



TOWN PLAN AND ZONING COMMISSION

REGULAR MEETING

Wednesday, January 14, 2015

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

7:00 p.m.

A G E N D A

- I. ROLL CALL AND SEATING OF ALTERNATES
- II. APPROVAL OF AGENDA
- III. PUBLIC HEARINGS
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- V. REMARKS BY COMMISSIONERS
- VI. MINUTES
 - a. Special Meeting #1 December 10, 2014
 - b. Special Meeting #2 December 10, 2014
 - c. Regular Meeting December 10, 2014
- VII. NEW BUSINESS
 - a. Appointment of Zoning Enforcement Officer
 - b. Performance Bond Release:
 1. Victory Way ("Victory Gardens")
 2. 435-485 Willard Avenue ("Fountain Pointe").
- VIII. OLD BUSINESS
 - a. Petition #46-14: Revisions to Section 6.11 (Sale, Rental Service or Storage of Motor Vehicles)
 - b. Petition #48-14: Site Plan Modification at Deming Farm Drive ("Newington Ridge Preserve", formerly "Deming Farm"). Griswold Farms LLC, owner/applicant; Michael Massimino, 15 Hosley Avenue, Branford CT, contact.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 JAN -7 PM 2:05

BY *Tanya D. Lane*
TOWN CLERK

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #01-15: Special Exception (Section 6.2.4: Free-Standing Sign) at 345 East Cedar Street ("Gospel Hall"). ARTfx Signs, applicant; The Gospel Hall, owner; Max Ballardo, ARTfx Signs, 27 Britton Drive, Bloomfield CT, contact.

X. TOWN PLANNER REPORT

- a. Town Planner Report for January 14, 2015
- b. ZEO Report for January 2015

XI. COMMUNICATIONS

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

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner



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: January 7, 2015
Re: **Final Performance Bond Reduction at "Victory Gardens"**

The most recent bond reduction approved by TPZ on October 23, 2013 retained \$4,441 for signage, landscaping, and the as-built survey.

The signage has been installed and the as-built survey submitted. The applicant contacted me last year to say that the landscaping is established, and requested a final release.

The Town Engineer inspected the site at that time and found that the east side of the property was not graded properly and was eroding onto the adjacent Board of Education property. Since then the grading has been corrected.

I recommend the bond be released.

cc:
Town Engineer
file

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



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: January 7, 2015
Re: **Performance Bond Reduction at 435-485 Willard Avenue ("Fountain Pointe")**

This project was completed several years ago, but \$5,000 of the performance bond has been retained because the plantings shown on the approved site plan were not in place.

At the request of the owner, TPZ inspected the site on May 28, 2014. The Commission noted the absence of street trees along the west side of the property, and that some of the arbor vitae called for on the north side were diseased or missing. The Commission subsequently voted to waive the street trees, but wanted the owner to address the arbor vitae issues.

The owner subsequently planted additional trees, and his landscaping contractor has treated the diseased trees. There is evidence on file that that effect.

I recommend the bond be released.

cc:
Rotundo Developers
file

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

STAFF REPORT
Auto-Related Uses Zoning Amendment

January 6, 2015

Petition #45-14:
Zoning Text Amendment (Section 6.11: Sale, Rental, Service or Storage of Motor Vehicles)
Newington TPZ, applicant/contact.

Description of Petition #45-14

This revision to Section 6.11 of the Zoning Regulations was mandated by Judge A. William Mottolese in his decision on the Modern Tire appeal. His decision upheld Section 6.11 in general, but he struck down the “and other uses as may be determined by the Commission” phrase on the grounds that it was too general, and the three “waiver” provisions on the grounds that these constitute variances, and only the ZBA can grant variances.

At the TPZ meeting on September 22, 2014 the Town’s attorney for the Modern Tire appeal, Jack Bradley, informed us that no public hearing is necessary to adopt this revision:

Commissioner Leggo: On the first part, about changing the wording, shouldn’t that be done at a meeting so it is part of an official record that it was done?

Attorney Bradley: I don’t think it’s required. I’m not saying don’t put it in your minutes, this is in the minutes right now. I’m suggesting that you can be in compliance with the judge’s order simply by republishing your regulations without the offending language.

At the previous meeting I was directed to have Attorney Bradley review the revision that I had prepared. I did, and this is his reply:

Your proposed changes go a little beyond what Judge Mottolese’s decision requires.

The court decision does not require us to delete the phrase “but are not limited to” after the word “include” in the first line of both the 2nd and 3rd paragraphs of 6.11. The court decision only invalidated the phrase or provision “and other uses as may be determined by the Commission” as well as the language in 6.11.3, 6.11.5 and 6.11.7 that you have correctly identified.

