



**TOWN PLAN AND ZONING COMMISSION**  
**PUBLIC HEARING AND REGULAR MEETING**  
**Wednesday, July 27, 2016**

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

**7:00 p.m.**

**A G E N D A**

RECEIVED & RECORDED IN  
NEWINGTON LAND RECORDS  
2016 JUL 22 AM 9:34  
BY *Tangela D. Lewis*  
TOWN CLERK

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL AND SEATING OF ALTERNATES**
- III. APPROVAL OF AGENDA**
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**
- V. REMARKS BY COMMISSIONERS**
- VI. PUBLIC HEARING**
  - a. Petition #30-16: Zoning Text Amendment (Section 3.19B: Newington Junction TOD Overlay District). Town Plan and Zoning Commission, applicant.
  - b. Petition #32-16: Special Permit (Section 3.4.4: Home Occupation and Professional Office) at 51 Gilbert Road. Kristin Vacca, applicant; Frank and Kristin Vacca, owner; Frank Vacca, 51 Gilbert Road, Newington CT, contact.
  - c. Petition #33-16: Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.
  - d. Petition #35-16: Special Permit (Section 3.2.9: Daycare) at 41 West Hartford Road (Temple Sinai). Family Tree Childcare, applicant; Temple Sinai of Newington Inc., owner; Jean Sutton, 117 McDowell Road, Middletown CT, contact.
  - e. Petition #37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.
- VII. APPROVAL OF MINUTES**
  - a. Regular Meeting of June 22, 2016

**VIII. NEW BUSINESS**

- a. Petition #34-16: Site Plan Modification (Drive-Through Lane) at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.
- b. Petition #36-16: Site Plan Approval (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.

**IX. OLD BUSINESS**

- a. Petition #06-16: Zoning Text Amendment (Sections 5 - 9). TPZ, applicant/contact. Continued from June 22, 2016.
- b. Petition #19-16: Zoning Text Amendment (Section 3.49 and 6.7: Interior Lots). Town Plan and Zoning Commission, applicant. Continued from June 22, 2016
- c. Petition #28-16: Zoning Text Amendment (Section 3.0: Higher Density Residential Development Moratorium). Town Plan and Zoning Commission, applicant.
- d. Alumni Road Traffic Signal.

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

**XI. TOWN PLANNER REPORT**

- a. Town Planner Report for July 27, 2016

**XII. COMMUNICATIONS**

- a. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ.

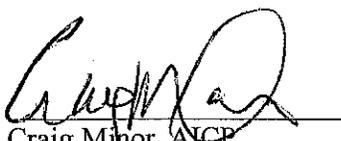
**XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**

**XIV. REMARKS BY COMMISSIONERS**

**XV. CLOSING REMARKS BY THE CHAIRMAN**

**XVI. ADJOURN**

Submitted,

  
Craig Minor, AICP  
Town Planner



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

**To:** Town Plan and Zoning Commission  
**From:** Town Planner Craig Minor, AICP   
**Date:** July 20, 2016  
**Subject:** **Petition #30-16: Newington Junction TOD Overlay District Text Amendment and Map Amendment (New Section 3.19B). TPZ, applicant/contact.**

---

### **Background:**

The new CTfastrak station on Willard Avenue (and the future "Hartford Line" Amtrak passenger stop to be built across the tracks from it) will bring more people to this area than have been seen in decades. Local businesses will see more customers, and there will be more demand for the limited number of apartments. This will result in many property owners (business and homeowners alike) wanting to take advantage of their proximity to these transit nodes. It is therefore vital that TPZ adopts zoning regulations that will result in new development that is good for the community and not unduly impact current residents.

### **Summary:**

The proposed Newington Junction TOD Overlay District will allow smaller scale, pedestrian-oriented, mixed-use development within walking distance of the CTfastrak station. The regulations are based on the Cedar Street Station TOD Overlay District regulations adopted earlier this year by TPZ, but they reflect the very different character of Newington Junction.

Like the Cedar Street Station TOD Overlay District, this overlay district is centered on the CTfastrak station. I recommend the actual boundaries be determined after the regulations themselves are adopted (or at least, are close to being adopted), so that the Commission can focus on the concept and not any specific parcel. At the end of this memo are two possible boundary maps: a half-mile radius map, and a map using streets as the boundaries.

The Newington Junction TOD Overlay District will be an "overlay" zoning district. This means that the underlying zones (R-12, RP, Business and Industrial) are unchanged - owners will still be allowed to develop their property in accordance with the current zoning regulations. But owners who want to capitalize on their proximity to CTfastrak will be able to do so. All TOD projects will be subject to the Special Permit approval process, which requires public hearings and input from the neighbors and the general public.

**Comments:**

1. As stated above, these proposed regulations are based on the Cedar Street Station regulations. The following changes have been made due to the fact that Newington Junction is a mostly residential area:

**Section 3.19B Newington Junction Transit-Oriented Development (TOD) Overlay District**

2. Purpose:

a. The purpose of the Newington Junction TOD Overlay District is to promote **smaller, pedestrian-oriented, mixed-use** development within walking distance of the CTfastrak station at 160 Willard Avenue which will grow Newington's grand list, create employment opportunities, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities without substantially impacting the existing character of the neighborhood.

*Discussion: While all transit-oriented development should be pedestrian-oriented (to take advantage of the nearby transit nodes) and be mixed-use (to create a wide range of activities in a compact area), the Newington Junction neighborhood has a very different character from the Cedar Street Station neighborhood. It is a residential neighborhood with small retail shops, neither of which are characteristics of the Cedar Street Station area. The 2010 POCD indicates a "General Goal" of promoting "smaller mixed land uses adjacent to future transit stations when they are established" (Page 24).*

---

b. This purpose will be achieved through the following specific objectives and uses:

1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
2. Dining and entertainment clusters.
3. ~~Bioscience, advanced manufacturing, aerospace engineering, information technology, and other advanced technologies.~~

*Discussion: I initially recommended deleting this item because I was focusing on the west side of Willard Avenue, where industrial activities would not be appropriate. However, after further thought and discussing it with others, I realized that deleting "advanced technologies" as an objective of the TOD regs would restrict the ability of properties on Day Street and in the Industrial zone on*

the east side of Willard Avenue from taking advantage of the TOD regulations. I no longer recommend deleting Item 3.

---

3. Definitions:

a. "Mixed-use development" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains at least one of each of two or more of the types of uses listed below:

1. Retail (including dining and entertainment)
2. Office (including medical and other personal service)
- ~~3. Industrial (including research and light manufacturing)~~
4. Residential, **not to exceed ten units per acre.**

*Discussion: Item 3: I no longer recommend deleting this item - see above.  
Item 4: While there is currently one higher-density housing development in the area, "mixed-use residential" should be introduced gently to the neighborhood. I therefore suggest a maximum density of ten units per acre, which is the density of the Westchester condominium on Surrey Drive.*

---

5. Procedure:

**1. No single use may be permitted that is not allowed in the underlying zone. However, a mixed-use development may be permitted so long as at least one of the uses is allowed in the underlying zone.**

*Discussion: We don't expect any issues of incompatibility for the Cedar Street Station TOD overlay district, because nobody lives there to object to a mixed-use project next door. Not so for Newington Junction. This clause will ensure that, for example, a retail-industrial mixed use project cannot be proposed in a residential zone. At least one of the uses has to be allowed in the underlying zone.*

---

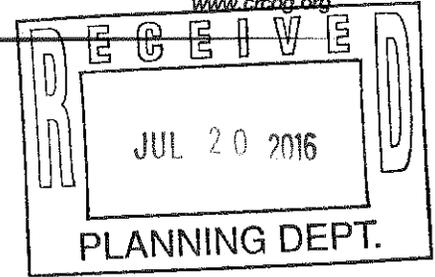
**D. All development in the Newington Junction TOD Overlay District pursuant to this Section shall provide sidewalks along any State, Town or private street.**

*Discussion: There are long stretches of Willard Avenue in Newington Junction that do not have sidewalks. This clause makes it clear to the developer that he will have to provide them as part of his project.*

---

2. CRCOG has reviewed the amendment and finds “no apparent conflict with regional plans and policies or the concerns of neighboring towns. We comment the Commission for its consideration of zoning regulations which will provide for and encourage a greater range of housing choices, encourage pedestrian traffic and promote mixed-use, transit-oriented development...”. See attached.

cc:  
file



July 15, 2016

TO: NEWINGTON PLANNING AND ZONING COMMISSION

**REPORT ON ZONING REFERRAL Z-2016-75: Proposed amendments to the zoning regulations to create Section 3.19B Newington Junction Transit-Oriented Development (TOD) Overlay District. The purpose of the proposed regulation is to promote smaller, pedestrian-oriented mixed use developments in an area within walking distance of the CTfastrak station at 160 Willard Avenue.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. We commend the Commission for its consideration of zoning regulations which will provide for and encourage a greater range of housing choices, encourage pedestrian traffic and promote mixed-use, Transit-Oriented Development near the Newington Junction/Willard Avenue CTfastrak station area. As the Commission considers zoning regulation changes for the areas around the station, we recommend CRCOG's recent publication, *The Sustainable Land Use Code Project Model Regulations for Mixed Use Transit-Oriented Development Districts* as a resource. The model regulations are available on the Sustainable Knowledge Corridor website <http://www.sustainableknowledgecorridor.org/site/content/sustainable-land-use>.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 7/25/2016. Questions concerning this referral should be directed to Lynne Pike DiSanto.

