



NEWINGTON TOWN PLAN AND ZONING COMMISSION

REGULAR MEETING and PUBLIC HEARING

Wednesday, July 24, 2013

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

7:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARING:

- a. Petition #29-13: Special Exception (Section 6.2.4: Free Standing Sign) at 56 Fenn Road. Wayside Fence Company, applicant; 56 Fenn Road LLC, owner; Chris Gueret, contact. Continued from June 26, 2013.
- b. Petition #33-13: Zone Change (Section 7.6.1) to apply the Willard Avenue Development District Overlay to the parcel at 240 Cedar Street. Premier Partners & Associates LLC, applicant; Robert Nagy, owner; Patrick Snow, 110 Court Street, Cromwell CT, contact. Continued from June 26, 2013.
- c. Petition #34-13: Special Exception (Section 3.7: Special Exceptions in the R-12 and R-7 Zone) for Multi-Family Use at 240 Cedar Street ("Kellogg Farm Apartment"). Premier Partners & Associates LLC, applicant; Robert Nagy, owner; Patrick Snow, 110 Court Street, Cromwell CT, contact. Continued from June 26, 2013.
- d. Petition #37-13: Special Exception (Section 6.2.4: Freestanding Business Sign) at 851 Willard Avenue ("Eddy Farm"). Lucy Fox, owner; Andy Billipp, 277 Cedar Street, Newington CT, applicant/contact.
- e. Petition #38-13: Special Exception (Section 6.6.2: Sell or Serve Alcoholic Beverages) at 2903 Berlin Turnpike ("Bonefish Grill"). Wex-tuck Realty II LLC, owner/applicant; Nathan Kirschner of Langan Engineering, contact.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; each speaker limited to two minutes)

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2013 JUL 19 A 10: 52

BY *Tanya D Lane*
TOWN CLERK

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. June 26, 2013

VII. NEW BUSINESS:

- a. Petition #39-13: Balf Quarry Operations and Site Plan Review.
- b. Petition #42-13: Modification to Approved Site Plan at 2903 Berlin Turnpike ("Bonefish Grill"). Wex-tuck Realty II LLC, owner/applicant; Jason Mikrut, VHB Inc, 54 Tuttle Place, Middletown CT, contact.

VIII. OLD BUSINESS:

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING:

- a. Petition #40-13: Special Exception (Section 6.2.4: Free Standing Sign) at 100 Milk Lane. Sign-a-rama, applicant; Saputo Dairy Foods USA, owner; Richard Kossakoski, 2162 Silas Deane Highway, Rocky Hill CT, contact.
- b. Petition #41-13: Special Exception (Section 3.2.9: Child Care Center) at 626 Willard Avenue. Barbara Getsinger, applicant; St. Mary Parish, owner; Joseph Keough, 626 Willard Avenue, Newington CT, contact.
- c. Petition #44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home) at 2125 Main Street. Middlewoods of Newington, owner/applicant; David Long, 580 Long Hill Avenue, Shelton CT, contact.
- d. Petition #45-13: Zoning Text Amendment (Section 6.15: Medical Marijuana Dispensary and Production). Ghulam Azhar, applicant.

X. TOWN PLANNER REPORT

- a. Town Planner Report for July 24, 2013

XI. COMMUNICATIONS

- a. CRCOG Zoning Referral Z-2013-51 on proposed Zoning Amendment in Farmington
- b. CRCOG Zoning Referral Z-2013-53 on proposed Zoning Amendment in West Hartford
- c. Town of Wethersfield PZC Application #1798-13-Z at 44 Victory Lane

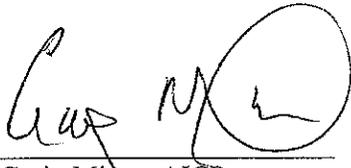
XII. PUBLIC PARTICIPATION (for items not listed on the on the Agenda; each speaker limited to two minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURNMENT

Submitted,

A handwritten signature in black ink, appearing to read 'Craig Minor', written over a horizontal line. The signature is stylized and includes a large circular flourish at the end.

Craig Minor, AICP
Town Planner

STAFF REPORT
Free-Standing Sign for "Wayside Fence Company"

July 17, 2013

Petition #29-13:
Special Exception (Section 6.2.4: Free Standing Sign)
56 Fenn Road
Wayside Fence Company, applicant

Description of Petition #29-13:

The owners of this business erected a free-standing sign in front of their property without prior TPZ approval. The Zoning Enforcement Officer saw it, and directed them to either take it down or apply for the Special Exception. Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

As requested by TPZ last month, I did an analysis of the amount of signage that the property is eligible for.

The side of the building that faces Fenn Road is 97.3' wide. That gives them 97.3 s.f. of "aggregate signage" which they can use for wall signage and/or free-standing signage. There is a small banner on the building now, roughly 2' x 6', which leaves them about 85 s.f. for the free-standing sign.

The sign they have requested is 8' x 8' (i.e. 64 s.f.) A double-sided sign would be 128 s.f which significantly exceeds 85 s.f.

If the lot were wider they could go back to requesting a single-sided sign facing the street, but that is not really an option because it's a rear lot, and nearly all their frontage is taken up by the driveway. The only arrangement that works is a sign perpendicular to the street, which by definition would be double-sided, and therefore could not be larger than 42.5 s.f.

