



TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Wednesday, May 13, 2015

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

6:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. REVIEW OF ZONING REGULATIONS

- a. Section 4: Height, Area and Yard Requirements
- b. Section 5.1: Non-Conforming Lots, Land Use and Buildings or Structures
- c. Section 5.2: Procedures and Standards for All Special Exceptions or Special Permits
- d. Section 5.3: Procedures and Requirements for Site Plans

III. ADJOURN

Submitted,

Craig Minor, AICP
Town Planner

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 MAY -6 PM 2: 16

BY *Tanya D. Lane*
TOWN CLERK

New text is shown in **bold underline**. Deleted text is shown in ~~**bold-strikethrough**~~.

SECTION 4: HEIGHT, AREA AND YARD REQUIREMENTS

Section 4.1 Scope of Requirements

All uses, buildings or structures erected or altered shall conform to the following minimum height, area and yard requirements for the zone in which the use, building or structure is located, except a lot granted a Special Exception for a Residual Lot use pursuant to Section 6.14 shall conform to the minimum height, area and yard requirements established for such property pursuant to Section 6.14 (Effective 12-1-06).

Section 4.2 Schedule of Height, Area and Yard Requirements for Zones

The Schedule is shown as Table A, herein.

Section 4.3 Application of Height, Area and Yard Requirements for Zones.

4.3.1 Special Exceptions

Approval of Special Exception uses may have requirements specifically designed for such use. In such cases, those specific requirements supersede those listed on Table A. When requirements of a Special Exception are not specifically stated, the requirements of the zone in which such use is to be located, as set forth in Table A, shall apply, unless otherwise stated in these regulations. (Effective 12-1-06)

4.3.2 ~~Construction~~ Storage and Display in Yards

- A. Yards in Business and Industrial zones and PD, CD, and PL zones shall not be used for storage, display or any other use excepting landscaping, walks, enclosed screened dumpster, drives and parking areas that are required and **permitted approved by the Commission**. Loading bays and docks shall not be permitted on the public street side of the building unless screened and approved by the Commission.
- B. Yards in residential zones may be used for fences, landscaping, walks and driveways.

4.3.3 Buffers, when required by the zone regulations, include the required yards.

4.3.4 Front Yard Set Back Alignment

The minimum depth of the front yard setback for a new dwelling on a vacant lot between two (2) existing adjoining lots, each with a building, may be aligned to the average of the depths of the front yards of such adjoining lots. (Effective 12-01-01)

SECTION 4.4 Modifications to Height, Area and Yard
SECTION 4.5 Requirements

4.4.1 Corner Lots

On corner lots, the front yard requirements shall be enforced on one side, and the following yard requirements on the other side:

R-20	30'
R-12	30'
R-7	25'
R-D	See R-12
Section 3.7	
Patio Houses	25'
Duplex Houses	25"
Town Houses	25'
B	25'
B-TC	25'
B-BT	35'
I	25'
PD	35'
CD	35'
PL	35'

4.4.2 Corner Visibility

Within the area 15 feet from the intersection of two street lines, no fence, wall, shrubbery or other impediment to unobstructed visibility shall exceed a height of 3 feet above the pavement.

4.4.3 Height Modifications

- A. Public and semi-public buildings may be permitted up to 60 feet or 4 stories.
- B. Ornamental structures, monuments, church spires, shafts, domes, towers or cupolas may exceed height requirements when approved by the Commission.
- C. In Business, Industrial and Development [??] zones, height requirements may be exceeded by special structures requiring special design because of their particular use in business or industry, such as chimneys, stacks or elevators when approved by the Commission.

4.4.4 Lot Frontage

- A. No building permit shall be issued for a building unless the lot for which the building is proposed has the required frontage on an accepted street, a proposed street in an approved subdivision for which surety has been posted in accordance with Section 7.3, or on a private street constructed in accordance with the minimum standards of the Town of Newington, except:
 - 1. Residual Lots, as approved by Special Exception pursuant to Section 6.14, need only meet the frontage requirements set forth in that approval. The frontage requirements established pursuant to Section 6.14 supersede those requirements set forth in Table A.
 - 2. Otherwise specifically permitted under these regulations subject to the appropriate standard as set forth in these regulations.