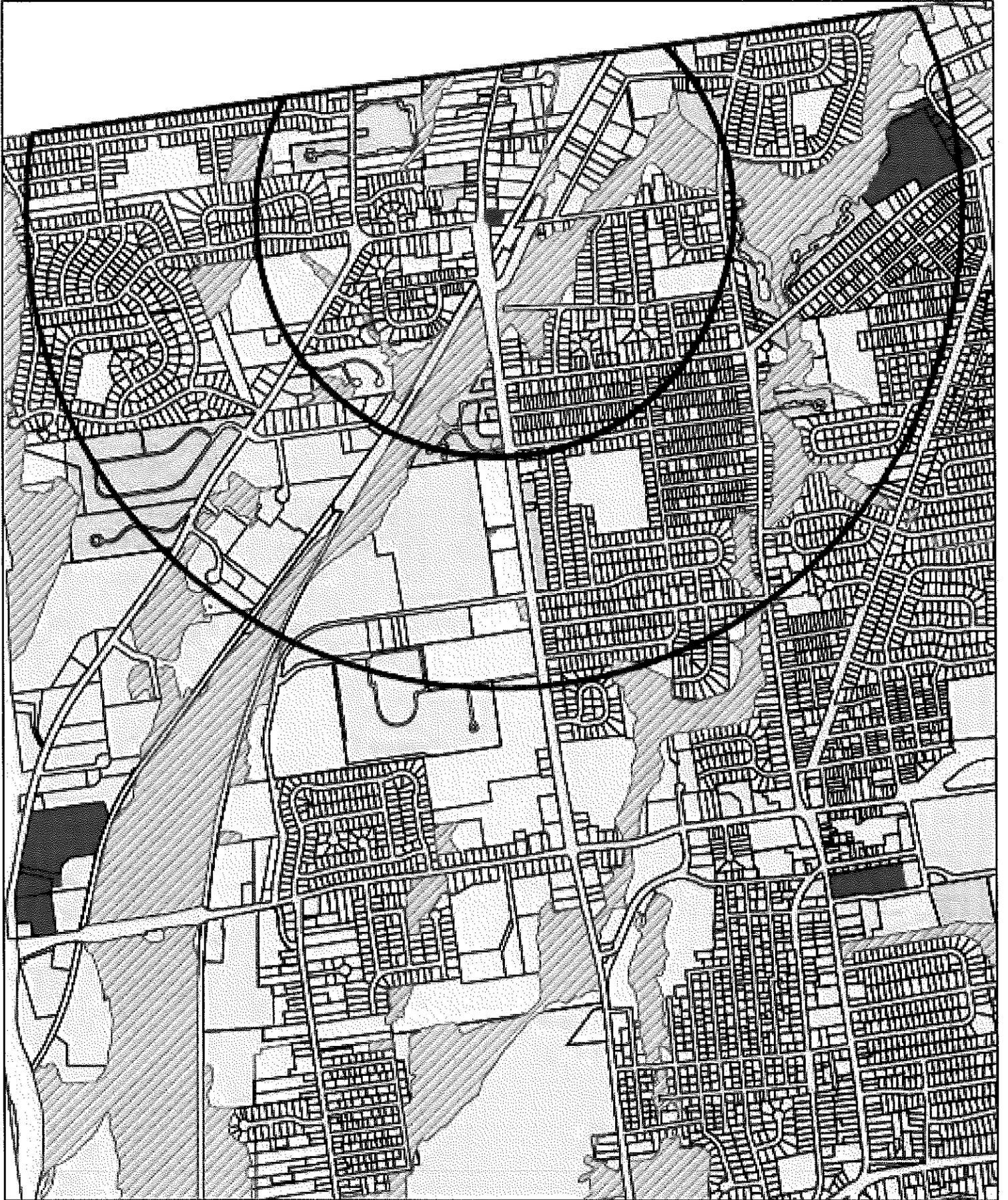
**DISTRIBUTION:** Planner: Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, Berlin

Respectfully submitted,  
Sandra Bobowski, Chairman  
Regional Planning Commission

Karl Robert Profe, Vice Chairman  
Regional Planning Commission

A handwritten signature in black ink, appearing to read "Lynne Pike DiSanto".

Lynne Pike DiSanto, AICP  
Principal Planner and Policy Analyst







# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Tanya D. Lane  
Town Manager

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP *CM*  
Date: July 18, 2016  
Subject: **Petition #32-16: Special Permit (Section 3.4.4: Home Occupation and Professional Office) at 51 Gilbert Road. Kristin Vacca, applicant; Frank and Kristin Vacca, owner; Frank Vacca, 51 Gilbert Road, Newington CT, contact.**

---

### **Description of Petition #32-16:**

This homeowner would like to open a photo studio in the finished basement of her home. This type of home occupation is allowed by special permit under Section 3.4.4.

### **Staff Comments:**

I have reviewed the floor plans and the applicant's statement, and I find that the application complies with the requirements. Two items should be discussed during the hearing:

1. Does the applicant intend to have a sign? The zoning regulations allow a 2 square foot sign.
2. The zoning regulations allow the permit to have a duration of 1, 2, or 3 years. I recommend this also be discussed during the hearing, so that the applicant can state her preference.

cc:  
Applicant  
file

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



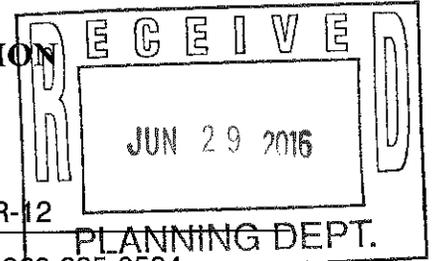
CR# 143

Petition # 32-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 51 Gilbert Road ZONE: R-12  
 APPLICANT: Kristin Vacca TELEPHONE: 860-335-0594  
 ADDRESS: 51 Gilbert Road EMAIL: info@theflashladyphotography.com  
 CONTACT PERSON: Frank Vacca TELEPHONE: 860-490-3008  
 ADDRESS: 51 Gilbert Road EMAIL: frank.vacca84@gmail.com  
 OWNER OF RECORD: Francis and Kristin Vacca

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

- Zoning Map Change from the \_\_\_\_\_ Zone 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 (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Special Exception per Section 3.4.4 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

	<u>6/29/16</u>		<u>6/29/16</u>
APPLICANT	DATE	OWNER	DATE

**COMPLETE APPLICATIONS SUBMITTED 14 DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, SITE 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.

## **Special Exception for Section 3.4.4 “Home Occupation and professional office...”**

### **Explanation of Proposed Activity:**

I, Kristin Vacca, owner of The Flash Lady Photography and resident of 51 Gilbert Road, am submitting this application for special exception for a home occupation and professional office, to enable the conversion of my finished basement into a professional photography studio and office.

For the past 5 years, I have operated as a wedding and portrait photographer, photographing offsite while using my residence to operate my personal business. Due to the public demand for professional photography, I would like to expand my business into studio portraiture. Over the past 1.5 years, I have been in the process of finishing a portion of my basement, with the eventual goal of upgrading it to a photography studio.

I am a sole owner operator and do not have any intention at this point in the business to hire a non-resident employee. Due to the studio location in the basement, there will be no outward appearance of the business on my property. My driveway has the capacity to fit 2 cars, and due to the nature of the photography I am planning to conduct (newborn, children, and family studio portraiture), I do not anticipate that there will be more than 2 cars present per session. At this point, I do not anticipate conducting more than 1 – 2 sessions a day, predominantly in the mid morning or client meetings in the early evening. The proposed studio area is 325 feet<sup>2</sup>, which is approximately 23% of the 25% threshold (Please see included assessment sketch with calculations) for the studio coverage. It is my belief that this studio will not be detrimental to the health, safety, welfare, or property values in the neighborhood.

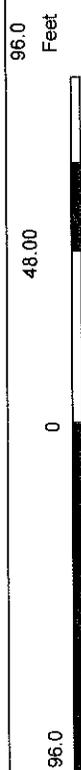




# 51 Gilbert Road



Printed: 7/18/2016 2:47 PM



This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington refutes any liability for any actions taken or not taken based on this map.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION AND IS NOT CONSIDERED SURVEY QUALITY.**

1:576



### Legend

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

### Notes

Notes



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP *CM*  
Date: July 18, 2016  
Subject: Petition #33-16: Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.

---

### Description of Petition #33-16:

The owner of this existing Panera restaurant at 3120 Berlin Turnpike has re-applied for permission to install a drive-through lane. "Drive-through" restaurants are allowed by special permit per Section 3.15.4 of the zoning regulations.

A similar request was denied in September 2014 based on safety concerns which the applicant was not able to address to the Commission's satisfaction.

### Staff Comments:

The site plan, as submitted, appears to address most of the concerns that TPZ had in 2014, but not all.

The issues that do appear to have been addressed are:

- a. The proposed drive-thru lane will accommodate ten standard cars. According to the Traffic Analysis prepared by the applicant's consultant, based on data from the applicant's other stores in Wethersfield and Southington, the most cars ever observed at one time during the peak midday hour (the busiest time of the week) was ten.
- b. There will be a rumble strip with flexible posts separating the drive-thru lane from the main aisle of the shopping center parking lot.
- c. All cars entering the parking lot will still use the one-way entrance on the northeast corner of the parking lot which runs past the handicapped parking spaces. However, the revised plan contains a painted crosswalk which will make motorists more aware of the presence of pedestrians, abled and disabled.

Issues that have not been thoroughly addressed are:

a. The turning radius at the northeast bend in the lane is not sufficient for a moderate-sized vehicle. It may work in theory with but with zero margin for error, and drivers are human beings. The Town Engineer is concerned about this and has discussed it with the applicant's consulting engineers.

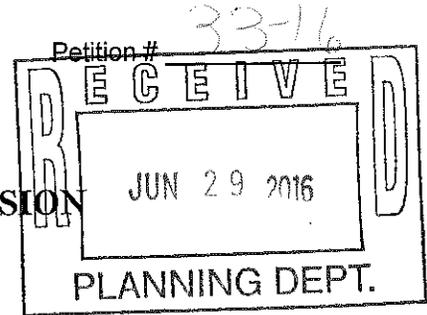
b. There is no "bailout" lane for customers who decide that they don't want to continue waiting. I have noticed that "bailout" lanes are no longer customary with many drive-thru restaurants, so I don't think this ought to be a requirement in sites where space is limited.

My comments on the site plan will be in a separate memo.

cc:  
Norr Architects  
Freeman Companies  
Town Engineer  
file



OK# 1393



TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
APPLICATION FORM

LOCATION OF PROPERTY: 3120 BERLIN TURNPIKE ZONE: PD  
APPLICANT: NORR ARCHITECTS ENGINEERS PLANNERS TELEPHONE: (312)873-1018  
ADDRESS: 325 N. LASALLE STREET, SUITE 500, CHICAGO, IL EMAIL: BRYAN.SLONSKI@NORR.COM  
CONTACT PERSON: BRYAN SLONSKI TELEPHONE: (312)873-1018  
ADDRESS: 325 N. LASALLE STREET, SUITE 500, CHICAGO, IL EMAIL: BRYAN.SLONSKI@NORR.COM  
OWNER OF RECORD: NEWINGTON VF LLC, C/O UE LLC

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

- Zoning Map Change from the \_\_\_\_\_ Zone 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 (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Special Exception per Section 3.15.4 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Other (describe in detail, or attach): \_\_\_\_\_

*\* For Owner & Applicant as Representative*

**SIGNATURE:**

	*	06/29/16	
APPLICANT	OWNER	DATE	DATE

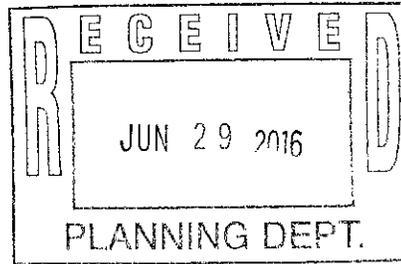
*See # 34-16*

**COMPLETE APPLICATIONS SUBMITTED 14 DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, SITE 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.

January 12, 2016

Tom Howley  
Howley Bread Group, Ltd.  
31 Church Street, Suite 1  
Winchester, MA 01890



**PRINCIPALS**  
Joseph W. McMahon, P.E.  
Joseph J. DeSantis, P.E., PTOE  
John S. DePalma  
William T. Steffens  
Casey A. Moore, P.E.  
Gary R. McNaughton, P.E., PTOE

**ASSOCIATES**  
John J. Mitchell, P.E.  
Christopher J. Williams, P.E.  
R. Trent Ebersole, P.E.  
Matthew M. Kozsuch, P.E.  
Maureen Chlebek, P.E., PTOE

RE: Traffic Assessment  
Proposed Panera Bread Drive-Thru  
Newington, CT

Dear Tom:

McMahon Associates has reviewed the expected operational characteristics of the proposed Panera Bread drive-thru located at 3120 Berlin Turnpike in Newington, Connecticut. The results of the review are summarized below.

