



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, September 9, 2015

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

7:00 p.m.

A G E N D A

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

IV. PUBLIC HEARINGS

- a. Petition #31-15: Zoning Text Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zones) to change the definition of "commercial vehicle". Newington TPZ, applicant/contact. Continued from August 26, 2015.
- b. Petition #33-15: Renewal of Special Permit #51-13: Child Care at 82 Candlewyck Drive. Agnieszka Kaim, 82 Candlewyck Drive, Newington CT, owner/applicant/contact.
- c. Petition #34-15: Resubdivision of Parcel at 45-47 Monte Vista Avenue. Jacques Morreale, 123 Cherry Hill Drive, Newington CT, owner/applicant/contact.
- d. Petition #29-15: Special Permit (Section 3.2.5: Convalescent Home) at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

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

VI. REMARKS BY COMMISSIONERS

VII. MINUTES

VIII. NEW BUSINESS

- a. Petition #30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Hartford CT, contact.
- b. Petition #32-15: Site Plan Modification at 50 Rockwell Road. Reno Properties LLC, applicant; 50 Rockwell Road LLC, owner; David Occhialini, Reno Properties, 170 Pane Road, Newington CT, contact.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 SEP -3 AM 11:02

BY Tanya D. Lane
TOWN CLERK

c. Discuss format of TOD Informational Session on September 24, 2015.

IX. OLD BUSINESS

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

a. Petition #35-15: Special Permit (Section 3.11.6: Restaurant) for “Subway” at 63 East Cedar Street, Newington Sovereign Bank Plaza LLC, owner; Terrence McMorrow, 433 Old Mountain Road, Farmington, CT, applicant/contact.

XI. TOWN PLANNER REPORT

a. Town Planner Report for September 9, 2015

XII. COMMUNICATIONS

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

STAFF REPORT
“Commercial Vehicle” Definition

September 3, 2015

Petition #31-15:

Zoning Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zone),
Town Plan and Zoning Commission, applicant.

Description of Petition #31-15:

This is a revision to the current definition of “commercial vehicle” as it applies in a residential zone. The proposed amendment was drafted by Zoning Enforcement Officer Mike D’Amato based on his prior experience as ZEO in the Town of Somers, CT and research he has done on other towns.

Staff Comments:

Several issues came up during and after the public hearing on August 26, 2015 that the staff suggests addressing as follows:

1. Revise Line #4 to state that DOT-mandated contractor license numbering painted or attached to the side of a vehicle shall not count toward the 2 square foot of signage.
2. Since a utility trailer is defined as a “commercial vehicle” in Line #1, and only one commercial vehicle is allowed, a contractor cannot have both a pickup truck and a trailer. I suggest revising the regulation to allow one additional commercial vehicle (of any type) by special permit. This would give the contractor the opportunity to explain why his second commercial vehicle would not impact the neighborhood; give neighbors the opportunity to comment or ask questions; and give TPZ the ability to approve with conditions.
3. Upon further reflection, the permanent storage of construction equipment as listed in Line #2 is simply not appropriate in a residential zone, even when screened behind the house. I recommend deleting this line and adding it to the list of prohibited uses in Section 3.24 as follows:

Section 3.24 Prohibited Uses

It is the intent of these regulations to permit only those uses expressly permitted and to prohibit those uses not expressly permitted. Certain uses identified below are declared prohibited for purposes of clarification.

- (new) **3.24.9 Earth-moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment stored in a residential zone, unless being used in connection with a building permit or zoning approval.**

cc:
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor
Town Planner

Office of Zoning Enforcement

July 13, 2015

From: Michael D'Amato, CZEO
To: Town Plan and Zoning Commission
Subject: **Commercial Vehicle Zoning Regulations**

Recently, it has come to the attention of this office that the existing regulation that deals with commercial vehicles in the Town of Newington may not be sufficiently addressing the issue. After looking into how many other Towns regulate this matter, I have come up with the following suggestion for a new definition.

The regulation currently reads:

Section 3.22: Accessory Buildings and Uses Permitted in Residential Zones

- 3.22.1. C. A commercial vehicle ~~not larger than one ton~~ and customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way ~~and must be owned by the resident.~~

The current wording presents a number of issues in determining if a vehicle meets the requirements to remain on a residential site or not. These issues include:

1. There is no "commercial vehicle" definition in the Zoning Regulations. The State of CT defines a "Commercial Vehicle" as anything in excess of 26,000 pounds.
2. "Not larger than one ton" is vague. Does this mean gross vehicle weight? Payload?
Note: a standard small 4 door sedan weighs roughly 1.5 tons.