- B. On irregular lots, the frontage requirement may be measured at the building (front yard) line. (Effective 12-1-06)

4.4.5 Yards

A. Projections

Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more than 2 feet into a side yard but not within 5 feet of a side property line. A porch or a hatchway may project 3 feet into the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 foot projection into the front yard setback. (Effective 8-15-07)

B. Side Yard in B-TC Zones

A building may be constructed at the side property line *[i.e. right on the side property line?]* or with the required side yard setback. Buildings constructed adjacent to existing buildings shall be constructed with no space between buildings with common walls. No building shall be built within 25 feet of a residence zone.

C. Through Lots

In a residence zone, the rear yard of a through lot shall be the average depth of the 2 adjoining lots.

D. Yards in B-TC, B-BT, PD and CD Zones

Where a contiguous area is in multiple ownership, it may be developed under a single site plan with height, area and yard requirements applied to the entire area so developed.

- ~~4.4.6 No principal building shall be placed or constructed within 50 feet of a regulated inland wetland or water course as shown on maps entitled "Designated Inland Wetlands and Water Courses of the Town of Newington" or on a detailed soils map certified by a soils scientist and approved by the Newington Conservation Commission. This setback standard may be modified upon the receipt of a favorable report from the Conservation Commission and a two-thirds vote of the Commission. (Effective 4-30-99)~~

4.4.7 Cedar Mountain Ridgeline Development

Within the ~~Cedar Mountain ridgeline setback area~~ **Ridgeline Setback Area** as defined in Section 9, no quarrying and clear cutting of timber shall be permitted except the following uses shall be permitted in the ridgeline setback area as of right: (A) emergency work necessary to protect life and property; (B) any non conforming uses that were in existence and that were approved on or before the effective date of this section of the zoning regulations; (C) selective timbering when approved by a site plan submitted to the Commission, (D) single family residential use and permitted accessory residential uses when approved by a site plan submitted to the Commission.

The visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public will be evaluated by the Commission. Such impacts may include, but not be limited to: unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which by their color, reflectiveness, finish, size, or orientation disrupt the

natural or historic character of the ridgeline; the size, height, shape, and location of buildings.

The use of earth tone materials may be required by the Commission in all proposed buildings, and the use of reflective materials or surfaces may be restricted or prohibited.

The Commission may require that clear cutting occur in a staggered or other pattern which reduces the visual impact of such cutting, and may further require that clear cutting be staged over a period of time to allow for regrowth of remaining vegetation. (Effective 5-20-05)

4.4.8 Administrative Approval For Temporary Handicap Access to Single Family And Duplex Residential Ramps (Effective 10-3-08)

Notwithstanding any other provision of these regulations which would prohibit such a ramp, the Zoning Enforcement Officer may issue a temporary permit for a handicap ramp or access to a single family or duplex residential structure under the following conditions:

- A. A physician's letter describing and certifying the physical limitations of the person applying for the temporary permit.
- B. Said access shall be of a configuration and size that minimizes the reduction of either front or side setback requirements.
- C. No ramp or access shall encroach on a Town or State Right of Way nor shall it obstruct any sight lines or be placed within 15' of a front property boundary or 5' of a side property boundary.
- D. The location of all temporary ramps shall be accurately drawn on a plot plan to scale.
- E. Said temporary permit shall be for one (1) year and shall be renewable on an annual basis provided the circumstances requiring the handicap access still exists. When the circumstances cease to exist or the property is sold or transferred the handicap ramp shall be removed by the end of the permit period or within 30 days of the written notice of the Zoning Officer requesting removal of said handicapped access.
- F. Building Permit.

