



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, April 13, 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. Continued from March 23, 2016.
- VIII. APPROVAL OF MINUTES
 - a. Regular Meeting on March 9, 2016
 - b. Regular Meeting on March 23, 2016
- IX. NEW BUSINESS
 - a. Petition #13-16: Site Plan Modification at 3575A Berlin Turnpike ("Starbucks"). Brown Development, owner; SD Properties, applicant; James Brown, 59 Cove Road, Lyme CT, contact.
 - b. Alumni Road Traffic Signal Committee
 - c. Food Truck Approval Process
 - d. Interior Lot Zoning Regulations

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NEWINGTON LAND RECORDS

2016 APR -7 PM 1:41

BY *Tanya D. Lane*
TOWN CLERK

- e. "Backyard Chickens" Zoning Regulations
- f. "Low Impact Development" Zoning Regulations

X. OLD BUSINESS

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #14-16: Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant"). Hector Angel, owner; Manuel Rubio, applicant/contact.

XII. TOWN PLANNER REPORT

- a. Town Planner Report for April 13, 2016

XIII. COMMUNICATIONS

- a. CRCOG Zoning Amendment Reports to Berlin, Hartford, and West Hartford TPZ.

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 *Craig*
Date: April 4, 2016
Subject: **Petition #05-16: TOD Overlay District Zoning Map Amendment and Zoning Text Amendment (New Section 3.19A). TPZ, applicant/contact.**

As requested at the meeting on March 23, 2016 the following changes have been made:

1. References to "bicycle" has been deleted from Section 4 (Incentives) and Section 5 (Procedures).
2. The minimum amount of window area on building walls facing the CTfastrak station or other public areas was reduced from 35% to 25%.

cc:
file

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**Newington Town Plan and Zoning Commission
Proposed Zoning Text Amendment**

(changes made since the previous draft are shown in **bold underline**
and **~~bold strikethrough~~**)

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), Business Zone (B) and Industrial Zone (I), or the special requirements of this Section. This is not intended to prohibit any use otherwise permitted in the PD, B 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. Bioscience, advanced manufacturing, 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 at least one of each of two or more of the following types 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**

(changes made since the previous draft are shown in **bold underline**
and **~~bold strikethrough~~**)

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 "specific objectives and uses" described in Paragraph 2.c 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 vehicular, ~~bicycle~~, and pedestrian circulation in 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, B or I zoning shall be processed in accordance with Section 3.16, Section 3.17, Section 3.18, or Section 3.19 as appropriate and Section 5.3.

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 in Paragraph 2.c shall be processed in the following manner:

1. The applicant shall apply for a TOD Special Permit in accordance with Section 5.2. The application shall include the following:

A. A detailed description of the activity, and how it promotes the purpose of the TOD Overlay District.

B. If the application proposes to utilize any of the incentives listed in Paragraph 4.a, the application shall include a report prepared by an appropriate professional and detailed descriptions of the following:

- 1) The need for or benefit of the proposed activity;
- 2) Architectural or functional compatibility with adjacent or nearby buildings and activities; and
- 3) Public amenities included in the proposed activity.

**Newington Town Plan and Zoning Commission
Proposed Zoning Text Amendment**

(changes made since the previous draft are shown in **bold underline**
and **~~bold strikethrough~~**)

2. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations. The site plan shall address the following:

A. The layout of streets, alleys, lots, building sites, and other elements of development shall be designed to maximize safe and convenient vehicular, ~~bicycle~~, and pedestrian access to the CTfastrak station and, where appropriate, provide the views and community amenities that help define the CTfastrak station as the focal point of the District.

B. Vehicular, ~~bicycle~~, and pedestrian circulation systems shall be designed to allow vehicular, ~~bicycle~~, and pedestrian cross-access to existing or allowable development on adjoining lots.

C. Driveway curb cuts are allowed only if vehicular access cannot be provided via a cross-access easement. Driveway curb cuts shall be no wider than 24 feet and shall be located at least 50 feet from a street intersection and at least 100 feet from another driveway curb cut on the same block face.

D. Buildings shall be configured in relation to the site's other buildings so that building walls frame and enclose one or more of the following, if applicable:

- 1) The corners of street intersections or entry points into the development;
- 2) A "main street" pedestrian and/or vehicle access corridor within the development site;
- 3) Parking areas, public spaces, or other site amenities on at least three sides; or
- 4) A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.

E. Architectural elevations submitted in accordance with Section 5.3.4.B shall be prepared as follows:

1) Where the street-level facade of a building faces the CTfastrak station or a public gathering space, no less than ~~35%~~ **25%** of the facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise.



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: April 4, 2016
Subject: **Petition #13-16: Site Plan Modification at 3575A Berlin Turnpike (Starbucks). Brown Development, owner; SD Properties, applicant; James Brown, 59 Cove Road, Lyme CT, contact.**

Description of Petition #13-16:

The owner of the Gateway Plaza wants to reconfigure the drive-through lane at the Starbucks restaurant. The lane is one-way, obviously, but apparently some drivers are trying to enter where they should not.