I have advised the applicants of this. As of this writing I do not know what they want to do.

cc:
Wayside Fence
file

RAIL

Pipe

LOCATION MAP

E 1" = 1000'

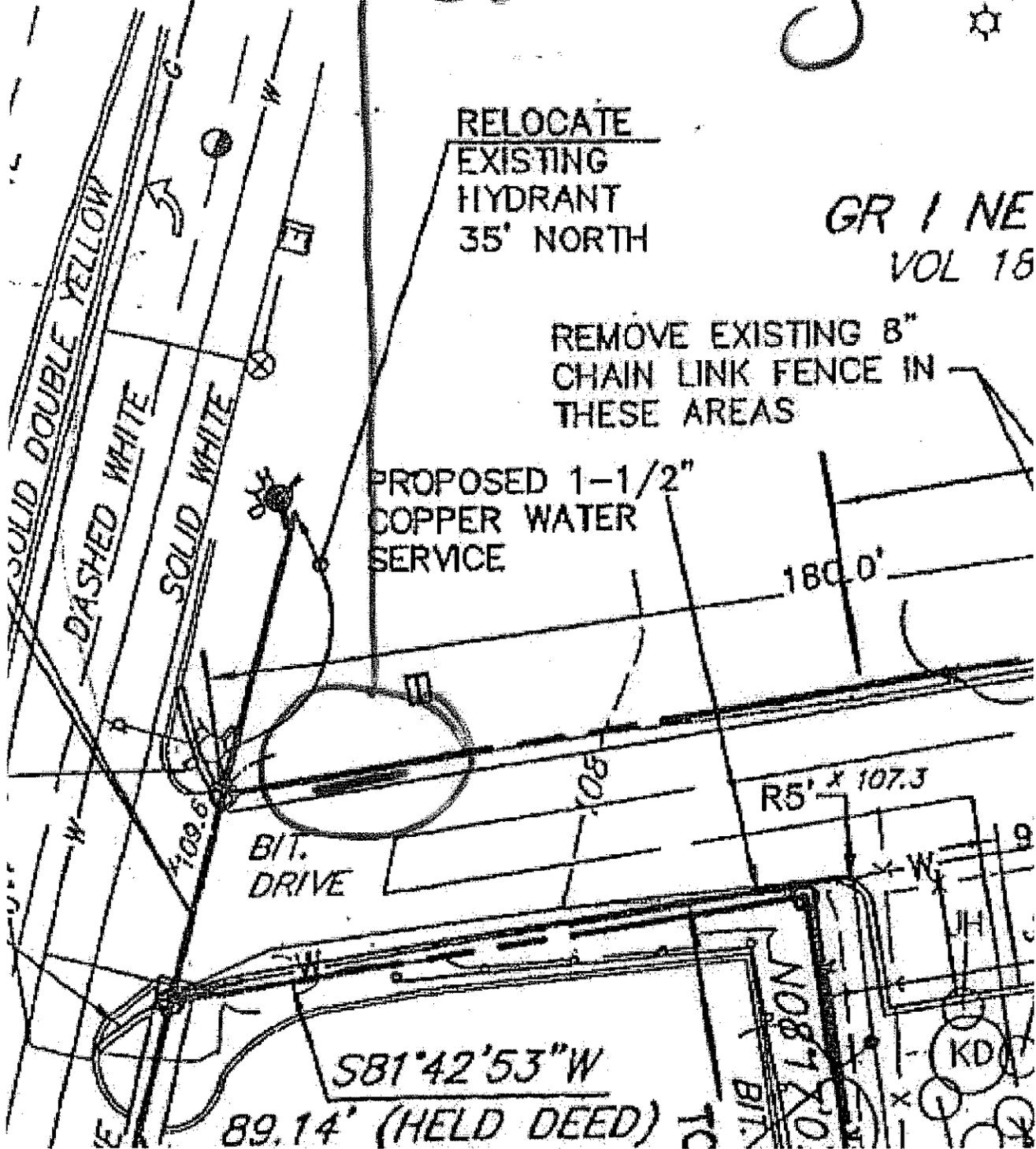
sign located
10' back from
road, 2' off
drive way

RELOCATE
EXISTING
HYDRANT
35' NORTH

GR 1 NE
VOL 18

REMOVE EXISTING 8"
CHAIN LINK FENCE IN
THESE AREAS

PROPOSED 1-1/2"
COPPER WATER
SERVICE



BIT.
DRIVE

R5' x 107.3

581'42"53"W

89.14' (HELD DEED)

N087'X0

KD

STAFF REPORT
"Kellogg Farm Apartments" Zone Change

July 18, 2013

Petition #33-13

**Zone Change (Section 7.6.1) to apply the Willard Avenue Development District Overlay
240 Cedar Street
Premier Partners & Associates LLC, applicant**

Description of Petition #33-13:

The developer who received permission back in 2005 to apply the "Willard Avenue Development District" overlay to the house at 711 Willard Avenue would now like the WADD overlay applied to the adjacent house at 240 Cedar Street. If the overlay is approved, two apartments would be constructed onto the rear of the house at 240 Cedar Street.

Town Planner Comments:

The question that I put to the applicant early in the process, and which came up during the public hearing, is whether this proposal is consistent with the intent of the Willard Avenue Development District regulations.

The "purpose statement" of the Willard Avenue Development District regulation is textbook generic and gives us very little guidance:

- 6.12.1 For the purposes of promoting the public health and welfare, and of conserving property values and promoting appropriate uses in the Willard Avenue area as herein defined, there is hereby established the Willard Avenue Development District Special Permit Zone.

To find out what the intent of the TPZ was when it adopted this regulation, I went to the minutes of the public hearings and regular meetings where this regulation was adopted.

Action to create the Willard Avenue Development District regulation was initiated by the TPZ in 1987. It was in response to the recent establishment of two National Register Historic Districts at the north end of Willard Avenue, and a 1983 study by the Town Planner which recommended "that there be a Special Permit procedure to allow conversion of [these] existing homes to apartments and new units based on the area of the lot." Most of these houses were built during the late 19th and early 20th century, and the idea was to give the owners of these relatively large and older homes some additional permitted uses.

As stated by a resident who testified at the public hearing on November 23, 1987, the purpose of the regulation was to give homeowners flexibility in "preserving the unique historical ambiance of this particular area of Willard Avenue. It is pretty well recognized that this is one of the few areas in town that has some of its major and significant structures remaining..."

The President of the Newington Historical Society also testified: "I think we all have a common bond here that we want to preserve the historic nature of the neighborhood." The Newington Town Historian testified, and she introduced the Executive Director of the Greater Hartford Architectural Conservancy who testified at some length in support of the regulation, and complimented TPZ for requiring applicants to adhere to the standards for historic preservation established by the federal Department of the Interior.

