



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, April 27, 2016

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

7:00 p.m.

A G E N D A

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2016 APR 22 AM 10:33

BY *Tanya D. Lane*
TOWN CLERK

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- V. REMARKS BY COMMISSIONERS
- VI. PUBLIC HEARING
 - a. Petition #07-16: Zoning Text Amendment (Section 3.15; 3.17; 6.11: Auto-Related Uses). Modern Tire Recapping Company Inc., applicant; Attorney Timothy J. Hollister, One Constitution Plaza, Harford CT, contact.
 - b. Petition #06-16: Zoning Text Amendment (Sections 1 - 4). TPZ, applicant/contact.
 - c. 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.
- VII. APPROVAL OF MINUTES
 - a. Regular Meeting on April 13, 2016
- VIII. NEW BUSINESS
 - a. Petition #15-16: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 2985 Berlin Turnpike ("Turnpike Plaza"). TNT Fireworks, applicant; Brixmor Property Group, owner; Tatiana DeJesus, 46 Douglas Avenue, Yonkers NY, contact.
 - b. Alumni Road Traffic Signal Committee
 - c. Food Truck Approval Process

- d. "Backyard Chickens" Zoning Regulations
- e. "Low Impact Development" Zoning Regulations
- f. Sec. 8-24 Referral for Town Center Streetscape Program Phase VI (Constance Leigh Drive)

IX. OLD BUSINESS

- a. Petition #05-16: Zoning Map Amendment and Zoning Text Amendment (New Section 3.19A: TOD Overlay District). TPZ, applicant/contact. Hearing closed April 13, 2016.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

XI. TOWN PLANNER REPORT

- a. Town Planner Report for April 27, 2016

XII. COMMUNICATIONS

- a. CRCOG Zoning Amendment Reports to

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

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: April 18, 2016
Subject: **Petition #07-16: Zoning Text Amendment (Section 3.15; 3.17; and 6.11: Auto-Related Uses). Modern Tire Recapping Company Inc., applicant; Attorney Timothy J. Hollister, One Constitution Plaza, Harford CT, contact.**

Description:

This is a petition to amend the various auto-related uses sections of the zoning regulations (Sections 3.15, 3.17, and 6.11). The applicant is Modern Tire Recapping Company of 3455 Berlin Turnpike. This application is "in connection with efforts to settle a pending lawsuit, *Colleen Bielitz, et al. vs. Wex-Tuck Realty, LLC et al.*, to which the Town Plan and Zoning Commission and the Town of Newington are parties". That lawsuit pertains to the Firestone Complete Auto Care store which recently opened at 2897 Berlin Turnpike.

Staff Comments:

1. As I reported previously, Town Attorney Jonathan Chapel and I met on March 4, 2016 with Robert Amenta, president of Modern Tire, and his attorney Timothy Hollister to discuss some changes to the amendment as originally filed that I had suggested. Those changes were:
 - a. Retain the current prohibition on used car dealerships and car rental agencies on the Berlin Turnpike, but continue to allow them in the Industrial zone. This is per my understanding that the TPZ wants to maintain the aesthetic integrity of the Berlin Turnpike, but not to prohibit these businesses elsewhere in town.
 - b. Delete the wall signage language that Attorney Hollister had proposed. I felt there was no need to create special signage regulations for auto-related uses, and that it would get confusing.
 - c. Delete the noise ordinance enforcement language that Attorney Hollister had proposed. TPZ has no legal authority nor technical capability to enforce these laws.

At that meeting Mr. Amenta also presented some changes, mostly to clarify that an existing non-conforming auto-related business will be able to expand in the future without being treated as if it were a non-conforming use; in other words, they will no longer be non-conforming. I had no objection to that, since it was my understanding that the TPZ was already inclined to “turn back the clock” to when auto-related uses were allowed along the Berlin Turnpike.

2. As of this writing I have received no written comments from the public in favor or opposed to this petition.

3. A copy of the original proposed amendment was referred to CRCOG in accordance with State law. CRCOG found “no apparent conflict with regional plans and policies or the concerns of neighboring towns”.

4. When approving a zone change or text amendment, TPZ is required to make a finding of “consistency” with the 2020 Plan of Conservation and Development:

a. The proposed text amendment is consistent with the Plan of Conservation and Development, specifically Chapter 4 (Development Strategies):

- Allow for compatible development and redevelopment along the Berlin Turnpike (Page 24);
- Encourage the development of a wide range of retail business services and industrial sector land uses which will strengthen and broaden Newington’s tax and employment opportunities without adversely impacting residential areas (Page 35).

b. The proposed text amendment might appear to be in conflict with the Business Development Strategy #15, which calls for the zoning regulations to “discourage entertainment uses, trucking, construction yards, auto related uses and self storage facilities” along the Berlin Turnpike. However, in the nine years since all auto related uses were prohibited from the Berlin Turnpike, the TPZ has come to realize that the 2007 ban may have been too sweeping, and that not all auto related uses present an unattractive appearance. The specific types of businesses that make up “auto related uses” are not listed in Strategy #15. The proposed amendment will not allow used car dealerships, which tend to be unattractive.

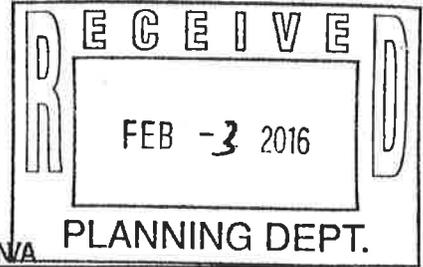
cc:
file

ck# 288468

Petition # 07-16



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: N/A

ZONE: N/A

APPLICANT: Modern Tire Recapping Company, Inc.

TELEPHONE: _____

ADDRESS: 3455 Berlin Turnpike, Newington, CT 06111

EMAIL: _____

CONTACT PERSON: Timothy S. Hollister, Esq., Shipman & Goodwin LLP

TELEPHONE: 860-251-5601

ADDRESS: One Constitution Plaza, Hartford, CT 06103-1919

EMAIL: thollister@goodwin.com

OWNER OF RECORD: N/A

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Sections 3.15, 3.17, and 6.11. 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:

Modern Tire Recapping Company, Inc.

By: Robert S. Amenta 2/1/16
APPLICANT DATE

OWNER N/A DATE

Robert S. Amenta, President

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



SHIPMAN & GOODWIN^{LLP}

COUNSELORS AT LAW

Timothy S. Hollister
Phone: (860) 251-5601
Fax: (860) 251-5318
thollister@goodwin.com

February 3, 2016

HAND DELIVERY

Mr. Frank Aieta, Chairman,
and Commission Members
Plan and Zoning Commission
Town of Newington
131 Cedar Street
Newington, CT 06111-2644

Mr. Craig Minor
Town Planner
Town of Newington
131 Cedar Street
Newington, CT 06111-2644

Re: Application of Modern Tire Recapping Company, Inc. to Amend Sections 3.15, 3.17, and 6.11 of Zoning Regulations of Town of Newington

Dear Chairman Aieta, Commission Members, and Mr. Minor:

Our client, Modern Tire Recapping Company, Inc., hereby submits this application to amend Sections 3.15, 3.15.8, 3.17, 3.17.8, and 6.11 of the Zoning Regulations of the Town of Newington. The text attached contains both new provisions and minor changes to the existing regulations, so we have presented the amendment as a substitute rather than in redline format.

Background And Purpose Of This Application

This application is made in connection with efforts to settle a pending lawsuit, *Colleen Bielitz, et al. vs. Wex-Tuck Realty, LLC et al.*, Docket Number HHD LND CV 14 6055381S, to which the Town Plan and Zoning Commission and the Town of Newington are parties, and in which the plaintiff parties include residential property owners who live adjacent to or near an automotive repair facility at 2987 Berlin Turnpike, and other auto-related businesses in Newington's B-BT and PD Zoning Districts.

Prior to 2007, Newington's Zoning Regulations allowed auto-related uses in those two zones, as well as the I Industrial Zone, by special permit. In 2007, the Town Plan and Zoning Commission ("TPZC") eliminated auto-related businesses as a special permit use in the B-BT and PD Zones, allowing them only in the I Zone. This change made all existing uses in the

B-BT and PD Zones non-conforming, and subject to prohibitions and limits on expansion, rehabilitation, or modification, as set forth in Section 5 of the Zoning Regulations.

