



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, June 10, 2015

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

7:00 p.m.

A G E N D A

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA
- IV. ZONING ENFORCEMENT OFFICER REPORT
- V. PUBLIC HEARINGS
- VI. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- VII. REMARKS BY COMMISSIONERS
- VIII. MINUTES
 - a. Regular Meeting March 25, 2015
 - b. Special Meeting April 22, 2015
 - c. Regular Meeting May 13, 2015
 - d. Special Meeting May 13, 2015
- IX. NEW BUSINESS
 - a. 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.
 - b. Petition #21-15: TPZ Approval (Section 3.23.1: Outside Use) for Hot Dog Cart at 2199 Berlin Turnpike (S&N Discount Liquors). Ferida Mohamed, owner; Nicky Mohammed, 2199 Berlin Turnpike, Newington CT, applicant/contact.
 - c. Petition #22-15: Balf Quarry Operations and Site Plan Review.

RECEIVED & RECORDED IN
NEWINGTON AND RECORDS

2015 JUN -5 AM 11:39

BY *Tanya D. Lane*
TOWN CLERK

X. OLD BUSINESS

- a. Petition #03-15: Moratorium on Higher Density Residential Development near CTfastrak Stations (new Section 3.0). Town Plan and Zoning Commission, applicant.
- b. 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.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #19-15: Zone Change (CD to B) at 1593 Southeast Road. CPD Properties 1593 New Britain Avenue LLC, owner/applicant; Mark Grocki, VHB, 100 Great Meadow Road Suite 200, Wethersfield C, contact.

XII. TOWN PLANNER REPORT

- a. Town Planner Report for June 10, 2015

XIII. COMMUNICATIONS

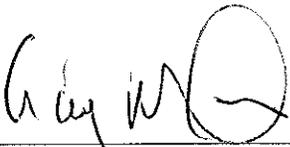
XIV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner

STAFF REPORT
One-lot Subdivision at 149 Maple Hill Road

June 4, 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:

Assistant Town Planner/ZEO Mike D'Amato has reviewed the plans and identified a number of minor deficiencies, which have been conveyed to the applicant.

The Town Engineer was given a set of plans to review only last week (my oversight - I forgot to tell Mike that this is part of the subdivision review process). As of this writing he has not completed his review.

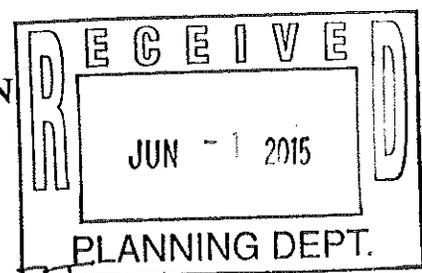
cc:
Assistant Town Planner
file



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 2199 Berlin Tpke ZONE: B-BT
 APPLICANT: Nicky Mohammed TELEPHONE: 860 666-2314
 ADDRESS: 2199 Berlin Tpke Newington EMAIL: nmohammed@charter.net
 CONTACT PERSON: same TELEPHONE: _____
 ADDRESS: same EMAIL: _____
 OWNER OF RECORD: Nicky I Mohammed

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): Sec 3.23.1 Outside sales for hot dog cart