After looking at the definition that we currently have, my suggestion is to remove the words, "not larger than one ton" and leave the rest of the section as it is. My next suggestion would be to then define ~~in the glossary section~~ what Newington believes a commercial vehicle is (or is not). The suggested regulation below keeps the intent of the existing regulation but clarifies the parts that were not clear.

A “Commercial Vehicle” is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade.

Commercial vehicles include:

1. Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
2. Earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
3. **Any vehicle outfitted with a backup alarm.**
4. **Any vehicle with more than 2 square feet of signage affixed to the outside.**
5. Any vehicle which has two (2) or more of the following characteristics:
 - a. Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;
 - b. Exceeds seven (7) feet in height from the base of the vehicle to the top;
 - c. Exceeds twenty (20) feet in overall length;
 - d. Has more than two (2) axles;
 - e. Has more than 4 tires in contact with the ground;
 - f. Used or built to carry more than 8 passengers;
 - g. Designed to sell food or merchandise directly from the vehicle or trailer itself;
 - h. Has modifications such as a platform rack or mechanical equipment such as a hoist used to facilitate the carrying of goods or equipment.

A vehicle for personal use only, that meets two or more of the characteristics listed in Paragraph 5 shall not be considered a “commercial vehicle” because it is not “regularly used to carry, deliver, handle or transport goods in the conduct of a business”.

cc:
file

STAFF REPORT
Renewal of Special Permit for Family Day Care at 82 Candlewyck Drive

September 2, 2015

Petition #33-15

Renewal of Special Exception #51-13 (Section 3.2.9: Child Care)

82 Candlewyck Drive

Agnieszka Kaim, owner/applicant/contact.

Description of Petition #51-13:

This is a petition to renew the existing Special Permit for a family day care at 82 Candlewyck Drive, which was approved on October 9, 2013 per COA #51-13.

Staff Comments:

Special Permit #51-13 was approved with the following conditions:

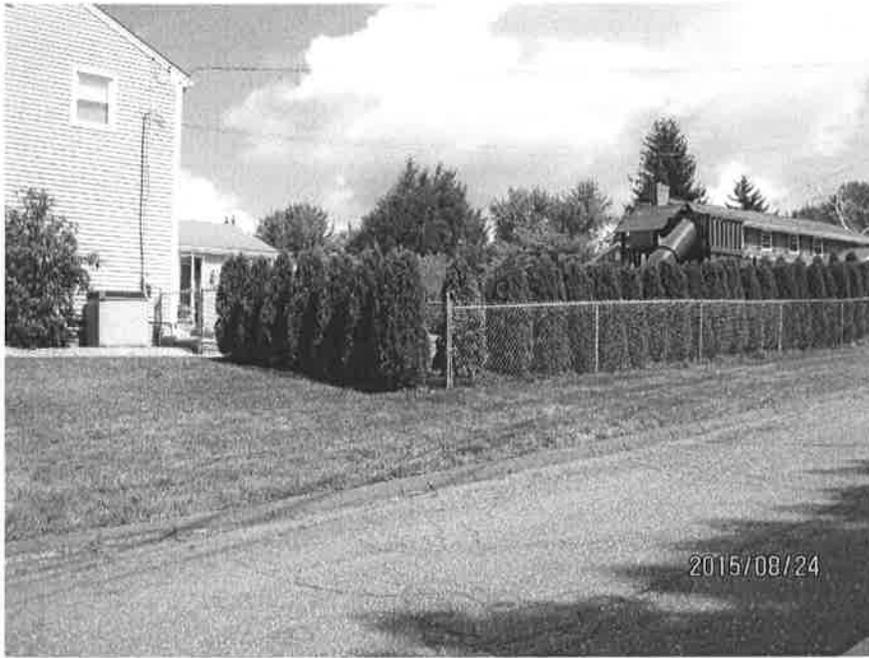
The conditions were as follows:

1. Parents dropping off and picking up children shall park in the driveway and not on Salem Drive nor on Candlewyck Drive.
2. Arbor vitae or some other suitable evergreen not less than 6' tall shall be planted along the east property line to create a visual screen.
3. This special permit expires on October 8, 2015. The Applicant may submit a request to renew it not later than August 8, 2015. The TPZ may renew this special exception after a public hearing.
4. There shall be no additional staff.

I have visited the site and can confirm that the screen of evergreens has been planted in accordance with Condition #2. See attached.

We have not received any complaints about this day care.

cc:
Applicant
file



#33-15

To whom it may concern,

My name is Agnieszka Kaim. I live at 82 Candlewyck Dr in Newington CT. I'm a Day Care provider. I'm writing to you to ask for extending my permit for a Day Care. Currently I care for 4 children from 7:00am – 5:00pm. My petition was approved, with conditions, at the regular meeting of the Town Plan and Zoning Commission on October 9, 2013. Thank you for taking your time to review my letter for renewal.