### **Project Description**

The existing site contains a 5,094 square foot Panera Bread restaurant located within the Walmart shopping center. The redevelopment proposes to add a drive-thru operation to the existing Panera Bread restaurant. No major changes to the size of the existing restaurant are planned. The drive-thru travel lane would originate at the site entrance to the southeast of the building, continue around the back of the building, and the pick-up window would be located on the southwest corner of the building. Based on the current site plan for the proposed project, the proposed drive-thru is expected to accommodate a maximum of ten queued vehicles.

### **Data Collection**

To estimate the expected drive-thru volumes and queues at the Panera Bread restaurant in Newington, the following two comparable Panera Bread restaurants were reviewed:

- 1129 Silas Deane Highway, Wethersfield, CT
- 365 Queen Street, Southington, CT

These two restaurants were selected because they are similar in operations to the Newington restaurant and both are part of a shopping center complex where shared trips between land uses are expected. Vehicle queue counts were conducted at the two comparable Panera Bread restaurants on Thursday, November 5, 2015 during the weekday midday peak period (11:30 AM to 1:30 PM) and Friday, November 6, 2015 during the weekday evening peak period (5:00 PM to 7:00 PM) when the restaurants are expected to be at peak operation. Maximum vehicle queues entering the drive-thru at each restaurant were recorded in five minute intervals during the observation periods.

As shown in Table 1 below, during the weekday midday peak hour, there were 49 vehicles utilizing the Southington drive-thru with a maximum observed queue of six vehicles, and there were 54 vehicles utilizing the Wethersfield drive-thru with a maximum observed queue of 10 vehicles. During the weekday evening peak hour, the drives thru volumes were significantly less. The Southington facility had a total of 32 vehicles with a maximum observed queue of three vehicles, and the Wethersfield drive-thru had 28 vehicles with a maximum observed queue of six vehicles.

**Table 1: Data Collection Summary**

Store Location	Weekday Midday Peak Hour		Weekday PM Peak Hour	
	Drive Thru Volume <sup>1</sup>	Max Queue <sup>2</sup>	Drive Thru Volume	Max Queue
Southington	49	6	32	3
Wethersfield	54	10	28	6

(1) Drive thru volume for peak hour counted November 5 and 6, 2015

(2) Maximum observed queue length during peak hour data collection

**Transaction Data**

Data was obtained from the Howley Bread Group, Ltd. showing the in-store and drive-thru transactions from August 19, 2015 through November 17, 2015 for the Panera Bread restaurants in Southington and Wethersfield. The data shows the number of in-store and drive-thru transactions per hour for each hour of operation during the day. Additionally, data for the total number of in-store transactions for the existing Newington facility was also provided for the same time period.

The number of daily and peak hour in-store and drive-thru transactions for each of the three sites are shown in Table 2.

**Table 2: Panera Bread Transaction Data**

Store Location	Total Daily Transactions (In-store) <sup>1</sup>	Total Daily Transactions (Drive-Thru) <sup>1</sup>	Drive-Thru Ratio <sup>2</sup>	Weekday Midday Peak Hour			Weekday PM Peak Hour		
				In-Store Transactions <sup>3</sup>	Drive-Thru Vehicles <sup>4</sup>	Drive-Thru Ratio	In-Store Transactions <sup>2</sup>	Drive-Thru Vehicles <sup>3</sup>	Drive-Thru Ratio
Southington	627	256	41%	120	49	41%	78	32	41%
Wethersfield	851	300	35%	153	54	35%	80	28	35%
Newington <sup>5</sup>	534	203	38%	99	38	38%	58	22	38%

(1) Average daily transactions. Transaction data provided by Howley Bread Group for August to November 2015

(2) Ratio of drive-thru transactions to in-store transactions

(3) Average peak hour in-store transactions. Transaction data provided by Howley Bread Group for August to November 2015

(4) Peak hour vehicles utilizing drive-thru, observed by McMahon in November 2015

As shown in Table 2, the Newington location, which is the largest of the three restaurants, experiences an average of 534 in-store transactions per day with 99 in-store transactions occurring during the weekday midday peak hour and 58 in-store transactions occurring during the weekday evening peak hour. In comparison, the Wethersfield restaurant experiences the largest number of average in-store transactions per day with 851, while the Southington restaurant experiences an average of 627 in-store transactions per day. During the two peak hours, both Wethersfield and Southington are shown to have a higher number of in-store transactions than Newington.

The Wethersfield restaurant has a higher daily and peak hour drive-thru volume than the Southington restaurant. The Wethersfield restaurant has an average of 300 drive-thru transactions per day while Southington has an average of 256 drive-thru transactions per day. There appears to be several factors that contribute to the proposed trip generation for the Panera restaurants, such as location of facility to nearby shopping and/or office uses and the location of the restaurant in comparison to other competing restaurant facilities.

The number of drive-thru transactions appears to be related to the number of in-store transactions as evidenced by the relationship between in-store and drive-thru transactions at Wethersfield and Southington. The Wethersfield site has a greater number of both in-store and drive-thru transactions than the Southington site over the course of the average day and during the peak hours of operation. As shown in Table 2, at the Wethersfield restaurant, the number of drive-thru transactions is approximately 35% of the number of in-store transactions. At the Southington restaurant, the number of drive-thru transactions is approximately 41% of the number of in-store transactions.

The Newington site has fewer in-store transactions over the course of the day and during the peak hours of operation than both the Wethersfield and Southington restaurants, and is therefore expected to have fewer drive-thru transactions than either comparable facility. As seen in Table 2, using an average of the drive-thru to in-store ratios for Wethersfield and

Southington results in an expected ratio of 38% for Newington. The proposed Newington drive-thru is therefore expected to generate an estimated 200 daily transactions with approximately 38 vehicles using the drive-thru during the weekday midday peak hour and 22 vehicles using the drive-thru during the weekday evening peak hour. As a result of lower number of drive-thru vehicles expected at the Newington restaurant, the maximum vehicle queue is also expected to be lower than the six vehicle queue that was observed at Southington.

### Conclusions

The following conclusions have been drawn for the proposed Newington Panera Bread drive-thru based on the analysis:

- Based on the comparable facility transaction data, the maximum drive-thru queue at the Southington facility is six vehicles, and the maximum queue at the Wethersfield facility is ten vehicles during the weekday midday peak hour.
- Based on a review of the transaction data for the three restaurants, the Wethersfield facility generates approximately 55-60% more in-store transactions during the average day and during the peak hours of operation than the Newington facility. The Southington facility generates approximately 15-20% more in-store transactions during the average day and during the peak hours of operation than the Newington facility.
- Based on the in-store transactions at the three Panera Bread restaurants and the correlation between the number of in-store transactions and drive-thru transactions, the Newington site would be expected to have fewer vehicles in the drive-thru and a shorter vehicle queue than either site. The Newington drive-thru is expected to generate an estimated 200 daily transactions with approximately 38 vehicles during the weekday midday peak hour and 22 vehicles during the weekday evening peak hour.
- The Newington Panera Bread drive-thru is currently proposed to provide queue storage for ten vehicles which is more than adequate based on our analysis. Overall, the proposed Newington drive-thru is expected to generate fewer vehicles than the Southington facility, which had a maximum observed queue of six vehicles.

Tom Howley  
January 12, 2016  
Page 5 of 5

Based on the collected data for the comparable facilities performed as part of this memorandum and a review of available transaction data, the proposed Panera Bread drive-thru in Newington, CT is currently designed to more than adequately accommodate the expected number of queued vehicles.

If you should need any additional information, please do not hesitate to contact us.

Very truly yours,

*Colleen Medeiros*

Colleen M. Medeiros, P.E., LEED AP  
Project Manager

Attachments: Traffic Count Data



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP   
Date: July 18, 2016  
Subject: **Petition #35-16: Special Permit (Section 3.2.9: Daycare) at 41 West Hartford Road (Temple Sinai). Family Tree Childcare, applicant; Temple Sinai of Newington Inc., owner; Jean Sutton, 117 McDowell Road, Middletown CT, contact.**

---

### **Description of Petition #35-16:**

The applicant would like permission to operate a child care center in the Temple Sinai synagogue. It will not be part of the congregation per se, and will pay rent. "Daycare" is permitted in all zones by special permit under Section 3.2.9 of the zoning regulations.

### **Staff Comments:**

According to the applicant a daycare facility was conducted in this same location between 1992 and 1997. Her plan is to occupy 3,500 square feet of classroom space on the first floor of this two-story building. The attached sketch shows where in the building the daycare facility will be. These classrooms will also be used by the congregation on Sundays for religious school.

The children participating in the program will be from 3 months to 4 years old. There will be no more than 45 children, with a staff of up to 25 persons depending on the child enrollment. The existing synagogue parking lot is more than sufficient for employee and parent parking.

The hours of operation will be Monday through Friday, from 7:00 a.m. to 5:30 p.m.

cc:  
Family Tree Childcare and Learning Center, LLC  
file

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

Petition # 35-16



TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION

(41)

APPLICATION FORM

LOCATION OF PROPERTY: 41 West Hartford Rd. ZONE: \_\_\_\_\_

APPLICANT: Jean Sutton / Family Tree TELEPHONE: 860-652-5727

ADDRESS: \_\_\_\_\_ EMAIL: djcjam@sbcglobal.net

CONTACT PERSON: Jean Sutton TELEPHONE: 860-652-5727

ADDRESS: 117 McDowell Rd., Middletown, CT EMAIL: djcjam@sbcglobal.net

OWNER OF RECORD: Temple Sinai 06457

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

- Zoning Map Change from the \_\_\_\_\_ Zone 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 (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Special Exception per Section 3.2.9 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

<u>Jean Sutton</u>	<u>7/5/16</u>	<u>Wasey Winslow</u>	<u>7/5/16</u>
APPLICANT	DATE	OWNER	DATE

**COMPLETE APPLICATIONS SUBMITTED 14 DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, SITE 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.

To: Newington Town Plan and Zoning Commission

From: Jean Sutton

Date: July 5, 2016

RE: Use of space at 41 West Hartford Road, Newington, CT

Business name: Family Tree Childcare and Learning Center, LLC

Site: Temple Sinai, 41 West Hartford Rd., Newington, CT

Tentative date to open: August 22, 2016

Hours of operation: Monday - Friday, 7AM to 5:30PM

Number of children: not to exceed 45

Number of staff: up to 25 (staff numbers are contingent on child enrollment)

Relationship to Temple Sinai: Tenant/Landlord

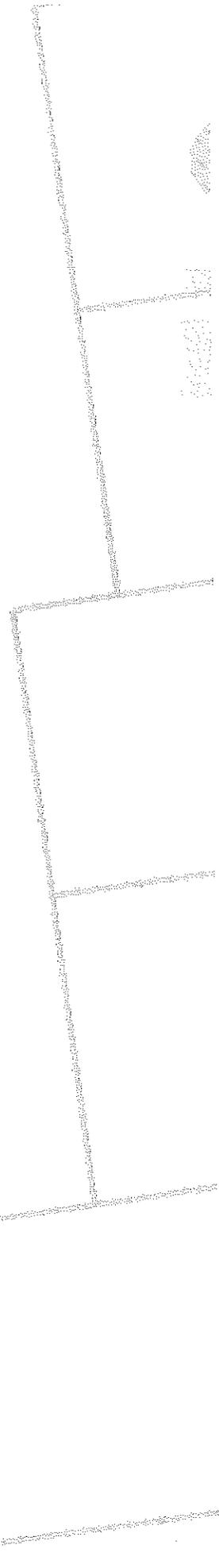
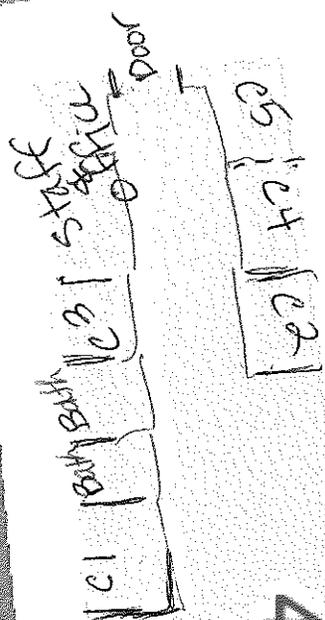
This facility is currently used as a religious classroom building run by Temple Sinai on Sundays. Our Childcare Center would be housed on the first of two floors. The area is 3500 square feet. A previous daycare called *The Hansel and Gretel Nursery School* existed at the site during the years of 1992-1997.

