

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS

Thursday, July 9, 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>

AGENDA

1. Roll Call
2. Public Hearings
 - 2.1. PETITION # 00-20-03: Truss Manufacturing Company Is Requesting A Variance From Section 7.4.19.B To Install A Six (6) Foot Fence In The Front Yard Setback At 135 Fenn Road.

Documents:

ZBA STAFF REPORT - 135 FENN ROAD.PDF
ZBA APPLICATION - 135 FENN ROAD.PDF
APPLICANT NARRATIVE - 135 FENN ROAD.PDF
FENCE LOCATION - 135 FENN ROAD.PDF
FRONT SETBACK LOCATION - 135 FENN ROAD.PDF
SECTION VIEW - 135 FENN ROAD.PDF

3. Public Participation
4. Work Session
5. Meeting Minutes - May 7, 2020

Documents:

MINUTES - MAY 7 2020 ZBA.PDF

6. Communications And Reports
7. New Business
 - 7.1. PETITION # 00-20-03: Truss Manufacturing Company Is Requesting A Variance From Section 7.4.19.B To Install A Six (6) Foot Fence In The Front Yard Setback At 135 Fenn Road.
8. Adjournment



Keith Chapman
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Zoning Board of Appeals

To: Zoning Board of Appeals
From: Andrew Armstrong, ZEO
Date: June 24, 2020
Subject: **Petition #00-20-03:** Truss Manufacturing Company is requesting a Variance from Section 7.4.19.B to install a six (6) foot fence in the front yard setback at 135 Fenn Road.

Description of Petition #00-20-03:

The applicant “Truss Manufacturing Company” of 135 Fenn Road is requesting a Variance in regards to fence height within a front yard setback for a non-residential property. The applicant is proposing a six (6) foot high fence located within the front yard setback.

Section 7.4.19.B. of the Town Zoning Regulations states that fencing in non-residential areas shall not exceed four (4) feet in height in the front yard, nor eight (8) feet in height in side or rear yards. The property is zoned Industrial (I) and was recently approved by the Town Plan & Zoning Commission for site plan approval. The front yard setback in this zone is 25 feet. The applicant has requested the fence to be located 15 feet from the front property line which is within the front yard setback.

The applicant has stated the hardship in this instance is the location of the existing building and front driveway which would make it difficult to install a fence beyond the front setback. The fence would also provide security for their business.

Staff Comments:

The property at 135 Fenn Road is zoned Industrial and in order to protect materials and equipment a six-foot fence would provide adequate security. The property has a few encumbrances that affect the functionality and usable area of the site which may necessitate the placement of a fence within the front yard setback.

The entire rear portion of the property is unusable due to the severe slopes of a large rock ledge. The existing building placement and driveway in the center of the property create space near the entry that is utilized for vehicle movement in and out of the site on both sides. In addition, the site plan called for 39 parking spaces on site and 40 were provided, eleven (11) of which are located on the right-side entry (North). The location of these parking spaces require the fence be placed further back, limiting the space available for storage and parking. Finally, the building additions and outdoor storage areas restrict where the fence could be located. Collectively, these conditions

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

severely restrict the area and functionality on the site and restrict the fence placement behind the front yard setback.

The question for the ZBA is if these restrictions truly necessitate the fence be located within the front yard setback. While ZBA's frequently approve Variances even when the statutory definition of a hardship has not been met, no harm would be done to neighbors by granting this fence Variance.

cc:

Truss Manufacturing Company

TOWN OF NEWINGTON

06/19/2020 10:27AM 0001
000111#7508

NO. 00-20-03

DATE 6/19/20

ENVIRONMENTAL \$60.00
Z.B.A. \$260.00

CHECK1 \$320.00

USE THIS FORM FOR REQUESTING A VARIANCE OF A ZONING REGULATION STANDARD

**ZONING BOARD OF APPEALS
TOWN OF NEWINGTON
131 Cedar Street
Newington, Connecticut 06111**

ZONE _____ FEE ^{\$1} 320 CHECK # 1596

APPLICANT'S NAME TRUSS MFG INC
ADDRESS 135 FENN RD PHONE 860-665-0000

OWNER'S NAME STANWELL ASSOCIATES
ADDRESS 135 FENN RD PHONE 860-665-0000

Address of affected premises: 135 FENN RD
(If business, state name)

Type of Variance: () Variance of Newington Zoning Regulation found in Table 4a

Variance relates to: Use () Area () Height ()
Build Line () Sign () Home Occupation ()
Existing Building ()

On what portion of the Zoning Ordinance is the Petition based - Provide Section Number:
7.4.19 B NON RESIDENTIAL USE

Specify details of Variance and describe nature of hardship:
CHANGE FENCE HEIGHT FROM 4'-0" TO 6'-0" (white vinyl)
EXISTING BUILDING THAT DOES NOT MEET SETBACKS FROM
FRONT STREET, AND FOR SECURITY OF PROPERTY AND AESTHETICS

Has previous Variance been filed? If yes, provide date and nature of Variance
NO

Owners' Signature  MARIO G. GUENE
Notice: See attached sheet for required documents

TRUSS

MANUFACTURING, INC.