In 2012, the TPZC adopted an overhaul of the auto use regulations. The amendments:

- created two categories of uses, "motor vehicle service uses" and "auto-related uses," with the first category purportedly corresponding to General Statutes § 14-51(a)(4) ("limited repairer" licenses) and the second corresponding to §§ 14-51(a)(1) to (3) (new and used car dealer and "general repairer" licenses);
- made each category a special permit use in the B-BT and PD Zones, but subject to a list of prohibitions intended to protect residential abutters and neighbors;
- allowed the TPZC to waive these prohibitions on a case-by-case basis; and
- stated particularized requirements for these special permit uses, such as a minimum lot size of one acre except when the auto use was combined with a commercial use.

These 2012 amendments, in addition to presenting issues about the legality of the waiver provisions, and giving the appearance of having been drafted specifically to accommodate the Wex-Tuck Realty property at 2903 (now 2987) Berlin Turnpike, were problematic because of vague and inconsistent wording. For example, after defining "auto-related" and "motor vehicle service" uses, the amendments used a different phrase, "any use relating to motor vehicles," in § 6.11.5, without explaining whether this was the same as "auto-related" or "motor vehicle service." This subsection also required a 100 foot setback from a "church" or "playground," not defined. In addition, the amendments' use of the general and limited repair categories of §§ 14-51(a)(1) to (4) made no sense, because that statute governs state licenses for automotive uses, not land use categories. Lastly, the 2012 amendments kept every existing automotive business in the B-BT and PD Zones that did not or could not comply with all of the amendments' prohibitions and requirements as a non-conforming use, subject still to Section 5's limits on expansion and modification.

In April 2013, the TPZC granted a special permit for an auto repair facility at 2987 Berlin Turnpike, thus approving that facility a specially permitted use while leaving other existing uses non-conforming. That approval was specifically based on a waiver granted under § 6.11.7, because the plan allowed overhead garage doors to face a public street.

In May 2013, the TPZC rezoned the property directly west of 2987 Berlin Turnpike from commercial to residential. This change rendered the facility that the TPZC had just approved by

special permit a violation of § 6.11.5 as amended in 2012, which prohibits "any use relating to motor vehicles" within 100 feet of a residential zone.

In January 2014, Superior Court Judge Mottolese invalidated the waiver provisions of §§ 6.11.3, 6.11.5, and 6.11.7 of the 2012 amendments. In January 2015, the TPZC formally repealed the invalidated provisions, thus leaving the Town of Newington with three strict prohibitions on all new uses, but *without* the ability to provide relief from these restrictions.

Proposed Regulation Amendments

The proposed regulation amendments are intended to: (1) restore the pre-2007 regime by making existing automotive-related uses specifically permitted uses in the B-BT and PD Zones (thus allowing the TPZC to use the full extent of its special permit discretion to regulate such uses); (2) eliminating the distinction among auto-related uses based on General Statutes § 14-51(a), by making all four subsections part of the definition of "auto-related uses"; (3) retaining many of the protections of residential uses adopted in 2012, but with better-drafted definitions and standards; (4) adding a provision making noise ordinance compliance and enforcement part of the regulatory standards; and (5) establishing a single minimum lot size, of one acre.

The proposed amendments, being part of an effort to settle the *Bielitz v. Wex Tuck Realty* lawsuit, are also drafted to try to accommodate the anomalous situation of the now-operating Firestone facility at 2987 Berlin Turnpike. Plaintiffs Bielitz, et al. have asserted in their court case that the special permit issued in 2013 for that facility was voided in 2014 by Judge Mottolese's ruling that the waiver provisions of §§ 6.11.3, 6.11.5, and 6.11.7, adopted in 2012, were void when first adopted. The 2013 special permit was based on a § 6.11.7 waiver. Thus, Bielitz, et al. are contending that the Firestone facility does not today have a valid zoning approval, and must obtain one if it is to continue operating. This will require a regulation amendment addressing §§ 6.11.3, 6.11.5, and 6.11.7.

We look forward to presenting this application to the Commission.

Very truly yours,



Timothy S. Hollister

TSH:ekf
Attachments

c: Modern Tire Recapping Company, Inc. (w/ att.)

PROPOSED ZONING REGULATION AMENDMENTS
Revised March 11, 2016

Section 3.15 Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.8 Auto-related uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations.

Section 3.17 Special Exceptions Permitted in I Industrial Zones

- 3.17.8 Auto-related uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations.
- 3.17.9 Leasing or renting motor vehicles under the provisions of Section 14-15(a) of the Connecticut General Statutes.
- 3.17.10 The sale of used motor vehicles under the provisions of Section 14-51(a)(2) of the Connecticut General Statutes.

Section 6.11 Auto-Related Uses

For the purpose of this section, "auto-related uses" are those listed in Section 14-51 of the Connecticut General Statutes; and the sale of gasoline or any other product under the provision of Section 14-319 of the Connecticut General Statutes. "Auto-related uses" does not include leasing or renting motor vehicles under the provisions of Section 14-15(a) of the Connecticut General Statutes, nor the sale of used motor vehicles under the provisions of Section 14-51(a)(2) of the Connecticut General Statutes.

- 6.11.1 Any validly-approved auto-related use in existence and commercial operation as of _____, 2016 [effective date of amended regulation] shall be deemed a conforming use, not subject to Section 5 of these Regulations, and any expansion, modification, or rehabilitation of the existing use shall require a special exception and site plan approval in accordance with Sections 5.2 and 5.3 of these Regulations.
- 6.11.2 Equipment used in an auto-related use, such as a fuel dispenser, shall be located at least 30 feet from any public or private street right-of-way.

- 6.11.3 No repairs or service conducted as part of an auto-related use shall occur within 200 feet of a residential zone or the property line of a lot that contains a structure used as a residential dwelling, unless such repairs or service are conducted entirely within the structure; the structure conforms to the setback requirement for the zone in which it is located; and the repairs or service as within the structure occur at least 30 feet from any public or private right-of-way.
- 6.11.4 Entrances and exits to or from a public or private street for an auto-related use shall be at least 100 feet from a school, religious use, hospital or residence.
- 6.11.5 Display, sale, or storage of any new motor vehicle shall be permitted except in any public or private street right-of-way.
- 6.11.6 All auto-related uses shall be operated at all times in compliance with the Town of Newington's noise ordinance. The Commission shall have the authority to impose approval conditions to ensure compliance with the noise ordinance.
- 6.11.7 Any new auto-related use approved subsequent to _____, 2016 [effective date of amended regulation] shall not have any overhead door facing either a public street, a structure used as a residential dwelling, or a residential zone. Any validly-approved auto-related use operating prior to _____, 2016 [effective date of amended regulation], and operating within 200 feet of a residential zone or property line of a structure used as a residential dwelling, and that has one or more existing overhead doors that do not meet this subsection, shall not be permitted to increase the number of overhead doors facing a public street, a structure used as a residence, or a residential zone, and shall equip and operate its overhead doors so that, except in an emergency, no more than one door may be open at one time, and only for the purpose of entering or exiting the service area.
- 6.11.9 The minimum lot area for a parcel containing an auto-related use shall be one (1) acre.
- 6.11.10 Pursuant to Section 14-321 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).
- 6.11.11 Pursuant to Section 14-54 and Section 14-55 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).

March 18, 2016

TO: NEWINGTON PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2016-16: Proposed revisions to Sections 3.15, 3.17 and 6.11 of the Zoning Regulations pertaining to special exceptions for automobile-related uses in the B-BT (Business Berlin Turnpike) and I (Industrial) zones.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Questions concerning this referral should be directed to Lynne Pike DiSanto.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 3/23/2016.

DISTRIBUTION: Planner: Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, Berlin

Respectfully submitted,
Sandra Bobowski, Chairman
Regional Planning Commission

Karl Robert Profe, Vice Chairman
Regional Planning Commission



Lynne Pike DiSanto, AICP
Principal Planner and Policy Analyst



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Craig Minor, AICP *CM*
Date: April 19, 2016
Subject: **Petition #06-16: Comprehensive Review of the Zoning Regulations**
(Sections 1 – 4)

Description:

From November 2014 to approximately October 2015, the TPZ conducted a series of special “workshop” meetings to do a comprehensive review of the zoning regulations. The goal was to find and fix text items that needed only minor adjustments – any major deficiencies were set aside to be handled separately. The comprehensive review has been finished, and is now undergoing the public hearing required by State law.