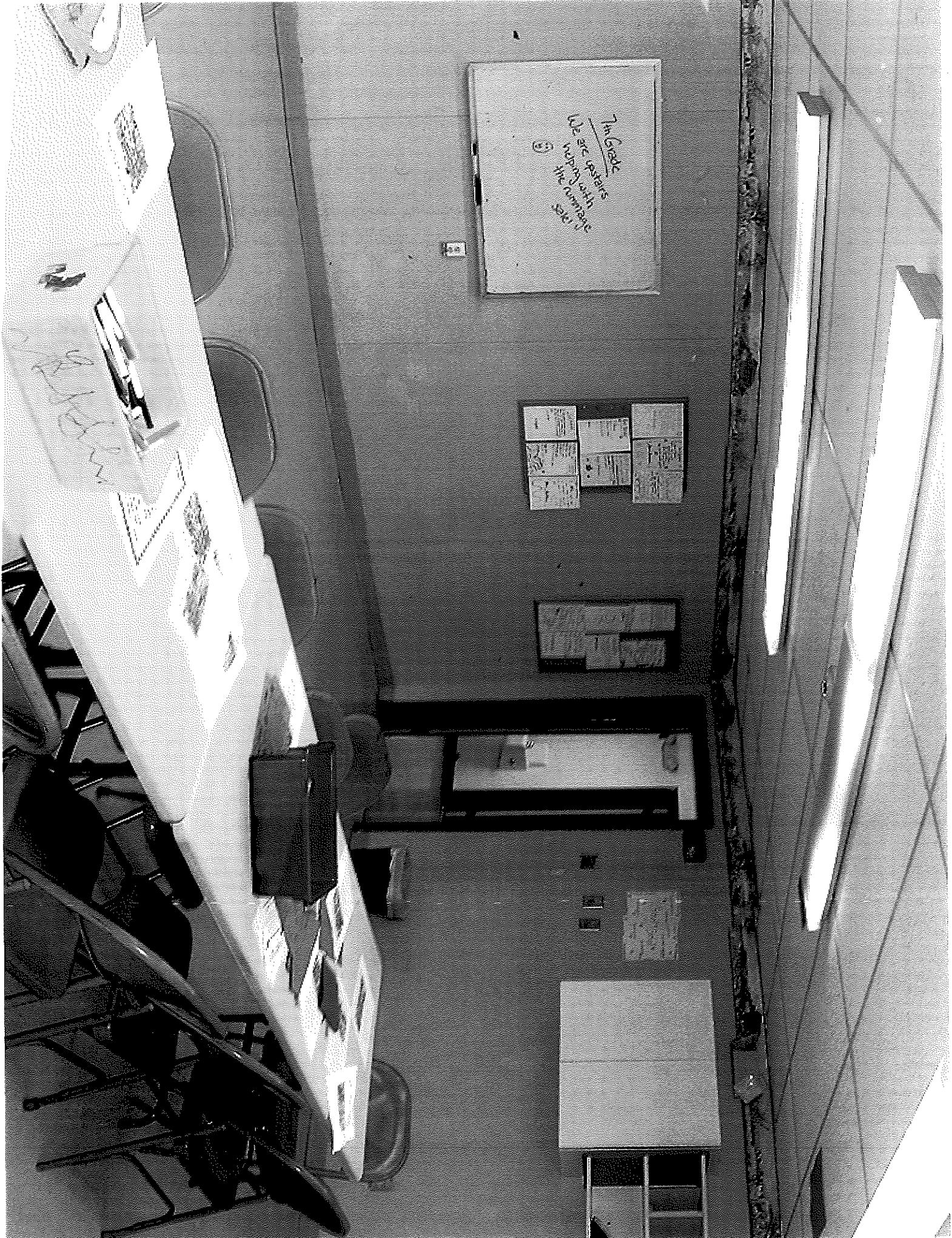
Our childcare and learning center will serve the families of Newington and surrounding towns. We intend to support busy families by caring for and teaching their children, aged 3 months to 4 years old, in a safe and nurturing environment. Beyond this, we will strive to strengthen families by showing concern and listening to the needs of the parents, facilitating friendships and mutual support within our daycare circle, and linking parents to resources and opportunities in the community to help their family stay healthy and safe.

41

36

41













# Temple Sinai



Printed: 7/19/2016 9:08 AM

465.1  
0 232.54 465.1  
Feet

1:2,790

This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington refutes any liability for any actions taken or not taken based on this map.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION AND IS NOT CONSIDERED SURVEY QUALITY.**

### Notes

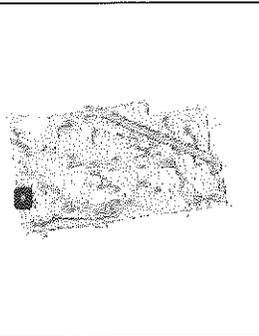
Notes

### Legend

Parcel

2012 color aerial photo

- Rect: Band\_1
- Green: Band\_2
- Blue: Band\_3





Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP   
Date: July 19, 2016  
Subject: **Petition #37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.**

---

### **Description of Petition #37-16:**

The owners of this parcel in the Special Flood Hazard Area (also known as the 100-Year Flood Zone) on the south side of Cedar Street next to Piper Brook would like to place a modular building on the site. They have applied for site plan approval, but any development in the Special Flood Hazard Area also requires a special permit per Section 6.3.6.

### **Staff Comments:**

This is the first application for a special permit to develop in the Special Flood Hazard area that has been submitted in the past four years, so I will take this opportunity to explain the history and the process.

In the early 1990's FEMA delegated to municipalities the responsibility for managing all development in the Special Flood Hazard Area (SFHA). The SFHA is an area that gets flooded during a 100-year storm. Obviously it is generally not a good idea to construct buildings in these areas, but a complete ban on all development would be unreasonable. Regulations were therefore created to guide appropriate development in a SFHA. Towns were given the choice as to which local board or commission would enforce these regulations, and like most towns, Newington opted to put SFHA regulations into the zoning regulations.

Simply put, the SFHA regulations allow development in the SFHA provided three basic conditions are met: (1) the building will be secure enough to withstand flood waters, or be designed to allow flood waters to pass through; (2) the first floor of the building will be higher than the "base flood elevation"; and (3) no new fill is brought in which would reduce the "flood storage capacity" of the parcel. If the application complies with these rules, it would be granted a special permit. Site plan approval is also required, which is processed separately but usually concurrently.

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

The proposed structure is a 10' x 20' "equipment shelter" modular building, to provide "supplemental space for electronic broadcast transmitting equipment, and a secure area for the unattended operation of this equipment." No personnel will be working inside the building. It will be on a concrete foundation which raises the floor above the 100-year flood level.

I have reviewed the plans and they appear to comply with the SFHA regulations.

The Town Engineer is also doing his own, more thorough review, so I recommend the public hearing remain open until his report is done and the applicants have had the opportunity to revise their plans accordingly.

cc:  
WPOP  
Town Engineer  
file

\$250

ck# 3437

Petition # 37-16



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 593 CEDAR ST. (RT. 175) ZONE: INDUSTRIAL (I)  
 APPLICANT: I HEART MEDIA - RICHARD WALSH TELEPHONE: 860-723-6008  
 ADDRESS: 10 COLUMBUS BLVD HARTFORD, CT EMAIL: rckwalsh@iheartmedia.com  
 CONTACT PERSON: RICK WALSH TELEPHONE: 860-723-6008  
 ADDRESS: 10 COLUMBUS BLVD, EMAIL: RICKWALSH@IHEARTMEDIA.COM  
 OWNER OF RECORD: SFX BROADCASTING OF CT, I HEART MEDIA (FORMERLY CLEAR CHANNEL)

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 6.3.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required). Special Flood Hazard \$158
- Site Plan Approval or Modification
- Other (describe in detail, or attach): \_\_\_\_\_

SIGNATURE:

<u>Richard T. Walsh</u>	<u>5/4/2016</u>	<u>[Signature]</u>	<u>SUPP 6-20-2016</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.

## Narrative for the Site Plan Approval for Inland Wetland Commission & Town Planning and Zoning Commission

### Project Summary & Introduction:

iHeartMEDIA, Inc. the owner/operator of radio station WPOP-AM seeks approval for the addition of a secondary utility accessory structure at the existing radio transmitting facility located at 593 Cedar Street. The proposed 10'x20' communications equipment shelter will provide supplemental space for electronic broadcast transmitting equipment, and a secure area for the unattended operation of this equipment. No personnel will be staffed at this location, and only monthly technical inspections will be conducted by a staff member which only one vehicle is anticipated for those visits. The proposed shelter is elevated on a perimeter concrete foundation to place the floor level above the 100 year flood level. Existing buried radio transmission lines will be rerouted to the foundation of the proposed structure. The crawl space area below the shelter will be used to place the excess existing transmission line lengths at the time of installation and cut-over.

### Wetlands & Upland Review Area:

The proposed shelter and associated improvements will not directly impact any wetlands but are located within the 100-foot Buffer "Upland Review Area" as depicted on Sheet 14A of the Town of Newington Map of Inland Wetlands & water courses, dated June 1, 2006. No fuels or liquids are utilized that would pose a hazard to the adjacent wetlands. The shelter has no bathroom facilities and does not require water or sewer services. New underground utility services are proposed to provide electric and telecommunication services to the proposed shelter and site.

The water service has been shut off to the existing building since November 1979, making the existing bathrooms inoperable.

The proposed shelter will be situated on an existing impervious area of the site. An existing 40' x 70' building pad and satellite dish pier are proposed to be removed. The disturbed areas will be replaced with topsoil and grass. The removal of the pad and pier will provide substantial flood water storage volume. This will offset the new foundation area for the proposed shelter.

### Planning & Zoning Considerations:

The proposed shelter is precast concrete manufactured by United Concrete Products of Yalesville, CT. The shelter exterior is of a vertical ribbed texture (Fluted). The exterior finish color is sand beige.

The only proposed lighting of the shelter would be a small "over the door" wall lamp. The site is presently illuminated by a pole mounted flood lamp rented from Eversource at the street gate. New chain-link fencing with two gates will replace the existing deteriorated fencing. This will provide access for parking when servicing the shelter equipment or accessing the existing garage.

The overall appearance of the site will be enhanced with the removal of the existing concrete pad, satellite pier and the replacement of the deteriorated chain-link fencing. Underground utilities will replace the existing aerial cables and associated wooden pole.