Manufactures of wall panels, roof and floor trusses

97 Stanwell Road • Newington, CT 06111 • 860.665.0000 • Fax 860.667.3296

To whom it may concern:

Re: 135 Fenn road

6/19/2020

We are redeveloping an existing site that has been vacant for the past 15 plus years. We will be adding a couple of additions on the existing building and fixing the property to meet current stormwater management and to make it more functional for our business. We want to fence in the front and sides of the property to make it more secure and want to use a 6' tall fence. The front fence is located about 15' from the front property line and Newington regulations states the any fence within 25' of the property cannot be higher than 4'. Due to the location of the existing building and the front driveway this will make it harder to install the fence. We want to use a 6' tall vinyl fence with a row of Arborviteas in front of the fence to make it more aesthetically pleasing when driving by the property.

Thank you

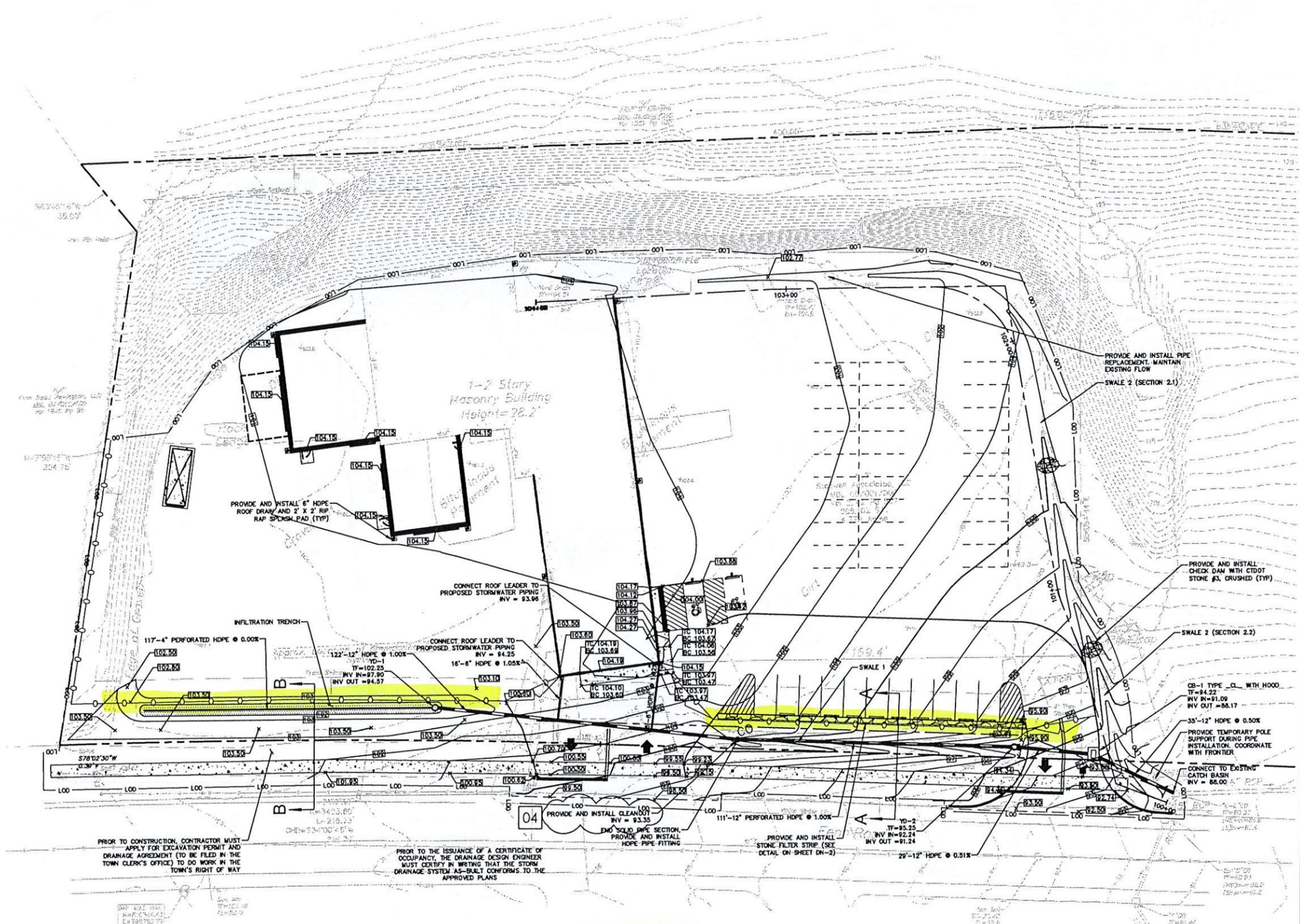


Mario Giguere

Owner

GRADING AND DRAINAGE LEGEND

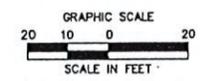
-  PROPERTY LINE
-  PROPOSED LIMIT OF DISTURBANCE AND CONTRACT LIMIT LINE
-  PROPOSED TREE DRIP LINE AND LIMIT OF CLEARING AND GRUBBING
-  EXISTING ELEVATION CONTOUR (1' INTERVAL)
-  PROPOSED ELEVATION CONTOUR (1' INTERVAL)
-  PROPOSED SPOT ELEVATION
-  PROVIDE STORMWATER DRAINAGE PIPE
-  PROVIDE TYPE C CATCH BASIN STRUCTURE WITH HOODED OUTLET OR INLET TYPE HYDRODYNAMIC SEPARATOR
-  PROVIDE YARD DRAIN
-  RIPRAP



FENCE LOCATION

REFER TO SHEET GN-1 FOR SITE WORK GENERAL NOTES

FOR PERMITTING PURPOSES ONLY
NOT RELEASED FOR CONSTRUCTION



PROPOSED BUILDING EXPANSION
135 FENN ROAD
NEWINGTON, CONNECTICUT
(OWNER: TRUSS MANUFACTURING)



355 Research Parkway
Meriden, CT 06450
(203) 630-1406
(203) 630-2615 Fax

REVISIONS
 DATE REVISION PER TOWN COMMENTS
 10/15/2019
 12/17/2019
 03/02/2020
 03/02/2020
 03/02/2020

Designed M.A.M.
 Drawn M.A.M.
 Reviewed
 Scale 1"=20'
 Project No. 1900834
 Date 8/12/2019
 CAD File: GD1900834.dwg

Title
GRADING AND DRAINAGE PLAN

Sheet No.

GD-1

© 2020 BY BL COMPANIES, INC. THESE DRAWINGS SHALL NOT BE REPRODUCED BY ANY PERSON, FIRM OR CORPORATION WITHOUT THE SPECIFIC WRITTEN PERMISSION OF BL COMPANIES.

