on intangible property excepted. No person, corporation or partnership shall, in any city or town of this state, engage in or carry on the business of loaning money upon deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price, unless such person, corporation or partnership is licensed as a pawnbroker; but the provisions of this chapter shall apply only if such property is deposited with a lender, and shall not apply to loans made upon stock, bonds, notes or other written or printed evidence of ownership of property or of indebtedness to the holder or owner of any such securities.

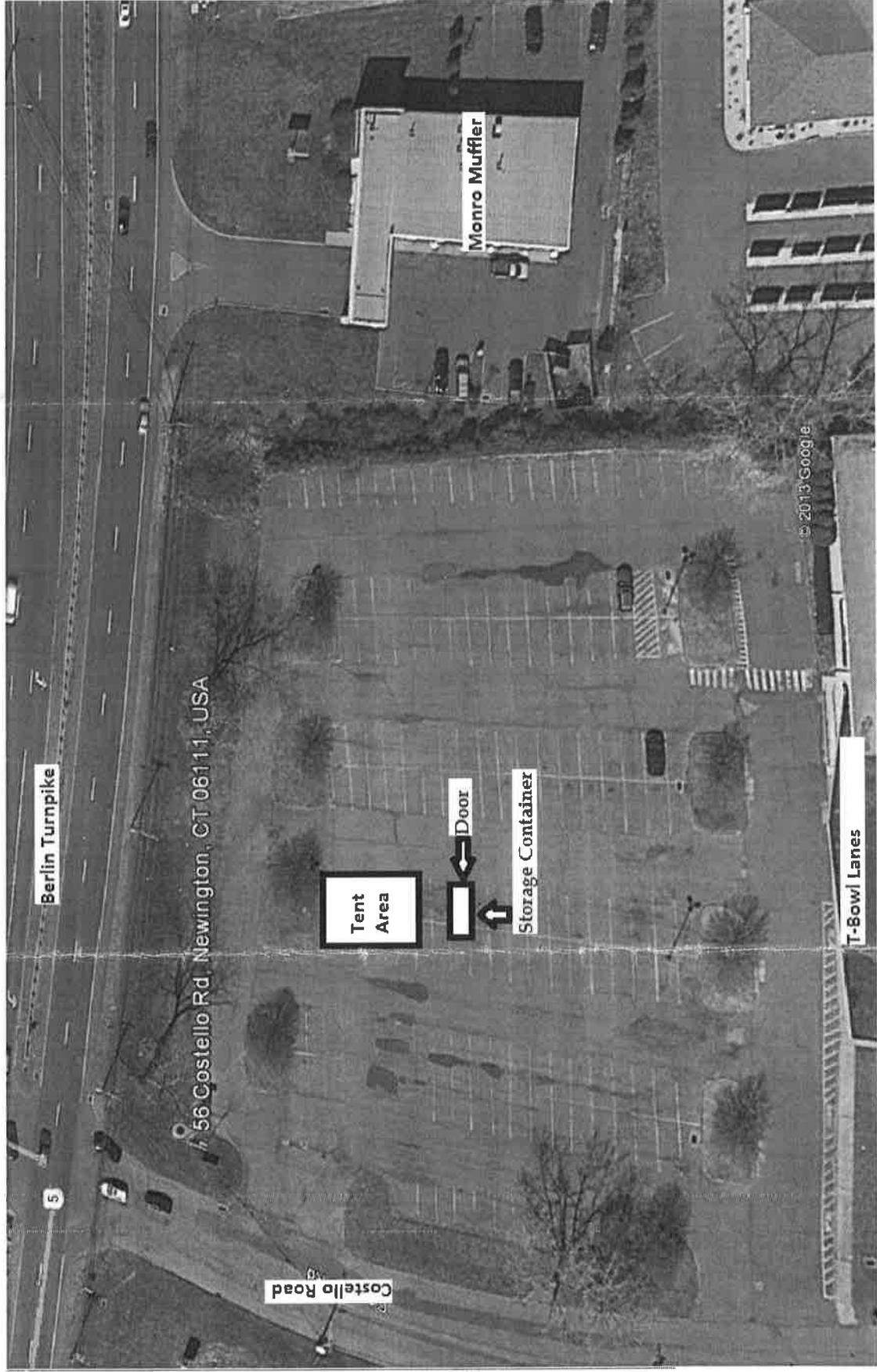
(1949 Rev., S. 4663.)