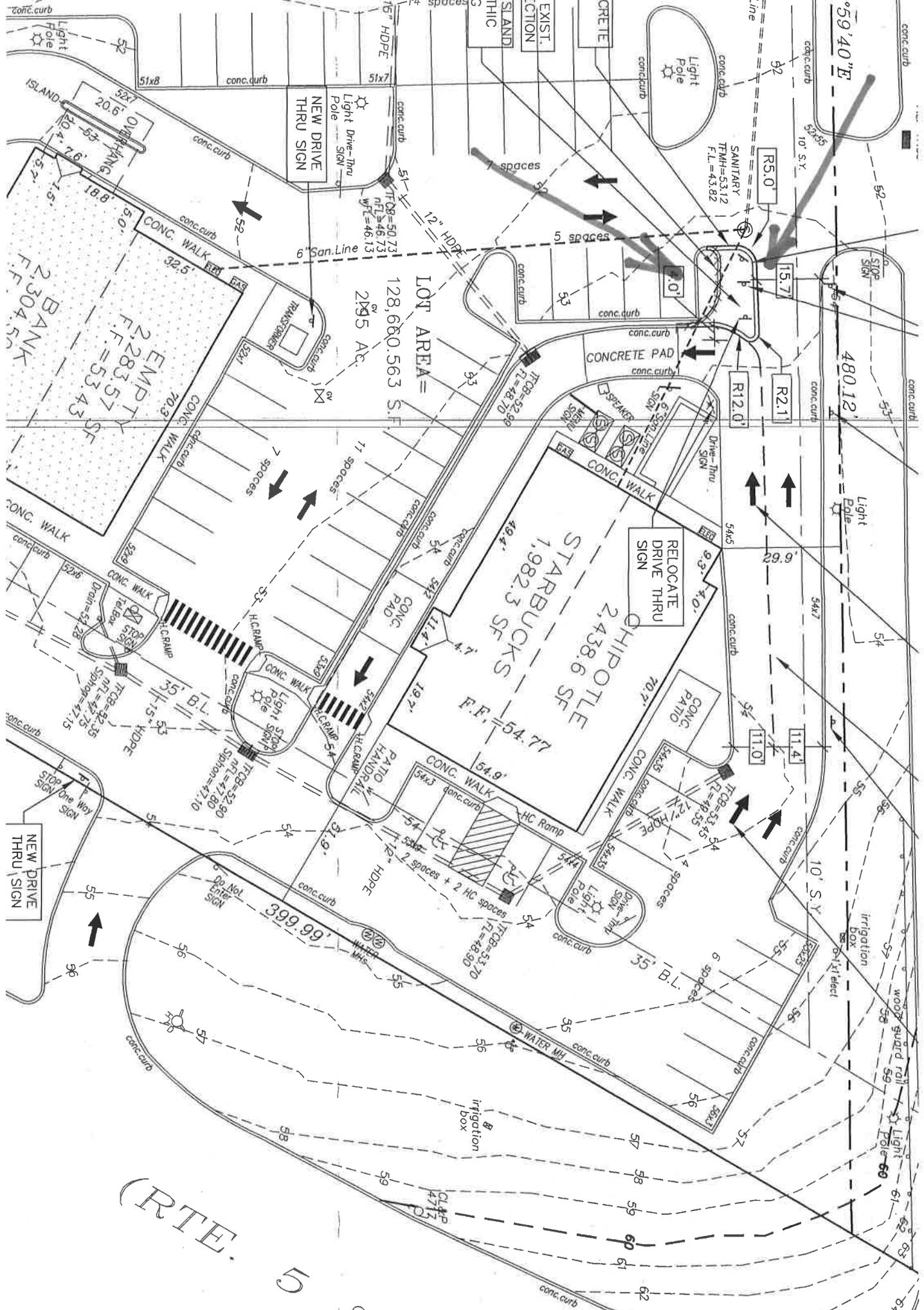
Staff Comments:

See attached excerpt from the site plan. I have no objection to this request.

Copies of the plan have been sent to the Town Engineer, the Fire Marshal, and the Police Department for their review and comment.

cc:
file

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2,304.5 SF BANK
 2,283.57 SF
 53.43 SF
 20.6' OVERHANG
 20.4' 7.6'
 18.1'
 5.0'
 32.5'
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RTE. 19

19

9

1059'40"E

480.12'

10' S.Y.

10' S.Y.

10' S.Y.

10' S.Y.

STARBUCKS
 1,982.3 SF
 CHIPOTLE
 2,438.6 SF
 F.F. = 54.77

LOT AREA =
 128,680.563 S.F.
 2,935 AC.

CONCRETE PAD

RELOCATE DRIVE THRU SIGN

NEW DRIVE THRU SIGN

NEW DRIVE THRU SIGN

STOP SIGN

ONE WAY SIGN

DO NOT ENTER SIGN

WATER METER

IRRIGATION BOX

WOOD GUARD RAIL

LIGHT POLE

CONC. CURB

CONC. WALK

CONC. PAD

CONC. CURB

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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: April 4, 2016
Subject: Food Trucks

Background:

Commissioner Serra recently shared with the Commission the vendor's permit ("solicitor's license") application form used by the Town of Berlin Police Department. It's a two-sided form and it calls for more information than the form that is currently used by the Newington Police Department. Commission Serra has suggested the Commission ask Chief Clark to consider adding some of this information to his form.

Comment:

At my request, Chief Clark recently revised his form by adding a spot for the ZEO to indicate that there are no zoning issues with the application.

In the TPZ agenda packet are both application forms, and the Central CT Health District flyer on food license requirements for mobile food vendors.

cc:
file

BERLIN POLICE DEPARTMENT
TOWN OF BERLIN
VENDOR/SOLICITORS LICENSE

**REQUIRED FOR SALE OF ANY ITEMS
WITHIN THE TOWN OF BERLIN**

PERMIT FEE \$200.00

**SALES TAX NUMBER REQUIRED FOR
SALE OF ANY NON-FOOD ITEMS.**

**HEALTH DEPARTMENT APPROVAL
REQUIRED FOR SALE OF FOOD ITEMS**

**APPLICATION MUST BE MADE OUT IN
FULL PRIOR TO SUBMITTING TO POLICE
DEPARTMENT FOR APPROVAL**

APPLICATION FOR SOLICITORS LICENSE CERTIFICATION
TOWN OF BERLIN-POLICE DEPARTMENT
PLEASE PRINT

PERMIT # _____ EXP. DATE _____ REASON FOR DENIAL: _____

CORPORATION, PARTNERSHIP, ASSOCIATION, NAME _____

PERSON TO RECEIVE PERMIT (APPLICANT) (LAST NAME) (FIRST) (MIDDLE)