ZONING INFORMATION

LOCATION: NEWINGTON, CONNECTICUT

ZONE: I (INDUSTRIAL)

USE: MANUFACTURING (PERMITTED USE)

ITEM #	ITEM	REQUIREMENTS
1	MINIMUM LOT AREA	20,000 S.F.
2	MINIMUM LOT WIDTH	NONE REQUIRED
3	MINIMUM LOT FRONTAGE	70 FEET
4	MINIMUM FRONT SETBACK	25 FEET
5	MINIMUM SIDE SETBACK	10 FEET
6	MINIMUM REAR SETBACK	15 FEET
7	MAXIMUM BUILDING HEIGHT	45 FEET/ 3 STORIES
8	MAXIMUM IMPERVIOUS COVERAGE	90 PERCENT

GENERAL NOTES

- A) THIS MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-309a-1 THROUGH 20-309a-29, AS AMENDED OCTOBER 26, 2016.
- B) THIS PLAN CONFORMS TO HORIZONTAL ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS 1-2.
- C) BOUNDARY DETERMINATION IS BASED UPON A RESURVEY.
- D) THE TYPE OF SURVEY PERFORMED IS A PROPERTY/TOPOGRAPHIC SURVEY AND IS INTENDED TO DEPICT THE EXISTING CONDITIONS WITH RESPECT TO MONUMENTATION FOUND, STRUCTURES, EASEMENTS, ENCROACHMENTS, VISIBLE UTILITIES, ROADWAYS AND CONTOURS.
- E) NORTH ARROW AND BEARINGS REFER TO THE CONNECTICUT STATE PLANE COORDINATE SYSTEM (CT MAD 83 - EPOCH 2011) AND ARE BASED ON GPS OBSERVATIONS PERFORMED BY BL COMPANIES DURING JANUARY 2020 REFERENCED TO THE C.O.R.S. NETWORK BASE STATION "CTNE" LOCATED IN NEWINGTON, CT HAVING THE FOLLOWING PUBLISHED VALUES:
STATION: CTNE (047113)
COORDINATES (US FT): N: 806142.77, E: 1008894.65
ELLIPSOID HEIGHT (US FT): 136.97 (41,749 M)
- F) ELEVATIONS REFER TO THE NORTH AMERICAN DATUM OF 1988 (NAVD 88). THE DATUM WAS DETERMINED BY USING (GEOID 18) AND IS BASED ON GPS OBSERVATIONS PERFORMED BY BL COMPANIES IN JANUARY 2020 AND REFERENCED TO C.O.R.S. BASE STATION "CTNE" LOCATED IN NEWINGTON, CT HAVING THE PUBLISHED COORDINATE AND ELEVATION VALUES AS DESCRIBED IN NOTE 2 ABOVE.
- G) PARCEL IS LOCATED IN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEPICTED ON F.J.R.M. D900300484F, EFFECTIVE DATE 06/28/2008.
- H) THE UNDERGROUND UTILITIES DEPICTED HAVE BEEN PLOTTED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES DEPICTED ARE IN THE EXACT LOCATION INDICATED THOUGH THEY ARE PLOTTED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY EXPOSED THE UNDERGROUND UTILITIES. PER CONNECTICUT STATE LAW THE CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF EXCAVATION. CALL BEFORE YOU DIG 1-800-922-4455.