The regulation and map amendment was approved at the February 10, 1988 TPZ meeting. The motion for approval contained the following reasons:

- “1. Promotes preservation of the Town’s historic and architectural resources.
2. Provides for the use of buildings consistent with the character of a major thoroughfare.
3. Establishes Special Permit procedures and standards which safeguard the neighborhood and allow for public hearing review and comments.”

The proposal before you is to put dwelling units onto the back of a contemporary house (built in 2006) that is not on Willard Avenue. In my opinion this application does not comply with the intent of the overlay zone.

cc:
Premier Building and Development
file

Willard Avenue Development District Properties

	A	B	C	D	E
1	<u>Street #</u>	<u>Street Name</u>	<u>Zone</u>	<u>Date of Construction</u>	<u>Comments</u>
2					
3	4	Willard Avenue	R-12	1918	
4	5	Willard Avenue	R-12	1958	
5	10	Willard Avenue	R-12	1917	
6	17	Willard Avenue	R-12	1914	
7	24	Willard Avenue	R-12	1905	
8	25	Willard Avenue	R-12	1945	
9	30	Willard Avenue	R-12	1960	
10	31	Willard Avenue	R-12	1924	
11	34 - 36	Willard Avenue	R-12	1924	
12	41	Willard Avenue	R-12	1925	
13	42	Willard Avenue	R-12	-	
14	43	Willard Avenue	R-12	2005	
15	45	Willard Avenue	R-12	1942	
16	55	Willard Avenue	R-12	1914	
17	63	Willard Avenue	R-12	1956	
18	64	Willard Avenue	R-12	1889	
19	74	Willard Avenue	R-12	1904	
20	79	Willard Avenue	R-12	1914	
21	82	Willard Avenue	R-7	1859	
22	91	Willard Avenue	R-12	1958	
23	96	Willard Avenue	R-12	vacant	
24	97	Willard Avenue	R-12	1924	
25	105	Willard Avenue	R-12	1988	
26	108	Willard Avenue	R-7	1896	
27	112	Willard Avenue	R-7	1950	
28	116	Willard Avenue	R-7	-	Driveway only in WADD; Industrial rear lot
29	120	Willard Avenue	R-7	-	Driveway only in WADD; Industrial rear lot
30	126	Willard Avenue	R-7	1948	
31	68	West Hartford Road	R-12	-	Vacant through lot
32	5	Shepard Drive	R-12	vacant	
33					
34	4	Chapman Street	R-12	1890	
35					
36	252	Willard Avenue	R-12	1916	
37	258	Willard Avenue	R-12	1976	
38	264	Willard Avenue	R-12	1977	
39	268	Willard Avenue	R-12	1879	
40	272	Willard Avenue	R-12	1950	
41	277	Willard Avenue	RP	1899	
42	282 - 284	Willard Avenue	R-12	1852	
43	285	Willard Avenue	RP	vacant	
44	293	Willard Avenue	RP	1890	
45	294	Willard Avenue	R-12	1900	
46	295	Willard Avenue	RP	1890	
47					
48	711	Willard Avenue	R-12	2005	

STAFF REPORT
"Kellogg Farm Apartments" Special Exception

July 19, 2013

Petition #34-13

Special Exception (Section 6.12.2.B: Multi-family Use in the WADD Overlay Zone)

240 Cedar Street

Premier Partners & Associates LLC, applicant

Description of Petition #34-13:

Obtaining a Special Exception is one of the three individual approvals necessary for a "Willard Avenue Development District" project.

Town Planner Comments:

1. The applicant's site plan still has the following problems:

a. The two proposed units are shown as attached to the existing house via a long breezeway. The key word in the regulation is "expanded"; this is not an expansion.

b. According to the tax assessor's information the house at 240 Cedar Street has 2,048 s.f. of livable area (I am using total square footage and not just the "footprint" of the building). 20% of 2,048 is only 410 s.f. Each of the proposed units has 1,048 s.f. of livable area. That is more than five times the allowable expansion.

2. Section 6.12.3 states that a buffer in accordance with Section 6.10.5 must be provided, but may be waived if TPZ finds that the buffer is "not necessary to protect residential areas... adjacent to the proposed area". At the public hearing on June 26, 2013 the abutting property owner expressed concern over the appearance of the two proposed units. Specifically, he expressed a preference that the units be completely detached, which is not an option.

3. Section 6.12.5 states that the TPZ must make the following findings:

A. The proposed Special Permit use is in harmony with the surrounding uses and will tend to help preserve the value of the existing property.

B. The proposed Special Permit use is suited for the building as existing or as it is proposed to be renovated.

C. The traffic generation from the proposed Special Permit use will not be unduly disruptive to the neighborhood.

The burden is on the applicant to provide TPZ with information that supports these findings.

cc:
Premier Building and Development
file

As required by PA #09-03,
\$60 of this application fee
shall be paid to the CT
Dept. of Environmental
Protection

cash
TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION
APPLICATION FORM

PLANNING AND ZONING COMMISSION ACTION

APPLICATION #:	37-13
SUBMITTED DATE:	6/19/13
RECEIVED DATE:	
REJECTED DATE:	
PUBLIC HEARING DATE:	
SITE PLAN REVIEW DATE:	
EXTENSION DATE:	
COMMISSION ACTION DATE:	
PUBLIC NOTICE DATE:	
FIRST 65 DAYS:	
SECOND 65 DAYS:	

THIS APPLICATION (3-originals and 7-set of plans) SHALL BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION OFFICE TWO (2) WEEKS PRIOR TO A REGULARLY SCHEDULED MEETING. THE APPLICATION SHALL BE RECEIVED BY THE PLANNING AND ZONING COMMISSION AT THE NEXT REGULARLY SCHEDULED MEETING, THE 2ND AND 4TH WEDNESDAY OF THE MONTH (EXCEPT HOLIDAY PERIODS).