Sec. 21-40. Issuance of licenses. Fees. The selectmen of any town and the chief of police of any city may grant licenses to suitable persons to be pawnbrokers and to carry on the business of lending money on the pledge of personal property, or of purchasing such property on condition of selling it back again at a stipulated price, in such town or city respectively, and may revoke such licenses for cause; but the selectmen shall not grant such licenses for the carrying on of such business within the limits of any city. The person so licensed shall pay, for the benefit of any such city or town, respectively, to the authority granting such license a license fee of fifty dollars, and twenty-five dollars per

Location Name: Newington

Address: 56 Costello Road Newington, CT 06111

Notes:





Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP *CM*
Date: March 3, 2016
Subject: **Petition #11-16: TPZ Approval (Section 3.23.1: Accessory Outside Use) for a Food Truck at 2199 Berlin Turnpike (S&N Discount Liquors). Ferida Mohammed, owner; Luis Vallejo, 26 Monte Vista Avenue, Newington CT, applicant/contact.**

Description:

This is an application for permission to operate a food truck on the parking lot of the package store at 2199 Berlin Turnpike. This is the site of the hot dog cart that was approved by TPZ on June 20, 2015 with an expiration date of September 1, 2015.

Staff Comments:

At the TPZ meeting on February 24, 2016 several concerns were raised by the TPZ which the applicant did not appear to address to the Commission's satisfaction. They were:

1. It is not clear that there will be sufficient parking spaces for liquor store customers.
2. It is not clear that the location of the food truck will not interfere with cars entering and leaving the parking lot and accessing the rear of the site.
3. The location is near a restaurant with a similar cuisine. The applicant did not submit a statement from the operator of that restaurant as to whether he has any objections to this activity.

cc:
file

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



Case # 17-180610769 @ 170 Petition # 11-16
TOWN OF NEWINGTON #5 cash

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 2199 Berlin Trce ZONE: B-BT
 APPLICANT: Luis Vallego TELEPHONE: 860-970-7332
 ADDRESS: 26 Monte Vista Ave Newington Ct EMAIL: luisvallego74@gmail.com
 CONTACT PERSON: SAME TELEPHONE: _____
 ADDRESS: SAME EMAIL: _____
 OWNER OF RECORD: Nickey Mohammed

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): Sec 3.23 - outside sales for Food Truck

SIGNATURE:

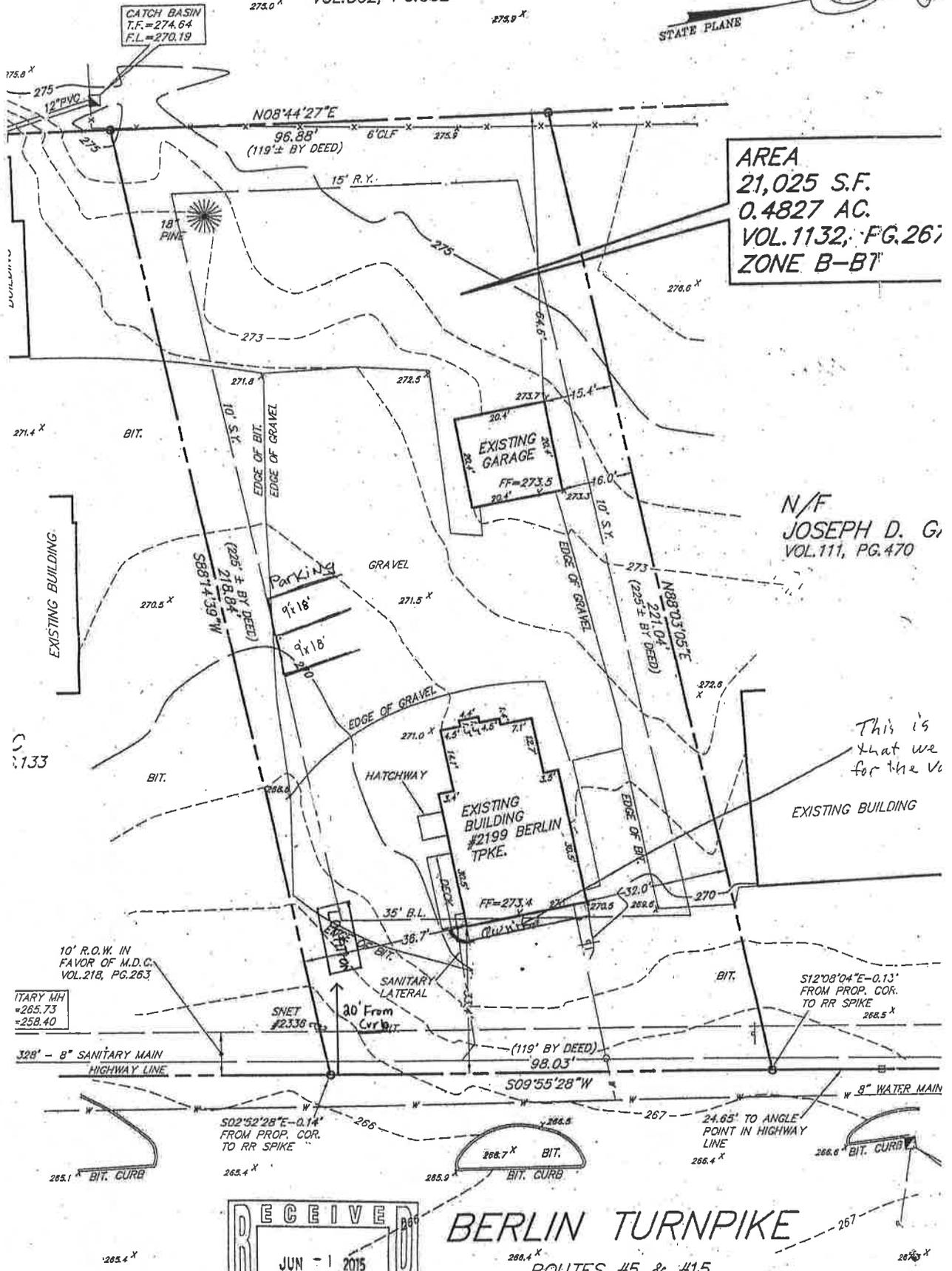
 APPLICANT	<u>2-9-16</u> DATE	 OWNER	<u>2/10/16</u> DATE
---------------	-----------------------	-----------	------------------------