As I indicated before, in my opinion the offending provisions have already been stricken (and are no longer in legally in effect) as a matter of law. At this point, the Commission is merely publishing or re-issuing the ordinance in corrected form as an administrative matter so that there is no confusion on the part of the public or potential applicants. To the extent that the Commission may want to make other changes, beyond what the court decision requires, then the usual procedure for amending zoning regulations would have to be followed.

The version in the agenda packet for tonight’s meeting reflects Attorney Bradley’s comment.

cc:
file

New text is shown in **bold underline**. Deleted text is shown in ~~**bold strikethrough**~~.

Hearing Date: n/a
Adopted Date:
Effective Date:

Section 6.11 Sale, Rental, Service or Storage of Motor Vehicles

The Commission may grant a special exception for the sale, rental, service or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of Section 5.2 (Procedures and Standards for All Special Exceptions), Section 3.15 (Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone), and Section 3.17 (Special Exceptions Permitted in I Industrial Zones).

For the purpose of this section, "motor vehicle service uses" include but are not limited to those of a limited repairer as defined in Sec. 14-51(a)(4) of the Connecticut General Statutes; the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts as described in Sec. 14-51(b) of the Connecticut General Statutes; and the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes. Motor vehicle service uses are allowed, by special exception, in the I zone, B-BT zone, and PD zones only.

For the purpose of this section, "auto-related uses" include but are not limited to dealers and repairers as defined in Sec. 14-51 (a) (1), (2), and (3) of the Connecticut General Statutes, car washes, car and truck rental businesses ~~and other uses as may be determined by the Commission~~. Auto-related uses area allowed, by special exception, in the I zone only.

- 6.11.1 Auto-related uses, motor vehicle service uses, and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line.
- 6.11.2 Auto-related uses and motor vehicle service uses which include repairs shall be entirely within a building and at least 30 feet from any street right of way line.
- 6.11.3 Entrances and exits for auto-related uses and motor vehicle service uses shall be at least 100 feet from a church, school, playground, hospital or any residence. ~~The Commission reserves the right to alter this requirement when, in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that this requirement is inappropriate. The distance may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission.~~
- 6.11.4 No display, sale, rental, or storage of any motor vehicle is permitted in the required front yard or in the street right-of-way.
- 6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone. ~~The Commission reserves the right to alter this requirement when, in its opinion, the density of the residential zone and the natural, topographical, or manmade utilities of the site clearly~~

New text is shown in **bold underline**. Deleted text is shown in ~~**bold strikethrough**~~.

~~**indicate that this requirement is inappropriate. The distance may not be increased to more than double nor decreased to less than half the requirement herein, and any such action shall require a two-thirds vote of the Commission.**~~

- 6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.
- 6.11.7 Overhead service doors shall not be permitted on the public street side of an auto-related use or a motor vehicle service use. ~~**The Commission reserves the right to alter this requirement for a corner lot or when, in its opinion, the natural, topographical, or manmade utilities of the site clearly indicate that the requirement is inappropriate. Such action shall require a two-thirds vote of the Commission.**~~
- 6.11.8 The minimum lot area for a parcel containing an auto-related use or a motor vehicle service use shall not be less than one (1) acre. Such uses may be combined with other commercial uses when the total parcel size is not less than three (3) acres.
- 6.11.9 Pursuant to Sec. 14-321 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).
- 6.11.10 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, effective June 6, 2006 the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).

STAFF REPORT
“Limited Common Elements” at Newington Ridge Preserve
(formerly “Deming Farm”)

January 8, 2015

Petition #48-14:

Site Plan Modification for “Newington Ridge Preserve”

Deming Farm Road

Griswold Farms LLC, owner/applicant; Michael Massimino, 15 Hosley Avenue, Branford CT, contact.

Description of Petition #48-14:

The applicant would like to establish a “limited common element” area around each house in this PUD (planned unit development) beyond the amount that was verbally discussed during the original public hearings. The special exception and site plan approval were granted by TPZ on April 25, 2007.