SECTION 4.5 SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS

SECTION 4-5

ZONE	TABLE A: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS RESIDENTIAL USES (Effective 12-01-01)					
	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT ⁴
R-20	20,000 S.F.	100'	35'	10'	35'	2-1/2 STORIES/35'
R-12	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
R-7:	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
ONE-FAMILY TWO-FAMILY	6,000 S.F. PER UNIT ¹	40' garage in front or under; 45' no garage on side	35'	7'	30'	2-1/2 STORIES/35'
PATIO HOUSES ³	6,000 PER UNIT ²	60'	25'	5' ONE SIDE 10' OTHER SIDE; SPACING NO CLOSER THAN 15'	30'	2-1/2 STORIES/35'
DUPLEX HOUSES ³	4500 PER UNIT ²	40'	25'	10'	30'	2-1/2 STORIES/35'
TOWN HOUSES ³	4500 Per Unit ²	20'	25'/GARAGE 35'/NO GARAGE	0'/EXCEPT 6' AT END OF UNIT	30'	2-1/2 STORIES/35'

ASSESSORY BUILDING IN RESIDENTIAL ZONE: (A) Shall not exceed 15' ~~maximum~~ height; (B) shall be in the rear half of the lot and behind the principal structure; and (C) shall be at least 5' ~~minimum-distance~~ from any lot line. (Effective 12-01-01)

1. R-7 Zone: Two-family dwelling existing prior to 2/25/74 shall have at least 3,000 square feet per unit and at least 20 feet of frontage.
2. Minimum square feet of land area that is required to be designated for each dwelling type.
3. By Special Exception only in R-7 and R-12 Zones.
4. Maximum height 35' as defined in Section 9
5. R-D ZONE: same requirements as for R-12 and Section 3.7

SECTION 4.5

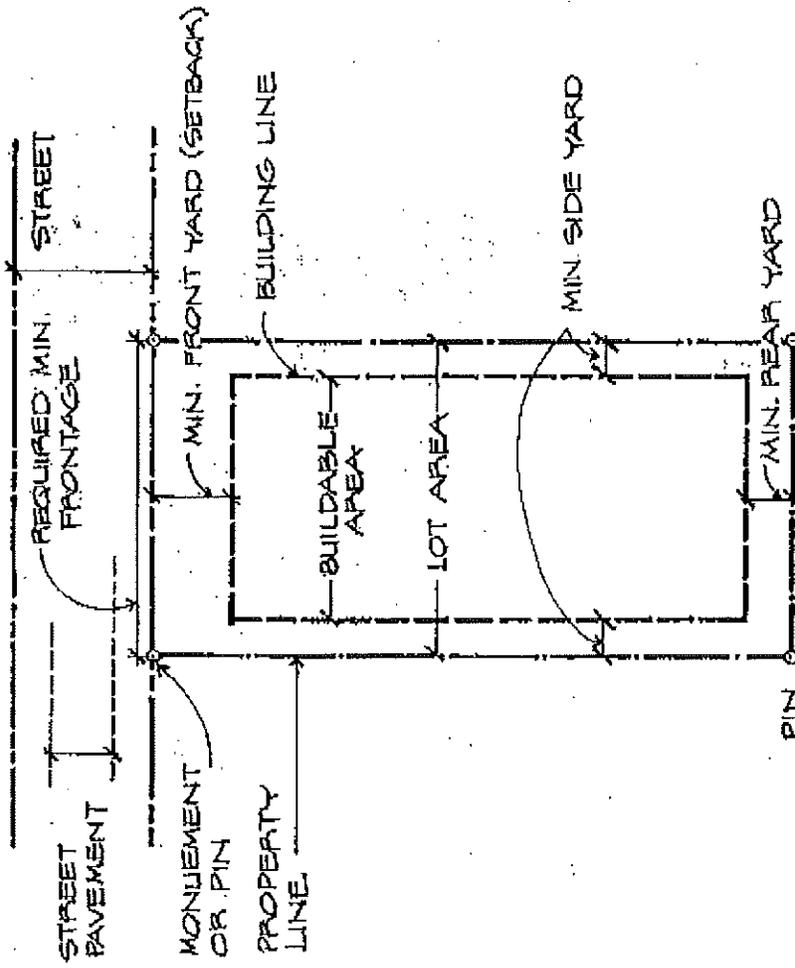
ZONE	MINIMUM LOT		MINIMUM FRONT		MINIMUM SIDE		MINIMUM REAR		MAXIMUM HEIGHT ⁴
	AREA	LOT FRONTAGE	FRONT YARD	YARD	YARD	YARD	YARD		
B	10,000 S.F.	50'	25'	5'	5'	5'	5'	2 stories/35'	
B-TC	10,000 S.F. ²	100' ¹	25' ³	none w/common walls, but at least 10' if provided	-----	-----	-----	3 stories/35'	
B-BT:	20,000 S.F.	100'	35'	10'	15'	15'	15'	3 stories/35' ⁶	
I	20,000 S.F.	70'	25'	10'	15'	15'	15'	3 stories/45'	
PD ZONE USES:									
Retail/Comm	1-ac.	70'	35'	10'	15'	15'	15'	3 stories/35'	
Office	1-ac.	70'	35'	25'	25'	25'	25'	5 stories	
Industrial	1-ac.	70'	35'	10'	15'	15'	15'	1 story	
Residential	5-ac.	70'	35'	25'	35'	35'	35'	4 stories	
CD Zone Area:	2 ac.	150'	35'	25'	25'	25'	25'	3 stories ⁵	
PL	-----	70'	35'	20'	25'	25'	25'	-----	