APPLICANT: Andy Billipp

ADDRESS: ~~277 Cedar St~~ 851 Willard Ave. TELEPHONE: 339-223-3121

OWNER OF RECORD ON NEWINGTON LAND RECORDS: Lucy Fox

COMPLETE DESCRIPTION OF LOCATION OF PROPERTY: The Eddy Farm, specifically the farm stand, across from Garfield on Willard (851 Willard Ave.)
ZONE: _____

NAME, ADDRESS & TELEPHONE OF PERSON TO WHOM CORRESPONDENCE AND INQUIRIES SHOULD BE DIRECTED: Andy Billipp, 277 Cedar St. Newington, CT TELEPHONE: 339-223-3121

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

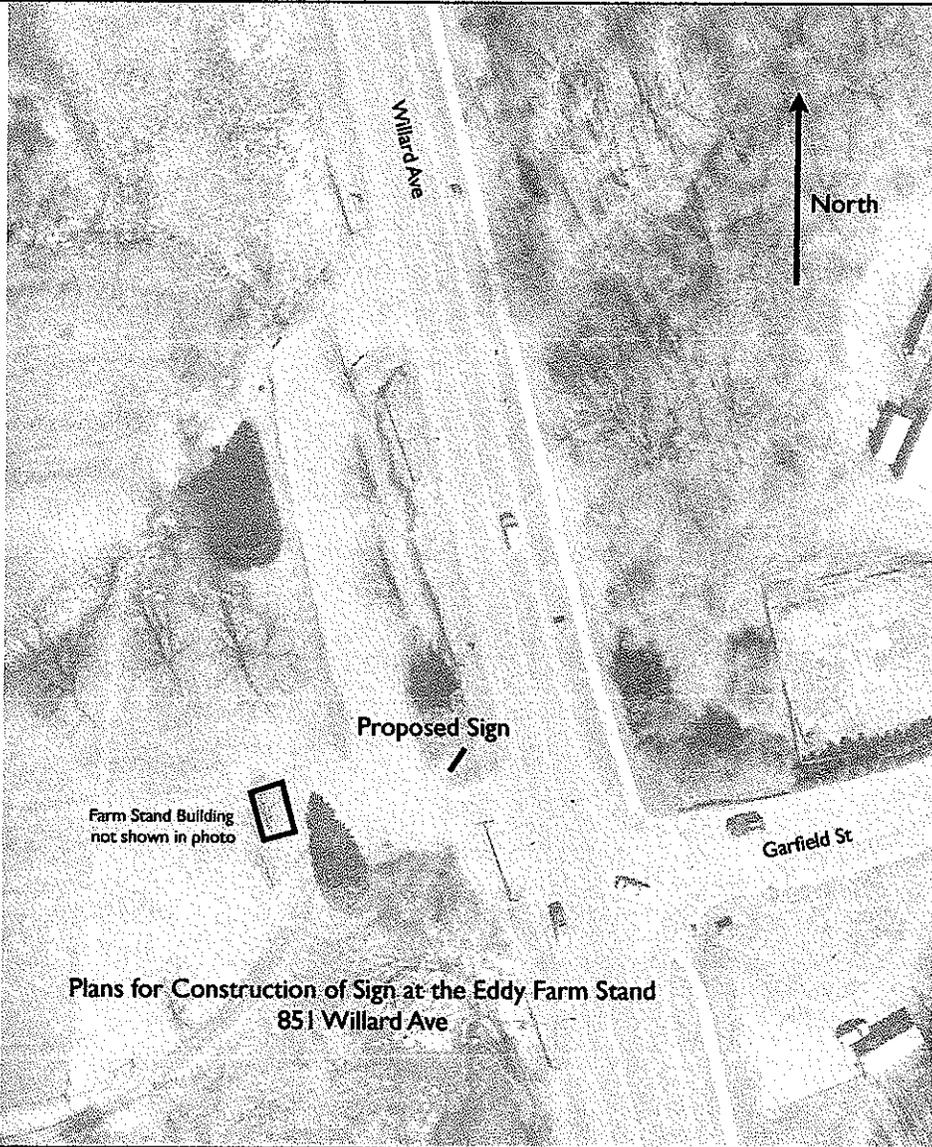
- Zone Change to _____ Zone. (Public Hearing)
- Amendment to the Zoning Regulations. (Public Hearing)
- Filing for Subdivision
- Filing for Resubdivision. (Public Hearing)
- Special Exception as required by Section 6.2.4 (Sign) of the Zoning Regulations. (Public Hearing)
- Site Development Plan Section 3.1.3
- Special Permit as required by Section _____ of the Zoning Regulations. (Public Hearing)
- Other (Describe in Detail) _____

SIGNATURE (S)