DOC ID: 001751280001
BOOK 2135 Page 395
File # 49388

TYPE: LAN

Sincerely,
Agnieszka Kaim



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

Certified Mail No. 7196 9008 9040 2058 4246

October 10, 2013

CERTIFICATE OF ACTION

Agnieszka Kaim
82 Candlewyck Drive
Newington, CT 06111

Dear Ms. Kaim:

**Re: Petition #51-13: Special Exception (Section 3.2.9: Family Day Care)
at 82 Candlewyck Drive. Agnieszka Kaim, owner/applicant/contact**

This is to inform you that the above-referenced petition was approved, with conditions, at the regular meeting of the Town Plan and Zoning Commission on October 9, 2013. A legal notice to that effect will be published in the New Britain Herald on or about October 12, 2013.

The conditions were as follows:

1. Parents dropping off and picking up children shall park in the driveway and not on Salem Drive nor on Candlewyck Drive.
2. Arbor vitae or some other suitable evergreen not less than 6' tall shall be planted along the east property line to create a visual screen.
3. This special permit expires on October 8, 2015. The Applicant may submit a request to renew it not later than August 8, 2015. The TPZ may renew this special exception after a public hearing.
4. There shall be no additional staff.

This special exception will not become effective until you have filed this original Certificate of Action in the office of the Newington Town Clerk. The filing fee is \$53.00.

Yours truly,

Craig Minor, AICP
Town Planner

cc:
ZEO
file

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

STAFF REPORT
Subdivision of Existing Duplex House at 45-47 Monte Vista Avenue

September 2, 2015

Petition #34-15:

Re-Subdivision

45-47 Monte Vista Avenue

Jacques Morreale, 123 Cherry Hill Drive, Newington CT, owner/applicant/contact.

Description of Petition #28-15:

The owner of the property at 45-47 Monte Vista Avenue would like to split it into two separate lots, with half of the existing duplex house on each side. This is the existing pattern of development in this neighborhood. Since it is a re-subdivision, by state law it must have a public hearing.

Staff Comments:

I have completed my review of the plans, which I have sent to the applicant and his surveyor.

The Town Engineer has not completed his review.

cc:
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

September 2, 2015

Jacques Morreale
123 Cherry Hill Drive
Newington CT, 06111

Dear Mr. Morreale:

Re: Petition #34-15: Re-Subdivision of Duplex House at 45-47 Monte Vista Avenue. Jacques Morreale, 123 Cherry Hill Drive, Newington CT, owner/applicant/contact.

I have reviewed the plans submitted in connection with the above-referenced application, and have the following comments.

1. Record Subdivision Plan (Section 6.2):

a. The surveyor's certification that the survey contains "no gaps or overlaps" in relation to surrounding property is missing (Section 6.2).

b. The title block should be changed from "Property Survey Showing Proposed Lot Split..." to "Record Subdivision Plan" and the plan numbered "1 of 2".

c. The note reading, "35' Min. Front Yard" should be changed to "25' Min. Front Yard" and the line moved to the proper place (Section 6.2.f).

d. It is not clear whether the iron pins and monuments are existing or proposed. This needs to be clarified.

d. A proper endorsement block needs to be added. See attached example (Section 6.2.n).

2. Utilities and Improvement Plan (Section 6.3):

a. "The Plan shall bear the seal, imprint and signature of a licensed professional engineer" (Section 6.3).

b. The proposed location of the water service for Lot 78A needs to be shown (Section 6.3.e).

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

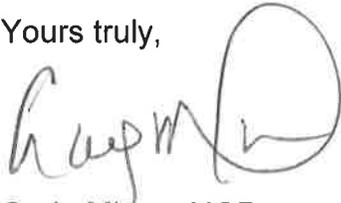
c. A proper endorsement block needs to be added. See attached example (Section 6.2.n).

d. It is not clear whether the iron pins and monuments shown on the plan are existing, or proposed. This needs to be clarified.

e. The plan should be numbered "2 of 2".

Please feel free to call me at (860) 665-8575 or cminor@newingtonct.gov. This application will be on the September 9, 2015 TPZ agenda for review and discussion.

Yours truly,

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

Craig Minor, AICP
Town Planner

cc:
Flynn & Cyr Land Surveying LLC
file



ck# 707

Petition # 34-15

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 45/47 Montavista Ave ZONE: R-7

APPLICANT: Jacques Morreale TELEPHONE: 860 543-0315

ADDRESS: 123 Cherry Hill Dr. EMAIL: JACK MOR 123 808@hotmail.com

CONTACT PERSON: Jacques Morreale TELEPHONE: 860 543 0315

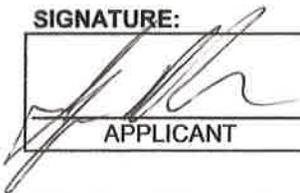
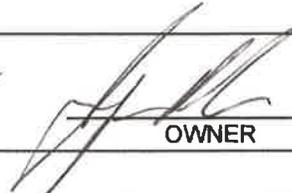
ADDRESS: 123 Cherry Hill Dr. Newington CT EMAIL: JACK MOR 123 808@hotmail.com

OWNER OF RECORD: Jacques Morreale

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>8/13/2015</u>		<u>8/13/2015</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.