ACCESSORY BUILDING IN NON-RESIDENTIAL ZONES: (A) Shall not exceed 15' ~~maximum~~ height except parking garages which shall not exceed....., (B) Shall be located only to the rear of or side of the principal building (Effective 12-01-01) and (C) located at least 5' ~~minimum~~ distance from any lot line (Effective 8-15-07).

1. Frontage not required if lot is part of the Municipal Parking Lot. (See Section 3.12.3 for requirements)
2. Minimum lot not required if part of Municipal Parking Lot. (See Section 3.12.3 for requirements)
3. Except as may be permitted by Section 3.12.A.5
4. Maximum height as defined in Section 9. In Industrial Uses mezzanine area are not counted as a story.
5. Except as permitted by Section 3.20.8
6. Except as permitted by Section 3.14.1.C. (Effective 1-15-07)

FIGURE 1

TYPICAL BUILDING LOT
ILLUSTRATION FOR YARD SETBACKS



SECTION 5

GENERAL REGULATIONS

Section 5.1 Non-Conforming Lots, Land Use and Buildings or Structures

Within the zones established by this regulation or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment.

It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the zones involved. It is further the intent of this regulation that non-conformities shall not be enlarged upon, extended or expanded if such a change increases the non-conformity, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the zone involved. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

5.1.1 Non-Conforming Lot of Record

A dwelling unit or a non-residential building may be erected on a lot of less width or area or both than required and the Zoning Enforcement Officer is authorized to issue a permit provided that:

- A. Said lot was created or established as a separate building lot prior to the adoption of Zoning in the Town of Newington or, at the time of its creation or establishment as a separate building lot, complied with all lot width and area requirements then in effect, and
- B. The lot must be shown or describe as a separate and distinct building lot on a map, or in a deed or other instrument duly recorded in the Town Clerk's Office. A certified copy of such map, deed or other instrument shall be filed with the application for the zoning permit., and
- C. No owner of such lot or lots at any time since it became non-conforming shall have owned adjacent land which may be or could have been merged as part of the lot in question.
- D. The lot fronts on an accepted street, a proposed street in an approved subdivision for which surety has been posted in accordance with Section 7.3, or on a private street constructed in accordance with the minimum standards of the Town of Newington, unless specifically permitted subject to the appropriate standard as set forth in these regulations, and.
- E. All other requirements are met.

5.1.2 The lawful use of land existing at the time of the adoption of these regulations or of any amendment hereto, although such use does not conform to the provisions hereof, may be continued; but if such use ceases for a period of 12 months, or is changed to a conforming use, all future use of said land shall be in conformity with these regulations.

5.1.3 The lawful use of a building or structure, existing at the time of the adoption of these regulations or of any amendment hereto, although such use does not conform to the

provisions hereof, may be continued and such use may be extended throughout the building, provided that no structural alterations are made, other than those ordered by an authorized public official to assure the safety of the building or structure; and provided further that such extension does not displace any conforming use.