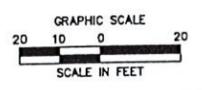
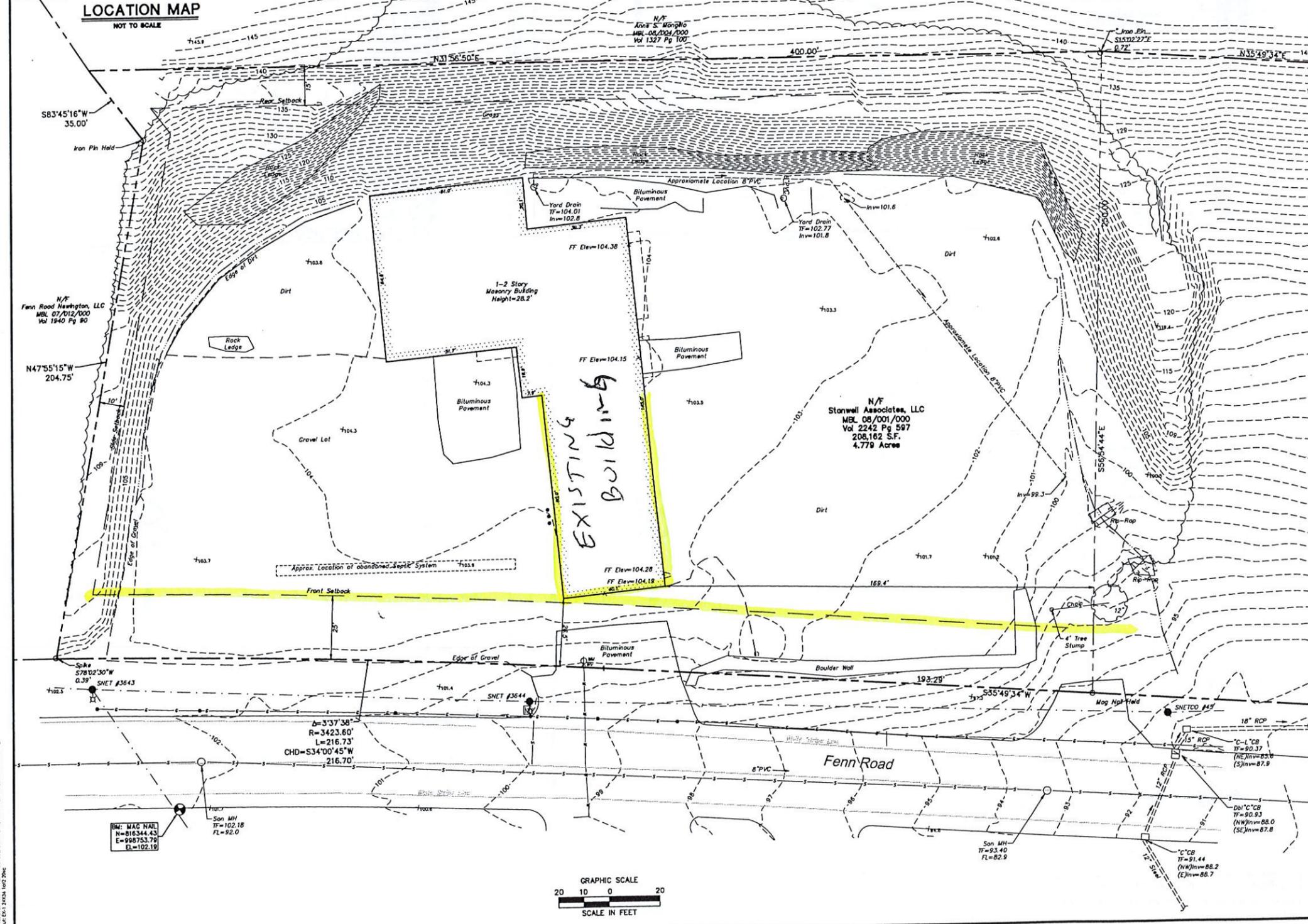
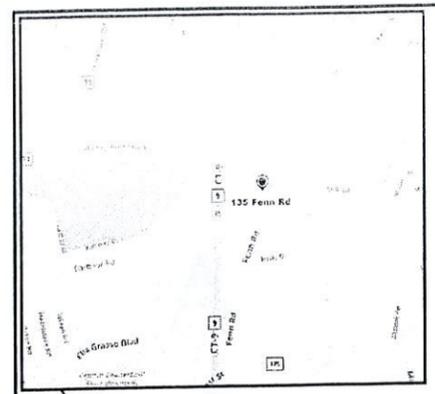
MAP REFERENCES