Richard Walsh

Market Engineering Manager

iHeartMEDIA, Inc

10 Columbus Blvd.

Hartford, CT 06106



# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Office of Town Engineer

Tanya D. Lane  
Town Manager

Christopher Greenlaw P.E.  
Town Engineer

July 13, 2016

10 Columbus Boulevard  
Hartford, CT 06106  
Attn: Richard Walsh

**RE: 593 Cedar Street**

Mr. Walsh,

This office has performed a review of plans entitled: "Transmitter Shelter, WPOP Transmitter Site, Newington, Connecticut", Drawing C-1, Dated: 06/10/2016, Scale: 1"=20' and Drawing No. S-1, Dated: 03/24/2016, prepared by Macchi Engineers; received as submitted: 07/08/2016.

The following preliminary comments as they pertain to the submitted drawings are as follows:

### Drainage Comments:

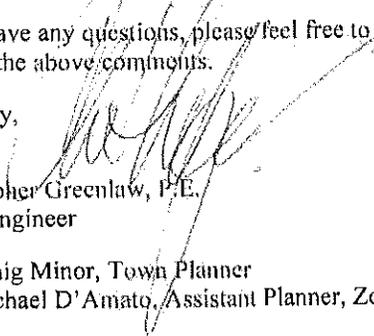
1. Please review the Town of Newington's LID Manual (available on the Town's website) in order to comply with the Town's requirements for this submittal.

### Plan Comments:

2. Provide a construction entrance.
3. Extend siltfence from northeasterly corner of the existing building northerly to utility pole.
4. Indicate on the plan the finished floor elevation of the proposed accessory building.
5. Provide finished grades between the existing brick building and the toe of slope to the north. Provide spot elevations along the proposed chain link fence.
6. In order to check the compensating flood volumes, provide existing ground and top elevations for: the stairs, the satellite pier, and the accessory building.
7. Provide a copy of the topographic survey sealed by a Connecticut licensed professional land surveyor.
8. The person responsible for implementation and inspection of sedimentation and erosion control measures for the project shall be placed on the plan along with telephone numbers (day and emergency).
9. The zoning enforcement officer shall be notified at the beginning of the project to inspect all sedimentation and erosion control measures have been installed as indicated on the approved plans, and also at the end of the project prior to removal of any sedimentation and erosion control measures.

If you have any questions, please feel free to contact me to arrange an appointment for an opportunity to review and discuss the above comments.

Sincerely,

  
Christopher Greenlaw, P.E.  
Town Engineer

Cc: Craig Minor, Town Planner  
Michael D'Amato, Assistant Planner, Zoning Officer



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

July 11, 2016

Richard Walsh  
iHeartMedia  
10 Columbus Boulevard  
Hartford, CT 06106

**Re: Petition #37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.**

Dear Mr. Walsh:

I have reviewed the plans submitted for the above-reference application for compliance with Section 6.3 (Flood Plain Regulations) of the zoning regulations. My comments are as follows.

1. Please revise Sheet C-1 to indicate the elevation at the base of the wall. I know from Sheet S1 that the existing grade is 71.0' plus or minus, but it should say so on the site plan.
2. Section 6.3.7.A.1 of the Flood Plain Regulations states that "All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or later movement...". Please put a note on Sheet C-1 under General Notes that the design complies with this regulation.

I will be sending you a second letter later this week with my comments on the site plan in general, i.e. for compliance with Section 5.3 (Procedures and Requirements for Site Plans).

If you have any questions or comments, please contact me via email at [cminor@newingtonct.gov](mailto:cminor@newingtonct.gov) or (860) 665-8575.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Minor".

Craig Minor, AICP  
Town Planner

cc:  
file  
Town Engineer

Phone: (860) 665-8575 Fax: (860) 665-8577  
[townplanner@newingtonct.gov](mailto:townplanner@newingtonct.gov)  
[www.newingtonct.gov](http://www.newingtonct.gov)



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP *CM*  
Date: July 18, 2016  
Subject: Petition #34-16: Site Plan Modification at 3120 Berlin Turnpike (Panera Bread).  
Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N.  
LaSalle Street, Chicago IL, contact.

---

### **Description of Petition #34-16:**

The owner of this existing Panera restaurant at 3120 Berlin Turnpike has re-applied for permission to install a drive-through lane, which requires a special permit. This application is for approval of the site plan itself.

### **Staff Comments:**

I have some questions about the landscaping and the parking calculation, which I sent to the applicants (attached).

The Town Engineer is reviewing the plans for compliance with the LID and other stormwater management requirements.

cc:  
Norr Architects  
Freeman Companies  
Town Engineer  
file

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



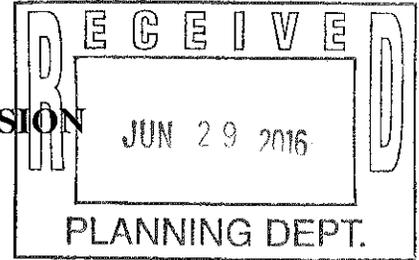
CR#1393

Petition # 34-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 3120 BERLIN TURNPIKE ZONE: PD  
 APPLICANT: NORR ARCHITECTS ENGINEERS PLANNERS TELEPHONE: (312)873-1018  
 ADDRESS: 325 N. LASALLE STREET, SUITE 500, CHICAGO, IL EMAIL: BRYAN.SLONSKI@NORR.COM  
 CONTACT PERSON: BRYAN SLONSKI TELEPHONE: (312)873-1018  
 ADDRESS: 325 N. LASALLE STREET, SUITE 500, CHICAGO, IL EMAIL: BRYAN.SLONSKI@NORR.COM  
 OWNER OF RECORD: NEWINGTON VF LLC, C/O UE LLC

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

- Zoning Map Change from the \_\_\_\_\_ Zone 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 (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Special Exception per Section 3.15.4 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- Other (describe in detail, or attach): \_\_\_\_\_

*\* For Owner & Applicant as Representative*

**SIGNATURE:**

 APPLICANT	<u>06/29/16</u> DATE	OWNER	DATE
---------------	-------------------------	-------	------

**COMPLETE APPLICATIONS SUBMITTED 14 DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, SITE 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.



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

July 19, 2016

Bryan Slonski  
Norr Architects, Engineers, Planners  
325 N. LaSalle Street Suite 500  
Chicago, IL 60654

**Re: Petition #34-16: Site Plan Modification (Drive-through Lane) at 3120 Berlin Turnpike ("Panera Bread"). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.**

Dear Mr. Slonski,

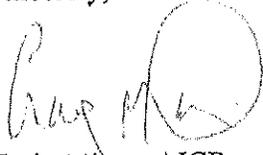
I have completed my review of the above-reference application, and have the following comments. These comments do not include those of the Town Engineer which will be sent to you separately; his comments typically deal with storm water management and LID (low impact development).

1. Please address my questions about the assumptions behind the queueing design that I sent to Jeffrey Lebeau of the Freeman Companies on July 17, 2016 (copy attached).
2. It appears that construction of the proposed drive-thru lane will result in a net loss of green space. Since the required amount of green space is a function of the size of the entire Wal-Mart parcel, and the loss is maybe several dozen square feet, I don't think it is reasonable to calculate exactly what that loss is. However, I do recommend that you show enhanced vegetative screening between the drive-thru lane and the Berlin Turnpike.
3. The front page of the plan set needs an endorsement block (sample attached).
4. The architectural elevations also need an endorsement block. Placing it on the first sheet of the elevations will suffice.
5. This project involves the elimination of four existing parking spaces. I need to know the amount of floor area "open to the public" so I can determine if the remaining amount of parking is sufficient. Please submit a floor plan with the "open to the public" area marked off for my review. This does not need to be part of the site plan – it's just something for me to use in my review.

6. There appear to be formatting errors in the text of the Traffic Sign, Zoning Information, and Parking Requirements tables on Sheet SP-1.

If you have any questions or comments, please contact me at (860) 665-8575.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Minor". The signature is written in a cursive style with a large, prominent loop at the end.

Craig Minor, AICP  
Town Planner

cc:  
Freeman Companies  
Town Engineer  
file

**Minor, Craig**

---

**From:** Minor, Craig  
**Sent:** Monday, July 18, 2016 4:13 PM  
**To:** LeBeau, Jeffrey  
**Cc:** Greenlaw, Chris  
**Subject:** Traffic Analysis - Panera Bread

Jeff:

I have some questions about the "Traffic Analysis" prepared by Colleen Medeiros of McMahon Associates for the proposed drive-thru.

1. There is quite a difference between the in-store/drive-thru ratios for the Southington and Wethersfield stores, i.e. 41% and 35% respectively. This difference is consistent, weekday and week evening. The report does not offer any explanation for this difference, and yet uses the average (un-weighted, but that's okay) of these two ratios to predict the ratio for Newington. What is the basis for this assumption? How does the fact that the Berlin Turnpike has much more traffic than the Silas Deane Highway or Queen Street factor into this?

2. Using the 38% figure and 534 daily transactions, Ms. Medeiros estimates 203 drive-thru's will result if the drive-thru lane is approved. Isn't this on the high side, since the regular customer who today walks in will probably use the drive-thru once it's available?

3. Table 2 contains a column for "Drive-Thru Vehicles". Those columns contain data for the Southington store and the Wethersfield store, as well as for the Newington store which of course has no drive-thru and therefore no data. At the top of page 4 of the report Ms. Medeiros says that she used the average of the two store' ratios to generate expected numbers for Newington, but the table doesn't state that. There is a superscript 5 next to the word "Newington" but no Footnote 5 – was there supposed to be a footnote that said, "Projected"?

4. Using the experience of the Southington and Wethersfield stores to predict what will happen in Newington seems reasonable, but there are plenty of restaurants that have added drive-thru lanes after opening. Isn't there any industry data on this?

Thank you.

Craig Minor, AICP  
Town Planner



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP   
Date: July 19, 2016  
Subject: **Petition #36-16: Site Plan Approval at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.**

---

### Description of Petition #36-16:

The owners of this parcel would like to place a 10' x 20' "equipment shelter" modular building on the site, to provide "supplemental space for electronic broadcast transmitting equipment, and a secure area for the unattended operation of this equipment."

### Staff Comments:

This modular building will be installed next to the existing brick building, which will provide utility connections to the proposed building. According to the narrative submitted by the applicant,

"No personnel will be staffed at this location, and only monthly technical inspections will be conducted by a staff member which only one vehicle is anticipated for those visits. The proposed shelter is elevated on a perimeter concrete foundation to place the floor level above the 100-year flood level. Existing buried radio transmission lines will be rerouted to the foundation of the proposed structure...The shelter has no bathroom facilities and does not require water or sewer services."

I have reviewed the plans and find the application to be in substantial compliance with the regulations. The Town Engineer has not completed his review as of this writing.

The site is in the upland review area, and the applicants have obtained the necessary approval from the Conservation Commission.

cc:  
WPOP  
Town Engineer  
file

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

\$250

CK# 3436

Petition # 36-16



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 593 CEDAR ST. (RT. 175) ZONE: INDUSTRIAL (I)  
 APPLICANT: I HEART MEDIA - RICHARD WALSH TELEPHONE: 860-723-6008  
 ADDRESS: 10 COLUMBUS BLVD HARTFORD, CT EMAIL: rickwalsh@iheartmedia.com  
 CONTACT PERSON: RICK WALSH TELEPHONE: 860-723-6008  
 ADDRESS: 10 COLUMBUS BLVD EMAIL: RICK WALSH@IHEARTMEDIA.COM  
 OWNER OF RECORD: SFX BROADCASTING OF CT, I HEART MEDIA (FORMERLY CLEAR CHANNEL)

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

- Zoning Map Change from the \_\_\_\_\_ to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section \_\_\_\_\_ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).