Staff Comments:

1. As of this writing I have received no written comments from the public in favor of nor opposed to this petition.
2. A copy of the proposed amendments was referred to CRCOG in accordance with State law. As of this writing we have not received a response.
3. When approving a zone change or text amendment, TPZ is required to make a finding of “consistency” with the 2020 Plan of Conservation and Development. I have not cross-referenced everything in the amendment with the POCD, but since none of the amendments are substantial, I think it is reasonable for TPZ to conclude that the amendments are “not inconsistent” with the POCD.

cc:
file

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

April 20, 2016

TO: NEWINGTON PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2016-34: Proposed zoning regulation amendments to Sections 2 (Establishment of Zones), Section 3 (Zone Use Regulations) and Section 4 (Height, Area and Yard Requirements). The proposed changes are numerous, part of an update of the entire zoning regulations, and include, among others, minor text changes, deletion of "waiver" provisions, various revisions to special exception regulations including those pertaining to fueling stations in Industrial zones.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Questions concerning this referral should be directed to Lynne Pike DiSanto.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 4/27/2016.

DISTRIBUTION: Planner: Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, Berlin

Respectfully submitted,
Sandra Bobowski, Chairman
Regional Planning Commission

Karl Robert Profe, Vice Chairman
Regional Planning Commission



Lynne Pike DiSanto, AICP
Senior Planner and Policy Analyst



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: April 17, 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 applicant submitted the following document with his application. These documents were presented to the TPZ at the meeting on April 13, 2016:

1. The application form.
2. An email from Police Chief Stephen Clark to the applicant dated April 5, 2016.
3. An email from Fire Marshal Chris Schroeder to the applicant dated April 12, 2016 with an attached Special Notice indicating maximum occupancy, etc.
4. An aerial photo of the site, marked-up with information regarding the operation.
5. Aerial photographs of the applicant's other restaurants (Enfield, Manchester, and Wallingford) marked-up with information regarding the operation.

cc:
file

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



CH# 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

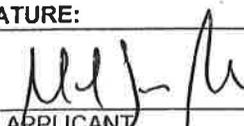
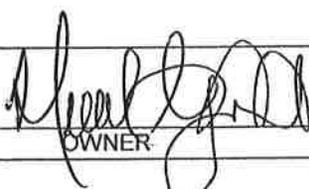
ADDRESS: 3260 Berlin Tpke EMAIL: _____

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): Cinco de Mayo Event (May 5th)

SIGNATURE:

 APPLICANT	<u>4/4/16</u> DATE	 OWNER	<u>4/11/16</u> DATE
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

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

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

Minor, Craig

From: Schroeder, Chris
Sent: Tuesday, April 12, 2016 1:58 PM
To: Minor, Craig; Clark, Stephen
Subject: 3280 Berlin Turnpike
Attachments: Cinco de Mayo Party.doc

Gentleman,

The attached occupancy notice is for the Cinco de Mayo Party at Plaza Azteca. All interior bar and dining room furniture is going to be removed from the building and stored outside. The revised occupancy is for standing room only. An inspection will be conducted prior to the event; please contact me if you have any questions.

Chris

Chris R. Schroeder
Fire Chief/Fire Marshal
Director of Emergency Management
Town of Newington
1485 Main Street
Newington, CT. 06111
Phone: 860-667-5910
Fax: 860-667-5914