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

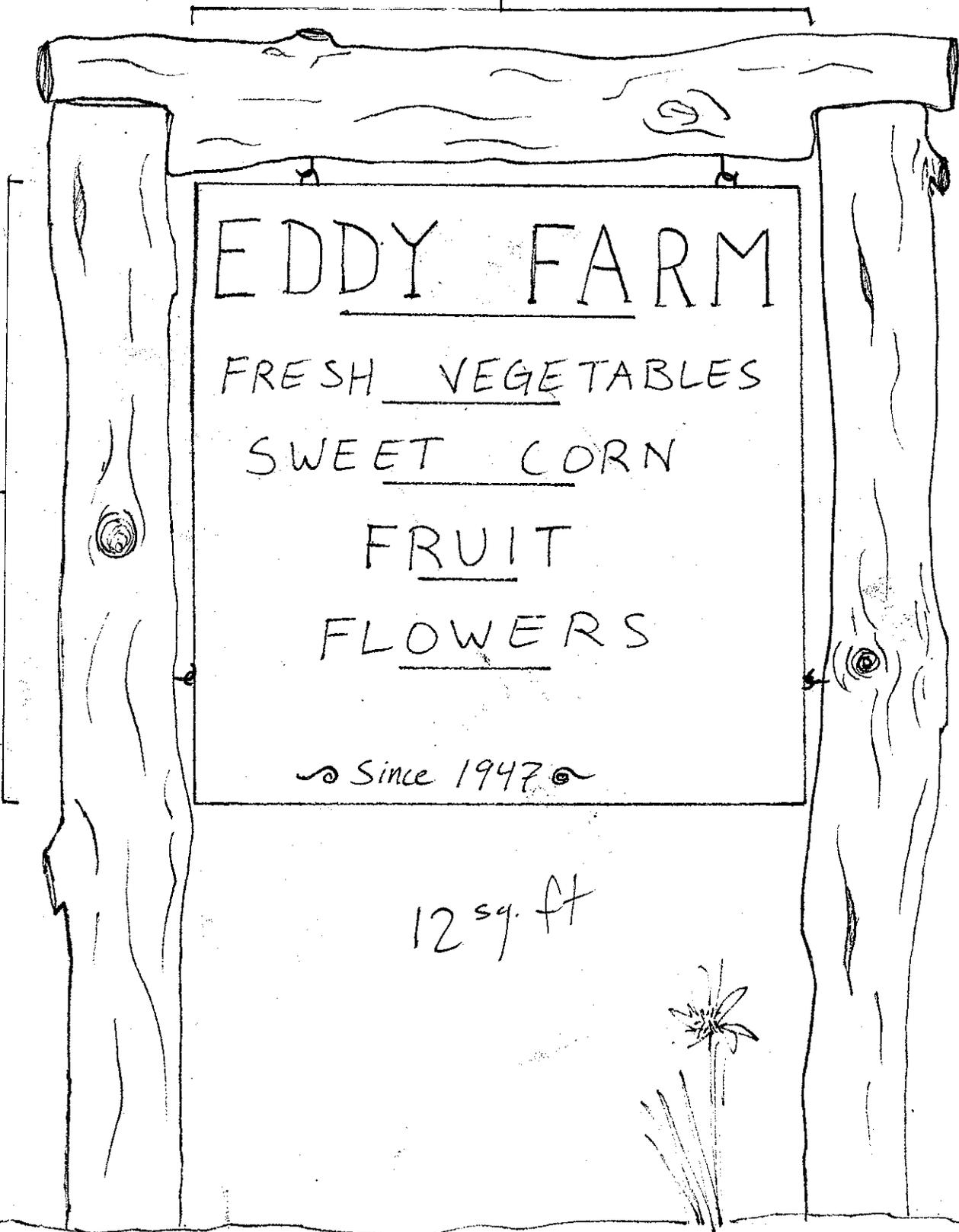
Andy Billipp 08/10/12 Lucy Fox August 6, 2012
APPLICANT DATE OWNER DATE

NOTE:
PROPERTIES LOCATED WITHIN 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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



Plans for Construction of Sign at the Eddy Farm Stand
851 Willard Ave

3ft



EDDY FARM

FRESH VEGETABLES

SWEET CORN

FRUIT

FLOWERS

Since 1947

12 sq. ft



4ft

STAFF REPORT
Eddy Farm Free-Standing Sign

July 19, 2013

Petition #37-13

Special Exception (Section 6.2.4: Freestanding Business Sign)

851 Willard Avenue ("Eddy Farm")

Andy Billipp, applicant/contact.

Description of Petition #37-13:

The owners of the Eddy Farm would like to place a free-standing sign on the street next to their farm stand on Willard Avenue. Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

See attached site plan showing the location, and the sketch of what the sign looks like.

According to the applicant, the farm stand is 14 feet wide, so they are eligible for 14 s.f. of signage. However, the legal agreement between the owners of the land and the Town of Newington that was enacted when the Town bought the development rights to the Eddy Farm limits the size of any signage to not more than 12 s.f.

The applicant asked me to mention that the farm stand is seasonal, and since TPZ is not meeting again until August 28, he would very much appreciate TPZ acting on his request at this meeting if possible.

Assuming nothing derogatory comes up during the public hearing, I have no objection to approval.

cc:
Any Billipp
file

**TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION**

APPLICATION FORM

OR# 1742

APPLICATION #:	38-13
SUBMITTED DATE:	6/25/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 2903 Berlin Turnpike ZONE: PD- Planned Development Zone

APPLICANT: Bonefish Grill, LLC TELEPHONE: 813-282-1225 ext 1145

ADDRESS: 2202 North West Shore Blvd, 5th Floor- Tampa FL 33607 EMAIL: yvonnebryant@bloominbrands.com

CONTACT PERSON: Nathan L. Kirschner (Langan Engineering) TELEPHONE: 203-562-5771

ADDRESS: 555 Long Wharf Drive- New Haven, CT 06511 EMAIL: nkirschner@langan.com

OWNER OF RECORD: Wex-Tuck Realty 2, LLC- Anthony Giordano 121 Park Street- New Canaan, CT 06840

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 6.6 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.			
By:			
APPLICANT	DATE <u>6/24/2013</u>	OWNER	DATE <u>6/24/13</u>

Joseph J. Kaelow
Executive V.P. of Bonefish Grill, LLC

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

STAFF REPORT
Serving of Alcohol at "Bonefish Grill"

July 19, 2013

Petition #38-13:

Special Exception (Section 6.6.2: Sell or Serve Alcoholic Beverages)
2903 Berlin Turnpike ("Bonefish Grill")
Wex-Tuck Realty II LLC, applicant

Description of Petition #38-13:

The owners of Bonefish Grill would like to serve alcohol. This is permitted under Section 6.6.2 of the zoning regulations:

"The Commission may grant a permit to sell or serve alcoholic beverages in buildings permitted in non-residential zones, subject to the following conditions, and the provisions of Section 5.2 and 5.3."

Town Planner Comments:

The owners of Bonefish Grill did not realize, when they applied for their restaurant Special Exception last year, that they also need a Special Exception to sell or serve alcohol. Neither did I at the time or I would have advised them to apply for both Special Exceptions at the same time.