(PERMANENT ADDRESS) (STREET) (CITY) (STATE) (PHONE #)

(TEMPORARY ADDRESS) (STREET) (CITY) (STATE) (PHONE #)

(DATE OF BIRTH) (MONTH/DAY/YEAR) (PLACE OF BIRTH)

(NAME OF BUSINESS)

(BUSINESS HOME OFFICE ADDRESS)

(NATURE OF BUSINESS) (CT SALES & USE TAX PERMIT # - ATTACH COPY) (5-35(e))

DO YOU CLAIM EXEMPT STATUS AS A CHARITABLE PHILANTHROPIC, ECCLESIASTICAL, OR CIVIC ORGANIZATION? [] YES [] NO
DOCUMENTATION ATTACHED 14-203 VETERAN EXEMPTION CGS 21-37 [] YES [] NO

(TYPE OF MERCHANDISE TO BE SOLICITED) (HOW LONG DO YOU EXPECT TO SOLICIT IN BERLIN?)

(NUMBER OF SALESMAN IN CREW) _____ (EACH PERSON REQUIRES A PERMIT UNLESS APPLICANT IS A CORPORATION,
PARTNERSHIP, ASSOCIATION OR OTHER ENTITY). (Attach additional list of crew if necessary)

(NAME) (D.O.B.) (PERMANENT ADDRESS) (TEMPORARY ADDRESS) VEHICLE INFO REGISTRATION/DESCRIPTION

(NAME) (D.O.B.) (PERMANENT ADDRESS) (TEMPORARY ADDRESS) VEHICLE INFO REGISTRATION/DESCRIPTION

(NAME) (D.O.B.) (PERMANENT ADDRESS) (TEMPORARY ADDRESS)

(WHAT IS PROPOSED METHOD OF DELIVERING MERCHANDISE?) (DOOR TO DOOR HOURS 8AM-8PM (5-31)

HAVE YOU EVER BEEN CONVICTED OF ANY CRIME? [] YES [] NO WILL PRODUCT BE SOLD AT FIXED LOCATION? [] YES [] NO

(LOCATIONS)

Date _____ 20 _____
State of Connecticut _____ (Signature of Applicant)
County of Hartford SS: _____

Berlin _____ 20 _____

_____ personally appeared before me signer of the following application and acknowledged the same to be true to the best of
his/her knowledge.

(Notary Public)

Department Approval:

(Health Inspector) 5-35(e) Zoning Enforcement Officer 5-35(d) Chief of Police or Designee 5-35(f)

LAST

Berlin Municipal Code: 13-22(4). Written Permission to Sell in Parks. [] YES [] NO
Penalty for Violation. General Penalty Section 1-15 \$199.00. COPY MUST BE CARRIED WITH THIS CERTIFICATE.



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Police Department



Stephen M. Clark
Chief of Police

APPLICATION FOR VENDOR'S LICENSE

Name _____

Address _____

_____ Phone # _____

Age: _____ Date of Birth _____

Ex Serviceman: Yes ___ No ___

To Represent the Following Company:

Vehicle Being Used: _____ OR Push Cart _____

State: _____ Marker # _____

Have You Ever Been Arrested? Yes ___ No ___

If Yes:

Date	Charge	Place	Disposition
------	--------	-------	-------------

CT Sales Tax # _____

Street Location Requested _____

(Food Truck Applicant Only)

Zoning Enforcement Officer Approval: Yes ___ No ___

Signature _____ Date _____



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.ccthd.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.

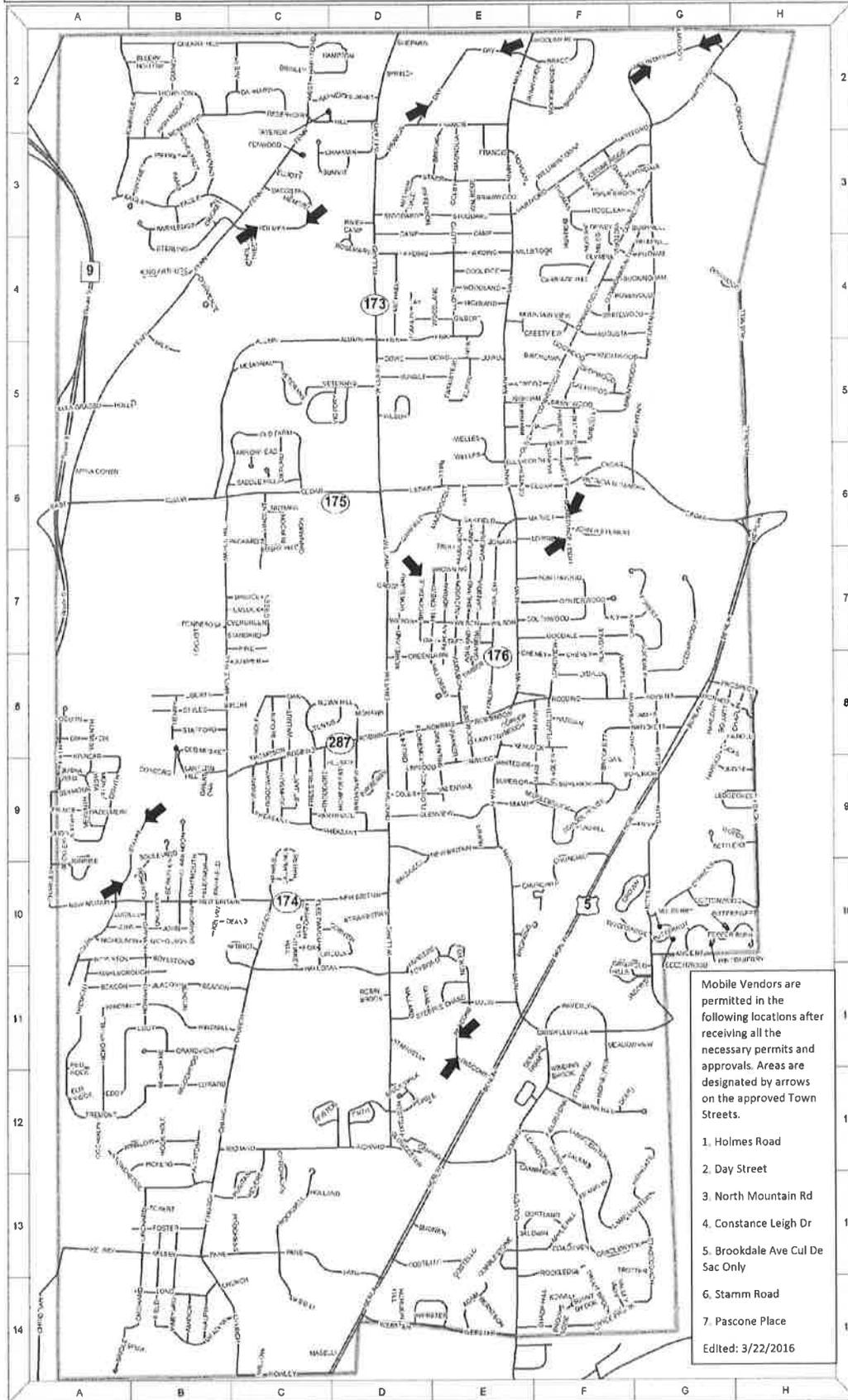
Berlin: Itinerant vending is allowed at sites approved by the Berlin Planning and Zoning Department. A Berlin Police Department Solicitors License is also required. Additional information can be obtained by calling the Berlin Planning and Zoning Department at (860) 828-7066, or the Berlin Police Department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