STAFF REPORT
Special Permit for Additions to Bel-Air Manor

September 2, 2015

Petition #29-15:

Special Permit (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue (“Bel-Air Manor”).

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #29-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

I have no comments at this time.

cc:
file

OK# 1072

29
~~33~~-15

Petition # _____



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

LOCATION OF PROPERTY: 238, 256, 268 NEW BRITAIN AVENUE ZONE: R-20

APPLICANT: BEL-AIR MANOR ASSOCIATES, LLC TELEPHONE: (203) 381-1327

ADDRESS: 256 NEW BRITAIN AVENUE EMAIL: MBOGG1063@GMAIL.COM

CONTACT PERSON: MATTHEW BOGGIO TELEPHONE: (203) 381-1327

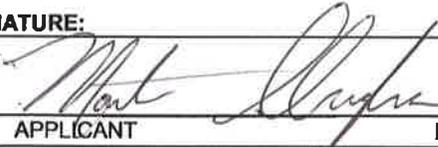
ADDRESS: RYDERS HEALTH MANAGEMENT, 88 RYDERS LANDING, SUITE 208 STRATFORD, CONNECTICUT 06614 EMAIL: MBOGG1063@GMAIL.COM

OWNER OF RECORD: 238 NEW BRITAIN AVENUE / SALVATORE, MARGARET, ROBERT MD, MARTIN RN, SBRIGLIO
256 NEW BRITAIN AVENUE / BEL-AIR MANOR ASSOCIATES, LLC
268 NEW BRITAIN AVENUE / BEL-AIR MANOR ASSOCIATES, LLC

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 3.2.5 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE: _____

 APPLICANT	DATE <u>8/7/15</u>	 OWNER	DATE <u>8/7/15</u>
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

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STAFF REPORT
Site Plan Modification for Parking Lot Improvements
at 80 Fenn Road

September 2, 2015

Petition #28-15:

Site Plan Modification (Section 3.16.1: Processing or Assembly of Components or Goods)
80 Fenn Road
Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Wethersfield CT,
contact.

Description of Petition #28-15:

The owner of the building at 80 Fenn Road wants to lease space in the building to a demolition debris contractor ("Triumvirate"). The prospective tenant needs to be able to bring trucks to the back of the building, so changes to the parking lot, aisles, and landscaping are needed.

Staff Comments:

The applicant has determined that the best way to facilitate truck access to the rear of the building at 80 Fenn Road is via the rear of the adjacent property at 36 Holly Drive, which he also owns. The Town Engineer has not completed his review of the drainage design (per the new LID regulations), but the Town Planner has no significant concerns with this modification.

At the TPZ meeting on August 26, 2015 several commissioners had questions about the proposed tenant's business. I conveyed this to the applicant, and I have been informed that a representative of Triumvirate will be at the TPZ meeting on September 9, 2015 to answer any questions.

cc:
file



**TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM**

LOCATION OF PROPERTY: 80 FENN Road ZONE: Industrial
APPLICANT: FENN Road 80, LLC TELEPHONE: 860-597-4475
ADDRESS: P.O. Box 290589 EMAIL: Joe@CLASSICRem.com
CONTACT PERSON: Joseph Sullo TELEPHONE: 860-597-4475
ADDRESS: P.O. Box 290589 EMAIL: Joe@CLASSICRem.com
OWNER OF RECORD: FENN Road 80, LLC

312 Murphy Rd -
Htfd. CT 06119

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>7-1-15</u>		<u>7-1-15</u>
APPLICANT	DATE	OWNER	DATE

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

NOTE:
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**Tarbell,
Heintz**
& associates, Inc.
surveyors and engineers

