



TOWN PLAN AND ZONING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
Wednesday, May 27, 2015

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

7:00 p.m.

CORRECTED AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA
- IV. PUBLIC HEARINGS
  - a. Petition #13-15: Special Exception (Section 3.11.6: Restaurant) at 464 New Britain Avenue. Allyn and Linda Brown, owner; Luigi DeNovellis, applicant/contact, 124 Two Stone Drive, Wethersfield, CT. Continued from April 22, 2015.
  - b. Petition #03-15: Moratorium on Higher Density Residential Development near CTfastrak Stations (new Section 3.0). Town Plan and Zoning Commission, applicant.
- V. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- VI. REMARKS BY COMMISSIONERS
- VII. MINUTES
  - a. Special Meeting April 22, 2015
  - b. Regular Meeting May 13, 2015
  - c. Special Meeting May 13, 2015
- VIII. NEW BUSINESS
  - a. Informal Presentation of proposed retail development at 1593 Southeast Road.
  - b. Petition #17-15: One-lot Subdivision at 149 Maple Hill Avenue. Maple Hill Development LLC, owner; Mary Kate VanValkenburg, 149 Maple Hill Avenue, Newington CT, applicant/contact.
  - c. Petition #18-15: TPZ Approval (Section 3.23.1: Outside Use) for Tent Sale at 2985 Berlin Turnpike (Dick's Sporting Goods). Dick's Sporting Goods, applicant; Brixmor Property Group, owner; Tanya Atkielski, 2985 Berlin Turnpike, Newington CT, contact.

RECEIVED & RECORDED IN  
NEWINGTON LAND RECORDS

2015 MAY 22 AM 9:24

BY Tanya D. Lonsdale  
TOWN CLERK

**IX. OLD BUSINESS**

- a. Petition #10-15: Special Exception (Section 6.2.4: Free Standing Sign) at 2897 Berlin Turnpike (Firestone Complete Auto Care) National Sign Corporation, applicant, SB Newington 433 LLC, owner; Darcie Roy, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact.
- b. Petition #15-15: Special Exception (Section 3.17.6: Recreation Uses) at 475 Willard Avenue. Fun Quest Inc., applicant; Newington 2007 LLC, owner; Seema Sabarad, 12 Baldwin Drive, Farmington CT, contact.

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

**XI. TOWN PLANNER REPORT**

- a. Town Planner Report for May 27, 2015

**XII. COMMUNICATIONS**

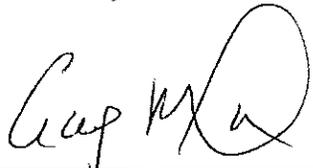
**XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**

**XIV. REMARKS BY COMMISSIONERS**

**XV. CLOSING REMARKS BY THE CHAIRMAN**

**XVI. ADJOURN**

Submitted,



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Craig Minor, AICP  
Town Planner

**STAFF REPORT**  
**Restaurant at 464 New Britain Avenue**

May 21, 2015

**Petition #13-15:**

**Special Exception (Section 3.11.6: Restaurant) at 464 New Britain Avenue.  
Allyn and Linda Brown, owner;  
Luigi DeNovellis, applicant/contact, 124 Two Stone Drive, Wethersfield, CT.**

**Description of Petition #13-15:**

The applicant would like to open a restaurant in a portion of this existing building. Restaurants are allowed by special exception in the B zone.

**Staff Comments:**

The public hearing was kept open to give the applicant the opportunity to address, on the record, the Commission's concerns over the amount of parking. He was not able to attend the last meeting due to a personal emergency.

I spoke with the property owner about the parking issues. He is not willing to commit to not renting the upper story, but he did say that the cost of the renovations needed to comply with building and fire codes make it very unlikely. He also said that he does not want to tell the appliance store tenant to park their truck in back during the day, but it does get parked in back during the evening which is when most of the restaurant's business would take place. The parking lot has been striped since my last memo.

At the previous meeting the applicant said that his employees will park on the side and in back of the building.

Given that this is an existing building with an existing amount of parking, I recommend approval. The previous tenant (a beauty salon) required more parking spaces (five) than the proposed restaurant (two), so this is an improvement.

This public hearing has gone on for longer than normal due to the applicant's absence at the last meeting, so I have prepared a draft suggested motion in case the TPZ is ready to act on this application tonight.

cc:  
Luigi DeNovellis  
file



**STAFF REPORT**  
***Moratorium in CTfastrak Neighborhoods***

May 21, 2015

**Petition #03-15:**

**Moratorium on Higher-Density Housing in CTfastrak Neighborhoods  
Newington Junction and Myra Cohen Way  
Newington TPZ, applicant/contact.**

**Background:**

TPZ is concerned about being pressured into approving higher-density housing in the two CTfastrak station neighborhoods before adopting TOD residential zoning regulations. There are five different types of higher density housing allowed within ½ mile of the two CTfastrak stations: "Senior Independent Living", "Housing for Seniors", "Conversion of Older Homes", "Single-family Entry Level Housing", and "Alternate Residential Building Types". This moratorium would prohibit the submission of any application for such housing for twelve months, or until the TPZ adopts such regulations, whichever comes first.

**Comments:**

To be legally valid (and avoid a "taking" complaint), a moratorium needs to contain the following elements:

1. Must be enacted with all procedural regularity of a zoning text amendment;
2. Cannot prohibit all economic use of a parcel;
3. Must be limited in scope (area) and duration (time);
4. Must be for a specific purpose, with a desire outcome.

Elements 1 through 3 are pretty straight-forward.