- 5.1.4 Whenever a non-conforming use of a building has ceased for a period of at least 12 months, such use shall not thereafter be re-established; and any future use shall be in conformity with the provisions of these regulations.
- 5.1.5 Any non-conforming building or structure which is destroyed or damaged by fire or casualty may be reconstructed and structurally altered, provided such reconstruction or alteration is commenced within 6 months of the date of such damage or destruction. Up to an additional 6 months may be granted by the Commission to commence reconstruction for extenuating circumstances. The repair or replacement of the structure must be completed within one (1) year of issuance of building permits. Such restoration, repair or replacement must be of the same dimension, floor area, cubic volume, density and footprint on the property existing prior to the damage or destruction. (Effective 4-6-2011) (Corrected 12-14-12)
- 5.1.6 When a building or structure is non-conforming only in regard to height, area or yard requirements, the reconstruction or structural alteration will be permitted if said building or structure is destroyed or damaged by fire or casualty. No such reconstruction or structural alteration shall increase the non-conformity. (Effective 12-01-01)

5.2 Procedures and Standards for All Special Exceptions or Special Permits

- 5.2.1 Uses specified in these regulations as special ~~exceptions or~~ permits are declared to possess such special characteristics that each must be considered a special case. The following general procedures, requirements and standards apply and must be followed; in addition to the standards and conditions particular to the proposed use and specifically set forth in these in these regulation. Those conditions and standards are hereby determined to be necessary to protect the public health, safety, convenience and property values.
- 5.2.2 Petitions for special ~~exceptions or~~ permits must be heard by the appropriate commission or board as required in the section relating to the exception or permit.
- 5.2.3 A public hearing is required on the proposed special ~~exception or~~ permit with due notice as provided by Connecticut General Statute.
- 5.2.4 After the hearing, the commission or board may approve, disapprove or approve with conditions.
- 5.2.5 To permit proper review, the commission or board **shall may**, in accordance with Section 5.3, require that a site plan be submitted, and may require any other information deemed necessary to determine if the use is in harmony with the intent of the regulation, and the character of the area in which it is located.
- 5.2.6 In reviewing the proposed special ~~exception or~~ permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special exception or special permit and record its findings in the record of the meeting:
 - A. The need for the proposed use in the proposed location.
 - B. The existing and probable future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.

- D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.
 - E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01)
 - F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
 - G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.
- 5.2.7 Following an approval of a special ~~exception or~~ permit, such approval shall become null and void if the use proposed under the Special ~~Exception or~~ permit changes. Amendments to the conditions of a Special **Exception Permit or substantial changes** shall require a new petition and public hearing as required by the Connecticut General Statutes. (Effective 12-01-01)
- 5.2.8 No special ~~exception or~~ special permit granted according to these regulations shall be effective until a copy of the special ~~exception or~~ special permit, **certified by signed by the Chairman of** the Commission or Board, whichever is applicable, is filed by the applicant in the Town Clerk's office in accordance with State Statutes which require recording in the Land Records.
- 5.2.9 The Commission may attach a time limit to a Special ~~Exception or~~ Special Permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the Special ~~Exception/~~Permit may be revoked for due cause after a public hearing.

5.3 Procedures and Requirements for Site Plans

5.3.1 Permits and Certificates

No building permits shall be issued in any zone or for any use where a site plan is required, unless a site plan, prepared in accordance with these regulations, has been approved by the Commission and has been filed by the applicant with the Town Planner. No Certificates of Zoning Compliance shall be issued unless the requirements of such site plans have been fulfilled.

5.3.2 Procedure

When required, a site plan shall be submitted to the Commission in accordance with these regulations. The site plan shall be approved, denied, or approved with modifications in accordance with the standards and conditions contained in these regulations.

5.3.3 Commission Review

In reviewing site plans, the Commission shall consider the following, as well as the conditions and standards herein. Applicants should also refer to Section 7.4, Design Standard and Site Plan Checklist.