SPECIAL NOTICE

MAXIMUM OCCUPANCY

Plaza Azteca

Cinco de Mayo Party

May 5, 2016

SHALL NOT EXCEED

Bar Area: 100

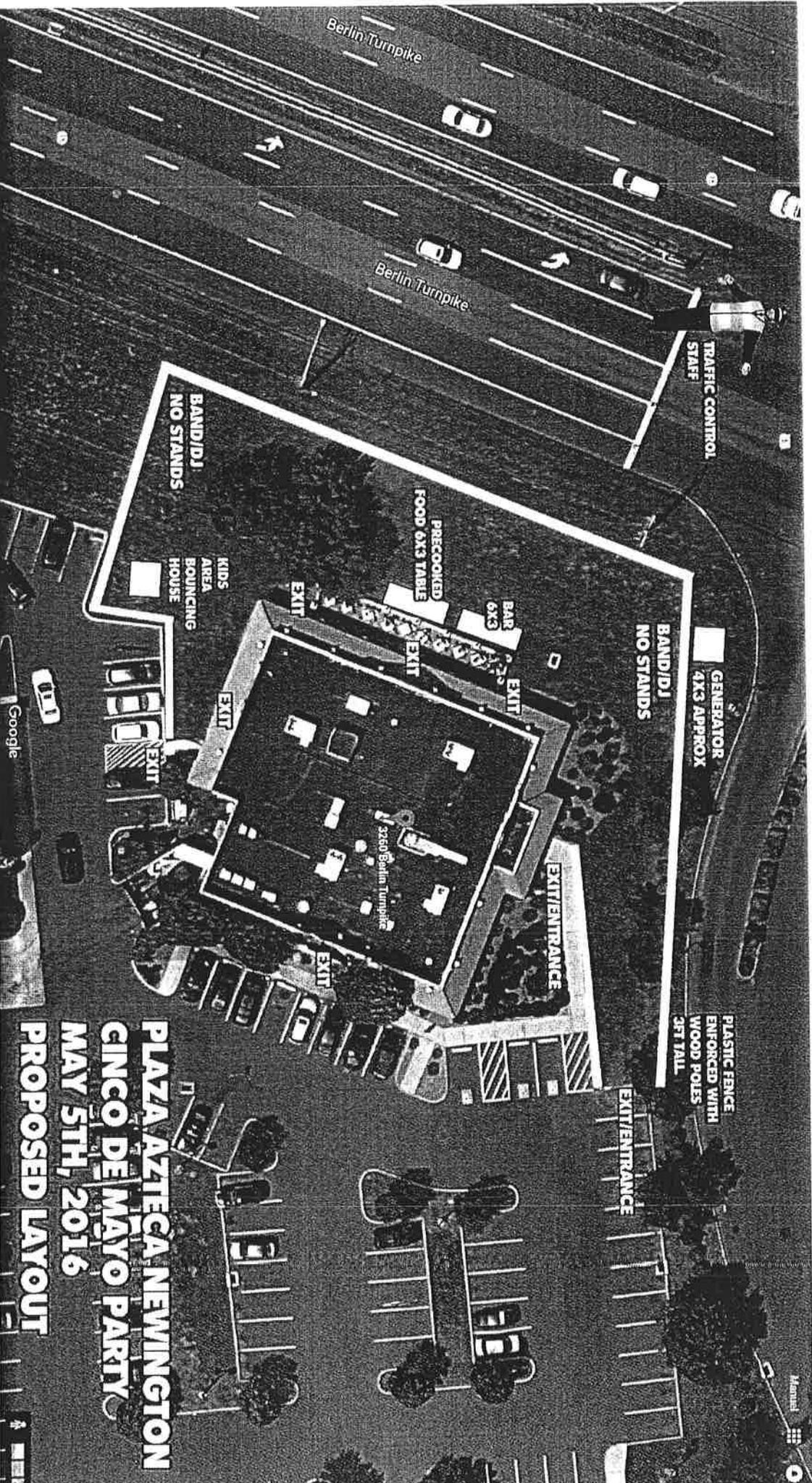
Dining Room: 200

Outdoor Assembly Area: 950

Total Occupancy: 1250


----- PER NEWINGTON FIRE MARSHAL

CHRIS R. SCHROEDER



Berlin Turnpike

Berlin Turnpike

TRAFFIC CONTROL STAFF

BAND/DJ NO STANDS

PRECOOKED FOOD 6X3 TABLE

KIDS AREA BOUNCING HOUSE

BAR 6X3

BAND/DJ NO STANDS

GENERATOR 4X3 APPROX

3260 Berlin Turnpike

EXIT/ENTRANCE

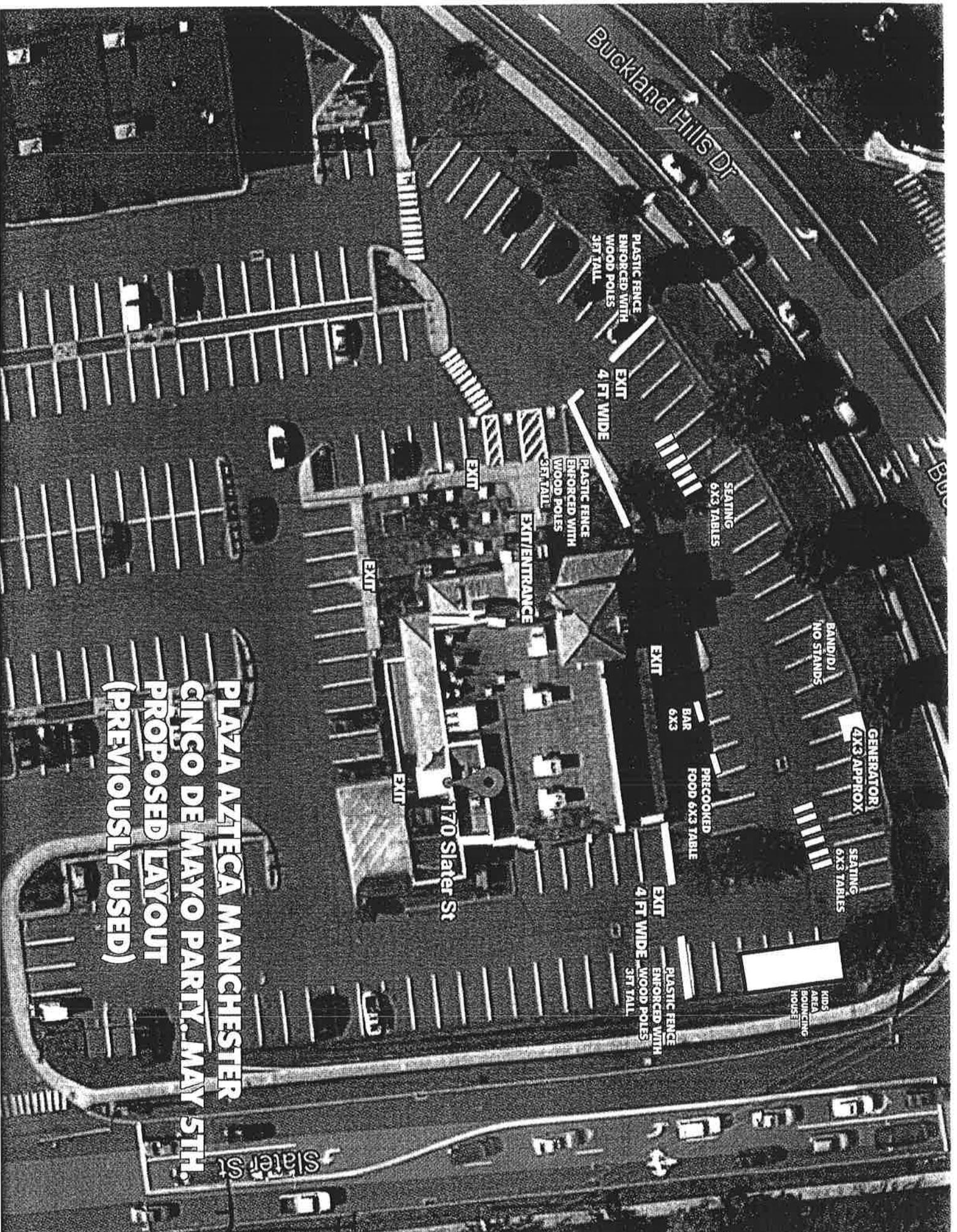
PLASTIC FENCE ENFORCED WITH WOOD POLES 3FT TALL

EXIT/ENTRANCE

**PLAZA AZTECA NEWINGTON
CINCO DE MAYO PARTY
MAY 5TH, 2016
PROPOSED LAYOUT**

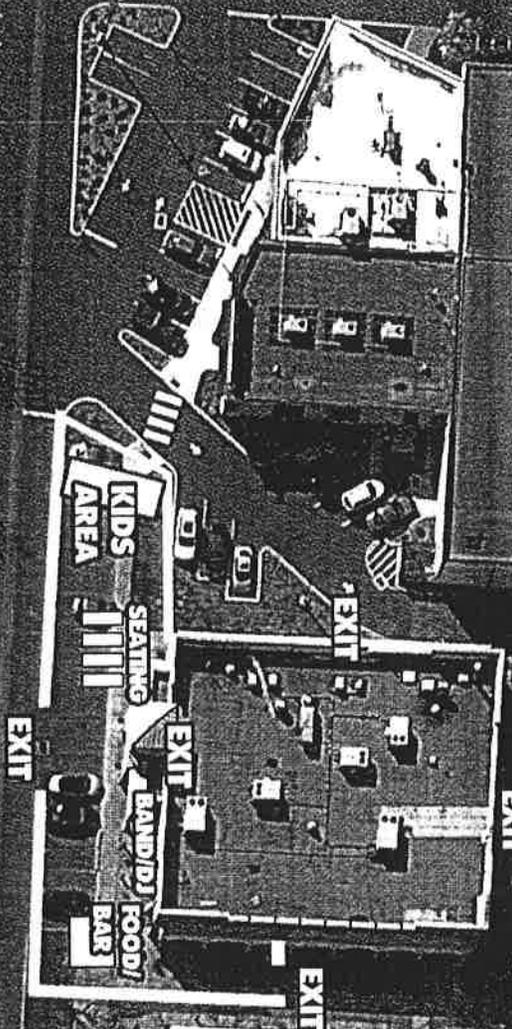
Google

Mapbox



**PLAZA AZTECA MANCHESTER
CINCO DE MAYO PARTY. MAY 5TH.
PROPOSED LAYOUT
(PREVIOUSLY-USED)**

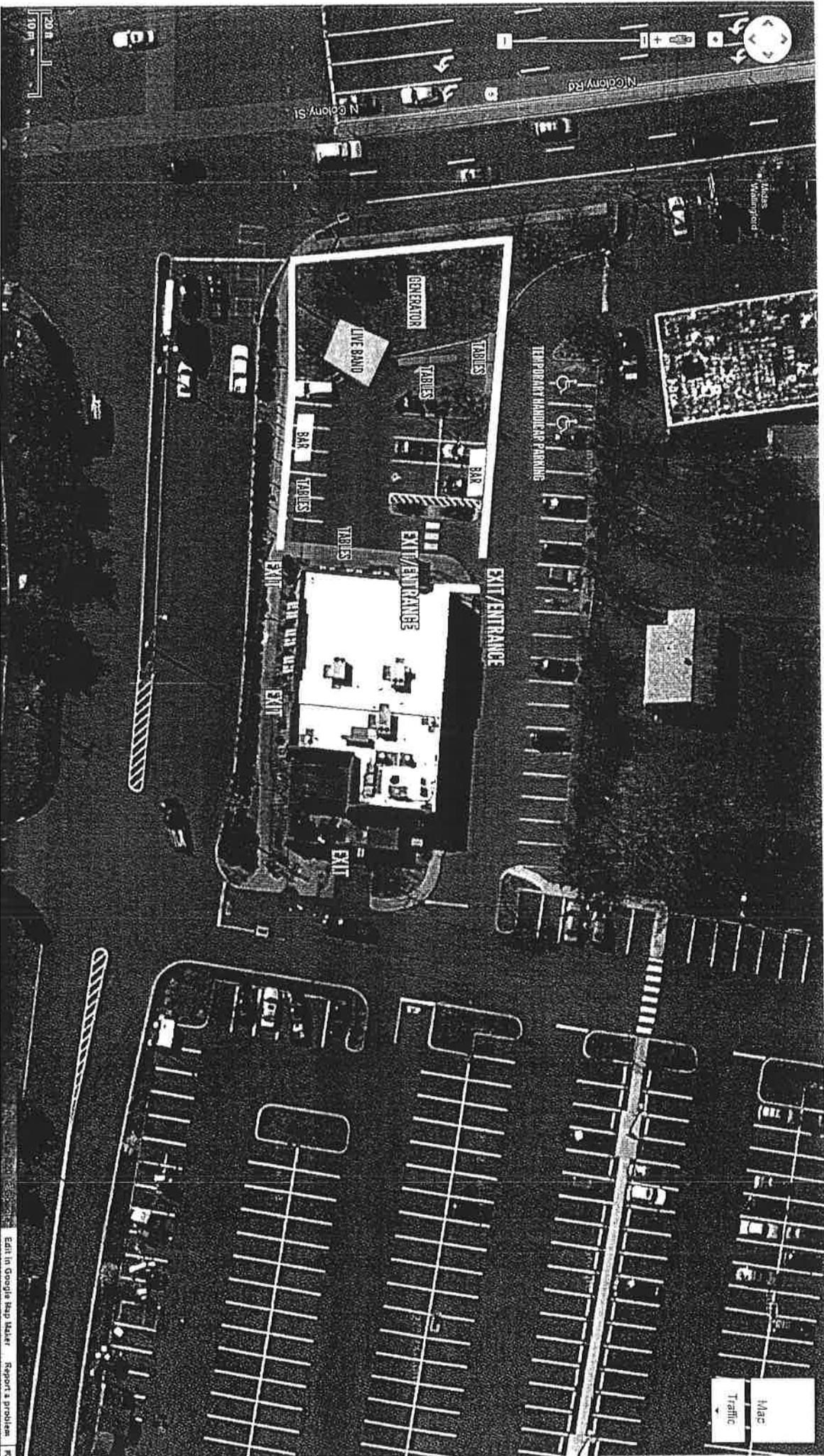
PLAZA AZTECA ENFIELD
39 HAZARD AVE.,
CINCO DE MAYO EVENT
DATE: MAY 5TH
5:00PM UNTIL CLOSE



