

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

JULY 8, 2020 - 7:00 P.M.

This meeting will be presented as a Zoom Webinar/Meeting.  
Information on how to attend will be posted on the Town website at:  
<https://www.newingtonct.gov/virtualmeetingschedule>

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**AGENDA**

- 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. Use The Zoom "Raise Hand" Function)
- V. ZONING ENFORCEMENT OFFICER REPORT

Documents:

[6-30-20 ZEO REPORT - JUNE.PDF](#)

- VI. REMARKS BY COMMISSIONERS
  - A. TOWN OF NEWINGTON NOISE ORDINANCE

Documents:

[CHAP. 291 - NOISE ORDINANCE.PDF](#)

- VII. PUBLIC HEARING

- A. Petition #10-20: Zoning Text Amendment (Sec. 3.11.8; 3.16.1; 3.17.8; And 9.2) Regarding Brewery And Brew Pubs. Town Plan And Zoning Commission, Applicant. Continued From June 24, 2020.

Documents:

[TP MEMO BREW PUBS 08JUL2020.PDF](#)  
[DRAFT PROPOSED BREWERY AND BREW PUB REGULATIONS 25JUN2020.PDF](#)

- B. Petition #20-20: Zoning Text Amendment (Sec. 6.2.1.E And 9.2) Regarding Digital Menu Board Signs. The McDonald's Real Estate Company, Owner/Applicant; Chris Russo, 2507 Post Road, Southport CT, Contact.

Documents:

TP MEMO DIGITAL MEMU BOARD TA 08JUL2020.PDF  
APP PACKAGE PZ 6-1-20.PDF

- C. Petition #23-20: Special Permit (Sec. 3.17.7: Children's Theatre Organization) At 136 Day Street. 136 Day Street LLC, Owner; Newington Children's Theatre Company, Applicant; Chris DeFrancisco, 255 Beacon Street, Newington CT, Contact.

Documents:

TP MEMO THEATRE SPT 08JUL2020.PDF  
NCTC TPZ APPLICATION .PDF  
NARRATIVE 200602 NCTC SPECIAL USE PERMIT.PDF  
NCTC CONCENPT PHASES 1 AND 2.PDF  
NCTC CONCEPT PHASE 3.PDF  
SPREAD SHEET OF PHASES.PDF  
AERIAL FRONT OF 136 DAY STREET.PDF  
AERIAL REAR OF 136 DAY STREET.PDF  
AERIAL OF 140 DAY STREEET.PDF

VIII. APPROVAL OF MINUTES

- A. June 24, 2020

IX. NEW BUSINESS

- A. Petition #24-20: Zoning Text Amendment (Sec. 3.22.1.C) Regarding Commercial Vehicles In Residential Zones. Town Plan And Zoning Commission, Applicant.

Documents:

TP MEMO RE COMMERCIAL VEHICLES 08JUL2020.PDF

X. OLD BUSINESS

XI. TOWN PLANNER REPORT

Documents:

TOWN PLANNER REPORT 08JUL2020.PDF  
MEMO TO TPZ - CHICKEN REGULATIONS RECOMMENDATION.PDF

XII. COMMUNICATIONS

- A. Letter From Town Manager Regarding Economic Development Dated June 30, 2020.

Documents:

ECONOMIC DEVELOPMENT TOWN BOARDS AND COMMISSIONS.PDF

- XIII. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes. Use The Zoom "Raise Hand" Function)

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

# Zoning Enforcement Officer Report

Printed: Tuesday, June 30, 2020  
for the Month of June 2020

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## 251 BEACON STREET

06/15/2020 REFERRED FROM POLICE DEPARTMENT - ONLINE COMPLAINT. VEHICLES PARKING ON UN-PAVED PORTION OF PROPERTY.

<i>Actions and Inspections</i>	<i>Status</i>
6 /15/2020 NO ANSWER AT DOOR. LEFT CARD TO CALL AND DISCUSS.	
6 /15/2020 INSPECTION: VEHICLE PARKED ON LAWN.	
6 /15/2020 COMPLAINT RECEIVED	
6 /16/2020 DISCUSS SOLUTIONS WITH HOMEOWNER.	
6 /17/2020 PLAN FOR COMPLIANCE: HOMEOWNER IS INSTALLING PAVERS TO ACCOMMODATE EXTRA VEHICLE ON SURFACED AREA.	Compliant

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## 276 EAST ROBBINS AVENUE

06/24/2020 FRESEN SHED WITHOUT A PERMIT.

<i>Actions and Inspections</i>	<i>Status</i>
6 /24/2020 RESEARCH	
6 /24/2020 COMPLAINT RECEIVED	
6 /26/2020 INSPECTION: KNOCKED ON DOOR, NO ANSWER. LEFT CARD TO DISCUSS.	
6 /28/2020 SHED REMOVED	Compliant

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## 150 HARTFORD AVENUE

06/02/2020 ANONYMOUS CHICKENS ON PROPERTY LESS THAN 5 ACRES.

<i>Actions and Inspections</i>	<i>Status</i>
6 /2 /2020 COMPLAINT RECEIVED	
6 /9 /2020 INSPECTION: REVIEW OF CHICKEN COOP SETUP.	
6 /14/2020 RECOMMENDATION TO TPZ REGARDING REGULATIONS & ENFORCEMENT.	
6 /15/2020 TPZ WILL CONSIDER CHICKEN REGULATIONS AND ENFORCEMENT THAT HAS BEEN HOLD.	

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**1591 MAIN STREET**

06/16/2020 ANONYMOUS

REALTOR SIGN IN RIGHT-OF-WAY.

***Actions and Inspections******Status***

6 /16/2020 PHONE CALL WITH  
REALTOR. AGREED  
TO REMOVE FROM

6 /16/2020 COMPLAINT RECEIVED

6 /26/2020 VERBAL AGREEMENT  
TO REMOVE FROM  
RIGH-OF-WAY.

6 /26/2020 INSPECTION: SIGN  
REMAINS

6 /28/2020 INSPECTION:  
COMPLIANT

Compliant

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**41 ROSEWOOD DRIVE**

06/26/2020 CARONE

CHICKENS LESS THAN 5 ACRES

***Actions and Inspections******Status***

6 /26/2020 ON HOLD FOR TPZ TO  
CONSIDER CHICKEN  
REGULATIONS.

6 /26/2020 COMPLAINT RECEIVED

**260 STAMM ROAD**

UNLIMITED MOTORSPORTS

06/19/2020 BUSINESS OWNER

POSSIBLE MOTOR VEHICLE BUSINESS WITHOUT REQUIRED  
ZONING APPROVALS.***Actions and Inspections******Status***

6 /19/2020 COMPLAINT RECEIVED

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**126 STYLES AVENUE**

06/11/2020 WELLS

POSSIBLE PARKING IN VIOLATION OF SITE PLAN AMONG  
NON-ZONING RELATED CONFLICTS BETWEEN RESIDENTS  
AND AREA BUSINESSES.***Actions and Inspections******Status***

6 /11/2020 RESEARCH AND  
COORDINATION WITH  
OTHER  
DEPARTMENTS FOR  
REVIEW.

6 /11/2020 COMPLAINT RECEIVED

6 /19/2020 INSPECTION: REVIEW  
PROPERTY AND  
SPEAK WITH  
BUSINESS OWNERS  
ABOUT PARKING AND  
OPERATIONS. ISSUES  
WILL BE DISCUSSED  
AT A FUTURE PUBLIC  
WORKS MEETING.

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## Chapter 291. Noise

[HISTORY: Adopted by the Town Council of the Town of Newington 2-23-1982 (§§ 6-30 to 6-38 of the 1974 Code). Amendments noted where applicable.]

### **GENERAL REFERENCES**

Alarm devices — See Ch. 136.

### § 291-1. Declaration of policy.

Excessive noise must be controlled by the Town to protect, preserve and promote the public health, safety and welfare. The Town Council recognizes the fact that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare.

### § 291-2. Definitions.

As used in this chapter, the following words and terms shall have the meanings hereinafter set out:

#### **BACKGROUND NOISE**

Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

#### **BUSINESS ZONE**

Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

[1]

#### **CONSTRUCTION**

The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

#### **DAYTIME HOURS**

The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

#### **DECIBEL**

A unit of measurement of the sound level, the symbol for which is dB.

#### **EMERGENCY**

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**EXCESSIVE NOISE**

Any sound, the intensity of which exceeds the standards set forth in § 291-6 of this chapter.

**IMPULSE NOISE**

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

**INDUSTRIAL ZONE**

Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

[2]

**INTRUSION ALARM**

A device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

**MOTOR VEHICLE**

A vehicle as defined in Subdivisions (25) and (26) of C.G.S. § 14-1, as amended.

**NIGHTTIME HOURS**

The hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

**NOISE LEVEL**

A frequency weighted sound pressure level as measured with a sound-level meter using the A-weighting network. The level so read is designated "dBA."

**PERSON**

Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

**PREMISES**

Any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

**PROPERTY MAINTENANCE EQUIPMENT**

All engine- or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers.

**PUBLIC EMERGENCY SOUND SIGNAL**

A device, either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

**PUBLIC FACILITY MAINTENANCE**

All activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

**RECREATIONAL VEHICLE**

Any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

### **RESIDENTIAL ZONE**

Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

[3]

### **SOUND**

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

### **SOUND-LEVEL METER**

An instrument used to measure sound levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for sound level meters S1.4-1971 (Type S2A).

### **SOUND PRESSURE LEVEL**

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter ( $20 \times 10^{-6}$  Newtons/meters<sup>2</sup>) and is expressed in decibels (dB).

### **TOWN MANAGER**

The duly appointed Town Manager of the Town or his designee.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## **§ 291-3. Exclusions.**

This chapter shall not apply to noise emitted by or related to:

- A. Natural phenomena.
- B. The unamplified sound made by any wild animal.
- C. A bell or chime from any building clock, school or church.
- D. A public emergency sound signal.
- E. Farming equipment or farming activity.
- F. An emergency.
- G. Snow removal.
- H. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.<sup>[1]</sup>

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## § 291-4. Exemptions.

The following shall be exempt from this chapter subject to the special conditions noted:

- A. Noise created by the operation of property maintenance equipment during daytime hours.
- B. Noise generated by any construction equipment operated during daytime hours.
- C. Noise created by any recreational activities which are sanctioned by the Town, including, but not limited to, parades, sporting events, concerts and fireworks displays.
- D. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from state or local authorities.
- E. Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.
- F. Noise created by a fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding 10 minutes when such alarm is attached to a vehicle or 30 minutes when attached to any building or structure.
- G. Noise created by public facility maintenance during daytime hours.

## § 291-5. Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- A. A person conducting sound measurements shall have been trained in the techniques and principles of sound-measuring equipment and instrumentation.
- B. Instruments used to determine sound level measurements shall be sound level meters as defined by this chapter.
- C. The following steps shall be taken when preparing to take sound-level measurements:
  - (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
  - (2) Measurements to determine compliance with § **291-6** shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and within the receptor's premises.

## § 291-6. Noise levels.

- A. Noise levels. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this chapter.

B. Noise level standards.

- (1) No person shall emit noise exceeding the levels stated herein.

Zone in Which Emitter is Located	Zone in Which Receptor is Located			
	Industrial	Business	Residential Daytime Hours	Residential Nighttime Hours
Industrial	70 (dBA)	66 (dBA)	61 (dBA)	51 (dBA)
Business	62	62	55	45
Residential	62	55	55	45

C. Background noise and impulse noise.

- (1) In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to this chapter shall emit noise in excess of 80 dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this section.
- (2) No person shall cause or allow the emission of impulse noise in excess of 80 dBA peak sound pressure level during nighttime hours.
- (3) No person shall cause or allow the emission of impulse noise in excess of 100 dBA peak sound pressure level at any time.

D. Motor vehicle noise.

- (1) All motor vehicles operated within the limits of the Town shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, § 14-80a-1a(a-1), entitled "Maximum Permissible Noise Levels For Vehicles."
- (2) No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in this section.

E. Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards in this section.

## § 291-7. Penalties for offenses.

- A. Any person in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$50. In lieu of arrest and issuance of a summons, a police officer may serve upon a violator an infraction notice which shall be known as a "noise ticket." Payment of the fine prescribed by such noise ticket within the time limit specified thereon shall

constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited.

- B. Each day a violation continues after the time for correction of the violation has been given in an order shall constitute a continuing violation, and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed \$400 per day.

## § 291-8. Variances.

- A. Any person residing or doing business in Newington may apply to the Town Manager for a variance from one or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the Town Manager at least 20 days prior to the start of said activity:
  - (1) The location and nature of the activity.
  - (2) The time period and hours of operation of said activity.
  - (3) The nature and intensity of the noise that will be generated.
  - (4) Any other information required by the Town Manager.
- B. No variance from these regulations shall be issued unless it has been demonstrated that:
  - (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
  - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health.
  - (3) Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- C. The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
- D. Failure to rule on the application in the designated time shall constitute approval of the variance.

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Town Planner Craig Minor, AICP  
**Date:** June 29, 2020  
**Subject:** Petition #10-20: Zoning Text Amendment (Sec. 3.11, 3.16, 3.17, and 9.2)  
regarding Breweries and Brew Pubs. Newington TPZ, applicant.  
Continued from June 24, 2020.

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#### **Description of Petition #10-20:**

This is a staff-proposed zoning text amendment to allow breweries, brew pubs and brew pub restaurants, as well as distilleries, distillery pubs and distillery restaurants.

#### **Staff Comments:**

1. Winery: At the public hearing on June 24, 2020 it was suggested by a Commissioner that the regulations also allow “wineries”. Wineries typically are operated on the same premises as a vineyard, but not necessarily – there can be a vineyard that grows grapes but does not process them into wine, and there can be a winery that processes grapes that were grown somewhere else. So, while “vineyards” and “wineries” are related, they need to be treated separately.

“Farm” is defined in the Newington zoning regulations as follows:

FARM: A parcel of land containing not less than 5 acres, used for raising crops and/or livestock and poultry, and including dairy farms, plant nurseries and green houses.

I think it is fair to say that a vineyard is a type of farm, so no change is needed here. In Newington, farms are allowed by right on at least five acres in any zone – commercial or residential. If somebody wants to operate a vineyard, and they have five acres, they could start a vineyard today.

However, the processing of grapes into wine is an industrial activity that I don't think TPZ would want to be allowed by right in a residential zone. So, if a "winery" is something that TPZ thinks might be acceptable in a residential zone under the right circumstances, TPZ should add "winery" to the list of special permit activities allowed in residential zones. In commercial zones "winery" could be by right or by special permit – whichever TPZ prefers.

2. Listing in the PD regulations: It was also suggested at the June 24 meeting that the PD zone regulations be amended to specifically state that brew pubs are allowed by special permit, so that someone unfamiliar with the "pyramid zoning" nature of the Newington Zoning regulations doesn't mistakenly assume that brew pubs weren't allowed in the PD zone just because they didn't see it on the list of special permit uses allowed in the PD zone. I do not advise doing this. It is stated in the regulations that any special permit use allowed in the B-BT zone is also allowed in the PD zone. If we arbitrarily single out one of the many special permit uses allowed in the B-BT zone and re-state it in the PD zone regulations, people would read unintended significance into this. I recommend it be added to the B-BT regulations and left at that.

cc:  
file

**Proposed “Brewery and Brew Pub” Amendment**  
Text to be added is shown in **bold underline**;  
text to be deleted is shown in **~~bold strikethrough~~**.

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Section 3.11 **Special Permits Allowed in B Business Zones**

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.11.8 Brewery (effective XX-XX-2020)**
- 3.11.9 Distillery (effective XX-XX-2020)**
- 3.11.10 Brew pub or brew pub restaurant (effective XX-XX-2020).**
- 3.11.11 Distillery pub or distillery restaurant (effective XX-XX-2020).**
- 3.11.12 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, or distillery restaurant (effective XX-XX-2020).**

Section 3.15 **Special Permits Allowed in B-BT Business Berlin Turnpike Zone**

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.1 Brewery (effective XX-XX-2020)**
- 3.15.2 Distillery (effective XX-XX-2020)**
- 3.15.3 Brew pub or brew pub restaurant (effective XX-XX-2020).**
- 3.15.4 Distillery pub or distillery restaurant (effective XX-XX-2020).**
- 3.15.5 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, or distillery restaurant (effective XX-XX-2020).**

Section 3.16 Uses Permitted in I Industrial Zones

In I Industrial Zones, land and buildings may be used and buildings altered or erected to be used for the following purposes and no other. All such uses must be within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.16.1 Permitted Uses

**L. Brewery (effective XX-XX-2020).**

**M. Distillery (effective XX-XX-2020).**

Section 3.17 Special Permits Allowed in I Industrial Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

**3.17.8 Brew pub or brew pub restaurant (effective XX-XX-2020).**

**3.17.9 Distillery pub or distillery restaurant (effective XX-XX-2020).**

**3.17.10 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, or distillery pub restaurant (effective XX-XX-2020).**

Section 6.6 Regulations Governing Uses Which Sell Alcoholic Beverages

6.6.2 .6.3 Conditions

B. Except as provided in Section 6.6.3.C, a building in which alcoholic beverages are sold under any class of liquor permit shall meet the following distance requirements in relation to any other location with the same class of permit. Distance shall be measured from the radius of the front door to front door of each establishment. (Effective 07-14-18)

1	B Zone	1,500 feet
2	B-TC Zone	100 feet
3	B-BT Zone	500 feet
4	PD & CD Zones	500 feet

5	I Zone	1,500 feet
6	PL Zone	No Distance Requirement

C. There shall be no distance requirement for restaurants (Effective 11-16-2018). **Brew pubs, brew pub restaurants, distillery pubs and distillery restaurants shall be considered “Restaurants and the like” for the purposes of Section 6.6.3.D (effective XX-XX-2020).**

D. Class of permit is to be regulated with distance requirement:

1	Club and the like
2	Store and the like
3	Bar and the like
4	<b><u>Restaurant and the like</u></b>

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**Section 9.2      Definitions**

**BREWERY: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption.**

**BREW PUB: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption and the retail sale of beer served in open containers to be consumed on the premises with or without the sale of food.**

**BREW PUB RESTAURANT: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption and the retail sale of beer served in open containers to be consumed on the premises in conjunction with the sale of food within a restaurant setting.**

**DISTILLERY: A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other**

**sealed containers of distilled products produced on the premises for offsite consumption.**

**DISTILLERY PUB: A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of distilled products produced on the premises for offsite consumption and the retail sale of distilled products served in open containers to be consumed on the premises with or without the sale of food.**

**DISTILLERY RESTAURANT:**

**A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours and wholesale and retail sale of sealed bottles or other sealed containers of distilled products produced on the premises for offsite consumption and the retail sale of distilled products served in open containers to be consumed on the premises in conjunction with the sale of food within a restaurant setting.**

**FOOD TRUCK: A van, truck, towed trailer, or pushcart, from which food and beverages are sold.**

DRAFT

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: June 29, 2020  
Subject: **Petition #20-20: Zoning Text Amendment (Sec. 6.2.1.E and 9.2) regarding Digital Menu Board Signs. The McDonald's Real Estate Company, owner/applicant; Chris Russo, 2507 Post Road, Southport CT, contact.**

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### **Description of Petition #20-20:**

McDonald's has petitioned TPZ to amend the sign regulations to allow digital menu boards. See attached petition for the proposed amendment and more information.

### **Staff Comments:**

The Newington sign regulations prohibit the digital menu boards that fast food restaurants such as McDonald's like to use to inform their drive-through customers of available items and prices. Section 6.2.1.E forbids any sign with

“...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”

The only exceptions are for time and temperature signs and gas station price signs. If approved, digital menu boards would be added to this list of exceptions.

As the Applicant stated in the narrative, the digital menu board and the pre-browse menu board expedite the ordering process, getting customers through the drive-through lane quicker. They are oriented to the customer who is already in the drive-through lane and wouldn't even be considered “signs” if it weren't for Newington's very encompassing definition of “sign”.

I recommend approval effective upon publication.

cc:  
Town Engineer  
McDonald's  
file

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

cc:  
file



Petition # \_\_\_\_\_

TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION: 2355 Berlin Turnpike ZONE: B-BT

APPLICANT: The McDonalds Real Estate Company TELEPHONE: 203-528-0590  
 c/o Chris Russo, 10 Sasco Hill Rd,  
 ADDRESS: Fairfield, CT 06824 EMAIL: Chris@russorizio.com

CONTACT PERSON: c/o Chris Russo, Russo & Rizio, LLC TELEPHONE: 203-528-0590

ADDRESS: 10 Sasco Hill Road, Fairfield, CT 06824 EMAIL: Chris@russorizio.com

OWNER OF RECORD: The McDonalds Real Estate Company

**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 6.2.1.E & 9.2. *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 11" x 17").
- Special Permit per Section \_\_\_\_\_ of the Zoning Regulations. *Explanation of the proposed activity is attached* (Public Hearing required).
- Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Other (describe in detail, or attach): \_\_\_\_\_.

**SIGNATURE:**

"I hereby consent to site inspections before, during and after construction to verify proper functioning of the erosion and sediment controls and of the stormwater management design."

	<u>6/11/20</u>		<u>6/11/20</u>
APPLICANT	DATE	PROPERTY OWNER	DATE

**COMPLETE APPLICATIONS SUBMITTED NOT LESS THAN 14 DAYS BEFORE THE NEXT TPZ MEETING MAY BE PUT ON THE AGENDA. A COMPLETE APPLICATION CONSISTS OF: THE APPLICATION FEE; SITE PLANS (IF APPROPRIATE); STORMWATER MANAGEMENT ANALYSIS (FOR SITE PLANS); NARRATIVE EXPLANATION (FOR SPECIAL PERMITS).**



Colin B. Connor  
 Elizabeth A. Falkoff\*  
 Robert G. Golger  
 Michael C. Jankovsky  
 David K. Kurata  
 Katherine M. Macol  
 Leah M. Parisi  
 William M. Petroccio\*  
 Raymond Rizio\*  
 Christopher B. Russo  
 Robert D. Russo  
 John J. Ryan  
 Vanessa R. Wambolt  
 (\*Also Admitted in NY)

June 1, 2020

Andrew Armstrong  
 Assistant Planner  
 131 Cedar Street  
 Newington, CT 06111

**Re: Proposed Amendment to the Newington Zoning Regulations regarding Digital Menu Board Signs**

**AMENDMENT TO SECTION 9.2  
 REGARDING DEFINITIONS “SIGN, DIGITAL MENU BOARD”**

(Proposed amendment bold and underlined)

9.2 Definitions

**SIGN, DIGITAL MENU BOARD: A sign which is located at and utilized in connection with an accessory drive through lane, which has intermittent illumination by mechanical or digital control that will rotate images to display products or items connected to the principal use on the premises.**

**AMENDMENT TO SECTION 6.2.1.E  
 REGARDING GENERAL SIGN PROVISIONS**

6.2.1 General

E. As defined in Section 9, a sign which has intermittent internal illumination, 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)

**3) Digital menu board signs which are located at and utilized in connection with an accessory drive through lane. One digital menu board sign shall be permitted per each accessory drive through lane limited to Fifty (50) square feet as well as one digital pre-browse menu board sign per permitted principal use on the premises limited to Fifteen (15) square feet.**

### Narrative

The Applicant proposes a text amendment to permit digital menu board signs in connection with an accessory drive-through lane. The amendment would permit said signs with illumination by mechanical or digital control that will rotate images to display products or items connected to the principal use on the premises. The proposed text amendment will allow one digital menu board sign per accessory drive-through lane limited to Fifty (50) square feet and one digital pre-browse menu board sign limited to Fifteen (15) square feet. It is important to note, all these proposed structures are intended to improve the efficiency of the existing drive-thru. While the menu boards do advertise food products for sale, its intent is to display popular customer choices and menu items relevant to the specific time of day, so customers can order quickly. Therefore, the sign is actually oriented towards the functionality rather than the advertising of the use and will actually reduce the impact from existing conditions.

Since the Applicant has operated restaurants, the accessory drive-through lane has increasingly represented where patrons place their order. Approximately Seventy percent (70%) of their restaurant's business comes through the drive-through lane. With the rising popularity of UberEats, the drive-thru demand has only increased. The Applicant is the leading operator of drive-through restaurants and has exhaustively studied how to make their drive-thru facilities operate quickly and efficiently. The result has been the addition of digital menu boards, including both the main and pre-browse menu boards.

The proposed text amendment actually reduces the intensity of the fast-food restaurant use. Under current circumstances, these restaurants have to display their menu items for all times of day. The proposed signs will allow restaurants to just display what menu items are currently offered. This increases the speed and efficiency to order. The

digital aspect of the sign also allows for automatic adjustment of the lighting to ensure the signs dim in the later, darker hours of the day, to ensure there is no light pollution to neighboring properties. Finally, the Applicant has extensively studied drive-through operations and have determined the placement of a pre-browse menu board has an overall impact on the speed and efficiency of a drive-through lane. For some patrons, it will allow them to determine their order before they reach the menu board speaker, so they move more quickly. The Applicant attempts to improve the speed of their drive-through operation to the second and they have found the above-stated improvements increase the efficiency, which in turn reduces the intensity of the use, particularly on traffic.

The Application will be beneficial, not injurious, to the surrounding neighborhood as the proposed modifications will significantly improve the efficiency, functionality, and traffic flow of the drive-through facilities to meet the demand of its patrons, which overwhelmingly utilize their vehicles to order food. It will help ensure traffic does not back up, which can become a significant concern during rush hour. In all, the proposed improvements result in a meaningful upgrade to the efficiency and functionality of the drive-through facility with minimal alteration to existing Site conditions.

Sincerely,



Christopher Russo

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Plan and Zoning Commission

To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: July 1, 2020  
Subject: **Petition #23-20: Special Permit (Sec. 3.17.7: Children's Theatre Organization) at 136 Day Street. 136 Day Street LLC, owner; Newington Children's Theatre Company, applicant; Chris DeFrancisco, 255 Beacon Street, Newington CT, contact.**

---

### **Description of Petition #23-20:**

The Newington Children's Theatre would like to move from their current location on North Mountain Road and into the building at 136 Day Street. A "Children's Theatre Organization" is allowed by special permit in the Industrial Zone.

### **Staff Comments:**

The Newington Children's Theatre intends to move out of their current site completely, and their plan is to make increasing use of the building at 136 Day Street over several years, in three phases. See the narrative submitted with their application for more details.

I have been discussing this with the applicants for several months. I told them that my only concern was whether the new location has enough parking to accommodate their long-range goals. I am satisfied that it does, with some minor changes.

Phase 1 consists of 5,000 s.f. of offices, classrooms, and hallways/utilities. Based on the parking requirements for classrooms and for offices, Phase 1 needs fifteen parking spaces. According to the attached aerial photograph of the front of 136 Day Street there are 3 rows of six parking spaces (I don't think the old site plan that the applicants submitted a snapshot of can be relied upon because it proposes several parking spaces in the Day Street right-of-way. I do not believe the site plan was ever approved by TPZ).

Phase 2 adds another 3,000 s.f. of shop rooms (screen, dressing, and costume) and a "black box" theater with no formal stage and no fixed seating. The parking requirement for a theater with no fixed seating is 1 space per 300 s.f., and for shop rooms I recommend using the "manufacturing" requirement which is approximately 1 space per 300 s.f. So, the amount of parking needed for Phase 2 is ten spaces. According to the attached aerial photograph there is enough room for ten parking spaces in the rear of the building, but the spaces would need to be painted.

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

Phase 3 is the net addition of 3,000 s.f. for a “Proscenium Theatre” with a 51’ x 34’ stage and 250 seats of fixed seating. I say “net” because a classroom and a music room from Phase 1 will be absorbed into the auditorium. An auditorium with fixed seats requires one parking space per 4 seats, so Phase 3 needs 63 spaces. The applicants have said that there will be no other activities in the building when a show is being performed, so it’s reasonable to only require a total of 63 spaces for the entire operation (i.e. Phases 1, 2 and 3 combined). Since Phase 1 and 2 require 25 spaces, another 38 spaces are needed. According to the attached aerial photograph of the adjacent building at 140 Day Street, there are approximately 20 parking spaces across the front of 140 Day Street and sufficient area on the south side of the building for another 18 parking spaces. The applicants have stated in their narrative that the lease for 136 Day street contains language that gives them access to the parking spaces at 140 Day Street “for theater events”.

If nothing derogatory comes up during the public hearing, I have no objection to approval with the condition that at least ten parking spaces be painted behind 136 Day Street, and a copy of the lease be submitted to confirm that they will have access to parking at 140 Day Street.

cc:  
Newington Children’s Theatre Organization  
file



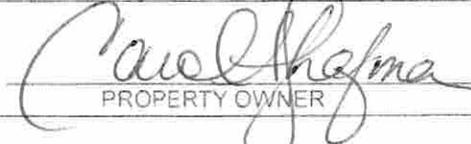
**TOWN OF NEWINGTON**  
**TOWN PLAN AND ZONING COMMISSION**  
**APPLICATION FORM**

LOCATION OF PROPERTY: 136 Day Street ZONE: I  
 APPLICANT: Newington Children's Theatre Company TELEPHONE: 860-666-6282  
 ADDRESS: 136 Day Street, Newington EMAIL: programs@notcarts.org  
 CONTACT PERSON: Chris DeFrancesco TELEPHONE: 860-306-4858  
 ADDRESS: 255 Beacon Street, Newington EMAIL: chrisndeFran@gmail.com  
 OWNER OF RECORD: 136 Day Street 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 11" x 17").
- Special Permit per Section 3.17.7 of the Zoning Regulations. **Explanation of the proposed activity is attached** (Public Hearing required).
- Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

 _____ APPLICANT	6/9/20 DATE	 _____ PROPERTY OWNER	6/9/20 DATE
---	----------------	---	----------------

INCOMPLETE APPLICATIONS **WILL NOT BE PUT ON THE AGENDA**. A COMPLETE APPLICATION INCLUDES BUT IS NOT LIMITED TO: APPLICATION FORM; APPLICATION FEE; SITE PLANS (IF APPROPRIATE) SHOWING LID; WATERSHED ANALYSIS (FOR SITE PLANS); NARRATIVE DESCRIPTION (IF APPROPRIATE).

200602 NCTC special use permit

Over the next several years, NCTC intends to occupy approximately 11,000 square feet of 136 Day Street and convert it to a self-contained children's theater.

This will be done in phases.

**Phase 1** (see attachment **A-1 NCTC Phases 1&2**): We occupy the first 5,000 square feet and convert the space into a lobby/box office area, some offices, open space for classes, and storage. Any performances during this phase would be small events for small crowds (perhaps a few dozen) and we'll create temporary seating.

**Phase 2** (see attachment **A-1 NCTC Phases 1&2**): We expand to the 3,000 square feet in the south rear of the building, and build "black box" area, as well as dressing rooms. The black box would serve as rehearsal space and a performance venue for our shows (other than are large school-year musicals). We envision a seating capacity of about 100 for the black box.

**Phase 3** (see attachment **A-2 NCTC Phase 3**): We expand again, adding the 3,000 square feet in the north rear of the building. This is where the stage and proscenium/auditorium-style space for our large shows would go. We envision a seating capacity of 250.

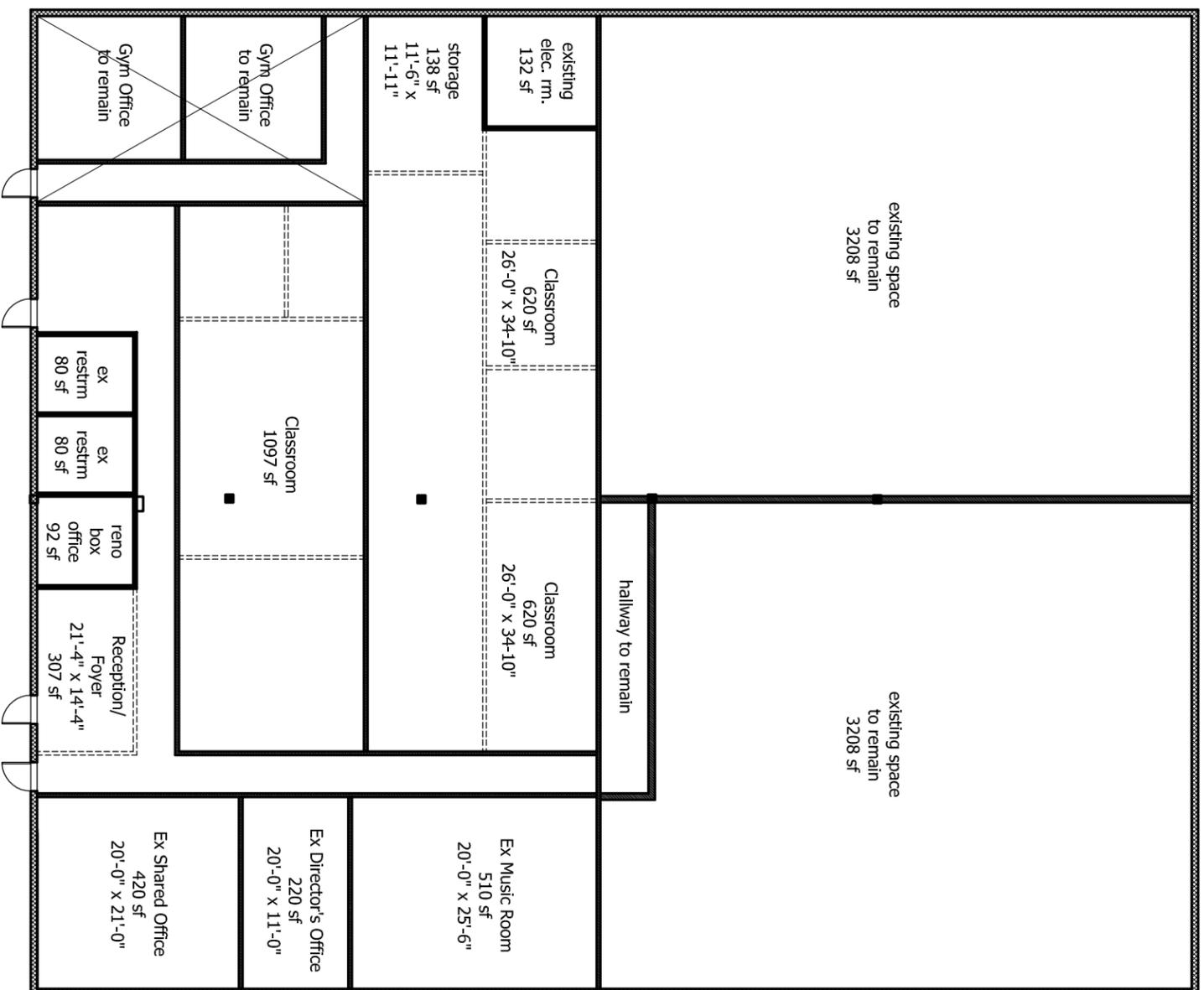
The pace of these renovations will depend largely on our ability to resume regular programming and fundraise.

It's important to note that we would not have occasion to use both the performance spaces simultaneously. We do not envision a scenario where we would have overlapping performances that would have 250 people in the larger theater and an additional 100 people in the black box at the same time. Therefore, we estimate our maximum audience attendance at a given moment to be 250.

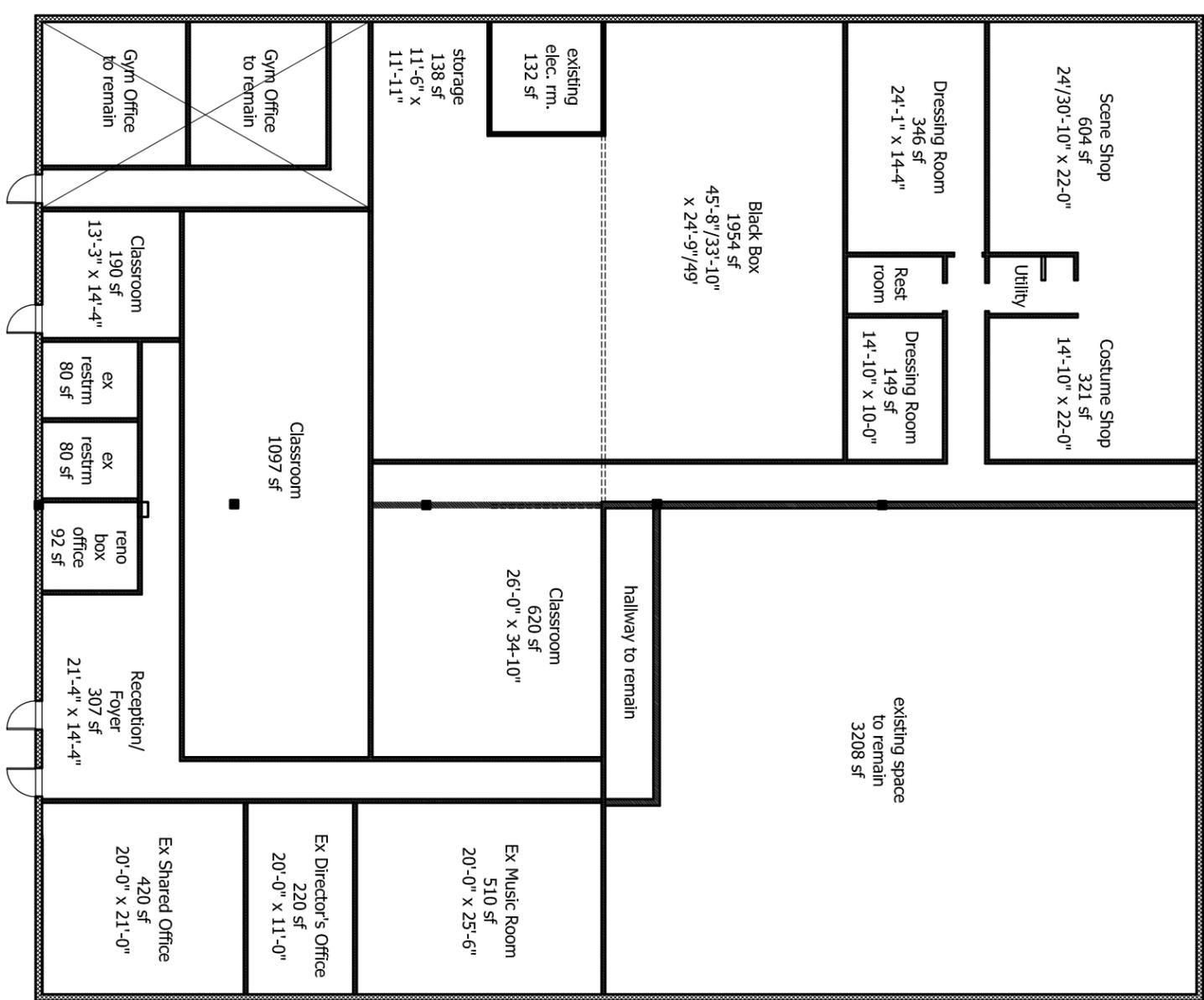
Note the attachment **Day St Site plan w\_parking** shows more than 120 spaces on the property. Additionally, we have a working agreement with the property owner to coordinate with her when holding large shows to ensure adequate parking, memorialized in our lease by this language: "142 Spaces in the full surround of the building will be made available upon request for theater events."

Thank you for your consideration.

Chris DeFrancesco  
NCTC Board of Directors  
860-306-4858



**1**  
Phase 1  
SCALE: 1/16" = 1'-0"



**2**  
Phase 2  
SCALE: 1/16" = 1'-0"

# Newington Children's Theater Co.

Newington, CT

Drawing Title:

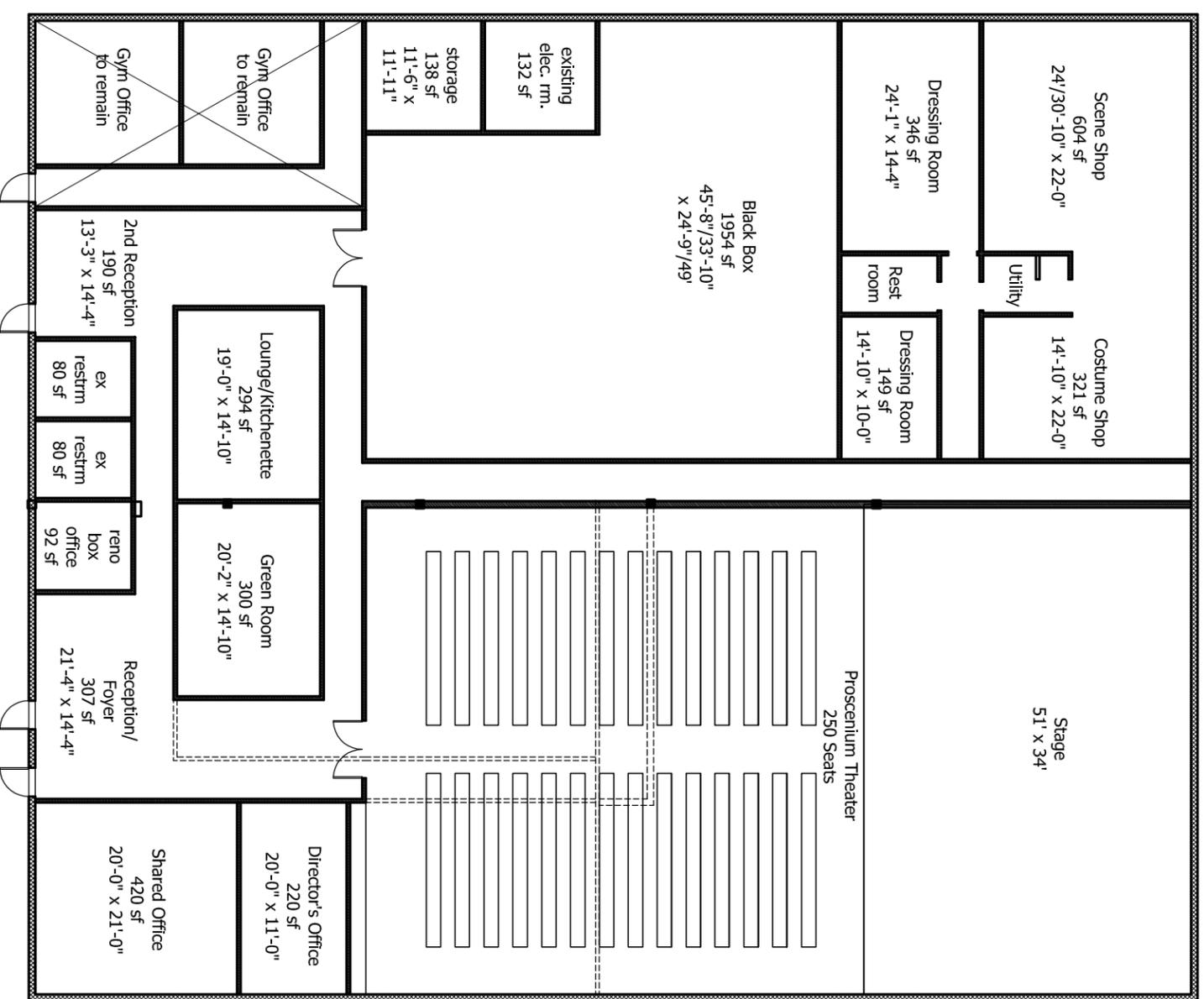
**Conceptual  
Plans**

Scale: 1/16" = 1'-0"

**A-1**

Schematic  
Design

Date: 4-17-20



1 Phase 3  
SCALE: 1/16" = 1'-0"

## NEWINGTON CHILDREN'S THEATRE

<u>Phase #</u>	<u>Description</u>	<u>Location</u>	<u>Square Footage</u>	<u>Estimated Time Frame</u>
1	Convert the space into a lobby/box office area, some offices, open space for classes, and storage. Any performances during this phase would be small events for small crowds (perhaps a few dozen) and we'll create temporary seating. Any performances during this phase would be small events for small crowds (perhaps a few dozen) and we'll create temporary seating.	front of building (east) facing Day Street	5,000	by end of July
2	Expand to the 3,000 square feet in the south rear of the building, and build "black box" area, as well as dressing rooms. The black box would serve as rehearsal space and a performance venue for our shows (other than are large school-year musicals). We envision a seating capacity of about 100 for the black box.	South rear of the building.	3,000	Expansion spring 2021 the earliest, construction likely later in the year (depending on fundraising)
3	We expand again, adding the 3,000 square feet in the north rear of the building. This is where the stage and proscenium/auditorium-style space for our large shows would go. We envision a seating capacity of 250.	North rear of the building.	3,000	Expansion spring 2022 the earliest, construction dependent on fundraising



**Map Legend**

Parcels

**BA SEMA P LEGEND**

- Centerlines
- Local Roads
- Major Roads
- Highways
- Buildings
- Pool
- Deck
- Railroad
- Sidewalks
- Driveways
- Paved Road
- Streams
- Marsh/Wetlands
- Water
- Vegetation

**Parking at 136 Day Street - front**



*This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.*





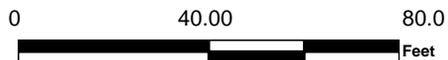
**Map Legend**

 Parcels

**BA SEMA P LEGEND**

-  Centerlines
-  Local Roads
-  Major Roads
-  Highways
-  Buildings
-  Pool
-  Deck
-  Railroad
-  Sidewalks
-  Driveways
-  Paved Road
-  Streams
-  Marsh/Wetlands
-  Water
-  Vegetation

**Parking at 136 Day Street - rear**



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# Parking at 140 Day Street



*This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.*



## Map Legend

Parcels

- BA SEMA P LEGEND**
- Centerlines
  - Local Roads
  - Major Roads
  - Highways
  - Buildings
  - Pool
  - Deck
  - Railroad
  - Sidewalks
  - Driveways
  - Paved Road
  - Streams
  - Marsh/Wetlands
  - Water
  - Vegetation



# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Town Planner Craig Minor, AICP  
**Date:** July 1, 2020  
**Subject:** Commercial Vehicles in Residential Zones

---

As I reported at the last TPZ meeting, I have simplified the “Commercial Vehicle” zoning regulation. The current regulation was a product of its time but it tried to do too much, and contains the equivalent of several double negatives which become very confusing.

When I eventually give you the draft amendment it will contain the usual strike-throughs of deleted text and underlining of new text, but the net result will be this:

#### Accessory Structures and Uses Permitted in Residential Zones

##### 3.22.1 Accessory Structures and Uses Permitted

###### C. Commercial Vehicles (effective XX-XX-2020):

1. One commercial vehicle not exceeding 15,000 pounds gross vehicle weight and a cargo area not exceeding 200 square feet customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle shall be parked in the driveway or other suitable paved portion of the property.
2. “Commercial Vehicle” is any motorized vehicle used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include, but are not limited to:
  - a) Pickup trucks, step vans, cargo vans, box trucks, flat bed or stake bed trucks.
  - b) Any vehicle outfitted with a backup alarm.

3. Commercial vehicles permitted under Section C.1 do not include:
  - a) Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
  - b) Buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
4. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.

This regulation contains adequate safeguards for the neighborhood, and I'm pretty sure it covers every type of commercial vehicle that people customarily bring home at the end of the day without bothering their neighbors.

cc:  
file

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Town Planner Craig Minor, AICP  
**Date:** June 29, 2020  
**Subject:** Town Planner Report for July 8, 2020

---

1. **Status of “Deming Farm” Development:** According to the homeowners association president the road is scheduled for repaving on July 13, 2020. General Paving is the contractor. The HOA president also told me that they are going to wait until after the road is finished and they know how much performance bond money they have left before tackling the other outstanding items: the gazebo, the bituminous paths, the final grading behind some of the houses, and the unresolved wetland issues.
2. **Outdoor Restaurant Seating:** No new requests since my last Town Planner report. The Governor has reminded us that outdoor restaurant seating will continue to be “by right” throughout the State of Emergency regardless of any partial reopening.
3. **POCD:**
  - (a) The public hearing is scheduled to take place via Zoom on July 22, 2020. If TPZ agrees I will put off any regular TPZ business from that meeting to the next one on August 12, 2020,
  - (b) As of this writing we have not received any comments from CRCOG on the draft POCD.
  - (c) The Town Councilmembers received their copies of the draft POCD prior to their meeting on June 9, 2020 and discussed it at the June 23 meeting. There were no substantive comments on the draft POCD and no decision was made.
  - (d) The original deadline to adopt the new POCD was June 8, 2020 but Executive Order 7I gave us a ninety-day extension, so the new deadline to adopt is September 8, 2020.
4. **Outstanding TPZ Performance Bonds:** I will distribute an updated report at the meeting.
5. **Zoning Regulations for Keeping Chickens:** See attached draft prepared by Assistant Town Planner Andrew Armstrong. We can discuss this at the meeting.

**6. Town Manager Letter regarding Economic Development:**

If you haven't already, please read the letter from Town Manager Keith Chapman regarding the dearth of economic development in Newington over the past few years and the stagnation of the Grant List. His letter concludes with the following request:

“Therefore, I am asking that all appropriate Town staff, Town Boards and Commissions, the Chamber of Commerce and all existing property owners work with all interested parties to foster a new and more meaningful effort for the betterment of our Town. I ask all Boards and Commissions working with our Town staff analyze how all of us can achieve the outcome that must be adopted moving forward.”

Grand list growth (and the lack thereof) is the result of many factors, most of which are outside the realm of land use regulations. But there are many factors that are under the direct control of local land use boards, namely their regulations and practices. In the case of TPZ, these include:

1. Site Plan Approval regulations that prevent full or most efficient use of the land, such as excessive parking requirements and excessive maximum lot coverage requirements, or that drive up development costs, such as LID requirements. I think Newington's zoning regulations in these areas are reasonable and responsible, but they could certainly be looked at more closely.
2. Special Permits that are mandated in more situations than perhaps is necessary. Not all towns require special permits for restaurants, gas stations, fitness centers, and movie theaters. The impact of special permits on economic development is two-fold, and both have a chilling effect on developers' decision to come to Newington. The special permit requirement adds a minimum of an extra month to the approval process, but more importantly it adds an element of uncertainty because TPZ's decision on whether to approve or deny an application is subjective. The would-be developer has no way of knowing if his project will be approved without first investing a lot of time and money. All things being equal, the developer who wants to open a restaurant somewhere in the greater Hartford area is much more likely to choose a town where he doesn't have to go through the special permit process.
3. Time of Application Processing is another factor in developers' decision. I am pretty sure that the amount of time it takes to get an answer from Newington's TPZ compares very favorably with other towns, but it too could be looked at more closely. The complaints you occasionally hear about how long it takes to break ground are always due to post-decision delays, and in those cases the delay is 99% of the time due to the applicants' consultants and not town staff.

I suggest this item be put on the next TPZ under “New Business” for more discussion.

cc:  
file

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** Town Plan & Zoning Commission  
**From:** Andrew Armstrong, Assistant Town Planner, Zoning Officer  
**Date:** July 1, 2020  
**Re:** **Chicken Regulation Revision and Recommendation**

---

Currently the Town Zoning Regulations prohibit chickens on residential properties of less than 5 acres, which qualifies as a farm. For the past few years the Town Plan & Zoning Commission has put enforcement of this regulation on hold in order to reconsider the regulation.

In the past month, I have received an increase in complaints regarding chickens on residential properties without the required 5 acres of land. I have been able to avoid conflicts between neighbors by working with the violator and/or neighbor, but the time has come for TPZ to take action on this issue.

Many families in Newington have chickens on residential properties less than 5 acres. I have encountered many people who love and treat them as their own outdoor “pet” or “family”. Typically, people keep them for pets, insect control, and fresh eggs. The majority of these properties do not cause complaints and are rather innocuous. In my experiences, for the most part I have found chickens to not be any noisier than dogs that are kept as pets, though on occasion they do crow briefly in the morning when laying an egg. In addition, I have not received complaints about any smell or unsanitary conditions as a result of chickens. If any health or smell related complaints do arise they would be handled by the Health Department.

The latest complaint was in the process of being worked out, but the chicken owner is concerned that even if he relocates his existing coop to appease the neighbor, the new location may still not be good enough. Considering I cannot provide assurance to this property owner that the new location will be sufficient and that I am walking a fine line in not “enforcing” the chicken regulation while it has been on hold, I recommend TPZ adopt a regulation for chickens that is clear to the public and can easily be enforced.

**Towns Nearby & Connecticut:**

Many municipalities in Connecticut including several nearby allow chickens on single-family residential properties, though the amount of chickens allowed, method of approval, and standards or restrictions varies greatly. Some Towns do not allow chickens, some permit them as a general permit through the Zoning Enforcement Officer, others allow them by Special Permit, and some also allow them by right. The method of approval and standards widely vary.

TOWN	MIN AREA	MAX NUMBER OF CHICKENS	BY RIGHT OR SP?	COOP REQUIRED?	SETBACKS	OTHER REQUIREMENTS
West Hartford	5 acres	n/a	Farms only	n/a	n/a	n/a
Wethersfield	8,000 sf	8,000 sf or less: zero 8,000-20,000 sf: up to 5 hens  20,000 sf + : 7 or 8	By right	Yes	50' rear 25' side 100' from pond, reservoir, or watercourse	Confined by fencing 25' from any lot line.
Rocky Hill	.26 acres	0.26-0.5 acres: maximum 10 0.51-1.0 acres: maximum 20 1.0-4.99 acres: maximum 40	By right. Enclosure by permit.	No	15' side 15' rear	Non-commercial purposes only No more than 2 family lots Rear yard only, no roosters
Farmington	n/a	No more than 20 chickens	Special Permit	No	5' rear 5' side	n/a
Ellington	20,000 sf minimum	Up to 8	By right, but Reviewed by ZEO.	Yes - 200 sf max.	20' side 20' rear	No roosters less than 3 acres Free range prohibited
Manchester	n/a	Up to 12	Permit signed by ZEO	Yes- 2 sf per hen	25' from any dwelling or occupied structure	Rear yard only Fencing required for outdoor areas
Milford	n/a	Smaller Residential Zoning: Up to 5 hens Larger Residential Zoning: Up to 10 hens	Special Permit	No	25' from any street line 10' from principal building 5' from any property line	Fenced enclosure no greater than 20% of lot, located in rear yard. Any portion closer than 10' shall provide a solid fence or landscape buffer No commercial sales or activity.

**Recommendation:**

My recommendation to TPZ is to allow chickens in single-family residential zoning (not including farms) under conditions that they feel are right for Newington. My proposed suggestions include standards that I feel fall somewhere within the middle of what other Towns allow. My suggestion includes the following:

- Owners of chickens must submit a sketch and written statement of compliance with regulations to the Zoning Enforcement Officer.
- No roosters allowed.
- Fencing is required to prevent predators and roaming.
- An appropriate permanent shelter shall be provided:
  - Located within the rear portion of property.
  - 10-15 feet from any property line.
  - Maximum 200 sf.
- Limits on number of chickens, based on acreage:
  - 8,000 sf – 20,000 sf: up to 5 chickens
  - 20,000 sf +: up to 8 chickens
- Repeated violations could result in the Town Plan & Zoning Commission to act.
- Chickens and associated aspects must be kept in accordance with the Health District standards.
- No signage permitted.

cc:  
File



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Those Listed Below  
From: Keith Chapman, Town Manager  
Date: June 30, 2020  
Re: Economic Development

Since my return to Newington as its Town Manager, I have found that the Town's previous administration(s) have viewed Economic Development somewhat differently than I, while serving the Town as Town Manager during the 1990's. With many of the Town's Administrators, Technicians, Inspectors and Code Compliance staff members, new since my departure in 2001, the focus and purpose of these professionals appears to have strayed from the direction established during the massive explosion of development and investment in Newington, when Grand List growth dominated and Newington was a highly desirable place to invest and grow.

The lessening of the Grand List growth, coupled with the apparent loss of determining of the Town in continuing to move forward has stagnated the investment into the Town, with annual tax increases become the norm rather than the exception. Complaints from developers, investors, residents and business entities have become common with a perception that alternative sites outside Newington may be more desirable, with a significant slow-down in development and investment in our Town, over the last 18 years.

In the six months since my return to Town, I have become aware that we, as a community must become much more sensitive and cooperative in our delivery of services and our understanding of our roles with the Town viewed as the best place to locate and invest, with the Town staff, Boards and Commissions and perceptions favoring Newington, as opposed to a neighboring town or city. My view on this subject is that we must encourage and promote the Town, reducing roadblocks, unnecessary regulations, rules, and obstacles that result in delays and unnecessary expenditures for those seeking approvals.

The concept of working as a team, streamlining processes and understanding that we must be concerned about Grand List growth, reutilization of aging properties, working collaboratively as agencies representing the Town, and follow-up on any and all leads are critical for the Town's future, all must be working in unison.

Therefore, I am asking that all appropriate Town staff, Town Boards and Commission, the Chamber of Commerce and all existing property owners work with all interested parties to foster a new and more meaningful effort for the betterment of our Town. I ask all Boards and Commissions, working with our Town staff analyze how all of us can achieve the outcome that must be adopted moving forward.

It is great to be back, and let's all work together to bring Newington back to the limelight it once enjoyed.

Thank you and please do not hesitate to contact me if I can assist in anyway.

CC: Town Council  
Board of Assessment Appeals  
Building Code of Board of Appeals  
Board of Education  
CIP Committee  
Chamber of Commerce  
Conservation Commission  
Economic Development Commission  
Environmental Quality Commission  
Joint Shared Services Commission  
Library Board of Trustees  
Newington Housing Authority  
Newington Housing Needs Study  
Open Space Committee  
Town Planning & Zoning Commission  
Zoning Board of Appeals