- "SITE PLAN PREPARED FOR TRUSS MANUFACTURING, EXISTING CONDITIONS RESURVEY" PREPARED BY THE BONGIOVANNI GROUP, INC., DATED 8-14-18.
- "SURVEY PROPERTY OF ERNEST MATIAS FENN ROAD, NEWINGTON, CONN. PREPARED BY GEORGE R. JENKINSON, DATED JULY 20, 1966, SCALE 1"=40' AND FILED AS MAP 835.
- "SUBDIVISION MAP, PORTION OF PROPERTY OF GEORGE, NATHAN, & HARRY, MARSHALL AND MORRIS MARSHALL ESTATE, FENN RD. & BARBOUR RD., NEWINGTON, CONN." PREPARED BY W.E. PETERS, DATED SEPT. 1982 AND FILED AS MAP 2398.
- "MAP PROPERTY OF GEORGE, NATHAN, HARRY, MARSHALL AND MORRIS MARSHALL ESTATE, FENN RD. & BARBOUR RD." PREPARED BY W.E. PETERS, DATED SEPT. 1974.
- LAYOUT MAP OF FENN ROAD FILED AS MAP 213.

LEGEND

- Property Line
- Easement Line
- Setback Line
- - - Edge of Water
- - - Tree Line
- - - Major Contour
- - - Minor Contour
- Stone Wall
- Overhead Wires
- Gas Lines
- Sanitary Sewer
- Storm Sewer
- Water Line
- Utility Pole
- Utility Pole w/ Light
- Gas Valve
- Gas Meter
- Cleanout
- Catch Basin
- Double Type I Catch Basin
- Double Type II Catch Basin
- Manhole
- Fire Hydrant
- Water Valve
- Water Meter
- Sign
- Ballast
- Mail Box
- Deciduous Tree
- Coniferous Tree

MATCHLINE SEE SHEET 2 OF 2



TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ROBERT H. ROPER L.S. #16469

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE ABOVE NAMED LAND SURVEYOR.



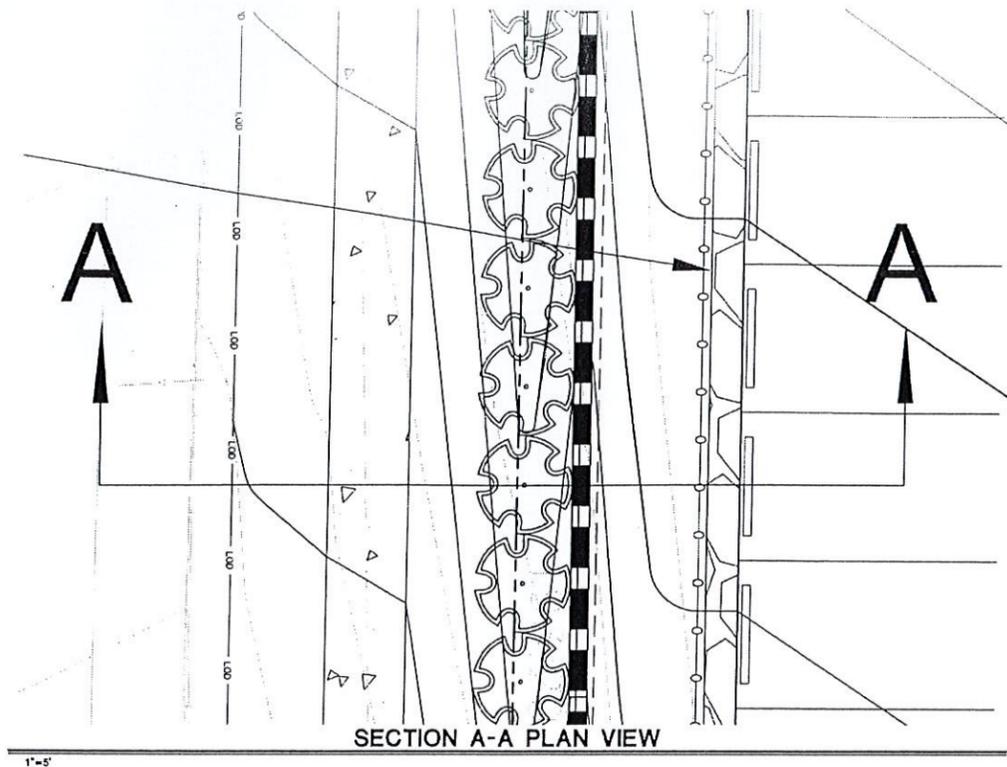
355 Research Parkway
Meriden, CT 06450
(203) 430-1406
(203) 430-2615 Fax

NEWINGTON BUILDING EXPANSION
135 FENN ROAD
NEWINGTON, CONNECTICUT

REVISIONS
Date: 7/10/2020
No. 1
Title: PROPERTY/ TOPOGRAPHIC SURVEY
Sheet No. 1 of 2

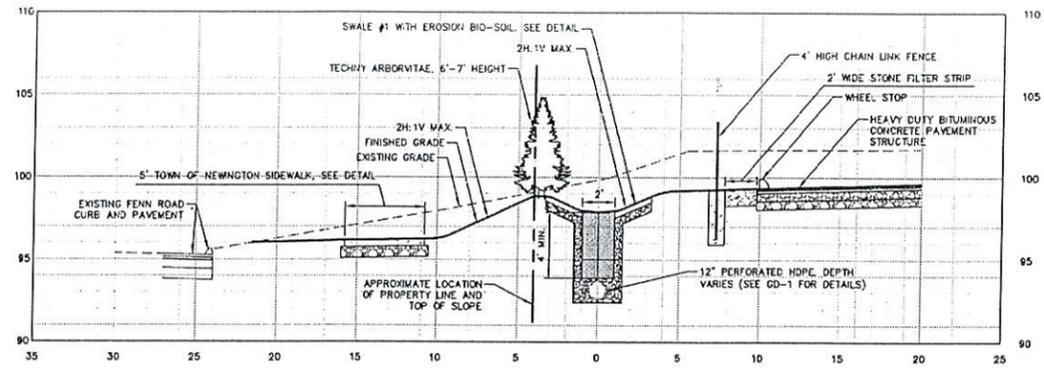
Surveyed: SB
Drawn: EB
Reviewed: RR
Scale: 1"=20'
Project No.: 1900834
Date: 6/20/19
Field Book: SB
CAD File: EX190083401

EX-1



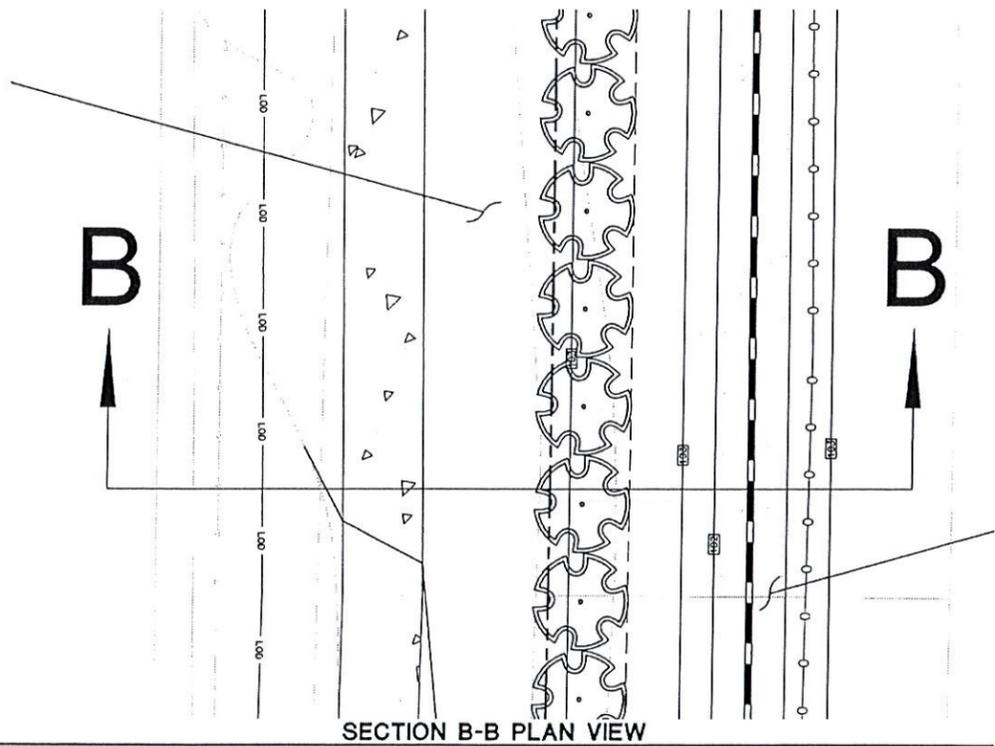
SECTION A-A PLAN VIEW

1"=5'



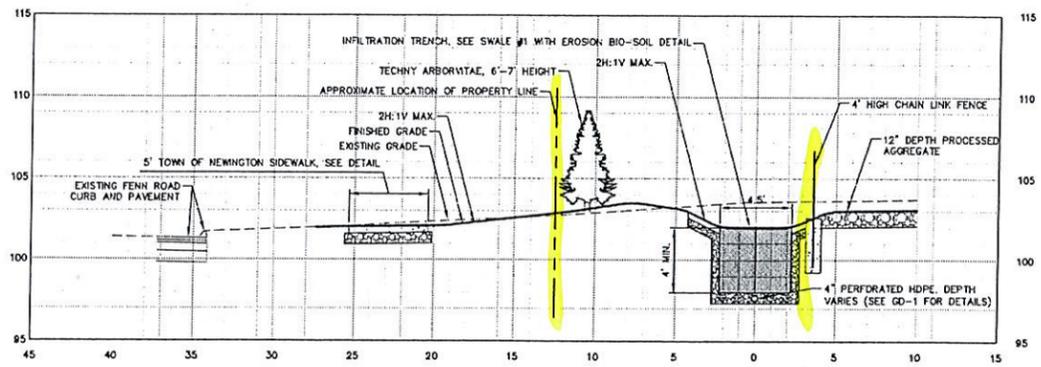
SECTION A-A

1"=5'



SECTION B-B PLAN VIEW

1"=5'



SECTION B-B

1"=5'

FOR PERMITTING PURPOSES ONLY
NOT RELEASED FOR CONSTRUCTION



333 Research Parkway
Meriden, CT 06450
(203) 639-1422
(203) 330-2915 Fax

PROPOSED BUILDING EXPANSION
135 FENN ROAD
NEWINGTON, CONNECTICUT
(OWNER: TRUSS MANUFACTURING)

DESIGN PER TOWN COMMENTS
REVISION PER ENGINEER COMMENTS
REVISION PER TOWN COMMENTS

REVISIONS
DATE
NO.
BY
CHECKED BY

Designed M.A.M.
Drawn M.A.M.
Reviewed
Scale 1/8"=1'-0"
Project No. 190024
Date 8/12/2019
CAD File: DN1100043101

DETAIL SHEET

Sheet No.

DN-5

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L191
May 7, 2020

RECEIVED FOR RECORD
TOWN OF NEWINGTON, CT
2020 JUN -1 PM 3:44


Town Clerk

I. Roll Call

Chairman Nicole Pane
Commissioner Willard Bechter
Commissioner Timothy Hutvagner
Commissioner Michael Karanian
Commissioner Sharon Dunning
Commissioner Judith Igielski

PRESENT

Andrew J. Armstrong
ZBA Administrator

2. Work Session

2.1 PETITION #))-20-02: "Firestone Complete Auto Care Center" is requesting location approval for a dealer's and repairs License At 2897 Berlin Turnpike in accordance with Sec. 14-54 of the Connecticut General Statutes.

Documents:

ZBA STAFF REPORT - 2897 BTP (LOCATION APPROVAL)PDF
ZBA DMV APPLICATION 421.21.20.PDF

Andrew J. Armstrong

ZBA Administrator: Is everybody okay with just going with the conference call at this point since we are familiar with the site and what not.

Everyone replies "I am".

Chairman Pane: Okay, perfect. We will start the meeting. So, do you want to give a roll call?

Andrew J. Armstrong

ZBA Administrator: Sure. All right. I'm going to do a roll call.

Nicole Pane.

Nicole Pane: Present

Michael Karanian.

Andrew J. Armstrong: Are you there?

Michael Karanian: Yes, I am.

Andrew J. Armstrong: Thank you.

Judith Igielski.

Judith Igielski: I'm here.

Andrew J. Armstrong: Timothy Hutvagner.

Timothy Hutvagner: Here.

ZONING BOARD OF APPEALS 2 MAY 7, 2020

Andrew J. Armstrong
ZBA Administrator: Audra Eckstrom has recused herself

Andrew J. Armstrong
ZBA Administrator: Sharon Dunning.

Comm. Dunning: I'm here.

Andrew J. Armstrong
ZBA Administrator: Will Bechter.

Comm. Bechter: Here.

Andrew J. Armstrong
ZBA Administrator And John Bachand

Comm. Bachand: Here.

Andrew J. Armstrong
ZBA Administrator: Thank you.

Chairman Nicole Pane: I'm going to seat Judy Igielski as a member in place of Audra Ekstrom. Is that okay with you, Judy?

Comm. Igielski: Yes, it is.

Comm. Bachand: If I could give one bit of advice you have to click that little arrow on the bottom left to see the video I just tried it and see if that works for you.

Chairman Nicole Pane: Did you hear that Judy?

Comm. Igielski: Now I can, thank you.

Chairman Nicole Pane: Thank you, John.

Andrew J. Armstrong
ZBA Administrator. Thank you, John.

Chairman xaria Pane: Okay, perfect. So before we begin, let me explain how the ZBA meetings are run. There are two parts to the meeting, the first is the public session where the petitioner will come up to the mike and speak their name, address and comment on the petition and what the hardship is. After the petition has been heard, anyone from the public may come up to the mike and express whether they are 'for' or 'against' the petition. The public part of the meeting will then be closed. During the work session, the public may stay but cannot comment. If the petitioner can stay for the work session, fine. If not, they can call the Building Department tomorrow and they will let you know what the decision was.

Andrew J. Armstrong

ZBA Administrator: I just wanted to clarify that with this new function for approval in this particular instance, we don't have public participation and it will just be the applicant's presentation followed by any discussion by the commissioners.

Chairman Pane: Perfect. Will somebody read the petition.

Chairman Pane: PETITION #00-20-02: "Firestone Complete Auto Care Center" is Requesting Location Approval For a Dealer's And Repairs License At 2897 Berlin Turnpike in Accordance with Sec. 14-54 of the Connecticut General Statutes.

Atty. A. Suchens: Thank you. This is Amy Suchens. I am the attorney representing SB Newington 433 LLC and let me explain why we did not do this last month when I was here in front of you on the variance request. So, as you might remember this is the Firestone location at 2897 Berlin Turnpike. We had filed the variance application that you heard last month as a result of the settlement we had reached with Attorney Hollister's clients who were the surrounding and former surrounding property owners. We had also submitted applications to the Town Planning and Zoning Commission at the same time based upon the variances you gave us and as part of that application to TPZ we had included this bond request for location approval for the state and under the Newington zoning regulations it specifically said that they should go to TPZ. So what Mr. Miner, the Town Planner discovered began preparing his report for the Town Planning and Zoning Commission hearing last month, and was that the statute actually changed since the Newington regulations were adopted. It was frankly never caught in the amendment that the Town Planning and Zoning Commission that I and Mr. Hollister went through with Mr. Miner last year, so we are here because under the statutes, in the event there is a conflict between the statutes and regulations, under the governing statute #1454, the dealer and repairer location must be approved by the ZBA. You are not sitting in your capacity with respect to a variance or an appeal from Mr. Armstrong's position. You are sitting at the agent of the State Department of Motor Vehicles to make a determination as to whether this is an appropriate location for an automotive use. The other piece to that is that typically you would be required to hold a public hearing because this location was previously approved back in 2013 by the TPZ and we ask that you obviously waive the public hearing process. Attorney Hollister agreed that he did not believe a public hearing was necessary and did submit an e-mail that included and references Mr. Armstrong's memo saying that they were again, in support of this application and the only task before you tonight, as I said, under the statute is to decide whether the location is suitable and under the statute suitability requires you to give due consideration to this location with reference to schools, churches, theaters, traffic conditions with the highway and its affect on public travel. So as I said as noted in our application letter, the location was initially approved by TPZ back in 2013 and it assessed those criteria. Nothing has changed since then and the property is located right on the Berlin Turnpike so I don't think anybody believes there is any traffic issues or that the site is not..the width of the highway or traffic conditions would be adversely affected by this and then with respect to other proximity to the other considerations, the closest property, school, church, theater in the immediate vicinity is the John Wallace middle school; it is about 2-1/2 miles driving, a little over I think it was about a mile and a half as the crow flies from this site, so with that, unless you have some questions, but that is this very simple request to make the determination that this is a suitable location for this license and use under the state DMV section. Thank you.

ZONING BOARD OF APPEALS 4 MAY 7, 2019

Chairman Pane: Any questions? Anyone? Would anyone like to make a motion for this?

Comm. Karanian: I make a motion to approve the petition.

Chairman Pane: Thank you, Mike. Is there a second?

Comm. Hutvagner: I second it.

Chairman Pane: Thank you, Tim. All in favor? Aye unanimously.
I just want to go by each name, if I could just go by each name to make sure who said "I".

Will Bechter? Say "yes" or "no:".

Comm. Bechter: That's an affirmative, I said "Aye".

Chairman Pane: Okay. Tim?

Comm. Hutvagner: I said, "yes".

Chairman Pane: Judy?

Comm. Igielski: Yes.

Chairman Pane: Mike?

Comm. Karanian: Yes.

Chairman Pane: I say "yes" as well. So the motion carries.

Chairman Pane: Sharon, yes or no.

Comm. Dunning: Yes.

Chairman Pane: Thank you.

Amy Suchens: Thank you

Chairman Pane. You're welcome.

Amy Suchens: Thanks for having me.

Chairman Pane: No problem. .

Chairman Pane: Do you want to do the minutes and everything that was left for the next meeting?

Andrew J. Armstrong
ZBA Administrator: Yes, that's fine.

ZONING BOARD OF APPEALS 5 MAY 7, 3030

Chairman Pane: Thank you, Amy, take care.

Attorney Suchens: You, too.

Respectfully submitted,

Sophie Glenn

Recording Secretary

The meeting adjourned at 6:15 P.M.