Element 4 calls for a "specific purpose", which in this instance would be to prohibit higher-density housing construction in the two CTfastrak neighborhoods until appropriate zoning regulations are adopted. The "desired outcome" is: TOD ("transit oriented development") zoning regulations that result in appropriate higher-density housing (multi-family, single-family, and mixed-use) in the two CTfastrak neighborhoods.

As with any zoning amendment that impacts land within 500' of a neighboring town, a copy of the proposed moratorium was filed with CRCOG. Their comments are not available as of this writing, but I expect to have them prior to the meeting.

cc:  
file

## SECTION 3: ZONE USE REGULATIONS

### [new] Section 3.0 Higher-Density Residential Development Moratorium

#### 3.0.1 Temporary Moratorium in the CTfastrak Station Areas

- A. Intent and Purpose: There are two CTfastrak stations in Newington, at 160 Willard Avenue ("Newington Junction Station") and on Myra Cohen Way ("Cedar Street Station"). CTDOT has projected CTfastrak ridership will eventually be as high as 16,000 riders per day. The demand for housing in the areas around these two stations will therefore almost definitely increase.

The current zoning regulations allow housing at densities ranging from 5 units per acre to 20 units per acre. To ensure appropriate residential development in the vicinity of the two CTfastrak stations, the Plan and Zoning Commission intends to adopt TOD (transit-oriented development) residential zoning regulations for these areas. To prevent the construction of inappropriate higher-density housing before such TOD zoning regulations can be adopted, a moratorium on higher-density housing in the vicinity of the two CTfastrak stations is warranted.

B. Activities Subject to this Moratorium:

1. The submission any application for residential development other than single-family housing consistent with the underlying zoning within ½ mile of a CTfastrak station;
2. The submission of any application for a zone change within ½ mile of a CTfastrak station;
3. The submission of any application for a text amendment of any higher-density residential zoning regulation on property that is within ½ mile of a CTfastrak station.

C. Effective Date and Expiration:

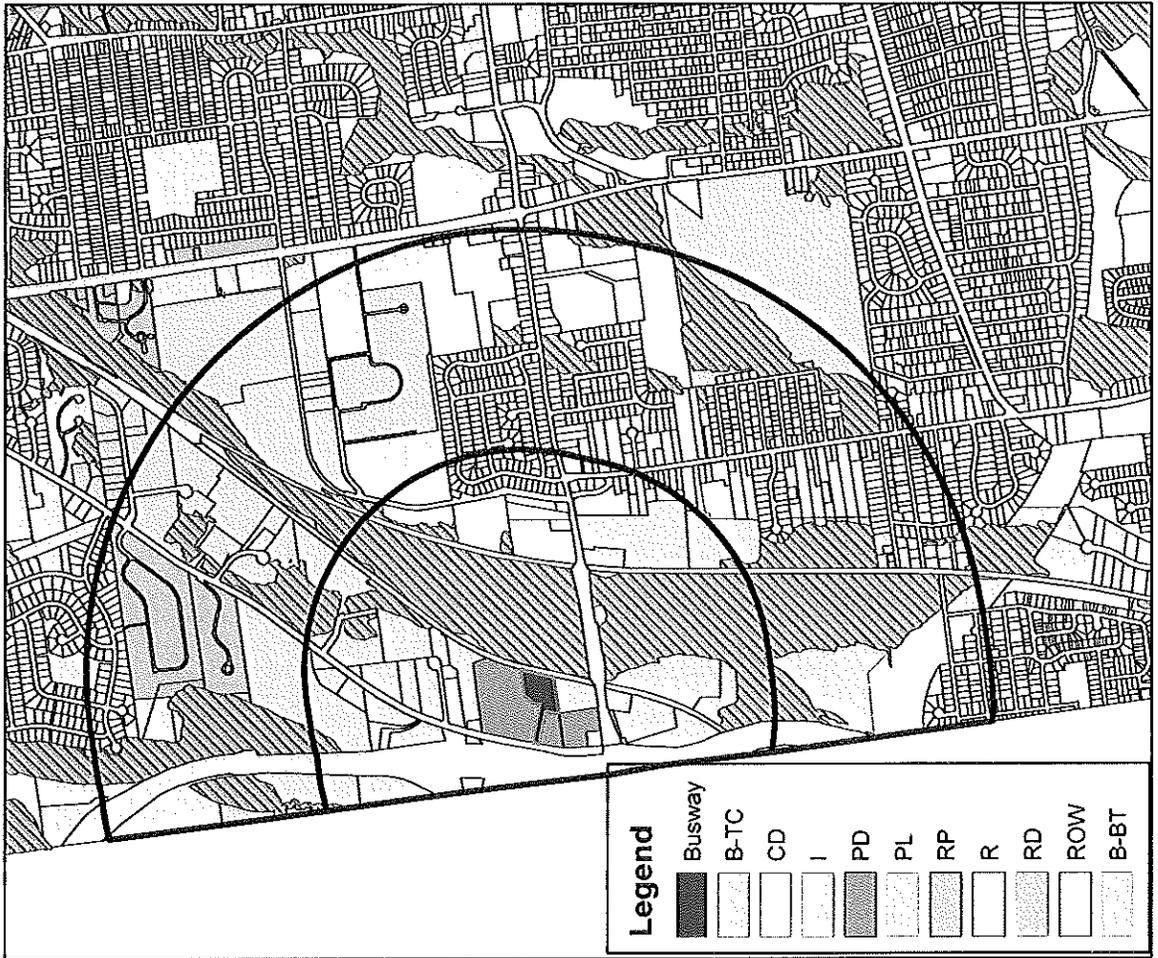
1. This moratorium shall take effect upon adoption by the Town Plan and Zoning Commission.
2. This moratorium shall expire 365 days from adoption.
3. If the TPZ adopts TOD zoning regulations and/or amendments to the current higher-density residential zoning regulations before this moratorium expires, this moratorium shall expire on the effective date of such zoning regulation or amendment.
4. The TPZ reserves the right to terminate this moratorium at either location prior to the expiration date stated in Paragraph C.2.