Staff Comments:

I reviewed the minutes from the December 10, 2014 TPZ meeting and there don't appear to have been any TPZ concerns with this request. See attached draft suggested motion.

cc:
Attorney Dennis Ceneviva
file

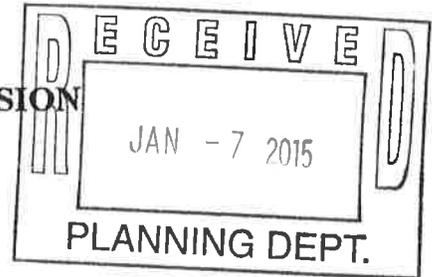


Petition # 01-15

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 345 EAST CEDAR ST ZONE: _____

APPLICANT: ARTFX SIGNS TELEPHONE: 860 242 0031

ADDRESS: 27 BRITTON DR, BLOOMFIELD CT 06002 EMAIL: max@artfxsigns.com

CONTACT PERSON: MAX E. BALLARDO TELEPHONE: 860 242 0031

ADDRESS: 27 BRITTON DR, BLOOMFIELD CT 06002 EMAIL: max@artfxsigns.com

OWNER OF RECORD: PAUL TORNAQUINDICI

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): NEW MONUMENT SIGN PARALLEL TO ROAD, 325 SF, INTERIALLY ILLUMINATED AND CONTAINING STAGNANT MESSAGE CENTER

SIGNATURE:

	<u>12/24/14</u>		<u>5 JANUARY 15</u>
APPLICANT	DATE	OWNER <u>TRUSTEE</u>	DATE

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

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.

8' - 4 3/16"

7' - 4"

345

20 MM MESSAGE CENTER
by OPTEC

CHRISTIANS GATHERED UNTO THE
NAME OF THE LORD JESUS CHRIST

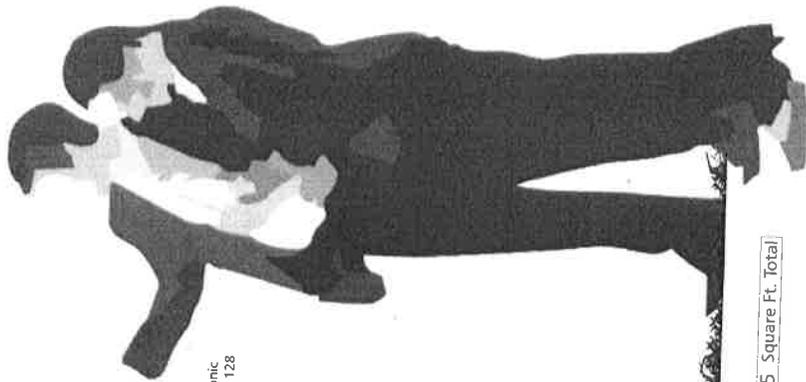
GOSPEL HALL

Stencil cut face with
push through letters

Programmable electronic
message center - 24 x 128
matrix

Stencil cut face with
push through letters

32.5 Square Ft. Total



Proposed New Main Sign with Message Center
Scale: 1" = 1' - 0"

artfx

27 Britton Drive, Bloomfield, CT 06002 860-242-0031 800-466-4278 Fax 860-242-2808 artfxsigns.com
These plans are copyrighted by ARTFX. Unless purchased for a special price, they are the exclusive property of ARTFX. They are submitted to you for the sole
purpose of your consideration of whether to purchase from ARTFX, a sign manufacturing company. Your acceptance of these plans beyond
your company is void. ARTFX reserves a reimbursement of no less than \$500 per page. Your acceptance of these plans binds you to this agreement.

Project:
Newington Gospel Hall
345 East Cedar St., Newington CT 06111

Scale: As Noted
Date: 11/24/2014
Drawn by: PH
Checked by: LR
Sheet: 1:1

345

20 MM MESSAGE CENTER
by OPTEC

CHRISTIANS GATHERED UNTO THE
NAME OF THE LORD JESUS CHRIST

GOSPEL HALL



Night View

STAFF REPORT
Free-Standing Sign at 345 East Cedar Street

January 9, 2015

Petition #01-15:

Special Exception (Section 6.2.4: Free-Standing Sign)

345 East Cedar Street ("Gospel Hall")

ARTfx Signs, applicant; The Gospel Hall, owner; Max Ballardo, 27 Britton Drive, Bloomfield CT, contact.

Description of Petition #01-15:

The applicant would like to install a free-standing sign in the front yard of the property. Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

The proposed sign includes a digital message display area. Based on the staff's reading of Section 6.2.4 and the definition of "Signs, Mechanical and Digital" (see attached) we initially informed the applicant that this was not permitted.

The applicant responded that they are willing to limit the changing of the message to not more than once a week, thereby addressing the "illusion of movement" issue. I am satisfied with this remedy. I have advised the applicant to put this in writing.