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.

N/F
GRANITE ASSOCIATES
 VOL. 362, PG. 302

STATE PLANE



AREA
 21,025 S.F.
 0.4827 AC.
 VOL. 1132, F.G. 26;
 ZONE B-B7

N/F
 JOSEPH D. G.
 VOL. 111, PG. 470

This is
 that we
 for the

10' R.O.W. IN
 FAVOR OF M.D.C.
 VOL. 218, PG. 263

UTILITY MH
 =265.73
 =258.40

SNET
 #2338

S12°08'04"E-0.13'
 FROM PROP. COR.
 TO RR SPIKE

S02°52'28"E-0.14'
 FROM PROP. COR.
 TO RR SPIKE

24.65' TO ANGLE
 POINT IN HIGHWAY
 LINE

RECEIVED
 JUN - 1 2015
 PLANNING DEPT.

BERLIN TURNPIKE
 ROUTES #5 & #15

MAP IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE
 AND EMBOSSED SEAL OF THE SURVEYOR.



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP *CM*
Date: March 3, 2016
Subject: **Petition #06-16: Zoning Regulations Comprehensive Review**

Description:

A public hearing needs to be scheduled for the proposed revisions to the Zoning Regulations that TPZ has been working on for the past 16 months.

Staff Comments:

At the February 24, 2016 meeting the Commission decided that the best way to conduct the hearing on the revisions is in portions. That's more manageable than trying to do it all at one long hearing that would last for months. It would also be merciful to the person who only wants to comment on a particular section.

I propose that the first hearing be on Sections 2 through 4. This is 55 pages with a fair amount of changes, but I think we could get through a hearing on it in about an hour. How it turns out can be used to plan the next hearing.

Zoning text amendments need to be forwarded to CROCOG for review not less than 30 days before the hearing, so I recommend the hearing be scheduled for April 13.

cc:
file

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



Tanya D. Lane
Acting 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: Town Planner Craig Minor, AICP *CM*
Date: March 3, 2016
Subject: Town Planner Report for March 9, 2016

1. Zoning Enforcement Issues Raised at Previous TPZ Meetings

a. At the last meeting a citizen asked if the contaminated soil at 475 Willard Avenue had been brought to the attention of the Central CT Health District, which was a condition of approval. The answer is yes. It was mentioned orally to a CCHD staff person a few days after the special permit was approved, and again via email about a week later. I do not know what the outcome of that was.

2. Streetscape Program Phase VI on Constance Leigh Drive

The Town Council recently endorsed the "Segmental" option of this project. The committee is now working with its engineering consultant on the final design. Once it is finished I will arrange with the Acting Town Manager to have the Town Council refer it to TPZ for a Sec. 8-24 recommendation.

3. LID Moratorium

Last year, the TPZ voted to temporarily exempt homeowners who want to build a garage or remodel their homes from the LID (Low Impact Development) zoning regulations. The TPZ had found that the LID regulation increases the cost of such projects by up to \$3,400 and puts a paperwork burden on homeowners. Also, it is debatable whether the benefits of LID justify the burdens. TPZ therefore put a freeze on the regulations to give the staff time to get familiar with them and to figure out exactly how they should be changed to give homeowners permanent relief. The moratorium expires on March 1, 2016.

The LID zoning regulation itself is fairly simple, because all of the complicated design details (rain gardens, dry wells, infiltration trenches, etc.) are not in the regulations: they are contained in the "Low Impact Development and Stormwater Manual for the Town of Newington". So to make this moratorium permanent, we need to amend the Manual. The Manual, however, is used by several land use boards and Town departments, so any change that TPZ wants to make to it should be referred to each of them first, and then approved by the Town Manager. I will have a draft of the necessary changes for your review at the TPZ meeting on March 9, 2016.

cc:
file

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