Site Plan Approval or Modification

Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

<u>Richard T. Walsh</u>	<u>5/4/2016</u>	<u>[Signature]</u>	<u>6-20-2016</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.

## Narrative for the Site Plan Approval for Inland Wetland Commission & Town Planning and Zoning Commission

### Project Summary & Introduction:

iHeartMEDIA, Inc. the owner/operator of radio station WPOP-AM seeks approval for the addition of a secondary utility accessory structure at the existing radio transmitting facility located at 593 Cedar Street. The proposed 10'x20' communications equipment shelter will provide supplemental space for electronic broadcast transmitting equipment, and a secure area for the unattended operation of this equipment. No personnel will be staffed at this location, and only monthly technical inspections will be conducted by a staff member which only one vehicle is anticipated for those visits. The proposed shelter is elevated on a perimeter concrete foundation to place the floor level above the 100 year flood level. Existing buried radio transmission lines will be rerouted to the foundation of the proposed structure. The crawl space area below the shelter will be used to place the excess existing transmission line lengths at the time of installation and cut-over.

### Wetlands & Upland Review Area:

The proposed shelter and associated improvements will not directly impact any wetlands but are located within the 100-foot Buffer "Upland Review Area" as depicted on Sheet 14A of the Town of Newington Map of Inland Wetlands & water courses, dated June 1, 2006. No fuels or liquids are utilized that would pose a hazard to the adjacent wetlands. The shelter has no bathroom facilities and does not require water or sewer services. New underground utility services are proposed to provide electric and telecommunication services to the proposed shelter and site.

The water service has been shut off to the existing building since November 1979, making the existing bathrooms inoperable.

The proposed shelter will be situated on an existing impervious area of the site. An existing 40' x 70' building pad and satellite dish pier are proposed to be removed. The disturbed areas will be replaced with topsoil and grass. The removal of the pad and pier will provide substantial flood water storage volume. This will offset the new foundation area for the proposed shelter.

### Planning & Zoning Considerations:

The proposed shelter is precast concrete manufactured by United Concrete Products of Yalesville, CT. The shelter exterior is of a vertical ribbed texture (Fluted). The exterior finish color is sand beige.

The only proposed lighting of the shelter would be a small "over the door" wall lamp. The site is presently illuminated by a pole mounted flood lamp rented from Eversource at the street gate. New chain-link fencing with two gates will replace the existing deteriorated fencing. This will provide access for parking when servicing the shelter equipment or accessing the existing garage.

The overall appearance of the site will be enhanced with the removal of the existing concrete pad, satellite pier and the replacement of the deteriorated chain-link fencing. Underground utilities will replace the existing aerial cables and associated wooden pole.

Richard Walsh

Market Engineering Manager

iHeartMEDIA, Inc

10 Columbus Blvd.

Hartford, CT 06106



Tanya D. Lane  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP   
Date: July 20, 2016  
Subject: **Petition #06-16: Comprehensive Review of the Zoning Regulations. Town Plan and Zoning Commission, applicant.**

---

### **Description:**

From November 2014 to approximately October 2015, the TPZ held a series of special “workshop” meetings to conduct a comprehensive review of the zoning regulations. The goal was to identify and correct text items that needed minor adjustments, such as deleting all “waiver” provisions in light of the recent MacKenzie v. Town of Monroe appellate court decision. Any major deficiencies were set aside to be handled separately at a later date.

### **Staff Comments:**

The complete set of revisions is 44 pages long, so you will find it in the agenda packet envelope as a separate document.

CRCOG has reviewed the amendments and finds “no apparent conflict with regional plans and policies or the concerns of neighboring towns.”

cc:  
file

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

April 20, 2016

TO: NEWINGTON PLANNING AND ZONING COMMISSION

**REPORT ON ZONING REFERRAL Z-2016-34: Proposed zoning regulation amendments to Sections 2 (Establishment of Zones), Section 3 (Zone Use Regulations) and Section 4 (Height, Area and Yard Requirements). The proposed changes are numerous, part of an update of the entire zoning regulations, and include, among others, minor text changes, deletion of "waiver" provisions, various revisions to special exception regulations including those pertaining to fueling stations in Industrial zones.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Questions concerning this referral should be directed to Lynne Pike DiSanto.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 4/27/2016.

**DISTRIBUTION:** Planner: Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, Berlin

Respectfully submitted,  
Sandra Bobowski, Chairman  
Regional Planning Commission

Karl Robert Profe, Vice Chairman  
Regional Planning Commission



Lynne Pike DiSanto, AICP  
Senior Planner and Policy Analyst

April 20, 2016

**TO: NEWINGTON PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2016-40: Proposed zoning regulation amendments to Sections 5 (General Regulations), Section 6 (Special Regulations), Section 7 (Administration), Section 8 (Board of Appeals) and Section 9 (Appendix - including Rules and Definitions). The proposed changes are numerous and part of an update of the entire zoning regulations.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Questions concerning this referral should be directed to Lynne Pike DiSanto.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 5/11/2016.

**DISTRIBUTION:** Planner: Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, Berlin

Respectfully submitted,  
Sandra Bobowski, Chairman  
Regional Planning Commission

Karl Robert Profe, Vice Chairman  
Regional Planning Commission



Lynne Pike DiSanto, AICP  
Senior Planner and Policy Analyst





# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Tanya D. Lane  
Town Manager

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Craig Minor, AICP *CM*  
Date: July 20, 2016  
Subject: **Petition #19-16: Zoning Text Amendment (Section 3.49 and 6.7: Interior Lots). Town Plan and Zoning Commission, applicant.**

---

### **Description:**

Prior to 2007, interior lots (lots without significant frontage on a town road) were allowed by Special Permit per what was then Section 6.7 of the zoning regulations. In 2007 Section 6.7 was deleted as part of a major revision to the zoning regulations. The TPZ is now considering re-instating them.

### **Staff Comments:**

One final change was made at the meeting on July 13, 2016 to require a minimum of 35' of driveway be paved, unless more is recommended by the Town Engineer to prevent erosion from entering the road.

See attached final draft.

cc:  
file

**- - - PROPOSED - - -**  
**Amendment to Section 3.4 and 6.7 (Interior Lots)**

Proposed additions are shown in **bold underline**.  
Proposed deletions are shown in **~~bold strikethrough~~**.

---

**Section 3.4      Special Permit Activities in All Residential Zones**

(new) 3.4.9      Interior Lots, in accordance with the following requirements:

- A.    No lot shall be subdivided into more than two (2) interior lots.
- B.    Each interior lot shall have at least 1.5 times the minimum lot size required for that zone.
- C.    No portion of the lot between the street and the lot line that intersects the accessway shall count toward the minimum lot size.
- D.    Each interior lot shall comply with all other setback and building requirements for the zone in which it is located;
- E.    Each interior lot shall have an accessway that has a continuous width of at least 20 feet, is owned in fee simple by the owner of the interior lot, and has frontage on a Town street.
- F.    The driveway pavement width shall not be less than 10 feet. The driveway pavement length shall be not less than 35' from the front lot line, unless more is recommended by the Town Engineer to prevent erosion from entering the street. The driveway shall not be closer than 5 feet from an adjoining property line.
- G.    The base for any driveway longer than 500 feet shall be at least 20 feet wide, and shall be capable of supporting the weight of Newington fire apparatus.
- H.    Any driveway longer than 500 feet shall be reviewed by the Newington Fire Marshal. The Fire Marshal's comments shall be submitted with the application. Access to any new structure shall meet all the requirements of the Connecticut Fire Prevention Code: NFPA-1 Chapter 18 Fire Department Access; Sections 18.1 and 18.2
- I.    No two interior lots shall have frontage on the same street any closer to each other than the minimum lot width for that zone, except that two contiguous interior lots may be approved sharing a common driveway, and the application for such interior lots shall include an Agreement specifying that the owners of said driveway will share responsibility for its maintenance;
- J.    The Town Plan and Zoning Commission may require that slope rights on an adjacent frontage lot which is under the control of the applicant be provided to accommodate driveway construction, and that a proposed interior lot share a common driveway with an adjacent frontage lot under the control of the applicant where appropriate.

**--- PROPOSED ---**  
**Amendment to Section 3.4 and 6.7 (Interior Lots)**

Proposed additions are shown in **bold underline**.  
Proposed deletions are shown in **~~bold strikethrough~~**.

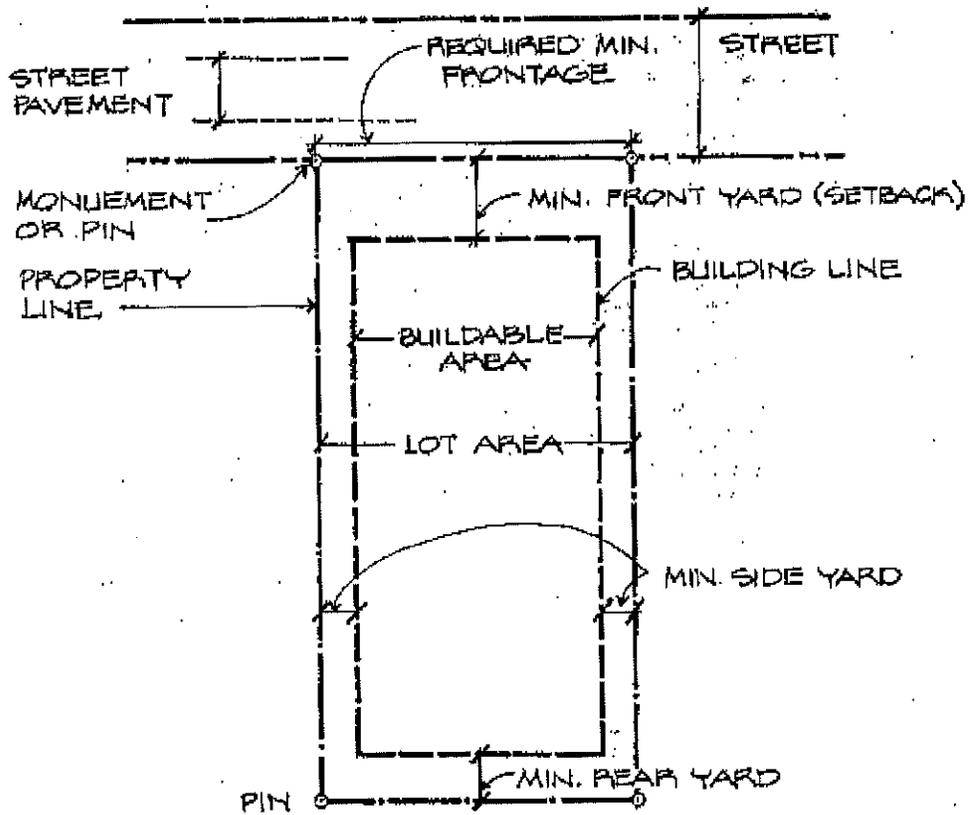
---

Section 6.7      Interior Lots

- A.    The purpose of this regulation is to enable the subdivision of existing lots of relatively large size which, due to their limited frontage and unusual character or topography and the historic pattern of land division, practical difficulty exists in meeting the setback and area requirements of Section 4.5 of the Zoning Regulations.
  