Google

Freshwater Blvd

+Manuel





TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: April 21, 2016
Subject: **Petition #15-16: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 2985 Berlin Turnpike ("Turnpike Plaza"). TNT Fireworks, applicant; Brixmor Property Group, owner; Tatiana DeJesus, 46 Douglas Avenue, Yonkers NY, contact.**

Description of Petition #15-16:

TNT Fireworks is requesting TPZ permission to sell fireworks in the parking lot at 2985 Berlin Turnpike ("Turnpike Plaza") from June 20, 2016 through July 8, 2016. Section 3.23.1 states that

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

Staff Comments:

TNT Fireworks was given permission to sell fireworks at this address in 2014 (they did not reapply in 2015) and at other addresses in Newington in previous years.

The applicant is requesting the same location as was approved in 2014. As the senior members of TPZ may recall, finding an acceptable spot in this parking lot took several meetings. It was eventually agreed that the tent should be at the north end (Louis Street) of the parking lot.

If nothing derogatory comes up at the meeting, I recommend approval with the same conditions as the past two years:

Conditions:

1. Prior to use of the tent, the applicant shall obtain approvals from the Newington Fire Marshal and the Building Department.
2. The applicant shall not place any temporary signs on the ground anywhere in the Town of Newington.

cc:
file

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



U# 175

Petition # 15-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 2985 Berlin Turnpike ZONE: PD

APPLICANT: Tatiana Dejesus TELEPHONE: 203 ~~589~~ 903 6228

ADDRESS: 46 Douglas Ave 3rd Fl. Yonkers NY EMAIL: dejesust@tntfireworks.com

CONTACT PERSON: same as above TELEPHONE: " "

ADDRESS: " " EMAIL: " "

OWNER OF RECORD: Bnxmor Property Group

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): Erect temporary 20x40 tent for sale of CT state legal fireworks.

SIGNATURE:

<u>Tatiana Dejesus</u>	<u>3/29/16</u>	<u>attached</u>	
APPLICANT	DATE	OWNER	DATE

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

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



Tatiana DeJesus

TNT Fireworks Area
Manager

46 Douglas Ave. 3rd
Floor Yonkers, NY
10703

203-903-6228 DeJesusT@tntfireworks.com

STATEMENT OF PURPOSE

American Promotional Events dba TNT Fireworks is submitting for site plan review approval for the attached application.

Location address:

2985 Berlin Turnpike Newington, CT

The purpose is to sell from 06/20/10 - 07/08/10 state allowed sparklers and sparkling devices. The hours of operation will be 9am – 10 pm, as permitted by local location ordinances.

There will be two fire extinguishers readily accessible. "No Smoking" and age limit signs will be posted and enforced. The product listing with Perchlorate, along with tent flammability (if applicable) will be provided to your Fire Marshal.