I recommend the public hearing be scheduled for January 28, 2014.

cc:
ARTfx Company, Inc.
file

Section 6.2 Signs

6.2.1 General:

- E. As defined in Section 9¹, a sign which has intermittent internal illumination by mechanical or digital controls that produce an illusion of movements such as, but not limited to, flashing, running, rotating, video graphics, change in color and brightness or scrolling advertisement message shall not be permitted except: (Effective 6-8-2011)
- 1) Time and/or temperature sign by means of intermittent lighting, provided that the largest dimension of such a sign does not exceed 6 square feet. (Effective 6-8-2011)
 - 2) Fuel product price sign that is digitally controlled and a component of the business's free standing sign provided that each product per gallon price size does not exceed 1 foot high by 3 feet wide and does not move, flash, run, scroll, rotate or change color or brightness. Digitally controlled product price sign shall not be permitted in the Business Town Center District (B-TC) and the Business District (B) zones. (Effective 6-8-2011)
- F. No illuminated sign shall be lighted or placed so as to provide glare or blinding effects upon automotive traffic or adjoining residential zones, no shall such sign diminish or detract from the effectiveness of any traffic signal.

6.2.4 Free Standing Business Signs:

In any non-residential zone, Free Standing Business Signs may be permitted by the commission as a special exception subject to the following conditions:

- A. The sign may not exceed 18 feet in height nor be greater than 150 square feet in area on one side nor 300 square feet on both sides. Only one (1) free standing sign may be permitted per property.

The aggregate square footage of a site's wall mounted business signs and Free Standing Business Signs shall not exceed the square footage permitted in Section 6.2.3.

Only one (1) free standing sign may be permitted per property except on corner lots under one ownership the Commission may grant a second free standing sign when it finds that the frontage length of each intersecting street is at least 500 feet and that the distance between signs, as measured along the street right of way, is not less than 400 feet.

- B. Free standing business signs shall not be located in the right-of-way of any street. Written authorization for a sign location must be presented if the applicant is other than the owner of the proposed sign.
- C. A plan of the sign shall be presented showing size, layout, materials, color and lighting. Such design specifications shall be appropriate to the location and the general neighborhood.

¹ SIGN, MECHANICAL AND DIGITAL A sign which has intermittent illumination by mechanical or digital controls that produce an illusion of movements such as, but not limited to flashing, running, rotating, video graphics, changes in color and brightness. All such signs are prohibited, including signs located inside windows visible to the public, except: (1) time and/or temperature sign and (2) fuel price signs that comply with the standards set forth in Section 6.2.1 (E). (Effective 6-8-2011)



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: January 9, 2015
Re: **Town Planner Report for January 14, 2015**

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
2. **Old Performance Bonds held by Town:** I will have a report at the meeting.
3. **Newington Junction TOD Committee:** At the previous TPZ meeting I was asked to obtain the addresses of the several mixed-use buildings in other states that were mentioned in the planning consultant's presentation and included in their May 2014 Concept Memo. See attached.
4. **Low Impact Development (LID) Moratorium:** I had second thoughts about my first draft of the moratorium amendment (a moratorium is implemented via the zoning regulations and therefore, technically, is an amendment). I scraped it and prepared the attached, which as been filed with the Town Clerk and forwarded to CRCOG for their review. I recommend the public hearing be held at the next TPZ meeting on January 28, 2015.
5. **Proposed Moratorium on Development in the CTfastrak Station Neighborhoods:** I will have an initial memo for you on this topic at the meeting.

cc:
file

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

Minor, Craig

From: Carole Schlessinger [cschlessinger@cssboston.com]
Sent: Tuesday, December 30, 2014 12:43 PM
To: Minor, Craig
Subject: RE: May 2014 Concept Memo
Attachments: doc02537120141230124445.pdf

Hi Craig – The addresses below correspond to the letters on the attached sheet:

- A - 1718 Massachusetts Ave. Lexington, MA
- B – Blueback Square, Memorial Road, W. Hartford, CT
- C – 98 Brookline Street, Cambridge, MA
- D – 739 Massachusetts Avenue, Arlington, MA
- E – The Heritage at Blueback Square, 85 Memorial Road, West Hartford, MA
- F – 1 Dog Lane, Storrs CT
- G – 513 Tremont Street, Boston, MA
- H – 2 Cambridge Center (Main Street), Cambridge, MA

Hope this helps. Have a GREAT 2015! Carole

Carole Schlessinger
Principal
Crosby | Schlessinger | Smallridge
67 Batterymarch Street, Suite 200
Boston, MA 02110
617.399.7000 x23
cschlessinger@cssboston.com
www.cssboston.com

From: Minor, Craig [mailto:CMinor@NewingtonCT.Gov]
Sent: Friday, December 26, 2014 3:26 PM
To: Carole Schlessinger
Subject: May 2014 Concept Memo

Carole:

I hope all is well with you and that you enjoyed the recent holidays.