July 13, 2015

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

Re: Site Plan Modification– Property Located – 80 Fenn Road

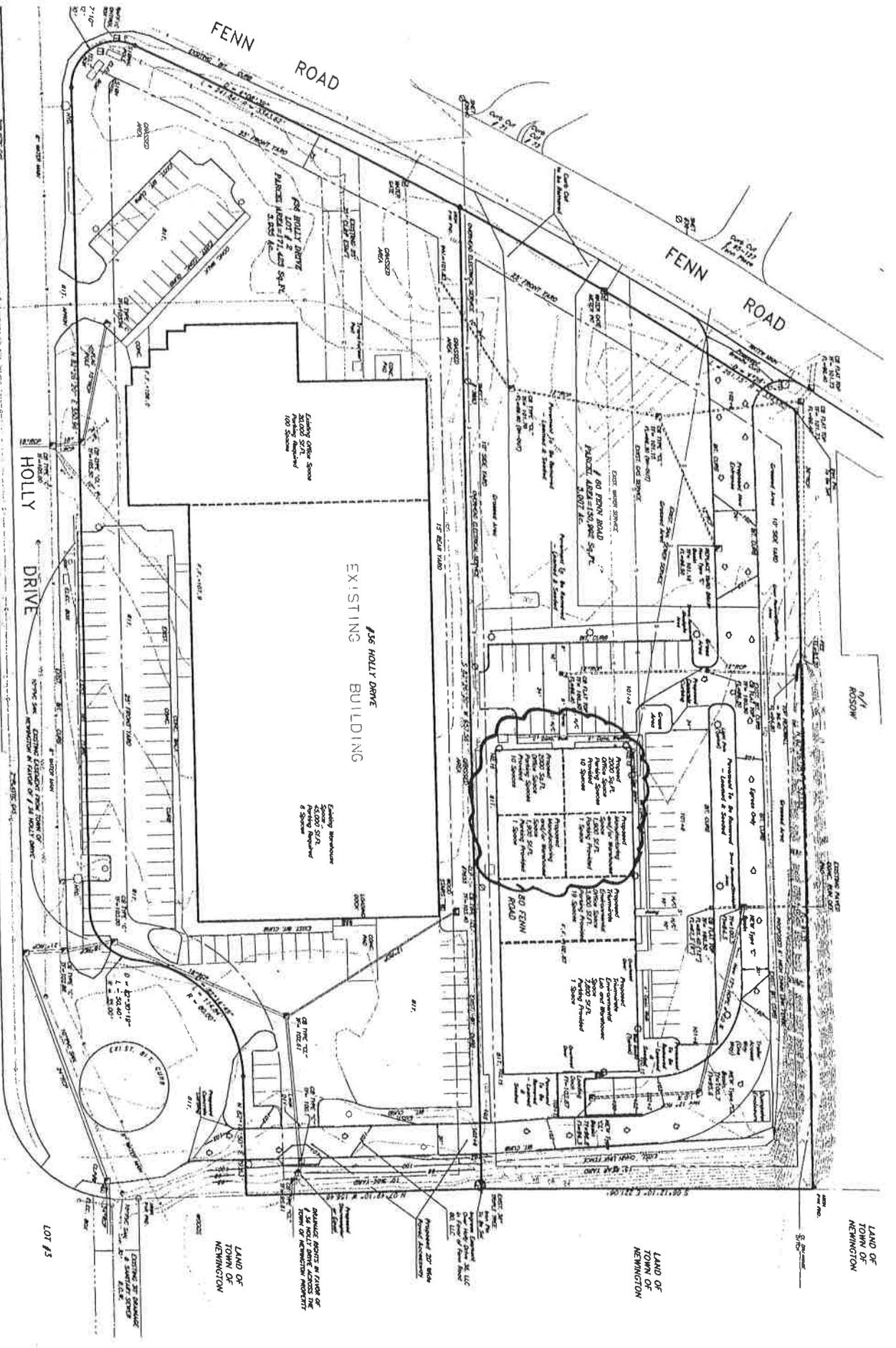
The proposal is to modify the rear portion of the existing building and the site for office and warehouse to be occupied by Triumvirate Environmental Corporation. The remaining front portion of the building will remain vacant until a tenants are found.

The modifications are; 1) upgrading the existing structure to accommodate the new tenant, 2) revise the parking to meet the town of Newington's parking regulations, 3) revise some drainage, 4) relocate the entrance to the northerly side of the property on Fenn Road and also provide access of Holly drive to accommodate the trucks for the new tenant and construction of a new loading dock.

860-528-1810
860-528-9495 fax
Email: mtahe1@aol.com
1227 Burnside Ave. Ste. 8A
East Hartford, Ct. 06108

Scale 1" = 40'

CALL BEFORE YOU DIG



LAND OF TOWN OF NEWINGTON

LAND OF TOWN OF NEWINGTON

LAND OF TOWN OF NEWINGTON

LOT 35

STAFF REPORT
Site Plan Modification
Parking Lot Expansion at 50 Rockwell Drive

September 2, 2015

Petition #32-15:

Site Plan Modification

50 Rockwell Road

Reno Properties LLC, applicant; 50 Rockwell Road LLC, owner; David Occhialini, Reno Properties, 170 Pane Road, Newington CT, contact.