Respectfully submitted,

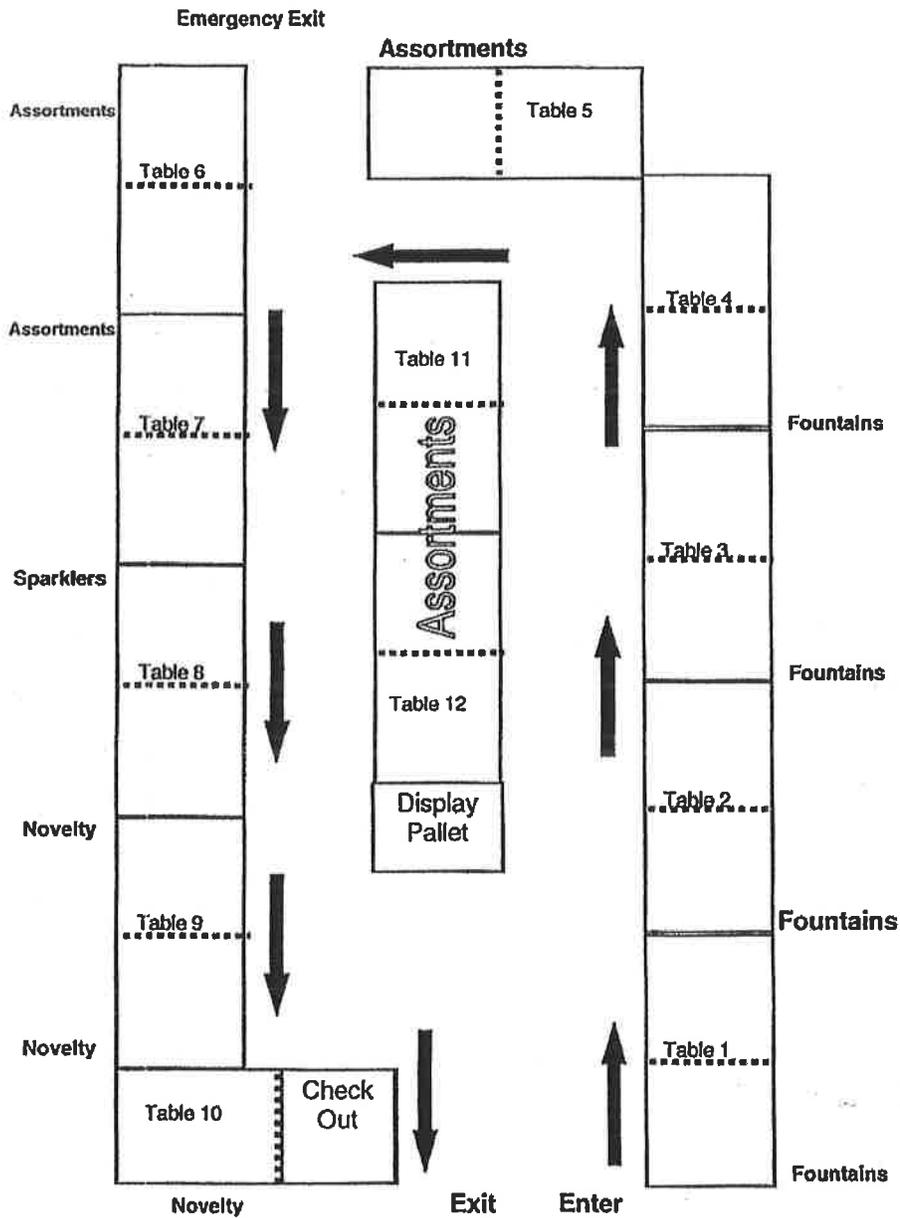
Tatiana DeJesus

TNT Fireworks Area Manager

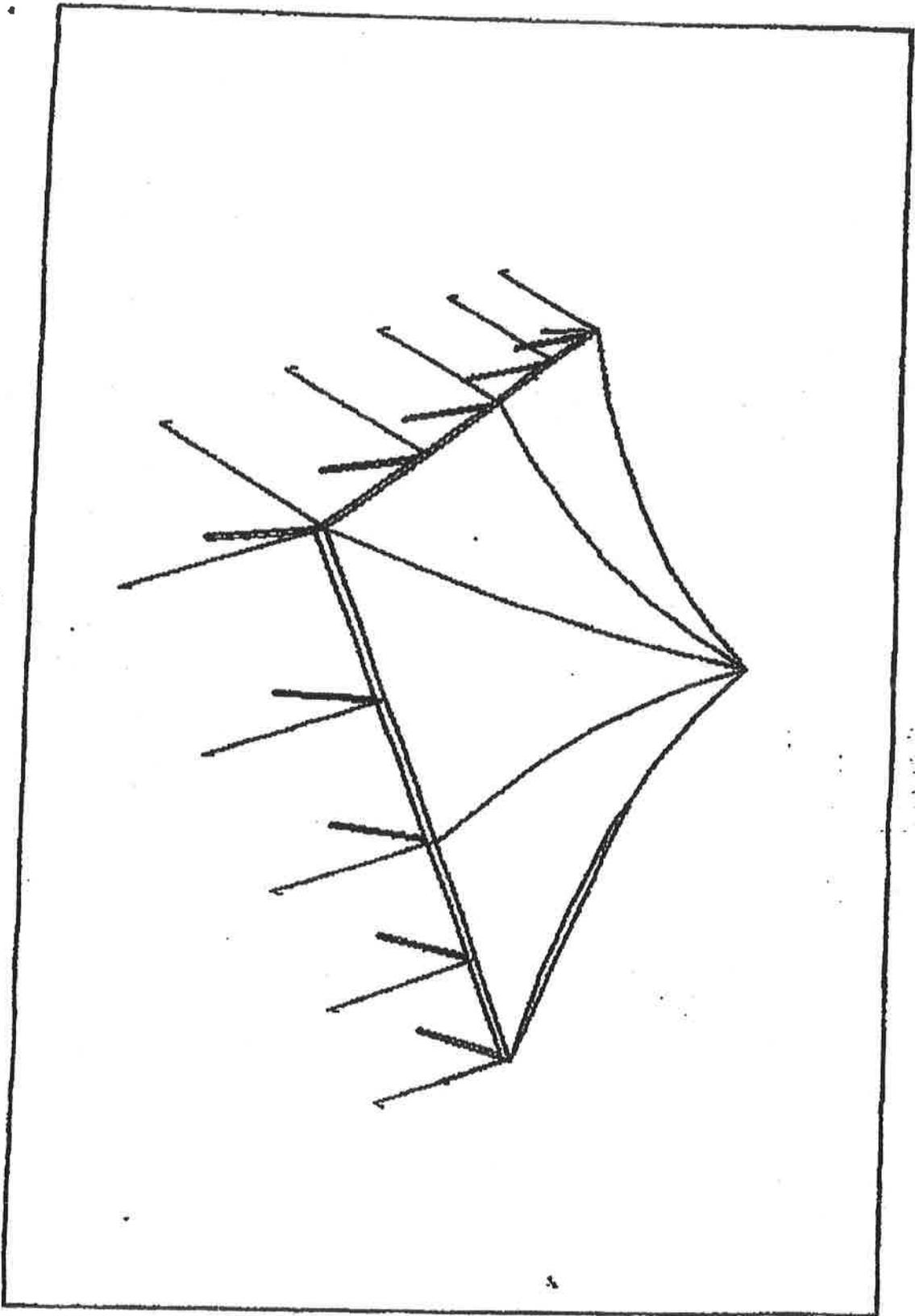
46 Douglas Ave. 3rd Floor Yonkers, NY 10703

203-903-6228 DeJesusT@tntfireworks.com

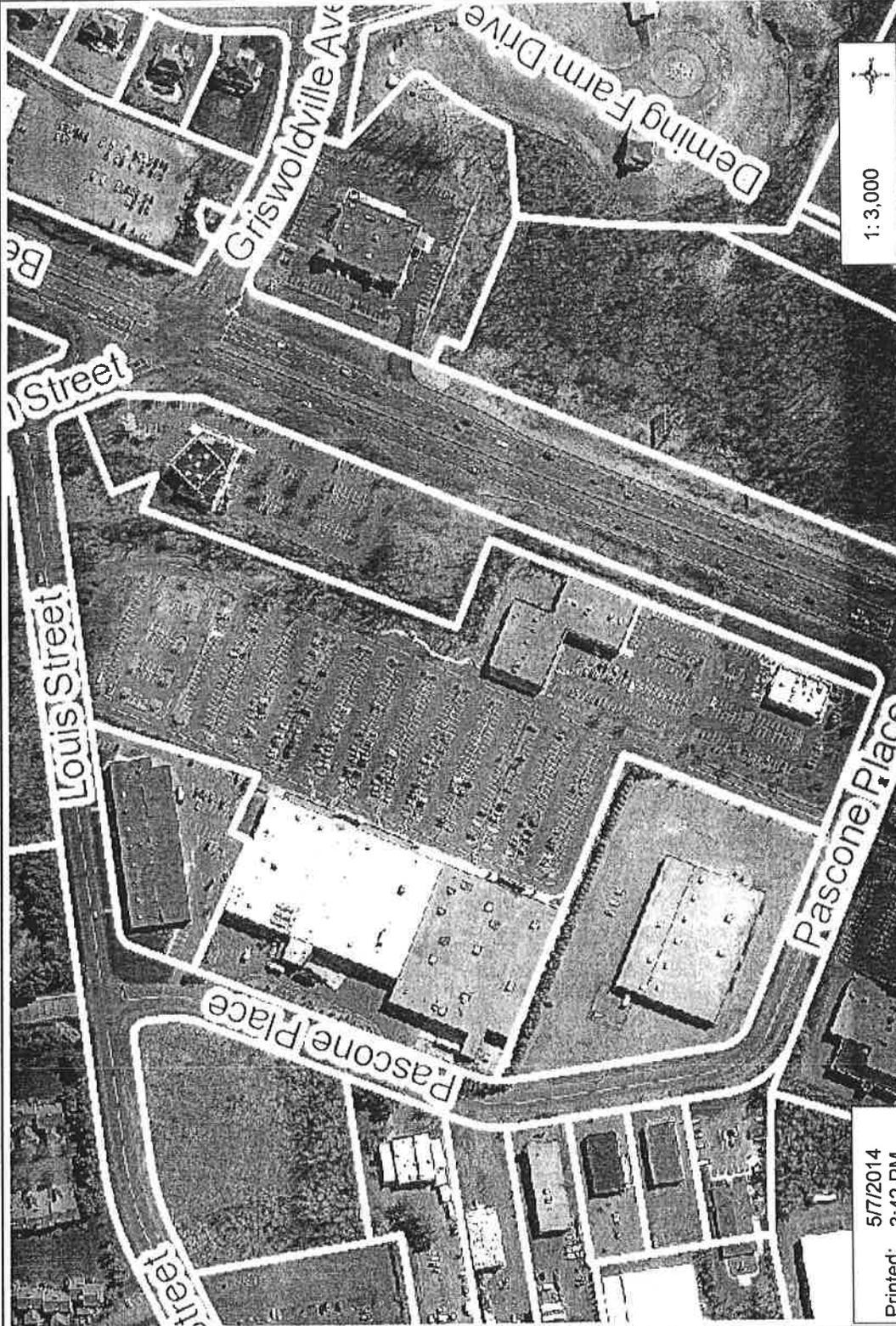
**TNT® FIREWORKS
PLAN-A-GRAM
SAFE N SANE STORE**



Place all items together by category priced lowest to highest.
 Except, using taller assortments on table 5 to create height.
 Stack items high and low to create multiple levels.
DO NOT MIRROR IMAGE



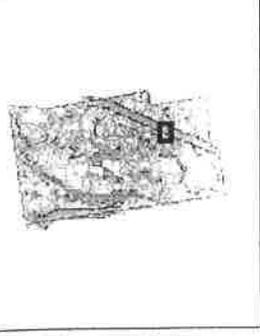
TNT Fireworks 2014



Printed: 5/7/2014 3:42 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.