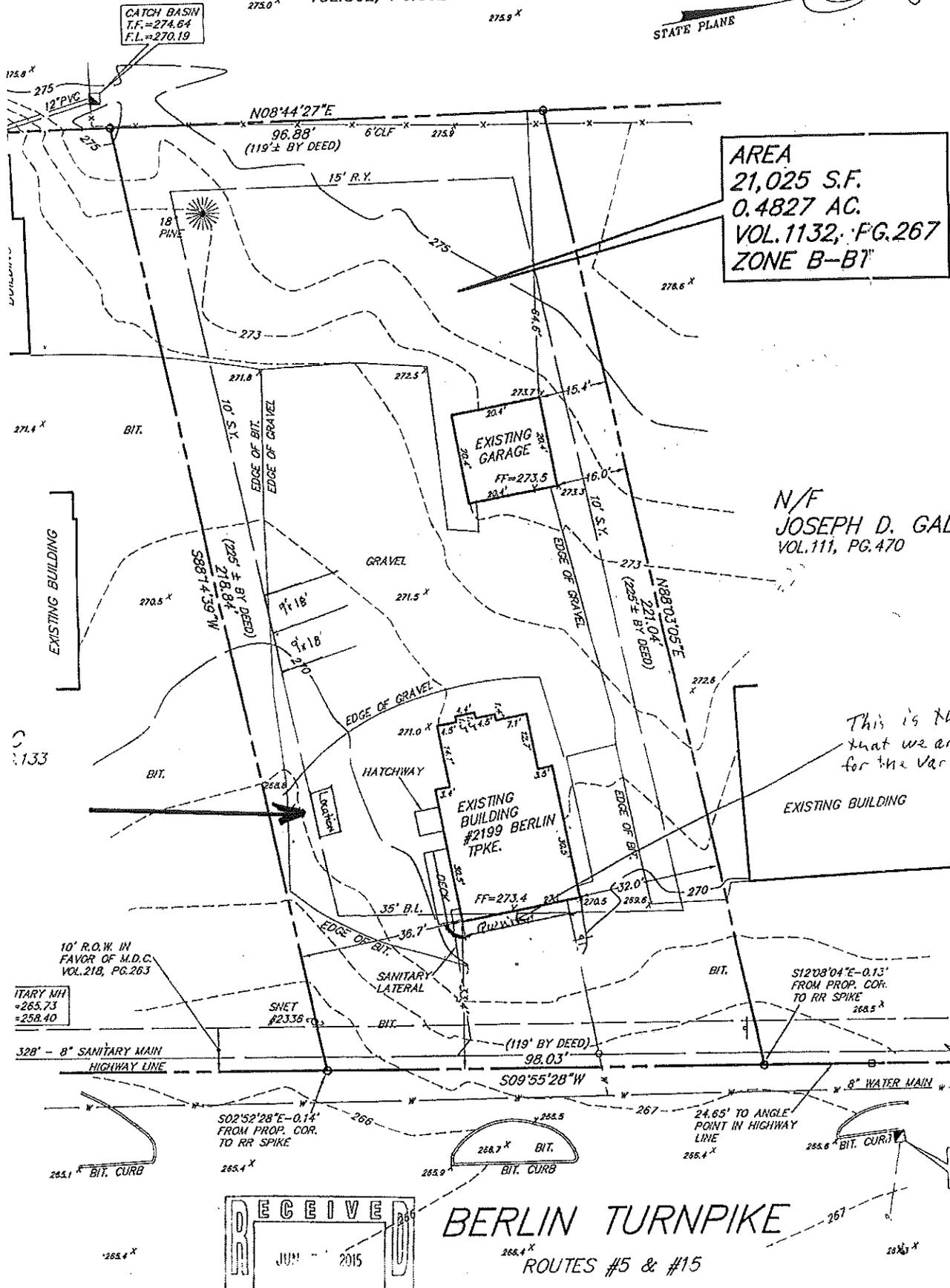
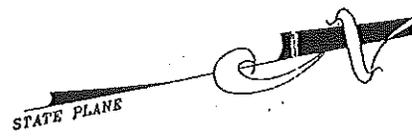
SIGNATURE:

<u>Nicky Mohammed</u>	<u>5/29/15</u>	<u>Nicky Mohammed</u>	<u>5/29/15</u>
APPLICANT	DATE	OWNER	DATE

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

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

N/F
GRANITE ASSOCIATES
 VOL.362, PG.302



AREA
 21,025 S.F.
 0.4827 AC.
 VOL.1132, FG.267
 ZONE B-B1"

N/F
JOSEPH D. GAL
 VOL.111, PG.470

This is the
 that we are
 for the vari

10' R.O.W. IN
 FAVOR OF M.D.C.
 VOL.218, PG.263

UTILITY MH
 =265.73
 =258.40

328' - 8" SANITARY MAIN
 HIGHWAY LINE

S02°52'28"E-0.14'
 FROM PROP. COR.
 TO RR SPIKE

S12°08'04"E-0.13'
 FROM PROP. COR.
 TO RR SPIKE

RECEIVED
 JUN 11 2015
 PLANNING DEPT

BERLIN TURNPIKE
 ROUTES #5 & #15

MAP IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE
 AND EMBOSSED SEAL OF THE SURVEYOR.