Description of Petition #28-15:

The owner of the existing building at 50 Rockwell Drive wants to enlarge the existing parking lot to accommodate the needs of the prospective tenant.

Staff Comments:

I have reviewed the plans and have some minor comments which the applicant has told me will not be a problem.

As of this writing the Town Engineer has not completed his review of the drainage design to verify compliance with the new LID regulations.

cc:
file

ck# 21032

Petition # 32-15



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

LOCATION OF PROPERTY: 50 Rockwell Road **ZONE:** PD

APPLICANT: Reno Properties, LLC **TELEPHONE:** (860) 666-5641

ADDRESS: 170 Pane Road, Newington, Connecticut 06111 **EMAIL:** davido@reno-machine.com

CONTACT PERSON: David Occhialini **TELEPHONE:** (860) 666-5641

ADDRESS: 170 Pane Road, Newington, Connecticut 06111 **EMAIL:** davido@reno-machine.com

OWNER OF RECORD: 50 Rockwell Road, LLC

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>7/29/15</u>		<u>7/29/15</u>
APPLICANT	DATE	OWNER	DATE

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

NOTE:
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John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: September 2, 2015
Re: **TOD Zoning Amendment Process**

At the TPZ meeting on August 26, 2015 the Commission decided to hold a special meeting at 6 pm on September 24, 2015 to receive comments from the public on TOD. As directed by TPZ I have sent out press releases to the local newspapers, reserved the former council chambers (auditorium), arranged for microphones, and I have contacted NCTV about broadcasting the meeting if possible.

What remains to be done is to discuss how you want the event to proceed. Here is my very rough suggested agenda:

1. Call to Order (Chairman)
2. Greetings and goal of the meeting (Chairman)
3. Brief explanation of TOD (Town Planner)
4. Public Comments (recognized by the Chairman)

[There will be a sign-up sheet at the entrance for people who want to speak. Two minute limit, and then anyone who did not sign-up can raise their hand and be recognized by the Chairman]

5. Comments from TPZ members (recognized by the Chairman)
6. Concluding remarks (Chairman)
7. Adjourn

cc:
file

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www.newingtonct.gov

STAFF REPORT
"Subway" Restaurant at 63 East Cedar Street

September 2, 2015

Petition #35-15:

Special Permit (Section 3.11.6: Restaurant)

63 East Cedar Street

Newington Sovereign Bank Plaza LLC, owner; Terrence McMorrow, applicant/contact.

Description:

The applicant would like to open a "Subway" grinder restaurant in a vacant portion of the three-unit commercial building at 63-73 East Cedar Street. Restaurants are allowed by Special Permit in the B-TC zone.

Staff Comments:

This application was filed earlier this week and I have only started to review the plans, so I do not know yet if there is enough parking for a restaurant use.

I recommend the public hearing be scheduled for the next TPZ meeting on September 24, 2015.

cc:
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08/28/2015 11:17AM 0001
000111#4020

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

ENVIRONMENTAL T.P.Z. \$60.00
\$140.00
CHECK1 \$200.00

PROPERTY: 63 EAST CEDAR STREET ZONE: _____

APPLICANT: TERENCE McMoraw TELEPHONE: 860-798-5149

ADDRESS: 433 OLD MOUNTAIN RD, FARMINGTON CT 06032 EMAIL: SUBSAND@COMCAST.NET

CONTACT PERSON: SAME TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

OWNER OF RECORD: NEWINGTON SOVEREIGN BANK PLAZA, LLC
MANAGING PARTNER GARY KEVORKIAN

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>8/28/2015</u>	<u>Gary Kevorkian</u>	<u>Operating Manager</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).