Legend

- Parcel
- 2012 color aerial photo
- Red Band_1
- Green Band_2
- Blue Band_3

Notes

Notes



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: April 20, 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:

I forwarded a copy of the Town of Berlin's "Application for Solicitor's License Application" to Chief Clark for his consideration, as requested.

cc:
file



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: April 20, 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. It was discussed at the April 13, 2016 meeting, and Chairman Aieta asked the TPZ members to review the spread sheet I prepared showing how other towns are regulating backyard chickens, and to do some independent reading.

Comment:

At the last TPZ meeting I was directed to ask the Newington Police Department if foxes, coyotes, and other predators are a problem in town. The Animal Control Officer's response is attached.

The Chairman of the Avon TPZ saw the recent Hartford Courant article on our backyard chicken situation and sent the attached email.

cc:
file

Minor, Craig

From: Monde, Deborah
Sent: Wednesday, April 20, 2016 9:54 AM
To: Minor, Craig
Subject: RE: complaints about foxes etc.

Yes we get complaints about Foxes all the time. Residents really get freaked out about seeing any wildlife show up in their back yard as they believe they are always rabid. Many people have bird feeders which attract a bunch of critters for fox and other things to catch as a result.

We do have people here in town that have chickens already regardless of the ordinance we have. We advised them, however, very hard to enforce and keep track of. We have a family that may have chickens in their basement – word of mouth was the complaint, nothing we can truly get an firm answer on.

My opinion would be to keep it like it is as with the calls we get, this will certainly increase our calls when their chickens disappear and they call us to assist. Right now, that is how we are catching these folks who are not in compliance. The foxes get their lunch and dinner!!!

People really do not have much property here in Newington as it is very populated... with chickens come roosters then comes the calls for noise.

Just my 2 cents....

Ofc. Monde
Animal Control

From: Minor, Craig
Sent: Monday, April 18, 2016 9:30 AM
To: Monde, Deborah <DMonde@NewingtonCT.Gov>
Subject: complaints about foxes etc.

Office Monde:

The TPZ is considering a zoning regulation to allow backyard chickens. One of the concerns is that chickens may attract foxes, fisher cats, etc. to residential neighborhoods. Do you receive many complaints about foxes and other predators? Do you have any opinion on whether this is a valid concern?

Thanks.

Craig Minor, AICP
Town Planner

Minor, Craig

From: Philip R. Dunn <PRDunn@jacksonokeefe.com>
Sent: Friday, April 15, 2016 7:37 AM
To: Minor, Craig
Subject: Chickens

Mr. Minor,

I read an article in the Hartford Courant today about Newington's consideration of easing its regulations for residents to have chickens.

I am the chairman of the Farmington Town Plan and Zoning Commission and we have a regulation that permits chickens by Special Permit. It reads as follows:

16. Poultry raising of less than 20 fowl providing they are suitably confined.

That's it. It works.

Here is how we apply it in practical terms: We do not allow roosters as all of the applications we have fielded in the last seven years (my tenure on the commission) have been in neighborhoods in the R-40 and R-20 zones where early morning crowing is not a welcome situation. We ask the applicant to show us a rough (typically hand drawn) plot plan and where they plan to place the coop and explain how they plan to confine the chickens and deal with their waste. Commission members will drive by the premises in advance of the hearing on the Special Permit and get a feel for the location of neighbor's houses which helps guide us in locating the coop. Most folks are sensitive to their neighbors and place the coop as far from their neighbors' homes as possible. We typically allow 6 hens, but have allowed 12 where the lot is larger and the homeowner more ambitious about the project of maintaining a small flock.

We have seen applications with no opposition (yes, neighbors are alerted by a sign and letters) and some with vehement opposition. We have heard the typical fears of "predators" and in practice these fears are unfounded. I can assure you that Farmington has many coyotes and fox and no one has been bitten/attacked because some folks have a few chickens. We also hear about the "waste" and we do warn the applicant to be mindful of creating a nuisance, which is why we issue a one year permit to see how things go and whether the neighbors can support a complaint. Thus far we have had no complaints relative to any permits we have granted and we grant three or four per year and just renewed one on Tuesday.

Anecdotally I have heard that many people who are gung ho about maintaining a flock and enjoying fresh eggs end up getting out of the chicken business as it is a lot of work—way more work than it is worth to most people. If you think it's tough to get your kid to pick up after the dog, wait until you ask him to help clean the chicken coop. Petting zoo here we come.

Thus, I would very confidently urge you to loosen your regulations on backyard chickens and follow the formula set forth above that has worked well in Farmington. I would be more than happy to answer any questions you or the Commission might have regarding this issue.

Sincerely,

Phil Dunn



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: April 20, 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

At the last meeting I presented a draft amendment that would make the "homeowner moratorium" permanent. It also raised the threshold for LID on new and redeveloped commercial and multi-family projects from 600 s.f. of new impervious cover to 1,200 s.f., and it fixed a glitch which says that you have to provide LID to be eligible for a waiver from LID (in other words, a Catch-22).

The LID manual (not the LID zoning regulations, but the manual which contains the details for designing an LID project) says that when an existing site gets redeveloped, the owner must either: (a) remove 50% of the impervious cover; or (b) include some LID in the new design - the phrase used is "to the maximum extent practicable". Commissioner Pane felt this was burdensome and would discourage land owners from improving their properties. Amending the LID manual is beyond the direct control of TPZ, so to alleviate this burden I suggest adding the following language to the LID zoning regulations:

Any redevelopment of a parcel less than four acres in size shall be exempt from the provisions of Standard 5 – Redevelopment as specified in Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington listed above.

See attached draft.

cc:
file

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

Existing text to be deleted is shown in ~~bold strikethrough~~.

New text to be added is shown in **bold underline**.

Section 6.15 Stormwater Management (Effective 3/14/14 revised 02/25/2015)

6.15.1 Applicability

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

6.15.2 Residential Lots

Any new construction or development on a residential lot ~~which increases the impervious surface area by 600 square feet or more shall demonstrate~~ **shall be exempt from** conformance with the Low Impact Development and Stormwater Manual for the Town of Newington. ~~See Section 6.15.4.~~

6.15.3 New Construction or ~~Development~~ **Redevelopment**

Any other new construction ~~or development resulting in increased impervious~~ **resulting in 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 previously reviewed by Town staff.**

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

Any redevelopment of a parcel less than four acres in size shall be exempt from the provisions of Standard 5 – Redevelopment as specified in Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington mentioned above.

6.15.4 Interior Renovation and Change of Use

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

- A. Such interior renovation or change of use includes an increase in impervious surface area of 600 square feet or more, or

Existing text to be deleted is shown in ~~bold strikethrough~~.

New text to be added is shown in bold underline.

- B. Such interior renovation or change of use results in a requirement for more parking spaces.

~~6.15.4~~ Temporary Moratorium

- A. ~~Intent and Purpose: The Town Plan and Zoning Commission has found that choosing the appropriate LID technique in strict compliance with the Low Impact Development and Storm Water Manual puts a significant burden on the owner of an existing single family house, often imposing financial costs that outweigh the environmental benefits. A temporary, limited moratorium is needed in order to properly develop appropriate amendments to the Manual and/or Section 6.15 of the Zoning Regulations.~~
- B. ~~Activities Subject to this Moratorium:~~
- ~~1. Addition to an existing single family house;~~
 - ~~2. Construction of a detached garage or other residential accessory building.~~
- C. ~~Application: The owner of an existing single family house who wishes to conduct an activity described in Section 6.15.4.B shall not be required to comply with the requirements of Section 6.15.~~
- D. ~~Effective Date and Expiration: This moratorium shall take effect upon publication of the notice of adoption by the Town Plan and Zoning Commission. This moratorium shall expire not more than 365 days from the effective date.~~



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: April 21, 2016
Subject: **Petition #16-16: Sec. 8-24 Referral of Town Center Streetscape Project Phase VI on Constance Leigh Drive. Newington Town Council, applicant.**

Description of Petition #16-16:

Newington received a "Main Street Incentive Program" grant from the State of Connecticut in 2015 to continue the Town Center streetscape program to Constance Leigh Drive. The project follows the theme of the improvements on Market Square: brick pavers, street trees, landscaping, decorative lighting, granite curbing, and street furniture. Sec. 8-24 of the Connecticut General Statutes says that before the Town may improve land owned by the Town, the proposal must be referred to the Town Plan and Zoning Commission for a recommendation.