STAFF REPORT
Hot Dog Cart at 2199 Berlin Turnpike

June 5, 2015

Petition #21-15:

**TPZ Approval (Section 3.23.1: Accessory Outside Use) for Hot Dog Cart
2199 Berlin Turnpike (S&N Discount Liquors)
Nicky Mohammed, applicant**

Description of Petition #21-15:

The owner of this existing package store would like to operate a hot dog cart on the left side of his building. See attached marked-up site plan, and aerial photograph of the site.

This is the first application for a small, mobile food stand that we have received since I started working in Newington. We went through the zoning regulations and Section 3.23.1 appeared to be the "best fit". This is the same regulation that we use for tent sales and fireworks vendors.

Section 3.23.1 states that:

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

Staff Comments:

The applicant has told us that he wants this hot dog cart simply so that his sons will have some gainful employment during the summer when they are home from college. He describes the operation as follows:

The business is a simple hot dog cart that is hand carried and will be wheeled away and locked up in a garage at night. I will be selling hot dogs, soda and chips. The business will be located at 2199 Berlin Turnpike. I own the property. The location of the cart will be on the left south side of the parking lot about 25 feet past the 35 feet front yard setback line. There will be plenty of parking on the side and the back of the property. I plan on starting up operation of the cart on the week of June 10th pending approval of the TPZ and inspection of the Health District to obtain a permit. The dates of operation will from June thru September. The hours of operating will be from 10am to 3pm. The main theme of the cart will be cleanliness and serving quality products.

It was referred to the Fire Marshal for his review. He replied:

Craig:
That's fine, no fire code issues.

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

cc:
file



THE BALF CO.
CONTRACTORS
SINCE 1878
P.O. BOX 310903
NEWINGTON,
CT 06131-0903
860/549-3200
PLANT LOCATIONS
NEWINGTON
MANCHESTER
GLASTONBURY

May 27, 2015

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

Subject: Site Plan 2015 Update / Newington Quarry

Dear Mr. Minor:

This letter is to inform your office that our Consulting Engineer, J.R. Russo & Associates, has completed the site plan update for the year 2015. The only significant change from the 2013 plan is the demolition of the large Capitol Pipe Building No. 4. Actual quarry excavation operations have been fairly minimal since 2013 due to the regional construction economy. They are reflected by the orderly, albeit minimal, advance of internal quarry faces.

In accordance with the agreement between The Balf Co. and the town of Newington, we are submitting seven (7) copies of the updated Site Plan for approval by the Newington Town Plan and Zoning Commission. The site plan is unremarkable. As noted above, it shows the orderly progression of the quarry mining faces, primarily in the third (lowest) level. The Capitol Pipe No. 4 building demolition is the significant physical change at the site in the past two years. A deteriorated section of the southerly most Capitol Pipe Building No.6, will likely be demolished and would represent the only significant change expected in the next two years.

During the past two years Tilcon Connecticut Inc. (Balf Company) has kept up-to-date and made all required reporting regarding the National Pollutant Discharge Elimination System (NPDES) permit CT0030155 for this site as well as the CTDEEP Water Diversion permit DIV201106485 and have updated the Stormwater Pollution Prevention Plan (SWP3) / Spill Prevention and Countermeasure Plan (SPCC) to comply with the CTDEEP's to insure compliance with EPA/CTDEEP requirements.

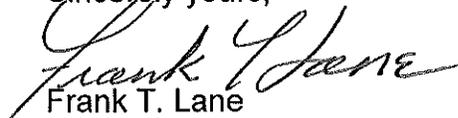
We are also enclosing our Statement of Operations regarding the quarry for the period 2015 thru 2017.