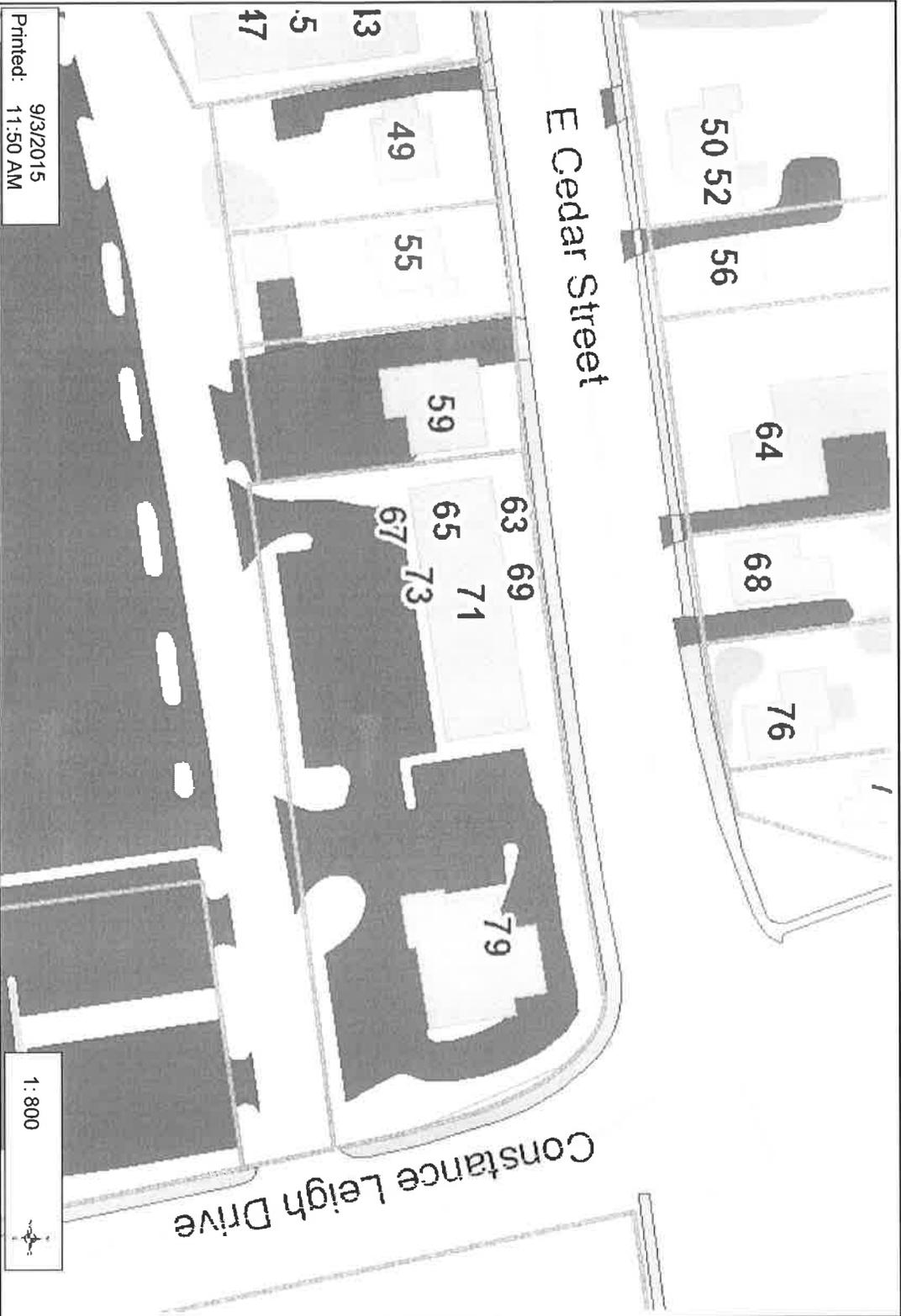
NOTE: PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, 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.



RECEIVED
AUG 28 2015
PLANNING DEPT.



63 East Cedar Street



Printed: 9/3/2015
11:50 AM

1:800



Legend

- Parcel
- Structures
- BUILDING
- CEMENT
- DECK
- FOOTBRIDGE
- FOUNDATION
- GREENHOUSE
- POOL
- STEPS
- TANK
- Paved Areas
- Driveway and Parking Lot
- Sidewalk
- Rail Road Line
- Hydrography
- Water
- Swamp area
- Stream
- Vegetation Area

Notes

This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington refuses 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



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: September 3, 2015
Re: **Town Planner Report for September 9, 2015**

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.

2. **Old Performance Bonds:**

I think we have resolved as many of the old performance bonds that I inherited from the previous Town Planner as we are going to without getting the Town Attorney involved, which I do not recommend doing. Most of the outstanding items are either the second course of parking lot paving that has not been installed, or deceased plantings. I have warned many of these persons that their delinquency will impact any future applications for TPZ approvals.

3. **POCD Goals and Strategies:**

At the last TPZ meeting I told the Commission that I would like to address eight specific “goals” and “strategies” contained in the 2020 Plan of Conservation and Development. Some of them are within the jurisdiction of TPZ, but some require the involvement of other land use boards and town departments. I was asked to address the following two Goals first:

1. “Amend the Zoning Regulations to incorporate an impervious coverage standard to control rain water runoff from roofs, roads and parking lots.” (Natural Resource Strategy #3.h, Page 16).

There is a 10% minimum impervious coverage requirement in the Zoning Regulations (Section 6.10.1) which was in effect when the 2020 POCD was written, so I do not know why the Commission felt this Goal was necessary. The new LID (Low Impact Development) regulations significantly address the second of the two Natural Resources General Goals: “Protect groundwater and streams from degradation and direct discharges and non-point sources of pollution.”