The regulations require a minimum of 500' between establishments selling alcohol. The measurement is to be taken from front door to front door; property boundaries are not involved. According to the site map submitted by the applicant there is no other establishment within 500'. The front door to "Bertucci's" is 644' from the Bonefish Grill front door.

The approved site plan shows outdoor seating surrounded by a fence. My understanding is that obtaining a State liquor license where there is outdoor dining is problematic. I have told the applicants to address this during the public hearing.

cc:
Langan Engineering
file



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

June 14, 2013

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

Subject: 2013 – 2015 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 CTDEP.
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



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

June 14, 2013

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

Subject: Site Plan 2013 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 2013. There is little change from the 2011 plan as the quarry operations have been "de minimis" in 2011, 2012 and now 2013 due to the regional construction economy.

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. It shows the orderly progression of the quarry mining faces, primarily in the third (lowest) level. There have been no significant physical changes at the site in the past two years nor are any significant changes expected in the next two years.

However, in the past two years Tilcon Connecticut Inc. (Balf Company) has renewed the National Pollution Discharge Elimination System (NPDES) permit CT0030155 for this site as well as renewing the CTDEEP Water Diversion permit DIV201106485 and updating the Stormwater Pollution Prevention Plan (SWP3) / Spill Prevention and Countermeasure Plan (SPCC) to comply with the CTDEEP's revised General Permit for the Discharge of Stormwater from Industrial Facilities.

We are also enclosing our Statement of Operations regarding the quarry for the period 2013 thru 2015.

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.

BE IT FURTHER RESOLVED:

That the Clerk of the Council is directed to spread this resolution upon the minutes of this meeting and to provide a suitable copy of same for the presentation to the Newington High School Girls' Soccer Team members and its coaches.

The motion was seconded by Councilor Googel.

The resolution carried unanimously.

Mayor Mazzoccoli presented resolutions to the members of the Newington High School Girls' Soccer Team and coaches.

→ B. To consider and take action on approving an Agreement between the Town of Newington and the Balf Company.

Councilor Bafundo moved the following resolution:

RESOLVED:

That the Newington Town Council hereby approves of the Agreement between the Town of Newington and the Balf Company dated April 19, 1989 and a copy of which is attached to this resolution. The Town Council believes that this agreement is in the best interest of the neighborhood and the Town and will serve as a basis for better cooperation between the Balf Company and the Town.

PROPOSED
AGREEMENT BETWEEN THE TOWN OF NEWINGTON
AND THE BALF COMPANY

April 19, 1989

RESOLVED:

The Balf Company hereby agrees to submit to the Town Plan and Zoning Commission, for acceptance, a site plan showing all existing uses and structures and areas of operation. Said site plan shall also show the existing perimeters of the areas of the quarry excavation. Immediately thereafter, the Balf Company will apply to the Town Plan and Zoning Commission and seek approval for the changes involving proposed uses, proposed structures, and changes in the planned perimeter excavation. Every February in the 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. Balf further agrees to notify the Town Manager in writing of any changes in the interim period that may not require formal site plan approval.

9-1
1-3
17-1
Res 89-60

Federal and State laws requiring necessary changes in operations, structures, machinery or equipment, AND THE REPLACEMENT OF EQUIPMENT FOR OBSOLETE OR BROKEN EQUIPMENT, ~~and the modernization of equipment for the same operation to replace obsolete equipment or broken equipment,~~ shall not require an application to the Town Plan & Zoning Commission, but will, if appropriate, comply with required Building Permit approvals.

The Town of Newington recognizes that The Balf Company has a legal right to continue its quarrying operations since it both predates zoning regulations and currently is an allowed use in the zone.

The Town of Newington and Balf further agree as follows:

1. The Town recognizes Balf's right to move existing equipment and machinery within the designated areas of operation as identified on the submitted site plan.
2. Balf agrees to withdraw its State suit of the Balf Company vs. Wayne Bell, Zoning Administrator. Withdrawal of this suit shall not prejudice Balf's right to reinstitute a State suit should it deem necessary to do so due to a denial by TPZ of any Balf application. NO ADDITIONAL LAW SUIT WILL BE FILED BY BALF IN THIS INTERIM PERIOD PRIOR TO THE TPZ ACTION.
3. The Town agrees to withdraw its CERCLA suit and agrees not to file another environmental lawsuit until all stack testing and fugitive dust testing is complete and evaluated. The estimated time frame for the completion of these tests is August 15, 1989, and the evaluation is expected to be completed within 60 days.
4. The Town reserves its right to undertake its own testing as it deems necessary, and Balf agrees to cooperate with the Town by providing all necessary information deemed needed by the Town and allowing reasonable access to the Balf property.
5. The Town fully reserves its right to file a CERCLA suit, environmental suit, or nuisance suit if the Town Council deems it is in the best interest of the Town and the residents, once the testing is complete and evaluated.
6. Balf agrees not to apply for any permits for the construction/operation of the sand screening and conveyor system for a minimum of three years from the date of this agreement. After this three year time period, Balf agrees to apply for the required State permits and apply to the Town Plan and Zoning Commission if it wants to construct/operate this system. In the meantime, Balf Company agrees not to construct nor to operate a sand screening and conveyor system.
7. Balf agrees to submit to the Town its plans for quarry (not sand) screening and conveyor equipment for all necessary Building Permits. This equipment, if used only for quarry operations, does not require TPZ approval.

8. Balf agrees to submit to the Town, in writing, a list of all improvements and all proposed improvements it is making in regard to dust and pollution control. This includes those items Balf will be undertaking on its own, or as directed by the State of Connecticut.
9. Balf hereby agrees to work with a committee that will be established by the Town Council to discuss Balf's ongoing operations and the impact on the community. The Town Council will establish this committee composed of two members of the Town Council, one member of the Environmental Quality Commission, two residents of the neighborhood surrounding Balf and two representatives of Balf.