TOWN OF NEWINGTON MOBILE VENDORS MAP OF APPROVED LOCATIONS



Mobile Vendors are permitted in the following locations after receiving all the necessary permits and approvals. Areas are designated by arrows on the approved Town Streets.

1. Holmes Road
2. Day Street
3. North Mountain Rd
4. Constance Leigh Dr
5. Brookdale Ave Cul De Sac Only
6. Stamm Road
7. Pascone Place

Edited: 3/22/2016



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 *Cup*
Date: April 7, 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:

Attached is the revised draft with the changes discussed at the TPZ meeting on March 23, 2016. The changes are:

1. I cleaned out the Cromwell requirements which I do not recommend for Newington (they were just FYI).
2. The maximum driveway length (without Fire Marshal blessing) is changed from 2,000' to 500'.
3. Driveway pavement width is still 10', but driveway base width is now 20'.
4. I clarified that an interior lot must be at least 1.5 times the minimum lot size for that zone.

cc:
file

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townplanner@newingtonct.gov
www.newingtonct.gov

Draft Proposed Amendment to Section 3.4 and 6.7 (Interior Lots)

[Proposed additions are shown in **bold underline**.
Proposed deletions are shown in ~~**bold strikethrough**.~~]

Section 3.4 Special Exceptions Permitted in All Residential Zones

(new) 3.4.9

Interior Lots:

- A. No lot shall be subdivided into more than two (2) interior lots.
- B. Each interior lot shall have at least 1.5 times the minimum lot size required for that zone.
- C. No portion of the lot between the street and the lot line that intersects the accessway shall count toward the minimum lot size.
- D. Each interior lot shall have double the minimum front yard setback required for that zone, measured from the lot line that intersects the accessway and is perpendicular to the accessway.
- E. Each interior lot shall comply with all other setback and building requirements for the zone in which it is located;
- F. Each interior lot shall have an accessway that has a continuous width of at least 20 feet, is owned in fee simple by the owner of the interior lot, and has frontage on a Town street.
- G. The driveway pavement width shall not be less than 10 feet, and the driveway shall not be closer than 5 feet from an adjoining property line.
- H. The base for any driveway longer than 500 feet shall be at least 20 feet wide, and shall be capable of supporting the weight of Newington fire apparatus.
- I. Any driveway longer than 500 feet shall be reviewed by the Newington Fire Marshal. The Fire Marshal's comments shall be submitted with the application. Access to any new structure shall meet all the requirements of the Connecticut Fire Prevention Code: NFPA-1 Chapter 18 Fire Department Access; Sections 18.1 and 18.2
- J. No two interior lots shall have frontage on the same street any closer to each other than the minimum lot width for that zone, except that two contiguous interior lots may be approved sharing a common driveway, and the application for such interior lots shall include an Agreement specifying that the owners of said driveway will share responsibility for its maintenance;
- K. The Town Plan and Zoning Commission may require that slope rights on an adjacent frontage lot which is under the control of the applicant be provided to accommodate driveway construction, and that a proposed interior lot share a common driveway with an adjacent frontage lot under the control of the applicant where appropriate.
- L. The required Special Permit must be obtained before the property owner may submit an application for subdivision approval of an interior lot.

Draft Proposed Amendment to Section 3.4 and 6.7 (Interior Lots)

[Proposed additions are shown in **bold underline**.
Proposed deletions are shown in ~~bold strikethrough~~.]

Section 6.7 Interior Lots and Single Family Homes (deleted 8/15/2007)

6.7.1 General:

~~Buildings shall not be erected, or a building permit issued, unless they abut a highway or street in conformance with these regulations.~~

~~No building to be used for a dwelling shall be constructed or located in the interior of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot.~~

The purpose of this regulation is to enable the subdivision of existing lots of relatively large size which, due to their limited frontage and unusual character or topography and the historic pattern of land division, practical difficulty exists in meeting the setback and area requirements of Section 4.5 of the Zoning Regulations.

6.7.2 Special Exceptions for Interior Lots

Interior lots may be authorized in accordance with Section 3.4.9.