1. The existing and planned future character of the adjacent property.

2. Traffic circulation within the site; amount, location and access to parking; traffic generated and possible traffic hazard or circulation problems on existing or proposed drives or streets.
3. Availability and adequacy of public utilities serving the site and the adequacy of the existing and proposed stormwater system to accommodate any increased drainage. (Effective 12-01-01)
4. The location of signage, lighting and natural or landscape features.
5. Safeguards to protect adjacent property and the neighborhood in general from detriment or depreciation.
6. The suitability of the building design to its site.
7. Safeguards to promote the convenience of travel and the orderly use of land through the safe location of driveways, the number, size and access points to a site in relationship to adjacent properties and the public roadway. (Effective 12-01-01)

5.3.4 Content of a Site Plan

~~A. **Context Map: An overall map drawn to a scale of 1" = 200', which can be used as an overlay on Metropolitan District Maps. This map will show the overall design of the development and surrounding property within 500 feet.**~~

1. General

1. Data block which gives required zoning information such as height, area and yard requirements, parking, spaces, green space, etc.
2. Layout of buildings.
3. Layout of streets and parking.
- ~~4. Lines indicating proposed drainage system with direction arrows.~~
- ~~5. Lines indicating sanitary sewer system with direction arrows.~~
- ~~6. Names of abutting property owners.~~
7. Proposed open spaces and recreation area, if required.
- ~~8. Inland Wetland and Watercourses showing 50 foot setback area and 400 foot upland review area. (Effective 8-15-07)~~
- ~~9. Hydrologic soil groups based on information available from the United States Department of Agriculture Natural Resource Conservation Service and/or highly pervious soils as found from onsite soil testing.~~
10. Trees with six inch (6") caliper or larger.
11. Area identified on the Natural Diversity Database as maintained by the Connecticut Department of Energy and Environmental Protection.
- 12. Context Map: An overall map drawn to a scale of 1" = 200', which can be used as an overlay on Metropolitan District Maps. This map will show the overall design of the development and surrounding property within 500 feet.**

2. Architectural Elevations: Plans of the proposed buildings drawn to a scale of 1/8" = 1'0", showing the elevations of all sides of the proposed buildings in sufficient detail to show architectural styling. The plans shall be prepared on mylar for filing with the site development plan and shall have a signature block for signing by the Commission Chairman.

1. Samples of all exterior building materials proposed to be used.
2. For existing buildings, photographs of all sides of the building may be submitted in lieu of architectural elevations.
3. Plot Plan: A layout map of the proposed site drawn to a scale of 1" = 40', on either of the following size sheets: 24" x 36" with a 3/4" ruled margin, or 15" x 24" with a 1/2" ruled margin; containing the following data:
 1. The plans or maps shall conform to the class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Maps" of the Connecticut Technical Council, Inc.
 2. Distance and bearings of all boundary lines and acreage of site.
 3. Proposed streets and street lines with center line stations, curve data and parking spaces.
 4. Building **setback** lines in accordance with these regulations.
 5. Proposed buildings and other structures, including signs, dumpster enclosures and mechanical equipment.
 6. Easements noting grantors, grantees and purpose.
 7. Monuments will be indicated at corners and angles of all streets and at all points of curvature and tangency. In areas accessible to National Geodetic Survey points, or other coordinated points, the monument points within the proposed site shall be coordinated. These coordinates shall appear in tabular form on the plot plan. The accessibility of these NGS points shall be determined by the Town Engineer.
 8. Names of abutting property owners. Location of any buildings within 100' of all property shall be shown.
 9. All open space or other common or public land uses shall be indicated.
 10. Landscaping and Planting Plan, including name, size and location of plants.
 11. Lighting Plan for all exterior light fixtures and bulb types.
 12. Commission approval and signature block.
4. Topographic and Utility Map: A map drawn to a scale of 1" = 40', see "C. Plot Plan), in addition to the requirements of the Plot Plans, show the following:
 1. All existing and proposed buildings.
 2. Curb lines, curb cuts, edge of pavement, and pavement width.
 3. Existing and proposed sanitary sewers, **and direction of flow.**
 4. Existing and proposed water and gas main systems, **and direction of flow.**
 5. Existing and proposed contours shall be shown in not less than two-foot intervals; but in cases of relatively level land, the contours shall be one-foot intervals. Existing contours in excess of fifteen (15%) percent gradient shall be identified by shading the areas that meet this criterion. (Effective 3-4-2011)
 6. Proposed storm drainage system, showing all low impact development techniques (such as swales, rain gardens, infiltration trenches, etc.) and any structural measures (such as catch basins, end walls, manholes, lengths and sizes of pipes, with invert elevations of each inlet and outlet).