Upon approval of the Town Plan and Zoning Commission, we will prepare the required Mylar for signing and filing.

Please inform me as to the date the Town Plan and Zoning Commission will discuss this site plan so we may be in attendance at that meeting.

As always, we appreciate the courtesy the Town of Newington extends in reviewing the documents submitted by our company. Should you have any questions or need additional information please do not hesitate to contact me at telephone: 203-484-1418 or email: flane@tilcon-inc.com.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank T. Lane".

Frank T. Lane
Director of Real Estate &
Environmental Compliance

Cc: John Salomone, Town Manager w/o enclosures
Edward T. Gilligan w/o enclosures



THE BALF CO.
CONTRACTORS
SINCE 1878
P.O. BOX 310903
NEWINGTON,
CT 06131-0903
860/549-3200
PLANT LOCATIONS
NEWINGTON
MANCHESTER
GLASTONBURY

May 27, 2015

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

Subject: 2015 – 2017 Statement of Quarry Operations

Dear Mr. Minor:

Our company's projected plan of operations for the period of 2013 – 2015 is as follows:

1. Continue quarry production in the areas currently being excavated, to a lower elevation.
2. Continue to comply with water permits as granted by the CTDEEP.
3. Continue to monitor and maintain our dust control and storm water equipment and facilities.

Our company does not anticipate any significant changes in quarry production facilities during the next two (2) years.

Sincerely yours,

Frank T. Lane
Director of Real Estate &
Environmental Compliance

Cc: John Salomone, Town Manager
Edward T. Gilligan

STAFF REPORT
Balf Quarry Biennial Operations and Site Plan Review

June 4, 2015

Petition #22-15:

**Balf Quarry Operations and Site Plan Review
301 Hartford Avenue
Frank Lane, contact**

Description of Petition #22-15:

The legal agreement between the Town of Newington and The Balf Company approved on April 25, 1989 includes the following statement:

“Every February in odd years (1991, 1993, etc.) thereafter, Balf agrees to submit to the Town Plan and Zoning Commission an updated site plan showing proposed new uses, proposed new structures, and planned perimeter areas of excavation, if any, and a statement of its intended operations for the ensuing two years. “

We have received the 2015 revised site plan showing the current elevations from Frank Lane, the Director of Real Estate & Environmental Compliance for Balf (attached). I compared it with the 2013 plan, and it shows a moderate amount of removed material. It is physically a rather large plan so I did not put copies in this agenda package, but the plan is in my office and copies will be available for your inspection at the meeting.

Mr. Lane also submitted the required “2015 - 2017 Statement of Quarry Operations”. It states that the intended operations for the next two years consists of:

1. Continue quarry production in the areas currently being excavated, to a lower level;
2. Continue to comply with water permits as granted by CTDEEP; and
3. Continue to monitor and maintain out dust control and stormwater equipment and facilities.

Balf does not anticipate “any significant changes in quarry production facilities during the next two (2) years.”

Mr. Lane will be at the meeting to present the plan and answer any questions the TPZ commissioners may have.

cc:
file

STAFF REPORT
Moratorium in CTfastrak Neighborhoods

June 5, 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:

During the public hearing the TPZ discussed at some length my suggestion to include the six specific kinds of higher density housing currently allowed in the CTfastrak neighborhoods. According to the minutes, the consensus was to include the list, but to add the phrase "including but not limited to". See attached.

It has been referred to the Town Attorney for his review and comment.

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 of any application for residential development other than single-family housing consistent with the underlying zoning within ½ mile of a CTfastrak station, **including but not limited to:**
 - a. **Senior Independent Living (Section 3.2.5)**
 - b. **Housing for Seniors (Section 3.7.2)**
 - c. **Conversion of Older Homes (Section 3.4.7)**
 - d. **Single-Family Entry Level Housing (Section 3.7.3)**
 - e. **Alternate Residential Building Types (Section 3.7.1)**
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.