- B.    Interior lots may be authorized in accordance with Section 3.4.9.

FIGURE 1

TYPICAL BUILDING LOT  
ILLUSTRATION FOR YARD SETBACKS







# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

Tanya D. Lane  
Town Manager

Craig Minor, AICP  
Town Planner

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP *CM*  
Date: July 20, 2016  
Subject: Petition #28-16: Zoning Text Amendment (Section 3.0: Higher Density Residential Development Moratorium). Town Plan and Zoning Commission, applicant.

---

### Description of Petition #28-16:

The recent moratorium on higher density residential development expired on June 16, 2016. The proposed amendment would reinstate the moratorium for another year. However, since TPZ is in the process of reviewing and probably adopting TOD regulations for the Newington Junction neighborhood, it probably doesn't need to be for that long.

### Staff Comments:

The Commission meant to approve this at the last meeting, but overlooked it.

CRCOG's comments are attached.

cc:  
file

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

Hearing Date: July 13, 2016  
Adopted Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

### SECTION 3: ZONE USE REGULATIONS

#### Section 3.0 Higher-Density Residential Development Moratorium (effective \_\_\_\_, 2016)

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

- A. Intent and Purpose: There is a CTfastrak station at 160 Willard Avenue in the Newington Junction neighborhood of Newington. Newington Junction is a mixed-use neighborhood consisting of 19<sup>th</sup>-century single family homes, retail stores and restaurants, automobile services, elderly housing, condominiums and various industrial activities. CTDOT has projected CTfastrak ridership will eventually be as high as 16,000 riders per day. The demand for housing in the area around the Newington Junction station is very likely to increase.

The 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 Newington Junction station, the Plan and Zoning Commission is developing TOD (transit-oriented development) 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 Newington Junction CTfastrak station is warranted.

A similar moratorium on higher-density residential housing was in effect for Newington Junction and for the area around the CTfastrak Cedar Street Station on Myra Cohen Way from June 17, 2015 through June 16, 2016. TOD regulations were adopted for the Cedar Street Station area effective May 2, 2016.

##### B. Activities Subject to this Moratorium:

1. Applications for residential development other than single-family housing within ½ mile of the CTfastrak station at 160 Willard Avenue, 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. Applications for amendments to any of the above listed higher-density residential zoning regulations.

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 for the area around the Newington Junction CTfastrak station 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 prior to the expiration date stated in Paragraph C.2.

June 28, 2016

**TO: NEWINGTON PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2016-63: Proposed zoning regulation amendment pertaining to Section 3.0 Higher-Density Residential Development Moratorium. This proposal will reinstate a moratorium enacted last year for an additional period of up to one-year for higher density housing within 1/2 mile of the CTfastrak station at 160 Willard Avenue. The moratorium is proposed for the following activities: Senior Independent Living, Housing for Seniors, Conversion of Older Homes, Single-Family Entry Level Housing, Alternate Residential Building Types, and zoning text changes of any higher density residential zoning regulation.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The proposed moratorium will provide the Town of Newington with up to twelve months in which to develop zoning regulations governing the Newington Junction CTfastrak station area. We encourage the Town to use this time to develop zoning regulations which will allow the full benefits of transit-oriented development to be realized around the station area thus providing livable neighborhoods with a variety of housing options, alternatives to automobile travel, an integrated mix of complementary land uses, and increased economic and cultural opportunities. As the Commission considers zoning regulation changes for the areas around the stations, we recommend CRCOG's recent publication, *The Sustainable Land Use Code Project Model Regulations for Mixed Use Transit-Oriented Development Districts* as a resource. The model regulations are available on the Sustainable Knowledge Corridor website <http://www.sustainableknowledgecorridor.org/site/content/sustainable-land-use>.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 7/6/2016. Questions concerning this referral should be directed to Lynne Pike DiSanto.

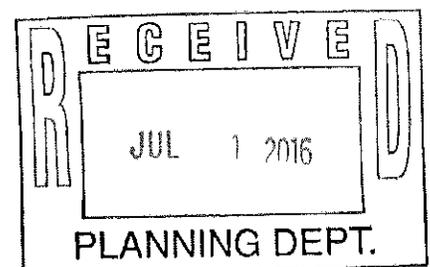
**DISTRIBUTION:** Planner: Rocky Hill, Wethersfield, Hartford, West Hartford, Farmington, New Britain, Berlin

Respectfully submitted,  
Sandra Bobowski, Chairman  
Regional Planning Commission

Karl Robert Profe, Vice Chairman  
Regional Planning Commission



Lynne Pike DiSanto, AICP  
Principal Planner and Policy Analyst







Tanya D. Lane  
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:** Town Planner Craig Minor, AICP  
**Date:** July 20, 2016  
**Subject:** **Town Planner Report for July 27, 2016**

---

1. Open Space Zone regulations: I have not finished revising the draft regulations per the comments that were made at the last TPZ meeting. I will have them for you at the meeting.
2. There is an interesting article in the July 2016 issue of *Planning* magazine on temporary uses, called "pop-ups". See attached.
3. Facebook Page: I found a few town and county TPZ commissions that have a "page" on Facebook. I misspoke last week when I said that, unlike with a Facebook "group", there aren't comments posted on a "page". There are (see attached examples). But they are monitored by the person in charge of the page (me, presumably, although it could be a Commissioner) to keep them from getting out of control.
4. Santarsiero Decision. There was a recent CT appellate court decision that, at first blush, seems to contradict the infamous MacKenzie decision which took away TPZ's ability to grant waivers. Under Santarsiero, the TPZ can grant waivers, provided the regulations give clear circumstances and limitations. That is actually what I said back when MacKenzie first came out – you may recall that when we purged the "waiver" provisions, there were some that I recommended leaving in - so I am gratified to see the court agrees with me! See Glenn Chalder's comments from the CTPlanners' listserv. Some of you will remember Glenn as the planning consultant who filled in after Ed Meehan retired.

cc:  
file

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

## It's Time to Rethink Temporary Use

COMMUNITIES ACROSS THE U.S. ARE EXPERIENCING an increase in entrepreneurial activity. The concept of “pop-up” activities has created a dynamic environment that allows business owners to test new ideas without being tied to long-term commercial leases or traditional brick-and-mortar locations.

Because traditional zoning is often a clumsy tool to address the regulatory land-use issues raised by these types of businesses, communities are turning to an alternative zoning device that authorizes a specific land use for a limited period of time on a particular parcel.

These temporary use regulations allow for short-term uses like pop-up retailers in brick-and-mortar locations, mobile food vendors, festivals, flea markets, gardens, and even urban beaches. This flexibility accommodates the needs of entrepreneurs and promotes a dynamic entrepreneurial environment that ought to be a part of every community's economic development strategy.

### Why temporary uses?

Temporary uses are an antidote to the vacant land that plagues many urban centers. But they do more than just fill vacant lots.

Temporary uses provide property owners with new sources of rental income, incentivize investment, and encourage innovation and culture by allowing entrepreneurs to live and create businesses in low-cost areas. Uses such as food vendors, farmers markets, and urban gardens can also provide relief from the food desert problem affecting lower income areas in many cities.

Furthermore, temporary use regulations may be used to support the introduction of or continuation of businesses catering to specific ethnic and cultural groups that may be displaced by gentrification, enabling them to flexibly locate in brick-and-mortar locations or to serve the area via mobile business operations.

Finally, temporary uses can encourage mixed use development and begin to alleviate the environmental, social, and health consequences associated with single-use development patterns.

### Nuts and bolts

Temporary use regulations look similar to regulations for more permanent uses and can be specified by district or set out in their own section of a zoning code. Regardless, communities wanting to introduce or bolster temporary use regulations should set out

a clear purpose statement, define the temporary uses, and establish specific regulations for each unique temporary use.

With the U.S. Supreme Court decision in *Koontz v. St. Johns River Water Management District* in June 2013, ad-hoc conditions on land-use approvals became trickier when the Court found that they can affect a taking. A sound approach is to legislatively enact development conditions in your zoning code, as opposed to a specific condition as part of land-use approvals for a specific application.

These universally applicable conditions establish a preemptive legislative basis for conditions to approval before an application is ever filed. Placing conditions in a zoning code limits the discretion of staff and other subsidiary bodies tasked with approving applications, thereby avoiding the “negotiated” conditions problem that could give rise to applicants claiming overreach and compensable takings.

Many cities allow successful temporary uses to become permanent. Detroit's highly publicized urban agriculture initiative was initially a short-term measure to fill vast tracts of abandoned space, but many farms have proven successful and are now established providers of food, jobs, and a sense of community in distressed neighborhoods, which has led to increased investment.

Known as conditional temporary use, the use classification becomes permanent once certain events demonstrating a viable business occur within a specific time period. If these events do not occur, the temporary use expires and the land remains subject to the base zoning regulations. Another approach involves classifying the land as a temporary use zone where certain events are prescribed that enable development and location of temporary uses to become permanently sited.

### Putting it into practice

Two goals should guide how cities introduce temporary use regulations. The first is to attract people to marginal areas of the city in the hope that these first movers—often young, creative types—will attract more residents and businesses. This has a much greater chance of occurring when the temporary uses are located in areas that are both affordable and accessible, since new residents are generally dependent upon public transportation.

The second goal is to add vibrancy and income to frequently visited yet stagnant areas. While vacancy might not be an issue, temporary uses like farmers markets, food trucks, and exhibitions bring new products and festivities to the area, providing property owners and area businesses with additional income opportunities. Temporary uses also serve as a bridge in places ripe for redevelopment, which are often left temporarily vacant in periods of uncertainty. Temporary uses allow these areas to remain occupied until the redevelopment begins.

—David S. Silverman, AICP

*Silverman is a partner with Ancel Glink Diamond Bush DiCianni & Krafthefer, P.C. in Chicago, specializing in local government, land use, and economic development matters. This article was adapted from the July 2014 Issue of Planning & Environmental Law.*



# City of Lebanon Planning & Zoning Department

@cityoflebanonplanningdepartment



Sign Up Like Share

Home About Photos Reviews More

Search for posts on this Page

557 people like this

5.0 of 5 stars 3 reviews  
View Reviews

Open · 8:00AM - 4:00PM  
Get additional info

Invite friends to like this Page

### ABOUT



401 S Menden St  
Lebanon, IN

(765) 432-3345

Open  
Today 8:00AM - 4:00PM

<http://www.cityoflebanon.org/>

### APPS



Join My List



City of Lebanon Planning & Zoning Department added a new photo.

February 18, 2014



Save

Like

Comment

Share

1



Write a comment



City of Lebanon Planning & Zoning Department

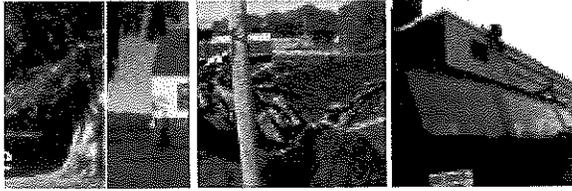
July 6 at 9:23am

Just in case you missed our article is this month's electronic newsletter, below is a list of facts related to easements, what they are, who owns them, etc. To subscribe to the City's monthly electronic newsletter, where you will receive up-to-date information regarding the happenings in Lebanon, click

Commission's hours

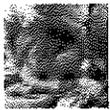
https://www.facebook.com/sacpandz

PHOTOS



Small text blocks and lists of items, likely a menu or a list of services provided by the commission.