~~A building permit may be issued for the construction of a single-family dwelling on an interior lot subject to the granting of a special exception by the Commission in accordance with the following conditions and the provisions of Section 5.2, and the underlying zone requirements:~~

~~A. The provision of an unobstructed right of way at least 20 feet wide to an accepted street and designed to accommodate emergency apparatus, vehicles, etc., to such lot. The minimum driveway pavement width shall not be less than 10 feet and the driveway shall not be closer than 5 feet from adjoining property lines. If, however, the area of such lot shall exceed twice the area requirements of the zone in which the interior area is located, such right of way to said area shall be at least 60 feet wide and no building permit shall be issued for more than one building in the original interior area until all regulations for subdivision have been complied with. In lieu of providing a 60-foot right of way the property owner may encumber a portion of the interior land to restrict future subdivision. For a right of way longer than 200' the width shall be increased to 25' and a report from the Fire Marshal as to the safety of the access shall be made a part of the public hearing. (Effective 12-01-01)~~

~~B. The lot does not have any other access which will permit it to meet the minimum requirements of this regulation.~~

~~C. The unusual character or topography of the subject land and the historic pattern of land division have created practical difficulty in meeting the requirements of frontage and access as are required within this regulation.~~

Draft Proposed Amendment to Section 3.4 and 6.7 (Interior Lots)

[Proposed additions are shown in **bold underline**.
Proposed deletions are shown in ~~**bold strikethrough**~~.]

- D. ~~All Lot standards as set forth in Section 4 of these regulations shall be applicable to the design of Interior Lots except Lot frontage and area. Lot frontage and access shall be as required by Section 6.7.2.A. Lot area for Interior Lots shall not be less than one and a half times the minimum area standard for the Zone District where the proposed Interior Lot is to be located.~~
- E. ~~The Commission may require a site plan in accordance with Section 5.3, showing sufficient data to clearly indicate the lot and surrounding properties.~~

NEWINGTON TOWN PLAN & ZONING COMMISSION

INTERIOR LOT PETITIONS 2002-2007

YEAR	DATE	PETITION #	ADDRESS	DECISION
2002	7/10/02	Petition 39-02	59 Hartford Avenue – Vacant Property, 4 acres with 50' frontage	APPROVED
2002	8/14/02	Petition 49-02	630 New Britain Avenue – 5 lot subdivision with (1) interior lot, vacant land.	APPROVED
2003	3/12/03	Petition 02-03	148 Maple Hill Avenue	APPROVED
2004	2004	* No Petitions Submitted		
2005	2/23/05	Petition 02-05	255 Back Lane	DENIED
2005	9/14/05	Petition 46-05	277 Cedar Street- Existing interior lot approved as part of Eddy Farm Preserve Development Rights Purchase by Town of Newington	APPROVED
2005	10/11/05	Petition 32-05	1000 Willard Avenue	DENIED
2006	1/10/07	Petition 70-06	57 Church Street	DENIED
2006	6/14/06	Petition 27-06	101-103 Beckley	APPROVED
2007	2/28/07	Petition 05-07	42 Maple Hill Avenue	APPROVED
2007	3/28/07	Petition 10-07	114 Richard Street – previously approved in 1981, resubmitted because of changes to lot boundary lines.	APPROVED
2007	7/25/07	Petition 21-07	179 Meadow Street	DENIED

Total Applications 2002-07 ----- (11)

Total Approved ----- (7)

Total Denied ----- (4)

Special Circumstance pertaining to 5 of the 6 approved Petitions:

- 59 Hartford Avenue, 50' frontage (legal non conforming lot) joined with land locked parcel to create 4 acre single family lot.
- 630 Hartford Avenue, 5 lot subdivision, one (1) interior lot permitted per subdivision.
- 277 Cedar Street, Eddy Farm Preserve Development Purchase (existing interior lot)
- 114 Richard Street, re-approval of interior lot originally approved in October 1981. Resubmission necessary because of changes to lot boundary.
- Covenants on 42 Maple Hill Avenue limit it to one single family home unless released by adjacent property at 56 Maple Hill Avenue; therefore Special Exception has not been recorded on the land records.



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: April 5, 2016

Subject: **Backyard Chickens**

Background:

At the TPZ meeting on March 23, 2016 several residents asked TPZ to consider amending the regulations to allow backyard chickens. I was directed to put this item on the agenda of the next TPZ meeting for discussion.

Comment:

Since there is nothing in the zoning regulations that treats backyard chickens (that's the phrase used by other towns for this) as anything other than a farm animals, anyone who wants to keep a few hens needs to comply with the "farm" regulations. The problem with that is, the minimum acreage for a farm in Newington is five acres.

I did some research into how other towns' zoning regulations deal with backyard chickens. See attached. This is a totally random assortment of towns that do allow hens. I don't know if a majority of towns allow hens or not - but it does seem to be common for all types of towns, large and small, urban and rural.

cc:
file

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townplanner@newingtonct.gov
www.newingtonct.gov

SUMMARY OF ZONING REGULATIONS THAT TREAT HENS AS DOMESTIC ANIMALS (NOT SOLELY AGRICULTURE/FARM ANIMALS)