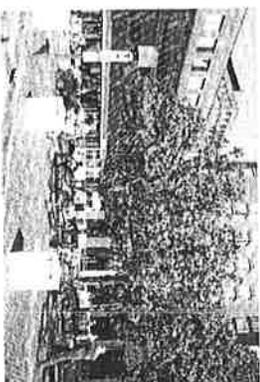
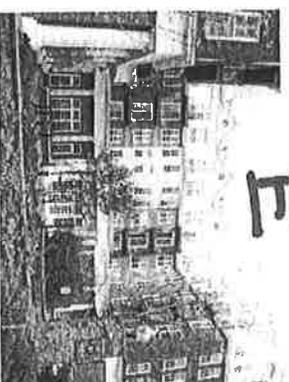
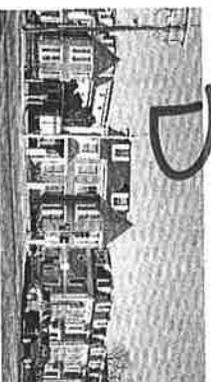
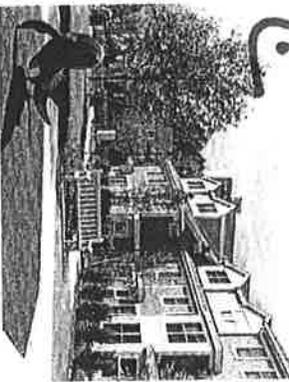
At a recent TPZ meeting, one of the commissioners asked me for the names and addresses of the mixed-use projects shown on Page 16 of the May 2014 Concept Memo. Could you provide me with that information? Thanks.

- Craig Minor, AICP

The information contained in this electronic message may be confidential and/or privileged. If you received this in error, please inform the sender and remove any record of this message. Please note that messages to or from the Town of Newington may be subject to Freedom of Information statutes and regulations.

Precedent Images

The following images provide examples of the type and scale of mixed-use and residential development described for the Preferred Potential Alternative.



Above, from top: Mixed-use development in Lexington, MA and West Hartford, CT. At right, from top: Residential development in Cambridge and Arlington, MA and West Hartford, CT.

At left, from top: Plazas adjacent to mixed-use development, activating the sidewalk in Storrs, CT; Boston, MA; Cambridge, MA and Chapel Hill, NC.

Text to be removed is shown in ~~bold strikethrough~~. Text to be added is shown in **bold underline**.

Hearing Date: _____
Adopted Date: _____
Effective Date: _____

Section 6.15 Stormwater Management (Effective 3/14/14 revised XX/XX/XXXX)

6.15.1 Applicability

Unless modified by the Commission, every application shall provide for a stormwater management system, including low impact development techniques, as specified in this section.

6.15.2 Residential Lots

Any new construction or development on a residential lot which increases the impervious surface area by 600 square feet or more shall demonstrate conformance with the Low Impact Development and Stormwater Manual for the Town of Newington. **See Section 6.15.4.**

6.15.3 New Construction or Development

Any other new construction or development resulting in increased impervious surface area shall demonstrate conformance with the applicable standards for stormwater management as specified in Section 2.1 of the Low Impact Development and Stormwater Manual for the Town of Newington:

- A. Standard 1 – Use of Low Impact Development to Reduce Stormwater Runoff and Pollutants (maximum extent practicable standard).
- B. Standard 2 – Peak Flow Control and Flood Protection.
- C. Standard 3 – Construction Erosion and Sediment Control.
- D. Standard 4 – Operation and Maintenance.
- E. Standard 5 – Redevelopment.

6.15.4 **Temporary Moratorium (NEW)**

- A. **Intent and Purpose: The Town Plan and Zoning Commission has found that choosing the appropriate LID technique in strict compliance with the Low Impact Development and Storm Water Manual puts a significant burden on the owner of an existing single-family house, often imposing a financial cost that outweighs the environmental benefits. A temporary, limited moratorium is**

Text to be removed is shown in ~~bold strikethrough~~. Text to be added is shown in **bold underline**.

needed in order to properly develop appropriate amendments to the Manual and/or Section 6.15 of the Zoning Regulations.

B. Activities Subject to this Moratorium:

1. Addition to an existing single-family house;

2. Construction of a detached garage or other residential accessory building.

C. Application: The owner of an existing single-family house who wishes to conduct an activity described in Section 6.15.4.B shall not be required to comply with the requirements of Section 6.15.

D. Effective Date and Expiration: This moratorium shall take effect upon adoption by the Town Plan and Zoning Commission. This moratorium shall expire 365 days from adoption.