DRAFT

STAFF REPORT
Dick's Sporting Goods Tent Sale

June 4, 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

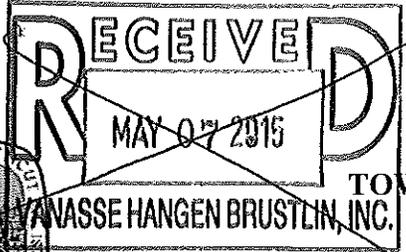
"Products and equipment intended for sale may be displayed in front of the principal building, but not in the required frontyard setback area, when approved by the Commission."

Staff Comments:

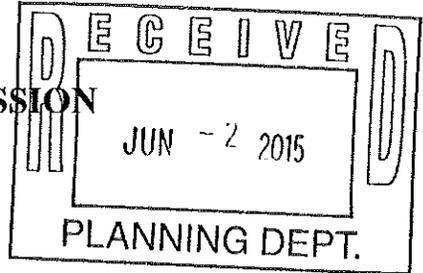
I contacted the Fire Marshal and the Police Department, and there were no problems with last year's event.

cc:
file

Petition # 19-15



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION



APPLICATION FORM

LOCATION OF PROPERTY: 1593 Southeast Road ZONE: CD (Commercial Development)

APPLICANT: CPD Properties 1593 New Britain Ave LLC TELEPHONE: 845-256-0162

ADDRESS: 536 Main Street New Paltz, NY 12561 EMAIL: info@cpdenergy.com

CONTACT PERSON: Mark Grocki - VHB TELEPHONE: 860-807-4369

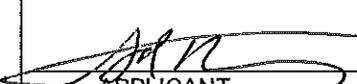
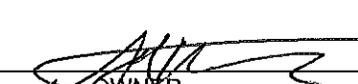
ADDRESS: 100 Great Meadow Rd Ste 200 Wethersfield, CT 06109 EMAIL: mgrocki@vhb.com

OWNER OF RECORD: CPD Properties 1593 New Britain Ave LLC ATT: Mickey Jamal

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

- Zoning Map Change from the CD to the B (Business) 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:

 APPLICANT	<u>5-4-15</u> DATE	 OWNER	<u>5-4-15</u> DATE
-------------------------------------------------------------------------------------------------	-----------------------	-----------------------------------------------------------------------------------------------	-----------------------

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

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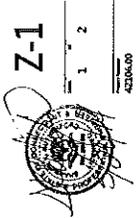
100 Great Meadow Road
Suite 200
Westfield, CT 06099
860.807.1300

- LEGEND**
- ZONE LINE
 - - - - PROPERTY LINE
 - TOWN LINE
 - 500' RADIUS LINE

Proposed Retail Site
1593 Southwest Road
Farmington/Newington, Connecticut

Zone Change Application
Not Approved for Construction
May 4, 2015

500' Radius Map



STAFF REPORT
Zone Change from "CD" to "B" at 1593 Southeast Road

June 4, 2015

Background:

The property at 1593 Southeast Road is partly in Newington and partly in Farmington. The portion in Newington is CD zoned. The owner would like to demolish the existing gas station and construct a new building for a retail operation. "Retail" is not a permitted use in the CD zone, so the applicant has applied for a zone change from CD to B.

Comments:

Because this zone change is within 500' of a neighboring town, the application must be referred to CRCOG for its review not less than 30 days before the public hearing. I made the referral to CRCOG last week as soon as I received the application.

I recommend the hearing be scheduled for July 8, 2015.

cc:
Attorney Daniel Kleinman
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: June 5, 2015
Re: **Town Planner Report for June 10, 2015**

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

I have asked the Zoning Enforcement to address (during his report) the three miscellaneous zoning enforcement issues that were mentioned at the last meeting.

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

3. **Incident at Cinco de Mayo:**

My understanding from the last meeting was that the TPZ wanted me to reconfirm with the Police Department whether there are any kind of written report, arrest record, written warning, etc. issued in connection with the incident, and if so, to obtain a copy. The TPZ also wanted a complete copy of the original special permit application. I am still working on assembling all of that, so I will send it to you under separate cover. The consensus was to not speak with the restaurant owner about the incident until the TPZ has had the chance to review all the pertinent information.

cc:
file

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