<u>Town</u>	<u>Minimum Lot Size</u>	<u>Zones</u>	<u>Max # hens</u>	<u>Minimum Setback</u>	<u>Permitting</u>	<u>Notes</u>
Berlin		All R	5	Normal setbacks.		
Branford	none	All R	6	6		Coop mandatory. No sale.
Clinton	None	All R	No restrictions	Normal setback	Zoning Permit	Sec. 26.1.4(h)
East Lyme	1 acre	All RU-40	6	Normal setbacks.		Sec. 25.5
Guilford		All R	If LT 1 acre - 12 hens	None listed		Sec. 273-243(3)
Ledyard	0.5 acres	All R	If LT 1 acre - 4 hens	40'	SUP	Sec. 8.16
Madison	None	All R	10	50'	None	Sec. 3.2
Mansfield	10 acres	All R	16 hens per acre. More allowed by SP.	None listed	Zoning Permit; SP for more than 16	Sec. T.3.b.
Milford		All R	5	5'		Coop mandatory. No sale.
New London	.1 acre	Various R	6	20'	Zoning Permit	Sec. 622B.
New Haven		Most R	6	10'		As of right.
Old Lyme		Most R	No restrictions	Normal setbacks		Sec. 4.9
Old Saybrook	None if in coop		LT 2 acres - 5 hens	Normal setbacks.	As of right	Sec. 53.1 (Livestock/Poultry)
Portland	.5 acre		15	10'		
Trumbull		All R	6	35'. Not visible from street.	BP only, for coop.	Must sign awareness statement to get BP.
Wallingford		All R	12	10'		By right.
Wethersfield	.2 to .5 acres	All R	5	25'		Coop not mandatory.



Farming Zoning Changes Proposed

3-Acre Rule For Raising Chickens Could Be Dropped

By BILL LEUKHARDT wleukhardt@courant.com

BERLIN — Backyard chickens will be more common in town if proposed zoning rules governing agriculture are approved.

A section of the 29-page revision would scrap the current 3-acre minimum-size requirement for the keeping of chickens on residential property. Instead, people could keep up to five chickens but no roosters on a residential lot, provided the coop complies with property setback rules.

The backyard chicken revisions are a small part of a broader revision of Berlin farming regulations but it addresses an issue important to many homeowners. Trish Larson who lives off Beckley Road is one.

“I’m very happy,” she said of the proposals she heard at last Thursday’s planning and zoning commission hearing.

She said 240 people have signed a petition that she and her husband, Howard, began circulating in October 2014 calling for scrapping the 3-acre minimum. She plans to submit that petition April 14 when the planning and zoning commission resumes the hearing.

The couple have been advocates of backyard chickens for the past two years, since the family’s backyard flock was shut down because it wasn’t on the now-required minimum lot size of 3 acres. They own 2 acres. Their birds are now on a daughter’s property in Killingworth.

The 29-page proposal is a result of a year's work by the planning and zoning commission, the town development director and a consultant hired to help review Berlin regulations to see if any could be made more farming friendly.

Commission Chairman Bruce Moore said the goal is to revise zoning rules in ways to help people still working the land and, at the same time, respect the rights of neighboring property owners.

Ten people, many of them farmers, spoke at the hearing, some with suggestions and all with support of revisions to fencing setback rules, sign size and other issues that farmers say concern them because current rules make it tougher to use all their arable land and properly advertise.

Some speakers said some adjustments should be made, including language regulating unheated greenhouses and rules limiting to Connecticut and southern New England the origin of produce farmers buy to augment what they grow to sell.

Dennis Kern, an attorney, former planning commission chairman and president of the local land trust, said the proposed regulations will be “a benefit to people still working the land.”

He said Berlin is fortunate to still have working farms, which he said helps the town maintain its rural character.

One farmer, Mark Laviana, said proposals revising setback rules for farm fencing are good because they will allow farmers to use arable land now untilled because setback rules require 75-foot buffers.

“We need to maximize our property,” he said.

“Seventy-five feet is a lot of space not to be able to use,” said David Jorsey of DeMaria Farm. He also said it's important for local farms to be able to offer outdoor entertainment, such as hayrides, farm weddings and other agricultural activities that allow a farmer to earn money.

Moore said people's comments will help the commission further revise the proposal prior to eventual adoption.

“It's like making a sausage. It's not a pretty process, but we're going to get there,” he said.

Copies of the proposal are available in the town's development services department.

An advertisement banner for Intel Inside. On the left is an image of an open egg carton with several white eggs. To the right of the image, the text "INTEL INSIDE® A FRESHER BREAKFAST OUTSIDE" is written in a bold, white, sans-serif font. Further right is a grey rectangular button with the text "Connect >" in white. On the far right is the Intel Inside logo, which consists of the word "intel" in a lowercase, sans-serif font inside a circular swoosh.

[< PREVIOUS ARTICLE](#)

Article 54 of 124

[NEXT ARTICLE >](#)



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: April 6, 2016
Subject: Petition #09-16: Revise LID Manual

Description of Petition #09-16

Last year the TPZ placed a one-year moratorium on the then-new LID (Low Impact Development) zoning regulations, to exempt homeowners who want to build a garage or simply remodel their homes. The TPZ had found that the LID zoning regulations increase the cost of such projects by as much as \$3,400 and put an undue paperwork burden on homeowners. It also put a heavy burden on the staff of the Town Engineering Department, because the Town staff ends up spending a lot of time helping homeowners design their LID plans. Furthermore it could not be known (since LID was so new) whether the benefits of LID justified the financial and administrative burden it placed on homeowners. The moratorium expired on March 1, 2016.

Comments

The staff recommends making the homeowner moratorium for existing lots permanent. This requires a small amendment to the LID zoning regulations:

- Section 6.15 Stormwater Management (Effective 3/14/14 revised 02/25/2015)
- 6.15.2 Residential Lots

Any new construction or development on a residential lot which **received subdivision approval prior to April 1, 2016 shall not need to increase the impervious surface area by 600 square feet or more shall** demonstrate conformance with the Low Impact Development and Stormwater Manual for the Town of Newington.