7. Connections of all springs into proposed storm drainage system as needed.
 8. Location and indications of existing brook channels, and 100-year flood limits.
5. Erosion Control Plan: The disturbance of any area exceeding one-half acre shall require an Erosion and Sediment Control Plan to conform with P.A. 83-388 of the Connecticut General Assembly, and Section 8-25 of the General Statutes as amended, and the following requirements:
1. Existing and proposed boundary and lot lines, with dimensions given in feet and areas given in square feet. Existing and proposed easements and right-of-way for public utilities and other public uses with dimensions given in feet.
 2. Location of all wetlands and watercourses on the property and within sufficient distance beyond the property line and the extent of proposed changes in their configurations. **The 100' upland review area boundary shall also be shown.**
 3. Location of proposed activities.
 4. Elevation at two-foot contour intervals. If deposition, removal or grading of material is proposed, resulting elevations shall be shown by two-foot contour intervals.
 5. Identification of **wetland** soils, including locations of any soil borings or test holes. Soil types shall be identified in accordance with categories established by the National Cooperative Soil Survey of the United States Department of Agriculture, Soil Conservation Service.
 6. A general delineation of the vegetative cover of any regulated area.
 7. Bodies of water and high water level for all inundated areas.
 8. All drainage appurtenances existing and proposed together with erosion control measures or temporary or permanent soil erosion control measures to be constructed in connection with, or as part of, the proposed work.
 9. Details of erosion control measures.
 10. Proposed limits of disturbance / compaction and the method of ensuring same.
6. Access Management Plan: All existing and proposed streets and driveways within 500 feet of the boundaries of the proposed development shall be shown on the 200' scale Key Map. The Commission will review the number and location of all proposed access points to ensure that public safety and welfare are promoted and that the proposed development will not adversely impact public roadways. When the Commission determines that it is in the best interest of public safety, and to promote orderly development, the applicant may be required to modify the site development plan to achieve the following access management standards:
1. Reduce curb cuts and provide shared access with an abutting property.
 2. Establish inter site connections using internal driveways.
 3. Provide access using a service road.
 4. Direct left turning vehicle movements to an abutting roadway with the least intensity of current and projected traffic volume.
 5. On corner properties locate driveways no closer than 200' to the intersection or as may be approved by the Commission. (Effective 12-01-01)

5.3.5 Improvements

Street improvements, drainage, sewer and water supply, landscaping, recreation areas, parking and loading facilities and any other improvements required by the Commission shall be installed according to the specifications of the Town of Newington before final acceptance is given and a Certificate of Occupancy is issued. The developer, with the approval of the Commission, may install improvements in a portion of the plan and receive final acceptance of that portion only. Any unfinished portion of the site plan shall be bonded prior to the issuance of a Certificate of Occupancy and Certificate of Zoning Compliance. Improvements related to the safe use of the site, such as but not limited to, lighting, fire lanes, fire hydrants, shall be completed and will not be bonded. (Effective 12-01-01)

5.3.6 Surety

The Town Manager, acting for the Commission, may accept surety in lieu of actual site improvements in accordance with Section 7.3. The surety that can be accepted by the Town Manager shall be limited to certified check, pass book/certificate of deposit, or a letter of credit. No insurance bond will be acceptable. For existing buildings where site plan approval is required, a cash bond in the amount of 10% of the total site improvement costs shall be posted with the Town Manager prior to the issuance of a building permit. In no case shall the bond posted with the Town Manager be less than \$2500. (Effective 12-01-01)

5.3.7 Approval

To be effective, the approved site plan must be signed by the Chairman of the Commission and shall show the date of the Commission approval. The applicant shall file with the Town Planner a mylar of the approved site plan, with the Commission's Certificate of Action affixed, and a mylar showing the buildings' elevations.