Edward T. Gilligan
Executive Vice President
The Balf Company

Frank B. Connolly
Town Manager
Town of Newington

David S. Hoopes, Attorney
The Balf Company

Frank R. Borowy
Assistant Attorney
Town of Newington

The motion was seconded by Councilor Perlini.

Public Participation

Frank Capalbo, 416 Hartford Avenue:

He circulated a petition in town which he submitted. The people in town oppose a new agreement. They do not want you to drop the lawsuit. Let the court decide. The town will be held accountable for this action that you take.

Charles Bernard, 155 Dewey Avenue:

He does not think that the proposal that has been proposed will do much good for the simple reason that if Balf Quarry has the intentions to update their equipment and to help the people of Newington to live in harmony, then he would say "Yes" that the Town does sign. The proposal does not give us the authority that we need to amend what has happened. People in Newington want clean air and they want some actual commitment that this is going to be done.

Roseann Riccio, 442 Connecticut Avenue:

She really thinks they should keep the lawsuit because they are really worried about their health in this area and each day is one day of danger to them.

David Banks, 188 Hartford Avenue:
 He thinks it is about time they resolve this particular problem. It is costing the taxpayers a tremendous amount of money to have the Town Attorney continually fight this thing. He can't see anything wrong with the Agreement. He thinks it is a good contract once it is legally signed by both parties.

Bob Regina, 37 Commonwealth Avenue:
 The asphalt and tar smell during the summer months really makes you sick to your stomach. His children sometimes are unable to play out in their yard because of the smell. He questioned in a letter to Balf why they are transporting the sand to Newington to be processed. He asked the Council members to protect the rights, property and health of the residents of the Town of Newington.

Angelo Bruno, Chairman of the Town Plan and Zoning:
 The concensus of the TPZ is that this is a positive step and will greatly assist the TPZ in enforcing its land use control. The submission of a site plan plus reviews every two years will enable the Town to monitor quarry expansion, something we do not have now, and we will have if this is passed. TPZ feels that this Agreement gives the Town the land use concessions we wanted without going into court. The TPZ plans to make a field trip up there with a site plan in hand.

Council Comment and Action

Comments were made by Councilors Bafundo, Doyle, Klett, Mortensen, Frank Connolly and Mayor Mazzoccoli regarding the agreement.

ROLL CALL VOTE

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Councilor Bafundo	X		
Councilor Doyle	X		
Councilor Googel	X		
Councilor Harpie	X		
Councilor Klett	X		
Mayor Mazzoccoli	X		
Councilor Mortensen	X		
Councilor Perlini	X		
Councilor Randich			X

The resolution carried with 8 voting YES and 1 ABSTENTION.

C. To consider and take action on adopting the Town Budget for Fiscal Year July 1, 1989 through June 30, 1990.

Councilor Randich moved the following resolution:

STAFF REPORT
Balf Quarry Operations and Site Plan Review

July 19, 2013

Petition #39-13:
Balf Quarry Operations and Site Plan Review
301 Hartford Avenue
The Balf Company, owners

Description of Petition #39-13:

The legal agreement between the Town of Newington and The Balf Company which was approved by the Town Council 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. “

I have received such a site plan and a “2013 - 2015 Statement of Quarry Operations”. It states that the intended operations for the next two years consists of: (1) continuing the quarry production in the areas currently being excavated, to a lower level; (2) complying with their water discharge permits issued by DEEP; and (3) continuing to monitor and maintain dust control. Balf does not anticipate “any significant changes in quarry production facilities during the next two (2) years.”

Mr. Frank Lane, the Director of Real Estate & Environmental Compliance for Balf, will be at the meeting on July 24, 2013 to present the plan and answer any questions the TPZ may have.

I had the opportunity to take a tour of the quarry and the stone processing operations with Mr. Lane last week.

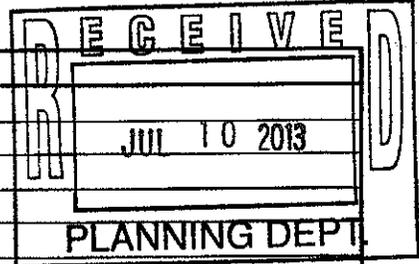
No action is required by TPZ.

cc:
file

CR#80463

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM



APPLICATION #:	42-13
SUBMITTED DATE:	7/10/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 2903 Berlin Turnpike ZONE: PD - Planned Development
 APPLICANT: Wex-Tuck Realty II, LLC TELEPHONE: (203) 801-0175
 ADDRESS: 121 Park Street, New Canaan, CT 06840 EMAIL: AGiordano@elmstreetpartners.com
 CONTACT PERSON: VHB - Jason P. Mikrut, P.E. TELEPHONE: (860) 632-1500
 ADDRESS: 54 Tuttle Place, Middletown, CT 06457 EMAIL: jmikrut@vhb.com
 OWNER OF RECORD: Wex-Tuck Realty II, LLC

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) Modification of Site Development Plans

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

[Signature] 6/27/13
 APPLICANT ANTHONY GIORDANO DATE
[Signature] 6/27/13
 OWNER ANTHONY GIORDANO DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

STAFF REPORT
Modification to Approved Site Plan for "Bonefish Grill"

July 18, 2013

Petition #42-13:
Modification to Approved Site Plan
2903 Berlin Turnpike ("Bonefish Grill")
Wex-Tuck Realty II LLC, applicant

Description of Petition #42-13:

These site plans have been submitted to formally acknowledge the modifications that were made to provide access to the Firestone Complete Auto Care facility on the adjacent parcel. These plans should be identical to the plans that TPZ approved for Firestone.