See attached conceptual illustration of the project.

Staff Comments:

Processing a Sec. 8-24 referral from the Town Council typically consists of reviewing the proposal for consistency with the 2020 Plan of Conservation and Development (POCD), and making sure it won't conflict with any other project or policy that TPZ might be aware of.

The proposed project is consistent with the Plan of Conservation and Development, specifically:

- a. The Town Center section of Chapter 4 (Development Strategies):
 17. Continue to seek Small Town Economic Assistance Program (STEAP) grants to complete streetscape along Market Square and Lowrey Place with connections along Main Street and Constance Leigh Drive and into the municipal parking. (Page 31)

cc:
file

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

AGENDA ITEM: IV.E.

DATE: 4-5-16

RESOLUTION NO. 2016-53

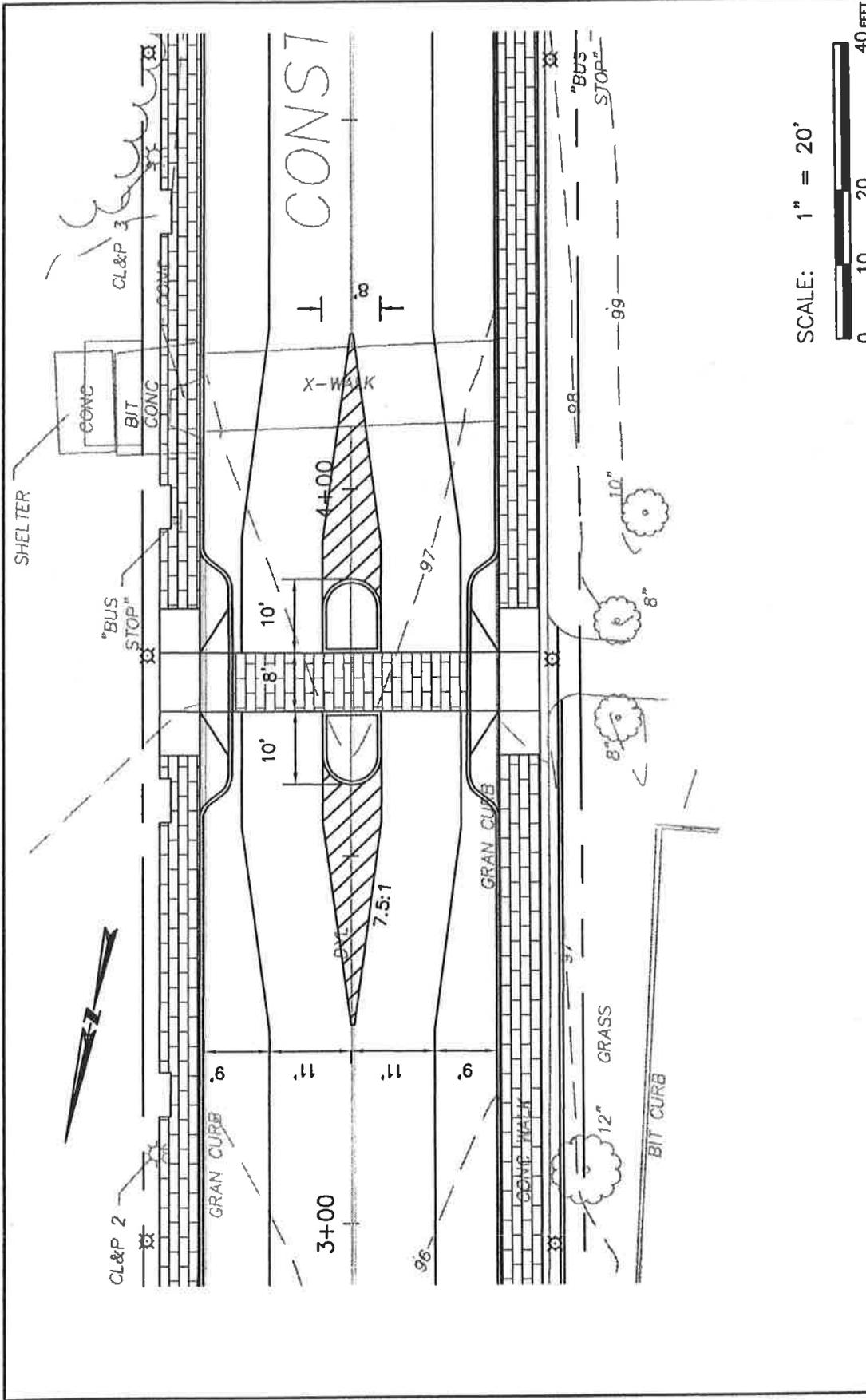
RESOLVED:

That the Town Manager is hereby directed and authorized to submit to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes, the proposed Streetscape Phase VI project located on Constance Leigh Drive.

MOTION BY: Councilor DelBuono

SECONDED BY: Councilor Serra

VOTE: 9 - 0



SCALE: 1" = 20'
 0 10 20 40 FEET

BSC GROUP
 300 Winding Brook Drive
 Glastonbury, Connecticut 06033
 860 652 8227

Job No.: 8362200 Date: 03-03-2016
 Scale: 1"=20' Revised:
 Dwg. No: 3 Figure:

File: XXXX\XXXX

PREPARED FOR:
 Town of Newington
 131 Cedar Street
 Newington, CT 06111

Option 3 - Crosswalk with Pedestrian Refuge
 Island and Bumpouts on Both Sides of the Street

Phase IV Newington
 Center Streetscape
 Improvements



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Tanya D. Lane
Acting Town Manager

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: April 21, 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 April 13, 2016 the following language was added:

5. Procedure:

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:

C. A detailed parking and traffic analysis prepared by a qualified expert.

cc:
file

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

**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:

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

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

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

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 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:

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

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

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

C. A detailed parking and traffic analysis prepared by a qualified expert.

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 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 and pedestrian circulation systems shall be designed to allow vehicular 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 25% of the facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise.

**DRAFT SUGGESTED MOTION
TOD Zoning Regulation**

April 21, 2016

Petition #05-16:

**Zoning Map Amendment and Zoning Text Amendment (New Section 3.19A:
TOD Overlay District)
TPZ, applicant/contact.**

“I move to approve, effective upon publication, Petition #05-16: Zoning Map Amendment and Zoning Text Amendment (New Section 3.19A: TOD Overlay District). TPZ, applicant/contact.”

Findings:

1. The proposed Transit-Oriented Development (TOD) Overlay District will encourage high quality development within walking distance of the Cedar Street CTfastrak station, which will grow Newington’s grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities.

2. The TOD Overlay District will be consistent with the 2020 Plan of Conservation and Development. Specifically:

- a. **Development Strategies (Chapter 4): Community Character: Strategies:**
 - 2. Establish “transit-oriented sites” at appropriate locations when transit stations have been established (Page 24).

- b. **Development Strategies (Chapter 4): Business Development: Strategies:**
 - 11. Create an interchange design district zone for the Cedar/Fenn area that would permit by Special Exception transit-related development for both residential and commercial uses (Page 36).

- c. **Consistency with State Growth Principles: (Page 52)**

Principle 3 –

Concentrate development around transit sites and along major transportation corridors to support the viability of transportation options and land reuse.

FINDING – Consistent

Two new transit stations are envisioned for Newington and the Plan recommends establishment of mixed use and transit-oriented development in these areas.

3. This amendment has been referred to the Capital Region Council of Governments, and was deemed to present “no apparent conflict with regional plans and policies or the concerns of neighboring towns.”

Move/ Second										
	Pane	Serra	Miner	Sobieski	Strong	Aieta	Andrzejewski	Bottalico	Giangrave	Camilli
YEA										
NAY										



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Tanya D. Lane
Acting Town Manager

Memorandum

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: April 21, 2016
Subject: Town Planner Report for April 27, 2016

1. Zoning Enforcement Issues Raised at Previous TPZ Meetings:

a. Sloppy Waffle: The Zoning Enforcement Officer contacted the owner and confirmed that the operation has in fact expanded into the space previously occupied by a consignment store. The ZEO is in the process of calculating the size of the expansion, to determine: (a) how much additional parking is required, and (b) if the applicant needs to apply to TPZ for a modification of the existing Special Permit.

cc:
file

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