The staff also recommends raising the threshold for mandatory LID at new or redeveloped commercial and multi-family sites from 600 square feet to 1,200 square feet. In our opinion the environmental benefits of installing LID techniques at developed sites where the owner is making only a slight increase to the impervious cover is out of proportion to the financial cost to have a consulting engineer design these LID techniques, and the disruption to the site to install

them. At the same time, however, we did not want to create a regulation that allowed, for example, a big box retail building from being demolished and replaced with a new big box of the same size without requiring at least *some* LID. The staff therefore recommends these changes to the LID zoning regulations:

6.15.3 New Construction or ~~Development~~ Redevelopment

Any other new construction or ~~development resulting in increased impervious redevelopment with more than 1,200 square feet of unreviewed~~ surface area shall demonstrate conformance with the applicable standards for stormwater management as specified in Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington listed below. “Unreviewed surface area” shall mean any roof, pavement, lawn, or landscaped area that produces stormwater runoff and has not been reviewed by Town staff.

There is parallel language in the “Low Impact Development and Stormwater Manual for the Town of Newington” which should also be changed to prevent confusion, but the staff can arrange to have those changes made – they do not require TPZ involvement.

cc:
file



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: April 7, 2016
Subject: **Petition #14-16: Special Permit (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant"). Hector Angel, owner; Manuel Rubio, applicant/contact.**

Description of Petition #14-16

The owner of this restaurant would like to re-apply for a special permit to hold his annual "Cinco de Mayo" event. He had a three-year permit which was revoked by TPZ in 2015 due to problems with the way the event was conducted in 2015.

Comments

The manager has met with Police Chief Clark and Fire Marshal Schroeder to address the crowd-control problems experienced last year.

I recommend the public hearing be scheduled for April 27, 2016. I have advised the manager to come to the hearing prepared to address all of the comments made by TPZ Commissioners last year when his previous permit was revoked.

cc:
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www.newingtonct.gov



PK# 1051

Petition # 14-16

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

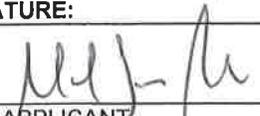
ADDRESS: 3260 Berlin Tpke EMAIL: _____

OWNER OF RECORD: Hector Angel

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

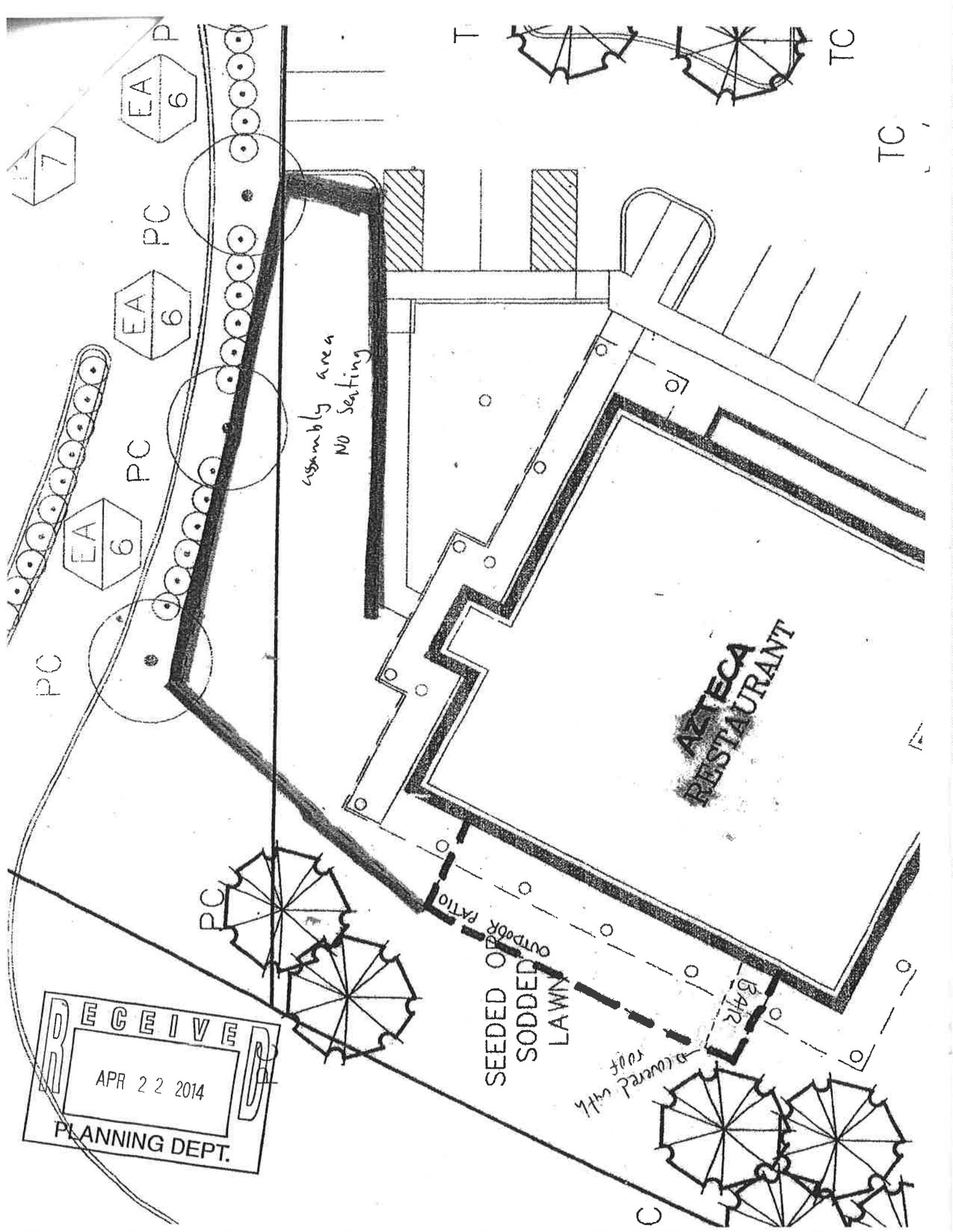
- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.15.3 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): Conco de Mayo Event (May 5th)

SIGNATURE:

 APPLICANT	 OWNER
<u>4/4/16</u> DATE	<u>4/11/16</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.



assembly area
No seating

**AZTECA
RESTAURANT**

SEEDED &
SODDED
LAWN

OUTDOOR PATIO

Bar

covered roof with

RECEIVED
APR 22 2014
PLANNING DEPT.