Higher-Density Housing Allowed Within 1/2 Mile of CTfastrak Stations

<u>Type</u>	<u>Section</u>	<u>Zones Permitted In</u>	<u>Maximum Density</u>	<u>Minimum Project Size</u>	<u>Minimum Unit Size</u>	<u>Maximum Height</u>	<u>Location Requirements</u>	<u>Comments</u>
Senior Independent Living	3.2.5	All	20 units per acre	5 acres	none	3 stories or 35'	On or within 300' of an "arterial road".	
Housing for Seniors	3.7.2	R-12 and R-7 only	20 units per acre	2 acres	none	2.5 stories or 35'	On a bus line, or within "walking distance" of "services".	"Affordable", age-restricted
Conversion of Older Homes	3.4.7	All residential	7.26 units per acre	20,000 s.f.	600 s.f.	2.5 stories or 35'	none.	House must be at least 1800 s.f. and predate 1920
Single-family Entry Level Housing	3.7.3	R-12 and R-7 only	5.8 units per acre	10 acres	none	2.5 stories or 35'	none.	Subdivision or PUD
Alternate Residential Building Types	3.7.1	R-12 and R-7 only	5.4 units per acre	10 acres	8000 s.f.	2.5 stories or 35'	On or within 300' of an "arterial road".	Patio; duplex; townhouses. PUD or subdivision.

# CT Fastrack Locations

Buffer Distances: 1/2 Mile and 1 Mile



## Minor, Craig

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**From:** Law Office of Peter J. Boorman <law.office.pjb@snet.net>  
**Sent:** Thursday, May 14, 2015 3:08 PM  
**To:** Minor, Craig  
**Subject:** Re: Moratorium

Craig - looks ok.

Peter J. Boorman, Esq.  
(860) 594-4433

-----  
On Wed, 5/13/15, Minor, Craig <CMinor@NewingtonCT.Gov> wrote:

Subject: Moratorium  
To: "Law Office of Peter J. Boorman" <law.office.pjb@snet.net>  
Date: Wednesday, May 13, 2015, 5:42 PM

Peter:

Attached is the  
"high-density housing moratorium" zoning amendment that will be the subject of a public  
hearing on May 27, 2015. Please review and comment. Thank you.

Craig Minor, AICP  
Town Planner

**STAFF REPORT**  
***Informal Presentation on 1593 Southeast Road***

**May 21, 2015**

**Background:**

The property at 1593 Southeast Road is partly in Newington and partly in Farmington. There is a gas station there now, which the property owner would like to demolish and replace with a different retail operation.

There are several issues that make redevelopment of this parcel complicated. One is the fact that this area of Newington is zoned CD (Commercial Development) which does not allow retail use (the existing gas station is legal non-conforming). The obvious solution would be to re-zone the parcel to B (Business) or PD (Planned Development), but it would be an isolated parcel of B or PD surrounded by CD zone – a classic example of “spot zoning”.

We discussed this with the applicant’s attorney earlier this month. The attorney stated that the Farmington side of the parcel is zoned B1, and since Farmington’s B1 zone is the equivalent of Newington’s B zone, it would not be spot zoning.

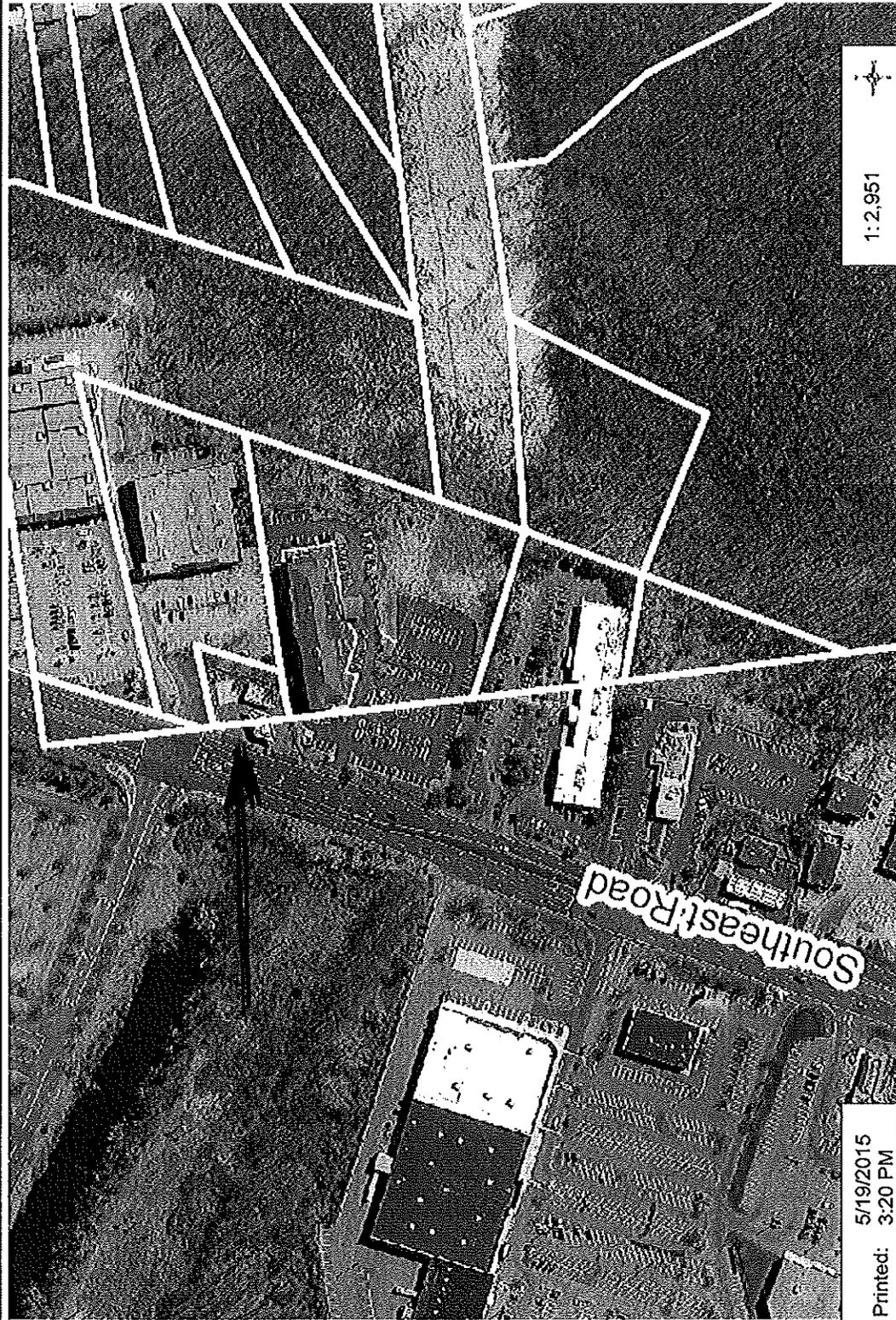
I acknowledged the logic of this, but the decision ultimately lies with TPZ. Since the cost to prepare a zone change application is more than just the cost the application itself – the applicant also has to prepare a full-blown site plan showing how the parcel would be developed if the zone change is approved – the applicant’s attorney has asked for the opportunity to explain the situation to TPZ, and to get a sense from the Commission as to whether this zone change proposal has any merit.

Depending on the Commission’s reaction to this informal presentation, the applicant’s attorney will submit a zone change application to be received for scheduling at the next TPZ meeting.

cc:  
Attorney Daniel Kleinman  
file



# 1593 Southeast Road



Printed: 5/19/2015  
3:20 PM

1:2,951



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.

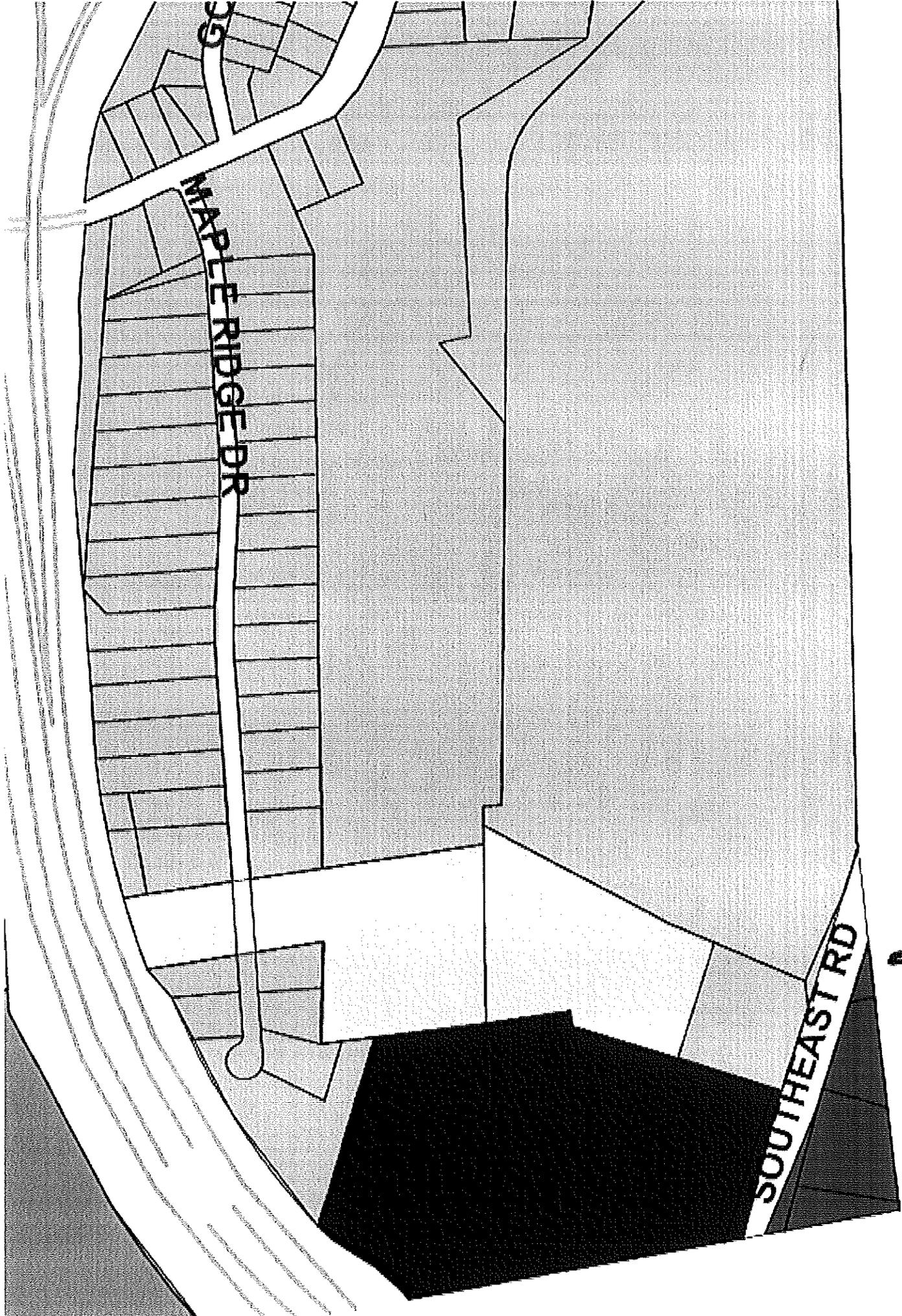
### Notes

Notes



### Legend

- Parcel  
2012 color aerial photo
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3





CR# 307

Petition # 107-15

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 149 Maple Hill Ave ZONE: R-12

APPLICANT: Mary Kate VanValkenburg TELEPHONE: 860-214-4816  
413-374-1095

ADDRESS: 149 Maple Hill Ave, Newington, CT 06111 EMAIL: adam.051163@aol.com

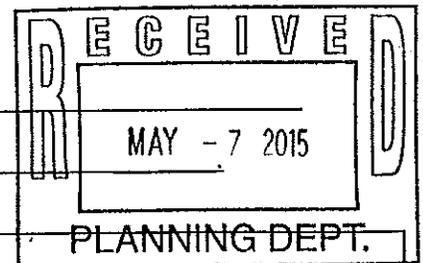
CONTACT PERSON: Kate VanValkenburg TELEPHONE: 860-214-4816  
413-374-1095

ADDRESS: 149 Maple Hill Ave, Newington, CT 06111 EMAIL: adam.051163@aol.com

OWNER OF RECORD: Maple Hill Development, LLC

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

- Zoning Map Change from the \_\_\_\_\_ to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section \_\_\_\_\_ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): \_\_\_\_\_



SIGNATURE:

	5/11/15	Maple Hill Dev. LLC	5-4-15
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.





**STAFF REPORT**  
***One-lot Subdivision at 149 Maple Hill Road***

**May 21, 2015**

**Petition #17-15:**

**One-lot Subdivision at 149 Maple Hill Avenue  
Maple Hill Development LLC, owner  
Mary Kate VanValkenburg, 149 Maple Hill Avenue, Newington CT, applicant/contact.**

**Description of Petition #56-13:**

This is a one-lot subdivision. The parcel is large enough to be divided into two lots: one with the existing house, and a second lot which would have a new house built on it.

**Town Planner Comments:**

I have assigned the review of this petition to Assistant Town Planner/ZEO Mike D'Amato. He has reviewed the plans and identified a number of minor deficiencies, which have been conveyed to the applicant. I will have a more complete report at the meeting.

cc:  
Assistant Town Planner  
file



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Planner

Craig Minor  
Town Planner

May 22, 2015

Alan Bongiovanni, LS  
The Bongiovanni Group, Inc.  
170 Pane Road  
Newington, CT 06111

Alan:

This office has completed a preliminary review of your proposed sub-division. The review process has generated the following comments.

<u>Application:</u>	Petition 17-15
<u>Property Address:</u>	149 Maple Hill Ave
<u>Applicant:</u>	Mary Kate Vanvalkenburg
<u>Lots to be created:</u>	1
<u>Zoning Designation:</u>	R-12 (12,000 SF)

Comments:

1. The map presented to TPZ for approval is required to bear the seal of Licensed Land Surveyor (Sec 6.2).
2. The Land Surveyor shall certify that the survey contains "no gaps or overlaps" (Sec 6.2).
3. The Utilities and Improvement Plan shall bear the seal of a Professional Engineer (Sec 6.3).
4. Please show the street width of Maple Hill Avenue (Sec 6.3 B)
5. Please include the correct North American Vertical Datum in which the contours were derived. (Sec 6.3 (L) (i))
6. Please indicate where all iron pins are to be set ( lot corners and angle points )  
(Sec 6.3 (L) (ii))
7. Please revise to show arrows indicating the direction of surface water flow. (Sec 6.3 (L)(iv))
8. Please show TPZ Chair signature block on Utilities and Improvement plan. (Sec 6.3(M))
9. Please show that the "Grading Plan" has been prepared by a Professional Engineer or Landscape Architect licensed in the State of CT (Sec 6.6)
10. House lots shall have a useable back yard with a slope of no more than 5%. The current plan submitted shows a rear yard with a slope of 7.4%, please revise the plan to show the useable back yard area with a slope not in excess of 5%. (Sec 6.6)

Should you have any questions, please feel free to let me know.

Michael D'Amato  
Asst. Town Planner/ZEO

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

\$195

Petition # 18-15



TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
APPLICATION FORM

LOCATION OF PROPERTY: 2985 Berlin Tpke. ZONE: PD  
APPLICANT: Dick's Sporting Goods TELEPHONE: 860-666-3877  
ADDRESS: 2985 Berlin Tpke, Newington, CT 06111 EMAIL: store032@desg.com  
CONTACT PERSON: Tanya Atkielski TELEPHONE: 860-666-3877  
ADDRESS: 2985 Berlin Tpke, Newington, CT 06111 EMAIL: aastore032@desg.com  
OWNER OF RECORD: Brixmor 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): Outside Use - Sec. 3.23.1  
Tent sale - selling off clearance merchandise -  
going from 6/26/15-7/13/15, 9AM-9:30P. tent will be approx. 30'x30'

SIGNATURE:

 APPLICANT	<u>5/19/15</u> DATE		
		OWNER	DATE

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

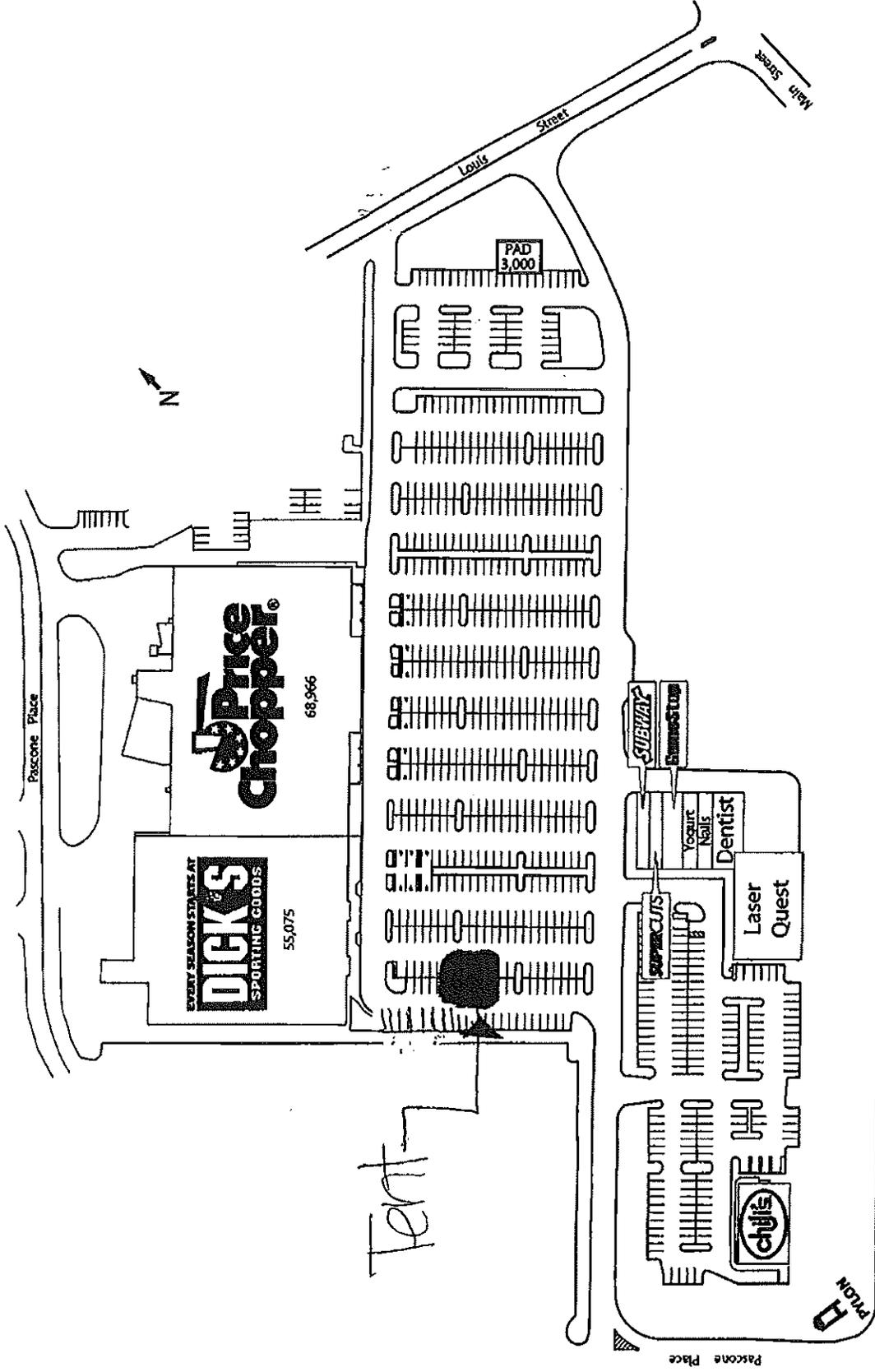
**NOTE:**  
PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE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

# Turnpike Plaza - Newington Newington, CT - 06111

GLA: 150,741

Major Tenants: Dick's Sporting Goods, Price Chopper

# BRIXMOR™



Berlin Turnpike (Conn Route 5/15)

Charles Davis (203) 256-1901 charles.davis@brixmor.com Northeast Regional Office (617) 247-2200 Brixmor.com

Note: This site plan indicates the general layout of the shopping center and is not a warranty, representation, or agreement on the part of the landlord that the shopping center will be exactly as depicted herein.

09/25/2012 - 5146

**STAFF REPORT**  
**Dick's Sporting Goods Tent Sale**

May 21, 2015

**Petition #18-15:**

**TPZ Approval (Section 3.23.1: Accessory Outside Use) for Tent Sale  
2985 Berlin Turnpike ("Dick's Sporting Goods")  
Dick's Sporting Goods, owner/applicant**

**Description of Petition #18-15:**

Dick's Sporting Goods would like to conduct another "tent sale" in the parking lot of their store at 2985 Berlin Turnpike, from June 26 through July 15. It will be in the same location as last year.

Section 3.23.1 of the zoning regulations states that

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

**Staff Comments:**

This application took a while to approve last year because the location that Dick's choice for their tent sale conflicted with where Keystone Fireworks wanted to go. It was resolved by moving Keystone to the north end of the parking lot.

I will contact the Fire Marshal, Building Inspector, ZEO and Police Department to see if there were any problems with last year's event.

cc:  
file

**STAFF REPORT**  
***Free-Standing Sign at 2897 Berlin Turnpike ("Firestone Complete Car Care")***

**May 22, 2015**

**Petition #10-15:**

**Special Exception (Section 6.2.4: Free-Standing Sign) at 2897 Berlin Turnpike ("Firestone Complete Auto Care").**

**National Sign Corporation, applicant; SB Newington 433 LLC, owner;  
Darcie Roy, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact.**

**Description of Petition #10-15:**

The applicant would like to install an 18' tall free-standing sign, with a signage area of 60 square feet, double-sided, as allowed in Section 6.2.4 (Free Standing Business Signs). The location of the sign is behind the front yard setback, as required for all properties along the Berlin Turnpike.

**Staff Comments:**

At the last meeting I was directed to obtain a legal opinion from Attorney Jack Bradley as to whether the lawsuit between the neighbors on Main Street and Firestone (which the Town of Newington is also involved) has any bearing on this application.

As of this writing I have not received it. I have reminded Attorney Bradley's associate Jonathan Chappel that the Commission would like the answer prior to the meeting.

A draft motion to approve is attached.

cc:  
National Sign Company, Inc.  
file



**STAFF REPORT**  
*Fun Quest at 475 Willard Avenue*

May 21, 2015

**Petition #15-15:**

**Special Exception (Section 3.17.6: Recreation Uses) at 475 Willard Avenue.  
Fun Quest Inc., applicant; Newington 2007 LLC, owner;  
Seema Sabarda, 12 Baldwin Drive, Farmington CT, contact.**

**Description of Petition #15-15:**

The applicants would like to operate an inflatable amusement activity in a portion of the large industrial building on Alumni Road (the street address is Willard Avenue for historic reasons, but the building has no frontage on Willard). They intend to host children's birthday parties and similar gatherings. This is a franchise, and will be the franchisee's first operation in Connecticut.

**Staff Comments:**

The public hearing on this application was opened and closed at meeting on May 13, 2015. The applicants described the proposed operation as hosting children's birthday parties and an occasional party for older individuals. The majority of these parties will be on weekends. Food and refreshments will be provided, brought to the site.

The equipment will be available for rent at off-site locations, and possibly outside. The Commission expressed some reservations over this, so it was agreed that such an event would require prior approval by the TPZ. Truck parking in the area of the entrance was also a concern.

During the hearing a concern was raised by Conservation Commission Jeff Zelek about contaminated groundwater, which the previous property owner is in the process of treating. Chairman Hall suggested that this be addressed as a "condition of approval".

See attached draft motion.

cc:  
Seema Sabarad  
file





John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

**Town Planner**

Craig Minor, AICP  
Town Planner

## Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Craig Minor, Town Planner  
**Date:** May 21, 2015  
**Re:** Town Planner Report for May 27, 2015

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

a. Cinco de Mayo Event at Plaza Azteca: A copy of the Fire Marshal's Incident Report is attached, as requested.

2. **Old Performance Bonds held by Town:** No changes since my last report.

3. **Current Performance Bonds:**

a. We have received a request from the developer of the "Harvest Ridge" four lot subdivision on Shady Hill Lane for permission to post a performance bond and be released from his Restrictive Covenant. As soon as the bond amount has been calculated by the Engineering Department, that request will be on the agenda for TPZ approval.

4. **Newington Junction TOD Committee:** No report. Unless the TPZ directs me otherwise, I will take this item off future Town Planner Reports.

cc:  
file

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

Newington Fire Marshal Office  
Incident Report

Date: 5/5/15

Inspector: #595

Time: 21:30-23:04

Fire Marshal Activity: Complaint Investigation- Incident #15-225

Premise: Plaza Azteca

Address: 3260 Berlin Turnpike

Contact Person: Public Safety Dispatch

Company: Town of Newington

Address: 131 Cedar Street

Phone Number: 860-666-8445

Type of Occupancy: Existing Assembly

Narrative: Called to the establishment by the police department to review overcrowding conditions and issued an order to vacate per Policy Directive #10. Management voluntarily agreed and the establishment was shut down for the following conditions:

1. Insufficient means of egress as a result of exceeding the building occupant load as well as the overcrowding of the exterior fenced in temporary assembly area; photos attached.

F. M.

  
\_\_\_\_\_

**B Location\***  Check this box to indicate that the address for this incident is provided in the Wildland Fire Module in Section B. Alternative location specifications. Use only for wildland fires. Census Tract \_\_\_\_\_

Street address  Intersection  In front of  Rear of  Adjacent to  Directions

3260 BERLIN NEWINGTON CT 06111

Number/Milepost Prefix Street or Highway Street Type Suffix

Apt./Suite/Room City State Zip Code

Cross street or directions, as applicable

**C Incident Type \*** 900 Special type of incident, Other

**E1 Date & Times** Midnight is 0000

Check boxes if dates are the same as Alarm Date. ALARM always required

Month Day Year Hr Min Sec

05 05 2015 18:48:38

**E2 Shift & Alarms** Local Option: 1-2

**D Aid Given or Received\***

1  Mutual aid received  Automatic aid recv.  Mutual aid given  Automatic aid given  Other aid given  None

Their FDID Their State Their Incident Number

**E3 Special Studies** Local Option: \_\_\_\_\_

Special Study ID# Special Study Value

**F Actions Taken \***

86 Investigate Primary Action Taken (1)

85 Enforce codes Additional Action Taken (2)

Additional Action Taken (3)

**G1 Resources \***  Check this box and skip this section if an Apparatus or Personnel form is used.

Apparatus Personnel

Suppression 0001 EMS Other 0001

Check box if resource counts include aid received resources.

**G2 Estimated Dollar Losses & Values**

LOSSES: Required for all fires if known. Optional for non fires. None

Property \$ \_\_\_\_\_, 000, 000

Contents \$ \_\_\_\_\_, 000, 000

PRE-INCIDENT VALUE: Optional

Property \$ \_\_\_\_\_, 000, 000

Contents \$ \_\_\_\_\_, 000, 000

**Completed Modules**

Fire-2  Structure-3  Civil Fire Cas.-4  Fire Serv. Cas.-5  EMS-6  HazMat-7  Wildland Fire-8  Apparatus-9  Personnel-10  Arson-11

**H1\* Casualties**  None

Deaths Injuries

Fire Service \_\_\_\_\_

Civilian \_\_\_\_\_

**H2 Detector** Required for Confined Fires.

1  Detector alerted occupants  Detector did not alert them  Unknown

**H3 Hazardous Materials Release**

N  None

1  Natural Gas: slow leak, no evacuation or HazMat actions

2  Propane gas: <21 lb. tank (as in home BBQ grill)

3  Gasoline: vehicle fuel tank or portable container

4  Kerosene: fuel burning equipment or portable storage

5  Diesel fuel/fuel oil: vehicle fuel tank or portable

6  Household solvents: home/office spill, cleanup only

7  Motor oil: from engine or portable container

8  Paint: from paint cans totaling < 55 gallons

0  Other: Special HazMat actions required or spill > 55gal. Please complete the HazMat form

**I Mixed Use Property**

NN  Not Mixed

10  Assembly use

20  Education use

33  Medical use

40  Residential use

51  Row of stores

53  Enclosed mall

58  Bus. & Residential

59  Office use

60  Industrial use

63  Military use

65  Farm use

00  Other mixed use

**J Property Use\* Structures**

131  Church, place of worship

161  Restaurant or cafeteria

162  Bar/Tavern or nightclub

213  Elementary school or kindergarten

215  High school or junior high

241  College, adult education

311  Care facility for the aged

331  Hospital

341  Clinic, clinic type infirmary

342  Doctor/dentist office

361  Prison or jail, not juvenile

419  1-or 2-family dwelling

429  Multi-family dwelling

439  Rooming/boardng house

449  Commercial hotel or motel

459  Residential, board and care

464  Dormitory/barracks

519  Food and beverage sales

539  Household goods, sales, repairs

579  Motor vehicle/boat sales/repair

571  Gas or service station

599  Business office

615  Electric generating plant

629  Laboratory/science lab

700  Manufacturing plant

819  Livestock/poultry storage (barn)

882  Non-residential parking garage

891  Warehouse

936  Vacant lot

938  Graded/care for plot of land

946  Lake, river, stream

951  Railroad right of way

960  Other street

961  Highway/divided highway

962  Residential street/driveway

981  Construction site

984  Industrial plant yard

Lookup and enter a Property Use code only if you have NOT checked a Property Use box.

Property Use 161

Restaurant or cafeteria

**K1 Person/Entity Involved**

Local Option

Business name (if applicable)

Area Code

Phone Number

 Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway	Street Type	Suffix
Post Office Box	Apt./Suite/Room	City		
State	Zip Code			

 More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary
**K2 Owner**

Local Option

 Same as person involved? Then check this box and skip The rest of this section.

Business name (if applicable)

Area Code

Phone Number

 Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway	Street Type	Suffix
Post Office Box	Apt./Suite/Room	City		
State	Zip Code			

**L Remarks**

Local Option

Event initiated 18:48:38 05/05/2015 Created By:Russell Garuti  
 management notified to vacate business and shut down all activities per C-90 22:02:54  
 05/05/2015 Created By:Edward Patz

C-90 was called to the establishment by the police department to review overcrowding conditions and issued an order to vacate per Policy Directive #10. Management voluntarily agreed and the establishment was shut down for the following conditions:  
 1. Insufficient means of egress as a result of exceeding the building occupant load as well as the overcrowding of the exterior fenced in temporary assembly area.

See Also: Fire Marshal's Incident Report.

**L Authorization**

1765

Officer in charge ID

SCHROEDER, CHRIS R

Signature

FM

Position or rank

Assignment

05

Month

06

Day

2015

Year

 Check box if same as Officer in charge.

9930

Officer Member making report ID in charge.

MANKE, MEGHAN

Signature

QC

Position or rank

Assignment

05

Month

06

Day

2015

Year

02190

CT

5

5

2015

FMO

15-0000225

000

Responding Personnel

FDID \*

State \*

Incident Date \*

Station

Incident Number \*

Exposure \*

Staff ID\Staff Name	Unit	Activity	Position	Rank	PayScl	Hrs	HrsPd	Pts
1765 SCHROEDER, CHRIS R	CAR90	FX On Scene		CH		1.00	2.00	1.00
Total Participants: 1						Total Personnel Hours: 1.00		

An 'X' next to the unit denotes driver.