2. “Develop a program that permits, with Conservation Commission’s wetland approval, the cleaning of streams of debris, fallen trees and silt.” (Natural Resource Strategy #3.i, Page 16).

There is a long-standing Conservation Commission process known as “General Permit #1” that enables the highway department to clean and maintain streams without having to appear before the Commission

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each time the highway department needs to conduct stream maintenance. General Permit #1 has been in effect for many years, so this Goal is probably directed at private homeowners and businesses. I will meet with the Town Engineer to discuss the feasibility of this.

I have not started working on the other six Goals:

3. “Use existing public lands, agreements to allow use of institutional lands, and the development review process to develop open space linkages as shown on the Open Space Plan.” (Open Space and Greenways Strategy #2, Page 18).
4. “Seek to re-establish a Trail Committee to oversee the establishment and maintenance of trails (including maintenance of some portions by residents and/or businesses).” (Open Space Strategy #3, Page 18).
5. “Consider modifying local regulations to give a lot size exception and coverage bonus for properties that dedicate lot area to the establishment of greenway trails desired by the Town of Newington.” (Open Space Strategy #8, Page 18).
6. “Establish buffer setback standards for the preservation of the natural contours adjacent to the Old Highway greenway corridor.” (Open Space Strategy #11, Page 18).
7. “Cedar Mountain should be preserved from development. Revise Zoning and Subdivision regulations to clearly state that steep areas in excess of fifteen (15) percent slopes shall not be counted in density calculations for development purposes.” (Community Assets Strategy #1.b, Page 20).
8. “Develop walking and biking trails with the assistance of the business community for the benefit of residents.” (Community Assets Strategy #9).

cc:
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09/03/2015

TOWN PLAN & ZONING DEVELOPMENT BONDS

Project Name/Address/ ID #	Staff Comments	Bond Amount/ Date Deposited	Full Name of Depositor
2 Niro Landscaping 46 Commerce Court #24-02	<ul style="list-style-type: none"> 6/27/13: Compliance inspection by town staff: landscaping was <u>not done</u>. Letter sent. 1/8/15: An attorney called me requesting explanation of the outstanding bond. 1/22/15: Met with owner; he will apply for SPM to delete chain link fence and lawn. 	\$6,000 2002	Peter Niro Commerce Court Realty LLC 860-666-1891
4 The Bar 512 Cedar Street	<ul style="list-style-type: none"> Compliance inspection by town staff: landscaping was <u>not done</u>. Letter sent 6/24/2013. 9/23/13: Owner will apply for Site Plan Modification; will talk to surveyor. 11/15/13: Surveyor said owner has not contacted him. 	\$2,500 1995	Anthony Gallicchio, owner.
6 Fountain Pointe 435-485 Willard Avenue #45-06	<ul style="list-style-type: none"> 1/14/15: Arbor vitae missing/dead. 5/12/15: TPZ took no action; will wait until fall 2015. 	\$5,000 2007	Richard Rotundo, owner.
7 Global Granite 3320 Berlin Turnpike #18-08	<ul style="list-style-type: none"> Paving and fence not done; letter sent 8/7/2013. 9/25/13: Left message for owner. 9/27/13: owner returned my call. 8/14/15: Advised owner that lack of paving will impact proposed restaurant approval. 	\$37,000 2008	GGM Properties LLC

09/03/2015

TOWN PLAN & ZONING DEVELOPMENT BONDS

18	ZAG Machine 39 Progress Circle	<ul style="list-style-type: none"> • 10/21/11: final course of paving not done. • 5/12/14: Letter sent to owner in New Britain. 	\$4,200 1992	Adam Z. Golas, owner
25	95 Waverly Drive (Lot #23) #01-04	<ul style="list-style-type: none"> • 7/22/13: Residential driveway installed too close to side line. Letter sent. • 9/30: Neighbor agreed to sell strip of land. • 10/10: Owner called; working with surveyor. • 6/10/14: Owner still negotiating with neighbor over price. 	\$5,000 2006	Jaime Ibarrola 860-604-3096
27	IHOP Restaurant 3280 Berlin Turnpike	<ul style="list-style-type: none"> • 11/27/13: TPZ decision: wait until spring, and then consider additional plantings. • 7/9/14: letter sent to IHOP manager, offering trees or equivalent. • 10/8: Owner came to my office to ask for more information. 	\$5,700 2000	Boylan Development Services, Inc.
28	Mills Construction 63 E. Cedar Street	\$1,500	2000	
29	Target Richards Street	<p>Mature sycamore tree to be preserved.</p> <ul style="list-style-type: none"> • Inspected site: tree looks healthy (12/2/13). • 12/11/13: TPZ wants dead pines replaced. • 5/12/14: Spoke to Ass't Store Manager; was told to call back on Thursday. 	\$10,000 2003	