5.3.8 Time Limit

The Commission may grant additional extensions provided that all work in connection with such site plan approved on or after October 1, 1989 shall be completed within five (5) years after the date of approval of the site plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan. The Commission may grant one or more extensions of such five year period, provided the total extension shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this subsection means all physical improvements required by the approved plan (CGS Section 8-3(i)).

For site plans approved on or before October 1, 1989 approval shall be void if substantial construction is not started within seven years from the date of approval.

5.3.9 Change in Use and Site Design

~~1. A change in use of land or in the use of a structure or building will require Commission approval of a site plan if any one of the following occurs: such change in use increases the required amount of parking, loading or access or increases the building's gross floor area by more than 10 percent; alters the site's parking lot landscape areas, or green space, landscaping and buffer requirements of Section 6.10. Changes only to the architecture of the building will not require the submission of a new site plan to the Commission. (Effective 12-01-01)~~

1. A change in use of land or in the use of a structure or building will require Commission approval of a site plan if any one of the following occurs:
 - a. such change in use increases the **required** amount of parking;
 - b. changes the loading or access;

- c. increases the building's gross floor area by more than 10 percent;
 - d. alters the site's parking lot landscape areas, or green space, landscaping and buffer requirements of Section 6.10.
2. Minor changes not requiring additional parking, loading, access or structural addition of less than 10 per cent to the rear or side areas of buildings will not require site plan approval.
 3. For the purposes of this section examples of a change of use would include but are not limited to the conversion or addition of floor space from industrial/warehouse use to retail floor space or office floor space. the conversion of retail floor space to recreation use or public assembly use, such as a school or sports complex, church, etc. (Effective 12-01-01)
 4. Changes only to the architecture of the building will not require the submission of a new site plan to the Commission. (Effective 12-01-01)
 - 5.

Section 5.4 Public Hearings

For ~~special-exception~~, special permit, zone map change, and resubdivision, public hearings the Town of Newington will be responsible for mailing a Notice of Public Hearing to abutting property owners, and if a condominium complex is an abutter or across the street, to all officers of the condominium complex. The applicant shall be responsible for placing on the property subject to the public hearing a sign provided by the Town of Newington providing notice of the scheduled hearing. This sign shall be placed in a location that is easily visible to the public at least ten (10) calendar days prior to such hearing and shall remain until the petition is acted upon by the Commission.

SECTION 6 SPECIAL REGULATIONS

Section 6.1 Off-Street Parking and Loading Regulations

6.1.1 Parking

There shall be provided, at the time of application for a building permit for the erection, alteration, enlargement or change in use of any building or land for which off-street parking is required, a plan showing functional required parking space, including the means of access and interior circulation and landscaping.

A. Area Requirements

Area requirements for parking spaces and lots are specified in the Newington Site Plan Checklist. Handicapped accessible parking spaces shall be 15 feet wide with a cross hatch access aisle of 5 feet wide. Two accessible spaces may share a common aisle. The access aisle must connect directly to an accessible route. Accessible parking spaces must be the closest spaces to a building's or uses' accessible entrance. The required number of accessible spaces per total parking lot shall not be less than the standards set forth in the State Building Code. (Effective 12-01-01) Once painted or marked in accordance with the international symbol of accessibility the property owner shall be required to maintain such marked or painted spaces so that they are easily visible to a patron seeking accessible parking. The accessible parking spaces must be designated by a clearly visible sign mounted on a solid base or permanently fixed at the place marked with the symbol and legend "Handicapped Parking State Permit Required Violators Will be fined."

B. Parking Spaces for Buildings Used for Residence

At least two permanently maintained durable, adequately cleared and surfaced off-street parking spaces shall be provided for every dwelling unit, except as otherwise stated in these regulations. All parking of vehicles shall be on the surfaced area not on the lawn. The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence.. No vehicles shall park between the curb or edge of pavement and the boundary of the Town or State right of way. (Effective 8-15-07)

C. Parking Spaces for All Other Uses

Permanently maintained and appropriately surfaced (see Section 6.1.1.K below) off-street parking spaces shall be provided as follows: