TOWN PLAN AND ZONING COMMISSION

SPECIAL MEETING
Wednesday, May 27, 2015

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

6:00 p.m.

AGENDA

RECEIVED & RECORDED IN NEWINGTON LAND RECORDS
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BY Tonya D Lear
TOWN CLERK

I. ROLL CALL AND SEATING OF ALTERNATES

II. REVIEW OF ZONING REGULATIONS

a. Subsection 3.2X: [new] Uses Permitted in the OS Open Space Zone

b. Subsection 3.2Y: [new] Special Exceptions Permitted in the OS Open Space Zone

c. Section 5.2: Procedures and Standards for All Special Exceptions or Special Permits

d. Section 5.3: Procedures and Requirements for Site Plans

e. Section 5.4: Public Hearings

III. ADJOURN

Submitted,

Craig Minor, AICP
Town Planner

STAFF REPORT
Complete Review of Zoning Regulations

May 22, 2015

Petition #02-15:
Zoning Amendments
Town-wide
Town Plan and Zoning Commission, applicant

Description of Petition #02-15:
Complete review of current zoning regulations.

Staff Comments:

1. Section 3.2X (Open Space Zone):

a. At the April 22 special meeting I distributed examples of what other towns allow in their "open space" zone for the Commission members to review and digest. I will have a draft regulation for you next time that will incorporate the discussion at tonight's meeting.

2. Section 5.1 (Procedures and Standards for All Special Exceptions and Special Permits):

a. Throughout: I recommend we delete the phrase "special exception" from the regulations and use only the phrase "special permit". By law, "special exception" and "special permit" in Connecticut mean exactly the same thing. There was a time many years ago when they were different, but that is no longer true. I recommend doing this because people get the false impression that the Commission is relaxing the rules when it grants a special exception, which is not at all true: the rules are simply different. For example, during the public hearing on Amara's application for a special exception/special permit for the continuing care retirement community, a resident objected to what she thought was the TPZ waiving the rules for Amara. I recommend we eliminate this source of confusion.

b. 5.1.5: The regulations currently mandate the submission of a full blown site plan whenever an applicant applies for a special exception/special permit. In many cases a full blown site plan is not necessary, such as for a home occupation, or a pylon sign, and it is very expensive and time-consuming to prepare. I recommend this only be mandatory when the Commission feels it is actually necessary, such as for a drive-through restaurant, or a commercial day care operation.

c. 5.1.7: Under the current regulations it is ambiguous as to when a change in a special exception/special permit activity renders it null and void. I therefore recommend adding the phrase "substantial change".

d. 5.1.8: There is in fact no way for a permit to be "certified"; the proper word is "signed".

3. Section 5.2 (Procedures and Requirements for Site Plans):

a. 5.2.4: These changes are just reorganizational, to eliminate redundancies or clarify the intent.

b. 5.3.9.A: The current regulations give us very little ability to require a property owner to apply for site plan modification when he wants to reconfigure his parking lot. For example, the owner of a business on East Cedar Street told me recently that he wants to close off the East Cedar Street entrance to his establishment and allow customers to drive into the site from the municipal parking lot only. I had no objection to the concept, but under the current regulations it did not trigger the prior review by Town staff (police, fire, engineering, and zoning) and no review and approval by TPZ.

cc:
file

[new] Section 3.2X Uses Permitted in OS Open Space Zones

In OS Open Space Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

[pending]

[new] Section 3.2Y Special Exceptions Permitted in OS Open Space Zones

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 Sections 5.2 and 5.3. All such uses shall be located within a building or structure or accessory to a permitted principal use.

[pending]

New text proposed by staff is shown in **bold underline**. Text proposed by staff to be deleted is shown in ~~**bold strikethrough**~~.

5.1 Procedures and Standards for All ~~Special Exceptions or~~ Special Permits

5.1.1 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.

5.1.2 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.

5.1.3 A public hearing is required on the proposed special ~~**exception or**~~ permit with due notice as provided by Connecticut General Statute.

5.1.4 After the hearing, the commission or board may approve, disapprove or approve with conditions.

5.1.5 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.

5.1.6 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 safety 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.

5.1.7 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)

5.1.8 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.

5.1.9 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.

5.2 Procedures and Requirements for Site Plans

5.2.1 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.

5.2.2 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.

5.2.3 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.

New text proposed by staff is shown in **bold underline**. Text proposed by staff to be deleted is shown in ~~**bold strikethrough**~~.

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)

5.2.4 Contents 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 100 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. **Existing** 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.

New text proposed by staff is shown in **bold underline**. Text proposed by staff to be deleted is shown in ~~**bold strikethrough**~~.

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

A. 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**~~ **changes the** 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)

B. 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.

C. 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)

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**.