TC

TC

C

PC

EA 6

PC

EA 6

PC

PC

7

PARCEL A

EXISTING
RETAIL
128,922 SQ.

EXISTING
GARDEN CENTER
55,694 SQ. FT.

N/A
THOMAS H. DEJAN
&
STUART A. RIVANO

10' S.Y.

N/A
A.G. ASSOCIATES OF NEWINGTON
N.L.R. VOL. 512 PG. 66

N/A
TOWN OF
NEWINGTON
N.L.R. VOL. 445 PG. 72
FITZGERALD STREET

N/A
CELEBRITY ENTERPRISES
N.L.R. VOL. 502 PG. 68

N/A
RICHARD B. UTERSTAEDT
N.L.R. VOL. 484 PG. 226

PARCEL B

144 Spaces

EXISTING
BOB
RESTAURANT
6,400 SQ. FT.

PROPOSED
BOB
RESTAURANT
4,028 S.F.

revisions:

no.	date:	description:
1	05-14-97	TOWN COMMENTS
2	05-09-97	RESTAURANT MODIFICATIONS
3	10-18-97	AVL. COORDINATION
4	01-04-98	FOR BD
5	03-27-98	RESTAURANT MODIFICATIONS

MASTER PLAN

date: 03-26-97 drawn by: KLL job no: 93020

F. A. Heekath & Associates, Inc.
27 MILLWOOD COMMON, BLOOMFIELD, CT 06002
Civil & Traffic Engineers • Surveyors
Planners • Landscape Architects



NEWINGTON

Minor, Craig

From: Manuel Rubio <rubio@aztecagroup.com>
Sent: Tuesday, April 05, 2016 2:14 PM
To: Clark, Stephen
Cc: Minor, Craig; Schroeder, Chris
Subject: Re: POLICE DEPARTMENT

Thank you for your email with the details of the requirements agreed by your department for our Cinco de Mayo event. I will bring this to the hearing and we are going to make sure we hire all the officers you are requesting to ensure the safety and comply with the regulations of the Town of Newington. Have a great rest of your day.

Regards,

Manuel Rubio

On 2016-04-05 13:08, Clark, Stephen wrote:

Good afternoon,

Per our recent meeting with the Fire Marshal concerning the celebration of Cinco de Mayo at Plaza Azteca on the Berlin Turnpike, you are required to hire six (6) police officers at the Town of Newington private duty rate. The department reserves the right to hire additional officers if the shift commander determines more officers are needed to ensure the safety of your patrons and the public in accordance with Connecticut General Statute 7-284. The times the officers are assigned to the event will be determined by the police department. The officers assigned to the event are there to maintain the peace and are not there to check patron identifications or control pedestrian traffic, such as preventing persons from crossing the Berlin Turnpike from parking lots on the opposite side of the roadway. If you have any questions feel free to contact me at your convenience.

Stephen M. Clark

Chief of Police

Newington Police Department

131 Cedar Street

Newington, CT 06111

Office: 860-594-6201

sclark@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 *Cup*
Date: April 7, 2016
Subject: Town Planner Report for April 13, 2016

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:**

None.

2. **CRCOG "On-Road Bike Network Map":**

The CRCOG Transportation Committee is updating the On-Road Bike Network Map which is part of their 2008 Pedestrian and Bicycle Plan. This map "identifies the on-road network, [and] those roads that are needed to provide effective linkage for bicyclists between towns and to commercial locations within towns". The updated map will also be used by CT DOT in the update of its Statewide Bicycle and Pedestrian Plan.

CRCOG asked member towns for input on the updated On-Road Bike Network Map. I am not a cyclist myself so I sent the map to a couple of Newington residents who are cyclists and asked them for their comments. This is what I got back, which I forwarded to CRCOG:

a. One cyclist suggested adding a north-south route consisting of Alumni Road, Maple Hill Ave, and Church Street running from the Berlin town line up to Newington Junction. "If someone wanted to take their bike on CTfastrak they could, and those roads are less congested". The other cyclist concurred, adding that "Maple Hill, Church, Alumni are all easy to ride on with good shoulders. Maple and Church in my opinion are good examples of complete streets that don't take much to accommodate multiple modes of travel. Also the DOT recently repaved New Britain Avenue and narrowed vehicle lanes which makes it much easier to ride on despite the high level of commuting traffic."

b. The second cyclist suggested also adding Fenn and West Hill Road. He said that "Fenn has good shoulders (once you're north of the Ella Grasso) and is easy to accommodate bike traffic. Fenn and West Hill facilitate a loop with the trail (only hard part is south of Ella Grasso getting from the SB side of Fenn onto Myra but that can be managed by a cyclist who

knows how to navigate a signal properly) (don't underestimate the value of having a looped route to ride on). Fenn, N of Ella, is also an easy connection to West Hartford, and Ella Grasso from Fenn to NB gets you to CCSU which is an important connection."

c. The first cyclist felt that Cedar Street is too dangerous to encourage cyclists to ride on and should be deleted from the Network Map. The second cyclist agreed that Cedar Street is dangerous, but said: "I do see cyclists on it heading WB in the AM commute. These are not hard core cyclists but persons that seem to use a bike as their only means to get to work. That, plus the ability to get to the transit node at Cedar and Fenn, and CCSU make it desirable for this to one day be bike route. This doesn't mean it has to be safe as one now, putting it in the plan helps make that happen."

3. Streetscape Program Phase VI on Constance Leigh Drive:

The final construction drawings should be completed by April 20, and the project out to bid on or about May 11. This project requires an 8-24 recommendation by TPZ, which will be on the agenda for the next TPZ meeting.

cc:
file