REVIEWS



Tell people what you think

PEOPLE ALSO LIKE



The Scoop

The Cream Parlor

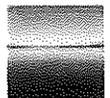
Like



Indian Lanes

Swirling Alley

Like



Sac County Iowa

Tourist Information

Like

Government Organizations in Sac City, Iowa

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Privacy · Terms · Advertising · Ad Choices · Cookies · More

2 shares



Write a comment



Kaysie Yauble Mini golf

Like · Reply · September 23, 2014 at 3:24am



Bodi Penniman That's cool too lol

Like · Reply · September 21, 2014 at 10:35am

View 3 more comments



Sac City, Iowa Planning And Zoning Commission

September 16, 2014

September 16, 2014 Sac City Planning and Zoning Meeting



September 16, 2014 Sac City Planning and Zoning Meeting

YOUTUBE.COM

Like · Comment · Share

1 share



Write a comment



Sac City, Iowa Planning And Zoning Commission

September 16, 2014

Sac City Planning & Zoning

Tuesday, September 16, 2014 – 6:30 p.m. – Council Chambers

I. Call the Meeting to Order..... See More

Like · Comment · Share



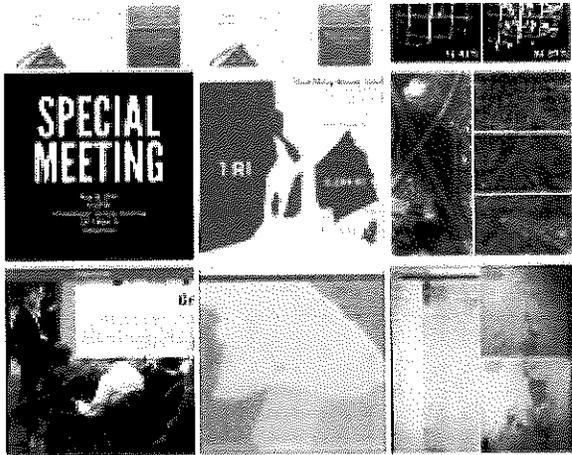
Sac City, Iowa Planning And Zoning Commission

August 20, 2014

Minutes of the August 19, 2014 Sac City Planning and Zoning Board Meeting

SAC CITY PLANNING & ZONING BOARD August 19, 2014

Sac Community Center... See More



June 9th Meeting: <https://youtu.be/5dTpXGQpmJs>  
July 14th Meeting: <https://youtu.be/E-z8seZN28w>

Like Comment Share

**Georgetown-Scott County Planning Commission**  
July 14 at 9:23pm

We are currently experiencing intermittent outages on our website. We appreciate your patience while our service provider works to resolve the issue. In the meantime, if there's anything we can help you with, don't hesitate to contact us by phone at (502) 867-3701.

Like Comment Share

PEOPLE ALSO LIKE

- Like
- Like
- Like

LIKED BY THIS PAGE

- Like
- Like
- Like

English (US) Español Português (Brasil) Français (France) Deutsch

**Georgetown-Scott County Planning Commission**  
July 5 at 3:27pm

The agenda and packet for the July 14th Planning Commission meeting is now up and online for your perusal!  
<http://www.gscplanning.com/current-agenda>

### Georgetown-Scott County Planning Commission | Current Agenda

The Georgetown-Scott County Planning Commission handles issues pertaining to planning, engineering, and GIS for Scott County, Kentucky.

[GSCPLANNING.COM](http://www.gscplanning.com)

Like Comment Share

**Georgetown-Scott County Planning Commission**  
July 7 at 4:13pm

UPDATE: Our interactive maps are back up and running. Thanks for your patience while we worked to troubleshoot and work through this issue. We apologize for any inconvenience this downtime may have caused!

Like Comment Share

1 Chronological

**Georgetown-Scott County Planning Commission** And shout out to Earl Support for helping us figure this whole mess out 😊

Like Reply July 7 at 4:14pm

Write a comment...

**Georgetown-Scott County Planning Commission**

1301 2nd Ave  
Conway, SC

Save

(843) 915-5340

Open  
Today 8:00AM - 5:00PM

Ask for Horry County Government Planning and Zoning's price range

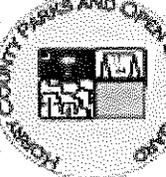
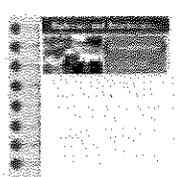
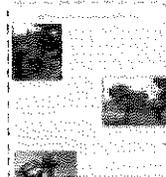
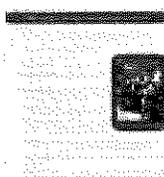
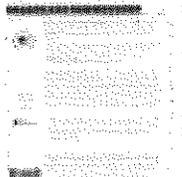
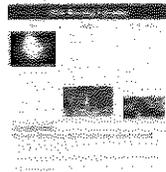
<http://www.horrycounty.org/Departments/Planni>

APPS



Subscribe for Updates

PHOTOS



UPCOMING EVENTS

JUL 26 Parks and Open Space Boa...  
Tue 12:30 PM · Horry County Gov...

Subscribe

REVIEWS



Horry County Government Planning and Zoning

12 likes

County Council recently approved an ordinance to allow for tiny homes communities within the Multi-Residential (MRD) zoning district. The ordinance establishes tiny homes as single family dwelling units that have a maximum size of 750sf and must be on a permanent foundation, much like those in the picture below (Credit: Bill Dickinson via Flickr Creative Commons). For more information, contact the Planning & Zoning Department at 843-915-5340.



Like Comment Share

4

Top Comments



Write a comment



Dawn Marie These are adorable!

Like Reply 17 hrs



Horry County Government Planning and Zoning

July 15 at 3:00am

Horry County Council has adopted procedures for temporary commercial activities to support active farms. Farmers seeking to expand their income with activities like you pick operations, rent-a-row options, hayrides, and similiar uses are encouraged to visit our office for more information. The recently approved Agritourism Permit may alleviate you of some standard commercial development requirements, including landscape buffers, typical parking standards, and permanent restroom facilities. For more information, call 843-915-5340 or contact Mary Catherine Hyman at [hymanm@horrycounty.org](mailto:hymanm@horrycounty.org). You can download the application at: <http://www.horrycounty.org/.../Agritourism%20Permit%20Applica...>



*José Giner, AICP*

Director of Planning & Economic Development

Town of Bloomfield

800 Bloomfield, Ave.

Bloomfield, CT 06002

[jginer@bloomfieldct.org](mailto:jginer@bloomfieldct.org)

860-769-3515

**From:** Glenn Chalder [<mailto:g.chalder@planimetrics.net>]

**Sent:** Wednesday, July 20, 2016 8:35 AM

**To:** Jana Roberson <[janaroberson@outlook.com](mailto:janaroberson@outlook.com)>; John Guskowski <[jguskowski@cmeengineering.com](mailto:jguskowski@cmeengineering.com)>; Amanda Kennedy <[akennedy@seccog.org](mailto:akennedy@seccog.org)>; [cnelson@oldsaybrookct.gov](mailto:cnelson@oldsaybrookct.gov); Chris Wood <[woodplanning@charter.net](mailto:woodplanning@charter.net)>; Alan Sylvestre <[alan.sylvestre@ct.gov](mailto:alan.sylvestre@ct.gov)>; Don Poland <[don@donaldpoland.com](mailto:don@donaldpoland.com)>; 'Seeman, Evan J.' <[eseeman@rc.com](mailto:eseeman@rc.com)>; 'Jason Vincent' <[jvincentstonington@gmail.com](mailto:jvincentstonington@gmail.com)>; Philip Chester <[pchester@lebanontownhall.org](mailto:pchester@lebanontownhall.org)>; Robert Phillips <[phillipsr@southington.org](mailto:phillipsr@southington.org)>; Jose Giner <[jginer@bloomfieldct.org](mailto:jginer@bloomfieldct.org)>; 'Kyle Shiel' <[kshiel@manchesterct.gov](mailto:kshiel@manchesterct.gov)>; [martin\\_connor@torringtonct.org](mailto:martin_connor@torringtonct.org); 'Stark, Brett' <[bstark@blcompanies.com](mailto:bstark@blcompanies.com)>; 'Sam Gold' <[sgold@rivercog.org](mailto:sgold@rivercog.org)>; Craig Minor <[cminor@newingtonct.gov](mailto:cminor@newingtonct.gov)>; Dan Tuba <[dant1414@msn.com](mailto:dant1414@msn.com)>; David Elder <[d\\_elder1@hotmail.com](mailto:d_elder1@hotmail.com)>; Elizabeth Stocker <[estocker@norwalkct.org](mailto:estocker@norwalkct.org)>; Chris Smith <[cjsmith@goodwin.com](mailto:cjsmith@goodwin.com)>; 'Ken Livingston' <[klivingston@fhiplan.com](mailto:klivingston@fhiplan.com)>; Stephen Lecco <[stephen.lecco@gza.com](mailto:stephen.lecco@gza.com)>; [JReiner@groton-ct.gov](mailto:JReiner@groton-ct.gov)

**Cc:** Alan Deckman <[alan@ctcapitolgroup.com](mailto:alan@ctcapitolgroup.com)>; John Bailey <[john@ctcapitolgroup.com](mailto:john@ctcapitolgroup.com)>; Mike Piscitelli <[mpiscite@newhavenct.gov](mailto:mpiscite@newhavenct.gov)>; Emily Hultquist <[ehultquist@crcog.org](mailto:ehultquist@crcog.org)>

**Subject:** RE: Santarsiero Decision

Here is my take:

Mackenzie	A zoning commission CANNOT "blanketly" waive, vary or modify the provisions of its regulations without standards (this violates the uniformity concept)
Santarsiero	A zoning commission CAN waive, vary or modify the provisions of its regulations <u>with standards and/or criteria</u> that clearly specify what can be modified and how someone can objectively determine when the option is available

They are both appellate court decisions so they carry equal weight.

I am interested in the thoughts and conclusions of others.

Glenn Chalder, AICP  
Planimetrics, Inc.  
70 County Road  
Simsbury, CT 06070  
860-913-4080

**From:** Jana Roberson [<mailto:janaroberson@outlook.com>]

**Sent:** Tuesday, July 19, 2016 3:19 PM

**To:** John Guskowski; Amanda Kennedy; [cnelson@oldsaybrookct.gov](mailto:cnelson@oldsaybrookct.gov); Chris Wood; Alan Sylvestre; Don Poland; 'Seeman, Evan J.'; Glenn Chalder; 'Jason Vincent'; Philip Chester; Robert Phillips; 'Jose Giner'; 'Kyle Shiel'; [martin\\_connor@torringtonct.org](mailto:martin_connor@torringtonct.org); 'Stark, Brett'; 'Sam Gold'; Craig Minor; Dan Tuba; David Elder; Elizabeth Stocker; Chris Smith; 'Ken Livingston'; Stephen Lecco; [JReiner@groton-ct.gov](mailto:JReiner@groton-ct.gov)

**Cc:** Alan Deckman; John Bailey; Mike Piscitelli; Emily Hultquist

**Subject:** Santarsiero Decision