

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Special Meeting

July 22, 2015

Chairman Cathleen Hall called the special meeting of the Newington Town Plan and Zoning Commission to order at 6:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

**1. ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Commissioner Frank Aieta  
Commissioner Carol Anest  
Commissioner Michael Camillo  
Chairman Cathleen Hall  
Commissioner Stanley Sobieski

Commissioners Absent

Commissioner Brian Andrzejewski  
Commissioner Robert Serra Sr.  
Commissioner Anthony Claffey-A

Staff Present

Craig Minor, Town Planner

Chairman Hall: Just for anyone watching, this is a quorum, so this is a legal meeting.

**II. REVIEW OF ZONING REGULATIONS**

**A. Section 6.3 Flood Plain Regulations**

Craig Minor: As I said in my memo, these regulations are very complex and engineering-driven, so I do not recommend making any changes to them.

Chairman Hall: They are engineering-driven, but aren't they federal, FEMA driven as well?

Craig Minor: They exist because of FEMA, yes. For Newington homeowners to participate in the Flood Insurance program, Newington has to have flood management regulations. Some towns do it by ordinance, and other towns do it by zoning, which is how we do it. This started about fifteen years ago, that's when most towns adopted them. I haven't had any complaints about them in the short few years that I have been here, so I don't suggest any changes unless the Commissioners are aware of something that has been a problem.

Commissioner Sobieski: Mr. Planner, I seem to remember eight or nine years ago when Tony Ferrero was here, some changes were made to the flood zones. Did that make any changes to this, do you know?

Craig Minor: It wouldn't. It would be like when the Conservation Commission amends the official wetlands map - that doesn't change the wetland regulations.

Chairman Hall: It did change some properties that were not in the flood zone before, which became part of the flood zone.

Commissioner Sobieski: And forced some properties that were in the floor zone before, out.

Craig Minor: Probably.

Commissioner Hall: It changed, it changed a lot.

Commissioner Sobieski: I was just wondering when that changed if it had anything to do with this at all.

Commissioner Hall: And that was a result of Katrina, that's when they reviewed the federal guidelines. That was I believe, 2005.

#### **B. Section 6.4 Removal of Earth Products**

Craig Minor: This section allows excavation for a basement and related incidental grading "as of right," and allows the commercial removal of soil, sand, gravel, etc by special permit. I have two problems with this. First, the regulation doesn't say what the review and approval process is for "as of right" excavation. There has been at least one case where a homeowner wanted to significantly increase the level area of his yard by removing a large amount of earth material, to the consternation of his neighbors. When the Zoning Enforcement Officer told him to provide a professionally prepared site plan for the Town Engineer to review, he questioned the ZEO's authority to do so. This would rectify that. And second, the requirements and approval process described in Section 6.4.3 (Conditions) and 6.4.4 (Approval) probably apply only to Section 6.4.2 (the special permit removal of earth materials, but it is not clear. And if it does apply only to that section, then there are no requirements and approval process for Section 6.4.1 (as of right removal.) I have proposed some amendments to address this.

Commissioner Sobieski: I have a quick question. When Toll Brothers was going happening, wasn't this something that could have stopped them from removing material from up there and selling it?

Craig Minor: Probably not, because as long as the material to be taken from the site is indicated on an approved site plan - in other words, if the Commission knew that removing a lot of topsoil was part of the project, then the applicant has permission to do that. If Toll Brothers had an approved site plan then, that means that they had permission. Towns need to be careful and not be tricked. This came up when I was in Cromwell, before I was there actually, where the real purpose of the so-called subdivision was just to sell a lot of sand and gravel, and the subdivision is just a ruse to be able to do that. Not that we have big subdivisions any more in Newington, but you never know.

Commissioner Sobieski: I'm just don't want this to be a backdoor way to quarry there.

Craig Minor: I'll double check to make sure. As of now, there is nothing to prevent that. I don't know if needs to be, because if someone comes in with a legitimate subdivision plan, which is in a hilly area of town, and to create nice level streets and neighborhoods they need to remove a lot of material, are you going to tell them "no" just because as part of their business plan they intend to sell the topsoil and sand that they are removing to create the subdivision? I don't know, but I don't think so.

Commissioner Sobieski: I would just be concerned that somebody starts a subdivision and then all of a sudden decides, well, let's just take the rock out of here and then says, see you later.

That's what my concern is. I want to protect whatever property we have that is going to be developed. I want to make sure we don't get stuck with a pile of stuff that has been excavated with holes in there. This I believe is a way to stop that, or at least slow it down.

Chairman Hall: Anybody else have anything?

**C. Section 6.5 Filing of Land**

Craig Minor: Section 6.5, the Filing of Land; unlike the Removal of Earth Product section, this section does not clearly say whether a homeowner can bring in fill. It is stated in a negative way, in the "special permit" section. Also, like the "Removal of Earth Products" regulations, it is not clear if Section 6.5.4 (Approval) applies also to "as of right" filling. The attached amendment addresses that.

I have taken the "special permit" section out, but I'm putting it back in after a section on "as of right" filling. "As of right filling" is when it's consistent with an approved site plan for a subdivision. If someone wants to do more than that, if someone wants to remove material not associated with a site plan of some sort, they would need a special permit. I made it clear where we are talking about a special permit versus "as of right".

**D. Section 6.6 Regulations Governing Uses Which Sell Alcoholic Beverages**

Craig Minor: I haven't proposed any changes to this section.

**E. Section 6.7 Interior Lots and Single Family Homes (deleted effective 8/15/2007)**

Craig Minor: This section was deleted because it referred to interior lots. I noted in brackets that if TPZ wanted to resume allowing rear lots, this would be the place to do it. I know that we talked about that two meetings ago, and I know the Commission went back and forth. You don't need to make a decision now, but if at some point you decided that you wanted it, to open up the door a little bit, this would be the place to do it.

Commissioner Aieta: When did we take this out?

Craig Minor: Probably around 2007.

Chairman Hall: I think it was after that, because I wasn't sitting in 2007, and I was sitting when we took the rear lots out. Dave was Chairman then.

Commissioner Aieta: What was the reason for taking them out?

Chairman Hall: I think we felt that they were too cumbersome, and that they caused too many problems. We just didn't want the property chopped up into little pieces, even if they had the right amount of space. It looks terrible - I shouldn't say that, because I used to live on one, which I liked very much. It was very private.

Commissioner Aieta: But there are some lots that lend themselves to rear lots. I mean, look at some on Maple Hill Avenue, the lots are six, seven hundred feet deep or more, and some of the houses are set back. I mean, we allowed them for all this time, and then all of a sudden we took them out. There are still people who should have the opportunity to take advantage of that regulation. Land is valuable.

Chairman Hall: I think it was a reaction to a petition that came up.

Commissioner Aieta: One particular thing and they took it out? You can't zone like that because you have one problem. They did that with a lot of different things.

Chairman Hall: It wasn't in 2007 I don't believe. It was after the incident on Church Street.

**F. Section 6.8 Open Space Subdivisions.**

Craig Minor: The next section which I am not suggesting any changes to is the Open Space Subdivision regulation. I'm not suggesting any changes because we have not used it in the three years I have been here, so I have no way of knowing if there is anything in there that doesn't work. And that's it.

**III. ADJOURN**

Commissioner Sobieski moved to adjourn the special meeting. The motion was seconded by Commissioner Aieta. The meeting was adjourned at 6:20 p.m.

Respectfully submitted,



Norine Addis,  
Recording Secretary