Town Planner Comments:

As of this writing I have received memos from the Police Chief and the Fire Marshal indicating their acceptance of the modified plans. As of this writing I have not received confirmation from the Town Engineer that these plans are, in fact, identical to the Firestone site plans.

cc:
VHB Inc.
file

**TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION**

APPLICATION FORM

1086

APPLICATION #:	40-13
SUBMITTED DATE:	6/28/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 100 MILK LAKE ZONE: 8A Industrial

APPLICANT: SIGNARAMA TELEPHONE: 860 529-5564

ADDRESS: 2162 SHERBANE DRIVE Rocky Hill Ct EMAIL: RBKROSS@SIGNARAMA-RockyHill, CT

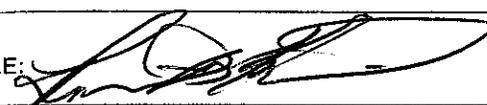
CONTACT PERSON: Richard Kossowski TELEPHONE: 860 205 6448

ADDRESS: _____ EMAIL: _____

OWNER OF RECORD: SAPUTO DAIRY FOODS, USA

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

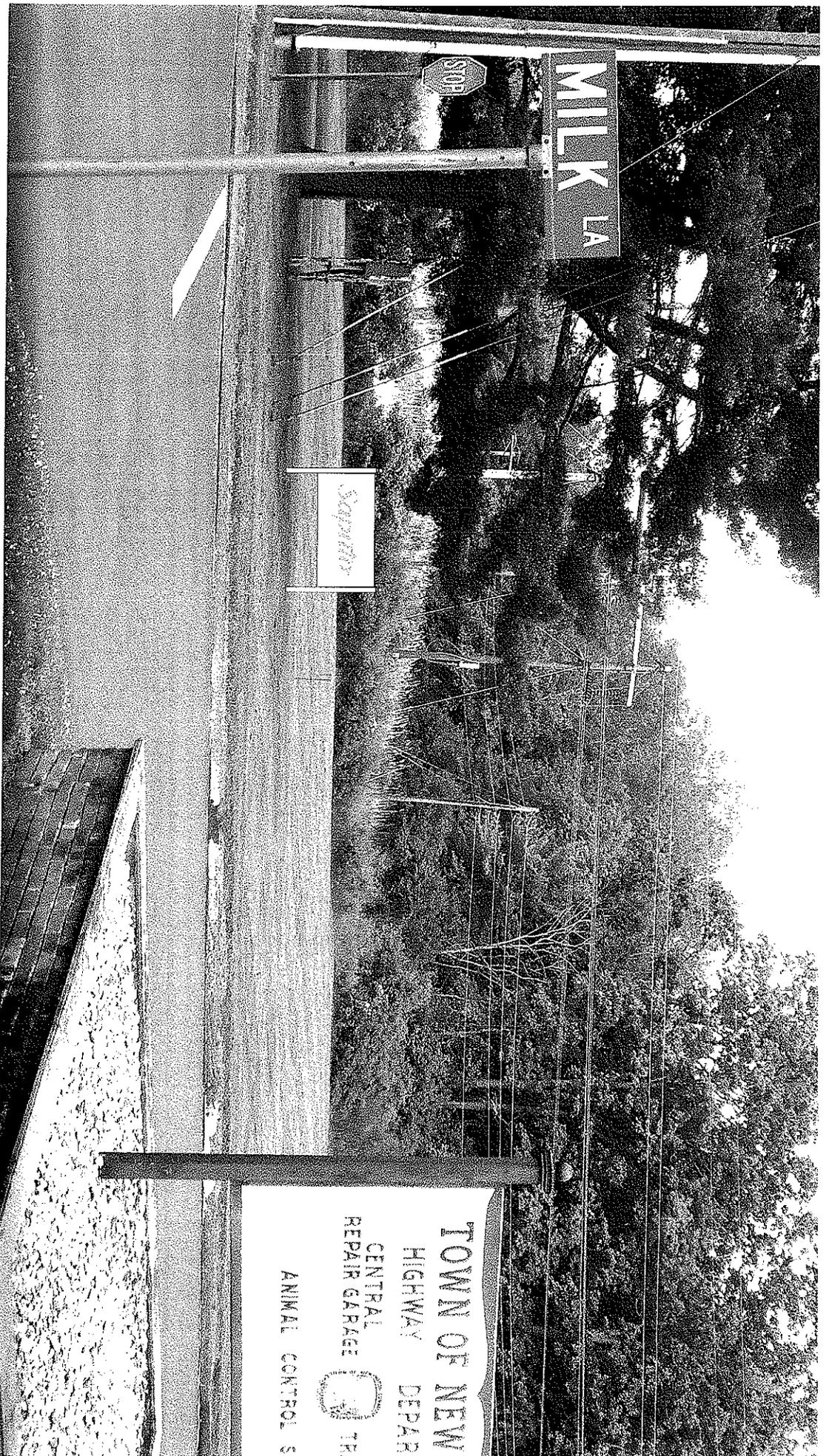
- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 6.24 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE: 

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>6-11-2013</u>
APPLICANT	DATE
OWNER	DATE

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 DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



(1) Two Sided
4' x 8' sign face
Material: 1/4" Dibond

(2) 4 x 4 Pressure treated posts
w/vinyl sleeves and caps

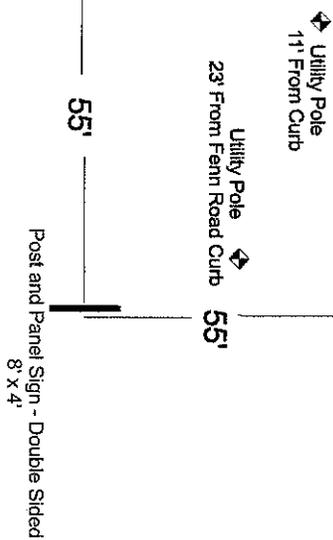
SIGN*A*RAMA
WHERE THE WORLD GOES FOR SIGNS
2182 Sias Deane Hwy, Rocky Hill, CT 06067
phone: 860-528-5564 fax: 860-529-4438
dicos@signarama-ctvill.com / info@signarama-ctvill.com

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Fenn Road

159' Frontage

Milk Lane



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Proposal for sign installation
Saputo Dairy Foods
100 Milk Lane
Newington, Ct.

Post and Panel Sign: Face to be constructed of 6mm aluminum composite mounted to pressure treated 4x4's with vinyl sleeves and caps.